

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date: 15 August 2017</b>	
<b>Application ID:</b> LA04/2016/2360/F	
<p><b>Proposal:</b> Development to include the subdivision of existing retail unit 1 into 2 no. new retail units (with provision of new 1st floor mezzanine level at new unit 1B for storage); re-cladding works to existing units 2-5; demolition and reconfiguration of the front façade treatment to the elevations of new units 1A and 1B; new rear single storey extension into the service yard of unit 1B to facilitate servicing and deliveries; new dock leveller at the rear of proposed unit 1B; 1 no. new drive-thru restaurant unit; 1 no. new drive-thru café/restaurant pod; 1 no. stand-alone restaurant unit; 1 no. new car sales premises; reconfiguration of existing car parking areas and all associated works</p>	<p><b>Location:</b> Hillview Retail Park, Crumlin Road, Belfast</p>
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b> Approval	
<p><b>Applicant Name and Address:</b> Hillview Centre Belfast Ltd Alfred House 19-21 Alfred Street Belfast BT2 8ED</p>	<p><b>Agent Name and Address:</b> TSA Planning 29 Linenhall Street Belfast BT2 8AB</p>
<p><b>Executive Summary:</b> This application seeks planning permission for the reconfiguration of the existing retail centre and car park areas to include new façade treatments to the existing buildings and an extension a total of 4 new units, 2 drive thru units, 1 new restaurant unit and 1 new car sales unit with yard.</p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> <li>- The principle of additional retail units at this location; &amp; the principle of the car sales premises at this location; and changes to elevations</li> <li>- Visual impact on character of the area;</li> <li>- Impact on transport and other infrastructure; Flooding &amp; Contamination</li> <li>- Impact on Amenity</li> <li>- Pre-Application Community Consultation;</li> </ul> <p>The site is located within Hillview Retail Park in North Belfast, and comprises six vacant retail units. The site is located on unzoned lands in the Belfast Urban Area Plan and within a proposed District Centre in the Draft Belfast Metropolitan Area Plan.</p>	

### Principle

The development for retail on the site was established in October 2000 and under a further planning approval to encompass one major retail unit and five smaller retail units with associated car parking granted in August 2002.

In the Belfast Urban Area Plan the site is located on unzoned whiteland. Therefore, any land use may be possible providing it complies with regional policy and all other material considerations. The retail park, as constructed was granted in 2002 within this policy context.

This proposal is for additional retail units only within the established retail park with some elevational changes and slight reconfiguration of the existing.

In the Draft Belfast Metropolitan Area Plan the site is located within a proposed district centre. The Strategic Planning Policy Statement for Northern Ireland seeks to promote Belfast City Centre as the leading shopping centre in Northern Ireland and that 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.

The proposal meets these strategic objectives, the proposed restaurants/ cafes and car showroom will enhance the vitality and viability which will assist in varying the offer of the shopping centre and may encourage its reoccupation which will provide a facility for local communities and ultimately compliment Belfast City Centre's retail offer.

### Scale, mass and design

The area of the site is 4ha, the existing floorspace provision is just under 8000 sqm and the proposed is 980sqm (+external yard). This represents a 12% increase in floorspace provision across the site. . In addition, the re-use of a small part of the parking area for a car sales yard would result in a total additional sales area of 26%. The small extension and subdivision does not require planning permission. Therefore, the additional units are not of a scale that would threaten the city centre's role as the main location for retail provision within the city.

The scale, massing and design of the new build elements of the proposal are in keeping with the character of this established retail park and do not conflict with the character of the wider mixed use area.

### Representations

A total of 44 letters of objection have been received and a petition of objection with 630 names; and 5 letters of support, a local community survey with 192 signatures in favour of the proposal and 2 signatures in favour of shared housing on the site. Issues raised include the following:

#### Objections

- A mixed use development would be more suitable at this location. The land should be used to tackle the social housing crisis in the area.
- The site does not function as a District Centre. It has been vacant since 2007.
- BMAP 2015 is not up-to-date. An assessment of need and impact on town centres within the catchment is required.
- The Transport Assessment is not up to date.
- Economic benefits should not be given weight to a speculative proposal.
- Flooding, Increased Traffic, Air Quality, Contaminated land, noise and odour issues.

#### Support

- Support for the retail use as opposed to residential, as a much needed community facility providing economic and retail benefits

All matters have been fully considered in the attached case officer report

Consultees & Environmental Matters

Environmental Health Department have requested that a number of conditions are attached to ensure adjacent properties do not suffer any significant loss of amenity as a result of the proposal

-noise and odour abatement systems have not been submitted for the proposed restaurant/ café units as at this stage the occupier is unknown. A condition will be placed on the application to ensure this is adequately dealt with.

NIEA Waste Management Unit has no objections to the development and have provided Conditions - No unacceptable risks to environmental receptors have been identified.

TNI – have no objection in respect of traffic movement and parking.

Rivers Agency – is content with the Flood Risk & Drainage Assessment (FRA) and additional information submitted by the applicant and is content with mitigation proposed.

