

Public Document Pack

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



**Belfast
City Council**

14th June, 2023

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall and remotely, via Microsoft Teams, on Tuesday, 20th June, 2023 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. (b) LA04/2022/1280/F - (Reconsidered item) Proposed social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total). Former Kennedy Enterprise Centre (north of Westwood Shopping Centre)
Blackstaff Road.
(Pages 1 - 56)

9. (a) LA04/2023/2891/F - Replacement of existing natural grass rugby pitch with new 3G surface and associated under pitch drainage and site works
(Additional Information Received. Kingspan Stadium 134 Mount Merrion Avenue, Belfast, BT6 0DG (Pages 57 - 68)

ADDENDUM REPORT	
Committee Meeting Date: 20th June 2023	
Application ID: LA04/2022/1280/F	
Proposal: Proposed social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total).	Location: Former Kennedy Enterprise Centre (north of Westwood Shopping Centre), Blackstaff Road, Belfast BT11 9DT.
Referral Route: Major development	
Recommendation:	Approval subject to conditions and a Section 76 agreement
Applicant Name and Address: Johncorp (No.2) Ltd C/O Rushmere House Cadogan Park Belfast BT9	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Background</p> <p>This application was considered at the April 2023 meeting of the Planning Committee. The Committee resolved to grant planning permission, giving delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning application, and resolve a technical issue raised by DfI Roads.</p> <p>The decision on the application has yet to be issued because of the need to conclude the Section 76 planning agreement, which is currently being drafted.</p> <p>Since the Committee's decision, the Belfast Local Development Plan: Plan Strategy has been adopted (02 May 2023). This provides a new policy framework for decision-making. In accordance with the advice given to Members at the April 2023 Planning Committee, the application is reported back to the Committee to enable the Committee to reconsider the application following adoption of the Plan Strategy.</p> <p>This report should be read in conjunction with the report to the April Committee, appended.</p> <p>Updated Policy Context</p> <p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>	

The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.

Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies currently provided by the Departmental Planning Policy Statements (PPSs). Those policies will no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).

Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.

Relevant Planning Policies

Plan Strategy

The following policies in the Plan Strategy are relevant to consideration of the application.

Policy SP1A – managing growth and supporting infrastructure delivery

Policy SP2 – sustainable development

Policy SP3 – improving health and wellbeing

Policy SP4 – community cohesion and good relations

Policy SP5 – positive placemaking

Policy SP6 – environmental resilience

Policy SP7 – connectivity

Policy SD2 – Settlement Areas

Policy HOU1 – Accommodating new homes

Policy HOU2 – Windfall housing

Policy HOU4 – Density of residential development

Policy HOU5 – Affordable housing

Policy HOU6 – Housing Mix

Policy HOU7 – Adaptable and accessible accommodation

Policy DES1 – Principles of urban design

Policy DES2 – Masterplanning approach for major development

Policy RD1 – New residential developments

Policy HC1 – Promoting healthy communities

Policy EC4 – Loss of zoned employment land
Policy RET1 – Establishing a centre hierarchy

Policy TRAN1 – Active travel – walking and cycling
Policy TRAN 2 – Creating an accessible environment
Policy TRAN4 – Travel plan
Policy TRAN6 – Access to public roads
Policy TRAN8 – Car parking and servicing arrangements

Policy ENV1 – Environmental quality
Policy ENV2 – Mitigating environmental change
Policy ENV3 – Adapting to environmental change
Policy ENV4 – Flood Risk
Policy ENV5 - Sustainable drainage systems (SuDS)

Policy GB1 – Green and blue infrastructure network
Policy OS3 - Ancillary open space

Policy TRE1 – Trees

Supplementary Planning Guidance

Affordable Housing and Housing Mix
Residential Design
Placemaking and Urban Design
Masterplanning approach for Major developments
Sensitive Uses
Sustainable Urban Drainage Systems
Transportation
Trees and Development

Updated Assessment

Late items to the April 2023 Committee

Prior to the April Committee meeting, the applicant confirmed that the proposal would deliver a minimum of 80% social housing with the tenure for the remaining 20% to be decided.

The Northern Ireland Housing Executive (NIHE) updated the projected housing need for Middle West Belfast for 2022- 2027 as 1,107 homes.

DfI Roads provided a late response to the application. It advised that the proposal remains unacceptable in its current form as *'the visibility splays at houses No.112 & No.113 do not comply with DCAN15. They are unacceptable as they run through neighbouring driveways and gardens.'* The Committee gave officers delegated authority to resolve that issue.

Plan Strategy

The adoption of the Plan Strategy requires the following updated assessment.

Additional Information

Officers requested that the applicant provides a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal.

The applicant has subsequently provided a Plan Strategy Statement, which sets out the policies in the Plan Strategy which they believe apply to this proposal. The Plan Strategy Statement covers a range of policies which are considered in more detail below. In summary, the applicant considers that the proposal complies with the relevant policies and that the development remains acceptable in relation to the Plan Strategy and other material considerations.

Consultation responses

No additional consultations have been considered necessary following adoption of the Plan Strategy and receipt of the Plan Strategy Statement.

Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy. No further consultations have therefore been issued.

Strategic Policies

The Plan Strategy sets out strategic policies including Policies SP2 – Sustainable development, SP3 – Improving health and wellbeing, SP4 – Community cohesion and good relations, Policy SP5 – Positive placemaking, SP6 – Environmental resilience, SP7 – Connectivity.

The applicant has not specifically addressed the above policies in their Plan Strategy Statement but considers that the development is acceptable in relation to the Plan Strategy.

Officers remain concerned about the appropriateness of the scheme in terms of place making (Policy SP5). However, this issue was considered by the Committee previously and found to be acceptable in the planning balance when considering the significant unmet need for social housing in this part of the city.

Affordable Housing

Policy HOU5 of the Plan Strategy states that planning permission will be granted for residential development on sites greater than 0.1 hectares and/or containing 5 or more dwelling units where a minimum of 20% of units are provided as affordable housing.

The proposal is an affordable housing-led scheme. The applicant states that discussions are ongoing with Housing Associations in relation to the delivery of the development and a minimum of 80% of the proposed units will be allocated for social housing with the remainder intermediate or market housing. Tenures of the remaining 20% will be finalised and agreed with NIHE and the Housing Association that develops and manages the social housing element of the scheme.

Policy HOU5 and its associated Supplementary Planning Guidance promote mixed tenure housing developments and seek to avoid mono-tenure affordable housing schemes. Whilst 80% social housing is high, particularly for a housing proposal of this scale, an element of non-social housing would remain. Moreover, in its original decision, the Committee placed significant weight on the proposal helping to meet social housing need in the area in the planning balance. Having

regard to Policy HOU5, it will be important that all tenures are integrated, including pepper potting throughout the scheme, and that the housing is tenure blind. This can be secured through the planning agreement. The proposal is considered acceptable in the context of Policy HOU5.

Housing Mix

Policy HOU6 of the Plan Strategy states that planning permission will be granted for new residential developments on sites greater than 0.1ha and/or containing 5 or more dwelling units where the proposed development provides a suitable mix of house types and sizes to promote choice and assist in meeting community needs and that provision should particularly be made for smaller homes across all tenures to meet future household requirements.

The applicant states that the development proposes 139 units with a mix of houses, bungalows and apartments. The breakdown of housing mix includes 87 apartments (80 2bed and 7 1bed), 46 2 storey dwellings (12 3bed and 34 2bed), 4 2.5 storey dwellings (4 bed) and 2 bungalows (2 bed). The applicant further states that the final mix of housing tenures is to be finalised but at least 80% will be allocated for social housing.

It is considered that the proposal provides a suitable mix of house types. The majority of units are smaller home i.e. 1 and 2 bed (7 1bed and 116 2bed) which will serve to meet future household requirements. Moreover, NIHE has expressed support for the scheme (and housing mix). The proposal is considered acceptable in the context of Policy HOU6.

Adaptable and accessible housing

Policy HOU7 of the Plan Strategy states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible.

The applicant states that all proposed houses and apartments are designed in a flexible way to ensure that accommodation is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible. Each of the units have been designed to meet 'Lifetime Homes' (LTH) standards. The construction of all units to Lifetime Home standards and Housing Association Guide (HAG) standards for social housing will ensure that all units will meet the adaptable home requirements of criteria a. to f. of Policy HOU7.

However, Policy HOU 7 also states that for residential developments of 10 units or more, planning permission will be granted where at least 10% of the units are wheelchair accessible and designed in accordance with criteria g. to o. The applicant states that only four of the proposed 139 units would meet these requirements. These are house types E and F which are full wheelchair bungalows and Wheelchair/Complex Needs Housing designed to Housing Association Wheelchair Housing Guidelines – bespoke for specific needs and in excess of Policy HOU7 requirements. Nevertheless, these comprise only 3% of the overall total units and less than the 10% requirement set out in Policy HOU7. The applicant states that the application was submitted in June 2022 when the policy was not given weight in determination of planning applications and considers that it would be procedurally unfair to now apply this new policy requirement.

The level of wheelchair accessible dwellings falls well below the required 10% and fails to satisfy the policy requirements. However, regard is had to the fact that some of the units proposed exceed the minimum space standards for non-wheelchair housing and that the full Lifetime Homes standards meet some of the wheelchair adaptable standards. Furthermore, four full wheelchair housing units are proposed. Regard is also had the Committee's previous consideration of the

application in April 2023. Taking these factors into consideration, the conflict with Policy HOU7 is considered acceptable in the planning balance.

Masterplanning for Major development

Policy DES2 of the Plan Strategy states that planning permission will be granted for Major development where it accords with a range of masterplanning principles.

The applicant has considered the masterplanning principles and states that the application site is currently an “eyesore” in an area characterised by mixed use development and the proposal can support urban repair in this part of West Belfast and considers the proposal meets criterion ‘b’ of DES 2. The applicant indicates that whilst the proposal is not designed to BREEAM ‘excellent’ standards, the residential units will meet and exceed energy efficiency standards required for housing and considers the proposal meets criterion ‘c’ of DES2. The applicant considers that the density of the development meets Policy HOU4 and criteria ‘d’ of DES2. The housing density equates to 47 units per hectare which complies with the density band for ‘Outer Belfast’ as set out in Policy HOU 4. With regards to criterion ‘e’, the applicant considers that the development is centred around an area of public open space and high quality hard and soft landscaping is proposed throughout the site and extends along Blackstaff Road which will be of significant value to the prospective residents and will improve the appearance of the area and therefore complies. The applicant advises that the landscape Management and Maintenance Plan submitted with the application will be implemented by the Housing Association that develops and manages the site and as such the proposal meets criterion ‘f’. In relation to criterion ‘j’ the applicant considers that there are a limited number of trees on the existing site and that significant number of trees are proposed to mitigate for the loss of trees and will enhance the character and appearance of the area. In relation to criterion ‘i’, officers advise that appropriate public art can be secured by means of a planning condition.

Whilst officers remain concerned about the proposal in terms of masterplanning and place making, these principles were considered by the Committee previously and found to be acceptable in the planning balance when considering the significant unmet for social housing in this part of the city.

Residential Design

Policy DES 1 of the Plan Strategy states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking where it accords with a range of criteria. Officers remain concerned that the proposal does not respond positively to its local context and character (being on an industrial estate).

Policy DES 2 of the Plan Strategy states that planning permission will be granted for major development where it accords with a series of masterplanning principles.

Policy RD 1 of the Plan Strategy states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal meets defined criteria. For the reasons set out in the previous Committee report, officers consider that the proposal is contrary to criterion a. as it would result in conflict with adjacent land uses.

Whilst officers remain concerned about some aspects of the proposal, they are mindful that the Committee previously found the principle of residential development and the design and layout of the scheme to be acceptable in the planning balance.

Promoting healthy communities

Policy HC1 of the Plan Strategy states that the council will seek to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. The council requires the submission of a Health Impact Assessment (HIA) as part of major residential, commercial and industrial developments or other proposals with potential to have a significant adverse effect on public health and wellbeing.

The applicant states that the planning application has been subject to assessment by a range of statutory consultees including DFI Roads, DAERA Land Resource Management and Environmental Health when public health objections were raised and the proposal was supported by NIHE. The applicant states that Policy HC1 requires the submission of a Health Impact Assessment (HIA) where proposals are considered to have significant adverse effect on public health or wellbeing and do not consider that to be the case. However, the applicant has considered the potential benefits of the development on health and wellbeing including active travel (considered below), access to local services, reducing the use of the private car, the provision of public open space, leisure and recreational facilities, high quality design of the dwellings and site layout and promotion of balanced communities and sustainable neighbourhoods.

Whilst officers have concerns that the proposal is in conflict with some aspects of Policy HC1, including the wellbeing of prospective residents living next to, and in some cases having an outlook onto, an industrial estate, they are mindful of the previous view of the Committee which accepted the principle of housing in this location in the planning balance.

Climate Change

Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals (including changes of use) will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction and operation.

Policy ENV3 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. In order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates.

The applicant states that all dwellings will be designed to exceed the new building control requirements and will be highly efficient and that PV panels will likely be installed to the apartments with potential for inclusion on the dwellings which would be possible under permitted development rights in the future.

The applicant further states that all proposed drainage will be designed to not cause any future flood risk and considers the location of the site, the levels and design will help protect against extreme weather/wind conditions and indicates that a number of different areas of landscaping are provided to enhance the natural environment and biodiversity, especially considering the existing site conditions. Furthermore, the applicant states that glazing and ventilation systems will be designed to ensure all dwellings do not overheat and therefore no air conditioning systems should be required. All dwellings have been designed with large windows to maximise natural light and

solar gain to habitable rooms and buildings will be designed with high thermal mass to absorb the heat produced by the building and release it over a period of time.

The applicant considers that the proposed development is compliant with Policy ENV2 Mitigating Environmental Change and Policy ENV3 – Adapting to Environmental Change.

Social housing schemes normally exceed usual standards for energy efficiency and climate change mitigation. It is considered that appropriate details can be secured by condition.

Sustainable Urban Drainage Systems (SuDS)

Policy ENV5 of the Plan Strategy states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere.

The applicant states that no SuDS are proposed as they are considered inappropriate for a social housing development in this location and highlights that the site benefits from 38% green space whereas the current site is almost completely hard surfaced. The applicant considers that the proposed development is compliant with Policy ENV 5 – Sustainable Drainage Systems (SuDS). Officers advise that suitable SuDS provision can be secured by condition.

Green and blue infrastructure and active travel

Policy GB1 of the Plan Strategy states that planning permission will be granted for proposals that protect, augment, complement and/or improve the network and connectivity of green and blue infrastructure across the district. New development should incorporate green infrastructure features as part of the design, including green roofs and walls, SuDS, tree and hedgerow planting and creating accessible links with neighbouring open space, in addition to providing open space on the site, where appropriate. The LDP seeks to secure improvements and expansion of the green and blue infrastructure network, including those identified in the LDP and/or the council's GBIP and associated strategies /action plans, as a result of new development. This may include the carrying out of agreed works by the developer or a financial contribution from the developer in lieu, having regard to the scale, nature and location of the proposed development and to the terms of supplementary guidance on these matters as published by the council.

Officers have previously expressed concerns about connectivity, however, the Committee previously found the proposal to be acceptable in the planning balance.

Demolition

Policy ENV2 of the Plan Strategy states that development proposals should, where feasible, seek to avoid demolition and should consider how existing buildings or their main structures could be reused. Development proposals that include the demolition of existing buildings should demonstrate that reuse is not appropriate or feasible. Where demolition is proposed, measures should be included to minimise any waste through the reuse of as much building material as possible.

The applicant states that most of the site has been cleared with only a small portion of the original buildings remaining in situ but opportunities to recycle material from the remaining buildings for use as hardcore or fill will be explored during the construction phase. There are no plans to integrate grey water recycling or green roofs, however, such innovations will be explored during the detailed design stage. The applicant further states that the demolition of buildings at the site is permitted development under the Planning (general Permitted Development) Order (Northern

Ireland) 2015 and planning permission is not required to demolish them and the buildings were previously used for a range of business and light industrial uses and it would have been inappropriate for conversion to residential use. The applicant considered that the proposals comply with Policy ENV2 in relation to demolition.

It is accepted that most of the site has been cleared. An appropriate scheme for recycling of remaining materials on site can be secured by means of condition (this would need to ensure that any recycled materials are fit for human health).

Economy

Policy EC4 of the Plan Strategy states that zoned employment areas will be retained in employment use and will be the focus of economic regeneration and development opportunities and only in exceptional circumstances will the loss of zoned employment land be considered acceptable subject to meeting a range of specified criteria. Policy EC4 is applicable as the site is zoned in dBMAP (v 2004) as a Major Area of existing Employment/Industry.

The applicant has not specifically addressed the above policy in their Plan Strategy Statement.

