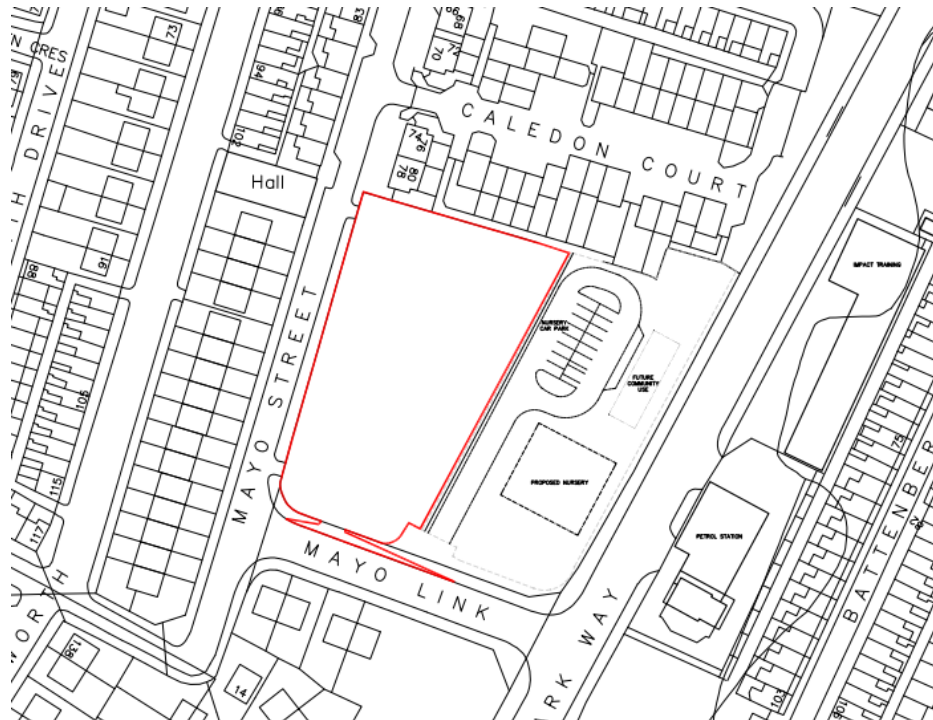


## Development Management Officer Report

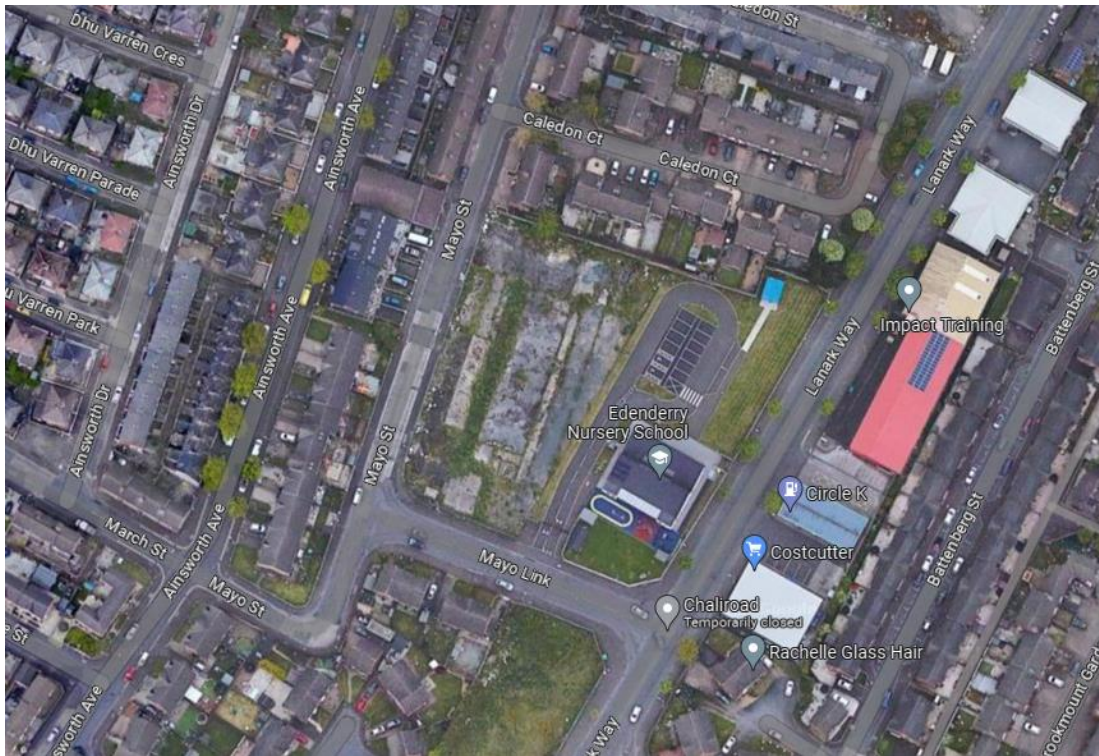
<b>Summary</b>	
<b>Committee Meeting Date:</b> 19 <sup>th</sup> September 2023	
<b>Application ID:</b> LA04/2021/2488/F	
<p><b>Proposal:</b> Application under Section 54 of the Planning Act (NI) 2011 in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary Condition No. 11 (seeking to amend timing for approval of the scheme for the discharge of surface water from the site prior to operation of the development).</p>	<p><b>Location:</b> Corner site between Mayo Street and Mayo Link, off Lanark Way, Shankill Road, Belfast</p>
<b>Referral Route:</b> Major development (the proposal seeks to vary a condition on a previous permission for Major development and would, if approved, create a new standalone approval)	
<b>Recommendation:</b>	Approval subject to conditions
<p><b>Applicant Name and Address:</b> Shankill Women's Centre</p>	<p><b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE</p>
<p><b>Executive Summary:</b> This application seeks to vary condition 11 of planning permission LA04/2016/1276/F, which grants planning permission for a Community centre and associated site works.</p> <p>The proposal is to amend the trigger point for the timing of the submission of details for the discharge of surface water drainage for the site. The original condition requires the information to be provided and approved prior to commencement of development, whereas the proposal is to change this to prior to occupation. This recognises that development has already commenced on site with the building nearing completion.</p> <p>Statutory Consultees have offered no objections subject to conditions. No representations have been received.</p> <p>It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate.</p> <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.</p>	

