

Appendix 3 – Late Items report to Planning Committee on 14 September 2021

Late Items

Agenda Item	Application	Issues Raised	Action
6c	LA04/2019/0775/F – Hampton Park	NIEA consultation response received on Tuesday 14th September 2021. <u>WATER MANAGEMENT UNIT</u> In our previous response WMU/PC/ 30576-1 uploaded to the NI Planning Portal on 17th May 2019 Water Management Unit stated that it was content with the sewage loading from the proposed development being transferred to Newtownbreda Waste Water Treatment Works (WWTW) Water Management Unit constantly reviews the potential impact to the surface water environment of proposed developments connecting to the various WWTW's including loadings and treatment regimes at those treatment works as well as considering whether or not the works have been upgraded. Having reviewed the situation at Newtownbreda WWTW, Water Management Unit are now concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to this WWTW. If NIW advise the NI Planning Case Officer that they are content that both the receiving Waste Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit	Members to note. NI Water have previously advised of no issues (relates to Water Management Unit comments).

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		has no objection to this aspect of the proposal. Should this application be approved Water Management Unit recommend the following condition is inserted in any decision notice. The first suggested condition in DAERA Standing Advice Multiple Dwellings is: Condition: No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999. Reason: This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note this also includes the purchase of any waste water treatment system. Condition: Once a contractor has been appointed, a Construction Method Statement (CMS) should be submitted to the Planning Authority for their written agreement prior to works commencing on site. Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment prior to works beginning on site. <u>INLAND FISHERIES</u>	

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		Inland Fisheries has considered the application and is content that, with appropriate mitigation, there is unlikely to be any significant impact to fisheries interests in the vicinity of the proposal, however would advise that a section 48 permit will be required for the proposed headwall construction. Explanation Inland Fisheries notes the nature and location of the proposal with a small watercourse to the southern boundary of the site which flows into the River Lagan, the River Lagan has significant fisheries interest, the river supports populations of resident and migratory salmonids (Salmon, Trout/Seatrout), eels, lamprey and several coarse fish species are also likely to be present. Inland Fisheries has invested substantial time and resources into the successful reintroduction of a self-sustaining population of salmon to the Lagan catchment. Inland Fisheries have also invested considerable time, effort and resources into a program of habitat enhancement in the river catchment. The River Lagan is an excellent resource for recreational angling and utilized by several highly active clubs. The applicant should be aware that aquatic ecology can be impacted not only in the immediate area of works but also significant distances downstream unless comprehensive mitigation measures are applied. Fish populations are sensitive to reductions in water quality and salmonids are particularly susceptible to siltation. Inland Fisheries has no data relating to this small stream however , having conducted a site visit is content that there is some potential for fisheries interests within it although water quality may be an issue. There is the potential for deleterious materials including suspended solids to enter the watercourse and thus the River Lagan during the construction phase, the applicant must ensure the nature of any discharges to the	Members to Note

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		aquatic environment are of a nature that they will not be to the detriment of fisheries interests, any proposed mitigation should be outlined in a CEMP. The proposal itself, with appropriate mitigation for suspended solids/sediments entering the watercourse, is unlikely to have any significant impact to the stream but would advise that the construction of the headwall to facilitate the surface water discharge, will require permission under Section 48 of the Fisheries Act (NI) 1966, the applicant/contractor should be advised these can be applied for by contacting DAERA Inland Fisheries. <u>NATURAL ENVIRONMENT DIVISION</u> NED acknowledges receipt of Representation letters uploaded to the Planning Portal and has considered the contents. Explanatory note NED has reviewed the Representation letters and with the information available within the Phase 1 Habitat survey, consideration has been taken with regards to impacts on badger, bats, otters and habitat interest of the site, NED notes that further concern has been raised with regard to squirrels and butterflies and considers that the proposed development is unlikely to significantly impact these natural heritage features. NED advises that with the information submitted, the proposed development complies with PPS2, provided the recommendations as previously advised are conditioned and attached to the decision notice.	Members to Note
6e	LA04/2020/2280/F Mixed use development comprising 1 ground floor retail unit and 13	Request from the agent for this application to be withdrawn from the agenda to allow further engagement between the applicant and the local community on parking and the other issues raised.	For committee to decide whether to defer the application further.

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	apartments at 93-95 Falls Road		
6f	LA04/2019/1886/F – 42-50 Ormeau Road	Draft consultation response from DFI Roads has been received (Private Streets Determination awaiting formal sign off). <i>Having reviewed the submitted Private Streets Determination drawing No.20-03 Rev.P3 uploaded to the Planning Portal 23rd June 2021 and bearing Department for Infrastructure Determination date stamp 24th August 2021, the Department for Infrastructure now offers no objections to this proposal.</i> <i>The parking survey submitted in support of the development application (uploaded to the Planning Portal 29th August 2019) together with a parking survey undertaken by the Department for Infrastructure on 11th February 2020 demonstrates sufficient spare capacity/availability of on-street parking within the vicinity of the site to accommodate the requirements of the development during its peak periods of parking demand.</i> <i>The letters of representation uploaded to the Planning Portal (on or before 3rd December 2020) have been considered by the Department for Infrastructure in the assessment of this development application.</i> <i>The following conditions and informatives should be considered for inclusion in any planning decision notice issued:</i> Conditions	

