

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



**Belfast
City Council**

10th January, 2023

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall, and remotely via Microsoft Teams, on Tuesday, 17th January, 2023 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
2. **Committee Site Visits**
3. **Planning Decisions Issued (Pages 1 - 10)**
4. **Appeals (Pages 11 - 14)**
5. **Planning Applications**
 - (a) LA04/2021/0651/F Erection of 6 x 1 bedroom apartments with associated amenity space, vacant land at corner of Dundela Avenue and Dundela Crescent (Pages 15 - 26)

- (b) LA04/2021/1188/F (deferred from December 2022 Planning Committee)
Provision for a 24no. space car park, access road with lay-by and turning head. 2.4m Perimeter Fence, 425 Springfield Road (Pages 27 - 44)
- (c) LA04/2021/2016/F Demolition of existing multi-storey car park and the erection of 298no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development. 21-29 Corporation Street & 18-24 Tomb Street Belfast (Pages 45 - 80)
- (d) LA04/2022/0002/F Demolition of existing discount supermarket, erection of replacement discount supermarket, car parking, landscaping and associated site works. Improvements to green space to enhance its usability and amenity involving new landscaping and the creation of pedestrian walkway and sitting areas. 100-116 Stewartstown Road (Lidl) and land to the immediate south and southeast bounded by Kells Avenue Oranmore Drive 37-55 Suffolk Crescent (odds) & 28 Suffolk Drive Belfast (Pages 81 - 116)
- (e) LA04/2021/2862/F Proposed Battery Energy Storage System (BESS) with storage capacity up to 50MW, associated electricity substation / transformer compound, improvement to the existing access, landscaping and associated ancillary development/site works. Lands approximately 700m north of 28 Colinglen Road, Dunmurry, Belfast (Pages 117 - 132)
- (f) ~~WITHDRAWN LA04/2022/1284/F Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 862 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths. Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast~~
- (g) LA04/2021/1964/F Re-cladding of and front extension of office building, erection of four additional floors of office accommodation and public realm enhancement works, Carlton House, 1-6 Shaftesbury Square, Belfast (Pages 133 - 144)

6. **Miscellaneous Items**

- (a) Update on Tree Protection Orders (TPOs) and issue referred from People & Communities Committee (Pages 145 - 148)

7. **Restricted Items**

- (a) Update on the replacement Planning Portal

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Agenda Item 3

| PLANNING APPLICATIONS ISSUED BETWEEN 5 December 2022 and 9 January 2023 | | | | Total 54 |
|---|----------|--|---|-----------------------|
| Application number | Category | Location | Proposal | Decision |
| LA04/2020/1944/LBC | LOC | 3-19 (Former Warehouse) Rydalmere Street Belfast BT12 6GF. | Residential conversion of the existing listed structures to form 57 apartments. | Consent Granted |
| LA04/2021/1721/F | LOC | Lands immediately east of 271 and south of 257-271 Lower Braniel Road and west of 2 Middle Braniel Road, Belfast | Proposed residential development of 9no dwellings, carparking, landscaping, and all associated site and access works. | Permission Granted |
| LA04/2021/2044/LDE | LOC | 25 Ulsterville Gardens Lisburn Road Belfast BT9 7BA. | House in multiple occupancy (HMO). | Permitted Development |
| LA04/2021/2869/DCA | LOC | 19-27 Lombard Street Belfast BT1 1RB | Demolition of existing single storey building and erection of ground and four upper storeys providing new cafe/restaurant on ground floor and 12no. apartments on the upper four storeys. Provision of bin storage and cycle areas. | Consent Granted |
| LA04/2021/2870/F | LOC | 19-27 Lombard Street, Belfast BT1 1RB | Demolition of existing single storey building and erection of ground and four upper storeys providing new cafe/restaurant on ground floor and 12no. apartments on the upper four storeys. Provision | Permission Granted |

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| | | | of bin storage and cycle areas. | |
| LA04/2022/0574/LDE | LOC | Apartment 54 (5th Floor), Citygate 2 Sussex Place Belfast BT2 8LN. | Short Term Stay Apartment Use | Permitted Development |
| LA04/2022/0598/F | LOC | 44 Denorrtion Park Belfast BT4 1SF. | Replacement 2 Storey dwelling and garage. | Permission Granted |
| LA04/2022/0651/F | LOC | 6 - 20 Bloomfield Avenue Belfast BT5 5AD. | Erection of 16no apartments with associated car parking and landscaping | Permission Granted |
| LA04/2022/0670/F | LOC | Queen's University Garage University Square Mews Belfast BT7 | Change of use from class B4: storage to class D1: Community and Cultural uses, (d) for the provision of education. Existing building to be retained and refurbished to provide new Capture Studio for Queen's University. Internal layout reorganised to provide control room, hub room and ancillary facilities including WC and kitchenette. | Permission Granted |
| LA04/2022/0724/DCA | LOC | Flat 1 & 2 30 Bladon Park Belfast BT9 5LG. | Part demolition of existing structures as drawing no. GA-011 rev B (Demolition Layouts). | Consent Granted |
| LA04/2022/0888/LDE | LOC | 16B Canterbury Street, Belfast BT7 1LB | House in Multiple Occupation (HMO) | Permitted Development |

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| LA04/2022/1014/F | LOC | Unit 1 Benmore House 353 Lisburn Road, Belfast BT9 7EP | Outdoor seating area with associated railings and elevation changes. (Amended Description) | Permission Granted |
| LA04/2022/1171/F | LOC | 206 Upper Malone Road Dunmurry Belfast BT17 9JZ. | Two storey replacement dwelling and garage with realignment of driveway and associated site works. | Permission Granted |
| LA04/2022/1301/F | LOC | Existing base station installation at Whitla Fire Station Marine Street Queens Island Belfast BT15 1JP. | Proposed upgrade works at existing base station installation including the removal of existing 17.00m high R+T swann sectorised column tower, 6No. existing antennas and other ancillary apparatus and the installation of proposed demise extension of 5.5M X 5.5M with 25.00m high swann CSIS lattice tower with new delta headframe on new concrete base, 12No. proposed antennas, 2No. proposed GPS modules, 1No. proposed cable tray on 2No. proposed gantry poles, internal cabin upgrade works and all other ancillary development. | Permission Granted |
| LA04/2022/1337/F | LOC | 32-36 Great Victoria Street Belfast BT2 7BA. | Change of use of retail unit into unit for the sale of food and drink including consumption on the | Permission Granted |

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| | | | premises (Sui generis). | |
| LA04/2022/1423/F | LOC | Adjacent and North of 57 Colinglen Dunmurry Belfast BT17 0LW. | Storey and half dwelling and single storey garage. | Permission Granted |
| LA04/2022/1586/A | LOC | Moyard House 203 Glen Road Belfast BT11 8BU. | New road side free standing sign with 3D text including some internally lit letters to mark entrance of heritage centre. | Consent Granted |
| LA04/2022/1591/F | LOC | 9 Rosemary Park Belfast BT9 6RF. | Extension at first floor over existing roof terrace to form home office. | Permission Granted |
| LA04/2022/1653/F | LOC | 29 Ladybrook Park, Belfast BT11 9EL | Proposed 2 storey extension to rear of existing dwelling. | Permission Granted |
| LA04/2022/1781/F | LOC | 88 Rosgoill Park Belfast BT11 9QU. | Retrospective application for attic conversion with raised height and dormer windows to front and rear. | Permission Granted |
| LA04/2022/1797/F | LOC | 180 Cliftonville Road, Belfast BT14 6LB. | Single storey rear extension. | Permission Granted |
| LA04/2022/1809/F | LOC | 43 Wellington Park, Belfast BT9 6DN. | Change of use from 3 (Houses in Multiple Occupation) apartments to assisted housing (C3 use) (Additional Supporting Information) | Permission Granted |

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| LA04/2022/1901/F | LOC | 21 Old Coach Road, Belfast BT9 5PR | Single storey rear/side extension. | Permission Granted |
| LA04/2022/1938/F | LOC | 16 Glenbawn Crescent | Single storey extension to rear of property with new graded steps. Amendment to previous approval - extension length increased by 400mm due to location of NI Water sewer running underneath (LA04/2021/2566/F). | Permission Granted |
| LA04/2022/1949/F | LOC | 14 Moyne Park Belfast BT5 7QT. | Proposed garage to the front / side of the site | Permission Granted |
| LA04/2022/2090/CONTPO | LOC | 18 Cranmore Gardens Belfast BT9 6JL. | Tree surgery | Permission Granted |
| LA04/2022/2097/CONTPO | LOC | 1 Somerton Grange Belfast BT15 4HA. | Works to 4 trees. | Permission Granted |
| LA04/2022/2107/NMC | LOC | 13-25 Castle Lane Belfast BT1 5DA; Castle Arcade | Non material change LA04/2022/0535/F. | Non Material Change Granted |
| LA04/2020/1829/F | LOC | Fernagh 31 Saintfield Road, Belfast BT86AF | Part demolition of existing detached dwelling. Redevelopment including extensions, alterations and refurbishment to provide 2 no. 2-bed apartments and 7 | Permission Granted |

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| | | | no. 1-bed apartments with associated car parking and landscape (Amended description and drawings) | |
| LA04/2020/1943/F | MAJ | 3-19 (Former Warehouse) Rydalmere Street, Belfast BT12 6GF. | Residential conversion of the existing listed warehouses to form 57 (1 to 3 bed units, including 60% social and affordable to include a minimum of 20% social housing [amended description]). | Permission Granted |
| LA04/2021/0004/F | LOC | Side garden of No 25 Dermore Drive, Belfast BT9 5JR | New infill 2.5 storey dwelling house with single storey ground floor store and living space to include new pedestrian and vehicular access onto Dermore Drive. On site foul drainage to be via waste water drip distribution system & below ground waste water treatment tank.(amended description & plan) | Permission Granted |
| LA04/2021/1288/F | LOC | 1 Damascus Street Belfast BT7 1QQ. | Demolition with retention of front facade and erection of 2no. apartments. | Permission Granted |
| LA04/2021/1423/A | LOC | Spar Ravenhill 318 Ravenhill Road Belfast BT6 8GL. | Non illuminated Brand / image frames within a black aluminium PPC frame, perimeter site | Consent Granted |

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| | | | boundary branding vinyl banners. | |
| LA04/2021/1774/F | MAJ | Lands at Loop Studios 468-476 Castlereagh Road, Belfast BT5 6RG | Partial demolition of existing buildings to facilitate proposed extension to existing Film Studios & Workshop Facilities to include for Virtual Studios. Development to also include part reclad of existing buildings, retention of lighting columns and boundary fence and all other associated site and access works (amended plans & additional info) | Permission Granted |
| LA04/2021/1833/RM | LOC | Lands at no. 2-4 Good Shepherd Road Dunmurry BT17 OLS | 3 no. 2 storey, 3 person terraced houses and a single storey disabled accessible bungalow for social housing purposes. New access road for vehicular and pedestrian access to the houses and a mixture of assigned and unassigned car parking spaces for the residents along with private rear gardens. | Permission Granted |
| LA04/2021/2097/F | LOC | Flats 1 & 2 30 Bladon Park Belfast BT9 5LG | Erection of two storey dwelling incorporating existing coach house also single story garage and site works | Permission Granted |

| | | | (amended plans and description) | |
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| LA04/2022/0715/O | LOC | 30m SE of 45 Old Colin Glen Road Lagmore Dunmurry BT17 0NS | Erection of 2no. detached 2 storey houses. | Permission Refused |
| LA04/2022/0904/F | LOC | 22 Castle Lane Belfast BT1 5DB | Removal of existing shutter and shutter rails to install new glazing and ramp | Permission Granted |
| LA04/2022/1007/A | LOC | Unit 1 Benmore House 353 Lisburn Road, Belfast BT9 7EP | Advertisement Display | Permission Granted |
| LA04/2022/1022/F | LOC | First floor of Unit 1 Benmore House 353 Lisburn Road BT9 7EP. | Change of use of first floor from financial services (Class A2) to provide an extension for ancillary accommodation to previously approved hot food premises (providing sit in and takeaway) on ground floor(reference LA04/2021/1587/F) | Permission Granted |
| LA04/2022/1240/F | LOC | 33 Downshire Road, Belfast BT6 9JL | Demolition of Two Storey Rear Return. Proposed Two Storey Rear Extension with Elevational Changes. | Permission Granted |
| LA04/2022/1648/DCA | LOC | 22 Castle Lane Belfast BT1 5DB | To remove shutter and shutter rails. To remove external existing steel cladding. | Consent Granted |

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| LA04/2022/1745/NMC | LOC | Lyndon Court 32-38 Queen Street Belfast BT1 6EF. | Non material change LA04/2019/0553/F. | Permission Granted |
| LA04/2022/1782/F | LOC | Unit MSU2 Victoria Square Belfast Co. Antrim BT1 4QG. | Change of use from vacant retail unit to office and amendments to existing entrance and window fenestration at Chichester Street. | Permission Granted |
| LA04/2022/1804/F | LOC | Lands located approx. 70m south of 5 Riverside Square Belfast BT12 5RJ (along the Forth Meadow Community Greenway). | Floor art installation measuring 600 X 600mm in support of overall Signature Sculpture proposal (signature sculpture proposal is part of a separate application Ref: LA04/2022/1236/F) and all associated works as part of new Forth Meadow Community Greenway project. | Permission Granted |
| LA04/2022/1890/F | LOC | 181 Falls Road Belfast BT12 6BE. | Conversion of existing residential property into a house of multiple occupation. | Permission Granted |
| LA04/2022/1954/F | LOC | 11 Burntollet Way Belfast BT6 0EW. | Single storey rear extension. | Permission Granted |
| LA04/2022/1997/F | LOC | 169 Ardenlee Avenue Belfast BT6 0AE. | Demolition of existing rear return and proposed single storey rear extension. | Permission Granted |
| LA04/2022/2015/LDE | LOC | 14 Prince Edward Park Belfast BT9 5FZ. | House in multiple occupancy (HMO). | Permitted Development |

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| LA04/2022/2049/CONTPO | LOC | Stranmillis University College Stranmillis Road Belfast. | A number of Ash trees are showing the symptoms of advanced Ash Die-Back. | Permission Granted |
| LA04/2022/2184/WPT | LOC | 28 Cadogan Park Belfast BT9 6HH | Works to trees in a Conservation Area | Permission Granted |
| LA04/2022/2227/WPT | LOC | 3 Cleaver Park Belfast BT9 5HX | Complete prune with a crown reduction of 1.5-2m, 1x Prunus nigra in the rear garden, to allow more light. Complete prune with a crown reduction of 2.5-3m, 1x Acer pseudoplatanus in the neighbouring garden, to allow more light. | Permission Granted |
| LA04/2022/2228/WPT | LOC | 27 Malone Park Belfast BT9 6NJ | Sectional dismantle to ground level, 1x dying Thuja plicata adjacent to the gated entrance, to minimise the potential risk of catastrophic failure. | Works to Trees in CA Agreed |
| LA04/2022/2242/WPT | LOC | 14 Antrim Road Belfast BT15 2AA | Works to trees | Works to TPO Granted |

PLANNING COMMITTEE – 17 JANUARY 2023

APPEALS NOTIFIED (CONTINUED)

ITEM NO 3 PAC REF: 2022/L0004

PLANNING REF: LA04/2021/1435/LDP

APPLICANT: M J McBride Developers

LOCATION: 112 Serpentine Road, Belfast, BT36

PROPOSAL: Residential development of 16 No dwellings as approved under Z/2000/1483/F and Z/2005/1879/F

PROCEDURE: Written Representation

ITEM NO 4 PAC REF: 2022/A0108

PLANNING REF: LA04/2022/0913/F

APPLICANT: Paul and Anne Stewart

LOCATION: 42 and 42A Strathmore Park South, Belfast, BT15 5HL

PROPOSAL: Removal of Condition 7 regarding occupancy of dwelling No 42A of LA04/2015/1102/F

PROCEDURE:

APPEAL DECISIONS NOTIFIED

17 JANUARY 2023

ITEM NO 1 PAC REF: 2021/A0231

PLANNING REF: LA04/2021/2017/F

RESULT OF APPEAL: ALLOWED

APPLICANT: Cityside Developments Ltd

LOCATION: 72-78A Connsbrook Avenue, Belfast

PROPOSAL: Redevelopment of site to erect 12 No apartments and ancillary/associated works

APPEAL DECISIONS NOTIFIED (CONTINUED)

17 JANUARY 2023

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| ITEM NO | 2 | PAC REF: | 2021/A0132 |
| PLANNING REF: | LA04/2020/0793/F | | |
| RESULT OF APPEAL: | ALLOWED | | |
| APPLICANT: | Mrs Thelfa Ahmad | | |
| LOCATION: | 239/241 Upper Newtownards Road, Belfast | | |
| PROPOSAL: | Alteration to internal layout on first floor to provide a 2 bedroom apartment. Alteration of internal layout on second floor to provide a one bedroom apartment. | | |

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| ITEM NO | 3 | PAC REF: | 2021/A0217 |
| PLANNING REF: | LA04/2020/1342/F | | |
| RESULT OF APPEAL: | ALLOWED | | |
| APPLICANT: | Diamond Homes NI Ltd | | |
| LOCATION: | 167-177 Oldpark Road, Belfast, BT14 6QP | | |
| PROPOSAL: | Demolition of existing bar and construction of 12 No 2 bed apartments in a 3 storey block | | |

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Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 17 January 2023 | |
| Application ID: LA04/2021/0651/F | |
| Proposal: 6 No. 1 bedroom apartments with associated site amenity space. | Location: Vacant land at corner of Dundela Avenue & Dundela Crescent Belfast BT4. |
| Referral Route: At the discretion of the Director of Planning and Building Control in view of the balanced consideration of the issues. | |
| Recommendation: | Approval |
| Applicant Name and Address: Mr Richard Acheson 104A Circular Road Belfast BT4 2GF | Agent Name and Address: M C Logan Architects 49 Belmont Road Belfast BT42AA |
| <p>Executive Summary:</p> <p>This application seeks full planning permission for 6No. 1-bedroom apartments with associated site amenity space at the junction of Dundela Avenue and Dundela Crescent.</p> <p>The site comprises a vacant parcel of land of approximately 0.03 hectares. The site has a sloping topography from Dundela Avenue down towards Wilgar Park football ground to the rear of the site.</p> <p>The key issues in the assessment of the proposed development are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the area • Impact on residential amenity • Impact on traffic and parking • Impact on flood risk and sewage infrastructure <p>The application has been neighbour notified and advertised in the local press. Three letters of objection have been received. The objections related to the following issues:</p> <ul style="list-style-type: none"> • Over development of the site • Road and Pedestrian Safety, Parking Concerns <p>The objections are addressed in full in the main report.</p> <p>DFI Roads and Environmental Health have been consulted and offer no objection to the proposal. NI Water were consulted and object to the proposal due to the sewer network being at capacity. DAERA NIEA and SES have been consulted on this issue and their responses are awaited.</p> <p>The site is located within the development limit of Belfast and is located on un-zoned white land within both the BUAP and dBMAP. The principle of development is considered acceptable.</p> | |

Whilst the density of the proposed development would be high and the apartments located on a tight and confined site, on balance, the proposal would be in keeping with the character and appearance of the area, including the similar apartments with extant permission on the adjacent land to the east.

The design of the apartments is considered acceptable. Satisfactory amenity space would be provided.

Whilst the proposal would not provide any in-curtilage parking, a parking survey has been provided which DfI Roads finds acceptable. DfI Roads offers no objection to the proposal.

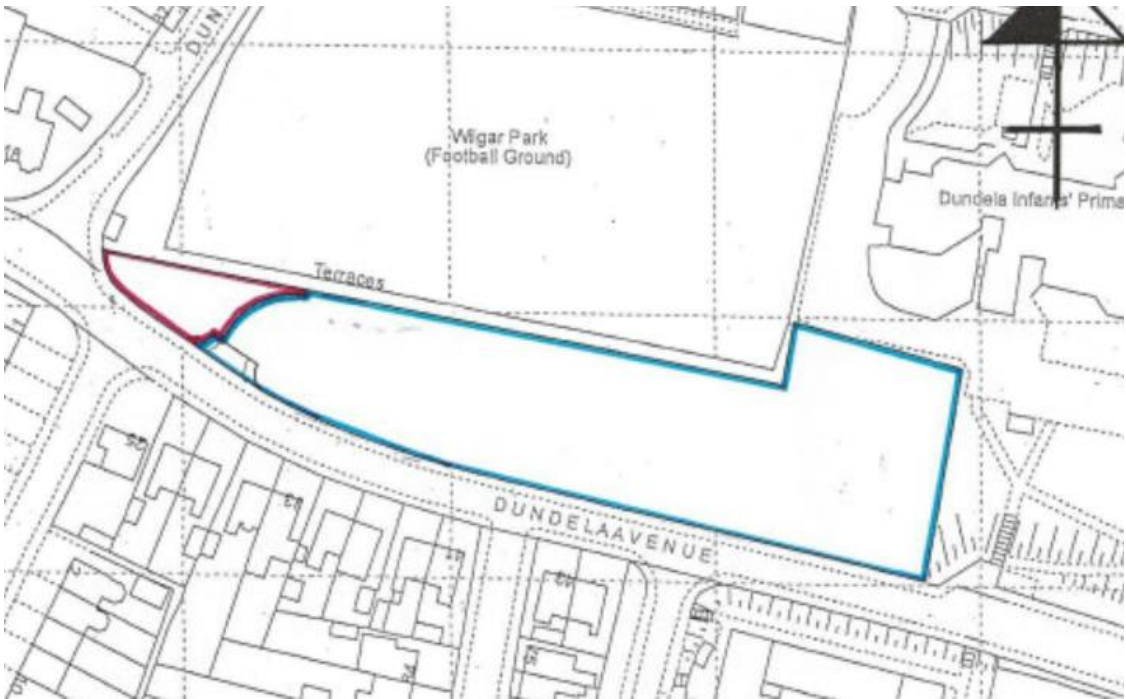
Recommendation

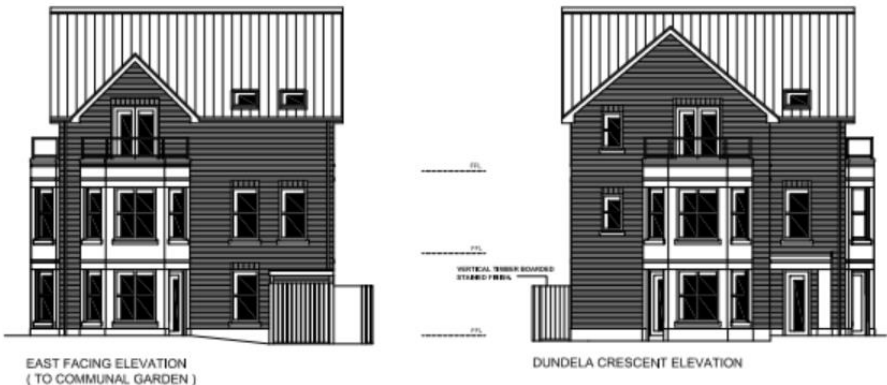
Having regard to the development plan, relevant policy context and other material considerations including the representations, the proposed development is, on balance, considered acceptable. It is recommended that full planning permission is granted subject to conditions and no objection from DAERA NIEA and SES.

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

Case Officer Report

Site Location Plan





PROPOSED DEV
SITE AT CORNIE
& DUNDELA CRI
BELFAST BT4

PROPOSED ELE
1:100 Scale @ A3

M C LOGAN ARCHIT
49 BELMONT ROAD
BEL. BALLY WEA. IRL.



| Characteristics of the Site and Area | |
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| 1.0 | Description of Proposed Development |
| 1.1 | The application seeks full planning permission for the erection of 6 x 1 bedroom apartments with associated site amenity space located on a vacant parcel of land approx. 0.03 hectares. The apartment block would be 3 storey and finished with a mixture of red brick and white render. Private amenity space would be provided within the development. |
| 2.0 | Description of Site |
| 2.1 | The application site is a vacant parcel of land at corner of Dundela Avenue & Dundela Crescent. The site is bound to the north by Dundela Park Football Ground and vacant land to the east. Dundela Avenue is located to the south of the site, with residential properties located on the opposite side of the road. The site being situated lower than the road with the topography sloping steeply away from the road towards Wilgar Park at the rear. |
| 2.2 | The surrounding area is defined primarily by residential development, with a mix of semi-detached dwellings and apartments characterising the area. |
| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | Relevant Site History |
| 3.1 | Z/2004/0133/O – residential development of 17no apartments – approved in January 2008 by the PAC. |
| 3.2 | Z/2014/0271/F – housing development for 23 apartments across 5 blocks with a new access created to Dundela Avenue with associated site works – approved in June 2016 by the PAC. The permission was subject to a Section 76 planning agreement which secured a Financial Developer Contribution towards improvements to the adjacent football club. <i>Note: Outline permission was allowed on appeal. An amended scheme was submitted at Planning Appeal. The appellant requested that the application was changed to an outline proposal, seeking only permission in principle at this stage. The application site originally included the subject application site, however, at appeal it was removed therefore it did not form part of that approved site.</i> |
| 3.3 | LA04/2016/2291/RM – reserved matters application for erection of 22 apartments across 3 blocks (4 storey buildings) with a new access to Dundela Avenue and associated site works including boundary wall and fence as per Section 76 planning agreement – approved July 2017. <i>(Note: the approved scheme excludes the subject application site)</i> |
| 3.4 | LA04/2018/2285/F – proposed minor changes to floor plans and elevations of Blocks B & C of approved apartment development, permission Ref. LA04/2016/2291/RM, to include the provision of a new entrance door to Block C and pedestrian access from Dundela Avenue – approved January 2019. |
| 3.5 | LA04/2019/0356/F – reconfiguration of Block A of LA04/2016/2291/RM, to provide 12No. apartments from previously approved 8, and associated adjustments to approved elevations and site layout – approved June 2019. |
| 3.6 | LA04/2017/2407/F Lands Opposite Dundela Flats 47 Dundela Avenue – proposed 12 No. apartments in one block with associated car parking & landscaping. Proposal to be accessed from both Dundela Avenue & private road serving adjacent apartment development with planning Permission ref. LA04/2016/2291/RM – approved June 2018. |

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| 3.7 | LA04/2019/1478/F Lands opposite 47 Dundela Avenue – proposed reconfiguration of approved block of 12no. apartments. Planning permission ref LA04/2017/2407/F, to provide 16no. apartments and associated adjustments to approved elevations. Proposal to be accessed from both Dundela Avenue and private road serving adjacent apartment development with Planning Permission ref. LA04/2016/2291/RM – approved February 2021. <i>Wider area:</i> |
| 3.8 | Z/2014/0135/F – new artificial football pitch, 24 floodlights on 6 x 15m columns, 5 stands, perimeter fencing and associated ground works. New two-storey clubhouse incorporating bar, changing facilities, kickboxing club with community use area to replace existing single-storey building – approved January 2015. |
| 4.0 | Policy Framework |
| 4.1 | Belfast Urban Area Plan 2001 |
| 4.2 | Draft Belfast Metropolitan Area Plan 2015 (v2004) |
| 4.3 | Draft Belfast Metropolitan Area Plan 2015 (v2014) |
| 4.4 | The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs. |
| 4.5 | <ul style="list-style-type: none"> • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3: Access, Movement and Parking • Planning Policy Statement 7: Quality Residential Environments • Planning Policy Statement 7 Addendum: Safeguarding the character of Established Residential Areas • Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation • Planning Policy Statement 12: Housing in Settlements • Planning Policy Statement 15: Planning and Flood Risk |
| 5.0 | Statutory Consultees Responses |
| 5.1 | DFI Roads – No objection subject to condition relating to cycle parking provision. NI Water – Objection due to the sewer network being at capacity in the Holywood catchment DAERA NIEA and SES – awaited |
| 6.0 | Non-Statutory Consultees Responses |
| 6.1 | BCC Environmental Health – No objection subject to conditions |