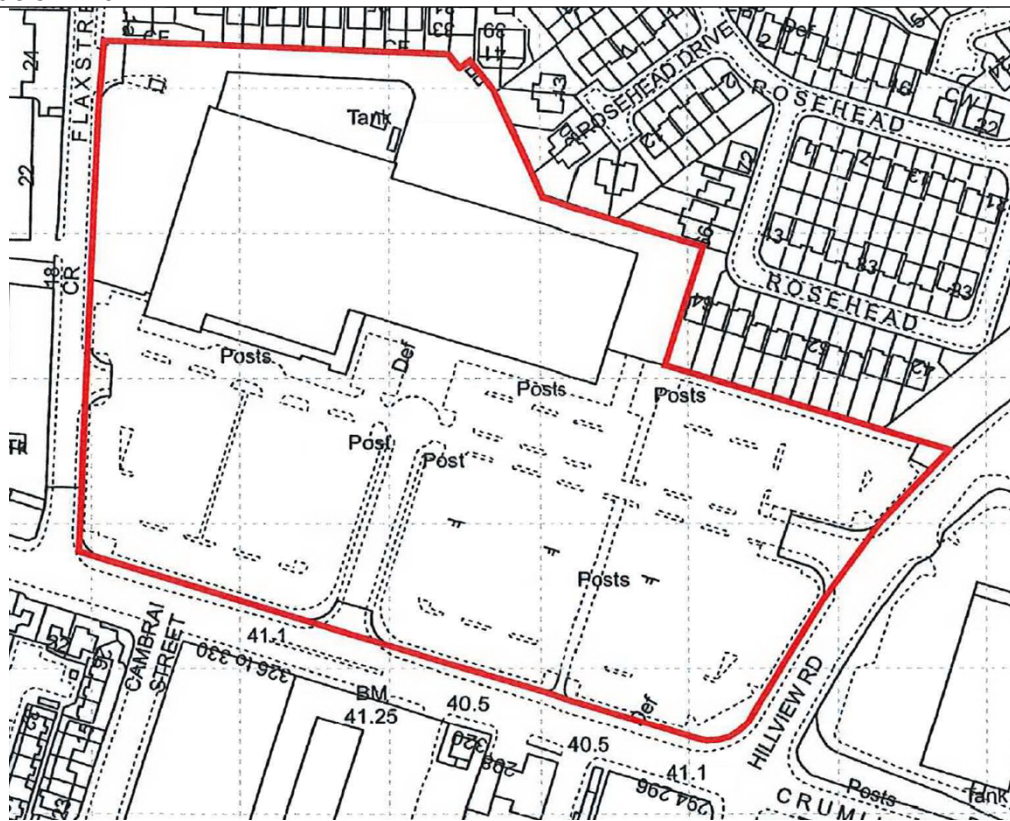
**Recommendation**

Having had regard to the draft development plan, relevant planning policies, and other material considerations the proposed additional elements both individually and cumulatively are considered acceptable.

It is recommended that the proposal should be approved subject to conditions set out in the case officer report and delegated to the Director of Planning and Place.

## Case Officer Report

### Site Location Plan





**1.0**

**Description of Proposed Development**

Development to include the subdivision of existing retail unit 1 into 2 no. new retail units (with provision of new 1st floor mezzanine level at new unit 1B for storage); re-cladding works to existing units 2-5; demolition and reconfiguration of the front façade treatment to the elevations of new units 1A and 1B; new rear single storey extension into the service yard of unit 1B to facilitate servicing and deliveries; new dock leveller at the rear of proposed unit 1B; 1 no. new drive-thru restaurant unit; 1 no. new drive-thru café/restaurant pod; 1 no. stand-alone restaurant unit; 1 no. new car sales premises; reconfiguration of existing car parking areas and all associated works

Existing

	<p>Unit 1 – 2355 sqm  Unit 2 – 2267 sqm (includes mezzanine floor of approx. 140sqm)  Unit 3 – 834 sqm  Unit 4 – 834 sqm  Unit 5 – 834 sqm  Unit 6 – 834 sqm  Unit 7 – 834 sqm</p> <p><b>Total – 7958 sqm</b></p> <p><u>Proposed additional</u>  Car Sales (Office) – 130.5 sqm  Car Sales (External sales Yard) – 1075 sqm  Restaurant – 448 sqm  Café Drive thru – 198 sqm  Café/ Restaurant – 203 sqm</p> <p><b>Total 979.5 sqm + external yard = 1,075 sqm</b></p> <p>The proposed drive-thru café and café/ restaurant are located to the front of the site approximately 14m from the main road and a short distance east of the main site access. The largest of the drive thru restaurants is located in the south-eastern corner of the site a short distance from Hillview Road. Both restaurants are flat roofed structures with the drive-thru café a contemporary structure with a mono-pitched roof.</p>
<p><b>2.0</b></p>	<p><b>Description of Site</b>  The site is located on unzoned lands in the Belfast Urban Area Plan. It is within a proposed District Centre designation (BT017/2) in draft the Belfast Metropolitan Area Plan.</p> <p>The site has an overall area of approximately 4Ha and includes the former Dunnes Stores retail unit (approximately 1900 sq.m in size) and 5 separate retail units (each measuring approximately 800 sqm each in size).</p> <p>The site is bounded on two sides by a two metre high railing with a brick base course interspersed with brick columns, to the rear the site is bound by a 3m high decorative wall (which is higher on the residential garden side due to the topography) while the remaining boundary comprises the forecourt of the retail units.</p>
<p><b>Planning Assessment of Policy and other Material Considerations</b></p>	
<p><b>3.0</b></p>	<p><b>Site History</b>  Z/1999/2344/F - Development to encompass 2 No major retail units and 3 No smaller retail units with associated car parking. Approved 16<sup>th</sup> October 2000.</p> <p>Z/2001/2689/F - Development to encompass one major retail unit and five smaller retail units with associated car parking. Approved 27<sup>th</sup> August 2002.</p> <p>LA04/2016/0162/F - Road realignment including a right turn lane and associate site and access works (renewal of previous planning permission Z/2009/1515/F). Approved 4<sup>th</sup> July 2016.</p>
<p><b>4.0</b></p>	<p><b>Policy Framework</b></p>
<p>4.1</p>	<p>Belfast Urban Area Plan  Draft Belfast Metropolitan Area Plan 2015</p>
<p>4.2</p>	<p>Regional Development Strategy (RDS)</p>

