

# Public Document Pack

**Democratic Services Section  
Chief Executive's Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**



**Belfast  
City Council**

9th August, 2017

**MEETING OF PLANNING COMMITTEE – REPORTS TO FOLLOW (ITEMS 11.I, 11.J, AND 11. K)**

Dear Alderman/Councillor,

The above-named Committee will meet in the Banqueting Hall - City Hall on Tuesday, 15th August, 2017 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

**AGENDA:**

**11. Planning Applications**

- (i) LA04/2017/0361/F - Subdivision of retail unit 1 into 2 retail units with mezzanine at new unit 1b, single storey rear extension with dock leveller, elevation changes including re-cladding, reconfiguration of existing car parking at Hillview Retail Park, Crumlin Road (Pages 1 - 16)
- (j) LA04/2016/2360/F - 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 new drive-thru restaurant unit; 1 no. new drive-thru café/restaurant pod; 1 stand-alone restaurant unit; 1 no. new car sales premises; reconfiguration of existing car parking areas at Hillview Retail Park, Crumlin Road (Pages 17 - 36)
- (k) LA04/2016/2267/F - Erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works at Site C Gasworks Office Park (Pages 37 - 58)

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## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA04/2017/0361/F	<b>Target Date:</b>
<b>Proposal:</b> Subdivision of retail unit 1 into 2 no new retail units with provision of mezzanine at new unit 1b, single storey rear extension with dock leveller, elevation changes including re-cladding, reconfiguration of existing car parking and all associated works	<b>Location:</b> Hillview Retail Park Crumlin Road Belfast
<b>Referral Route:</b> Referred by Director of Planning and Place given connection with Major Application LA04/2016/2360/F	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Hillview Centre Belfast Ltd Alfred House 19-21 Alfred Street Belfast BT2 8ED	<b>Agent Name and Address:</b> TSA Planning 29 Linenhall Street Belfast BT2 8AB
<p><b>Executive Summary:</b> This application seeks planning permission for the subdivision of the existing retail unit 1 into 2 no new retail units with provision of mezzanine at new unit 1b, single storey rear extension with dock leveller, elevation changes including re-cladding, reconfiguration of existing car parking and all associated works.</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 subdivision and additional Floorspace;</li> <li>- Impact on transport and other infrastructure; Flooding &amp; Contamination</li> <li>- Impact on Amenity</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> <p><u>Principle</u> 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.</p> <p>This proposal is essentially for elevational changes as the other elements are permitted by virtue GDO and or have not been restricted by the Retail Park permission.</p> <p>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</p>	

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, and will compliment Belfast City Centre's retail offer.

#### Representations

A total of 4 letters of objection have been received. Issues raised include the following:

- 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.

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

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 – awaiting response. However the existing units are located outside the area of the site that would be prone to flooding.

#### **Recommendation**

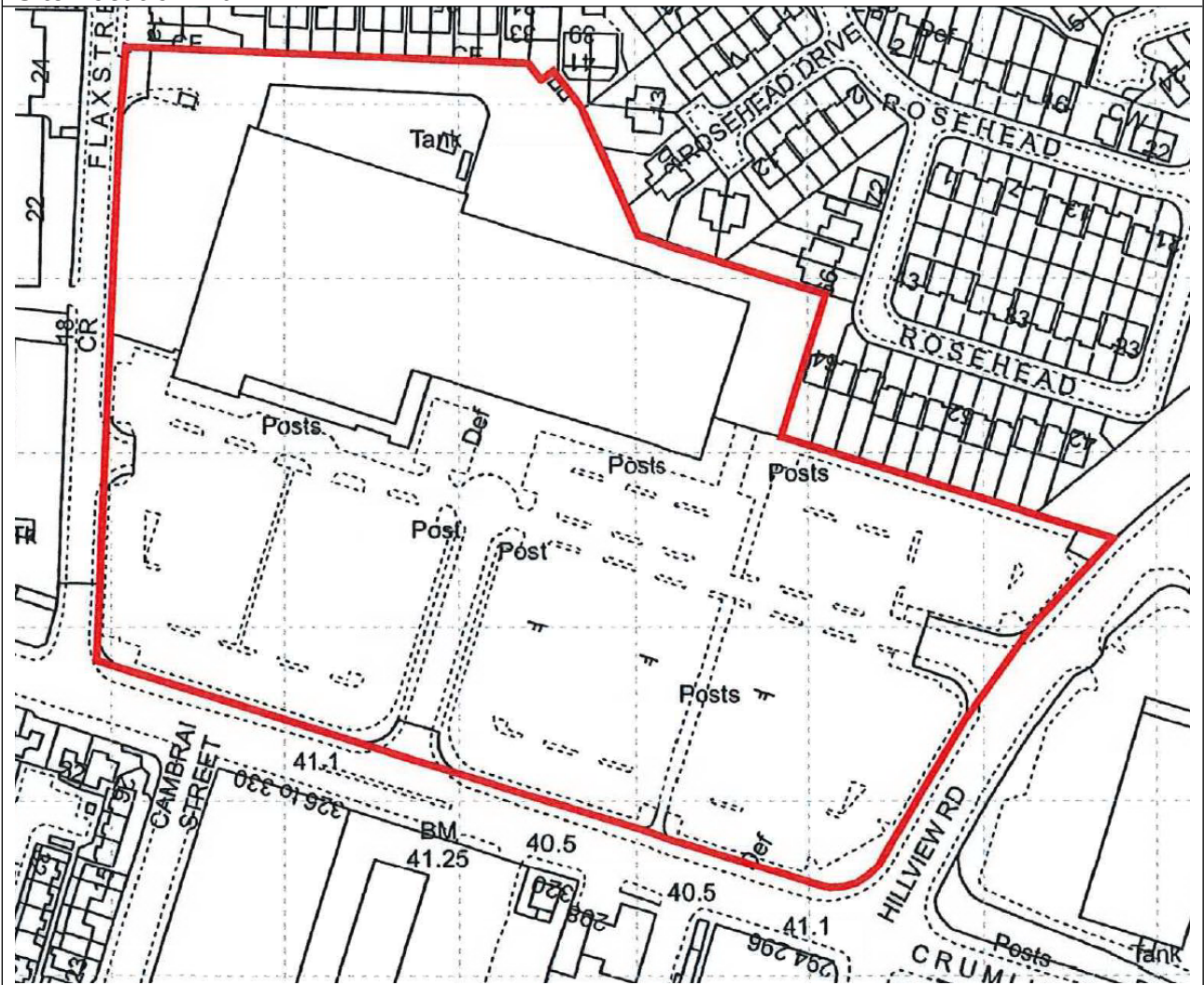
Having had regard to the extant development plan, the draft development plan, relevant planning policies, and other material considerations the proposed additional elements both individually and cumulatively are considered acceptable.

It is recommended that the proposal should be approved subject to conditions set out in the case officer report.

**Signature(s):**

## Case Officer Report

### Site Location Plan



<p><b>1.0</b></p>	<p><b>Description of Proposed Development</b>                  Subdivision of retail unit 1 into 2 no new retail units with provision of mezzanine at new unit 1b, single storey rear extension with dock leveller, elevation changes including re-cladding, reconfiguration of existing car parking and all associated works</p> <p>In total approximately 220 sqm of additional floorspace will be created with a small single storey rear (6m x 5m) extension and the internal mezzanine floor.</p>
<p><b>2.0</b></p>	<p><b>Description of Site</b>                  The site is located 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 sq.m each).</p> <p>The site is bounded on three sides by a two metre high railing with a brick base course interspersed with brick columns, while the remaining boundary comprises the forecourt</p>

	of the retail units.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<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>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Metropolitan Area Plan 2015
4.2	<p>Regional Development Strategy (RDS) Strategic Planning Policy Statement (SPPS) Planning Policy Statement 3 – Access, Movement and Parking Planning Policy Statement 15 – Planning and Flood Risk Development Control Advice Note 4 - Restaurants, Cafes and Fast Food Outlets Development Control Advice Note 15 - Vehicular Access Standards</p>
<b>5.0</b>	<b>Statutory Consultee Responses</b>
	<p>Transport NI – No objections subject to conditions NI Water – No objections Rivers Agency – Await response NIEA Waste Management Unit – No objections subject to conditions</p>
<b>6.0</b>	<b>Non Statutory Consultee Responses</b>
	Environmental Health – No objections subject to conditions
<b>7.0</b>	<b>Representations</b>
	<p>The application has been neighbour notified and advertised in the local press.</p> <p>A total of 4 letters of objection were received.</p>
<b>8.0</b>	<b>Other Material Considerations</b>
<b>9.0</b>	<b>Assessment</b>
9.1	<p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> <li>- The principle of subdivision and additional Floorspace;</li> <li>- Impact on transport and other infrastructure;</li> <li>- Flooding.</li> <li>- Contamination</li> <li>- Impact on Amenity</li> </ul>
9.2	<p><b>The principle of subdivision and additional Floorspace</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 (6m x 5m) extension and the internal mezzanine floor. Given that the external extension is less than 50sqm and lower than 5m it would not require planning</p>