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| 7.0 | Representations |
| 7.1 | <p>The application has been neighbour notified and advertised in the local press. Three letters of objection have been received. The objections related to the following issues:</p> <ul style="list-style-type: none"> • Over development of the site • Road and Pedestrian Safety, Parking Concerns |
| 7.2 | In response to these concerns, the issue of overdevelopment of the site has been addressed below when assessing the design and density of the development. |
| 7.3 | DFI Roads has been consulted on the Parking Survey that was submitted with the application and are content that it demonstrates there is sufficient parking within the surrounding area to ensure the development will not cause any road safety or parking provision concerns. |
| 9.0 | Assessment |
| 9.1 | <p>The key issues in the assessment of the proposed development are:</p> <p>Principle of Development</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the area • Impact on residential amenity • Impact on traffic and parking • Impact on flood risk and sewage infrastructure |
| 9.2 | <p>Development Plan Context</p> <p>The Belfast Urban Area Plan 2001 (BUAP) is the statutory development plan for the area. The adopted Belfast Metropolitan Area Plan 2015 (both versions) (dBMAP) is a material consideration.</p> |
| 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 | <p>Section 6 (3) of the Planning Act for Northern Ireland 2001 states:</p> <p><i>'If to any extent a policy contained in a local development plan conflicts with another policy in that plan the conflict must be resolved in favour of the policy which is contained in the last development plan document to be adopted or, as the case may be, approved'.</i></p> |
| 9.5 | The adopted Belfast Metropolitan Area Plan 2015 (dBMAP) has been quashed as a result of a judgement in the Court of Appeal in May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP remaining a material consideration. It is considered that significant weight should be given to the latest version of dBMAP (v2014), given its advanced stage in the adoption process (save for retail policies relating to Sprucefield, which remain contentious). |
| 9.6 | The SPPS places emphasis on supporting good design and positive place making. It also advises that new housing developments should respect the local character and environmental quality as well as safeguarding amenity of existing residents. The SPPS aims to promote |

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| | <p>more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements.</p> <p>Principle of development</p> |
| 9.7 | <p>The application site is undeveloped land to the east of the junction of Dundela Avenue and Dundela Crescent. A previous appeal was granted on the adjacent land under reference Z/2004/0133/O and Z/2014/0271/F. There have been a number of subsequent applications on the adjacent site which now has extant permission for a total of 42no units.</p> |
| 9.8 | <p>The site is within the development limit of Belfast but is not zoned with the BUAP or within either version of dBMAP.</p> <p><i>Loss of Open Space:</i></p> |
| 9.9 | <p>Officers initially advised the applicant of concerns that the proposal would result in the loss of open space, contrary to PPS 8, the site forming part of the original grounds of the adjacent Dundela Football Club. The applicant provided a rebuttal to these concerns in May 2022.</p> |
| 9.10 | <p>Annex A of PPS 8 states that open space is taken to mean all open space of “public value”. It is considered that the application site, which is relatively small wedge of land and which has been left as a result of the previous approvals on the wider site, offers no discernible public value. The site is currently fenced off with a steep gradient sloping down and away from Dundela Avenue.</p> |
| 9.11 | <p>Due to the topography of the site, the fencing that partially encloses the site and its visual appearance, it is considered that the site has no visual amenity value. The site is overgrown and unkept and is considered visually detrimental to the surrounding residential area.</p> |
| 9.12 | <p>The site does not meet any of the typologies that form the definition of open space within Annex A of PPS8. It is also considered pertinent that there was no requirement as part of the planning permission granted at appeal for 23 apartments on the adjacent land (Z/2014/0271/F) for the applicant to provide the application site as landscape, open space or amenity space associated with that development. There is currently no compulsion for the applicant to bring forward the application site as open space.</p> |
| 9.13 | <p>It is therefore considered that Policy OS1 of PPS 8 is not applicable in this instance. On this basis, the principle of development is considered acceptable subject to other material considerations assessed below.</p> |
| 9.14 | <p>It is also relevant that the adjacent permission for 23 apartments, granted at appeal, secured improvement works to Dundela Football Club to the value of £84,720. The improvement works were required to be carried out within six months of the grant of planning permission. The purpose of the Developer Contribution was to mitigate the loss of the open space on the adjacent land. The improvements included:</p> <ul style="list-style-type: none"> • Removal of existing fence to pitch, dugouts and concrete terrace • Earthworks to remove the slope area where the terrace has been removed • Provision and installation of an 87 metre retaining wall along the boundary of the application site • Associated works to level the ground adjacent to the retaining wall • Construction a concrete standing and dugout area of least 17 metres wide • Provisional of two pre-fabricated dugouts |

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| | <ul style="list-style-type: none"> Provision and installation of NK fence at least 2.4 metres high with double gates and pedestrian gate |
| 9.15 | <p>Impact on character and appearance of the area</p> <p>It is acknowledged that there is extensive planning history on the adjacent site which has established the introduction of similar apartment blocks along this section of Dundela Avenue. It is therefore considered that an apartment block of this scale in the proposed location would generally be in keeping with the character and appearance of the surrounding area, including the three-storey block of apartments on the opposite side of the junction of Dundela Avenue and Dundela Crescent to the west.</p> |
| 9.16 | <p>Across the wider development, including the apartments proposed by the current application, there would be a total of 48 units within a site area of 0.4 hectares, resulting in a density of 120 dwellings per hectare (dph). The density of the 4 blocks of apartments with extant permission on the adjacent site would be 113 dph. The density of the proposed 6no apartments on the application site would be 200dph. Whilst the site is quite tight and the proposed density higher than that found in the currently established residential area, having regard to the surrounding context including the extant permissions for the apartments on the adjacent land, the proposed development is considered on balance acceptable.</p> |
| 9.17 | <p>The applicant provided a contextual elevation illustrating the proposed development set against the adjacent approved apartment blocks. This demonstrates that as the ground level falls along Dundela Avenue towards Dundela Crescent the roofline height of the proposed apartment block is in keeping with those adjacent and as such it is considered that the height of the proposed blocks is acceptable in the context where it faces on to Dundela Avenue.</p> |
| 9.18 | <p>The proposed materials include brick and render finishes which replicate materials already in use in the area and are acceptable. The building is similar to the bulk, scale and massing of adjacent approved apartment blocks. This will ensure a continuance of design throughout the whole development and will ensure the apartment block will viewed as part of the overall development within the wider site.</p> |
| 9.19 | <p>Overall, and on balance, it is considered that the proposal complies with PPS 7.</p> |
| 9.20 | <p>Impact on residential amenity</p> <p>The proposed development has been designed to meet the prevailing space standards set out in Annex A of the PPS 7 Addendum. The outlook from all apartments ranges from views across the football grounds to the rear, across Dundela Avenue and landscaped areas.</p> |
| 9.21 | <p>It is considered that the proposed buildings will not have a detrimental impact on the general amenity of neighbouring residents. Criterion (h) of Policy QD 1 (PPS 7) states that a proposed layout should not create conflict by overlooking between proposed and/or existing properties. There are no issues with overlooking pertaining to the proposed development due to the separation distances between the proposed block and the buildings across the opposite side of the road along Dundela Avenue and between the proposed block and the adjacent approved block to the east. The position of the proposed development relative to the direction of the sun would mean that there would be no unacceptable loss of light to existing residents.</p> |
| 9.22 | <p>The proposed layout indicates private patios to the front and side of the two ground floor apartments and two communal shared gardens to the eastern and western extremities of the site; given these are to the side and front they are not considered to offer private space. However, it is acknowledged that a similar arrangement is approved for the adjacent apartment blocks. The amenity space provided equates to 20sqm of amenity space per apartment, which is above the minimum provision of 10sqm within <i>Creating Places</i>. Overall,</p> |

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| | the private and communal space combined amounts to a sum in excess of the recommended guidance for apartments. |
| 9.23 | Environmental Health was consulted on additional information that was submitted relating to noise and light concerns. Environmental Health is content with the proposal and offer no objection subject to a condition |
| 9.24 | <p>Impact on traffic and parking</p> <p>The development proposes to utilise the same access as that which serves the adjacent apartment approved. It also includes two pedestrian accesses on to Dundela Avenue. There is no dedicated car parking provision proposed. A Parking Survey has been submitted and DfI Roads have accepted there is sufficient capacity in the surrounding area. Bicycle storage is indicated to the rear of the block and a condition is recommended with respect to provisions of same. DfI Roads has confirmed that the issues raised by objectors have been considered. There is no objection with respect to compliance with PPS 3.</p> |
| 9.25 | <p>Impact on flood risk and sewage infrastructure</p> <p>NI Water objects to the application, advising that there is a public foul sewer located within Dundela Avenue, however, due to the sewer network being at capacity in the Holywood catchment and sewer flows spilling from CSOs into the environment, it recommends that no further connections should be made to this network or a condition should be incorporated which requires an alternative drainage/treatment solution for the proposed site. Furthermore, NI Water advises that there is insufficient wastewater treatment capacity to support the proposed development. The public system cannot presently serve the proposal without significant risk of environmental harm. NI Water states that it has no plans within its current investment cycle to upgrade the wastewater system in this drainage area and is recommending connections to the system are curtailed.</p> |
| 9.26 | NI Water has advised the applicant to engage directly with it to ascertain whether an alternative drainage/treatment solution can be agreed. However, no supporting data or information to evidence NI Water's concerns have been provided. There are a significant number of extant and un-implemented planning permissions across the city for housing, commercial and other uses including over 20,000 new homes and significant levels of un-implemented commercial floor space. Given NI Water's duty to connect to those developments and that it has not provided detailed evidence to support its precise objection to this particular application, it would be unreasonable for the Council to refuse planning permission on these grounds. |
| 9.27 | The Council has consulted with DAERA NIEA and SES on whether it has concerns about substandard waste-water infrastructure. These consultations are outstanding; neither are expected to object and may recommend a condition requiring the provision of appropriate foul and surface water drainage. This recommendation is therefore subject to the consultation responses from DAERA NIEA and SES. If either object to the application, then the application will be reported back to Planning Committee. |
| 9.28 | <p>Recommendation:</p> <p>Having regard to the development plan, relevant policy context and other material considerations including the representations, the proposed development is considered, on balance, to be acceptable. It is recommended that full planning permission is granted subject to conditions and no objection from both DAERA and SES. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p> |
| 10.0 | Summary of Recommendation: Approval with conditions |

11.0 DRAFT CONDITIONS

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. All external facing and roofing materials shall be carried out as specified on the approved plans.

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

3. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

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

4. The development shall not be occupied unless the approved Noise Mitigation Strategy has been implemented in accordance with the approved details and shall thereafter be retained as such at all times.

Reason: To safeguard the amenity of occupants of the development. Approval is required upfront because the mitigation scheme may be integral to the overall design of the development.

5. The development hereby approved shall not be occupied or operated unless details of covered bicycle storage have been submitted to and approved in writing by the Council. The development shall not be occupied or operated unless the covered bicycle storage has been provided in accordance with the approved details and shall thereafter be retained in accordance with the approved details.

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

Informatives

1. This decision relates to the following approved drawing numbers:

Site Location Plan_001
 Site Layout or Block Plan_002
 Proposed Floor Plans_002
 Proposed Floor Plans_001
 Proposed Elevations_001

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| Notification to Department (if relevant) |
| N/A |
| Representations from Elected members: N/A |
| Neighbour Notification Checked: Yes |

| ANNEX | |
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| Date Valid | 15 th March 2021 |
| Date First Advertised | 25 th March 2021 |
| Date Last Advertised | 25 th March 2021 |
| Date of Last Neighbour Notification | 31 st March 2021 |
| Date of EIA Determination | N/A |
| ES Requested | No |
| Drawing Numbers and Title | |
| Drawing Nos. 01 - 06 Type: Site Location Map, Existing Site Plan, Proposed Block Plan, Proposed Site Plan, Proposed Elevations, Proposed Plans. | |

| ADDENDUM REPORT | |
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| Application ID: LA04/2021/1188/F | Date of Committee: 17 th January 2023 |
| Proposal: Provision for a 24 no. space car park, access road with lay-by and turning head. 2.4m Perimeter Fence | Location: 425 Springfield Road Belfast BT12 7DJ |
| Referral Route: At the discretion of the Director of Planning and Building Control in accordance with paragraph 3.8.7 of the Scheme of Delegation for Planning | |
| Recommendation: APPROVAL | |
| Applicant Name and Address: Colin Bingham Education Authority 3 Charlemont place Armagh BT61 9AX | Agent Name and Address: Gregory Architects 4 Crescent Gardens Belfast BT25 1TH |
| <p>Addendum Report</p> <p>This application was previously considered by the Planning Committee on 19 December 2022. At the meeting, the Committee agreed to defer the application to allow opportunity for Members to undertake a site visit. The site visit is scheduled for Monday 16 January 2023.</p> <p>The Committee should read this Addendum Report in conjunction with the original full planning report, appended.</p> <p>By way of update, the Tree Officer provides the following comments on the application.</p> <ul style="list-style-type: none"> Existing planting, including that along Springfield Road, should be retained There will be a net increase in planting overall. Appropriate species should be used given the potential impact of vehicles Additional tree planting could be provided along the pathway <p>Additional condition below recommended to require further details of landscaping proposals tree and hedgerow protection measures during construction.</p> <p>Officers advise that additional conditions should be imposed to secure landscape protection measures during construction and a detailed landscaping scheme.</p> <p>Recommendation</p> <p>As per the previous Committee report, the recommendation remains unchanged subject to the additional conditions set out above. In the planning balance, it is considered that the benefits of the proposed development outweigh the loss of employment land and open space, therefore recommendation is to approve, subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p> | |

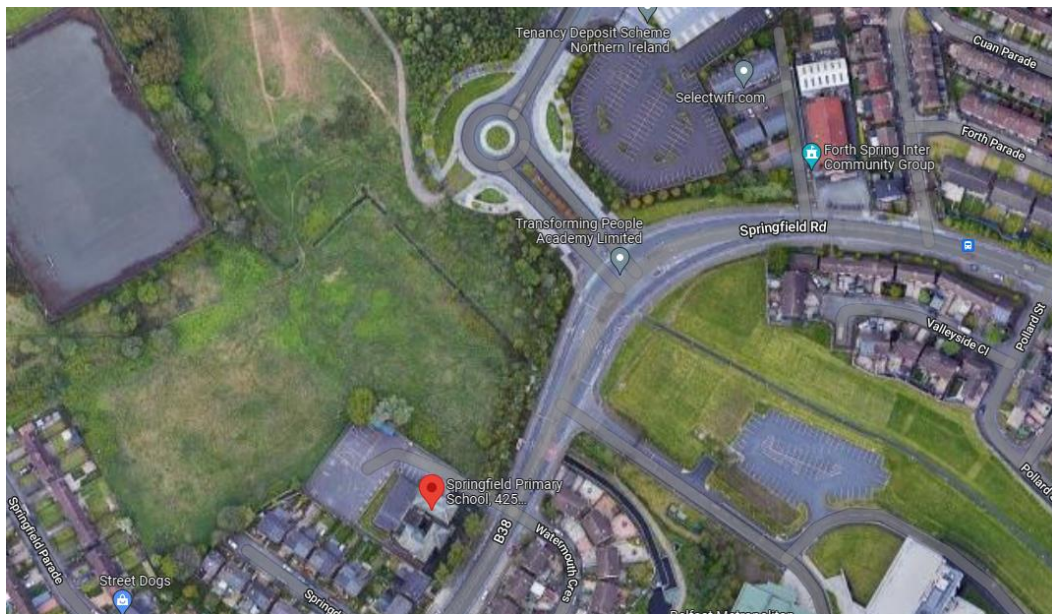
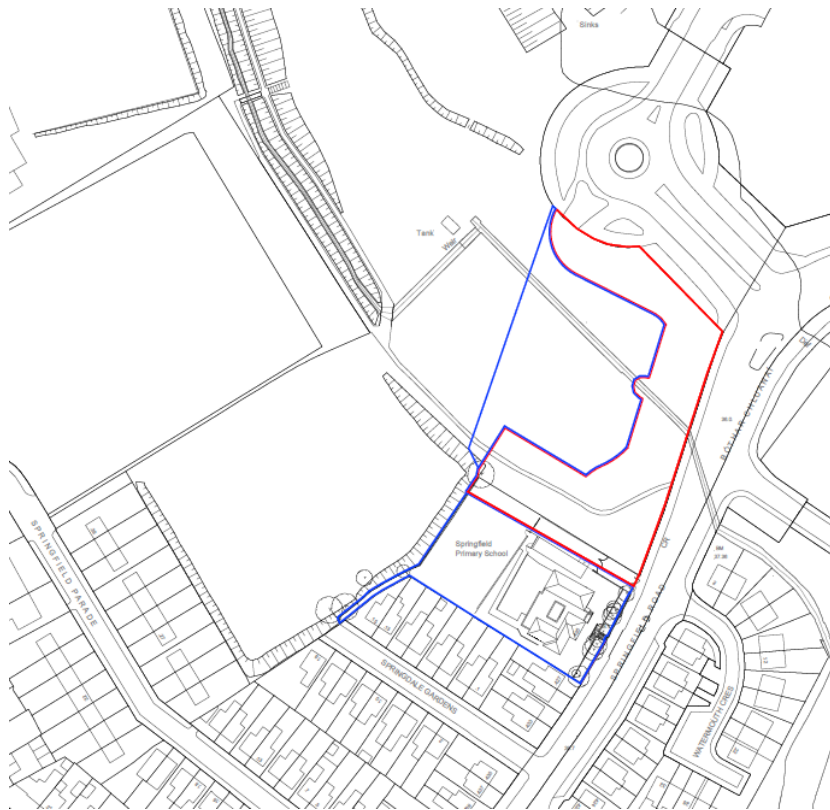
Development Management Officer Report

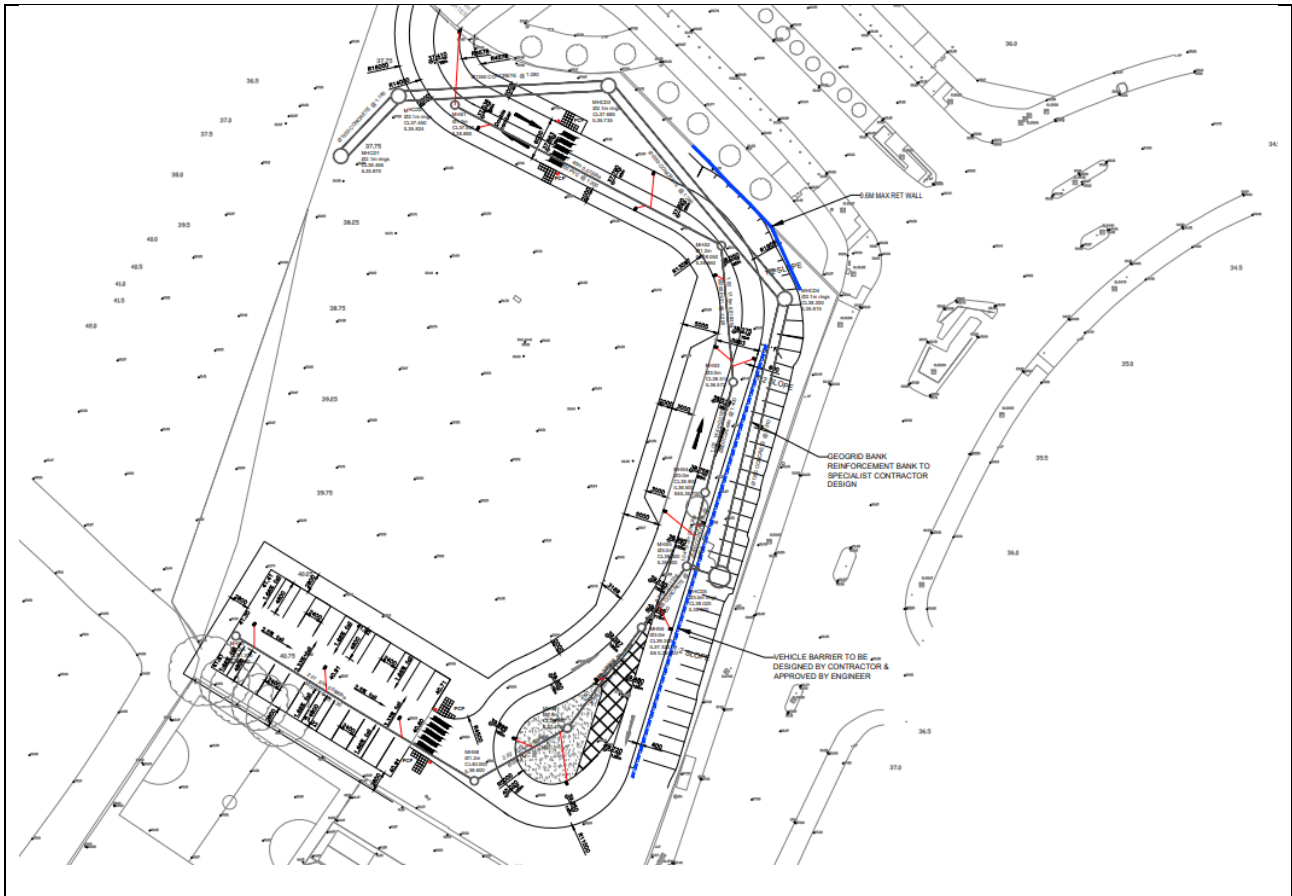
Committee Application

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

Case Officer Report

Site Location Plan





Characteristics of the Site and Area

1.0 Description of Proposed Development

- 1.1 The application seeks full planning permission for the provision of a 24 no. space car park for Springfield Primary School, including new access road, lay-by, turning head and 2.4m perimeter fence.
- 1.2 The application follows a Pre-Application Discussion (LA04/2017/1292/PAD).

2.0 Description of Site

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

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

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

Belfast Urban Area Plan 2001:

7.8

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



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

7.9

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

7.10

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

7.11

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

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

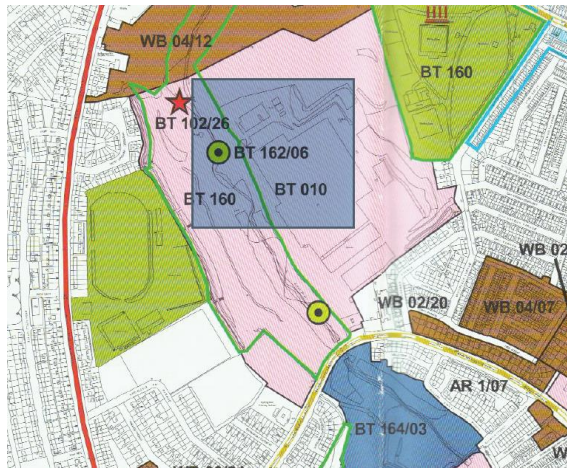
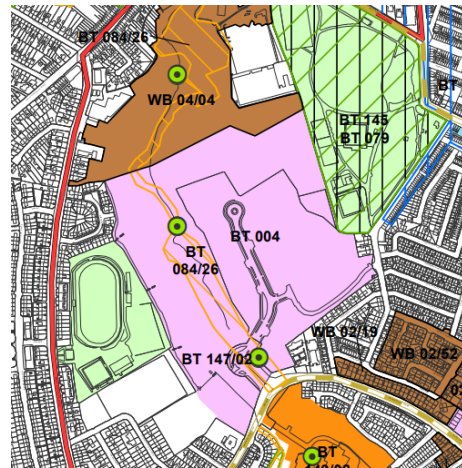
7.12

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

Draft Belfast Metropolitan Area Plan (v2004):

7.13

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

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

7.14

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

Planning Policy Statement 4:

7.15

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

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

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

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

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

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

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

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

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

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

Ref ID: Z/2002/1547/O

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

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

Decision:

Decision Date: 02.02.2005

Ref ID: LA04/2019/0568/PAD

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

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

Decision:

Decision Date:

Ref ID: LA04/2020/1959/F

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

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

Decision: PG

Decision Date:

Ref ID: LA04/2021/1188/F

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

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

Decision:

Decision Date:

Ref ID: LA04/2018/2437/PAD

Proposal: Routeways from Springfield Road to Belfast Transit Hub

Address: Springfield Road to Belfast Transport Hub,

Decision:

Decision Date:

Ref ID: LA04/2017/1292/PAD

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

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

Decision:

Decision Date:

Ref ID: Z/2014/0219/F

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

Address: 425 Springfield Road, Belfast, BT127DJ,

Decision: PG

Decision Date: 18.09.2014

Ref ID: Z/1990/2635

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

Address: 415-423 SPRINGFIELD RD

Decision:

Decision Date:

Ref ID: Z/1993/6029

Proposal: INDUSTRIAL,COMMERCIAL ETC 415/417 SPRINGFIELD ROAD

Address: 415/417 SPRINGFIELD ROAD

Decision:

Decision Date:

Ref ID: Z/1983/0219

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

Address: 411/413 SPRINGFIELD ROAD, BT12

Decision:

Decision Date:

Ref ID: Z/2001/0188/O

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

Address: Lands at Springvale, Springfield Road, Belfast

Decision:

Decision Date: 29.03.2001

Ref ID: Z/1999/3441/Q

Proposal: Proposed Springvale Educational Campus

Address: Springfield Road,Belfast,BT12

Decision:
Decision Date:

Ref ID: Z/2002/1332/F

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

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

Decision:

Decision Date: 14.04.2003

Drawing Numbers and Title

01A – Site location plan

03A – Proposed site plan

04 – Lighting layout

05A – Drainage layout

06 – Road layout

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

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| ADDENDUM REPORT | |
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| Committee Meeting Date: 17 th January 2023 | |
| Application ID: LA04/2021/2016/F | |
| Proposal: Demolition of existing multi-storey car park and the erection of 298no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development. | Location: 21-29 Corporation Street & 18-24 Tomb Street, Belfast. |
| Referral Route: Major Development | |
| Recommendation: | Approve subject to conditions and a Section 76 Agreement |
| Applicant Name and Address: ES Corporation Street Ltd 17-19 Dungannon Road Cookstown BT80 8TL | Agent Name and Address: Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast BT1 2NA |
| <p>Background</p> <p>This application was deferred for a site visit by the Planning Committee on 19 December 2022 to allow Members the opportunity to undertake a site visit. The committee site visit is scheduled for Monday 16 January 2023.</p> <p>The Committee should read this Addendum Report in conjunction with the original full planning report, appended.</p> <p>Recommendation</p> <p>As per the previous Committee report, the recommendation to approve subject to conditions and a Section 76 agreement remains unchanged.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76.</p> | |

Development Management Officer Report Committee Application

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

All other consultees have no objection to the proposed development subject to conditions. Two third party objections were received raising concerns regarding the impacts of the proposed development on the adjacent Royal Mail Sorting Office. Environmental Health has considered the Noise Impact Assessments accompanying the application and has no objections subject to recommended conditions relating to noise mitigation controls.

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

Recommendation

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

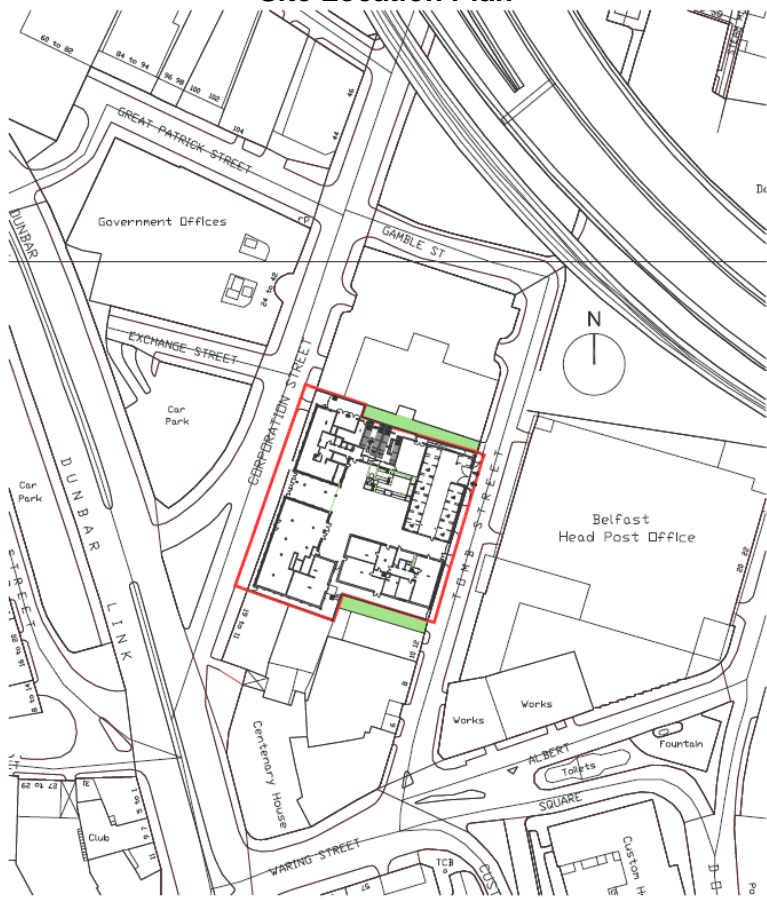
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 and to deal any other issues which might arise.

