

# Public Document Pack

**Democratic Services Section  
Legal and Civic Services Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**



**Belfast  
City Council**

14th December, 2022

## **PLANNING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Monday, 19th December, 2022 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

## **AGENDA:**

7. (a) LA04/2020/1858/F: (deferred from August 2021 Planning Committee)  
Residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works. Hillview Retail Park, Crumlin Road, Belfast. (Pages 1 - 20)
- (f) LA04/2021/2815/F: Erection of Discount supermarket, drive through cafe, landscaping, car parking, and associated site works. Vacant lands at access road to Olympia Leisure Centre directly opposite and approx. 70m East of nos. 9-15 Boucher Road Belfast (Pages 21 - 56)
- (h) LA04/2022/1856/F: Section 54 application to vary condition no.12 of planning permission LA04/2021/2242/F relating to landscaping and planting works. Lands bounded by Little Victoria Street Bruce Street and Holmes Street Belfast (Pages 57 - 70)



<b>ADDENDUM REPORT</b>	
<b>Committee Meeting Date:</b> Tuesday 19 <sup>th</sup> December 2022	
<b>Application ID:</b> LA04/2020/1858/F	
<b>Proposal:</b> Residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works.	<b>Location:</b> Hillview Retail Park, Crumlin Road, Belfast.
<b>Referral Route:</b> Paragraph 3.8.2 (a) i. of the Scheme of Delegation (scheme of more than 12 units with recommendation to refuse and representations in support having been received).	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Hillview Centre Belfast Ltd 155-157 Donegall Pass Belfast BT7 1DT	<b>Agent Name and Address:</b> RPP Architects 155-157 Donegall Pass Belfast BT7 1DT
<p><b>Background</b></p> <p>This application was considered by the Planning Committee on 17 August 2021. Whilst the officer recommendation was to refuse permission, the Committee recommended that the '<i>Chief Executive uses her delegated authority to grant approval to the application, on the basis that the principle of housing is acceptable at that location, subject to the outstanding assessments on roads, drainage, contamination, air quality and noise being submitted to, and considered acceptable by, the Committee at a future meeting.</i>' The Chief Executive's decision corresponded with the Committee's recommendation.</p> <p>The applicant has since submitted a series of reports. DfI Rivers and BCC Environmental Health have responded offering no objections to the proposal.</p> <p>DfI Roads continue to object to the application. NI Water now objects to the scheme.</p> <p>DAERA NIEA and Shared Environmental Services (SES) were consulted on possible environmental impacts following NI Water's response. DAERA and SES have advised there is no clear evidence that the proposal would have a harmful environmental impact. However, taking a precautionary approach, SES advises a condition preventing commencement of works until agreement reached with NI Water for wastewater disposal. DAERA NIEA NED has requested additional information.</p> <p>The applicant has indicated that Newington Housing Association is identified as the preferred Housing Association partner and discussions with them are ongoing.</p> <p>This Addendum Report should be read in conjunction with the report to August 2021 Planning Committee including Late Items report, appended.</p> <p><b>Updated Assessment</b></p> <p>An updated planning assessment is provided below and has regard to the Development Plan, prevailing planning policies and relevant material considerations.</p> <p><u>Drainage and Flood Risk</u></p> <p>DfI Rivers has commented on the additional drainage information. It advises that Policy FLD 3 'Development and Surface Water' of PPS 15 apply. A Drainage Assessment has been submitted, which DfI Rivers finds acceptable and it no longer offers an objection to the proposal. The proposal is therefore considered compliant with PPS 15.</p>	

### Infrastructure Capacity

NI Water now objects to the proposal. It advises that there is insufficient wastewater treatment capacity to support the proposed development. The public system cannot presently serve the proposal without significant risk of environmental harm. NI Water states that it has no plans within its current investment cycle to upgrade the wastewater system in this drainage area and is recommending connections to the system are curtailed.

NI Water has advised the applicant to engage directly with it to ascertain whether an alternative drainage/treatment solution can be agreed.

NI Water goes on to advise that there is a public foul sewer within 20m of the site boundary which cannot adequately service the proposal. The receiving foul sewerage network has reached capacity. The public system cannot presently serve the proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water has no plans within its current investment cycle to upgrade the sewerage system in this Drainage Area and is recommending connections to the system are curtailed.

However, no supporting data or information to evidence NI Water's concerns have been provided. There are a significant number of extant and un-implemented planning permissions across the city for housing, commercial and other uses including over 20,000 new homes. Given NI Water's duty to connect to those developments and that it has not provided detailed evidence to support its precise objection to this particular application, it would be unreasonable for the Council to refuse planning permission on these grounds.

### Ecological impacts

Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for carrying out an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also "in combination" impacts with other development.

Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a significant effect on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.

In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult SES and DAERA. SES has advised that following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, the proposal would not likely have a significant environmental effect on the integrity of any European site either alone or in combination with other plans or projects. This is subject to mitigation by way of a planning condition to prevent commencement of development until the method of sewage disposal has been agreed with NI Water. This condition is considered necessary in the event that planning permission is granted.

DAERA Water Management Unit has advised that it has no objection to the proposal in principle, however, it has the potential to have an adverse impact effect on the aquatic environment. They have recommended a similar condition to SES requiring method of sewage disposal to be agreed prior to commencement.

DAERA NIEA NED requested further information to fully assess the impacts on natural heritage interests. NED have commented that there are trees outside of the site which have the potential to support nesting birds. As there is potential for priority and/or protected species to be using the site and impacted by the proposed development, NED recommends that a Preliminary Ecological Appraisal (PEA) is carried out by a suitably experienced ecologist to facilitate an assessment.

The applicant has provided a photographic survey of the site. This demonstrated the level of hard standing on the site. The vegetation on the site is of poor quality and there is no evidence to suggest that there are protected species on the site or adjacent. The vegetation consists of mainly shrub and scrub planting. The agent highlighted that this invasive growth on the site is a result of the lack of maintenance on the site following its closure in 2008.

NED also recommends that a Lighting Plan is submitted as bats are known to roost in the vicinity and are likely to be commuting and/or foraging on or adjacent to the site. NED notes that artificial lighting coming from streetlights and the proposal can have significant detrimental impacts on bats. The agent advises that external lighting be directed away from trees, boundary vegetation and adjacent buildings. They are of the view that the proposal will actually reduce light spill from the retail park as opposed to increasing it. Officers are content that matters relating to light spill could be dealt with by planning condition were planning permission to be granted.

Having regard to the above assessment, it is considered that the proposal is acceptable having regard to PPS 2 Natural Heritage.

#### Impact on Human Health

Following additional information, Environmental Health has withdrawn its previous objection to the proposal, subject to conditions relating to noise, contamination, and air quality. These conditions would be necessary were planning permission to be granted. It is considered that the proposal would not adversely impact on neighbouring amenity.

#### Access, Parking, and Transport

A series of additional information has been provided by the applicant since the August 2021 Committee meeting. DfI Roads' latest response is dated 13 December 2022 and advises that several points previously raised remain unresolved. DfI Roads have advised that the proposal is contrary to Policy QD1 of PPS 7 in that the applicant has failed to demonstrate an acceptable road layout in accordance with the guidance within *Creating Places*. It advises that the applicant is still unable to deliver the Access Road 1 which continues to be outside the red line of their application site (and control). A significant portion of the submitted PSD drawing is outside the red line application site, which causes a fundamental issue with the scheme. The access road width at 9m is too wide and encourages drivers to speed on this portion of the residential road. The radii of the kerb-lines onto Hillview Road are too large and so would encourage drivers to speed on this portion of residential road, therefore, resulting in a highway safety danger for residents of the proposed social housing. Moreover, at 9 metres, the access road is too wide for occupants of the proposed housing to safely cross, compounded by the higher speeds of traffic including lorries and other large delivery vehicles.

DfI Roads advises that the access road is still connected to the retail car park and so would invite "rat running" between Crumlin Road and Hillview Road. No gate is currently proposed to prevent this. Also, mixing residential traffic with commercial traffic invites commercial traffic through the residential environment, so causing a road safety issue. The internal road layout does not comply with *Creating Places*. The existing pedestrian facilities have been compromised within the existing

Lidl carpark. It has not been demonstrated that the existing retail development (when fully operational) can adequately operate with the lesser parking availability. Ultimately, the proposal would be unable to deliver adequate a safe environment for potential residents.

Officers advise that the proposal would be detrimental to highway safety and would create a safety risk for occupants of the development. Moreover, the works to the public highway, shown in the Private Streets Determination (PSD) drawing, including land outside the application site and could therefore not be enforced as part of the planning permission.

In view of the objection from DFI Roads, it has agreed to attend the Planning Committee meeting to field any questions that the Committee may have on these issues.

#### Design and layout

Officers remain of the opinion that the design and layout of the scheme are unacceptable for the reasons set out in the previous report to the August Planning Committee.

#### Belfast LDP Draft Plan Strategy

The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.

#### **Recommendation**

Whilst the additional information provided by the applicant has addressed the objections raised by Environmental Health regarding noise conflict and from DFI Rivers regarding drainage, significant concerns remain about the appropriateness of the proposed development with regard to design and, notably, highway safety.

It is recommended that the application is refused with delegated authority sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.

#### **Draft Refusal Reasons:**

1. The proposed development is located within an existing established retail park and District Centre as identified in both versions of draft Belfast Metropolitan Area Plan 2015. The proposal would reduce the land available within the retail park to delivery retail and other appropriate commercial uses and would fail to retain and consolidate the existing District Centre as a focus for local everyday shopping. Moreover, the proposal would have potential to blight and compromise the retail function of the District Centre. The proposal is therefore contrary to paragraph 6.276 of the SPPS and is unacceptable.
2. The proposed development would be served by an unsafe vehicular access for pedestrians, cyclists and occupants of the proposed housing to navigate and cross. The access is designed to support lorries, cars and other vehicles travelling to and from the retail park. Vehicle speeds along the access and frontage to the site would be too high and would endanger occupants of the proposed housing. Moreover, at 9 metres width, the vehicular access road would be too wide for occupants of the proposed housing to safely cross, further endangering them. Moreover, inadequate and safe parking is provided to support the development. The proposed works to the public road, as shown in the Private Streets Determination (PSD) drawing, are inadequate and involve works outside the

application site and could therefore not be enforced through the planning permission. The proposal is contrary to paragraphs 6.297 of the SPPS and Policies AMP2, AMP7 and AMP8 of PPS 3 and is unacceptable.

3. The proposed development, by reason of its residential use and form, would be out of keeping with its commercial retail context, the site forming part of an established retail park. Housing in this location would appear conspicuous and out of keeping with its retail park setting. The proposal is contrary to paragraph 4.26 the SPPS and criterion (a) of Policy QD 1 of PPS 7 and is unacceptable.
4. The proposed development would provide an unsuitable and undesirable living environment for occupants. Firstly, its location within an established retail park next to its main entrance with the amenity of occupants of the development harmed by noise and fumes from the regular comings and goings of customers, deliveries and other traffic and activities associated with the retail park. Secondly, by reason of a poor outlook from the housing onto a commercial retail park. Thirdly, the overbearing impact of the substantial interface wall onto the rear gardens of Block A. Fourthly, the poor outlook from Block B onto the western end gable of Block A. Fifthly, the inadequate amenity space for the housing and lack of landscaping relief. The proposal is therefore contrary to paragraphs 4.9, 4.12 and 4.26 of the SPPS and criterion (a), (c), (h) and (i) of Policy QD1 of PPS 7 and is unacceptable.
5. The proposed development would not promote safety and surveillance for residents due to the juxtaposition with the interface wall. The proposal therefore fails to accord with paragraphs 4.5 of the SPPS and criterion (i) of Policy QD1 of PPS 7 and is unacceptable.

**Late Items**

Agenda Item	Application	Issues Raised	Action
f	LA04/2020/1858/F Hillview Retail Park	<p>Letter of support on behalf of John Finucane MP, Gerry Kelly MLA and Carál Ní Chuilín MLA of Sinn Féin.</p> <ul style="list-style-type: none"> <li>• Highlights issues associated with waiting lists for social housing in the North Belfast area (over 4,500 applicants on the waiting list);</li> <li>• Demand for housing in the north of the city outstrips supply and the availability of land is one of the key barriers to addressing this housing problem;</li> <li>• Proposal represents a positive approach to the supply of housing as its adjacent to existing housing and will offer a good mix with the existing commercial offerings; and</li> <li>• Urge the Planning committee to show leadership and vote in favour of the proposal to help to reduce the housing waiting lists in the city.</li> </ul>	<p>The description states ‘social’ housing but the application is not made by a social housing provider nor is there a statement of support accompanying the application. Officers advise that there are fundamental concerns associated with the design and layout of the proposal. The proposal would provide a poor quality residential environment and the issue of housing need is not considered to override the concerns.</p>

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> Tuesday 17 August 2021	
<b>Application ID:</b> LA04/2020/1858/F	
<b>Proposal:</b> Residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works.	<b>Location:</b> Hillview Retail Park, Crumlin Road, Belfast.
<b>Referral Route:</b> As per request from elected representatives.	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Hillview Centre Belfast Ltd 155-157 Donegall Pass Belfast BT7 1DT	<b>Agent Name and Address:</b> RPP Architects 155-157 Donegall Pass Belfast BT7 1DT
<p><b>Executive Summary:</b> Planning permission is sought for the erection of 18 social houses comprising two different rows of housing.</p> <p>The site has an area of 0.41ha and is located within the development limits for Belfast in both the Belfast Urban Area Plan 2001 (BUAP); and the draft Belfast Metropolitan Plan 2015 (BMAP). The application site is unzoned whiteland within the development limits in BUAP. The site is located within a proposed district centre designation (BT017/2) in draft BMAP 2004.</p> <p>The main issues to be considered in this case are;</p> <ul style="list-style-type: none"> <li>• The principle of the proposal at this location</li> <li>• Design, layout and impact on the character and appearance of the area</li> <li>• Impact on Residential Amenity for existing and prospective residents</li> <li>• Impact on Built Heritage</li> <li>• Access, Parking, and Transport</li> <li>• Infrastructure Capacity</li> <li>• Impact on Human Health</li> </ul> <p>District Centres are characterised by predominantly retail and commercial uses, acting as key service centres for surrounding communities. The proposal will result in a loss of space for this use and therefore, the principle of the proposal is unacceptable on the basis that the site is within a zoned district centre and is also incompatible with adjacent land uses. The proposed residential use is incompatible with the adjacent land use which consists of the retail units, service yards and the large areas of hardstanding for the car park. As such it is considered that housing at this location is unacceptable.</p> <p>The layout and density proposed results in overdevelopment of the site and is contrary to the SPSS and Policy QD 1 of PPS 7 Quality Residential Development and would result in unacceptable damage to the local character; and would create an undesirable living environment for prospective</p>	

residents by way of the poor layout, overlooking and inadequate amenity provision. The scheme also fails to promote the safety and surveillance for prospective residents due to its location along an interface wall and within a retail park.

220 objections have been received including written objections from: William Humphrey, MLA, Cllr Nicola Verner, Cllr Brian Kingston, Cllr Dale Pankhurst. Cllr Dean McCullough. Objections relate to the use of the retail site for housing, impact on community issues, safety concerns, contrary to wider planning policy, inappropriate layout and impact on the character of the area, poor outlook onto peace wall, inadequate amenity provision, design and layout create conflict with adjacent land uses, impact on residential amenity, overlooking, particularly at the north western corner of the site, the proposal could encourage crime and compromise personal safety given the sensitive location of the site, inequality amongst provision of housing for different parts of the local community. One letter of support has been received from a resident of the greater North Belfast area. Which welcomed much needed housing in the area.

These issues are addressed in the assessment in the case officer report.

In respect of the impact on parking and traffic, DfI Roads has stated that the proposal is unacceptable. Rivers Agency and Environmental Health have commented that the proposal is lacking adequate information. Consequently, the proposal also fails to comply with PPS 3 and PPS 15.

**Recommendation**

Having regard to the Development Plan and all other relevant material considerations, the proposal is considered unacceptable, and refusal is recommended for the reasons set out in the case officer report below. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the refusal reasons.