	<p>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.</p>
9.3	<p>In the Belfast Urban Area Plan the site is located on unzoned whiteland.</p>
9.4	<p>In the Draft Belfast Metropolitan Area Plan the site is located within a proposed district centre.</p> <p>There were two objections to the proposed zoning:  <b>BT 017/2 – Hillview</b>          (Objections 3801 &amp; 2965/147)          Objection 3801 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 are 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>
9.5	<p>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.</p>
9.6	<p>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.</p>
9.7	<p>Having said this, the draft BMAP has been superseded by the SPPS as the most recent expression of strategic retail policy for Belfast, and indeed 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.</p>
9.8	<p>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></p>
9.9	<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>
9.10	<p>Subsequently the proposal meets this strategic policy requirement of the SPPS in that it involves the reopening of a number of existing retail units and the introduction of accompanying complimentary units which will help regenerate the centre.</p>

9.11	<p><b>Impact on character of the area</b></p> <p>Given the nature of the proposal, with the built form already present on the site and only minimal design alterations to the building, it is not considered that the proposal will result in any detriment to the character of the area.</p>
9.12	<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 conditions detailed below at 11.7-11.8.</p>
9.13	<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 the developed nature of the site. Rivers Agency comments remain outstanding however based on comments on application LA04/20916/2360/F, the floodplain is located to the front of the site close to the Crumlin Road, and therefore this application is not affected with the built form and hardstanding already established.</p>
9.14	<p><b>Contamination</b></p> <p>The Environmental Health Service has examined the following report submitted in support of the above retail development:</p> <ul style="list-style-type: none"> <li>- RPS – <i>Hillview Centre Belfast Ltd, Redevelopment of Hillview Retail Park; Generic Quantitative Risk Assessment Report</i>; Report No. IBR0908, dated March 2017</li> </ul>
9.15	<p>Following an intrusive site investigation involving the installation of 12 window sample boreholes and subsequent sampling and analysis of soil/water with ground gas monitoring, a Generic Quantitative Risk Assessment (GQRA) was conducted.</p>
9.16	<p>In relation to ground gas, the site has been characterised as Characteristic Situation 1, therefore no special measures with regard to gas protection will be required within the development buildings.</p>
9.17	<p>Asbestos (Amosite and Chrysotile) was identified within 7 of the 29 soil samples at varying depths of made ground within the site. The report concludes that the final development will provide a barrier by way of hardstanding and buildings, therefore no pathway will exist for the subsoil asbestos.</p>
9.18	<p>Based on the information received and in the event that planning permission is to be granted, Environmental Health have requested that the condition detailed at 11.2 is attached to any planning permission.</p>
9.19	<p><b>Impact on Amenity</b></p> <p>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 aims to assess 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.</p>
9.20	<p>Construction phase:</p> <p>Mitigation measures have been recommended in Section 5.0 of the report 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</p>



	Belfast City Council.
9.21	<p>Operational phase: Plant and Equipment Noise - Section 4.2.2 - 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. A condition will therefore be attached to any approval that the details of the proposed plant/equipment will be submitted to and approved by the Council prior to occupation, as detailed below at 11.3.</p>
9.22	<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.</p> <p>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 any planning approval that should</p>
9.23	<p><b>Representations</b> A total of 4 letters of objection were received.</p>
9.24	<p>As stated above at 9.2, the only aspect of this planning application that requires planning permission is the elevational changes to the existing building, which are acceptable. Many of the points raised in the objections are therefore irrelevant to this application. The following issues of concerns have been raised:</p>
9.25	<ul style="list-style-type: none"> <li>- <b>A mixed use development would be more suitable at this location.</b></li> <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 resource to the planning authority.</li> <li>- <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></li> <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 retail units could reopen in the future without any resource to the planning authority.</li> <li>- <b>Hillview Retail Park became abandoned after release of Draft BMAP and during public examination and as such its's 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.</b></li> <li>- 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.</li> <li>- <b>Hillview does not display the physical attributes of a District Centre as defined in PPS5 and The Technical Supplement 4 – Retailing Volume 1.</b></li> <li>- 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.</li> <li>- <b>BMAP 2015 is not up-to-date</b></li> <li>- 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.</li> <li>- <b>No assessment of need has been submitted as per 6.271 and 6.282 of the SPPS</b></li> </ul>

- As stated above no assessment of need is required in what is a proposed District Centre as defined in dBMAP.
- **The impact the proposal will have on the existing local retailers.**
- The proposal is located within a proposed District Centre. The 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.
- **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 a proposed District centre in the draft BMAP there is no requirement to assess the retail impact on the City Centre. 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 at 11.7 and 11.8.
- **The proposal does not meet the exceptions test of Policy FLD1 of Planning Policy Statement 15.**
- This is a previously developed site with significant levels of hard standing. Rivers Agency have stated in response to consultation on the other application (LA04/2016/2360/F) on the site that parts of the site are located within the 1 in 100 year flood plain however, this part of the site is not effected by Flooding.
- **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 11.7 and 11.8.
- **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 it's 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 for the subdivision of one unit within the development with an extension and as such that is the proposal under consideration against current policy and the extant Area Plan and draft 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.
<b>10.0</b>	<p><b>Summary of Recommendation</b></p> <p>The site is a permitted retail park, this proposal would result in renovation of the existing units, may potentially assist to rejuvenate this currently vacant retail park, on an arterial route, and will compliment Belfast City Centre's role as the main location for retail development in the city.</p> <p>The subdivision and additional floorspace proposed does not require planning permission and the proposed elevational changes are acceptable. Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended</p>
<b>11.0</b>	<p><b>Conditions</b></p>
<b>11.1</b>	<p>As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: Time Limit.</p>
<b>11.2</b>	<p>In the event that contamination not previously considered is encountered during the approved development of this site the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.</p> <p>Reason: Protection of human health</p>
<b>11.3</b>	<p>Prior to occupation of the proposed units details of any odour extraction system shall be submitted to the Council for approval. All works shall be carried out in accordance with these details.</p> <p>Reason: In the interests of public amenity.</p>
<b>11.4</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>11.5</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>

11.6	<p>Reason: In the interest of residential amenity.</p> <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>
11.7	<p>Reason: In the interest of residential amenity.</p> <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>
11.8	<p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with Drawing No.03 bearing date stamp 1<sup>st</sup> February 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 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><b>Informatives</b> The applicant is advised that the proposed commencement of Part III of the Waste and Contaminated Land (NI) Order 1997 may introduce retrospective environmental liabilities to the applicant following the development of this site. The comments provided by Belfast City Council are without prejudice to any future statutory control which may be required under Part III or any other future environmental legislation. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks. Failure to provide a satisfactory Verification Report may lead to the assumption that the site still poses a risk to human health and it may be subject to further action under forthcoming legislation.</p>
Neighbour Notification Checked <span style="float: right;">Yes</span>	
<b>ANNEX</b>	
<b>Date Valid</b>	23rd February 2017
<b>Date First Advertised</b>	17th March 2017
<b>Date Last Advertised</b>	17th March 2017

**Details of Neighbour Notification** (all addresses)

1,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 10 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 10,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 11 Prospect Park,Town Parks,Belfast,Antrim,BT14 7EH,  
 Brendan McKee  
 11, Malone Meadows, Belfast, Antrim, Northern Ireland, BT9 5BG  
 11,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 The Owner/Occupier,  
 12,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 13,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 14,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 15 Prospect Park,Town Parks,Belfast,Antrim,BT14 7EH,  
 15,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 16,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 17 Prospect Park,Town Parks,Belfast,Antrim,BT14 7EH,  
 17,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 18 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Matt Collins  
 18 creeve walk Belfast BT11 8GQ  
 18,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 19 Prospect Park,Town Parks,Belfast,Antrim,BT14 7EH,  
 19,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 1A Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 2,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 20,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
 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,  
 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,  
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 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,  
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6,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
7 Prospect Park,Town Parks,Belfast,Antrim,BT14 7EH,  
7,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
Sean Brady

