

## ADDENDUM REPORT 2

**Committee Meeting Date:** 14<sup>th</sup> November 2023

**Application ID:** LA04/2020/1858/F

**Proposal:** Residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works.

**Location:**

Hillview Retail Park, Crumlin Road, Belfast.

**Referral Route:** Application previously considered by the Committee in August 2021 and December 2022

**Recommendation:**

No Change of Opinion

Members are asked to consider the contents of the addendum report and their previous determination in relation to this application. No overall change in officer opinion.

**Applicant Name and Address:**

Hillview Centre Belfast Ltd  
155-157 Donegall Pass  
Belfast  
BT7 1DT

**Agent Name and Address:**

RPP Architects  
155-157 Donegall Pass  
Belfast  
BT7 1DT

### Background

1. This application was previously considered by the Committee in August 2021 and December 2022.
2. At the August 2021 Committee meeting, whilst the officer recommendation was to refuse permission, the Committee recommended that the '*Chief Executive uses her delegated authority to grant approval to the application, on the basis that the principle of housing is acceptable at that location, subject to the outstanding assessments on roads and, drainage, contamination, air quality and noise being submitted to, and considered acceptable by, the Committee at a future meeting.*' The Chief Executive's decision corresponded with the Committee's recommendation.
3. Following the submission of additional reports, officers considered that the issues relating to contaminated land, air quality, noise and drainage have been addressed. However, roads issues remained outstanding. The application was subsequently reported to the December 2022 Committee when the application was deferred '*... to allow time for the applicant to submit an amended site location plan and further revised proposals seeking to address DfI Road's objection to alleviate the safety concerns that DfI Roads had raised.*'
4. Following the deferral, the applicant has provided further roads information. DfI Roads offer no objection to the proposal subject to conditions.
5. The application is brought back to Planning Committee for consideration. This includes re-assessment of the application following adoption of the Belfast Local Development Plan: Plan Strategy 2035 in May 2023.
6. This report should be read in conjunction with the original report to the Planning Committee and Addendum Report 1, appended.

## **Additional Information**

7. Final roads information was submitted in July 2023. This includes an amended site location plan (red line), introduction of a speed hump, widened footways and dropped kerbs with tactile paving to improve pedestrian and roadway safety. DfI Roads were subsequently re-consulted and provided their response in August 2023, offering no objection to the application subject to conditions.
8. Following adoption of the Plan Strategy, the Planning Service 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.
9. The applicant submitted the Plan Strategy Statement in June 2023. Following comments from the Planning Service, the applicant submitted a revised Plan Strategy Statement in August 2023 seeking to address the outstanding policy issues. Following additional feedback, a further revised Plan Strategy Statement was submitted on 26<sup>th</sup> October 2023.

## **Statutory consultation responses**

10. No additional statutory 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 original 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.
11. As reported above, DfI Roads now offers no objection to the proposal.
12. NIHE provided a consultation response in January 2023, supporting the proposal as there is housing need in the area. It advises that the site is located with the Ardoyne Common Landlord Are (CLA). As of September 2022, there were 288 households in Housing Stress within the CLA. The site also sits within the North Belfast Housing Needs Assessment Area which has an unmet 5 year need of 2,016 units (2022-2027). NIHE further recommends that all social housing should be designed to Lifetime Homes standards.

## **Representations**

13. A further 217 objections (proforma format) have been received. The issues raised are summarised below. The total number of objections is 437 representations.
  - The site is within a retail park and the principle of development is unacceptable
  - The site is within a highly sensitive interface area. The proposal will not promote neutral urban space and would be detrimental to it.
  - The proposal does not accord with Policy QD1 of PPS 7:
    - It does not respect its surrounding context in terms of design. The rear boundary wall would provide a poor outlook for residents
    - Inadequate provision for private open space and landscaped areas
    - Conflict with adjacent land-uses, including overlooking
    - The proposal would not deter crime nor promote personal safety.

## UPDATED ASSESSMENT

14. The adoption of the Plan Strategy, new consultation responses and additional information require the following updated assessment.

### **Policy Context**

15. 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.
16. 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.
17. 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.
18. **Operational policies** – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed below:
- Policy SP1A – Managing growth and supporting infrastructure delivery
  - Policy HOU1 – Accommodating new homes
  - Policy HOU 2 – Windfall housing
  - Policy HOU 4 – Density of residential development
  - Policy HOU 5 – Affordable Housing
  - Policy HOU6 – Housing mix
  - Policy HOU7 – Adaptable and accessible accommodation
  - Policy DES1 – Principles of Urban Design
  - Policy RD1 – New residential developments
  - Policy CGR1 – Community cohesion and good relations
  - Policy TRAN3 – Transport Assessment
  - Policy TRAN4 – Travel Plan
  - Policy TRAN6 – Access to public roads
  - Policy TRAN 8 – Car Parking and Servicing Arrangements
  - Policy TRAN 9 – Design of Car Parking
  - Policy ENV1 – Environmental quality
  - Policy ENV 2 – Mitigating Against Environmental Change
  - Policy ENV 3 – Adapting to Environmental Change
  - Policy ENV5 – Sustainable drainage systems (SuDS)
  - Policy GB1 – Green and blue infrastructure network
  - Policy OS3 – Ancillary open space
  - Policy NH1 – Protection of natural heritage resources
  - Policy TRE1 – Trees

19. **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 maps is a matter for the decision maker. Whilst the Belfast Urban Area Plan 2001 remains the statutory plan insofar as the proposals maps (“Departmental Development Plan), 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.