Signature(s):

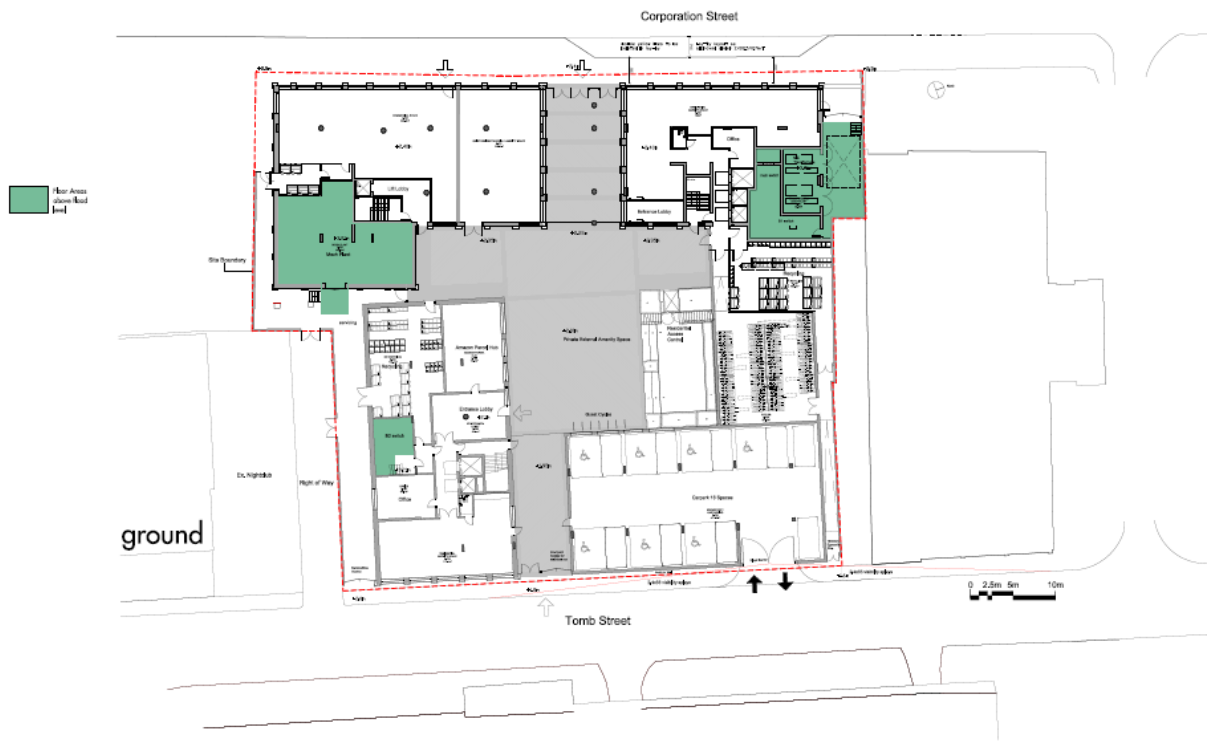
Case Officer Report

1.0 Drawings

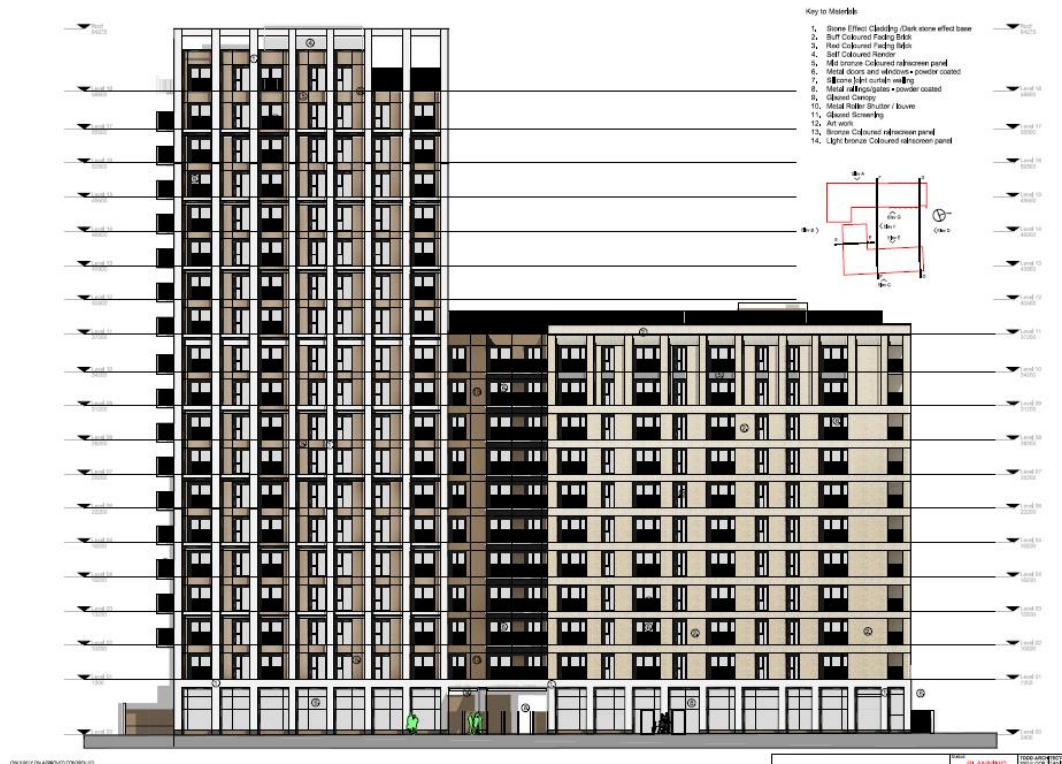
Site Location Plan



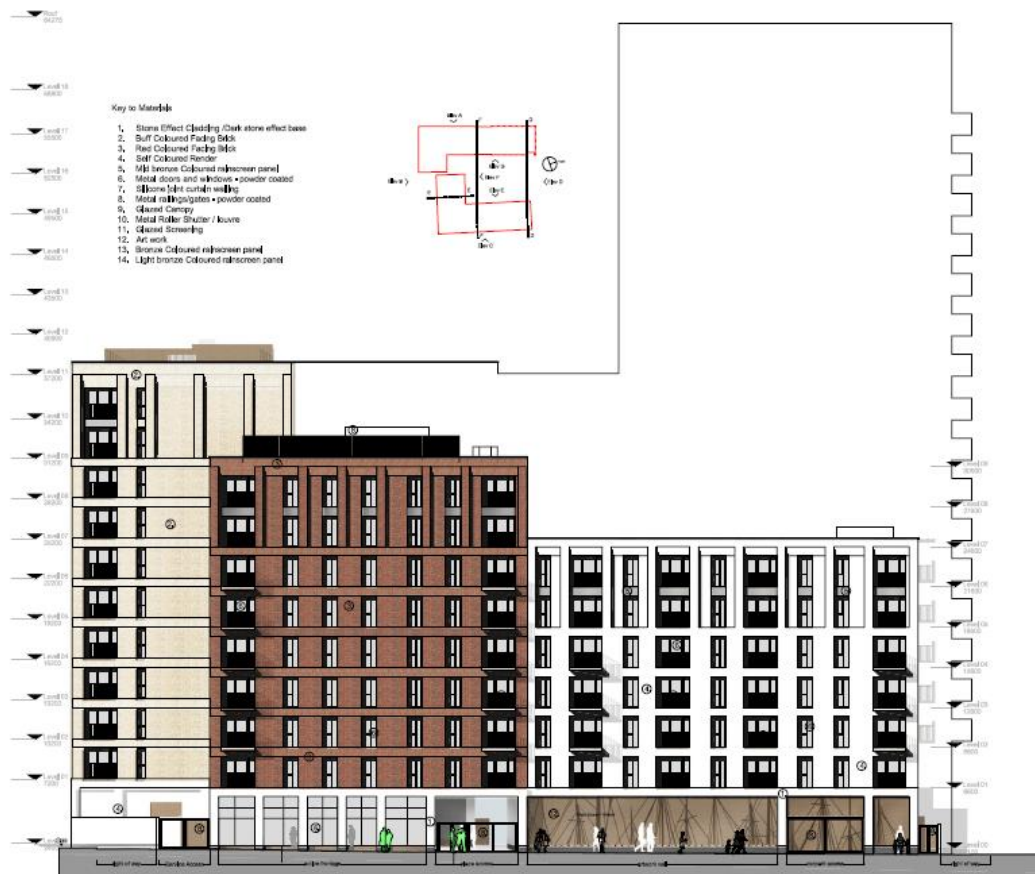
Ground floor Plan



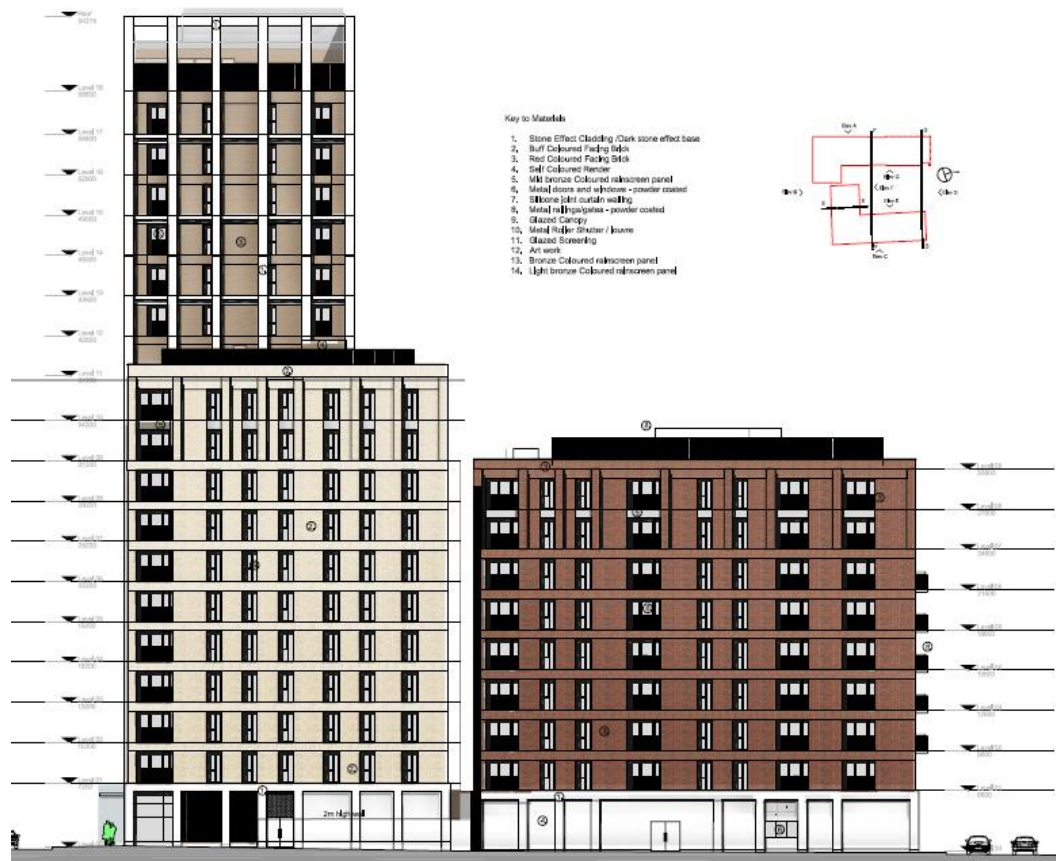
Corporation St. Elevation



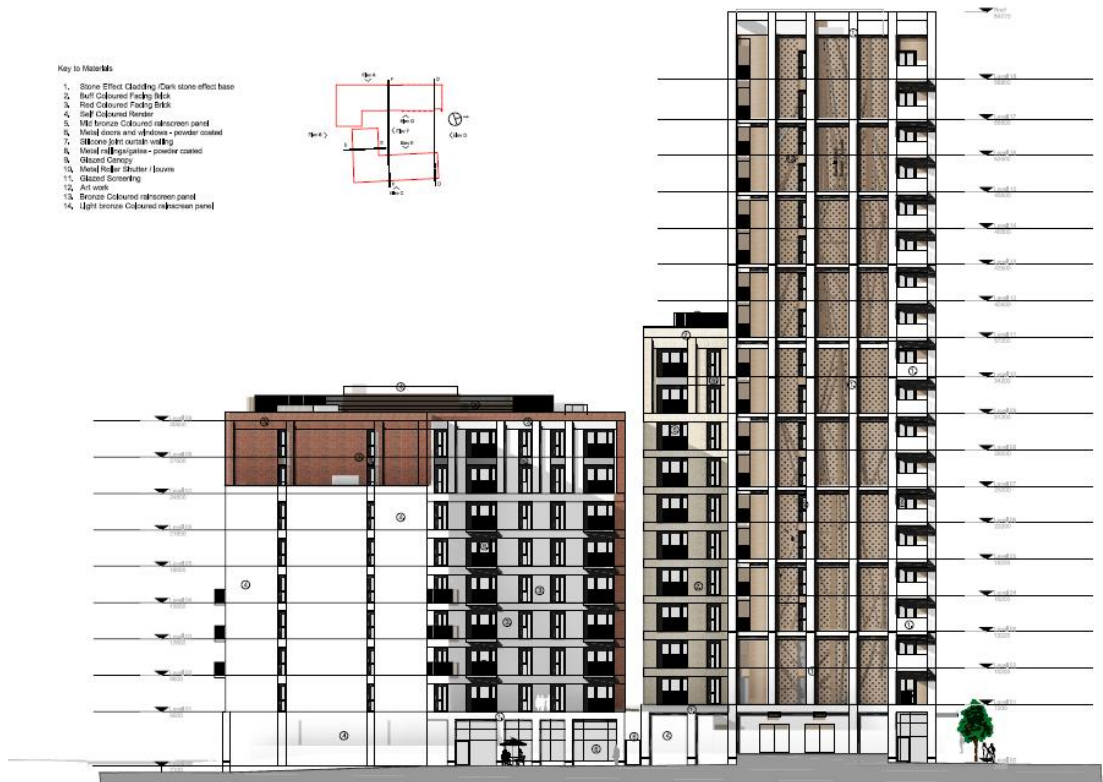
Tomb St. Elevation



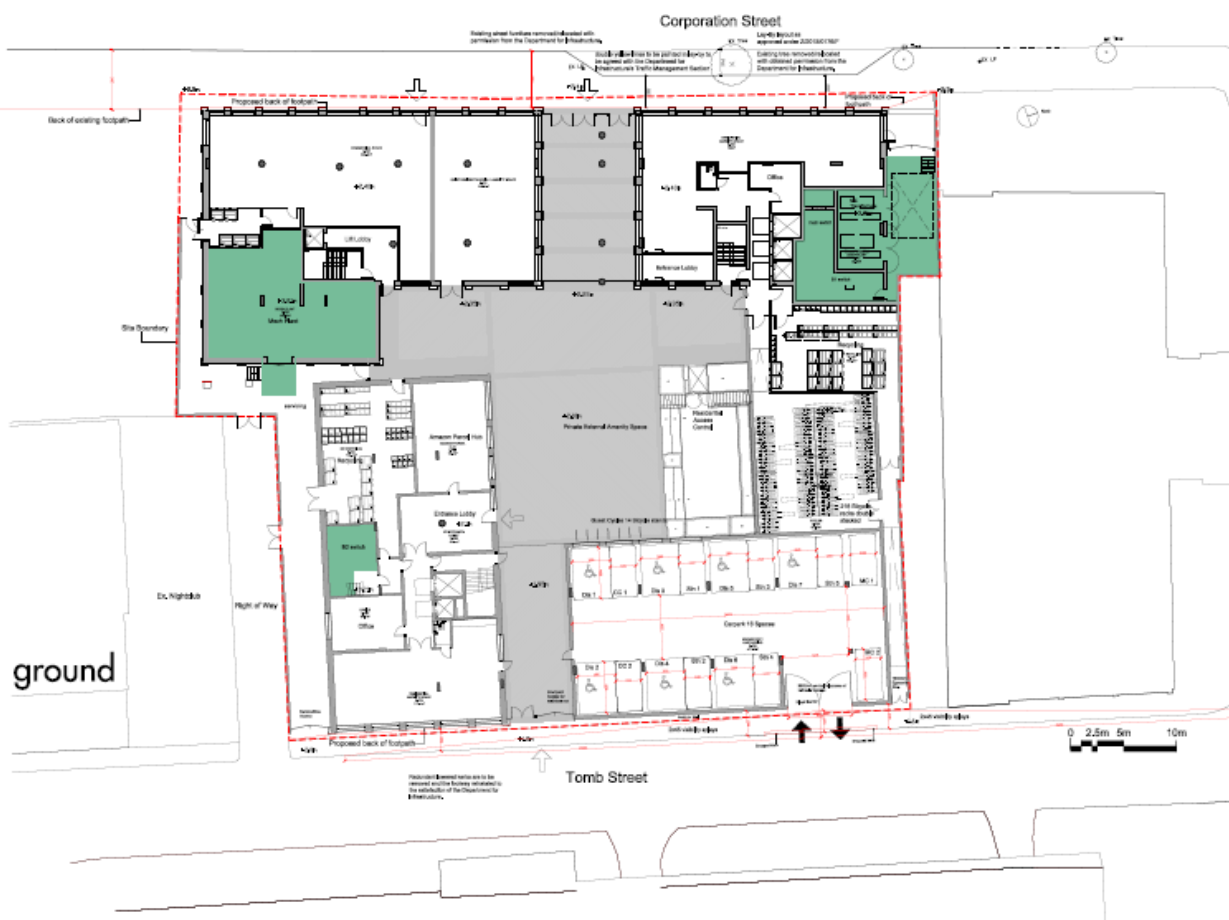
Southern Elevation



Northern Elevation



Ground Floor Plan



First Floor Plan

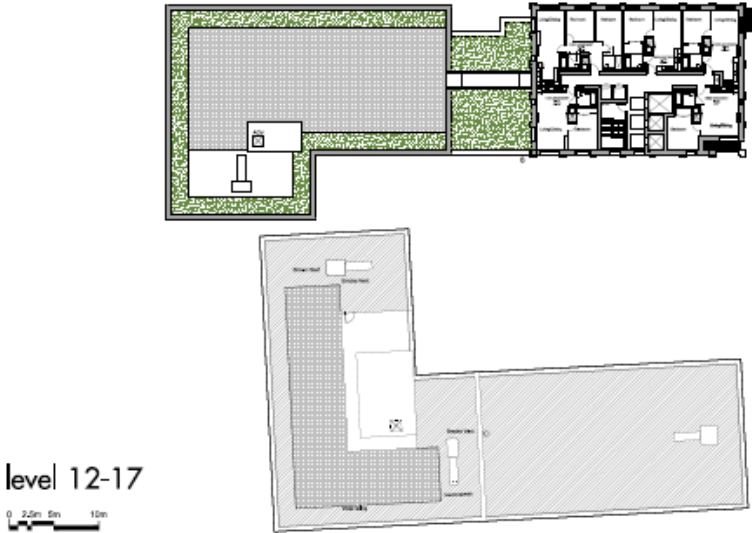


Ninth to Tenth Floor



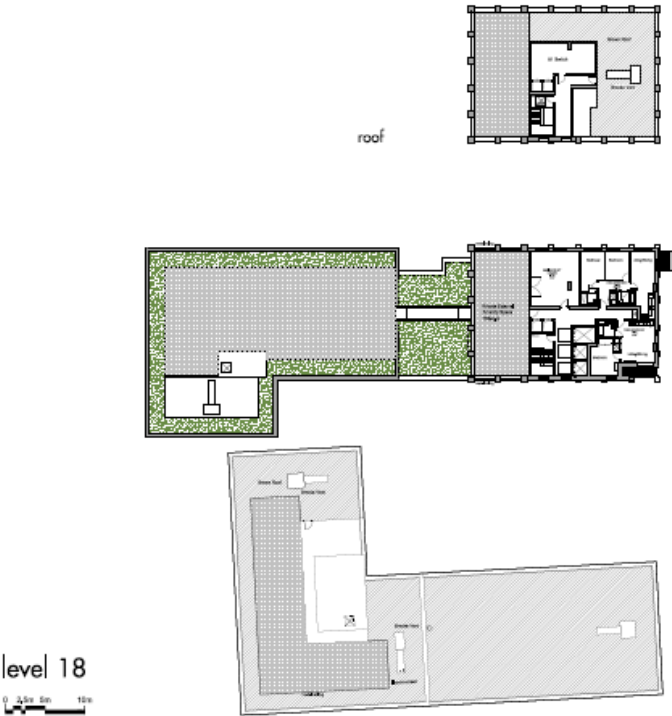
level 9-10

Twelfth to Seventeenth Floor



level 12-17

18th Floor/Roof Plan



Ground Floor Landscape Plan



CGIs

CGI view along Corporation Street



CGI view along Dunbar Link



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

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

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

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

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

Proposed View along Dunbar Link extracted from VUCITY



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

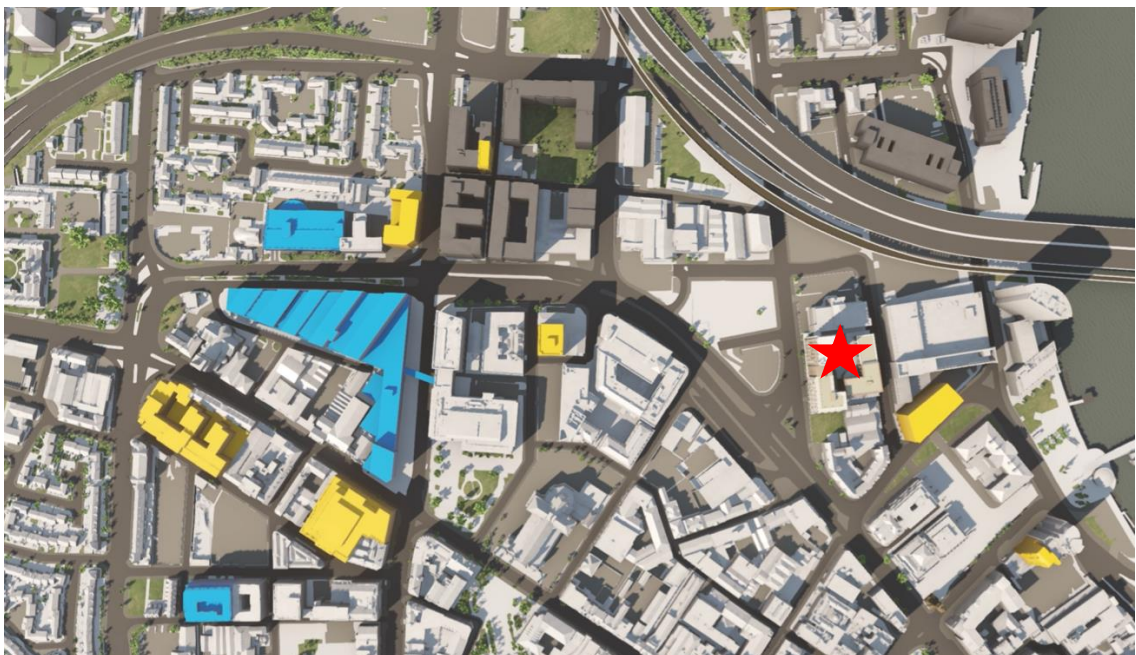
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| | vent/window/curtain walling contractors later in the construction process. A planning condition is recommended to ensure that such details are submitted to and agreed by the Council prior to commencement of the development. |
| 5.5.9 | Along Tomb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

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| 5.5.15 | <p>The site falls within Laganside North and Docks Character Area as set out in Draft BMAP 2015 which states that the following design criteria be applied within the area:</p> <p><i>1. The density of development in the area shall be maintained and increased where appropriate, including around the transport nodes, through high site coverage and high plot ratio;</i></p> <p><i>2. Development proposals shall take account of the height of adjoining buildings;</i></p> <p>Street Frontages</p> <p><i>3. That part of any development which fronts onto York Street shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7 storeys;</i></p> <p><i>4. That part of any development which fronts onto Frederick Street, Great Patrick Street or Dunbar Link shall be a minimum building height of 4 storeys, or 12 metres to building shoulder height, and a maximum height of 6 storeys;</i></p> <p><i>5. Development which fronts onto Frederick Street, Great Patrick Street or Dunbar Link shall be set back 1.5 metres from the footway to allow for a privacy zone for residential development;</i></p> <p><i>6. That part of any development which fronts onto Victoria Street shall be a minimum building height of 6 storeys, or 18 metres to building shoulder height, and a maximum height of 7 storeys;</i></p> <p>Intersections</p> <p><i>7. On the key gateway site at the intersection of Corporation Street and Dunbar Link, as identified on Map No. 2/001- Belfast City Centre, building height shall be a minimum of 6 storeys and a maximum of 8 storeys;</i></p> <p><i>8. On the key gateway site at the intersection of Albertbridge Road / Albert Bridge with Short Strand, as identified on Map No. 2/001- Belfast City Centre, building height shall be a minimum of 4 storeys and a maximum of 5 storeys;</i></p> <p><i>9. On the key gateway site at the intersection of Newtownards Road / Bridge End and Short Strand, as identified on Map No. 2/001 - Belfast City Centre, building height shall be a minimum of 4 storeys and a maximum of 6 storeys;</i></p> <p><i>10. On the key gateway site at the intersection of Queen's Bridge / Ann Street and Oxford Street, as identified on Map No. 2/001 - Belfast City Centre, building height shall be a minimum of 6 storeys and a maximum of 8 storeys;</i></p> <p>Elsewhere</p> <p><i>11. New development shall respect the established building line. Exceptions may only be permitted where development creates significant public open space;</i></p> <p><i>12. In the area bounded by York Street, M3 Bridge, Queen's Square and Dunbar Link, building heights shall be a minimum of 3 storeys and a maximum of 5 or 6 storeys with a setback upper floor. Development proposals shall provide for a landmark building up to 10 storeys in height on the north of Great Patrick Street, east of Nelson Street. New development shall be positioned with development of quarter to half block scale;</i></p> <p><i>13. In the area east of the River Lagan (including the Sirocco Works / Bridge End / Short Strand Development Opportunity Ref. CC 020) building height shall be a minimum of 3 storeys and a maximum of 5 storeys or 6 storeys with setback upper floors. Development proposals shall provide for a landmark building, up to 12 storeys in height, between Queen Elizabeth and Queen's Bridges. New development shall be positioned with development of quarter to half block scale; and</i></p> <p><i>14. Large block coarse grain shall be permitted along the river. In other locations, development shall be fine grain in nature, and aim to reflect traditional plot widths</i></p> |
| 5.5.16 | <p>The density of the proposed development equates to 596 per hectare which is high density and is considered to comply with criterion 1 set out above. The proposed</p> |

development takes account of the height of surrounding buildings and meets the second criterion. Criterion 3 – 10 do not apply given the location of the site. The site respects the established building line along Corporation Street and Tomb Street and complies with criterion 11. Criterion 12 sets a minimum (3 storeys) and maximum building height (5/6 storeys). Since the publication of BMAP planning permission was also granted on part of the site for a 12 storey hotel (37m high) on 12.02.2019 and this permission remains live which exceeds the maximum height set out in the urban design criteria above and is an important material consideration in the assessment of the proposed development. In addition, building heights within the area vary with a number of taller buildings (The Obel and recent development around the re-located University of Ulster including Student accommodation) in close proximity to the site i.e. the northern edge of the city centre. The aerial image below shows the changing landscape in the vicinity of the site. As a result the height of the proposed development is considered appropriate at this location given the existing and emerging urban context. Criterion 13 does not apply.