8 City Link Business Park, Albert Street, Belfast, Antrim, Northern Ireland, BT12 4HQ  
8 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
8,Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7AP,  
9 Prospect Park,Town Parks,Belfast,Antrim,BT14 7EH,  
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 Crumlin Road,Edenderry,Belfast,Antrim,BT14 7EA,  
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 Flat 10,Mccorry House,24 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
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 Flat 27,Mccorry House,24 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 The Owner/Occupier,  
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 Flat 9,Mccorry House,24 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
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 Rosebank No.1,2 Flax Street,Edenderry,Belfast,Antrim,BT14 7EJ,  
 Supermarket,Crumlin Road,Town Parks,Belfast,Antrim,,  
 UNIT 15,Edenberry Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14 7EE,  
 UNIT 17,Edenberry Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14 7EE,  
 UNIT 20,Edenberry Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14 7EE,  
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<p>7EE,  Unit 28,Edenberry Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14  7EE,  Unit 29,Edenberry Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14  7EE,  Unit 30,Edenberry Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14  7EE,  Unit 37,Edenberry Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14  7EE,  Unit 42,Edenberry Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14  7EE,  Unit 43,Edenberry Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14  7EE,  Unit 44,Edenberry Industrial Estate,326 Crumlin Road,Edenderry,Belfast,Antrim,BT14  7EE,  Teach Carney</p>	
<b>Date of Last Neighbour Notification</b>	9 <sup>th</sup> May 2017
<b>Date of EIA Determination</b>	N/A (not development in terms of EIA)
<b>Drawing Numbers and Title</b>	
01-12	
<b>Notification to Department (if relevant)</b>	
Date of Notification to Department: Response of Department:	

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## 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.

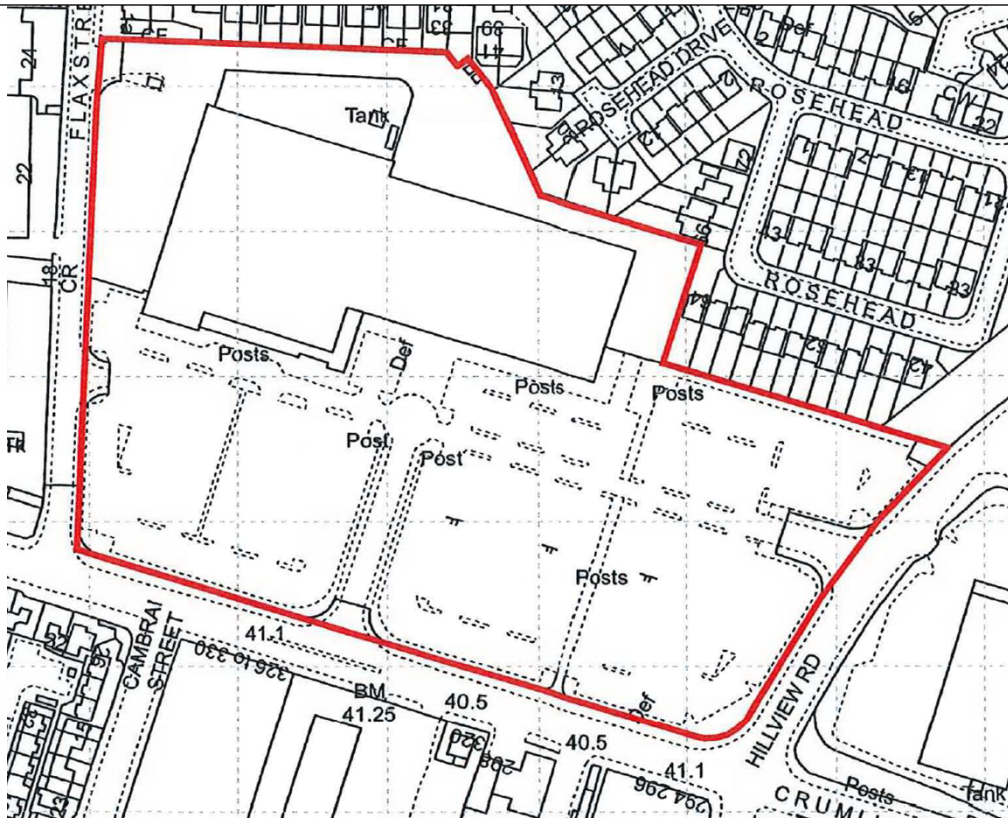
**Recommendation**

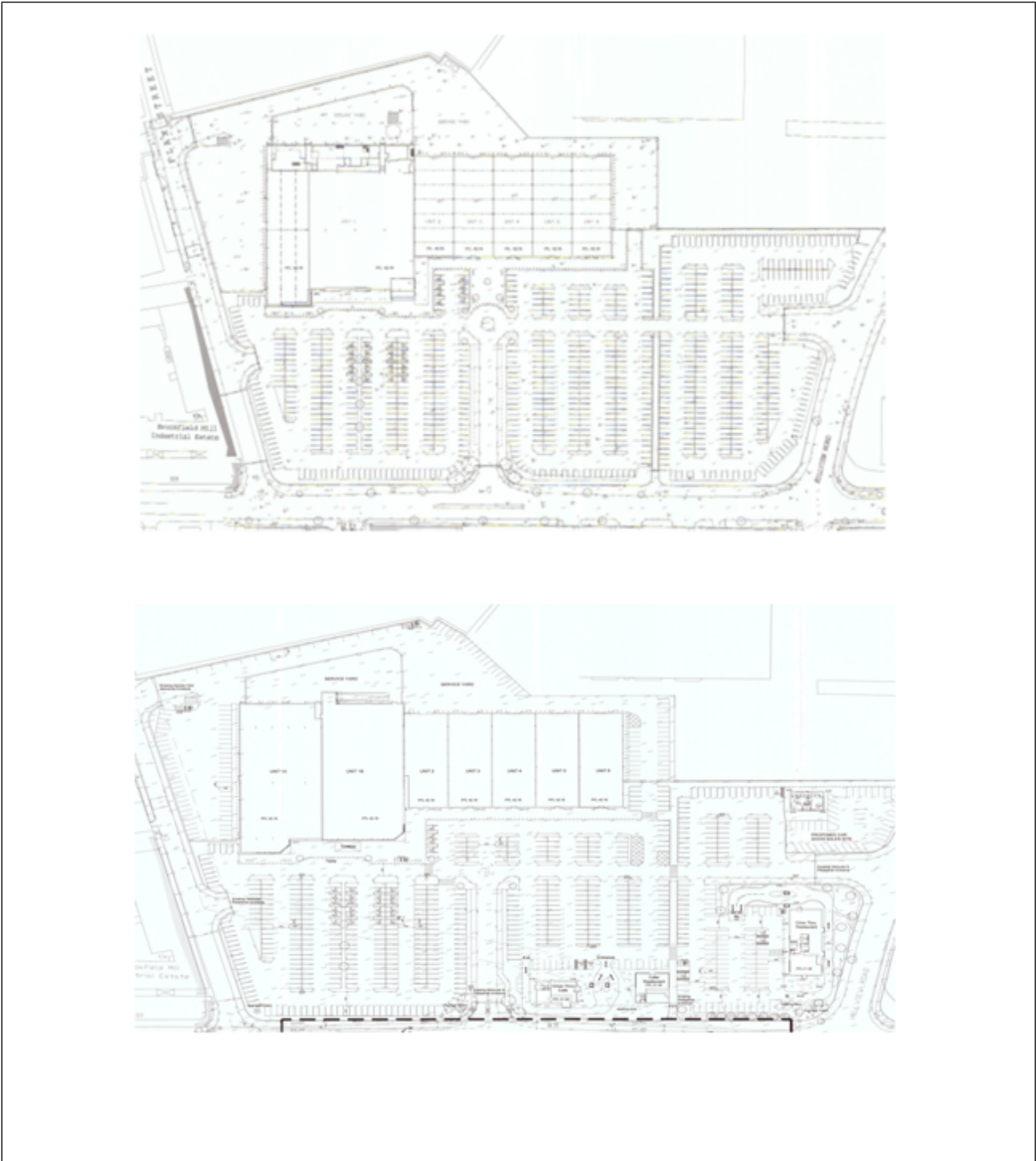
Having had regard to the draft development plan, relevant planning policies, and other material considerations the proposed additional elements both individually and cumulatively are considered acceptable.

