

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



**Belfast
City Council**

12th January, 2021

MEETING OF PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet remotely, via Microsoft Teams, on Tuesday, 19th January, 2021 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Minutes (Pages 1 - 34)
 - (c) Declarations of Interest
2. **Restricted Item**
 - (a) Finance Update (Pages 35 - 38)
3. **Abandonments (Pages 39 - 40)**
4. **Committee Site Visits (Report to follow)**
5. **Planning Decisions Issued (Pages 41 - 60)**
6. **Planning Appeals Notified (Pages 61 - 62)**

7. **Planning Applications**

- (a) (Reconsidered item) LA04/2019/1833/F - New dwelling to replace previous dwelling on site at 11 Ashley Park, Dunmurry (Pages 63 - 72)
- (b) LA04/2018/2659/F - 22 residential units in a mix of 20 detached dwellings and 2 apartments with associated site works, parking and landscaping on lands on McClure Street to include land south of Railway and north of Powerscourt Place; between 10 Cameron Street and 85 Ormeau Road (Pages 73 - 94)
- (c) LA04/2019/1540/F - Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks, 1no. 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, 3no. Weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. Accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works on lands to the northwest of existing Belfast City Council Waste Transfer Station (2a Dargan Road) (Pages 95 - 154)
- (d) LA04/2020/0426/F - Reconstruction of petrol station and ancillary retail unit including the replacement of fuel tanks, pumps and canopy alterations. Hot food takeaway unit, ATM, compactor and provision of an EV charging facility at 228 -232 Stewartstown Road (Pages 155 - 166)
- (e) LA04/2019/2229/F - 17.5m telecommunications column, with 6 antennae (3 enclosed within a shroud, 3 not enclosed) 3 radio units and 4 new equipment cabinets and associated ground works on footpath adjacent to no 318 Ravenhill Road. (Pages 167 - 174)

8. **Miscellaneous Items**

- (a) Proposed Listing of nine Street Signs (Pages 175 - 190)

This page is intentionally left blank

Planning Committee

Tuesday, 15th December, 2020

MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Groogan (in the Chair);
Councillors Brooks, Carson, Matt Collins,
Garrett, Hanvey, Hussey, Hutchinson,
Maskey, McCullough, McKeown,
Murphy, Nicholl and O'Hara.

In attendance: Mr. A. Thatcher, Director of Planning and
Building Control;
Mr. E. Baker, Planning Manager
(Development Management);
Ms. N. Largey, Divisional Solicitor;
Ms. E. McGoldrick, Democratic Services Officer; and
Mrs. L. McLornan, Democratic Services Officer.

(Councillor Groogan in the Chair)

Chairing of the Meeting

As both the Chairperson and the Deputy Chairperson had given their apologies for the start of the meeting, it was agreed that Councillor Groogan would take the role of Chairperson for the meeting.

Apologies

No apologies for inability to attend were reported.

Minutes

The minutes of the meetings of 4th and 17th November were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st December, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Murphy declared an interest in item 6h, LA04/2020/0708/F – Lands at Boodles Dam, in that he had engaged with Council officers in relation to the application and had previously expressed an opinion in relation to it. He left the meeting during the discussion on the item.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

Councillor McCullough declared an interest in item 6i, LA04/2020/0673/F - the Bullring, in that the organisation that he worked for was involved with the application, and that he would therefore leave the meeting for the duration of the discussion on the item.

Councillor Nicholl declared an interest in Item 6a, Lands to the south of Harberton Park, in that she had engaged with residents in the area, that she wished to speak in objection to it and would therefore leave after speaking on it and would not participate in the vote.

Restricted Item

The information contained in the report associated with the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Resolved – That the Committee agrees to exclude the members of the Press and public from the Committee meeting during discussion of these items as, due to the nature of the items, there would be a disclosure of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (NI) 2014.

Finance Update

The Committee was provided with an update on the impact of the Covid-19 pandemic on the Council's financial position, and a strategy to address the forecast deficit and the mitigation measures which had and would be taken as the situation evolved.

Noted.

Committee Site Visits

It was noted that the Committee had undertaken a site visit on 2nd December in respect of application LA04/2019/0463/F - Revision of previously approved application (Z/2012/0645/RM) and erection of 10 semi-detached dwellings and associated site works - Plots 36-45 of residential development on lands south of 25 Harberton Park.

The Committee agreed to undertake pre-emptive site visits to the following two sites:

- LA04/2019/2653/F - Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation at Chancery House 88 Victoria Street; and
- LA04/2020/1864/F - Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect of planning permission Z/2014/0077/F (erection of new pavilion, new 3G all weather pitch with associated perimeter and spectator fencing, ball catch nets,

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

floodlighting and improvements to pedestrian and vehicular access to include new access, footpath and car parking) to vary Condition 13 (seeking to vary the scheme of landscaping to be implemented) at Glassmullin Gardens/Slieveban Drive.

Planning Appeals Notified

The Committee noted the receipt of correspondence in respect of a number of planning appeals which had been submitted to the Planning Appeals Commission, together with the outcomes of a range of hearings which had been considered by the Commission.

Planning Decisions Issued

The Committee noted a list of decisions which had been taken under the delegated authority of the Director of Planning and Building Control, together with all other planning decisions which had been issued by the Planning Department between 10th November and 10th December.

Miscellaneous Items

Information Guide for Local Councils - HED Consultation

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

1.1 Correspondence has been received from the Historic Environment Division (HED) of the Department for Communities (DFC), inviting the council to review and provide feedback on a draft guidance document proposed for councils in relation to the listed building process, entitled ‘*Information guide for Local Councils: Listed Buildings*’.

2.0 Recommendations

2.1 Committee is requested to:

- consider the suggested feedback set out in Appendix 1 and if appropriate support a response to the consultation that welcomes the proposed Guide on the basis of the comments being addressed in the final document; and**
- note the contents of Appendix 2 (available on mod.gov), which sets out the draft consultation document provided by HED**

3.0 Main report

The document in Appendix 2 is a draft of a guidance note for councils in relation to the listed building process which is welcomed both in terms of the early consultation and the provision of a guide to this aspect of heritage designations. HED have invited feedback or comments on this draft, or if additional information on any aspects contained within the document could be supplemented to provide a better understanding of the listed building and associated process.

3.2 The following points should be noted for clarity in respect of the draft documentation:

- the final imagery has not been included in this early draft document
- shaded / highlighted text, included for drafting purposes by HED, should be ignored
- editing notes /instructions such as *[Heading]* or *[1.1]* and associated text should be ignored

3.3 HED have requested that responses are returned by the 21 December 2020 and in addition to comments Appendix 1 summarises each section of the draft document under the relevant headings contained in the Guide:

1. Why are buildings listed?
2. How are buildings listed?
3. Understand the criteria for listing
4. Objecting to a listing / de-listing proposal
5. Making changes to listed buildings
6. Further guidance and information
7. Case Study / Survey report example

3.4 The suggested comments and recommendations that it is proposed would form the basis of a response to HED are also included within the text of Appendix 1. Where appropriate the comments include a reference to the specific area of the draft Guidance to which they relate.

Financial & Resource Implications

3.5 None

Equality or Good Relations Implications

3.6 None.

Appendix 1

Summary and Comments on draft Information guide for Local
Councils: Listed Buildings, December 2020

Brief summary of each section

Council comments in bold italics

1. Why are buildings listed?

- Department for Communities has a statutory duty to protect buildings through listings;
- Listed buildings are man-made objects and structures designated as being of ‘special architectural or historic interest’ under Article 80(1) of the Planning Act (N.I);
- Listing a building celebrates a buildings special architectural and historic interest;
- Listing brings it under the consideration of the planning system so that it can be protected for future generations;
- The listing of buildings began in N.I in 1974 known as the ‘First Survey’ and took over 20 years to complete. In 1996 the need for a ‘Second Survey’ was identified and is currently being progressed – buildings in the first survey are reviewed along with the identification of new buildings for listing.

2. How are buildings listed?

- Historic Environments Division (HED) within the Department for Communities consider a building through three main routes:
 - the ‘second survey’;
 - in response to a ‘listing query’; or
 - through a ‘thematic survey’
- An additional route is through the use of a ‘Building Preservation Notice (BPN)’ as defined under Article 81 of the Planning Act 2011.
- The power to serve a BPN transferred from the former DoE to District Councils in April 2015 and may be used by the council if it appears that a building is not listed but is of special architectural or historic interest; and is in danger of demolition or of alteration in such a way to affect its character.
- A BPN protects a building as if it were listed for a period of up to *six months*.

- HED may also request that the council serve a BPN if a building is at high risk of loss or alteration.

***Comment 1: In relation to Section 2.1, Page 3 of Appendix 2
It would be useful for the document to provide clarification in this section for scenarios whereby HED do not find a building to be of special architectural or historic interest under the listed criteria after the council have issued a BPN; in terms of costs incurred to developer / building owner and if the council may be liable for this? Experience has shown this to be a real consequence or occurrence and not only when the council considers a BPN is appropriate, but also in situations where HED have requested the service of a BPN but still conclude that it does not meet the criteria for listing.***

- The steps that are taken in considering a building for listing (or delisting) are explained in detail.
- Under section 80(3) of the Planning Act (NI) 2011 HED are required to consult with local councils before including a building on the list or amending the list.
- Councils have six weeks to reply to the written consultation, and where a council does not reply or seek an extension of time within this period, then their support is assumed.

3. Understand the criteria for listing

- The key criteria for listing are architectural interest or historic interest. A building can be listed for either but in most cases it will have both. The overall test is that this interest must be considered special.

4. Objecting to a listing / de-listing proposal

- Where a council wishes to object to a proposal, HED will only consider the objection providing it is based on the criteria for listing, for example – any other reasons will not be considered.
- Examples are given of common reasons for objections which cannot be considered, including condition, personal circumstances, cost of repairs and future development proposals.

Comment 2: In relation to Section 4.2, Page 6 of Appendix 2

For the purposes of balance, it would be helpful if HED could provide examples of the type and form of objections which may be considered as appropriate based on the criteria for listing.

5. Making changes to listed buildings

- HED is the statutory consultee to Local Councils when determining Listed Building Consent Applications. It also advises on development within the setting of listed buildings. Links are provided to additional documents on this.
- Reference are included to SPPS and PPS6 policies BH7-11 & 15, which are noted as being relevant 'until such times as Local Development Plans are adopted'.

Comment 3: In relation to Section 5, Page 7 of Appendix 2

Links are provided to further guidance documents that cover the setting of listed buildings, which includes reference to "pink wash" indicators. It would, however, be more appropriate to include commentary and clarification within this document to guide or advise in respect of both aspects. Previous engagement with the Department (HED) has highlighted the difficulties in defining 'setting' and thus making it a more subjective process in relation to where consultation with HED may be appropriate or anticipated. The 'pink wash' indicators are often incorrectly presumed to define a building's setting.

Comment 4: In relation to Section 5, Pages 7 & 8 of Appendix 2

In this section HED should clarify that only the existing Planning Policy Statements would be replaced by the Council Local Development Plans when adopted. It should be clear that the Strategic Planning Policy Statement provisions will continue to be applied across all council areas. The sentence currently could be read as though both SPPS and PPS6 are only applicable until LDPs are adopted.

6. Further Guidance and information

- Further links to guidance and information are provided in this section.
- Included within this is reference to the power for local councils to serve an Urgent Works Notice (under the Planning Act (N.I) 2011, on unoccupied listed buildings that have deteriorated to the extent that their preservation may be at risk.

Comment 5: In relation to Section 6, Page 8 of Appendix 2

It appears anomalous that the Urgent Works Notice aspects of the legislation are only included as an 'additional guidance link', with the result that it may be easily overlooked or missed. Given that the process involves direct intervention by the Department or a Council in relation to a listed building, it would perhaps be more appropriate for this information to be provided in an earlier section in the same way that the Building Preservation Notice aspects have been covered within the document.

7. Case Study/Survey report example.

- **Helpful section showing the survey report and evaluations which councils receive when being consulted on a listing proposal or amendment.**

The Committee noted the contents of the report and the appendix and agreed the response to the consultation.

Performance and Improvement Update

The Committee considered the undernoted report:

“1.0 Purpose of Report and Summary of Main Issues

1.1 The purpose of this report is to provide Members with an update on performance and improvement in relation to the Council's Planning Service.

2.0 Recommendation

2.1 The Planning Committee is asked to note the report.

3.0 Main Report

Background

3.1 The Planning Committee receives periodic updates on performance and improvement. Given the need to prioritise business continuity during the pandemic, this has not happened over recent months. This report therefore provides an update to Members on performance and improvement to date for 2020/21.

3.2 The Planning Service has responded positively to the challenges presented by COVID-19 and is currently fully operational save for the office being closed to the public, which is a corporate decision. This means that the hard copy

planning register is currently unavailable to view by customers, however planning applications continue to be accessible online and alternative arrangements are being made for the public to view applications as and when required. The Council is actively encouraging new applications and amended plans to be submitted by email as it is both quicker and more efficient than hard copies. The Duty Planner service is operating remotely.

Performance

- 3.3 Development Management performance has inevitably been affected by COVID-19, which has presented a range of challenges. The Planning Service has adapted very well and introduced a number of changes including:
- Development of new processes and roll out of IT to support remote working;
 - External and internal face-to-face meetings conducted through video conferencing;
 - Staff working in the office on a part-time rota basis;
 - Promotion of email application and Pre Application Discussion submissions;
 - Specific COVID-19 risk assessments for office working and site visits; and
 - Temporary virtual Planning Committees.
- 3.4 The Planning and Building Control followed corporate guidance and a number of planning staff were furloughed in June and July.
- 3.5 Regular updates have been provided to customers both directly and on the planning pages of the Council's website on the availability of services.
- 3.6 Inevitably, there has been an impact on performance since the pandemic began earlier in the year with the total number live planning applications on hand having increased as shown in the table below, reflective of processing delays. Planning applications peaked at 1,217 but have been reduced by 100 to 1,117 live applications. Enforcement complaints had risen to over 550 but these have since lowered to pre-lockdown levels.

	February 2020	Current	% Difference
Planning applications	872	1,117	+28%
Enforcement cases	475	476	+0.2%

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

3.7 Importantly, the Planning Service has introduced a number of successful changes and performance has been improving over recent months with increased decisions and the total number of live applications and enforcement cases falling.

3.8 Members will be aware that planning performance is subject to three statutory indicators:

- Average time for processing Major applications (target 30 weeks);
- Average time for processing Local applications (target 15 weeks);
- % of enforcement cases concluded within 39 weeks (target 70%).

3.9 2020/21 performance for the year to November is shown in the table. Performance for the same point last year is also provided so that current performance can be compared with a 'normal' year.

	Major decisions (volume)	Major performance (30 weeks)	Local decisions (volume)	Local performance (15 weeks)	Enf Cases Closed	Enf Performance (70%)
2019/20 (to Nov)	20	35.6	1,168	13.8	591	93.4%
2020/21 (to Oct)	20	37.6	613	20.6	255	72%
2020/21 (to Nov)	25	38.6	764	20.0	316	72.2%

3.10 Major applications account for a very small percentage of overall applications (1%) and due to this, their scale and generally longer processing time, performance for Major applications has been similar when compared to the same point in the previous year. In fact, whilst average processing times are about the same, the number of decisions has actually increased over 2019/20.

3.11 Inevitably, Local applications – which make up 99% of all applications – have been impacted the most. The pandemic has understandably resulted in a decrease in application decisions and increase in average processing times. As previously mentioned, performance has been steadily improving over recent months and this trend is expected to continue following the introduction of new streamlined processes.

3.12 Performance in Enforcement has also been impacted by COVID-19 with the number of cases closed having fallen

compared to the same point last year. The percentage of cases closed within 39 weeks has also reduced, although is still within the statutory target.

Improvement

- 3.13 Officers last provided the Planning Committee with an update on the Planning Improvement Plan in September 2019. A further update was due to be reported to Members in March this year, however, this did not take place due to the pandemic.
- 3.14 Despite the challenges around COVID-19 and substantial focus on ensuring business continuity during this time, the Planning Service has been able to progress the improvement programme across several key areas, including:
- Supporting the design, configuration and implementation of the replacement Planning Portal for Northern Ireland;
 - Participating in the Department for Infrastructure's review of the planning system including improving the role of statutory consultees in the application process and review of the NI planning legislation;
 - Updates to the Planning Service *Application Checklist* – improving information requirements for outline applications and telecommunication applications; and additional information to help support the assessment of Employability and Skills;
 - Publishing new online forms for submitting applications for a Discharge of Condition, Non Material Change and Prior Application Notice (PAN);
 - Improving processes around the handling of telecommunication applications;
 - Publication of an internal *Consultation Checklist* which provides guidance to officers on who should be consulted and when on planning applications and PADs;
 - Introducing an internal intranet Monitoring Form for capturing key information about planning application outcomes including new residential permissions and commercial floor space (to support Plan-making and policy development);
 - Publication of an *Annual Monitoring Report* in relation to financial contributions secured through Section 76 planning agreements; and
 - Commencement of the redesign of the Planning Enforcement function in line with internal audit recommendations.

Project to replace the NI Planning Portal

- 3.15 Members will be aware that there is a highly important ongoing project to replace the NI Planning Portal – the public interface that customers use to find out about and comment on planning applications; and back-office IT system that the Planning Service uses to process planning applications, enforcement cases and regional property certificates. Officers last provided a formal update to the Planning Committee on this project on 21 July 2020.
- 3.16 Members will recall that a contract was awarded in June 2020 to replace the current NI Planning Portal with a Commercial Off The Shelf System (COTS) with some local configuration, shared by 10 councils and the Department for Infrastructure (only Mid Ulster Council withdrew from the project and they will be procuring their own system).
- 3.17 The new IT system is planned to go live from December 2021 and Belfast City Council will be part of the first wave implementation.
- 3.18 To date, planning staff have contributed to 32 ‘Discovery’ workshops to further refine the requirements of the new IT system following agreement of the specification earlier this year. Moving forward, staff will support a series of 40 ‘Sprints’ to design and configure different aspects of the new system. This will have a not insignificant impact on staff time but is critical to supporting the project. The Council’s own project team continues to meet regularly to oversee implementation from a Belfast City Council perspective. The Planning Service maintains a strong and close working relationship with the Department, which is leading the regional project, both through the Planning Portal Governance Board and regular 121 meetings between the BCC and Departmental project managers.
- 3.19 Further updates on the implementation of this critical project will be provided at key junctures over the next 12 months.

4.0 **Finance and Resource Implications**

- 4.1 Given the economic impact of the the pandemic and general uncertainty, there has been a 17% decrease in the number of new applications and PADs submitted to the Council’s Planning Service over the past year, from 1,977 at the same point last year to 1,642 in 2020/21 to date. This has resulted in a loss of projected fee income. In recent months there has

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

been a steady increase in new applications received but this is not expected to recover the income lost at the beginning of the year.

5.0 Equality or Good Relations Implications/Rural Needs Assessment

5.1 There are no equality or good relations implications associated with this report.”

The Committee noted the update which had been provided, including the updated performance information for the year to November, and paid tribute to the staff in the Planning Department for their ongoing hard work throughout the pandemic.

**Annual Monitoring Report
(Section 76 - Financial Developer Contributions)**

The Committee considered the undernoted report:

“1.0 Purpose of Report and Summary of Main Issues

1.1 The purpose of this report is for Members to consider and note the inaugural Annual Monitoring Report for Financial Developer Contributions (available on mod.gov)

2.0 Recommendation

2.1 The Planning Committee is asked to note this report and Annual Monitoring Report.

3.0 Background

3.1 Since the reform of local government and transfer of planning powers to councils in April 2015, Belfast City Council has secured over £3.5 million in financial Developer Contributions, required to mitigate the impacts of new development on the city and make it acceptable.

3.2 In December 2020, the Strategic Policy and Resources Committee agreed that as part of the governance arrangements around financial Developer Contributions, the Council would publish an Annual Monitoring Report.

3.3 The purpose of the Annual Monitoring Report is as follows:

- To set out what monies have been secured to date and for which purpose;
- To confirm what monies have been paid to the Council so far;

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

- To clarify what monies have been committed and in which areas;
 - To confirm what monies have been spent and on which projects; and
 - To provide greater transparency around the process of Developer Contributions
- 3.4 This is the Council's inaugural Annual Monitoring Report, which publishes for the first time, key information around financial Developer Contributions collected to date. As it is the first annual report it covers the financial period from April 2015 to March 2020.
- 3.5 The Annual Monitoring Report will be made available to the public on the planning pages of the Council's website.
- 4.0 **Finance and Resource Implications**
- 4.1 The Council has secured in principle over £3.5 million in financial Developer Contributions since 2015, of which £2.4 million has been received to date. Other services areas within the Council are responsible for managing and spending those monies.
- 4.2 The Planning Service employs an Assistant Planning Officer to proactively monitor compliance with Section 76 planning agreements – the vehicle used to secure financial Developer Contributions. This post is currently temporary and funded by monitoring fees secured through the Section 76 planning agreement process. Those monitoring fees are ring-fenced for that purpose.
- 5.0 **Equality or Good Relations Implications/Rural Needs Assessment**
- 5.1 There are no equality or good relations implications associated with this report."

The Committee noted the contents of the report.

Updated Training Programme for the Planning Committee

The Committee considered the undernoted report:

- “1.0 **Purpose of Report and Summary of Main Issues**
- 1.1 The purpose of this report is to provide Members with an updated programme of Planning Committee Training

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

Workshops. The Planning Committee is asked to agree the revised programme.

2.0 Recommendation

2.1 The Planning Committee is asked to agree the updated programme of Planning Committee Training Workshops for the period January 2020 to February 2022.

3.0 Main Report

3.1 In February 2020, the Planning Committee agreed a revised programme of Planning Committee Training Workshops to support Members' continuous development. However, the training programme was postponed due to the pandemic.

3.2 An updated training programme is provided below and is proposed to recommence in January 2021. It is intended that the first workshop will be on transport issues with DFI Roads (originally scheduled for March 2020) subject to their availability.

Date	Workshop Topics
January 2021	Transportation Issues / Access / Transport / Green Travel Measures (including car clubs) (subject to confirmation of attendance by DFI Roads to be confirmed)
February 2021	Development Management / Process / Decision Making / Appeals
March 2021	Reviewing the Planning Committee Protocol
April 2021	Update on Independent Examination and next steps / SPG Practical Example and work through with Committee
June 2021	Performance (2020/2021 Year End) / Improvement
August 2021	Urban Design and Conservation / Policy / Good Design / Conservation Areas and Areas of Townscape Character
September 2021	Developer Contributions / Legislation / Regional Policy / Developer Contribution Framework / Governance

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

November 2021	Performance (2021/2022 Q1 + Q2) / Improvement
December 2021	No Workshop Meeting
January 2022	No Workshop Meeting
February 2022	Planning Conditions and Planning Agreements / 6 tests for conditions / Model / Conditions / Section 76

- 3.3 The Planning Committee is asked to agree the updated programme of Planning Committee Training Workshops.

Finance and Resource Implications

- 3.4 The preparation of training workshops, including attendance by officers, will have some impact on resources but is considered value for money. Where appropriate, the Planning Service may choose to appoint outside professionals or agencies to lead or participate in the training, which may result in additional costs.

Equality or Good Relations Implications/Rural Needs Assessment

- 3.5 There are no equality or good relations implications associated with this report.”

The Committee agreed:

1. the programme of Planning Committee Training Workshops for the period January 2020 to February 2022; and
2. that the Chairperson and Deputy Chairperson, or their nominees, would attend the remote NI Planning Conference on 11th February, 2021.

Planning Applications

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT BY THE COUNCIL UNDER STANDING ORDER 37(e)

(Reconsidered Item) LA04/2019/0463/F - Revision of previously approved application (Z/2012/0645/RM) and erection of 10 semi-detached dwellings and associated site works - Plots 36-45 of residential development on lands south of 25 Harberton Park

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

(Councillor Nicholl declared an interest in the item and advised that she wished to speak against it. She left the meeting after addressing the Committee and did not participate in the vote)

The Committee was reminded that the application had been on the agenda for the meeting of 17th November but that it had been deferred in order that the Committee could undertake a site visit. The Principal Planning officer explained that the site visit had taken place on 2nd December and, as the application had not yet been presented to the Committee, that all Members' present at the meeting were able to take part in the debate and vote.

She explained that the proposed development was in substitution for 10 units previously approved, which consisted of 8 semi-detached and 2 detached dwellings granted under planning reference Z/2012/0645/RM.

The site was not zoned for a use within BUAP, draft BMAP 2004 or the unlawfully adopted version of BMAP 2015.

The Principal Planning officer drew the Committee's attention to a number of Late Items which had been received after the publication of the Committee report. She explained that amended drawings had been received from the agent on 13th December, showing amendments to the proposed floor plans, including a reduction from 5 bedrooms to 4 bedrooms in 4 of the dwellings and a reduction from 5 bedrooms to 4 bedrooms and a home office in 6 of the dwellings. The amendments had been made by the applicant in response to previous objections regarding the inclusion of a fifth bedroom in the design proposals.

She explained to the Committee that the parking requirements for 4 bed semi-detached dwellings were 2.75 spaces, and that the amendments did not impact on the required spaces, as the previous calculation was based on that arrangement, due to there being no specific standards outlined in Creating Places for 5 bed semi-detached dwellings.

The Committee was advised that, while the Council welcomed the reduction in numbers of proposed bedrooms, there was nothing to stop potential occupiers using the proposed home office as a bedroom and that to condition it would not be reasonable.

In response to concerns raised by objectors, she explained that officers were recommending a condition to remove permitted development rights, so that potential occupiers would always require planning permission if any additional operational development or extension was proposed.

The Members were advised that the developer had sent a response to queries received from an elected Member, advising that existing occupiers on the surrounding site had all signed a covenant which prohibited HMO use and that any future covenants could be even more explicit in the transfer and could include HMO use as a distinct limb of restriction, for the avoidance of any doubt.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

The Principal Planning officer reminded the Committee that planning permission was required to change the use of residential dwellings to an HMO.

She highlighted that 29 objections had been received in respect of the proposed development, relating to a number of issues including parking, road safety, overall design concept and drainage, in addition to issues regarding the existing built development. The Members were advised that many of the objections related to existing parking and proposed parking on site.

She provided the details of additional representations which had been received from the Harberton Crescent Residents Group (HCRG). They stated that the submitted drawings showed the incorrect arrangement for Plot 129 and, consequently, the proposed parking arrangement did not work and that the proposed 3 on street parking spaces posed a serious safety and congestion issue. They also raised issues regarding discrepancies in the dimensions as proposed in the drawings and what actually existed on site. The Principal Planning officer provided the Committee with the officers' response to the issues raised.

The Members were advised that DFI Roads had advised that it was content with the proposal subject to a number of conditions as detailed in the addendum report.

The Committee was advised that two planning applications, LA04/2018/2682/F and LA04/2020/0119/F, had previously been listed in the case officer report as live applications, but both of which had subsequently been withdrawn. They related to sites directly to the north and south of the application site. The Members were also advised that a new planning application had been submitted in respect of No. 14 Harberton Crescent, that is, Plot 129 which was located opposite the application site. She explained that the issue was referred to in the original Case officer report as the dwelling and driveway had been built in a different location on site than as approved under LA04/2016/0200/F. She explained that the Planning application sought to regularise the amendments to the constructed layout and remained under consideration.

The Chairperson welcomed Councillor McAteer to the meeting. She advised the Committee that:

- she had met with residents of Harberton Crescent, who were concerned with the proposals primarily in relation to parking and road safety issues;
- that a number of the driveways in the Harberton Crescent area were too narrow for their cars, which meant that numerous residents parked on the street instead; and
- the residents were also concerned that the applicant was applying to develop small sections of the overall site one at a time, which meant that the overall issue in terms of parking was failing to be recognised by statutory agencies.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

The Chairperson welcomed Councillor Lyons to the meeting. He highlighted that, in having discussed the issues with residents, the main issues were:

- the differences between the measurements of the driveways on the plans and what had actually been built on the ground;
- the impact that had on the safety of the families living on the surrounding streets; and
- the 3 zones of parking as detailed in the officer's presentation meant that, unfortunately, the overall issue in terms of parking seemed to have been overlooked.

The Chairperson welcomed Councillor Spratt to the meeting. He advised the Committee that he had recently met with both the developer and the residents and that:

- the proposed change by the agent to "4 bedroom semi-detached houses with a study" did not give the current residents any comfort, as the houses could still be used or sold as 5 bedroom houses;
- the parking standards were silent in regards to 5 bedroom semi-detached properties which was unfortunate as the parking issue within the development would be significantly compounded;
- the zoning of the parking as shown in the presentation illustrated that there was already a shortfall in terms of parking; and
- he had measured driveways in the development and they were over 2 feet narrower at the point beside the chimneys.

The Chairperson then invited Councillor Nicholl to address the Committee. She explained that:

- residents wanted to see development in the area but that it needed to be appropriate;
- the current driveways in the development did not allow two cars to be parked and that this proposal would only exacerbate the issue; and
- she disagreed with the DFI Roads assessment as it would undeniably have a detrimental impact on road safety and congestion, particularly at the 90° bend.

(Councillor Nicholl left the meeting at this point in proceedings)

The Chairperson welcomed Ms. N. Prior, Mr. C. Mackle and Mr. G. Diamond, a group of objectors, to the meeting.

Together, they advised the Committee that:

- the drawings indicated the incorrect location of Plot 129 which meant that the total number of parking spaces indicated on the proposal drawings could not be provided as one space was directly opposite the driveway of that plot;

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

- the residents of Harberton Crescent were particularly concerned about the proposal as a number of the driveways in the houses adjacent to the application site were narrower than required and the boundaries between properties were not built in accordance with the plans;
- the study rooms of the proposed 4 bedroom semis were the size of a double bedroom and could therefore contain up to ten people per household;
- concerns that it would lead to even more parked cars in the development;
- even with proposed changed drawing of 13th December, plot 129 continued to be drawn in the wrong location and that at least one of the car parking spaces could not be provided;
- it was disingenuous to suggest that there were no parking standards for 5 bedrooms semi-detached houses in Creating Places, there were standards for 5 bedroom detached houses and that those standards should be met;
- residents were frustrated at the continuing tactic of parcelling the development into packages of 10 units or less to avoid the need to comply with normal studies and reports which should be best practice;
- the Harberton Crescent Residents Group had offered to meet with the developer on several occasions to no avail; and
- they would like to see the development progress in full accordance with all planning guidelines and with a focus on design, green space and open space.

The Chairperson then welcomed Mr. D. Craigan, representing the developer, to the meeting. He outlined to the Committee that:

- HBH had been on the Harberton site since 2015 and were in their 6th phase of the build programme;
- the proposal formed an amendment to a former approval for 10 housing units, which the case officer had deemed a betterment than the extant;
- in late 2019, DFI Roads had requested that the parking schedule be updated specific to the red line application and that document illustrated an oversupply of 6 car parking spaces;
- detailed scrutiny had taken place with statutory consultees, primarily DFI Roads, and BCC Planning;
- further drawings, revisions G and C, were formally approved by DFI Roads in November 2020;
- they had engaged with the objectors and welcomed the opportunity to discuss concerns with them and with elected reps;
- they had received an email from Councillor McAteer on 27th August, requesting a meeting, and that they had replied and offered dates a few days later, but did not hear back from the Member;
- Councillor Spratt had articulated to Mr. Craigan that the fear of the residents was in relation to the possibility that an increased number

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

of in-curtilage and visitor parking would be required for Harberton Crescent, due to the design of the houses having 5 rooms upstairs marked as bedrooms;

- having listened to the concerns of the residents, and given the current pandemic, the inclusion of a home office was felt to be more apt than ever and they had therefore lodged plans to change 6 of the units to “4 bedrooms and a home office”;
- the residents would be fully aware of the precedent used in all sales in the Harberton development to date, which included the restriction expressly prohibiting an HMO use, and that it would again be used for all the proposed dwellings in front of the Committee;
- the driveways for 8 of the units were long enough to hold 3 parked cars, but DFI Roads chose not to allocate more than 2 per drive;
- by making the alteration to the layout of the houses, they had reduced the impact on parking on a scheme which already had approval;
- the development would maintain 50 construction jobs for 18 months, and add an additional capital value of circa £7million to Belfast City Council; and
- that the design was compliant and there was no legal reason for refusal.

In response to a Member’s question, Mr. Craigan advised the Committee that the fundamentals in respect of the number of units, design, drainage and open space in respect of the entire 16 acre site had been considered as part of the Reserved Matters application in 2012. He explained that every statutory consultee had been consulted in respect of 140 units going on the site, and that there was no justification for the allegations which had been made in terms of the developer purposefully parcelling up the housing units into smaller groups in order to hide parking issues.

In response to a further Member’s question, Mr. Craigan confirmed that all storm sewers would be fully adopted by NI Water.

A Member queried the parking standards for 5 bedroom houses. In response, the Principal Planning officer explained that DFI Roads had discounted one in-curtilage space for those eight houses with driveways which were long enough to accommodate three cars, in response to concerns from residents. She advised that the wider area still had the capacity to accommodate the required number of cars per house and that the standards had been met. She added that the driveways were significantly wider at the point with the chimney breast than those referenced earlier in the meeting in Harberton Crescent. She confirmed that DFI Roads had no objection.

A further Member stated that, while many Councillors would sympathise with residents and understood the frustrations in relation to parking and the response from DFI Roads as the statutory agency, the Committee was required to analyse all applications in accordance with planning policies.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

The officer's recommendation to approve the application, subject to conditions as outlined in the addendum report, with authority delegated to the Director of Planning and Building Control to finalise the wording of the conditions subject to no new substantive planning issues being raised by third parties, was put to the Committee.

On a vote, nine Members voted for the proposal, one against, with one no vote, and it was declared carried.

LA04/2019/1833/F - New dwelling to replace previous dwelling on site at 11 Ashley Park, Dunmurry

(Councillor Nicholl re-joined the meeting at this point)

Before the presentation of the application commenced, the Committee agreed to defer consideration of the application to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposals at first hand.

The Committee noted, as the application had not been presented, that all Members' present at the next meeting, would be able to take part in the debate and vote on this item.

LA04/2020/1353/F - Erection of additional roof top plant, ventilation and ductwork and erection of louvered aluminium screen along eastern elevation at 12-30 Wellington Place and 42-46 Upper Queen Street

The Principal Planning officer provided the Committee with a detailed overview of the retrospective application for roof top plant works.

She explained that the application site was located within the Belfast City Centre Conservation Area, and within close proximity to a number of listed buildings, including the Scottish Provident Building and the City Hall. She outlined that the proposal would have a detrimental impact on the setting of the most prominent view of the important listed buildings, due to its unsightly and non-historic form.

The Committee was advised that it was considered that the screens would result in a negative impact on the setting of the City Hall when viewed from its gardens and from Donegall Square. The screens were also considered to be contextually inappropriate to the backdrop of the Scottish Provident Building.

The proposal was assessed against and was considered to be contrary to the SPPS, BUAP, Draft BMAP, PPS6 and Section 104 of the Planning Act 2011.

The Principal Planning officer reported that Historic Environment Division and the Council's Conservation Team had been consulted, and both consultees were unable to support the proposal. The Committee was advised that no third party comments had been received.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

The Chairperson welcomed Mr. G. Graham, applicant, to the meeting. He outlined that:

- the scheme known as Merchants Square was unique, it was the only building of its kind in Belfast to achieve the BREEAM sustainability rating of excellent;
- fifteen previously vacant shops now housed new businesses in its immediate vicinity;
- PwC would relocate to Merchants Square and the building was being fine-tuned to meet its requirements, specifications and standards;
- the standard Belfast office fit-out was not acceptable for a global centre for PwCs in terms of its block chain and cyber security operations, which would be operational 24 hours a day, 365 days a year;
- extraordinary volumes of plant were therefore required to meet the needs of the company, including ventilation and cooling requirements for the technology which had to be of international standards;
- they had approached the planners in September 2018, having looked at how they would fit those requirements onto the already approved roof;
- the roof plant applied for in the current application covered 14,000sqft where the plant or screen causing offence covers less than 1,000sqft, less than 0.3% of the entire site;
- some works had been finished and had been approved by building control but unfortunately there was no other location for the plant to go as they did not physically have the space;
- he had reviewed the consultees comments and noted the officer's conclusion;
- he had worked continuously since 2016 to enhance the look of the Conservation Area and had successfully navigated six planning approvals in respect of the building;
- the screens had been mounted to attempt to soften the look of the ventilation ducting which, although unsightly, was absolutely necessary;
- the screens could be moved, lowered or changed to an alternative material, but the plant could not; and
- if the cost of securing 3,000 new jobs for the City was permitting a piece of ducting, that was a small price to pay.

A Member stated the importance of retaining the look of the Conservation Area. In response, the applicant welcomed the opportunity to enter into discussions with the planners in relation to finding the best way to progress on the issue.

A further Member welcomed that the building had attained such a high BREEAM sustainability rating. However, he stated that he had concerns in relation to the built heritage and the visual amenity of the proposal. He questioned why works had commenced on the plant if he was aware of the specific concerns around built heritage.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

In response, Mr. Graham advised that the previously approved goods lift was higher than the plant which had been erected on the roof, and therefore he did not think that it would have been an issue for concern. He added that he wanted to pay deference to the listed Scottish Provident building as well.

A number of Members stated that they felt there was more room for discussion between the planners and the applicant and that Mr. Graham had demonstrated that he was willing to engage in such discussions.

Moved by Councillor Garrett,
Seconded by Councillor Nicholl,

That the Committee agrees to defer consideration of the application for further information, and to allow further discussions to continue between the applicant and planning officers, taking into account the points raised by both HED and the Conservation officer, in order to try and find a workable solution.

On a vote, nine Members voted for the proposal and four against, and it was declared carried.

LA04/2020/0409/F - Retrospective amendments to previously approved application LA04/2018/2960/F, two storey extension to rear and side with elevation changes, including raised patio, change of levels to rear and boundary/screening walls and fences at 210 Malone Road

The Principal Planning officer provided the Committee with an overview of the application for retrospective amendments to a previously approved application.

She explained that the application was before the Committee as a Member had called in the application, by reason of visual impact and separation distance.

The Committee was advised that the changes included a marginal change in footprint, alterations to window and door openings and the inclusion of additional roof lights, which were considered acceptable. She explained that the tiered gardens were typical along that stretch of the Malone Road. She outlined that the incorporation of soft landscaping would help visually integrate the level changes and that the boundaries had been reduced to step down gradually to the rear in line with the neighbouring boundaries to ensure they were not visually dominant. The fencing proposed was double sided, which would help to reduce the potential for intervisibility and that, on balance, the scheme was considered acceptable.

The Committee was advised that, at the time of writing the report, two third party representations had been received from a neighbour who was objecting to the application. The issues raised included the loss of light, overshadowing, overlooking, out of character with the existing property, overdevelopment of the site and encroachment of land, impact on wildlife, loss of private view and value of property, removal of party hedge and fencing and access issues to conservatory/ an inaccessible void had been created.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

The Committee's attention was drawn to the Late Items Pack, where a number of further emails had been received from the same objector, Mrs. C. Rodgers. The Committee's attention was drawn to a surveyor's report which she had submitted, which looked at the building work which had taken place at the site in terms of the encroachment of boundary and other matters. The Principal Planning officer provided the officers' response to the issues raised.

She reported that the retrospective amendments would have no more of an impact to neighbouring properties compared to that approved under LA04/2018/2960/F in terms of overshadowing, loss of light, dominance and overlooking and that there would be no significant impact. She explained that conditions would be imposed to ensure that the boundary fences were reduced and that the double sided fencing would be no higher than 2.5metres higher than the neighbouring ground.

The Chairperson welcomed Ms. C. Rodgers to the meeting. She advised the Committee that:

- the application centred around four enforcement orders;
- a void had been created, which animals could fall into;
- a civil case was ongoing as a result of building work on site;
- she alleged that the applicant had breached every form of planning and had encroached upon her property;
- she couldn't get her guttering cleaned recently due to the ongoing works;
- there was no soundproofing between the properties and she required privacy for her job;
- the applicant had not applied for a licence for water; and
- she requested that the Committee defer consideration of the application and that planners carry out a site visit to examine the site.

The Divisional Solicitor cautioned Mrs. Rodgers not to make defamatory statements about the applicant and that the meeting was being broadcast live on the Council's website.

Councillor Nicholl advised the Committee that she had previously engaged with Ms. Rodgers in relation to the application and that she understood that it was a complex case and had caused Mrs. Rodgers significant stress. She added, however, that the planning officers had dealt with all the issues raised with professionalism at all times. As she had not expressed an opinion on the matter, she explained that she was able to participate in the vote.

The officer's recommendation to approve the application, with authority delegated to the Director of Planning and Building Control to finalise the wording of conditions, subject to no new substantive planning issues being raised by third parties, was unanimously agreed.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

LA04/2019/2989/F - Erection of a care home with associated car parking, servicing, landscape and access off Balmoral Avenue at The King's Hall and RUAS site south of Upper Lisburn Road/ Balmoral Avenue west of Harberton Park and north east of Balmoral Golf Club

The Planning Manager provided the Members with an overview of the application for a 103 bed care home.

He explained that, in the BUAP, the site was located within the development limit of Belfast and was not zoned for any use. In draft BMAP 2004 and 2015 the site was located within the Belfast Metropolitan/Settlement development limit and was not zoned for any specific use.

