

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Application ID:</b> LA04/2023/3832/F	<b>Committee Meeting Date:</b> 12 <sup>th</sup> December 2023
<p><b>Proposal:</b> Section 54 application to vary condition No. 4 of LA04/2013/434/F (as amended in PAC decision 2016/A0033) to vary trigger point for provision of community centre. Proposed amended text for this condition: In accordance with the Phasing Plan agreed under Condition 3 and on the occupation of the first residential unit, the Council shall be notified, and no later than six years from that date the Community Centre and associated infrastructure, marked on stamped approved drawing no. 2E, dated 28.08.2015 shall be completed and a report submitted to the Council to verify this</p>	<b>Location:</b> Blacks Gate Development (Former Visteon Factory) Blacks Road Belfast, BT10
<b>Referral Route:</b> Variation of Condition on Major Application	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Radius Housing 37 Redburn Square Hollywood	<b>Agent Name and Address:</b> TSA Planning 20 May St Belfast BT1 4NL
<p><b>Executive Summary:</b> This application seeks full planning permission for the variation of condition No. 4 of LA04/2013/434/F (as amended in PAC decision 2016/A0033) to vary trigger point for provision of community centre, previously approved as part of a wider mixed use development including 244no social and private/affordable residential units and class B business units (class B1b/B1c/B2 uses). The proposal is to extend the completion of the community centre from 3 years from the occupation of the first dwelling to 6 years.</p> <p>The key issues for the assessment of the application are:</p> <ul style="list-style-type: none"> <li>• Timing of completion of approved community centre.</li> </ul> <p>The first dwelling was occupied on 29<sup>th</sup> July 2021. Subsequently, the proposed variation of condition would require that the community centre would be completed by 29<sup>th</sup> July 2027, as opposed to 29<sup>th</sup> July 2024.</p> <p>The supporting information submitted with the application cited COVID19 and other delays during construction as reasons why this completion date is no longer feasible.</p> <p>It is Officer's opinion that an extension of time by three years, although unfortunate, in this instance is entirely reasonable given the circumstances. The developer will still be required to provide the community centre, and as such will be secured as part of the approved mixed use scheme.</p> <p><b>Statutory consultees:</b> N/A</p>	

**Recommendation**

Having regard to the development plan, planning history on the site and other material considerations, the proposed variation of condition is considered acceptable.

It is therefore recommended that the variation of condition is approved. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

# Case Officer Report

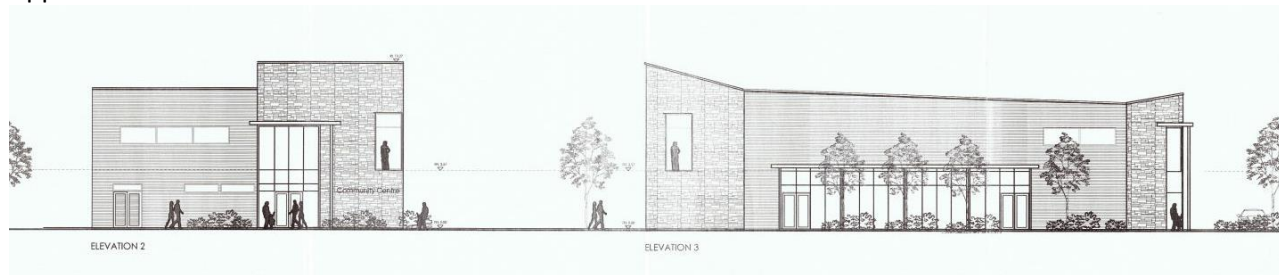
## Site Location Plan and approved layout



## Location of Community Centre



Approved elevations



**1.0 Description of Proposed Development**

1.1 Section 54 application to vary condition No. 4 of LA04/2013/434/F (as amended in PAC decision 2016/A0033) to amend trigger point for provision of community centre by three years.