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>
<b>2.0</b>	<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>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<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>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan Draft Belfast Metropolitan Area Plan 2015
4.2	Regional Development Strategy (RDS)



	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></p> <p>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:</p> <p>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:</p> <p>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></p> <p>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></p> <p>For applications that fall within the major category as prescribed in the Development</p>

9.29	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.
9.30	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.
9.31	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.
9.32	A Pre Application Community Consultation Report (May-July 2016) has been submitted in support of this application. The Report has confirmed the following:
9.33	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.
9.34	Local businesses and community organisations located within the immediate area were also identified.
9.35	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.
9.36	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.
9.37	<p><b>Representations</b></p> <p>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><b>10.0</b></p> <p><b>10.1</b></p> <p><b>10.2</b></p>	<p><b>Summary of Recommendation</b></p> <p>Due to the planning history of the site, the existing retail park on site, the unzoned / white land designation under the BUAP, the draft BMAP designation (District Centre) the additional retail units are considered acceptable. It is considered that this proposal will add variety to the offer on site that may assist to rejuvenate this currently vacant retail park on the arterial route, and will compliment Belfast City Centre's role as the main location for retail development in the city.</p> <p>Having regard to the policy context and other material considerations set out above above, the proposal is considered acceptable and approval of planning permission is recommended subject to conditions delegated to the director of planning and place.</p>
<p><b>11.0</b></p> <p><b>11.1</b></p> <p><b>11.2</b></p> <p><b>11.3</b></p> <p><b>11.4</b></p> <p><b>11.5</b></p>	<p><b>Conditions</b></p> <p>As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: Time Limit.</p> <p>No piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", available at:  <a href="http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf">http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf</a></p> <p>In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>Prior to any development taking place, a suitable assessment of the structural integrity of the on-site culvert containing the Glenwood River shall be completed. Should unacceptable loss of integrity be identified, remedial works shall be agreed with the Planning Authority and implemented to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>After completing any remediation works required under Condition 2, 3 and 4 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination</p>



	<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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## 2<sup>nd</sup> Addendum Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 15 <sup>th</sup> August 2017	
<b>Application ID:</b> LA04/2016/2267/F	
<b>Proposal:</b> Erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works	<b>Location:</b> Site C, Gasworks Office Park, Cromac Place, Belfast.
<b>Referral Route:</b> Major Planning Application	
<b>Recommendation:</b> Approval	<b>Approve - Subject to Condition and a Developer Obligations Agreement</b>
<b>Applicant Name and Address:</b> Inislyn Ltd 128a Eglantine Avenue Belfast BT9 6EU	<b>Agent Name and Address:</b> Strategic Planning 1 Pavillions Office Park Kinnegar Drive Holywood BT18 9JQ
<b><u>2<sup>nd</sup> ADDENDUM REPORT</u></b>	
<p>Members should be aware that papers were published previously in respect of this application on March 2017 and April 2017 however, this application was not presented to either Committee, a decision to defer being taken.</p> <p>Reason for deferral:</p> <p>That the Committee, given the issues which had been raised regarding the ratification of the Gasworks Masterplan, the relationship between the proposed tower block and the impact on the surrounding housing, and consistency in the approach to major developments agrees to defer consideration of the application to enable a site visit to be undertaken to acquaint itself with the location and the proposal at first hand.</p> <p>A Committee site visit subsequently took place on the 20<sup>th</sup> May 2017.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed Officer Report and first Addendum Report attached below.</p>	

## Preliminary Matters

1. In the intervening period between the Planning Committee resolution to defer the planning application in April 2017, and its return to August 2017 Committee Schedule; the adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. The Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
2. Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
3. In addition, at City, Growth and Regeneration Committee on 14 June 2017, the Committee considered a paper on Revised 'Gasworks Northern Fringe Masterplan' and agreed the following actions:
  - To note the updated position in relation to the emerging Gasworks Northern Fringe Concept Masterplan;
  - To note that a pre-planning process (PAD) is being pursued; and
  - A Proposal of Application Notice (PAN) will be served and a fully compliant pre application consultation process will be undertaken
  - Agree to submit an Outline Planning application for a comprehensive mixed use development, following the completion of the PAD process
4. This decision was subsequently ratified at Council meeting of 3 July 2017.
5. A Pre Application Notification was served on Planning Service on 4 August 2017 for a Major Mixed Use Development comprising of Social Housing, Office/Retail, Tourism/Hotel; Multi Storey Car Park and Public Realm – under reference LA04/2017/1741/PAN.
6. The preliminary proposals are also the subject of Pre Application Discussions (PAD) under reference LA04/2016/2154/PAD.

## Further Consideration

7. Following the 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.

8. In the BUAP the site is zoned as part of an Area of Business Development Potential. Policy IND2 of the BUAP identifies former industrial and commercial sites in the inner city as areas where urban renewal should facilitate business development. The former Gasworks site is identified as one such area. The policy goes on to state that the retention of these sites in business use will also help to locate jobs close to housing communities in the inner city. It also states that it may not be possible to retain all the land for industrial and commercial uses with the result that a mix of land uses may be more appropriate on some sites.

The Office Development Strategy within BUAP states that office development will be concentrated in the city centre with large scale office development directed to the Main Office Area.

9. In Draft BMAP (November 2004) the site is within a 'Main Office Area' (CC 009). It is also located within the city centre. Policy for the control of office development in the Main Office Area is contained in Policy OF1, Volume 1 of the draft Plan. The Policy states that planning permission will be granted for Office development in the designated Belfast City Centre Main Office Area.
10. The Public Inquiry into the draft (published 2004) ran from April 2007 – May 2008. The PAC report into the draft Plan and the adoption Statement is also publicly available. The following objections were received at draft plan stage, which either directly or indirectly affect the site and zonings relating to the site:

- a) CC 072: Cromac Street/Raphael Street

Objection 2965/34

The objector sought the extension of the zoning to include the cleared site of the former fish factory to the east of the zoning currently being used for car parking, and extensions to include land to the south and land arising from the abandonment of the road protection line. The Department conceded the extension of the Development Opportunity Site and if confirmed, find no reason to depart from this position.

Although the objector claims no knowledge of a watercourse on the site, consultation responses from Rivers Agency indicate that there is a designated watercourse located within or adjacent to the site and there is no reason to doubt this.

The PAC recommended that reference to it in the amplification section should be

removed.

Objection 427/6:

An objection from the Markets Development Association, generally sought the redesignation of this Development Opportunity Site to include housing/mixed use. Given the sustainable location of this site and conclusions regarding the significant shortfall in housing provision in the Belfast area, the PAC saw merit in the housing element of the objection. In the absence of further information about the other uses envisaged by the objectors, or the Department's conclusions on the need for a Development Opportunity Site at this location, the PAC were unable to consider the mixed-use element of the objection.

If the objection was to be confirmed, the PAC recommended that the boundary of zoning CC 072 should be extended as shown on the plan submitted with objection 2965/34 and consideration should be given to appropriate land uses in the context of the objection submitted.

b) CC017: Laganside South and Markets Character Area

Objection 2241/2

Intersections: That in the event that planning consent has been granted for a building in excess of 5 storeys, the 2<sup>nd</sup> bullet point of Designation CC 017, under 'Intersections', should be amended to reflect the height of the approved building. Should no such approval exist, the bullet point should be retained. The PAC advised that unless planning consent has been granted for a building in excess of 5 storeys on the southern portion of the land within CC 017, the height criterion in the draft Plan relating to that land should be confirmed.

None of the specific Urban Design Criteria set out in CC017 in the Draft BMAP apply to this site. In terms of the general criteria that proposals shall take account the height of adjoining buildings, the proposal complies with this, as discussed in more detail in the body of the main planning report.

Objection 3219/4:

An objector disagreed with the last paragraph of text in CC 017 – 'Development shall aim to reflect traditional plot widths'. The PAC accepted that it did not add anything to the Plan and recommended that it be deleted.