# Case Officer Report

## Site Location Plan



**LANDSCAPING KEY**

TO ALL LANDSCAPING AREAS:  
 - Plants to be installed in spring  
 - All areas to be planted with a minimum of 10% cover of planting  
 - 100% ground cover to be achieved

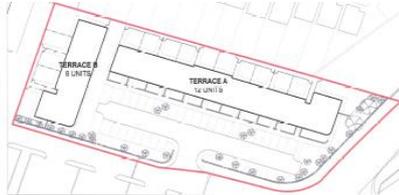
**TERRACE**  
 - Terrace to be paved and finished with a minimum of 100mm concrete  
 - Terrace to be finished with a minimum of 100mm concrete  
 - Terrace to be finished with a minimum of 100mm concrete

**LANDSCAPING**  
 - Plant types to be specified in the landscape plan  
 - Plant types to be specified in the landscape plan  
 - Plant types to be specified in the landscape plan

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**BOUNDARY WALL / FENCE / RETAINING WALL KEY**

BOUND A  
 1000mm high brick wall

BOUND B  
 1000mm high brick wall with 400mm metal railing

BOUND C  
 1000mm high brick wall and wire fence

**LEVEL KEY**

Existing Levels

Proposed Finished Floor Levels

Proposed Site Levels

HOUSE TYPE	HOURING SCHEDULE	N
TYPE A / TYPE A1	1 PERSON / 1 BEDROOM	
TYPE B	1 PERSON / 1 BEDROOM	
TYPE C	1 PERSON / 1 BEDROOM / BG	
TYPE C	1 PERSON / 1 BEDROOM / DUPLEX	
<b>TOTAL</b>		

**BUILD FINISHED KEY**

LAWNS IN TURF

BITUMAC DRIVEWAYS

CONCRETE PAVING / HARDSTANDING

FRONT ENTRANCE DOOR




<b>Characteristics of the Site and Area</b>	
1.0	<p><b>Description of Proposed Development</b> Proposed residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works.</p>
2.0	<p><b>Characteristics of the Site and Area</b> The site is located within the boundary of the Hillview Retail Park, adjacent to the Hillview retail buildings, Hillview Road and near to the Crumlin Road. The proposed site is vacant of buildings but is presently used as a car park for the retail park. The site is characterised by tarmac and hard surfacing materials, with planting along the boundary with Hillview Road. The site is relatively flat. The site is immediately bounded to the north by an interface wall, with Rosehead housing development behind (mainly social housing). There is a small, enclosed area of trees to the north-east. A brick wall and metal fencing at a height of 1.5m bound the site along the Hillview Road entrance to the retail park. The immediate adjacent context to the north is primarily two storey residential premises beyond and on the other side of the wall. West and south of the site is characterised by the wider retail centre and car parking.</p>
2.2	<p>Industrial units and commercial premises are located to the east off the Hillview Road. Historically the site formed part of a spinning mill during the industrial boom in Belfast. Remnants of the old textile and linen factories which dominated this area of the city are still present, most notably the four storey Brookfield Mill along Flax Street and the five-storey Mill building along Sydney Street West.</p> <p>The retail park was opened in 2003 before closing in 2008. Redevelopment work has begun on the wider retail site in recent times with the opening of a Lidl supermarket. The site is a short walking distance to a petrol station and convenience store and is located only 1.5 miles from the city centre.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
3.0	<p><b>Planning History</b> Ref ID: LA04/2016/1112/PAN Proposal: Refurbishment of 6no. existing retail units, including subdivision of unit 1 to create seven retail units in total, new car showroom, drive through restaurant, two coffee restaurant pods, and establish a community market zone (to trade outside of sunday opening hours 9-12.30) Address: Hillview Retail Park, Crumlin Road, Belfast, BT14 6AA, Decision: PANACC Decision Date: 17.06.2016</p> <p>Ref ID: LA04/2017/0361/F Proposal: 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 Decision: GRANTED Decision Date: 26.6.2018</p> <p>Ref ID: LA04/2016/1111/PAD</p>

	<p>Proposal: Refurbishment of 6No. existing retail units, including subdivision of unit 1 to create seven retail units in total, New car showroom, drive through restaurant, two coffee/restaurant pods, and establish a community market zone (to trade outside of sunday opening opening hours 9-12.30) Address: Hillview Retail Park, Crumlin Road, Belfast, BT14 6AA,</p> <p>Ref ID: LA04/2016/2360/F Proposal: 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 facade 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 cafe/restaurant pod; 1 no. stand alone restaurant unit; 1 no. new car sales premises; reconfiguration of existing car parking areas and all associated works Address: Hillview Retail Park, Crumlin Road, Belfast, Decision: Granted Decision Date: 23.01.2018</p> <p>Ref ID: LA04/2016/0162/F Proposal: Road realignment including a right turn lane and associate site and access works (renewal of previous planning permission Z/2009/1515/F) Decision: GRANTED Decision Date: 04.07.2016</p> <p>Ref ID: Z/2009/0434/F Proposal: Use of existing car park to hold car boot sale on Saturday and Sunday mornings. Address: Hillview Retail Park, Crumlin Road, Belfast, Co. Antrim, BT14 7EE Decision: Refusal Decision Date: 15.12.2009</p> <p>Ref ID: Z/2001/2689/F Proposal: Development to encompass one major retail unit and five smaller retail units with associated car parking (Amended Scheme). Address: Hillview Industrial Estate,Crumlin Road,Belfast,BT14 Decision: Granted Decision Date: 02.09.2002</p> <p>Ref ID: Z/1999/2344 Proposal: Development to encompass 2 No major retail units and 3 No smaller retail units with associated car parking Address: Hillview Industrial Estate, Crumlin Road, Belfast, BT14. Decision: Granted Decision Date: 16.10.2000</p> <p>Ref ID: Z/1995/2700 Proposal: Shopping centre to comprise major retail outlet, retail warehousing, associated small shop units and car park Address: HILLVIEW INDUSTRIAL ESTATE CRUMLIN ROAD, BELFAST BT15 Decision: Granted Decision Date: 16.12.1996</p>
4.0	<b>Policy Framework</b>
4.1	Regional Development Strategy (RDS) Belfast Urban Area Plan 2001

	<p>Draft Belfast Metropolitan Area Plan 2004  Draft Belfast Metropolitan Area Plan 2015  (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)  Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.</p>
4.2	<p>Strategic Planning Policy Statement (SPPS)  PPS 3: Access, Movement and Parking  PPS 6: Planning, Archaeology, and the Built Heritage  PPS 7: Quality Residential Developments  PPS 12: Housing in Settlements  PPS 15: Planning and Flood Risk  Creating Places  Development Control Advice Note 8 – Housing in Existing Urban Areas</p>
5.0 5.1	<p><b>Consultations:</b>  <b>Statutory Consultee Responses</b>  DFI Roads – Unacceptable  NI Water - No objections  Rivers – Additional information required  HED- No objections</p>
5.2	<p><b>Non-Statutory Consultee Responses</b>  Environmental Health – Additional information required</p>
6.0 6.1	<p><b>Representations</b>  The application has been neighbour notified and advertised in the local press. 220 objections have been received including objections from the following; William Humphrey, MLA, Cllr Nicola Verner, Cllr Brian Kingston, Cllr Dale Pankhurst. Cllr Dean McCullough .</p> <p>The issues raised include.</p> <ul style="list-style-type: none"> <li>• Impact on community relations.</li> <li>• Creation of tension and division within the community.</li> <li>• Issues associated with an interface area.</li> <li>• The site should be maintained as a retail use with the perception that the site is a shared space for retail and employment and not housing.</li> <li>• In appropriate location for housing.</li> <li>• Contrary to planning policy including PPS 7 Policy QD 1.</li> <li>• Development does not respect the surrounding context and is inappropriate in terms of layout, scale, proportions, massing and appearance of buildings, landscaping and hard surfaced areas.</li> <li>• Site is dominated by hard standing.</li> <li>• The rear boundary of a security wall ought to be considered as a poor outlook for the prospective residents of the proposed development</li> <li>• There is inadequate provision made for private open space and landscaped areas as an integral part of the development. Many of the private garden areas fall below the minimum requirement of 40 square metres as set out in the Creating Places guidance documentation.</li> <li>• The design and layout create conflict with adjacent land uses.</li> <li>• Adverse effect on the proposed properties in terms of overlooking, particularly at the north western corner of the site.</li> </ul>



	<p>alternative approach to traditional roofs in the area with the pitch elevation facing the front street. The proposal ensures that there's active frontage along the internal carriageway. The proposed dwellings are mostly two storeys with a number two and a half storeys in height which add to the variety of the style. They are domestically scaled in keeping with the bulk, scale and massing of residential properties adjacent to the application site. The buff facing brick finish on dwellings is in keeping with the character of the surrounding area. The density of the development equates to 44 dwellings per hectare. This can be considered as a medium density development and is within the typical density range found in the local context and in the similar wider area of Belfast. The dwellings range from 82m2 and 93m2 and are compatible with housing standards. All dwelling units are built to a size not less than those set out in Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity (addendum to PPS 7: Safeguarding the character of established residential areas).</p>
7.5	<p>The proposed development is essentially located within the confines of a retail site. it does not respect the surrounding retail context and is inappropriate to the character of the district centre, thus impacting on the overall amenity of the area. Due to its layout and neighbouring retail use it is considered that the proposal does not create a quality sustainable residential environment and as such the proposal is contrary to the SPPS and Policy QD 1 of PPS7 criteria (a) and (h).</p>
7.6	<p><b>Amenity Provision</b>  It is considered that the scheme fails to provide quality amenity and landscaped space. The proposed is inadequate and inappropriate and is therefore contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the development would, if permitted create undesirable living conditions for prospective residents due to inadequate provision of quality amenity space. Amenity space provision is below the standard 40sqm for an individual house for the majority of the units. Whilst it is marginal in some instances, the outlook from the rear amenity space for the 'Row A' terrace will be north facing and will look directly onto the interface wall which will result in dominance and limited natural light entering rear amenity areas and rear windows. This factored in with the shortfall in amenity space is unacceptable and substandard and fails to create a quality living environment for residents. In addition, there is no useable communal open space within the development. A significant portion of the site is occupied by hardstanding for car parking.</p>
7.7	<p>It is evident that this is a car centric design, proposing a shared surface scheme which when factored with the lack of open space, absence of quality footpaths or cycle paths, into and out of the site will create an undesirable living environment dominated by the private vehicle. This again is an indication of over development of the site. It is considered that the proposal does not create a quality sustainable residential environment and as such the proposal is contrary to the SPPS and Policy QD 1 of PPS7 criteria (c) and (e).</p>
7.8	<p>In terms of prospective residents, each unit has adequate outlook to the street and external amenity areas. However, the relationship between the two blocks of terraces will result in a poor outlook for the two northern units of Block B as they will outlook within 5m to the side gable of Block A and the rear boundary of the first unit in Block B. This will also result in overlooking to the rear gardens of the first units in Block A due to the limited separation distance, which is an indicator of overdevelopment.</p>
7.9	<p>Given the location of the interface wall running along the rear of the proposed site, the scheme fails to promote safety and surveillance for prospective residents due to the juxtaposition with the interface wall and the location within a retail park. The development therefore is also contrary to PPS7 Quality Residential Developments in this respect.</p>

7.10	<p><b>Impact on Neighbouring Residential Amenity</b></p> <p>The layout/aspect of all buildings within the site is such that there will be no significant overlooking into neighbouring properties outside the site. However as already mentioned there will be issues associated with overshadowing and dominance due to the proximity of terrace A to the interface wall. The interface wall separates the proposal from the Rosehead residential development to the north. This is a large blank wall measuring at least 6m in height. A separation distance of 21metres is provided from the rear elevation of terraced dwellings 'Row A' to the buildings within the Rosehead development to the North</p>
7.11	<p><b>Impact on Built Heritage</b></p> <p>HED (Historic Buildings) has considered the impact of the proposal on the setting of the following listed building: HB26/43/010 259 Crumlin Road, Belfast, Co Antrim, BT14 7DY (Grade B2) which is of special architectural or historic interest as set out in Section 80, of the Planning Act (NI) 2011. On the basis of the information provided under the policy requirements of the SPPS (NI) and Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS 6), HED advises that it considers the proposal is sufficiently removed in context from the listed building as to have no impact. HED (Historic Monuments) 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, including an Industrial Archaeology survey and a mitigation strategy focussing on the industrial archaeological remains of the site. This is to identify and record any industrial archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.</p>
7.12	<p><b>Access, Parking, and Transport</b></p> <p>DFI Roads were consulted on the proposal and commented that the application as submitted in its present form is unacceptable as an acceptable layout in accordance with Creating Places has not been demonstrated. In summary, DFI Roads commented that the following points require to be addressed.</p> <p><i>The red line does not contain sufficient areas to deliver the required works. Namely:-</i></p> <ul style="list-style-type: none"> <li>• <i>The gate will be moved back, and the gate posts will be moved back but the red line does not contain the existing gate location. In other words, the applicant shows no authority to remove (and make good) the gates.</i></li> <li>• <i>A fully adopted road and footways will need to be delivered to serve this development. All of the (access) road and footways on both sides of the access road currently lie outside the application site.</i></li> <li>• <i>Adequate Visibility splays need to be provided which may not be achievable due to trees and a wall.</i></li> <li>• <i>A Travel Plan is required</i></li> <li>• <i>Transport Assessment Form is required.</i></li> </ul>
7.13	<p>DFI Roads highlighted in their consultation response that additional information was required to make a further assessment on the proposal. However further information was not requested as the proposal is not considered acceptable in principle and to request such information would put the applicant to unnecessary expense. There are fundamental issues with the proposal and in line with the Council's Planning Operating principles it is deemed appropriate to determine the application based on the information received to date.</p>

7.14	It is considered that the proposal is contrary to Planning Policy Statement 7: Quality Residential Environments; Policy QD1, in that the applicant has failed to demonstrate an acceptable road layout and parking arrangement in accordance with the guidance contained within 'Creating Places' and is also contrary to the SPPS and policies AMP 1 and AMP2 of PPS3, in that the applicant has failed to submit information as requested to demonstrate the access will not prejudice road safety; adequate provision for car parking has been made; and cyclists need have been taken into account.
7.15	<p><b>Flooding</b></p> <p>Whilst the application submission included a flood risk assessment the applicant failed to include a drainage assessment as part of the application submission. DfI Rivers advises that in accordance with the Revised PPS 15, Planning and Flood Risk, FLD 3, Development and Surface Water (Pluvial) Flood Risk outside Flood Plains, a drainage assessment is required as the following thresholds have been exceeded: It is a residential development comprising of 10 or more dwelling units</p>
7.16	DFI Rivers also noted that any Schedule 6 agreement should be included within the Drainage Assessment to confirm DfI Rivers local area office is in agreement to this proposed arrangement. If it is proposed to discharge storm water into an NI Water system then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out. Correspondence with both authorities should have been included in the drainage assessment regardless of outcome. As there are fundamental concerns with the proposal and in line with the Council's operating principles it was considered not to request additional information from the applicant and to proceed with a determination based on the original submission. The proposal is therefore contrary to PPS 15 Policy FLD 3.
7.17	<p><b>Infrastructure Capacity</b></p> <p>NI Water have no objections to the proposal. Owing to the scale and nature of development proposed, it is not considered that proposed development would not have a significant impact on existing infrastructure and as such, there are no issues of principle. In addition, connections to the water and foul sewer system are covered by separate legislation.</p>
7.18	<p><b>Impact on Human Health</b></p> <p>Environmental Health have considered the proposals in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations. Environmental Health have concerns with the proposal relating to contamination, air quality and noise and set out that the necessary assessments and reports were not submitted with the application and would be required to make a full assessment of the impacts.</p>
7.19	As there are fundamental concerns with the proposal and in line with the Council's operating principles it was considered not to request additional information from the applicant and to proceed with a determination based on the original submission.
7.20	As such it is considered that the proposal would have an adverse impact on prospective residents and is therefore contrary to the SPPS and PPS 7 Policy QD 1 Criteria (h) in that the proposed development will cause demonstrable harm to interests of acknowledged importance.
8.0	<b>Summary of Recommendation:</b>

	<p>Having regard to the Development Plan and all other relevant material considerations, the proposal is considered unacceptable and refusal is recommended for the reasons set out in the case officer report below. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the refusal reasons.</p>
<p>9.0</p>	<p><b>Refusal reasons:</b></p> <p>1: The proposal is contrary to the zoning for draft BMAP (BT017/2) which designates the site as a District Centre and the design and layout of the housing use will create conflict with the adjacent retail uses on the site.; and the proposal is contrary to paragraph 6.276 of the SPPS, as it fails to retain and consolidate the existing district centre as a focus for local everyday shopping and it has the potential to blight and compromise the function of the district centre.</p> <p>2. The proposal is contrary to the SPPS and Policies AMP2, AMP7 and AMP8 of PPS 3 Access, Movement and Parking, in that the applicant has failed to submit information to demonstrate; the access will not prejudice road safety; adequate provision for car parking has been made; that a quality environment for cyclists and pedestrians will be created.</p> <p>3. The proposal is contrary to the SPPS and Policy QD 1 of PPS 7 –Quality Residential Developments Criteria (a), as the development fails to respect the surrounding context and is inappropriate to the established character and appearance of the area and if permitted, would introduce an incompatible land use.</p> <p>4.The proposal is contrary to the SPPS and Policy QD 1 of PPS 7 –Quality Residential Developments, if permitted, would create an undesirable living environment for prospective residents as the design and layout will result in overdevelopment of the site as it results in a proliferation of parking and reduced private and communal amenity space provision resulting in a poor outlook and unacceptable living environment.</p> <p>5. The proposal is contrary to the SPPS and Policy QD 1 of PPS 7 –Quality Residential Developments, if permitted, would create an undesirable living environment for prospective residents as the design and layout will result in a poor outlook for residents of Block B and internal overlooking to residents on Block A</p> <p>6. The development is contrary to PPS7 Quality Residential Developments, if permitted, would result in a development that does not promote safety and surveillance for residents due to the juxtaposition with the interface wall.</p> <p>7: The proposal is contrary to the SPPS and Policy QD 1 of PPS 7 –Quality Residential Developments Criteria (h). If permitted it would result in an undesirable living environment for prospective residents due to potential issues relating to noise, air quality and contamination.</p> <p>8. The proposal is contrary to the SPPS and Policy FLD 3 from Planning Policy Statement 15: Planning and Flood Risk in that it has not been demonstrated that the proposal would provide satisfactory measures for the mitigation of flood risk and in particular drainage.</p>