However, consideration of the loss of zoned employment land is set out in the original Committee report (appended) which advised that the proposal did not comply with the broadly similar policy set out in Planning Policy Statement 4 – Economic Development (PPS4). The proposal does not comply with policy EC4. However, as per the initial assessment it is considered that greater weight should be attached to the more recent zoning as a designated District Centre given the advanced stage that dBMAP (v2014) had reached, as well as the planning permission for extension of the Westwood Centre, which remains extant (Z/2011/1494/F). This aspect of the scheme is considered to remain acceptable.

Policy RET 1 sets out a network and hierarchy of retail centres which includes District Centre. The site is designated in the dBMAP (v2014) as part of the Westwood District Centre, although housing is not specifically prohibited by Policy RET 1.

Other considerations

Other aspects of the proposal are considered to remain acceptable, having regard to the policies in the Plan Strategy.

Regard is also had to the previous decision of the Planning Committee which was to grant planning permission subject to completion of a Section 76 planning agreement.

Update on Section 76 planning agreement

It was agreed at the April Committee meeting that a Section 76 would be required to secure the following planning obligations:-

- Provision of affordable housing at least 80% (112 units) of which is for social housing;
- Green Travel Measures in the form of implementation of a Travel Plan, a travel card for each unit a period of 3 years and 50% subsidised membership of a car club for each unit for 3 years along with the implementation of a Travel Plan including a Travel Co-ordinator;
- Employability and Skills interventions during the construction phase;
- Long term management and maintenance of communal and public open space; and
- Agreement with ASDA to fit an in-line duct attenuator to its gable wall to reduce the noise impact on the nearest proposed rear gardens.

A draft of the planning agreement has been forwarded to the applicant's solicitor for review and comments are awaited.

Officers advise that the level of subsidy for the car club should be increased from 50% to 100% in line with current practice. Furthermore, in the interests of a mixed and balanced community, no more than 80% of the housing units should be delivered as social housing (this can include provision for moderate flexibility). Further obligations in the planning agreement should be to ensure that the affordable housing is pepper potted throughout the scheme and that the dwellings are tenure blind in terms of materials and external appearance.

Representation from ASDA

Since the April Planning Committee, a representation has been received on behalf of Asda. The representation raises concerns as set out below.

- Appears that noise from Asda's service yard operations and fixed plant is largely based on library noises data and theoretical modelling. Concerns that actual on-site activity levels may vary from predicted levels
- Mitigation can only be successful if the ventilation is sufficient to exclude the need for open windows for cooling in hot weather and the sound insulation of the proposed windows/facade/ventilation is sufficient to avoid any adverse impact inside the dwellings, taking all the acoustic features into account and the permitted 24hr use of the Asda service yard.
- Use of BS8233:2014 internal noise criteria over 8hr and 16hr night reference time periods would not be appropriate as the guidance is only applicable to anonymous noise, such as road traffic noise, and would not offer suitable protection against intrusive activity noise with specific noise characteristics.
- Considers that detailed planning conditions are necessary covering the façade sound insulation, alternative ventilation requirements, overheating risk and suitable internal criteria that would fully protect residents from adverse impact from Asda noise sources.
- Asda will not accept future abatement action for existing noise activity or plant noise, as a result of future noise complaints from proposed residential properties.
- The responsibility for avoiding future adverse noise impact from existing adjacent commercial activity lies with the Local Planning Authority and developer.

The applicant has been asked to address the issues and further information has been sought from Environmental Health. Delegated authority is requested to deal with this issue in consultation with Environmental Health.

NI Water Response

An updated response has been received from NI Water which sets out an update on the Waste Water Impact Assessment (WWIA). The response advises that the issues limiting development at the proposed development site are as follows:

- Upper Falls Boucher CSO – failing 3DWF; inadequate Watercourse Dilution; Not passing Formula A; Not screened – this is deemed high polluting
- Sewer capacity issues downstream of proposed development
- Belfast WwTW – no available capacity until completion of upgrade in Autumn 2023 (subject to funding)

NI Water has carried out a high-level assessment of the proposal and advises that they would consent to a foul discharge connection at a rate of 0.22 l/s to the existing connection manhole which would allow up to 23 residential units to connect to the NI Water sewer for foul discharge only. For the remaining 116 residential units, NI Water is investigating a possible solution to permit a foul connection and advise that the nature of the downstream network issues mean that storm

water offsetting is not suitable solution for this site. However, by diverting flow to create capacity for the proposed development along with some measure of storm water off-setting, it may be possible. A modelling investigation is required to better understand the impact and more time is needed to assess what potential solutions there may be for this site.

NI Water advises that a further update will be provided once the modelling investigation is completed. NI Water advises that planning permission cannot be conditioned until Stage 2 of the wastewater impact has been completed and signed off by NI Water with all necessary third-party sign offs in place.

Notwithstanding, NI Water's updated position, for the reasons set out in the original case officer report, a condition is recommended which will ensure that no development takes place until the method of sewage disposal has been submitted and agreed in writing with the Council (see condition 7 below).

Updated Layout

To recap, DFI Road's response of 17 April 2023 states that '*Dfi Roads considers this application as submitted in its present form to be unacceptable.*

1. *The visibility splays at houses No.112 & No.113 do not comply with DCAN15. They are unacceptable as they run through neighbouring driveways and gardens.'*

Discussions have been taking place between the applicant, officers and Dfi Roads on how best to resolve this issue. An updated layout has been submitted to the Council and is under consideration by DFI Roads. Delegated authority is requested to resolve this issue should the Committee continue to resolve to grant planning permission.

Conclusion and Recommendation

Officers are mindful that the Committee previously set aside officer's in principle concerns about the appropriateness of the development in the planning balance, having regard to the significant contribution that the proposal would make to the unmet need for social housing in the area.

The proposal is contrary to some of the policies in the Plan Strategy as set out above. However, it would not be unreasonable for the Committee to continue to resolve to approve the application in the planning balance should the Committee continue to give significant weight to the significant unmet need for affordable housing in the area. Should this be the case, delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and the Section 76 planning application and to liaise with Environmental Health and DFI Roads on the outstanding matters.

DRAFT CONDITIONS

Draft Conditions

Following the Planning Committee's decision to approve the above application at the April 2023 Committee, the following draft conditions are proposed.

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. No external finishes shall applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.

The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.

The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external finishes.

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

3. Notwithstanding the submitted landscaping details as set out in Drawing No. 87B – Landscaping Plan, a final landscape plan shall be submitted to and agreed in writing by the Council prior to occupation. The final landscape plan shall include additional tree planting in the rear gardens. The landscaping shall be carried out in accordance with the approved details.

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

4. All hard and/or soft landscaping works shall be carried out in accordance with the approved details. The 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.

5. The residential unit/s hereby approved shall not be occupied until their respective boundary treatment has been implemented in accordance with the approved plans. The boundary treatment shall be retained in accordance with the approved details.

Reason: In the interests of amenity.

6. Notwithstanding the submitted landscaping details as set out in Drawing No. 87B – Landscaping Plan, details of equipped children's play area shall be submitted to and agreed in writing by the Council prior to occupation. The details shall include drawings and detailed specifications of all equipment proposed. The equipped children's play equipment shall be installed prior to occupation and shall be permanently retained and maintained in accordance with the approved details.

Reason: In the interests of amenity.

7. No development shall take place on-site until the method of sewage disposal has been submitted and agreed in writing with the Council or evidence of a Consent to discharge granted under the terms of the Water (NI) Order 1999 has been submitted to and agreed in writing to the Council.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

8. Prior to the construction of the drainage network, a Drainage Assessment, shall be submitted to and agreed in writing by the Council. The Drainage Assessment shall

demonstrate compliance with the Planning and Flood Risk Supplementary Planning Guidance of the Belfast Local Development Plan Strategy 2035 and the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event. The development shall be carried out in accordance with agreed details.

Reason: In order to safeguard against surface water flood risk.

9. In the event that any centralised combustion sources (boilers, CHP or biomass) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, *Land-use Planning & Development Control: Planning for Air Quality (January 2017)*, this Service would request that an updated Air Quality Impact Assessment be submitted to and approved in writing by the Council prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development. The development shall be carried out in accordance with the approved details.

Reason: To ensure that ambient air pollution related to the site is appropriately dealt with, in the interests of human health.

10. No development shall commence on site (other than site clearance, enabling works or works to fulfil this condition) until a Quantitative Risk Assessment which considers the triangular area in the west of the site has been submitted to and approved in writing by the Council. The Quantitative Risk Assessment shall consider the RSK (Ireland) Ltd letter dated 21st March 2023 (RSK Ref: 603089 L03, EH Ref: ST/STM/661864, Planning Ref: LA04/2022/1280/F). The Quantitative Risk Assessment shall follow current Environment Agency and CIRIA guidance and British Standards and include:

A detailed site investigation in line with BS 10175:2011+A2:2017. Any ground gas investigations shall be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019. A satisfactory assessment of the risks (including an updated Conceptual Site Model), conducted in line with current Environment Agency guidance. Risks associated with ground gases shall be assessed under the methodology outlined in BS 8485:2015+A1:2019.

This Quantitative Risk Assessment shall determine if any human health contaminant linkages exist in this part of the site.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

11. No development shall commence on site (other than site clearance, enabling works or works to fulfil this condition) unless a Detailed Remediation Strategy has been submitted to and approved in writing by the Council. The Remediation Strategy shall consider the RSK Ireland report entitled 'Johncorp (No.2) Ltd, Remedial Strategy, Blackstaff Road, Belfast, 603089-R3 (00), November 2022' and the subsequent RSK Ireland Ltd letters dated 15th February 2023, 28th February 2023, 21st March 2023 and 24th March 2023. The Remediation Strategy shall follow current Environment Agency and CIRIA guidance and British Standards and must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified. In particular, this Detailed Remediation Strategy must incorporate detail on:

Should the Quantitative Risk Assessment required for the triangular area in the west of the site demonstrate that human health contaminant linkages exist on this part of the site, then the Detailed Remediation Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. How any existing materials on site are to be moved and reused across the site taking consideration of any changes in site levels; this information is to be presented in the form of a Materials Management Plan. This Materials Management Plan should present an auditable system of how the excavation, movement, placement and re-use of materials on the site will be managed to ensure no risk to human health exists on the developed site. The final detail on the vapour protection measures to be incorporated within the necessary properties.

The final detail on the clean capping layer to be emplaced in all landscaped areas of the site, as shown in the updated version of Figure 5 submitted as an attachment to the RSK (Ireland) Ltd letter dated 24th March 2023.

How all the proposed remedial works are to be verified.

The development shall not be carried out unless in accordance with the approved Remediation Strategy.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

12. Prior to occupation of the development, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall be completed by competent persons and be in accordance with current Environment Agency and CIRIA guidance and British Standards. It must demonstrate that the mitigation measures outlined in the agreed Detailed Remediation Strategy have been implemented, that they have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

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

13. If during the carrying out of the development, new contamination or risks is encountered that has not previously been identified, all related development works shall cease, and the Council shall be notified immediately in writing. No further related development works shall proceed until this new contamination has been fully investigated in accordance with current Environment Agency and CIRIA guidance and British Standards.

In the event of unacceptable human health risks being identified, a Remediation Strategy shall be submitted to and agreed in writing by the Council. The Remediation Strategy shall be implemented and subsequently a 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 and demonstrate the successful completion of the remediation works and that the site is now fit for end-use. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and British standards.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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 end use.

14. Prior to construction of each phase or block of the hereby permitted development, the applicant shall submit to the Council, for review and approval in writing, confirmation of the proposed construction of walls and roofs demonstrating how the necessary sound reduction performance will be achieved as recommended in figure 8 of the RSK Noise Assessment Further Information dated 24th March 2023, report reference 602827(4).

The development shall not be carried out unless in accordance with the approved details.

Reason: Protection against adverse noise impact.

15. The walls and roof construction across all residential units at the hereby approved development shall be constructed as approved to achieve sound reduction values across 1/3 octave bands and in terms of overall A-weighted reduction (dBRw) as recommended in figure 8 of the RSK Noise Assessment Further Information dated 24th March 2023, report reference 602827(4) to ensure suitable internal noise levels in habitable rooms will be achieved.

Reason: Protection against adverse noise impact.

16. Prior to installation of window units within each phase or each block of the hereby permitted development, the applicant shall submit to the Council, 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 and floors of the hereby permitted development. The window specification for habitable rooms shall be in accordance with the specification presented in items 10 and 13 in the RSK Further Noise Impact Assessment Information dated the 24th March 2023, report reference 602827(4).

The development shall not be carried out unless in accordance with the approved details.

Reason: Protection against adverse noise impact.

17. Prior to installation of any alternative means of ventilation to be incorporated within each phase or block of the hereby permitted development, the applicant shall submit to the Council, for review and approval in writing, confirmation of the specification of the alternative means of ventilation to serve habitable rooms. The sound reduction specification for the alternative means of ventilation shall be in accordance with the specification presented within item 10 and 13 of the RSK Further Noise Assessment information letter dated 24th March 2023, report reference 602827(4).

The development shall not be carried out unless in accordance with the approved details.

Reason: Protection against adverse noise impact.

18. Prior to occupation of each phase or block of the hereby permitted development, the window schedule and approved alternative means of ventilation shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided. The approved windows and alternative means of ventilation shall be retained thereafter.

Reason: Protection against adverse noise impact.

19. Prior to occupation of each phase or block hereby permitted, a report verifying that all construction elements including walls, roofs, the window schedule and alternative means of ventilation as approved have been installed shall be submitted to the Council for review and approval in writing. The report shall comprise the following lines of evidence:

- a written declaration from the suppliers and installers of the glazing and alternative means of ventilation confirming that the scheme of windows and alternative means of ventilation have been installed as approved.
- a review of the declarations and specifications by a competent acoustic consultant and a summary report verifying that all facades and habitable rooms have been successfully installed with the recommended glazing and alternative means of ventilation specifications.
- Compliance noise measurements recorded during the daytime (living rooms) and night time (bedrooms) at plot numbers and for measurement durations to be specified and agreed in advance with the Environmental Health Service of Belfast City Council prior to submission of the verification report.

Reason: Protection against adverse noise impact.

20. Prior to occupation of apartment Block A, hereby permitted, an acoustic fence shall be constructed to a minimum height of 2.5m, be of a density of at least 12kg/m² between the external amenity area and the Asda service delivery yard shown as boundary type C and boundary type G on RPP Architects drawing titled: '*Proposed Site Plan – Boundary Treatments*', drawing no. 2579-ZZ-DR-16-0004, planning reference number 05A, published on the planning portal on the 1st March 2023.

Reason: Protection against adverse noise impact.

21. Prior to construction of hereby permitted apartment blocks A to D, the applicant shall submit to the Council, for review and approval in writing, confirmation of the design of the boundary treatments/screening to the roof terraces. The information shall be accompanied by a statement from the acoustic consultant demonstrating how the design of the proposed boundary treatment/screening will reduce external noise levels in these amenity areas.

The development shall not be carried out unless in accordance with the approved details.

Reason: Protection against adverse noise impact.

22. Prior to occupation of each of the hereby permitted apartment blocks, screening/boundary treatment shall be installed as approved.

Reason: Protection against adverse noise impact.

23. All fuel storage tanks (and associated infra-structure) must be fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater verified. Should contamination be identified during this process, Condition 13 will apply.

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

24. 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:

- a. <http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>.
- b. <http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>.

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

25. Prior to commencement a Public Art Strategy shall be submitted to and agreed in writing by the Council. The Public Art Strategy shall set out details of the proposed artwork within the site. The development shall not be carried out unless in accordance with the agreed details.

Reason: In the interests of visual amenity.

26. Prior to commencement an Environmental Mitigation Plan shall be submitted to and agreed in writing by the Council. The Environmental Mitigation Plan shall set out details of how the existing materials on site are to be recycled/re-used within the site and achieved in a manner which would protect human health. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure that the development incorporates appropriate measures to adapt to mitigate environmental change.

27. Prior to commencement of development, a Climate Change Plan shall be submitted to and agreed in writing by the Council. The Climate Change Plan shall include details of how the development will provide environment mitigation and resilience measures, including SuDS. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure that the development incorporates environmental mitigation and resilience, having regard Policies ENV2, ENV3 and ENV5 of the Belfast Local Development Plan: Plan Strategy 2035.