### **Principle of housing in this location**

20. Policy HOU1 of the Plan Strategy sets out the housing requirements for the plan-period. This includes a total of 2,000 windfall homes. The proposal comprises windfall housing and so Policy HOU2 applies. Policy HOU2 requires windfall housing to be delivered on previously developed land, which the application site is. Policy HOU2 goes on to require that such proposals also satisfy three criteria discussed below.

- a. The site is suitable for housing – the site could be considered suitable in principle for the right form of housing
- b. The location is accessible and convenient to public transport and walking cycle infrastructure – the site is located close to the busy Crumlin Road, an arterial route, which is accessible to public transport.
- c. Provision is made for any additional infrastructure required as a result of the development – the site and area already have good access to infrastructure.

21. The site is located within an existing District Centre. Policy RET1 states that the retail centre hierarchy, including district centres, should be maintained to ensure that proposals for main town centre uses, including retail, are directed to the appropriate level of centre based on size, function and catchment. However, Policy RET1 does not preclude housing in a District Centre.

### **Housing density**

22. Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations. The site is within a district centre where the average density should be 100-200 residential units per hectare (ha). The proposal is below this density band at 45 residential units per ha. However, this is not considered a suitable location for housing for the reasons set out in this report in relation to concerns about placemaking. With this in mind, it is considered that the density of the proposal is in this case acceptable.

### **Affordable Housing**

23. Policy HOU5 of the Plan Strategy requires housing schemes of 5 units or more, or sites of 0.1 hectares or greater, to deliver a minimum 20% affordable housing. In this case, the proposal is a 100% social housing scheme. The Affordable Housing and Housing Mix Supplementary Planning Guidance (SPG) seeks to avoid mono-tenure housing in the interests of sustainable and balanced communities. Paragraph 4.4.14 of the SPG states that larger mono-tenure schemes such as that proposed may be considered having regard to the following considerations:

- *‘The level of social housing need in the vicinity of the site and the availability of land to address such needs;*

- *The wider tenure and characteristics of an area, in order to minimise large areas of single tenure social housing; and*
- *Whether a scheme is proposed as ‘shared housing’*

24. In this case, NIHE supports the application, citing a significant unmet need in the North Belfast Needs Assessment Area. However, there is already significant social housing in the immediate area and the proposal is not for shared housing. The proposal would therefore unlikely contribute to a sustainable and balanced community. Nevertheless, given the support for the scheme from NIHE, together with the longevity of the application which was submitted in September 2020 and previous determination of the Committee, on balance, the provision of mono-tenure housing is considered acceptable.

### **Housing mix**

25. Policy HOU6 requires residential proposals of this scale to provide a suitable mix of house types and sizes to promote choice and assist in meeting community needs. Provision should particularly be made for small homes across all tenures to meet future household requirements.

26. The proposal is for 18 residential units comprising 12 x 3 bedroom (5 person) units, 2 x 4 bedroom (6 person) units, 2 x 2 bedrooms (3 person) units and 2 x 3 bedroom (5 person) units. 89% of the units would be 3 bedrooms or greater, with only 11% smaller 2 bedroom units. This does not demonstrate a sufficiently suitable housing mix with particular focus on delivering smaller homes and is conflict with Policy HOU6. However, in view of the support for the scheme from NIHE and that the proposal would provide 100% social housing, together with the longevity of the application, on balance, the housing mix is considered acceptable.

### **Adaptable and accessible housing**

27. Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life and sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) with which the wheelchair accessible units should accord. Following the receipt of amended plans, the criteria are generally met, with two of the ground floor units in the duplex buildings specifically designed for wheelchair users.

### **Design and placemaking**

28. Policy DES1 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 and goes onto list 11 criteria, a. to k.

29. Whilst the scale, form and design of the proposed housing are considered to relate satisfactorily to the adjacent housing to the north, fundamental concerns remain about the location of the site within an established retail park. This is not considered an appropriate location for housing and would provide a poor environment for residents of the development, which would have an outlook onto a retail park, facing one of the two main accesses and thoroughfares into it, which is highly trafficked by cars, lorries and other vehicles. In these regards, the proposal is considered to represent poor place-making and the proposal fails to comply with criteria a. and b. of Policy DES1.

30. The proposal would not impact on any trees of important amenity value and is acceptable having regard to Policy TRE1.