He outlined the issues which had been considered during the assessment, including the impact on the Conservation Area, the height, scale and massing, the impact on the surrounding amenity, the impact on the setting of the listed King's Hall, access, movement and parking, environmental issues and drainage and flood risk.

The Committee was advised that six objections had been received, raising concerns relating to the access arrangements from Balmoral Avenue, the impact of the proposal on surrounding development and that the scale of development was out of keeping with the surrounding area. The Planning Manager advised that the Balmoral Avenue access arrangements had been approved as part of Phase 1 of the King's Hall redevelopment and were already under construction.

He added that DFI Roads was content with the proposed access arrangements from Balmoral Avenue to serve the site. The Members were advised that the siting of the proposed development had sought to maximise the separation distances between it and adjacent properties, which were considered to be sufficient, to ensure that no adverse impact would result to neighbouring amenity.

He drew the Committee's attention to the Late Items pack, whereby DFI Roads had submitted a further consultation response to an objection. DFI Roads had confirmed that it remained content that the access was acceptable, as laid out in its earlier response. DFI Roads had also advised that a site visit had taken place as well as an online meeting to discuss and clarify the outstanding issues and concerns raised by the objector, and that all relevant engineering and safety information was available on the Planning Portal.

The Committee was advised that HED, NI Water, Rivers Agency, Regulation Unit Land and Groundwater Team, Natural Environment Division, Environmental Health and the Tree officer had also been consulted and had no objections to the proposal subject to conditions.

The Planning Manager explained that discussions were ongoing with the applicant as to the appropriate mechanism by which to secure the restoration of the Listed King's Hall from wider development within the King's Hall complex and the potential requirement to include conditions linking the restoration of the King's Hall to that specific development.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

Those conditions had already been applied to the Phase 1 Kings Hall proposals which were under construction. As such, he explained that delegated authority to the Director of Planning and Building Control was being sought to finalise the proposed conditions and the Section 76 planning agreement, subject to no new substantive planning issues being raised by third parties.

He explained that the applicant had worked with officers and had changed the design in response to what officers believed was a more attractive building, with use of natural materials.

The Chairperson welcomed Ms. E. Walker, agent, to the meeting. She explained that the care home access, off Balmoral Avenue, had been designed specifically to accommodate the independent living facility and the care home. The design had taken account of the amenity of neighbouring properties, with a separation distance of 57metres from the rear of the care home and of 31 metres from properties on Harberton Park. No habitable rooms were proposed for the rear elevation and a landscape buffer was also proposed. Detailed consultation had taken place with statutory consultees, none of whom had objections, and that HED was content that the proposal would not affect the setting of the listed King's Hall.

A Member expressed a concern regarding the proposed visibility splays on Balmoral Avenue, which were less than half of the recommended 30metres. The Planning Manager explained that the permission for the access had already been approved under Phase 1 of the scheme. He advised the Committee that, as it had not met the standards, an independent safety audit was commissioned by DFI Roads, and, on balance, it was considered to be acceptable and therefore DFI Roads had no objection. In relation to additional traffic, he added that the nature of a care home would not indicate 9am-5pm use and would not therefore add to peak traffic levels.

In response to a further Member's question, the Planning Manager confirmed that a Travel Plan had been submitted in relation to green travel measures and that the Section 76 Agreement would secure the employability and skills elements associated with the site.

The officer's recommendation to approve the application, subject to conditions as outlined in the addendum report, with authority delegated to the Director of Planning and Building Control to finalise the wording of the conditions subject to no new substantive planning issues being raised by third parties, was put to the Committee.

On a vote, twelve Members voted for the proposal and one against and it was declared carried.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

LA04/2020/1563/F - Variation of conditions 2 (method of works statement), 3 (road construction details), 5 (archaeological programme of works) and 7 (hard and soft landscaping details) of planning permission LA04/2015/0405/F to enable the development to be delivered in two phases. Phase 1 will be the construction of the toucan crossing on Ormeau Embankment and associated works, Phase 2 will comprise the remaining works including construction of the main bridge structure at Lower Ormeau Embankment and River Terrace

The Principal Planning officer provided the Committee with the key aspects of the application, which sought permission, under Section 54 of the Planning Act to vary conditions 2, 3, 5 and 7 of planning permission LA04/2015/0405/F to enable the development to be delivered in two phases. He explained that Phase 1 would be the construction of a pedestrian toucan crossing on Ormeau Embankment, while Phase 2 would comprise the remaining works, including construction of the main bridge structure.

The Committee was reminded that planning permission for the bridge had been granted in April 2016 with various conditions and was due to expire in April 2021. The Principal planning officer explained that the funding to construct the bridge would not be available until the end of 2020 and that it was likely that a contractor would not be appointed until after the expiry of the planning permission.

Given the tight timescales, there was a risk that there would be insufficient time for the contractor to compile and submit the detailed environmental surveys required prior to April 2021. It was therefore proposed that the development be 'phased' and to construct the approved toucan crossing on Ormeau Embankment as the first phase. He explained that the works required minimal invasive works to the existing carriageway and could therefore be implemented without risk to the surrounding environment.

The Members were advised that, by enacting the planning permission, it would allow the contractor time to undertake the required surveys and submit them before construction commenced on the permitted bridge, pedestrian and cycle links, car park, storm drainage, lighting and landscaping.

The Principal Planning officer explained that additional conditions had been requested by DFI Roads, DEARA and SES and were necessary in order to secure delivery of the appropriate roads infrastructure details and to ensure adequate mitigation in order to protect natural heritage features and assets. He highlighted that no objections had been received.

The Committee granted approval to the application, subject to the imposing of the conditions set out within the case officer's report and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

LA04/2020/0708/F - Works to allow the decommission of Boodle's Dam maintaining the existing water levels; including earthworks to reduce the existing dam embankment; re-profiling of the adjacent land; removal of existing structures (concrete wall, draw off towers, bridge); formalising the inlet and outlet arrangements; landscape improvements to allow for integration into the Ligoniel Park and all associated works

(Councillor Murphy declared an interest in this item and left the meeting at this point in proceedings)

The Principal Planning officer outlined the details of the application to the Committee.

He explained that the site included lands at Boodle's Dam, following the Wolfhill Mill Race watercourse, extending to the intersection with the Ligoniel River. The site was surrounded by fencing and contained a large number of mature trees, and was mostly overgrown and inaccessible.

The Members were advised that the site was identified as an Area of Existing Open Space, a local landscape policy area (LLPA) and site of local nature conservation importance (SLNCI), as designated within both (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 and 2004. The Principal Planning officer explained that the site was identified within the Belfast Urban Area Plan 2001 (BUAP) as Lands reserved for Landscape, Amenity or Recreation use. He advised that it had been assessed against and was considered to comply with the SPPS, BUAP, Draft BMAP 2015, PPS 2, PPS 3, PPS 6, PPS 8, and PPS 15.

The Committee was asked to note that all consultees had raised no issues of concern, subject to conditions, and that the proposal was considered acceptable. The Principal Planning officer added that no representations or objections had been received.

He advised that the key issues considered in the assessment of the application were the principle of use on the site, design and layout, impact on natural heritage, access, movement, parking and transportation, including road safety, impact on built heritage, flood risk, landscaping and other environmental matters.

The Committee granted approval to the application, subject to the imposing of the conditions set out within the case officer's report and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

LA04/2020/0673/F - Environmental improvement works to include: new footpaths and cycleway, new multi - use games area, new outdoor gym equipment, new play area, new street furniture and park lighting, relocation of the community garden providing new polytunnel, toilet block, shed and allotment beds, new car park provision, landscape interventions including planting, woodland management, resurfacing, regrading and all associated works on Lands at "The Bullring" located parallel to the Westlink motorway and adjacent Denmark Street/California Close between Peters Hill and Regent Street

(Councillor Murphy returned to the meeting at this point)

Moved by Councillor O'Hara
Seconded by Councillor Collins,

That the Committee agrees to defer consideration of the application to allow the Department for Communities to attend the meeting, in order to discuss the loss of open space

On a vote, five Members voted for the proposal and seven against and it was declared lost.

Accordingly, the Committee proceeded to consider the application.

The Principal Planning officer provided the Committee with the details of the major application. He explained that the large site was known as "The Bullring", and was located parallel to the Westlink motorway and adjacent to Denmark Street/California Close between Peters Hill and Regent Street, Belfast. It was an area of open space, characterised by variety of trees and pathways.

The Members were advised that the site was unzoned white land within Draft BMAP 2004 and BMAP 2015 and, the BUAP 2001. He explained that the proposal was considered to comply with the SPPS, BUAP, dBMAP 2015, PPS 2, PPS 3, PPS 6, PPS 8, and PPS 15.

He explained the key issues which had been considered during the assessment included the principle of use on the site, design and layout, impact on natural heritage, access, movement, parking and transportation, impact on built heritage, flood risk, landscaping and other environmental factors.

The Committee was advised that Environmental Health, NI Water, BCC Parks and Recreation, DFI Roads, DFI Rivers, DAERA Water Management Unit, DAERA Regulation Unit and the Natural Environment Division had been consulted and had raised no issues of concern, subject to conditions, and had deemed the proposal acceptable.

He explained that a final response had been received from the BCC Tree Officer after the Case officer's report had been published and the Committee's attention was drawn to the Late Items pack. He advised that correspondence had been received from

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

the agent in response to comments which had been made by the BCC Tree Officers regarding the loss of trees on the site. The agent advised that, since one of the main objectives of the project was to increase visibility and reduce anti-social behaviour, removal of the existing large earth mounds was required, to regrade the site to ground profile, thereby providing unrestricted visibility across the site. Due to the significant earthworks required it would not be possible to retain or thin existing trees across the entire site. The agent also noted the recommendation for transplanting existing trees and that it would be incorporated into the scheme at Upper Townsend Terrace and Peter's Hill/Shankill Terrace.

The Principal Planning officer confirmed that officers felt that it was a balance between retaining the vegetation and opening up and enhancing the space and that the agent would submit a further landscaping plan and that the Tree officer would be consulted again in relation to it.

The Chairperson advised the Committee that Mr. T. Sloan and Mr. P. Murray, agents for the application, were in attendance. A Member stated that they wished to ask the Department for Communities a policy question in relation to the shared cycle and pedestrian pathway through the scheme. The agents were unable to provide the information.

A Member queried what the loss of open space would be as a result of the MUGA and 6 car parking spaces; the total number of trees on site before and after the scheme; and the reason for the wayleave requirement from DFI, of 3 metres, along the Westlink.

In response, the Principal Planning officer advised the Committee that:

- a MUGA fell within the definition of open space under PPS8, so the only open space lost would be the 6 car parking spaces and that such ancillary uses were permitted;
- he did not have information relating to the total number of trees on site, but that the agent had advised that the addition of trees on the site was not possible, as the proposal was to make it a more usable functional space, but that they would look at transplanting existing trees within the site; and
- the 3metre wayleave was a technical matter which prevented planting along the boundary along the edge of the Westlink.

In response to a further Member's question, the Director of Planning and Building Control confirmed that, if there was an outstanding objection from the Tree officer following the submission of the final landscaping plan submission, it could be brought back to Committee.

Moved by Councillor Groogan
Seconded by Councillor Collins,

That the Committee agrees to grant approval to the application, subject to there being no outstanding objections from the Tree officer after the further iteration of the landscaping plan has been submitted by the agent,

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

and, if any concerns are raised by the Tree officer, that the application be brought back to the Committee.

On a vote, five Members voted for the proposal and seven against and it was declared lost.

The officer's recommendation to approve the application, with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions, subject to no new substantive planning issues being raised by consultees and third parties, was put to the Committee and it was agreed.

(The Committee adjourned for a five minute break at this point in proceedings)

**LA04/2020/1803/F - Change of use to House of Multiple
Occupancy at 60 Springfield Road**

The Senior Planning officer outlined the details of the application for a change of use to a House of Multiple Occupation (HMO) at the above location.

She advised the Members that five representations and a signed petition had been received in relation to the application, raising issues, including anti-social behaviour, lack of parking, odours, that neighbours had not been informed and a lack of family housing provision.

The Senior Planning officer explained that the application site was within an HMO Development Node as designated within the HMO Subject Plan for Belfast (2015). She highlighted that Policy HMO 3 stated that planning permission would only be granted along the frontages of designated HMO Development Nodes, providing it did not include HMO development at ground floor level within a designated commercial node or shopping area. As the site was not within a designated commercial node, the ground floor was not required to be commercial. The proposal was also in line with Policy HMO 6 as the criteria within the policy were either met or were not relevant.

A number of Members expressed concerns in relation to the traffic in that stretch of the road and particularly in relation to the fact that DFI Roads had responded with no concerns.

The officer's recommendation to approve the application was put to the Committee.

On a vote, no Members voted for the proposal, one against and eleven no votes, and it was declared lost.

Moved by Councillor Groogan
Seconded by Councillor O'Hara and

Resolved - that the Committee agrees to defer consideration of the proposal to ask DFI Roads to assess the site and that they be also requested to attend the next meeting in relation to the application.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

LA04/2020/0880/F - equipped playground with a pedestrian entrance off Moyard Park at Site of Vere Foster Primary School, Moyard Parade

The Senior Planning officer provided the Committee with the details of the Council application which sought permission for a new equipped playground adjacent to the Matt Talbot Youth club and MUGA pitch, with a new pedestrian entrance from Moyard Parade. She outlined that the playground would be bound by a landscaped area, with 17 trees to be planted, and with replacement fencing along the eastern boundary of the playground.

She outlined that the site was within the development limits for Belfast and was located on 'white land' in dBMAP 2015. The Members were advised that the proposal complied with the Development Plan and relevant policy.

The Committee was advised that DfI Roads, Environmental Health, NI Water and Rivers Agency had no objections to the application and that no third party objections had been made.

The Committee granted approval to the application.

LA04/2020/1180/LBC - Repair, restoration and cleaning of central steps at Belfast City Cemetery, Falls Road

The Committee was advised of the key details of the Council application.

The Senior Planning officer advised the Committee that the proposal was deemed to comply with the SPPS and PPS 6 and that it was considered acceptable with no adverse impacts on the listed building. She outlined that HED had been consulted and had no objections.

The Committee granted approval to the application.

LA04/2020/2089/F & LA04/2020/2018/LBC - alterations to a section of wall at the boundary between Whiterock Road and City Cemetery Service Yard, involving increasing the height of the masonry wall to improve site security at Belfast City Cemetery, Falls Road

The Senior Planning officer provided the Committee with an overview of the application.

She advised the Committee that the proposal was deemed to comply with the SPPS and PPS 6 and that it was considered acceptable with no adverse impacts on the listed building. She outlined that HED had been consulted and had no objections.

The Committee granted approval to the application.

Chairperson

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank



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

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

Telephone: 0300 200 7899

Textphone number: 028 9054 0022

Being Dealt With By: Victor Clegg

Email: Victor.clegg@infrastructure-ni.gov.uk

Direct Line: 02890 526193

Your Ref:

Our Ref: MD2/Z/03/1095

Date: 16 December 2020

Dear Sir/ Madam,

**ROADS (NI) ORDER 1993
PROPOSED ABANDONMENT AT ALBERT STREET/ REAR OF QUADRANT PLACE,
BELFAST.**

Department for Infrastructure Roads is proposing to abandon an area of footway as shown hatched red on the attached plan, under Article 68(1) of the Roads (Northern Ireland) Order 1993.

The Abandonment will affect an area of 19.537 square metres of footpath not included in Statutory Rule 2020 No.184 - "The Footpath to the rear of Albert Street, Quadrant Place and Cullingtree Road, Belfast (Abandonment) Order (Northern Ireland) 2020".

Could you please let me have your comments on the above proposal.

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

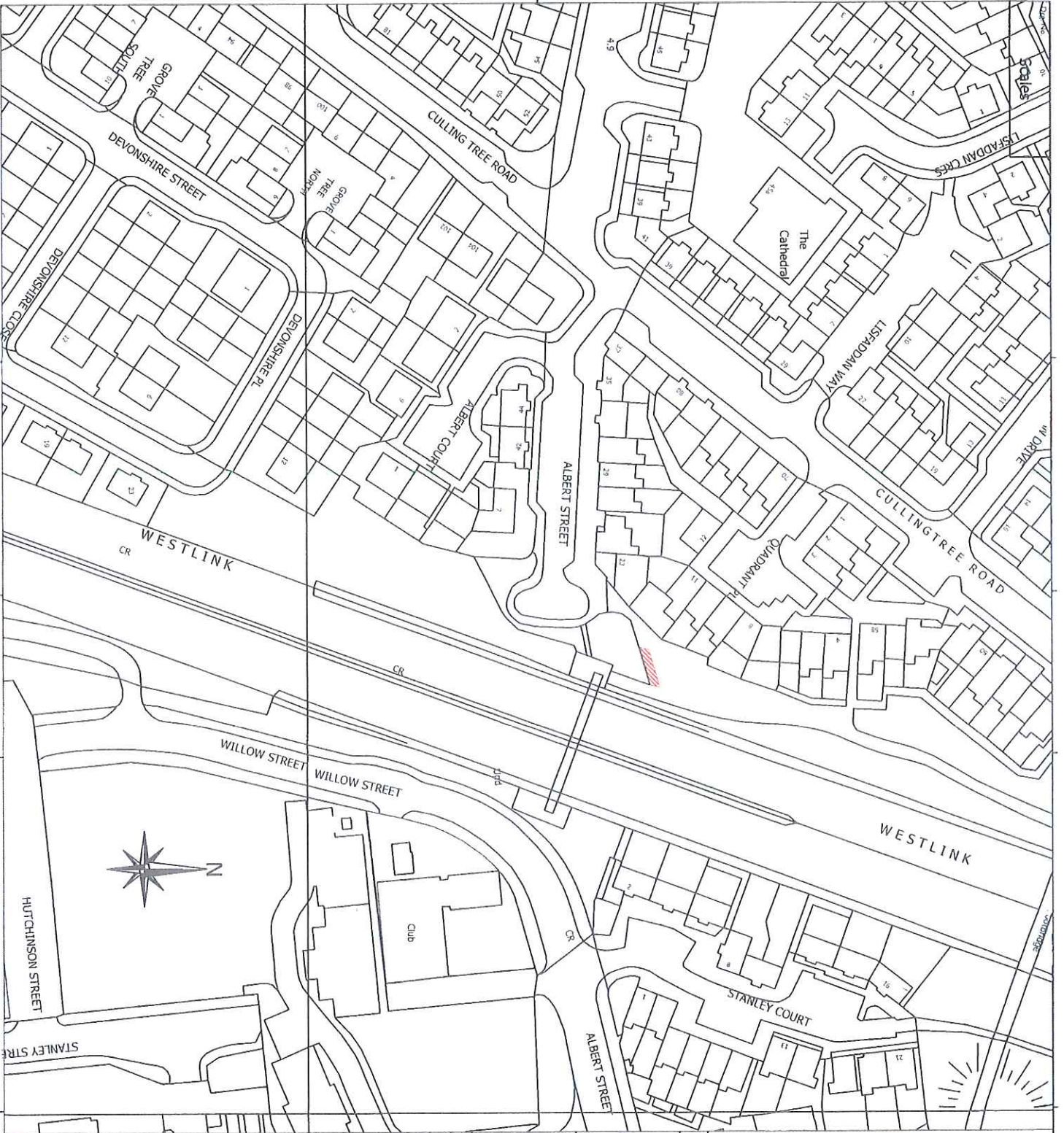
Yours faithfully

Victor Clegg

Victor Clegg
Lands Section

ENCS





Based upon the Ordnance Survey of Northern Ireland, the Ordnance Survey has provided the information contained herein and does not accept any liability for any errors or omissions. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



Area = 19,537 Sq.M.

Map Ref: -13113SW & 13143SE

BCC RECEIVED
JAN 2021
BELFAST PLANNING SERVICE

Abandonment of Lands

Westlink Backpath
Further Abandonment

FILE NO.	DESIGNED	LL	DATE
			20/07/20
DRAWN	CHECKED	INIT	DATE
			00/00/00
TRACED	APPROVED	INIT	DATE
			00/00/00
Dwg No.	Revision		
Dwg No. 0	Revision 0		

Scale: Scale 1:1250

transportni

Eastern Division

Annex 7
Castle Buildings
Stamont Estate
Belfast BT4 3SQ
Telephone: 028 9025 3000
Fax: 028 9025 3220

Infrastructure
Crown Copyright Reserved

Decisions issued between 14 Dec 2020 and 11 Jan 2021

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2018/2600/F	LOCDEV	Lands located south west of and immediately to the rear of No. 68 72 74 and 74a Ligoniel Road Belfast BT14 8BY.	Erection of 17 dwellings including landscaping, car parking, access and all other associated site works.	PERMISSION GRANTED
LA04/2019/0463/F	LOCDEV	Plots 36-45 (total 10no Units) of residential development to lands south of 25 Harberton Park Belfast as approved under reference number Z/2012/0645/RM (total 140no units)	Revision of previously approved application (Z/2012/0645/RM) and erection of 10no semi-detached dwellings and associated site works (Amended Drawings)	PERMISSION GRANTED
LA04/2019/1178/F	LOCDEV	Impact Training 14 Lanark Way Belfast BT13 3BH.	Change of Use from business to gymnasium	PERMISSION GRANTED
LA04/2019/1423/F	LOCDEV	141-147 Upper Dunmurry Lane Belfast BT17 0EY.	Proposed redevelopment of land into 20No. private apartments.	PERMISSION GRANTED
LA04/2019/1507/F	LOCDEV	Rushmere House 46 Cadogan Park Belfast BT9 6HH.	Replacement boundary wall and railings, reconfiguration of existing carpark to provide additional spaces and associated work. (amended plans, additional information)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/1508/DCA	LOCDEV	Rushmere House 46 Cadogan Park Belfast BT9 6HH.	Demolition of existing boundary treatment including entrance gates/brick piers and timber fence.	PERMISSION GRANTED
LA04/2019/1630/O	LOCDEV	131-137 University Street Belfast BT7 1HP.	Retention of front facade, demolition of rear sections of buildings and erection of apartment development	PERMISSION GRANTED
LA04/2019/1997/F	LOCDEV	161-163 Castlereagh Road Belfast BT5 5FG.	Demolition of existing dwelling & outbuildings, construction of a part 2.5/part 1.5 storey apartment building comprising 6 No. apartments.(amended plans)	PERMISSION GRANTED
LA04/2019/2255/F	LOCDEV	753 Antrim Road and lands to the east of nos 751-755 Antrim Road Belfast BT15 4EN	Demolition of existing house and proposal of 4No. detached dwellings with new access and all other associated site works including diversion of an existing culverted watercourse. (Amended Scheme)	PERMISSION GRANTED
LA04/2019/2596/A	LOCDEV	14 Lanark Way Belfast BT13 3BH	Flat non-illuminated signage fixed back to existing gable panels of existing building.	PERMISSION GRANTED
LA04/2019/2765/F	LOCDEV	21A Gordon Street Belfast BT1 2LA	New enclosed entrance lobby, reinstatement of windows and door to side elevation and change of use of ground floor unit (unit 1) from office to cooking/conference facility.	PERMISSION REFUSED
LA04/2019/2766/DCA	LOCDEV	21A Gordon Street Belfast BT1 2LA	Removal of blocked up windows and door to south elevation and formation of new door opening to rear store.	PERMISSION REFUSED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/2844/LBC	LOCDEV	Ligoniel Library 55 Ligoniel Road Belfast BT14 8DP.	Change of use from public library to children's day care centre, and single storey rear extension and alterations to site.	PERMISSION GRANTED
LA04/2019/2880/F	LOCDEV	Ligoneil Library 55 Ligoneil Road Belfast BT14 8DP	Change of use from public library to children's day care centre and single storey rear extension and alterations to site.	PERMISSION GRANTED
LA04/2019/2898/F	LOCDEV	11 Deerpark Drive Belfast BT14 7QD	Single Storey Rear Extension with Ramped Access	PERMISSION GRANTED
LA04/2020/0188/F	LOCDEV	133 Roseberry Road Belfast BT6 8JB	Single Storey Rear Extension	PERMISSION GRANTED
LA04/2020/0315/F	LOCDEV	54 Stewartstown Avenue Belfast BT11 9GE	Proposed Single Storey Extension to Side of Dwelling.	PERMISSION GRANTED
LA04/2020/0409/F	LOCDEV	210 Malone Road Belfast BT9 5LQ.	Retrospective amendments to previously approved application LA04/2018/2960/F, two storey extension to rear and side with elevation changes, including raised patio, change of levels to rear and boundary/screening walls and fences. (Amended Plans/Description)	PERMISSION GRANTED
LA04/2020/0419/F	LOCDEV	34 Glen Ebor Park Belfast BT4 2JJ.	Single Storey Rear and Side Extension.	PERMISSION GRANTED
LA04/2020/0465/F	LOCDEV	51 Gilnahirk Road Belfast BT5 7DD.	Single Storey Rear Extension with Single Storey Glazed Linking Corridor.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0477/F	LOCDEV	Lands approx. 60m North East of 3 Hazel Close Dunmurry.	Residential housing development comprising (45 dwellings in total) 7No. detached & 24No. semi detached 2 storey dwellings, 8No. 2 storey apartments in two blocks and 6No. semi-detached 2.5 storey dwellings for social housing, including amenity space/open space, landscaping and all other site and access works.	PERMISSION GRANTED
LA04/2020/0540/F	LOCDEV	Street Works outside Whiterock Business Park Springfield Road Belfast BT12 7GL.	Installation of a 20 metre Apollo streetpole with 6no. antennas (3no. enclosed within a shroud) 2no. equipment cabinets, 1no. meter cabinet and ancillary works.	PERMISSION GRANTED
LA04/2020/0563/F	LOCDEV	10-16 Hill Street Cathedral Quarter Belfast BT1 2LA	Amendments to LA04/2019/0265/F to include change of use from commercial unit to hotel and associated facilities including ground floor extension, internal and external alterations, and the provision of 3no. additional bedrooms.	PERMISSION GRANTED
LA04/2020/0597/LDE	LOCDEV	33 Landseer Street Belfast BT9 5AL	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/0607/F	LOCDEV	13 Devenish Court Belfast BT13 2LS.	Internal alteration to accommodate a new WC to include for alteration to existing window.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0829/F	LOCDEV	36 Soudan Street Belfast BT12 6LA	Alterations, conversion and new rear external staircase to existing terrace dwelling to provide 2no. apartments.	PERMISSION GRANTED
LA04/2020/0880/F	LOCDEV	Site of Former Vere Foster Primary School Moyard Parade Belfast BT12 7HG	Development of a new equipped playground with a pedestrian entrance off Moyard Parade	PERMISSION GRANTED
LA04/2020/0889/F	LOCDEV	87 Church Road Newtownbreda BT8 7AN	Single Storey Extensions to the front and rear of the property to provide additional living and home working space as well as a loft conversion with proposed dormers.	PERMISSION GRANTED
LA04/2020/0914/F	LOCDEV	5 Marlborough Park Cross Avenue Belfast BT9 6HN.	Single Storey Rear Extension and Alterations to Side Elevations	PERMISSION GRANTED
LA04/2020/0925/F	LOCDEV	Public footpath on Leven Drive set 17 metres south of no.58 Leven Drive	Proposed 3 bay insignia cantilever shelter	PERMISSION GRANTED
LA04/2020/0942/F	LOCDEV	7 Kingsway Gardens Gilnahirk Road Belfast.	Single Storey Rear Extension, Conversion of Existing Conservatory to Flat Roof Sunroom.	PERMISSION GRANTED
LA04/2020/0951/F	LOCDEV	Rear Garden to 133 Circular Road Belfast.	Detached 2 storey dwelling including associated parking.	PERMISSION REFUSED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0967/F	LOCDEV	36 Mooreland Park Belfast BT11 9AZ.	Retrospective: Single Storey Garage to Side & Rear.	PERMISSION GRANTED
LA04/2020/0987/F	LOCDEV	1852 Hotel 12-13 Lower Crescent Belfast BT7 1NR.	Proposed second floor extension to the rear of existing hotel to provide an additional 5No. guest bedrooms and extension of existing extraction flue.	PERMISSION GRANTED
LA04/2020/0989/LBC	LOCDEV	1852 Hotel 12-13 Lower Crescent Belfast BT7 1NR.	Proposed second floor extension to the rear of existing hotel building and extension of existing extraction flue.	PERMISSION GRANTED
LA04/2020/0992/F	LOCDEV	1 Ardcarne Park Belfast BT5 7RQ	Single Storey Side Extension to Dwelling	PERMISSION GRANTED
LA04/2020/0996/F	LOCDEV	12 Lagmore View Crescent Belfast BT17 0FS.	Proposed alteration to existing garden facilitating retaining walls and fencing with associated garden infill. (Amended Plans)	PERMISSION GRANTED
LA04/2020/0997/LDE	LOCDEV	4 Palestine Street Belfast BT7 1QJ	House in Multiple Occupancy (HMO)	APPLICATION REQUIRED
LA04/2020/1063/F	LOCDEV	374-376 Falls Road Belfast BT12 6DG	Proposed re-siting of James Connolly statue from 275-277 Falls Road to 374-376 Falls Road	PERMISSION GRANTED
LA04/2020/1085/F	LOCDEV	87 Malone Road Belfast BT9 6SJ	Proposed single storey rear extension, new porch, new entrance door, elevation changes including new windows and external alterations to the existing garage.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1086/DCA	LOCDEV	87 Malone Road Belfast BT9 6SJ	Demolition of existing glazed porch area and existing brickwork to create a new entrance to the property. Demolition of existing brickwork to create two new windows at rear of the property. Demolition of existing courtyard walls and part demolition of garage walls for new openings.	PERMISSION GRANTED
LA04/2020/1119/F	LOCDEV	52 Kirkliston Park Belfast BT5 6ED	Detached granny annex to rear of dwelling,	PERMISSION GRANTED
LA04/2020/1180/LBC	LOCDEV	Central Steps Belfast City Cemetery Falls Road Belfast BT12 6DE.	Repair, restoration and cleaning of central steps.	PERMISSION GRANTED
LA04/2020/1200/F	LOCDEV	226 Glenburn Road Belfast.	Application for a car hardstanding with a dropped kerb with fencing.	PERMISSION GRANTED
LA04/2020/1212/NMC	LOCDEV	Lands to the South of Wolfhill Avenue and Ligoniel Road Belfast	NMC to LA04/2017/0923/F	NON MATERIAL CHANGE GRANTED
LA04/2020/1218/F	LOCDEV	48 Bawnmore Road Belfast BT9 6LB.	Single storey rear extension, with extended patio.	PERMISSION GRANTED
LA04/2020/1219/DCA	LOCDEV	48 Bawnmore Road Belfast BT9 6LB.	Demolition of existing single storey extension and construction of new single storey extension to rear of dwelling.	PERMISSION GRANTED
LA04/2020/1230/F	LOCDEV	1a Broughton Park Belfast BT6 0BD.	Single Storey Extension to the Rear	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1255/F	LOCDEV	13 Old Cavehill Road Belfast BT15 5GS	Single Storey Extension to the Rear of Property.	PERMISSION GRANTED
LA04/2020/1290/F	LOCDEV	32 Cranmore Gardens Belfast BT9	Single storey side and rear extension, conversion of garage to habitable space with alterations to roof and garden store	PERMISSION GRANTED
LA04/2020/1295/NMC	LOCDEV	32-36 Great Victoria Street Belfast BT2 7BA	Non material change to La04/2019/0335/f	NON MATERIAL CHANGE GRANTED
LA04/2020/1385/DCA	LOCDEV	32 Cranmore Gardens Lisburn Road Belfast BT9 6JL.	Demolition of rear and side ground floor external walls to facilitate an extension to the dwelling.	PERMISSION GRANTED
LA04/2020/1393/LDE	LOCDEV	125-127 Wellesley Avenue Belfast BT9 6LT.	4No. storey building containing 14No. apartments.	PERMITTED DEVELOPMENT
LA04/2020/1452/F	LOCDEV	51 Cranmore Gardens Belfast BT9 6JL	2 storey rear and side extension with single storey bay to provide open plan kitchen/dining/living and additional bedrooms at first floor	PERMISSION GRANTED
LA04/2020/1453/DCA	LOCDEV	51 Cranmore Gardens Belfast BT9 6JL	Demolition of portions of rear and side walls at ground and first floor levels	PERMISSION GRANTED
LA04/2020/1480/A	LOCDEV	Forsyth House 16 Cromac Street Town Parks Belfast BT2 8JL.	Non illuminated high level fascia sign	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1484/F	LOCDEV	245 Lower Braniel Road Belfast BT5 7NR	Demolition of Sunroom and Single Storey Rear Extension with Rear Velux Window. Patio to Rear	PERMISSION GRANTED
LA04/2020/1492/LDP	LOCDEV	321 Grosvenor Road Belfast	Use of community centre for the deaf to include nursery care facility	PERMITTED DEVELOPMENT
LA04/2020/1503/LBC	LOCDEV	Tudor Hill 250 Malone Road Belfast BT9 5PA	Single storey outbuilding to rear.	PERMISSION GRANTED
LA04/2020/1504/F	LOCDEV	Tudor Hill 250 Malone Road Belfast BT9 5PA	Single storey outbuilding to rear.	PERMISSION GRANTED
LA04/2020/1516/F	LOCDEV	45 Norfolk Parade Belfast BT11 8DA	Two storey side and rear extensions and raised patio to rear	PERMISSION GRANTED
LA04/2020/1522/F	LOCDEV	29 Thiepval Avenue Belfast BT6 9JF.	Removal of Non-Original Front Porch, Internal Alterations and Single Storey Rear Extension.	PERMISSION GRANTED
LA04/2020/1523/F	LOCDEV	31 Trench Avenue Belfast BT11 9FE.	Single storey side extension. Hard standing to front.	PERMISSION GRANTED
LA04/2020/1539/F	LOCDEV	50 Glengoland Avenue Dunmurry Belfast BT170HY	Single storey extensions to side and rear of dwelling including indoor swimming pool. Infill extensions and proposed increase/ extension to the roof to create first floor. Elevational changes to dwelling. (Amended Description)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1563/F	MAJDEV	Lower Ormeau Embankment and River Terrace Belfast.	Variation of conditions 2 (method of works statement), 3 (road construction details), 5 (archaeological programme of works) and 7 (hard and soft landscaping details) of planning permission LA04/2015/0405/F to enable the development to be delivered in two phases. Phase 1 will be the construction of the toucan crossing on Ormeau Embankment and associated works, Phase 2 will comprise the remaining works including construction of the main bridge structure.	PERMISSION GRANTED
LA04/2020/1566/F	LOCDEV	34 Colinvale Belfast BT17 0JN.	Single storey rear extension.	PERMISSION GRANTED
LA04/2020/1567/F	LOCDEV	217 Woodstock Road Belfast.	Change of use from retail to hot food take away.	PERMISSION GRANTED
LA04/2020/1594/F	LOCDEV	25 Floral Park Belfast BT36 7RU.	Attic Conversion Creating a Rear Dormer Window.	PERMISSION GRANTED
LA04/2020/1605/DC	LOCDEV	454-458 Donegall Road Belfast BT12 6HS.	Discharge of condition no. 7 of LA04/2017/2472/F (Air Quality Assessment)	CONDITION DISCHARGED
LA04/2020/1611/F	LOCDEV	299 Ormeau Road Belfast BT7 3GG.	Refurbishment and first floor extension of existing commercial office.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1621/F	LOCDEV	9 Clonallon Gardens Belfast BT4 2BY.	Single storey rear and side extension.	PERMISSION GRANTED
LA04/2020/1631/LDE	LOCDEV	25 Agincourt Street Belfast BT7 1RE.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/1670/LDP	LOCDEV	6 Aberfoyle Park Belfast BT10 0DY	Single storey side and rear extension	APPLICATION REQUIRED
LA04/2020/1683/F	LOCDEV	3 Tudor Drive Belfast BT6 9LS.	Single storey side extension.	PERMISSION GRANTED
LA04/2020/1691/F	LOCDEV	13 Whiterock Grove Belfast BT12 7RQ.	Single Storey Side Extension	PERMISSION GRANTED
LA04/2020/1714/F	LOCDEV	11 & 12 Upper Crescent Belfast BT7 1NT.	Construction of dormers to rear of 11 & 12 Upper Crescent & alteration to ground floor to provide stores and interconnecting door	PERMISSION GRANTED
LA04/2020/1716/LBC	LOCDEV	11 & 12 Upper Crescent Belfast BT7 1NT.	Construction of dormers to rear of 11 & 12 Upper Crescent & alteration to ground floor to provide stores and interconnecting door	PERMISSION GRANTED
LA04/2020/1772/F	LOCDEV	30 Circular Road Belfast BT4 2GA	Two storey rear extension with first floor terrace and steps to rear	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1776/F	LOCDEV	15 Ribble Street Belfast BT4 1HW	Single storey rear extension and inner alterations	PERMISSION GRANTED
LA04/2020/1778/LDE	LOCDEV	Flat 2 10 Westminster Street Belfast BT7 1LA	House in multiple occupancy HMO	PERMITTED DEVELOPMENT
LA04/2020/1784/LDE	LOCDEV	17 Botanic Avenue Belfast BT7 1JG	Existing ground floor restaurant	PERMITTED DEVELOPMENT
LA04/2020/1787/F	LOCDEV	32 Irwin Crescent Belfast BT4 3AQ	Single Storey Rear Extension with Alterations to Side Elevation. Roofspace Conversion Creating Rear Dormer.	PERMISSION GRANTED
LA04/2020/1850/NMC	LOCDEV	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.	Non material change LA04/2018/1219/F.	NON MATERIAL CHANGE GRANTED
LA04/2020/1881/DC	LOCDEV	39 Fitzroy Avenue Belfast BT7 1HS.	Discharge of conditions no's 2 & 5 of LA04/2018/1482/F (demolition management plan facade retention system)	CONDITION DISCHARGED
LA04/2020/1887/NMC	LOCDEV	2 Cyprus Avenue Belfast BT5 5NT	NMC to LA04/2019/0283/F LA04/2019/0284/LBC	NON MATERIAL CHANGE REFUSED
LA04/2020/1888/F	LOCDEV	41 Mount Merrion Avenue Belfast BT6 0FJ	Single storey rear extension	PERMISSION GRANTED
LA04/2020/1892/F	LOCDEV	87 Knockwood Park BT5 6GB	First floor extension to rear return and additional site works	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1896/F	LOCDEV	32 Clara Park Belfast BT5 6FD	Single Storey Side and Rear Extensions and Associated Site Works	PERMISSION GRANTED
LA04/2020/1897/F	LOCDEV	20 Trenchard Belfast BT11 9NS	Single storey side extension	PERMISSION GRANTED
LA04/2020/1929/F	LOCDEV	2 North Parade Belfast BT7 2GG	2.5 storey side extension to the existing semi-detached brick residential property and external terrace.	PERMISSION GRANTED
LA04/2020/1976/F	LOCDEV	18 Myrtlefield Park Belfast BT9 6NE	Replacement single storey extension to rear including external alterations and new terrace. The replacement garage will be in a garden room and not another garage. (amended description)	PERMISSION GRANTED
LA04/2020/1977/DCA	LOCDEV	18 Myrtlefield Park Belfast BT9 6NE	Partial demolition of walls to accommodate extension and alterations. Demolition of existing garage.	PERMISSION GRANTED
LA04/2020/1993/DC	LOCDEV	Lands at 15-17 Upper Lisburn Road Belfast BT10 0GW.	Discharge of condition no. 17 of LA04/2018/1170/F (levels)	CONDITION DISCHARGED
LA04/2020/1997/F	LOCDEV	1 Sandbrook Gardens Belfast BT4 1NH.	2 storey rear extension. Insertion of 2 no's. side windows.	PERMISSION GRANTED
LA04/2020/2006/F	LOCDEV	15 Rochester Avenue Belfast BT6 9JU	Single Storey Side Extension	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/2010/LDP	LOCDEV	14 Greystown Park Belfast BT9 6UN.	Garage conversion to a ground floor annex including minor alterations to the existing front elevation.	PERMITTED DEVELOPMENT
LA04/2020/2015/F	LOCDEV	51 Sunnyside Street Belfast BT7 3EX.	Single storey rear extension with associated work to layout of existing house internally.	PERMISSION GRANTED
LA04/2020/2018/LBC	LOCDEV	Boundary Wall Belfast City Cemetery Falls Road Belfast BT12 6DE.	Alterations to a section of wall at the boundary between Whiterock Road and service yard, involving extending the height of the masonry wall to improve site security.	PERMISSION GRANTED
LA04/2020/2035/DCA	LOCDEV	10-16 Hill Street Belfast BT1 2LA.	Demolition works to remain as per LA04/2019/0300/DCA including Balconies facing onto Hill Street + all windows, cills and external doors (including roller shutters), downpipes + gutters, oil tank +flue extract, pitched roof to rear of site and part demolition of facade for new openings + internal works to be gutted, including removal off all partitions, wall linings, doors, suspended ceilings, raised access floors + sanitaryware. -Additional works to Warehouse Lane; removal of temporary facade.	PERMISSION GRANTED
LA04/2020/2036/LDE	LOCDEV	38 Agincourt Avenue Belfast BT7 1QA.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/2037/LDE	LOCDEV	92 Sandhurst Drive Belfast BT9 5AZ.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/2040/F	LOCDEV	Taughmonagh Primary School Findon Gardens Belfast BT9 6QL.	Single storey extension to school	PERMISSION GRANTED
LA04/2020/2041/DC	LOCDEV	Lands immediately east of Thronemount 742 Antrim Road Belfast BT36 7PQ.	Discharge of conditions no's. 4, 5 and 9 of LA04/2019/0064/F (Trees CMP)	CONDITION DISCHARGED
LA04/2020/2052/F	LOCDEV	53 Woodland Grange Belfast BT11 9QT	Proposed dormer to rear of property, single storey extension to rear of property, extension to front porch and elevational changes to front of dwelling to change garage door to window.	PERMISSION GRANTED
LA04/2020/2060/F	LOCDEV	164 North Road Belfast BT4 3DJ	Single storey side and rear extension. Insertion of ground floor side window.	PERMISSION GRANTED
LA04/2020/2063/F	LOCDEV	119 Orangefield Avenue Belfast BT5 6DJ.	Single storey side and rear extension with decking area to the rear.	PERMISSION GRANTED
LA04/2020/2089/F	LOCDEV	Boundary Wall (northern boundary between Service Yard and Whiterock Road) Belfast City Cemetery Falls Road Belfast Co. Antrim BT12 6DE	Full application for alterations to a section of wall at the boundary between Whiterock Road and City Cemetery Service Yard, involving increasing the height of the masonry wall to improve site security.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/2098/F	LOCDEV	42 Martinez Avenue Belfast BT5 5LY	Proposed single storey extension to rear of dwelling	PERMISSION GRANTED
LA04/2020/2118/LDE	LOCDEV	17 Riverview Street Belfast BT9 5FD	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/2123/DCA	LOCDEV	5 Marlborough Park Cross Avenue Belfast BT9 6HN	Proposed Removal of Garage Door and Removal of Small Side Wall	PERMISSION GRANTED
LA04/2020/2149/LDE	LOCDEV	15 Stranmillis Park Malone Lower Belfast BT9 5AU.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/2154/LDE	LOCDEV	24 Stranmillis Gardens Malone Lower Belfast BT9 5AS.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/2157/NMC	LOCDEV	123 Barnetts Road Belfast BT5 7BG.	Non material change to LA04/2017/0308/F	NON MATERIAL CHANGE GRANTED
LA04/2020/2164/CON	LOCDEV	18 Malone Park Belfast BT9.	works to 1 Tree.	WORKS TO TREES IN CA - AGREED
LA04/2020/2178/LDE	LOCDEV	31 Elaine Street Malone Lower Belfast BT9 5AR.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/2205/DC	LOCDEV	Lands to the South East of Titanic Hotel North East of Bell's Theorem Crescent and South West of Hamilton Road Belfast.	Discharge of condition 4 LA04/20200010/F.	CONDITION DISCHARGED
LA04/2020/2207/DC	LOCDEV	Lands to the South East of Titanic Hotel North East of Bell's Theorem Crescent and South West of Hamilton Road Belfast.	Discharge of condition 13 LA04/2020/0010/F.	CONDITION DISCHARGED
LA04/2020/2209/LDE	LOCDEV	4-6 Ava Avenue Belfast BT7 3BN.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/2247/F	LOCDEV	2 Fortwilliam Crescent Belfast BT15 3RD.	Single storey lean-to side extension, and new bay window to front ground floor living room window. Extension providing additional single bedroom and ground floor WC.	PERMISSION GRANTED
LA04/2020/2249/F	LOCDEV	5 Strathmore Park South Belfast.	Single storey rear and side extension.	PERMISSION GRANTED
LA04/2020/2261/F	LOCDEV	35 Ravenswood Park Belfast BT5 7JU	Demolition of existing detached store and construction of new ground floor rear extension linked to dwelling & steps and patio to rear.	PERMISSION GRANTED
LA04/2020/2266/LDE	LOCDEV	64 Balfour Avenue Belfast BT7 2EX	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/2272/LDE	LOCDEV	Apartment 2 12 Westminster Street Belfast BT7 1LA	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2020/2275/DC	LOCDEV	Lands to the South East of Titanic Hotel North East of Bell's Theorem Crescent and South West of Hamilton Road Belfast	Discharge of condition 8 LA04/2020/0010F	CONDITION DISCHARGED
LA04/2020/2289/DC	LOCDEV	John Thompson & Sons 35-39 York Road and Adjoining land at 23 York Road Belfast BT15 3GW.	Discharge of condition no. 3 of LA04/2018/2579/F (Verification Report)	CONDITION DISCHARGED
LA04/2020/2302/F	LOCDEV	1B Ardenlee Avenue Belfast	Single storey rear extension	PERMISSION GRANTED
LA04/2020/2314/LDE	LOCDEV	127 Dunluce Avenue Belfast BT9 7AX	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2020/2315/LDE	LOCDEV	61 Edinburgh Street Belfast BT9 7DT	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/2318/LDE	LOCDEV	Apartment 2 33 Ridgway Street Belfast BT9 5FB	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/2375/DC	LOCDEV	Templemore Baths Templemore Avenue Belfast BT5 4FW	Discharge of conditions 2 and 6 of planning approval LA04/2018/2611/LBC	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/2394/LDE	LOCDEV	Flat 2 - 44 Wolseley Street Belfast BT7 1LG.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/2431/NMC	LOCDEV	140 Donegall Street Belfast BT1 2FJ.	Non material change LA04/2020/1606/NMC.	NON MATERIAL CHANGE REFUSED
LA04/2020/2448/CON	LOCDEV	29 Cadogan Park Belfast BT9 6HH.	Works to 3 trees.	WORKS TO TREES IN CA - AGREED
LA04/2020/2547/PAN	LOCDEV	58 Duncrue Street Belfast BT3 9AR	Change of use from industrial storage units to waste metal recycling facility	PROPOSAL OF APPLICATION NOTICE IS ACCEPTABLE
LA04/2020/2601/CON	LOCDEV	38 Cleaver Par Belfast BT9 5HY	Works to 3 trees	WORKS TO TREES IN CA - AGREED
LA04/2020/2633/CON	LOCDEV	113 Osborne Park Belfast BT9 6JQ.	Works to 3 trees.	WORKS TO TREES IN CA - AGREED