11. In general the weight that should be given to draft policy increases as it approaches the date of final publication. It is the view that the draft BMAP, in its most recent, post-examination form continues to exist. As the decision to adopt the BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted. The Executive could if it wished take further steps to adopt the BMAP, but until it does so the draft BMAP remains the most advanced and up to date collection of development management policies for the City Council's area, albeit that those policies do not carry the statutory force conferred upon an adopted statutory development plan by the 2011 Act.
12. The policies in the version of draft BMAP which was purported to be adopted and not the one published in 2004 should be given considerable weight because of its advanced stage, following its examination. The draft BMAP is at the furthest possible stage that any draft development plan could have reached without being formally adopted.
13. The version of draft BMAP which was purported to be adopted and not the one published in 2004 should be given substantial weight. Having said this, this area is something of an anomaly as in the draft BMAP (the 2004 version) the site fell within the Main Office Area designation, whereas in the version purported to be adopted the site falls within a Social Housing Zoning. As stated in the planning officer report previously published, Planning Service were of the opinion that granting an office building on this site would not undermine the overall objective of the zoning as there was ample opportunity in the remainder of the zoning to supply the necessary level of housing to meet Housing Executive need for the area.
14. Another emerging material consideration, albeit at an early stage in the planning process, is that a Pre Application Notification (PAN) has now been served to the Planning Service for a Masterplan on the lands at the former Gasworks site (submitted 4<sup>th</sup> August 2017), for a mixed use scheme, which includes the application site. The red line application site covers an area from Cromac Street to the west stretching to the railway line to the east of the site. The description of the proposed development is 'Redevelopment of lands at former gasworks site with a mixed use scheme to include: Social Housing, Office/ Retail, Tourism/ Hotel, Multi-Storey Car Park, Public Realm'. As stated this proposal is at pre-application stage, and would carry minimal material weight, but it does reflect a commitment from the landowner to submit an application for a mixed use scheme, which includes an element of social housing. Notwithstanding any future planning applications or decisions to approve or refuse any landuse on lands for development/ redevelopment, and as stated previously, there is an opportunity elsewhere within the social housing zoning, to meet housing need.

15. Of note is that the objection (Objection 427/6) which appeared to inform the social housing zoning, related specifically to the Development Opportunity Site Designation CC 072: Cromac Street/Raphael Street. This site forms only a part of what became the overall zoning. The area which was subject to this objection was approximately 1 hectare.

The extent of the area zoned for social housing, in the context of the PAC's recommendation on the Development Opportunity Site, does appear somewhat excessive, relative to the scale of the area which was subject of the objection.

16. The thrust of the BUAP and draft BMAP was that office development, and indeed large scale office development, was desirable in the gasworks area. In light of the PAC recommendations post public enquiry Report as published in June 2012, that social housing would be acceptable/ desirable in the area, this must be given weight in the assessment of the proposal, as the most recent expression of land use planning for the area, and this site.

17. On balance, given the mix of uses that exist in the area, the city centre location, the thrust of the Belfast Urban Area Plan, the advanced stage of the Draft BMAP and in light of emerging material considerations, namely the submission of a PAN for a Gasworks Masterplan and on-going PAD process, this proposal for an Office Development on part of the area of the overall zoning is considered acceptable.

18. Notwithstanding and without prejudice to any future planning applications for development or re-development in the wider area, there is considered to be sufficient opportunity on sites with development potential within the vicinity of this particular site to provide a level of social housing that will contribute to meeting the need specified by the NI Housing Executive.

19. Given the entire zoning cc 04/08 of the purported to be adopted BMAP is lands which are within the ownership and control of the Belfast City Council and members have expressed a commitment, as of Council Meeting of 3 July 2017 to move forward with an Outline Planning application for a comprehensive mixed use development for the lands, and a PAN has now been served to that affect, it is recommended that this application is granted.

**Recommendation**

Approval subject to conditions set out in the case officer report and a legal agreement for appropriate developer contributions. The terms of which are requested to be delegated to the Director of Planning and Place and City Solicitor.

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 13 <sup>th</sup> April 2017	<b>Item Number:</b>
<b>Application ID:</b> LA04/2016/2267/F	
<b>Proposal:</b> Erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works	<b>Location:</b> Site C, Gasworks Office Park, Cromac Place, Belfast.
<b>Referral Route:</b> Major Planning Application	
<b>Recommendation:</b> Approval	<b>Approve - Subject to Condition and a Section 76 Agreement</b>
<b>Applicant Name and Address:</b> Inislyn Ltd 128a Eglantine Avenue Belfast BT9 6EU	<b>Agent Name and Address:</b> Strategic Planning 1 Pavillions Office Park Kinnegar Drive Holywood BT18 9JQ
<b><u>ADDENDUM REPORT</u></b>	
<p>Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p>Since the initial report was completed a total of 46 letters of objection and one letter of support have been received.</p> <p>The objection letters raise the following points of concern:</p> <ol style="list-style-type: none"> <li><b>1. <i>Inadequacies in the level of pre-application community consultation;</i></b> Given the level of consultation stated in the Pre-application Community Consultation Report it is considered that the applicant has carried out their duty under Section 27 of the Planning Act.</li> <li><b>2. <i>No Masterplan adopted for Gasworks Northern Fringe. The approval of this application will set a precedent for the remainder of the Northern Fringe and how it will be developed;</i></b> To date a masterplan has not been adopted for the wider Gasworks area. Any subsequent planning application received in the vicinity of the application site must be assessed on its individual merits.</li> <li><b>3. <i>More weight should be attached to the Social Housing Zoning in the Belfast Metropolitan Area Plan;</i></b> Capacity exists within the remainder of the Social Housing zoning, on what are arguably more suitable sites, to accommodate the housing need in the area.</li> <li><b>4. <i>Scale, massing and design is a concern particularly in relation to potential impact on residential properties on McAuley Street and Stewart Street, exacerbated by level change between site and adjacent properties;</i></b></li> </ol>	

The scale, massing and design of the proposed building are in keeping with the mixed use Gasworks area. The design and finishes reflect the industrial heritage of the area with strong vertical emphasis and a predominantly red-bricked finish. The building steps down towards the existing dwellings to the north with a separation distance of approximately 26m. The rear garden of the existing dwellings is approximately 1.5m lower than the site. An existing wall of approximately 3m in height (on the side of the existing dwellings) already has an impact in terms of loss of light and dominance, as it is located a short distance (4.5m) from the rear of these dwellings. Given the separation distance of 26m there should be no significant difference from the current situation in terms of impact on amenity to the rear of the existing dwellings.

Obscure glazing is proposed on the first to third floor windows on the rear elevation of the building. A 2m high obscure panel can be conditioned to ensure that there will be no unacceptable level of overlooking onto the rear of the adjacent dwellings, if the Committee are minded to approve.

**5. *The proposed access road is not 'future proofed' for the high levels of traffic that will be using it in the future;***

TransportNI have been consulted on the proposal and are satisfied that the proposed road will adequately serve the development. As stated previously any further application on lands within the vicinity of the site must be assessed on their individual merits.

**Summary**

The late objections received have been fully taken into account.

In conclusion the recommendation remains as set out in the case officer's report and this addendum. The proposal is recommended for Approval subject to conditions and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions. If Committee is minded to agree with that recommendation, it is requested that authority be delegated to the Director of Planning & Place, in consultation with the Town Solicitor, to negotiate and enter into the said Agreement on behalf of the Council.

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date: 14 March 2017</b>	
<b>Application ID:</b>	LA04/2016/2267/F
<b>Proposal:</b> Erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works	<b>Location:</b> Site C Gasworks Office Park, Cromac Place Belfast.
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Inislyn Ltd 128a Eglantine Avenue Belfast BT9 6EU	<b>Agent Name and Address:</b> Strategic Planning 1 Pavillions Office Park Kinnegar Drive Holywood BT18 9JQ
<p><b>Executive Summary:</b> The application seeks full planning permission for the erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- The acceptability of proposed office use</li> <li>- Scale, Massing and Design</li> <li>- Impact on amenity</li> <li>- Archaeological and Built Heritage</li> <li>- The impact on existing roads infrastructure/ acceptability of access arrangements</li> <li>- Contamination</li> <li>- Developer Contribution</li> <li>- Pre-Application Community Consultation</li> </ul> <p>The site is located within the Belfast City Centre as designated in the Belfast Metropolitan Area Plan. It is also within a social housing zoning as designated in BMAP. The proposal is in keeping with the office/ commercial context of this part of the gasworks site and given the scale of the zoning and the level of identified housing need there is ample opportunity elsewhere in the zoning to cater for the local social housing need.</p> <p>In terms of height, scale, mass and design the proposal is considered acceptable in the context subject to conditions in respect of obscure glazing on north elevation. Historic Environment Division has considered the impacts of the proposal on the adjoining listed Former Ross Mineral Water Works Building, and on the Gas Office at 4-14 Cromac Quay buildings, and has offered no objection.</p>	

Transport NI, NIWater, HED Historic Monuments Unit and Belfast City Council's Environmental Protection Unit have offered no objections to the proposal and standard conditions are to be applied.

Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved subject to conditions.

Committee is requested to delegate the consideration of the final wording of the conditions to the Director of Planning and Place.

**Recommendation**

Approve subject to conditions set out in the case officer report and subject to the completion of an Agreement in respect of developer contributions. Contributions will help enhance connectivity between the city centre and the wider gasworks area, and promote connectivity with the surrounding residential streets.

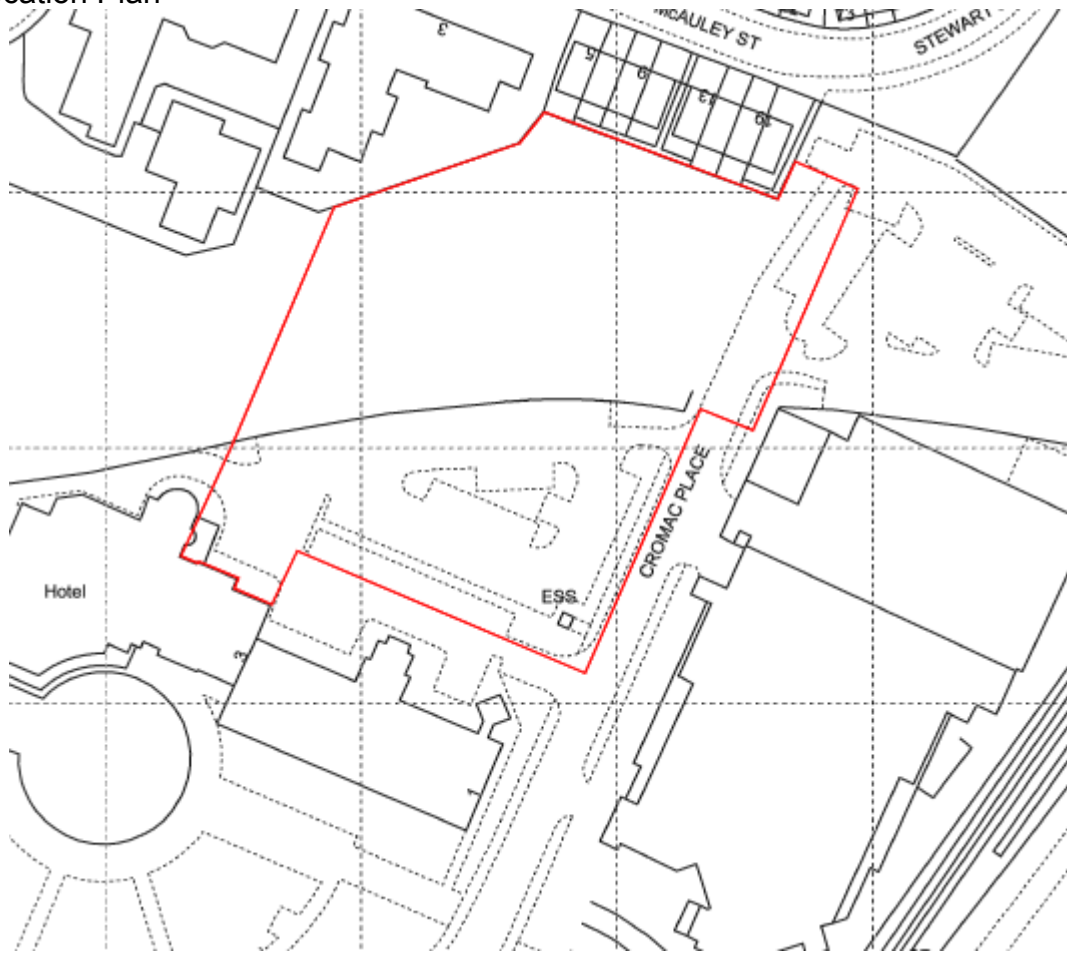
If members are minded to approve the application it is also requested that authority is delegated to the Director of Planning and Place, on behalf of the Council in consultation with Legal Services, to agree the terms of the Agreement.

**Signature(s):**



## Case Officer Report

### Site Location Plan



<b>1.0</b>	<p><b>Description of Proposed Development</b> Erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works.</p> <p>The building is a flat roof structure with a maximum height of 27.5m (including rooftop plant) dropping to 16m to the four storey element to the north. The building has a red bricked frontage with vertically emphasised windows.</p>
<b>2.0</b>	<p><b>Description of Site</b> 0.5 ha site largely dominated by car parking. Bollards define eastern boundary along Cromac Place with a 2.5m wall along Northern boundary with adjacent residential development.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b> No recent planning history on site</p>
<b>4.0</b>	<p><b>Policy Framework</b></p>
<b>4.1</b>	<p>Belfast Metropolitan Area Plan 2015</p>
<b>4.2</b>	<p>SPPS Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Natural Heritage</p>

	<p>Planning Policy Statement 3 - Access, Movement and Parking          Planning Policy Statement 4 – Planning and Economic Development          Planning Policy statement 6 – Planning, Archaeology and the Built Heritage</p>
<b>5.0</b>	<p><b>Statutory Consultees</b>          Transport NI – No objection subject to conditions          NI Water – No objection          NIEA Waste Management Unit – No objection subject to conditions          NIEA Water Management Unit - No objection          Historic Environment Division – No objection subject to conditions</p>
<b>6.0</b>	<p><b>Non-Statutory Consultees</b>          Environmental Health BCC – No objection subject to conditions</p>
<b>7.0</b>	<p>Representations          One letter of objection have been received. The following points of concerns have been raised:</p> <ul style="list-style-type: none"> <li>- Scale, Massing and Design</li> <li>- Inappropriate level of community consultation with local groups</li> <li>- Inadequacies in the pre-application community consultation process</li> <li>- Impact on residential amenity</li> <li>- The proposal will impact upon the way the wider area is developed</li> </ul>
<b>8.0</b>	<p>Other Material Considerations          DCAN 15 – Vehicular Access Standards</p>
<b>9.0</b>	<p><b>Assessment</b></p>
<b>9.1</b>	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- The acceptability of proposed use</li> <li>- Scale, Massing and Design</li> <li>- Impact on amenity</li> <li>- Archaeological and Built Heritage</li> <li>- The impact on existing roads infrastructure/ acceptability of access arrangements</li> <li>- Contamination</li> <li>- Developer Contribution</li> <li>- Pre-Application Community Consultation</li> </ul>
<b>9.2</b>	<p><b>The Acceptability of proposed office use</b>          The site is located within a social housing zoning (CC04/08) as designated in the Belfast Metropolitan Area Plan and within the Laganside South and the Markets Character Area (CC0014). It is worth noting that the application site forms only a small part of the wider social housing zoning, measuring 2.76 Ha. There is ample opportunity within the area covered by this zoning to cater of the social housing needs of the local area (74 applicants in housing stress as of March 2016). Without prejudice and without pre-determining the outcome of any future planning application, arguably a more suitable location for housing would be the car park sites at the western area of the zoned lands as this is located along the established housing development at the junction of Ormeau road and Raphael Street. It would form a natural continuation to the two storey red-bricked terraced housing fronting onto the Ormeau Road, with the opportunity to maintain the area of roadside planting. If a similar density is applied to the vacant site to the south of this housing there is scope to provide for the social housing need as defined by the Housing Executive. Part of this site is also set aside as a 'City Centre Gateway'. This would provide the opportunity to create something of a landmark building of a larger scale, appropriately designed.</p>
<b>9.3</b>	<p>The site is also within close proximity to the gasworks, an area affected by high levels of contamination. The Housing Executive in their letter dated 9<sup>th</sup> June 2016 (initially submitted as part of Pre-application discussions) have acknowledged that a number of adjacent social housing schemes have experienced substantial remediation costs which</p>