### **Impact on amenity**

31. It is considered that the proposal could provide a substandard living environment. In addition to the concerns set out above about the suitability of locating housing on a retail park, there are a range of concerns about the design of the scheme. Firstly, there would be inadequate amenity space with the 8 of the residential units in Terrace A having gardens less than the 40sqm standard. Secondly, Terrace A would immediately back onto the substantial interface wall on the northern boundary, creating dark and enclosed small rear gardens with poor outlook from the rear of the houses. There is a lack of communal open space within the development, much of which is dominated by hardstanding parking areas at the front. In addition, the relationship between the two blocks of terraces would result in a poor outlook for the two northern units of Terrace B which would have an outlook within 5 metres of the end side gable of Terrace A and the rear boundary of the first unit in Terrace B. This would also result in overlooking to the rear gardens of the first units in Terrace A due to the limited separation distance.

### **Built heritage**

32. The site is sufficiently removed from Listed Buildings such as not to adversely impact on their setting. Potential archaeological impacts can be dealt with by means of condition. In these regards, the proposal is considered compliant with Policies BH1 and BH5.

### **Community cohesion and good relations**

33. The site is located on an interface and backs onto an interface wall to the north. Policy CGR1, which seeks to promote community cohesion and good relations in such locations, applies. It states that:

*'Planning permission will be granted for development proposals at interface locations, in close proximity to peace infrastructure, or which are judged to impact upon contested community space where the following key principles are addressed:*

- a. Affected communities are involved from the outset and throughout the design process, with opportunities provided for cross-community conversations in a safe and inclusive environment;*
- b. Initiatives working towards the removal of peace infrastructure and territoriality in the physical environment are supported;*
- c. Infrastructure and other physical barriers are minimised, maximising opportunities for future connectivity across peace infrastructure, creating permeable neighbourhoods;*
- d. Shared neighbourhood facilities and services are sited in areas that are safely accessible to all communities; and*
- e. All public realm spaces are safe and accessible shared spaces for use by everyone.*

*Where relevant, planning applications should be accompanied by a statement demonstrating how these principles have been addressed. Minor planning applications are likely to be exempt from this policy's requirements.'*

34. The applicant has sought to address Policy CGR1 through its Plan Strategy Statement. In relation to criterion a., the applicant points out that the application was submitted in September 2020 when the policy was not given weight in determining planning applications. The applicant considers it procedurally unfair for the Council to apply criterion a. It is clear that criterion a. cannot be required retrospectively.
35. In relation to criteria b. and c., the applicant states that NIHE has defined the Hillview Road area as a NIHE owned or maintained interface area. An existing peace wall flanks the northern boundary of the proposed site. The boundary of the Hillview Retail Park, which consists of a low level brick wall with railings above and planting buffer and which runs along the eastern boundary of the site, also a form of barrier. Rather than offering a continuation of existing high level peace wall along the Hillview Road, the applicant states that the proposed site layout is enclosed within a low-level brick wall 1200mm in height with 600mm high railings on top. The introduction of the proposed low-level wall and railings enclosing the proposed development along with planting will offer both a physical and visual softening to this existing barrier with the hope that in time could lead to community discussions for removal or partial removal of this existing peace wall. These points are accepted.
36. In relation to criteria d. and e., the applicant states that as the proposal is located within a relatively small inner city site, it is envisaged that the community housed within the proposal would seek to utilise the existing local neighbourhood facilities and services in close proximity to the site thus emphasising the importance of retaining and or further development of this existing communal infrastructure. Residents would use the public shared spaces within the site.
37. It should be noted that two letters of support and over 400 objections have been received. The objections include concerns about impact on community relations; creation of tension and division within the community; and issues associated with an interface area.

#### **Access and parking**

38. The site is a sustainable location close to the Crumlin Road, an arterial route, with good access to shops, services, amenities and public transport. Following amendments to the proposed access arrangements, DfI Roads offers no objection to the proposal. The means of access is considered safe and suitable, compliant with Policy TRAN 6.
39. The scheme includes 25 parking spaces, including 3 disabled spaces, which given the sustainable location of the site, is considered appropriate to serve the 18 residential units. In this regard, the proposal is considered compliant with Policy TRAN 8.
40. The application is supported by a Travel Plan, which should be required to be implemented by means of a condition should planning permission be granted. The proposal is considered to satisfy Policy TRAN 4.

#### **Noise, air quality and contaminated land**

41. Having regard to the advice from Environmental Health, the proposal is considered acceptable in relation to noise, air quality and contaminated land. In this regard, the proposal is compliant with Policy ENV1.

## **Climate Change**

42. Policy ENV2 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.
43. The revised Plan Strategy Statement confirms a number of sustainable measures to address mitigating environmental change such as the proposals will be designed to the current NI Building Regulations to exceed thermal insulation, air tightness and energy efficiency. Lighting will be low energy LED and the southern buildings will be orientated to optimise solar gain. It is noted that the location of the proposed development is accessible to public transport infrastructure, therefore reducing greenhouse gases. Having regard to the nature and scale of the proposal, the proposal is considered to satisfy Policy ENV2.
44. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. The revised scheme proposes a number of measures to address adapting to environmental change, such as the use of soft SuDS by utilising permeable paving to the hard surface footpath areas, along with the originally proposed soft landscaping and tree planting. Further reference is made to the design of the development in accordance with the current NI Building Regulations demonstrating compliance with heating and ventilation. Having regard to the nature and scale of the proposal, the proposal is considered to satisfy Policy ENV2.
45. 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 revised scheme states that the detailed technical proposals will utilise permeable paving and soft landscaping will be included to the private and public areas, with the subdivision of car parking bays and site boundaries. It states that these measures will help reduce potential flooding within the proposed site and surrounding environs caused by water runoff. The additional soft SuDS measures are noted and, having regard to the nature and scale of the proposal, are considered to meet the requirements of Policy ENV5

## **Flood risk and drainage**

46. The proposal is considered to remain acceptable with regard to flood risk and drainage. Appropriate SuDS are proposed. In these regards, the proposal is compliant with Policies ENV4 and ENV5.