This page is intentionally left blank

PLANNING COMMITTEE – 19 JANUARY 2021

APPEAL DECISIONS NOTIFIED

ITEM NO	1	PAC REF:	2019/A0204
PLANNING REF:	LA04/2019/1288/F		
RESULT OF APPEAL:	Allowed		
APPLICANT:	Mrs Laura Haldane		
LOCATION:	61 Balmoral Avenue, Belfast		
PROPOSAL:	Side entrance including new wall/fence either side. Widening of existing driveway entrance to front elevation. Pedestrian entrance to front elevation to replace existing entrance		

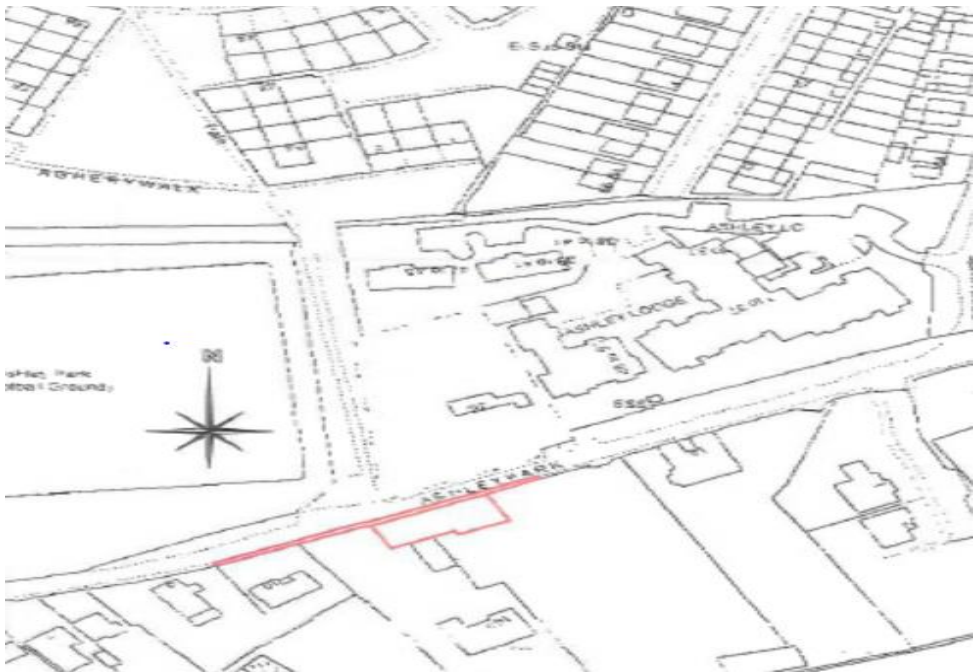
Development Management Addendum Report Committee Application

Summary	
Application ID: LA04/2019/1833/F	Date of Committee: Tuesday 19 th January 2021
Proposal: New dwelling to replace previous dwelling on site, with connection to all existing services to the site and use of existing vehicular access into the site.	Location: 11 Ashley Park Dunmurry Belfast BT17 9EH
Referral Route: Referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation. Cllr Walsh in respect of the planning history on the site.	
Recommendation: Refusal	
Applicant Name and Address: Ms Emma Regan 44 Redwood Grove Dunmurry Belfast	Agent Name and Address: Don Sonner 26a St Jeans Cottages Cookstown BT80 8DQ
<u>ADDENDUM REPORT</u>	
<p>This full application was previously listed for Planning Committee on 15th December 2020. The item was not presented and subsequently deferred for a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p>No further issues have been identified or additional information received following the December 2020 Planning Committee meeting and scheduled site visit.</p> <p><u>Summary</u></p> <p>The site visit will take place by members on 13th January 2021.</p> <p><u>Recommendation</u></p> <p>The proposed is recommended for Refusal for the reason set out in the full report attached.</p> <p>With delegated authority sought for the Director of Planning and Building Control to finalise the wording of refusal reasons subject to no new substantive planning issues being raised by third parties.</p>	

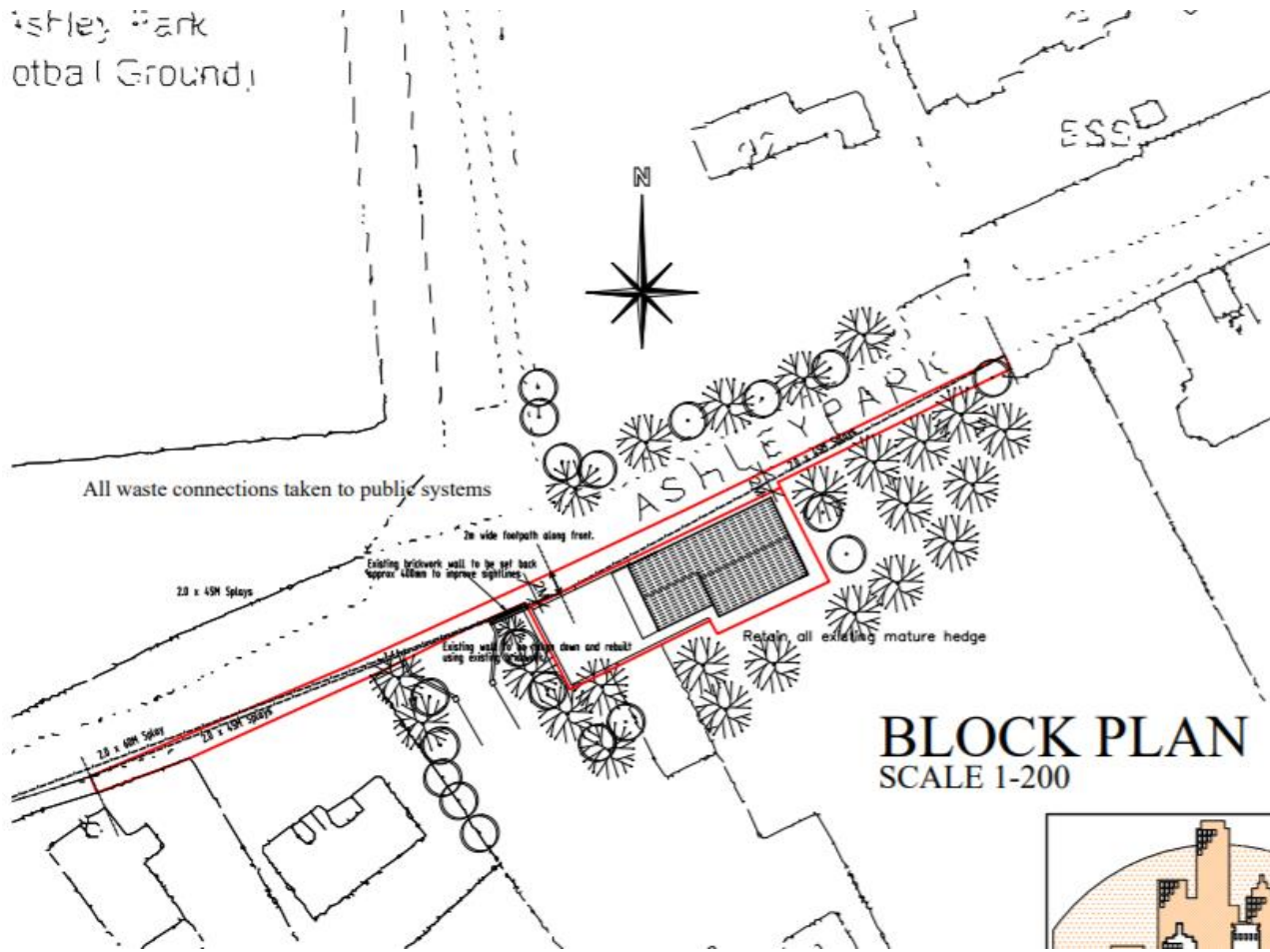
Summary	
Application ID: LA04/2019/1833/F	Date of Committee: Tuesday 15 th December 2020
Proposal: New dwelling to replace previous dwelling on site, with connection to all existing services to the site and use of existing vehicular access into the site.	Location: 11 Ashley Park Dunmurry Belfast BT17 9EH
Referral Route: Referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation. Cllr Walsh in respect of the planning history on the site.	
Recommendation: Refusal	
Applicant Name and Address: Ms Emma Regan 44 Redwood Grove Dunmurry Belfast	Agent Name and Address: Don Sonner 26a St Jeans Cottages Cookstown BT80 8DQ
<p>Executive Summary:</p> <p>The proposal is for a new dwelling to replace the previous dwelling on site, with connection to all existing services to the site and use of existing vehicular access into the site.</p> <p>The site is white land within BUAP and is in the Dunmurry draft Area of Townscape Character as designated within dBMAP.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • Principle of a dwelling in this location • Character/Layout/Design • Private amenity/landscaping • Access/Parking • Impact on neighbouring amenity • Impact on established residential area <p>The principle of a dwelling in this location is acceptable.</p> <p>The site is located in a rectangular plot measuring 0.025 ha in size. The dwelling is to be a two storey property finished in smooth render, and has an internal floor space of approximately 140sq metres and a ridge height of approximately 8.6m. The dwelling features a car port and 1st floor balcony, the design and layout is compatible with the policies set out in PPS7 and will not impact on the character of the area or result in an unacceptable impact to neighbour amenity.</p> <p>DFI Roads were consulted and objected to the proposal.</p> <p>The proposal is considered contrary to policy AMP 2 of PPS 3 in that the proposed access will prejudice road safety. The visibility splays are deemed to be inadequate.</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be refused.</p> <p>Recommendation</p> <p>The application is recommended for refusal. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of refusal reasons subject to no new substantive planning issues being raised by third parties.</p>	

Case Officer Report

Site Location Plan



Block Plan



Characteristics of the Site and Area	
1.0	Description of Proposed Development New dwelling to replace previous dwelling on site, with connection to all existing services to the site and use of existing vehicular access into the site.
2.0	Description of Site The site is located at 11 Ashley Park. The site is a previously developed site of 0.025 hectares in size. The site sits adjacent to the road and fronting the property at no. 10a. The site previously contained a dwelling which was demolished between 2012 and 2015. The site has since been fenced off with palisade fencing. The surrounding area is residential comprised of detached or semi-detached dwellings of a variety of materials and form, set on sizeable plots. Opposite the site is a cricket ground. The site is white land within BUAP and is in the Dunmurry draft Area of Townscape Character as designated within dBMAP.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History S/2008/0529/F, 11 Ashley Park, Dunmurry, Belfast, BT17 9EH, Demolition of existing dwelling and the erection of two dwellings (Amended Scheme), PERMISSION REFUSED, 07.11.2014
4.0	Policy Framework
4.1	Belfast Urban Area Plan
4.2	Draft Belfast Metropolitan Area Plan 2015 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 3: Access, movement and parking
4.5	Planning Policy Statement 6 (Addendum): Areas of Townscape Character
4.6	Planning Policy Statement 7: Quality Residential Environments
4.7	Planning Policy Statement 7 (Addendum): Safeguarding the character of established residential areas.
4.8	Development Control Advice Note 8: Housing in urban areas
4.9	Development Control Advice Note 15: Vehicular Access Standards
5.0	Statutory Consultees Responses DFI Roads- Objects NI Water- No objections
6.0	Non Statutory Consultees Responses Environmental Health- No objections
7.0	Representations
7.1	

7.2	<p>The application was neighbour notified most recently on the 17th September 2020 and advertised in the local press most recently on the 25th September 2020. One representation was received and is summarised below:</p> <ul style="list-style-type: none"> Plan shows existing brickwork to be set back which is not in the applicant's ownership. Case Officer's Response: The brickwork is not within the red line and the applicant cannot carry out work without the owner's permission. <p>Cllr Walsh referred the application to the Planning Committee under Section 3.8.1 of the Scheme of Delegation. In respect of the planning history on the site, for two dwellings which were refused and the report stated that a sole dwelling on this site is desirable.</p>
8.0	<p>Other Material Considerations None</p>
8.1	<p>Any other supplementary guidance Creating Places</p>
9.0	<p>Assessment</p>
9.1	<p>The proposal is considered to be in compliance with the development plan.</p>
9.2	<p>Assessment</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> Principle of a dwelling in this location Character/Layout/Design Private amenity/landscaping Access/Parking Impact on neighbouring amenity Impact on established residential area <p>It is considered that the proposal is not in compliance with SPSS in that the proposed development will cause demonstrable harm to interests of acknowledged importance which are considered below.</p> <p>Principle of a dwelling in this location The proposed site is located within the proposed Dunmurry Area of Townscape Character as designated within dBMAP, the site is located within whiteland in the BUAP. Given the site previously contained a dwelling which has since been demolished, the principle for a dwelling in this location is deemed to be acceptable.</p> <p>Site History</p> <p>S/2008/0529/F, 11 Ashley Park, Dunmurry, Belfast, BT17 9EH, Demolition of existing dwelling and the erection of two dwellings was refused in July 2014 for the following reason</p> <p>The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: "Quality Residential Environments" in that it would, if permitted, result in over development of the site, and would be detrimental to the character and appearance of the local area by virtue of its scale, form and massing. The development also provides inadequate private amenity space and therefore fails to create a quality and sustainable residential environment.</p>

Councillor Walsh has referred the application to committee in respect of the planning history on the site. In the case Officer's report for the application reference S/2008/0529/F it states that a 'single unit was the only option available'. It is noted that the entrance to the site within the previous application differs to this application and achieves the necessary visibility splays. The Council agree that the principle for one dwelling in this location is achievable, however the proposal must meet the required visibility splays.

Character/Layout/ Design

It is considered that the proposal respects the surrounding context and is appropriate to the character of the surrounding area. The proposal is for a detached dwelling to be finished in white render with a driveway provided to the side elevation directly accessed from Ashley park. The surrounding area is comprised of dwellings which are set back from the road and contain driveways to the side. The proposed dwelling is in this regard out of character. However, it is considered that the proposed dwelling is in a similar location as to the previously demolished dwelling. It is therefore considered that while the previous dwelling was demolished a number of years ago it would attributed to the character of the area. With consideration to the previous dwelling it is deemed that the proposed respects the surrounding context and is appropriate. When the designation of draft ATC was applied the previous dwelling would have been in situ. Therefore this proposal will not impact the character of the draft ATC given its similarities in location and massing to the previous dwelling. The proposal therefore complies with policy ATC 1 of the addendum to PPS 6.

The form and materials of the proposed dwelling will tie in with the surrounding area. The proposed dwelling is to be white render. There is a variety in form of the surrounding dwellings and the proposed dwelling will therefore add to this variety which as stated in creating places provides a visual variety and interest.

Private amenity/landscaping

The proposal complies with PPS 7 in that an adequate level of private space has been provided. Creating places advises a minimum of 40sq metres of amenity space. The amenity space provided with the driveway/garden and the 1st floor terrace is 45.16sq metres which is deemed sufficient.

Access/Parking

The proposal is considered contrary to policy AMP 2 of PPS 3 in that the proposed access will prejudice road safety. Paragraph 5.15 states that the department will expect applicants to have control over the land required to provide the requisite visibility splays and ensure that they are retained free of any obstruction. The proposal contains direct access from the proposed driveway to Ashley Park. DFI Roads were consulted and objected stating that the visibility splays were not adequate. The neighbouring land contains a brick wall which will obstruct visibility. A representation received from the occupants at no. 10a confirmed this was within their ownership. The previous dwelling contained a vehicular access bounded with a boundary wall and which contained a large gate. The previous dwelling and access has since been demolished, any access to the site has been removed and a palisade fence erected fronting the site. As the previous dwelling and access has been demolished the proposal is treated as a new development and therefore paragraph 5.15 applies.

The visibility splays required are 2 x 45m. The applicant can achieve this to the east of the site, however the visibility splay to the west is only 2m x 1.59m which falls considerably short of the requirement. Therefore, the visibility splays are inadequate the proposed access will prejudice road safety.

Given that the applicant has not amended the red line to include the neighbouring brick wall and subsequently not served notice on the landowner it cannot be considered that the applicant has any prospect of gaining control of the third party lands in order to carry out

	<p>the works necessary to comply with the required sightlines, as the area required does not form part of this application.</p> <p>Impact on residential amenity The proposal will not have an adverse impact on existing or proposed dwellings. The proposed dwelling has a sufficient separation distance from no. 10a as to not cause any overlooking or overshadowing.</p> <p>Impact on established residential area</p> <p>The area in which the site is located is defined as an established residential area as defined within the addendum to PPS 7. Therefore policy LC1 applies which contains 3 further criteria the proposal must comply with.</p> <p>The proposal complies with criterion (a). Given that the site is historically a residential site and contained a dwelling until the proposal was demolished between 2012 and 2015 the density is not significantly higher than the surrounding area.</p> <p>The proposal complies with criterion (b) in that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. As demonstrated previously the site has previously contained a dwelling and therefore a dwelling in this location and of this scale is in keeping with the pattern of development.</p> <p>The proposal meets the space standards set out in annex A and therefore complies with criterion (c).</p>
9.3	Having regard for the policy context and the considerations above, the proposal is unacceptable.
10.0	Summary of Recommendation: Refusal
11.0	<p>Reasons for refusal</p> <p>1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2 paragraph 5.15 in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of (2 metres x 45 metres) from the proposed access, cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.</p> <p>Informatives</p> <p>1. The drawing refs referred to above correspond with those drawings submitted to the Authority in respect of this application and published to the Planning Portal NI on: 08/08/2019, drawing no. 01 and on 07/01/2020, drawing no. 02a.</p>
Notification to Department (if relevant)	

Representations from Elected members:
Cllr Walsh

This page is intentionally left blank

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 19 January 2021	Application ID: LA04/2018/2659/F
Proposal: Erection of 22 no. Residential units in a mix of 20 detached dwellings and 2 apartments with associated site works, parking and landscaping	Location: Lands on McClure Street to include land south of Railway and north of Powerscourt Place between 10 Cameron Street and 85 Ormeau Road, Belfast
Referral Route: Over 12 units with representation Council Interest – BCC landowner	
Recommendation:	Approval subject to conditions
Applicant Name and Address: Apex Housing 10 Butcher Street Derry BT48 6HL	Agent Name and Address: McGirr Architects Ltd 670 Ravenhill Road Belfast BT6 0BZ
<p>Executive Summary:</p> <p>The proposal is for full planning permission for a residential development of 22 dwellings (20 detached and 2 apartments in one unit) with associated site works, parking and landscaping.</p> <p>The Key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> - Principle of development - Design, Layout, Impact on character and appearance of the area - Provision of Parking and Access - Public and Private Amenity Space Provision - Residential Amenity - Drainage and Flooding - Infrastructure - Contamination - Ecology <p>The proposed site is located on lands at McClure Street in south Belfast. The site is located adjacent to a railway line and comprises two landscaped / grassed areas separated by McClure Street. The topography of the site is generally level. There is housing to the south of the site. McClure Street is predominantly residential as is the surrounding area; there are offices to the east of the site adjoining Ormeau Road.</p> <p>The application site is located within the development limits identified under the existing Belfast Urban Area Plan (BUAP) and draft Belfast Metropolitan Area Plan. It is located on the boundary of the city centre and is identified as open space in dBMAP (both versions).</p> <p>There is a Planning History on the site which informs consideration of the current proposal. Application Z/2014/0586/F was refused permission for 27 dwellings with no in curtilage car parking on the same site. The proposal was dismissed at Appeal however the Commission determined the principle of the use of the site for social housing represented substantial community benefit to outweigh the loss of the open space to meet an exception to Policy OS1 of PPS8.</p>	

The application now submitted has reduced the number of units proposed from 27 no. to 22no. (within 21 no. plots) and incorporates in curtilage parking; the application is accompanied by Flood Risk and Drainage Assessments.

The proposal works with the street layout with active frontages on to McClure Street with small areas of defensible space defined by galvanised metal railings on a low red brick wall to each frontage. The density of the proposed development is in keeping with the surrounding area, which is characterised by terraced dwellings and apartments.

The dwellings are 2 storey in height; their scale, proportions and design reflect the existing streetscape and continue the traditional red brick material as per the surrounding context. The apartment block sits on the part of the site closest to the office building offering a transition in scale between the two storey dwellings and existing and approved office blocks.

20 in curtilage spaces are provided for each dwelling unit (one per unit) and an in curtilage space is provided for each of the 2 apartments in unit 21 with 3 visitor spaces also provided within the apartment unit curtilage. Informal on street provision to the front of the dwellings and on the opposite side of McClure Street alongside the retained area of open space will supplement visitor parking. Given that the site is on the boundary of the City Centre, adjacent to an arterial route and within an Area of Parking Restraint where the requirement ratio of 1:1 parking is fulfilled it is considered that adequate parking is provided.

Each dwelling benefits from private garden amenity provision to the side and defensible garden space to the front.

Overall the proposal would respect its surrounding context and would not cause significant harm to the amenity of neighbouring properties and would provide sufficient amenity space for future occupants in accordance with the SPPS, PPS7 and its addendum and Creating Places.

57 representations have been received in total; 6 letters of support, 49 objections and 2 petition of objection with 36 signatories. The objections were received from 32 different persons/addresses. They raise issues primarily with respect to parking, traffic, noise, loss of open space, amenity and character of the area. The issues are addressed in the assessment below. The most recent amended layout was re advertised and re neighbour notified and two representations received from one objector and one letter of support.

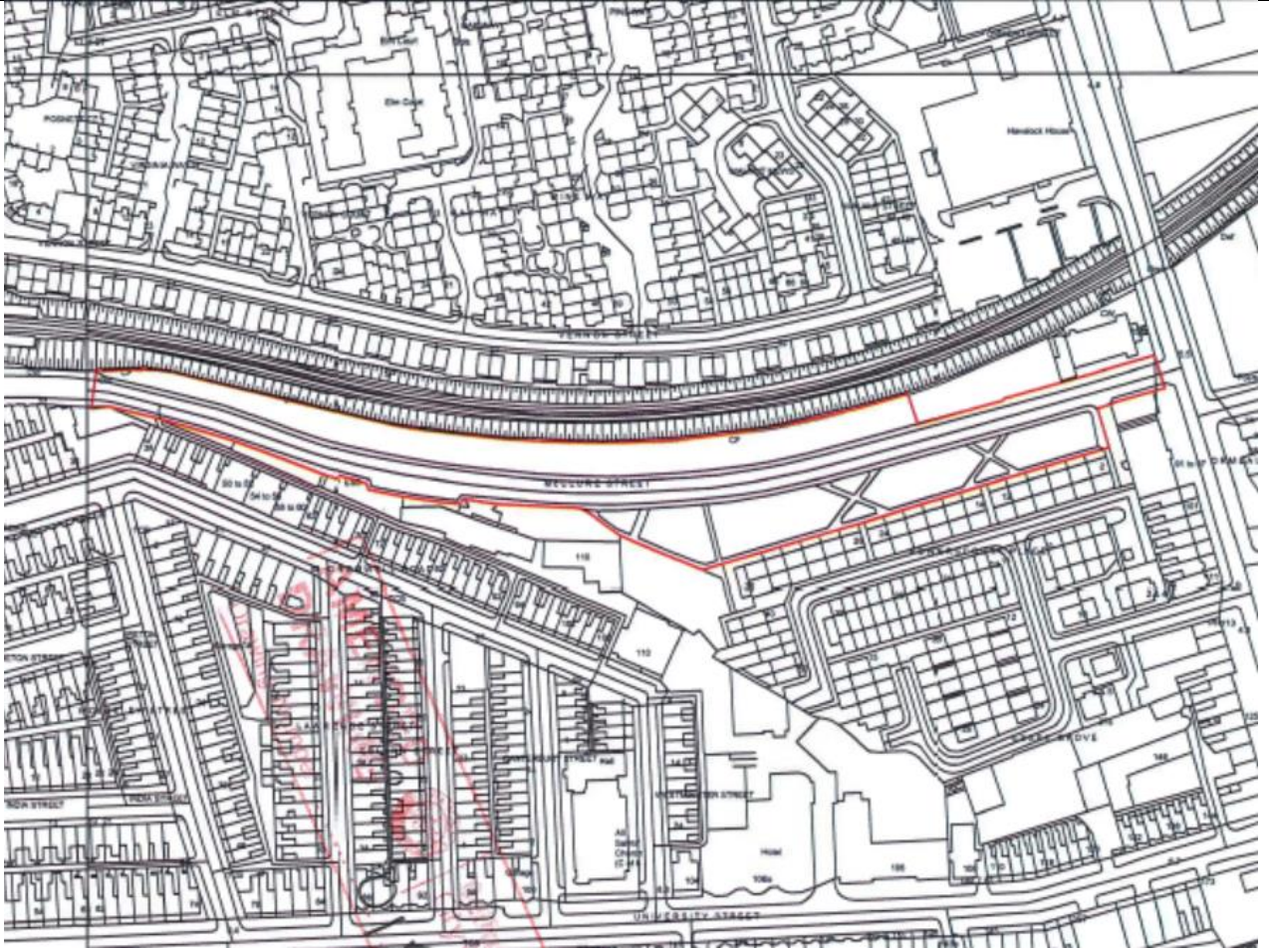
Environmental Health, DFI Roads, NI Water, Rivers Agency, NITHC, NIHE and NIEA have offered no objection to the proposal.

Recommendation:

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

Case Officer Report

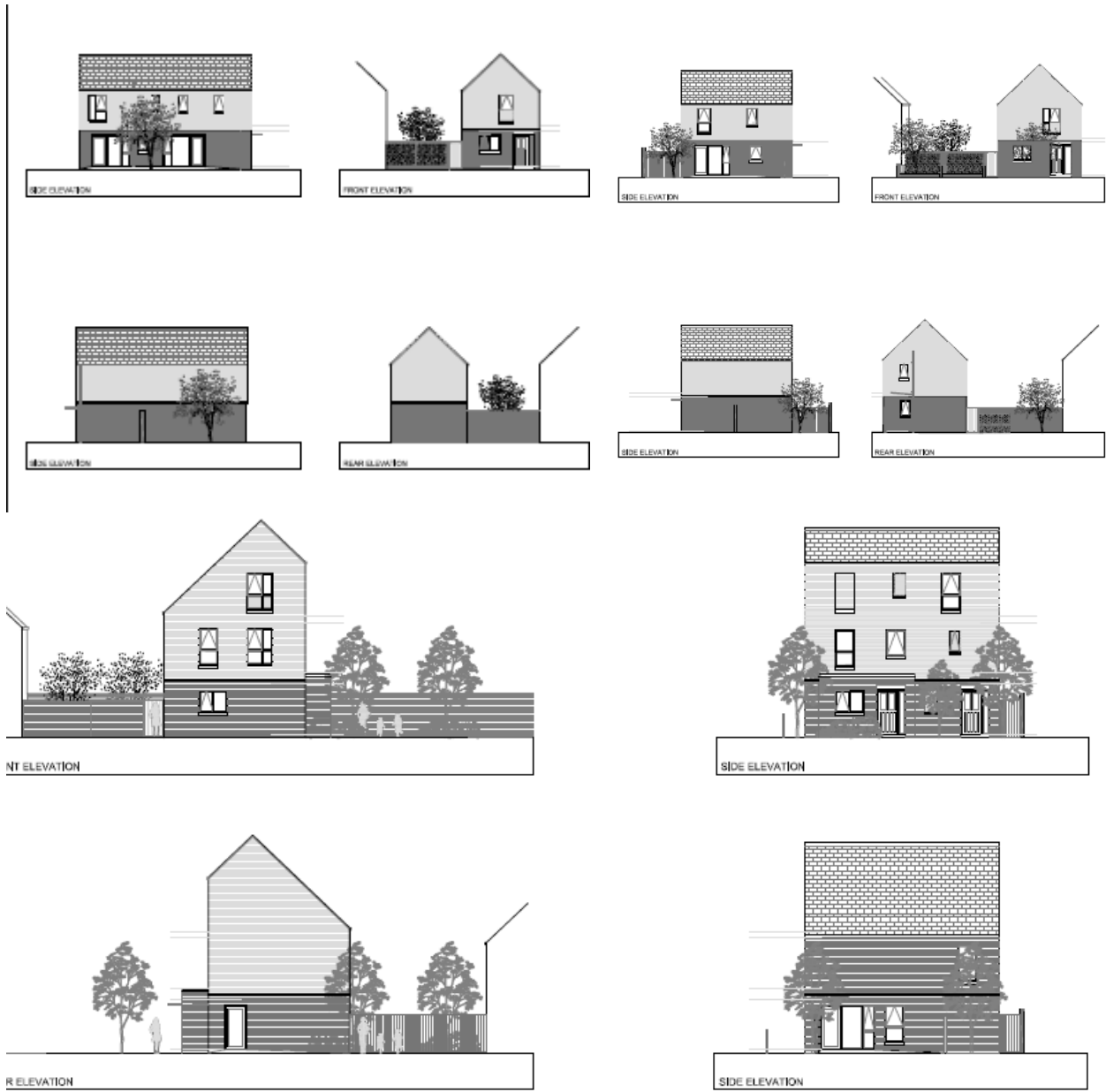
Site Location Plan



Site Layout Plan



Typical House Elevations and 1 no. apartment elevations



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Belfast City Council	Substantive Response Received
Statutory	NIEA	Advice
Statutory	Rivers Agency	Standing Advice
Statutory	DFI Roads – Hydebank	Substantive Response Received

Statutory	NIWater	Substantive Response Received
-----------	---------	-------------------------------

Characteristics of the Site and Area	
1.0	<p>Description of Proposal</p> <p>The proposal is for full planning permission for the erection of 22no. Residential units in a mix of 20 detached dwellings and 1 unit with 2 no. apartments with associated site works, parking and landscaping.</p>
2.0	<p>Description of Site</p> <p>The site is located in an inner urban area on the boundary of the city centre in south Belfast and encompasses landscaped lands on either side of McClure Street. The northern boundary of the site backs on to the railway line. Residential properties exist to the south of the site and west of the site with offices to the east of the application site, fronting on to Ormeau Road.</p>
Planning Assessment of Policy and Other Material Considerations	
3.0	<p>Site History and Surrounding Area</p>
3.1	Z/2014/0586/F – Lands on McClure Street to include land south of railway and north of Powerscourt Place between 10 Cameron Street and 85 Ormeau Road, Belfast BT7 1SH, Construction of 20no 5 person 3bed and 7no 3person 2bed social housing dwellings with associated landscaping – REFUSED- 19/04/2016
3.2	LA04/2018/0764/F - Car park to rear of Arena Building, 85 Ormeau Road, Belfast, BT7 1SH- Office with basement parking – PERMISSION GRANTED AT APPEAL – 05/06/2019
4.0	<p>Policy Framework</p>
4.1	Regional Development Strategy
4.2	Belfast Urban Area Plan 2001
4.3	Draft Belfast Metropolitan Area Plan 2015
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 2: Planning & Nature Conservation
4.6	Planning Policy Statement 3: Access, Movement and Parking
4.7	Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 7 Addendum – Safeguarding the Character of Established Residential Areas
4.8	Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation
4.9	Planning Policy Statement 12: Housing in Settlements
4.10	Planning Policy Statement 15 – Planning and Flood Risk

<p>5.0</p> <p>5.1</p> <p>5.2</p> <p>5.3</p> <p>5.4</p> <p>5.5</p> <p>6.0</p> <p>6.1</p> <p>6.2</p>	<p>Statutory Consultees Responses</p> <p>Dfl Roads were consulted and have no objection subject to conditions.</p> <p>NI Water were consulted and have no objection</p> <p>Rivers Agency were consulted and have no objection</p> <p>NIEA were consulted and have no objection subject to conditions</p> <p>NIHE were consulted and confirmed acute housing need in area</p> <p>Non Statutory Consultees Responses</p> <p>Environmental Health were consulted and have no objection subject to conditions</p> <p>NI Transport Holding Company were consulted and returned a condition and request for clarification, no further response was received further to clarification being provided</p>
<p>7.0</p> <p>7.1</p> <p>7.2</p>	<p>Representations</p> <p>The application has been advertised in the local press and all neighbours have been notified. 57 representations have been received in total; 6 letters of support, 49 objections and 2 petition of objection with 36 signatories. The objections were received from 32 different persons/addresses.</p> <p>The main issues raised by the objections include: -</p> <ul style="list-style-type: none"> • Daylight restrictions on existing properties (<i>see para 9.43-9.47</i>) • Noise / Prospective residents will be adversely affected by noise from railway (<i>See para 9.49-9.50</i>) • Anti-Social Behaviour (<i>See para 9.40</i>) • Flooding/Drainage/Sewerage issues (<i>See para 9.52-9.55</i>) • Vermin (<i>Environmental Health have assessed proposals and have no objection</i>) • Tension between neighbourhoods (<i>See para 9.40</i>) • Loss of Open Space (<i>See para 9.7 to 9.15</i>) • Damage to Character of Area (<i>See para 9.16 to 9.29</i>) • Inadequate amenity space (<i>See para 9.35-9.42</i>) • Important linear park, wildlife corridor, green barrier (<i>See para 9.58</i>) • Side gardens not a traditional feature of area (<i>See para 9.21</i>) • Previous refusal by Planning Authority and Planning Appeals Commission (<i>See para 9.7 to 9.15</i>) • The impact of the approved office on adjacent 2 storey house will result in unacceptable overshadowing (<i>See para 9.24 & 9.44</i>) • Accuracy of drawings (<i>The applicant has provided sufficient detailing within the plans and maps. There were no apparent inaccuracies within the submitted maps following inspection.</i>) • Open ended nature of application (<i>this is not a material planning consideration</i>) • Traffic calming will conflict with vehicular access to approved office building and development will interfere with sight lines (LA04/2018/0764/F) • Traffic/Parking/Inadequate visibility • Traffic calming will negatively impact traffic flow • Conflict between commuter, resident and office parking/displacement of spaces • Detrimental impact on commercial operation of 2 major commercial road users / parking for office staff • Bin collection issues • Welfare/Safety Management problems for children crossing road to playground • Lack of developer consultation on proposed traffic calming and road works <p>(<i>For all the above Traffic & Parking related objections See paras 9.23, 9.30-9.34 & 9.48</i>)</p>

7.3	The letters of support refer to social housing need in the area; the proposal addressing anti-social behaviour on lands and the use of the road as free car parking. Two of the letters of support were from local Elected Representatives Paula Bradshaw and former elected member Mairtin O Muilleior.
7.4	The most recent amended layout (which reduced the number of units in response to the approved office development) was re advertised and re neighbour notified and two representations from one objector were received and one letter of support was received.
8.0	Other Material Considerations
8.1	Creating Places
8.2	Development Control Advice Note 8: Housing in Existing Urban Areas
9.0	Assessment
9.1	The Key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> - Principle of development - Design, Layout, Impact on character and appearance of the area - Provision of Parking and Access / Traffic - Public and Private Amenity Space Provision - Residential Amenity - Drainage and Flooding - Infrastructure - Contamination - Ecology
9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, 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 for the decision maker.
9.5	The site is located within the development limits of both the existing and the draft Area Plans. The site is identified as open space under the draft Belfast Metropolitan Area Plan 2015 (both drafts).
9.6	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is deemed that this proposal will not result in demonstrable harm to the amenity of neighbours.
9.7	<u>Principle of Development</u> The site is located within the development limits on the edge of the city centre boundary. It is zoned as open space. Regional policy contained in PPS8 applies.
9.8	

