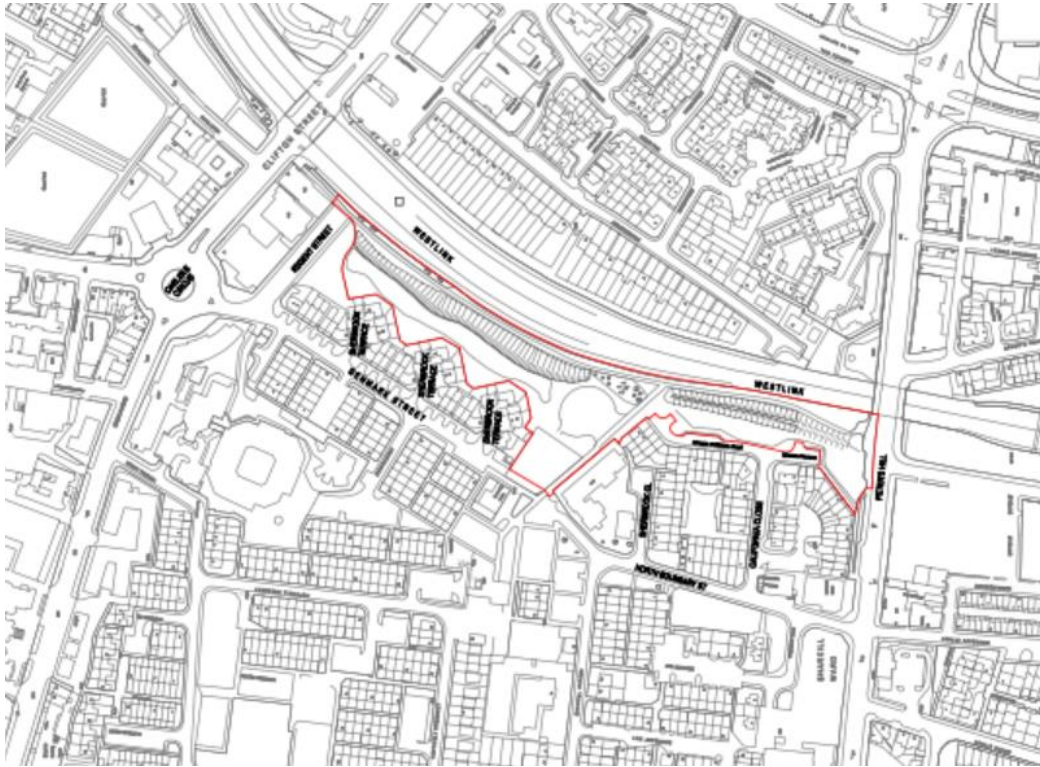


Development Management Report Committee Application

Summary	
Application ID: LA04/2023/4165/F	Committee Meeting Date: 12 th December 2023
Proposal: Application under Section 54 of the Planning Act (NI) 2011 in respect of planning permission LA04/2020/0673/F to vary Conditions 15 and 16 relating to trees and landscaping and to supersede previous approved landscape plan.	Location: Lands at "The Bullring" located parallel to the Westlink motorway and adjacent Denmark Street/California Close between Peters Hill and Regent Street, Belfast
Referral Route: Major development (the proposal seeks to vary a condition on a previous permission for Major development and would, if approved, create a new standalone approval)	
Recommendation:	Approval subject to conditions
Applicant Name and Address: Department for Communities Causeway Exchange 1-7 Bedford Street Belfast	Agent Name and Address: AECOM The Clarence West Building 2 Clarence Street West Belfast
<p>Executive Summary: This application seeks to vary conditions 15 and 16 of planning permission LA04/2020/0673/F, which grants planning permission for environmental improvement works including new footpaths and cycleway, new multi use games area, new outdoor gym equipment, new play area, new street furniture and park lighting, relocation of the community garden providing new polytunnel, toilet block, shed and allotment beds, new car park provision, landscape interventions including planting, woodland management, resurfacing, regrading and all associated works.</p> <p>The proposal is to reflect a number of necessary design changes. The variation of condition 15 relates to a revised Tree Constraints Layout Plan which reflects where removed trees have been replanted and also indicates which trees were lost as a consequence of vandalism (before the contract commencement) and as a result of temporary replanting. The variation of condition 16 will supersede the approved Landscaping Layout Plan referenced previously with a revised Landscape Layout Plan which reflects the updated landscape design.</p> <p>Consultees have offered no objections subject to conditions. No representations have been received.</p> <p>It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate.</p> <p>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.</p> <p>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.</p>	