## **Water infrastructure**

47. NI Water objects to the proposal, advising that there is insufficient wastewater treatment capacity to support the proposed development and that the public system cannot presently serve the proposal without significant risk of environmental harm. However, in relation to these issues, the proposal is considered to remain acceptable for the reasons set out in Addendum Report 1, appended and compliant with Policy SP1a.

## **Natural Heritage**

48. For the reasons set out in Addendum Report 1, and subject to conditions, the proposal is considered to remain acceptable in terms of impact on natural heritage. Shared Environmental Services has advised that the proposal would not have any likely significant effects on the integrity of the protected Belfast Lough. The proposal is considered compliant with Policy NH1.



**Recommendation**

49. Additional information provided by the applicant has addressed DfI Road's previous objection. Whilst concerns remain about placemaking and the quality of environment provided for occupants of the proposed development, it would not be considered unreasonable for the Committee to maintain its previous view in August 2021 that planning permission should be granted in the planning balance, having regard to the desirability of providing social housing in an area of significant need. Should this be the case, a Section 76 planning agreement would be required to secure the development as social housing.

## ADDENDUM REPORT 1

**Committee Meeting Date:** Tuesday 19<sup>th</sup> December 2022

**Application ID:** LA04/2020/1858/F

**Proposal:** Residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works.

**Location:** Hillview Retail Park, Crumlin Road, Belfast.

**Referral Route:** Paragraph 3.8.2 (a) i. of the Scheme of Delegation (scheme of more than 12 units with recommendation to refuse and representations in support having been received).

**Recommendation:**

Refusal

**Applicant Name and Address:**

Hillview Centre Belfast Ltd  
155-157 Donegall Pass  
Belfast  
BT7 1DT

**Agent Name and Address:**

RPP Architects  
155-157 Donegall Pass  
Belfast  
BT7 1DT

### Background

This application was considered by the Planning Committee on 17 August 2021. Whilst the officer recommendation was to refuse permission, the Committee recommended that the '*Chief Executive uses her delegated authority to grant approval to the application, on the basis that the principle of housing is acceptable at that location, subject to the outstanding assessments on roads, drainage, contamination, air quality and noise being submitted to, and considered acceptable by, the Committee at a future meeting.*' The Chief Executive's decision corresponded with the Committee's recommendation.

The applicant has since submitted a series of reports. DfI Rivers and BCC Environmental Health have responded offering no objections to the proposal.

DfI Roads continue to object to the application. NI Water now objects to the scheme.

DAERA NIEA and Shared Environmental Services (SES) were consulted on possible environmental impacts following NI Water's response. DAERA and SES have advised there is no clear evidence that the proposal would have a harmful environmental impact. However, taking a precautionary approach, SES advises a condition preventing commencement of works until agreement reached with NI Water for wastewater disposal. DAERA NIEA NED has requested additional information.

The applicant has indicated that Newington Housing Association is identified as the preferred Housing Association partner and discussions with them are ongoing.

This Addendum Report should be read in conjunction with the report to August 2021 Planning Committee including Late Items report, appended.

### Updated Assessment

An updated planning assessment is provided below and has regard to the Development Plan, prevailing planning policies and relevant material considerations.

### Drainage and Flood Risk

DfI Rivers has commented on the additional drainage information. It advises that Policy FLD 3 'Development and Surface Water' of PPS 15 apply. A Drainage Assessment has been submitted, which DfI Rivers finds acceptable and it no longer offers an objection to the proposal. The proposal is therefore considered compliant with PPS 15.

### Infrastructure Capacity

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

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

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

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

### Ecological impacts

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

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

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

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

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

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

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

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

#### Impact on Human Health

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

#### Access, Parking, and Transport

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

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

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

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

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

#### Design and layout

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

#### Belfast LDP Draft Plan Strategy

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

#### **Recommendation**

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

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

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

1: The proposed development is located within an existing established retail park and District Centre as identified in both versions of draft Belfast Metropolitan Area Plan 2015. The proposal would reduce the land available within the retail park to delivery retail and other appropriate commercial uses and would fail to retain and consolidate the existing District Centre as a focus for local everyday shopping. Moreover, the proposal would have potential to blight and compromise the retail function of the District Centre. The proposal is therefore contrary to paragraph 6.276 of the SPPS and is unacceptable.