DFI Roads – Conditions to follow

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 18 April 2023	
Application ID: LA04/2022/1280/F	Target Date:
Proposal: Proposed social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total).	Location: Former Kennedy Enterprise Centre (north of Westwood Shopping Centre), Blackstaff Road, Belfast BT11 9DT.
Referral Route: Major development	
Recommendation:	Refusal
Applicant Name and Address: Johncorp (No.2) Ltd C/O Rushmere House Cadogan Park Belfast BT9	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary: This application seeks full planning permission for a proposed social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total). Further information is awaited from the applicant on the nature of the proposed tenure mix.</p> <p>The site comprises land last used for industrial purposes. The site benefits from an extant permission for retail use (extension to the Westwood Centre). The site is currently vacant and the majority of former industrial/employment buildings have been demolished.</p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> • The principle of the proposed residential use at this location • Loss of employment land last used as industrial • Loss of retail land within the designated Westwood District Centre • Compatibility of housing with adjacent uses • Design and layout • Housing need • Access, parking and traffic management • Other environmental considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets <p>The application site is located in an industrial/employment and commercial area. The site is adjacent to the Westwood Shopping Centre and close to the Kennedy Centre. Surrounding lands</p>	

in the immediate context are all in non-residential uses. Officers consider that the introduction of a residential development in this area would not be compatible with the surrounding existing land uses some of which operate 24/7. Furthermore, many of the existing businesses in the area operate unrestricted hours/noise levels and in addition would benefit from permitted development rights to expand or changes within their current Use Class. The development has the potential to adversely impact on existing businesses should it be approved.

In draft Belfast Metropolitan Area Plan (dBMAP) (v2004), the site is zoned as a Major Area of existing Employment/Industry (Ref: BT 011/30). In dBMAP (v2014), the site is designated as part of the Westwood District Centre (Ref: BT 010/5) following the granting of an extension to the Westwood Centre in the interim period between the publication of the Draft Plans. Within the Belfast Urban Area Plan 2001 (BUAP), the site is not zoned and is white-land within the settlement development limit. Whilst the zoning of the site has changed between the draft plans, a residential use on the site would not comply with either version of dBMAP.

NI Water has objected to the application on grounds that sufficient waste-water treatment capacity is not available at present for the proposed development and foul sewage network capacity issues. NIEA has raised concerns regarding foul sewage arrangements. These issues are dealt with in detail in the main report.

NIHE confirms that there is a need for affordable housing in the area. This is a material consideration. However, Officers advise that this housing need is not sufficient to override the serious concerns about the appropriateness of the site for any form of housing.

The Senior Urban Design Officer raises concerns regarding the suitability of the proposed residential use at this location, design concerns including the outlook from proposed units, pedestrian routes through the site, linear parking areas, boundary treatments and articulation of apartments/houses.

One representation has been received from an adjoining business, raising concerns regarding safety risk, traffic impact and impact on/of adjoining existing businesses.

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 representation received, the proposed development is considered unacceptable. It is recommended that full planning permission is refused for the reasons set out in the report.

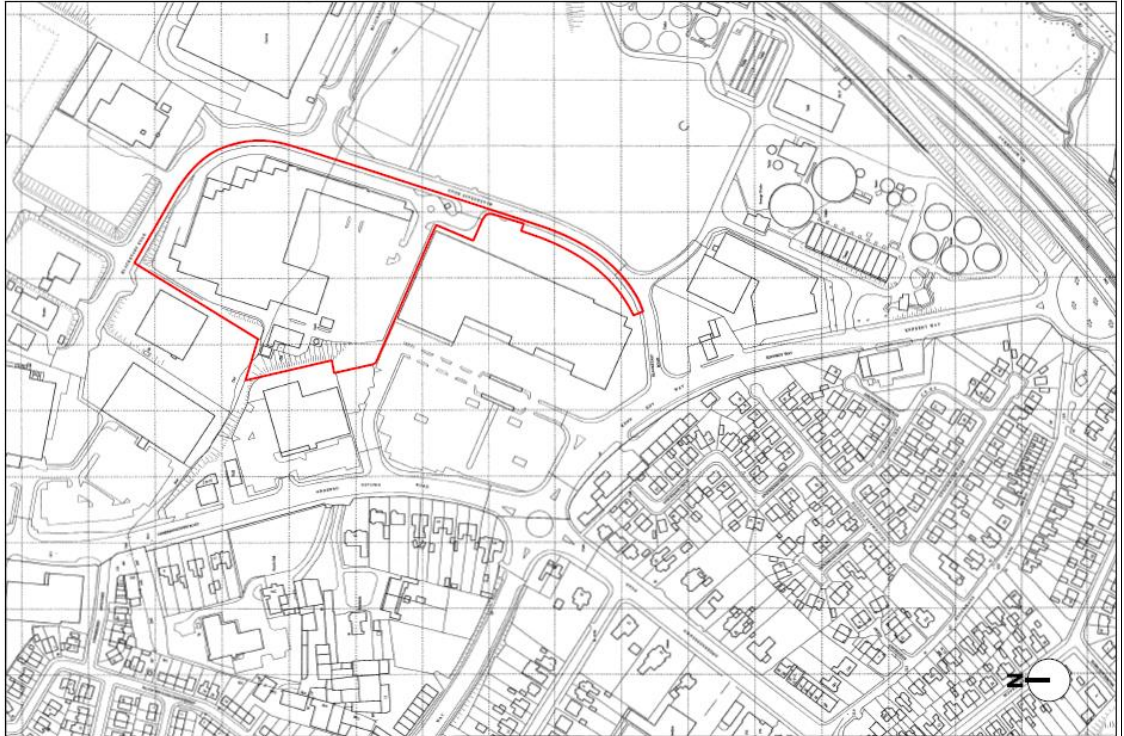
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal and to deal with any other matters which may arise.

Officer Report

1.0

Drawings

Site Location Plan



Proposed Site Layout (Drawing No. 4B)



Selection of Proposed Elevations - House Types



Proposed Elevations – Apartments Block A – Blackstaff Road Elevation

ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
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EXPLANATION

- FINISHED FLOOR LEVEL
- FINISHED FIRST FLOOR LEVEL
- FINISHED SECOND FLOOR LEVEL
- FINISHED THIRD FLOOR LEVEL
- FINISHED FOURTH FLOOR LEVEL
- FINISHED FIFTH FLOOR LEVEL
- FINISHED SIXTH FLOOR LEVEL
- FINISHED SEVENTH FLOOR LEVEL
- FINISHED EIGHTH FLOOR LEVEL
- FINISHED NINTH FLOOR LEVEL
- FINISHED TENTH FLOOR LEVEL
- FINISHED ELEVENTH FLOOR LEVEL
- FINISHED TWELFTH FLOOR LEVEL
- FINISHED THIRTEENTH FLOOR LEVEL
- FINISHED FOURTEENTH FLOOR LEVEL
- FINISHED FIFTEENTH FLOOR LEVEL
- FINISHED SIXTEENTH FLOOR LEVEL
- FINISHED SEVENTEENTH FLOOR LEVEL
- FINISHED EIGHTEENTH FLOOR LEVEL
- FINISHED NINETEENTH FLOOR LEVEL
- FINISHED TWENTIETH FLOOR LEVEL

REVISION HISTORY

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	10/08/2022

BLOCK A - Rear (Blackstaff Road) Elevation

Scale 1:100

Block B – Blackstaff Road Elevation



BLOCK B - Rear (Blackstaff Road) Elevation
Scale 1:100

Block C – Blackstaff Road Elevation



BLOCK C - Rear Elevation
Scale 1:100

Block D – Blackstaff Road Elevation



BLOCK D - Right Side (Blackstaff Road) Elevation
Scale 1:100

Landscaping



Proposed CGIs







<p>2.0</p>	<p>Characteristics of the Site and Area</p>
<p>2.1</p>	<p>The site comprises a former industrial complex and is located in an existing commercial and industrial/employment area. The majority of the buildings on the site have been demolished or are in a state of poor disrepair. The Westwood Centre and associated car parking abuts the site to the immediate south. Lidl supermarket is located to the immediate west. There are significant level changes between ground levels/finished floor levels of the site and the abutting lands/ buildings to the south and west. The Kennedy Centre is situated to the north/north west. Existing industrial/employment premises are located to the north and east. Belfast City Council Civic Amenity Site is located opposite the site on the eastern side of the Blackstaff Road.</p>
<p>3.0</p>	<p>Description of Proposal</p>
<p>3.1</p>	<p>The application proposes a social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total). However, the application does not confirm what the tenure mix would be and this information is awaited. The Design and Access Statement indicates that the scheme will comprise of social and private houses and apartments but no further breakdown has been provided.</p>

3.2	The application follows a Pre-Application Discussion (PAD) with officers.
4.0	<p>Planning Assessment of Policy and Other Material Considerations</p> <p>4.1 Policy Context</p> <p>Regional Planning Policy</p> <ul style="list-style-type: none"> • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 (PPS 3) – Access, Parking and Movement • Planning Policy Statement 4 (PPS 4) – Planning and Economic Development • Planning Policy Statement 7 (PPS 7) – Quality Residential Environments • Planning Policy Statement 3 (PPS 8) – Open Space, Sport and Outdoor Recreation • Planning Policy Statement 12 (PPS 12) – Housing in Settlements • Planning Policy Statement 13 (PPS 13) – Transportation and Landuse • Planning Policy Statement 15 (PPS 15) – Flood Risk <p>Local Planning Policy Context</p> <ul style="list-style-type: none"> • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015 (v2004) • Draft Belfast Metropolitan Area Plan 2015 (v2014) • Belfast Local Development Plan Draft Plan Strategy 2035 <p>Other Material Considerations</p> <ul style="list-style-type: none"> • Developer Contribution Framework • Creating Places • Belfast Agenda <p>4.2 Relevant Planning History</p> <p>On the site:-</p> <p>LA04/2020/0975/PAN - Proposed residential development with associated car parking and access, Lands to south and west of Blackstaff Road (north of Westwood Shopping Centre, Belfast. PAN acceptable 16.06.20.</p> <p>LA04/2020/0700/PAD - Proposed mixed tenure social and affordable residential development, Lands to the south and west of Blackstaff Road (north of Westwood Shopping Centre), Belfast.</p> <p>LA04/2018/0968/F - Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2017/1399/F for the variation of conditions 2, 3 and 4 to allow for the reallocation of approved convenience and comparison floorspace between Unit 11 and Unit H, Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9BQ. Permission granted 07.08.2018</p> <p>Z/2011/1494/F - Proposed extension and alterations to existing Westwood Centre to provide new car parking, new retail and ancillary storage incorporating a 35,000 ft sq food store, Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9BQ. Permission granted 29.11.2012</p>

Z/2004/2742/F - Proposed extension to existing Westwood Shopping Centre to provide new retail and storage units incorporating a 35,000 sq.ft foodstore along with additional carparking, Westwood Shopping Centre, Kennedy Way, Belfast. BT11 9BQ. Permission granted 03.12.2008.

Adjacent to the site:-

LA04/2022/1280/F - Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping, Former NI Water Ltd Sewage Treatment Works Blackstaff Road Belfast BT11 9DT. Decision pending. This application is due to be considered at the April 2023 Planning Committee.

4.3

Consultations

4.3.1

Statutory Consultations

Responses from statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.

DFI Roads – Objection but further information received and being considered.

DFI Rivers Agency – No objection subject to a condition.

NI Water – Objection

DAERA NIEA – *Water Management Unit* - potential to adversely affect the surface water environment, *Regulation Unit* – No objections subject to conditions, *Natural Environment Division* – No objection

4.3.2

Non-Statutory Consultations

Responses from non-statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.

BCC Environmental Health – Whilst not providing an objection, they raise concerns regarding noise impacts associated with existing adjacent commercial and industrial/employment uses and potential future conflicts that may evolve under permitted development rights.

BCC Economic Development Unit - Employability and skills related Developer Contributions Section 76 clauses should be applied during the construction phase of the development.

BCC Urban Design Officer – Whilst not providing an objection, raises concerns regarding the suitability of residential development at this location and design concerns including outlook from proposed units, pedestrian routes through the site, linear parking areas, boundary treatments, articulation of apartments/houses.

BCC Waste Management Team – No objections.

NIHE – Should the Council be minded to approve a residential development on the site and it is satisfied that a high quality attractive environment for households to live and work can be achieved, the Housing Executive would seek to impose the affordable

	<p>housing in the emerging Draft Plan Strategy and ensure at least 20% of any housing proposals were affordable.</p> <p>Crown Estates – No objection.</p> <p>SES – Project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.</p> <p>NIE – No objection.</p> <p>BCC Plans and Policy Team – No objection – advises that prevailing regional policy applies including SPPS and PPS 4. Consideration should be given to the implications of introducing a residential use to this location and the long-term viability of the overall employment zoning.</p> <p>BCC Landscape Planning and Development Team – No objection.</p> <p>BCC Tree Officer – Recommends further tree and landscaping and suitable tree planting species.</p> <p>PSNI – Notable concern highlighted regarding pedestrian linkages to the surrounding area and the informal alleyway to the Kennedy Centre. General advice provided on designing out crime.</p> <p>4.4 Representations</p> <p>4.4.1 The application has been advertised and neighbours notified. One third-party objection has been received and raises the following issues:</p> <ul style="list-style-type: none"> • Safety risk <ul style="list-style-type: none"> ○ Housing families and young children on a busy industrial estate. ○ HGV traffic transiting adjacent (high frequency & 24 hours per day). ○ In the past there have been serious pedestrian/vehicle collisions at the bend where this housing estate is planned to be located. A previous employee was seriously injured with a broken pelvis. • Traffic <ul style="list-style-type: none"> ○ Currently only one way in and out of the industrial estate. ○ Intensification of existing access which is extremely congested and has had numerous road traffic accidents in the past. ○ The number of parking spaces for the planned development looks insufficient. This would lead to parking on the Blackstaff Road where HGVs are meeting frequently. Further congestion. ○ Traffic is already an issue leaving the estate and traffic lights / roundabout would be essential. ○ U-Store construction is nearing completion and would add to already heavily congested road. ○ Would need another separate entrance/exit if this was to go ahead. • Environment <ul style="list-style-type: none"> ○ Several industrial sites located within the industrial estate. ○ Noise issues/complaints from new residents. We operate 24 hours per day, 7 days per week and have waste extraction and compactors on our site that may disturb residents during the night. ○ Air quality/smell/pest complaints (e.g. Recycling centre, sewage treatment works, Keenan Seafoods and North Down Group). <p>4.4.2 The matters raised in the representation are considered in the report.</p>
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	<p>PLANNING ASSESSMENT</p> <p>5.0 Key Issues</p> <p>5.1 The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> • The principle of the proposed residential use at this location • Loss of employment land last used as industrial • Loss of retail land within the designated Westwood District Centre • Compatibility of housing with adjacent uses • Design and layout • Housing need • Access, parking and traffic management • Other environmental considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets <p>5.2 Development Plan Context</p> <p>5.2.1 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.</p> <p>5.2.2 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.</p> <p>5.2.3 Both versions of dBMAP 2015 (v2004 and v2014) are material considerations. Draft BMAP 2015 (dBMAP 2014), in its most recent, post-examination form remains is considered to have significant weight. 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).</p> <p>5.2.4 <i>Belfast Urban Area Plan 2001 (BUAP)</i> The site is located on un-zoned white-land within the development limits of Belfast. BUAP states that the Westwood Centre offers a major opportunity for enhancing shopping provision in the west of the city.</p> <p>5.2.5 <i>Draft BMAP (2004 and 2014) designations</i> In dBMAP (v2004) the site is within settlement development limit and zoned as a Major Area of existing Employment/Industry (Ref: BT 011/30). In dBMAP (v2014) the site is also within the settlement development limit and designated as part of the Westwood District Centre (Ref: BT 010/5).</p> <p>5.2.6 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</p>
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	<p>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.</p>
5.3	Principle of the proposed residential use at this location
5.3.1	Policy SFG2 of the RDS seeks to grow the population of the City of Belfast. 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.
5.3.2	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, PPS4 and PPS7 remain applicable under 'transitional arrangements.
5.3.3	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-17 highlight the importance of creating shared space, paragraphs 4.18-22 details that sustainable economic growth will be supported. whilst paragraphs 4.23-27 stress the importance of good design.
5.3.4	The proposed residential development is proposed to be located on land last used for economic development purposes and therefore falls to be assessed under Policy PED 7 and PED 8 of PPS 4 – Planning and Economic Development. The assessment is set out in detail below. The proposal is also required to be assessed under retail policy set out in the SPPS and the residential proposal is assessed in accordance with relevant policy set out in the SPPS and Policy QD 1 of PPS 7 – Quality Residential Developments. The area within which the residential development is proposed to be located is an existing commercial and industrial/employment area and it is considered that the principle of residential development at this location would be incompatible with the surrounding context and would be unacceptable due to the potential conflict that could arise with existing adjacent commercial and industrial businesses. The assessment of Policy is set out below.
5.4	Policy Considerations
5.4.1	In dBMAP (v 2014) the site is zoned as a Major Area of existing Employment/Industry. Policy PED 7 - of PPS 4 states that in respect of 'Zoned' land that <i>'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.</i>
5.4.2	In this case planning permission was granted for an extension to the Westwood Centre (Z/2011/1494/F) on 29 November 2012. A previous permission (Z/2004/2742/F) for a similar development was approved on 03 December 2008. Planning approval Z/2011/1494/F has been enacted and although no development has been carried out on the application site the permission remains live.
5.4.3	Under the BUAP the site is un-zoned and therefore Policy PED 7 would apply insofar as it relates to un-zoned land. Policy PED 7 states that in respect of 'Un-zoned' land that <i>'On un-zoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, to other uses will only be permitted where it is demonstrated'</i> that the proposal complies with a number of criteria which are set out and considered below. The site was last used for economic development uses.