	Strategic Planning Policy Statement (SPPS) Planning Policy Statement 3 – Access, Movement and Parking Development Control Advice Note 4 - Restaurants, Cafes and Fast Food Outlets Development Control Advice Note 15 - Vehicular Access Standards
5.0	<b>Statutory Consultee Responses</b>
	Transport NI – no objections NI Water – no objections Rivers Agency – no objections NIEA Waste Management Unit – No objections subject to conditions
6.0	<b>Non Statutory Consultee Responses</b>
	Environmental Health – no objections
7.0	<b>Representations</b>
	The application has been neighbour notified and advertised in the local press.  A total of 44 letters of objection were received, 5 letters of support, a petition of objection with 630 names and a local community survey with 192 signatures in favour of the proposal and 2 signatures in favour of shared housing on the site.
8.0	<b>Other Material Considerations</b>
9.0	<b>Assessment</b>
9.1	The key issues in the assessment of the proposal are as follows: <ul style="list-style-type: none"> <li>- The principle of retail units at this location;</li> <li>- The principle of car sales premises at this location;</li> <li>- The principle of two restaurants and drive-thru cafe at this location;</li> <li>- Impact on character of the area;</li> <li>- Impact on transport and other infrastructure;</li> <li>- Flooding.</li> <li>- Contamination</li> <li>- Impact on Amenity</li> <li>- Pre-Application Community Consultation</li> </ul>
9.2	<b>The Principle of subdivision and Extension</b> The retail unit to be subdivided is the largest unit on site and was formerly occupied by Dunnes Stores. The extension is approximately 220 sqm of additional floorspace with a small single storey rear (6 x 5) extension and the internal mezzanine floor. Given that the external extension is less than 50sqm and lower than 5m it would not require planning permission. As there were no restrictive floorspace conditions placed on the original planning approval the subdivision of the largest retail unit and the proposed mezzanine floor do not require planning permission. So effectively the only element of the proposal that requires planning permission is the proposed elevational changes.
9.3	<b>The Principle of Additional Retail Units at this Location</b> Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
9.4	In the Belfast Urban Area Plan the site is located on unzoned whiteland. Therefore, any land use may be possible providing it complies with regional policy and all other material considerations. The retail park, as constructed was granted in 2001 within this policy

	context.
9.5	In the Draft Belfast Metropolitan Area Plan the site is located within a proposed district centre.
9.6	<p>There were two objections to the proposed zoning in the draft:</p> <p><b>BT 017/2 – Hillview</b> (Objections 3801 &amp; 2965/147)</p> <p>This objection sought that 3 areas of land should be added to the District Centre designation. The Planning Appeals Commission noted that the objection was not supported by any justification of the need for additional lands to be so designated, and that dwellings were under construction on the white land to the rear of the District Centre, which was one of the objection sites. The PAC agreed with the Department that there is no justification for extending the boundary to include additional land. In the absence of any case for the objector the PAC recommended no change to the Plan as a result of this objection.</p>
9.7	The site is located within the proposed Suburban District Centre designation BT17/2 as designated in the draft Belfast Metropolitan Area Plan, one of six district centres designated in draft BMAP (Connswater, Park Centre, Kennedy Centre, Westwood Centre, Yorkgate and Hillview). These centres play an important role in providing shoppers in Belfast with convenience and choice. District Centres play an important role in providing shoppers in Belfast with convenience and choice. These centres co-exist with the City Centre and should fulfil a complementary role.
9.8	The use on the site is long established and was effectively endorsed by the draft BMAP through its designation as a proposed District Centre. The proposal to subdivide the existing retail unit and re-open the other five vacant units sits comfortably with the strategic policies of the draft Area Plan.
9.9	The draft BMAP has been superseded by the SPPS as the most recent expression of strategic retail policy for Northern Ireland. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted.
9.10	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 centers across Northern Ireland through the promotion of established town centers as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'</i>
9.11	<p>Paragraph 6.276 of the SPPS states that planning authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping, and ensure their role is complementary to the role and function of the town centre.</p> <p>Subsequently the proposal meets this strategic policy requirement of the SPPS in that it involves the potential re-opening of a number of existing retail units and the introduction of accompanying complimentary units which may help regenerate the centre.</p>
9.12	<p><b>The principle of the new car sales premises at this location</b></p> <p>The proposal involves an area for the sale, display, and servicing of motor vehicles. The Use Classes Order identifies car sales as a sui – generis land use, and does not therefore fall within Class A1.</p>
9.13	The SPPS does not include specific policies relating to car sales. However, the Planning Appeals Commission have previously approached this particular type of goods in the same