1.0 Drawings

Site Location Plan



Aerial image



2.0	Characteristics of the Site and Area
2.1	The site is known as "The Bullring", located parallel to the Westlink motorway and adjacent to Denmark Street/California Close between Peters Hill and Regent Street, Belfast. Construction of the approved development is well under way.
2.2	The Westlink is adjacent to the SE boundary, whereas residential housing forms the NW boundary. The former Carlisle Memorial Methodist Church, its Cloister, and Clifton Street Orange Hall are located to the North of the site and are listed.
3.0	Description of Proposed Development
3.1	In May 2021, full planning permission was granted under application LA04/2020/0673/F for environmental improvement works including new footpaths and cycleway, new multi use games area, new outdoor gym equipment, new play area, new street furniture and park lighting, relocation of the community garden providing new polytunnel, toilet block, shed and allotment beds, new car park provision, landscape interventions including planting, woodland management, resurfacing, regrading and all associated works.
3.2	In October 2023, the current application was submitted seeking to vary conditions 15 and 16 of planning approval LA04/2020/0673/F.
3.3	<p>Condition 15 as approved states:</p> <p><i>"All trees and planting within the site shall be retained, as show on the approved plan No 03, received on 31/03/21. In the event of any trees or planting indicated on the approved drawings 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 (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</i></p> <p><i>Reason: In the interests of visual amenity"</i></p>
3.4	It is proposed to vary the wording of the condition to supersede the approved tree constraints plan mentioned (03) with a revised tree constraints plan.
3.5	<p>Condition 16 as approved states:</p> <p><i>"All soft landscaping works shall be carried out in accordance with the approved details on Landscaping Plan, Drawing Number 02, received on 31/03/21. The works shall be carried out prior to the completion of the proposal unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme 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.</i></p> <p><i>Reason: In the interests of the character and appearance of the area."</i></p>
3.6	It is proposed to vary the wording of the condition to supersede the approved landscaping layout plan referenced (02)) with a revised landscape layout plan which reflects the updated landscape design.

4.0	Planning Assessment of Policy and Other Material Considerations
4.1	Development Plan – operational policies
	Belfast Local Development Plan, Plan Strategy 2035
4.2	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)
4.3	Regional Planning Policy
	Regional Development Strategy 2035 (RDS)
	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Other Policies
	Belfast Agenda
4.5	Relevant planning history
	The most relevant planning history is summarised below.
	LA04/2022/1346/DC – Discharge of Condition 11 – Condition (fully) discharged 31 st August 2022
	LA04/2021/2707/DC – Discharge of Conditions 6 and 11 – Condition 6 fully discharged 21 st June 2022 and Condition 11 partially discharged 19 th January 2022
	LA04/2021/2603/DC – Discharge of Condition 12 – Condition discharged 27 th June 2022
	LA04/2020/0673/F - Environmental improvement works to include: new footpaths and cycleway, new multi use games area, new outdoor gym equipment, new play area, new street furniture and park lighting, relocation of the community garden providing new polytunnel, toilet block, shed and allotment beds, new car park provision, landscape interventions including planting, woodland management, resurfacing, regrading and all associated works – Permission granted 27 th May 2021
4.6	There is a current application adjacent
	LA04/2023/4166/F - Relocation of the "Angel of the Shankill" statue to lands at the "Bullring" site – Under assessment
5.0	Consultations and Representations
5.1	Statutory Consultees
	N/A
5.2	Non Statutory Consultees
	BCC Tree Officers – No objection
	BCC Landscape, Planning and Development – No objection
5.3	Representations
	The application has been neighbour notified and advertised in the local press. No written representations have been received.