5.5.17

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



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

5.5.18

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

- Do not mar or dominate the surrounding hills or the scale of attractive Belfast views;

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

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

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

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| <p>5.8.2</p> <p>5.8.3</p> <p>5.8.4</p> <p>5.8.5</p> <p>5.8.6</p> | <ul style="list-style-type: none"> • 18 - 3 bed, 6 person apartments. <p>Whilst the space standards set out in the Addendum to PPS 7 do not apply to this proposal the recommended space standards are nevertheless a useful guide in ensuring the provision of good quality residential accommodation. The proposed units comply with the space standards as set out in the Addendum to PPS 7. The majority of units are 1 bed, 1 person apartments thereby limiting occupation to a single person. During the processing of the application the applicant was encouraged to amend the unit sizes to provide a better balance of unit sizes and, in particular, to increase the number of 1 bed, 2 person units as smaller units are considered inflexible. As a result the applicant submitted a viability report which assessed an alternative mix which included 18 studio apartments, 215 - 1 bed, 2 person apartments and 65 - 2 bed 4person apartments. The Viability Report concluded that an alternative mix of units as set out above would not be financially viable whereas the scheme as submitted is considered financially viable. The Viability Report indicated that market testing of the proposed scheme had taken place which had attracted both operator and investor interest in the scheme and neither raised any issues regarding the developers proposed unit mix. The Viability Report further states that one of the interested operator investors has a completely contrary view to Belfast City Council planners in that they are seeking a weighting towards 1 bed, 1 person units which provide for a more efficient scheme in terms of both occupier interest and financial viability.</p> <p>The Plans and Policy team has assessed the Viability Report and advises that the <i>'assumptions used within the viability report submitted by the applicant look reasonable and they have no reason to question the conclusions drawn, as they align with the emerging conclusions from the Council's own viability work'</i>. The Plans and Policy team advise that it should however be possible for the applicant to design a scheme that provides a more sustainable mix of unit sizes than the original proposal that is viable to deliver and we would recommend further discussion with the applicant in relation to this.'</p> <p>Following assessment of the Viability Report and receipt of the Plans and Policy team response the applicant's team was provided with the opportunity to make amendments to adjust the scheme to create a more balanced development given the comments set out in the Plans and Policy team response. No further amendments have been received.</p> <p>Restricting occupancy of individual apartments via condition would not be appropriate in enforcement terms as it would be difficult to monitor and would require an excessive degree of supervision. The predominance of 1 bed 1 person apartments does not of itself justify a refusal of the proposal and there is no policy basis on which to do so. On balance the mix of unit sizes is considered acceptable.</p> <p>The applicant has also voluntarily submitted an Addendum to the initial Viability Assessment which considers the financial viability of Social and Affordable Housing if incorporated into the proposed scheme and amended scheme considering a differing unit mix based on the Belfast City Council Local Development Plan 2035 (Draft Plan Strategy). Policy HOU 5 of the Draft Plan Strategy states that 'Planning permission will be granted for residential development on sites greater than 0.1 hectares and/or containing 5 or more dwelling units where a minimum of 20% of units are provided as affordable housing.' As set out at paragraph 5.25 above the Draft Plan Strategy is a material consideration but has limited weight until it is adopted. Until such times as the Plan is adopted existing policies will be applied including the SPPS and relevant PPSs. The response from NIHE advises that they would support a 10% social housing</p> |
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| | <p>scheme on this site however the existing policy context does not require the provision of social and/or affordable housing and therefore it is not being sought for this development. The proposal remains for private, build-to-rent accommodation.</p> |
| 5.8.7 | <p>The Plans and Policy team has assessed the Addendum Viability Assessment and agree with the conclusion that tested schemes at 20% Social/Affordable Housing are considered unviable.</p> |
| 5.9 | <p>Impact on the surrounding context</p> |
| 5.9.1 | <p>The site is located in close proximity to a number of listed buildings of special architectural or historic interest as protected under Section 80 of the Planning Act (NI) 2011, including: the Head Line Building, 10-14 Victoria Street Belfast (HB26/50/053 - Grade B1), the Former First Trust Bank, 4 Queen's Square, Belfast (HB26/50/056 - Grade B+) and Custom House Custom House Square Belfast (HB26/50/062 - Grade A).</p> |
| 5.9.2 | <p>HED notes that the Townscape and Visual Impact Assessment information shows the visual impact of the proposal from significant nodes around the city and advises that whilst the tower element of the design is largely visible across the Belfast skyline, the proposal does not appear to detract from designated views of or from listed buildings in the vicinity. HED considers the proposal complies with paragraph 6.12 of the SPPS 6.12 (Development proposals impacting on Setting of Listed Buildings) and Policy BH11 (Development affecting the Setting of a Listed Building).</p> |
| 5.9.3 | <p>The proposed development will sit adjacent to a 5 storey office block to the immediate north. The southern elevation of the office block comprises large areas of blank gable along with centrally located windows. The proposed 19 storey block fronting onto Corporation Street will be juxtaposed next to blank sections of the adjacent office building's southern elevation and surface level car parking. The 7 storey block fronting onto Tomb Street will also be juxtaposed next to a large section of blank gable. A right of way is located between the 7 storey block and the adjacent office building creating a separation buffer. Above first level there is gap of c. 22m between the 19 storey and 7 storey blocks which will allow light to penetrate into the centrally located windows located on the southern elevation of the office block. The primary outlook from the office block is towards Corporation Street, Tomb Street and Gamble Street. It is considered that the proposed development will have minimal impact on the existing office block and the proposed relationship is considered acceptable.</p> |
| 5.9.4 | <p>A nightclub is located to the immediate south of the site and there is a right of way along part of the southern boundary between the site and the nightclub creating a degree of separation. Environmental Health has assessed the proposed relationship with the nightclub and are satisfied that the glazing specifications (containing an element of laminated glass which is superior to standard glass in terms of acoustic performance) presented in the accompanying Noise Information supporting the application demonstrate that the proposed glazing will meet required glazing sound reduction requirements. The Noise Information supporting the application also confirms that the proposed glazing will ensure night time noise on Tomb Street is adequately mitigated.</p> |
| 5.9.5 | <p>Tomb Street Post Office is located directly across from the site on Tomb Street. Concerns have been raised regarding the impact of the proposed development on the existing operations of the Post Office. The most recent objection on behalf of Royal Mail requests that if an approval of planning permission is recommended, that planning conditions are included to protect future occupiers to avoid any future complaints and</p> |

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

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

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

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| 5.13 | Developer Obligations |
| 5.13.1 | Para 5.69 of the SPPS states that ' <i>Planning authorities can require developers to bear the costs of work required to facilitate their development proposals.</i> ' Relevant further guidance is provided by the Council's Developer Contribution Framework, adopted in 2020. |
| 5.13.2 | Green Travel Measures in the form of a travel card for each apartment for a period of 3 years, provision of 2 car club spaces within the building, provision of discounted membership of a car club (50%) for a period of 3 years and membership of a bike scheme for a period of 3 years are proposed to support the proposed development. In addition, the developer has agreed to provide a financial contribution of £400k towards improving public realm and connectivity to the city centre which will include a contribution towards the pedestrian junction on Corporation Street/Dunbar Link. |
| 5.13.3 | BCC Economic Development Unit has advised that given the scale of the employment to be created, the high rates of unemployment, current sectoral growth and reported shortages in specific skilled trades, it is likely that the development will give rise to skills or labour shortages within the construction sector and conclude that Employability and skills related Developer Contributions Section 76 clauses will be required for the construction phase of the development. |
| 5.13.4 | BCC CRD highlight that the significance of the immediate and wider setting of the proposal is reflected in the suite of DfC documents, regarding the ongoing regeneration of Greater Clarendon and Sailortown and consider that the scheme should contribute to the improvement of the public realm to both integrate the proposed development and enhance local streetscape quality/character, and to enable safe and sustainable movement within this part of the city centre. |
| 5.13.5 | CRD advise that in order to ensure a fully integrated approach to the design and delivery of public realm within the streets immediately adjacent to the proposed development and within the wider area as set out in existing regeneration strategy and guidance, it is considered that a developer contribution in the form of a commuted sum paid to the council is appropriate in this instance. This approach would enable the delivery of necessary improvements associated with the proposal as part of a strategic programme of public realm investment that reflects the joint Council, DfC and DfI ambition set out in 'A Bolder Vision'. |
| 5.13.6 | Furthermore, CRD consider that the proposal should also contribute to (and benefit from) enhanced pedestrian and cycle links to/from the city centre. Such improvements should be designed alongside the development of public realm proposals, and contribute to permeability and ease of movement by providing enhanced crossings to address the severance caused by Corporation St / Dunbar Link. A contribution towards enhanced pedestrian crossings is considered appropriate. |
| 5.13.7 | Officers consider that public realm works are necessary to mitigate the impacts of this major development. In addition, the site's location, somewhat disconnected from the city centre due to the surrounding dominant roads infrastructure necessitates the requirement for improved connectivity to the city centre. The applicant has agreed to provide a financial contribution of £400,000 towards public realm improvements/improved connectivity to the city centre. Such improvements will include pedestrian crossing improvements at Corporation Street and Dunbar Link and upgrades to the walking/cycling environment surrounding the site. |

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

Summary of Recommendation:

Having regard to the development plan, relevant policy context and other material considerations including the representation, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions and a Section 76 to secure an Employability and Skills Plan, green travel measures and a financial contribution towards improving public realm and connectivity to the city centre.

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

Draft Conditions:

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

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

2. No external finishes shall applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.

The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.

The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external finishes.

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

3. Notwithstanding the submitted details, no development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless the detailed design of the recesses to the windows and external doors have been submitted to and approved in writing by the Council. The details shall include detailed scaled section drawings. The development shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of the character and appearance of the area. Approval is required in advance because the design of the recesses is fundamental to the overall design of the building.

4. Prior to installation details of the Artwork to be erected along the Tomb Street elevation (ground floor), Northern Elevation of the 19 storey block and the Southern Elevation (ground floor) shall be submitted to and agreed in writing by the Council. The development shall be carried out in accordance with the agreed details and retained thereafter.

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

5. The development shall not be occupied unless the visibility splays and any forward sight distance have been provided in accordance with the Private Streets Determination drawing No.19-059-P-101 Rev.P01 uploaded to the Planning Portal 15th February 2022. The access and visibility splays shall be retained in accordance with the approved plans at all times.

Reason: To ensure safe and convenient access to the development.

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

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

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

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No.19-059-P-101 Rev.P01 bearing the Department for Infrastructure Determination date stamp 10th June 2022.

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

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

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

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

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

Reason: To ensure adequate car parking within the site

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

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

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

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

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

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

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

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

15. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RSK Environment Ltd report entitled 'ES Corporation Street, Remedial Strategy, Lands at 21 to 29 Corporation Street, Belfast' (referenced 603571_R2(01) and dated July 2021) have been implemented.

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

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

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

16. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The

Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

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

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

Reason: Protection of residential amenity.

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

Reason: Protection of residential amenity.

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

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

Reason: Protection of residential amenity

20. Prior to occupation of the hereby approved residential units, the window schedule and alternative means of ventilation, as approved, shall be installed so as to achieve suitable internal noise levels in all habitable rooms in accordance with British Standard BS8233:2014

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

Reason: Protection of residential amenity

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

Reason: Protection of residential amenity

22. Prior to commencement details of the proposed 0.7m parapet wall and 1.2m glazed acoustic barrier shall be submitted to and approved in writing by the Council. The glazed acoustic barrier shall be at least 1.2m in height, with no gaps and a mass of at least 15kg/m² and prior to occupation shall be installed in the external roof terraces to the 9th and 11th as detailed in appendix B of the Irwin Carr Consulting Additional Information entitled '21-29 Corporation Street Belfast & 18-24 Tomb Street' dated 30th November 2022 report reference LT001N2022077' and agreed details. The parapet wall and acoustic barrier shall be retained thereafter.

Reason: Protection of residential amenity

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

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

Notification to Department (if relevant) – Not Required

Date of Notification to Department: N/A
Response of Department: N/A

Representations from Elected Members: None

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

Drawing Nos.

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

Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: 17 January 2023 | |
| Application ID: LA04/2022/0002/F | Target Date: |
| Proposal: Demolition of existing discount supermarket, erection of replacement discount supermarket, car parking, landscaping and associated site works. Improvements to green space to enhance its usability and amenity involving new landscaping and the creation of pedestrian walkway and sitting areas. | Location: 100-116 Stewartstown Road (Lidl) and land to the immediate south and southeast bounded by Kells Avenue, Oranmore Drive, 37-55 Suffolk Crescent (odds) & 28 Suffolk Drive, Belfast |
| Referral Route: Major development | |
| Recommendation: | Approval subject to conditions and a Section 76 planning agreement. |
| Applicant Name and Address: Lidl Northern Ireland Nutts Corner Dundrod Road Crumlin BT29 4SR | Agent Name and Address: MBA Planning College House 4 City Link Business Park Belfast BT12 4HQ |
| Executive Summary: This application seeks full planning permission for the demolition of the existing supermarket (LIDL) and the erection of a larger replacement discount supermarket (LIDL) with associated car parking, landscaping and site works. The proposal also includes improvements to the existing adjacent area of open space to enhance its usability and amenity involving new landscaping and the creation of pedestrian walkway and sitting areas. A Committee site visit is due to take place on Monday 16 th January. The main issues to be considered in the determination of this application are: <ul style="list-style-type: none"> • The acceptability of the proposed use at this location • Retail Impact of the proposal • Open Space considerations • The acceptability of the design • Impact on the character and appearance of the area • Compatibility with adjacent uses • Access, Parking and Traffic Management • Environmental Considerations (Drainage, Contamination, Noise, Air Quality, Natural Environment) Part of the site falls within an existing area of open space. Policy OS 1 of PPS 8 sets out a presumption in favour of retention of existing open space. However, the policy makes provision for exceptions, one of which is where it is demonstrated that the proposal will bring substantial | |

community benefits which decisively outweigh the loss of open space. The applicant proposes to mitigate the loss of open space with the provision of a financial Developer Contribution of £281,482.75 to fund improvements to the two open space areas in close proximity to the site at Carnanmore Park/Suffolk Playing fields and Lenadoon Millenium Park, along with proposed improvements to the existing area of open space at Kells Avenue/Oranmore Drive. Officers consider that the proposed open space improvements will bring substantial community benefits that decisively outweigh the loss of open space and the proposal is considered to comply with Policy OS 1 of PPS 8.

NI Water has objected to the application on grounds of insufficient waste-water drainage infrastructure capacity. This issue is dealt with in detail in the main report and found to be acceptable.

All other consultees have no objection to the proposed development subject to conditions. One representation has been received requesting that the application be held pending agreement on proposed improvements at Carnanmore Park/Suffolk Playing fields.

Recommendation

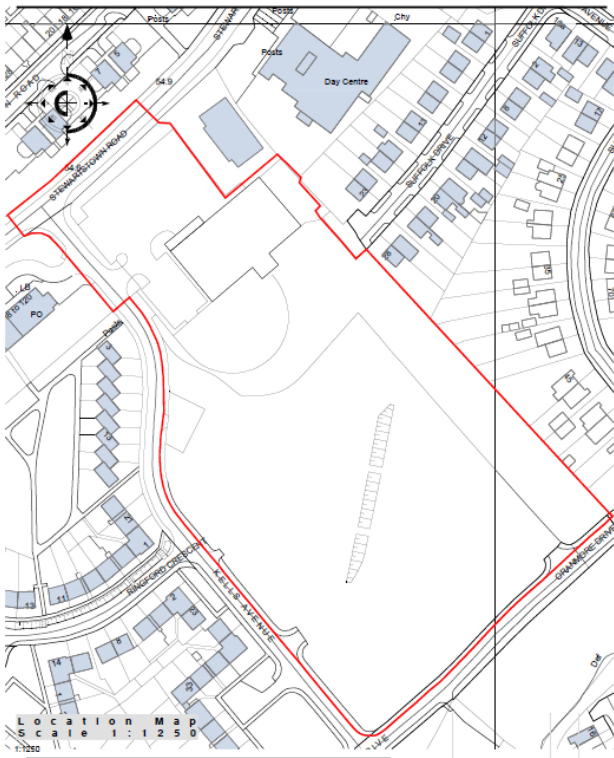
Having regard to the development plan, relevant policy context and other material considerations the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement to secure the financial Developer Contribution to mitigate the loss of open space.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 planning agreement, and deal any other issues that may arise, unless they are substantive in which case the application will be reported back to the Planning Committee.

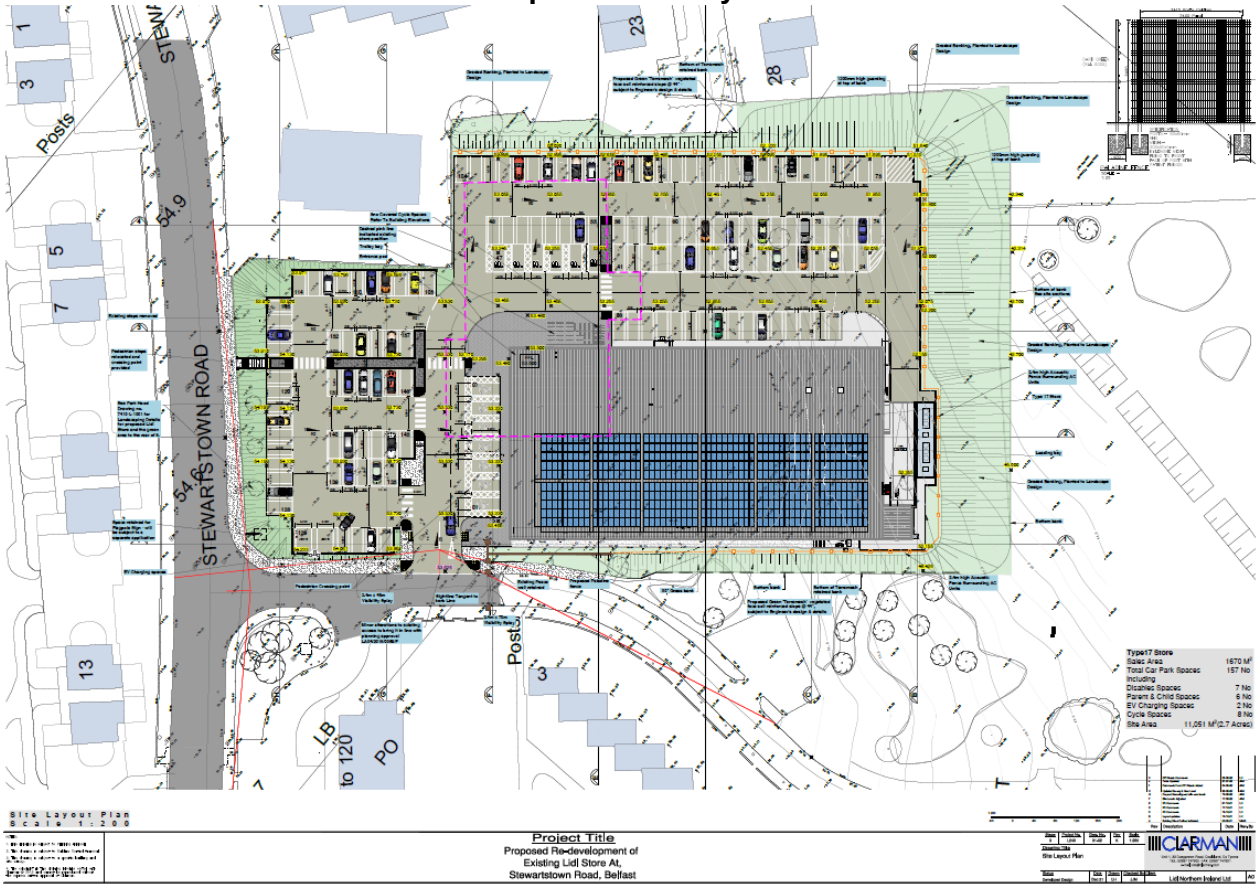
Case Officer Report

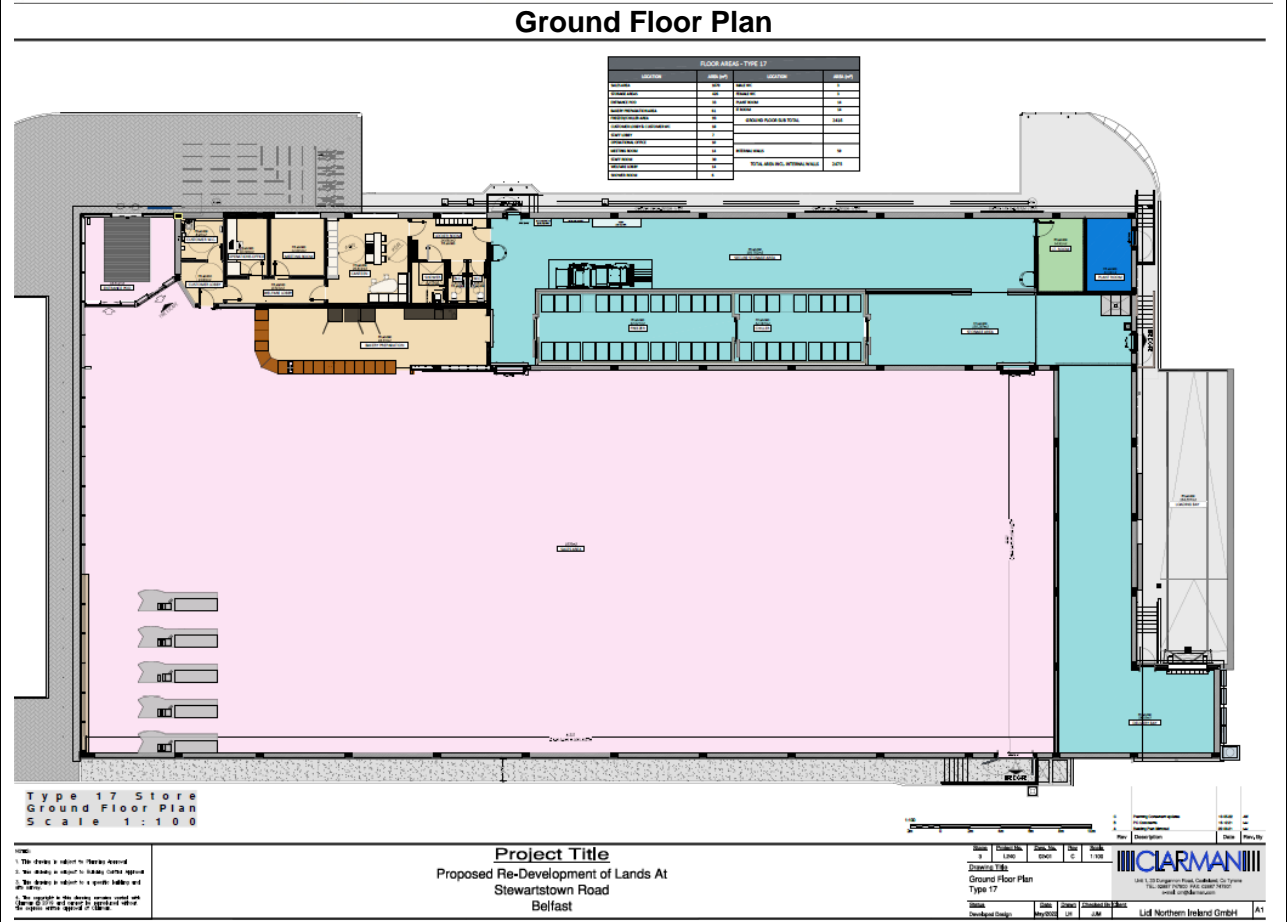
1.0 Drawings

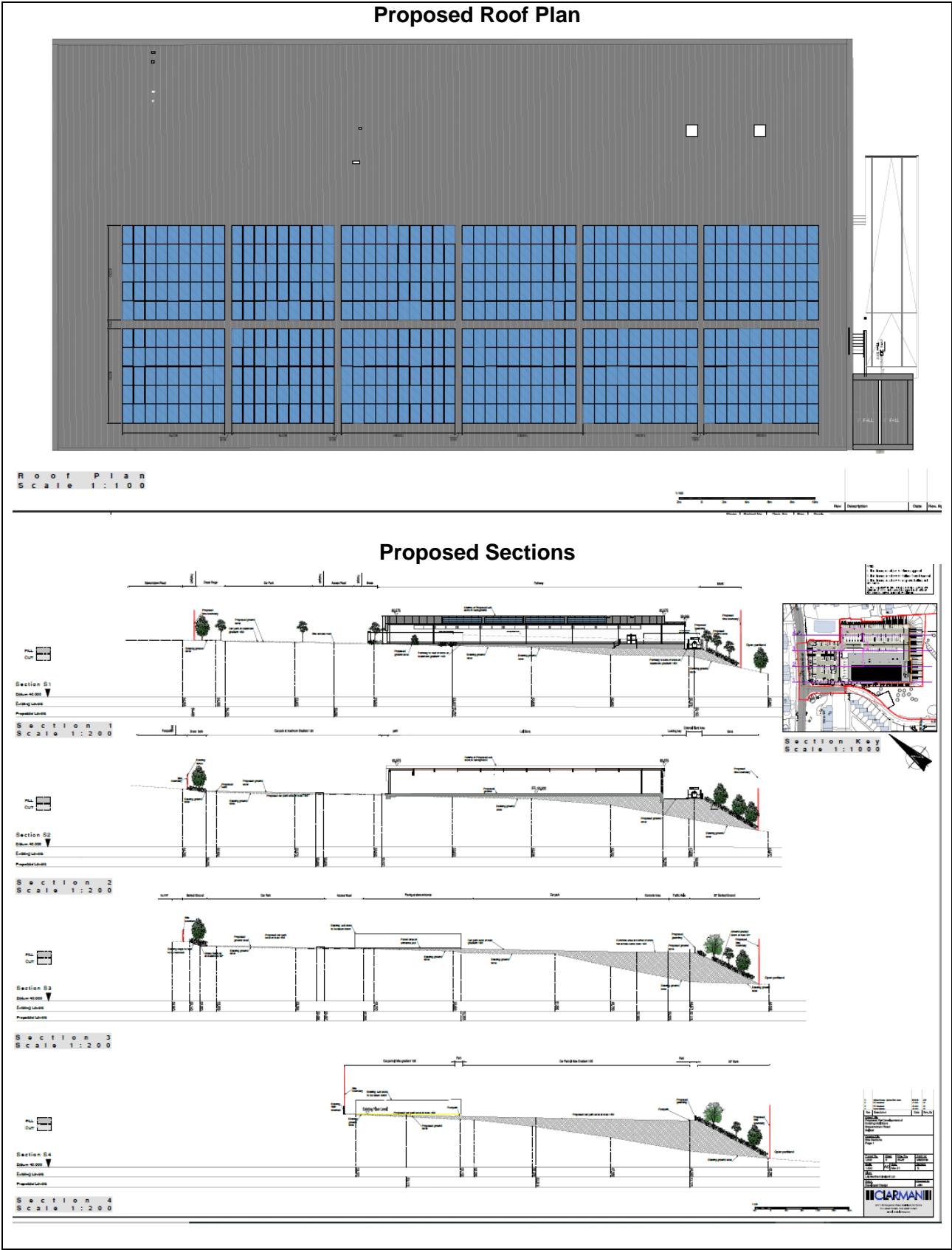
Site Location Plan

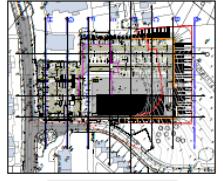


Proposed Site Layout





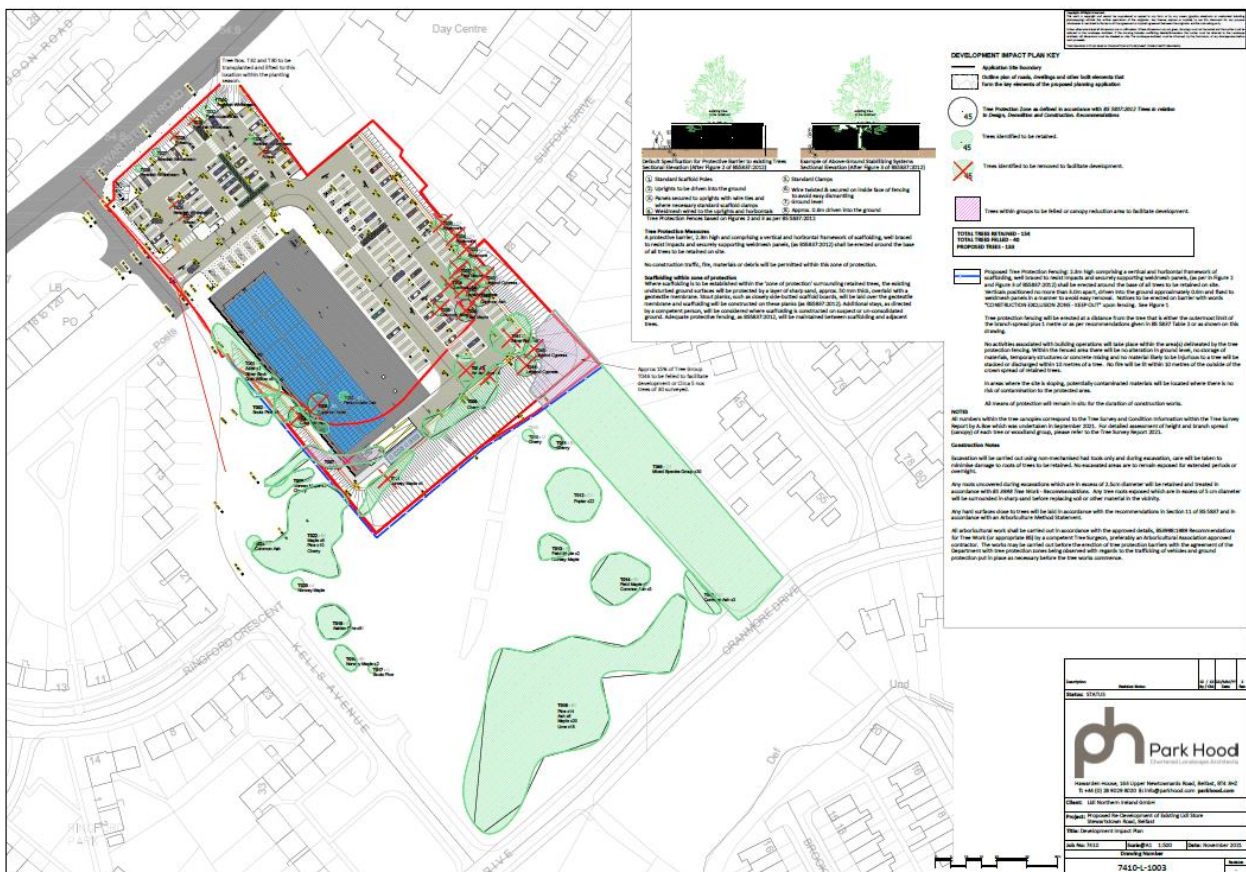




Proposed Landscaping Plan



Development Impact Plan



CGIs







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| 2.0 | Characteristics of the Site and Area |
| 2.1 | The application site is located along the Stewartstown Road in a mixed-use area comprising commercial development, residential development and open space. An existing area of open space (within the application boundary) is located immediately adjacent to the existing Lidl store and is owned by NIHE. The site is located at an interface area. |
| 3.0 | Description of Proposal |
| 3.1 | The application seeks full planning permission for demolition of the existing Lidl supermarket and the erection of a larger replacement Lidl supermarket with car parking, landscaping and associated site works. The application also proposes improvements to the adjacent open space on Kells Avenue/Oranmore Drive to |