2: The proposed development would be served by an unsafe vehicular access for pedestrians, cyclists and occupants of the proposed housing to navigate and cross. The access is designed to support lorries, cars and other vehicles travelling to and from the retail park. Vehicle speeds along the access and frontage to the site would be too high and would endanger occupants of the proposed housing. Moreover, at 9 metres width, the vehicular access road would be too wide for occupants of the proposed housing to safely cross, further endangering them. Moreover, inadequate and safe parking is provided to support the development. The proposed works to the public road, as shown in the Private Streets Determination (PSD) drawing, are inadequate and involve works outside the application site and could therefore not be enforced through the

planning permission. The proposal is contrary to paragraphs 6.297 of the SPPS and Policies AMP2, AMP7 and AMP8 of PPS 3 and is unacceptable.

3: The proposed development, by reason of its residential use and form, would be out of keeping with its commercial retail context, the site forming part of an established retail park. Housing in this location would appear conspicuous and out of keeping with its retail park setting. The proposal is contrary to paragraph 4.26 the SPPS and criterion (a) of Policy QD 1 of PPS 7 and is unacceptable.

4: The proposed development would provide an unsuitable and undesirable living environment for occupants. Firstly, its location within an established retail park next to its main entrance with the amenity of occupants of the development harmed by noise and fumes from the regular comings and goings of customers, deliveries and other traffic and activities associated with the retail park. Secondly, by reason of a poor outlook from the housing onto a commercial retail park. Thirdly, the overbearing impact of the substantial interface wall onto the rear gardens of Block A. Fourthly, the poor outlook from Block B onto the western end gable of Block A. Fifthly, the inadequate amenity space for the housing and lack of landscaping relief. The proposal is therefore contrary to paragraphs 4.9, 4.12 and 4.26 of the SPPS and criterion (a), (c), (h) and (i) of Policy QD1 of PPS 7 and is unacceptable.

5: The proposed development would not promote safety and surveillance for residents due to the juxtaposition with the interface wall. The proposal therefore fails to accord with paragraphs 4.5 of the SPPS and criterion (i) of Policy QD1 of PPS 7 and is unacceptable.

**Late Items**

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

## Development Management Officer Report Committee Application

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



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

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

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

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

**Recommendation**

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



<b>Characteristics of the Site and Area</b>	
1.0	<p><b>Description of Proposed Development</b> Proposed residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works.</p>
2.0	<p><b>Characteristics of the Site and Area</b> The site is located within the boundary of the Hillview Retail Park, adjacent to the Hillview retail buildings, Hillview Road and near to the Crumlin Road. The proposed site is vacant of buildings but is presently used as a car park for the retail park. The site is characterised by tarmac and hard surfacing materials, with planting along the boundary with Hillview Road. The site is relatively flat. The site is immediately bounded to the north by an interface wall, with Rosehead housing development behind (mainly social housing). There is a small, enclosed area of trees to the north-east. A brick wall and metal fencing at a height of 1.5m bound the site along the Hillview Road entrance to the retail park. The immediate adjacent context to the north is primarily two storey residential premises beyond and on the other side of the wall. West and south of the site is characterised by the wider retail centre and car parking.</p>
2.2	<p>Industrial units and commercial premises are located to the east off the Hillview Road. Historically the site formed part of a spinning mill during the industrial boom in Belfast. Remnants of the old textile and linen factories which dominated this area of the city are still present, most notably the four storey Brookfield Mill along Flax Street and the five-storey Mill building along Sydney Street West.</p> <p>The retail park was opened in 2003 before closing in 2008. Redevelopment work has begun on the wider retail site in recent times with the opening of a Lidl supermarket. The site is a short walking distance to a petrol station and convenience store and is located only 1.5 miles from the city centre.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
3.0	<p><b>Planning History</b> Ref ID: LA04/2016/1112/PAN Proposal: Refurbishment of 6no. existing retail units, including subdivision of unit 1 to create seven retail units in total, new car showroom, drive through restaurant, two coffee restaurant pods, and establish a community market zone (to trade outside of sunday opening hours 9-12.30) Address: Hillview Retail Park, Crumlin Road, Belfast, BT14 6AA, Decision: PANACC Decision Date: 17.06.2016</p> <p>Ref ID: LA04/2017/0361/F Proposal: Subdivision of retail unit 1 into 2 no new retail units with provision of mezzanine at new unit 1b, single storey rear extension with dock leveller, elevation changes including re-cladding, reconfiguration of existing car parking and all associated works Decision: GRANTED Decision Date: 26.6.2018</p> <p>Ref ID: LA04/2016/1111/PAD Proposal: Refurbishment of 6No. existing retail units, including subdivision of unit 1 to create seven retail units in total, New car showroom, drive through restaurant, two coffee/restaurant pods, and establish a community market zone (to trade outside of sunday opening hours 9-12.30) Address: Hillview Retail Park, Crumlin Road, Belfast, BT14 6AA,</p>