<b>ANNEX</b>	
<b>Date Valid</b>	8th January 2021
<b>Date First Advertised</b>	22nd January 2021
<b>Date Last Advertised</b>	
<b>Representations from Elected Members:</b> As set out in report	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b> Relevant history set out in report.	
<b>Drawing Numbers and Title</b>	
<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:</b> 19 <sup>th</sup> December 2022	
<b>Application ID:</b> LA04/2021/2815/F	<b>Target Date:</b>
<b>Proposal:</b> Erection of Discount supermarket, drive through cafe, landscaping, car parking, and associated site works.	<b>Location:</b> Vacant lands at access road to Olympia Leisure Centre directly opposite and approx. 70m East of Nos. 9-15 Boucher Road, Belfast.
<b>Referral Route:</b> Major development	
<b>Recommendation:</b>	<b>Approve subject to conditions</b>
<b>Applicant Name and Address:</b> Lidl Northern Ireland Nutts Corner Dundrod Road Crumlin BT29 4SR	<b>Agent Name and Address:</b> MBA Planning College House City Link Business Park Belfast BT12 4HQ
<p><b>Executive Summary</b></p> <p>This application seeks full planning permission for the erection of a discount supermarket, drive through cafe, landscaping, car parking, and associated site works.</p> <p>The site comprises the site of the former Olympia Leisure Centre and is currently vacant land.</p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• The principle of the proposed use at this location</li> <li>• Retail Impact of the proposal</li> <li>• Impact on the character and appearance of the area</li> <li>• Compatibility with adjacent uses</li> <li>• Access, parking and traffic management</li> <li>• Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets</li> </ul> <p>The proposed supermarket proposes a gross internal floor area of 2,223sqm, a net sales area of 1,425sqm of which 1,140sqm is for the sale of convenience goods and 285sqm for the sale of comparison goods. The site is outside any designated retail centres identified within both the BUAP and dBMAP.</p> <p>The Retail Impact Assessment, Sequential Test and supporting information accompanying the application has been reviewed by the Planning Service’s Plans and Policy team, which has no objections to the proposed uses and considers that the proposal meets the sequential test, will not prejudice protected centres, or result in an unacceptable cumulative impact. Conditions are recommended to enable the Council to retain control of the nature of retailing at this location.</p> <p>NI Water has objected to the application on grounds of insufficient waste-water drainage infrastructure capacity and foul sewage network capacity issues. NIEA has recommended a condition seeking agreement of sewage disposal arrangements prior to commencement. These issues are dealt with in detail in the main report.</p>	

All other consultees are content with the proposed development subject to conditions which are set out in the report.

Thirty-two representations have been received, which include 30 letters of support and 2 objections. The matters raised in the representations are considered in the main report.

**Recommendation**

Having regard to the development plan, relevant policy context and other material considerations, including the representations received, the proposed development is considered acceptable. It is recommended that full planning permission is granted subject to conditions.

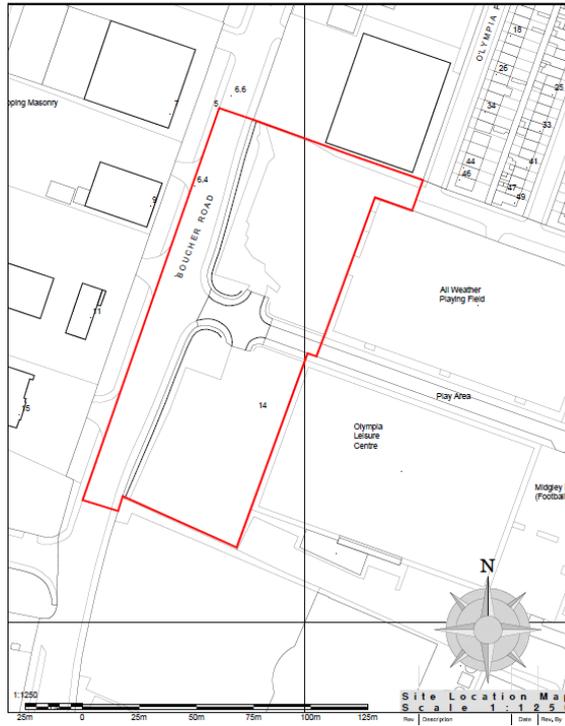
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any other matters which may arise.

**Signature(s):**

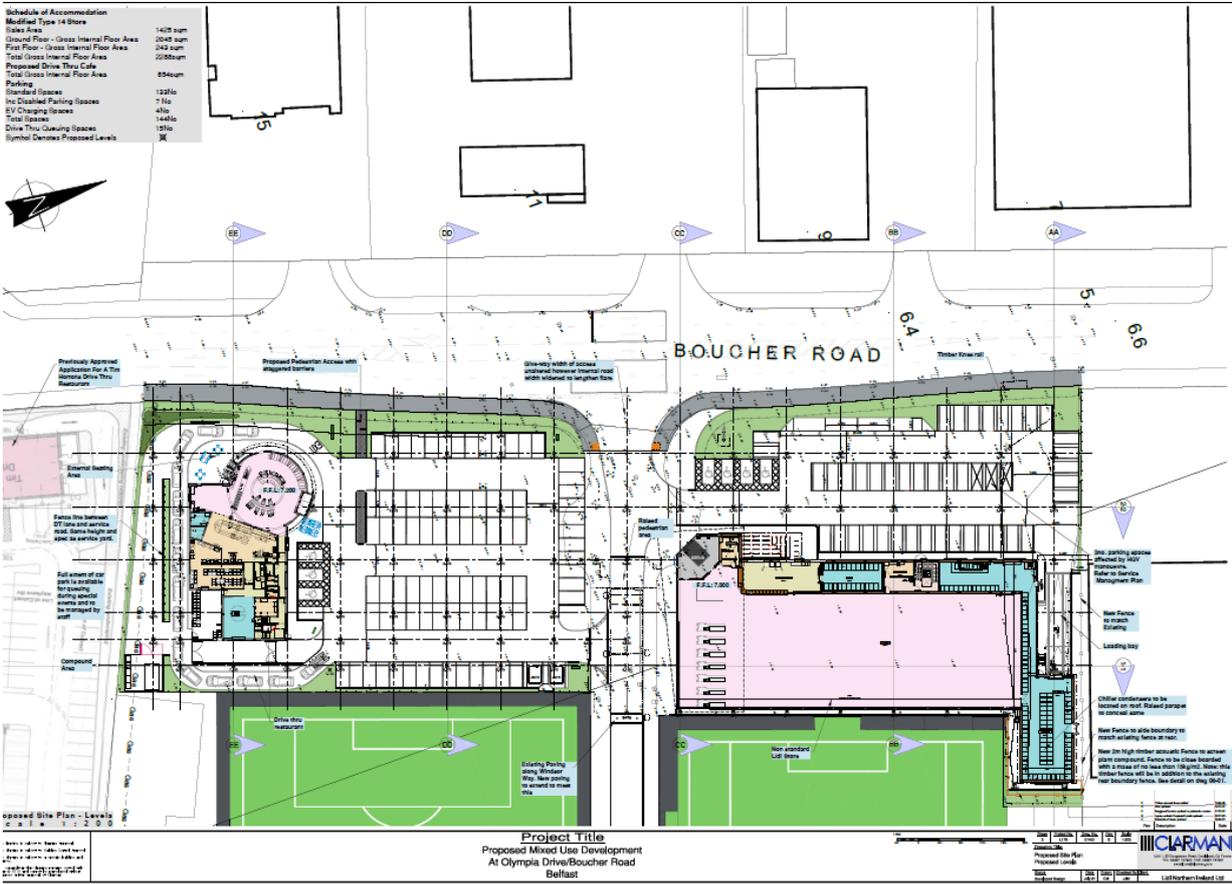
# Case Officer Report

## 1.0 Site Location Plan

Site Location Plan



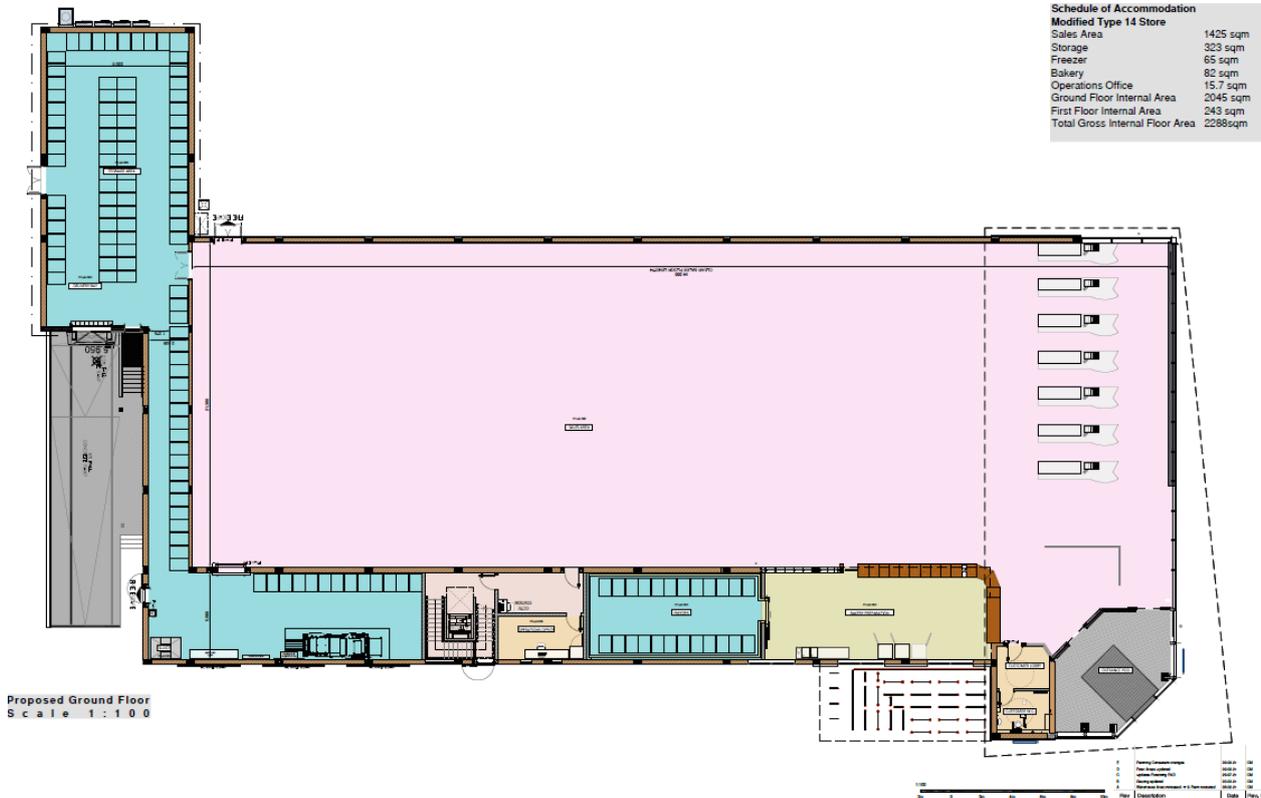
Site Layout Plan



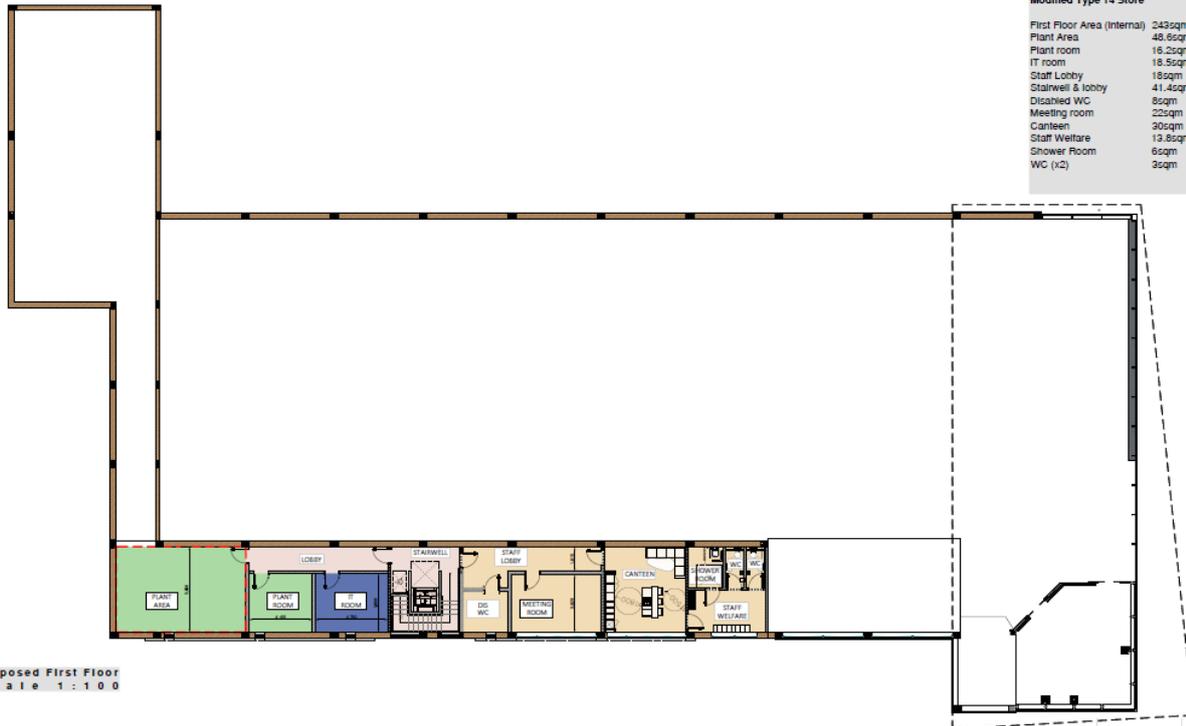
### Discount Supermarket Elevations and Floor Plans



### Ground Floor Plan



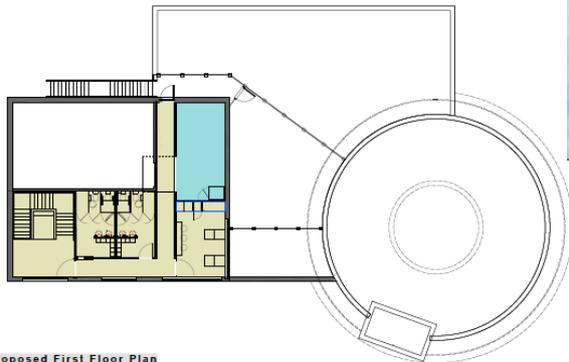
### First Floor Plan



Schedule of Accommodation Modified Type 14 Store	
First Floor Area (Internal)	243sqm
Plant Area	48.6sqm
Plant room	18.2sqm
IT room	18.2sqm
Staff Lobby	18.2sqm
Stairwell & lobby	41.4sqm
Disabled WC	8sqm
Meeting room	22sqm
Carlsen	20sqm
Staff Welfare	12.8sqm
Shower Room	6sqm
WC (x2)	3sqm