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| 3.2 | <p>enhance its usability and amenity, including new landscaping and the creation of pedestrian walkway and seating areas.</p> <p>The application follows a Pre-Application Discussion (PAD) with officers.</p> |
| <p>4.0</p> <p>4.1</p> <p>4.2</p> | <p>Planning Assessment of Policy and Other Material Considerations</p> <p>Policy Context</p> <p>Regional Planning Policy</p> <ul style="list-style-type: none"> • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) • Planning Policy Statement 2 (PPS 2) – Natural Heritage • Planning Policy Statement 3 (PPS 3) – Access, Parking and Movement • Planning Policy Statement 8 (PPS 8) – Open Space, Sport and Outdoor Recreation • Planning Policy Statement 15 (PPS 15) – Flood Risk <p>Local Planning Policy Context</p> <ul style="list-style-type: none"> • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015 (v2004) • Draft Belfast Metropolitan Area Plan 2015 (v2014) • Belfast Local Development Plan Draft Plan Strategy 2035 <p>Other Material Considerations</p> <ul style="list-style-type: none"> • Belfast Agenda Community Plan • Developer Contribution Framework <p>Planning History</p> <p>LA04/2021/0344/PAN - Demolition of existing building, erection of replacement discount supermarket, car parking, landscaping and associated site works. Improvements to green space to enhance its usability and amenity involving new landscaping and the creation of pedestrian walkways and sitting areas, 100-116 Stewartstown Road, and land to the immediate south and southeast bounded by Kells Avenue, Oranmore Drive, 37-55 Suffolk Crescent (odds) & 28 Suffolk Drive, Belfast. PAN Acceptable 02.03.21.</p> <p>LA04/2021/1604/PAD - Demolition of existing building, erection of replacement discount supermarket, car parking, landscaping and associated site works. Improvements to green space to enhance its usability and amenity involving new landscaping and the creation of pedestrian walkways and sitting areas, 100-116 Stewartstown Road and land to the immediate south and southeast bounded by Kells Avenue Oranmore Drive, 37-55 Suffolk Crescent (odds) & 28 Suffolk Drive, Belfast BT11 9JQ, Lidl 116 Stewartstown Road, Belfast, BT11 9JQ.</p> <p>LA04/2018/0069/F - Partial demolition of peace wall, and pavement, new replacement wall, fencing & entrance gates associated works, 116 Stewartstown Road, Belfast, BT17 0HW. Permission granted 24.08.18.</p> <p>LA04/2018/0068/F - Alteration of existing peace wall to install additional fencing, 116 Stewartstown Road, Belfast, BT17 0HW. Permission granted 25.07.2018.</p> |

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| | <p>Z/2010/1722/F - Alterations to elevations to include single-storey extension to side, re-cladding, new shop front and new trolley bay, Lidl 116 Stewartstown Road, Belfast, BT11 9JQ. Permission granted 14.10.2011.</p> <p>Z/1999/3172/F - Proposed neighbourhood shopping unit, 100-116 Stewartstown Road, 1-12 Leestone Terrace, Belfast. Permission granted 08.05.2000.</p> |
| 4.3 | Consultations |
| 4.3.1 | <p>Statutory Consultations</p> <p>DFI Roads – No objections subject to conditions DFI Rivers – No objection subject to condition. NI Water – Objection (issues set out in the report). DAERA NIEA – <i>Water Management Unit</i> – concerns regarding sewage loading associated with the proposal. <i>Natural Heritage Division</i> – No objections.</p> |
| 4.3.2 | <p>Non-Statutory Consultations</p> <p>BCC Environmental Health – No objections subject to conditions. BCC Economic Development Unit - No objection. Employability and skills related Developer Contributions Section 76 clauses will not be required for the development. BCC Urban Design Officer – No objections subject to condition. BCC Local Development Plan Team - No objections subject to conditions. BCC Waste Management Team – No objection. BCC Landscape Planning and Development Team – No objection. BCC Tree Officer – No objections subject to conditions. NIHE - supports the proposal to replace the existing Lidl store and the improvement to the existing open space. Recognise that the provision of a larger Lidl store will provide an enhanced retail service to both sides of the local community, and that the proposal aims to encourage easy access to the store from both Suffolk and the Stewartstown Road.</p> |
| 4.4 | Representations |
| 4.4.1 | The application has been advertised and neighbours notified. One representation from Edwin Poots MLA has been received requesting that the application be held pending agreement on the details of the proposed improvements at Carnanmore Park/Suffolk Playing fields. |
| 4.5 | Planning Assessment |
| | Key Issues |
| 4.5.1 | <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> • The acceptability of the proposed use at this location • Retail Impact of the proposal • Open Space Considerations • The acceptability of the design • Impact on the character and appearance of the area • Compatibility with adjacent uses • Access, Parking and Traffic Management |

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| | <ul style="list-style-type: none"> Environmental Considerations (Drainage, Contamination, Noise, Air Quality, Natural Environment) |
| 4.6 | Background |
| 4.6.1 | The proposed development was the subject to a Pre-Application Discussion (PAD) with input from the Senior Urban Design officer, DFI Roads, BCC Landscape Planning and Development Team and Environmental Health. |
| 4.7 | Development Plan Context |
| 4.7.1 | Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. |
| 4.7.2 | The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area. |
| 4.7.3 | Both versions of Draft BMAP 2015 are material considerations. The latest version of Draft BMAP (dBMAP 2014) is considered to carry significant weight given its advanced stage in the development plan process, save for retail policies relating to Sprucefield, which remain contentious. |
| 4.7.4 | In dBMAP (v2004), the site of the existing Lidl supermarket is “whiteland” within the development limit. Part of the application site is identified as an area of existing open space. The Stewartstown Road is identified as an Arterial Route. In dBMAP (v2014), the site of the existing Lidl supermarket is also “whiteland” within the development limit. Part of the site is also identified as an area of existing open space. Within the BUAP, the site is un-zoned land within the development limit of Belfast. |
| 4.7.5 | The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council’s Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs. |
| 4.8 | Policy Considerations |
| 4.8.1 | Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities. This policy states <i>‘Belfast City Centre has developed its regional shopping offer. A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area’</i> . |

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| 4.8.2 | The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3, remain applicable under 'transitional arrangements. |
| 4.8.3 | Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. |
| 4.9 | Principle of Proposed Uses |
| 4.9.1 | The proposed development comprises retail (supermarket) and open space uses. The existing Lidl development establishes the principle of retail development on the site. Consideration of the retail impact of a larger replacement store is set out below. Loss of existing open space is considered below. Notwithstanding, the proposed uses do not in principle conflict with the core principles of the RDS, the SPPS, the development plan context and objectives of the Belfast Agenda. Further assessment of the detailed impact of the proposed development is set out below. |
| 4.10 | Retail Considerations |
| 4.10.1 | The SPPS introduces new retail policy under 'town centres and retailing' at pages 101-105, replacing previous considerations within Planning Policy Statement 5. Paragraph 6.270 states that <i>'the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'</i> |
| 4.10.2 | Paragraph 6.273 states planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused. |
| 4.10.3 | Paragraph 6.281 requires applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment): <ul style="list-style-type: none"> - primary retail core; - town centres; - edge of centre; and - out of centre locations, only where sites are accessible by a choice of good public transport modes. |
| 4.10.4 | No guidance has been published to date by DFI to assist in interpretation and application of SPPS policy. |
| 4.10.5 | Relevant retail Policy in the BUAP is set out in Policy S2 (Shopping development outside the City Centre) and Policy S5 (Assessment of Proposed Shopping Schemes). Policy S2 states that <i>'New shopping schemes in the rest of the Belfast Urban Area should be located in or near existing shopping centres and be of an appropriate scale.'</i> This policy seeks to protect the city centre and existing centres and to ensure that new |

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| | retail developments are located where they support the continued viability of established shopping centres. The Policy further states that <i>'New shopping schemes away from existing centres will be permitted only in exceptional circumstances where:- they meet the genuine needs of large residential neighbourhoods; especially if they are currently under-shopped; or an area is in need of new investment and requires an element of retailing to secure regeneration.'</i> |
| 4.10.6 | Policy S5 states that <i>'All new major shopping schemes will be subject to assessment against criteria relating to impact, car parking, traffic generation and access; relationships to adjoining development (especially residential); and design and appearance (including materials, finishes and signs).'</i> The policy further directs that the following matters be considered:- the effect on the vitality and viability of existing shopping centres as a whole; the effect on local amenity; traffic generation; the availability of public transport and accessibility for car owners and the benefits to the public from the proposed development. No guidance is included within the BUAP on how the effect on the vitality and viability of existing shopping centres is to be assessed. It is the view of officers that the assessment carried out in accordance with the SPPS is an appropriate assessment to determine the impact of the proposed development on the vitality and viability of existing shopping centres. These matters are considered in the assessment below. |
| 4.10.7 | Draft BMAP strategic retail policy for Belfast is set out at pages 54-58, Part 3 volume 1 and page 28 part 4 volume 2. The BMA retail strategy seeks to: <ul style="list-style-type: none"> - promote Belfast City Centre as the leading shopping centre in the Plan Area and Northern Ireland; - Outside City and Town Centres the nature and scale of retail development is to be controlled in order to protect the vitality and viability of the city and town centres and retail development to be focused on designated District Centres, Shopping / Commercial Areas and Designated Commercial Nodes on designated Arterial Routes and designated Local Centres. |
| 4.10.8 | Two other elements are cited, however, these relate to areas outside of Belfast and are therefore not applicable. |
| 4.10.9 | Policy R1 states that <i>'primary retail cores will be the preferred location for new comparison and mixed retail development...(and)...outside designated Primary Retail Cores, planning permission will only be granted for comparison and mixed retail development where it can be demonstrated that there is no suitable site within the primary retail core'</i> . The supplementary note goes on to say that <i>'the plan seeks to support the vitality and viability of city and town centres by ensuring that they are the main focus for all retail developments including convenience, non-bulky comparison and bulky comparison retailing.'</i> |
| 4.10.10 | Policy R2 states planning permission will not be granted for proposals for retail development where it would be likely to result in an adverse impact on the distinctive role of Belfast City Centre as the leading regional shopping centre. It refers to the Regional Development Strategy 2035 which states it <i>'supports and strengthens the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland. It urges a precautionary approach in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area.'</i> |
| 4.10.11 | A list of district centres is designated on page 57, part 3 volume 1. Centres designated within the Belfast City Council Area include Connswater, Dairyfarm, Hillview, Kennedy |

Centre, Park Centre, Westwood Centre, and Cityside (formerly Yorkgate). Forestside is also a designated centre and is located adjacent to BCC boundary within Lisburn and Castlereagh Council. The supplementary text refers to the findings of the retail study for Belfast stating they concluded that there were planning reasons for redirecting any identified need to nearby city and town centres where the case for retail investment is stronger.

4.10.12 Page 28 part 4 volume 2 refers to retailing in the city centre and designates the Primary Retail Core and Primary Retail Frontage under CC05 and CC06.

4.10.13 Pages 105-106 part 4 volume 2 refers to retailing in outer Belfast. This designates the District Centres under BT010. The supplementary text states *‘these centres co-exist with the City Centre and should fulfil a complementary role. It is recognised that whilst Belfast City Centre is under-performing as a regional centre, many of the out-of-town centres are overtrading and are attracting trade away from the City Centre. In order to help redress this imbalance, boundaries are delineated for all of the District Centres.’*

4.11 Retail Impact Assessment

4.11.1 The floorspace of the proposed replacement supermarket is detailed below, which also sets out a comparison to the existing supermarket that is currently trading at the site:

| | Existing store | Proposed store | Increase |
|------------------------------|----------------|----------------|----------|
| Gross floor area (sqm) | 1,380 | 2,475 | 1,095 |
| Net floor area (sqm) | 986 | 1,670 | 684 |
| Convenience floorspace (sqm) | 818 | 1,336 | 518 |
| Comparison floorspace (sqm) | 168 | 334 | 166 |

4.11.2 The proposed discount supermarket has a gross internal floor area of 2,475 sqm and a net sales area of 1,670 sqm of which 1,336 sqm is for the sale of convenience goods and 334 sqm for the sale of comparison goods.

4.11.3 The proposal relates to a named operator, Lidl, who are already operate eight stores across the Council area including an existing store on the site. The Retail Impact Assessment (RIA) advises that Lidl’s offer is unique in NI in that it is a deep discounter offering a broad range of fresh, frozen and ambient goods (whereas other discounters tend to focus on a single type of goods).

4.11.4 It should be noted that if permission is granted, any operator could trade from the retail unit subject to compliance with conditions as planning permission cannot be linked to a specific operator.

4.11.5 The site is outside any designated retail centres designated in the BUAP and dBMAP. It is therefore situated in an ‘out of town’ location.

4.11.6 A Retail Impact Assessment (RIA) and Sequential Test accompanied the application as required by paragraph 6.283 of the SPPS. An assessment of the RIA and Sequential Test is set out below.

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| | Catchment |
| 4.11.7 | The agent has considered that the catchment area for the proposal would be 10 minutes (by car) from the site. The RIA advises that there is one Lidl store with the catchment area at Andersonstown Road, West Belfast adjacent to the Westwood Centre. |
| 4.11.8 | The Plans and Policy team has considered a wider catchment and is of the opinion that the potential retail impact on protected centres would not be significant. |
| | Sequential Test/Availability of Alternative Sites |
| 4.11.9 | The SPPS sets out a town centre first approach to the location of retail development and a sequential assessment of town centre uses that are not in an existing designated centre, taking account of the catchment area of the proposal. Accordingly, primary retail core, city centre, edge of city centre vacant sites must be considered for suitability followed by those in other designated centres i.e. district and local centres designated in dBMAP, before out of centre locations. The SPPS advises that out of centre locations must also be accessible by a choice of good public transport modes. |
| 4.11.10 | <p>Paragraph 6.289 require applicants to '<i>...identify and fully demonstrate why alternative site are not suitable, available and viable</i>'. There is no further direction or discussion within the SPPS as to the definition or interpretation of <i>suitable, available and viable</i>. To date no guidance has been published by DFI to assist in the interpretation and implementation of the sequential test and associated policies within the 'Town Centres and Retailing' section. Accordingly, consideration of practice / guidance in England has been taken into account. The document 'Planning for Town Centres - Guidance on need, impact, and the sequential approach' (Department for Communities and Local Government, December 2009) sets out three criteria in the assessment of the sequential testing of sites:</p> <ul style="list-style-type: none"> • Suitable: When judging the suitability of a site it is necessary to have a proper understanding of scale and form of development needed, and what aspect(s) of the need are intended to be met by the site(s). It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make, either individually or collectively, to meeting the same requirements. • Available: A site is considered available for development, when, on the best information available, there is confidence that there are no insurmountable legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners. • Viable: whether there is a reasonable prospect that development will occur on the site at a particular point in time. |
| 4.11.11 | A degree of caution also must be taken in regard to the above, as these predate the National Planning Policy Framework (in effect the English equivalent to the SPPS) published in December 2012. This retains application of the sequential test, but now reads as follows (paragraph 24): |
| 4.11.12 | <i>"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with</i> |

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| | <i>an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”</i> |
| 4.11.13 | Also of importance is the legal case of <i>Tesco Stores v Dundee City Council</i> [2012], the Court held that the question of suitability was to be interpreted objectively in accordance with the language used, read in its proper context. In summary, the judgement indicates that the Council was correct in interpreting “suitable” to mean “suitable for the development proposed by the applicant”. |
| 4.11.14 | In applying the sequential test, the nature of the developer’s proposal must be taken into account. Paragraph 6.289 of the SPPS states that <i>‘flexibility may be adopted to accommodate developments onto sites with constrained footprints...applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable.’</i> |
| 4.11.15 | The Sequential Assessment submitted has concluded that there are no sequentially preferable sites that are considered suitable, available and viable. A review of potential alternative sites carried out by the applicant is set out below. <i>City Centre</i> |
| 4.11.16 | There are a number of development opportunity sites identified within the city centre in dBMAP which have been assessed in the sequential assessment. Many of these have the potential to accommodate the proposal, such as at the former Sirocco Works site. These sites have been discounted by the agent as not being viable given that there is already a Lidl supermarket a short distance away (High Street, Belfast). The Sirocco site has an extant outline planning permission that includes a supermarket, however, this is discounted on grounds that a more recent redevelopment scheme has been approved (ref: LA04/2018/0811/O & LA04/2018/0448/F) by the Council which indicates that the extant permission is unlikely to be implemented / available. <i>Other Centres</i> |
| 4.11.17 | The Sequential Assessment also assessed the following district centres: Park Centre; Westwood Centre; Kennedy Centre; Dairy Farm and the following local centre: Dunmurry Local Centre. The Retail Impact, Need and Sequential Assessment report states that <i>‘all of the vacant units in these centres are small and would not be large enough to accommodate the proposal. Furthermore, they could not meet the need that the proposal seeks to address given that it is location specific.’</i> |
| 4.11.18 | The Sequential Assessment has concluded that there are no sequentially preferable sites that are considered suitable, available and viable within the proposal’s catchment. Officers have no reason to disagree with the conclusions of the alternative site assessment. The proposal is therefore considered to meet the sequential test. |
| 4.12 | Retail Impact |
| 4.12.1 | With the introduction of the SPPS in September 2015, paragraph 6.283 stipulates that a full assessment of retail impact is required for development exceeding 1,000sqm not proposed in a town centre. Paragraph 6.290 of the SPPS sets out factors to be addressed in the assessment of need as set out below and advises that where an |

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| | <p>impact on one or more of these criteria is considered significantly adverse or where in balancing the overall impacts of each of the criteria the proposed development is judged to be harmful, then it should be refused.</p> <ul style="list-style-type: none"> • <i>the impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal;</i> • <i>the impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s;</i> • <i>the impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy;</i> • <i>the impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities.</i> • <i>Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area; and,</i> • <i>a review of local economic impacts.</i> |
| 4.12.2 | <p>Each of these criteria has been considered by the Planning Service's Plans and Policy team and an assessment is set out below.</p> <p><i>The impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal</i></p> |
| 4.12.3 | <p>The Plans and Policy team's response states that '<i>There are four protected centres within the catchment drawn by the applicant (Diary Farm, Westwood and Kennedy centre district centres and Dunmurry local centre).</i></p> <p><i>Dairy Farm is the nearest centre, located approximately 1.2km southwest of the application site. Whilst retail impacts quoted by the applicant on individual stores within the Diary Farm district centre seem low the key test is whether or not the impact on the centre as a whole is significant. Having carried out sensitivity testing on the submitted RIA the development plan and policy team has concluded that the impact is likely to be less than 3% which would not be considered significant.</i></p> <p><i>Regarding Westwood district centre the applicant has suggested that retail impact on the centre as a whole will be 1.31%. Given that there are already a number of discount stores impact is likely to be higher at around 3%. However, this level of impact is not considered significant, and the proposed redevelopment of the store does not pose a threat to vitality and viability of Westwood district centre.</i></p> <p><i>Kennedy centre located immediately to the north of Westwood district centre also has a number of discount retailers. The applicant has suggested that the retail impact on the centre will be 0.56%. Given this centres location and the fact that there is an existing Lidl stores immediately to the south west it is accepted that the impact will be negligible.</i></p> <p><i>The retail impact of the proposal on Dunmurry local centre is also considered to be negligible.'</i></p> |

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| 4.12.4 | <p><i>The impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s</i></p> <p>The Plans and Policy team's response advises that 'A Lidl store already exists on the site, the application is therefore essentially a replacement store with a proposed uplift in floorspace of 518sqm for convenience and 166sqm for comparison shopping. There is no empirical evidence to suggest that this scheme would result in the loss of investment in existing centres.'</p> <p><i>The impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy</i></p> |
| 4.12.5 | <p>The Plans and Policy team's response states that 'The site is not located on zoned land in dBMAP. An Alternative Site Assessment has concluded that the need to replace the existing deficient supermarket at Stewartstown Road is site specific and the applicant has stated that there are no sequentially preferable sites that are considered suitable, available and viable. The Development Plan and Policy team has considered all vacant sites within the catchment and is satisfied that there are none suitable, available or viable.'</p> <p><i>The impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities</i></p> |
| 4.12.6 | <p>The LDP assessment concludes that 'In the local context Dairy Farm District Centre is the nearest centre to the application site. Having conducted surveys of all centres in June 2021 the Development Plan and Policy team can confirm that the Dairy Farm DC has a broad diversity of uses and a relatively low vacancy rate, with 3 vacant units recorded. This vacancy rate of 7% is well below the town centre average for NI. Such a low level of vacancy demonstrates that Dairy farm is performing well and will therefore be able to absorb any impacts better than a centre that is performing poorly. Following sensitivity testing the Development Plan and Policy team is satisfied that the retail impact on Dairy Farm will not be significant (less than 2%).'</p> <p><i>Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area</i></p> |
| 4.12.7 | <p>The Plans and Policy team's assessment advises that 'There are no committed or planned retail developments within the local area. It is therefore considered that there will be no significant adverse cumulative impacts.'</p> <p><i>A review of local economic impacts</i></p> |
| 4.12.8 | <p>The Plans and Policy team's assessment advises that 'The applicant has stated that the proposal will create £6 million investment and will support 40 full time jobs (22 existing and 18 new jobs).'</p> |
| 4.12.9 | <p>In conclusion, the Plans and Policy Team has assessed the Retail Impact Assessment and Sequential Test and offer no objections subject to conditions to restrict internal operations and to control the nature of retailing at this location. The proposal is considered to comply with retail policy set out in the SPPS, BUAP and dBMAP.</p> |

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| 4.13 | Economic Considerations |
| 4.13.1 | The applicant advises that the proposal would result in significant investment that will help meet local shopping needs in a deprived area, will regenerate a prominent site and will provide significant employment opportunities. The proposal would represent a £6m investment and would create 140 construction jobs and 40 jobs when operational. These are material considerations that support the case for the proposed development. |
| 4.14 | Open Space Considerations |
| 4.14.1 | The development proposes to extend the curtilage of the Lidl store into the adjoining existing area of open space at Kells Avenue/Oranmore Drive, resulting in the loss of approximately 7% of the existing open space. |
| 4.14.2 | Policy OS 1 of PPS 8 sets out a presumption against the loss of open space and states that: <i>'The Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.'</i> |
| 4.14.3 | Policy OS 1 further states that, <i>'An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space'</i> . |
| 4.14.4 | The applicant has proposed improvements to the existing area of open space within the application boundary at Kells Avenue/Oranmore Drive and a financial Developer Contribution towards improving open space areas in the immediate area, including Carnanmore Park/Suffolk Playing fields and Lenadoon Millenium Park to mitigate the loss of the existing open space area. The applicant's team has engaged directly with the local community to ascertain what improvements are required and submitted a proposal to the Council for a new 20x40m Multi Use Games Area (MUGA) at Carnanmore Park/Suffolk Playing Fields and upgrades to the existing football pitch at Lenadoon Millennium Park. |
| 4.14.5 | Currently, Carnanmore Park/Suffolk Playing Fields does not have a MUGA and officers, in liaison with Council colleagues in the Landscape and Development team, have identified this as deficiency and consider that the local community would benefit significantly from the development of such a facility. The principle being that this would help to off-set the loss of open space from the application site. |
| 4.14.6 | Officers also consider that in addition to improvements to the football pitch at Lenadoon Millennium Park, improvements to the existing MUGA would assist in realising substantial benefits to the local community. On this basis, Council officers have costed the proposed amendments and a breakdown is set out below. |
| 4.14.7 | Carnanmore Park/Suffolk Playing Fields <ul style="list-style-type: none"> New Multi Use Games Area (20m x 40m), including 2 no. combination goals, drainage works, fencing, polymeric surfacing and costs associated with a planning application. Estimated cost £171,079.02 (October 2022) |
| 4.14.8 | Lenadoon Millennium Park <ul style="list-style-type: none"> Upgrade to existing MUGA (2 no. combination goals, re-lining of existing MUGA pitch markings, remedial bitmac patching to existing MUGA surface) |

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| | <ul style="list-style-type: none"> Improvements to existing football pitch (spectator path, concrete raft, drainage works, installation of new panels to increase height of boundary fencing and gates). Estimated cost £81,482.75 (October 2022) |
| 4.14.9 | <p>The combined cost of the above works is £252,561.77. However, the applicant has offered to contribute a total of £281,482.75, which includes an additional £28,920.98 in recognition of the community's aspiration to have a larger MUGA (40x 60m). In summary, the sum of £281,482.75 comprises £200k towards improvements at Carnanmore Park/Suffolk Playing Fields and £81,482.75 towards improvements at Lenadoon Millennium Park to mitigate against the loss of open space at Kells Avenue/Oranmore Drive. The £200k would fund a 20m x 40m MUGA and is considered by officers, in combination with the £81,482.75 contribution to Lenadoon Millenium Park, to be sufficient to redress the loss of open space from the application site. However, £200k would not be sufficient to cover the cost of a 40m x 60m MUGA which is the community's preferred option. The cost of the larger MUGA is estimated at £365k and would require additional external funding to provide it.</p> |
| 4.14.10 | <p>Officers consider that the level of the proposed financial Developer Contribution is reasonable and sufficient to provide open space improvements in the area which would afford significant public value and benefit to the community and will be of substantial community benefit that would decisively outweigh the loss of the existing open space at Kells Avenue/Oranmore Drive and which are supported by the local community. Officers consider that the improvements will secure a 20x40m MUGA at Carnanmore Park/Suffolk Playing Fields or such other facility (such as a 40x60m MUGA) subject to agreement by the Council and dependent on securing additional funds.</p> |
| 4.14.11 | <p>The amplification text set out in paragraph 5.5 of PPS 8 states that '<i>The Department will permit an exception to the presumption against loss of open space where development would produce such community benefit that this would decisively outweigh its loss. In such cases, applicants will generally be expected to demonstrate that their proposals are supported by the local community.</i>' The applicant has provided correspondence from representatives of Suffolk Community Forum and Cllr Séanna Walsh and Órlaithí Flynn MLA which confirm support for the proposed development. Officers are satisfied that the proposed development meets the requirements of paragraph 5.5.</p> |
| 4.14.12 | <p>The development also proposes improvements to the existing area of open space at Kells Avenue/Oranmore Drive including planting of 133 trees, 677sqm of shrubs and 1,396sqm of planting on the proposed new bank between the supermarket boundary and the existing open space along with creation of a new pathway and three seating areas/benches. The proposals for upgrading the remaining area of open space will enhance the area and are considered acceptable. NIHE are the landowners of this area of open space and support the proposal to replace the existing Lidl store and the improvement to the existing open space. NIHE considers that the provision of a larger Lidl store will provide an enhanced retail service to both sides of the local community, and that the proposal aims to encourage easy access to the store from both Suffolk and the Stewartstown Road. Further assessment of the impact of development on the existing area of open space is considered below.</p> |
| 4.14.13 | <p>The Tree Officer offers no objection to the proposal and considers that the development will see a substantial higher number of tree cover within the site and within the rear grass open space area to the rear of the site. The Tree Officer considers that the proposed trees to the front boundary along Stewartstown Road will</p> |

