

**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b> 21 <sup>st</sup> January 2024	
<b>Application Ref:</b> LA04/2024/0754/F	
<p><b>Proposal:</b> Retrospective application for the construction of a landscaped earth mound. Proposed new fencing and the reconfiguration of internal access arrangements and car parking associated with film studios granted under planning permission ref: LA04/2020/0474/F (as amended under LA04/2021/1358/F).</p>	<p><b>Location:</b> Lands immediately north and south of existing film studios, north of Dargan Road (within wider Belfast City Council lands known as North Foreshore/Giants Park), Belfast.</p>
<b>Referral Route:</b> Paragraph 3.8.5 (d) of the Scheme of Delegation – Council owned land	
<b>Recommendation:</b> Approval subject to condition	
<p><b>Applicant Name and Address:</b> Belfast Harbour Harbour Office Corporation Square Belfast BT1 3AL</p>	<p><b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE</p>
<b>Date Valid:</b> 26/04/2024	
<b>Target Date:</b> 09/08/2024	
<b>Contact Officer:</b> Lisa Walshe, Principal Planner	
<p><b>Executive Summary:</b></p> <p>This application seeks retrospective planning permission for the construction of a landscaped earth mound, new fencing, and the reconfiguration of internal access arrangements and car parking in relation to planning permission LA04/2020/0474/F (as amended by LA04/2021/1358/F). The application site is part of Film Studios complex within the wider North Foreshore Giant's Park.</p> <p>The key issues for consideration of the application are set out below:</p> <ul style="list-style-type: none"> <li>• Waste Disposal</li> <li>• Traffic, Parking and Access</li> <li>• Environmental Quality</li> <li>• Ecology</li> </ul> <p>The mound is a result of the level of surplus spoil identified on site which is greater than initially anticipated. The size of the bund has been dictated by the need to store this soil, in an appropriate way on site and enable it to be integrated as a landscaped feature of the development, adjacent to other areas of landscaping approved in the planning permission. It is considered to have little visual impact when considered within the context of the overall planning permission.</p>	

The application has been advertised and neighbours notified. No representations have been received. DFI Roads, NIEA, SES and Environmental Health have all been consulted and offer no objections.

**Recommendation**

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 the conditions and deal with any other issues that arise, provided that they are not substantive.