	<p>Planning Policy Statement 8 Policy OS1 Protection of Open Space states that development will not be permitted that would result in the loss of existing open space or lands zoned for open space. An exception is permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.</p>
9.9	<p>An application for 27no. social housing units on this site has previously been refused (Application Reference Z/2014/0586/F) and the applicant subsequently submitted a Planning Appeal (ref. 2016/A0102). Whilst the appeal was dismissed not all reasons for refusal were sustained and the findings of the Planning Appeal Commission are an important consideration in the assessment of the current application.</p>
9.10	<p>Reasons for refusal considered at the Appeal: -</p> <p><i>The proposal is contrary to the Departments Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation and the Belfast Metropolitan Area Plan 2015, in that the development would, if permitted, result in the loss of existing open space and therefore adversely affect the environmental quality and character of the area and no exceptional circumstances have been provided to outweigh the loss of open space.</i></p>
9.11	<p>The Commission weighed up the loss of open space for the immediate community in proximity to the site with the need for social housing in the wider community. The proposed social housing development is confined to the narrow northern portion of the site (approximately 0.38ha) with the majority of the larger area of open space retained across the road (approximately 0.62ha). It was concluded that when considered with the other subsidiary identified short term benefits (employment generation and employment apprenticeships) the principle of the use of part of the site for 27 units of social housing represents a substantial community benefit to outweigh the loss of open space to meet an exception to policy OS1.</p>
9.12	<p>The reason for refusal as set out in paragraph 9.10 above was not sustained.</p>
9.13	<p>The provision of social housing to meet an identified need supported by the NIHE was considered an exception to Policy OS1. At the appeal hearing there were 74 applicants on the waiting list who were considered in housing stress within Cromac and 202 in Lower Ormeau (March 2016) and the NIHE advised family housing was a priority.</p>
9.14	<p>When consulted on the current application NIHE confirmed an acute social housing need in the Lower Ormeau Common Landlord Area with 283 applicants on the waiting list, 214 of whom are in housing stress and annual allocations of 30. The most pressing need is from families with a recognised shortfall in this type of accommodation the area.</p>
9.15	<p>The material considerations since the Appeal consideration have not changed. The social housing need remains. The current proposal is for social housing units on the same narrow tract of land with the larger open space retained. Taking the history as outlined above into consideration, the principle of the development of a portion of the open space for social housing units is, on balance, considered acceptable. A condition securing the provision of the dwelling units for social housing is recommended.</p>
9.16	<p><u>Design, Layout, Impact on Character and Appearance of the Area</u> The design and layout of the proposal is assessed under the key tests within Policy QD1 of Planning Policy Statement 7 and its addendum.</p>
9.17	<p>The proposal offers a traditional street layout with active frontages on to McClure Street as per the terrace of dwellings opposite which have parking to their rear at Powerscourt Place.</p>

9.18	The dwellings are domestic in scale at two storey, similar in scale to the terrace across the street and to those which back on to the opposite side of the railway track at Vernon Street.
9.19	The proposal comprises 20 detached dwellings (4 no. 2 bedroom and 16 no. 3 bedroom) and one apartment block (1 no. 1 bedroom and 1 no. 2 bedroom) arranged in a row overlooking the main street. The layout is bookended by the proposed 4 no. small 2 bed houses to its west with open space beyond and by an apartment unit to its eastern boundary, between these two dwelling types are 16 no. narrow detached dwellings which are the full depth of the site with side gardens and in curtilage parking spaces. The 16 dwellings have a uniform building line along both their fronts and rears.
9.20	The dwellings will overlook the remaining larger area of open space and provide more formal surveillance, framing the open space and enabling it to become the focal point.
9.21	<p>The previous refused application included the following refusal reason: -</p> <p><i>“The proposal is contrary to Policy QD1 of the Departments Planning Policy Statement 7 Quality Residential Environments in that the scheme, if permitted, would result in unacceptable damage to local character and create an undesirable living environment for prospective residents due to unsatisfactory form and layout and inadequate provision of amenity space.”</i></p>
9.22	<p>The previously refused layout is not dissimilar to that which is subject to this application, it too comprised narrow dwellings that were the depth of the site with side gardens; the main difference between the refused layout and the one subject to this application is that the number of dwelling plots is reduced from 27 no. to 21 no. which has allowed the introduction of 1 no. in curtilage parking space within each plot. The Commission’s findings with respect to PPS7 must be considered; the Commission found that the proposed dwellings would enhance the amenity value of the larger expanse of open space on the other side of the road. The proposed design of the buildings fronting on to McClure Street were considered to respect surrounding context and to fit in with the established character of this inner city location and as such complied with policy QD1 (a). The Commission also considered that the side gardens were adequately enclosed to provide privacy and as such the objection with respect to amenity was not sustained. Criterion (f) of PPS7 Policy QD1 requires adequate parking provision and the Commission found that the layout of the appeal site provided no in curtilage parking instead relying on formalised lay by parking on McClure Street which experiences high demand from commuter parking; DfI Roads advised that the proposal was unacceptable in its current form. The Commission found that the proposal did not comply with criterion (f) of QD1 and the reason for refusal was sustained.</p>
9.23	<p>Each dwelling in the proposed application has front and side gardens, defensible space is provided along the McClure street frontage defined by a low brick wall and railings. The side gardens are enclosed by boundary walls. Adequate private amenity is provided.</p>
9.24	<p>One in curtilage space per dwelling unit is provided, this meets the parking ratio for residential development in Areas of Parking Restraint. DfI Roads have no objection.</p> <p>The application site is located on the edge of the city centre boundary and backs on to the railway line. The proposed dwellings will back on to the railway line similar to those along Vernon Street; at Vernon Street the density is 71 dwellings/hectare, the proposed density of the application site is 61 dwellings/hectare.</p>
	<p>The scheme as originally submitted was amended in response to a decision by the PAC during the processing of the application. The decision allowed an Office development on the car park of the Arena Building which adjoins the eastern boundary of the application</p>

	<p>site (ref. 2018/A0137). Dwellings at plots 21, 22 and 23 were removed and a small apartment block accommodating 2 units was introduced on Plot 21 in lieu of the 3 dwelling units. The communal space for the apartments lies to its western gable ensuring privacy from the approved office block, 5 parking spaces lie to the eastern gable closest to the office block. The apartment has been designed to achieve a successful transition between the domestic detached dwellings and the approved 5 storey office block; at its western gable it is 2 storey rising to 2.5 storey at its eastern gable which is set back approximately 23m from the approved office block</p>
9.25	<p>The dwellings will be finished in red facing brick and the roofs in blue black roof tiles. These materials are in keeping with and appropriate to the local surrounding context.</p>
9.26	<p>It is considered that the proposal complies with the criteria as set out in Policy QD1 of Planning Policy Statement 7.</p>
9.27	<p>The proposed house types have all been measured and are in line with the space standards as set out in Annex A to Addendum to PPS7.</p>
9.28	<p>The proposal complies with Policy LC1 of Addendum to PPS7 in that the proposed density is not higher than that found in the locality, the pattern of development is in keeping with the overall character and environmental quality of the existing area and all dwellings comply with the space standards.</p>
9.29	<p>Overall the proposal would respect its surrounding context whilst making a positive contribution to the character and quality of the area. It would create further sustainable and quality residential environment in accordance with the SPPS, PPS7 and its addendum and Creating Places</p>
9.30	<p><u>Provision of Parking and Access</u> As set out above Criterion (f) of PPS7 Policy QD1 requires adequate parking provision and this reason was sustained at the Appeal for the previously refused development as the layout provided no in curtilage parking instead relying on formalised lay by parking on McClure Street and Dfl Roads advised that the proposal was unacceptable in its current form.</p>
9.31	<p>1 no. in curtilage space per dwelling is provided in the proposed layout. The 2 unit apartment block has 5 spaces within its curtilage. This is supplemented by informal on street provision on McClure Street for visitor parking. The development complies with the recommended parking ratio for residential development within an Area of Parking Restraint as set out in draft BMAP.</p>
9.32	<p>The layout includes traffic calming measures and safe pedestrian crossing points with dropped kerbs and tactile paving at various locations along the length of the road. A secure locking bracket will be fixed to the walls in garden spaces to allow for bike locking.</p>
9.33	<p>Objections have been received in respect of traffic and parking. The adjacent office has raised concerns that the development will conflict with their approved access and visibility splays. A low speed environment will be created through this development which will not have a detrimental impact on the approved office development nor will the traffic calming impact on the approved access in any meaningful way. The housing development lies outside the visibility splays of the approved office block. The objector raises the requirement for developer consultation as referred to in a consultation response from Dfl Roads dated 28/01/2020 however this was reminding the applicant that under the Roads Order proposals for traffic calming require public consultation. This is separate legislation outside</p>

9.34	<p>the planning process. With respect to the requirement for the developer to carry out public consultation under this planning application the proposals do not meet the threshold for public consultation to be carried out as set out in Planning (Development Management) Regulations (Northern Ireland) 2015. The application has however undergone public consultation in that all neighbours have been notified, the application has been advertised and all representations have been considered as part of the development management process.</p>
9.34	<p>A Transport Assessment Form accompanied the application. Given the application's edge of Belfast City Centre highly accessible location with good access to local amenities and public transport links, a range of modes of transport to and from the site will be encouraged. The proposal will link into current vehicular and pedestrian routes within the surrounding area. DfI Roads have no objection to the proposal subject to conditions detailed below. It is considered that the proposal is acceptable in terms of highway safety, capacity and car parking in accordance with the SPPS, PPS3, PPS7, Creating Places, BUAP and draft BMAP.</p>
9.35	<p><u>Public and Private Amenity Space Provision</u> Creating Places guidance advises of a minimum garden size of 40sqm for individual houses, and in the case of apartment developments or 1 and 2 bed roomed houses on small urban infill sites, private communal open space should range from a minimum of 10 sq m per unit to around 30 sq m per unit.</p>
9.36	<p>Each property will be provided with their own private side garden; for the 3 bedroom dwellings these all are in excess of the 40sqm recommended in Creating Places guidance document and in excess of the upper limit of 30sqm for the apartments/2 bed dwellings. A 2.1m high brick wall and native tree/hedge planting is proposed to the rear boundaries, side gardens have a 1.8m high brick wall set back from the frontage of McClure Street given its public view and to ensure privacy.</p>
9.37	<p>Each dwelling has its own individual pedestrian access from the main street to their property frontage and ease of access to bins which are all stored behind the 1.8m high brick wall and within the private garden.</p>
9.38	<p>A small defensible space is proposed to the front of each dwelling with low ornamental shrub planting behind; these provide a buffer to the street with the proposed low wall with railings above articulating the boundaries and maintaining a clear definition between the public and private realm. It is considered that adequate private amenity space is provided.</p>
9.39	<p>The proposal includes the retention of the large area of open space to the south of the site. It is considered that the proposed new dwellings will frame this space, increasing surveillance and allowing it to become a focal point. A Landscape Proposals Plan has been submitted as part of the application which proposes tree planting on this southern retained space. To the west of the site a tract of open space is also retained alongside the dwellings and will benefit from woodland planting and tree planting. Trees are also proposed within some of the gardens fronting on to McClure street. A condition is recommended that the landscape proposals are implemented in accordance with this Landscape Plan and retained thereafter.</p>
9.40	<p>Concerns had been raised about anti-social behaviour within the site and its vicinity, the development of the smaller northern narrow tract of open space coupled with retention and enhancement of the southern larger open space may remove potential for some anti-social behaviour to occur by providing passive surveillance for the area. A Landscape Management and Maintenance Plan has been submitted outlining how the open space will</p>

	be managed and maintained and a condition is recommended that the development be managed in accordance with that Plan.
9.41	The provision of public amenity space within the development is considered acceptable providing adequate areas of planting to soften the visual impact of the development and assisting with the integration of the development to the surrounding area.
9.42	Overall the proposal would provide sufficient amenity space for future occupants in accordance with the SPPS, PPS7, PPS8 and Creating Places. A condition has been recommended removing permitted development rights for extensions and outbuildings in order to protect the amenity of existing and future occupants.
9.43	<u>Residential Amenity</u> The proposed housing is sufficiently separated from the existing dwellings across McClure Street by a minimum distance of 35 metres, 19m minimum distance from the Cameron Street apartments, 22m minimum distance from the rear of Cromwell Street apartments and a minimum of 25m from the properties at Vernon Street across the railway embankment to the rear. These separation distances would ensure the development would not detrimentally affect the residential amenity of these existing dwellings.
9.44	The apartment unit at the eastern end of the development is 23m from the approved office block on the Arena car park site and its private amenity is located to its western gable to ensure privacy for residents. A sun path analysis demonstrates that the separation distance is sufficient to ensure no unacceptable adverse impact with respect to overshadowing.
9.45	The internal layout of the development has been designed to ensure an adequate level of privacy for future occupiers of the development with blank gables at mutual boundaries to avoid overlooking. Each dwelling would be provided with a suitable degree of outlook and light for their main habitable rooms. Fenestration to the main habitable rooms is on the south and west facing facades (overlooking McClure Street and private side gardens) which ensures that from midday onwards all properties benefit from adequate sunlight
9.46	The proposed dwellings would meet the space standards as set out in Annex A of PPS7 Addendum (the minimum requirement for a 3 person 2 bed house being 70sqm (all provide 74.8sqm) and a 5 person 3 bed house being 90sqm (all provide 94.8sqm), a 1 bed apartment being 50sqm (50sqm provided) and a 2 bed apartment being 60sqm (75.5sqm provided))..
9.47	Given the sites inner urban context, and the development pattern in the immediate area it is considered that the distances and layout are acceptable and the proposal would not result in an unacceptable loss of privacy or undue level of overlooking to existing and proposed occupiers. Loss of daylight / sunlight would not be caused to existing properties and a sufficient level of daylight/sunlight would be provided for future occupants.
9.48	The proposed development is located adjacent to and opposite areas of existing housing. The proposed residential use and the design and layout of the development will not create conflict with the adjacent residential use. Residential use adjacent to one another is considered compatible and acceptable, and will not result in detrimental impact to the residential amenity of neighbours. An objection raised concerns with respect to the impact of the development proposed on the approved office development on the adjacent Arena Car Park, the dwellings are adequately removed so as to ensure no detrimental impact with respect to overlooking or overshadowing between the two and the proposed site sits outside the approved office development site with respect to sight lines with DfI Roads satisfied with respect to the layout proposed

9.49	The proposed dwellings back on to the railway line; the design responds to this adjacent land use by incorporating blank rear facades to many of the dwellings with all main habitable rooms opening on to the side and front elevations only. BCC Environmental Health have fully considered the Noise and Vibration Impact Assessment submitted in support of the development and have no objection to the development proposed subject to a condition that the mitigation measures and recommendations as contained in the report are fully implemented. Those measures include upgraded glazing and provision of acoustic ventilation to habitable rooms and an appropriate boundary treatment to reduce potential noise impact on external amenity area facing the railway.
9.50	NITHC were consulted and requested that a condition be attached that NIR be contacted prior to any works being undertaken. A condition is recommend that a Construction Management Plan be provided for agreement in advance of development commencing. NIR also sought some points of clarification, the Agent met with NIR and also provided written clarification; no further comment from NIR was received.
9.51	Overall the proposal will not result in any unacceptable amenity impacts on prospective residents or on neighbouring properties in accordance with the SPPS, PPS7 and Creating Places.
9.52	<p><u>Drainage and Flooding</u></p> <p>The previously refused application third reason for refusal was attributed to no drainage assessment being submitted as part of the application and was sustained by the Commission who were not persuaded that a negative condition requiring the DA to be agreed in advance of development commencing was adequate given Rivers Agency advised that it could not be certain that any proposed attenuation measures for run off would be feasible. On the basis of a lack of information the reason for refusal was sustained.</p>
9.53	This planning application is supported by a Drainage Assessment which has been reviewed by Rivers Agency who have confirmed that they have no objection to the proposal.
9.54	The proposal complies with PPS15 Planning and Flood Risk.
9.55	<p><u>Infrastructure</u></p> <p>NI Water have been consulted and confirmed that public water supply and foul sewer are available to serve the proposal and that there is available capacity at the Waste Water Treatment Works. The applicant has received consent from NI Water to discharge 2//sec of storm water from the proposed development to an existing combined sewer on McClure Street. The applicant is proposing to install a 160m of 1200mm diameter culvert with a hydro brake fitted manhole to attenuate and restrict the total surface water discharge to 2 l/sec. The applicant has provided evidence of their agreement with NIW in this regard.</p>
9.56	<p><u>Contamination</u></p> <p>Belfast City Council Environmental Health were consulted and requested further contamination information. On the basis of the information provided they have no objection to the development subject to conditions with respect to the Verification Report.</p>
9.57	DAERA Regulation Unit (Land and Groundwater Team) have reviewed the Generic Quantitative Risk Assessment and Remediation Strategy submitted in support of the application and have no objections subject to conditions as set out below.
9.58	<p><u>Ecology</u></p> <p>Natural Heritage and Conservation Areas Natural Environment Division were consulted and had no concern. NED advised that representation with respect to ecological concerns</p>

	had been considered and that they were content that the site does not conform to a NI Priority Habitat nor is a natural heritage feature worthy of protection. NED is content that the development complies with PPS 2 Policy NH5.
Neighbour Notification Checked	Yes
<p>Summary of Recommendation: Taking all factors into consideration on balance, the proposal is considered acceptable and approval is recommended.</p>	
<p>Conditions:</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. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. No dwellings hereby permitted shall not be occupied until the necessary carriageway works, the associated hard surfaced areas, vehicular accesses, including visibility splays and any forward sight distance, have been constructed in accordance with the approved layout Drawing Nos; <ol style="list-style-type: none"> i. 'D6662-AFA-XX-01-DR-C-020-Revision 01-Private Streets Determination Layout' published by Belfast City Council Planning Office on 03 November. ii. 'D6662-AFA-XX-01-DR-C-021-Revision 01-Private Streets Determination Layout' published by Belfast City Council Planning Office on 03 November. iii. 'D6662-AFA-XX-01-DR-C-022-01-PSD Layout Sheet 2' published by Belfast City Council Planning Office on 03 November. iv. 'D6662-AFA-XX-01-DR-C-023-01-PSD Layout Sheet 3' published by Belfast City Council Planning Office on 03 November. v. 'D6662-AFA-XX-01-DR-C-024-01-PSD Layout Sheet 4' published by Belfast City Council Planning Office on 03 November. vi. 'D6662-AFA-XX-01-DR-C-012-Revision 03-Proposed Road Signage Layout A0' published by Belfast City Council Planning Office on 03 November. <p>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 and such splays shall be retained and kept clear thereafter. All works, including signage, shall be completed to the satisfaction of the Department.</p> <p>The Department hereby attaches a requirement that such works shall be carried out in accordance with an agreement under Article 3 (4C).</p> <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the improvement of the road network for the convenience of road users</p> 3. No dwellings shall be occupied until that part of McClure Street which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling 4. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, 	

the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. Any existing street furniture or landscaping obscuring visibility or located within the proposed vehicular accesses shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

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

6. If during the development works, new contamination and risks are encountered which has not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

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

7. After completing any remediation works required under Condition 6, 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 Model Procedures for the Management of Land Contamination (CLR11). 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. All records associated with the management of waste to or from the site (transfer notes / consignment notes) should be presented via verification.

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

8. Prior to the occupation of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Service, a Verification Report. This report must demonstrate that the remediation measures outlined in the RSK Ireland report entitled *Apex Housing Association, Remedial Strategy, Lands at McClure Street, Belfast (dated May 2019 and referenced 602352-R2(00))* have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential with home-grown produce). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with current guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that:

- i. A capping layer has been installed in the vicinity of HP02 (to a depth of 500mm and the lateral extent shown in Figure 3 of the RSK Ireland report entitled *Apex Housing Association, Remedial Strategy, Lands at McClure Street, Belfast (dated May 2019 and referenced 602352-R2(00))*).
- ii. A geotextile barrier has been emplaced at the base of the capping layer.
- iii. The material used to form the capping layer is demonstrably suitable for use (residential with home-grown produce) with testing completed at a density of 1 sample per 100m³.

Reason: Protection of human health.

9. Prior to the occupation of the development, a Verification Report must be submitted to Planning Service for review and approval. The report must demonstrate that the noise mitigation measures and recommendations outlined in the submitted F. R. Mark and Associates noise report – ‘Proposed Social Housing Development; Lands at McClure Street, Belfast; Noise and Vibration Impact Assessment – Revised report including ProPG’, dated March 2019 have been fully implemented within the specified areas of the development.

The report must demonstrate that internal noise levels within any dwelling shall not:

- i. exceed 35 dB LAeq16hr at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.
- ii. exceed 30dB LAeq,8hr at all other times measured over a five minute period within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.
- iii. exceed 45 dB LAm_{ax} for more than 10 single noise events within a bedroom between the hours of 23:00 and 23:00hrs.

Reason: Protection of residential amenity.

10. The residential development hereby approved shall only be occupied for the benefit of social housing. Prior to occupation the Northern Ireland Housing Executive or Housing Association shall confirm in writing to the Planning Authority that each unit is to be occupied by a tenant on the social housing register.

Reason: To ensure the development brings forward public benefits.

11. The development hereby permitted shall be carried out in accordance with the approved landscaping plan Drawing Number 08A uploaded to the Planning Portal on 03/11/2020. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the completion of the development and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to preserve and enhance the character and appearance of the locality.

12. The development hereby permitted shall be carried out and maintained in accordance with the Landscape Management and Maintenance Schedule (Ref: 2012238.Landscape Management and Grounds Maintenance Schedule (Mandatory)) prepared by GM Design Associates and stamped received by Belfast City Council 31st October 2018 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper management of the landscaped areas in the interests of visual amenity.

13. The development hereby permitted shall be constructed in the materials shown on the approved plans.

Reason: To protect the visual amenities of the area.

14. The development hereby permitted shall be carried out in accordance with approved Drawing Numbers 02C uploaded to the planning portal on 03/11/2020 and Drawing Numbers 05, 06 and 07 stamped received by Belfast City Council on 31st October 2018. The means of enclosure including walls and boundary treatments shall be fully implemented in accordance with the approved details prior to the occupation of any part of the development and thereafter maintained in accordance with the approved details.

Reason: In the interests of visual amenity and ensure a satisfactory level of amenity for future occupiers.

15. Notwithstanding the provisions of Article 3, Part 1, Classes A ,B, C and D of The Planning (General Permitted Development) Order Northern Ireland 2015 (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling house or the provision of any other building within its curtilage other than that expressly authorised by this permission shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and future occupants and the character of the area and for this reason would wish to control any future development.

16. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by, the Local Planning Authority. The Management Plan shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) measures to control noise and vibration during construction.

The Management Plan shall be implemented as approved and maintained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public safety and amenity.

Informatives;

1. This planning permission includes conditions which require additional details to be submitted to and approved by the Council. Please read the conditions carefully. You should allow at least 8 weeks for the Council to assess the details and respond. This may take longer in cases which involve the submission of detailed technical reports. You should allow for this when planning your project. If you proceed without the approval of these details from the Planning Authority you do so at your own risk.

2. The applicant's attention is drawn to the consultation responses received by the Council in respect of this application. The responses are available to view on the planning portal by entering the planning reference number at <https://www.planningni.gov.uk/index/tools/public-access-info.htm>

3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands

4. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

5. Notwithstanding the terms and conditions of the Department for Infrastructure's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's licence before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The licence is available on personal application to the DfI Roads Section Engineer whose address is Belfast South Section Office, 1a Airport Road, Belfast BT3 9DY (ph. 028 9025 4600 for advice or to arrange an appointment). A monetary deposit will be required to cover works on the public road.

6. The design of any street lighting schemes will require the approval of DfI Roads Street Lighting Central design Unit, DfI Roads, Hydebank. 4 Hospital Road, Belfast BT8 8JL, Tel. 02890253256.

7. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

8. All construction plant and materials shall be stored within the curtilage of the site.

9. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

10. Pedestrian Crossing Points across the proposed entrances are to be provided in accordance with the DTER/Scottish Office publication 'Guidance on the use of Tactile Paving'.

11. The purpose of the Conditions 6 and 7 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

12. RU recommends that the applicant consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate discharge consent conditions. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

13. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/waste-management-licensing>

<https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>

<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

14. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1;

or

- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

15. In the event that unexpected contamination is encountered during the approved development of this site, the development should cease and the applicant should contact the Planning Service. Investigation of the contamination, risk assessment and, if necessary, remediation work, should be undertaken and verified in accordance with current best practice.

ANNEX	
Date Valid	16th November 2018
Date First Advertised	30th November 2018
Date Last Advertised	13th November 2020
Details of Neighbour Notification (all addresses)	
<p>1 Pine Way Belfast Antrim , 1,91 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1SH , Paula Bradshaw 100, Unit 1, University Street, Belfast, Antrim, Northern Ireland, BT7 1HE 2 - 10-38 Powerscourt Place,Belfast,Antrim,BT7 1FX Mairtin O Muilleoir MLA 178, Ormeau Road, Belfast, Ormeau, Antrim, Northern Ireland, BT7 2ED 1a, Unit 1, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB 2, Pine Way, Belfast, Antrim, Northern Ireland, BT7 1JF 22, COLLEGE GARDENS, BELFAST, ANTRIM, Northern Ireland, BT9 6BS 36 Cromwell Road,Belfast,Antrim,BT7 1JW 3rd Floor Ormeau House,91-97 Ormeau Road,Belfast,BT7 1SH 42 Cromwell Road,Belfast,Antrim,BT7 1JX 44 Cromwell Road,Belfast,Antrim,BT7 1JX 48 Cromwell Road,Belfast,Antrim,BT7 1JX 4th Floor,The Arena Building,85 Ormeau Road,Belfast,BT7 1SH 5, 11 -67 Vernon Street,Belfast,Antrim,BT7 1EW 58 Cromwell Road,Belfast,Antrim,BT7 1JW 66 Cromwell Road,Belfast,Antrim,BT7 1JX 70 Cromwell Road,Belfast,Antrim,BT7 1JX 85 The Arena Building, Ormeau Road, Belfast, Ormeau, Antrim, Northern Ireland, BT7 1SH 91 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1SH 91-97 ORMEAU HOUSE, SUITE 1, ORMEAU ROAD, BELFAST, ORMEAU, ANTRIM, Northern Ireland, BT7 1SH 97, Balfour Avenue, Belfast, Antrim, Northern Ireland, BT7 2EW Alliance Party Of Northern Ireland 88 University Street Belfast Apartment 1,50 Cromwell Road,Belfast,Antrim,BT7 1JX Arcus Architects,22 College Gardens,Belfast,BT9 6BS C/O DNTCA LTD Ormeau House,91-97 Ormeau Road,Belfast,BT7 1SH C/O Ormeau House,91-97 Ormeau Road,Belfast,BT7 1SH Flat 12, 3 ,27 - 70 - Cameron Street,Belfast,Antrim,BT7 1GU Flat 3,38 -74 Cromwell Road,Belfast,Antrim,BT7 1JX Office 1st Floor,The Arena Building,85 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1SH Office 4th Floor,The Arena Building,85 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1SH Offices 2nd Floor,The Arena Building,85 Ormeau Road,Ormeau,Belfast,Antrim,BT7</p>	

Offices 3rd Floor, The Arena Building, 85 Ormeau Road, Ormeau, Belfast, Antrim, BT7 1SH James Doyle Ormeau House, 91-97 Ormeau Road, Belfast, BT7 1SH Representative of Office Teams at, Arena Building, 85 Ormeau Road, Belfast, BT7 1GX The Arena Building, 85 Ormeau Road, Ormeau, Belfast, Antrim, BT7 1SH Paula Bradshaw Unit 1 100 University Street Belfast Unit 1 1a Pakenham Street Belfast	
Date of Last Neighbour Notification	5th November 2020
Date of EIA Determination	N/A
ES Requested	No

Drawing Numbers and Title

Drawing No. 01

Site Location Plan - date stamped 31st October 2020

Drawing No. 02C

Proposed Site Layout - uploaded to Planning Portal on 3/11/2020

Drawing No. 03C

House Type A & A1 Plans & Elevations - uploaded to Planning Portal on 3/11/2020

Drawing No. 04C

House Type B & B1 Plans & Elevations - uploaded to Planning Portal on 3/11/2020

Drawing No. 05

Proposed Street Frontage Detail and Timber Fence - date stamped 31st October 2020

Drawing No. 06

Proposed Boundary Wall Details - date stamped 31st October 2020

Drawing No. 07

Proposed Railing Detail - date stamped 31st October 2020

Drawing No. 08A

Landscape Plan - uploaded to Planning Portal on 3/11/2020

Drawing No.13B

House Type A2 & B2 Plans & Elevations - uploaded to Planning Portal on 3/11/2020

Drawing No.16

Boundary Wall Detail at Top of Railway Embankment/Site Boundary A1 – date stamped 11/02/2020

Drawing No.18

Apartment Type A & B Plans & Elevations - uploaded to Planning Portal on 3/11/2020

'D6662-AFA-XX-01-DR-C-020-Revision 01-Private Streets Determination Layout' - uploaded to Planning Portal on 3/11/2020

'D6662-AFA-XX-01-DR-C-021-Revision 01-Private Streets Determination Layout' - uploaded to Planning Portal on 3/11/2020

'D6662-AFA-XX-01-DR-C-022-01-PSD Layout Sheet 2' - uploaded to Planning Portal on 3/11/2020

'D6662-AFA-XX-01-DR-C-023-01-PSD Layout Sheet 3' - uploaded to Planning Portal on 3/11/2020

'D6662-AFA-XX-01-DR-C-024-01-PSD Layout Sheet 4' - uploaded to Planning Portal on 3/11/2020

'D6662-AFA-XX-01-DR-C-012-Revision 03-Proposed Road Signage Layout A0' - uploaded to Planning Portal on 3/11/2020

ADDENDUM REPORT Development Management Officer Report

Summary	
Committee Meeting Date: 19th January 2021	
Application ID: LA04/2019/1540/F	
Proposal: Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks. 1no. 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, 3no. weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works.(Further Environmental Information-addendum to Environmental Statement)	Location: Lands to the northwest of existing Belfast City Council Waste Transfer Station (2a Dargan Road, Belfast, BT3 9JU).
Referral Route: Council has an estate in the application site.	
Recommendation: Approval	
Applicant Name and Address: Dargan Road Biogas Limited Energia Group 62 Newforge Lane, Belfast, BT9 5NF	Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast, BT1 3LA
1.0	Background
1.1	This application was due to be considered by the Planning Committee on 18 th August 2020. However, in the light of a late objection and having taken advice from the Council's solicitor, the application was removed from the agenda so that the issues could be examined in detail and addressed as appropriate. Notwithstanding, Members agreed that a Planning Committee site visit should take place. The Planning Committee site visit occurred on 9 th September 2020. Following the site meeting, Councillors Groogan sought clarification across a number of points relating to the proposal. A response to these points is contained within this report.
1.2	This Addendum Report considers the late objection received just before the August Planning Committee as well as subsequent additional representations.
1.3	In response to the issues raised in the late objection, the applicant commissioned a further addendum to the Environmental Statement. This primarily considers the additional cumulative impact resulting from the planning permission for Phase 2 of the adjacent Film

<p>1.4</p> <p>1.5</p>	<p>Studios development. This Addendum Report therefore also considers the further addendum Environmental Statement (Addendum II).</p> <p>Two further representations have been received. The total number of objectors for this application is two (GPBL and Belfast Harbour). This includes letters of objection from Carlin Planning Ltd and Keystone Law made on behalf of GPBL and Turleys on behalf of Belfast Harbour. Tughan’s has made legal representations on behalf of the applicant in response to the objection from Keystone Law. These representations are available to view on the NI Planning Portal and are summarised in this report. Any further representations will be reported to Members via the Late Items pack.</p> <p>This Addendum Report should be read in conjunction with the previous case officer report and Late Items reports to the 18th August 2020 Planning Committee, copies of which are appended.</p>
<p>2.0</p>	<p>Updated Consultation Responses</p>
<p>2.1</p> <p>2.2</p>	<p>Updated Statutory Consultee Responses DFI Roads – No objection NI Water – No objection Rivers Agency – No objection NIEA-Marine and Fisheries Division – No objection NIEA Water Management Unit – No objection NIEA Land, Soil, and Air – No objection NIEA Natural Environment Division – No objection Shared Environmental Services – No objection Belfast City Airport – No objection</p> <p>Updated Non-Statutory Consultee Responses Environmental Health BCC – No objection Tree Officer BCC – No objection City and Neighbourhood Landscape Team BCC – No objection Economic Development Team BCC – No objection to the methodologies used by the applicant in assessing the economic impacts of the proposal</p>
<p>3.0</p>	<p>Additional Representations</p>
<p>3.1</p> <p>3.2</p>	<p>The Addendum II Environmental Statement was neighbour notified and advertised in the local press. Prior to the August Planning Committee, a representation was submitted on 18th August 2020 by Keystone Law on behalf of their client Giants Park Belfast Limited. Tughan’s solicitors subsequently submitted correspondence on the 9th October 2020 on behalf of the applicant responding to the points raised by Keystone Law. These representations are summarised below along with officers’ advice on each of the main points.</p> <p>‘Keystone Law act on behalf of their client Giants Park Belfast Limited (“GPBL”). GPBL say that they are the preferred bidder for the development of 250 acres of land at North Foreshore. This will be a major leisure-led mixed use development involving significant investment of around £170m and will be a major tourism destination. The Giant’s Park proposal will include the following phases:</p> <ul style="list-style-type: none"> • Phase 1 – hotel; petrol filling station; and fast food • Phase 2 – indoor leisure; golf entertainment facility; food and beverage; and hotel • Phase 3 – 200 acre active entertainment park • Phase 4 – R&D park

3.3	<p>The site is immediately adjacent the proposed CAD facility to the north and west. GPBL have significant concerns that the proposed CAD facility could impact on deliverability and success of a leisure-based development. They feel that the proposal is contrary to planning policies and should be refused.</p>
3.4	<p>The structure of the following section of this report sets out the Keystone Law objection points followed by a rebuttal by Tughan's on behalf of the applicant. Officers then provide advice at the end of each point.</p>
3.5	<p>Weight to be attached to GPBL scheme</p> <p><u>Keystone Law:</u> <i>(1) Advice that the GPBL scheme at Dargan Road "can" be given only "minimal consideration" is a matter for the judgement of the Council, and not for any Officer to dictate, the statement in the Case Officer Report is a misdirection and invites the Council unlawfully to fetter its discretion.</i></p> <p><u>Tughan's:</u> <i>It is not unlawful or a misdirection by the Case Officer to suggest that the alleged risks of delivery of the GBPL aspirations for future development can be given minimal weight. The Planning Committee is entitled to come to a decision contrary to officer recommendations.</i></p> <p><u>Officer advice:</u> It is the role of planning officers to advise the Planning Committee on the consideration of the planning applications including material considerations and the weight that should be attached to them. It is then the role of the Planning Committee to decide the application having regard to the advice given by officers. The engagement between the Council as landowner and GPBL relate to commercial discussions which do not form part of the planning process. Officers advise that the weight that should be afforded to the GPBL's proposals should be limited.</p>
3.6	<p>Whether GPBL has entered the planning process</p> <p><u>Keystone Law:</u> <i>It is incorrect for the Officer to advise that GPBL has not entered the planning process, given the granting of preferred developer status to GPBL by the Council under the Development Brief, GPBL's engagement in pre-application discussions with the Council, and the current, protracted negotiation of the Development Agreement for the GPBL scheme, in the course of all of which our client has expended some £400,000 in professional fees and expenses.</i></p> <p><u>Tughan's:</u> <i>No formal Pre-Application Discussion (PAD) process has been initiated; No Proposal of Application Notice (PAN) has been submitted to the Council providing the 12-week notice period required for a 'major' planning application; No pre-application community consultation has been commenced; and No planning application has been received. GPBL's representatives conflate a commercial negotiation process and the planning process. Equating the two separate processes would be unlawful and "Wednesbury" unreasonable.</i></p> <p><u>Officer response:</u></p>

<p>3.7</p>	<p>As stated previously, the engagement between the Council as landowner and GPBL relate to commercial discussions which do not form part of the planning process. The Giant's Park leisure-led proposals are not subject to a Pre Application Discussion (PAD), Proposal of Application Notice (PAN) or planning application and are not considered to have entered the planning process. Officers advise that the weight that should be afforded to the GPBL's proposals should be limited.</p> <p>Prejudice to the GPBL scheme</p> <p><u>Keystone Law:</u> <i>Any approval of the CAD proposal would undermine all that the Council has done to progress the GPBL scheme, to the prejudice of the public interest and to the prejudice of GPBL's interests.</i></p> <p><u>Tughan's:</u> <i>The appointment of GPBL as a "preferred developer" in a commercial negotiation process confers no special planning status. Nor does it create any presumption in favour of that proposed development, whatever that development may be when and if it is applied for. If the Council equated the appointment of a preferred developer through a commercial process with the grant of a special planning status for that proposed development, it would be acting unlawfully and in a "Wednesbury" unreasonable manner.</i></p> <p><i>GPBL has not submitted a planning application; it has not entered a lease for the lands; and is at a very early stage of formulation. These are relevant facts when determining the weight to be given to the GPBL objections.</i></p> <p><i>The GPBL scheme is not identified as an acceptable use in the draft BMAP zoning BHA 05 nor has the masterplan agreed for the Giant's Park site been based on the GPBL scheme. GPBL and its professional advisors have not provided any evidence to support the assertion that the CAD development will risk the delivery of GPBL's proposals.</i></p> <p><i>The ES which accompanies this application demonstrates that the construction and operation of the CAD facility will not prejudice future developments on adjoining lands. It specifically considers consented developments and prospective future development of the wider site. It has used receptors in close proximity to the development proposal site, and in so doing the Council is entitled to give weight to the prospect of even less impact for those proposals (however speculative) further removed.</i></p> <p><u>Officer response:</u> The objector is confusing two separate processes: the commercial engagement between the objector and Council, and the planning process. It is a matter for the Council as Planning Authority to decide what weight it attaches to the objector's proposals, which as officers have advised, has not entered the planning process and should be limited.</p> <p>Assessment of economic benefits</p> <p><u>Keystone Law:</u> <i>No independent economic appraisal of the CAD proposal which addresses both the suggested economic benefits and economic dis-benefits, and in particular has not assessed displacement of the economic benefits from the GPBL scheme. The asserted economic benefits of the CAD proposal have been accepted at face value which is something that no reasonable planning authority properly directing itself could lawfully do, and would be both Wednesbury unreasonable and a failure in its duty of inquiry.</i></p>
<p>3.8</p>	<p><i>No independent economic appraisal of the CAD proposal which addresses both the suggested economic benefits and economic dis-benefits, and in particular has not assessed displacement of the economic benefits from the GPBL scheme. The asserted economic benefits of the CAD proposal have been accepted at face value which is something that no reasonable planning authority properly directing itself could lawfully do, and would be both Wednesbury unreasonable and a failure in its duty of inquiry.</i></p>

Tughan's:

The Case Officer concludes that there will no unacceptable environmental impact. As set out in Policy RE1 of PPS18, the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted – notably, reference to 'significant' weight has now been replaced in the SPPS by 'appropriate'.

The Justification and Amplification section of PPS18 states that the decision maker will support renewable energy proposals unless they would have unacceptable adverse effects which are not outweighed by the wider environmental, economic and social benefits of the development. There are no unacceptable adverse effects to be outweighed by the wider environmental, economic and social benefits of the development and the Council therefore does not have to afford determining weight to the economic benefits.

The economic benefits as stated in the applicant's ES cannot be disputed – these include the construction cost of the proposal and the number of jobs to be created during both the construction and operational phases. This information was prepared by a firm with extensive experience in the preparation of both Socio-Economic and Population and Human Health.

GPBL have not provided any evidence to the contrary, instead relying on unfounded assertions that the CAD facility will undermine the viability of the future GPBL scheme.

Officer response:

It is considered entirely reasonable to conclude that the proposal will have economic benefits including investment, job creation or supporting existing jobs both during construction and on operation. Nevertheless, the Planning Service has subsequently engaged with the Council's Economic Development Unit (EDU) around these issues. EDU advises that the approach and methodology applied by the applicant in determining the employment and economic impact of the proposal are robust. EDU highlights that the applicant's approach consists of models and well recognised tools used to determine the value of the economic output (Gross Value Added) and employment.

In any event, the proposal is considered acceptable with regards to its environmental impacts (for the reasons set out in this report) and the degree to which the proposal would have a positive economic impact is not considered crucial to the overall officer recommendation or acceptability of the scheme.

It is considered unreasonable and unnecessary to carry out an assessment of the economic impact of the proposal on the GPBL's proposal given that they are not yet in the planning process nor in at advanced stage in that process.

Conditions do not reflect statutory consultee responses

3.9

Keystone Law:

The conditions do not adequately reflect those recommended by Shared Environmental Services to protect the integrity of the two proximate European designated sites. Furthermore, there has been no cumulative assessment of the effects of the CAD proposal with other planned and reasonably foreseeable development on the integrity of the European sites (as to which see further below).

Tughan's:

The applicant confirmed to the Council by way of correspondence dated 20 December 2019 that it had no objection to the imposition of a condition requiring that no digestate from the facility would be landspread. The cumulative effects of the CAD proposal with other committed development i.e. the Phase 2 film studios on the integrity of the European sites has been considered as part of the recently submitted Further Environmental Information (FEI) accompanying this submission.

Officer response:

Since the objection was received, further consultation has been carried out in relation to Addendum II of the Environmental Statement. Neither DAERA Natural Environmental Division nor Shared Environmental Services (which undertakes Habitats Directive screening on behalf of the Council) object to the proposal. The conditions advised by both are recommended. As is normal practice, delegated authority is sought to finalise appropriate conditions. It is not considered necessary or reasonable to require the applicant to carry out a cumulative assessment to include the objector's proposals given that they are not subject to a planning application or planning permission.