	<p>Ref ID: LA04/2016/2360/F  Proposal: Development to include the subdivision of existing retail unit 1 into 2 no. new retail units (with provision of new 1st floor mezzanine level at new unit 1B for storage); re-cladding works to existing units 2-5; demolition and reconfiguration of the front facade treatment to the elevations of new units 1A and 1B; new rear single storey extension into the service yard of unit 1B to facilitate servicing and deliveries; new dock leveller at the rear of proposed unit 1B; 1 no. new drive-thru restaurant unit; 1 no. new drive-thru cafe/restaurant pod; 1 no. stand alone restaurant unit; 1 no. new car sales premises; reconfiguration of existing car parking areas and all associated works  Address: Hillview Retail Park, Crumlin Road, Belfast,  Decision: Granted  Decision Date: 23.01.2018</p> <p>Ref ID: LA04/2016/0162/F  Proposal: Road realignment including a right turn lane and associate site and access works (renewal of previous planning permission Z/2009/1515/F)  Decision: GRANTED  Decision Date: 04.07.2016</p> <p>Ref ID: Z/2009/0434/F  Proposal: Use of existing car park to hold car boot sale on Saturday and Sunday mornings.  Address: Hillview Retail Park, Crumlin Road, Belfast, Co. Antrim, BT14 7EE  Decision: Refusal  Decision Date: 15.12.2009</p> <p>Ref ID: Z/2001/2689/F  Proposal: Development to encompass one major retail unit and five smaller retail units with associated car parking (Amended Scheme).  Address: Hillview Industrial Estate,Crumlin Road,Belfast,BT14  Decision: Granted  Decision Date: 02.09.2002</p> <p>Ref ID: Z/1999/2344  Proposal: Development to encompass 2 No major retail units and 3 No smaller retail units with associated car parking  Address: Hillview Industrial Estate, Crumlin Road, Belfast, BT14.  Decision: Granted  Decision Date: 16.10.2000</p> <p>Ref ID: Z/1995/2700  Proposal: Shopping centre to comprise major retail outlet, retail warehousing, associated small shop units and car park  Address: HILLVIEW INDUSTRIAL ESTATE CRUMLIN ROAD, BELFAST BT15  Decision: Granted  Decision Date: 16.12.1996</p>
4.0	<b>Policy Framework</b>
4.1	Regional Development Strategy (RDS) Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2004 Draft Belfast Metropolitan Area Plan 2015 (Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft

	BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker) Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.2	Strategic Planning Policy Statement (SPPS) PPS 3: Access, Movement and Parking PPS 6: Planning, Archaeology, and the Built Heritage PPS 7: Quality Residential Developments PPS 12: Housing in Settlements PPS 15: Planning and Flood Risk Creating Places Development Control Advice Note 8 – Housing in Existing Urban Areas
5.0 5.1	<b>Consultations:</b> <b>Statutory Consultee Responses</b> DFI Roads – Unacceptable NI Water - No objections Rivers – Additional information required HED- No objections
5.2	<b>Non-Statutory Consultee Responses</b> Environmental Health – Additional information required
6.0 6.1	<b>Representations</b> The application has been neighbour notified and advertised in the local press. 220 objections have been received including objections from the following; William Humphrey, MLA, Cllr Nicola Verner, Cllr Brian Kingston, Cllr Dale Pankhurst. Cllr Dean McCullough .  The issues raised include.  <ul style="list-style-type: none"> <li>• Impact on community relations.</li> <li>• Creation of tension and division within the community.</li> <li>• Issues associated with an interface area.</li> <li>• The site should be maintained as a retail use with the perception that the site is a shared space for retail and employment and not housing.</li> <li>• In appropriate location for housing.</li> <li>• Contrary to planning policy including PPS 7 Policy QD 1.</li> <li>• Development does not respect the surrounding context and is inappropriate in terms of layout, scale, proportions, massing and appearance of buildings, landscaping and hard surfaced areas.</li> <li>• Site is dominated by hard standing.</li> <li>• The rear boundary of a security wall ought to be considered as a poor outlook for the prospective residents of the proposed development</li> <li>• There is inadequate provision made for private open space and landscaped areas as an integral part of the development. Many of the private garden areas fall below the minimum requirement of 40 square metres as set out in the Creating Places guidance documentation.</li> <li>• The design and layout create conflict with adjacent land uses.</li> <li>• Adverse effect on the proposed properties in terms of overlooking, particularly at the north western corner of the site.</li> <li>• The development does not deter crime, nor does it promote personal safety.</li> <li>• The site, if approved, could encourage crime and compromise personal safety given the sensitive location of the site.</li> <li>• Inadequate amount of amenity space</li> </ul>



