

Development Management Officer Report Committee Application

Summary	
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

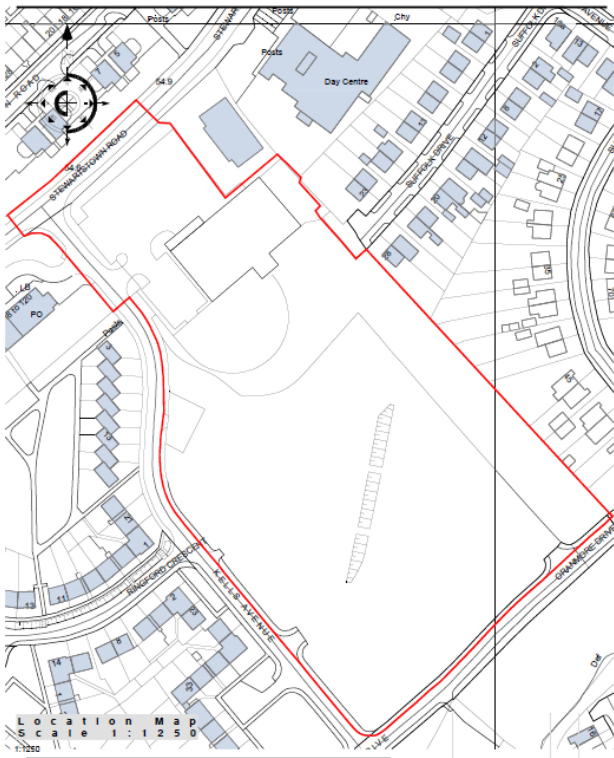
Having regard to the development plan, relevant policy context and other material considerations the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement to secure the financial Developer Contribution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