5.4.4	<p>The proposal is assessed below against the criteria set out in Policy PED 7.</p> <ul style="list-style-type: none"> • redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; <i>Not applicable the proposed development is for a residential use.</i> • the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; <i>The proposal is not for a mixed use and does not contain an element of economic development.</i> • the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location; <i>The proposed development does not include any employment use.</i> • the present use has a significant adverse impact on the character or amenities of the surrounding area; <i>The present use of the site is currently vacant land which is capable of redevelopment.</i> • the site is unsuitable for modern industrial, storage or distribution purposes; <i>There is no evidence to suggest that the site could not be redeveloped for modern industrial, storage or distribution purposes.</i> • an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; <i>There are no buildings of heritage value located on the site.</i> • there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity. <i>There is no associated proposals to replicate economic benefits on an alternative site in the vicinity.</i>
5.4.5	<p>The proposal does not meet the criteria set out in Policy PED 7. Notwithstanding, officers consider that greater weight should be attached to the more recent zoning as a designated District Centre given the advanced stage that dBMAP (v2014) had reached, as well as the planning permission for extension of the Westwood Centre, which remains extant (Z/2011/1494/F).</p>
5.4.6	<p>Policy PED 8 of PPS 4 states that ‘<i>A proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused.</i>’ The amplification text sets out a number of examples of where these circumstances could potentially arise and states that ‘<i>new development, such as housing, could prejudice the continued existence of a particular economic development use.</i>’</p>
5.4.7	<p>The amplification text further states that ‘<i>The requirements of non-planning legislation, for example those relating to public health and environmental pollution, may result in costly new requirements and restrictions being imposed on such businesses as a consequence of new neighbouring development. In such circumstances, the Department may refuse planning permission for new development in order to avoid jeopardising employment in the existing enterprise.</i>’</p>
5.4.8	<p>It is the view of officers that the introduction of a residential use in this commercial and industrial/employment area would be incompatible with surrounding land uses which do not have restrictions regarding hours of opening/operation, delivery times and noise levels. Furthermore, such businesses would benefit from permitted development rights</p>

	which could allow them to lawfully expand their operations without requiring planning permission or move within the Use Classes Order.
5.4.9	The objection received from a neighbouring business (Huhtamaki) advises that it operates 24/7 and that its waste extraction and compactors operate at night. The objection also states that HGV traffic pass through adjacent on a high frequency basis and 24 hours per day and have raised concerns regarding noise issues/complaints arising from new residents. Officers consider that the issues set out in the objection provides evidence that the proposed development would be incompatible with its immediate surrounding context.
5.4.10	The objection also raises concerns regarding air quality/small and pest complaints as a result if existing operators in the area. The proposal is considered to be incompatible with the existing surrounding context and fails to satisfy Policy PED 8 of PPS 4. Environmental Health has considered the Noise Impact Assessment and subsequent Addendums that have been submitted in support of the application and raise concerns regarding the potential risk due to the complexity of the location and future impacts that may reasonably be expected to occur given the predominantly commercial nature of the area
5.5	Loss of Land Designated as a District Centre
5.5.1	The SPPS states that ' <i>Planning Authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping</i> '. The site is designated in the most recent development plan i.e. dBMAP (v2014) as part of the Westwood District Centre. The plan is silent on a residential use within this designation. District centres are essentially zoned as retail / commercial spaces within the city and the BUAP recognises that the Westwood Centre offers a major opportunity for enhancing shopping provision in the west of the city. The proposed use would limit potential further expansion of the retail function of the Westwood District Centre and could lead to additional retail development being relocated to less appropriate locations. As such, it is considered that the principle of housing at this location is unacceptable. The proposal is contrary to the designation in dBMAP (v2014) which designates the site as a District Centre and paragraph 6.276 of the SPPS, as it fails to retain and consolidate this existing district centre as a focus for local everyday shopping and it has the potential to undermine the function of the district centre. Refusal is also recommended on this basis.
5.5.2	Whilst the development plan context has changed from employment/industry zoning to a designated district centre in draft BMAP versions, this does not justify the proposed residential use on the site.
5.6	Compatibility of housing with adjacent uses
5.6.1	Environmental Health notes that the proposed housing is in a predominantly brownfield commercial/industrial area and is surrounded to the east and north by a busy road frequented by HGVs servicing the various commercial businesses in the area. The commercial premises nearby include: two supermarkets with service delivery yards immediately neighbouring the site, a refrigerator trailer park, a Council waste recycling site, a 24hr printing/packaging business, a wholesale distributor of fresh food produce, and a fish products premises. The neighbouring businesses have unrestricted operational times for access/activities. At least four of the neighbouring businesses currently operate at night as well as during the day. There are no restrictions in terms of noise levels that apply to these existing uses and as such the introduction of a sensitive use such as residential has the potential to adversely impact on existing businesses.

5.6.2	Environmental Health advises that the decision regarding the suitability of the site for residential end use should consider the risk of potential conflict in future with the existing other commercial uses/activities in terms of potential impacts that may evolve under permitted development rights and how any complaints associated with these would be effectively investigated and indeed resolved. An objection from an adjacent business raises concerns regarding potential noise complaints arising from new residents.
5.6.3	The Environmental Health response advises that the Noise Impact Assessments <i>'revealed high road traffic noise impacting some areas of the site closest to the Blackstaff Rd and low frequency noise activity impacting other areas of the site at night. It was advised by RSK [applicant's consultant] that the source of the low frequency noise was most likely from refrigerated vehicles in the area. There are also numerous pieces of plant and equipment mounted at rooftop and rear walls of neighbouring commercial premises which were identified as needing further consideration. RSK subsequently provided further information and assessment of plant and equipment impact using predictive noise modelling inputting noise measurements and/or data for the plant and equipment identified close to the development. The modelled predictions of plant noise at two of the worst-case receptor locations across the site was then used by RSK within detailed façade calculations to determine a sound reduction specification for windows and alternative means of ventilation and to demonstrate that internal noise levels within habitable rooms could be achieved against specific assessment criteria.'</i>
5.6.4	The Environmental Health response further advises that <i>'Noise associated with lower frequencies can be particularly problematic to mitigate.</i> The applicant's noise consultants have provided information on examples of glazing configurations which Environmental Health, whilst cautious regarding the methodology employed, consider that it may be possible to provide a window with the necessary sound reduction performance identified in the Noise Impact Assessment.
5.6.5	However, Environmental Health has raised concerns about the calculations submitted by the noise consultants which applied a relaxation of the low frequency noise <i>'Where there is a complex site location surrounded by many different types of noise sources such as road traffic and various commercial activities, the potential for and hence the significance of any uncertainty increases. For that reason, it was not considered appropriate to apply this relaxation of the noise impact.'</i> This uncertainty raises serious concerns for planning officers as to whether appropriate measures can mitigate against the high noise levels likely to occur on the site/surrounding area.
5.6.6	The applicant's Noise Impact Assessment (NIA) identifies two of the key noise sources as plant noise from a vent on the gable wall of ASDA and predicted refrigerated trailer noise associated with a potential worst-case scenario of 35 refrigerated HGVs located at the AGRO Merchant lorry park at Blackstaff Road immediately to the north of the site. The Environmental Health response advises that the NIA predicts a noise level which is significantly higher than the upper noise threshold limit within private amenity areas suggested in the WHO 1999 Community Guidelines on Noise as the level whereby there the potential for onset of serious annoyance.
5.6.7	The applicant's noise consultants have presented confirmation by email that the applicant has agreement, in principle from ASDA, to allow the applicant/developer to fit an in-line duct attenuator to this fan to significantly reduce the noise impact on the nearest proposed rear gardens. This would require works beyond the site boundary and could not be included as a condition. Officers note that no formal confirmation of agreement with ASDA/Westwood Centre to carry out such works has been forthcoming and that this mitigation measure would need to be secured by a Section 76 planning agreement.

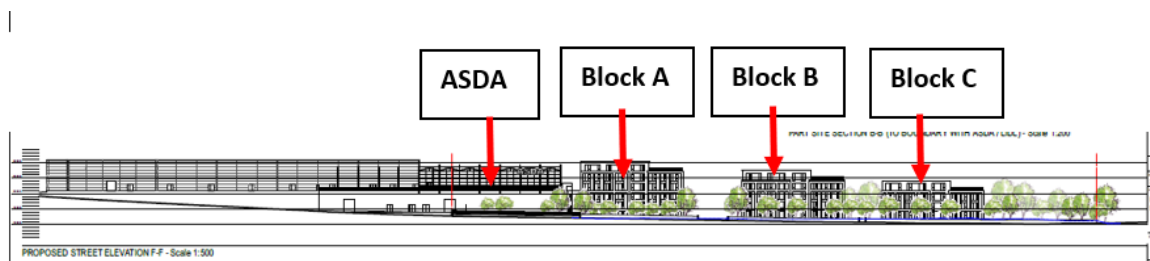
5.6.8	<p>Officers have advised that the lorry park does not benefit from planning permission and Environmental Health response states that the NIA suggests that the low frequency noise impacting the site may be strongly associated with the operation of these trailers. However, it should be noted that the night-time noise measurement survey was unattended and did not definitively identify this site as the main and only source of low frequency noise activity. Other businesses operating nearby such as North Down group involve the loading and dispatch of refrigerated delivery trucks which commence operations as early as 4am and use the Blackstaff Rd access route in and out. In addition, Keenans Seafoods, also located along Blackstaff Road to the west and north of the site, require access by refrigerated vans/trucks at various times of the day including night-time. It would therefore be inappropriate to interpret that the absence of activities at the AGRO Merchant lorry park site would necessarily make a significant reduction to noise impacting the site. The NIA would have to be reviewed/revised to consider the extant approved use of that site as a waste facility and consider activity noise from North Down and Keenan Seafoods which the latest plant and equipment noise modelling assessment did not include (accepted by Environmental Health on the basis that a worst case had been factored in for the AGRO site).</p>
5.6.9	<p>With regard to the proposed amenity areas, the NIA states that noise in most external amenity areas will not exceed the 50-55 dBL_{Aeq,T} ideal range. However, Environmental Health stresses that the guidance does not refer to this is an “ideal range”, but lower and upper limits. Environmental Health advises that these limits at which the WHO has suggested have the potential to result in onset of annoyance (50dBL_{Aeq}) and potential for onset of serious annoyance (55dBL_{Aeq}).</p>
5.6.10	<p>Environmental Health advises that the applicant’s predicted noise levels for the communal area of Block A next to the ASDA service yard is based on noise from plant only. Whereas, the impact of road noise should also be taken into account, which were noted as high as 65dBL_{Aeq}. The communal amenity areas to the proposed blocks of apartments (including roof terrace areas) would be exposed to noise levels more than the WHO guidelines upper threshold limit of 55dBL_{Aeq}. Information remains outstanding in respect of noise impact from road traffic and plant on the terrace areas.</p>
5.6.11	<p>Environmental Health refers to the guidance which states that <i>‘the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBL_{Aeq,16hr}.’</i> Development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited. In this case, the amenity areas are considered an intrinsic part of the overall scheme and necessary to provide a quality residential environment and planning officers consider that the proposal has failed to demonstrate that the noise impact on amenity areas across the development is satisfactory.</p>
5.6.12	<p>In conclusion, Environmental Health advises that the development location has been considered in terms of noise impact associated with existing neighbouring uses and activities operating during the day and over the assessment period. Environmental Health highlights that there is potential for other noise sources to impact on the proposed development that either were not or cannot be captured during the noise measurement survey. For example, there could be seasonal operational variations at other neighbouring sites as well as logistical variations on different days of the week) and potential for other noisy activities at some point in the future to commence at neighbouring sites through permitted development rights available to those neighbouring commercial/light industrial uses. The surrounding business premises would also be able to change activities in accordance with the Use Classes Order.</p>

5.6.13	Environmental Health is of the view that although the noise assessment has demonstrated that facades may mitigate against existing noise as measured and modelled on site, the location still presents a potential risk in terms of its complex location and future impacts that may reasonably be expected to occur given the predominantly commercial nature of the area. Whilst Environmental Health has provided draft conditions, these are on a without prejudice basis. They indicate that these are numerous and onerous which in itself demonstrates the complexities involved in deciding to develop this site for residential end use among an established commercial/ industrial area with numerous existing and potential future noise sources.
5.6.14	Officers conclude that the proposed housing is incompatible with its commercial surroundings. The site is not considered suitable for housing and the proposal is contrary to paragraphs 4.11, 4.25-27 and 4.34 of the Strategic Planning Policy Statement, Policy PED 8 of Planning Policy Statement 4, and criteria (a) and (h) of Policy QD 1 of Planning Policy Statement 7 – Quality Residential Environments. Refusal is recommended on this basis.
5.7.	Design and Layout
5.7.1	The proposal has been assessed against the SPPS and Policy QD1 of PPS 7 as follows.
5.7.2	<p>Policy QD1 of PPS7 states that <i>‘Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area’</i> Furthermore, <i>‘All proposals for residential development will be expected to conform to all of the following criteria:’</i></p> <p><i>a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;</i></p>
5.7.3	The proposal consists of a mix of 139 residential units with a density of 55.6 units per hectare. The Westwood Shopping Centre and Lidl Supermarket abut the site to the south and west and their floor levels sit at a much higher level than the application site. Belfast City Council Civic Amenity Site is located opposite the site to the east. NI Water Former Waste Water Treatment Works which is the subject of a separate planning application (LA04/2022/1479/F) is located to the south east. Existing established industrial/employment sites are located to the north, west and north east and include Huhtamaki, North Down Group, Keenan Seafoods and Virgin Media along with a number of other businesses located within Fern Business Park, Holly Business Park and within the wider Blackstaff industrial estate. The Kennedy Shopping Centre is located to the west/north west with a service yard accessed via Blackstaff Road. The surrounding area is characterised by commercial and industrial/employment development some of which operates 24 hours per day, 7 days a week without controls on hours of operation, delivery times, noise levels.
5.7.4	There are no residential units in the immediate surrounding context and the nearest housing is located off Kennedy Way (at Stockman’s Avenue/Drive) 275m to the south of the site and on Andersonstown Road 112m to the west of the site. Officers consider that, if approved, residential development at this location would result in the introduction of an incompatible use within the existing commercial and industrial/employment area and such a development would be out of keeping with the existing character and appearance

of the surrounding context. The Senior Urban Design Officer considers that the site would effectively be an island site surrounded by uses that would not be considered complementary or 'good neighbours' to residential use and has expressed serious reservations about the suitability of this site for residential use given the immediately surrounding industrial and commercial/retail context and the pressures these competing uses place on the site. The provision of housing in this industrial and commercial context would represent poor place-making.

5.7.5 In terms of house types, the development proposes a social led housing scheme comprising 139 units which comprise of 4 apartment blocks providing 87 apartments, and 52 houses including 46 two storey dwellings, 4 two and a half storey dwellings and 2 single storey dwellings. The Design and Access Statement indicates that the scheme will comprise of social and private houses and apartments but no further breakdown has been provided.

5.7.6 Three apartment blocks (Blocks A, B and C) are proposed to be located fronting onto Blackstaff Road (eastern boundary) and vary in height. The tallest most southerly block (Block A) is 6 storeys high (18.5m high) reducing to 5 storeys (16.25m high), the middle block (Block B) is 5 storeys (15.5m) reducing to four storeys (13.2m) and the northern block (Block C) is 4 storeys (12.5m) reducing to 3 storeys (10.15m) high. The fourth block located at the north-western portion of the site is similar in design to Block C albeit with a contrasting predominantly red brick finish as opposed to the buff brick finish on Block C. Block D is also 4 storeys high (12.5m high) reducing to 3 storeys (10.15m). Block A is proposed to sit adjacent to the adjoining ASDA store, part of the Westwood District Centre and the 6 storey element is comparable in height to that of the adjacent Asda store as illustrated in the contextual elevation below. The scale of apartment Blocks B and C reduce along Blackstaff Road from 5 storeys to 3 storeys. Adjoining development to the east, north is generally akin to 2 storeys in height. Taking account of the surrounding context i.e. predominantly large scale commercial and industrial buildings the height and scale of apartment blocks and proposed houses is considered acceptable.