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| | help contribute to the site integrating into the streetscape and notes that many existing boundary trees are to be retained and incorporated into the scheme. |
| 4.14.14 | In summary it is considered that the exception test set out above has been met and the proposal complies with Policy OS1. |
| 4.15 | Impact on the character and appearance of the area |
| 4.15.1 | The supermarket is proposed to be setback and sited perpendicular to the Stewartstown Road with parking between the building and the Stewartstown Road and Suffolk Drive to the north east. The western elevation is to be juxtaposed adjacent to an existing peacewall along Kells Avenue. During the PAD process, officers advised that the revised layout provided the opportunity for the building to be relocated to front onto the Stewartstown Road to establish a definitive building line and tie in with surrounding buildings on both sides of the site and to mitigate the visual impact of the proposed development from Kells Avenue. However, the applicant's team advised at the PAD stage that a number of options had been considered however was not feasible due to access issues. |
| 4.15.2 | Access to the proposed supermarket is proposed via the existing access to the current supermarket on site. Servicing of the proposed supermarket is proposed to the south of the building which will be largely screened from public view given the proposed landscaped bank along the southern boundary of the supermarket site. |
| 4.15.3 | The proposed design of the supermarket is single storey and reflects the standard Lidl Concept Store design. The elevation fronting onto Stewartstown Road will be finished primarily in large glazed panels creating an attractive entrance feature. The Senior Urban Design Officer highlights that emphasis has been placed on the primary Stewartstown Road elevation where a combination of curtain walling, dynamic angled roof form and deep metal standing seam surround provide a clean and contemporary look providing increased light penetration into the building and a welcoming arrival experience. The remaining elevations are proposed to be finished in white painted render, metallic silver panels and a grey wall base. Rainwater goods and windows and doors are proposed to be finished in powder coated grey aluminium and the roof is to be finished in light grey metal standing seam. The Senior Urban Design Officer welcomes the manner in which the building has been broken up by way of a range of materials and recommends a condition requiring prior approval of materials which is set out below. Photovoltaic (PV) panels are proposed on the western side of the roof. |
| 4.15.4 | The Senior Urban Design Officer considers that the proposed replacement store generally reflects the standard palette and design approach adopted in Lidl's more recently approved/constructed stores elsewhere in the city and notes that the new supermarket includes a glazed elevation to the Stewartstown Road which is considered an improvement when compared with the existing store. |
| 4.15.5 | The design and layout of the proposed supermarket are considered acceptable. The landscaping to the front of the site along the Stewartstown Road will serve to enhance the local streetscape and assist in mitigating the impact of the proposed building and car parking. Materials and detailing are also considered acceptable and the proposal complies with paragraphs 4.25 – 4.27 of the SPPS. |
| 4.16 | Compatibility with adjacent uses |
| 4.16.1 | The existing supermarket site is situated between an existing row of commercial units to the west and commercial/community uses to the north/north east. The retail use is |

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| | established on the site and officers are of the view that the proposed supermarket/retail use will not have an adverse impact on these existing uses and will serve to complement the existing facilities serving the local community in the area. |
| 4.16.2 | Established residential areas are located to the north (Doon Road) east (Suffolk Drive & Suffolk Crescent) and to the west (Kells Avenue). Dwellings facing the site on Doon Road are considered to be located far enough away and are separated by the Stewartstown Road to ensure that no adverse amenity impacts arise as a result of the development. The proposed supermarket is to be located closer to dwellings on Kells Avenue compared with the existing store with the closest dwelling located at No. 3 Kells Avenue. The boundary of the supermarket site which faces dwellings on Kells Avenue comprises an existing red brick wall along the upper portion of the site boundary on Kells Avenue. Existing trees are proposed to be retained with additional trees proposed along this boundary. |
| 4.16.3 | Whilst the proposed supermarket will be visible above the wall/trees it is considered that the existing wall and existing and proposed trees will serve to screen/mitigate the visual impact of the proposed supermarket and on balance the visual impact is considered acceptable. Plant to serve the development is proposed to be located to the rear of the supermarket along the southern boundary. An acoustic barrier (2.4m high close boarded fence) is proposed along part of the southern boundary surrounding air conditioning units. Environmental Health has considered the proximity of proposed plant to existing dwellings and is satisfied that the proposal would not give rise to amenity concerns by way of noise subject to conditions including restrictions on operating hours and delivery times and implementation of the acoustic barrier. |
| 4.16.4 | The Senior Urban Design Officer notes the sun path and shadow analysis plans which indicate that the massing of the new build will have no implications for residents in closest proximity along Kells Avenue. |
| 4.16.5 | An existing commercial business is located to the south of the site at Oranmore Drive. There is adequate separation between the proposed supermarket site and the existing business to ensure no adverse impact on amenity as a result of the development. |
| 4.16.6 | The development of the reconfigured supermarket proposes to extend into the existing area of open space at Kells Avenue /Oranmore Drive and as a result the landform at the edge of the supermarket site will be reprofiled to include landfilling resulting in more defined graded, retaining banks around the eastern, western and southern boundaries of the curtilage of the supermarket all of which will be extensively planted with trees and shrubs. The closest property to the supermarket boundary to the east of the site is No. 28 Suffolk Drive. At present there is existing band of mature trees adjacent to the boundary with No. 28 Suffolk Drive which extends along the Suffolk Drive access road at its point of termination. These trees are proposed to be removed and a planted bank (8m wide from the boundary with No. 28 Suffolk Drive) will be constructed between the car park boundary and the dwelling boundary. The bank will be planted by three rows of a variety trees (including Acer, Silver Birch, Scots Pine etc) which will have a mature growth height of 4.5 and 6m providing effective screening. The replacement planting will ensure that the impact on existing residential amenity of dwellings in Suffolk Drive is negligible and the proposed relationship with adjacent housing to the east at Suffolk Drive and Suffolk Crescent is considered acceptable. |
| 4.16.7 | The bank along the southern boundary proposes extensive tree and shrub planting along its length. The Landscape Planning and Development Team (LDPT) consider that revisions to the proposed earthworks during the processing of this application including reducing the gradient of the proposed bank to allow for more tree planting to |

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| | be acceptable. The bank has been rationalised further by reducing the extent of the reinforced soil walling and thereby its visual impact. LDPT further consider that revised landscape proposals for the existing remaining open space are likely to further mitigate any potential visual impact. LDPT are also content that the proposed 'Boundary and Slope Planting Mix' comprises of a native shrub mix appropriate to this location and are of the opinion that the proposed landscape enhancements, including the creation of a pedestrian walkway and seating areas, will increase the usability and amenity value of the existing open space. |
| 4.16.8 | The impact of the earthworks required on adjoining land uses and in particular residential dwellings has been considered and taking account of the extensive planting proposed (133 trees in total) which will be of environmental, ecological and visual benefit in terms of screening the proposed impacts are on balance considered acceptable. |
| 4.17 | Access, parking and traffic management |
| 4.17.1 | The proposed development is to be accessed from Stewartstown Road using existing access arrangements to the existing supermarket on site. A total of 157 car parking spaces including 7 disabled spaces and 2 electric vehicle charging points/spaces are proposed along with 8 bicycle parking spaces (covered) within the development. |
| 4.17.2 | The site is accessible and well served by public transport with 6 bus stops in close proximity which are served by Ulsterbus and Glider services. |
| 4.17.3 | DFI Roads has no objections to the proposed development subject to conditions which are set out below. The development is considered to comply with the relevant provisions of the SPPS, the BUAP and PPS 3. |
| 4.18 | Waste Management |
| 4.18.1 | The applicant has confirmed that waste generated at the store is to be transferred back to LIDL's Regional Distribution Warehouse at Nutts Corner for recycling and sorting. The waste generated on the site is to be collected by the same HGVs that deliver goods to the store. |
| 4.18.2 | BCC Waste Management Team are content with the waste arrangements and have raised no objection to the proposed waste storage arrangements. |
| 4.19 | Ecological Considerations |
| 4.19.1 | A badger survey was submitted at the request of DAERA Natural Environment Division (NED) who have advised that they are content that no badger or their setts will be impacted by this development. NED is also content that the proposal is unlikely to significantly impact protected and/or priority species and habitats. The proposal is considered compliant with PPS 2. |
| 4.20 | Environmental Considerations - Drainage, Contamination, Noise |
| 4.20.1 | Drainage The application is supported by a Flood Risk Assessment and Drainage Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers has raised no objections under Policies FLD 1, 2, 3, 4 and 5 subject to a condition. |

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| 4.20.2 | NI Water has objected to the proposal on the basis that there is insufficient water treatment capacity available to service the proposed development and that the public foul sewerage network is operating at capacity and cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water has advised that they plan to upgrade the foul sewerage system in this Drainage Area and while this remains subject to prioritisation and the availability of funding, NI Water is recommending connections to the system are curtailed. DAERA Water Management Unit has also raised concerns regarding the sewage loading associated with the proposal. |
| 4.20.3 | NI Water confirm that the existing public storm network has the capacity to supply the proposal at an attenuated discharge rate of 11.5 litres/sec/hectare. |
| 4.20.4 | NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development, which includes un-implemented permissions across the city, will not all come forward at once. |
| 4.20.5 | Notwithstanding the information provided by NI Water, in practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental impact on waste-water infrastructure or environment, particularly in the context of impacts over and above what has already been committed across the city. Furthermore, there is no evidence before the Council that the proposal, either of itself or in combination with other development, would likely have significant impact on protected environmental assets including Belfast Lough or that the proposed development would be hydrologically linked to the Lough. |
| 4.20.6 | NI Water confirms that it has a programme for WWTW improvements which will increase capacity over the coming years. Whilst NI Water advises that it cannot support the proposal at this time, some additional capacity will be available from July 2023 as a result of the completion of initial upgrade work, subject to an Impact Assessment. |
| 4.20.7 | Notwithstanding, it would be unlikely that the development would be completed prior to 1 st July 2023 if planning permission is granted and the applicant's team has advised that the completion/operational date is likely to be c. 9 months from when approval is granted which would be beyond the date of 1 July 2023 when additional capacity will be available. |
| 4.20.8 | For the reasons set out above officers are of the view that it would be unreasonable to refuse this application based on NI Water's objection. |
| | Contamination |
| 4.20.9 | Environmental Health advises that their records do not indicate potential land contamination associated with past land uses or in close proximity to this proposed development and have raised no objections on contamination grounds. |
| | Noise |
| 4.20.10 | The application is supported by a Noise Impact Assessment which has been considered by Environmental Health who have no objections based on noise grounds |

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| | <p>subject to conditions relating to hours of operation, delivery/servicing times, plant noise levels and erection of acoustic barrier.</p> <p>Odour</p> <p>4.20.11 The application is supported by an Odour Impact Assessment which has been considered by Environmental Health who have no objections based on odour grounds subject to a condition relating to the installation of a bakery extraction and odour abatement system.</p> <p>Air Quality</p> <p>4.20.12 The application is supported by an Air Quality Impact Assessment. Environmental Health has reviewed the proposal and has no objection subject to a condition requiring a final Air Quality Impact Assessment to be submitted and approved in the event that any centralised combustion sources are proposed.</p> <p>4.21 Impact on Designated Sites/Natural Heritage Assets</p> <p>4.21.2 Shared Environmental Services was consulted informally during the PAD process and advised that formal consultation was not required. SES advised that <i>'there are no viable environmental pathways to any European Site or feature from the proposal as detailed'</i> and that the <i>'potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended). The proposal would not have any likely significant effect on the features of any European Site.'</i></p> <p>4.22 Developer Contributions</p> <p>4.22.1 Para 5.69 of the SPPS states that <i>'Planning authorities can require developers to bear the costs of work required to facilitate their development proposals.'</i> Relevant further guidance is provided by the Council's Developer Contribution Framework, adopted in 2020.</p> <p>4.22.2 The applicant has agreed to provide a financial contribution of £281,482.75 for the improvements of existing open space areas at Carnanmore Park/Suffolk Playing Fields and at Lenadoon Millennium Park. The financial contribution will provide for 1) a new 20m x 40m multi-use games area at Carnanmore Park/Suffolk Playing Fields or such other facility to be agreed by the Council subject to additional funding; and 2) upgrades to the existing MUGA and playing field at Lenadoon Millennium Park. A breakdown of proposed works and costings based on the provision of a proposed 20 x 40m MUGA at Carnanmore Park/Suffolk Playing Fields is set out below. The final details of improvements works at Carnanmore Park/Suffolk Playing Fields will be subject to agreement with the Council and additional funding.</p> <p>4.22.3 Carnanmore Park/Suffolk Playing Fields</p> <ul style="list-style-type: none"> • £ 146,059.10 - Construction of 40m x 20m MUGA, including drainage works, fencing and polymeric surfacing • £ 16,171.92 – Supply 2no. Combination goal units • £ 848.00 – Planning fee (Category 13) • £4,000.00 – Drainage Assessment • £4,000.00 – Noise Impact Assessment • <u>£ 171,079.02 – Estimated total cost (October 2022)</u> |
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| 4.22.4 | <p>Lenadoon Millenium Park</p> <ul style="list-style-type: none"> • £ 18,500.00 - construct 170m long x 1.2m wide bitmac spectator path (double pin kerb) • £ 3,900.00 - construct concrete raft for standard sized shipping container • £ 2,500.00 - construct 3m x 2m x 2m deep soakaway, including additional 30m run of french drains at dug-out area • £ 35,310.75 – installation of new panels to increase height of boundary fencing & gates • £ 19,172.00 - supply and install 2no. combination goal units • £ 600.00 – remedial bitmac patching to existing MUGA surface • £ 1,500.00 – re-lining of existing MUGA pitch markings • <u>£ 81,482.75 – Estimated total cost (October 2022)</u> |
| 4.22.5 | <p>The applicant has agreed to provide £200k to fund improvements to Suffolk Playing Fields. This would include a 20x 40m MUGA or such other scheme to be agreed by the Council subject to additional funding.</p> |
| 4.22.6 | <p>The financial Developer Contribution would need to be secured by means of a Section 76 planning agreement. It would need to include an indexation clause so that the value of the Developer Contribution increases with inflation. The proposal is considered to comply with the adopted Developer Contributions Framework and the SPPS. Delegated authority is requested to finalise the S76.</p> |
| 4.23 | <p>Pre- Application Community Consultation</p> |
| 4.23.1 | <p>In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 10th February 2021 (LA04/2021/0344/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable. The Council recommended that consultation with the Stewartstown Road Regeneration Project and Lenadoon & Suffolk Neighbourhood Renewal Partnership should take place. It also recommended that details of the PAN and associated development be displayed at the site for the full 12 week consultation and a facility to provide feedback at the existing store in writing should be facilitated. It is also highlighted that interested parties must be permitted to comment during the full 12 week consultation period, rather than within the timescales stated on the PAN.</p> |
| 4.23.2 | <p>The Pre-Application Community Consultation (PACC) events included display of the proposed development at the site of the existing LIDL store and on the applicant's website with opportunity to provide feedback to the applicant's representative.</p> |
| 4.23.3 | <p>A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and an online consultation event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that a letter with details of the proposals, preliminary drawings and CGIs were hand delivered to all properties within a 200m radius of the centre of the site. The report confirms that community groups advised by the Council were also consulted. The report also states that representatives of the project team also discussed the proposal with community representatives and local political representatives and met local community representatives on a number of occasions.</p> |

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| 4.23.4 | The report states ' <i>There were a limited number of responses from individual residents of the area. Some residents asked for further information in relation to the proposal and this was provided to them. One resident raised concern about the use of the existing area of open space for bonfires however this is community matter not directly related to the proposal.</i> ' |
| 4.23.5 | The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable. |

Summary of Recommendation:

Having regard to the development plan, relevant policy context and other material considerations the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement to secure the financial Developer Contribution to mitigate the loss of open space.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 planning agreement, and deal any other issues that may arise, unless they are substantive in which case the application will be reported back to the Planning Committee.

Draft Conditions:

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

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

2. No external finishes shall be applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.

The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.

The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of all external finishes.

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

3. The gross retail floor space of the store hereby approved shall not exceed 2,475 sqm.

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

4. The net floor space of the retail store hereby approved shall not exceed 1,670 sqm

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

5. Of the net retail floor space of the retail unit hereby approved, no more than 1,336 square metres shall be used for the sale and display of the items listed below.

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

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

6. Of the net retail floor space not more than 334 square metres of the sales area shall be used only for the retail sale of comparison goods.

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

7. There shall be no increase of the retail floor space of the store hereby approved, including mezzanine floors or other extensions without the prior written consent of the Council.

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

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

Reason: In the interests of visual amenity.

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

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

10. All soft landscaping works shall be carried out in accordance with the approved details on Drawing Number 09A, published on the planning portal on 09.03.22. The works shall be carried out prior to the occupation of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

11. If roots are accidentally damaged the Council must be immediately notified in writing and given the opportunity to inspect the damage before it is covered over. The roots must be wrapped in wet hessian wrap until the arrival of an arborist or Council tree officers. Remedial works to roots/trees shall be submitted to and agreed in writing by the Council. The development shall proceed unless in accordance with the approved details.

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

12. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices service runs / cables or fires shall take place within the Root Protection Area of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction and root severance within the Root Protection Area of existing trees to be retained.

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

Reason: Protection of residential amenity.

14. No customers shall be served or remain in the building outside the following hours:

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

Reason: To safeguard the amenities of the area.

15. During operation of the development, the rating level (dBLAr,T) from the combined operation of all plant and equipment at the hereby permitted development shall not exceed the representative daytime and night time background noise level (dBLA90,T) when measured and determined in line with BS4142:2019.

Reason: Protection of residential amenity.

16. The development hereby approved shall not be operated unless the acoustic barrier and a 2m high concrete retaining wall have been installed in accordance with Drawing No. 02D – Site Layout published on 09.08.22. The acoustic barrier shall be 2.4m high, close boarded fence with a minimum density of 15kg/m2 and shall be retained thereafter.

Reason: Protection of residential amenity.

17. No cooking operations shall commence at the hereby permitted discount supermarket until the bakery extraction and odour abatement system as presented in the Irwin Carr Consulting Odour Impact Assessment. Titled "Lidl Stewartstown Road". Referenced Rp002AQ2021255. Dated 14th December 2021 and as illustrated on Figure number 1, appendix A of the above named report, dated 19/10/2021 has been installed by a competent ventilation engineer. The approved system must be maintained and retained thereafter.

Reason: In the interests of local amenity.

18. In the event that any centralised combustion sources (boilers, CHP, biomass, generators) are to be provided and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), a Final Air Quality Impact Assessment shall be submitted to and approved in writing by the Council prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations. The plant shall not be installed unless in accordance with the approved details.

Reason: Protection of human health.

19. Dust management measures, as detailed within the Chapter 7 of the *Irwin Carr Consulting, Air Quality Impact Assessment, Lidl Stewartstown Road, Belfast, (4th January 2022)* shall be implemented throughout the duration of the construction phase of the development in accordance with such details.

Reason: Protection of human health and amenity.

20. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with the approved drawings prior to the commencement of any other works or other development hereby permitted.

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

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

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

22. No development shall be operational until weather protected cycle parking has been fully provided in accordance with the approved plans.

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

23. No development shall be operational until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

24. The development shall operate in accordance with the approved Service Management Plan.

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

25. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless a Drainage Report has been submitted to and approved in writing by the Council.

The Drainage report shall demonstrate how any out of sewer flooding, emanating from the surface water drainage network, in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere. The development shall not be carried out unless in accordance with the approved details.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

Notification to Department (if relevant):- Not Required

Date of Notification to Department: N/A

Response of Department: N/A

Representation from Elected Members: Edwin Poots, MLA

| ANNEX | |
|---|--------------------|
| Date Valid | 23rd December 2021 |
| Date First Advertised | 14th January 2022 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Kells Avenue,Belfast,Antrim,BT11 9LB The Owner/Occupier, 1 Willowvale Avenue,Belfast,Antrim,BT11 9JZ The Owner/Occupier, 11 Kells Avenue, Belfast,Antrim,BT11 9LB The Owner/Occupier, 11a ,Doon Road,Belfast,Antrim,BT11 9GT The Owner/Occupier, 11b ,Doon Road,Belfast,Antrim,BT11 9GT The Owner/Occupier, 11c ,Doon Road,Belfast,Antrim,BT11 9GT The Owner/Occupier, 11d ,Doon Road,Belfast,Antrim,BT11 9GT The Owner/Occupier, 13 Kells Avenue, Belfast,Antrim,BT11 9LB The Owner/Occupier, 13a ,Doon Road,Belfast,Antrim,BT11 9GT The Owner/Occupier, 13b ,Doon Road,Belfast,Antrim,BT11 9GT The Owner/Occupier, 13c ,Doon Road,Belfast,Antrim,BT11 9GT The Owner/Occupier, 13d ,Doon Road,Belfast,Antrim,BT11 9GT The Owner/Occupier, 15 Kells Avenue, Belfast,Antrim,BT11 9LB The Owner/Occupier, 17 Kells Avenue, Belfast,Antrim,BT11 9LB The Owner/Occupier, 17a ,Oranmore Drive,Belfast,Antrim,BT11 The Owner/Occupier, 17b ,Oranmore Drive,Belfast,Antrim,BT11 The Owner/Occupier, 18 Oranmore Drive,Belfast,Antrim,BT11 9LD The Owner/Occupier, 18a ,Oranmore Drive,Belfast,Antrim,BT11 9LD The Owner/Occupier, 18b ,Oranmore Drive,Belfast,Antrim,BT11 9LD The Owner/Occupier, 19 ,Oranmore Drive,Belfast,Antrim,BT11 The Owner/Occupier, 19 Kells Avenue, Belfast,Antrim,BT11 9LB The Owner/Occupier, 1a ,Ringford Crescent,Belfast,Antrim,BT11 The Owner/Occupier, 1a ,Ringford Crescent,Belfast,Antrim,BT11 9LG The Owner/Occupier, 1b ,Ringford Crescent,Belfast,Antrim,BT11 9LG The Owner/Occupier, 20 River Close,Belfast,Antrim,BT11 9NU The Owner/Occupier, 21 Kells Avenue,Belfast,Antrim,BT11 9LB The Owner/Occupier, 23 Kells Avenue, Belfast,Antrim,BT11 9LB The Owner/Occupier, 23 Suffolk Drive,Belfast,Antrim,BT11 9JZ The Owner/Occupier, 25 Kells Avenue,Belfast,Antrim,BT11 9LB The Owner/Occupier, 27a ,Kells Avenue,Belfast,Antrim,BT11 9LB The Owner/Occupier, 27b ,Kells Avenue,Belfast,Antrim,BT11 9LB The Owner/Occupier, 28 Suffolk Drive,Belfast,Antrim,BT11 9JZ The Owner/Occupier, 29 Kells Avenue,Belfast,Antrim,BT11 9LB The Owner/Occupier, 2a ,Ringford Crescent,Belfast,Antrim,BT11 The Owner/Occupier, 2b ,Ringford Crescent,Belfast,Antrim,BT11 The Owner/Occupier, 3 Kells Avenue,Belfast,Antrim,BT11 9LB The Owner/Occupier, 31 Kells Avenue,Belfast,Antrim,BT11 9LB The Owner/Occupier, 33 Kells Avenue, Belfast,Antrim,BT11 9LB | |

The Owner/Occupier, 35a ,Kells Avenue,Belfast,Antrim,BT11 9LB
 The Owner/Occupier, 35b ,Kells Avenue,Belfast,Antrim,BT11 9LB
 The Owner/Occupier, 37 Kells Avenue, Belfast,Antrim,BT11 9LB
 The Owner/Occupier, 37 Suffolk Drive,Belfast,Antrim,BT11 9JZ
 The Owner/Occupier, 39 Kells Avenue,Belfast,Antrim,BT11 9LB
 The Owner/Occupier, 39 Suffolk Drive,Belfast,Antrim,BT11 9JZ
 The Owner/Occupier, 41 Kells Avenue,Belfast,Antrim,BT11 9LB
 The Owner/Occupier, 41 Suffolk Drive,Belfast,Antrim,BT11 9JZ
 The Owner/Occupier, 43 Kells Avenue,Belfast,Antrim,BT11 9LB
 The Owner/Occupier, 43 Suffolk Drive,Belfast,Antrim,BT11 9JZ
 The Owner/Occupier, 45 Suffolk Drive,Belfast,Antrim,BT11 9JZ
 The Owner/Occupier, 47 Suffolk Drive,Belfast,Antrim,BT11 9JZ
 The Owner/Occupier, 49 Suffolk Drive,Belfast,Antrim,BT11 9JZ
 The Owner/Occupier, 5 Kells Avenue,Belfast,Antrim,BT11 9LB
 The Owner/Occupier, 51 Suffolk Drive,Belfast,Antrim,BT11 9JZ
 The Owner/Occupier, 53 Suffolk Drive,Belfast,Antrim,BT11 9JZ
 The Owner/Occupier, 55 Suffolk Drive,Belfast,Antrim,BT11 9JZ
 The Owner/Occupier, 5a ,Doon Road,Belfast,Antrim,BT11 9GT
 The Owner/Occupier, 5b ,Doon Road,Belfast,Antrim,BT11 9GT
 The Owner/Occupier, 5c ,Doon Road,Belfast,Antrim,BT11 9GT
 The Owner/Occupier, 5d ,Doon Road,Belfast,Antrim,BT11 9GT
 The Owner/Occupier, 7 Kells Avenue,Belfast,Antrim,BT11 9LB
 The Owner/Occupier, 7a ,Doon Road,Belfast,Antrim,BT11 9GT
 The Owner/Occupier, 7b ,Doon Road,Belfast,Antrim,BT11 9GT
 The Owner/Occupier, 7c ,Doon Road,Belfast,Antrim,BT11 9GT
 The Owner/Occupier, 7d ,Doon Road,Belfast,Antrim,BT11 9GT
 The Owner/Occupier, 9 Kells Avenue,Belfast,Antrim,BT11 9LB
 The Owner/Occupier, 98 Stewartstown Road,Dunmurry,Antrim,BT11 9JP
 The Owner/Occupier, 9a ,Doon Road,Belfast,Antrim,BT11 9GT
 The Owner/Occupier, 9b ,Doon Road,Belfast,Antrim,BT11 9GT
 The Owner/Occupier, 9c ,Doon Road,Belfast,Antrim,BT11 9GT
 The Owner/Occupier, 9d ,Doon Road,Belfast,Antrim,BT11 9GT
 The Owner/Occupier, Belfast City Sawmills Ltd, Oranmore Drive,Belfast,Antrim,BT11
 The Owner/Occupier, Costcutter/Post Office 118-120 Stewartstown
 Road,Dunmurry,Antrim,BT11 9JP
 The Owner/Occupier, Suffolk Centre, 88 Stewartstown Road, Belfast, BT11
 The Owner/Occupier, Units A-K First Floor, 124 Stewartstown
 Road,Dunmurry,Antrim,BT11 9JP

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| Date of Last Neighbour Notification | 19th January 2022 |
| Date of EIA Determination | 17 th January 2022 |
| ES Requested | No |

Drawing Numbers and Title

01 – Location Plan – Published 12.01.22
02D – Site Layout Plan – Published 09.08.22
04A – Ground floor Plan – Published 25.05.22
05a – Development Impact Plan – Published 09.03.22
06A - Proposed Elevations – Published 25.05.22
07 – Roof Plan – Published 12.01.22
08 – Jakoustic Fence - Published 12.01.22
09a – Landscape Proposals – Published 09.03.22
10a – Site Sections – Published 09.03.22
11a – Site Sections – Published 09.03.22
12 – Site Sections – Published 12.01.22