	<p>can lead to difficulties in delivering social housing. The site's location within an area where there are a number of large scale office/ commercial buildings would favour a similar use or mixed use as opposed to entirely housing in terms of viability.</p>
9.4	<p>Given that the wider social housing zoning is controlled by Belfast City Council, there is opportunity to provide a viable mixed use scheme within the Gasworks area, including this proposal, which will ensure the provision of social housing alongside employment, with linkages to the wider area.</p>
9.5	<p>Policy OF1 of the Belfast Metropolitan Area Plan states that Belfast City Centre is the first choice location for major office development. Whilst the site is zoned for social housing, given its city centre location the proposed office use in principle is also an acceptable land use.</p>
9.6	<p>In terms of the Urban Design Criteria set out in BMAP for the Laganside South and Markets Character Area there is a general requirement that development proposals shall take account of the height of adjoining buildings. As discussed below the scale of the building is on a par with the adjacent office / commercial buildings and steps down to four storey whilst providing an ample separation distance to the two and a half storey dwellings on McAuley Street.</p>
	<p><b>Scale, Massing and Design</b></p>
9.7	<p>The building's six storey flat roof form reflects the scale and massing of the existing office buildings and Radisson hotel within the vicinity of the site. The main six storey element of the building is located just over 30m north of the existing six storey Lighthouse Building, with its red-bricked finish and vertically emphasised glazing reflecting the character of this building. The scale is also on a par with the Lloyds Bank Building with a staggered height between six and eight storeys. The proposal will 'round off' a group of large office/ commercial buildings that define the character of this part of the Gasworks site, with the red-bricked warehouse style building with a strong vertical emphasis on the fenestration being something of an architectural nod to the industrial heritage of the area.</p>
	<p><b>Impact on Amenity</b></p>
9.8	<p>An existing Housing development abuts the North and North-west boundaries of the site. An impact will be experienced within the two and a half storey terraced dwellings to the north of the building on McAuley Street given the proximity of not only the building to the rear boundary but also the proposed access road. In terms of the building itself it should be noted that it drops to four storeys to the north towards these dwellings. The four storey section of the building is located 20-22m from the rear boundary of these properties and 25-27m from the rear wall of the dwellings. It is worth noting at this point that a wall, approximately 2.5m high, is located along the rear of the dwellings, and the dwellings sit slightly lower than the site. This effectively means that the rear of the dwellings are completely enclosed with the ground floor windows having little in the way of an outlook. Given the separation distances involved and the fact that a high wall is located approximately 4.5m from the rear wall of the dwellings there should be no significant exacerbation in terms of overshadowing/ loss of light experienced in the private amenity area to the rear. With a building of this scale there will undoubtedly be some loss of amenity in the rooms on the upper floors but given the 25-27m separation distance this impact should not be significant.</p>
9.9	<p>Given the number of windows on the north facing elevation of the proposed office block, the separation distances may minimise any potential overlooking, but the perceived level of overlooking must also be considered. To address any potential concerns, it is proposed to condition 2m high obscured glazing from finished floor level to the north elevation</p>

	windows. This will minimise any opportunity to look out onto the rear of the existing dwellings and will reduce the level of perceived overlooking.
	<b>Archaeological and Built Heritage</b>
9.10	The application is in close proximity to Gas Office at 4-14 Cromac Quay (Grade A) which is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011. Historic Environment Division, Historic Buildings (HED:HB) has considered the impacts of the proposal on the building and on the basis of the information provided, advise the proposal satisfies Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.
9.11	The proposed development site contains lands formerly occupied in the mid-19 <sup>th</sup> century by sites of industrial heritage interest including the Belfast Abattoir on MacAuley Street and the Cromac Steam Saw Mill to the west, both sites of industrial heritage interest protected under the provisions of Policy BH 2 of PPS 6. The development site is also located close to the 18 <sup>th</sup> century 'Cromack Dock' a short distance to the south.
9.12	Consequently, the application site has potential to contain below ground archaeological remains associated with 18 <sup>th</sup> & 19 <sup>th</sup> century industrial heritage activity in the vicinity. Historic Environment Division: Historic Monuments (HED: HM) has considered the impacts of the proposal. HED: HM is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation <i>in situ</i> , as per Policy BH 4 of PPS 6. HED have requested that the attached conditions at 11.10 and 11.11 are attached to any planning approval, should approval be forthcoming.
	<b>Impact on existing roads infrastructure/ acceptability of access arrangements</b>
9.13	TransportNI initially requested a parking survey demonstrating parking appropriate to its use class under 'Belfast City Centre Core' Areas of Parking Restraint TRAN1. A statement was provided, stating that 100 parking spaces are located within the existing car park, these serve the Radisson Hotel and the Lighthouse Office Building. 44 of these spaces are to be retained in situ and 56 spaces are to be relocated in a reconfigured car park, therefore no loss of existing spaces. As per the BMAP parking requirement (TRAN1) 23 spaces are needed to serve the proposal (1/300 square metres), and these are provided in the reconfigured car park.
	<b>Contamination</b>
9.14	A letter report has been provided by RPS Ireland Ltd in support of this application. The letter includes additional discussion and interpretation of the available soils and groundwater contamination data from on and off site. NIEA Waste Management Land and Groundwater Team are satisfied that a detailed conceptual site model (CSM) has been presented.
9.15	Following an intrusive site investigation involving soil/water sampling along with ground gas monitoring and assessment of all data, one pollutant linkage has been identified which requires remediation. The reports have classified the on-site gassing regime as 'Characteristic Situation 2', thereby requiring gas protection measures to be installed within specified areas of the proposed building footprint in accordance with the recommended guidance.
9.16	Waste Management Land and Groundwater Team and Environmental Services Department of BCC have no objections to the development provided conditions are

	placed on any Planning Decision Notice as recommended below at 11.4 – 11.9.
	<p><b>Developer Contribution</b></p> <p>In this case it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement with the Council to provide contributions to local environmental improvements.</p>
9.17	
9.18	In this case it is considered that this should primarily take the form of public realm improvements to the streetscape around the building and enhance pedestrian linkages and improve connectivity to the heart of the city and the residential areas to the north and west, and should specifically include contributions towards a pedestrian access between Cromac Place and Stewart Street/ McAuley Street to facilitate future access to the river front and potentially the new Lagan Bridge.
	<p><b>Pre-application Community Consultation</b></p> <p>For applications that fall within the major category as prescribed in the Development 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>
9.19	
9.20	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 (LA04/2016/0627/PAN) was submitted to the Council on 4 <sup>th</sup> April 2016.
9.21	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.
9.22	A Pre Application Community Consultation Report (September 2016) has been submitted in support of this application. The Report has confirmed the following:
9.23	The Public Event took place at The Radisson Blu Hotel on 23 <sup>rd</sup> June 2016. This event was advertised in the Belfast Telegraph on 14 <sup>th</sup> June 2016. A leaflet containing details of the event was delivered to residents in the Markets Area (including McAuley Street and Raphael Street) with copies placed in the local shop. Direct invites were issued to a number of Councillors, MLA's and an MP and Alderman, as well as a number of community groups.
9.25	A meeting was also held with the Markets Development on 24 <sup>th</sup> May 2016 to introduce the proposal and seek community feedback
9.26	A total of approximately 20 people attended the event with a general view that the area was in need of regeneration.
9.27	<p>A number of issues were raised during the course of the community consultation exercise:</p> <ul style="list-style-type: none"> <li>- Housing Need and the fact the site is on a social housing zoning</li> <li>- Importance of connectivity, between the Markets and the Gasworks and beyond to Lagan Bridge</li> <li>- Proximity to dwellings on McAuley Street</li> <li>- Need for developer contributions</li> <li>- Support for Grade A office space and job creation</li> <li>- Community Needs to be kept informed</li> <li>- Pressure on local car parking</li> </ul>