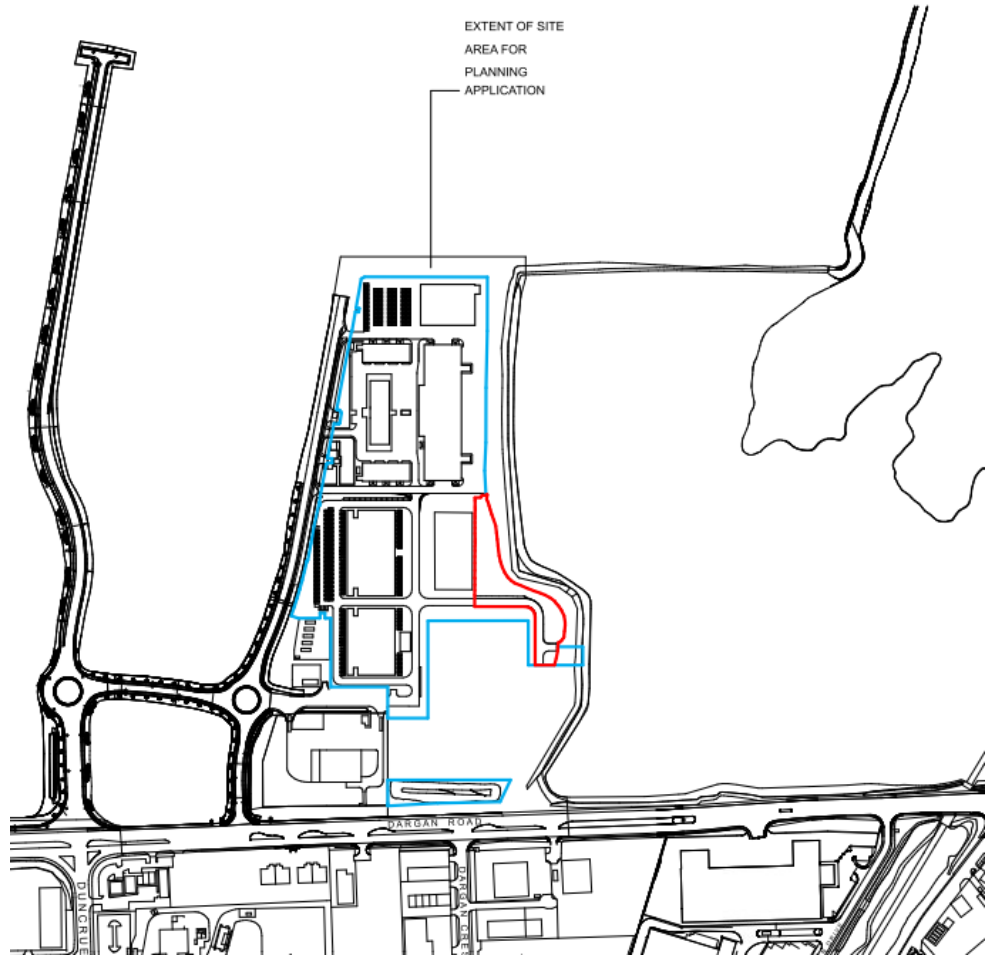
Officer Report

1.0

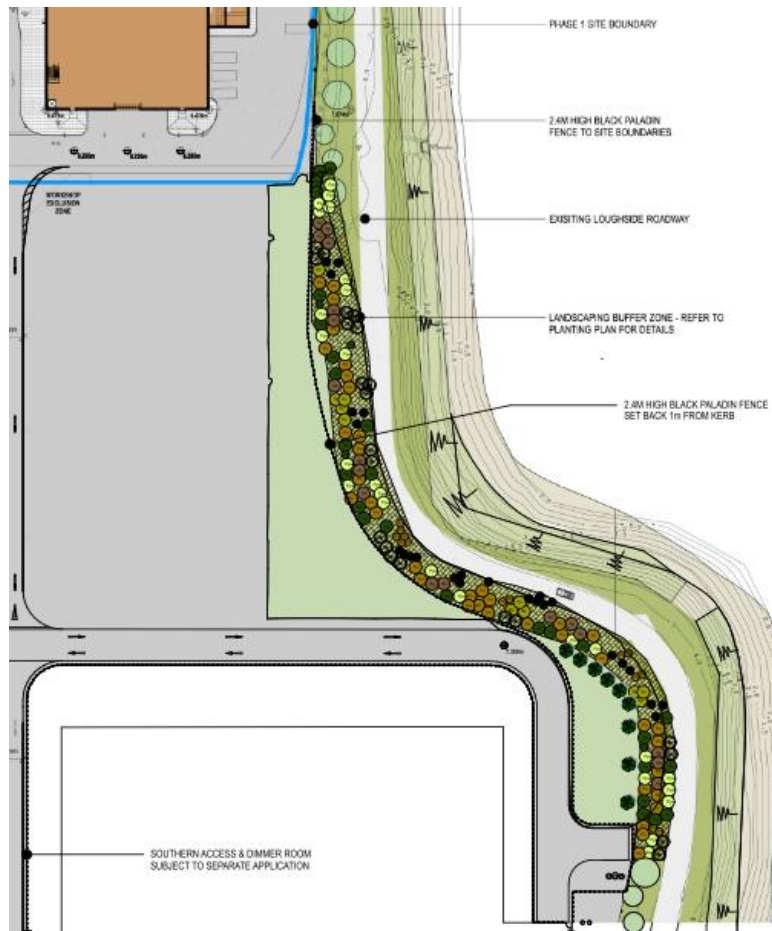
Drawings

1.1

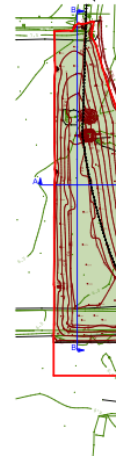
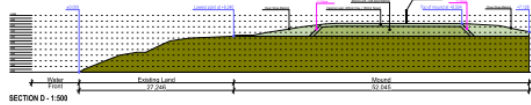
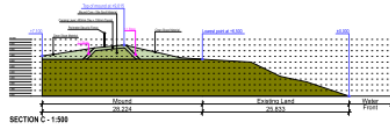
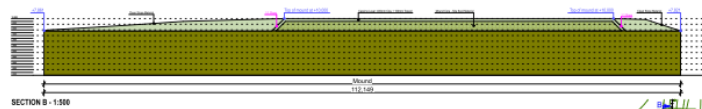
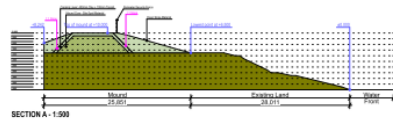
Site Location