	<p>way as it would any other retail type apply and has applied policy accordingly (ie the Previous PPS 5 retail policy). Therefore, the proposal involves the sale of goods and accordingly the updated retail policy within the SPPS is relevant to the proposal.</p>
9.14	<p>Cars sales have not traditionally been located within city centre locations, given that they are 'bulky' requiring larger floor area and require ready access to roads infrastructure. The purchase of motor vehicles is not considered an every-day purchase. Given the nature and scale of the proposal, it is considered that an adverse retail impact on the city centre will not occur. The proposed car sales unit is compliant with the SPPS retail policies in that it would not undermine the role of Belfast City Centre.</p>
9.15	<p><b>The principle of two restaurants and drive-thru cafe at this location</b></p> <p>The restaurants will enhance the vitality and viability of this district centre and compliment the proposed retail offer on the site. Their locations are such that there will be no adverse impact on the amenity of any residential properties in the vicinity of the site.</p>
9.16	<p><b>Impact on character of the area</b></p> <p>Given the nature and location of the proposal it is not considered that the proposal will result in any detriment to amenity of existing properties adjacent to the site.</p>
9.17	<p>There will be design amendments to the main building, which is already established on the site, this is considered a relatively minimum 'facelift'. In terms of the new build elements the design of the buildings are in keeping with the established commercial character of the site and these single storey flat-roofed structures will sit sympathetically with the surrounding mixed use context, both in terms of scale and design.</p>
9.18	<p><b>Impact on transport and other infrastructure</b></p> <p>TransportNI was consulted in relation to traffic, access, and parking issues. They have offered no objections subject to a number of conditions detailed below at 11.11-11.13.</p>
9.19	<p><b>Flooding</b></p> <p>The proposal has been assessed against Policy FLD1 of Planning Policy Statement 15. The site has been deemed an exception given that it is already developed. Rivers Agency initially recognised that the construction of the proposed drive through restaurant will result in a loss of storage of the floodplain and thus queried where the offset loss of floodplain will be stored. The area of the drive-thru to be constructed in the floodplain is 24.3sqm. The NI Floodmap indicates that the depth of flooding at this location is less than 0.3m. This equates to a worst case scenario loss of floodplain volume of 7.3 cubic metres. Details of the proposed method for compensating the loss of floodplain were submitted by the applicant's agent. To provide some compensation for this relatively small loss they have proposed that a 1.2m diameter pipe will be located below the road to the rear of the restaurant. The flood water will be temporarily stored in this pipe during flood events then released into the adjacent culvert.</p> <p>Rivers Agency has reviewed the Flood Risk &amp; Drainage Assessment (FRA) and additional letter submitted by RPS and has stated that the applicant has provided adequate information to support their proposals in relation to where the offset loss of floodplain will be stored.</p>
9.20	<p><b>Contamination</b></p> <p>A Generic Quantitative Risk Assessment (GQRA) has been presented in support of the above application. The GQRA is informed by intrusive site data. No unacceptable risks to environmental receptors have been identified. NIEA Waste Management Unit has no objections to the development provided Conditions, as detailed at 11.2 – 11.5, are placed on any Planning Decision Notice.</p>

9.21	<p><b>Impact on Amenity</b> A report submitted by the applicant's agent, dated 23/11/16 assessed the noise impact from the construction and operational phases of the development on noise sensitive receptors located at Prospect Park, Tennent Street and Cambrai Street. It proposed the following measures in relation to the development:</p>
9.22	<p>Construction phase: Mitigation measures have been recommended with regard to the construction phase of the development. These measures include the erection of temporary noise barriers close to sensitive residential locations. The report states that the exact positioning of the barrier will be specified in a 'detailed construction plan' (having regard to BS 5228:2009+A1: 2014) to be completed at a later date and agreed with Belfast City Council.</p>
9.23	<p>Operational phase: According to the report the precise locations and specifications for development plant/equipment are not known at this stage and refers to this additional information being finalised at the detailed design stage. The agent has confirmed that the final design of the plant is not known at this stage. Any plant required by the occupant of the proposed units will require planning permission and as such any necessary noise mitigation measures can be proposed at that stage, or conditioned as part of any future planning approval, should that approval be forthcoming.</p>
9.24	<p>Table 4.4 of the report presents threshold limits for development plant /equipment noise at identified noise sensitive premises which is based on the background sound levels monitored at the receptor locations in line with the appropriate assessment methodology for industrial and commercial sound.</p>
9.25	<p>The report refers to general plant associated with such a development (e.g. air handling units, refrigeration, plant rooms etc); it is noted from the drawings that a dock leveller will be situated within the rear service yard of Unit 1 and 2</p>
9.26	<p>Equipment such as Customer Order Display (COD) systems are typically used by drive-thru facilities. The hours of operation of the drive-thru elements are unknown at this stage, the report does refer to the fact that the café and restaurant drive thru buildings may operate during the night time period. Proximity to noise sensitive receptors concludes that it is unlikely to generate significant noise impacts. In this respect based on the information received and in the event that planning permission is to be granted Environmental Health Department have requested that a number of conditions are attached to ensure adjacent properties do not suffer any significant loss of amenity as a result of noise generated by the proposed development. These are detailed below at 11.7, 11.8 and 11.9.</p>
9.27	<p>It is noted that details of proposed odour abatement systems have not been submitted for the proposed restaurant/ café units. These details should be submitted for approval to the Council prior to the occupation of these units. A condition will be attached to any approval to ensure this (11.10).</p>
9.28	<p><b>Other Considerations:</b> The agent has indicated that the proposal represents an investment of approximately £2.5 million, and the creation of 350 jobs. Secondary employment details through construction and servicing of the development, has not been indicated.</p>
	<p><b>Pre-Application Community Consultation</b> For applications that fall within the major category as prescribed in the Development</p>