	<p>buff facing brick finish on dwellings is in keeping with the character of the surrounding area. The density of the development equates to 44 dwellings per hectare. This can be considered as a medium density development and is within the typical density range found in the local context and in the similar wider area of Belfast. The dwellings range from 82m<sup>2</sup> and 93m<sup>2</sup> and are compatible with housing standards. All dwelling units are built to a size not less than those set out in Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity (addendum to PPS 7: Safeguarding the character of established residential areas).</p>
7.5	<p>The proposed development is essentially located within the confines of a retail site. it does not respect the surrounding retail context and is inappropriate to the character of the district centre, thus impacting on the overall amenity of the area. Due to its layout and neighbouring retail use it is considered that the proposal does not create a quality sustainable residential environment and as such the proposal is contrary to the SPPS and Policy QD 1 of PPS7 criteria (a) and (h).</p>
7.6	<p><b>Amenity Provision</b></p> <p>It is considered that the scheme fails to provide quality amenity and landscaped space. The proposed is inadequate and inappropriate and is therefore contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the development would, if permitted create undesirable living conditions for prospective residents due to inadequate provision of quality amenity space. Amenity space provision is below the standard 40sqm for an individual house for the majority of the units. Whilst it is marginal in some instances, the outlook from the rear amenity space for the 'Row A' terrace will be north facing and will look directly onto the interface wall which will result in dominance and limited natural light entering rear amenity areas and rear windows. This factored in with the shortfall in amenity space is unacceptable and substandard and fails to create a quality living environment for residents. In addition, there is no useable communal open space within the development. A significant portion of the site is occupied by hardstanding for car parking.</p>
7.7	<p>It is evident that this is a car centric design, proposing a shared surface scheme which when factored with the lack of open space, absence of quality footpaths or cycle paths, into and out of the site will create an undesirable living environment dominated by the private vehicle. This again is an indication of over development of the site. It is considered that the proposal does not create a quality sustainable residential environment and as such the proposal is contrary to the SPPS and Policy QD 1 of PPS7 criteria (c) and (e).</p>
7.8	<p>In terms of prospective residents, each unit has adequate outlook to the street and external amenity areas. However, the relationship between the two blocks of terraces will result in a poor outlook for the two northern units of Block B as they will outlook within 5m to the side gable of Block A and the rear boundary of the first unit in Block B. This will also result in overlooking to the rear gardens of the first units in Block A due to the limited separation distance, which is an indicator of overdevelopment.</p>
7.9	<p>Given the location of the interface wall running along the rear of the proposed site, the scheme fails to promote safety and surveillance for prospective residents due to the juxtaposition with the interface wall and the location within a retail park. The development therefore is also contrary to PPS7 Quality Residential Developments in this respect.</p>
7.10	<p><b>Impact on Neighbouring Residential Amenity</b></p> <p>The layout/aspect of all buildings within the site is such that there will be no significant overlooking into neighbouring properties outside the site. However as already mentioned there will be issues associated with overshadowing and dominance due to the proximity of terrace A to the interface wall. The interface wall separates the proposal from the Rosehead residential development to the north. This is a large blank wall measuring at</p>

	<p>least 6m in height. A separation distance of 21metres is provided from the rear elevation of terraced dwellings 'Row A' to the buildings within the Rosehead development to the North</p>
7.11	<p><b>Impact on Built Heritage</b>  HED (Historic Buildings) has considered the impact of the proposal on the setting of the following listed building: HB26/43/010 259 Crumlin Road, Belfast, Co Antrim, BT14 7DY (Grade B2) which is of special architectural or historic interest as set out in Section 80, of the Planning Act (NI) 2011. On the basis of the information provided under the policy requirements of the SPPS (NI) and Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS 6), HED advises that it considers the proposal is sufficiently removed in context from the listed building as to have no impact. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works, including an Industrial Archaeology survey and a mitigation strategy focussing on the industrial archaeological remains of the site. This is to identify and record any industrial archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.</p>
7.12	<p><b>Access, Parking, and Transport</b>  DFI Roads were consulted on the proposal and commented that the application as submitted in its present form is unacceptable as an acceptable layout in accordance with Creating Places has not been demonstrated. In summary, DFI Roads commented that the following points require to be addressed.</p> <p><i>The red line does not contain sufficient areas to deliver the required works. Namely:-</i></p> <ul style="list-style-type: none"> <li>• <i>The gate will be moved back, and the gate posts will be moved back but the red line does not contain the existing gate location. In other words, the applicant shows no authority to remove (and make good) the gates.</i></li> <li>• <i>A fully adopted road and footways will need to be delivered to serve this development. All of the (access) road and footways on both sides of the access road currently lie outside the application site.</i></li> <li>• <i>Adequate Visibility splays need to be provided which may not be achievable due to trees and a wall.</i></li> <li>• <i>A Travel Plan is required</i></li> <li>• <i>Transport Assessment Form is required.</i></li> </ul>
7.13	<p>DFI Roads highlighted in their consultation response that additional information was required to make a further assessment on the proposal. However further information was not requested as the proposal is not considered acceptable in principle and to request such information would put the applicant to unnecessary expense. There are fundamental issues with the proposal and in line with the Council's Planning Operating principles it is deemed appropriate to determine the application based on the information received to date.</p>
7.14	<p>It is considered that the proposal is contrary to Planning Policy Statement 7: Quality Residential Environments; Policy QD1, in that the applicant has failed to demonstrate an acceptable road layout and parking arrangement in accordance with the guidance contained within 'Creating Places' and is also contrary to the SPPS and policies AMP 1 and AMP2 of PPS3, in that the applicant has failed to submit information as requested to demonstrate the access will not prejudice road safety; adequate provision for car parking has been made; and cyclists need have been taken into account.</p> <p><b>Flooding</b></p>