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		<i>1) The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</i> <i>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.20-03 Rev.P3 bearing the Department for Infrastructure Determination date stamp 24th August 2021.</i> <i>REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</i> <i>2) The development hereby permitted shall not be occupied until sheltered cycle parking facilities have been provided in accordance with Drawing No.03B uploaded to the Planning Portal 18th May 2021.</i> <i>REASON: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</i> <i>3) The development hereby permitted shall operate in accordance with the Framework Travel Plan uploaded to the Planning Portal 29th August 2019.</i> <i>REASON: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</i>	

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		<i>4) The development hereby permitted shall operate in accordance with the Service Management Plan uploaded to the Planning Portal 29th August 2019.</i> <i>REASON: In the interests of road safety and the convenience of road users.</i>	
6g	LA04/2021/0173/F Alterations and extension to create new consulting and therapy rooms with plant relocated to roof at 193 Belmont Road.	Emails from Keith McClure (Agent): The existing on site parking provision falls short of what is required in the Parking Standards. The site can facilitate 14 parking spaces. However, the parking standards as set out , • 1 space per vet • 1 space per 2 other staff and • 4 spaces per consulting room would mean a requirement of 34 spaces for the building as it exists. There is no increase planned in either staff or patient numbers but rather the proposal is required for facility improvement rather than service expansion. Currently, the practice is using some rooms for multiple purposes which is not ideal nor efficient, providing below standard services with regard to adequate room for treatments. Confirmation that consultations are via appointment only with the exception of emergencies.	Officers respond to the points raised as follows: The veterinary hospital is a long-established use which benefits from the existing on-site and off-site parking facilities. Therefore, the Council can only assess the potential increase in parking as result of the current proposal. The Council acknowledges that the parking standards would require 8 additional parking spaces based on the 2 consulting rooms created. However, with no planned increase in staff or patients, the minor nature of the extension, and that DFI Roads have no objection, the Council considers the proposal to be acceptable and will not exacerbate the impact on parking or road safety beyond what currently exists. The proposal is considered to comply with PPS3 and the SPPS in this regard.
6h	LA04/2020/1959/F proposed parkland on land to the north of Springfield Road and west of West Circular Road (Section	Letter from solicitors acting on behalf of PPR who have objected to the application. The points raised in the letter are summarised below.	Officers respond to the points raised as follows.

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	2 of Forthmeadow Community Greenway)	- Refers to Policies IND4 and IND6 of the BUAP 2001. In relation to Policy IND4, the site is not a Simplified Planning Zone (SPZ). Policy SPZ states that the establishment of SPZs will be considered. The Planning Act 2011 permits the Council to make SPZs. No SPZ has ever been made for this site and it's unclear why it is being referenced in the Committee report - Policy IND6 seeks to reserve industrial and commercial and for appropriate types of development and protects such land from non-employment uses. Policy IN6 does state that it is necessary to be flexible but this is limited to industry and employment and does not support replacement with a park. Additional uses that would be acceptable include: - Light and general manufacturing - Warehousing and stockholding - Car and commercial vehicles sales - Repair businesses - Building suppliers and associated storage - Training centres, vehicle inspection and driving test centres - Ancillary local needs e.g. banks, cafes - Refers to the zonings in dBMAP 2015 (v2004) and dBMAP 2015 (v2014). Par. 9.10 of the Committee report is misleading it states that the employment zoning is overwritten by Policy BT162 of draft BMAP 2015 (v2014), however, this policy does not exist and is only present in draft BMAP 2015 (v2004). - The greenway zoning is aligned with and located on the Forth River Valley, not on the western side of zoning BT 004 in dBMAP 2015 (v2014). There are good planning	The SPZ annotation is referenced in the Committee report at par. 9.5 for factual reasons. The proposed greenway is considered ancillary to or complementary to the employment zoning. By its very nature its use would not be incompatible with the employment zoning and it indeed would support it by providing landscape relief, breakout amenity space for employees and improved connectivity. The proposed greenway does not preclude future employment development of the land. Moreover, regard should be had to building plot ratios and that a scheme developing the wider lands for employment would likely remain viable whilst retaining the proposed community greenway. The Committee report referenced the incorrect policy designation in error. Par. 9.10 should refer to Policy BT147/02 (community greenways) rather than Policy BT162. The indicative location of the greenway (Policy BT 147/02) is along the Forth River basin. However, this does not preclude an