Impermissible postponing proper assessment of the environmental impacts to post consent stage

3.10

Keystone Law:

It is apparent from proposed conditions 2, 5, 6, 9, 10 and 17 that the Environmental Statement impermissibly postpones proper assessment of the likely significant environmental impacts and identification of their mitigation and the residual effects, leaving those matters to the post-consent stage.

Tughan's:

Conditions 2, 5, 6, 9, 10 and 17 relating to contamination, dust, construction noise and vibration, sewage disposal, drainage and trees do not postpone proper assessment of the likely significant environmental impacts and mitigation required to post-consent stage for the reasons set out below.

A detailed assessment including site investigation has been provided as part of the ES and ES Addendum for the consideration of NIEA and Environmental Health. The Detailed Remediation Strategy provided sets out the capping, landfill gas extraction infrastructure and building protection measures proposed. A condition could be attached stating that the final plan to be agreed with the Council shall contain as a minimum the mitigation measures identified in the ES and the draft plans.

Detailed assessments have been undertaken as part of the ES in relation to construction dust, noise and vibration and a condition could be attached stating that the final plan to be agreed with the Council shall contain as a minimum the mitigation measures identified in the ES and the draft plans.

In relation to sewage disposal, foul and surface water drainage, arrangements have already been provided and considered as part of the applicant's ES and annotated on the accompanying application drawings.

An Arboricultural Impact Assessment was not identified in the ES as mitigation but rather has been considered necessary by Belfast City Council as recently planted trees will be removed to facilitate the proposed site access. Any trees to be lost are currently not afforded any protection and therefore it is not considered an AIA is required in this instance, however, the applicant has no objection to the condition.

Officer response:

Conditions 2, 5, 6, 9, 10 and 17 of the original case officer report to the August 2020 Planning Committee relate to land contamination; dust, noise and vibration impacts during construction; method of sewerage disposal; foul and surface water drainage; and an assessment of impacts on trees, respectively. The likely significant effects in relation to land contamination; dust, noise and vibration during construction are considered to have been appropriately addressed in the ES. There have been no objections to the ES or proposal from statutory technical consultees. This also applies to issues concerning sewerage disposal and drainage. The impact on trees is not considered to be a significant environmental effect which warrants full assessment in the Environmental Statement but can be addressed through condition. The conditions complement the Environmental Statement in that they seek to safeguard or mitigate the environmental impacts resulting from the proposal.

3.11

Keystone Law:

The assessment relies on the Outline Construction Environmental Management Plan (“OCEMP”), to be followed up, post-consent, by a Final Construction Environmental Management Plan (“FCEMP”). The role of an OCEMP is to outline the mitigation to be applied to reduce etc. environmental effects, and to frame and constrain the mitigation to be later detailed by the FCEMP, so as to allow proper assessment of likely significant environmental effects with mitigation at the consent stage. However, in this case it is apparent from proposed condition 7 that the OCEMP does not perform that role. Rather, proposed condition 7 requires the FCEMP to “outline” proposed mitigation, which is something that must be done pre-consent by the OCEMP and not post-consent by the FCEMP. That approach wholly undermines proper assessment of the likely significant environmental effects, and represents a breach of EIA requirements. In addition, proposed condition 7 does not require the FCEMP to be in conformity with the OCEMP, which it must do to ensure that the proposed mitigation is known and duly assessed before any permission is granted.

Tughan’s:

They suggest amended wording to Condition 7 relating to the provision of a Final Construction Environmental Management Plan:

No site preparation or construction works shall commence on site until a final Construction Environmental Management Plan and site drainage plan has been submitted to and approved in writing by the Planning Authority. This Plan must include as a minimum the mitigation measures as set out in the Outline Construction Environmental Management. All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan.

Officer response:

Officers advise that the condition should be re-worded. See amended condition 7 at section 6 of this report.

Unlawful project splitting for Environmental Statement purposes

3.12

Keystone Law:

Approval would represent unlawful ‘project-splitting’, because the ES does not assess the overall North Foreshore project, but only the CAD proposal. Alternatively, if the CAD proposal does not form part of the overall project the ES fails to assess the cumulative effects of the CAD proposal with other planned and reasonably foreseeable development at the North Foreshore, namely the GPBL scheme and the Harbour Commissioners’ film studio development. There is no Northern Ireland guidance on how cumulative impact assessment should be conducted. England & Wales Planning

Inspectorate's Advice Note Nine directs applicants to have regard existing development and/or approved development. It also states that the assessment should include projects identified in the relevant Development Plan (and emerging Development Plans - with appropriate weight being given as they move closer to adoption) recognising that there will be limited information available on the relevant proposals.

The Harbour Commissioners' film studio scheme was recently granted permission. Draft BMAP zones BHA 05 specifically states that "development of the site shall only be permitted in accordance with an overall comprehensive masterplan" which was agreed with the Department of the Environment in January 2010. The GPBL scheme is therefore plainly a project identified in an emerging plan which is at an advanced stage.

Tughan's:

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 state that an ES must take into account the accumulation of effects with or existing and/or approved development. The EIA regulations do not refer to 'reasonably foreseeable development'.

At the time of the ES submission (June 2019) and subsequent ES Addendum (December 2019) there was no other approved/not yet built development required to be considered as part of a cumulative assessment. The Phase 2 film studios application (determined nil-EIA) submitted in February 2020 and later approved in August 2020 has now been taken into consideration as part of the accompanying Further Environmental Information submission.

The guidance referred to by the objector relates to "Nationally Significant Infrastructure Projects" (NSIPs). It is not applicable to Northern Ireland or the specific project under consideration.

The addendum reports make clear that sensitive receptors that have been used for the basis of assessment are situated close to the application site. It has been concluded that those closest receptors will suffer no unacceptable adverse effect and the Council is entitled to have regard to that evidence in assessing speculative proposals further afield.

The GPBL scheme (comprising a welcome hub, leisure and sports innovation hub, adventure hub and theme park hub) is not identified as an acceptable use in the draft BMAP zoning BHA 05 nor has the masterplan agreed for the Giant's Park site been based on the GPBL scheme. Therefore it is considered inappropriate that the GPBL proposals be considered as part of any cumulative assessment premised on a development plan zoning that does not foresee this type of development being brought forward.

Officer response:

Schedule 4 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 ('the Regulations') relates to matters which should be included in an Environmental Statement. Section 5 (e) states that it must include 'A description of the likely significant effects of the development resulting from, inter alia... the accumulation 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.' The mixed use proposals in the mixed use zoning of the site and wider land are not existing or approved. Moreover, the objector's proposals are neither existing nor approved. They have not yet entered the planning process nor are they advanced in that process.

It is considered unreasonable to require the applicant to carry out a cumulative assessment to include the objector's proposals. However, as previously set out, the applicant has updated the Environmental Statement (Addendum II) to consider the cumulative impacts of Phase 2 of the adjacent Film Studios complex which now has planning permission.

The objector refers to the Planning Inspectorate's 'Advice Note 17: Cumulative Effects Assessment'. This applies to GB and not Northern Ireland. It also relates to "nationally significant infrastructure projects" and the proposal does not fall within this category. In the absence of any guidance specific to Northern Ireland, there may be an argument that cumulative impact should also be taken into account where, for example, there are a number of Major planning applications which are clearly interdependent or connected and follow on from one another in form an overall tangible project. That is plainly not the case in this instance, nor is it considered that the draft BMAP zoning or masterplan make all development at this site inter-dependent.

Proposal in contrary to BMAP

3.13

Keystone Law:

Zoning BHA 05 in draft BMAP states that "development of the site shall only be permitted in accordance with an overall comprehensive masterplan to be agreed with the Department [of the Environment]" (emphasis added), which creates a strong policy presumption against approval of any proposal which is not in accordance with the masterplan. The CAD proposal is not in accordance with that agreed masterplan. Rather, it is in breach of the agreed masterplan, because the site of the CAD proposal was identified in the agreed masterplan for logistical warehousing, and not waste management. The CAD proposal is incompatible with the other identified uses in the masterplan, and so will undermine the development of the North Foreshore site pursuant to that masterplan. The Case Officer Report at paragraphs 10.3 and 10.10 gives a misleading impression of compliance with the masterplan.

Tughan's:

This criticism ignores regional policy, and further ignores that the GPBL proposals do not feature in the masterplan and that the existing and approved film studios is shown in the masterplan as an area allocated for waste management facilities.

The masterplan must be read in its wider context which focuses on delivering an Environmental Resource Recovery Park 'where the ethos will be that one firm's waste is another's raw material'. The CAD proposal delivers exactly what was intended by the masterplan in providing a sustainable waste management solution that will in turn deliver renewable energy (electricity/heat) for other users in the site. The Case Officer report correctly states that proposal complies with the overall aspiration of the Masterplan.

Officer response:

Policy BHA 05 of dBMAP 2015 zones the site and wider land for a variety of uses including waste management and recycling facilities. The proposal is considered a form of waste management.

One of the requirements of the zoning is that: '*Development of the site shall only be permitted in accordance with an overall comprehensive masterplan to be agreed with the Department. The masterplan shall outline the design concept, objectives and priorities for the site, an appropriate mix of the permitted uses including open space and the transition from built development to open space. The masterplan shall outline the proposed phasing*

of the development, the appropriate scale and massing of building blocks and appropriate landscaping.'

A masterplan for the site as agreed by the former DoE Planning Service in January 2010 (reference Z/2008/2289/Q). The Masterplan recommended waste management facilities in the area. The Masterplan also promoted economic development on the site. It is considered that the proposal complies with the overall aspiration of the Masterplan to seek the regeneration and development of this site and wider North Foreshore land.

Policy BHA 05 is a material consideration and it is considered that the proposal would not prejudice the overall zoning. Officers advise that there is no significant strategic conflicts. Moreover, the proposals accord with regional policy which promote sustainable renewable energy. The proposal would be subject to appropriate environmental controls. The Council's Environmental Health team have no in principle concerns regarding the compatibility of the proposed with proposed adjacent uses under Policy BHA 05 or the approved masterplan. Having regard to these considerations, and advice set out in this wider report, the proposed use is considered acceptable.

3.14 **Representation from Elected Representative**

Councillor Groogan emailed Planning Officers on the 14th September 2020 with a number of queries about the proposal following the Planning Committee site visit on the 9th September 2020. The queries read as follows (*in italic text*);

3.15 *The Air Quality report states that as the additional impact of this AD would be <1% of background levels it is acceptable but we are well past the critical load thresholds at these sites (sometimes by 100/200%) based on DAERA's operational protocol on Nitrogen emissions.*

Regulation 43 of the Habitats Regulations doesn't permit a competent authority to grant permission to a project unless it is satisfied beyond reasonable scientific doubt that the development will not adversely affect the integrity of a European site. Given the critical load at these sites, it is very difficult to see how this is met in this instance or indeed how the Minister's recent decision on the operating protocol is lawful given the impact on the sites.

These queries were forwarded to the applicant who has advised as follows:

- Airborne nitrogen emissions do not fall to be considered against the same DAERA working policy as ammonia. The impact of nitrogen is assessed in line with the Environment Act 1995 and the less than 1% contribution is not considered significant;
- The two ecological designations within 7.5km of the application site are the Belfast Lough SPA and Belfast Lough Open Water SPA. The existing background levels at these sites are less than 70% of the applicable limit on this site;
- It should also be noted that both Belfast Lough SPAs are not 'ammonia sensitive' as it is designated for Marine features;
- The policy has not been subject to any challenge and therefore cannot be stated as unlawful;
- Notwithstanding, SES who have undertaken the HRA for this application are not bound by the DAERA operational protocol. They have determined that the proposal will not have an adverse effect on site integrity of any European site; and

	<ul style="list-style-type: none"> Any decision made by Belfast City Council on this application would therefore not be based on a policy that has been determined to be unlawful. <p>Officers concur with the response provided by the applicant. It is also noted that DAERA, SES and Environmental Health have not objected to the proposal on air quality, ammonia grounds or other environmental and ecological grounds. They have been asked to attend the Planning Committee meeting to answer any technical queries that Members may have about the proposal.</p>
4.0	Assessment of Addendum II of the ES and additional comments
4.1	<p>Cumulative Impact</p> <p>Planning application (LA04/2019/1540/F) for the proposed CAD facility was submitted on 26 June 2019 accompanied by an ES. A full planning application for a proposed extension (Phase 2) to the existing film studio complex (LA04/2020/0474/F) was submitted in February 2020 and subsequently approved by the Council on 14 August 2020.</p>
4.2	<p>In light of the EIA regulations, the Addendum II ES considers the cumulative effects where relevant taking into account this recently approved development.</p>
4.3	<p>An updated assessment of the proposal having regard to the Addendum II ES is provided below and relates to the following issues. The assessment in relation to other issues remains as set out in the report to the August Planning Committee (appended).</p> <ul style="list-style-type: none"> Economic Principles and impacts of the proposal; Landscape and Visual Impact; Impact on amenity; Environmental impacts (Noise, Vibration, Air Quality, Odour, Artificial lighting and Land Contamination); Access, parking and transport; Flood risk, Drainage and Infrastructure capacity; Natural Heritage and Conservation – Impact on ecology; Habitats Regulation Assessment; Impact on material assets; Renewable Energy Policy and; Waste Planning Policy.
4.4	<p>Economic Principles and impacts of the proposal</p> <p>As it is considered that the proposed CAD facility would not harm the film studio operations (confirmed by way of the updated noise and air quality impact assessments), the employment and economic output effects of the two schemes would be cumulative and would not result in any economic dis-benefits to either development.</p>
4.5	<p>The Council’s Economic Development (EDU) has provided advice on the approach and methodology applied by the applicant’s consultants in determining the employment and economic impact of the proposal. EDU highlights that the applicant’s approach consists of models and well recognised tools used to determine the value of the economic output (Gross Value Added) and employments.</p>
4.6	<p>The forecasting models include the Construction Industry Training Board (CITB) and the Labour Forecasting Tool (LFT). Both are widely recognised and used throughout the construction sector, as well as by employability and skills practitioners to calculate employment creation for construction. The models are calculated using a UK wide</p>

	<p>methodology, and are viewed as being comparable to the Northern Ireland context. The CITB approach and benchmarks has become one of the leading tools to assess employment requirements for a development and credited with being built on advanced specialist knowledge of the construction industry.</p>
4.7	<p>The level of indirect employment supported over the construction phase has been generated utilising the NI Supply Use Tables Multipliers 2015 provided by Northern Ireland Statistics and Research Agency. These measures are region specific and are well recognised tools to determine GVA and indirect employments.</p>
4.8	<p>Landscape and Visual Impact Addendum II contains updated photomontages which illustrate what the proposed CAD facility would look like in the context of the existing film studios and the approved Phase 2 development. Viewpoint selection remains the same as the original Landscape and Visual Impact Assessment (LVIA) and have been updated to reflect the combined effects of the adjacent consented development.</p>
4.9	<p>The Council's Landscape Team is satisfied that the LVIA captures an accurate description of the collective effects as measured against the landscape and visual situation that pertains at present. They have highlighted that the approved development does not increase the significance or magnitude of the landscape or visual impact for the proposed CAD facility. The Landscape Team concurs with the conclusion of Addendum II that the proposal is effectively absorbed to a degree into the existing landscape setting without resulting in a significant adverse landscape or visual effect.</p>
4.10	<p>Impact on amenity Paragraphs 4.11 and 4.12 of the SPPS state that there are a wide range of environmental and amenity considerations including noise and air quality, which should be taken into account by planning authorities when managing development. Assessments of wider human health effects on the nearby population during both the construction and operational phases of the development have been considered in Addendum II. The development has taken wider health considerations into account through the design process and the effects on wider human health are therefore anticipated to be negligible.</p>
4.11	<p>The nearest residential properties are located more than 500 metres from the application site in the Fortwilliam area to the west. The existing adjacent film studio is approximately 178 metres from the closest building on the proposed site. The recently approved Phase 2 film studio is approximately 149m away (closest building to building). Due to separation distances of at least 149m there is unlikely to be any issues with overshadowing with existing neighbouring uses including the adjacent existing Film studio and the Phase 2 Film studio. It is considered unnecessary to require a shadow analysis or sunlight report.</p>
4.12	<p>Environmental impacts (Land Contamination) In relation to land contamination matters, addressed in Chapter 9 of the Environmental Statement (ES), no further cumulative assessment has been considered necessary as part of Addendum II. All development sites within Giant's Park are required to adhere to the relevant guidance to manage gas emissions and contamination. There is no objection to the Addendum II ES or the application itself from the Environmental Health team subject to conditions.</p>
4.13	<p>Environmental impact (Air Quality and Odour) In relation to ambient air quality and odour impact, two additional receptor locations (the film studio building and amenity area), have been considered as part of an updated air</p>

	<p>quality impact assessment. The Phase 2 film studio site is in a non-residential area and commercial in nature and has been defined within their planning application as operating internally only with no open doors or windows. Based upon a review of Addendum II, the Environmental Health team is content with the applicant's updated assessment of air quality and odour from the operational phase. These demonstrate that the additional receptor locations (to reflect the Phase 2 development) will be below the relevant limits applicable to human receptors. No exceedances of air quality objectives or relevant odour benchmarks are predicted.</p>
4.14	<p>It also remains the case that no detailed air quality impact assessment is required to consider traffic as the updated transport assessment provided as part of Addendum II confirms that the percentage increase in usage of the proposed CAD facility on the Giant's Park access and Dargan Road remain beneath the threshold of significance as defined with the Design Manual for Roads and Bridges (DMRB).</p>
4.15	<p>Environmental impact (Noise and vibration) Using the same additional receptor locations that were considered for the purposes of air quality and odour, an updated noise impact assessment has been submitted. To ensure a "worst case scenario", the Phase 2 film studio development was considered to be similar to a residential property in terms of its sensitivity to noise during both construction and operation of the proposed CAD facility. The updated assessment confirms that the predicted noise levels at the Phase 2 development as a result of the proposed CAD facility will remain below the relevant limits applicable. The Environmental Health team highlights that external noise levels at Phase 2 are predicted to be less than those normally applicable to external residential amenity space. They comment that that no additional construction related noise and vibration mitigation is required as a result of the approved Phase 2 development as necessary mitigation is to be captured in the final Construction Noise and Vibration Management Plan.</p>
4.16	<p>In summary, there remain no harmful effects in relation to amenity and human health as a result of the proposed CAD facility taking into account the Phase 2 development.</p>
4.17	<p>Access, parking and transport An updated transport assessment is provided that considers the impact of the additional traffic generated by the proposed CAD facility taking into consideration that baseline conditions reflecting the now committed Phase 2 development. The predicted traffic increase (%) on Dargan Road and on the Giant's Park access are now lower than those previously indicated given the increase in baseline traffic associated with Phase 2. The predicted increase on the public road remains negligible and below significant traffic thresholds. The junction modelling undertaken as part of the Phase 2 application has been reviewed and it is noted that from its findings that there is substantial spare capacity for additional traffic using the current site access. DFI Roads continue to offer no objection to the proposal subject to conditions.</p>
4.18	<p>Flood risk, Drainage and Infrastructure capacity The applicant states that there is no requirement for detailed cumulative assessment in relation to drainage matters. The Phase 2 development proposes to utilise its own drainage network and therefore will not connect into the same private sewer network as proposed to be utilised by the CAD facility. Rivers Agency were consulted on Addendum II ES and reiterated their stance of no objection to the proposal.</p>
4.19	<p>Habitats Regulation Assessment (HRA) The proposal has been assessed by SES on behalf of the Council in relation to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).</p>

	SES has considered the updated shadow Habitats Regulation Assessment which forms part of Addendum II. They conclude that having considered the nature, scale, timing, duration and location of the project, provided mitigation is conditioned, the proposal will not have an adverse effect on site integrity of any European site.
4.20	NIEA Marine and Fisheries Division has considered the impacts of the proposal and on the basis of the information provided is content with the proposal for the reasons set out in the August 2020 Committee report when they commented that provided appropriate air, land and water pollution prevention measures are implemented during construction and operation, the proposal is unlikely to have a significant impact on marine protected areas.
4.21	Natural Heritage and Conservation – Impact on ecology Natural Environment Division (NIEA: NED), Marine and Fisheries Division (NIEA: MFD, Water Management Unit (NIEA:WMU), Land, Soil and Air Pollution Prevention and Control team Regulation Unit NIEA and Shared Environmental Services (SES) have considered the cumulative impacts of the proposal on designated sites and Addendum II.
4.22	Further ecological site surveys and assessments including an updated Shadow Habitats Regulations Assessment were carried out in September 2020 and formed part of the Addendum II submission. The surveys have identified no significant changes in respect of the ecological baseline since the submission of the original Environmental Statement. The construction of the Phase 2 development (located immediately adjacent to the designated sites and deemed by the supporting environmental information to have no impact upon them) will provide increased visual and acoustic screening for species using proximal designated sites and lead to a reduction in the (already non-significant) impacts associated with the CAD proposal. No cumulative effects will arise from either the construction or operation of the CAD proposal on the basis that the Phase 2 development is not predicted to result in any significant impacts upon the designated sites.
4.23	Natural Environment Division (NED) has considered the impacts of the proposal on the designated sites and ecological species and on the basis of the information provided has no objection. Given the responses from NED and SES, it is considered that there will be no unacceptable ecological impacts and the proposal complies with the relevant policy requirements of PPS 2.
4.24	NIEA: WMU, Marine and Fisheries have considered the additional information and are content with the information that has been provided. Their position remains unchanged from their previous response as set out in the August 2020 Planning Committee report and offer no objection to the proposal.
4.25	NIEA Regulation Unit commented that a revised Remedial Strategy has been provided by the applicant. The Regulation Unit Land and Groundwater Team recommended conditions in its previous response. Revised conditions are recommended on the basis of the revised remedial strategy. NIEA have requested a planning condition stating that no digestate from the facility is to be landspread and the condition is recommended.
4.26	SES have considered the additional information and concluded that they have no objections to the proposal subject to conditions. These conditions are recommended.
4.27	In summary, it is considered that the proposal would not have any unacceptable ecological impacts and, subject to conditions, is acceptable having regard to PPS 2.

4.28	<p>Impact on material assets NI Water and Belfast City airport were consulted on Addendum II. There is no change in their position and they continue to offer no objection to the proposal.</p>
4.29	<p>Assessment against PPS 18: Renewable Energy Planning Policy Planning Policy Statement 18 (PPS 18) is a material consideration. Policy RE1 of PPS 18 seeks to ensure that the proposed development will not result in an unacceptable adverse impact on:</p> <ul style="list-style-type: none"> 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.
4.30	<p>Addendum II makes reference to the cumulative impact of the proposal including Phase 2 of the film studios. The closest existing film studio building is approximately 178m from the nearest building of the application site. The closest Phase 2 film studio building will be 149m from the closest building on the proposed site.</p>
4.31	<p>Taking into account the comments from consultees, including the Environmental Health team, Landscape Team, DAERA and SES, it is considered that the proposal will not have a harmful environmental impact and complies with Policy RE 1 of PPS 18.</p>
4.32	<p>Waste Assessment against PPS 11: Planning and Waste Management The granting of planning permission for the Phase 2 film studio located approximately 149m to the east of the closest building of the proposal is not considered to alter the conclusions on this issue as set out in the report to the August 2020 Planning Committee. The proposal is still considered to comply with the criteria set out within Policy WM2 of PPS 11.</p>
4.33	<p>Phase 2 is an extension of an existing film studio. As such the proposal remains compatible with the same type of land use (film studio) as set out on the August 2020 report. Responses from consultees highlight that the cumulative impact of the proposal with the Phase 2 studio would not be harmful on environmental health, road traffic, nature conservation, built and archaeological heritage, landscape character, drainage, air, water and soil. The proposal therefore also satisfies the criteria of Policy WM1.</p>
5.0	Recommendation
5.1	<p>Having regard to the additional assessment carried out in this Addendum Report, together with the analysis set out in the original report to the August Planning Committee, the recommendation remains that planning permission should be granted subject to conditions. The conditions include the additional conditions recommended in the Late Items report to the August Planning Committee.</p>
5.2	<p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>
6.0	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>

2: Prior to commencement of development, a Detailed Remediation Strategy shall be submitted to and approved in writing by the Council. The Remediation Strategy must be based on the capping, landfill gas extraction infrastructure and building protection measures proposals contained within the RPS Group Plc reports entitled 'Remedial Strategy Report, Dargan Road Biogas Ltd, Bioenergy (AD) Plant, Giant's Park, Belfast' (dated December 2019 and referenced IBR1061 version 5) and 'Dargan Road Biogas Ltd, Gas Extraction System, Bioenergy Anaerobic Digestion (AD) Plant' (dated December 2019 and referenced IBR1061 version 8) and the letter from RPS dated 24th February 2020 and referenced 'IBR1061, 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, this Detailed Remediation Strategy 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.

All construction thereafter must be in accordance with the approved Remediation Strategy.

The development shall not be carried out unless in accordance with the approved Remediation Strategy.

Reason: Protection of human health and environmental receptors.

3: In order to demonstrate that the required remedial measures have been incorporated within the proposal, prior to operation of the development, a Verification Report shall be submitted to and agreed in writing by the Planning Authority. The Verification Report must be in accordance with Environment Agency guidance, British Standards, CIRIA and Land Contamination: Risk Management (LCRM) guidance. It must demonstrate that the mitigation measures outlined in the agreed 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.

Reason: Protection of human health and environmental receptors.

4: If during the development works, new contamination or risks are encountered which have not previously been identified, works must cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with best practice and the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and approved in writing by the Council, and subsequently implemented and verified to its satisfaction prior to occupation or use of the CAD facility.

Reason: Protection of human health and environmental receptors.

5: Notwithstanding the submitted details, no works (including site preparation clearance or construction works) shall commence on site unless a Final Dust Management Plan has been submitted to and approved in writing by the Planning Authority. This Plan

must conform to the measures set out in the Outline Construction Environmental Management Plan [authored by RPS Group, dated June 2019 and marked on the Planning Portal as received on 5th July 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 due regard to the IAQM 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 Dust Management Plan.

Reason: Protection of human health and amenity of nearby premises.

6: Notwithstanding the submitted details, no works (including site preparation clearance or construction works) shall commence on site unless a Final Construction Noise and Vibration Management Plan has been submitted to and approved in writing by the Planning Authority. This Plan must conform to the measures set out in Chapter 7 of the Environmental Statement submitted in June 2019 and marked on the Planning Portal as received on the 4th July 2019 and those set out in Chapter 4 of the Addendum II submitted in October 2020 and marked on the Planning Portal as received on the 13th 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 on construction and open sites, and demonstrate that site preparatory and constructions works will achieve the BS5228 'ABC method' Category A noise threshold value for daytime and Saturdays at relevant sensitive receptors. All site preparation and construction works thereafter must be carried out in accordance with the approved Noise and Vibration Management Plan.

Reason: Protection of human health and amenity of nearby premises.

7: Notwithstanding the submitted details, 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 Council. This Plan must conform to the measures set out in the Outline Construction Environmental Management Plan [authored by RPS Group, dated June 2019 and marked on the Planning Portal as received on 5th July 2019]. All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: Protection of human health and the environment and amenity of nearby premises and to ensure that the appointed contractor is cognisant of all mitigation and avoidance measures required to protect all watercourses and the marine environment ensuring that there is no adverse effect on site integrity of Belfast Lough Open Water SPA, Belfast Lough SPA/Ramsar site and East Coast (Northern Ireland) Marine Proposed SPA.

8: No development should take place on-site until the method of sewage disposal has been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

9: No development shall commence on site until 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 Planning Authority. The details shall also

include detailed calculations for surface water drainage of the site. The development shall not be carried out unless in accordance with the approved details.

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.

10: The development hereby permitted shall not become operational until the vehicular accesses have been constructed in accordance with the approved Drawing No. 03A 'Proposed Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 20 December 2019. The access shall be constructed and marked to the satisfaction of DfI Roads.

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

11: The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. 03A 'Proposed Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 20 December 2019 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

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

12: A minimum of 8 No. secure cycle parking spaces shall be provided and permanently retained within the development for use by staff and visitors to the development.

Reason: to encourage the use of alternative modes of transport for development users.

13: The development hereby permitted shall not operate unless in accordance with the Travel Plan contained within Appendix 4.1 of the Environmental Statement Addendum published by the Belfast City Council Planning Office on 15 January 2020. The Travel Plan will be provided to the Site Operator as a separate, stand-alone, document. The Site Operator will provide their employees with access to the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

14: The development hereby permitted shall not operate unless in accordance with the Service Management Plan contained within Appendix 4.2 of the Environmental Statement Addendum published by the Belfast City Council Planning Office on 15 January 2020. The Service Management Plan will be provided to the Site Operator as a separate, stand-alone, document.

Reason: In the interests of road safety and traffic progression.

15: Prior to the commencement of any works hereby approved, an Arboricultural Impact Assessment (in accordance with BS: 5837:2012) shall be submitted and agreed in writing by the Council. This will identify, evaluate and mitigate where appropriate the extent of direct and indirect impacts on existing trees that may arise as a result of any

site layout proposal. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure minimal impact from the development on existing trees to be retained.

16: All trees and planting 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 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 (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Planning Authority.

Reason: In the interests of visual amenity.

17: 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 lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 2010. Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees.

18. If any retained tree is removed, uprooted or destroyed or dies, another tree or trees shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

19. Prior to any work commencing, protective barriers (fencing) and ground protection shall be erected / installed as specified in British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations' (section 6.2) on 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 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.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

20: All soft landscaping works shall be carried out in accordance with the details on stamped approved drawing no 17A, bearing the Council's date stamp 20th December 2019. The works shall be carried out prior to the occupation of the development hereby approved or before the end of the first planting season after occupation, whatever is sooner, and shall be permanently retained thereafter. 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 similar species and size, details of which shall have first been submitted to and approved in writing by the Council.

	<p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>21: The development hereby permitted shall be constructed and finished in accordance with the approved details including the annotated finished colours for buildings and tanks.</p> <p>Reason: In the interests of visual amenity.</p> <p>22. The feedstock hereby accepted at the facility shall be limited to MSW organic fines (EWC code 19 12 12 and the EWC (European Waste Catalogue) Codes as set out in the Environmental Statement, appendix 3.1 and no other feedstock. (Attached as information no 2 to this decision notice).</p> <p>Reason: In the interests of environmental protection and public health and to ensure that there is no adverse effect on site integrity of any European designated site.</p> <p>23: The development hereby approved not be permitted to accept waste from EWC code 02 01 06. No digestate from the facility shall be landspread within the site.</p> <p>Reason: To ensure that there is no adverse effect on site integrity of any European designated site.</p> <p>24: The Anaerobic Digester (AD) shall not exceed a maximum of 99,999 tonnes per annum, in accordance with written records which will be made available to the Council on written request.</p> <p>Reason: In the interests of environmental protection and public health.</p> <p>25: There shall be no external storage of waste at any time.</p> <p>Reason: in the interests of environmental protection and in the interest of amenity.</p>
Neighbour Notification Checked: Yes	
Notification to Department: N/A	
Representations from Elected members: Councillor Groogan	

ANNEX	
Date Valid	26-6-19
Date First Advertised	2-8-19
Date Last Advertised	30-10-20
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1 Dargan Road,Belfast,Antrim,BT3 9LZ</p> <p>The Owner/Occupier, 1 Gullivers Road,Belfast,Antrim,BT3 9JU</p> <p>The Owner/Occupier, 11 Dargan Road,Belfast,Antrim,BT3 9LZ</p> <p>The Owner/Occupier, 13 Dargan Road,Belfast,Antrim,BT3 9LZ</p> <p>The Owner/Occupier, 15 Dargan Road,Belfast,Antrim,BT3 9LS</p> <p>28 Rochester Building, 1st Floor, Adelaide Street, Belfast, Antrim, Northern Ireland, BT2 8GD</p> <p>The Owner/Occupier, 3 Dargan Road,Belfast,Antrim,BT3 9JZ</p> <p>The Owner/Occupier, 42-44 ,Duncrue Crescent,Belfast,Antrim,BT3 9BW</p> <p>The Owner/Occupier, 5 Dargan Road,Belfast,Antrim,BT3 9LZ</p> <p>The Owner/Occupier, 7 Dargan Road,Belfast,Antrim,BT3 9LZ</p> <p>The Owner/Occupier, 9 Dargan Road,Belfast,Antrim,BT3 9LZ</p> <p>The Owner/Occupier, 9 Gullivers Drive,Belfast,Antrim,BT3 9HW</p> <p>The Owner/Occupier, Dargan Road,Belfast,Antrim, Forsyth House, Cormac Square,Belfast,BT2 8LA</p> <p>The Owner/Occupier, Unit 1,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW</p> <p>The Owner/Occupier, Unit 2 ,Dargan Road,Belfast,Antrim,BT3 9LZ</p> <p>The Owner/Occupier, Unit 2 ,Dargan Road,Belfast,Antrim,BT3 9LZ</p> <p>The Owner/Occupier, Unit 2,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW</p> <p>The Owner/Occupier, Unit 3 ,Dargan Road,Belfast,Antrim,BT3 9LZ</p> <p>The Owner/Occupier, Unit 3,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW</p> <p>The Owner/Occupier, Unit 4,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW</p> <p>The Owner/Occupier, Unit 5,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW</p>	

Date of Last Neighbour Notification	21-10-20
Date of EIA Determination	N/A
ES Requested	Yes

Appendix A: Case Officer Report to Planning Committee August 2020

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 18 th August 2020	
Application ID: LA04/2019/1540/F	
<p>Proposal: Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks. 1no. 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, 3no. Weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. Accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works.</p>	<p>Location: Lands to the northwest of existing Belfast City Council Waste Transfer Station (2a Dargan Road Belfast BT3 9JU).</p>
Referral Route: Council has an estate in the application site.	
Recommendation:	Approval
<p>Applicant Name and Address: Dargan Road Biogas Limited Energia Group 62 Newforge Lane Belfast BT9 5NF</p>	<p>Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA</p>
<p>Executive Summary: This application seeks the erection of a Centralised Anaerobic Digestion (CAD) plant and associated works. The site is un-zoned "white land" within the Belfast Area Urban Plan (BUAP) 2001. It is located within the development limits of Belfast in the draft Belfast Metropolitan Area Plan 2015 (dBMAP 2015) with a number of relevant zonings:</p> <ul style="list-style-type: none"> • Within BHA 05 Mixed Use Site North Foreshore • Within close proximity to a National Designated Site (Inner Belfast Lough Area of Special Scientific Interest); • Within close proximity to two European Designated Sites – Belfast Lough Special Protection Area (SPA) and Belfast Lough Open SPA; • Within close proximity to an International Designated Site Belfast Lough Ramsar Site <p>The main issues to be considered in this case are:</p>	

- The principle of the proposed use at this location;
- Renewable energy and environmental sustainability;
- Economic impact;
- Design and layout;
- Landscape and visual assessment;
- Landscaping;
- Amenity;
- Environmental Health (Noise, vibration, air quality, odour, artificial light, and land contamination);
- Traffic, access and parking;
- Drainage, Flooding and Infrastructure Capacity;
- Natural Heritage and Conservation;
- Renewable Energy Policy; and
- Waste policy.

DfI Roads, BCC Environmental Health, NIEA, Shared Environmental Services, Rivers Agency, NI Water, Belfast City Airport, were all consulted in addition to the Council's Tree Officer, City and Neighbourhood Services Landscape team and Environmental Health. Their responses are detailed in the main body of the report. There were no objections from consultees.

Two representations have been received. Issues raised include concerns about traffic and access, visual impact, noise and odour, compatibility with existing and potential future uses, and nuisance from vermin and birds.

An Environmental Statement (ES) was submitted as part of the application in line with the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. This has assessed the environmental impacts of the proposal and has been taken into account in the consideration of the application.

The application has also been considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Services on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Consultees confirm that the proposal will not harm visual landscape, amenity, human health, traffic or the adjacent protected areas.

The proposed development is estimated to represent an investment of £40m, generate in excess of 350 construction jobs and 22 operational jobs. It comprises waste recycling which will help generate renewable energy in line with sustainability objectives.

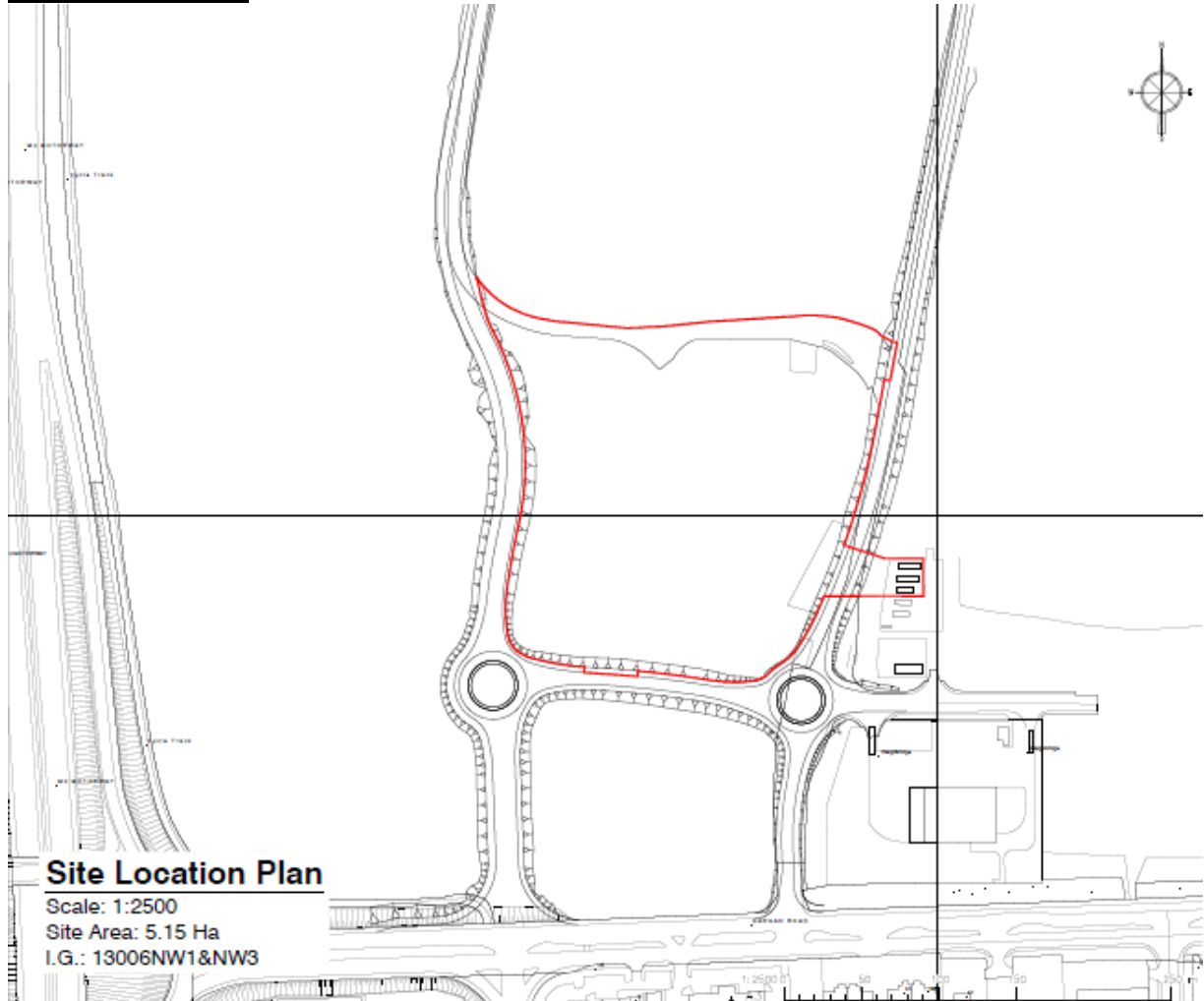
Given the overall size of the site within North Foreshore and the industrial / commercial nature of the immediate surrounding context it is considered that the design, scale and layout of the proposed scheme are considered to be acceptable. The proposed development is consistent with the existing character of the Harbour Estate and no significant landscape impacts have been identified.