Proposed First Floor Scale 1:100

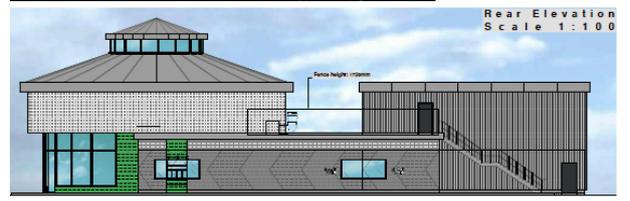
### Drive Through Plans and Elevations



Proposed First Floor Plan Scale 1:100

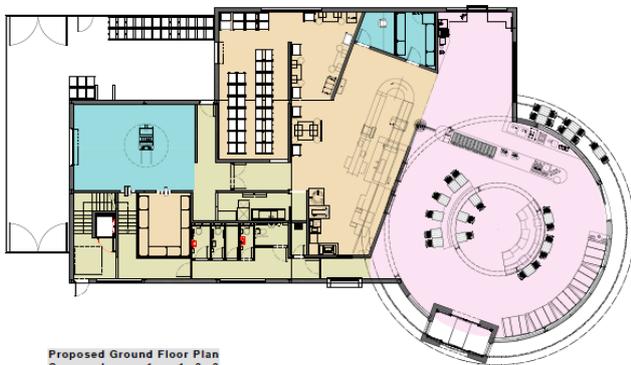


Schedule of Finishes	
Roof	Grey polymer roof with standing seams.
Soffit & fascias	Zinc cladding to soffit & fascias
Cladding	Perforated aluminium cladding RAL 9010
Walls	Corrugated steel wall cladding RAL 7021
Entrance area	Grey engineering bricks
Entrance area	Green glazed brick to entrance area
Glazing	Aluminium Glazing system RAL 6029
Service yard	Aluminium fence to service yard RAL 7021



Schedule of Areas	
Production	194.0 sqm
Office	207.7 sqm
Store	181.0 sqm
Auxiliary	80.0 sqm
Auxiliary	184.0 sqm
Ground Floor Gross Internal Area	547 sqm
First Floor Gross Internal Area	107 sqm
Total Gross Internal Area	654 sqm

NOTE: Signage as shown is indicative only and will be subject to separate application



Proposed Ground Floor Plan Scale 1:100

### Landscape Proposals



### CGIs







<p><b>2.0</b></p> <p><b>2.1</b></p> <p><b>2.2</b></p>	<p><b>Characteristics of the Site and Area</b></p> <p>The application site is located along the east side of Boucher Road. The area is predominantly characterised by a mix of uses, mostly commercial/retail uses.</p> <p>Windsor Park football stadium, Olympia Leisure Centre and associated playing fields are located to the immediate east. Existing residential development is located to the north-east of the site. Commercial uses are located to the north, south and to the other side of Boucher Road to the west.</p>
<p><b>3.0</b></p> <p><b>3.1</b></p> <p><b>3.2</b></p>	<p><b>Description of Proposal</b></p> <p>The application seeks full planning permission for the erection of a discount supermarket (LIDL), drive through cafe, landscaping, car parking, and associated site works.</p> <p>The application follows a Pre-Application Discussion (PAD) with officers.</p>
<p><b>4.0</b></p> <p><b>4.1</b></p>	<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p><b>Policy Context</b></p> <p><b>Regional Planning Policy</b></p> <ul style="list-style-type: none"> <li>• Regional Development Strategy 2035 (RDS)</li> <li>• Strategic Planning Policy Statement for Northern Ireland (SPPS)</li> <li>• Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement</li> <li>• Planning Policy Statement 8 (PPS 8) - Open Space, Sport and Outdoor Recreation</li> <li>• Planning Policy Statement 15 (PPS 15) - Flood Risk</li> </ul> <p><b>Local Planning Policy Context</b></p> <ul style="list-style-type: none"> <li>• Belfast Urban Area Plan (2001) BUAP</li> <li>• Draft Belfast Metropolitan Area Plan 2015 (v 2004)</li> <li>• Draft Belfast Metropolitan Area Plan 2015 (v 2014)</li> <li>• Belfast Local Development Plan Draft Plan Strategy 2035</li> </ul>

<p>4.2</p> <p>4.2.1</p> <p>4.2.2</p>	<p><b>Other Material Considerations</b></p> <ul style="list-style-type: none"> <li>• Belfast Agenda Community Plan</li> <li>• Developer Contribution Framework</li> </ul> <p><b>Planning History</b></p> <p><b>Relevant Planning History on the site</b></p> <p><b>LA04/2020/2045/PAN</b> - Erection of discount supermarket, drive thru cafe, landscaping, car parking, and associated site works, Boucher Road, Belfast. PAN Acceptable 27.10.2020.</p> <p><b>LA04/2020/2007/PAD</b> - Erection of discount supermarket, drive thru cafe, landscaping, car parking, and associated site works, vacant lands at access road to Olympia Leisure Centre - directly opposite and approx. 70m east of nos. 9-15 Boucher Road, Belfast, BT12 6HR.</p> <p><b>Z/2014/0587/O</b> - A masterplan for the redevelopment/regeneration of the Olympia Leisure complex comprising the demolition of the existing Olympia Leisure Centre and the redevelopment of: 2no 3G playing fields (with associated spectator stand and changing facilities); a children's play area: car parking; extension of existing access to new leisure facilities (in west stand of the National Football Stadium); floodlighting: landscaping and boundary treatments; hotel and commercial units, Lands at Olympia Leisure Centre, Boucher Road, Belfast, BT12 6HR. Permission granted 31.03.2015</p> <p><b>Relevant Planning History adjacent to the site</b></p> <p><b>LA04/2020/0828/F</b> - Single storey drive thru cafe with an associated cold room, service area, outdoor seating and general ancillary site works, Balmoral Plaza Retail Park, Boucher Road, Belfast, BT12 6HR. Permission granted 10.11.2020.</p> <p><b>Z/2014/0594/F</b> - Redevelopment / regeneration of the Olympia Leisure Complex comprising of the demolition of the existing Olympia Leisure Centre and the development of: 2no. 3G playing fields (with associated spectator stand and changing facilities): a children's play area: relocation of the car parking, extension of existing access to serve new leisure facilities approved in west stand of National Football Stadium under Z/2013/1437/F: floodlighting: landscaping and boundary treatments, Lands at Olympia Leisure Centre, Boucher Road, Belfast, BT12 6HR. Permission granted 31.03.2015</p> <p><b>Z/2012/1359/F</b> - Re-development of Windsor Park to provide an 18,000 seated capacity National Football Stadium, comprising: demolition of the south and east stands and erection of replacement south and east stands; refurbishment and extension of north and west stands; replacement flood lighting; coach and car parking; player accommodation and welfare facilities; ground support facilities including electronic display installations; hard and soft landscaping and storage facilities associated with ground maintenance; development of ancillary office accommodation, conference, training and community facilities; temporary construction access; upgrade of pedestrian access points and boundary fencing, Windsor Park, Donegall Avenue, Belfast, BT12 6LW. Permission granted 15.03.2013.</p>
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4.3	<b>Consultations</b>
4.3.1	<p><b>Statutory Consultations</b></p> <p><b>DFI Roads</b> – No objection subject to conditions.  <b>DFI Rivers</b> – No objection.  <b>NI Water</b> – Objection.  <b>DAERA NIEA</b> – <i>Water Management Unit</i> – proposal has the potential to adversely affect the surface water environment therefore conditions proposed to mitigate.  <i>Drinking Water Inspectorate</i> – No objection, <i>Regulation Unit</i> – No objection, <i>Natural Environment Unit</i> – No objection.</p>
4.3.2	<p><b>Non-Statutory Consultations</b></p> <p><b>Environmental Health</b> – No objection subject to conditions.  <b>Shared Environmental Services</b> – No objection. Proposal not likely have a significant effect on any European site, either alone or in combination with any other plan or project and appropriate assessment is not required.  <b>Economic Development Unit</b> - No objection. Employability and skills related Developer Contributions Section 76 clauses do not need to be applied to the development.  <b>BCC Urban Design Officer</b> – No objection subject to condition.  <b>BCC Policy and Plans team</b> – No objections subject to conditions.  <b>BCC Waste Management Team</b> – No objection.  <b>BCC Landscape Planning and Development Team</b> – No objection.</p>
4.4	<b>Representations</b>
4.4.1	<p>The application has been advertised and neighbours notified. Thirty-two third party representations have been received, thirty of which support the development and two raise objections. The representations received raise the following issues.</p> <p><u>Letters of Support</u></p> <ul style="list-style-type: none"> <li>• Proposal will be a very much welcomed addition to the local area</li> <li>• Employment generated will help sustain the Northern Ireland Economy and bring much needed employment to the area</li> <li>• Design proposals will enhance the Boucher Road and add to an extended shopping area</li> <li>• Support for investment in the area/Botanic Ward</li> <li>• Proposal will have a positive impact in an area of deprivation and high unemployment</li> <li>• Supported by Blackstaff Residents Association</li> <li>• Well needed supermarket for the area. The land at the minute looks deserted and this will bring a welcome boost both visually and with regards to jobs in the local area.</li> <li>• Much needed jobs in the area</li> <li>• Benefit the local area</li> <li>• Much needed provision in an area that is lacking in supermarket/food stores.</li> <li>• Provides a convenient supermarket and job opportunities for the locality. Also, it can be accessed without having to cross at a busy junction such as Broadway Roundabout or crossing steep steepes or bridges such as at Tate's Avenue or Windsor Park.</li> <li>• More choice in the area</li> </ul>

	<ul style="list-style-type: none"> <li>• Great asset for the community</li> <li>• Community don't have enough up to date shops for grocery shopping</li> <li>• Request to process the application urgently, so that local people can avail of what would be an essential shopping facility to help them through the cost of living crisis.</li> </ul>
4.4.2	<u>Objections</u>
4.4.3	The two objections received are from Midgely Park and the IFA.
4.4.4	Representatives from Midgely Park requested a 2m high fencing along the length of the boundary fence with Midgely Park to prevent litter from entering the park and provide screening from car lights. Midgely Park is content following the submission of amended plans.
4.4.5	<p>The IFA raises the following concerns:</p> <ul style="list-style-type: none"> <li>• Impact of major events/international football matches – i.e. closure of Windsor Way</li> <li>• If permitted, the proposed development will create a conflict of uses on major event days.</li> <li>• Concerns that the proposal will result in a conflict between patrons attending major events at the National Football Stadium (NFS) and customers accessing the proposed development. The resulting effect will expose the patrons accessing the NFS to unacceptable risks to their personal safety.</li> <li>• Potential to cause traffic congestion in or around the access from Boucher Road to the Boulevard, on major event days this access is closed to all vehicular traffic.</li> <li>• Pre-match arrangements are likely to impact the ability of customers/users and staff to access the proposed development during such major events at the NFS so the Applicant should consider specific arrangements for such occasions. No alternative arrangements or indeed any acknowledgement or understanding of the existing major event day environment in the area has been put forward as part of the application or been presented to the IFA.</li> <li>• To ensure that the issue of a safety certificate is not compromised on major event days, access to the Applicant's premises by vehicles for a limited period prior to each major event, during the major event and also for a limited period following the major event must be prohibited so that the NFS can comply with stadium safety requirements.</li> <li>• Concerns that the proposed development will create a conflict during major events at the NFS, thereby limiting the ability of PSNI and IFA to properly implement the necessary crowd management measures, risking the safety of pedestrians and obstructing emergency access to the NFS.</li> <li>• IFA considers that the requirements for the Safety Certificate could not be met where there is a conflict between vehicles and pedestrians using the Boucher Road access and the Boulevard, placing in jeopardy the ability to use this as an access point to the site.</li> <li>• Where the NFS is unable to host major events, this would not only jeopardise the ability of the IFA to meet the terms of the DfC funding for the NFS, but would also undermine the rationale for the NFS, which was to create a venue capable of showcasing Northern Ireland football on an international stage.</li> </ul>
4.4.7	The matters raised in the representation are considered in the report.

4.5	<b>Planning Assessment</b>
4.5.1	<p><b>Key Issues</b></p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• The principle of the proposed use at this location</li> <li>• Retail Impact of the proposal</li> <li>• Impact on the character and appearance of the area</li> <li>• Compatibility with adjacent uses</li> <li>• Access, parking and traffic management</li> <li>• Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets</li> </ul>
4.6	<b>Background</b>
4.6.1	The proposed development was the subject of a PAD process which included input from BCC Senior Urban Design Officer, DFI Roads, BCC Landscape Planning and Development Team and Environmental Health.
4.7	<b>Development Plan Context</b>
4.7.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4.7.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
4.7.3	Draft BMAP 2015 (dBMAP v2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
4.7.4	In dBMAP (v2004) the site is identified as an area of existing open space within the Belfast Metropolitan/Settlement Development Limit. In dBMAP (v2014) the site is also identified as an area of existing open space within the Belfast Metropolitan/Settlement Development Limit. Within the BUAP the site is un-zoned land within the development limit of Belfast.
4.7.5	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is

	adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
4.8	<b>Policy Considerations</b>
4.8.1	Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities. This policy states <i>'Belfast City Centre has developed its regional shopping offer. A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area'</i> .
4.8.2	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3 and PPS 8, remain applicable under 'transitional arrangements.
4.8.3	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.
4.9	<b>Principle of Proposed Uses</b>
4.9.1	The proposed uses comprise retail (discount supermarket) and a drive-through café (suis generis use). Both are considered compatible with surrounding uses in this primarily commercial location. The main issues when considering the acceptability of the uses in principle are retail impact and loss of open space, discussed below.
4.10	<b>Retail Policy Considerations</b>
4.10.1	The SPPS introduces new retail policy under 'town centres and retailing' at pages 101-105, replacing previous considerations within Planning Policy Statement 5. Paragraph 6.270 states that <i>'the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'</i>
4.10.2	Paragraph 6.273 states planning authorities must adopt a <b>town centre first approach</b> for retail and main town centre uses. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.
4.10.3	Paragraph 6.281 requires applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment): <ul style="list-style-type: none"> <li>• primary retail core;</li> <li>• town centres;</li> <li>• edge of centre; and</li> </ul>

	<ul style="list-style-type: none"> <li>• out of centre locations, only where sites are accessible by a choice of good public transport modes.</li> </ul>
4.10.4	No guidance has been published to date by DFI to assist in interpretation and application of SPPS policy.
4.10.5	Relevant retail Policy in the BUAP is set out in Policy S2 (Shopping development outside the City Centre) and Policy S5 (Assessment of Proposed Shopping Schemes). Policy S2 states that ' <i>New shopping schemes in the rest of the Belfast Urban Area should be located in or near existing shopping centres and be of an appropriate scale.</i> ' This policy seeks to protect the city centre and existing centres and to ensure that new retail developments are located where they support the continued viability of established shopping centres. The Policy further states that ' <i>New shopping schemes away from existing centres will be permitted only in exceptional circumstances where:- they meet the genuine needs of large residential neighbourhoods; especially of they are currently under-shopped; or an area is in need of new investment and requires an element of retailing to secure regeneration.</i> '
4.10.6	Policy S5 states that ' <i>All new major shopping schemes will be subject to assessment against criteria relating to impact, car parking, traffic generation and access; relationships to adjoining development (especially residential); and design and appearance (including materials, finishes and signs).</i> ' The policy further directs that the following matters be considered:- the effect on the vitality and viability of existing shopping centres as a whole; the effect on local amenity; traffic generation; the availability of public transport and accessibility for car owners and the benefits to the public from the proposed development. No guidance is included within the BUAP on how the effect on the vitality and viability of existing shopping centres is to be assessed. It is the view of officers that the assessment carried out in accordance with the SPPS is an appropriate assessment to determine the impact of the proposed development on the vitality and viability of existing shopping centres. These matters are considered in the assessment below.
4.10.7	Draft BMAP strategic retail policy for Belfast is set out at pages 54-58 Part 3 volume 1 and page 28 of Part 4 Volume 2. The BMA retail strategy seeks to: <ul style="list-style-type: none"> <li>• promote Belfast City Centre as the leading shopping centre in the Plan Area and Northern Ireland;</li> <li>• 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.</li> </ul>
4.10.8	Two other elements are cited, however, these relate to areas outside of Belfast and are therefore not applicable.
4.10.9	Policy R1 states that ' <i>primary retail cores will be the preferred location for new comparison and mixed retail development...(and)...outside designated Primary Retail Cores, planning permission will only be granted for comparison and mixed retail development where it can be demonstrated that there is no suitable site within the primary retail core</i> '. The supplementary note goes on to say that ' <i>the plan seeks to support the vitality and viability of city and town centres by ensuring that they are the main focus for all retail developments including convenience, non-bulky comparison and bulky comparison retailing.</i> '