9.29	<p>Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p>
9.30	<p>Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2016/1112/PAN) was submitted to the Council on 31<sup>st</sup> May 2016.</p>
9.31	<p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.</p>
9.32	<p>A Pre Application Community Consultation Report (May-July 2016) has been submitted in support of this application. The Report has confirmed the following:</p>
9.33	<p>The Public Events took place at Unit 2 Hillview Retail Park on 3<sup>rd</sup> and 24<sup>th</sup> June 2016. This event was advertised in the Belfast Telegraph on 16<sup>th</sup> June 2016. 500 leaflets containing details of the event were delivered to residential properties surrounding the Hillview site.</p>
9.34	<p>Local businesses and community organisations located within the immediate area were also identified.</p>
9.35	<p>Meetings were held with representatives from North Belfast Assembly Constituency, North Belfast Westminster Constituency, Belfast City Council Area and the Court and Oldpark District Electoral Areas. All local Councillors were also informed of the public exhibition event.</p>
9.36	<p>Feedback was left by 10 people who attended the public exhibition. Positive comments were made in relation to regeneration of the site and job creation but there were also calls for housing on the site. The development team responded to attendees via contact details provided.</p>
9.37	<p><b>Representations</b>  A total of 44 letters of objection were received, 5 letters of support, a petition of objection with 630 names and a local community survey with 192 signatures in favour of the proposal and 2 signatures in favour of shared housing on the site.</p> <p>(A number of these objections relate to the Belfast Metropolitan Area Plan, which is a material consideration, but is no longer the extant Area Plan).</p> <p>The following issues of concerns have been raised by objectors:</p> <p><b>A mixed use development would be more suitable at this location.</b></p> <ul style="list-style-type: none"> <li>- The site is unzoned white land in BUAP, however it is zoned as a district centre in the draft Belfast Metropolitan Area Plan. The role of the district centre is to compliment Belfast City Centre and provide shoppers with convenience and choice. The proposal is fully compliant with both the zoning and the SPPS which specifically states that district centres should be retained. It is important to note that the existing retail units could reopen in the future without any recourse to the planning authority.</li> </ul> <p><b>The site may be designated as a District Centre in BMAP but it does not function as one. It has been vacant since 2007.</b></p> <ul style="list-style-type: none"> <li>- The proposal is fully compliant with both the zoning and the SPPS which specifically states that district centres should be retained. It is important to note that the existing</li> </ul>

retail units could reopen in the future without any resource to the planning authority. **Hillview Retail Park became abandoned after release of Draft BMAP and during public examination and as such its status as a district centre was not fully considered by the Planning Appeals Commission. It never complimented the existing retail offer in Belfast City Centre.**

- The SPPS which specifically states that district centres should be retained. The proposal will rejuvenate this district centre and help it retain its potential to operate as such.

**Hillview does not display the physical attributes of a District Centre as defined in PPS5 and The Technical Supplement 4 – Retailing Volume 1.**

- As stated above the site is zoned/ designated as a proposed district centre within the draft Belfast Metropolitan Area Plan. PPS5 has been superseded by the SPPS.

**BMAP 2015 is not up-to-date**

- The assessments in the draft BMAP 2015 are the most up to date in terms of a development plan for Belfast until such times as the Local Development Plan is adopted, as stated in the SPPS in terms of the transitional arrangements.

**No assessment of need has been submitted as per 6.271 and 6.282 of the SPPS**

- As stated above the BUAP is the existing Development Plan for Belfast and does not set out a requirement for an assessment of need. No assessment of need is required in what is a District Centre as defined in draft BMAP.

**The impact the proposal will have on the existing local retailers.**

- The proposal is located within a District Centre and as such the proposed retail uses are acceptable. The existing retail units on the site have already benefitted from planning permission, which was subsequently implemented. There is no policy requirement for a Retail Impact Assessment as this is a District Centre.

**The proposal involves an increase of 2,058 sqm and thus the applicant must demonstrate that no adverse impact on town centres within the catchment as per paragraphs 6.276 and 6.283 of the SPPS.**

- As the proposal is located within an existing retail park and a proposed District centre in draft BMAP there is no requirement to assess the retail impact on the City Centre. The site plays an important role in providing local in Belfast with convenience and choice. These centres co-exist with the City Centre and should fulfil a complimentary role'. The existing retail units on the site could re-open without the benefit of planning permission. The existing retail units have benefitted from an implemented planning permission.