Recommendation:

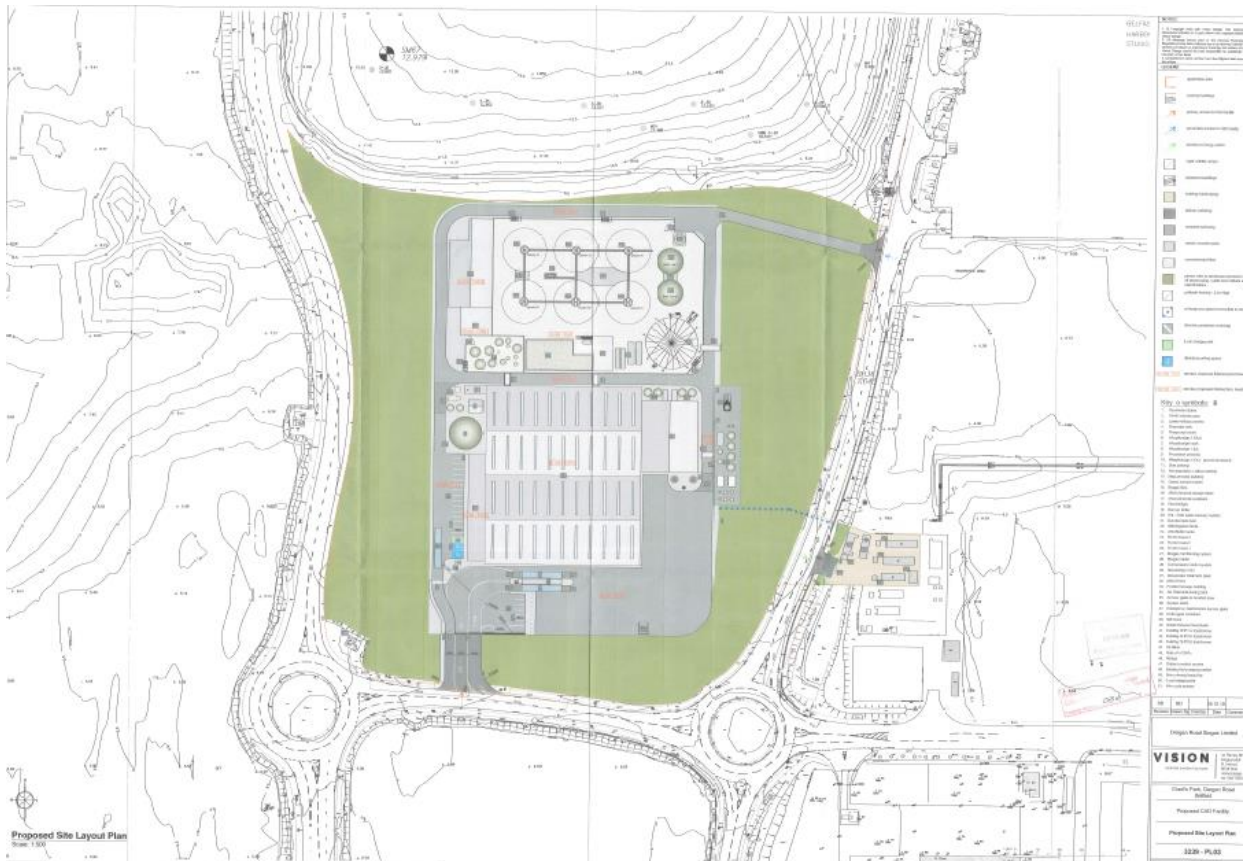
Having regard to the Development Plan and other material considerations, including consideration of the issues raised through representations, the proposal is considered acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan:



Site Layout:



1.0

Description of Proposed Development

1.1

The proposal is for a Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks, 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, wastewater 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, 3no. Weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. Accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works.

1.2

	<p>The proposed CAD facility has been designed to generate up to 4.1MW per annum of renewable electricity (the installed capacity of the existing three CHP engines) from up to 99,999 tonnes per annum of organic feedstock. The facility has been primarily designed to process two main feedstock types: 1. Organic fine fraction of Municipal Solid Waste (MSW) i.e. food waste; and 2. Source Separated Organic (SSO) Waste i.e. brown bin (food/garden) waste. In order to meet the Quality Protocol standards and to fulfil the requirements of the Animal By Products Regulations (ABPR), the facility is designed to process each feedstock type in two physically separated process lines to ensure no cross-contamination can occur between MSW and SSO waste streams. The plant will accept up to 49,999.5 tonnes per annum per process line. It is expected that each process line will produce between 5-8,000 tonnes per annum of output (i.e. digestate). This volume will vary depending on the quality of the input feedstock. The volume of output is significantly reduced by way of pre-treatment (screening out of unsuitable materials) and drying post the AD process. Following the completion of digestate treatment, the output from the MSW organic fines process line will be disposed of as waste, for example in landfill. The output from the SSO process line will be recycled as a marketable fertiliser product. The proposed CAD will accept the EWC (European Waste Catalogue) Codes: as set out in the Environmental Statement, appendix 3.1 and MSW organic fines (EWC code 19 12 12).</p>
<p>2.0 2.1 2.2 2.3 2.4 2.5</p>	<p>Characteristics of the Site and Area</p> <p>The application site is located to the north of Dargan Road on reclaimed lands that are part of the North Foreshore of Belfast, otherwise referred to as ‘Giant’s Park’. The site was a former landfill site accepting domestic, industrial, commercial, construction, demolition and hazardous waste. Belfast City Council commenced operations in 1958 and this continued until March 2007 when the site was capped and landscaped as part of a wider restorative and remedial works. Giant’s Park is now the largest regeneration site in Belfast comprising 138 hectares (340 acres).</p> <p>With £9m overall investment to-date from this programme, Invest Northern Ireland and the European Regional Development Fund (ERDF), the internal road network of the site, installation of services, street lighting and landscaping works have been instigated. A landfill gas collection system has also been installed across the northern portion of the Giant’s Park site. To the northeast of the application site, Belfast Harbour Film Studios opened in 2017 comprising the following development: two film studios and sound stages of approximately 3,065sqm (33,000 sq.) each; two workshop buildings of approximately 1,021sqm (11,000 sq.) each; and a three-storey 3,437sqm (37,000sq.ft.) office and production building. The Planning Committee recently resolved to grant planning permission for the second phase of the development of the film studio site.</p> <p>As a landowner, Belfast City Council has agreed initial proposals to regenerate part of the wider site into a major visitor attraction for the city. The planned investment by Giant’s Park Belfast Limited (GPBL), which has not yet entered the planning process and is proposed to be located to the north and west of the proposed site, will create four development ‘hubs’ – a welcome hub, leisure and sports innovation hub, adventure hub and theme park hub. In September 2018, Belfast City Council also approved the lease of two sites within Giant’s Park one of which being the proposed application site, the other a £27m investment to develop a data centre to support the digital economy.</p> <p>The application site, circa 5.11ha, is located on low-lying ground adjacent to Belfast Lough with levels of approximately +6m to +8m and the core of the site having a very flat and open character. Levels rise to the north where the landscape has a more undulating profile across the wider North Foreshore lands.</p> <p>While not located within any environmental or landscape designations, the application site is adjacent to a number of important national, European and international designated sites</p>

<p>2.6</p> <p>2.7</p>	<p>as follows: Inner Belfast Lough ASSI which is declared under the Environment Order (Northern Ireland) 2002; Belfast Lough SPA and Belfast Lough Open Water SPA, both of which are designated under the EC Birds Directive (79/409/EEC on the conservation of wild birds); and Belfast Lough Ramsar Site which is designated under the Ramsar Convention.</p> <p>As described above, Belfast Harbour Film Studios is located to the northeast of the site. Dargan Road Waste Transfer Station located to the southeast of the site is licensed to accept up to 165,000 tonnes per annum of non-hazardous waste. To the north of the Waste Transfer Station, is an existing CHP engine compound installed as part of a landfill gas management system. This landfill gas management system originally comprised five CHP engines. Over time as the supply of landfill gas has depleted only two CHP engines are now used to generate electricity from the remaining landfill gas. The landfill gas collected by the application site will remain the property of Belfast City Council for combustion in the remaining two CHP engines. The three engines acquired by DRBL in 2017 will be utilised to generate heat and electricity from the biogas generated by the proposed CAD facility. Dargan Road to the south provides access to several commercial and industrial facilities.</p> <p>The road is the main access to Belfast Port and connects to the M2 at the Fortwilliam Roundabout (Junction 1). It was upgraded in 2009 to a 4-lane / dual-carriageway as part of the road improvement works related to the new VT4 terminal at the end of West Bank Road within the Belfast Harbour Estate. The nearest residential areas or properties are located >500 metres from the application site in the Fortwilliam area to the west with the NI Railway line and M2 Motorway located in the intervening landscape. The centre of Belfast City (the City Hall), is located 3.9km to the south of the site.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
<p>3.0</p> <p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p>Site History</p> <p>Full details of all historical applications are provided at Annex A. Of particular relevance to this site are the following:</p> <p>Ref ID: LA04/2019/0433/DETEI (EIA determination) Proposal: Proposed centralised anaerobic digestion (CAD) plant to power existing combined and heat power (CHP) engines and to utilise existing service road infrastructure. Address: Lands at Giant's Park, Dargan Road, North Foreshore, Belfast, Decision: Environmental Statement required Decision Date: 7th March 2019</p> <p>Ref ID: LA04/2018/2166/DETEI (EIA determination) Proposal: Proposed centralised anaerobic digestion (CAD) plant to power existing combined and heat power (CHP) engines and to utilise existing service road infrastructure. Address: Lands at, Giants Park, Dargan Road, North Foreshore, Belfast. Decision: Responded under LA04/2019/0433/DETEIA letter (Screening and Scoping response) Decision Date: 7th March 2019</p> <p>Ref ID: LA04/2020/0474/F Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, services and access from existing internal access road, landscaping and associated site works (Phase 2). Address: Lands immediately north and south of existing film studios north of Dargan Road Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park). Decision: Planning Committee resolved to grant permission in July 2020</p>

3.5	<p>Ref ID: LA04/2015/1605/F Proposal: Film studios complex comprising production, studio and workshop buildings, associated service yards, car parking, access to service roads under construction (Z/2014/1279/F), landscaping and ancillary works including 3 No stand-alone transformer compounds, security hut and proposed headwall (amended description) (Phase 1) Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility) adjacent to Belfast Lough, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park, with access from Dargan Decision: Permission Granted Decision Date: 25.02.2016</p>
3.6	<p>Ref ID: Z/2014/1279/F Proposal: Provision of new upgrade of existing roads infrastructure and associated site capping together with associated landscaping and site works Address: Lands of the former Dargan Road land fill site, to the north of Dargan Road, Belfast. Decision: Permission Granted Decision Date: 24.04.2015</p>
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015) Draft Belfast Metropolitan Plan 2004 Belfast Harbour Local Plan 1990 – 2005</p>
4.2	<p>Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for N. Ireland (SPSS) Planning Policy Statement 2 (PPS 2) – Planning and Nature Conservation Planning Policy Statement 3 (PPS 3) - Access, Movement and Parking Planning Policy Statement 4 (PPS 4) – Planning and Economic Development Planning Policy Statement 11: Planning and Waste Management Planning Policy Statement 13: Transportation and Land Use Planning Policy Statement 15 (Revised) (PPS 15) - Planning and Flood Risk Planning Policy Statement 18: Renewable Energy</p>
4.3	<p>Other material considerations Supplementary Planning Guidance on Anaerobic Digesters Anaerobic Digesters - Planning Guidance Note: Northern Ireland Environment Agency (2012)</p>
5.0	Statutory Consultee Responses
	<p>DFI Roads – No objection NI Water – No objection Rivers Agency – No objection NIEA-Marine and Fisheries Division – No objection NIEA Water Management Unit – No objection NIEA Land, Soil, and Air – No objection NIEA Natural Environment Division – No objection Shared Environmental Services – No objection Belfast City Airport – No objection</p>
6.0	Non-Statutory Consultee Responses
	<p>Environmental Health BCC – No objection subject to conditions and informatives Tree Officer BCC – content that the landscaping proposals are appropriate subject to condition</p>

	City and Neighbourhood Landscape Team BCC – No objection
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. Two objections to the proposal have been received from Carlin Planning Ltd on behalf of Giants Park Belfast Limited (GPBL) and from Turleys on behalf of Belfast Harbour. These representations are summarised below with an officer commentary on each of the main points. The substantive issues raised by objectors are also dealt with in the main assessment section of this Committee report.
	<u>GPBL</u>
7.2	GPBL say that they are the preferred bidder for the development of 250 acres of land at North Foreshore. This will be a major leisure-led mixed use development involving significant investment of around £170m and will be a major tourism destination. The Giant's Park proposal will include the following phases: <ul style="list-style-type: none"> • Phase 1 – hotel; petrol filling station; and fast food • Phase 2 – indoor leisure; golf entertainment facility; food and beverage; and hotel • Phase 3 – 200 acre active entertainment park • Phase 4 – R&D park
7.3	The site is immediately adjacent the proposed CAD facility. GPBL have significant concerns that the proposed CAD facility could impact on deliverability and success of a leisure-based development. The proposal is contrary to planning policies and should be refused. The specific concerns are summarised below.
7.4	Risk to the delivery of GPBL's proposals – the proposal would create a serious risk to delivery of the future major leisure and tourism proposal. The Environmental Statement should consider the GPBL scheme as a sensitive receptor. The leisure park proposals would result in considerable environmental and economic benefits. There is also a risk that the proposed CAD facility would be incompatible with proposed adjacent employment land. <i>Officer response:</i> the GPBL proposals have not entered the planning process and there are no live planning applications for the scheme. Accordingly, Members are advised that minimal consideration can be given to this issue at this time.
7.5	Access and HGV traffic movements – the proposed access to the CAD facility is within 30m of the access to the leisure park. HGVs present the risk of odour, noise, pests (vermin and birds), dirt and dust. The HGVs will also have an adverse visual impact. It will be difficult to enforce HGVs use of the second spine road access. The proposed access should be moved to the east instead. The proposal will prejudice safety and the convenience of road users contrary to policy. <i>Officer response:</i> Members are advised that they must determine the application before it. DFI Roads have considered the application and have no objections to the proposal. There is no objection to the proposal from the Council's Environmental Health team.
7.6	Visual impact – the proposal would have an overbearing visual impact. The site is the most prominent part of the North Foreshore site. The proposed AD tanks are similar in height to a 7 storey building. The proposal is not visually compatible with a leisure and tourism scheme.

<p>7.7</p> <p>7.8</p> <p>7.9</p> <p>7.10</p> <p>7.11</p> <p>7.12</p> <p>7.13</p> <p>7.14</p>	<p><i>Officer response:</i> the Council's Landscaping team have assessed the application, including the accompanying Landscape Impact Visual Assessment, and have no objection.</p> <p>Noise and odour – the Environmental Statement fails to assess the impact of the proposal on the proposed leisure park. Noise can be generated by the building plant and vehicle movements. Concerns about odour from HGVs carrying bio-gradable waste.</p> <p><i>Officer response:</i> the Environmental Statement is not required to consider proposals which are speculative and have not entered the planning process. The Council's Environmental Health team offer no objection to the proposal in relation to noise or odour impacts.</p> <p>Nuisance: vermin and birds – there is risk of leakage from HGVs which may attract vermin and birds. The Environmental Statement does not adequately deal with these issues. Whilst these issues can be mitigated, they cannot be totally eradicated. It is crucial to protect the nearby European and Nationally designated sites.</p> <p><i>Officer response:</i> the ecological impacts of the proposal have been considered by NIEA and SES who offer no objection to the proposal.</p> <p><u>Belfast Harbour</u></p> <p>Belfast Harbour is the owner of the adjacent Film Studios complex which is located within the North Foreshore, immediately to the east of the application site. They refer to the significant level of investment of approximately £45m and job creation for Phase 2 of the film studios, including 250 jobs during construction and 1,000 creative jobs when occupied.</p> <p>Belfast Harbour is concerned that the proposed CAD facility would be incompatible with the film studios. The existing complex is an economic generator with the potential for further economic contribution.</p> <p>Noise – the applicant's Noise Assessment considers the impact on the film studios. It concludes that the majority of noise nuisance will be during construction and noise will be perceptible over short term and temporary duration. Concerns about the impact of noise including on filming. The unique characteristics of the site should be reconsidered. Construction is expected to last around 20 months. The application does not specifically address noise from piling.</p> <p><i>Officer response:</i> The Council's Environmental Health team offer no objection to the proposal in relation to noise or other environmental impacts.</p> <p>Environmental and ecological impacts – given that the proposal is EIA development, the Council should be satisfied that it is appropriate to condition mitigation in the form of a final Construction Environmental Management Plan and Site Drainage Plan.</p> <p><i>Officer response:</i> the environmental and ecological impacts of the proposal have been considered by NIEA, SES and other consultees who offer no objection to the proposal. It is considered appropriate to deal with these matters by condition.</p> <p>Future expansion of the film studios – concerns about compatibility.</p> <p><i>Officer response:</i> there are no technical objections from consultees and the uses are considered compatible.</p>
--	--

	<p>Process – the Environmental Statement does not address issues relating to archaeology, overshadowing, daylight, sunlight and wind despite it being requested as part of the Council’s EIA scoping. It would have been expected that additional ground gas and land contamination information should have been dealt with in an Environmental Statement Addendum. The Addendum makes no reference to a third party representation dated 01 October or the environmental issues raised in it. The Environmental Statement Addendum was not accompanied by a Non-Technical Summary.</p> <p><i>Officer response:</i> it is considered that the Environmental Statement and Environmental Statement Addendum satisfactorily deal with the likely environmental effects of the proposed development. The third party representation was from GPBL; as stated earlier, the GPBL proposals have not entered the planning process and there are no live planning applications for the scheme. Accordingly, there is no requirement for the Environmental Statement to deal with specific impacts on those proposals. The Environmental Statement was accompanied by a Non-Technical Summary as required by the Regulations.</p>
<p>8.0 8.1</p> <p>9.0</p> <p>9.1 9.2</p> <p>9.3</p>	<p><u>Environmental Impact Assessment</u></p> <p>An Environmental Statement (ES) was submitted as part of the application in line with the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. This assessed the environmental impacts of the proposal. The submission of the ES followed screening and scoping decisions by Belfast City Council dated 07 March 2019 confirming that any future planning application for a proposal of this nature required an accompanying ES as the proposal would likely have significant environmental effects on protected sites in the area. The screening and scoping for this proposal was assessed under LA04/2018/2166/DETEIA & LA04/2019/0433/DETEIA.</p> <p><u>Assessment</u></p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> • Development Plan Context; • The principle of the proposal at this location; • General overview of the development; • Renewable energy and environmental sustainability • The Economic Principles and impacts of the proposal; • Design and layout; • Landscape and Visual Impact; • Landscaping; • Impact on amenity; • Impact on Environmental Health (Noise, Vibration, Air Quality, Odour, Artificial lighting and Land Contamination); • Access, parking and transport; • Flood risk, Drainage and Infrastructure capacity; • Natural Heritage and Conservation -Impact on ecology; • Impact on material assets; • Renewable Energy Policy; and • Waste Planning Policy. <p><u>Development Plan Context</u></p> <p>Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.</p>

9.4	<p>Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.</p>
9.5	<p>Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), BMAP 2015 is considered to hold significant weight.</p>
9.6	<p>The site is un-zoned “white land” within the Belfast Area Urban Plan (BUAP) 2001. Within draft BMAP 2004 the site falls within zoning BHA 07 Employment/Industry North Foreshore. Following the publication of the Planning Appeals Commission’s (PAC) report (independent examination) it was recommended that Zoning BHA07 and Zoning BHA19 be deleted from the Plan and replaced by a new mixed use site zoning BHA05. This was then incorporated under Zoning BHA 05 of draft BMAP 2015. The Key Site Requirements (KSR’s) are broadly similar to those as set out in dBMAP 2004. The KSR for both plans are referred to under Sections 10.2 to 10.11.</p>
9.7	<p>The site is within close proximity to a National Designated Site (Inner Belfast Lough Area of Special Scientific Interest); 2No European Designated Sites (Belfast Lough Special Protection Area (SPA) and Belfast Lough Open SPA; and an International Designated Site Belfast Lough Ramsar Site.</p>
10.0	<p>The North Foreshore was operated as a landfill site between 1973 and 2007 and the 340 acre site was developed on areas progressively claimed from the sea northward from Dargan Road. In 1981 Belfast City Council ceased landfill operations on the southern section of the site. Waste Landfill tipping continued in the northern section of the site until March 2007. The application site is located in the central southern portion of the North Foreshore site. The land is currently not in use however it is immediately adjacent to the existing film studios complex known as Phase I.</p>
10.1	<p><u>The principle of the proposed use at this location</u> The site is located within the development limits of BUAP, draft Belfast Metropolitan Area Plan 2004 (dBMAP 2004) and draft Belfast Metropolitan Area Plan 2015 (dBMAP 2015). The presumption is therefore in favour of development subject to the planning considerations discussed below. The site is within Zoning BHA 07 Employment/Industry for North Foreshore in the draft BMAP 2004 and is within the mixed use site North Foreshore Zoning BHA 05 in draft BMAP 2015. Both zonings list a number of KSRs. Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), BMAP 2015 is considered to hold significant weight. A review of KSRs for both draft development plans follows.</p>
10.2	<p>Draft BMAP 2004 – Key Site Requirements for Zoning BHA 07 Employment/Industry North Foreshore The first KSR states that development at this location shall only include uses including Light Industrial, General Industrial, Special Industrial, Storage and Distribution, Park and ride and Waste Management facilities. It is considered that an Anaerobic Digester Facility is a waste management facility and as such it complies with identified uses considered to be suitable at this location.</p>
10.3	<p>The second KSR requires development of the site to be permitted only in accordance with an overall comprehensive masterplan to be agreed with the Department. The</p>

10.4	<p>Comprehensive Master Plan was agreed by DOE Planning Service under reference Z/2008/2289/Q by correspondence dated 15 January 2010. This Masterplan recommended waste management facilities in the area. The Masterplan also promoted economic development on the site. It is considered that the proposal complies with the overall aspiration of the Masterplan to seek the regeneration and development of this site and wider North Foreshore land.</p>
10.5	<p>The third KSR states that access shall be from Dargan Road. The access arrangements and principal internal road network for North Foreshore have been granted planning permission (Z/2014/1279/F) and are constructed and in operation. The proposal will tie into this existing network.</p>
10.6	<p>The fourth KSR states that a Transport Assessment agreed with Transport NI (Now DFI Roads) shall be required. A scoping study, service management plan, travel plan, transport assessment form and transport statement have all been submitted in support of this application. DFI Roads have no objections based on the information submitted to support the application.</p>
10.7	<p>The fifth KSR states that development proposals shall be required to provide appropriate protection of habitat biodiversity in the adjacent international and national designated natural heritage sites. A landscape and visual impact assessment; environmental statement including a section on the assessment of the likely significant ecological impacts associated with the proposal, shadow habitat regulation assessment and outline construction phase environmental management plan have been submitted in support of the application. NIEA and Shared Environmental Services have been consulted and confirmed that they have no objections based on the information submitted subject to appropriate conditions.</p>
10.8	<p>The sixth KSR requires buildings to exhibit variety in their elevational treatment and heights. The nature of the proposal gives rise to different sizes and heights between different components of the proposal. The industrial nature of the use is evident from its design. There is no objection from the Council's Landscaping team.</p>
10.9	<p>The seventh and eighth KSR's require a comprehensive landscaping scheme including retention of vegetation on the site and a detailed planting plan and programme of works as well as long-term landscape management proposals. The proposal was accompanied by a comprehensive landscaping scheme. This was assessed by BCC Tree Officer and BCC City and Neighbourhood Landscape Team and found to be acceptable. These consultees have no objections subject to conditions.</p> <p>Draft BMAP 2015 – Key Site Requirements for Zoning BHA 05 Mixed Use North Foreshore</p>
10.10	<p>The PAC report (independent examination) recommended that Zoning BHA07 and Proposal BHA19 be deleted from the Plan and replaced by a new mixed use zoning BHA05. The Key Site Requirements (KSR's) are broadly similar to those in the draft 2004 plan. One of the key differences was that at the PAC inquiry, it was agreed by the parties that recycling should be included.</p>
	<p>The proposal is compliant with the KSRs stipulated within the draft BMAP 2015 zoning BHA 05 mixed use site-North Foreshore insofar as the proposed development:</p> <ul style="list-style-type: none"> • Is a 'sui generis' waste management use at this location. This use comprises elements of waste management and recycling; • Is broadly compliant with the comprehensive masterplan for Giant's Park;

10.11	<ul style="list-style-type: none"> • Will provide appropriate protection of habitat biodiversity as considered in the Environmental Statement (chapters 6 ‘Air Quality and Odour’ and 11 ‘Ecology’); • Will be accessed from existing road infrastructure from Dargan Road; • Does not require any road improvements based on predicted additional traffic identified within Chapter 10 ‘Transportation’ of the accompanying Environmental Statement; and • The proposal is accompanied by a comprehensive landscaping scheme which will be conditioned. <p>The proposal is considered compatible with the adjacent uses identified within the Development Plan zonings and the wider comprehensive masterplan for Giant’s Park. Given the location of the site within the development limits and compliance with the key site requirements it is therefore considered that the proposed use is acceptable in principle, having regard to local planning policy and the presumption is therefore in favour of development subject to planning and environmental considerations detailed below.</p>
10.12	<p>RDS 2035</p> <p>Policy RG5 relates to the delivery of a sustainable and secure energy supply. It states that decision makers will have to balance impacts against the benefits from a secure renewable energy stream, and the potential for cleaner air and energy for industry and transportation. There will need to be a significant increase in all types of renewable electricity installations and renewable heat installations, including a wide range of renewable resources for electricity generation both onshore and offshore to meet the Region’s needs. In addition to the carbon benefits, increased use of micro-generation plays an important part in diversifying our energy mix and ensuring security of energy supply. It can allow energy to be produced and consumed locally, help alleviate fuel poverty (especially in off-gas network areas) and play a part in meeting renewable energy targets.</p>
10.13	<p>SPPS</p> <p>The Strategic Planning Policy Statement (SPPS) sets out five core planning principles including improving health and well-being; creating and enhancing shared space; supporting sustainable economic growth; supporting good design and positive place making; and preserving and improving the built and natural environment. With regards to renewable energy, the SPPS reiterates the policy criteria contained within Policy Re1 of PPS 18 and states that: <i>‘the wider environmental, economic and social benefits of all the proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted’</i>. With regards to waste management, the aim of the SPPS is to <i>‘support wider government policy focused on the sustainable management of waste, and a move towards resource efficiency’</i> It is therefore considered that the proposal is also compliant with strategic planning policy.</p>
10.14	<p>General Overview of the development</p> <p>This site offers an opportunity for a strategically located CAD facility in the North Foreshore, a significant regeneration site in Belfast that is promoted as Belfast’s future ‘Cleantech Hub’ to attract interest from environmental, renewables and low carbon sectors amongst other mixed uses. Wider existing uses within the Giant’s Park site include the Belfast Harbour Film Studios to the northeast and Belfast City Council Waste Transfer Station located to the southeast of the site. To the north of the Waste Transfer Station, is an existing CHP engine compound installed as part of a landfill gas management system. This landfill gas management system originally comprised five CHP engines. Over time as the supply of landfill gas has depleted only two CHP engines are now used to generate electricity from the remaining landfill gas. The other three CHP engines (4.1MW) were decommissioned and acquired by DRBL in 2017. With this spare grid capacity available, DBRL have looked to alternative renewable solutions to create biogas in making best use of the existing engines. Anaerobic Digestion (AD) is a sustainable form of renewable</p>

	<p>energy production through a naturally occurring process in which micro-organisms break down 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 biogas is converted via a CHP engine into renewable heat and electricity.</p>
10.15	<p>Environmental Health do not have in principle concerns regarding the compatibility of the proposed CAD facility with the proposed adjacent uses zoned under Policy BHA 05 of BMAP 2015, or the approved masterplan, in respect of land contamination, ambient air quality, odour, noise impacts or lighting. It also confirms that the CAD facility is to be licensed and regulated by NIEA under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.</p>
10.16	<p>Representations from GPBL highlighted concerns regarding whether future GPBL proposals have been adequately assessed as a sensitive receptor in the ES and whether this proposal will impact on the delivery of future uses by GPBL. These proposals are at an early stage and have not yet entered the planning process. As such minimal weight can be attributed to this issue at this time.</p>
11.0	<p><u>Renewable energy and environmental sustainability</u></p>
11.1	<p>Anaerobic Digestion (AD) is a technology that delivers a number of energy and environmental benefits including: the generation of renewable energy and valuable fertiliser from local organic waste material; contribution to renewable energy targets and reduction in reliance on fossil fuels; and reduction in greenhouse gas emissions and pathogens. These are material planning considerations as set out within strategic guidance under Policy RG 9 (Reduce our carbon footprint and facilitate mitigation and adaption to climate change whilst improving air quality) and Policy RG10 (Manage our waste sustainably) of the RDS. The RDS also strives to deliver a sustainable and secure energy supply under Policy RG 5. Furthering sustainable development is at the heart of the SPPS with particular reference to renewable energy under paragraphs 6.214-6.218 and 6.306-6.309 as well as renewable energy policy within PPS 18. The Programme for Government contains a target for a reduction in greenhouse gas emissions by at least 35% on 1990 levels by 2025. The current NI Strategic Energy Framework target is for 40% of electricity consumption to be met by renewable generation by 2030. A significant benefit of the proposed development is that it will contribute to the redevelopment of this former landfill site whilst also contributing to renewable energy targets, reducing the amount of biodegradable waste sent to landfill and reducing greenhouse gas emissions. The development of the CAD facility at this location also has the potential to attract other industrial / business uses to the North Foreshore who seek to avail of the renewable energy (electricity and heat) sources that the facility will generate.</p>
12.0	<p><u>The Economic Principles and impacts of the Proposal</u></p>
12.1	<p>Paragraphs 4.18 and 4.22 of the SPPS state that planning authorities should take a positive approach to appropriate economic development proposals and pro-actively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority. The project represents a significant capital investment in the local economy (estimated construction cost of £40m) and the creation of c. 354 indirect/direct jobs during construction and c. 22 operational jobs.</p>
12.2	<p>PPS 4: Planning and Economic Development sets out planning policies for economic development uses, recognising the key role the planning system has in achieving a vibrant economy. It is considered that the proposal is consistent and complies with the overall aspiration of the mixed use zoning in draft BMAP 2015, approved masterplan and Policy</p>

<p>12.3</p>	<p>PED 7 Retention of zoned land and economic development uses in that it is considered to be an exceptional sui generis use.</p> <p>The proposal is in accordance with the area plan zoning and meets the KSRs set out for the zoning as previously set out. It is also considered that given the expansive nature and size of zoning BHA05, there is sufficient industrial land for redevelopment of other economic land uses. It is therefore considered that the proposal is acceptable having regard to PPS4 and Policy PED7.</p>
<p>13.0</p>	
<p>13.1</p>	<p><u>Design and layout</u></p> <p>The proposed development will comprise the following: 6no. digester tanks; 2no. buffer tanks; 1no. storage tank; Pump rooms associated with bunded tank farm; 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; Emergency biogas flare; Back up boiler; Administration/office building; Car parking; 3no. weighbridges; Fire water tank and pump house; Pipelines to existing CHP engines; Switchgear container; NIE kiosk; Waste Exhaust Heat Boiler; Security fencing; Landscaping / earth bunding; and 3no. Accesses to existing Giant’s Park service road infrastructure.</p>
<p>13.2</p>	<p>The scale and massing of the buildings proposed are primarily influenced by the function of the use. The main processing building with an area of 5,740m² is the largest building on the site by floor space. This building has a maximum height of 14m. Tanks on the site measure up to a maximum 21m in height. The tallest component of the site is the odour control stack measuring 33m in height. The neighbouring film studio measures approximately 24m in height which highlights the local character of the area. The materials used on the proposal range from wall and roof cladding on the main building to light grey/blue metal cladding tanks and plant. These materials fit the industrial nature of the proposal and are supported by the Council’s Landscape team.</p>
<p>13.3</p>	<p>Given the overall size of the site within North Foreshore and the industrial / commercial nature of the immediate surrounding context, the design and layout of the proposed scheme is considered to be acceptable.</p>
<p>14.0</p>	<p><u>Landscape and Visual Impact</u></p>
<p>14.1</p>	<p>A Landscape and Visual Assessment (LVIA) was submitted in support of the application. The Council’s Landscape Planning and Development Team reviewed the LVIA as well as associated planting and landscaping proposals. They are content with the methodology and assessment and note that the proposal can be effectively absorbed into the existing setting without causing any adverse or unacceptable effects.</p>
<p>14.2</p>	<p>The proposed development will constitute a significant alteration to the application site setting and will be a notable addition to the North Foreshore / Giant’s Park. The taller parts of the AD Plant will be visible in glimpse views from incidental locations on Dargan Road and Edgewater Road but, in general the effects will be of a slight and non-significant nature given the site context.</p>
<p>14.3</p>	<p>Beyond the application site area, the effects on landscape character and visual amenity very quickly dissipate in magnitude of effect and significance on account of the nature of the baseline character and limited visual envelope.</p>
<p>14.4</p>	<p><i>Predicted Landscape Character and Visual Impacts (Construction and Operation)</i></p> <p>BCC’s Landscape Planning & Development Team agree that there will be substantial effects during the construction and operational periods and that there will be slight to</p>

	<p>negligible effect on this part of the city due to the existing industrial, commercial character. Viewed from the east (Viewpoint 2) and west (Viewpoints 3 & 4) of the supporting information it is considered that the proposed development would be identifiable in association with Belfast Harbour Film Studios and the recent infrastructure works. As such, it is not visually out of character within the wider landscape. The development will produce recognisable new elements in the landscape but not dominant components in the wider view, and does not constitute a considerable alteration of the landscape character. Given that the proposed development is located next to an existing large scale development (Belfast Harbour Studios) it is unlikely to result in a significant additional impact on landscape character or visual amenity. The scale is appropriate in the context of the receiving landscape and is compatible when considered with the existing adjacent development and the wider landscape character. BCC's Landscape Planning & Development Team also agree with the assessment that there will be neutral effects from the four viewpoints identified in the LVIA report.</p>
14.5	<p>Description of Proposed Mitigation Measures BCC's Landscape Planning & Development Team supports the selection of the non-reflective cladding materials and grey colour choices for the buildings. They welcome the use of Adventura Grey RAL 7000 for the proposed chemical tanks to reduce the potential visual impact of the proposed development. They have commented that they are content that the Proposed Landscape Works submitted has sufficient detail on species, specification and densities and are supportive of the planting proposals as presented. The proposal is therefore considered appropriate in landscape and visual terms and can be effectively absorbed into the existing setting without causing any adverse or unacceptable effects.</p>
14.6	<p>Landscaping The existing trees on the site were only planted within the past few years and as such have not had time to establish. The retention of these trees will be conditioned as it will assist integration and add value to the amenity of the site / area. Proposed new planting includes a mixed species of hornbeam, willow and Scot's Pine, extra heavy standard at the time of planting. These species are deemed acceptable as they are the same species used in the wider area as part of planning approval ref. Z/2014/1279/F (Access road infrastructure). The proposed landscaping seeks to create mounding throughout the site which will help break up the landscaping and assist screening / integration. These mounds will vary in height from 1m to 2m from ground level. Groups of trees will be planted on top to create a woodland. The proposed access roads / hard surfaces into the site will have an impact on several existing trees, necessitating their removal. New hard surfaces to the north of the site will also impact existing gorse and shrub. It is considered that between the proposed landscaping and further conditioning that adequate landscaping will help to lessen the visual impact of the proposal.</p>
15.0 15.1	<p>Impact on Amenity and Environmental Health Paragraphs 4.11 and 4.12 of the SPPS states there are a wide range of environmental and amenity considerations including noise and air quality, which should be taken into account by planning authorities when managing development. Assessments of wider human health effects on the nearby population during both the construction and operational phases of the development have been considered in the ES. The development has taken wider health considerations into account through the design process and the effects on wider human health are therefore anticipated to be negligible. The nearest residential properties are located >500 metres from the application site in the Fortwilliam area to the west. The adjacent film studio is approximately 150 metres from the closest building on the proposed site. Due to separation distances of at least 150m there is unlikely to be any issues with overshadowing with existing neighbouring uses including the adjacent Film studio. It was considered that there was no requirement for a shadow analysis or sunlight report. A</p>

	Noise & Vibration report, an Air Quality Impact Assessment, an Odour Impact Assessment, and an Artificial Lighting Assessment have been submitted in support of the planning application.
15.2	<p>Noise and Vibration</p> <p>The submitted noise report concluded that there are no likely significant noise impacts associated with the proposed development. Piling activities may be required in closer proximity to the Belfast Film Studio complex. EHO have offered conditions to mitigate against any adverse impact on the studio during the construction phase of the proposal. EHO have commented that they have no concern regarding construction and operational phase noise impacts of the proposed Anaerobic Digestion development. The impacts of the construction and operation phases are therefore concluded to be negative.</p>
15.3	<p>Air Quality and Odour</p> <p>Air quality impact has been assessed on the basis of construction and operational impacts. In terms of construction dust impacts EHO have recommended a condition requiring a dust management plan to be submitted.</p>
15.4	<p>With regard to odour impact, the applicants have advised that the purpose of the Anaerobic Digestion plant is to produce biogas to be combusted in adjacent generators in order to generate commercial electricity for the grid and for onsite use. They have consequently advised that the biogas will be stored in a closed loop system and that the reception area of the plant will be maintained under a negative pressure, with all air extracted through a three stage odour control system, discharging at a height of 30m to atmosphere. Ammonia is to be emitted via this stack at a maximum concentration of 10mg m⁻³ and odour at a maximum concentration of 1,000 ou_e m⁻³. EHO have expressed no concerns regarding odour impact from operation of the proposed Anaerobic Digestion plant at relevant human health receptor locations. In addition, it is understood that the proposed Anaerobic Digestion plant will be subject to permitting by the Northern Ireland Environment Agency under the Pollution Prevention and Control (Industrial Emissions) NI 2013 Regulations. In addition to this EHO have no concerns regarding air quality impact</p>
15.5	<p>Artificial Lighting</p> <p>An Artificial Lighting Assessment was submitted, principally to demonstrate that the proposed development has been considered to minimise vertical light leakage, and thereby avoiding glare to aircraft operating from George Best Belfast City Airport. The Assessment has however, also considered the impacts of artificial lighting on adjacent sensitive receptors during construction and operational phases of the proposed development. The Artificial Lighting Report concluded that the lighting for the proposed development can be accommodated without detriment and will not result in a significant adverse impact, rather providing modern controlled lighting technologies that will contain and control light spill and will be negligible (long term) to the surrounding environment. EHO offers no objections to the proposed artificial lighting associated with the proposal.</p>
15.6	<p>Contaminated Land and Ground Conditions</p> <p>The nature of the site as a landfill location naturally gives rise to concerns regarding contamination and human health. The Council's Environmental Health Department (BCC: EH) as well as NIEA: Land and Groundwater Regulation Unit (NIEA: LRU) were consulted.</p>
15.7	<p>A Preliminary Risk Assessment (PRA), Generic Quantitative Risk Assessment (GQRA) and Remediation Strategy reports were submitted in support of the application. Following review of these documents, both consultees were content to recommend conditions.</p>
15.8	<p>The conditions will require a detailed remediation strategy which must demonstrate how the identified pollutant linkages on the site are to be demonstrably broken so that they no longer</p>

	<p>pose a potential risk to human health. The details will include the capping systems to be installed, gas protection measures to be installed in all buildings requiring gas protection, hydrocarbon vapour protection membrane to be installed in all buildings requiring protection, the gas abstraction system to be installed on the development site and how the proposed remedial works are to be verified. A verification report will also be required.</p>
15.9	<p><i>Outline Construction Environmental Management Plan</i></p> <p>An OCEMP was submitted as part of the Environmental Statement. This contains details of the environmental monitoring and mitigating measures to be implemented during construction works to minimise the effects of the site operations on relevant receptors. The OCEMP will address other general environmental management issues at the proposed development site and at the council's North Foreshore, Giants Park. Some of these issues may be of relevance to the council's Waste Management Licence for the former Dargan Road Landfill site that has been conferred under the Waste Management Licensing Regulations (Northern Ireland) 2003. The 'final' CEMP should therefore also have regard to environmental management recommendations detailed within the council's North Foreshore Developer's Guidance Note and supporting documents. EHO have requested conditions to this effect.</p>
16.0	<p><u>Access, parking and transport</u></p>
16.1	<p>The proposal has been assessed against PPS 3 and PPS13. In assessing the proposal DFI Roads considered the following documents: a Transport Assessment Form, Transport section within the environmental statement, a Travel Plan and a Service Management Plan. They offer no objection to the proposal.</p>
16.2	<p>Transport impacts of the proposed development therefore relate primarily to the delivery of waste feedstock (up to 99,999 tonnes per annum) and transportation of digestate (up to 16,000 tonnes per annum). Ancillary traffic movements will also include chemical delivery, the removal of screened material and daily staff movements. In the vicinity of the site access Dargan Road is a dual carriageway is approximately 30.2m wide (in total) with two through lanes in each direction, right turn lanes, central reservation and footways. The access to the public road currently serves a film studio complex and a waste transfer station. The traffic generation from these uses has been identified and is already on the local road network. The access forms a priority junction with Dargan Road. The access is 7.3m in width to facilitate the regular arrival and departure of HGVs. The access is gated, and whilst usually open the gates are placed 22m from the edge of the running carriageway, so that a waiting vehicle does not obstruct through traffic. The existing site access is designed to safely accommodate the large vehicles associated with the current and proposed vehicles on the site. Verges/footways facilitate visibility splays in excess of 4.5 x 90m in both directions.</p>
16.3	<p>The plant will consume 99,999t of organic feedstock annually. Waste will be sourced from the wider Belfast area. The worst case scenario is that all vehicles carrying feedstock will arrive full and leave the site empty, therefore there will be 32 HGV arrivals and 32 HGV departures per day associated with the delivery of feedstock. The approach routes for these vehicles will be along Dargan Road, to or from the Fortwilliam junction of the M2. The output is digestate pellets or material to otherwise be disposed of at landfill or recycled. Assuming the maximum 16,000t output equates to 5 loads per day. Again a conservative average load of 10t is assumed. The worst case scenario is that all vehicles arriving to the site to remove digestate pellets or material to landfill arrive empty and leave the site full, therefore there will be 5 HGV arrivals and 5 HGV departures per day. This equates to a total of approximately 74 HGV journeys per day.</p>
16.4	<p>DFI Roads finds the information submitted in support of the application to be acceptable subject to conditions. Having regard to the above and technical response from DFI Roads, it is considered that subject to conditions which are set out below the scheme is acceptable and in accordance with the relevant sections of PPS 3.</p>