4.10.10	Policy R2 states planning permission will not be granted for proposals for retail development where it would be likely to result in an adverse impact on the distinctive role of Belfast City Centre as the leading regional shopping centre. It refers to the Regional Development Strategy 2035 which <i>'supports and strengthens the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland. It urges a precautionary approach in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area.'</i>
4.10.11	A list of district centres is designated on page 57 of Part 3 Volume 1 of Draft BMAP. District Centres designated within the Belfast City Council Area include Connswater, Dairyfarm, Hillview, Kennedy Centre, Park Centre, Westwood Centre, and Cityside (formerly Yorkgate). Forestside is also a designated centre and is located adjacent to BCC boundary within Lisburn and Castlereagh Council. The supplementary text refers to the findings of the retail study for Belfast which concluded that there were planning reasons for redirecting any identified need to nearby city and town centres where the case for retail investment is stronger. The application site is not part of a designated District Centre.
4.10.12	Pages 105-106 of Part 4 Volume 2 refer to retailing in outer Belfast. This designates the District Centres under BT010. The supplementary text states <i>'these centres co-exist with the City Centre and should fulfil a complementary role. It is recognised that whilst Belfast City Centre is under-performing as a regional centre, many of the out-of-town centres are overtrading and are attracting trade away from the City Centre. In order to help redress this imbalance, boundaries are delineated for all of the District Centres.'</i>
4.11	<b>Retail Impact Assessment</b>
4.11.1	The proposed discount supermarket has a gross internal floor area of 2,223sqm and a net sales area of 1,425sqm of which 1,140sqm is for the sale of convenience goods and 285sqm for the sale of comparison goods.
4.11.2	The proposal relates to a named operator, Lidl, who are already operate eight stores across the Council area but none in the south Belfast area. The Retail Impact Assessment (RIA) advises that Lidl's offer is unique in NI in that it is a deep discounter offering a broad range of fresh, frozen and ambient goods (whereas other discounters tend to focus on a single type).
4.11.3	It should be noted that if permission is granted, any operator could trade from the retail unit subject to compliance with conditions as planning permission cannot be linked to a specific operator.
4.11.4	The site is outside any designated retail centres designated in the BUAP and dBMAP. It is therefore situated in an 'out of town' location.
4.11.5	A Retail Impact Assessment (RIA) and Sequential Test accompanied the application as required by paragraph 6,283 of the SPPS. An assessment of the RIA is set out below.
	<b>Catchment</b>
4.11.6	The agent has considered that the catchment area for the proposal would be 10 minutes (by car) from the site but has altered this to take account of the proximity of

	<p>other Lidl stores. The RIA advises that that there is one Lidl store with the catchment area at the Westwood Centre, West Belfast.</p>
4.11.7	<p>The applicant's catchment is smaller than the 15-minute catchment calculated by the Plans and Policy team in their assessment and excludes parts of South Belfast including Finaghy and Upper Malone</p>
4.11.8	<p>The Plans and Policy team has considered a wider catchment (15-minute drive time) and is of the opinion that the potential retail impact on protected centres would not be significant.</p>
	<p><b>Sequential Test/Availability of Alternative Sites</b></p>
4.11.9	<p>The SPPS sets out a town centre first approach to the location of retail development and a sequential assessment of town centre uses that are not in an existing designated centres, taking account of the catchment area of the proposal. Accordingly, primary retail core, city centre, edge of city centre vacant sites must be considered for suitability followed by those in other designated centres i.e. district and local centres designated in dBMAP, before out of centre locations. The SPPS advises that out of centre locations must also be accessible by a choice of good public transport modes.</p>
4.11.10	<p>Paragraph 6.289 require applicants to '<i>...identify and fully demonstrate why alternative site are not suitable, available and viable</i>'. There is no further direction or discussion within the SPPS as to the definition or interpretation of <i>suitable, available and viable</i>. To date no guidance has been published by DFI to assist in the interpretation and implementation of the sequential test and associated polices within the 'Town Centres and Retailing' section. Accordingly, consideration of practice / guidance in England has been taken into account. The document 'Planning for Town Centres - Guidance on need, impact, and the sequential approach' (Department for Communities and Local Government, December 2009) sets out three criteria in the assessment of the sequential testing of sites:</p> <ul style="list-style-type: none"> <li>• Suitable: When judging the suitability of a site it is necessary to have a proper understanding of scale and form of development needed, and what aspect(s) of the need are intended to be met by the site(s). It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make, either individually or collectively, to meeting the same requirements.</li> <li>• Available: A site is considered available for development, when, on the best information available, there is confidence that there are no insurmountable legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners.</li> <li>• Viable: whether there is a reasonable prospect that development will occur on the site at a particular point in time.</li> </ul>
4.11.11	<p>A degree of caution also must be taken in regard to the above, as these predate the new National Planning Policy Framework (in effect the English equivalent to the SPPS) published in December 2012. This retains application of the sequential test, but now reads as follows (paragraph 24):</p>

	<p><i>“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”</i></p>
4.11.12	<p>Also of importance is the legal case of <i>Tesco Stores v Dundee City Council</i> [2012], the Court held that the question of suitability was to be interpreted objectively in accordance with the language used, read in its proper context. In summary, the judgement indicates that the Council was correct in interpreting “suitable” to mean “suitable for the development proposed by the applicant”.</p>
4.11.13	<p>In applying the sequential test, the nature of the developer’s proposal must be taken into account. Paragraph 6.289 of the SPPS states that <i>‘flexibility may be adopted to accommodate developments onto sites with constrained footprints...applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable.’</i></p>
4.11.14	<p>The Sequential Assessment submitted has concluded that there are no sequentially preferable sites available, suitable and viable. A review of potential alternative sites carried out by the applicant is set out below.</p> <p><i>City Centre</i></p>
4.11.15	<p>There are a number of development opportunity sites identified within the city centre in dBMAP which have been assessed in the alternative site assessment. Many of these have the potential to accommodate the proposal, such as at the former Sirocco Works site. These sites have been discounted by the agent as being too close to the existing Lidl store and not viable or available or would not meet the need for a discount supermarket in South Belfast. The Sirocco site has an extant outline planning permission that includes a supermarket, however this is discounted on grounds that a more recent redevelopment scheme has been approved (ref: LA04/2018/0811/O &amp; LA04/2018/0448/F) by the Council which indicates that the extant permission is unlikely to be implemented / available.</p> <p><i>Other Centres</i></p>
4.11.16	<p>The Sequential Assessment also assessed the following district centres: Park Centre; Westwood Centre; Kennedy Centre and the following local centre: Dunmurry Local Centre. The largest available unit identified as available is the formers Dunnes Stores unit located within Park Centre District Centre. However, this has been discounted for a number of reasons including that that the unit does not have direct access to a car park, overhead costs and constraints of operating hours.</p>
4.11.17	<p>The Sequential Assessment has concluded that there are no sequentially preferable sites that are considered suitable, available and viable within the proposal’s catchment. Officers have no reason to disagree with the conclusions of the alternative site assessment. The proposal is therefore considered to meet the sequential test.</p>

4.12	<b>Retail Impact</b>
4.12.1	<p>With the introduction of the SPPS in September 2015, paragraph 6.283 stipulates that a full assessment of retail impact is required for development exceeding 1,000sqm not proposed in a town centre. Paragraph 6.290 of the SPPS sets out factors to be addressed in the assessment of need as set out below and advises that where an impact on one or more of these criteria is considered significantly adverse or where in balancing the overall impacts of each of the criteria the proposed development is judged to be harmful, then it should be refused.</p> <ul style="list-style-type: none"> <li>• <i>the impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal;</i></li> <li>• <i>the impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s;</i></li> <li>• <i>the impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy;</i></li> <li>• <i>the impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities.</i></li> <li>• <i>Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area; and,</i></li> <li>• <i>a review of local economic impacts.</i></li> </ul>
4.12.2	<p>Each of these criteria has been considered by the Plans and Policy team and an assessment is set out below.</p> <p><b><i>The impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal</i></b></p>
4.12.3	<p>The Plans and Policy team's response states that '<i>Included in the reduced catchment drawn by the applicant there are five protected centres: part of Belfast City Centre, Park Centre, Westwood Centre, Kennedy and Dunmurry Local Centres. The nearest centre to the proposed site is Park Centre district centre. Having carried out sensitivity testing on the RIA submitted by the applicant it is concluded that the retail impact of the proposal on Park Centre would not be significant (less than 4%). Whilst some individual stores within the centre may be impacted to a higher degree by the proposal, the policy clearly states that it is the whole centre that retail impact must be considered against not individual stores contained within it. Within the 0–5-minute catchment of the application site there are several stores selling similar offerings (Tesco, Lisburn Rd, Eurospar, Donegall Road, Home Bargains and the Range/Iceland, Boucher Road) which will be the most affected due to their proximity. But given their out of centre location these are not afforded policy protection. Whilst the council's own sensitivity testing has produced slightly different impacts than those quoted in the applicant RIA, it is considered that the impact on protected centres within the proposals whole catchment are not significant.</i></p> <p><b><i>The impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s</i></b></p>
4.12.4	<p>The Plans and Policy team's response advises that '<i>The Council is actively seeking ways to address pockets of strategic vacancy in the city centre and also working to attract first to the NI market brands. However, there is no empirical evidence to</i></p>

	<p><i>suggest that a convenience scheme of this scale at an out of centre location would result in the loss of investment in the city centre.'</i></p> <p><b><i>The impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy</i></b></p>
4.12.5	<p><i>The Plans and Policy team's response states that 'The BMA retail strategy of the dBMAP seeks to ensure the promotion of Belfast city centre as the leading shopping centre in the plan area and that outside the city centre it advocates that the nature and scale of retail development to be controlled in order to protect the vitality and viability of the City and Town Centres. 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 site is identified as Whiteland in dBMAP and is located in an out of centre location. Whilst the BMA retail strategy does state that development should be focused in certain designated areas, it does not preclude development in out of centre locations.</i></p>
4.12.6	<p><i>An Alternative Site Assessment has been carried out that includes Belfast city centre, the following district centres: Park Centre; Westwood centre; Kennedy Centre and the following local centre: Dunmurry. The largest available unit identified as available is the formers Dunnes stores located within Park Centre district centre. However, this has been discounted as it is below the floorspace required for the proposed development. All other units currently vacant and or extant permissions including the consent at Asda in Westwood district centre were also considered unsuitable on the grounds that they weren't large enough to accommodate the proposed development. This has concluded that there are no sequentially preferable sites that are considered suitable, available and viable within the proposal's catchment.</i></p>
4.12.7	<p><i>Given the scale of the proposal and the type of retailing it is unlikely that the proposal any conflict with Draft BMAP's retail strategy. The proposal will not affect Belfast City Centre's position as the leading shopping centre in NI.'</i></p> <p><b><i>The impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities</i></b></p>
4.12.8	<p><i>The LDP assessment concludes that 'The nearest centre to the proposal is Park Centre district centre. It has 47 units of which 33 are in A1 retail use. Of these 24 are operating as comparison and 3 are operating convenience retail. As mentioned above 9 units are currently vacant. It has a vacancy rate of 19% (Belfast city council retail survey June 2021 which is 6% below the recorded vacancy rate in 2017 but is 2% higher than the vacancy level quoted in the applicant's RIA. It has a number discount supermarkets including Iceland and Home Bargains.</i></p> <p><i>Westwood centre consists of 11 units of which 6 are in A1 retail use. There are no vacant units. It includes an ASDA superstore.</i></p> <p><i>Kennedy centre has a total of 61 units, of which 42 are in retail use. Of these 30 are operating as comparison and 3 are operating as convenience. There are no vacant units.</i></p> <p><i>Dunmurry local centre has a total of 64 units of which 29 are in retail use. 9 are currently vacant.</i></p>

	<p><i>Whilst some centres within the proposal's catchment are performing better than others it is considered that there will not be significant adverse impact on the vitality or viability of any these existing centres, nor will it affect their retail mix or the diversity of facilities and activities.'</i></p> <p><b>Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area</b></p>
4.12.9	<p>The Plans and Policy team's assessment advises that '<i>There is a commitment for a mixed-use scheme that includes a portion of retail (LA04/2017/2341/O)-Tribeca) This includes 5,000sq. metres of proposed retail floorspace). The proposal is unlikely to impact the delivery of this scheme as the retail element of Tribeca is likely to be comparison goods which is the mainstay of the city centre.</i></p> <p><b>A review of local economic impacts</b></p>
4.12.10	<p><i>The Plans and Policy team's assessment advises that 'The applicant has stated that the proposal involves an investment of £7m in the construction and fit out of both the supermarket and drive through unit. 110 jobs will be created – 35 in the supermarket and 75 in the drive through.'</i></p>
4.12.11	<p><i>In assessing need the response states that 'Paragraph 6.282 of the SPPS states "In the absence of a current and up-to-date LDP, councils should require applicants to prepare an assessment of need which is proportionate to support their application. The SPPS does not define need. Factors that ought to be considered in respect to quantitative need include whether there is enough headroom, i.e. future capacity for retail floorspace over the forecasted period. Whilst the Retail and leisure capacity Study 2035 stated that there is capacity for 11887 sq. metres of additional convenience retail floorspace over the plan period it does not break this down year by year.</i></p>
4.12.12	<p><i>In terms of qualitative need the applicant has put forward an argument that the proposal would extend consumer choice in this area of the city which abuts a ward which is considered deprived. Several other arguments are also quoted including support from a local MLA and football club. In respect to extending consumer choice there is no Lidl supermarket are a number of food retailers within the 5 minute drive time isochrone. That said, assessment of the Retail Impact Assessment (RIA) indicates that adverse impacts on protected centres are unlikely to occur.'</i></p>
4.12.13	<p>In conclusion, the Plans and Policy team's has assessed the Retail Impact Assessment and Sequential Test and consider that given the scale of the proposal and the type of retailing it is unlikely that the proposal any conflict with Draft BMAP's retail strategy. The proposal will not affect Belfast City Centre's position as the leading shopping centre in NI. The Plans and Policy team offer no objections subject to the conditions to restrict internal operations and to control the nature of retailing at this location. The proposal is considered to comply with retail policy set out in the SPPS, BUAP and dBMAP.</p>
4.13	<p><b>Economic Considerations</b></p>
4.13.1	<p>The applicant advises that the proposal would result in significant investment that will help meet local shopping needs in a deprived area, will regenerate a prominent site and will provide significant employment opportunities. The proposal would represent a £5m investment and would create 140 construction jobs, 35 jobs in the supermarket and 70-75 jobs in the drive through cafe. 30 letters of support gave been received</p>



	<p>back of the footpath to establish a strong building line along Boucher Road and create a sense of arrival at the entrance to the National Football Stadium. However, the applicant advised that it would not be commercially viable to have a car park to the rear of the building and also stated that there is no policy requirement to enhance the area as it is not within a Conservation Area or Area of Townscape Character. As an alternative, officers consider that a greater emphasis should be placed on the quality of associated public realm/landscape to mitigate against the proposed development. The applicant has agreed to provide public realm improvements along the Boucher Road site frontage and the Urban Design Officer considers that enhanced public realm provision would also complement the significant investment in the high-quality public realm works associated with the redevelopment of Windsor Park while reflecting aspirations contained within the Transformation South / West Masterplan to address poor environmental quality across this wider area. Materials to be used in Public Realm enhancements along the Boucher Road frontage will be subject to agreement with DFI Roads and a condition is proposed to secure agreement prior to application</p>
4.15.2	<p>Servicing of the proposed supermarket is proposed to the north of the site and side of the proposed supermarket which will be largely screened from public view given the proximity of the adjoining retail warehousing at 8-10 Boucher Road to the north.</p>
4.15.3	<p>The proposed design of the supermarket is reflective of the standard Lidl Concept Store design. The building is two storeys and is proposed to be finished in large glazed areas at the entrance to the building, smooth white render, grey rendered plinths, dark grey zinc cladding and blue/grey limestone cladding panels. PV panels are proposed on a section of the rear wall (eastern elevation) and on the roof. The primary elevation fronting Boucher Road includes windows of varying sizes at both ground and first floor level creating an appropriate solid to void ratio and along with the variety of materials proposed will break up the long frontage of the building and is welcomed by the Urban Design Officer. The design and materials are considered acceptable given the context of the predominantly commercial area within which the site is located.</p>
4.15.4	<p>The Urban Design Officer highlights that emphasis has been placed on the corner of the building which returns from Boucher Road onto Olympia Way. At this location, the building has been designed to address both frontages with a slightly taller corner element that returns onto both elevations. This prominent, primarily glazed element, includes an overhanging roof supported by slender angled columns which covers a modest plaza at the supermarket entrance, incorporates high quality surfacing that lifts the quality of this threshold to the building and reflects the quality of more recent public realm works associated with the redevelopment of the stadium. Complemented by honed blue/grey limestone cladding panels that pick up on the tonality of the adjacent Olympia Leisure Centre, this glazed corner component would allow views into and out of the building and will help to animate and activate this stretch of Olympia Way.</p>
4.15.4	<p>Parking, access arrangements and landscaping for the drive through cafe are proposed between the building and Boucher Road/Windsor Way. Servicing of the drive through cafe is proposed in the southern part of the site between the drive through building and the southern boundary.</p>
4.15.5	<p>The design of the drive-through café comprises a rotunda which extends into a part single and part two storey block. This building is proposed to be finished in a range of materials including green glazed brick at the entrance to the building, grey engineered bricks, corrugated steel wall cladding, perforated aluminium cladding, zinc cladding and grey polymer roof with standing seems and an aluminium glazing system. The Urban Design Officer considers that the variety in materials will add visual interest to the building. The Urban Design Officer highlights that amendments to its articulation</p>