**The Transport Assessment submitted in support of the proposal adopts the retail traffic 10 years earlier as a committed development or baseline position. This is a fundamental flaw.**

- TransportNI have offered no objections subject to a number of conditions detailed below.

**The proposal does not meet the exceptions test of Policy FLD1 of Planning Policy Statement 15.**

- This is a developed site with significant levels of hard standing. Rivers Agency have stated that parts of the site are located within the 1 in 100 year flood plain. As stated in the Flood Risk and Drainage Assessment there are areas of the site affected by the 1% AEP (1 in 100 year) fluvial floodplain. All parts of the site have already been developed with only a small part of the proposed Drive-Thru actually located within the floodplain. With this small area being removed from the floodplain RPS have confirmed that the area of the drive-thru to be constructed in the floodplain is 24.3sqm. The NI Floodmap indicates that the depth of flooding at this location is less than 0.3m. This equates to a worst case scenario loss of floodplain volume of 7.3 cubic metres. To provide some compensation for this relatively small loss RPS have proposed that a 1.2m diameter pipe will be located below the road to the rear of the restaurant. The flood water will be temporarily stored in this pipe during flood events then released into the adjacent culvert. It is also worth reiterating that the

existing retail units could open without any recourse to the planning authority.  
**It would be irrational to place any weight on economic benefits with what is a speculative proposal.**

- The proposal complies with current planning policy and with the draft Belfast Metropolitan Area Plan and the established land use. As such the economic benefits are not a primary material consideration in this case.

**Increased Traffic**

- TransportNI have offered no objections to the proposal subject to three conditions detailed below at 11.11-11.13.

**The land should be used to tackle the social housing crisis in the area.**

- The site is not zoned for housing or social housing. The proposal to be considered subject to this application is not for social housing.

**Unsuitability of current designation – BMAP published in 2004 and out of date. It is not needed as a district centre.**

- The draft Belfast Metropolitan Area Plan, in its most advanced form, is the most recent Area Plan for the city, within this draft Plan the site is designated a District Centre. Given the designation there is no planning policy requirement to show a need for the proposal. The majority of the retail floorspace is located within an existing retail outlet, these units could re-open as they are without the requirement for any further planning permission.

**The site will use up land required for housing.**

- As stated above the site is not zoned for housing, Belfast City Council have been presented with a planning application that must be assessed against current policy (the SPPS) and the extant and draft Area Plan. As such the proposal is acceptable.

**Contaminated land, noise and odour issues have been raised by Environmental Health.**

- The air quality assessment has demonstrated that the proposed development will not have a significant impact on air quality in the vicinity of the site and there will be no significant air quality impact on relevant receptors. Conditions have been recommended by Environmental health that will ensure occupants of adjacent properties should not suffer any significant loss of amenity as a result if noise generated by the proposed development.

**The units have been vacant and abandoned**

- The site does appear to have been vacant from 2007 – no other land use has taken place on the site since and during the intervening period since Dunnes vacated the site nor is there any evidence that the landowner intended to abandon the site. During this period there has also been an economic recession which could reasonably have had an impact on the marketing potential of the site. There does not appear to have been prolonged and gross neglect of the buildings or the site, in that from an external visual inspection occupation could resume.
- In addition a Sunday retail market has taken place on the site for the past 10 years or so. Whilst this is unauthorised and unlicensed it shows an interest in the locality for retail shopping.

In the **letters of support** the following points were made:

- The proposal will deliver much needed economic and retail benefits to the area.
- Job creation, addressing high levels of unemployment in the area
- Shared facility that could improve community relations at an interface area.



	<p>(CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
<b>11.6</b>	<p>Prior to commencement of the development and in accordance with recommendations outlined in Section 5.0 of the RPS report '<i>Proposed Development at Hillview Retail Park, Crumlin Road, Belfast; Noise and Vibration Assessment</i>', Document No NI1748/N/01/01, dated 23/11/16, the applicant shall submit to Belfast City Council, for approval, a Construction Noise Management Plan. The Plan shall be implemented thereafter.</p> <p>Reason: In the interest of residential amenity</p>
<b>11.7</b>	<p>Prior to operation of the development, the recommendations outlined in Section 5.0 of the RPS report '<i>Proposed Development at Hillview Retail Park, Crumlin Road, Belfast; Noise and Vibration Assessment</i>', Document No NI1748/N/01/01, dated 23/11/16 shall be implemented.</p> <p>In particular the Rating Level (<math>L_{Ar}</math>) of noise from development plant and equipment shall not exceed the typical Background Sound Level (for both day time and night time hours) determined at the boundary of the nearest noise sensitive premises. All sound measurements shall be made in accordance with <i>BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound</i>.</p> <p>Reason: In the interest of residential amenity</p>
<b>11.8</b>	<p>Deliveries and collections by commercial vehicles shall only be made to and from the development between the hours of 07:00hrs and 23:00hrs</p> <p>Reason: In the interest of residential amenity</p>
<b>11.9</b>	<p>Deliveries and collections by commercial vehicles shall only be made to and from the development between the hours of 07:00hrs and 23:00hrs</p> <p>Reason: In the interest of residential amenity.</p>
<b>11.10</b>	<p>Prior to the occupation of each of the restaurants/ cafés unit hereby approved, details of the proposed odour abatement system for that unit shall be submitted to Belfast City Council for approval.</p> <p>Reason: In the interests of neighbouring amenity.</p>
<b>11.11</b>	<p>The development hereby permitted shall not become operational until the vehicular access to the public carriageway at Crumlin Road has been provided in accordance with planning approval LA04/2016/0162/F.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
<b>11.12</b>	<p>The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with Drawing No.07A bearing date stamp 24<sup>th</sup> May 2017, to provide for parking and traffic circulation within the site. No part of these hard surfaced areas shall be used for any purpose at any time other</p>