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		reasons for this which relate to ecology and topography. The community greenways are identified on Map Nos. 4/001 to 4/004. • In any event dBMAP 2015 (v2014) cannot override regional planning policy and PPS 4 which seeks to protect employment land. Policy PED 7 of PPS 4 states: <i>'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses.'</i> • Par. 9.10 of the Committee report ignores the key site requirement that the land shall only be used for employment purposes. Reference to development being excluded from the landscape corridor only relates to the housing zoning and not to the employment land.	alternative location for the proposed greenway, which must be considered on its merits as set out in the Committee report. As discussed above, the proposal is considered complementary to the employment zoning. The positive aspects of the proposal must be balanced against the concerns including loss of employment land. This is set out in the Committee report and the proposal considered acceptable. Policy BT 004 of dBMAP 2015 (v2014) has a number of key site requirements including: - Limiting uses to Classes B1 (b) and (c), B2, B3 and B4; - Consideration shall be given to the exact type of employment uses with a view to protecting residential amenity; - Development of the site shall only be permitted in accordance with an overall comprehensive masterplan. This shall outline the design concept, objectives and priorities for the site; - Access shall be from the Springfield Road in accordance with Departmental requirements; - The existing access onto Woodvale Avenue shall be restricted to pedestrian, cycle and public transport usage only; - Buildings shall exhibit variety in their elevational treatment and heights, and

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		The proposal would result in the loss of 30% of the wider employment land and no consideration has been given to PPS 4 including Policy PED 7.	particular consideration shall be given to views into the site. - A comprehensive landscaping scheme for the proposal shall be submitted; and - Positive long term landscape management proposals shall be required to mitigate any development and to protect and maintain the landscaping on the site. As discussed above, the proposal is considered complementary to the employment zoning. Policy PED 7 of PPS 4 applies. It states that: <i>'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses.'</i> <i>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</i>

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		The statement about prematurity at par. 9.12 of the Committee report is incorrect because the Belfast LDP Plan Strategy is entirely reliant on the conversion of a significant proportion of employment land to residential use. The letter disagrees with the assessment of prematurity and believes that the matter <u>does</u> go to the heart of the Plan Strategy. The loss of 30% of protected employment land would create a city-wide precedent with significant ramifications for the Development Plan process.	<i>where justified as acceptable ancillary development.'</i> As discussed above and in the case officer report, the proposal is considered ancillary and complementary to the employment zoning. Whilst the red line boundary of the application site would appear significant in terms of size, the actual proposed development within that red line consists of foot and cycle pathways, lighting columns, new entrances and street furniture. It is considered that the connectivity improvements that would be delivered by this application would likely be required in any subsequent application for employment use in any event. As such these works have the potential to facilitate sustainable economic development, which is the overriding objective of planning policy. The issue of prematurity is addressed in the Committee report and is a very high bar in terms of significant prejudice to delivery of the plan. Whilst there may be an identified potential oversupply of employment land across the entire city the council has not stated that it is reliant on this oversupply of land to meet the housing need over the plan period.

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		The Committee is invited to adjourn consideration of the application so that fuller representations on the Committee report can be made.	It is considered that the Committee has sufficient information to determine the application but will need to consider the proposal from PPR to defer it.
6h	LA04/2020/1959/F proposed parkland on land to the north of Springfield Road and west of West Circular Road (Section 2 of Forthmeadow Community Greenway)	The applicant (BCC Physical Programme team) has submitted an email, which sets out the following points. - The Forth Meadow Community Greenway project will create an iconic 'network of shared open spaces' which will enable reconciliation and interaction between divided communities and be a catalyst for social and economic regeneration for local neighbourhoods. Local communities will be reconnected to the City Centre, specifically to the Transport Hub, and commercial Linen Quarter; - There are 3 distinct elements to the Share Spaces project: - To develop civic pride in local welcoming, attractive neighbourhood spaces - To enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods - To ensure that local communities benefit from wider neighbourhood regeneration. - The project has secured over £5m of public funding. In order to fulfil SEUPB Letter of Offer requirements all 12 km of the greenway must be delivered. Funding is timebound with spend date December 2022 for completion of all sections so any slippage in programme will result in loss of funding. Additional funding has been secured from DfI and DfC and again all 12 km of greenway must be delivered. This spend must be achieved by end of March 2022. Over £2m has been spent to date and non-completion risks clawback. - The timescales for delivery are very tight and in addition we are working with multiple funders with separate letter	For the Committee to note.

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		of offer conditions. Again any delay in terms of the timeline risks the funding for the project and the risk of financial and reputational implications for the Council.	
j	LA04/2021/0169/F Application to upgrade to existing park entrances and path lighting, foot and cycle pathways, lighting columns, enhanced entrance layouts and proposed street furniture. (Section 3a ForthMeadow Community Greenway) at site bounded by Whiterock Road Whiterock Leisure Centre and by property boundaries at Ardmonagh Gardens, Whiterock Grove & Bleach Green Terrace	Further comment on the objection referred to in the committee report – <i>The objector is concerned about the removal of gates and would like to see the current gate maintained and strengthened and locked at night due to disturbance and criminal activity.</i> Officer Response: As previously advised the removal of the gates does not require planning permission. For clarity, the proposal also includes the replacement of the gates with 1.8m high paladin gates. The applicant has advised that the gates will be opened and closed in line with the Council's parks policy. <i>The objector is also concerned that neighbours have not been notified about the proposal.</i> Officer Response: Neighbour notification has been carried out in accordance with the statutory planning requirements. In addition, the application has been advertised in the local press. The objector also raises questions for NIHE who have responded directly to the objector.	For committee to note.