**Condition to be varied: No: 04 (as amended in PAC decision 2016/A0033)**  
**Original text for this condition:**

1.2 In accordance with the Phasing Plan agreed under Condition 3 and on the occupation of the first residential unit, the Council shall be notified, and no later than three years from that date the Community Centre and associated infrastructure, marked on stamped approved drawing no. 2E, dated 28.08.2015 shall be completed and a report submitted to the Council to verify this.

**Proposed amended text for this condition:**

1.3 In accordance with the Phasing Plan agreed under Condition 3 and on the occupation of the first residential unit, the Council shall be notified, and no later than six years from that date the Community Centre and associated infrastructure, marked on stamped approved drawing no. 2E, dated 28.08.2015 shall be completed and a report submitted to the Council to verify this.

**2.0 Description of Site**

2.1 The site is located within the western part of the Belfast Urban Area and just within the settlement limits as defined the Belfast Urban Area Plan and Belfast Metropolitan Area Plan 2015. The site has an area of approximately 8.7Ha and is bound by housing and schools to the south and south-west off Black Rad, and housing/ approved housing off Finaghy Road North to the east.

2.2 The site itself is well defined with mature planting along all boundaries, with the site rising to the western boundary where is abuts existing housing.

2.3 The Visteon Factory Buildings have been demolished further to the original planning approval and the site is currently being developed with many of the residential units built out and occupied.

2.4 The following zonings apply to the site:  
 The site is located within the development limits of Belfast as designated in both the Belfast Urban Area Plan and the proposed Draft Belfast Metropolitan Area Plan.  
 The site is zoned as existing employment/ industry (BT11/29) in the draft BMAP 2004 and south of zoning BT102/19 (Ladybrook SLNCI) and uzoned whiteland in the BMAP 2015 (2014).

<b>3.0</b>	<b>Planning History of the application site</b>
3.1	Z/2006/2339/O - Proposed mixed use residential and business park development (approved 28th August 2007)
3.2	Z/2013/1434/F - Demolition of existing buildings and proposed comprehensive mixed-use development comprising 244no social and private/affordable residential units (with access from Black's Road), with associated public open space/linear park. Non-residential element to include community centre and class B business units (class B1b/B1c/B2 uses) with associated parking and access from Finaghy Road North. (approved 8th January 2016)
3.3	2016/A0033 - Condition 4 of planning approval LA04/2013/1434/F amended to remove the requirement for erection of the business unit Block C,
3.4	LA04/2019/0779/NMC - Inclusion of finished floor levels and finished ground levels within 'employment' area of originally approved layout. Blocks A, B, C and Community Centre. (approved 21 <sup>st</sup> June 2019)
3.5	LA04/2017/1489/F - Proposed ground excavations from a 'Borrow Pit' (overall dimensions approximately 170-200m length, 22-50m width, 6m depth) to provide 30,000m <sup>3</sup> of clean natural clay soils capping material for use within remediation capping layers and associated Remedial Strategy for the approved Mixed Use Residential and Commercial Development (granted permission under Ref Z/2013/1434/F). Ground excavations to be undertaken in a phased and progressive approach from south to north to limit the size of the exposed excavated area at any one time with resulting 'Borrow Pit' void backfilled with existing made ground material comprising of sandy gravelly clay with angular gravel (hardcore) and also including sporadic asbestos cement fragments (typically less than 5cm in size and equating to approximately 0.015% of the made ground mass) from within the development site and covered with a remediation capping layer in line with remedial strategy. (approved 26 <sup>th</sup> February 2018)
<b>4.0</b>	<b>Policy Context</b>
4.1	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.
4.2	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.
4.3	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.
4.4	<p><b>Operational policies</b> – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed below:</p> <ul style="list-style-type: none"> <li>• SP1a Managing growth and supporting infrastructure delivery</li> <li>• SP2 Sustainable development</li> <li>• SP3 Improving health and wellbeing</li> </ul>