## Site Layout



## Sections



<b>2.0</b>	<b>Characteristics of the Site and Area</b>
2.1	The site is part of the wider North Foreshore Giant's Park. The wider site has been landscaped in the interim years with land directly south of the application site developed for a Belfast City Council Waste Electrical and Electronic Equipment (WEEE) transfer station and a (landfill) gas powered electricity generating turbine complex.
2.2	Access to the site is via the existing internal road infrastructure off Dargan Road which has been upgraded with a signalised junction.
2.3	The application site is on low-lying ground and is located immediately adjacent to Belfast Lough. The area to the north of the site is described as the northern zone of the North Foreshore land and is the area of most recent cessation of landfill operations. This area of land slopes upwards to the north. The area to the south and east of the site consists of industrial and commercial buildings that contrast to the dominant residential use west of the M2 / Shore Road. There is an established woodland strip along the western North Foreshore boundaries which provides a landscape buffer and protection from the Motorway.
2.4	The mound which this application relates to is located in the eastern portion of the Film Studios site, immediately southeast of the existing film studios, north of Dargan Road (within wider Belfast City Council lands known at North Foreshore/Giants Park), Belfast.
<b>3.0</b>	<b>Description of Proposal</b>
3.1	The application is seeking retrospective permission for the construction of a landscaped earth mound, new fencing, and the reconfiguration of internal access arrangements and car parking associated with film studios
<b>4.0</b>	<b>Planning Policy and Other Material Considerations</b>
4.1	<b>Development Plan – Plan Strategy</b> Belfast Local Development Plan, Plan Strategy 2035
4.2	<i>Strategic Policies:</i>  Policy SP2 – Sustainable development
4.3	<i>Operational Policies:</i>  Policy ENV1 – Environmental quality Policy TRAN8 – Car parking and servicing arrangements Policy DES 1 – Principles of Urban Design Policy W3 – Waste Disposal Policy NH1 – Protection of Natural Heritage Resources
4.4	<b>Development Plan – zoning, designations and proposals maps</b> Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.5	<b>Regional Planning Policy</b> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)

4.6	<p><b>Relevant Planning History</b></p> <p>LA04/2020/0474/F  Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, services and access from existing internal access road, landscaping and associated site works.  Address: Lands immediately north and south of existing film studios north of Dargan Road  Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park).  Decision: Permission Granted  Decision Date: 19.08.2020</p> <p>LA04/2021/1358/F  Proposal: Section 54 application seeking amendments to condition Nos 2 (access), 7, 13, 20 (CEMP), 9, 10, 15, 16, 19 (ground conditions), 12 (noise/vibration), 17 (piling risk), 21 (drainage), 27 (landscaping) to enable a phased approach to the construction of the permitted film studios complex approved under planning permission LA04/2020/0474/F.  Address: Lands immediately north and south of existing film studios north of Dargan Road Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park).  Decision: Permission Granted  Decision Date: 06.09.2021</p> <p>LA04/2024/0755/F  Proposal: Retrospective application for extension to film studio for switch room/dimmer array building with associated external plant deck, installation of a new sliding access gate and reconfiguration of internal access arrangements on site.  Decision: Permission Granted  Decision Date: 05.12.2024</p>
5.0	<b>Consultations and Representations</b>
5.1	<p><b>Statutory Consultations</b>  DfI Roads - No objections  Shared Environmental Services – No Objections</p>
5.2	NIEA – No objections
5.3	<p><b>Non-Statutory Consultations</b>  BCC Environmental Health – No Objections</p>
5.3.1	<p><b>Representations</b>  The application has been advertised and neighbours notified. No representations have been received.</p>
6.0	<b>PLANNING ASSESSMENT</b>
6.1	<p><b>Development Plan Context</b></p> <p>6.1.1 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.</p>

6.1.2	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.
6.1.3	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 (“Departmental Development Plan”) until the Local Policies Plan is adopted.
6.1.4	<b>Operational policies</b> – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report.).
6.1.5	<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) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
6.1.6	<b>Belfast Urban Area Plan 2001</b> - The site is located within the settlement development limit in the BUAP and is not zoned for any use.
6.1.7	<b>Belfast Metropolitan Area Plan 2015 (2004 and 2014)</b> - Within BHA 07 Employment and Industry North Foreshore and within an Area of Mineral Constraint.
6.1.8	<p><b>Key Issues</b></p> <p>The key issues to be considered in this application are:</p> <ul style="list-style-type: none"> <li>• Waste Disposal</li> <li>• Traffic, Parking and Access</li> <li>• Ecology</li> <li>• Environmental Quality</li> </ul>
6.2	<b>Waste Disposal</b>
6.2.1	Policy W3 – Waste Disposal states that planning permission will be granted for the development of landfill or land raising facilities for the disposal of waste where the need for the facility is established through the Waste Management Strategy (WMS) and the relevant Waste Management Plan (WMP), and all the criteria b)- e) of the policy are met. A Verification Report and Remediation Strategy has been submitted along with this application. Considering the nature of the proposal against the criteria of the policy, none of the criteria is directly applicable. However the policy states that waste disposals will be expected to include a statement identifying the waste implications of the development, measures taken to minimise and manage the waste generated and a critical analysis of the alternative methods of treatment for the particular waste material and its potential for recycling, composting or energy recovery.