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. The main policies for consideration in this case are Policies
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 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. The relevant zonings/designations are set out below. The site is within the development limits of Belfast in the BUAP, and both versions of draft BMAP 2015. The site is unzoned white land within both versions of draft BMAP 2015 and BUAP.
7.0	Key issues
7.1	The principle of development has already been established through the planning approval LA04/2020/0673/F to which this proposal relates. The key issue to be considered in the assessment of the current application is landscaping.
8.0	Landscaping
8.1	The approved plans show sixteen existing trees transplanted from Upper Townsend Terrace. On commencement of development, only seven trees were found to be present, with nine stumps which appeared to be broken as a consequence of bonfires and anti social behaviour. The Agent submitted photographic evidence of this. These seven trees were transplanted to an area off Regent Street, along with 1 from Peter’s Hill.
8.2	During works twelve trees to be retained adjacent to Peter’s Hill, were temporarily transplanted to Upper Townsend Terrace. Eight of these did not survive however, and it

<p>8.3</p> <p>8.4</p> <p>8.5</p>	<p>was felt best for the remaining four surviving trees to be retained in this location to avoid further replanting stress.</p> <p>To mitigate the loss of the transplanted trees, nine new trees are proposed to the area adjacent to Peter’s Hill. This will be accompanied by additional planting of five new trees facing Peter’s Hill Road, and four along a new connecting pathway.</p> <p>There are a number of other minor changes to the landscaping plan including marking two proposed parking spaces as accessible bays; reconfiguring planters and other elements within the community garden and allotment areas; and the removal of the proposed secondary curved footpath in the north of the site.</p> <p>Having regard to the advice from BCC Tree Officers and BCC Landscape, Planning and Development, as well as OS2 of the Plan Strategy, it is considered that the proposed variation of conditions 15 and 16 in relation to the landscaping plan, are acceptable. The variation of conditions will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission as appropriate, with the exception of those already discharged subject to the variations granted by this decision.</p>
<p>10.0</p> <p>10.1</p>	<p>Recommendation:</p> <p>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 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.</p>
<p>11.0</p> <p>11.1</p>	<p>Draft Conditions:</p> <p>It should be noted that the other original conditions will be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone planning permission. Some conditions of the original approval LA04/2020/0673/F have been discharged and final wording will make reference to this.</p> <ol style="list-style-type: none"> 1. All trees and planting within the site shall be retained, as show on the approved plan No 03, received on 2nd October 2023. In the event of any trees or planting indicated on the approved drawings 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 (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council. <p>Reason: In the interests of visual amenity”</p> <ol style="list-style-type: none"> 2. All soft landscaping works shall be carried out in accordance with the approved details on the approved plan, No 02, received on 2nd October 2023. The works shall be carried out prior to the completion of the proposal unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme 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. <p>Reason: In the interests of the character and appearance of the area.”</p>

ANNEX	
Date Valid	02/10/23
Date First Advertised	27/10/23
Date Last Advertised	(as above)
Details of Neighbour Notification (all addresses)	
<p>1, 10,11,12, 2, 3, 4, 5, 6, 7, 8, 9 Shankill Terrace 1, 11, 15, 17, 3, 5, 9 Stanhope Drive 1, 11, 11A, 13A, 15, 15A,17, 17A, 19, 21, 23, 25, 27, 29, 31, 37, 39, 41, 45, 47, 49, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 7A, 9, 9A Stanhope Street 1, 10, 11, 12, 14, 2, 3, 4, 5, 6, 7, 8, 9 Upper Townsend Terrace 10, 12, 6, 8 Regent Street 10, 12, 14, 16, 18, 2, 20, 22, 24, 26, 28, 38, 4, 40, 42, 44, 46, 48, 52, 54, 56, 58, 6, 60, 62, 64, 66, 68, 8 Sherbrook Close 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 43, 44, 46, 48, 52, 66, 68, 70, 72, 74, 76, 78 Sherbrook Terrace 56 -76 Townsend Street 57 Denmark Street Denmark Street Community Centre, Denmark Street Elim Church Hall, Townsend Street 82-84 Clifton Street</p>	
Date of Last Neighbour Notification	20/10/23
Date of EIA Determination	N/A