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Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: Tuesday 17 th January 2023 | |
| Application ID: LA04/2021/2862/F | |
| Proposal: Proposed Battery Energy Storage System (BESS) with storage capacity up to 50MW, associated electricity substation/transformer compound, improvement to the existing access, landscaping and associated ancillary development/site works. | Location: Lands approximately 700m north of 28 Colinglen Road Dunmurry Belfast BT17 0LR |
| Referral Route: | Discretion of Director Planning and Building Control |
| Recommendation: | Approval subject to conditions |
| Applicant Name and Address: Hannahstown BESS Ltd 141 Camlough Road Carrickmore Bt79 0BS | Agent Name and Address: Clyde Shanks 2nd Floor 7 Exchange Place Belfast BT1 2NA |
| Executive Summary: <p>The application seeks full planning permission for a proposed Battery Energy Storage System (BESS) with storage capacity up to 50MW, associated electricity substation/transformer compound, improvement to the existing access, landscaping and associated ancillary development/site works. The proposal includes 25 no battery container units and 25 no substations.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of the development at this location (beyond the settlement development limit); • Scale, Massing and Design; • Impact on rural character visual amenity; • Impact on Built and Archaeological Heritage; • Impact on Ecology and Natural Heritage; • Provision of Landscaping and Screening; • Traffic Movement and Parking; • Human Health; • Flooding and Drainage; • Health and Safety <p>The site is located off an existing entrance on the Colinglen Road which originally served a former quarry. The site is enclosed on all sides by dense vegetation and woodland. The site slopes quite steeply from the entrance but this becomes more gradual.</p> | |

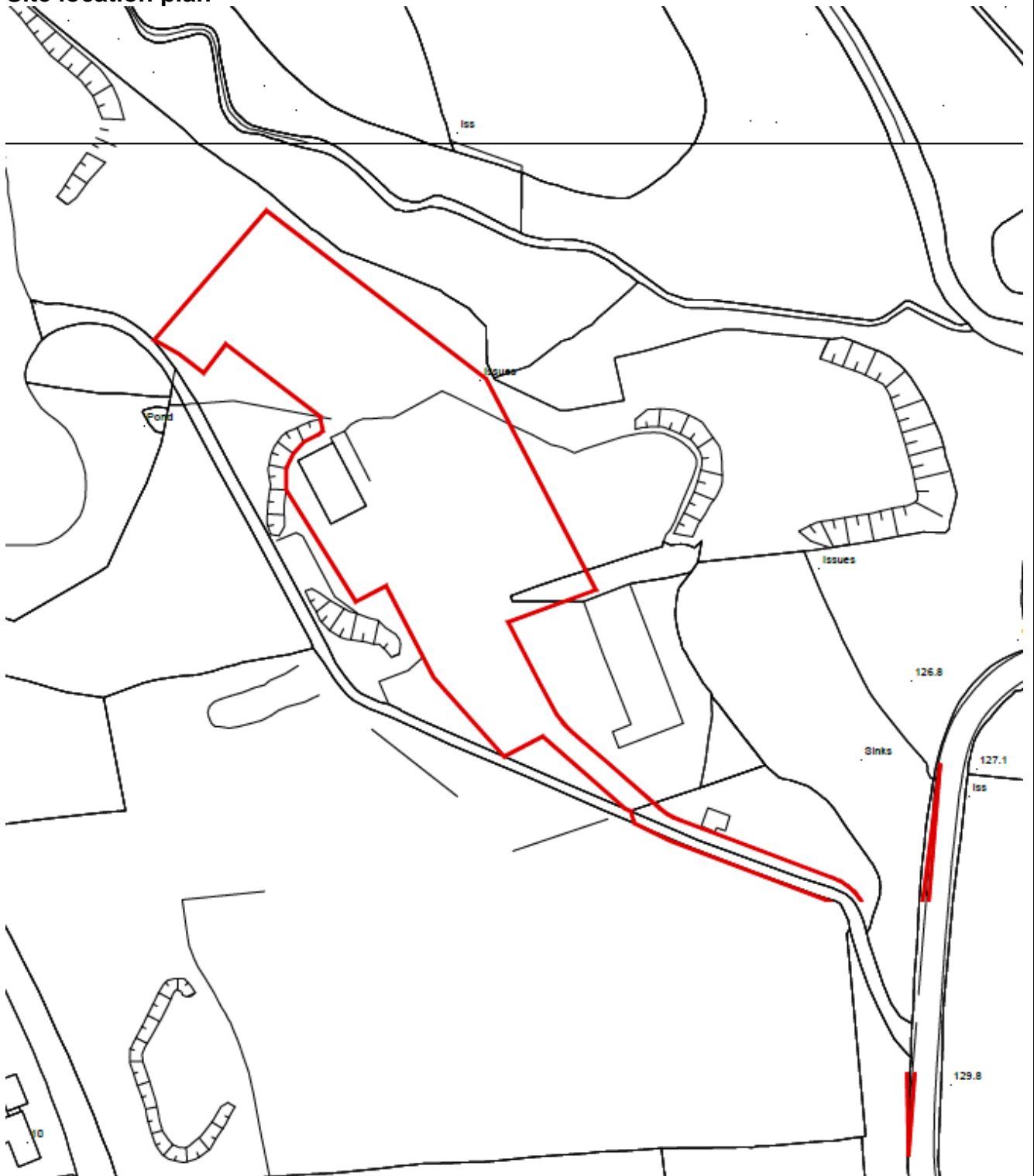
Three representations were received from two organisations and are detailed in the case officer report.

Having regard to the Development Plan, and other material considerations, the proposed development is considered on balance to be acceptable.

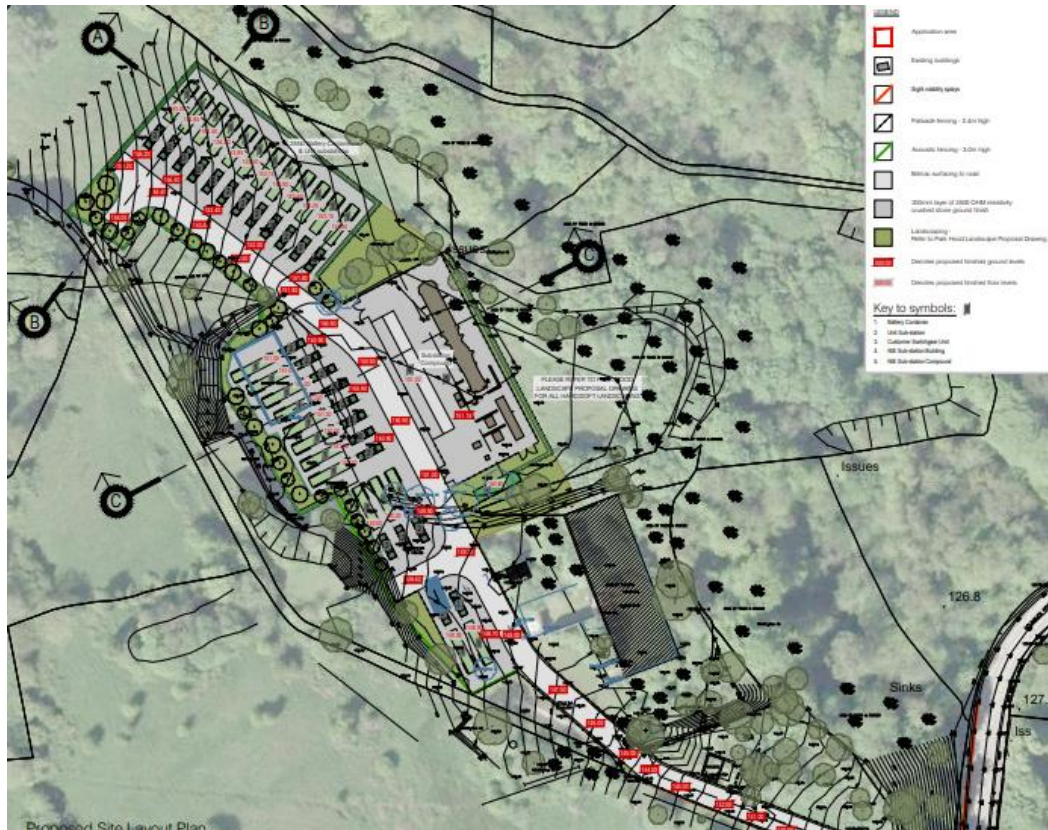
It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control finalise the wording of conditions.

Case Officer Report

Site location plan



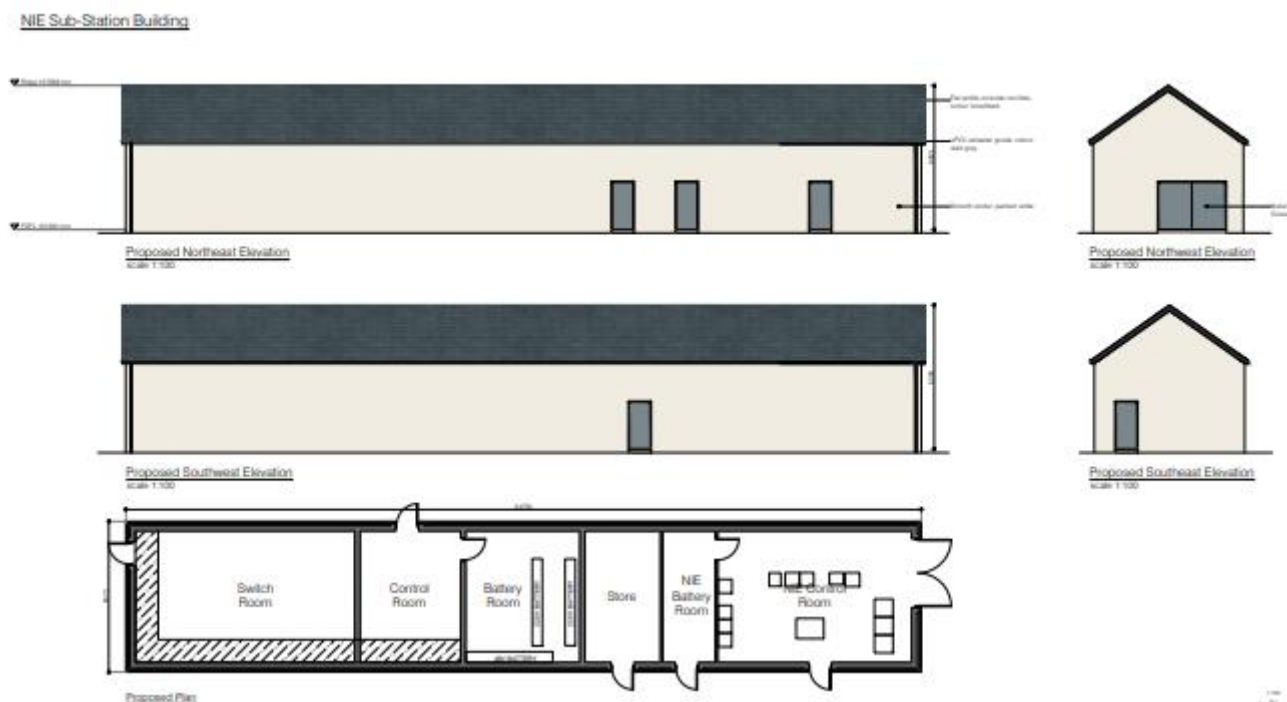
Site layout



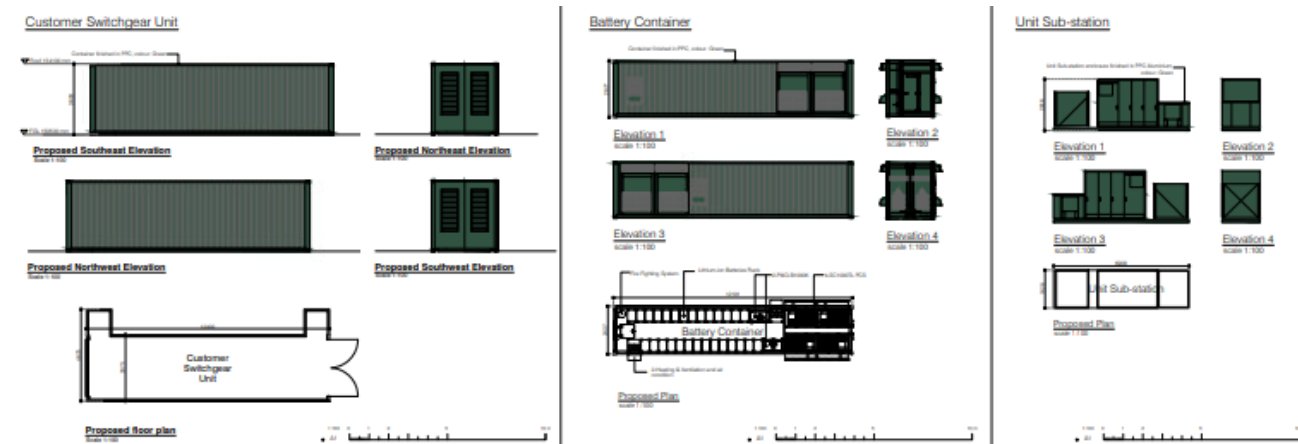
Proposed Landscaping



Elevations of Substation



Other structures



Characteristics of the Site and Area

1.0 Description of Proposed Development

- 1.1 The description of the proposal is as follows:
'Proposed Battery Energy Storage System (BESS) with storage capacity up to 50MW, associated electricity substation/transformer compound, improvement to the existing access, landscaping and associated ancillary development/site works.'
- 1.2 Battery Energy Storage Systems (BESS) are devices that enable energy from renewables such as solar and wind, to be stored and released when required, resulting in greater efficiency.
- 1.3 The proposal includes 25 no battery container units and 25 no substations as well as a substation compound building. Each battery container measures approximately 2.9m x 12.1m whilst each substation measures approximately 1.9m x 6.9m. Both structures are

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| 1.4 | constructed in PPC aluminium in green. The customer switchgear building is made of the same materials and measures 4.7m x 12.4m. |
| 1.5 | In addition, there is an NIE substation building and compound. The building measures approximately 6.6m x 35m. The walls will be constructed in smooth white render. |
| 1.5 | There is significant landscaping proposed and palisade fencing of 2.4m and where appropriate, acoustic fencing of 3m is also proposed. |
| 2.0 | <u>Description of Site and Area</u> |
| 2.1 | The application site is enclosed on all sides by dense vegetation and woodland. The site slopes upwards from southeast to northwest, initially steeply. |
| 2.2 | At present the site contains several disused/dilapidated former quarry buildings. |
| 2.3 | The entrance to the site is approximately 300m from the nearest residential dwellings (as the crow flies) and runs adjacent to the Colin Glen Forest Park |
| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | Planning History |
| 3.1 | Application Number: LA04/2021/1558/PAN Proposal: Proposed Battery Energy System (BESS) with storage capacity up to 25MW, associated electricity substation/transformer compound, improvement to the existing access, landscaping and associated ancillary developments works. Decision: PAN Acceptable Decision Date: 07 July 2021 |
| 3.2 | Application Number: LA04/2020/1724/F Proposal: Proposed Battery Energy Storage System (BESS), associated electricity substation/transformer compound, improvement to the existing access, landscaping and associated ancillary development/site works. Decision: Application Invalid |
| 4.0 | Policy Framework |
| 4.1 | Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (dBMAP v2004) Draft Belfast Metropolitan Area Plan 2015 (dBMAP v2014) Belfast Local Development Plan 2035 – Draft Plan Strategy |
| 4.2 | Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) Planning Policy Statement 2 – Natural Heritage (PPS2) Planning Policy Statement 3 – Access, Movement and Parking (PPS3) Planning Policy Statement 15 – Planning and Flood Risk (PPS15) Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) Planning Strategy for Rural Northern Ireland (PSRNI) Parking Standards (former Department of Environment) |
| 5.0 | <u>Statutory Consultees</u> DfI Roads – no objections, subject to conditions DfI Rivers – no objections NIEA Natural Heritage – no objections subject to condition |

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| | <p>NIEA Land, Soil, and Air – no objections subject to conditions</p> <p>NIEA Water Management Unit – no objection</p> <p>Shared Environmental Services – no objection subject to condition</p> <p>NIW – no objection</p> <p>Historic Environment Division – no objection</p> |
| 6.0 | <p><u>Non-Statutory Consultees</u></p> <p>Environmental Health BCC – no objection subject to conditions</p> <p>Landscape BCC – no objection</p> <p>Tree Officer BCC – no objection subject to conditions</p> |
| 7.0 | <p><u>Representations</u></p> |
| 7.1 | <p>Three representations were received from two organisations.</p> <p>The issues raised can be summarised as follows:</p> <ol style="list-style-type: none"> 1) Protection of existing trees 2) Impact on visual amenity 3) Impact on Colin Glen Local Landscape Policy Area 4) Impact on Area of High Scenic Value 5) Cabling associated with the application and route of cabling 6) Impacts on biodiversity 7) Site drainage 8) Impact on Belfast Lough SPA 9) Fire risk and safety 10) Alternative sites 11) Assessment against Policy PSU 8 of PSRNI and the RDS 12) Use of colour green to offset visual impact 13) Acoustic concerns including request for acoustic wall to western portion of the site as well as eastern portion |
| 7.2 | <p>All issues are considered in the main body of the report save for the issue of cabling. The cabling is not a matter for this application as it is permitted development however the applicant advises that they intend to bring the cabling through their own site down to the main Colinglen Road where it will be installed on public land through to the substation.</p> |
| 8.0 | <p><u>ASSESSMENT</u></p> |
| 8.1 | <p><u>Development Plan</u></p> |
| 8.1.1 | <p>Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> |
| 8.1.2 | <p>Following the Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the statutory Development Plan is now the Belfast Urban Area Plan 2001 (BUAP). Both the draft Belfast Metropolitan Area Plan 2015 (dBMAP v2004) and Belfast Metropolitan Area Plan 2015 (dBMAP v2014) are material considerations. The weight to be afforded the draft Belfast Metropolitan Area Plan is a matter of judgement for the decision maker. The Committee is advised that significant weight should be afforded to the latest version of dBMAP 2015 (v2014) given the advanced stage it reached in the adoption process and that the only outstanding areas of contention related to retail policies at Sprucefield, Lisburn.</p> |

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| 8.1.3 | The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs. |
| 8.1.4 | In the BUAP and both versions of the Draft Belfast Metropolitan Area Plan (dBMAP v2004 & v2014) the site is located in the rural area / countryside. Within the BUAP, the site is within an Area of High Scenic Value, under the dBMAP 2004 the site is within the Colin Glen/Hammils Bottom Site of Local Nature Conservation Importance, whilst under dBMAP 2014 the site is within the Belfast Basalt Escarpment Area of High Scenic Value. The site is also adjacent to the Colin Glen Site of Local Nature Conservation Importance (SLINCI) and Area of Mineral Constraint. |
| 8.2 | <u>Classification of the proposal</u> |
| 8.2.1 | Following a legal challenge to the Chief Planner's Update (CPU7) relating to Battery Energy Storage System (BESS) development, a judgement (Humphreys J in <i>ABO Wind NI Ltd. and Energia Renewables Company 1 Ltd. vs Department for Infrastructure</i> (Ref HUM11648)) was issued on 21 October 2021. The judgement stated that BESS developments fall into Class 9 of the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015 and thresholds therein. As the proposed site area is under 1ha, it is considered a local application. |
| 8.2.2 | The proposal was assessed against The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Category 3 of Schedule 2 'Energy Industry' relates more to the production and transmission of energy as opposed to energy storage. |
| 8.2.3 | The proposal does not involve overhead electrical power lines or cables. It is not for an industrial installation for the production of electricity and it is not for a wind farm. The proposal does not fall neatly into any of the descriptions of development associated with Schedule 2 developments and as such a formal EIA determination is not required. |
| 8.3 | <u>The principle of the proposed use at this location</u> |
| 8.3.1 | The RDS is an overarching strategic planning framework supporting sustainable development whilst encouraging economic growth across the region. To underpin growth, it is acknowledged there is need for modern and sustainable infrastructure to deliver reliable and secure sources of energy (RG5). |
| 8.3.2 | The RDS goes further in stating that ' <i>new generation infrastructure must be carefully planned and assessed to avoid adverse environmental impacts with the decision maker having to balance impacts against the benefits from a secure renewable energy stream, and the potential for cleaner air and energy for industry and transportation</i> '. |
| 8.3.3 | RG9 states that ' <i>consideration needs to be given on how to reduce energy consumption and the move to more sustainable methods of energy production</i> '. |
| 8.3.4 | Para 6.238 of the SPSS states that ' <i>The aim of the SPPS in relation to telecommunications and other utilities is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum</i> '. |

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| 8.3.5 | The site will form an essential part of the regional grid infrastructure controlled by SONI (the entire electricity system is managed from a single control centre operated by SONI Ltd) supporting renewable energy sources and proposals are in conformity with the provisions of the RDS and SPSS. |
| 8.3.6 | Paragraph 6.65 states that the aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS. |
| 8.3.7 | Paragraph 6.70 also states that all development in the countryside must integrate into its setting, respect the character, and be appropriately designed. |
| 8.3.8 | Paragraph 3.7 states that furthering sustainable development ensures that the planning system plays its part in supporting the executive and wider government policy and strategies in effort to address any existing or potential barriers to sustainable development. This includes strategies, proposals and future investment programmes for key transportation, water/sewerage telecommunications and energy infrastructure which includes the electricity network. |
| 8.4.9 | This application seeks permission for a battery storage unit in the countryside and as such, it falls to be assessed against the policy tests within PPS21. Policy CTY1 of PPS 21 identifies various types of development which are, in principle, acceptable in the countryside. Included in this list are 'renewable energy projects in accordance with PPS 18'. Whilst BESS do not generate renewable energy, it would be sensible to consider the storage of renewable energy as an associated use. |
| 8.4.10 | Other relevant PPS 21 policies include: Policy CTY13 'Integration' and Policy CTY14 'Rural Character'. Having assessed the proposed design, layout and landscaping including the representative viewpoints and visualisations provided, it is considered that that the development will be suitably integrated into the landscape and will not be unduly prominent or erode the rural character of the area. The development is sited to best sit within the existing levels and topography of the site and to minimise impact on the mature vegetation which screens the site. The development also benefits from established boundaries. The proposal therefore complies with Policies CTY 13 and 14. |
| 8.4.11 | There are also substantial swathes of landscaping proposed as well as design interventions (such as green colour of materials) as part of the proposal which will assist in minimising the visual impact of the proposal. It is considered that, on balance, the principle of the proposed use is acceptable at this location. |
| 8.4.12 | The Planning Strategy for Rural Northern Ireland (PSRNI) established objectives and policies for land-use and development which have been mainly superseded. Policy PSU8 of PSRNI 'New Infrastructure' has not been superseded. It requires that consideration is given to the need for new infrastructure and in this case, need for a BESS. |
| 8.4.13 | The applicant states that <i>'the need for battery energy storage systems has been identified by SONI under their DS3 programme. The delivery of the DS3 programme is required to allow Northern Ireland to meet its renewable energy targets for 2020 and beyond.'</i> They further state that a <i>'BESS does not have to be located in proximity to where the renewable energy is generated. Indeed, the Hannahstown substation provides a more robust connection point for the BESS than a rural transmission line in proximity to a wind farm for example'</i> and that the <i>'Hannahstown substation is one of only two 275kV/100kV substations (Castlereagh and Hannahstown) facilitating delivery of electricity via the 275kV</i> |

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| 8.4.14 | <p><i>network to the centre of Belfast. The 275KV system is the backbone of the transmission network in NI and is designed to be the main load carrier for the network'.</i></p> <p>Policy PSU8 of PSRNI 'New Infrastructure' also considers the impact on the environment of the proposal in particular the visual and ecological impacts – this is considered later in the report.</p> |
| 8.4.15 | <p>Policy PSU8 requires consideration of the existence of alternative sites or routes. The proposal is proximate to the substation as required by best practice. The applicant advises that they have undertaken a sequential review of sites within 1km of the substation and that the current site is the optimum location to allow appropriate separation distance from residential areas whilst being close to the substation.</p> |
| 8.4 | <u>Scale, Massing and Design</u> |
| 8.4.1 | <p>The storage units and substations measure between 2 and 3m in height and are small in scale. They are finished in green PVC to aid visual integration. The largest element of the proposal is the substation which measures approximately 6.6m x 35m. The building is coloured in white render and set into the levels of the site.</p> |
| 8.4.2 | <p>The Council's Landscape Team note that <i>'the scenic quality of the area has already been degraded somewhat due to historic mineral extraction and associated infrastructure. Due to existing landform and vegetation there is unlikely to be any significant adverse visual impact associated with the proposal'.</i> Their response goes on to state that <i>'having assessed the landscape proposals and the accompanying Representative Viewpoints and Visualisations we are of the opinion that the development is unlikely to have a significant adverse effect on the quality, character or features of interest on the Belfast Basalt Escarpment Area of High Scenic Value. The landscape and visual appraisal has demonstrated that the development is likely to be assimilated within the landscape to some degree due to the site's location on lower valley slopes and the intervening tree cover. In addition, proposed woodland and hedgerow planting will also help integrate development proposals within the existing landscape setting'.</i></p> |
| 8.4.3 | <p>The Landscape Team offers no objections.</p> |
| 8.5 | <u>Archaeological Heritage</u> |
| 8.5.1 | <p>HED were consulted and responded to state that they had no concerns. There are no listed buildings or scheduled monuments on or proximate to the site.</p> |
| 8.6 | <u>Ecology and Natural Heritage</u> |
| 8.6.1 | <p>The application site is subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).</p> |
| 8.6.2 | <p>NIEA: NED were consulted and stated that no evidence of badgers or otters on or around the site were identified. Further details were requested regarding bats. Little evidence was uncovered to suggest that breeding birds or bats are utilising the site. A condition is recommended regarding lighting given the mobile nature of bats.</p> |
| 8.6.3 | <p>Shared Environmental Services (SES) were consulted and have recommended a condition regarding operational drainage.</p> |
| 8.6.4 | <p>In conclusion, Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 16/12/2022. This found that the project would <u>not</u> have an adverse effect on the integrity of any European site.</p> |

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| 8.7 | <u>Landscaping and boundary treatments</u> |
| 8.7.1 | The proposal contains significant existing and proposed landscaping. Both the Council's Tree Officer and the Council's Landscape, Planning and Development team were consulted. |
| 8.7.2 | A Landscape Management and Maintenance Plan has been provided and will be subject to condition. Further information was requested in the form of a Development Impact Plan and tree protection measures. The Tree Officer was reconsulted and has no objections subject to conditions. |
| 8.7.3 | The proposal is supported by a Park Hood report entitled 'Representative Viewpoints and Visualisations' which demonstrates that the predicted landscape effects will be negligible. The Council's Landscape, Planning and Development team were consulted and agree with the assessment. They are also satisfied with the proposed landscape works and management and maintenance plans. |
| 8.7.4 | The proposed landscaping and boundary treatments are considered acceptable and will be subject to condition. |
| 8.8 | <u>Traffic, Movement and Parking</u> |
| 8.8.1 | DfI Roads were consulted on the current proposal and advised that ' <i>on the basis of the low levels of operational traffic stated in the Transport Assessment Form (published 07/01/2022) DfI Roads offers no objection to this application</i> ' subject to conditions. |
| 8.9 | <u>Contaminated Land</u> |
| 8.9.1 | The application is supported by a Preliminary Risk Assessment report which was considered by both NIEA and Environmental Health. |
| 8.9.2 | Environmental Health and NIEA have reviewed the proposals and relevant documents and are content and have provided conditions and informatives. |
| 8.10 | <u>Noise</u> |
| 8.10.1 | The application is supported by a Noise Impact Assessment report which was considered by Environmental Health. |
| 8.10.2 | One of the representations suggested that acoustic screening was required however the assessment did not identify such a need and Environmental Health have not identified any further need for screening. |
| 8.10.3 | Environmental Health has reviewed the submitted information and offers no objections subject to conditions. |
| 8.11 | <u>Site Drainage/Flood Assessment</u> |
| 8.11.1 | DfI Rivers Flood Maps (NI) indicates that the site is does not lie within the 1 in 100-year fluvial flood plain and therefore FLD 1 does not apply. |
| 8.11.2 | DfI Rivers state that under FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by DfI Rivers, as the Drainage Assessment shows this, FLD 2 is satisfied. |
| 8.11.3 | FLD 3 is satisfied subject to a condition to require detailed calculations for surface water infrastructure at detailed design stage. |