6.2.2	<p>The Verification Report states that during the course of the project, c.18,923m<sup>3</sup> of materials were excavated. The report also demonstrates the project's compliance with the four factors (principles) of Definition of Waste: Code of Practice (DoWCoP) process in that:</p> <ul style="list-style-type: none"> <li>• Factor 1; the aim of the Waste Framework Directive has not been undermined in that the re-use of the excavated materials has not created an unacceptable risk of pollution of the environment or harm to human health;</li> <li>• Factor 2; that the material re-used was suitable for the identified end-use without the need to treat that material before it was re-used;</li> <li>• Factor 3; that there was a certainty of use for the excavated materials in that there were predefined end-use classifications and predetermined on-site destinations for these materials; and that,</li> <li>• Factor 4; that the quantity of material re-used on-site was defined and was no more than that necessary to complete the development stipulated within the contracts.</li> </ul>
6.2.3	<p>The Verification Report has demonstrated that the reuse of materials on site is not considered a waste activity and that relevant Northern Ireland waste legislation need not apply to 93% of the materials excavated during the course of this project. Environmental Health were consulted and have no objection.</p>
<b>6.3</b>	<b>Traffic, Parking and Access</b>
6.3.1	<p>Policy TRAN 8 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. It goes on to state that the precise amount of car parking for development proposals will be determined according to the specific characteristics of the development, and its location, having regard to DfI's published standards.</p>
6.3.2	<p>The construction of the bund will result in a loss of 38No. car parking spaces, a loss which is not considered significant when considered against the overall provision of 648 No. spaces in the planning permission. DfI Road have been consulted on the application and offer no objection.</p>
6.3.3	<p>It is considered that an acceptable level of car parking is maintained and Policy TRAN 8 is met.</p>
<b>6.4</b>	<b>Design</b>
6.4.1	<p>The mound is located in the eastern portion of the film studios site, immediately southeast of the existing film studios, north of Dargan Road (within wider Belfast City Council lands known at North Foreshore/Giants Park), Belfast. The location of the mound is considered to be most appropriate to keep storm water runoff from carrying any contaminated material off site, or into the adjacent lough and for keeping the mound away from existing/proposed buildings.</p>
6.4.2	<p>The dimensions of the mound is a result of the level of surplus spoil identified on site which was greater than initially anticipated. The size of the bund has been dictated by the need to store this soil, in an appropriate way on site and enable it to be integrated as a landscaped feature of the development. The location of the mound is considered appropriate as it will be read alongside the wider landscaped edge of the development adjacent to Belfast Lough. Its integration with the Lough, and wider visual impacts, have been further assisted by a landscaping treatment which aligns with that approved for the wider development</p>
6.4.3	<p>It is considered to have little visual impact when considered within the context of the overall planning permission.</p>



<b>6.5</b>	<b>Ecology</b>
6.5.1	Shared Environmental Services were consulted and concluded that 'No LSE is predicted due to the scale, nature and location of the proposed development including a land buffer (20m +) between the retrospective development and the marine environment.
6.5.2	Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 26/07/2024. This found that the project would not be likely to have a significant effect on any European site.
6.5.3	NIEA: NED were consulted and requested an ecological assessment. A technical statement was submitted which demonstrates that the status quo established under the parent application for this site remains unaffected. It states that the 'as-built' landscaped earth mound is compliant with the guidance outlined in Policy NH1 as it results in no new or additional ecological effects (adverse or otherwise) on designated sites, habitats, the water quality of Belfast Lough or the protected species that use it. And goes on to assert that the creation of the landscaped earth mound has had a neutral effect on biodiversity when viewed through the lens of the previous assessment.
6.5.4	NIEA NED have been consulted with this technical statement. Delegated authority is sought to resolve a final response from NED and deal with any issues arising provided they are not substantive.
<b>6.6</b>	<b>Environmental Quality</b>
6.6.1	Policy ENV 1 states that Planning Permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. A verification report and remedial strategy were submitted. Environmental Health and NIEA have been consulted on this information and offer no objections.
<b>7.0</b>	<b>Recommendation</b>
7.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the response from NIEA: NED, finalise the wording of the conditions and deal with any other issues that arise, provided that they are not substantive.
<b>DRAFT CONDITIONS:</b>	
<p>1. This planning permission has effect from the date which the development hereby approved was carried out.</p> <p>Reason: As required by Section 55 of the Planning Act (Northern Ireland) 2011.</p>	

2. The hard surfaced areas hereby permitted must be constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.

Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.