17.0	<u>Flood Risk, Drainage & Infrastructure capacity</u>
17.1	PPS15: Planning and Flood Risk seeks to minimise and manage flood risk to people, property and the environment. The site is located outside the 1 in 100 year river flood plain and 1 in 200 year coastal flood plain. The proposal has been considered against Policy FLD 1 of the Revised PPS15 – ‘Development in Fluvial (River) and Coastal Flood Plains’. The Flood Hazard Map (NI) indicates that the development is not within any river or coastal flood plains. Given that the site area exceeds 1 hectare Policy FLD 3: Development and Surface Water Flood Risk Outside Flood Plains of PPS 15 is relevant. A Drainage Assessment has been submitted in support of the application
17.2	The proposed development is not considered to be at risk of fluvial flooding during a 1 in 100 year fluvial flood event. The proposed development will increase the rate and volume of surface water runoff from the applicant site. A storm drainage system will discharge this increased rate and volume of surface water runoff directly into the sea. Discharging directly into the sea has no adverse flooding issues because additional flow will not cause sea levels to increase. The impacts of the construction and operation phases are therefore concluded to be negative (slight). There will be no impact upon or from the proposed development in the context of pluvial flooding. There will be no contamination from sediment loading or chemical spills due to engineered solutions.
17.3	Rivers Agency raised no objection to the proposal subject to informatives. Northern Ireland Water Ltd has been consulted on the proposal and confirmed that the waste water treatment works (WWTW) has available capacity to accept the additional load. NIEA: Water Management Unit also has no objection to the proposal. Having had regard to the above it is considered that the proposal would not have a significant impact on flood risk, drainage and the sewerage system. The proposed scheme is therefore considered acceptable in accordance with Policy FLD 3 of PPS 15 and the SPPS with respect to flood risk, drainage, sewerage and climate change.
18.0	<u>Natural Heritage and Conservation – Impact on ecology</u>
18.1	As set out above the application site is within 7.5 km of Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA, Maidens SAC, Bellevue ASSI & Craigantlet Woods ASSI (hereafter referred to as designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.
18.2	PPS2 sets out planning policies for the conservation, protection and enhancement of our natural heritage. Development proposals are restricted where they are likely to impact upon the integrity of European or Ramsar sites as these are afforded the highest protection.
18.3	The ES provides an assessment of the likely significant ecological impacts associated with the proposal during the construction and operational phases. Detailed surveys were undertaken at the application site in relation to protected habitats, badger, otter, lizard, avifauna and marine mammals. No evidence of badger, otter, lizard or marine mammals was observed. Bird activity on the site was extremely low and as such no significant direct impacts upon local avifauna are predicted. Indirect impacts on avifauna include potential disturbance during construction of the proposed development by way of noise (piling activity) and artificial lighting. The bird surveys carried out in respect of this proposal have indicated that the application site is not utilised by foraging and/or roosting shorebirds.
18.4	Natural Environment Division (NIEA: NED), Marine and Fisheries Division (NIEA: MFD, Water Management Unit (NIEA:WMU), Land, Soil and Air Pollution Prevention and Control

	team NIEA and Shared Environmental Services (SES) have considered the impacts of the proposal on designated sites.
18.5	Natural Environment Division has considered the impacts of the proposal, as per the application, on the designated sites and, on the basis of the information provided to date can confirm that the proposal, is in line with DAERA's operational protocol on nitrogen emissions. NIEA NED is content that the proposed development is unlikely to significantly impact bats, otters, badgers or smooth newts and is content that the site does not support priority habitat. Given the response from NIEA NED and SES it is considered that the proposal therefore complies with the relevant policy requirements of PPS 2.
18.6	NIEA: Marine and Fisheries Division have provided informatives regarding marine life and protections.
18.7	NIEA: WMU have highlighted that they have no objection to the proposal because NIW have indicated that the WWTW in the area is able to accept the additional load, with no adverse effect on the operation of the WWTW or its ability to comply with its consent to discharge.
18.8	NIEA: Land, Soil and Air Pollution Prevention and control team have requested a planning condition to state that no digestate from the facility is to be land spread. However, this would be outside the control of the planning permission and a matter for the relevant licensing authority.
18.9	SES have no objections to the proposal.
18.10	Having regard to PPS 2, it is considered that the proposal meets the requirements of the relevant policies as outlined above.
18.11	<i>Habitats Regulation Assessment (HRA)</i> This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Shared Environmental Service concluded that having considered the nature, scale, timing, duration and location of the project it is concluded that, provided mitigation is conditioned, the proposal will not have an adverse effect on site integrity of any European site.
18.12	NIEA Marine and Fisheries Division has considered the impacts of the proposal and on the basis of the information provided is content with the proposal. They have commented that provided appropriate air, land and water pollution prevention measures are implemented during construction and operation, the proposal is unlikely to have a significant impact on marine protected areas.
19.0	<u>Impact on material assets</u>
19.1	The ES examines the potential impacts on utility infrastructure (electricity, gas and water) and airport safeguarding including lighting impact as a result of the proposed development. During the construction phase, the ES confirms that the services installed to-date at Giant's Park are designed to accommodate development of the wider site and therefore no mitigation is required in relation to electricity import, sewer connection or water supply. In relation to airport safeguarding, the applicant will undergo an approval process with BCA in advance of any crane operation on site. As such, the residual impact of the proposed development during the construction phase is considered to be neutral. During the operational phase, the proposed development will be self-sufficient in relation to electricity

	<p>consumption. Similarly, water consumption will also be minimal give the proposed rainwater harvesting arrangements. The proposed drainage system to be installed will ensure water quality prior to discharge to the existing storm sewer which is confirmed to have sufficient capacity. The proposal will also connect to the existing foul sewer located on-site. Airport safeguarding has been considered in relation to bird attractants, use of lighting, reflective surfaces and obstacle lighting and mitigation by way of design of the proposed facility will ensure the proposed development will not impact on the operations of BCA. Belfast City Airport and NI Water offered no objections to the proposal.</p>
20.0	<u>Assessment against PPS 18 Renewable Energy Planning Policy</u>
20.1	<p>Planning Policy Statement 18 is also a material consideration. Policy RE1 seeks to ensure that the proposed development will not result in an unacceptable adverse impact on:</p> <ul style="list-style-type: none"> 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.
20.2	<p>In terms of criterion (a) the site is located within a former landfill site, centrally located to potential feedstock sources and key transport corridors. The site is located in the existing industrial context of Belfast Harbour with a waste transfer station located to the south east of the site. The management of the proposed CAD facility will require 22 full-time job positions. The risk of associated with such a proposal has also been considered in terms of the required plant. An emergency fire water tank, fire pump house and temperature control system is proposed. Given the limited number of staff and the imposition of mitigating measures it is considered that the proposal complies insofar as public safety is concerned. In terms of noise, the industrial nature of the wider area lends itself to having high background noise levels.</p>
20.3	<p>The distance from sensitive receptors ensures that ‘public safety, human health, or residential amenity’ will not be prejudiced. The nearest residential receptor is located > 500 metres from the application site in the Fortwilliam area to the west with the NI railway line and M2 motorway located in the intervening landscape. A Noise Impact Assessment (NIA) indicates that there will be no unacceptable impact to these residential properties given the separation distance, a view shared by Belfast City Council’s Environmental Health unit.</p>
20.4	<p>In terms criteria (b) and (c) the site has not been designated as having any landscape value by the Area Plan. It is not within an Area of Outstanding Natural Beauty (AONB), Area of Outstanding High Scenic Value (AOHSV) or a Local Landscape Policy Area (LLPA). The site is not located within but is adjacent to a number of ecological designations which were considered in the Environment Statement and have been adequately assessed. There are no known built heritage interests located within the site or within 500m due to it being a former landfill. There are no objections from NIEA or SES.</p>
20.5	<p>In terms of criteria (d) the proposed abatement systems and design of the CAD facility will ensure that there will be no impact on ‘local natural resources, such as air quality or water quality’ and in terms of criteria e public access to the countryside will not be impacted given the site’s location in an industrial area.</p>
20.6	<p>In terms of criteria (e) Public access to the countryside will not be impacted given the site’s location in an industrial area.</p>
21.0	<u>Waste – Assessment against PPS 11 ‘Planning and Waste Management’</u>
21.1	

Planning Policy Statement 11: Planning and Waste Management is a material consideration. This policy document sets out the Department's planning policies for the development of Waste Management Facilities. It seeks to ensure the highest standards so that waste can be dealt with in a way, which minimises impacts on the environment. The particular policy relevant to a proposal of this nature is Policy WM2 'Waste Collection and Treatment Facilities'. Policy WM2 must be considered in light of Policy WM1 'Environmental Impact of a Waste Management Facility'. Policy WM1 states that proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that a number of criteria are met.

- The proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment; as per the above consideration of PPS 18 Policy RE1, detailed assessments have been undertaken as part of the Environmental Statement to demonstrate that the proposal will not result in demonstrable harm to human health or the environment. Following consultation, NIEA and Environmental Health offer no objection regarding the impact of the proposal on human health or the environment.
- The proposal is designed to be compatible with the character of the surrounding area and adjacent land uses; as required by Policy WM2 of PPS 11, the site complies with a number of the locational criteria as it is located within an existing industrial area adjacent to compatible uses. There would be no harm to the wider landscape.
- The visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality; as per the above consideration, the proposal will not give rise to unacceptable visual impact.
- the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust; the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated; adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles; wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered; The proposed access to the site and the nature/frequency of associated traffic movements will not prejudice the safety and convenience of road users nor constitute a nuisance. Adequate arrangements are proposed for parking, servicing and circulation of vehicles. A comprehensive travel plan was submitted with the proposal. The proposal is located within an established industrial area, the location benefits from existing public transport services and proximity to the national cycling network.
- The development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests; as per the above consideration of PPS 18 Policy RE 1, there are no known built heritage interests or archaeological constraints located within the site or within 500m due to it being a former landfill.

21.2

The types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures; the processes are such that there will be no environmental risk. All waste feedstock will be handled internally within the main processing building and any process effluent will be contained and treated within the proposed WWTP. NIEA will be responsible for regulating the site and the licensing process will require the application to demonstrate that any associated environmental impacts will be acceptable. NIEA are content with the detail of the proposal.

21.3	<ul style="list-style-type: none"> It is therefore concluded that the proposal will not pose serious environmental risk to air, water or soil resources that cannot be controlled by mitigating measures. The proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere; the site is not located within the floodplain and the proposed development will not cause or exacerbate flooding elsewhere. Rivers Agency offered no objections to the proposal. the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land; the proposal will not result in the loss of versatile agricultural land as it is located on a former landfill site In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site. No landfilling is proposed. <p>The proposal therefore satisfies the criteria of Policy WM1.</p>
21.4	<p><i>Policy WM2 – Waste Collection and Treatment Facilities</i></p> <p>Policy WM 2 states that proposals for the development of a waste collection or treatment facility will be permitted where certain criteria are met. Within the context of Policy WM2 this proposal is assessed as follows:</p> <p>Criteria A: there is a need for the facility as established through the WMS and the relevant WMP. The proposal is consistent with the wider aims of waste management policy (established through the WMS and WMP) insofar as AD moves waste up from the hierarchy from disposal to recycling and recovery, diverting organic waste from landfill.</p> <p>Criteria B: the proposed facility is the Best Practicable Environmental Option (BPEO). BPEO is no longer a material planning consideration as per the then DoE ministerial statement in October 2013. This followed the publication of the revised Waste Management Strategy ‘Delivering Resource Efficiency’.</p> <p>Criteria C: the proposed facility should comply with a locational criteria. This proposal meets this as it is located within an industrial/port area which has a character appropriate to the development and it brings previously contaminated land back into productive use.</p> <p>Criteria D: Requires that the proposal’s location relates closely to and benefits from easy access to key transport corridors, that the processing of waste is within a purposed built building which can handle the waste appropriately and the facility will not result in an unacceptable adverse environmental impact. The proposal fulfils all of the above as previously highlighted. Accordingly, the proposal meets the criteria of Policy WM2.</p>
21.5	<p>Supplementary guidance document titled ‘Anaerobic Digesters’</p> <p>The Supplementary Planning Guidance (SPG) document titled Anaerobic Digesters provides additional advice and guidance specific to Anaerobic Digestion (AD) to complement the background information already set out in the Best Practice Guidance to PPS 18. The information set out in this SPG should be read in conjunction with both PPS18 and its associated Best Practice Guidance. It has been drawn up taking account of similar material available for other parts of the UK and the Republic of Ireland. This guidance document sets out the key planning issues, some of which are more relevant given its location with the development limits. Whilst only in draft with a clear caveat that state ‘When published in final form, this SPG will be a material consideration in the determination of planning applications for AD development’, it still offers assistance and guidance on the key issues to be considered. Care has been taken to ensure that the proposed EWC codes, layout of the site, processes and associated digestate will not prejudice or adversely impact either human health or the natural environment.</p>

<p>22.0 22.1</p>	<p><u>Conclusion</u> Impacts of acknowledged importance such as sustainability, visual and landscape impact, amenity, drainage and flood risk, contamination, nature conservation and impact on the road network are all considered acceptable subject to appropriate conditions detailed below. It is also considered that the proposal would result in wider environmental and economic benefits and job creation opportunities and that these factors lend weight in favour of the proposal. The proposal is considered acceptable having regard to the Development Plan, draft BMAP 2015 and other relevant material considerations.</p>
<p>23.0</p>	<p>Summary of Recommendation: It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.</p>
<p>24.0</p>	<p>Recommended Conditions (provisional)</p> <p>1: The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2: Prior to commencement of development, the applicant shall submit to and have approved in writing by the Planning Authority, a Detailed Remediation Strategy. This Remediation Strategy must be based on the capping, landfill gas extraction infrastructure and building protection measures proposals contained within the RPS Group Plc reports entitled 'Remedial Strategy Report, Dargan Road Biogas Ltd, Bioenergy (AD) Plant, Giant's Park, Belfast' (dated December 2019 and referenced IBR1061 version 5) and 'Dargan Road Biogas Ltd, Gas Extraction System, Bioenergy Anaerobic Digestion (AD) Plant' (dated December 2019 and referenced IBR1061 version 8) and the letter from RPS dated 24th February 2020 and referenced 'IBR1061, 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, this Detailed Remediation Strategy must provide final detail on:</p> <ul style="list-style-type: none"> - 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. <p>All construction thereafter must be in accordance with the approved Remediation Strategy.</p> <p>The development shall not be carried out unless in accordance with the approved Remediation Strategy.</p> <p>Reason: Protection of human health.</p> <p>3: In order to demonstrate that the required remedial measures have been incorporated within the proposal, prior to operation of the development, a Verification Report shall be</p>

submitted to and agreed in writing by the Planning Authority. 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 pollutant linkages, and that the site no longer poses a potential risk to human health.

Reason: Protection of human health.

4: If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed by the Planning Authority in writing, prior to the development being operated. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health.

5: No site preparation or construction works shall commence on site unless a Dust Management Plan has been submitted to and approved in writing by the Planning Authority. This Plan 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 due regard to the IAQM 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 Dust Management Plan.

Reason: Protection of human health and amenity of nearby premises.6: No site preparation or construction works shall commence on site unless a Construction Noise and Vibration Management Plan has been submitted to and approved in writing by the Planning Authority. This Plan 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 on construction and open sites, and demonstrate that site preparatory and constructions works will achieve the BS5228 'ABC method' Category A noise threshold value for daytime and Saturdays at relevant sensitive receptors. All site preparation and construction works thereafter must be carried out in accordance with the approved Noise and Vibration Management Plan.

Reason: Protection of human health and amenity of nearby premises.

7: Notwithstanding the submitted details, no site preparation or construction works shall commence on site unless a final Construction Environmental Management Plan and site drainage plan has been submitted to and approved in writing by the Planning Authority. This Plan must outline the methods to be employed to minimise any environmental impacts during site preparation and construction works, demonstrating the use of 'best practicable means'. All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: Protection of human health and the environment and amenity of nearby premises and to ensure that the appointed contractor is cognisant of all mitigation and avoidance measures required to protect all watercourses and the marine environment ensuring that

there is no adverse effect on site integrity of Belfast Lough Open Water SPA, Belfast Lough SPA/Ramsar site and East Coast (Northern Ireland) Marine Proposed SPA.

8: The development hereby approved not be permitted to accept waste from EWC code 02 01 06.

Reason: To ensure that there is no adverse effect on site integrity of any European designated site.

9: No development should take place on-site until the method of sewage disposal has been submitted to and approved in writing by the Council.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

10: No development shall commence on site until 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 Planning Authority. The development shall not be carried out unless in accordance with the approved details.

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.

11: The development hereby permitted shall not become operational until the vehicular accesses have been constructed in accordance with the approved Drawing No. 03A 'Proposed Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 20 December 2019. The access shall be constructed and marked to the satisfaction of DfI Roads.

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

12: The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. 03A 'Proposed Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 20 December 2019 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

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

13: A minimum of 8 No. secure cycle parking spaces shall be provided and permanently retained within the development for use by staff and visitors to the development.

Reason: to encourage the use of alternative modes of transport for development users.

14: The development hereby permitted shall operate in accordance with the Travel Plan contained within Appendix 4.1 of the Environmental Statement Addendum published by the Belfast City Council Planning Office on 15 January 2020. The Travel Plan will be provided to the Site Operator as a separate, stand-alone, document. The Site Operator will provide their employees with access to the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

15: The development hereby permitted shall operate in accordance with the Service Management Plan contained within Appendix 4.2 of the Environmental Statement Addendum published by the Belfast City Council Planning Office on 15 January 2020. The Service Management Plan will be provided to the Site Operator as a separate, stand-alone, document.

Reason: In the interests of road safety and traffic progression.

16: The development hereby permitted shall be constructed in accordance with paragraph 6.7 of the Drainage Assessment dated June 2019.

Reason: To enable DfI Rivers to review the applicants proposed surface water infrastructure at the detailed design stage of this planning application.

17: Prior to the commencement of any works hereby approved, an Arboricultural Impact Assessment (in accordance with BS: 5837:2012) shall be submitted and agreed in writing by the Council. This will identify, evaluate and mitigate where appropriate the extent of direct and indirect impacts on existing trees that may arise as a result of any site layout proposal. The development shall incorporate any recommendations made therein.

Reason: To ensure minimal impact from the development on existing trees to be retained.

18: All trees and planting 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 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 (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Planning Authority.

Reason: In the interests of visual amenity.

19: 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 lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 2010. Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees.

20. If any retained tree is removed, uprooted or destroyed or dies, another tree or trees shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

21. Prior to any work commencing, protective barriers (fencing) and ground protection shall be erected / installed as specified in British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations' (section 6.2) on 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

	<p>removed from 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.</p> <p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p> <p>22: All soft landscaping works shall be carried out in accordance with the details on stamped approved drawing no 17A, bearing the Council's date stamp 20th December 2019. The works shall be carried out prior to the occupation of the development hereby approved or before the end of the first planting season after occupation, whatever is sooner, and shall be permanently retained thereafter. 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 similar species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>23: The development hereby permitted shall be constructed and finished in accordance with the approved details including the annotated finished colours for buildings and tanks.</p> <p>Reason: In the interests of visual amenity.</p>
25.0	Representations from Elected Representatives (if relevant) N/A
26.0	Referral to Dfl (if relevant) N/A

ANNEX

Date Valid	26th June 2019
Date First Advertised	2nd August 2019
Date Last Advertised	26th June 2020

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
1 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
1 Gullivers Road,Belfast,Antrim,BT3 9JU
The Owner/Occupier,
11 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
13 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
13 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
15 Dargan Road,Belfast,Antrim,
The Owner/Occupier,
15 Dargan Road,Belfast,Antrim,BT3 9LS
The Owner/Occupier,
3 Dargan Road,Belfast,Antrim,BT3 9JZ
The Owner/Occupier,
42-44 ,Duncrue Crescent,Belfast,Antrim,BT3 9BW
The Owner/Occupier,
5 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
7 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
9 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
9 Gullivers Drive,Belfast,Antrim,BT3 9HW
The Owner/Occupier,
Dargan Road,Belfast,Antrim,
Forsyth House, Cormac Square,Belfast,BT2 8LA
The Owner/Occupier,
Unit 1,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW
The Owner/Occupier,
Unit 2 ,Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
Unit 2 ,Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
Unit 2,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW
The Owner/Occupier,
Unit 3 ,Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
Unit 3,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW
The Owner/Occupier,
Unit 4,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW

The Owner/Occupier, Unit 5,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW	
Date of Last Neighbour Notification	3-3-20
Date of EIA Determination	
ES Requested	Yes
Appendix A Planning History Ref ID: LA04/2018/2166/DETEI Proposal: Proposed centralised anaerobic digestion (CAD) plant to power existing combined and heat power (CHP) engines and to utilise existing service road infrastructure. Address: Lands at, Giants Park, Dargan Road, North Foreshore, Belfast. Decision: Decision Date: Ref ID: LA04/2017/1337/DC Proposal: Discharge of condition 23 planning application LA04/2015/1605/F Address: Land approximately 300m north of Dargan Road (North of Belfast City Council waste Management Facility) adjacent to Belfast Lough Belfast (within wider Belfast City Council lands known as North Foreshore/Giants park with access from Dargan R Decision: AL Decision Date: Ref ID: LA04/2017/1300/DC Proposal: Film studios complex comprising production, studio and workshop buildings, associated service yards, car parking, access to service roads under construction (Z/2014/1279/F), landscaping and ancillary works including 3No. stand-alone transformer compounds, security hut and proposed headwall (amended description) Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility) adjacent to Belfast Lough Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park with access from Dargan Decision: AL Decision Date: Ref ID: LA04/2019/0409/DETEI Proposal: EIA scoping report Address: Giants Park, Former Dargan Road Landfill Site, Belfast. Decision: NRES Decision Date: Ref ID: LA04/2019/1612/PAN	

Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, servicing & access from existing internal access road, landscaping and associated site works.

Address: Lands immediately north & south of existing film studios, north of Dargan Road, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's Park)..

Decision: PANACC

Decision Date:

Ref ID: LA04/2019/1700/PAD

Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, servicing and access from existing internal access road, landscaping and associated works.

Address: Lands immediately north and south of existing film studios, north of Dargan Road, Belfast, (within wider Belfast City Council lands known as North Foreshore/Giants Park)..

Decision:

Decision Date:

Ref ID: LA04/2019/0433/DETEI

Proposal: Proposed centralised anaerobic digestion (CAD) plant to power existing combined and heat power (CHP) engines and to utilise existing service road infrastructure.

Address: Lands at Giant's Park, Dargan Road, North Foreshore, Belfast,

Decision: RES

Decision Date:

Ref ID: LA04/2019/1540/F

Proposal: Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks. 1no. 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, 3no. Weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. Accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works.

Address: Lands to the northwest of existing Belfast City Council Waste Transfer Station, (2a Dargan Road, Belfast, BT3 9JU).

Decision:

Decision Date:

Ref ID: LA04/2016/0694/DC

Proposal: Discharge of condition 19 LA04/2015/1605/F

Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility).

Decision: AL

Decision Date:

Ref ID: LA04/2016/0471/DC

Proposal: Discharge of condition - LA04/2015/1605/F

Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility) adjacent to Belfast Lough, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park with access from Dargan

Decision: AL

Decision Date:

Ref ID: LA04/2016/0844/DC

Proposal: Discharge of conditions 9,12 and 22 - LA04/2015/1605/F

Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility) adjacent to Belfast Lough, Belfast,

Decision: AL

Decision Date:

Ref ID: LA04/2018/2564/DETEI

Proposal: EIA screening and scoping request for a proposed centralised Anaerobic Digestion (CAD) Plant to power existing combined and heat power (CHP) engines and to utilise existing service road infrastructure.

Address: Lands at Giants Park, Dargan Road, North Foreshore, Belfast.

Decision:

Decision Date:

Ref ID: Z/2007/0313/E

Proposal: World class public park and an eco-business park incorporating limited provision for commercial waste facilities

Address: North Foreshore, Belfast

Decision:

Decision Date:

Ref ID: Z/2000/0051/F

Proposal: Provision of essential interim capacity for disposal of controlled (including special) waste at the Dargan Road (North Foreshore) Landfill Site by revision and elevation of the surface profile to complete the planned final closure of the site.

Address: Belfast City Council Landfill Site, Dargan Road, Belfast.

Decision:

Decision Date: 14.05.2001

Ref ID: Z/2005/1473/F

Proposal: Application to vary condition 1 of Z/2000/0051/F (the permission hereby granted shall be for a limited period of 5 years only from the date of the permission) to provide a 1 year time extension to allow completion of the development to approved levels.

Address: Belfast City Council Landfill Site, Dargan Road, Belfast.

Decision:

Decision Date: 22.12.2005

Ref ID: Z/2014/1279/F

Proposal: Provision of new upgrade of existing roads infrastructure and associated site capping together with associated landscaping and site works

Address: Lands of the former Dargan Road land fill site, to the north of Dargan Road, Belfast,

Decision: PG

Decision Date: 24.04.2015

Ref ID: Z/2005/0714/E

Proposal: Construction of Waste Transfer Station

Address: Dargan Road, Belfast

Decision:

Decision Date: 10.10.2005

Ref ID: Z/2004/1294/F

Proposal: Application to infill land with excavation and demolition materials for land reclamation purposes

Address: Belfast City Council Land, North Foreshore, Dargan Road, Belfast.

Decision:

Decision Date: 08.02.2005

Ref ID: LA04/2015/1085/PAD

Proposal: Construction of film studios complex, associated yards, car parking & access. Film studios to comprise four separate buildings as follows;

Production (37,450 sq ft.)

Stage 01 & stage 02 (66,000 sq ft.)

Stage 03 (45,000 sq ft.)

Workshop 01, 02 & 03 (46,170 sq ft.)

Address: Land approximately 300m north of Dargan Road (north of Belfast City council waste Management Facility), adjacent to Belfast Lough, Belfast (Within wider Belfast City Council lands known as North Foreshore/Giants Park),

Decision:

Decision Date:

Ref ID: LA04/2015/0982/PAN

Proposal: Construction of film studios complex, associated yards, car parking & access. Film studios to comprise four separate buildings as follows;

Production (37,450 sq ft.)

Stage 01 & stage 02 (66,000 sq ft.)

Stage 03 (45,000 sq ft.)

Workshop 01, 02 & 03 (46,170 sq ft.)

Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility), adjacent to Belfast Lough, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park),

Decision: PANACC

Decision Date:

Ref ID: Z/2010/1178/F

Proposal: Provision of management system for landfill gas, comprising capping, and installation of gas abstraction wells and pipework. Surface-water drainage and foul sewerage. Provision of services.

Address: North Foreshore Site, Dargan Road, Belfast, BT3 9JU,

Decision: PG

Decision Date: 30.08.2013

Ref ID: Z/2006/1545/F

Proposal: Provision of management system for landfill gas, comprising capping, installation of gas abstraction wells and pipework (gas to be drawn off to be flared at a nearby existing facility), surface-water drainage, site access road and foul sewerage.

Address: Dargan Road Landfill Site, Dargan Road, Belfast.

Decision:

Decision Date: 30.08.2007

Ref ID: Z/1997/2340

Proposal: Provision of storage and processing area for the Composting of garden waste.

Address: DARGAN ROAD LANDFILL SITE, LAND NORTH EAST OF JUNCTION OF DARGAN ROAD AND DUNCRUE ROAD, BELFAST BT3

Decision:

Decision Date:

Ref ID: LA04/2015/1605/F

Proposal: Film studios complex comprising production, studio and workshop buildings, associated service yards, car parking, access to service roads under construction (Z/2014/1279/F), landscaping and ancillary works including 3No stand-alone transformer compounds, security hut and proposed headwall (amended description)

Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility) adjacent to Belfast Lough, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park, with access from Dargan

Decision: PG

Decision Date: 25.02.2016

Ref ID: Z/2008/0228/F

Proposal: Management System for landfill gas, comprising capping, installation of gas abstraction, wells and pipework (gas to be drawn off to be flared at a nearby existing facility), and site access. Landscaping.

Address: North Foreshore Site, Dargan Road, Belfast

Decision:

Decision Date: 26.03.2009

Ref ID: LA04/2015/0930/PAD

Proposal: Proposed installation of 2.5 megawatt (MW) photovoltaic (PV) Solar Park with associated infrastructure on lands located at Giants Park, North Foreshore, Belfast

Address: Lands at the former Dargan Road Landfill Site, to the north of Dargan Road, Belfast, BT3 9JU,

Decision:

Decision Date:

Ref ID: Z/1994/2135

Proposal: Erection of building to be used as waste management plant

Address: LANDFILL SITE, DARGAN ROAD OPPOSITE JUNCTION WITH DARGAN CRESCENT BELFAST BT3

Decision:

Decision Date:

Ref ID: Z/2014/0907/PREAPP

Proposal: BCC propose to develop the former Dargan Road landfill site into an environmental resource recovery park and public open space.

The proposals include for the development of an eco-business park, known as the North Foreshore development waste management facilities industrial warehousing, office space and R&D activities.

The public space Giants Park, will allow for public access to the remainder of the site for a range of recreational activities. With the view to realising these developments a planning application is to be submitted to facilitate the construction of the main access roads into the proposed site, the installation of services and the placing of hard-core fill over 19.95ha.

Address: Dargan Road Landfill, Dargan Road, Belfast,

Decision: EOLI

Decision Date:

Ref ID: LA04/2015/0739/F

Proposal: Application for removal of Condition No. 5 of Z/2014/1279/F relating to the signalised junction.

Address: Lands of the former Dargan Road land fill site to the north of Dargan Road, Belfast,

Decision: PG

Decision Date: 27.06.2016

Ref ID: LA04/2015/0940/DC

Proposal: Application for Discharge of Condition No.2 of Planning Approval Z/2014/1279/F relating to the Construction Environmental Management Plan.

Address: Lands of the former Dargan Road land fill site to the north of Dargan Road, Belfast,

Decision: AL

Decision Date:

Drawing Numbers and Title

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A

Appendix B: Late Items Planning Committee August 2020

<p>7g LA04/2019/154 0/F</p> <p>Dargan Road</p>	<p>Additional conditions</p>	<p>Officers advise that additional conditions are considered necessary to control the amount and type of waste to be used on site and to ensure that waste is stored appropriately.</p> <p>This will ensure that the proposal is controlled and managed in an appropriate way and will protect the local environment and public health.</p>	<p>Members to note additional conditions:</p> <p>A: The feedstock hereby accepted at the facility shall be limited to MSW organic fines (EWC code 19 12 12 and the EWC (European Waste Catalogue) Codes as set out in the Environmental Statement, appendix 3.1 and no other feedstock. (Attached as information no 2 to this decision notice).</p> <p>Reason: In the interests of environmental protection and public health and to ensure that there is no adverse effect on site integrity of any European designated site.</p> <p>B: The Anaerobic Digester (AD) will accept a maximum of 99,999 tonnes per annum, in accordance with written records which will be made available to the Council on written request.</p> <p>Reason: In the interests of environmental protection and public health.</p> <p>C: There shall be no external storage of waste at any time.</p> <p>Reason: in the interests of environmental protection and in the interest of amenity.</p>
---	------------------------------	---	---

This page is intentionally left blank

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 19 January 2021	
Application ID: LA04/2020/0426/F	
Proposal: Proposed re-construction of petrol station and ancillary retail unit including the replacement of fuel tanks, pumps and canopy alterations. Retention of hot food takeaway unit, ATM, Compactor and provision of an EV charging facility.	Location: 228-232 Stewartstown Road Belfast
Referral Route: Under section 3.8.2(a) ii of the Scheme of Delegation, retailing space greater than 500 square metres gross floor space outside the City Centre or District Centres where an objection to the proposal has been received should be heard at planning committee.	
Recommendation: Approve	
Applicant Name and Address: Hoey Family Pension Fund c/o 204 Concession Road Crossmaglen Co Armagh BT35 9JD	Agent Name and Address: McKeown & Shields Associates Ltd 1 Annagher Road Coalisland Co Tyrone BT71 4NE
Executive Summary: This application seeks full planning permission to reconstruct a fire damaged petrol station and associated shop. The main issues are: - <ul style="list-style-type: none"> - Road safety - Impact on residential amenity - Design and layout The site is located within the development limits as designated in Belfast Urban Area Plan and draft BMAP. The application has been assessed against relevant planning policy, dBMAP, SPPS and PPS3. One objection has been received from the adjacent business owners/tenants of the Bar/Restaurant. The concerns raised primarily relate to overdevelopment, intensification of the site, road safety, traffic flow, parking and circulation. Consultees offer no objection to the proposal The proposal will allow existing fire damaged facilities to be reinstated and upgraded to a modern petrol filling station with retail facility which will support the needs of the local community. The layout, design and appearance is typical of contemporary retail PFS Services. There will be no significant impact on the amenity of neighbouring dwellings and consultees have considered noise, nuisance and traffic and raise no objections. Upon completion of the works to reinstate the shop	

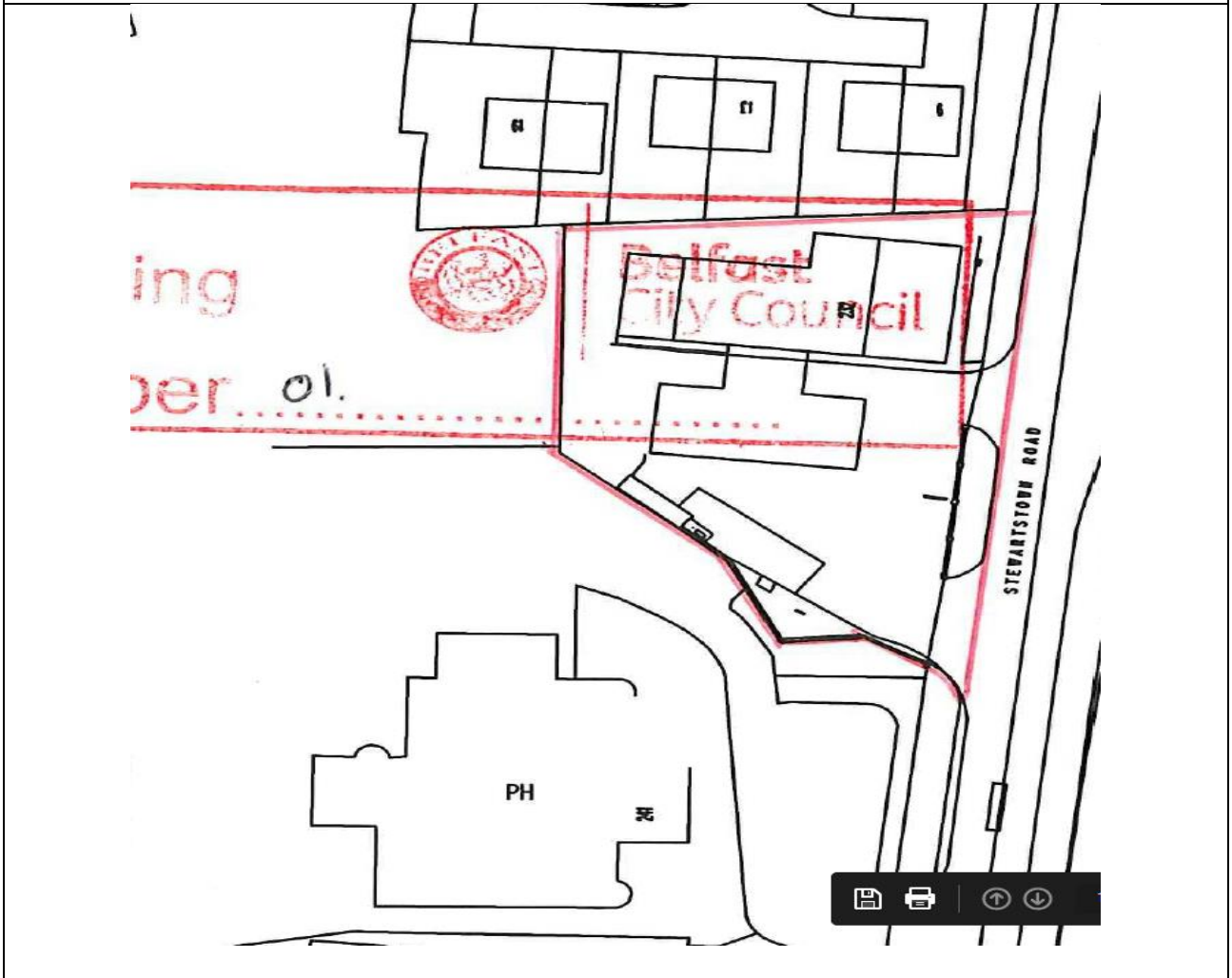
on its former footprint the temporary shop facility, which was built on an area of parking within the site, will be removed.

On balance it is considered that the proposal is in keeping with planning policy and is acceptable.