Contextual Elevation – Blackstaff Road

5.7.7 The 52 houses are proposed to be laid out in a number of terraces some of which front onto a central communal amenity area. Other terraces are proposed back-to-back with garden or garden and parking to the rear of the properties. Two detached bungalows are provided to cater for residents with mobility needs. The design of the proposed dwellings includes a variety of contemporary house types/apartment blocks and a limited palette of materials/external finishes which include red and buff facing brick, dark grey cladding panels, dark coloured PPC aluminium doors and windows (to apartments), grey PVC windows and doors for houses and concrete roof tiles. The use of a limited palette of materials across the development would serve to provide a cohesive design approach and unify the development.

5.7.8 The Urban Design Officer considers that greater depth could be applied to the facades of the four apartment blocks by way of deeper window/door reveals and the potential for more vertical and horizontal shifts in the form including the insertion of terraces and

5.7.9

variation in roof forms to enhance the residential character of these 4 blocks. The applicant has been provided with the opportunity to address this and in response has noted the suggestions but no amendments have been proposed. Whilst it is considered that the suggested improvements would improve the design quality, the design of the proposed apartments and houses is nevertheless considered acceptable.

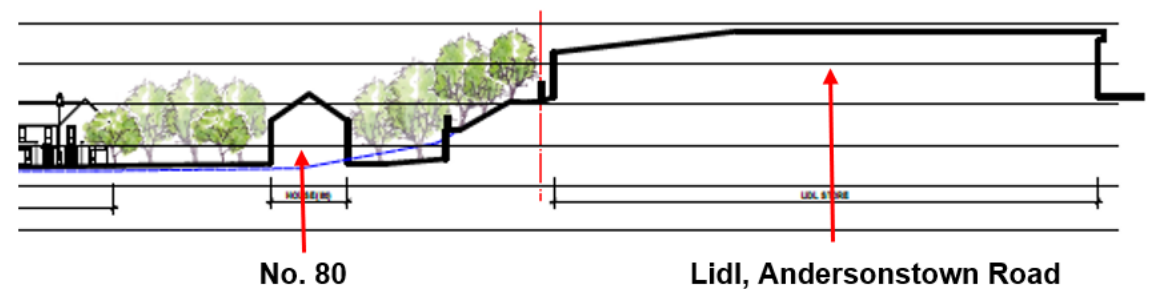
The change in levels between the finished floor levels of dwellings numbered 77-83 and 86 (which are located in the south-western part of the site) and the ground level of the Westwood Centre Car park / rear of Lidl ranges from between c.7.4 m and 8.1m. A new 4m high retaining wall is proposed along the rear boundary of these properties as set out on Drawing Nos. 4A – Proposed Site Plan and 05 – Proposed Site Plan – Boundary Treatments (see extract below). The retaining wall will be supported by an existing steep embankment along part of the site’s western boundary. The embankment continues further along the site boundary enclosing a triangular portion of the site which is proposed to be gated. Trees and boundary screen planting are proposed on the existing embankment. The 4m high retaining wall supported by the existing embankment will be located within 8 – 11 metres of the rear wall of the aforementioned dwellings and would result in a poor outlook for prospective occupiers of these properties as illustrated in the section drawing below. The rear of Lidl Supermarket would sit in close proximity to the top of the embankment which is marginally lower than the ridge height of dwellings numbered 77- 83.


Extract from Drawing No. 5 – Proposed Site Plan – Boundary Treatments (4m high retaining wall coloured yellow)



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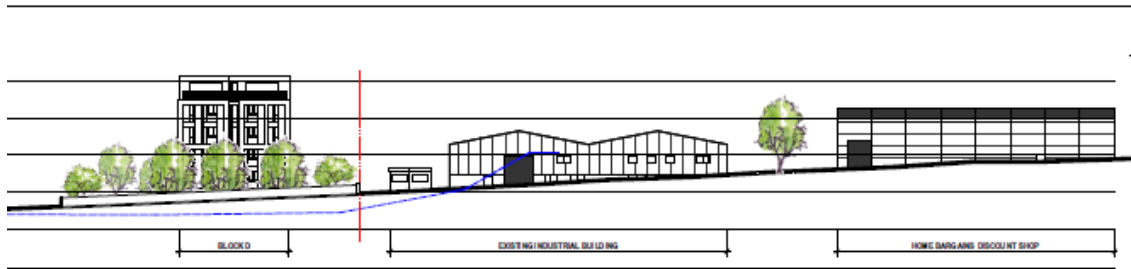
Extract from Drawing No. 83 – Site Sections (Section H-H)



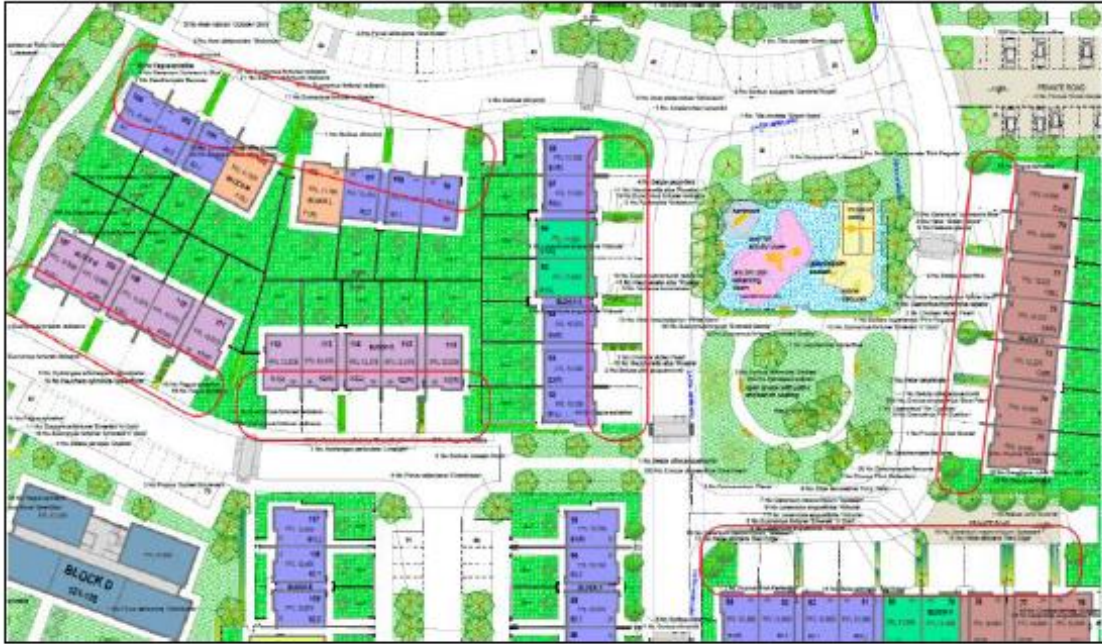
<p>5.7.10</p>	<p>Boundary Treatments would vary across the site, however, there is a predominance of close boarded fences to delineate gardens particularly rear gardens and as a consequence, concerns arise regarding the resultant visual impact. The Urban Design and Tree Officers consider that there is further opportunity to include additional planting particularly in rear gardens to soften what would be large expanses of unbroken and continuous close boarded fencing particularly within gardens of numbers 93 - 117 in the northern central part of the site. The Tree Officer also considers there to be too much close boarded fencing to the rear of units numbered 93 – 117 and has raised concerns regarding the visual appearance of this fencing which will be viewed through the gaps between the housing blocks and along the Blackstaff Road to the north. The Tree Officer considers the proposal for 9 trees within rear gardens (dwellings numbered 70, 72, 74, 75, 76, 77, 82, 86, 87) to be inappropriate and advises that efforts should be made to secure additional suitable tree planting within private gardens. The applicant was provided with the opportunity to address the Tree Officer’s comments. No amendments were proposed by the applicant’s team to address this matter.</p>
<p>5.7.11</p>	<p>Boundary treatment along the Blackstaff Road is predominantly a low level brick wall with metal railings above (1.1m high) which is considered acceptable. Trees are also proposed along the boundary which will help soften the visual impact of the proposed development. The Tree Officer considers that it would be appropriate for a mix of trees to be planted along the Blackstaff Road rather than one variety which he considers is susceptible to fungal disease and shorter lifespans. Boundary treatment enclosing the amenity space adjacent to Block A comprises a low red brick wall with a close boarded acoustic fence above (2.5m high) fronting onto Blackstaff Road and a 2.5m solid timber fence along the southern boundary of the amenity area along with a 1.8m high hit and miss fence along the western boundary of the amenity area.</p>
<p>5.7.12</p>	<p>Dwellings numbered 70-76 located along the southern portion of the site would have a rear outlook onto the side wall of the adjoining Westwood Centre/Asda Supermarket (see section below). Whilst boundary treatments are proposed and include planting (boundary screen planting and 5 trees within individual gardens of dwellings numbered 70, 72, 74, 75, 76 on Drawing 04A – Site Layout) and a 2.5m timber close boarded fence the side wall of ASDA (c.18m high) located 16.6m from the rear of these dwellings would dominate views from the rear of these properties resulting in a poor outlook for prospective residents. Given the orientation of the site and the path of the sun it is considered that the proximity of the Westwood Centre/Asda Supermarket would give rise to overshadowing of a significant portion of the rear gardens of these properties resulting in a poor environment for prospective occupants.</p> <p><i>Extract from Drawing No. 83 – Site Sections (Section I-I)</i></p> 
<p>5.7.13</p>	<p>The primary view from apartments in Block D which face west would result in prospective occupants looking westwards into the existing adjacent warehouse building currently occupied by Virgin Media, the ground level of which sits c. 2.3m above the ground level and finished floor level of Block D. Four new trees are proposed along part of the</p>

boundary. Notwithstanding, it is considered that landscaping along part of the boundary would not mitigate the poor outlook to the adjacent warehouse and commercial buildings beyond from this viewpoint as illustrated in the section drawing below. The Senior Urban Design Officer considers that residents of Block D would be subject to close range views west (c. 21m between Block D and the adjacent warehouse) onto a large two storey industrial building, yard and telecommunications tower and to the north views would be directed towards a mix of industrial units complete with large working yards, storage areas and loading/parking bays. It is noted that the parking of lorries/trailers on a site to the north, opposite the proposed Block D does not benefit from planning permission and an enforcement investigation has been opened regarding this issue and is ongoing.

Extract from Drawing No. 82b – Site Sections (Section G-G)



- 5.7.14** Views from the apartment Blocks A, B and C looking eastwards would overlook the Council's Civic Amenity Site, existing industrial development at Holly Business Park further east and the former NI Water Waste Water Treatment Works site. Outlook from the apartments in a north easterly direction will overlook Fern Business Park, the North Down Group premises, Huhtamaki premises as well as the industrial/employment units located beyond. Block A is also positioned within metres of the southern boundary of the site and the NE corner of the immediately adjacent Asda superstore, with its side elevation overlooking the flat roof of Asda and its roof top equipment. The resultant impact would provide a poor outlook for prospective occupants resulting in a poor quality residential environment. This opinion is shared by the Senior Urban Design Officer.
- 5.7.15** The outlook from houses looking onto the central public open space is welcomed. However, this does not apply to all units. Parking has been provided in the form of in-curtilage parking for 42 houses (numbered 70 – 117 excluding nos. 87-92), rear parking for 10 houses (numbered 87-92 and 118 – 121) and communal parking for the four apartment blocks (A, B, C and D). In curtilage parking is provided in the main to the front of the houses with a few located to the side and rear. The resultant impact is that the outlook from the front of many of the dwellings would be over areas dominated by car parking with little or no front gardens/open space and minimal landscaping proposed to soften these areas resulting in a layout which offers a poor quality outlook for prospective occupants. The Senior Urban Design Officer considers that linear parking to the front of apartment Block A, B and C would benefit from being broken up further to reduce their visual dominance. The Tree Officer considers that appropriate proposed planting and planted boundaries could be used to delineate public and private spaces particularly to the front of properties highlighted in red on the plan below to achieve a higher quality streetscape and reduce the visual impact of vehicle parking to the front of dwellings. The applicant was provided with the opportunity to address the Tree Officer's comments. However, no amendments were proposed by the applicant's team to address this matter.



5.7.16 In summary, it is the view of officers that the proposed residential development within an existing established commercial and industrial/employment area would be out of character with the surrounding context. In addition, the proposed poor outlook from apartments as demonstrated above would result in a poor quality environment for prospective officers and would fail to satisfy criterion (a) of Policy QD 1 of PPS 7. Refusal is recommended on this basis.

b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

5.7.17 The site does not lie within an area of archaeological potential and there are no archaeological or built heritage on the site. There are no landscape features on the site which are worthy of retention and existing trees on site are to be removed.

c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

5.7.18 Policy OS 2 of PPS 8 (Open Space, Sport and Recreation) states that 'The Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development' and that 'A normal expectation will be at least 10% of the total site area.' (residential developments of 300 units or more require 15% of the total site area).

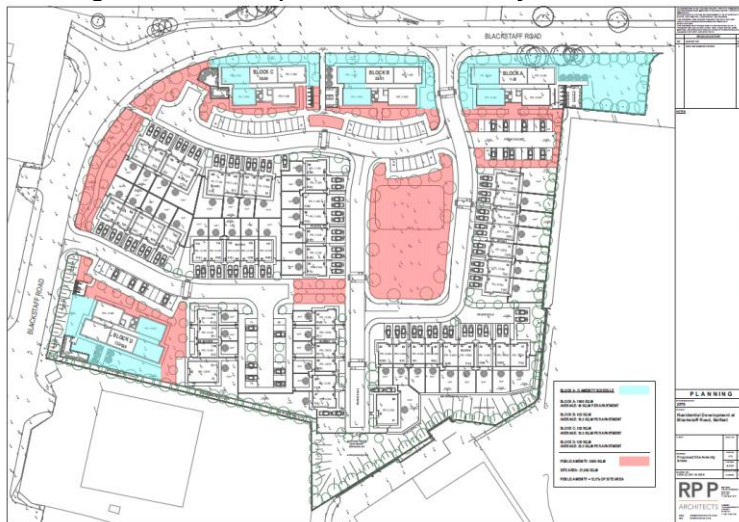
5.7.19 The applicant has provided the map below which sets out a breakdown of private (communal) amenity space (coloured blue) and public amenity space (coloured pink) within the development which states that public amenity space equates to 13.5% of the site area. BCC Landscape Planning and Development Team (LPDT) advise that they are satisfied that the overall provision of proposed amenity open space (13.5% of the total site area) for a development of this scale and consider it compliant with

recommendations set out in Policy OS 2 of PPS8 Open Space, Sport and Outdoor Recreation.

5.7.20

Officers consider that a number of areas which include narrow strips around the car parking areas associated with Blocks A, B and C do not satisfy the requirements of public open space and have not been included in the officers' calculations. Notwithstanding, the overall provision of public open space equates to 10.7% and the proposal is considered to satisfy this requirement of Policy OS 2.

Drawing No. 81 – Proposed Site Amenity Areas

**5.7.21**

Policy OS2 further states that *'For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development.'* The largest public open space area provided for within the central part of the site includes a communal amenity area and the provision of an equipped children's play area which is welcomed by the Tree Officer. BCC LPDT consider that the proposed open space is integral to the overall design and layout of the development, especially in the creation of a green, central core and are supportive of the proposed equipped children's play area. An equipped children's play area is proposed within the communal open space area and therefore this policy requirement is satisfied.

5.7.22

In terms of private amenity, the proposal makes provision for a range of rear garden sizes and communal amenity areas at apartments for future residents. Creating Places states that *'a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater.'* Individual gardens in the houses proposed range from 38 sqm to 171 sqm. The average amount of amenity provision per house is 70.96 sqm and therefore meets the recommended standard.

5.7.23

The long-term management of communal open space areas would normally be secured through the use of a Section 76 Planning Agreement.