	<p>have included the insertion of more glazing to break up large sections of blank brickwork, particularly to the prominent circular element, which also helps to increase passive surveillance to the external seating area. Green glazed brick has also been introduced to the entrance area which places emphasis on this element and improves building legibility.</p>
4.15.6	<p>The design and layout of the development is considered acceptable, and adequately respects the existing context in terms of building locations and set-backs. The landscaped areas to the front of the Boucher Road will positively contribute to local townscape and assist in mitigating the visual impact of hard-surfacing (i.e. car parking) of the site. Materials and detailing are also considered acceptable taking account of built form within the locality of the site.</p>
4.16	<p><b>Compatibility with adjacent uses</b></p>
4.16.1	<p>The application site sits to the south-west of an existing residential community. It is proposed to erect a 2m close boarded acoustic timber fence around the small portion of the building/site which extends towards Olympia Drive/Olympia Parade. The Urban Design Officer considers that this will help with visual screening of plant when viewed from the rear. Environmental Health has considered the impacts on adjoining residential amenity in terms of noise, odour and air quality and is satisfied that the proposal will not cause any adverse impact subject to conditions. Environmental Health recommends conditions restricting hours of operation of both the supermarket and the drive through and deliveries/servicing to protect residential amenity. The visual impact of the proposed development on the adjoining residential community is considered to be minimal given that the proposed building will be located against a backdrop of existing commercial premises on Boucher Road when viewed from Olympia Parade and Olympia Drive.</p>
4.16.2	<p>A representation has been received seeking the erection of a 2m fence along the length of the boundary with Midgely Park (to the immediate east of the site) to ensure that litter from users who park and eat does not get blown onto the property and to provide a screen preventing car lights 'flashing' onto the pitch during matches and training. The applicant has provided amended plans which propose the erection of a 2m high close boarded timber fence along part of the eastern boundary of the site adjacent to Midgely Park. Representatives from Midgely Park responded indicating that they had been liaising with the applicant (Lidl) regarding the revised planning submission and confirmed that they were satisfied with the amended proposal.</p>
4.16.3	<p>Concerns have been raised by the IFA regarding the potential to adversely impact on operations of the adjoining Windsor Park Football stadium on Match/Event days. Currently on such days (16 days per year) vehicular access to Windsor Way is restricted.</p>
4.16.4	<p>The proposed lease agreement between Belfast City Council (landowner) and the applicant (Lidl) will include a clause (see below) that will require access to the Boulevard (Windsor Way) to be restricted during Major Events i.e. 2 hours before a major event, the event itself and 1 hour after a major event, subject to extended periods of closure as may be required as part of the Safety Certificate issued in respect of a Major Event. The IFA has been advised of this requirement. BCC's Physical Programme team is satisfied that the lease agreement satisfactorily addresses the issue raised by the IFA.</p>

	<p><b>Lease Agreement Clause</b></p> <p><i>“1.Full right and liberty for the Lessee and all persons expressly or by implication authorised by the Lessee in common with all other users to pass and repass on foot or with vehicles over the Boulevard shown pink and hatched black on pink on the plan for all purposes connected with the use and enjoyment of the Premises but <u>SUBJECT TO THE Lessee acknowledging that there will be reduced use of the Boulevard during Major Events and in such circumstances any access to or egress from the Premises over and along the Boulevard will be affected but that any such restriction will be strictly limited to:</u></i></p> <p><i>(i) the period which is not more than two hours prior to the Major Event</i>  <i>(ii) the period of the Major Event save for any rights of egress from the Property over and across the Boulevard with or without vehicles for the employees of the Lessee, its sub-tenants and assigns and</i>  <i>(iii) the period of one hour after the Major Event <u>but subject to such extended period of closure as may be required pursuant to the terms of the Event Safety Certificate issued in respect of the Major Event.</u> In this regard the Council will use all reasonable endeavours to ensure that any extended period of closure will not extend beyond the period referenced herein and in all other respects this right shall be unaffected</i></p> <p><i>2.In relation to paragraph 1 (iii) the Council agrees that in circumstances where; the Council is considering making it a condition of the Event Safety Certificate that the period of closure of the Boulevard will extend beyond the period which is one hour after the Major Event ("the Proposed Condition") it will immediately notify the Lessee of the Proposed Condition and will <u>permit the Lessee it's subtenants and assignees to make representations to the Council and/or any other relevant Statutory Body in relation to the Proposed Condition and will reasonably consider any such representations prior the issue of the Event Safety keep the Lessee fully informed in relation to the progress and/or outcome of the proposed direction, the direction and/or application.</u></i></p> <p><i><u>Major Events</u> “those events referred to at paragraph 4.3 Schedule 3 of the Overarching Agreement but which for the avoidance means <u>not more than 16 events in one calendar year</u>”</i></p> <p>4.16.5 Officers are satisfied that the applicant has willingly engaged with the Council to ensure that the safety process around major events is not compromised and consider that adequate mechanisms are in place through the proposed lease agreement to ensure that the boulevard (Windsor Way) will be restricted during major events and therefore will not impact on the safety or operations of the adjoining football stadium/club. Furthermore, the lease agreement enables the Council as landowner to impose further restrictions if considered necessary. Council officers have engaged with both applicant and the IFA on this matter, which is considered to have been appropriately addressed.</p> <p>4.17 <b>Access, parking and traffic management</b></p> <p>4.17.1 The proposed development is to be accessed from Boucher Road and straddles both sides of Windsor Way. Parking is proposed on both sides of Windsor Way and a total of 139 car parking spaces including 6 disabled spaces and 2 electric vehicle charging points/spaces are proposed along with 16 bicycle parking spaces within the development. Provision has also been made for 15 drive through queuing spaces.</p>
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4.17.2	The site is accessible and well served by public transport and is close to an existing rail halt (Adelaide) and metro bus stops serving the Boucher Road.
4.17.3	DFI Roads has no objections to the proposed development subject to conditions which are set out below. The development is considered to comply with the relevant provisions of the SPPS, the BUAP and PPS 3.
4.18	<b>Waste Management</b>
4.18.1	The applicant has confirmed that waste generated at the store is to be transferred back to LIDL's Regional Distribution Warehouse at Nutts Corner for recycling and sorting. The waste generated on the site is to be collected by the same HGVs that deliver goods to the store.
4.18.2	BCC Waste Management Team are content with the waste arrangements and consider that there is sufficient accommodation for waste.
4.19	<b>Environmental Considerations - Drainage, Contamination, Noise</b>
4.19.1	<b>Drainage</b> The application is supported by a Flood Risk Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers has raised no objections under Policies FLD 1, 2, 3, 4 and 5.
4.19.2	NI Water has objected to the proposal on the basis that there is insufficient water treatment capacity available to service the proposed development and that the public foul system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water has advised that they plan to upgrade the foul sewerage system in this Drainage Area and while this remains subject to prioritisation and the availability of funding, NI Water is recommending connections to the system are curtailed.
4.19.3	NI Water confirm that the existing public water distribution network has the capacity to supply this current proposal and acknowledge that the Article 154/156 requisitioned storm sewer laid in 2017 was designed to serve the entire Olympia Village Centre as envisaged in outline application Z/2014/0587/O. NI Water therefore accepts that this current development proposal can be served by this storm sewer.
4.19.4	NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development, which includes un-implemented permissions across the city, will not all come forward at once.
4.19.5	Notwithstanding the information provided by NI Water, in practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental impact on waste-water infrastructure or environment, particularly in the context of impacts over and above what has already been committed across the city.
4.19.6	Furthermore, there is no evidence before the Council that the proposal, either of itself or in combination with other development, would likely have significant impact on

	protected environmental assets including Belfast Lough or that the proposed development would be hydrologically linked to the Lough.
4.19.7	NI Water confirms that it has a programme for WWTW improvements which will increase capacity over the coming years. Whilst NI Water advises that it cannot support the proposal at this time, some additional capacity will be available from July 2023 as a result of the completion of initial upgrade work, subject to an Impact Assessment.
4.19.8	Notwithstanding it would be unlikely that the development would be completed prior to 1 <sup>st</sup> July 2023 if planning permission is granted and the applicant's team has advised that the completion date is likely to be c. 9 months from when approval is granted.
4.19.9	DAERA NIEA Water Management Unit recommend a condition (see below) requiring agreement on the method of sewage disposal prior to development of the site which is considered acceptable to ensure that approval is sought for connection to the foul sewerage network before development commences. This condition is set out below.
4.19.10	For the reasons set out above officers are of the view that it would be unreasonable to refuse this application based on NI Water's objection.
4.20	<b>Contamination</b>
4.20.1	The application is supported by a Land Contamination Assessment which has been considered by both DAERA:NIEA and Environmental Health. Neither have raised objections and both have provided conditions/informatives if permission is granted.
4.21	<b>Noise</b>
4.21.2	The application is supported by a Noise Impact Assessment which has been considered by Environmental Health who have no objections based on noise grounds subject to conditions relating to hours of operation, delivery times, final details on the specification, location and noise level of plant noise levels and erection of acoustic fence/screen.
4.22	<b>Odour</b>
4.22.1	The application is supported by an Odour Impact Assessment which has been considered by Environmental Health who have no objections based on odour grounds subject to a condition relating to the installation of a kitchen extraction and odour abatement system.
4.23	<b>Air Quality</b>
4.23.1	The application is supported by an Air Quality Impact Assessment. Environmental Health has reviewed the proposal and has no objection.
4.24	<b>Impact on Designated Sites/Natural Heritage Assets</b>
4.24.1	In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) Shared Environmental Services (SES) on behalf of the Council has carried out an appropriate assessment and having considered the nature, scale, timing, duration and location of the project, SES advises that ' <i>having considered the nature, scale, timing, duration and location of the project, it is concluded that it would not be likely to have a significant effect on any European site,</i>

	<i>either alone or in combination with any other plan or project and therefore an appropriate assessment is not required. In reaching this conclusion, no account was taken of measures intended to avoid or reduce potential harmful effects of the project on any European site.'</i>
4.24.2	Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 25/02/2022. This found that the project would not be likely to have a significant effect on any European site. The proposal is considered compliant with PPS 2.
4.25	<b>Pre-Application Community Consultation</b>
4.25.1	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 12 <sup>th</sup> October 2020 (LA04/2020/2045/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable subject to additional consultation with South Belfast Partnership Board, South West Neighbourhood Renewal Partnership and Blackstaff Residents Group. Additional consultation with surrounding properties beyond those adjoining the boundaries of the site through a leaflet drop was also advised. The Council also recommended that the applicant should employ alternative engagement method(s) such as further electronic engagement through for example the provision of web based engagement, social media or Community Surveys as set out in the Covid-19 Emergency Planning Guidance (PACC) in the absence of a Pre-Application Community Consultation public event.
4.25.2	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and that the public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that a site notice was placed on the site for at least 5 weeks and that a letter with details of the proposal, preliminary drawings and CGIs were hand delivered to over 400 properties within a 200-metre radius of the site boundary as per the Council's advice. In addition, details of the proposal and preliminary drawings were provided on Lidl's website ( <a href="https://www.lidl-ni.co.uk/information/property/boucher-road-belfast">https://www.lidl-ni.co.uk/information/property/boucher-road-belfast</a> ) and comments were invited. The report also confirms that virtual meetings were held with representatives of the Blackstaff Residents' Association (BRA) and the Irish Football Association (IFA).
4.25.3	The report states that feedback to the proposal from the local community was generally very positive. Comments from local residents included that that the proposal will bring new much needed jobs to the area; a new Lidl store will provide quality goods, low prices and competition; it will be a convenient facility, especially for people without a car; glad to see a new Lidl, they pay fair prices to suppliers and like to buy locally; the new store will avoid the need to travel to Lidl stores elsewhere within Belfast. The report also confirms that a letter from the Blackstaff Residents Association was received in support of the proposals.
4.25.4	The report further advise that a number of concerns were raised by local residents including: traffic congestion; cars parked on Windsor Way at the current accesses to

<p>4.25.5</p>	<p>the sites that affect pedestrian accessibility and mobility impaired persons; proposal would not resolve existing waste and anti-social behaviour issues.</p> <p><i>In response to the above issues the report states that 'In relation to traffic congestion, surveys have been undertaken by the applicant and the impact of the proposal has been assessed in a Transport Assessment. This shows that the proposal will have a very low impact on the local road network. It is proposed that the existing accesses to the site will be altered. They will be maintained by the applicant and it will ensure that they are kept clear – it would not be in its interests to have the vehicular accesses to its car parks obstructed. Pedestrian crossings over the accesses and across Windsor Way are also proposed and this will aid pedestrian movement. In relation to waste, the applicant will have its waste collected every day – it will be taken back to Nutts Corner and recycled in the same HGVs that deliver goods. The applicant has excellent environmental sustainability credentials and employs a number of measures including high levels of recycling. Anti-social behaviour is not a noted issue with Lidl stores.'</i></p> <p>The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.</p>
<p><b>Neighbour Notification Checked</b> <span style="float: right;"><b>Yes</b></span></p>	
<p><b>Summary of Recommendation:</b>          Having regard to the development plan, relevant policy context and other material considerations including the representations received the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any other matters which may arise.</p>	
<p>Draft Conditions:</p> <ol style="list-style-type: none"> <li>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</li> </ol> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> <li>No external finishes shall be applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.</li> </ol> <p style="padding-left: 40px;">The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.</p> <p style="padding-left: 40px;">The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of all external finishes.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <ol style="list-style-type: none"> <li>The gross retail floor space pf the store hereby approved shall not exceed 2,223sqm.</li> </ol>	

Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

4. The gross net floor space of the retail store hereby approved shall not exceed 1,425sqm

Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

5. Of the net retail floor space of the retail unit hereby approved, no less than 1,140 square metres shall be used for the sale and display of the items listed below and for no other purpose, including any other purpose in Class A1 of the Planning (Use Classes) Order (Northern Ireland) 2015

- (a) food non-alcoholic beverages, alcoholic drink;
- (b) tobacco, newspapers, magazines, confectionery; (c) stationary and paper goods;
- (d) toilet requisites and cosmetics;
- (e) household cleaning materials; and
- (f) other retail goods as may be determined in writing by the Council as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.

Reason: To control the nature, range and scale of the retail activities to be carded out at this location in order to protect the vitality and viability of town centres and other centres within the catchment.

6. No internal operations, including the construction of or extension to mezzanine floors, increasing the floor space available for retail use or subdivision to form additional units shall be carried out without the prior written consent of the Council.

Reason: To control the nature, range and scale of the retail activities to be carried out at this location in order to protect the vitality and viability of town centres and other centres within the catchment.

7. Of the net retail floor space not more than 285 square metres of the sales area shall be used only for the retail sale of comparison goods and for no other purpose.

Reason: To control the nature, range and scale of the retail activities to be carded out at this location in order to protect the vitality and viability of town centres and other centres within the catchment.

8. Notwithstanding the details set out in the Landscape Plan Drawing No. 10B – Landscape Proposal published by the Council on 12<sup>th</sup> September 2022, final details of the hard landscaping along the Boucher Road site frontage, including a programme for implementation, shall be submitted to and approved in writing by the Council prior to occupation of any part of the development. The landscaping shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

9. All hard and soft landscaping works shall be carried out in accordance with the approved details as set out in Drawing No. 10B – Landscape Proposal published by the Council on 12<sup>th</sup> September 2022 and as agreed by the Council under condition 7. The landscaping works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the

approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

10. Deliveries to or service collections from the hereby approved development shall only be permitted between the hours of 07:00-23:00hrs Monday to Friday; between the hours of 08:00-23:00hrs on a Saturday and between the hours of 10:00-22:00hrs on a Sunday.

Reason: Protection of residential amenity against adverse noise.

11. No customers shall be served or remain in the hereby approved supermarket outside the following hours:

Monday to Friday	07:00 - 23:00 hrs
Saturday	08:00 - 21:00 hrs
Sunday	13:00 - 18:00 hrs

Reason: Protection of residential amenity against adverse noise.

12. No customers shall be served in the hereby approved drive through café outside the hours of 08:00 – 23:00hrs.

Reason: Protection of residential amenity against adverse noise.

13. Prior to installation of any plant and equipment at the hereby approved supermarket, details of all plant and specification of all plant and equipment along with an accompanying final assessment by an acoustic consultant shall be submitted to and agreed in writing by the Council. The assessment shall demonstrate that the cumulative operation of all chosen on site plant will not arise in adverse impact at nearby sensitive receptors, particularly at night. The development shall be carried out in accordance with the agreed details.

Reason: Protection of residential amenity against adverse noise.

14. The rating level ( $dBL_{A,T}$ ) from the combined operation of all plant and equipment at the hereby permitted development shall not exceed the representative daytime and night time background noise level ( $dBL_{A90,T}$ ) at the closest residential receptors when measured and determined in line with BS4142:2019.