<p><b>11.13</b></p>	<p>than for the parking and movement of vehicles in connection with the approved development.</p> <p>Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.</p> <p>The development hereby permitted shall operate in accordance with the Service Management Plan contained within the Transport Assessment document bearing Planning Authority date stamp 28<sup>th</sup> November 2016.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p> <p><b>Informatives</b></p> <p>The purpose of the Conditions 2, 3, 4 and 5 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks</p> <p>The applicant should ensure that the management of all materials onto and off this site is suitably authorized through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999.</p> <p>Regulation Unit (Land and Groundwater Team) recommends that the applicant should consult with the Water Management Unit of NIEA regarding any potential dewatering that may be required during the development works including the need for a discharge consent. Discharged waters should meet appropriate discharge consent Conditions.</p> <p>Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud or debris deposited on the road must be removed immediately by the contractor.</p> <p>Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Department for Infrastructure Section Engineer whose address is: Belfast North Section Office, 148-158 Corporation Street, Belfast, BT1 3DH. A monetary deposit will be required to cover works on the public road.</p> <p>All construction plant and materials shall be stored within the curtilage of the site.</p>
<p>12.0</p>	<p>Notification to Department (if relevant) Date of Notification to Department: Response of Department:</p>
<p>13.0</p>	<p>Representations from elected members: Gerry Kelly MLA – Objection Carál Ni Chuilin – Objection Cllr Gerry McCabe – Objection Nigel Dodds OBE MP - Support</p>



Neighbour Notification Checked	Yes
<b>ANNEX</b>	
<b>Date Valid</b>	28th October 2016
<b>Date First Advertised</b>	18th November 2016
<b>Date Last Advertised</b>	18th November 2016
<b>Details of Neighbour Notification</b> (all addresses)	
<p>Kelly Mon</p> <p>1, Antrim Street, Belfast, Antrim, Northern Ireland, BT13 1AR</p> <p>1, Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,</p> <p>10 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,</p> <p>10 Rosehead Drive,Town Parks,Belfast,Antrim,BT14 7BF,</p> <p>10,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,</p> <p>11 Prospect Park,Town Parks,Belfast,Antrim,BT14 7EH,</p> <p>11 Rosehead Drive,Town Parks,Belfast,Antrim,BT14 7BF,</p> <p>11, Malone Meadows, Belfast, Antrim, Northern Ireland, BT9 5BG</p> <p>11,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,</p> <p>12 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,</p> <p>12 Rosehead Drive,Town Parks,Belfast,Antrim,,</p> <p>12,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,</p> <p>13,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,</p> <p>14, Victoria Parade, Belfast, Antrim, Northern Ireland, BT15 2EN</p> <p>14,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,</p> <p>15 Prospect Park,Town Parks,Belfast,Antrim,BT14 7EH,</p> <p>15, Manor Close, Belfast, Antrim, Northern Ireland, BT14 6DJ</p> <p>15, Manor Close, Belfast, Antrim, Northern Ireland, BT14 6DJ</p> <p>15,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,</p> <p>158, Lagmore Meadows, Dunmurry, Dunmurry, Antrim, Northern Ireland, BT17 0TH</p> <p>16, Manor Close, Belfast, Antrim, Northern Ireland, BT14 6DJ</p> <p>16, Manor Close, Belfast, Antrim, Northern Ireland, BT14 6DJ</p> <p>16,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,</p> <p>17 Prospect Park,Town Parks,Belfast,Antrim,BT14 7EH,</p> <p>17,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,</p> <p>18 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,</p> <p>18 Leopold Street,Edenderry,Belfast,Antrim,BT13 3HB,</p> <p>18, Flax Mews, Belfast, Antrim, Northern Ireland, BT14 7BB</p> <p>18,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,</p> <p>19 Prospect Park,Town Parks,Belfast,Antrim,BT14 7EH,</p> <p>19, Cranbrook Court, Belfast, Antrim, Northern Ireland, BT14 7HA</p> <p>19, Cranbrook Court, Belfast, Antrim, Northern Ireland, BT14 7HA</p> <p>19,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,</p> <p>1A Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,</p> <p>2,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,</p> <p>20 Leopold Street,Edenderry,Belfast,Antrim,BT13 3HB,</p> <p>20 Rosehead Drive,Town Parks,Belfast,Antrim,,</p>	