5.7.24

Amenity space for the four apartment blocks is provided in the form of communal roof terraces for each apartment and communal amenity space around the buildings. This is calculated as an average of 40 sqm per unit for Block A, 18.5 sqm per unit for Block B, 19.5 sqm per unit for Block C and 29.5 sqm per unit for Block D. 'Creating Places' recommends that communal open space *'should range from a minimum of 10 sq m per unit to around 30 sq m per unit'*. The proposed level of amenity space per apartment are

	<p>within or exceed the recommended ranges and are considered acceptable. The apartments would also benefit from the proximity to the central communal area of open space within the development.</p>
5.7.25	<p>Roof terraces are proposed on all for apartment blocks. Environmental Health response indicates that it has not been satisfactorily demonstrated that noise levels across the site would be acceptable.</p>
5.7.26	<p>A landscape plan and associated landscape management plan have been submitted which proposes planting within the development. LDPT welcome the inclusion of a range of soft landscaped areas, including tree, shrub, hedge and buffer planting and consider that landscape proposals will help improve amenity value for residents and enhance local biodiversity and that the proposed species mix and planting specifications are acceptable, and are also content with information submitted as part of the Landscape Management Plan. The Tree Officer considers the proposal for 9 trees within rear gardens to be inappropriate and advises that efforts should be made to secure additional suitable tree planting within private gardens.</p>
5.7.27	<p>In reference to Policy QD1 of PPS7 Quality Residential Environments, adequate provision has also been made for private and public open space with the inclusion of amenity areas within the development.</p>
5.7.28	<p>The proposal is considered to comply with the recommended standards set out in Creating Places and Policy OS 2 and complies with Policy QD1 criterion (c).</p> <p><i>d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;</i></p>
5.7.29	<p>The application site is located adjacent to two designated district centres (Westwood and Kennedy Centres) which provide a range of facilities to cater for the needs of prospective occupants. Notwithstanding, given the scale of the development no such facilities are required.</p> <p><i>(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;</i></p>
5.7.30	<p>There are two proposed vehicular access points to the development site off Blackstaff Road although these access roads are not connected within the development and no traffic calming measures have been provided. The applicant has indicated that the current layout limits the potential for the site to be used as a rat-run. The Senior Urban Design Officer has raised concerns that the layout primarily caters for the needs of the private car over the needs of the pedestrian and considers that connecting both internal streets to provide a more permeable layout across the site and avoid a design approach that relies on a series of 'dead-ends' (four in total) would have been appropriate.</p>
5.7.31	<p>The PSNI response advises that <i>'This new development is located within a brown field site and this could have implications given that this is residential building amongst commercial space whereby there may be more activity during various hours of the day and the pedestrian access through the entire development could be a cause for concern.'</i></p>
5.7.32	<p>No formal pedestrian linkages have been provided to link the site with surrounding amenities. There is an existing footpath along Blackstaff Road which links to Kennedy Way and the wider area. There is also an existing informal pedestrian route through to</p>

	<p>the Kennedy Centre car park to the west from Blackstaff Way. This is not controlled by the applicant whose team advised that this pedestrian route is closed at night-time and is not relied upon to serve the development. In any event, the use of this link provides access to the car park of the Kennedy Centre with no direct/dedicated pedestrian link to the Andersonstown Road or surrounding amenities. Prospective occupants of the development, including children would be required to walk along the footpath which runs from the site along Blackstaff Road through the informal link to a car park serving the Kennedy Centre and would be required to navigate their way through the Kennedy Centre car park to the Andersonstown Road to access local amenities such as schools and public transport.</p>																																																	
<p>5.7.33</p>	<p>Accessing the bus service along Kennedy Way would potentially require residents to cross the busy 4 lane carriageway with the existing pedestrian crossing some distance away (c. 500m) from the junction of Blackstaff Road and Kennedy Way at the junction of Kennedy Way and the Andersonstown Road.</p>																																																	
<p>5.7.34</p>	<p>The PSNI was requested to provide a view on connectivity to the surrounding developments via the informal link. In response the PSNI advised that <i>'The potential pedestrian linkages to the surrounding area and the alleyway which forms part of this would carry risk of notable concern.'</i> The PSNI response also states that in respect of vehicular traffic <i>'Local Police suggest that there would be concerns with the infrastructure in respect of vehicle access via Kennedy Way. This is an extremely busy/congested junction and the additional 139 units will only increase vehicular footfall in the area.'</i></p>																																																	
<p>5.7.35</p>	<p>Notwithstanding the above concerns raised by the PSNI, DFI Roads has verbally advised that they have no objections on road safety grounds. However, officers consider that the proposal fails to provide adequate connectivity to surrounding amenities and no pedestrian linkages to surrounding amenities are proposed to serve prospective occupants of the proposed development. It is therefore considered that the proposal fails to meet criterion (e) of Policy QD 1.</p> <p><i>(f) adequate and appropriate provision is made for parking;</i></p>																																																	
<p>5.7.36</p>	<p>The Transport Assessment sets out the parking requirements in accordance with PPS 3 and Creating Places. The total number of spaces required is 253.</p> <p>Table 3-1: PPS3 Parking Requirements</p> <table border="1" data-bbox="331 1458 1390 1839"> <thead> <tr> <th>Housing Type</th> <th>No. of Bedrooms</th> <th>In-curtilage Spaces</th> <th>Parking Standards</th> <th>No. of Units</th> <th>Spaces Required</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Terrace</td> <td>2</td> <td>2</td> <td>2.25</td> <td>28</td> <td>63</td> </tr> <tr> <td>3</td> <td>2</td> <td>2.5</td> <td>12</td> <td>30</td> </tr> <tr> <td>4</td> <td>2</td> <td>2.75</td> <td>4</td> <td>11</td> </tr> <tr> <td rowspan="2">Detached</td> <td>2</td> <td>2</td> <td>2.75</td> <td>6</td> <td>17</td> </tr> <tr> <td>3</td> <td>2</td> <td>2.75</td> <td>2</td> <td>6</td> </tr> <tr> <td rowspan="2">Apartments</td> <td>1</td> <td rowspan="2">N/A</td> <td>1.25</td> <td>7</td> <td>9</td> </tr> <tr> <td>2</td> <td>1.5</td> <td>79</td> <td>119</td> </tr> <tr> <td colspan="4" style="text-align: right;">Total</td> <td>138</td> <td>253</td> </tr> </tbody> </table>	Housing Type	No. of Bedrooms	In-curtilage Spaces	Parking Standards	No. of Units	Spaces Required	Terrace	2	2	2.25	28	63	3	2	2.5	12	30	4	2	2.75	4	11	Detached	2	2	2.75	6	17	3	2	2.75	2	6	Apartments	1	N/A	1.25	7	9	2	1.5	79	119	Total				138	253
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<p>5.7.37</p>	<p>Policy AMP 7 of PPS 3 states that <i>'Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development</i></p>																																																	

	<p><i>plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic'</i> The policy goes on to set out a number on instances where a reduced level of car parking may be acceptable which include <i>'where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or where the development is in a highly accessible location well served by public transport;'</i> Parking is provided in the form of private in curtilage spaces (84) and communal spaces (86). In total 170 spaces are proposed to serve the development. Cycle parking is proposed at a number of locations throughout the development including adjacent to Apartment Blocks A, C and D providing 52 cycle parking spaces.</p>
5.7.38	<p>DFI Roads is expected to be satisfied with the level of car parking proposed and its arrangement given a commitment from the developer to enact a Travel Plan which sets out proposals for green travel measures to support the reduced level of parking, namely the provision of travel cards for the first three years of occupation of each dwelling and discounted membership of a car club for 3 years. Such measures would normally be secured through a Section 76 Agreement. The proposed development is considered to comply with PPS3 and criterion (f) of Policy QD 1.</p> <p><i>(g) the design of the development draws upon the best local traditions of form, materials and detailing;</i></p>
5.7.39	<p>The built form, predominantly characterised by proposed apartments blocks and rows of two storey terraced dwellings reflects the character of residential developments found in the wider area such as along and off the Andersonstown Road. The mix of red brick and buff brick finish reflects the finishes and materials of established dwellings within the wider vicinity of the site. The proposed design of the development is considered to comply criterion (g) of Policy QD 1.</p> <p><i>h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;</i></p>
5.7.40	<p>The concerns about the compatibility of the proposed housing with adjacent commercial uses is addressed in the previous section of the report.</p> <p>The proposal itself would not give rise to unacceptable overlooking, loss of light, overshadowing or adverse impacts on adjacent properties (the primary concern being the adverse impact of adjacent land-uses on the proposed housing). In this regard, the proposal is compliant with criterion h).</p> <p><i>i) the development is designed to deter crime and promote personal safety.</i></p>
5.7.41	<p>The Planning Statement accompanying the application states that <i>'The proposed development has been designed to Secured by Design standards with the site and individual properties adequately enclosed and defended by appropriate boundary treatments. Careful consideration has also been given to the site layout to ensure that there are no isolated areas of communal open space which are not overlooked and that could give rise to anti-social behaviour. The dwellings have been arranged to overlook the areas of open space within the site to allow passive surveillance for the safety and security of those using the areas. The communal areas will be appropriately and adequately lit by street-light at night.'</i></p>
5.7.42	<p>The applicant has indicated that <i>'As the development will be developed and managed by a social housing provider it will be subject to 'Designing Out Crime' design review. This post planning process will help mitigate against antisocial behaviour. The development</i></p>

	<p><i>will be registered by 'Secure by Design' and evaluated against their criteria. All social housing projects are required to meet these requirements.'</i></p> <p>The PSNI in their response provides advice on designing out crime. The Senior Urban Design Officer also highlights that such matters require to be considered early in the design and considers the site somewhat vulnerable given its isolated location in the middle of a retail/industrial park where the predominant surrounding uses cease operation in the early evening.</p>
5.7.43	<p>Notwithstanding, comments from the PSNI and the Senior Urban Design Officer it is considered that on balance the proposed development does not conflict with criterion i) of Policy QD 1. For the avoidance of doubt this section of the report deals with secure by design issues in respect of the internal layout of the development. The concerns regarding the informal link between Blackstaff Road and the Kennedy Centre remain.</p> <p>Space Standards</p>
5.7.44	<p>Eighty, 2 bed apartments (3 person) and seven, 1 bed (2 person) apartments are proposed within the apartment blocks and all meet the space standards set out in the addendum to PPS 7 and the draft LDP. The Planning Statement accompanying the application states that the <i>'development has been designed in its entirety to meet current requirements of the Housing Association Guide and LifeTime Homes.'</i></p>
5.8	Housing Need
5.8.1	<p>The consultation response from the Northern Ireland Housing Executive (NIHE) advises that: <i>'The wider context of the area reflects this industrial/ commercial designation and our initial viewed based on wider non-housing land uses in the immediate locality, the Council should satisfy themselves that any departure from a Major Area of Existing Employment/Industry use is justified and that any residential development in such a location would provide a high quality attractive environment for households to live and work.'</i> The response further states that <i>'Should the Council be minded to approve a residential development on the site and it is satisfied that a high quality attractive environment for households to live and work can be achieved, the Housing Executive would seek to impose the affordable housing in the emerging Draft Plan Strategy and ensure at least 20% of any housing proposals were affordable. Social need in West Belfast has traditionally been high. A high proportion of public stock is now privately owned, with tenants utilising the house sales scheme. The development is located within the Andersonstown Common Landlord Area and part of the Middle West Belfast Housing Need Area (HNA) where demand for social housing is high. The projected housing needs assessment for Middle West Belfast over the period 2021-2026 indicates that 889 new social housing starts are required to address waiting list demand for this catchment area.'</i></p>
5.8.2	<p>Whilst it is recognised that there is a significant need for social housing in this part of the city, there are fundamental issues about the suitability of the site for housing, as set out above. Officers consider that the proposal for social housing is not of itself sufficient to outweigh the concerns raised regarding the introduction of residential development within a predominantly commercial and industrial/employment area. Furthermore, the applicant's team has advised that discussions are ongoing with a number of Housing Associations who are aware of the surrounding development and consider the site appropriate for residential development. Confirmation has not been provided that a partnership has been established with a Housing Association to develop the site.</p>
5.8.3	<p>The provision of affordable housing, including the final level and mix of social and intermediate housing, would normally be secured through a Section 76 Agreement where there is planning justification for it.</p>

5.9	Traffic, Movement and Parking
5.9.1	The proposal has been assessed against the SPPS and Policies AMP1, AMP 2, AMP6, AMP7 and AMP8 of Planning Policy Statement 3 and general principles of Planning Policy Statement 13.
5.9.2	A total of 170 car parking spaces are proposed to serve the development along with 52 cycle parking spaces. The Transport assessment advises that 253 parking spaces would be required in accordance with the Parking Standards, but a reduced level of car parking is provided as various sustainable transport options are available as an alternative to the private car such as several bus stops, a Glider route and a nearby train station (Balmoral).
5.9.3	A Travel Plan and Transport Assessment have been submitted in support of the development. The Travel Plan sets out measures to reduce dependency on travel by car and promote sustainable travel modes. Green travel measures in the form of a implementation of a Travel Plan, Residential Travel Pack, 3-year residential Travel Card, discounted membership of a car club (50%) for a 3 year period car club scheme.
5.9.4	The Transport Assessment sets out an assessment of the traffic impact of the proposed development which has been considered by DFI Roads.
5.9.5	An objection on behalf of the adjacent existing business Huhtamaki, raised concerns regarding the traffic impact of the proposal and intensification of the existing access which is extremely congested and states that there have been numerous road traffic accidents in the past and the insufficiency of parking spaces. DFI Roads previously objected to the proposal however further information has been submitted and is being considered. DFI Road's latest position on the application will be subject to an update at the Planning Committee meeting.
5.9.6	Officers consider that the proposal complies with the SPPS, Policies AMP1, AMP 2, AMP6, AMP7 and AMP8 of PPS 3 and the general principles of Planning Policy Statement 13.
5.10	Environmental Considerations
5.10.1	Drainage
5.10.2	The application is supported by a Flood Risk Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under Policies FLD 1, 2, 3, 4 and 5 subject to a condition which relates to the submission of a Final Drainage Assessment.
5.10.3	NI Water has objected to the proposal on the basis that there is insufficient waste water treatment capacity available to service the proposed development. They have also advised that the foul sewer network cannot presently serve this development proposal without significant risk of environmental harm and detrimental impact on existing properties. Importantly, NI Water makes allowance for existing significant committed development across the city. Such development, which includes un-implemented permissions across the city, will not all come forward at once.
5.10.4	In practical terms it is considered unreasonable for the Council to refuse planning permission for the proposed development on the basis that 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.
5.10.5	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. The development, if approved, would not come forward until after July 2023.
5.10.6	The Tree Officer welcomes the opportunity for Water butts proposed within dwellings and apartment blocks which will serve to promote SuDS.
5.11	Contamination
5.11.1	The application is supported by a Land Contamination Assessment and further addendums submitted in response to queries raised by Environmental Health. Environmental Health considers that a Detailed Remediation Strategy would be required and should address issues around potential vapour risk and identify the properties which require vapour protection measures. In addition, the remediation strategy would be required to incorporate a Materials Management Plan and set out how contaminated soils on the site are proposed to be moved and reused in a manner that would not pose a risk to end users and mitigation measures relating to the banked area in the western part of the site and details on the clean capping layer in all landscape areas. Furthermore, Environmental Health recommends a condition that the banked area located in the west part of the site is subject to a separate GQRA and that a verification report is submitted and approved by the Council prior to any occupation. NIEA has no objection to the proposed development subject to conditions/informatives if permission is granted. Officers are satisfied that the measures set out in the negative conditions recommended by Environmental Health and NIEA would, if implemented, not result in any adverse impact on prospective occupants.
5.12	Air Quality
5.12.1	The application is supported by an Air Quality Impact Assessment. An objection raises concerns regarding air quality complaints arising from potential occupants due to existing business/operators in the area. Environmental Health has reviewed the assessment and concludes in regard to traffic impact that estimated road transport emissions, as a result of the proposed development, are likely to have a 'negligible' impact on nitrogen dioxide and particulate matter concentrations in the local area. With regard to construction phase, subject to mitigation measures proposed, there would be no significant adverse dust effects arising from the construction phase of the proposed development. Environmental Health raises no objection on air quality grounds subject to conditions regarding the use of centralised combustion sources.
5.13	Impact on Protected Sites/Priority Species and Habitats
5.13.1	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 the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including mitigation measures. This conclusion is subject to mitigation measures being conditioned

	in any approval which require agreement on the method of sewage disposal or granting of consent to discharge prior to commencement.
5.13.2	The 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, should adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 10/10/2022. This found that the project would not have an adverse effect on the integrity of any European site.
5.14	Developer Obligations
5.14.1	Para 5.69 of the SPPS states that ' <i>Planning authorities can require developers to bear the costs of work required to facilitate their development proposals.</i> ' Relevant further guidance is provided by the Council's Developer Contribution Framework, adopted in 2020.
5.14.2	Were the application to be found to be acceptable by the Committee, the following measures would be required to be secured through a Section 76 planning agreement: <ul style="list-style-type: none"> • Provision of affordable housing; • Green Travel Measures in the form of implementation of a Travel Plan, a travel card for each unit a period of 3 years and 50% subsidised membership of a car club for each unit for 3 years along with the implementation of a Travel Plan including a Travel Co-ordinator; • Employability and Skills interventions during the construction phase; • Long term management and maintenance of communal and public open space; a • Agreement with ASDA to fit an in-line duct attenuator to its gable wall to reduce the noise impact on the nearest proposed rear gardens.
5.15	Pre-Application Community Consultation
5.15.1	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 02 August 2021 (LA04/2021/1830/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 the West Belfast Partnership Board.
5.15.2	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 (website) event and that the website event in lieu of the public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that information leaflets had been distributed to c. 650 properties in the surrounding area.
5.15.3	The report states that 20 comments were left via the online feedback form. The PACC report advises that the comments received fell into 4 categories i.e. traffic congestion, need for social housing, support for local businesses and need for additional schools and medical facilities.