Reason: Protection of residential amenity against adverse noise.

15. Prior to operation of the hereby approved supermarket, an acoustic timber fence to a height of 2m and of a mass no less than 15kg/m<sup>2</sup> shall be erected to the plant compound as shown on Drawing No. 02E - 'Proposed site plan – site finishes' published by the Council on 12 September 2022 and on Drawing No. 13 - 'Acoustic Fence Construction Details' published by the Council on 22 February 2022. The acoustic fence shall be retained in accordance with this specification at all times.

Reason: Protection of residential amenity against adverse noise.

16. Prior to operation of the hereby approved supermarket, a 2m high parapet screen shall be erected around the rooftop plant and equipment as shown on Drawing No. 08a - 'Proposed

Lidl elevations –A1’, Rev F published by the Council on 23 May 2022. The parapet screening shall be retained thereafter in accordance with this specification.

Reason: Protection of residential amenity against adverse noise.

17. Prior to commencement of operation of the hereby approved drive-through café, a proprietary kitchen extraction and odour abatement system shall be installed. This shall comprise an extraction canopy, fan and grease filtration as well as the additional odour abatement measures outlined in the Irwin Carr Odour and Air Quality Letter dated 21<sup>st</sup> January 2022, namely: fine filtration followed by a UV Ozone system to achieve a high level of odour control in line with relevant industry good practice guidance for commercial kitchen exhaust systems.

Reason: protection of amenity against adverse odour impact.

18. Prior to commencement of construction on site, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Council. The CEMP shall outline the methods to be employed to minimise any noise, vibration and dust impacts associated with site preparation and construction operations demonstrating the use of ‘best practicable means’. The plan shall pay due regard to BS 5228:2009+A1:2014 Code of practice for Noise and vibration on construction and open sites, and IAQM Guidance on the Assessment of dust from demolition and construction 2014. All construction works thereafter must be carried out in accordance with the approved management plan.

Reason: Protection of the amenity of nearby premises.

19. Prior to the operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RSK Ireland Ltd report entitled ‘Lidl Northern Ireland GmbH, Updated Remediation Strategy, Lands at Boucher Road, Belfast, 603086-R2(01), February 2022’ have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (commercial). It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:

- a) A minimum 1000mm capping layer has been emplaced in the area shown in Figure 3 of the Remediation Strategy, formed from material that is demonstrably suitable for use (commercial).
- b) Gas protection measures commensurate with the site’s Characteristic Situation 2 classification have been provided to the development, comprising:

- A cast in situ monolithic reinforced ground bearing raft or reinforced cast in situ suspended floor slab which is well reinforced to control cracking and has minimal penetrations.

- A gas resistant membrane which meets all requirements of Table 7 of BS 8485:2015+A1:2019.

Gas protection measures must be verified in line with the requirements of CIRIA C735.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

20. If during the carrying out of the development new contamination or risks to the water environment are encountered, that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health or environmental risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health and protection of environmental receptors to ensure the site is suitable for use.

21. No development should take place on-site until details of the method of sewage disposal have been submitted to and agreed in writing by the Council. The development shall be carried out in accordance with the agreed details.

Reason: To ensure protection of the aquatic environment.

22. No development shall commence on site (including demolition, site clearance and site preparation) unless a Final Environmental Construction Management Plan has been submitted to and approved in writing by the Council. The Final Environmental Construction Management Plan shall include measures to control noise, dust, vibration and other nuisance during the demolition/construction phase. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Final Environmental Construction Management Plan.

Reason: To safeguard the amenities of the area. Approval is required upfront because construction works have the potential to harm the amenities of the area.

23. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full 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", has been submitted in writing and agreed with the Planning Authority. The methodology is available at:

<http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environmentagency.gov.uk/scho0501bitt-e-e.pdf>

No piling shall take place unless in accordance with the approved details.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

24. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Nos.02E & 03D uploaded to the Planning Portal 12th September 2022, prior to the operation of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

25. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the

development hereby permitted becomes operational and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

26. Any existing street furniture or landscaping within the visibility splays as conditioned above shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

27. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with Drawing Nos.02E & 03D uploaded to the Planning Portal 12th September 2022. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking, servicing and traffic circulation within the site.

28. The development hereby permitted shall not become operational until cycle parking facilities have been provided in accordance with Drawing Nos.02E & 03D uploaded to the Planning Portal 12th September 2022.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

29. The development hereby permitted shall not operate unless in accordance with the Service Management Plan uploaded to the Planning Portal 2nd November 2022.

Reason: In the interests of road safety and the convenience of road users.

**Notification to Department (if relevant) – Not Required**

Date of Notification to Department: N/A

Response of Department: N/A

**Representations from Elected Members: Yes**

- 1) Christopher Stalford MLA
- 2) Cllr. Tracy Kelly
- 3) Edwin Poots MLA

<b>ANNEX</b>	
<b>Date Valid</b>	10th December 2021
<b>Date First Advertised</b>	31st December 2021
<b>Date Last Advertised</b>	08 <sup>th</sup> April 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Boucher Crescent, Belfast, BT12 6QU The Owner/Occupier, 10 Boucher Road, Belfast, Antrim, BT12 6HR The Owner/Occupier, 14 Boucher Road, Belfast, Antrim, BT12 6HR William Dickson BEM, 177 Tates Avenue Malone Lower Belfast The Owner/Occupier, 46 Olympia Parade, Belfast, Antrim, BT12 6NT The Owner/Occupier, 9 Boucher Road, Belfast, Antrim, BT12 6HR The Owner/Occupier, Chain Reaction, Unit 1 Balmoral Plaza, 24 Boucher Road, Belfast Tracy Kelly DUP Constituency Office, 127-145 Sandy Row, Belfast, BT12 5ET Christopher Stalford MLA DUP Constituency Office, 127-145 Sandy Row, Belfast, BT12 5ET The Owner/Occupier, General Manager, Linfield Football Club, Donegall Avenue, Windsor Park, Belfast, BT12 6LW The Owner/Occupier, Howdens, 5-7 ,Boucher Road, Belfast, Antrim, BT12 6HR The Owner/Occupier, Midgely Park, 12 Boucher Road, Belfast, BT12 6HR Neil Morrow, New Midgely Park, Boucher Road Belfast BT12 6HR The Owner/Occupier, Olympia Leisure Centre, Boucher Road, Belfast, BT12 6HR The Owner/Occupier, SERE Motors Belfast, 11-13 ,Boucher Road, Belfast, Antrim, BT12 6HR The Owner/Occupier, Tesla, 15 Boucher Road, Belfast, BT12 6NT The Owner/Occupier, Tim Hortons, 24 Boucher Road, Belfast The Owner/Occupier, Windsor Park Football Stadium, Donegall Avenue, Belfast, BT12 6LW	
<b>Date of Last Neighbour Notification</b>	07 <sup>th</sup> November 2022
<b>Date of EIA Determination</b>	4th January 2022
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	

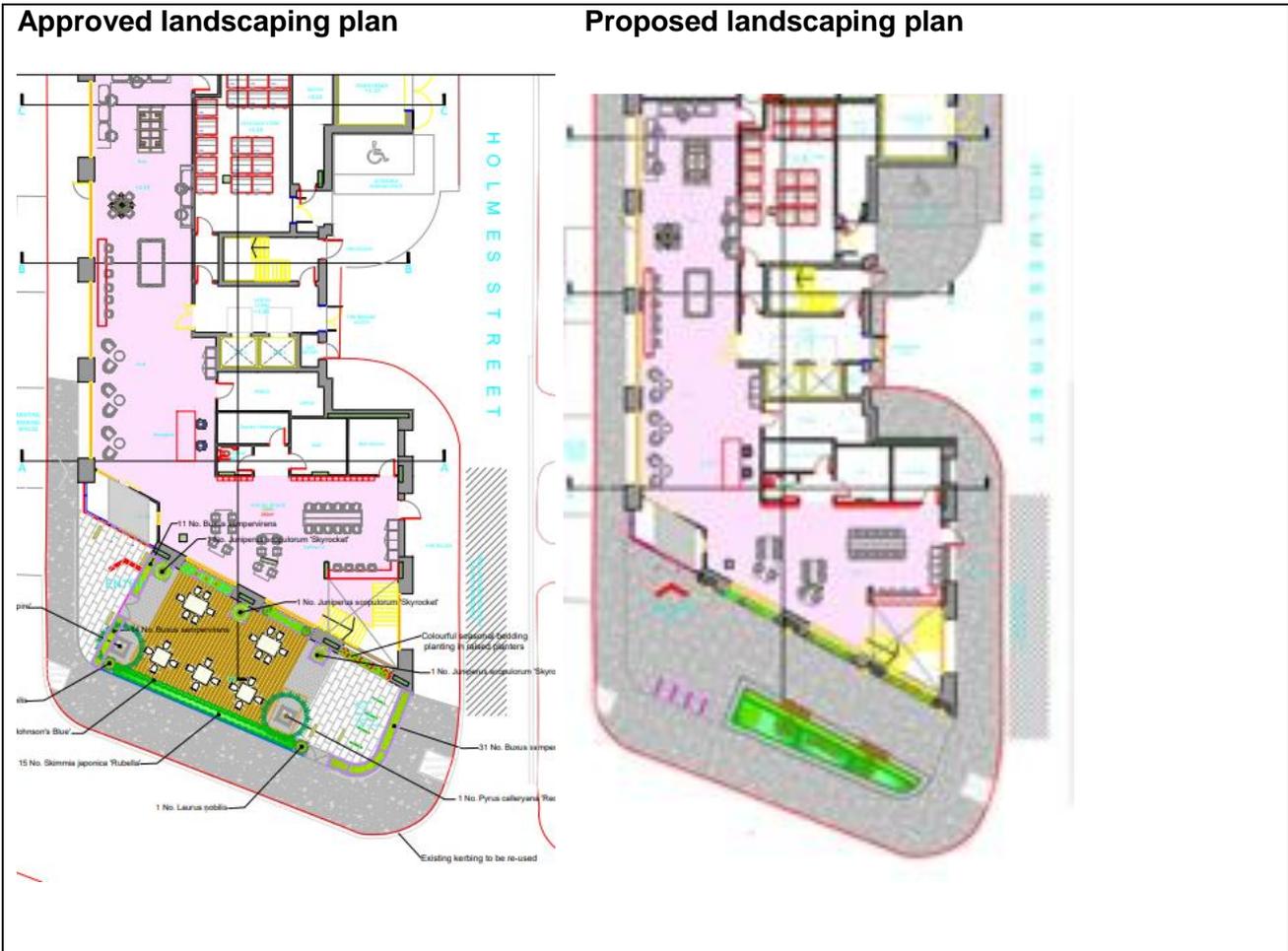
- 01 – Location Map published 06.01.22
- 02E – Proposed Site Plan – Finishes published 12.09.22
- 03C- Proposed Site Plan – Levels published 12.09.22
- 05A – Drive Through Plans and Elevations Rev G published 31.05.22
- 06 - Lidl Ground Floor Plan published 06.01.22
- 07 - Lidl First Floor Plan published 06.01.22
- 08A – Proposed Lidl Elevations published 23.05.22
- 09A – Proposed Street Elevation and Site Sections Rev A published 31.05.22
- 10B - Landscape Proposal published 12.09.22
- 11 – Proposed Roof Plan - Drive Thru published 06.01.22
- 12 – Proposed Roof Plan – Lidl published 06.01.22
- 13 – Jakoustic Fence Details published 22.02.22
- 14 – Trolley Bay – Proposed Plan and Elevations published 31.05.22

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## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 19/12/22	<b>Item Number:</b>
<b>Application ID:</b> LA04/2022/1856/F	<b>Target Date:</b>
<b>Proposal:</b> Section 54 application to vary condition no.12 of planning permission LA04/2021/2242/F relating to landscaping and planting works.	<b>Location:</b> Lands bounded by Little Victoria Street, Bruce Street, and Holmes Street, Belfast
<b>Referral Route:</b> Varying Condition relating to Major development	
<b>Recommendation:</b> Approval subject to Conditions	
<b>Applicant Name and Address:</b> ES Little Victoria Street Ltd 17-19 Dungannon Road Cookstown BT80 8TL	<b>Agent Name and Address:</b> Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast BT1 2NA
<p><b>Executive Summary:</b> This application seeks to vary Condition 12 of planning permission LA04/2021/2242/F under Section 54 of the Planning Act (Northern Ireland) 2011. Condition 12 relates to landscaping and planting works. The original application granted planning permission for the “Erection of new 15no storey purpose-built student accommodation building and associated development (amended scheme from that previously approved under application reference LA04/2018/2602/F)”. Permission was granted 18<sup>th</sup> March 2022.</p> <p>The approved landscaping scheme includes decking and landscaping along the Bruce Street frontage on land owned by DfI Roads. The delivery of the approved landscaping as detailed within existing condition 12 is undeliverable since it is in conflict with DfI Roads’ adoptable standards and is not acceptable to DFI Roads. The proposed amended landscaping scheme has been agreed with DfI Roads and is deliverable.</p> <p>The amended wording of Condition 12 seeks to regularise this. DfI Roads was consulted and has no objections to the proposed variation to the amended wording of condition 12 and is content with the proposed landscaping scheme.</p> <p>This Section 54 application to vary condition 12 will create a new stand-alone planning permission and it will be necessary to repeat the conditions on the original permission, subject to the variation granted by this decision. Conditions already discharged will not however be repeated. The original permission was also subject to a Section 76 Planning Agreement to secure the management of the student accommodation and community apprenticeships. A Section 76 will also be required for this new permission. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 agreement.</p>	





**Representations:**

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

**Characteristics of the Site and Area**

1.0 Description of Proposed Development

1.1 This is a Section 54 application to vary Condition 12, relating to the landscaping and planting works, of planning permission reference LA04/2021/2242/F. The approved development was for the erection of new 15 no storey purpose-built student accommodation building and associated development (an amended scheme from that previously approved under application reference LA04/2018/2602/F). The development has commenced and construction is well underway.

1.2 Condition 12 of the previously approved application LA04/2021/2242/F reads, "All proposed planting and landscaping works shall be carried out in accordance with the approved details as shown on David Clarke drawing Nos 0628-02F and 0628-01H landscape plans/proposals as published on the planning portal on 09/11/21 and 03/12/21. No part of the development hereby approved shall be occupied until the planting has been completed, or within the first available planting season after the occupation of the building, whichever is the sooner or unless otherwise agreed in writing by the Council." It is proposed to introduce a new landscaping drawing for the ground level, accurately reflecting those landscaping works which have been agreed with DfI Roads. The wording of condition 12 is proposed to read as, " All proposed planting and landscaping works shall be carried out in accordance with the approved details as shown on

David Clarke drawing no 03E ground floor landscape layout dated 26<sup>th</sup> September 2022. No part of the development hereby approved shall be occupied until the planting has been completed, or within the first available planting season after the occupation of the building, whichever is the sooner or unless otherwise agreed in writing by the Council”.

## 2.0 Description of Site

2.1 The application site measures approximately 0.1ha and is located at lands bounded by Little Victoria Street, Bruce Street, and Holmes Street, Belfast. The approved development is currently under construction on site. It originally accommodated a two storey L-shaped building with a pitched roof and predominantly red bricked finish. A number of commercial units occupied the ground floor of the building.

2.2 The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP (2004 and 2014). The site is unzoned whiteland within BUAP; unzoned whiteland but also within the main office area/ Commercial District Character Area in dBMAP (2004); and unzoned whiteland but also within the Commercial District Character Area in dBMAP (2015). The site is in the vicinity of Linen Conservation Area.

## Planning Assessment of Policy and Other Material Considerations

### 3.0 Site History

3.1 Applicable planning history on the site relates to the full application to which this Section 54 application seeks to vary:

- LA04/2021/2242/F for “Erection of new 15no storey purpose-built student accommodation building and associated development (amended scheme from that previously approved under application reference LA04/2018/2602/F)”. Permission was granted 18<sup>th</sup> March 2022.
- LA04/2018/2602/F for “Demolition of existing building at lands bound by Little Victoria Street, Bruce Street & Holmes Street and erection of new 15No. storey purpose-built student accommodation building” which was granted permission on 12/03/21.