<p>9.28</p>	<p>In response to these points the planning agent has made the following comments:</p> <ul style="list-style-type: none"> <li>- Advanced negotiations with potential tenants in order to create jobs</li> <li>- The site is considered unsuitable for Social Housing given lack of vehicular access from the Markets and contamination. Other sites in vicinity more suitable for social housing</li> <li>- The development allows for pedestrian and cycle connections between Gasworks and the Markets</li> <li>- Building steps down towards adjacent houses with significant separation distance</li> <li>- Developer willing to provide contributions</li> <li>- Community consultation has included residents, community groups, businesses and elected representatives</li> <li>- Parking schemes outside applicant's control. Area already at capacity.</li> </ul>
<p>9.29</p>	<p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>
<p>9.30</p>	<p><b>Consideration of Issues</b></p> <ul style="list-style-type: none"> <li>- <b>Scale, Massing and Design</b></li> <li>- Scale, massing and design in keeping with the mixed use Gasworks area with the size of the building similar to that of buildings on adjacent sites. Design reflects industrial heritage of area with strong vertical emphasis and red-bricked finishes.</li> <li>- <b>Inappropriate level of community consultation with local groups</b></li> <li>- Given the level of consultation stated in the Pre-application Community Consultation Report it would appear that the applicant has carried out their duty under Section 27 of the Planning Act.</li> <li>- <b>Inadequacies in the pre-application community consultation process</b></li> <li>- As stated above based on the information contained within the Pre-application Community Consultation Report it would appear that the applicant has carried out their duty under Section 27 of the Planning Act in terms of the level and nature of community involvement</li> <li>- <b>Impact on residential amenity</b></li> <li>- The building steps down towards the existing dwellings to the north with a separation distance of approximately 26m to the dwellings. Obscure glazing is proposed on the first to third floor windows on the rear elevation of the building. A 2m high obscure panel can be conditioned to ensure that there will be no unacceptable level of overlooking onto the rear of the adjacent dwellings.</li> <li>- <b>The proposal will impact upon the way the wider area is developed</b></li> <li>- To date a masterplan has not been adopted for the wider Gasworks area. Each application must therefore be assessed on its individual merits.</li> </ul>
<p>10.0 10.1</p>	<p>Summary of Recommendation:</p> <p>Office development located within an area defined by large scale office/ commercial buildings. Scale, massing and design appropriate to this context and reflective of the industrial heritage of the gasworks area. Although the site is located on a social housing zoning it occupies only a small portion of this zoning. There is scope within the zoning to accommodate for the housing need. The proposal should not have a significant impact on the amenity of the adjacent dwellings on McAuley Street subject to conditions.</p> <p>No objections have been offered from Statutory and non-statutory consultees.</p>
<p>10.2 11.0 11.1</p>	<p><b>Conditions</b></p> <p>As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p>

<p><b>11.2</b></p>	<p>Reason: Time Limit.</p> <p>The development hereby permitted shall not become operational until no more than 123 car parking spaces and associated hard surfaced areas for manoeuvring have been constructed in accordance with the approved layout Drawing No. 02 'Proposed Site Plan' bearing the Belfast City Council Planning Office date stamp 20 October 2016 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.</p>
<p><b>11.3</b></p>	<p>Reason: To ensure that adequate provision has been made for parking.</p> <p>The development hereby permitted shall operate in accordance with the Travel Plan &amp; Service Management Plan bearing the Belfast City Council Planning Office date stamp 20 October 2016.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles and in the interests of road safety and the convenience of road users.</p>
<p><b>11.4</b></p>	<p>Prior to occupation the windows on the northern elevation will be obscure glazed to a height of 2m from finished floor level on each floor.</p> <p>Reason: In the interests of residential amenity.</p>
<p><b>11.5</b></p>	<p>No development shall commence until the applicant has submitted a groundwater quality monitoring scheme to verify the groundwater quality pre, during and post development. This should include:</p> <ul style="list-style-type: none"> <li>- Groundwater monitoring points (existing and proposed),</li> <li>- Suites of contaminants to be monitored for and,</li> <li>- The schedule for monitoring proposed.</li> </ul> <p>If unacceptable risks to receptors are identified a remediation strategy will be required to address those risks.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
<p><b>11.6</b></p>	<p>The development hereby permitted shall not be occupied until the remediation measures as described in the RPS, Remedial Strategy Report, Site C. Former Belfast Gasworks. November 2016; have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
<p><b>11.7</b></p>	<p>After completing the groundwater monitoring and remediation works under Conditions 4, 5 and 9; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).</p> <p>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>

11.8	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention” available at <a href="http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf">http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf</a>.</p>
11.9	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>Prior to the operation of the proposed development, the applicant shall provide to Belfast City Council, for approval, a Verification Report. This report must demonstrate that the remediation measures outlined in Section 6.0 of the RPS Ireland Limited, Remedial Strategy Report IBR0944/November 2016 Site C Former Belfast have been implemented. This verification report shall specifically address the following ;-</p> <ul style="list-style-type: none"> <li>• The structural barrier of the floor slab.</li> <li>• Ventilation measures.</li> <li>• Vapour and Gas resistant membrane.</li> <li>• Verification of depth of capping system in landscape areas and suitability of topsoil material.</li> </ul>
11.10	<p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that gas protection measures in accordance with CIRIA C665 Characteristic Situation 2 have been installed throughout the building footprint of the proposed development. Furthermore verification or integrity testing shall be in accordance with the provisions of CIRIA C735.</p>
11.11	<p>Reason: The protection of human health</p> <p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p>
11.12	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use</p> <p>No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>



11:13

Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

**Informatives**

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Regional Development for which separate permissions and arrangements are required.

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, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

Pedestrian Crossing Points across the proposed entrances are to be provided in accordance with the DTER/Scottish Office publication 'Guidance on the use of Tactile Paving'.

The applicant is advised that the proposed commencement of Part III of the Waste and Contaminated Land (NI) Order 1997 may introduce retrospective environmental liabilities to the applicant following the development of this site.

The comments provided by Belfast City Council are without prejudice to any future statutory control which may be required under Part III or any other future environmental legislation. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

Failure to provide a satisfactory Verification Report may lead to the assumption that the site still poses a risk to human health and it may be subject to further action under forthcoming legislation.

The applicant is advised to ensure that all plant and equipment used in connection with the offices is so situated, operated and maintained as to prevent the transmission of noise to nearby properties.

For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact:

Historic Environment Division – Historic Monuments  
Causeway Exchange  
1–7 Bedford St

	<p>Belfast, BT2 7EG Tel: 02890 823100 Quote reference: SM11/1 IHR 10010</p> <p>Application for the excavation licence, required under the <i>Historic Monuments and Archaeological Objects (NI) Order 1995</i>, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to: Historic Environment Division – Historic Monuments Unit Causeway Exchange 1–7 Bedford St Belfast, BT2 7EG</p>
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Neighbour Notification Checked	Yes
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**ANNEX**

<b>Date Valid</b>	20th October 2016
<b>Date First Advertised</b>	4th November 2016
<b>Date Last Advertised</b>	25th November 2016

**Details of Neighbour Notification** (all addresses)

1, 19 Raphael Street, Town Parks, Belfast, Antrim, BT7 2DD,  
11, 13, 15, 17, 19 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BU,  
2, 19 Raphael Street, Town Parks, Belfast, Antrim, BT7 2DD,  
2-6 Unit 6, Raphael Street, Town Parks, Belfast, Antrim, BT7 2DD,  
24 Cromac Place, Town Parks, Belfast, Antrim, BT7 2JB,  
3 Cromac Place, Town Parks, Belfast, Antrim, BT7 2JB,  
3 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BW,  
42-54, Raphael Street, Town Parks, Belfast, Antrim, BT7 2DD,  
5 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BU,  
7 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BU,  
9 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BU,  
Apartment 1, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,  
Apartment 10, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,  
Apartment 11, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,  
Apartment 12, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,  
Apartment 13, 1A Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BN,  
Apartment 14, 1A Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BN,  
Apartment 15, 1 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,  
Apartment 16, - 19 1 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,  
Apartment 2, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,  
Apartment 20 – 29 1 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,  
Apartment 3, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,  
Apartment 30 – 39 ,1 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,  
Apartment 4, 1A Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BN,

Apartment 40 - 45, 1 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP, Apartment 5, 6, 7, 8, 9, 1, 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP, Apartment 6, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP, CRI Building, 2nd Floor, 165-169 Donegall Pass, Belfast, N Ireland, BT7 1DT Flat 1, - 45 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP, Flat 5, -9 1, 3 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP, Lloyds Banking Group, 14 Cromac Place, Town Parks, Belfast, Antrim, BT7 2JB, Markets Community Centre, 1 Market Street, Belfast, BT1 3JD The Lighthouse, 1 Cromac Place, Town Parks, Belfast, Antrim, BT7 2JB, Unit 1, Raphael Street, Town Parks, Belfast, Antrim, BT7 2DD, Unit 2-6, Raphael Street, Town Parks, Belfast, Antrim, BT7 2DD,	
<b>Date of Last Neighbour Notification</b>	11 <sup>th</sup> November 2016
<b>Date of EIA Determination</b>	8 <sup>th</sup> November 2016
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b> <b>01, 02, 03, 04, 05, 06, 07</b>	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	

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