5.15.4	The PACC report states that <i>'The Applicant has undertaken a comprehensive pre-application consultation exercise. Throughout this process the Applicant and project team has sought to directly engage with the general public and elected representatives for the area. All of the feedback received during the consultation has been fully analysed...The general concerns and issues that were raised by respondents focused mostly on concerns around traffic congestion & management, the need of housing (particularly social housing) along with provision of local services inclusion Schools & Hospitals. The design team has taken time to carefully consider the feedback and has provided a response to each of the key areas raised during the consultation feedback process. The proposals for new homes of the site were welcomed by those who fed back to the team during the consultation period.'</i>
5.15.3	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.
6.0	Summary of Recommendation
6.1	Having regard to the development plan, relevant policy context and other material considerations, including the consultation responses and representation received, the proposed development is considered unacceptable. It is recommended that full planning permission is refused for the reasons set out in the report.
6.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal and to deal with any other matters which may arise

Draft Reasons for Refusal:

1. The proposed development is located within a designated District Centre as identified in the draft Belfast Metropolitan Area Plan 2015 (v2014). The proposal would reduce the land available within the District Centre to deliver retail and other appropriate commercial uses and would fail to retain and consolidate the District Centre as a focus for local everyday shopping. The proposal is contrary to paragraph 6.276 of the SPPS and Designation BT010/5 – Westwood Centre of the draft Belfast Metropolitan Area Plan 2015 (v2014).
2. The application site is surrounded by existing commercial uses and businesses, many of which are not subject to restrictions on hours of operation or other controls. The proposed housing would be a poor-quality living environment for residents who would be subject to unacceptable noise and environmental impacts, both from within the houses/apartments and the outdoor amenity space/open space. The application fails to demonstrate that the noise levels would be satisfactory. The site is not considered suitable for any form of housing and the proposal is contrary to paragraphs 4.11, 4.25-27 and 4.34 of the Strategic Planning Policy Statement, Policy PED 8 of Planning Policy Statement 4, and criteria (a) and (h) of Policy QD 1 of Planning Policy Statement 7 – Quality Residential Environments.
3. The application site is surrounded by existing commercial uses and businesses, many of which are not subject to restrictions on hours of operation or other controls. The proposed development has the potential to adversely affect the operations and viability of existing surrounding commercial uses and businesses and generally compromise the ability of the industrial estate to provide employment and economic growth. The proposal is contrary to paragraphs 4.20 – 4.21 of the Strategic Planning Policy Statement and Policy PED 8 of Planning Policy Statement 4.

4. The proposed development would be located on an existing commercial/industrial park, resulting in poor place making and an unsuitable residential living environment. Specifically, access to the development would be through an incongruous industrial estate/commercial park. Secondly, the proposed development would provide a poor quality residential environment for prospective occupants by reason of poor outlook from Blocks A, B, C and D onto the existing commercial and industrial/employment area. Thirdly, the overbearing impact of the retaining wall and embankment onto the dwellings and rear gardens numbered 77-83 and 86 on Drawing No. 04A – Site Layout. Fourthly, the overbearing nature of the Westwood Shopping Centre/ASDA on apartments within Block A and the dwellings and rear gardens numbered 70-76 on Drawing No. 4A – Site Layout. The proposal is contrary to paragraphs 4.12, 4.25-27 and 4.34 of the Strategic Planning Policy Statement and criteria (a) and (h) of Policy QD1 of Planning Policy Statement (PPS) 7 – Quality Residential Environments . and Policy PED 8 of Planning Policy Statement 4, and unacceptable.
5. The proposal fails to provide adequate connectivity to surrounding amenities and would result in an isolated housing development within an existing commercial and industrial/employment area and encourage use of an unsafe informal link to the Kennedy Centre. The proposal is contrary to paragraphs 4.12 and 4.24-27 of the Strategic Planning Policy Statement and criteria (e) of Policy QD 1 of Planning Policy Statement (PPS) 7 – Quality Residential Environments.
6. The application is not accompanied by a Section 76 planning agreement to secure the Green Travel Measures (Travel Plan, Travel Cards for each unit for a 3 year period, Discounted Membership of a Car Club), Employability and Skills interventions, long term management and maintenance of private communal and public open space areas which would be required to manage and mitigate the development. The proposal is contrary to paragraph 5.69 of the SPPS, Policy AMP 7 of Planning Policy Statement 3, Policy OS 2 of Planning Policy Statement 8 and Chapter 9 of the Developer Contributions Framework.

Notification to Department (if relevant): Not Required

Date of Notification to Department:

Response of Department:

Representations received from Elected Members: None

ANNEX	
Date Valid	14th July 2022
Date First Advertised	5th August 2022
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 1,6a ,Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 10 Blackstaff Road,Kennedy Way Industrial Estate,Belfast,Antrim,BT11 9DT</p> <p>The Owner/Occupier, 11 Blackstaff Road,Belfast,Antrim,BT11 9DT</p> <p>The Owner/Occupier, 14 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AJ</p> <p>The Owner/Occupier, 14a ,Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 16a ,Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 19 Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 19a ,Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 1c ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT</p> <p>The Owner/Occupier, 2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT</p> <p>The Owner/Occupier, 2 Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 3 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT</p> <p>The Owner/Occupier, 3 Blackstaff Way,Ballymurphy,Belfast,Antrim,BT11 9DS</p> <p>The Owner/Occupier, 3,3 Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 4,4-5 ,Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 45 Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 47 Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 5 Blackstaff Road,Belfast,Antrim,BT11 9DT</p> <p>The Owner/Occupier, 5 Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 5-8a Dc Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 5a ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast,Antrim,BT11 9DT</p> <p>The Owner/Occupier, 6 Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 6,5 Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, 7 Blackstaff Road,Belfast,Antrim,BT11 9DT</p> <p>The Owner/Occupier, 9 Blackstaff Road,Belfast,Antrim,BT11 9DT</p> <p>The Owner/Occupier, Ess,Blackstaff Way,Ballymurphy,Antrim,</p> <p>The Owner/Occupier, Factory 7,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT</p> <p>The Owner/Occupier, Fern Business Enterprise,Blackstaff Road,Kennedy Way Industrial Estate,Belfast,Antrim,BT11 9DT</p> <p>The Owner/Occupier, Holly Business Park,Blackstaff Way, Ballymurphy, Belfast, Antrim, BT11 9DS</p> <p>The Owner/Occupier, Kennedy Enterprise Centre,2 Blackstaff Road,Belfast,Antrim,BT11 9DT</p>	

The Owner/Occupier, NI Water, Sewage Treatment Works,Blackstaff Road, Belfast, Antrim,BT11 9DT

The Owner/Occupier, Office,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ

The Owner/Occupier, The Managment, Westwood Shopping Centre,Kennedy Way, Belfast, Antrim,BT11 9BQ

The Owner/Occupier, Tyre Depot,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ

The Owner/Occupier, Unit 1,4 Blackstaff Way,Ballymurphy,Antrim,BT11 9DT

The Owner/Occupier, Unit 1,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ

The Owner/Occupier, Unit 1,Westwood Shopping Centre,Kennedy Way, Belfast, Antrim,BT11 9BQ

The Owner/Occupier, Unit 1-2,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim,BT11 9BQ

The Owner/Occupier, Unit 10,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 10,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 10,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 11 ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9BL

The Owner/Occupier, Unit 11,5 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier,
Unit 11,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 11,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 12,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 12,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 12,Kennedy Enterprise Centre,2 Blackstaff Road,Belfast,Antrim,BT11 9DT

The Owner/Occupier, Unit 12,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 13,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 14,2 Blackstaff Road,Kennedy Way Industrial Estate,Belfast,Antrim,BT11 9DT

The Owner/Occupier, Unit 14,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 14,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 14,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ

The Owner/Occupier, Unit 15,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 15,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 15,Kennedy Enterprise Centre,2 Blackstaff Road,Belfast,Antrim,BT11 9DT

The Owner/Occupier, Unit 15a,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ

The Owner/Occupier, Unit 16,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 16,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
The Owner/Occupier, Unit 16,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 16/17/18,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 17,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 17,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
The Owner/Occupier, Unit 17,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 17-18,Westwood Shopping Centre,Kennedy Way,Belfast,Antrim,BT11 9BQ
The Owner/Occupier, Unit 18,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 18,5 Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 18,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 18,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 19,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 19,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 19a,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 19b,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 19b,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 1a,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 1a,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 2,3 Blackstaff Way,Ballymurphy,Belfast,Antrim,BT11 9DT
The Owner/Occupier, Unit 2,4 Blackstaff Way,Ballymurphy,Antrim,BT11 9DT
The Owner/Occupier, Unit 2,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
The Owner/Occupier, Unit 2,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 2,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 2,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 20,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 20,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 21,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 21,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 22,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
The Owner/Occupier, Unit 22,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 22,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 23,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
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The Owner/Occupier, Unit 24,5 Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 24,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 24,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
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The Owner/Occupier, Unit 25,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
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The Owner/Occupier, Unit 27,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 28,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 29,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 3 ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 3,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 3,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 3,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 3,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier,Unit 3,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 35,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim,BT11 9DT
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The Owner/Occupier, Unit 39,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 3a,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 4,48 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 4,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 4,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 4,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 4-5,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ
The Owner/Occupier, Unit 4-5,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ
The Owner/Occupier, Unit 5 ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT
The Owner/Occupier, Unit 5,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
The Owner/Occupier, Unit 5,Blackstaff Road,Belfast,Antrim,BT11 9DT
The Owner/Occupier, Unit 5,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 5,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim, BT11 9DT
The Owner/Occupier, Unit 5,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 5/6,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 5a,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 6,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT
The Owner/Occupier, Unit 6,48 Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 6,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
The Owner/Occupier, Unit 6,Westwood Retail Park,51 Kennedy Way,Belfast,Antrim,
The Owner/Occupier, Unit 6,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 6,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
The Owner/Occupier, Unit 6/7,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 6/7,D C Silencers Complex,Kennedy Way, Belfast, Antrim, BT11 9AP
The Owner/Occupier, Unit 7,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT
The Owner/Occupier, Unit 7,48 Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 7,5 Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 7,D C Silencers Complex,Kennedy Way,Belfast,Antrim,BT11 9AP
The Owner/Occupier, Unit 7,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ
The Owner/Occupier, Unit 7,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ
The Owner/Occupier, Unit 7,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 7-8,M1 Business Park,Blackstaff Way,Belfast,Antrim,BT11 9DS
 The Owner/Occupier, Unit 7b,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT
 The Owner/Occupier, Unit 8,48 Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 8,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 8,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 8,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ
 The Owner/Occupier, Unit 8,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ
 The Owner/Occupier, Unit 8,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
 The Owner/Occupier, Unit 8a,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 9,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 9,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ
 The Owner/Occupier, Units 1,16,17 & 18,D C Enterprise Centre,Kennedy Way, Belfast, Antrim,BT11 9AP
 The Owner/Occupier, West Belfast Enterprise Centre,Blackstaff Road,Kennedy Way Industrial Estate,Belfast,Antrim,BT11 9DT

Date of Last Neighbour Notification	10th August 2022
Date of EIA Determination	21st July 2022
ES Requested	No

Development Management Report Committee Application

Summary	
Committee Meeting Date: Tuesday 20 th June 2023	
Application ID: LA04/2023/2891/F	
Proposal: Replacement of existing natural grass rugby pitch with new 3G surface and associated under pitch drainage + site works	Location: Kingspan Stadium, 134 Mount Merrion Avenue, Belfast, BT6 0DG
Referral Route: Referral to the Planning Committee under Section 3.8.5 (a) Those made by elected members of the Council	
Recommendation: Approval	
Applicant Name and Address: Ulster Rugby Kingspan Stadium 134 Mount Merrion Avenue Belfast BT6 0DG	Agent Name and Address: Hamilton Architects 3 Joy Street Belfast BT2 8LE
Executive Summary: This application seeks full planning permission to replace the existing natural grass playing surface with a new 3G surface and associated under pitch drainage. The works proposed include operational works on and under land, with the earthworks to remove the grass pitch, the installation of a subbase layer and a new surface on the land amounting to operational development. The key issues are: <ul style="list-style-type: none"> • The principle of the development at this location • Visual impact of the proposal • Impact on amenity / character of the area • Impact on the natural environment • Impact on transport and other infrastructure • Drainage • Noise, odour, and other environmental impacts • Ecological impacts • Flood Risk <p>The proposal would not adversely impact on amenity, traffic related concerns would be temporary in nature in association with the construction process and therefore have a limited impact. The proposed scale, form, massing, design, and materials proposed are considered acceptable and will not adversely impact on local character.</p> <p>The scale and character of the proposed works would be reasonably expected at a sports facility of this nature. The associated impacts on drainage and the wider environmental impacts have been considered and as the council are still awaiting final response from Shared Environmental Services and NIEA / DAERA regarding additional information received. Delegated authority is sought to the</p>	

Director of Planning and Building Control to resolve any technical matters arising from this response.

Notwithstanding the outstanding consultations, based on the submitted information, along with all other consultee responses and material considerations, adequate measures have been outlined to minimise risks and impacts to environmental assets including protected habitats and species.

DFI Roads, Historic Environment Division, NI Water, Rivers Agency, Environmental Health have no objections to the proposal. NIEA / DAERA and SES are still outstanding after re-consultation.

Conditions are necessary to mitigate impacts of the development, 46 objections have been received and have been considered. There has been 1 letter of support for the proposal.

Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.