3.2 Planning history also exists on the site for the following:

- LA04/2022/1833/NMC – Non-material change to LA04/2021/2242/F - Approved
- LA04/2022/1186/NMC – Non-material change to LA04/2021/2242/F - Approved
- LA04/2022/0695/NMC – Non-material change to LA04/2021/2242/F – Approved

3.3 Condition 11 of LA04/2021/2242/F has been successfully discharged under LA04/2022/0607/DC.

### 4.0 Policy Framework

4.1 Belfast Urban Area Plan 2001 (BUAP); Draft Belfast Metropolitan Area Plan 2015 (v2004) & Draft Belfast Metropolitan Area Plan 2015 (v2014); and Belfast Local Development Plan Draft Plan Strategy 2035

4.2 Regional Development Strategy 2035 (RDS)

4.2 Strategic Planning Policy Statement (SPPS)

4.3 Planning Policy Statement (PPS) 3: Access, Movement and Parking

### 5.0 Statutory Consultees

5.1 DFI Roads – No objection

### 6.0 Non Statutory Consultees

6.1 BCC Landscape and Development - No objection

### 7.0 Representations

The application has been neighbour notified and advertised in the local press. No written representations have been received.

## 8.0 Other Material Considerations

### 8.1 Parking Standards

### 8.2 Creating Places (former DoE)

### 8.3 HMO Subject Plan 2015

### 8.4 Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note

### 8.5 Belfast: A Framework for student housing and purpose-built student accommodation

### 8.6 The Belfast Agenda

## 9.0 Assessment

9.1 Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.

9.2 Following the Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. 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. Given the advanced stage at which Draft BMAP had reached it is considered to hold significant weight (save for policies around Sprucefield which remain contentious). The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP (v2004 and v2014).

9.3 The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period existing policies will be applied including the SPPS and relevant PPSs.

9.4 This application seeks to vary Condition 12 of planning permission LA04/2021/2242/F under Section 54 of the Planning Act (Northern Ireland) 2011 to allow for amendments to the approved landscaping and public realm scheme. Currently condition 12 of LA04/2021/2242/F reads as follows:

*“All proposed planting and landscaping works shall be carried out in accordance with the approved details as shown on David Clarke drawing Nos 0628-02F and 0628-01H landscape plans/proposals as published on the planning portal on 09/11/21 and 03/12/21. No part of the development hereby approved shall be occupied until the planting has been completed, or within the first available planting season after the occupation of the building, whichever is the sooner or unless otherwise agreed in writing by the Council.*

*Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.”*

9.5 The approved development includes approved landscaping plan no's 0628-02F and 0628-01H, showing lands to the front of Bruce Street with enclosed decking and planting, as well as a roof terrace. Supporting information submitted stated discussions between the applicant and DfI Roads had been ongoing to reach a solution with regards to landscaping, since the approved scheme was undeliverable due to its conflict with DfI Roads' adoptable standards. The proposed scheme shows an area of planting with two backless bench seats, as well as four stainless steel bicycle stands for visitors and all decking has been omitted.

9.6 Communal recreational space is provided within a roof terrace of approximately 60 sqm, and whilst the amenity area to the front has decreased there remains a communal ground floor space of 319 sqm. Given the inner urban context of the site, this level of amenity is considered acceptable. BCC Landscape, Planning and Development Team was consulted and whilst they acknowledged it was unfortunate that the ground floor terrace is not now feasible., they have raised no objection to the amended landscaping proposals.

9.7 The approved scheme showed an area of paving on either side of the decking which is now proposed as asphalt with silver granite chippings. The proposed change in material for the footway is considered acceptable at this location given the stance by DFI Roads and similar surfacing material is used on adjacent and opposite footways in both directions along Bruce Street. DFI Roads responded with no objection to the proposal on 04/11/22. The proposal is considered acceptable with regard to access, movement, parking and transportation issues having regard to PPS 3 and relevant policy.

9.8 The proposed changes to the landscaping are, on balance, considered acceptable. The amended wording for Condition 12 is proposed as follows:

*“All proposed planting and landscaping works shall be carried out in accordance with the approved details as shown on David Clarke drawing no 03E ground floor landscape layout dated 26<sup>th</sup> September 2022. No part of the development hereby approved shall be occupied until the planting has been completed, or within the first available planting season after the occupation of the building, whichever is the sooner or unless otherwise agreed in writing by the Council. Any proposed trees or plants indicated on the approved plan which, within a period of 5 years from date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.*

*Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.”*

## 10. Conclusion

The proposal to vary condition 12 to allow for an amended landscaping scheme is considered reasonable. There are no technical objections to the application, and having regard to the planning policy context, the variation of condition is considered acceptable. This Section 54 application to vary condition 12 will create a new stand-alone planning permission and it will be necessary to repeat the conditions on the original permission, subject to the variation granted by this decision. Conditions already discharged will not however be repeated. The original permission was also subject to a Section 76 Planning Agreement to secure the management of the student accommodation and community apprenticeships. A Section 76 will also be required for this new permission. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 agreement.

**Neighbour Notification Checked:** Yes

### Conditions:

1.As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before 18<sup>th</sup> March 2027.

Reason: Time Limit.

2. In the event that any substantial centralised combustion sources (generators, boilers,

CHP or biomass) are proposed as part of this development and there is a risk of impact at relevant receptor human health locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and it must demonstrate that there will be no exceedances of Air Quality Strategy objectives at relevant human receptor locations.

Reason: Protection against adverse air quality impacts

3. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of the hereby permitted development. The window specification for habitable rooms shall be in line with the specifications presented in the table on page 13 and at the various facades and floor levels indicated in figure 5 and 6 of the FR Mark & Associates NIA dated October 2021 NIA, titled: "Proposed Student Accommodation Building, Little Victoria Street.

Reason: In the interests of residential amenity

4. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the specification of alternative mechanical means of ventilation. The specification shall be in accordance with the recommendations on page 13 of the October 2021 FR Mark NIA titled: 'Proposed Student Accommodation Building, Little Victoria Street, Belfast.' The specification for the alternative means of ventilation shall demonstrate that the operation of the system or installation of the proposed vents, when open, will not compromise the recommended internal noise levels of habitable rooms as outlined in British Standard BS8233:2014.

Reason: In the interests of residential amenity

5. Prior to occupation of the hereby permitted development, the windows and alternative means of ventilation, as approved, shall be installed and thereafter retained throughout the development so as to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided in compliance with building control requirements.

Reason: In the interests of residential amenity

6. Prior to occupation of the hereby permitted development, the developer shall verify that the window schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation.

Reason: In the interests of residential amenity

7. The rating level (dBLAr,T) associated with the operation of all combined plant and equipment shall not exceed the existing daytime and night-time background noise level dBLA90,T of at the nearest noise sensitive premises, when measured or determined in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Reason: In the interests of residential amenity.

8. Within the first year of commencement of operation of the development the Applicant

must submit to the Council evidence to demonstrate that the development has obtained accreditation under a government approved accreditation scheme for purpose-built student accommodation such as the ANUK/UNIPOL National Code of standards or the Universities UK/HE Guild Management Code. Continued operation of the development thereafter will be subject to accreditation under a government approved accreditation scheme being maintained.

Reason: Protection of the amenity of surrounding uses.

9. No service deliveries to or collections from the hereby permitted development shall take place between the hours of 23:00-07:00hrs Monday to Friday or between the hours of 23:00-09:00hrs on a Saturday and Sunday.

Reason: Protection of residential amenity of future occupants

10. Prior to installation of external lighting and signage, a detailed layout plan with accompanying key and samples of fittings shall be submitted to and agreed in writing by the Council, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area

11. All proposed planting and landscaping works shall be carried out in accordance with the approved details as shown on David Clarke drawing no 03E ground floor landscape layout dated 26th September 2022. No part of the development hereby approved shall be occupied until the planting has been completed, or within the first available planting season after the occupation of the building, whichever is the sooner or unless otherwise agreed in writing by the Council. Any proposed trees or plants indicated on the approved plan which, within a period of 5 years from date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

12. No works or construction shall take place unless in strict accordance with the McAleer & Rushe Construction Environmental Management Plan (CEMP), dated March 2021, version 4 (amended 14.12.21), including the environmental controls, monitoring and operational hours contained in this document, unless the Council grants its prior written approval to any variation.

Reason: In the interest of the amenities of the area.

<b>ANNEX</b>	
<b>Date Valid</b>	30 <sup>th</sup> September 2022
<b>Date First Advertised</b>	21 <sup>st</sup> October 2022
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses)	
<p>The Owner/Occupier, 1 Little Victoria Street,Belfast,Antrim,BT2 7JH</p> <p>The Owner/Occupier, 2 Little Victoria Street,Belfast,Antrim,BT2 7JH</p> <p>The Owner/Occupier, 2nd Floor Office,68-72 ,Great Victoria Street,Belfast,Antrim,BT2 7BB</p> <p>The Owner/Occupier, 3rd Floor Offices,31 Bruce Street,Belfast,Antrim,BT2 7JD</p> <p>The Owner/Occupier, 3rd Floor Store,31 Bruce Street,Belfast,Antrim,BT2 7JD</p> <p>The Owner/Occupier, 40-42 ,Little Victoria Street,Belfast,Antrim,BT2 7JH</p> <p>The Owner/Occupier, 4th Floor Offices,31 Bruce Street,Belfast,Antrim,BT2 7JD</p> <p>The Owner/Occupier, 5-6 ,Hope Street,Belfast,Antrim,BT12 5EE</p> <p>The Owner/Occupier, 66a Great Victoria Street Baptist Church,Great Victoria Street,Belfast,Antrim,BT2 7BB</p> <p>The Owner/Occupier, Great Victoria Street Baptist,1 Hope Street,Belfast,Antrim,BT12 5EE</p> <p>The Owner/Occupier, Ground &amp; 1st Floor,68-72 ,Great Victoria Street,Belfast,Antrim,BT2 7BB</p> <p>The Owner/Occupier, Ground Floor,68-72 ,Great Victoria Street,Belfast,Antrim,BT2 7BB</p>	
<b>Date of Last Neighbour Notification</b>	19th October 2022
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>	
<p>Ref ID: Z/1985/2099            Proposal: DEMOLITION OF 23-31 BRUCE STREET, 10-14 LITTLE VICTORIA STREET, 12-30            Address: LITTLE VICTORIA STREET, BRUCE STREET, HOLMES STREET            Decision:            Decision Date:</p> <p>Ref ID: Z/1989/2272            Proposal: Change of use from showroom to retail use            Address: UNIT 7,BRUCE HOUSE LITTLE VICTORIA STREET BELFAST BT2</p>	

Decision:  
Decision Date:

Ref ID: Z/1987/1073  
Proposal: Construction of showroom premises  
Address: 8 LITTLE VICTORIA STREET, BELFAST BT2 7JH  
Decision:  
Decision Date:

Ref ID: Z/1986/2315  
Proposal: Erection of restaurant premises  
Address: 4-6 LITTLE VICTORIA STREET, BELFAST BT2 7JH  
Decision:  
Decision Date:

Ref ID: Z/2005/0930/F  
Proposal: Change of use from shop to hot food carryout.  
Address: 2 Little Victoria Street, Belfast, BT2 7JH  
Decision:  
Decision Date: 22.07.2005

Ref ID: Z/1987/0557  
Proposal: Erection of showroom premises  
Address: 2 LITTLE VICTORIA STREET BELFAST BT2  
Decision:  
Decision Date:

Ref ID: Z/1986/2319  
Proposal: Erection of shop premises  
Address: 8 LITTLE VICTORIA STREET, BELFAST BT2 7JH  
Decision:  
Decision Date:

Ref ID: Z/1988/2314  
Proposal: Conversion and extension of existing dwellings into self contained flats  
Address: 213,215,217,219,221 CRUMLIN ROAD BT14  
Decision:  
Decision Date:

Ref ID: Z/1988/2563  
Proposal: Erection of garage to house mini-bus  
Address: BAPTIST CHURCH LITTLE VICTORIA STREET BELFAST BT  
Decision:  
Decision Date:

Ref ID: Z/1985/0399  
Proposal: CHANGE OF USE TO TURF ACCOUNTANTS OFFICE  
Address: 369 NEWTOWNARDS ROAD  
Decision:  
Decision Date:

Ref ID: LA04/2021/1424/PAN

Proposal: Demolition of existing property and erection of purpose built multi-storey managed student accommodation and associated shared/ancillary spaces (amended scheme that includes re-configuration of proposed student accommodation).

Address: 5-7 Little Victoria Street + 28-29 Bruce Street, Belfast.,

Decision: PANACC

Decision Date:

Ref ID: LA04/2021/2242/F

Proposal: Erection of new 15no storey purpose built student accommodation building and associated development (amended scheme from that previously approved under application reference LA04/2018/2602/f)

Address: Lands bounded by Little Victoria Street, Bruce Street, and Holmes Street, Belfast,

Decision:

Decision Date:

Ref ID: LA04/2021/1157/F

Proposal: Construction of replacement Church with provision of in-curtilage parking and all associated site works.

Address: Great Victoria Street Baptist Church, 1 Hope Street, Belfast, BT12 5EE.,

Decision:

Decision Date:

Ref ID: Z/2014/0005/F

Proposal: Variation of condition no1 of part 1 temporary planning permission for Z/2011/1499/F

Address: Great Victoria Street Baptist Church , 66 Great Victoria Street, Belfast, BT12 5EE,

Decision: PG

Decision Date: 16.04.2014

Ref ID: LA04/2018/1716/F

Proposal: Retention of existing temporary surface car park for a period of 2 years.

Address: Great Victoria Street Baptist Church, 66 Great Victoria Street, Belfast, BT12 5EE.,

Decision: PG

Decision Date: 04.04.2019

Ref ID: LA04/2018/1240/PAN

Proposal: Demolition of existing property and erection of purpose built multi storey managed student accommodation and associated shared/ancillary spaces.

Address: 5-7 Little Victoria Street &, 28-29 Bruce Street, Belfast,

Decision: PANACC

Decision Date:

Ref ID: LA04/2018/2602/F

Proposal: Demolition of existing building at lands bound by Little Victoria Street, Bruce Street & Holmes Street and erection of new 15No. storey purpose built student accommodation building.

Address: Lands bounded by, Little Victoria Street, Bruce Street & Holmes Street, Belfast.,

Decision: PG

Decision Date: 30.03.2021

Ref ID: Z/2008/1019

Proposal: Road Scheme.

Address: Belfast City Centre Ring - Southern Section, Belfast.

Decision: EOLI

Decision Date:

Ref ID: Z/2000/0620/O

Proposal: Proposed mixed use comprising a new church with associated facilities, office space, residential units and basement car-parking.

Address: Great Victoria Street Baptist Church, 66 Great Victoria Street, Belfast BT2 7BB

Decision:

Decision Date: 23.11.2000

Ref ID: Z/2011/1499/F

Proposal: Demolition of Great Victoria Street Baptist Church, refurbishment of church facade and incorporating the construction of a small entrance porch with creation of temporary surface level private car park for church use (amended description).

Address: Great Victoria Street Baptist Church, 66 Great Victoria Street, Belfast, BT12 5EE,

Decision: PG

Decision Date: 31.08.2012

Ref ID: Z/2008/0858/F

Proposal: Demolition of existing church and erection of new development comprising basement carparking, church and ancillary halls to ground and first floor with offices on floors 2-10 above.

Address: 66a Great Victoria Street, 2 Little Victoria Street and 1 Holmes Street, Belfast, BT2 7BB.

Decision:

Decision Date: 04.03.2010

Ref ID: Z/2008/2205/F

Proposal: Proposed office and retail development over 12 floors. Associated siteworks and roadworks. (Amended scheme reduced by two storeys)

Address: 5, 6, 7 Little Victoria Street, BT2 7JH and 23-29 Bruce Street, BT2 7JD

Decision: PG

Decision Date: 13.10.2014

Ref ID: Z/1987/0614

Proposal: Showroom premises

Address: HOLMES STREET, BELFAST BT2

Decision:

Decision Date:

Ref ID: Z/2000/0027/F

Proposal: Shop Front.

Address: Bruce House, Bruce Street, Belfast BT2 7JD

Decision:

Decision Date: 23.02.2000

Ref ID: Z/2000/0028/A

Proposal: Fascia, projecting and wall signs

Address: Bruce House, Bruce Street, Belfast BT2 7JD

Decision:

Decision Date: 19.02.2000

Ref ID: Z/1985/2358

Proposal: DEMOLITION OF 23-31 BRUCE STREET AND 10-14 LITTLE VICTORIA STREET FOR

Address: AREA BOUNDED BY LITTLE VICTORIA STREET, BRUCE STREET AND HOLMES STREET

Decision:

Decision Date:

Ref ID: Z/1987/1798

Proposal: Alterations to facade

Address: UNITS 2-4 BRUCE HOUSE, HOLMES STREET BELFAST BT2

Decision:

Decision Date:

Ref ID: Z/1988/2368

Proposal: Intermittent illuminated sign

Address: BRUCE HOUSE, BRUCE STREET BT2

Decision:

Decision Date:

Ref ID: Z/1987/1399

Proposal: Change of use to restaurant

Address: UNITS 2 & 4 BRUCE HOUSE, BRUCE STREET, BELFAST BT2

Decision:

Decision Date:

**Notification to Department (if relevant)**

Date of Notification to Department: N/A

Response of Department: N/A

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