20, Irwell Court, Belfast, Antrim, Northern Ireland, BT12 6EZ  
 20, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 204, Spamount Street, Belfast, Antrim, Northern Ireland, BT15 2FF  
 21 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,  
 21, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 22 Leopold Street, Edenderry, Belfast, Antrim, BT13 3HB,  
 22, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 23 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,  
 23, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 24 Leopold Street, Edenderry, Belfast, Antrim, BT13 3HB,  
 24, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 25 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,  
 Karen Donnelly  
 25, Glantane Drive, Belfast, Antrim, Northern Ireland, BT15 3FE  
 25, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 26 Leopold Street, Edenderry, Belfast, Antrim, BT13 3HB,  
 26, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 27 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,  
 27, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 28, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 29 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,  
 29, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 Grainne Laverty  
 296 Limestone Road, Town Parks, Belfast, Antrim, BT15 3AR  
 3, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 30, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 31 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,  
 31, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 32, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 326-330 Edenberry Industrial Estate, Crumlin Road, Edenderry, Belfast, Antrim, BT14 7EE,  
 33 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,  
 33, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 34, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 35 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,  
 Tim Murphy  
 35, Manor Street, Belfast, Antrim, Northern Ireland, BT14 6DU  
 35, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 36, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 37 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,  
 37, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 The Owner/Occupier,  
 38, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 39 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,  
 Sean McMahan  
 4, Hillman Close, Belfast, Antrim, Northern Ireland, BT15 2DZ  
 Martine McMahan  
 4, Hillman Close, Belfast, Antrim, Northern Ireland, BT15 2DZ  
 4, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7EJ,  
 41 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,  
 Tracy Scollion

41, Manor Street, Belfast, Antrim, Northern Ireland, BT14 6DU  
 Madeline Dillon

41, Prospect Park, Belfast, Antrim, Northern Ireland, BT14 7EH

41, Prospect Park, Belfast, Antrim, Northern Ireland, BT14 7EH

42 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,

43 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,

44 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,

45 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,

46 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,

48 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,

5, Ardilea Street, Belfast, Antrim, Northern Ireland, BT14 7DG  
 D Lavery

5, Ardilea Street, Belfast, Antrim, Northern Ireland, BT14 7DG

5, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,

50 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,

52 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,  
 Liam Rice

52, Estoril Park, Belfast, Antrim, Northern Ireland, BT14 7NH  
 Shelma Salem

53, Orpen Drive, Belfast, Antrim, Northern Ireland, BT10 0BT

54 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,  
 Sinn Fein North Belfast Constituency

545, Antrim Road, Belfast, Antrim, Northern Ireland, BT15 3BU

56 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,

58 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,  
 Robert McLaughlin

6, Salisbury Avenue, Belfast, Antrim, Northern Ireland, BT15 5DY

6, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,

60 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,

62 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,

64 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,

66 Rosehead, Town Parks, Belfast, Antrim, BT14 7BD,

7 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,

7 Rosehead Drive, Town Parks, Belfast, Antrim, BT14 7BF,  
 Joleen Pierce

7, Roseleigh Street, Belfast, Antrim, Northern Ireland, BT14 6GP  
 James Pierce

7, Roseleigh Street, Belfast, Antrim, Northern Ireland, BT14 6GP

7, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,

8 Flax Street, Edenderry, Belfast, Antrim, BT14 7EJ,

8 Rosehead Drive, Town Parks, Belfast, Antrim, BT14 7BF,

8, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,

9 Prospect Park, Town Parks, Belfast, Antrim, BT14 7EH,

9 Rosehead Drive, Town Parks, Belfast, Antrim, BT14 7BF,

9, Rosebank No.1, 2 Flax Street, Edenderry, Belfast, Antrim, BT14 7AP,  
 Madeline McWilliams

9E Meave House, Belfast, BT15 2EU

Apartment 1, 12 Flax Street, Edenderry, Belfast, Antrim, BT14 7EJ,

Apartment 1, 18 Flax Street, Edenderry, Belfast, Antrim, BT14 7EJ,

Apartment 1 - 30, Rosebank Apartments, 22 Flax Street, Edenderry, Belfast, Antrim, BT14

Apartment 3,12 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 3,18 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 3,Rosebank Apartments,22 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 30,Rosebank Apartments,22 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 4,12 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 4,18 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 4,Rosebank Apartments,22 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 5,12 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 5,18 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 5,Rosebank Apartments,22 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 6,12 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 6,18 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 6,Rosebank Apartments,22 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 7,12 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 7,18 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 7,Rosebank Apartments,22 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 8,12 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 8,18 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 8,Rosebank Apartments,22 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 9,12 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Apartment 9,18 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Brookfield Business Centre,333 Crumlin Road,Edenderry,Belfast,Antrim,BT14 7EA,  
 Brookfield Mill,Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Edenberry Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14 7EE,  
 Flat 1 -30 Mccorry House,24 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Flat 5, 2-6 Baltic Avenue,Town Parks,Belfast,BT15 2HR  
 Flax Housing Officer, 8 Flax Street,Edenderry,Belfast,Antrim,BT14  
 Maeve House, Flat 9c, Duncairn Parade, Belfast, Antrim, Northern Ireland, BT15 2EU  
 Rosebank Enterprise Park,Flax Street,Edenderry,Belfast,Antrim,BT14 7EL,  
 Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 UNIT5- 44,Edenberry Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14  
 Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14 7EE,

<b>Date of Last Neighbour Notification</b>	16 <sup>th</sup> November 2016
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<b>Date of EIA Determination</b>	23 <sup>rd</sup> November 2016
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<b>ES Requested</b>	No
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<b>Drawing Numbers and Title</b>
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01, 07, 08, 09, 10, 11, 12, 13, 14, 15
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