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| 8.11.4 | FLD 4 is relevant in that there is artificial modification of a watercourse. The applicant has provided an Schedule 6 consent to meet the requirements of FLD 4 and DfI Rivers indicate that FLD 5 does not apply. |
| 8.11.5 | NIW were consulted and confirm that there is a public water main within 20m of the proposed boundary which can service the proposals and offered no objections to the application. |
| 8.11.6 | NIEA: Water Management Unit were consulted and required the submission of a CEMP, emergency response plan and details regarding the culvert. Upon receipt of this information, NIEA: WMU had no objections. Compliance with the CEMP will be required via condition. |
| 8.12 | <u>Health and Safety</u> |
| 8.12.1 | Both the Health and Safety Executive (HSENI) and Northern Ireland Fire & Rescue Services NI (NIFRS) were consulted on the proposals. |
| 8.12.2 | HSENI requested further information and clarifications and offered no objections however they advise the planning officer to consider the HSENI Technical Note regarding risks from fire and explosion from a single BESS container. |
| 8.12.3 | NIFRS indicated that any planning application for BESS should be in accordance with Battery Storage Guidance Notes 1 and 2 by the Energy Institute. |
| 8.12.4 | Correspondence and clarifications was submitted in support of the application which demonstrated that the proposed development has been designed in accordance with the relevant BESS guidance as well as relevant legislative requirements and guidance. |
| 8.12.5 | Both NIFRS and HSENI were reconsulted with the additional information and had no objections. |
| 8.13 | <u>Statutory Consultation</u> |
| 8.13.1 | The scheme was advertised on 06 January 2022. No properties were neighbour notified given the separation distance between the site and closest properties. The adjacent landowner was notified via a form P2A. |
| 10.0 | Summary of Recommendation: |
| 10.1 | It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the wording of conditions. |
| 11.0 | Proposed Conditions: |
| 1. | The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. |
| 2. | The development hereby permitted shall not become operational unless the hard surfaced areas have been constructed in accordance with Drawing No. 03 Site Layout, published on the Planning Portal 7 th January 2022, to provide for parking within the site. Such areas shall not be used for any purpose other than the parking and turning of vehicles in connection with the approved development and such areas shall remain free of obstruction for such use at all times. |

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| | <p>Reason: To ensure that adequate provision has been made for parking within the site.</p> |
| 3. | <p>No development shall commence on site (other than that required to fulfil this condition) unless the vehicular access including visibility splays and any forward sight distance, has been provided in accordance with Drawing No. 03, published on the Planning Portal 7th January 2022 has been provided in accordance with the approved plans.</p> <p>The vehicular access shall be provided in accordance with Development Control Advice Note 15 (DCAN15) page 11, paragraph 8.1 (drainage) and page 12, paragraph 9.4 (gradient).</p> <p>The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p> <p>The access shall be retained in accordance with the approved plans at all times.</p> <p>Reason: To ensure safe and convenient access to the development.</p> |
| 4. | <p>Gates, if erected, shall not open out over the public road.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p> |
| 5. | <p>No external lighting shall be installed unless a Lighting Plan has been submitted to and approved in writing by the Council.</p> <p>The Plan shall include the following:</p> <ul style="list-style-type: none"> a) Specifications of lighting to be used across the site, including model of luminaires, location and height; b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc. c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site; d) Badger protection areas, wildlife corridors and retained hedgerows to be kept free from any artificial lighting. <p>The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.</p> <p>Reason: To minimise the impact of the proposal on bats and other wildlife.</p> |
| 6. | <p>All plant and equipment associated with the development hereby permitted shall be selected, designed, installed and maintained so as to achieve a combined rating level (LAr) that does not exceed the representative (daytime and night-time background sound level (dBLA90)) when measured or determined at the façade of the nearest noise sensitive premises in accordance with BS4142:2014+A1:2019.</p> <p>Reason: Protection of residential amenity</p> |
| 7. | <p>One month after the operational commencement of the development hereby permitted, the developer shall submit in writing to the Council for agreement, a report by a suitably qualified acoustic consultant to verify that the measured combined 'rating level' from the plant and equipment installed as a result of the development (as indicated in table 5 of the associated noise impact assessment 'A Noise Impact Assessment entitled 'Hannahstown Battery Storage Report No. RP002N 209241 (Hannahstown Battery) dated 26th May 2022'), when assessed in accordance with BS4142:2014+A1:2019, does not exceed the</p> |

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| | <p>representative (daytime and night time background sound level (dB LA90)) when measured or determined at the façade of the nearest noise sensitive premises.</p> <p>Reason: Protection of residential amenity.</p> |
| 8. | <p>If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p> |
| 9. | <p>If required as part of site clearance works, all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Guidance on Pollution Prevention Guidance No. 27 (PPG27) and/or Pollution Prevention No. 2 (GPP2). Soil and groundwater sampling shall be undertaken for a suitable analytical suite. Should contamination be identified the requirements of Condition 10 will apply.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> |
| 10. | <p>If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease, and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> |
| 11. | <p>After completing all remediation works under Condition 10 the development shall not become operational unless a Verification Report has been submitted to and agreed in writing with the Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks. The verification report shall 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.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> |
| 13. | <p>All operational drainage must be constructed in accordance with Drawing No 11 'Operational Site Drainage Plan' published on the Planning Portal 18th October 2022, unless otherwise agreed in writing with the Council.</p> <p>Reason: To ensure the project will not have an adverse effect on the integrity of any European site.</p> |

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| 14. | <p>No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the Construction Environmental Management Plan published on the Planning Portal 18th October 2022, unless otherwise agreed in writing with the Council.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use</p> |
| 15. | <p>The development hereby permitted shall not become operational unless all landscaping works have been carried out in accordance with the approved details on Drawing No. 08A Landscape Proposals published on the Planning Portal 18th October 2022 unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the area.</p> |
| 16. | <p>All trees and planting within the site shall be retained unless shown on the approved drawings as being removed (they can be stored temporarily at a safe appropriate location and transplanted onto the site as part of proposed landscaping measures). Any trees or planting indicated on the approved drawings which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</p> <p>Reason: In the interests of the character and appearance of the area</p> |
| 17. | <p>The development hereby permitted shall not commence unless all tree protective measures, protective barriers (fencing) and ground protection has been erected or installed in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.</p> |
| 18. | <p>If roots are accidentally damaged the Council must be notified and given the opportunity to inspect the damage before it is covered over. The roots must be wrapped in wet hessian wrap until the arrival of an officer nominated by the Council.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.</p> |
| 19. | <p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the Root Protection Area (RPA) of trees within the site and adjacent lands during the construction period.</p> <p>Reason: To avoid compaction within the RPA of existing trees to be retained.</p> |

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| 20. | The development hereby permitted shall not operate unless in accordance with the Landscape Maintenance and Management Plan published on the Planning Portal 7 th January 2022 unless otherwise agreed in writing by the Council. Reason: In the interests of road safety and convenience of road users. |
| 12.0 | Representations from Elected Representatives (if relevant) N/A |
| 13.0 | Referral to DfI (if relevant) N/A |

ANNEX A

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| Date Valid | 4 th November 2021 |
| Date First Advertised | 6 th January 2022 |
| Date Last Advertised | N/A |
| Date of Neighbour Notification(s) | 21 st February 2022 |
| Number of Neighbour Notifications | 0 |
| Date of EIA Determination | N/A |
| ES Requested | No |

Committee Application

| Development Management Officer Report | |
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| Application ID: LA04/2021/1964/F | Committee Date: 17 January 2023 |
| Proposal: Proposed re-cladding of and front extension to existing Carlton House office building, erection of four additional floors of office accommodation and public realm enhancement works extending along site frontage and Fulton Street. | Location: Carlton House 1-6 Shaftesbury Square Belfast BT2 7DA. |
| Applicant Name and Address: Mr Alistair Steele C/O Charterhouse Property Management 422 Lisburn Road Belfast BT9 6GN | Agent Name and Address: Hamilton House 3 Joy Street Belfast BT2 8LE |
| Reason for Referral to Committee: | Objection from statutory consultee (NI Water) |
| Officer Recommendation: | Approval with conditions |
| <p>Executive Summary: This application seeks full planning permission for the re-cladding of the existing office building, erection of four additional floors of office accommodation above and public realm enhancement works extending along site frontage and Fulton Street. The application site is Carlton House, Nos. 1-6 Shaftesbury Square.</p> <p>The main issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> • The principle of development • Impact on the character and appearance of the area • Impact on the setting of Listed Buildings • Impact on amenity • Access and parking • Drainage • Waste-water infrastructure • Ecology <p>DfI Roads, DfC HED, Belfast Airport, Senior Urban Design Officer and Environmental Health offer no objection. NI Water object to the application on grounds of lack of waste-water capacity; this issue is dealt with in the main report and found to be acceptable. DAERA and SES have been consulted in the light of the objection from NI Water and their comments are awaited.</p> <p>No representations have been received from third parties.</p> | |

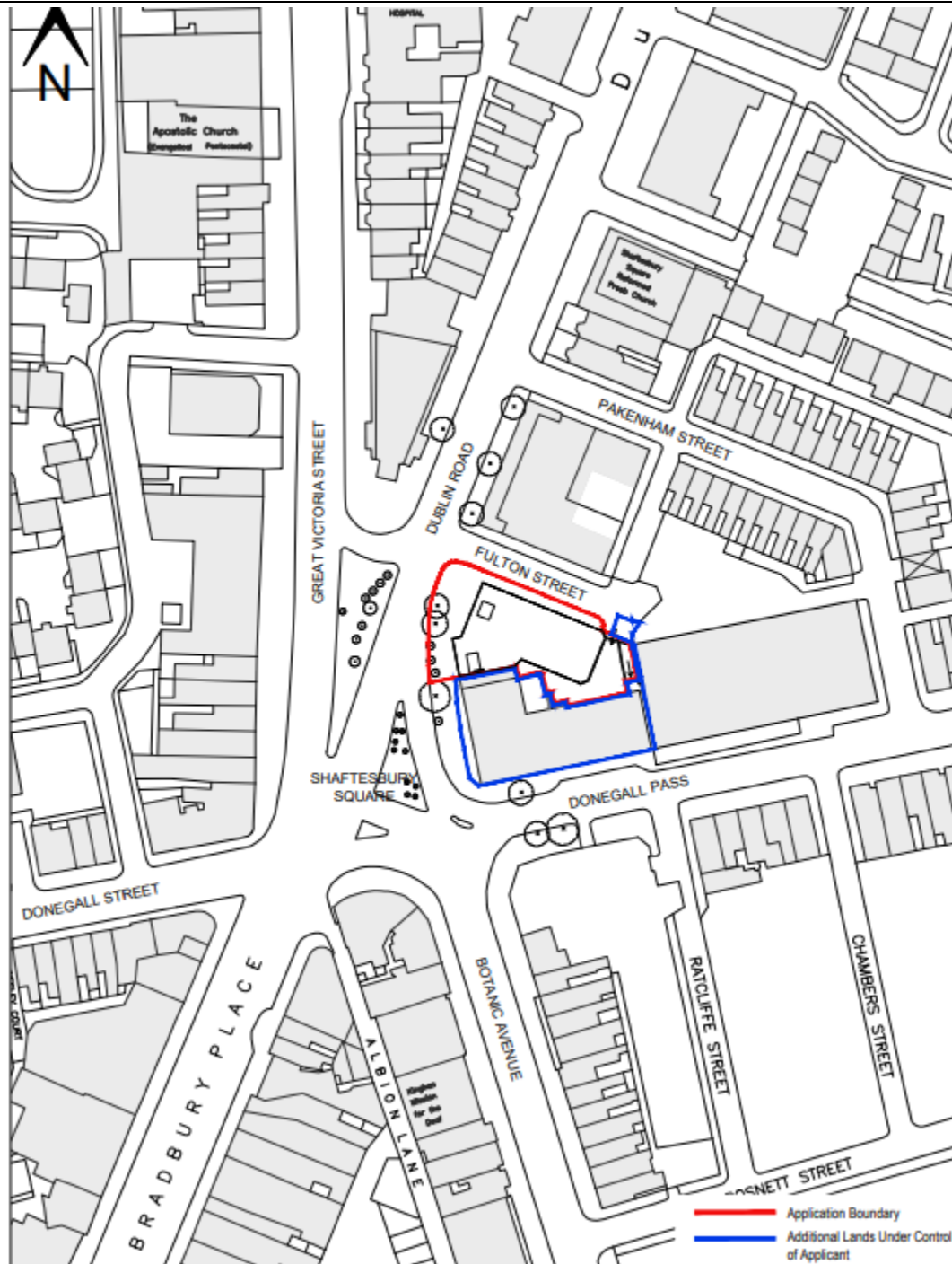
The site is within the development limit of Belfast and the principle of an office extension is considered acceptable.

The design of the cladding proposals and extension is considered acceptable. HED offers no objection and there would be no harmful impact on the setting of Listed Buildings. There would be no adverse transportation impacts.

It is considered that the proposal is acceptable having regard to the Development Plan and relevant material considerations. It is recommended that planning permission is granted with delegated authority sought for the Director of Planning and Building Control to finalise the wording of conditions, subject to no objections and advice from DAERA NIEA and SES.

Site Visit Report

Site Location Plan:



CGIs (VU.CITY model)





Characteristics of the Site and Area

1. The site is a five-storey office building that has been damaged, due to a bomb explosion, the result being the building has been vacant from the late 1980s. The building is currently surrounded with scaffolding, netting, and hoarding, given the previous damage. The site is designated, within the BMAP, as a Gateway site into the city centre. The surroundings to the site are generally commercial in character with other office buildings adjacent and locally as well as retail outlets/restaurants. There is also a recently constructed student accommodation building adjacent. To the rear of the site is a Police Station and residential dwellings forming part of the Donegall Pass community. The newer buildings within the vicinity of the site are mostly five to eight storeys whereas the older, more traditional buildings, have a three storeys common height. The site fronts onto a busy road junction that provides access from the city centre to south and east Belfast as well as a main access point to the Motorway.

Description of Proposal

2. The application seeks full planning permission for the re-cladding of and front extension to existing Carlton House office building, erection of four additional floors of office accommodation and public realm enhancement works extending along site frontage and Fulton Street. Amended plans have been received that reduce the height of the proposed upper floor extension from an 11 storey building to 9 storeys.

Planning Assessment of Policy and Other Material Considerations

Site History

Z/1998/2392 – permission granted for change of use from offices to hotel including retention of car park, small extension to front of building and provision of roof over existing plant room accommodation.

Z/1998/2401 – permission granted for retention of existing parking areas and commercial uses on basement, ground, 1st and 2nd floors; conversion of existing 3rd & 4th floors and construction of new 5th floor to form 21 self-contained apartments including formation of new stairways, ground floor entrance foyer and new elevation treatment to existing building facades

Z/1999/2374 – permission granted for change of use from offices to hotel; small extension to front of building and provision of screen/roof to plantroom accommodation.

Z/1999/2919/F – permission granted for alterations and change of use to part ground floor and two storey extension and re-cladding existing façade.

Z/1999/3062/F – permission granted for change of use of ground and first floor offices to licensed bar and restaurant.

Z/2000/2443/F – permission granted for amendment of existing approval to include rooftop plant room accommodation.

Z/2003/0444/F – permission granted for erection of two additional storeys on office building, including extension to front elevation, external alterations and use of ground and first floors for retail or offices.

Relevant Planning Policy

Belfast Urban Area Plan (BUAP)

Draft Belfast Metropolitan Area Plan 2015 (dBMAP) (v2004 and v2014)

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 4 Planning and Economic Development

Planning Policy Statement 6 Archaeology & Built Heritage

Planning Policy Statement 15 Planning and Flood Risk

Developer Contribution Framework (adopted January 2020)

Statutory Consultees

DfI Roads Service – no objection subject to conditions

Historic Environment Division – no objection

NI Water – objection on grounds of insufficient waste-water infrastructure capacity

DAERA – awaited

Belfast City Airport – no objection and advice for developer regarding crane heights and light glare

Non-statutory Consultees

BCC Environmental Health – no objection subject to informatives and condition

BCC Senior Urban Design Officer – no objection subject to materials condition

Shared Environmental Services – awaited

Representations

3. The application has been advertised in the press and neighbours have been notified. No third-party representations of objection have been received. One letter of support was received from local public representatives.

ASSESSMENT

Development Plan Context

4. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires planning decisions to be made in accordance with the Development Plan, unless material considerations indicate otherwise.
5. Following the Court of Appeal decision on dBMAP, the extant Development Plan is the BUAP. Both versions of dBMAP are a material considerations. The latest version of dBMAP (v2014) is considered to carry significant weight given its advanced stage in the adoption process (save for retail policies relating to Sprucefield, which remain contentious).
6. The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.

Key Issues

7. The main issues relevant to consideration of the application are:
 - The principle of development
 - Impact on the character and appearance of the area
 - Impact on the setting of Listed Buildings
 - Impact on amenity
 - Access and parking
 - Drainage
 - Waste-water infrastructure
 - Ecology

Preamble

8. The proposal in the original form was for additional six storeys to be added to create an office building of eleven storeys. Following in house discussions that included the Senior Urban Design Officer, it was considered that eleven storeys was too high for the character of the surrounding area which is generally a mix of two to five storeys buildings; although it was accepted that on approach the city centre there is a variety of buildings that exceed these heights. Following negotiations with the applicant, a revised scheme was submitted to reduce the number of additional floors to four storeys creating an office building of nine storeys.

Principle of Development

9. The site is located within the existing settlement limits for Belfast and within the designated City Centre as defined within the BUAP and the dBMAP, the presumption is therefore in favour of development. The use of office accommodation is acceptable within this area, and has already been established on this particular site, the existing building being a former Government office block. The dBMAP and the SPPS both advocate a City Centre first approach for commercial office development of this scale.
10. Policy OF 1 of dBMAP states that Belfast City Centre should remain the first-choice location for major office development the policy seeking to ensure that the City Centre remains the primary location for office development. The proposal is to extend the existing office accommodation by adding four additional floors of office space. The proposal offers a sustainable approach to development in that it will provide an increase in floor space on an existing established footprint, making effective use of land. The proposal would also involve welcome investment and regeneration of a particularly rundown and un-attractive building. Officers are content that the principle of increase office accommodation at this site is acceptable.

Impact on the character and appearance of the area

11. The surrounding area character, as has been set out and clearly detailed within the Senior Urban Design team comments, is mainly three to five storey buildings, some of which date from the late Victorian/Edwardian period together with some more modern buildings a few of which are of a greater height. The site location, together with the neighbouring site (Equality House), have been identified as a gateway site into the city centre within dBMAP and carry a suggested height restriction of 5 to 8 storeys. The proposal in its original form was for an additional six storeys to the existing building to create an eleven-storey office block.
12. Following detailed assessment of the scheme using the VU.CITY model, officers were concerned that the height of the proposal was not just contrary to the restricted height requirements in dBMAP, but also was out of character for the surrounding area. Following negotiations with the applicant, amended plans with accompanying VU.CITY model were submitted showing an overall height of nine storeys for the building. Assessment of the amended scheme concluded that the amended proposal sat more comfortably with neighbouring buildings, Equality House and Botanic Studios notwithstanding an overall height that exceeds, by one storey, the dBMAP restriction.

13. The design for the extension and remodelling of the existing element of the building will involve the use of a gold-coloured steel cladding, glazed curtain walling and glazed spandrels. Officers consider that the materials proposed and architectural design of the building are acceptable at this location. In arriving at this view, consideration was given to the mixed palette of materials to be found in the area and an acceptance that the modernised building will help rejuvenate the surrounding area due to the strong distinctive appearance the finished building will project. It is proposed that a condition is placed on the approval to ensure that sample materials are submitted to Council, for approval, to ensure that these replicate the submitted material information that was considered acceptable.
14. Overall, the proposal would have a very positive impact in enhancing the site as the existing building is especially rundown and unattractive on this important gateway. The character and appearance of the area would be enhanced.

Impact on the setting of Listed Buildings

15. In close proximity to the site are listed buildings, the closest being the former Donegall Pass Police Station a Grade B2 listed building that occupies a neighbouring site. The opinion of DfC HED was sought on the potential impact the proposal may have on listed assets. HED advised the Council that it is satisfied that there were no significant impacts on the listed assets. The proposal is considered compliant with PPS 6.

Impact on amenity

16. Officers have considered the potential of impacts on nearby residential units and other commercial units. Given separation distances and heights of other adjacent buildings, there would be no significant additional impacts on these properties.

Access and Parking

17. DfI Roads was consulted on the proposal and have indicated that there are no concerns regarding the development. The proposal would decrease the number of on-site parking spaces from 13 spaces to 7 spaces. This is acceptable as the site is within a highly sustainable city centre location, enjoying the benefits of access to high level of public transport and negating the need for reliance on the private car. The application is also accompanied by a green travel plan to further promote modal shift away from car use, which should be secured by condition. The proposal will also provide 12 covered cycle parking bays. The proposal is considered acceptable having regard to the SPPS and PPS 3.

Waste-water Infrastructure

18. NI Water has objected to the proposal on grounds of insufficient waste-water capacity. NI Water has advised that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no supporting data or information to evidence NIW's concern has been provided particular to this application. Clearly the objection is a material consideration. It is however a matter for the decision maker to determine the weight to be attached to it and all other material considerations.

19. It is also noted that NI Water has a duty to connect significant committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all.
20. For these reasons' officers are of the view that it would be unreasonable to give determining weight to the NI Water objection.

Ecology

21. Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also "in combination" impacts with other development.
22. Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NI Water to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a "significant effect" on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.
23. In this case, it is considered that the additional four storeys would intensify use of the site. Both SES and DAERA have been consulted and their comments are awaited. Neither are expected to object to the application and may recommend a condition requiring that appropriate waste-water infrastructure is in place prior to the commencement of development. The recommendation of this report is subject to no objection from SES and DAERA. If either object to the application, it will be reported back to the Committee.

Drainage

24. The proposal would not increase the footprint of the existing building and it is considered that there would be no significant drainage impacts. The proposal is considered acceptable having regard to PPS 15.

Recommendation

25. It is considered that the proposal is acceptable having regard to the Development Plan and relevant material considerations. It is recommended that planning permission is granted with delegated authority sought for the Director of Planning and Building Control to finalise the wording of conditions, subject to no objections and advice from DAERA NIEA and SES.

DRAFT CONDITIONS:

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. No external facing materials shall be applied unless in accordance with a written specification of the materials, which shall have first been submitted to and approved in writing by the Council.

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

3. The development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan dated July 2021 and uploaded to the Planning Portal on 26th November 2022.

Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.

4. The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan dated July 2021 uploaded to the Planning Portal on 26th November 2022.

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

5. The development hereby permitted shall not be occupied or operate until hard surfaced areas have been constructed within the site in accordance with the approved plan 29 uploaded to the planning portal 26th November 2022. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.

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

6. The development hereby approved shall not be occupied or operated unless covered bicycle storage has been provided in accordance with the approved plan as uploaded to the planning portal 26th November 2022. The covered bicycle storage shall be retained in accordance with the approved plans at all times.

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

7. In the event that any centralised combustion sources (boilers/CHP, biomass), where the single or combined NOx emission rate is more than 5mg/sec are proposed as part of this development, an Air Quality Impact Assessment shall be submitted to the Planning Authority for approval. The Assessment must demonstrate that there will be no adverse impact on human health from emissions.

Reason: In the interests of human health.

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| Subject: | Update on Tree Protection Orders (TPOs) and issue referred from People & Communities Committee |
| Date: | 17 January 2023 |
| Reporting Officer(s): | Kate Bentley, Director of Planning and Building Control |
| Contact Officer(s): | Keith Sutherland, Planning Manager (Plans & Policy) |

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

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

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| 1.0 | Purpose of Report or Summary of Main Issues |
| 1.1 | An item was referred from the People and Communities Committee (November 2022) to the Planning Committee to give consideration to extending Tree Protection Orders (TPOs) across the city. This was the subject of a verbal report to the Planning Committee in December 2022, when it was agreed to revert with a report on the TPO process and ongoing work in this area. |
| 1.2 | This report sets the context and procedural arrangements for TPOs across the city and provides a summary of the current situation and ongoing review of TPOs. |
| 2.0 | Recommendation |
| 2.1 | <ul style="list-style-type: none"> That the Committee notes the legal and regulatory requirements for TPOs. That the Committee notes and acknowledges the current reactive and proactive efforts of officers to promote tree cover across the city and secure protection of important trees that may be under threat. |

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| 3.0 | Main Report |
| | <u>Background</u> |
| 3.1 | During discussion on the Council's draft Tree Strategy at the People and Communities Committee in November 2022, a Member raised the issue of Tree Protection Orders (TPOs) and whether these could be extended across the city. It was noted that this was within the remit of the Planning Committee and the matter was duly remitted to the Committee for consideration. |
| | <u>Current Position</u> |
| 3.2 | The environmental importance of trees, including in terms of biodiversity, visual amenity, climate resilience and human wellbeing, is recognised in current policy, including in the Council's Green and Blue Infrastructure Plan and draft Local Development Plan. However, the pruning, lopping or felling of trees does not generally require the Council's consent and is outside the scope of the planning system, unless the trees are specifically protected. Specified trees can be protected through a TPO, which requires a statutory process to be undertaken in accordance with planning legislation. In addition, trees that are within a Conservation Area also enjoy a level of protection and planning permissions can include conditions to retain specific trees where appropriate. In all of these cases, prior notification and/or consent is required from the Council before any works are undertaken to such trees. |
| 3.3 | There are currently 142 confirmed TPOs in Belfast, with a further two provisional TPOs currently being considered. A TPO can cover a single tree, groups of trees within an area or whole woodlands. The current area of TPOs is approximately 306 Ha. In addition, there are 13 Conservation Areas in Belfast where the trees are subject to protection similar to that of a TPO. These cover an area of approximately 444 Ha. Almost all TPOs and Conservation Areas are within the current settlement boundary, covering almost 8% of the built-up urban area. A publicly available map of all TPOs and Conservation Areas is on the Council's website: Spectrum Spatial (belfastcity.gov.uk) . |
| 3.4 | Applications are made to the Council by persons wishing to carry out works to protected trees (TPOs, Conservation Areas or planning conditions), including pruning and minor surgery works as well as felling works. On average, the tree officers in the Planning Service deal with around 200 treeworks applications annually. Where felling of trees is permitted, it is a normal requirement that a suitable replacement is planted to ensure no net loss of trees. |
| | <u>TPO Designation Process</u> |
| 3.5 | All requests for a TPO are considered by the Planning Service and can be submitted via the new planning portal. In addition, the Council itself may initiate a TPO where considered expedient, for example, as a result of a planning application where there may be a significant threat of felling. The assessment of prospective TPOs is based on a number of key considerations set out in legislation. These include trees of special value in terms of amenity, history or rarity, which may be under threat. Other considerations include the health of the trees, public health and safety issues and the implications for ongoing tree management. The Council has published guidance on protected trees that provides further details on the main considerations for TPO requests and the required statutory process. This is available on the Council's website at: Tree preservation orders (belfastcity.gov.uk) . |
| 3.6 | When a TPO is proposed, notice must be served on the landowner and any other relevant interests, including adjoining owners. Most commonly, a 'provisional' TPO is applied, which takes immediate effect and lasts up to six months. This allows time for a detailed survey to be carried out by an arborist to record exact positioning, tree species, age and health and any recommended actions. The Council's tree officers will take account of the detailed survey, any representations received and the aforementioned key considerations in resolving whether to confirm the TPO within the statutory six month period. Any provisional |

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| | TPO and confirmed TPO are required to be referred to Land and Property Services for registering as a statutory charge on the relevant property. |
| 3.7 | Following local government reorganisation, the Council inherited the TPO records that were implemented by the former DoE. A comprehensive review of all these records identified a number of TPOs that were considered to be legally unsound due to apparent procedural or administrative errors. These issues have now been addressed and new TPOs were served where required. TPOs are subject to review as part of the ongoing work programme to manage these designations in respect of permitted works and current tree health. This review also ensures that unauthorised felling of protected trees can be identified and can result in enforcement action being pursued. |
| 3.8 | As outlined above, there is a statutory process for the serving of TPOs, including notification and legal procedures and obtaining an expert detailed survey. The process is not designed to provide blanket TPO coverage as it must be applied to specified individual trees or tree groupings. Whilst a TPO can give protection to specified trees, it does not obligate any particular tree management measures. The TPO process and the consequent consenting process, alongside the ongoing review programme, are time and resource intensive and these duties are currently fulfilled by two tree and landscape officers in the Plans and Policy team. The tree officers also provide advice/comments on planning applications and assistance to the public with queries relating to trees and landscaping. |
| 3.9 | <p><u>Supporting Work</u></p> <p>It should also be noted that officers have prepared Supplementary Planning Guidance for 'Trees and Development' to support the new LDP policy approach to trees. This guidance will be of particular benefit to those considering development proposals in which trees and landscaping form part of the site, or where the proposals are within close proximity to such protected environmental assets. This will help developers, landowners, neighbours and the public understand why trees are important and how they can be integrated with development proposals. This represents part of a wider educational role that the tree officers offer in terms of providing general advice on tree matters, including appropriate species choice, tree health issues and good management practice.</p> |
| 4.0 | Financial & Resource Implications |
| 4.1 | None. |
| 5.0 | Equality or Good Relations Implications / Rural Needs Assessment |
| 5.1 | No adverse impacts identified. |
| 6.0 | Appendices |
| | None. |

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