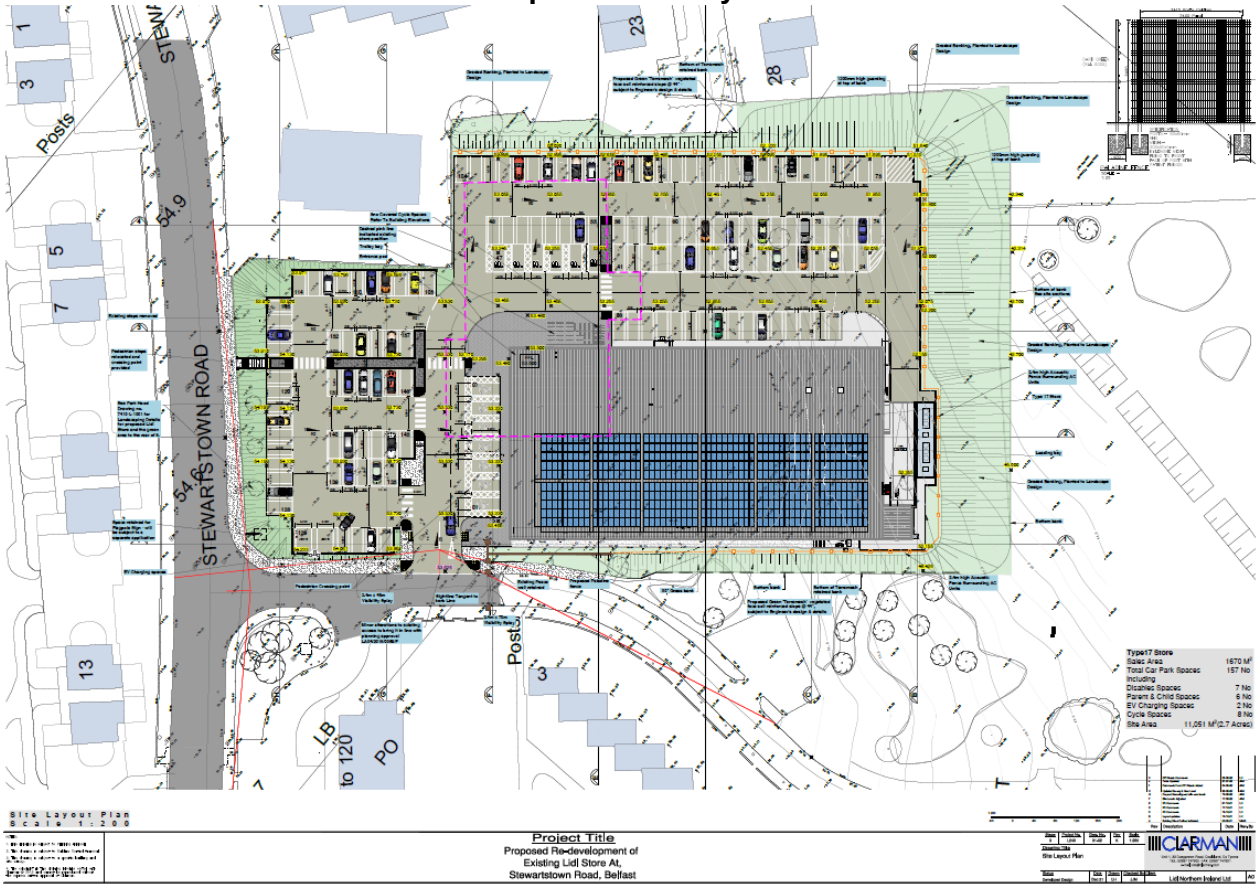
Case Officer Report

1.0 Drawings

Site Location Plan



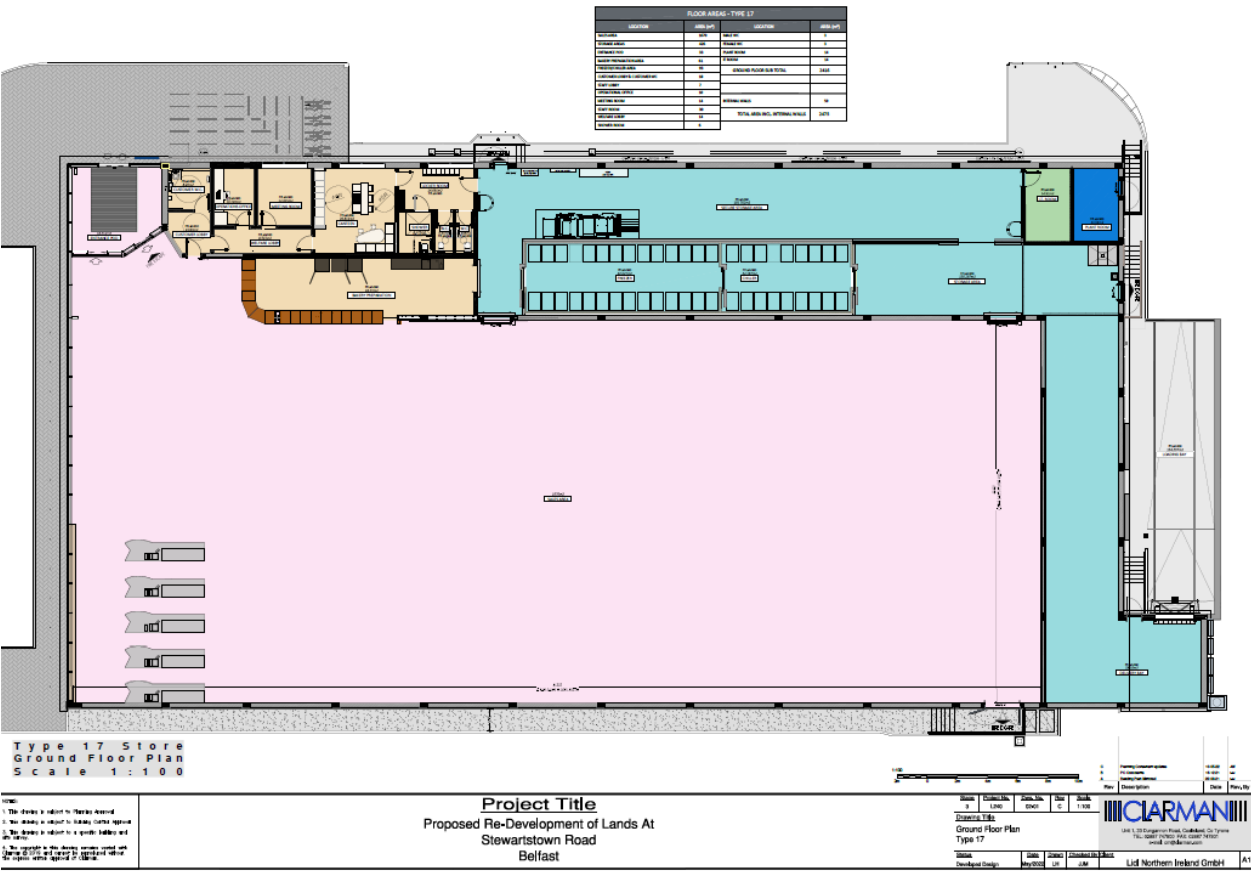
Proposed Site Layout

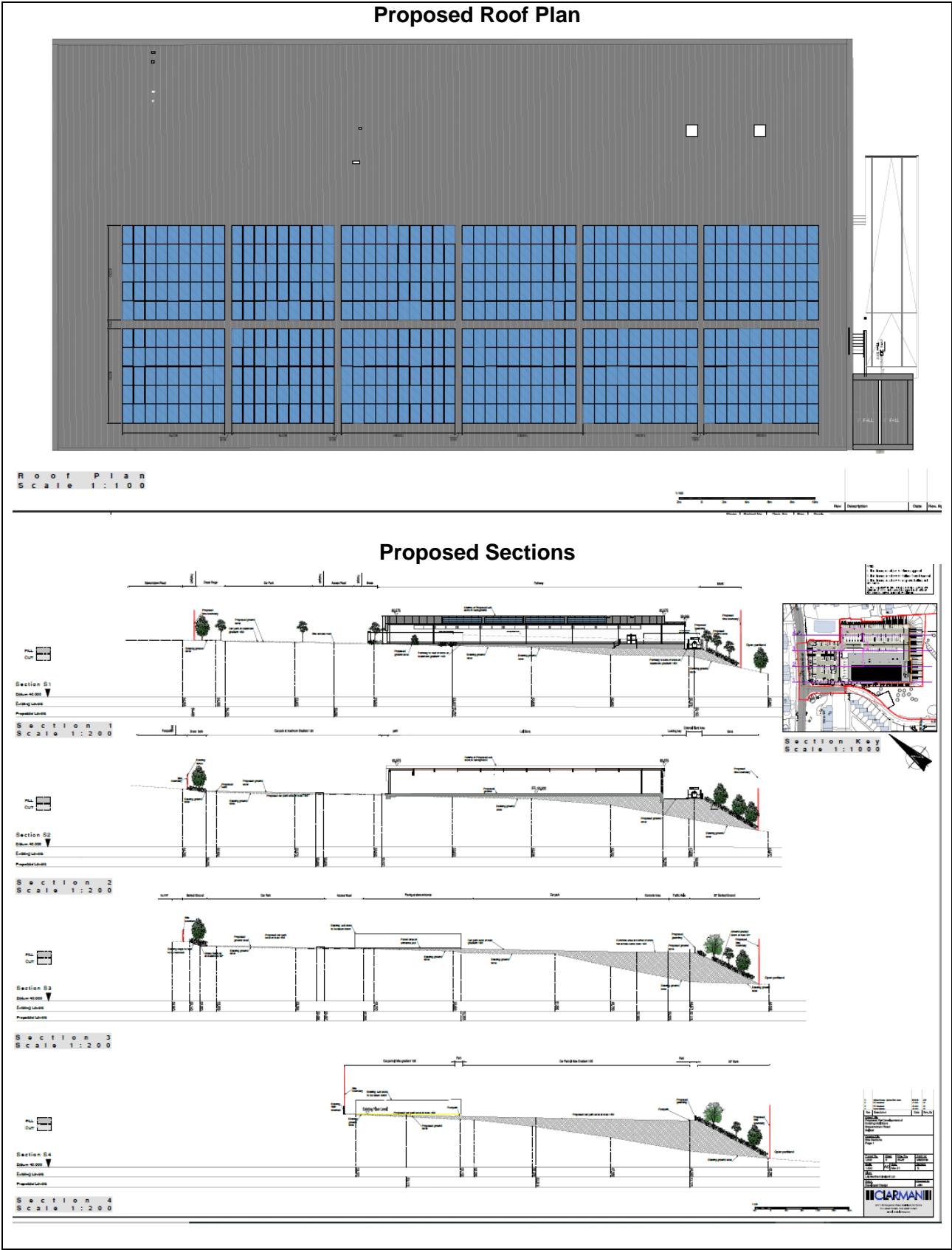


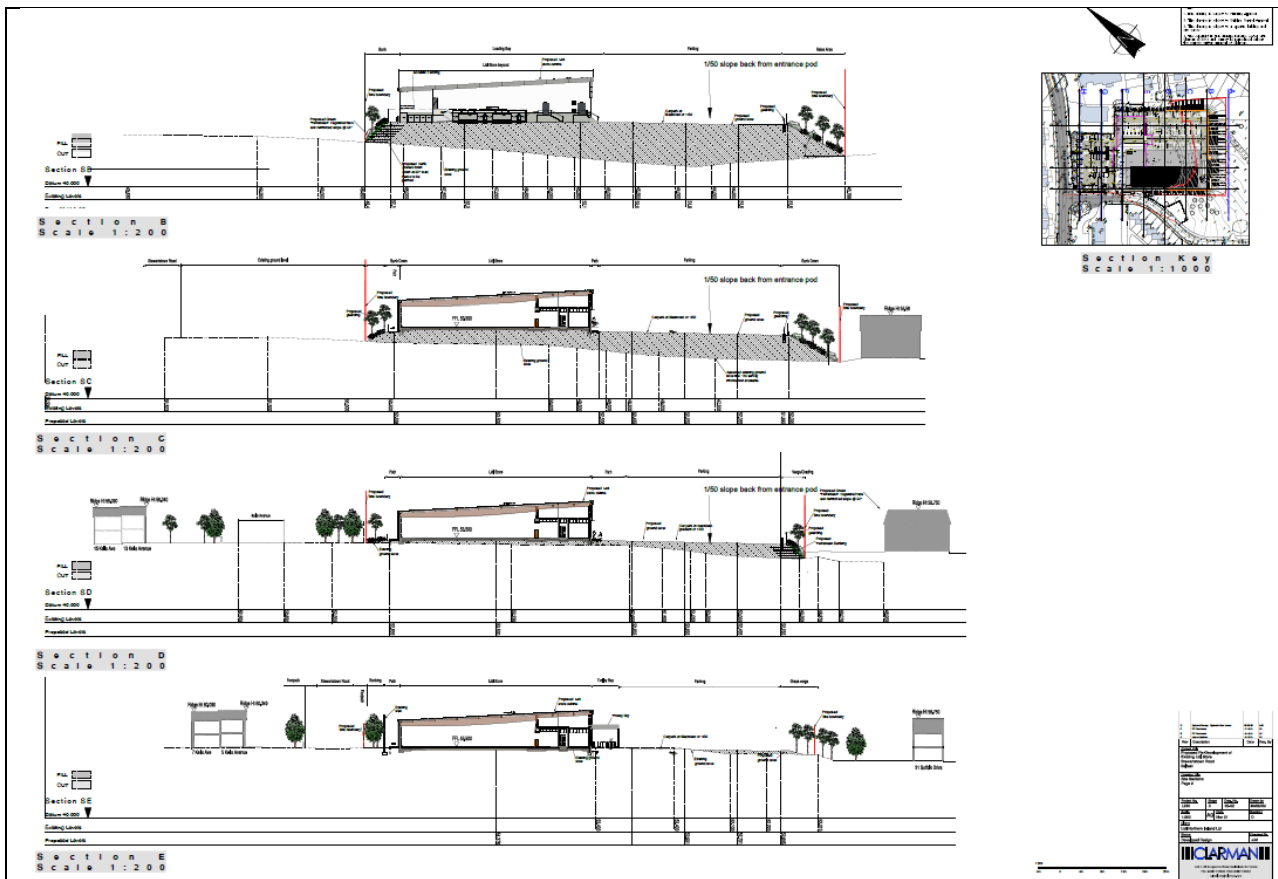
Proposed Elevations



Ground Floor Plan



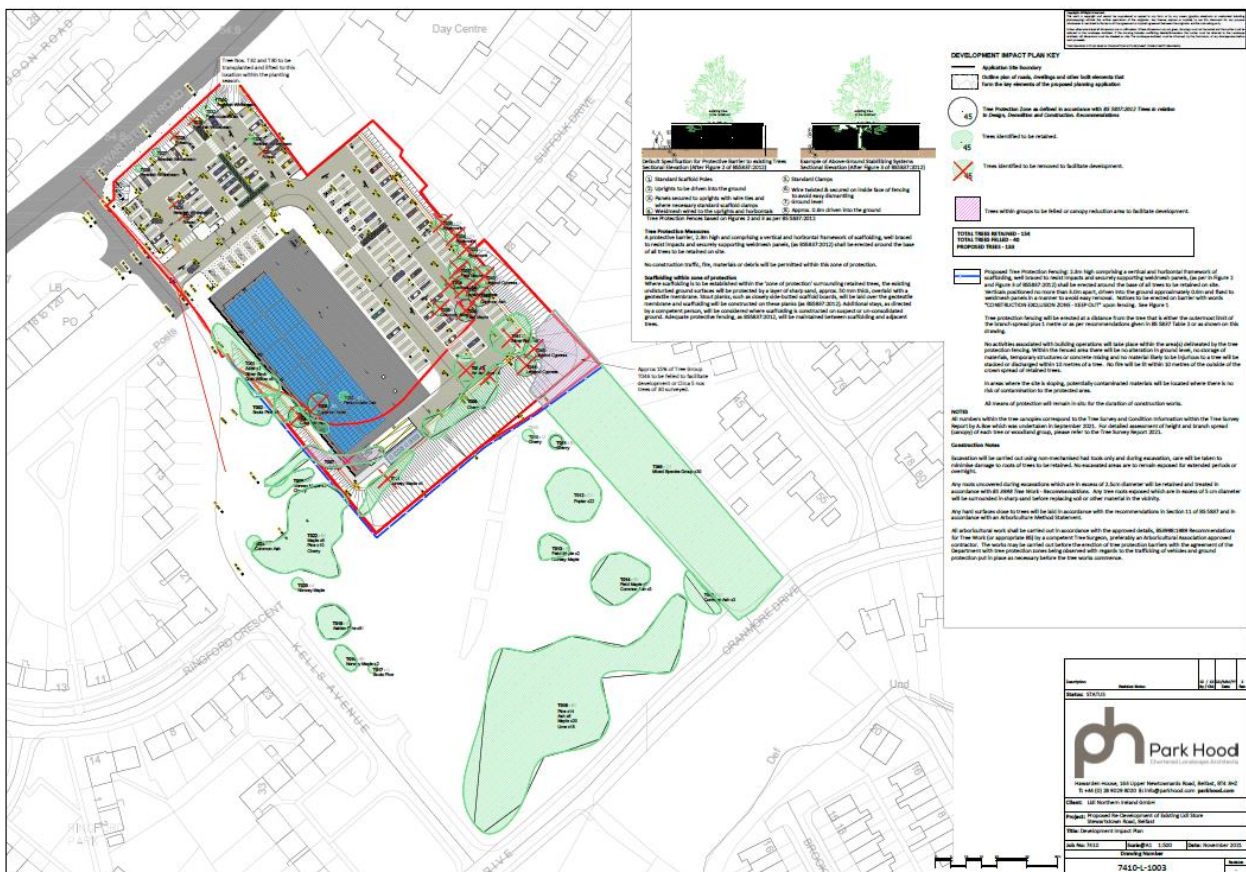




Proposed Landscaping Plan



Development Impact Plan



CGIs







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

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>

	<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 – Water Management Unit – 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

	<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> .

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

	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.

	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>

	<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

	<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>

	<p><i>The impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s</i></p>
4.12.4	<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>

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)

	<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>

	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

	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

	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.

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

	<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	Pre- Application Community Consultation
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>

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

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