## 1.0 Drawings

### Site Location Plan



### Aerial image



<p><b>2.0</b></p> <p>2.1</p> <p>2.2</p> <p><b>3.0</b></p> <p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p><b>Characteristics of the Site and Area</b></p> <p>The application site comprises of a flat portion of land on the corner of Mayo Link and Mayo Street. Construction of the approved community centre is well under way.</p> <p>To the north, west and south there are residential land uses. Immediately to the East is a Nursery School.</p> <p><b>Description of Proposed Development</b></p> <p>In January 2017, full planning permission was granted under application LA04/2016/1276/F for a Community centre and associated site works at the corner site between Mayo Street and Mayo Link, off Lanark Way, Shankill Road.</p> <p>In October 2021, the current application was submitted seeking to vary condition 11 of planning approval LA04/2016/1276/F.</p> <p>Condition 11 as approved states:</p> <p><i>“No development shall commence until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. This must include storm sewer requisition approval. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.</i></p> <p><i>Reason: To ensure that the development can be adequately drained.”</i></p> <p>It is proposed to vary the wording of the condition to:</p> <p><i>“The development shall not become operational until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.’</i></p> <p><i>Reason: To ensure that the development shall be adequately drained.”</i></p>
<p><b>4.0</b></p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p>	<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p><b>Development Plan – operational policies</b> Belfast Local Development Plan, Plan Strategy 2035</p> <p><b>Development Plan – zoning, designations and proposals maps</b> Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p><b>Regional Planning Policy</b> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p><b>Other Policies</b> Belfast Agenda</p>

<p><b>4.5</b></p>	<p><b>Relevant planning history</b>  The most relevant planning history is summarised below.</p> <p>LA04/2023/3515/DC - Discharge of Conditions 6 and 9 of LA04/2016/1276/F – current</p> <p>LA04/2022/0689/LDP – Completion of works associated with LA04/2016/1276/F to regularise failure to comply with Conditions 6 and 11 of LA04/2016/1276/F – current</p> <p>LA04/2021/2811/F - Application under section 54 of the Planning Act (NI) in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary condition No.6 (seeking to remove requirement for archaeological works set out in the approved programme of works to be implemented prior to commencement of any site works or development) – approved May 2022</p> <p>LA04/2021/2346/DC – Discharge of Condition 11 of LA04/2016/1276/F - Withdrawn</p> <p>LA04/2021/2446/NMC - NMC to Planning Approval LA04/2016/1276/F – Approved</p> <p>LA04/2021/0534/DC – Discharge of Condition 6 of LA04/2016/1276/F – Partially discharged</p> <p>LA04/2016/1276/F – Planning permission for a Community centre and associated site works at the corner site between Mayo Street and Mayo Lin off Lanark Way, Shankill Road – approved January 2017.</p>
<p><b>5.0</b></p>	<p><b>Consultations and Representations</b></p>
<p>5.1</p>	<p><b>Statutory Consultees</b>  NI Water – No objection  DfI Rivers Agency – No objection</p>
<p>5.2</p>	<p><b>Non Statutory Consultees</b>  N/A</p>
<p>5.3</p>	<p><b>Representations</b>  The application has been neighbour notified and advertised in the local press. No written representations have been received.</p>
<p><b>6.0</b></p>	<p><b>PLANNING ASSESSMENT</b></p>
<p><b>6.1</b></p>	<p><b>Development Plan Context</b></p>
<p>6.2</p>	<p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
<p>6.3</p>	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>
<p>6.4</p>	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will</p>

	provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.5	<b>Operational policies</b> – the Plan Strategy contains a range of operational policies relevant to consideration of the application. The main policies for consideration in this case are Policies ENV4 (Flood Risk) and ENV5 (SuDS).
6.6	<b>Proposals Maps</b> – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious. The relevant zonings/designations are set out below. The site is within the development limits of Belfast in the BUAP, and both versions of draft BMAP 2015. The site is within a ‘Housing Action Area’ in the BUAP. In dBMAP (v2004), the site is within the Belfast Metropolitan/Settlement Development Limit. It is within a Major area of existing Employment/Industry (BT 11/35).
7.0	<b>Key issues</b>
7.1	The principle of development has already been established through the planning approval LA04/2016/1276/F to which this proposal relates. The key issues to be considered in the assessment of the current application are drainage and waste-water infrastructure
8.0	<b>Drainage and Waste-Water Infrastructure</b>
8.1	The proposal is to amend the trigger point for the timing of the submission of details for the discharge of surface water from the site. The original condition requires the information to be provided and approved prior to commencement of development, whereas the proposal is prior to occupation. This recognises that development has already commenced with the building expected to be completed in December 2023 with occupation in January 2024.
8.2	The original condition 11 reads:  <p style="padding-left: 40px;">‘No development shall commence until a scheme for the discharge of surface water has from the site has been submitted to and approved in writing by the Local Planning Authority. This must include storm water requisition approval. The development shall not be brought into use until surface water drainage has been constructed in accordance with the approved scheme.</p> <p style="padding-left: 40px;"><i>Reason: To ensure that the development can be adequately drained.’</i></p>
8.2	During assessment of the original planning application, LA04/2016/1276/F, it was confirmed there are no designated watercourses under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The Flood Hazard Map (NI) also indicated that the site does not lie within the 1 in 100 year fluvial flood plain. However, a final surface water drainage scheme was required to be submitted by condition.
8.3	Work commenced on implementing the planning permission without condition 11 having been discharged. This application has been submitted to defer the timing of submission and approval of the information required by condition 11 to prior to occupation rather than prior to commencement of development.

<p>8.4</p> <p>8.5</p> <p>8.6</p> <p>8.6</p>	<p>Initially, the proposal was for a revised drainage strategy for which DfI Rivers advised that further information was required, including a drainage assessment. Officers were concerned that this would have meant additional information being provided beyond the five year duration of the original planning permission, which ran until January 2022.</p> <p>In February 2022, the applicant therefore submitted an application for a Certificate of lawful development (proposed) (LA04/2022/0689/LDP), seeking to demonstrate that the necessary pre-commencement conditions had either been fully addressed or were currently being regularised by way of a Section 54 application. It also sought to demonstrate that substantive works had been undertaken in relation to the construction of the approved development within the required time period. This CLOPUD application remains undetermined at this time.</p> <p>However, in August 2022, the applicant confirmed that the original proposals for the discharge of surface water from the site, necessitating a sewer requisition, are proposed to be implemented after all. Correspondence from NI Water confirming this sewer requisition as acceptable was also submitted. DfI Rivers and NI Water have both subsequently responded to confirm the variation of condition 11 is acceptable.</p> <p>Having regard to the advice from these statutory consultees, it is considered that the proposed variation of condition 11 for the deferral of the timing of the submission and approval of the surface water scheme is acceptable. The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission as appropriate, subject to the variations granted by this decision.</p>
<p><b>10.0</b></p> <p>10.1</p>	<p><b>Recommendation:</b></p> <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.</p>
<p><b>11.0</b></p> <p>11.1</p>	<p><b>Draft Conditions:</b></p> <p>It should be noted that the other original conditions will be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone planning permission. Some conditions of the original approval LA04/2016/1276/F have been discharged and final wording will make reference to this.</p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall have begun by 03 January 2022.</li> </ol> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011 and for the avoidance of doubt as to the duration of the permission.</p> <ol style="list-style-type: none"> <li>2. The development shall not become operational until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.</li> </ol> <p>Reason: To ensure that the development shall be adequately drained.</p>