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

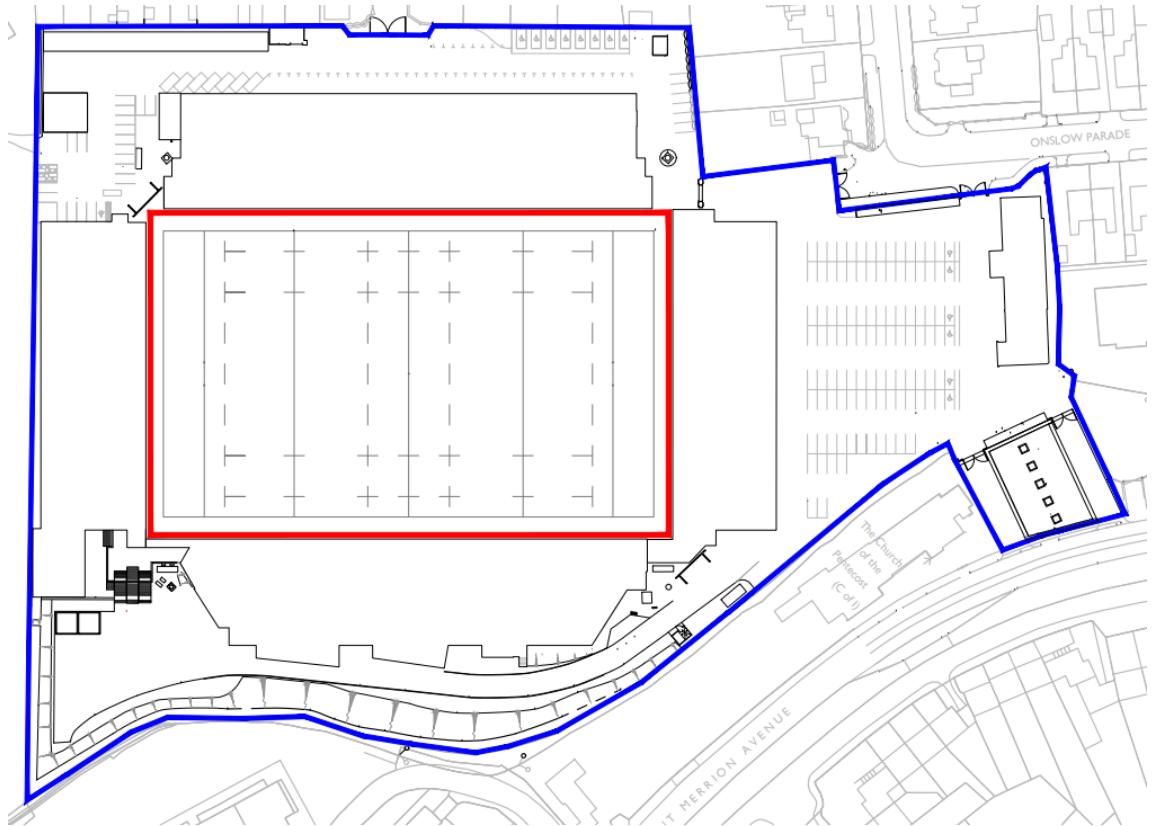
Planning Report

1.0

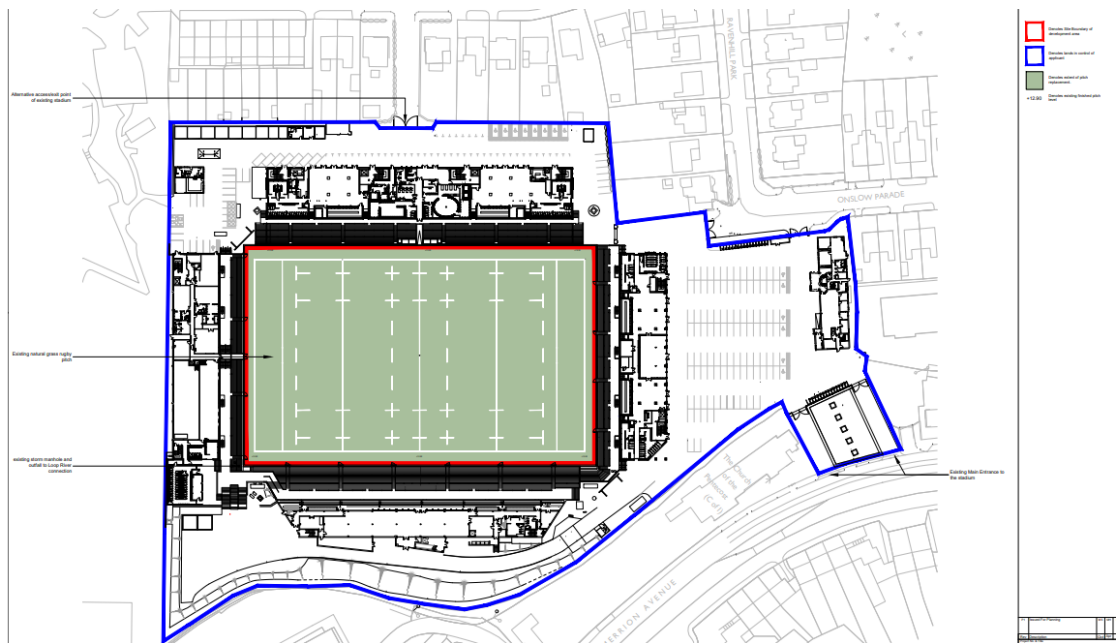
Drawings

1.1

Site Location Map



Existing Site Plan



Proposed Site Plan

<p>2.0</p>	<p>Characteristics of the Site and Area</p>
<p>2.1</p>	<p>The site is located at 134 Mount Merrion Avenue, Belfast comprising the IRFU Ulster Branch Rugby Stadium, an existing sports facility. The site consists of an existing grass rugby pitch and is surrounded on all sides by four spectator stands, admin building and associated parking. The site is accessed for vehicles and pedestrians via Mount Merrion Avenue, Ravenhill Park Gardens and Onslow Parade. The area is within the Development Limits of Belfast as stated in the Belfast Area Plan 2001 and Belfast Metropolitan Area Plan 2015. The area is characterised by residential uses adjacent to the North, Northwest, South and South-east of the site.</p> <p>Adjacent to the east there is a church and to the southwest a secondary school. The north-eastern boundary of the site lies adjacent to Ravenhill Park Proposed Area of Townscape Character and to the east lies Cregagh Proposed Area of Townscape Character as designated in the BMAP 2015.</p>
<p>3.0</p>	<p>Description of Proposal</p>
<p>3.1</p>	<p>Replacement of existing natural grass rugby pitch with new 3G surface and associated under pitch drainage and site works</p>
<p>4.0</p>	<p>Planning Policy and Other Material Considerations</p>
<p>4.1</p>	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p>
<p>4.2</p>	<p>Development Plan – zoning, designations, and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
<p>4.3</p>	<p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>

4.4	<p>Other Relevant Policies Belfast Agenda</p> <p>Relevant Planning History</p>
4.5	<p>There are several planning histories linked to the site known as Ulster Rugby grounds dating back to 1979. The most recent / relevant histories have been added below for ease of reference.</p> <p>Z/2015/0145/F - Retention of car parking in non-compliance with condition 2 of planning permission Z/2010/1319/F "hard surfaced areas shall be constructed and permanently marked in accordance with drawing No P:30 to provide adequate facilities for parking within the site. no part of these hard surface areas shall be used for any purpose at any time other than for the parking and movement of vehicles" – Permission Granted – 02/02/2016.</p> <p>Z/2010/1319/F - Construction of three stands with associated safety and accessibility improvement works. The proposed works comprise of: demolition of existing main stand; construction of three stands (i.e. erection of new stand at the Aquinas end of the ground, and amendments to the previously approved stands on the northern and eastern sides of the ground) with hospitality, media, player, spectator and ancillary facilities; upgrading of existing entrances; relocation and renovation of existing War Memorial Arch and; construction of new WC block, electronic screens and ground maintenance storage facilities. – Permission Granted – 29/02/2012</p> <p>Z/2008/2284/F - Construction of 1 no. changing block, switch room and NIE transformer at Ravenhill Rugby Grounds. – Permission Granted – 12/02/2009.</p>
5.0	<p>Consultations and Representations</p>
5.1	<p>Statutory Consultations</p> <p>DfI Roads – No objections DfC Historic Environment Division (HED) – No objections DfI Rivers – No objections NI Water – No objections DAERA NIEA – Initial response, no objections. Re-consultation response: currently outstanding.</p>
5.2	<p>Non-Statutory Consultations BCC Environmental Health – No objections Shared Environmental Services (SES) – Initial response: Additional information required. Re-consultation response: currently outstanding.</p> <p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p>
5.3	<p>Representations</p> <p>The application has been advertised and neighbours notified. The Council has received the following representations in support and objection.</p> <p>Support: 1 Objections: 46</p>

5.4	<p>Having reviewed all representations and considered the information associated, the key points are summarised below:</p> <ul style="list-style-type: none"> • HGV traffic impacting residential streets, safety to school children walking. • HGV will impact old foundations in residential area. • Trees / hedges impacted by traffic / works. • Wildlife impacted by works. • Issues with transport assessment not being completed correctly. • Lack of notification given to residents. • Lack of clarity / transparency from applicant. • Lack of information / understanding from applicant regarding local eco-system. • Misinformation allegedly provided by the council to applicant. • Potential intensification of use subject to completion of pitch. • Traffic management not clear. • Microplastics impact to natural environment / wildlife. • Rubber infill impacts on eco-system, wildlife, and health. • Use of hazardous materials. • No biodiversity checklist submitted. <p>Case officer response: NIEA have been consulted and had no objections initially regarding biodiversity and as such a biodiversity checklist was not deemed a requirement for this proposal.</p> <ul style="list-style-type: none"> • Impact of wash-off / chemicals used on pitch. • Loop river impact. • Precedent refusal adjacent the application site. • Loss of confidence regarding consultee responses. <p>These concerns are addressed in the planning assessment of the report.</p>
6.0	PLANNING ASSESSMENT
6.1	Development Plan Context
6.2	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.4	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.5	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.6	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations, and proposals maps in the Belfast

	<p>Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
6.7	<p>Relevant Planning Policies</p> <p>Policies in the Plan Strategy relevant to the application include the following:</p> <p>Policy CI1 – Community Infrastructure Policy TRAN 2 – Creating an Accessible Environment Policy TRAN 3 – Transport Assessment Policy ENV1 – Environmental Quality Policy ENV2 – Mitigating Environmental Change Policy ENV3 – Adopting to Environmental Change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable Drainage Systems (SuDS) Policy SP2 – Sustainable Development Policy SP3 – Improving Health and Wellbeing Policy SP5 – Positive Placemaking Policy GB1 – Green and Blue Infrastructure Network Policy OS1 – Protection of Open Space Policy OS5 – Intensive Sports Facilities Policy NH1 – Protection of Natural Heritage Resources</p>
6.8	<p>Key Issues</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • The principle of the development at this location • Visual Impact of the Proposal / Character of the Area • Impact on amenity • Impact on transport and other infrastructure • Drainage & Flood Risk • Ecological impacts <p>The Principle of the Development at this Location</p>
6.9	<p>The proposal seeks to remove the existing natural grass playing surface and replace with a new 3G surface and associated drainage at the Kingspan Stadium. The construction stages would comprise vegetation clearance and topsoil stripping of existing pitch, earthworks consisting of underground drainage works to the pitch area, and finally the formation of the new 3G surface including subbase layers.</p>
6.10	<p>The application site is zoned as whiteland within dBMAP, there are no special designations linked to the specific site location. As detailed above in the report,</p>
6.11	<p>The surrounding area can be characterised as residential with educational uses such as Aquinas Grammar School located directly to the west. The site has continuously been in use as the home grounds for Ulster Rugby and is still in active use. The main pitch at closest points would be located approximately 20m from the curtilage of dwellings at Ravenhill Park and Onslow Parade to the North-East, approximately 50m North to</p>

	<p>Ravenhill Park Gardens and approximately 80m South to dwellings at Mount Merrion Avenue. The proposal is acceptable regarding Policy OS1 of the Plan Strategy 2035 in that, the sports facility is within the settlement limits and the retention and enhancement of the facility is of a small section of the overall facility. It is deemed to have no adverse impact on the sporting potential of the facility. There is no loss of open space, rather an alteration / enhancement of its existing playing surface.</p> <p>Visual Impact of the Proposal / Character of the Area</p>
6.12	<p>This proposal seeks to replace the existing natural grass playing surface of the Kingspan Stadium with 3G artificial grass. The site is enclosed on 4 sides by the adjacent large spectator stands which screens a majority of the grass surface from public views. The proposed artificial surface seeks to replicate natural grass.</p> <p>The north-eastern boundary of the site lies adjacent to Ravenhill Park Proposed Area of Townscape Character and to the east lies Cregagh Proposed Area of Townscape Character as designated in the dBMAP 2015. The proposed works are set fully within the confines of the enclosed stadium and will not therefore be subject to public views from outside of the stadium. Accordingly, the replacement surface will not impact upon the character and appearance of the area and ATC's in close proximity to the site.</p> <p>Impact on Amenity</p>
6.13	<p>The proposal is to change the surface of the playing field from natural grass to artificial grass. The use as a playing surface will not be therefore altered. The applicant indicates that pitch use will remain at current usage levels and therefore there will be no intensification. The supporting OCEMP indicates that the construction period is estimated as 3 – 4 months in duration. Objections have been received regarding noise, disturbance, and general nuisance.</p>
6.14	<p>Belfast City Council Environmental Health Services have been consulted and considered the proposal and supporting information, including the Outline Construction Environmental Management Plan (OCEMP), in terms of noise, air pollution, general amenity, ambient air quality, contaminated land. Environmental Health have no objections to the proposal. Taking this into account, it is therefore considered that there will be no adverse impact on amenity. Impacts from associated construction traffic will be for a limited period and accordingly it would not result in significant impacts on amenity.</p> <p>Impact on Transport and Other Infrastructure</p>
6.15	<p>Objections have been received in relation to transport related issues. The Department for Infrastructure Roads Service have been consulted on this application and have responded with no objections. The nature of the proposal will not have any impact on transport, access, and parking considerations as there is no additional parking or alterations to transport required.</p>
6.16	<p>The proposal has been assessed against Policy TRAN 2, which conforms with the criteria outlined. Policy TRAN 3 states that; a transport assessment will be required to evaluate the transport implications of the development proposal, where it is likely to have "significant travel generating uses". The principle of the proposal will not increase the intensification of the use outside of what currently exists. A transport assessment form has been submitted and as the proposal does not comprise residential development, no creation of additional floor space created, and no further intensification of the use related to a new surface, this element is deemed acceptable.</p>

6.17	<p>Transport related construction requirements have been detailed in the Outline Construction Environmental Management Plan (OCEMP) at Section 7.7. This outlines that a 'Traffic Management Plan' detailing procedure to follow prescribed routes when working on the site. The TMP shall incorporate any restrictions imposed considering any planning approval granted. The TMP will include specific routing for construction traffic to the site via existing establish site entrances and restrictions on construction hours. The TMP shall be circulated to all parties who are employed or have a legitimate interest in the works. The Principal Contractor shall ensure that Construction Traffic Routing Signs are erected prior to any works commencing, and that these are maintained in good and clean condition throughout the duration of the works. These details would be further expanded in the final CEMP before any development can commence on site via an appropriate negative condition, subject to any granting of planning approval. The final CEMP would assist in mitigating construction related impacts for the construction period.</p>
6.18	<p>DFI Roads have also no objections to the proposal including the OCEMP details. On the basis of this response the proposal is considered acceptable in relation to impacts on Transport infrastructure.</p>
	<p>Drainage and Flood Risk</p>
6.19	<p>A drainage assessment and associated information was submitted for consideration. The drainage flow is proposed at 10 litres per second which is a greenfield discharge rate. The impact therefore being no greater than existing. DFI Rivers and NI Water have been consulted. These consultees have referred to the previous policy considerations (Planning Policy Statement 15), in their consultation responses. The equivalent policies in the Plan Strategy i.e., ENV4 and ENV5 essentially repeat the PPS15 requirements as per the SPPS. Objections have been received with concerns surrounding drainage.</p> <p>Rivers Agency and NIW are satisfied with the mitigation measures proposed and it is therefore considered that the proposal complies with policy and no adverse impact on drainage and flood risk will occur.</p>
	<p>Ecological Impacts</p>
6.20	<p>The potential for ecological impacts associated with this proposal is a policy consideration within several section of the LDP and objections have been by received by the Council on related issues. These include the lack of information / understanding from the applicant regarding local eco-system, microplastics impacting the natural environment / wildlife, rubber infill impacts on eco-system, and health, use of hazardous materials, impact of wash-off / chemicals used on pitch and overall Loop River impact.</p>
6.21	<p>The applicant has submitted a Granulate Management Report, formal letter regarding chemical usage, maintenance guidelines for the pitch and details within the OCEMP DEARA and SES have been consulted on the proposed details. DEARA have responded with no objections, however SES requested further information relating to chemical usage. This information indicates mitigation measures for controlling granulate discharge from the site and that chemicals for cleaning and maintenance will be reduced compared to current arrangements. The Council have re-consulted Shared Environmental Services and NIEA / DAERA for their consideration. These consultations are currently outstanding at the time of writing.</p>
6.22	<p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and resolve any matters arising from the outstanding consultation response from Shared Environmental Services and NIEA / DAERA in the event this is not received prior to Committee.</p>

7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.
DRAFT CONDITIONS: (Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions):	
<ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. No development activity, including ground preparation or vegetation clearance, shall take place until a Final Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The CEMP must incorporate a construction traffic management plan. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. Reason – To protect the aquatic environment of Belfast Lough SPA, Ramsar & open water 3. No part of the development hereby permitted shall become operational until all drainage mitigation measures have been installed in accordance with the submitted drainage assessment and a report verifying that these measures have been installed has been submitted to and approved in writing by the Council. These measures shall be permanently retained and maintained thereafter in accordance with the approved arrangements and shall not be altered or removed without the prior consent of the Council in writing. Reason: To ensure adequate drainage arrangements are provided for the development and in the interests of public amenity and safety. 4. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. Reason: Protection of environmental receptors to ensure the site is suitable for use. 5. After completing the remediation works under Condition 1 and prior to operation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use. 	

ANNEX	
Date Valid	15/03/2023
Date First Advertised	28/04/2023
Date Last Advertised	02/06/2023
Dates of Neighbour Notification 18/04/2023 and 05/06/2023	
<p>1 HUGHES COURT 10 RAVENHILL PARK GARDENS</p> <p>11 HUGHES COURT</p> <p>114 MOUNT MERRION AVENUE</p> <p>116 MOUNT MERRION AVENUE</p> <p>118 MOUNT MERRION AVENUE</p> <p>120 MOUNT MERRION AVENUE</p> <p>122 MOUNT MERRION AVENUE</p> <p>13 HUGHES COURT</p> <p>15 HUGHES COURT</p> <p>17 HUGHES COURT</p> <p>19 HUGHES COURT</p> <p>21 HUGHES COURT</p> <p>22 RAVENHILL PARK GARDENS</p> <p>23 HUGHES COURT</p> <p>24 RAVENHILL PARK GARDENS</p> <p>28 RAVENHILL PARK GARDENS</p> <p>3 HUGHES COURT</p> <p>30 RAVENHILL PARK GARDENS</p> <p>32 RAVENHILL PARK GARDENS</p> <p>34 RAVENHILL PARK GARDENS</p> <p>36 RAVENHILL PARK GARDENS</p> <p>5 HUGHES COURT</p>	

79 RAVENHILL PARK
81 RAVENHILL PARK
83 RAVENHILL PARK

85 RAVENHILL PARK
85A RAVENHILL PARK
9 HUGHES COURT

AQUINAS GRAMMAR SCHOOL
CHURCH OF THE PENTECOST, CHURCH OF IRELAND, MOUNT MERRION AVENUE