	<ul style="list-style-type: none"> <li>• SP5 Positive placemaking</li> <li>• SP7 Connectivity</li> <li>• RD1 New Residential Developments</li> <li>• DES1 Principles of Urban Design</li> <li>• DES2 Masterplanning approach for Major development</li> <li>• TRAN 8 Car Parking and Servicing Arrangements</li> <li>• TRAN 9 Parking Standards within areas of parking restraint</li> <li>• ENV1 Environmental Quality</li> <li>• OS3 Ancillary Open Space</li> </ul>
4.5	<p><b>Proposals Maps</b> – 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), HMO Subject Plan 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.</p>
4.6	<p>The site is zoned as existing employment/ industry (BT11/29) in the draft BMAP 2004 and south of zoning BT102/19 (Ladybrook SLNCI) and uzoned whiteland in the BMAP 2015 (2014).</p>
4.7	<p><u>Regional planning policy</u> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) Creating Places</p>
4.8	<p><u>Other Relevant Policies</u> Belfast: A Framework for student housing and purpose-built student accommodation</p>
<b>5.0</b>	<p><b>Statutory Consultees</b> N/A</p>
<b>6.0</b>	<p><b>Non-Statutory Consultees</b> N/A</p>
<b>7.0</b>	<p><b>Representations</b> No representations have been received.</p>
<b>8.0</b>	<p><b>ASSESSMENT</b></p>
8.1	<p>The key issue for the assessment of the application are:</p> <ul style="list-style-type: none"> <li>• Timing of completion of approved Community Centre</li> </ul>
8.2	<p>The original condition required that on the occupation of the first residential unit, the Council shall be notified. The Council have been informed that the first occupation of any of the residential units approved occurred on 29<sup>th</sup> July 2021. The condition then required that the approved community centre was completed within 3 years of this date.</p>
8.3	<p>Subsequently, the condition would require that the community centre would be completed by 29<sup>th</sup> July 2024. The supporting information submitted with the application has cited COVID19 and other delays during construction as reasons why this completion date is no longer feasible.</p>

<p>8.4</p> <p>8.5</p> <p>8.6</p>	<p>It should also be noted that unforeseen contamination found during construction resulted in the creation of a borrow pit (planning application LA04/2017/1489/F) as part of a complex remediation strategy that was not envisaged at the original application stage. This undoubtedly had significant implications on construction timeframes.</p> <p>The inclusion of the community centre within the original mixed use layout was a response to a policy requirement with the now superseded Planning Policy Statement 4 (Policy PED7) which stated that on unzoned 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, will only be permitted where it is demonstrated that: <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></p> <p>It is Officer’s opinion that an extension of time by three years, although unfortunate, in this instance is entirely reasonable given the circumstances. The developer will still be required to provide the community centre, and therefore the proposal would still be in keeping with the thrust of the original planning policy which formed the basis for it’s inclusion within the mixed use scheme.</p>
<p><b>10.0</b></p> <p>10.1</p> <p>10.2</p> <p>10.3</p>	<p><b>Recommendation</b></p> <p>Having regard to the development plan, planning history and other material considerations, the proposal is considered acceptable.</p> <p>It is therefore recommended that the proposed variation of Condition No. 4 is approved. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other matters arising as long as they are not substantive.</p> <p>The conditions from the original approval Z/2013/1434/F, and as amended by PAC decision 2016/A0033, will be repeated on the decision notice should approval be forthcoming.</p>
<p><b>11.0</b></p>	<p><b>Draft Conditions</b></p> <p>1. In accordance with the Phasing Plan agreed under Condition 3 and on the occupation of the first residential unit, the Council shall be notified, and no later than six years from that date the Community Centre and associated infrastructure, marked on stamped approved drawing no. 2E, dated 28.08.2015 shall be completed and a report submitted to the Council to verify this.</p>
<p>13.0</p>	<p>Representations from elected members: N/A</p>

<b>ANNEX</b>	
<b>Date Valid</b>	9 <sup>th</sup> August 2023
<b>Date First Advertised</b>	20 <sup>th</sup> October 2023
<b>Date Last Advertised</b>	20 <sup>th</sup> October 2023
<b>Date of Last Neighbour Notification</b>	17 <sup>th</sup> October 2023
<b>Date of EIA Determination</b>	No requirement to rescreen proposal – No new environmental information received.
<b>ES Requested</b>	N/A