7.15	<p>Whilst the application submission included a flood risk assessment the applicant failed to include a drainage assessment as part of the application submission. DfI Rivers advises that in accordance with the Revised PPS 15, Planning and Flood Risk, FLD 3, Development and Surface Water (Pluvial) Flood Risk outside Flood Plains, a drainage assessment is required as the following thresholds have been exceeded: It is a residential development comprising of 10 or more dwelling units</p>
7.16	<p>DFI Rivers also noted that any Schedule 6 agreement should be included within the Drainage Assessment to confirm DfI Rivers local area office is in agreement to this proposed arrangement. If it is proposed to discharge storm water into an NI Water system then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out. Correspondence with both authorities should have been included in the drainage assessment regardless of outcome. As there are fundamental concerns with the proposal and in line with the Council's operating principles it was considered not to request additional information from the applicant and to proceed with a determination based on the original submission. The proposal is therefore contrary to PPS 15 Policy FLD 3.</p>
7.17	<p><b>Infrastructure Capacity</b></p> <p>NI Water have no objections to the proposal. Owing to the scale and nature of development proposed, it is not considered that proposed development would not have a significant impact on existing infrastructure and as such, there are no issues of principle. In addition, connections to the water and foul sewer system are covered by separate legislation.</p>
7.18	<p><b>Impact on Human Health</b></p> <p>Environmental Health have considered the proposals in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations. Environmental Health have concerns with the proposal relating to contamination, air quality and noise and set out that the necessary assessments and reports were not submitted with the application and would be required to make a full assessment of the impacts.</p>
7.19	<p>As there are fundamental concerns with the proposal and in line with the Council's operating principles it was considered not to request additional information from the applicant and to proceed with a determination based on the original submission.</p>
7.20	<p>As such it is considered that the proposal would have an adverse impact on prospective residents and is therefore contrary to the SPPS and PPS 7 Policy QD 1 Criteria (h) in that the proposed development will cause demonstrable harm to interests of acknowledged importance.</p>
8.0	<p><b>Summary of Recommendation:</b></p> <p>Having regard to the Development Plan and all other relevant material considerations, the proposal is considered unacceptable and refusal is recommended for the reasons set out in the case officer report below. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the refusal reasons.</p>
9.0	<p><b>Refusal reasons:</b></p> <p>1: The proposal is contrary to the zoning for draft BMAP (BT017/2) which designates the site as a District Centre and the design and layout of the housing use will create conflict with the adjacent retail uses on the site.; and the proposal is contrary to paragraph 6.276 of the SPPS, as it fails to retain and consolidate the existing district centre as a focus for</p>

	<p>local everyday shopping and it has the potential to blight and compromise the function of the district centre.</p> <p>2. The proposal is contrary to the SPPS and Policies AMP2, AMP7 and AMP8 of PPS 3 Access, Movement and Parking, in that the applicant has failed to submit information to demonstrate; the access will not prejudice road safety; adequate provision for car parking has been made; that a quality environment for cyclists and pedestrians will be created.</p> <p>3. The proposal is contrary to the SPPS and Policy QD 1 of PPS 7 –Quality Residential Developments Criteria (a), as the development fails to respect the surrounding context and is inappropriate to the established character and appearance of the area and if permitted, would introduce an incompatible land use.</p> <p>4. The proposal is contrary to the SPPS and Policy QD 1 of PPS 7 –Quality Residential Developments, if permitted, would create an undesirable living environment for prospective residents as the design and layout will result in overdevelopment of the site as it results in a proliferation of parking and reduced private and communal amenity space provision resulting in a poor outlook and unacceptable living environment.</p> <p>5. The proposal is contrary to the SPPS and Policy QD 1 of PPS 7 –Quality Residential Developments, if permitted, would create an undesirable living environment for prospective residents as the design and layout will result in a poor outlook for residents of Block B and internal overlooking to residents on Block A</p> <p>6. The development is contrary to PPS7 Quality Residential Developments, if permitted, would result in a development that does not promote safety and surveillance for residents due to the juxtaposition with the interface wall.</p> <p>7: The proposal is contrary to the SPPS and Policy QD 1 of PPS 7 –Quality Residential Developments Criteria (h). If permitted it would result in an undesirable living environment for prospective residents due to potential issues relating to noise, air quality and contamination.</p> <p>8. The proposal is contrary to the SPPS and Policy FLD 3 from Planning Policy Statement 15: Planning and Flood Risk in that it has not been demonstrated that the proposal would provide satisfactory measures for the mitigation of flood risk and in particular drainage.</p>
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<b>ANNEX</b>	
<b>Date Valid</b>	8th January 2021
<b>Date First Advertised</b>	22nd January 2021
<b>Date Last Advertised</b>	

<b>Representations from Elected Members:</b> As set out in report	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b> Relevant history set out in report.	
<b>Drawing Numbers and Title</b>	
<b>Notification to Department (if relevant)</b> Date of Notification to Department: Response of Department:	