It is recommended for Approval with delegated authority sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Case Officer Report

Site Location Plan



	<p>Fire broke out at the petrol station in 2017 and since this time the service station has been operating from temporary premises on site which is built on area previously used for parking along the northern boundary. Planning permission is sought for the reconstruction of the petrol station and ancillary retail unit, including the replacement of fuel tanks, pumps and canopy alterations and retention of hot food take away unit, ATM, compactor and provision of an EV charging facility.</p> <p>The proposal sits on a similar footprint to what was in place before the fire, however the two storey element is to be extended closer to the western boundary of the site. There is no change to the retail units (chip shop and nail bar) which front onto the Stewartstown road. Behind the chip shop, a retail unit with ancillary office and storage is proposed.</p> <p>The proposed ground floor now has an area of 280sqm used for retail and storage. Upstairs will be further storage space, staff canteen and locker room and freezers (125sqm). The building will be partly glazed, with the 2 storey element clad in brick. A lift is to be incorporated in the scheme which allows the building to be disability compliant.</p> <p>Externally, the canopy in place will be retained but upgraded with new architectural red panelling, as will existing fuel pumps and canopy support posts. Fuel tanks underground are to be replaced.</p> <p>A new electrical car charger is included along the south boundary adjacent to existing car parking area and an ATM (cash machine) in situ in the wall of the chip shop is to be retained.</p> <p>A compactor is proposed to be located along the west boundary.</p>
<p>2.0</p>	<p>Description of Site</p> <p>The site with an area of 0.23ha is located on the right side of the Stewartstown Road travelling out of town. To the south of the petrol station is 'Becketts' a public house and restaurant. To the north semi-detached residential units and to the east on the opposite side of Stewartstown Road is a long established housing estate. To the west of the petrol station there is a significant change in levels, with a steep grassed retaining bank and high density housing beyond.</p> <p>The site itself is flat. It is currently marked out with 17 parking spaces, the canopy area covers 6no. pumps. The chip shop in situ to the front of the site appeared to be operating. It appeared the fire did not significantly damage units to the front. The retail element associated with the petrol station previously in place has gone completely and staff are operating from a temporary single storey structure which sits along the west boundary of the site. Prior to the fire, the area where the temporary shop is located was used for car parking.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
<p>3.0</p>	<p>Relevant Site History</p> <p>LA04/2017/0336/F – 232 Stewartstown Road. Retrospective permission single storey temporary shop facility and plant (Electric Generator and Oil Tank) (Amended Address) Granted 09.11.17</p> <p>LA04/2017/1182/A – 232 Stewartstown Road -Shop signage and advertising boards Granted 31.10.2017</p>

	S/2005/1624/F - Extension to existing retail unit to provide 3 no. ground floor non-food retail units and 3 no. A2 office accommodation at first floor (amended plans and description) Granted 29.05.2007 S/1987/0800 - Service Station.
4.0	Policy Framework
4.1	Regional Development Strategy 2035
4.2	Belfast Urban Area Plan 2001
4.3	Draft Belfast Metropolitan Area Plan 2015
4.4	SPPS – Good design paragraphs 4.32-4.30 Town centres and retailing paragraphs 6.272- 6.283
4.5	Planning Policy Statements 3 – Access, Movement and Parking Policy AMP1 Creating accessible environment Policy AMP2 – Access to public Roads Policy AMP7 – Car parking and service arrangements
5.0	Statutory Consultees Responses
5.1	DFI Roads - Dfi Roads noted that this replacement application is similar to a significant extent, as what was previously in situ prior to the fire. DFI state that the site has functioned without significant traffic issues. The increase in office and retail capacity is likely to have a modest increase in parking demand. In terms of the amenity impact from traffic, whilst there will be an increase, it is modest and typical of local retail facilities and will be contained to the site and is therefore considered acceptable. The site access is not to the dimensions recommended in DCAN 15 however this is also the case with the current arrangement. The location and design offers excellent visibility in both directions onto the Stewartstown Road in both directions. The central hatching, and the gap therein, provides an adequate refuge for right turning traffic entering the site. DFI offered no conditions but recommended a number of Informatives to be included in the decision notice.
5.2	NIW advised that the premises was already connected to the sewage network and that there is available capacity for waste water. No objection to the proposal was made.
5.3	NIEA - Regulation Unit Land and Groundwater team were consulted as requested by Environmental health, they raised no objection to the reconstruction of the petrol station subject to conditions
5.4	DFI Rivers - the site does not lie in the flood plain and is not liable to flood.
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health- Environmental health team assessed the proposal and requested an updated environmental site assessment and generic risk assessment as fuel tanks are to be replaced as part of this application. With regard to noise, a noise impact assessment was requested and submitted which indicated that the freezer room is the source of most noise and 2no. fans on the roof. Having considered all the supporting information EHO are content subject to conditions with respect to both Contamination and Noise.
7.0	Representations

7.1	<p>The application has been neighbour notified and advertised in the local press. 3no. letters of objection have been received on behalf of the owners and tenants of the neighbouring Public House –Becketts.</p> <p>Letter 1 received 27 May</p> <ul style="list-style-type: none"> •The objector queries floor space calculations, stating there is an increase in retail space from 200sqm to 504sqm. However, there is an acceptable modest increase in gross floor space from 500sqm to 545sqm of pre fire petrol filling station retail floor space <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th rowspan="2">Site Element</th> <th colspan="3">Existing (m²)</th> <th colspan="3">Proposed (m²)</th> </tr> <tr> <th>Gross Floorspace</th> <th>Gross Retail Floorspace</th> <th>Net Retail Floorspace</th> <th>Gross Floorspace</th> <th>Gross Retail Floorspace</th> <th>Net Retail Floorspace</th> </tr> </thead> <tbody> <tr> <td>Store</td> <td>500</td> <td>450</td> <td>-</td> <td>545</td> <td>380</td> <td>-</td> </tr> <tr> <td>Hot Food Takeaway</td> <td>-</td> <td>-</td> <td>50</td> <td>-</td> <td>-</td> <td>50</td> </tr> <tr> <td>Tanning Studio/ Nail Bar</td> <td>90</td> <td>-</td> <td>-</td> <td>90</td> <td>-</td> <td>-</td> </tr> </tbody> </table>	Site Element	Existing (m ²)			Proposed (m ²)			Gross Floorspace	Gross Retail Floorspace	Net Retail Floorspace	Gross Floorspace	Gross Retail Floorspace	Net Retail Floorspace	Store	500	450	-	545	380	-	Hot Food Takeaway	-	-	50	-	-	50	Tanning Studio/ Nail Bar	90	-	-	90	-	-
Site Element	Existing (m ²)			Proposed (m ²)																															
	Gross Floorspace	Gross Retail Floorspace	Net Retail Floorspace	Gross Floorspace	Gross Retail Floorspace	Net Retail Floorspace																													
Store	500	450	-	545	380	-																													
Hot Food Takeaway	-	-	50	-	-	50																													
Tanning Studio/ Nail Bar	90	-	-	90	-	-																													
7.2	<p>Proposal is contrary to policies AMP2 & AMP7 of PPS3.</p> <ul style="list-style-type: none"> •Objector concerned capacity of car parking has not increased with intensification of the site. The objector has calculated that the proposal will require 37 spaces and only 17 spaced have been provided. <p>DFI Roads is satisfied that the arrangement in place prior to the fire is acceptable. The proposal reinstates the shop on its previous footprint with a modest extension; the temporary shop will be removed when complete allowing previous hardstanding to become available for parking again.</p>																																		
7.3	<ul style="list-style-type: none"> • no transport assessment has been submitted.- <p>Transport Assessment Form was submitted and uploaded to the portal on 04.03.20.</p> <ul style="list-style-type: none"> •Policy AMP2 requires location to be ‘highly accessible’ in order to reduce parking availability, objector doesn’t believe this location to be highly accessible. <p>Planning is satisfied that the location is accessible on a classified B-road.</p> <ul style="list-style-type: none"> •Access arrangement not in keeping with DCAN 8 – <p>DFI Roads are satisfied, that whilst the access does not meet the standard it is operating and has not resulted in any significant issues and is therefore safe.</p> <p>Letter 2</p> <ul style="list-style-type: none"> •Objector is not satisfied that DFI Roads refer to the proposal as a like-for-like replacement DFI state ‘Dfi Roads notes that this application is, to a significant extent, a ‘like for like’ replacement. <p>Letter 3</p> <ul style="list-style-type: none"> •Site has been intensified over 15 years and is overdeveloped <p>There will be a degree of intensification of use on the site, this is not considered to be over development as the new building and use will not result in any significant negative impacts.</p> <ul style="list-style-type: none"> •Under provision of parking <p>Planning satisfied that with a modest increase in floorspace (45sqm) the current shared car parking arrangement is acceptable.</p>																																		

	<ul style="list-style-type: none"> •Traffic build up along the Stewartstown Road <p>DFI Roads satisfied that the proposal can be accommodated without traffic backing up on the main road.</p>
8.0	Other Material Considerations
8.1	None
9.0	Assessment
9.1	<p>Principle of Development.</p> <p>The site is located on white unzoned land in dBMAP and BUAP 2001. Planning permission was granted for the petrol station in 1987, the use has been established and the principle of reconstruction is acceptable. The proposal is considered to be in compliance with the development plan.</p>
9.2	<p>Design and Layout</p> <p>Prior to the fire the retail unit (to be replaced) and store associated with the retail unit were 2 separate buildings, storage is now to be incorporated in a single unit which will improve the appearance of the site.</p> <p>The proposed sits on a similar footprint to what was in place before the fire (45sqm larger), the two storey element that existed extends toward the western boundary. There is no change proposed to the retail units (chip shop and nail bar) which front onto the Stewartstown road.</p> <p>The building will be partly glazed, with the 2 storey element clad in brick to a maximum height of 8.5m. A lift is to be incorporated in the scheme which allows the building to be disabled- person friendly.</p> <p>Externally, the canopy in place will be retained but upgraded with new architectural red panelling, as will existing fuel pumps and canopy support posts. A new electrical car charger is included along the south boundary adjacent to existing car parking area. An ATM (cash machine) in situ is to be retained. A compactor is proposed to be located along the west boundary. The layout of the fore court has not changed from what was previously in place.</p> <p>The design and layout of the proposal is acceptable.</p>
9.3	<p>Impact on residential amenity</p> <p>The proposed will sit adjacent to rear gardens of semi-detached properties at Foxes Glen. There are no windows proposed along the rear elevation of the new unit. There will be no overlooking of these properties. The outlook for these residents will not be harmed, the proposed will have an improved appearance compared to what was previously in place. Residents on the opposite side of the Stewartstown Road will not be impacted, they benefit from a separation distance of 40m from the petrol station.</p> <p>A Compactor will sit along the west boundary, however, the change in level at this boundary helps mitigate potential noise nuisance. Environmental Health has assessed the noise impact and are satisfied residential amenity will not be harmed.</p> <p>It is considered that residential amenity will not be negatively impacted by the proposal.</p>
9.4	<p>Retail Impact</p> <p>There are no changes to be made to the two shop units which front onto the Stewartstown Road. With the new retail unit associated with the petrol station incorporating the 2 storey</p>

	<p>store, there will be an overall increase of 45 sqm in floorspace of the unit. This increase in floor space is not considered so significant that it will impact other retail provision in the wider area and given the long established nature of the site as a PFS with retail offer is considered acceptable at this location.</p>
9.5	<p>Access, Parking and Road safety Dfi Roads have raised no objection to this proposal.</p> <p>DFI Roads have stated that the increase in office and retail capacity is likely to have a modest increase in parking demand, which is at this location, primarily an amenity issue impacting adjacent businesses. Local business which could be impacted are the chip shop and nail bar which are within the remit of this application. Becketts Bar and restaurant has its own private car park. There are no other local business that would be affected.</p> <p>PPS3 - Policy AMP7 allows for the justification for the provision of a reduced level of parking standards. It states a reduction is acceptable where development is in a highly accessible location and well served by public transport, or where shared car parking is available.</p> <p>The site is well served by public transport, there had been no issues with parking at this site prior to the fire. As each of the businesses within the site have different peak hours of use they benefit from sharing the car park. Planning Service is satisfied that the amenity of local business will not be negatively impacted by the scheme.</p> <p>With regard to the site access there are no changes proposed to the existing arrangement for access and egress and the proposal is for reinstatement of the fire damaged shop and replacement of the existing canopy. DFI Roads clarify that the site access is not to the dimensions recommended in DCAN 15, however this is also the case with the current arrangement. DFI state further that the location and design of the access offers excellent visibility onto the Stewartstown Road in both directions. The central hatching, and the gap therein, provides an adequate refuge for right turning traffic entering the site. The proposal retains this arrangement as exists.</p> <p>The proposal is acceptable in terms of PPS3.</p>
9.6	<p>Summary of Recommendation: Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.</p> <p>Approval</p>
10.0	<p>Conditions</p>
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of the permission. Reason: As required by Section 61 of the Planning Act (NI) 2011.</p>
10.2	<p>Hours of operation The shop will be open between the hours of 07:00 to 23:00 Monday to Saturday and between the hours of 08:00 to 23:00 on a Sunday. Deliveries and collections by commercial vehicles shall only be made to and from the site between the hours of 07:00 and 22:00 Monday to Saturday and at no time on a Sunday. Reason: In the interest of residential amenity.</p>
10.3	

10.4	<p>All plant and equipment associated with the development hereby permitted, shall be selected, designed and installed so as to achieve a combined rating level (LAr) no greater than the representative (daytime and night time background sound level (dBLA90) when measured or determined at the façade of nearby noise sensitive residential premises in accordance with BS4142:2014+A1:2019.</p> <p>Reason: In the interest of residential amenity.</p>
10.5	<p>The location of Plant and equipment at the hereby permitted development shall be in accordance with the McKeown and Shields Associates drawings referenced JA1273/104/A1(C) and JA1273/105/A1(C) and as referred to in figure 3 of the updated RSK Noise Impact Assessment, dated 23rd July 2020, ref: 602782.</p> <p>Reason: In the interest of residential amenity.</p>
10.6	<p>Prior to the operation of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Authority, a Verification Report. This report must demonstrate that the remediation measures outlined in the RSK Ireland report entitled 'McKeown & Shields Associates Ltd, Updated Environmental Site Assessment and Generic Quantitative Risk Assessment & Remedial Strategy: 228 Stewartstown Road, Belfast, 602777-R1 (01), dated 22nd July 2020' have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (commercial). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance. In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> o All fuel storage tanks and associated infrastructure have been fully decommissioned and removed from the site in line with Pollution Prevention Guidance (PPG27), and the quality of surrounding soils and, if necessary, groundwater has been verified by suitable sampling and assessment. <p>Reason: Protection of human health.</p>
10.7	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied. If required, 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: Protection of human health.</p>
10.8	<p>Within 1 month of the occupation of the new premises, the temporary shop facility and all associated plant and equipment will be removed and lands restored as per approved Layout Plan.</p> <p>Reason: To ensure orderly development of the site</p>
	<p>Prior to the development hereby approved becoming operational, parking spaces shall be reinstated as shown on site layout plan drawing no. 04 bearing Belfast City Council date stamp 13 Feb 2020.</p> <p>Reason: To ensure orderly development of the site.</p> <p>Informatives</p>

	<p>The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.</p> <p>. Notwithstanding the terms and conditions of the Department for Infrastructure’s approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure’s consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Belfast South Section Office, 1a Airport Road, Belfast BT3 9DY (ph. 028 9025 4600 for advice or to arrange an appointment). A monetary deposit will be required to cover works on the public road.</p> <p>3. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.</p> <p>4. All construction plant and materials shall be stored off the adopted road.</p> <p>5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.</p> <p>6. Pedestrian Crossing Points across the proposed entrances are to be provided in accordance with the DTER/Scottish Office publication ‘Guidance on the use of Tactile Paving’.</p>
--	--

Notification to Department (if relevant)

Representations from Elected members

This page is intentionally left blank

Development Management Officer Report Committee Application

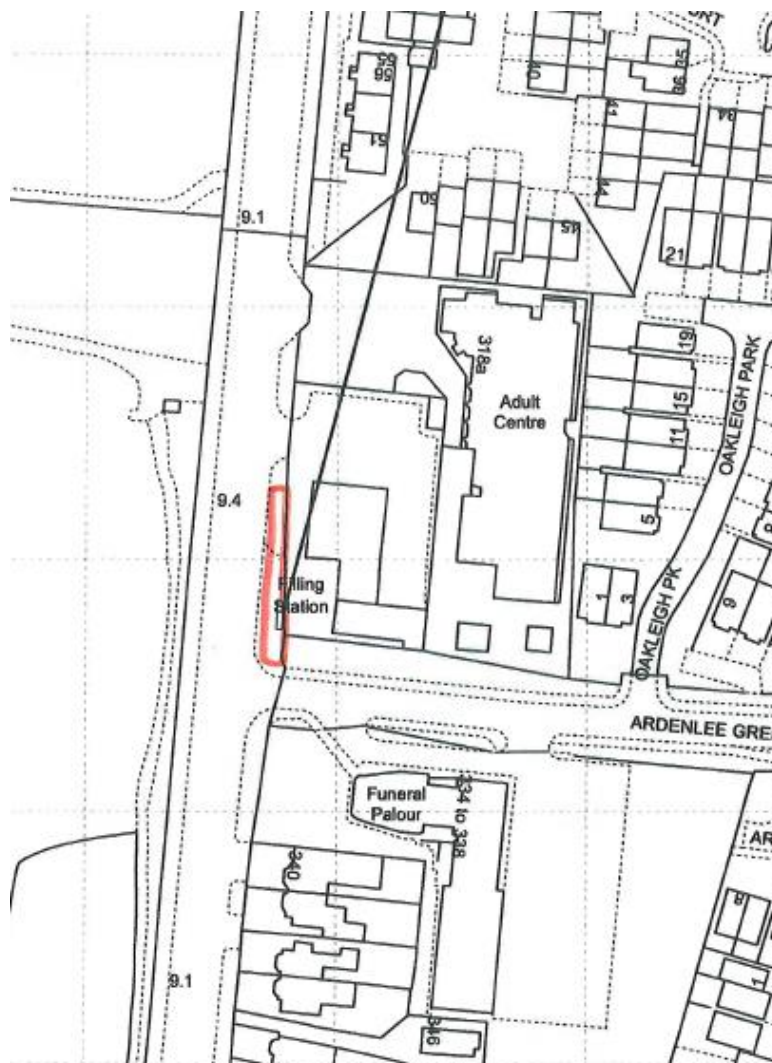
Development Management Officer Report	
Committee Meeting Date: 19th January 2021	Application ID: LA04/2019/2229/F
Proposal: Proposed 17.5m telecommunications column, with 6no antennae (3 no enclosed within a shroud. 3no not enclosed) and 3no radio units. Proposal includes the provision of 4no new equipment cabinets and associated ground works.	Location: On footpath adjacent to no 318 Ravenhill Road Belfast BT6 8GL
Referral Route: Objection from a statutory consultee – DfI Roads.	
Recommendation: Approval, subject to conditions.	
Applicant Name and Address: Telefonica UK Limited and Cornerstone 260 Bath Road Slough SL1 4DX	Agent Name and Address: Ross Planning 9a Clare lane Cookstown BT80 8RJ
<p>Executive Summary</p> <p>The application seeks full planning permission for a proposed 17.5m telecommunications column, with 6no antennae (3 no enclosed within a shroud. 3no not enclosed) and 3no radio units. Proposal includes the provision of 4no new equipment cabinets and associated ground works.</p> <p>The proposal is for a 4G mast. The operator requires a new site for densification reasons in order to address 4G capacity and congestion caused by higher traffic volumes in the immediate area.</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 area • Mast sharing and the potential to share existing structures • Health Considerations • Road safety <p>No third party representations have been received.</p> <p>DfI Roads has been consulted and find the location unacceptable as the proposed telecommunications column and associated cabinets are located immediately in front of existing advertising signage and as such reduce the ready interpretation of this signage. They advise that this would result in a road safety conflict.</p> <p>However, the signs referred to by DfI Roads are unauthorised; it is considered that the applicant for this application should not be prejudiced by unauthorised works by another party. DfI Roads has raised no other issue and the mast is considered acceptable in other respects. The applicant has amended the proposal in an effort to reduce the extent to which the signs were obscured with the proposed equipment only marginally obscuring part of one of the two signs.</p>	

Recommendation:

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

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 a proposed 17.5m telecommunications column, with 6no antennae (3 no enclosed within a shroud. 3no not enclosed) and 3no radio units. Proposal includes the provision of 4no new equipment cabinets and associated ground works

1.2 The proposal is for a 4G mast. The operator requires a new site for densification reasons in order to address 4G capacity and congestion caused by higher traffic volumes in the immediate area.

2.0 Description of Site and Area

2.1 The site is located within the public footpath adjacent to No 318 Ravenhill Road, an arterial route in South Belfast, which adjoins Ardenlee Green. The unit adjacent is a commercial unit operating as a Spar Petrol Filling Station (PFS) with the shop frontage facing onto the forecourt. There is multiple advertising signage relating to the PFS.

	Ormeau Park is located on the opposite side of Ravenhill Road. The surrounding units consist of an Adult Centre and Funeral Parlour. There are a number of residential properties in the surrounding area.
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 Draft Belfast Metropolitan Area Plan 2015 (dBMAP 2015) Draft Belfast Metropolitan Area Plan 2004 (dBMAP 2004) (Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, both dBMAP 2004 and dBMAP 2015 are material considerations. Given the advanced stage at which the Draft BMAP had reached pre-adoption through a period of independent examination and that the only points of contention relate to retail policy at Sprucefield, the policies within dBMAP 2015 are considered to carry significant material weight. Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 10 – Telecommunications (Policy TEL 1) Development Control Advice Note 14 – Siting and Design of Radio Telecommunication Equipment
5.0	Statutory Consultees
5.1	DfI Roads has advised that the location is unacceptable as the proposed telecommunications column and associated cabinets are located immediately in front of existing advertising signage and as such reduce the ready interpretation of this signage, thereby resulting in a highway safety conflict.
6.0	Non Statutory Consultees
6.1	Ofcom Northern Ireland - information provided in respect of microwave fixed links managed and assigned by Ofcom within the bands and frequency ranges of the proposal
6.2	P.S.N.I. Information and Communications Services - No Safeguarding Objection
6.3	Belfast City Airport - No Objection
6.4	Arqiva Services Limited - No Objection
6.5	Everything Everywhere Limited - Considered -No Comment Necessary
6.6	British Telecom Radio Network Connection - Windfarms- No Objection
6.7	Hutchison 3G UK Ltd - Considered - No Comment Necessary
6.8	Smart Belfast - BCC City and Organisational Strategy - provides the following advice in relation to proposals for 4G and 5G infrastructure: -
6.9	Advanced wireless digital connectivity (including 4G and 5G) is at the heart of Belfast's digital innovation ambition – and is also a strategic priority at a UK level (as outlined in the Government's 5G strategy and Future Telecoms Infrastructure Review).
6.10	The roll out and densification of 4G and 5G networks and services across Belfast are critical for the future of the city's economy (in terms of supporting business innovation in new products and services), important as an attractor for private sector investment including FDI, and also as a key foundation for a range of future public services.
6.11	As well as upgrading their networks to 5G, Mobile Network Operators are continuing to densify their existing 4G networks to satisfy increasing demand for data from their

	customers (which includes individual consumers, but also businesses, universities and public agencies). 5G, in particular, will bring a range of new benefits and opportunities that align with Belfast City Council's Smart Belfast programme.												
7.0	Representations												
7.1	The application was neighbour notified on the 08th October 2019 and advertised in the local press on the 11th October 2019. As amended plans were received the application was re-neighbour notified on the 03rd January 2020. No representations have been received.												
8.0	Assessment												
8.1	<p><u>Principle of Development</u></p> <p>The supporting evidence highlights the requirement for the proposal at the application site as there is a clear gap in the network provision in and around the site area. Multiple other sites were considered and not chosen, see below:</p> <table border="1"> <thead> <tr> <th>Site name and address</th> <th>Reason for not choosing site</th> </tr> </thead> <tbody> <tr> <td>Depot at 185 Ravenhill Avenue Belfast BT5</td> <td>This site is too close to an existing site Another site at this location would not address the ongoing coverage issues.</td> </tr> <tr> <td>Ormeau Golf Club Off Park Road Belfast BT7 2FX</td> <td>The site is too far out of search area to provide the appropriate coverage required.</td> </tr> <tr> <td>Bowling Green Park Road Belfast BT7</td> <td>This site is too far beyond the target area to have a noticeable impact on the coverage provision in the area.</td> </tr> <tr> <td>Ormeau Park Recreation centre Off Ormeau Embankment Belfast BT7</td> <td>A new column at this site would be too close to an existing site. The coverage would not serve the target area.</td> </tr> <tr> <td>Works to the rear of 55 Ravenhill Road Belfast BT7</td> <td>This site is too close to an existing and established site. There is a gap in the existing network which needs to be filled. There is no purpose in placing the new site in an area already being serviced by another cell.</td> </tr> </tbody> </table>	Site name and address	Reason for not choosing site	Depot at 185 Ravenhill Avenue Belfast BT5	This site is too close to an existing site Another site at this location would not address the ongoing coverage issues.	Ormeau Golf Club Off Park Road Belfast BT7 2FX	The site is too far out of search area to provide the appropriate coverage required.	Bowling Green Park Road Belfast BT7	This site is too far beyond the target area to have a noticeable impact on the coverage provision in the area.	Ormeau Park Recreation centre Off Ormeau Embankment Belfast BT7	A new column at this site would be too close to an existing site. The coverage would not serve the target area.	Works to the rear of 55 Ravenhill Road Belfast BT7	This site is too close to an existing and established site. There is a gap in the existing network which needs to be filled. There is no purpose in placing the new site in an area already being serviced by another cell.
Site name and address	Reason for not choosing site												
Depot at 185 Ravenhill Avenue Belfast BT5	This site is too close to an existing site Another site at this location would not address the ongoing coverage issues.												
Ormeau Golf Club Off Park Road Belfast BT7 2FX	The site is too far out of search area to provide the appropriate coverage required.												
Bowling Green Park Road Belfast BT7	This site is too far beyond the target area to have a noticeable impact on the coverage provision in the area.												
Ormeau Park Recreation centre Off Ormeau Embankment Belfast BT7	A new column at this site would be too close to an existing site. The coverage would not serve the target area.												
Works to the rear of 55 Ravenhill Road Belfast BT7	This site is too close to an existing and established site. There is a gap in the existing network which needs to be filled. There is no purpose in placing the new site in an area already being serviced by another cell.												
8.2	The mast on Ravenhill Road is designed to be shared by O2 and Vodafone. The applicant advised that they mainly focused on finding a site along the Ravenhill Road, as the area to the east, off the main road, is dominated by residential and where possible they try to avoid developing in residential areas, and the area to the west is heavily treed, which impedes and requires an unfeasibly tall structure to get the signal out. Whereas, a site along Ravenhill Road was considered to represent an ideal solution in terms of land use and signal coverage with the selected site immediately adjacent to a commercial PFS, the shop fronting on to the forecourt as opposed to the main road and therefore the side elevation fronting on to Ravenhill Road was considered optimal given wide footpath adjacent, no underground services and the equipment not undermining the commercial character of the site.												

8.3	<p>The proposed development falls to be considered under Planning Policy Statement 10 Telecommunications and the SPPS. The objectives for telecommunications set out in the SPPS replicates operational planning policy in PPS 10 which advises that proposals for telecommunications development and associated enabling works will be permitted where they will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features of locations.</p> <p><u>Impact on the character and appearance of the area</u></p>
8.4	<p>The proposal is considered to comply with Policy TEL 1 in that the proposal has been sited and designed to minimise visual impact. The proposed 17.5m mast is located on the footpath adjacent to a PFS on the Ravenhill Road whereby there is a variety of street furniture and street lighting poles. It is also situated next to petrol filling station and shop which have a commercial character. On balance, it is considered that the proposal will not appear as a dominant feature in the area and will satisfactorily integrate with the surrounding features in the area.</p>
8.5	<p>Development Control Advice Note 14 – <i>Siting and Design of Radio Telecommunication Equipment</i> states that all telecommunications development, including the siting of masts, equipment housing, access tracks and power supplies should be planned to avoid adverse impact on sensitive features and locations. The proposal is located on a footpath adjacent to a PFS and is not considered to be a sensitive location. Due to the height of the proposal, Belfast City Airport were consulted to confirm no obstruction would be caused to any designated flight paths. No objection was raised in relation to the proposal.</p> <p><u>Mast sharing and the potential to share existing structure</u></p>
8.6	<p>This mast will be shared by Vodafone and O2.</p>
8.7	<p>A new site is required for densification reasons in order to address 4G capacity and congestion caused by higher traffic volumes in the immediate area. This will improve the user's uplink & downlink experiences with increased throughput to meet greater social and economic demands.</p>
8.8	<p>There are a number of existing cells established in the area surrounding the site. The applicant advises that there is a gap in the network provision in and around the Ravenhill area and that it is essential that a new site is established to ensure that voice coverage and data speeds meet the demands being placed upon them. The provision of a new site at this location will also ensure that the demand on the established telecoms sites does not negatively impact the service being provided in other cell areas.</p>
8.9	<p>The applicant has advised that use of existing sites will not address ongoing coverage issues.</p>
8.10	<p><u>Impact upon Health</u></p> <p>Policy TEL1 (3) requires that base stations associated with telecommunications development, when operational, will meet the ICNIRP guidelines for public exposure to electromagnetic fields. Supplementary documentation has been provided that demonstrates that the proposal is in full compliance with the requirements of the Radio Frequency Public Exposure Guidelines of the International Commission on Non-Ionising Radiation (ICNIRO).</p>
8.11	<p><u>Road Safety</u></p> <p>Road and public safety are an important material consideration. DFI Roads have been consulted and have retained the position that the proposal is unacceptable. They advised</p>

<p>8.12</p> <p>8.13</p> <p>8.14</p> <p>8.15</p> <p>8.16</p>	<p>that, <i>“The proposed telecommunications column and associated cabinets are located immediately in front of existing advertising signage and as such reduce the ready interpretation of this signage.”</i></p> <p>Their concern is that the column and associated cabinets would partially obscure the view of the existing advertising signage, reducing the ready interpretation of the signage. Drivers may then avert their attention from the road ahead for a greater period than would be required if the signage were unobstructed, as they try to interpret what the sign is advertising. Driver distraction is one of the main causes of road traffic collisions (PSNI data).</p> <p>However, the agent has submitted supporting information that seeks to rebut DFI Roads concerns by highlighting the fact that the signage boards are for commercial purposes and as such they are not aware of any planning policy which protects a view of signage. They argue that the terminology ‘driver distraction’ does not appear in PPS10 and that DFI Roads are implying that such signage (commercial) is afforded the same protection as lawful road signs.</p> <p>Notwithstanding, a crucial consideration is that the signage boards are unauthorised and do not benefit from Advertisement Consent. They have been in situ for less than 10 years and have not become regularised over the passage of time. It is considered that the proposed mast should be given precedent over the signage given that a) the applicant has gone through the proper channels and applied for permission whereas consent has not been sought for the signage; and b) the proposed mast serves a wider public interest which is considered to hold greater importance than the signage.</p> <p>It is considered unreasonable to refuse planning permission on the grounds of potential conflict with signage which is unauthorised. Instead, on the granting of planning permission for the mast, this should become a planning enforcement issue and the Council will need to decide separately whether it is expedient to take action to remove the unauthorised signage.</p> <p>Given the above, officers do not consider it reasonable to refuse permission on road safety grounds.</p>
<p>9.0</p> <p>9.1</p>	<p>Summary of Recommendation – Approval</p> <p>It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by consultees and third parties.</p>
<p>10.0</p> <p>10.1</p>	<p>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>

ANNEX	
Valid	24.09.2019
Date First Advertised	11.10.2019
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses)	
08/10/2019 03/01/2020 318a ,Ravenhill Road,Belfast,Down,BT6 8GL 318 Ravenhill Road,Belfast,Down,BT6 8GL 334 Ravenhill Road,Belfast,Down,BT6 8GL	
Date of Last Neighbour Notification	03/01/2020
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
01 – Location Map 02A- Proposed Site Plan 03A – Proposed Site Elevation 04 – Antennae and Equipment Layout	
Notification to Department (if relevant) – N/A	
Date of Notification to Department: Response of Department:	
Elected Representatives: N/A	



Subject:	Listing of Street Signs
Date:	Tuesday, 19 th January 2021
Reporting Officer:	Keith Sutherland, Ext 3578
Contact Officer:	Dermot O’Kane, Ext 2293

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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	Correspondence has been received from the Historic Environment Division (HED) regarding the proposed listing of nine street signs in Belfast. Article 80 (3) of the Planning Act (NI) 2011 requires the HED to consult with the Council before placing any building on the statutory list of buildings of special architectural or historic interest.
1.2	For the purpose of clarity, the signs being considered are considered by HED to fall within the definition of the word ‘building’.
2.0	Recommendations
2.1	Committee is requested to: <ul style="list-style-type: none"> • note the contents of Appendix 1 • consider and if appropriate endorse the proposed listing of the street signs as detailed in paragraphs 3.8 of this report.
3.0	Main report
3.1	“Listed building” is defined in section 80(7) of the Planning Act (Northern Ireland) 2011 where it outlines that a “listed building” means a building which is for the time being included in a list compiled under this section.
3.2	“Building” is defined in section 250(1) of the Planning Act (Northern Ireland) 2011. The term “building” includes any structure or erection , and any part of a building, as so defined, but does not include plant or machinery comprised in a building. Section 80 under “Lists of buildings of special architectural or historic interest” states that: <p style="margin-left: 40px;"><i>80 — (1) The Department—</i></p> <p style="margin-left: 80px;"><i>(a) shall compile lists of buildings (which means structure/ erection) of special architectural or historic interest; and</i></p> <p style="margin-left: 80px;"><i>(b) May amend any list so compiled.</i></p>

3.3	The Second Survey of all of Northern Ireland's building stock is currently underway, to update and improve on the first List of buildings of special architectural or historic interest which began in 1974.
3.4	<p>In considering whether to include a building as Listed, the Historic Environment Division (HED) takes into account the architectural and historic interest of a structure and is also given the power to consider:</p> <ul style="list-style-type: none"> • any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and • the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building which consists of a manmade object or structure fixed to the building or which forms a part of the land and which is comprised within the curtilage of the building.
3.5	Should the Department for Communities decide to list a property, this places certain responsibility on the owner in terms of maintenance of both the structure and the setting to ensure that the character is maintained. The listed building (sign) cannot be altered or demolished without prior approval.
3.6	Whilst the Council has received notification as both the identified owner and the statutory Planning Authority it should be noted that the Council whilst owner of the signs is not the landowner of the sites on which they are located. As indicated in paragraph 3.8 below a number of these signs are sited within private properties. It is therefore proposed that should the Committee support the proposed Listing then confirmation will be sought from HED that they have notified the property owners to ensure they have the opportunity to respond to the proposals - in accordance with the Listing Process guidelines.
3.7	The summaries set out in Appendix 1 for the proposed listed street signs are taken from the evaluation in the consultation report and details the main features alongside the recommended class of listing. The appendix also sets out the summary of the four categories (A to B2) for Listed Buildings in Northern Ireland under the ongoing work as part of the Second Survey.
3.8	<p>The notification from HED confirms that following detailed surveys the views of Council are requested in relation to the proposed listing of the following street signs at various intersections detailed below:</p> <ul style="list-style-type: none"> • Beersbridge Road and Upper Newtownards Road, Belfast (back edge of footpath) • Summerhill Parade and Barnett's Road, Belfast (back edge of footpath / garden) • Knockland Park and Barnett's Road, Belfast (relocated to back edge of footpath) • Cherryvalley Park and Kensington Road, Belfast (back edge of footpath / garden) • Kensington Road and Knock Road, Belfast (back edge of footpath / garden) • Eastleigh Drive and Kincora Avenue, Belfast (garden) • Clonlee Drive and Upper Newtownards Road, Belfast (garden) • Belmont Church Road and Sydenham Avenue, Belfast (back edge of footpath) • Carolhill Gardens and Holywood Road (back edge of footpath)
3.9	<p><u>Financial & Resource Implications</u></p> <p>The listing of a sign would place certain responsibility on the council as the owner of these historic streets signs, for example, it must be maintained in a way appropriate to its character and cannot be altered or demolished without prior approval.</p>
3.10	The potential cost of maintenance, restoration and replication of historic tiles street signs cannot be estimated at this stage as it would require the appointment of a specialist contractor to carry out the manufacture of appropriate replacements elements and their

3.11	sympathetic installation. <u>Equality or Good Relations Implications</u> None
4.0	Appendices – Documents Attached
	APPENDIX 1: Listed Sign Evaluations

This page is intentionally left blank

APPENDIX 1: Listed Sign Evaluations

Background

The Second Survey of all of Northern Ireland's building stock, is currently underway, to update and improve on the first List of buildings of special architectural or historic interest which began in 1974. This second survey in Belfast was due to be completed in 2017 but is ongoing.

The signs being considered are considered by HED to fall within the definition of the word 'building'.

"Listed building" is defined in section 80(7) (lists of buildings of special architectural or historic interest) of the Planning Act (Northern Ireland) 2011: "(7) In this Act "listed building" means a **building** which is for the time being included in a list compiled under this section.

"Building" is defined in section 250(1) (interpretation) of the Planning Act (Northern Ireland) 2011. The term "building" **includes any structure or erection**, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

Under section 80 Lists of buildings of special architectural or historic interest
80—(1) The Department—

(a) shall compile lists of **buildings (which means structure/erection)** of special architectural or historic interest; and

(b) may amend any list so compiled.

In considering whether to include a building as Listed, the Department (NIEA) takes into account the architectural and historic interest of a structure and is also given the power to consider:-

- any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and
- the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building which consists of a manmade object or structure fixed to the building or which forms a part of the land and which is comprised within the curtilage of the building.

Should the Department for Communities decide to list, this places certain responsibility on the owner, for example, a listed building has to be maintained in a way appropriate to its character and cannot be altered or demolished without prior approval.

The summaries below are taken from the sign evaluation and detail the assessment in relation to the class of listing proposed.

**1. At the Junction of Beersbridge Road and Upper Newtownards Road, Belfast,
HB26/10/010/DC**

Sign Evaluation

Freestanding tiled street sign of perhaps c.1920 of the type produced by Belfast Corporation in the early to mid-1900s. Once ubiquitous throughout the suburbs of the city, many of these signs have been lost over the decades due to a combination of redevelopment and general wear and tear. The utilitarian yet attractive design itself, composed of small tiles with slightly elongated sans serif lettering on a black background, has become something of a style symbol for the city in recent years and those signs that have survived are now widely accepted as an important part of the civic heritage. This particular example, supported on the plain metal pole, has witnessed some damage but retains sufficient historic fabric and a good example of its kind.

Proposed NIEA listing – **B2**

Extent of proposed listing – **Street Sign**

Image:



2. At the Junction of Summerhill Parade and Barnett's Road, Belfast, HB26/11/013/DC

Sign Evaluation

Freestanding tiled street sign of c.1932 of the type produced by Belfast Corporation in the early to mid- 1900s. Once ubiquitous throughout the suburbs of the city, many of these signs have been lost over the decades due to a combination of redevelopment and general wear and tear. The utilitarian yet attractive design itself, composed of small tiles with slightly elongated sans serif lettering on a black background, has become something of a style symbol for the city in recent years and those signs that have survived are now widely accepted as an important part of the civic heritage. This particular example, supported on the plain metal post that seems to have superseded the more ornate cast-iron Edwardian version, has witnessed the usual damage to the tiling but is largely intact remains a good example of its kind.

Proposed NIEA listing – **B2**

Extent of proposed listing – **Street Sign**

Image:



3. At the Junction of Knockland Park and Barnett's Road, Belfast, HB26/11/014/DC

Sign Evaluation

Freestanding tiled street sign of c.1932 of the type produced by Belfast Corporation in the early to mid-1900s. Once ubiquitous throughout the suburbs of the city, many of these signs have been lost over the decades due to a combination of redevelopment and general wear and tear. The utilitarian yet attractive design itself, composed of small tiles with slightly elongated sans serif lettering on a black background, has become something of a style symbol for the city in recent years and those signs that have survived are now widely accepted as an important part of the civic heritage. This particular example, supported on the concrete post that seems to have superseded the metal versions in the early 1930s, has witnessed the usual damage to the tiling but remains a good example of its kind.

Proposed NIEA listing – **B2**

Extent of proposed listing – **Street Sign**

Image:



4. At the Junction of Cherryvalley Park and Kensington Road, Belfast, HB26/11/016/DC

Sign Evaluation

Freestanding tiled street sign of c.1907 of the type produced by Belfast Corporation in the early to mid-1900s. Once ubiquitous throughout the suburbs of the city, many of these signs have been lost over the decades due to a combination of redevelopment and general wear and tear. The utilitarian yet attractive design itself, composed of small tiles with slightly elongated sans serif lettering on a black background, has become something of a style symbol for the city in recent years and those signs that have survived are now widely accepted as an important part of the civic heritage. This particular example, supported on the ornate cast-iron post that appears to have been used for the earliest iteration of these signs, has witnessed minor damage to the tiling, but retains much of its original fabric and remains an excellent example of its kind.

Proposed NIEA listing – **B2**

Extent of proposed listing – **Street Sign**

Image:



5. At the Junction of Kensington Road and Knock Road, Belfast, HB26/11/017/DC

Sign Evaluation

Freestanding tiled street sign of c.1907 of the type produced by Belfast Corporation in the early to mid-1900s. Once ubiquitous throughout the suburbs of the city, many of these signs have been lost over the decades due to a combination of redevelopment and general wear and tear. The utilitarian yet attractive design itself, composed of small tiles with slightly elongated sans serif lettering on a black background, has become something of a style symbol for the city in recent years and those signs that have survived are now widely accepted as an important part of the civic heritage. This particular example, supported on the ornate cast-iron post that appears to have been used for the earliest iteration of these signs, has witnessed some damage to the tiling but remains a good example of its kind.

Proposed NIEA listing – **B2**

Extent of proposed listing – **Street Sign**

Image:



6. At the Junction of Eastleigh Drive and Kincora Avenue, Belfast, HB26/14/025/DC

Sign Evaluation

Freestanding tiled street sign of perhaps c.1920 of the type produced by Belfast Corporation in the early to mid-1900s. Once ubiquitous throughout the suburbs of the city, many of these signs have been lost over the years due to a combination of redevelopment and general wear and tear. The utilitarian yet attractive design itself, composed of small tiles with slightly elongated sans serif lettering on a black background, has become something of a style symbol for the city in recent years and those signs that have survived are now widely accepted as an important part of the civic heritage. This particular example, supported on a plain pole, has witnessed the usual damage to the tiling but remains largely intact and a good example of its kind.

Proposed NIEA listing – **B2**

Extent of proposed listing – **Street Sign**

Image:



7. At the Junction of Clonlee Drive and Upper Newtownards Road, Belfast, HB26/14/026/DC

Sign Evaluation

Freestanding tiled street sign of c.1907 of the type produced by Belfast Corporation in the early to mid- 1900s. Once ubiquitous throughout the suburbs of the city, many of these signs have been lost over the years due to a combination of redevelopment and general wear and tear. The utilitarian yet attractive design itself, composed of small tiles with slightly elongated sans serif lettering on a black background, has become something of a style symbol for the city in recent years and those signs that have survived are now widely accepted as an important part of the civic heritage. This particular example, supported on the plain pole that seems to have been used during the 1920s, has witnessed the usual damage to the tiling but remains largely intact and a good example of its kind.

Proposed NIEA listing – **B2**

Extent of proposed listing – **Street Sign**

Image:



8. At the Junction of Belmont Church Road and Sydenham Avenue, Belfast, HB26/12/059/DC

Sign Evaluation

Freestanding tiled street sign of c.1907 of the type produced by Belfast Corporation in the early to mid-1900s. Once ubiquitous throughout the suburbs of the city, many of these signs have been lost over the decades due to a combination of redevelopment and general wear and tear. The utilitarian yet attractive design itself, composed of small tiles with slightly elongated sans serif lettering on a black background, has become something of a style symbol for the city in recent years and those signs that have survived are now widely accepted as an important part of the civic heritage. This particular example, supported on the ornate cast-iron pole, has been compromised somewhat by the rise in the surrounding ground level, but in itself remains a very good example of its kind.

Proposed NIEA listing – **B2**

Extent of proposed listing – **Street Sign**

Image:



9. At the Junction of Carolhill Gardens and Holywood Road, Belfast, HB26/12/064/DC

Sign Evaluation

Well-preserved, freestanding tiled street sign of c.1946 of the type produced by Belfast Corporation in the early to mid-1900s. Once ubiquitous throughout the suburbs of the city, many of these signs have been lost over the decades due to a combination of redevelopment and general wear and tear. The utilitarian yet attractive design itself, composed of small tiles with slightly elongated sans serif lettering on a black background, has become something of a style symbol for the city in recent years and those signs that have survived are now widely accepted as an important part of the civic heritage. This particular sign dates from c.1945-46 and is an excellent example of its kind; it is also somewhat anomalous, possessing the ornate cast-iron pole that appears to have been dropped out of use by the early 1920s, suggesting, perhaps, that it was salvaged from elsewhere and recycled due to post-war austerity.

Proposed NIEA listing – **B2**

Extent of proposed listing – **Street Sign**

Image:



Note:

Listed buildings in Northern Ireland are divided into four categories:

Grade A

Special buildings of national importance including both outstanding grand buildings and the fine, little altered examples of some important style or date.

Grade B+

Special buildings that might have merited A status but for relatively minor detracting features such as impurities of design, or lower quality additions or alterations. Also buildings that stand out above the general mass of grade B1 buildings because of exceptional interiors or some other features.

Grade B1 and B2

Special buildings of more local importance or good examples of some period of style. Some degree of alteration or imperfection may be acceptable.

This page is intentionally left blank