

Public Document Pack

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



**Belfast
City Council**

5th December, 2024

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the the Lavery Room - City Hall and remotely, via Microsoft Teams on Tuesday, 10th December, 2024 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

9. Planning Applications previously considered

- (b) LA04/2022/2103/F - Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works. - 1 and 2 Duncrue Pass. (Pages 1 - 70)
- (c) LA04/2019/0081/F - Erection of 12No. apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works (Amended site location plan / site layout) - Lands at former Maple Leaf Club, 41-43 Park Avenue. (Pages 71 - 108)
- (d) LA04/2020/2325/F - Proposed erection 21no. dwellings (social/affordable housing units comprising 17no. townhouses and 4no. semi-detached), car parking, landscaping and all associated site and access works (Amended drawings, additional information) - Lands at former Maple Leaf Club, 41-43 Park Avenue (Pages 109 - 140)

- (f) LA04/2024/1623/F - Change of use from 4 bed dwelling (C1) to 5 bed House of Multiple Occupancy (Sui Generis) - 49 Woodcot Avenue. (Pages 141 - 154)

10. **New Planning Applications**

- (i) LA04/2024/1046/F - Erection of a store to be used as a workshop for Eurobins. - Duncrue Complex, Duncrue Road (Pages 155 - 160)

Addendum Report 1	
Committee Meeting Date: 10 th December 2024	
Application ID: LA04/2022/2103/F	Target Date:
Proposal: Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works.	Location: 1 and 2 Duncrue Pass Belfast BT3 9BS.
Referral Route: Referral to the Planning Committee under section 3.8.7 of the Scheme of Delegation (discretion of the Director of Planning and Building Control)	
Recommendation:	Approve with conditions
Applicant Name and Address: United Energy Waste Management Ltd 21D Enterprise Road Bangor BT20 3SR	Agent Name and Address: Jobling Planning & Environment Ltd 1A Nixon Building LED COM Business Park 100 Bank Road Larne BT40 3AW
<p>Background</p> <ol style="list-style-type: none"> 1. This application was to be considered by the Planning Committee at its 17th October 2023 meeting. However, the application was deferred for two reasons. Firstly, in order that Members could undertake a site visit. A Committee site visit subsequently took place on Monday 13th November 2023, but because Members could not access the land during this visit a further site visit took place on 10th January 2024. 2. Secondly, that the issues raised by Shared Environmental Services (SES) in their consultation response could be resolved. <p>Natural Heritage</p> <p><i>Initial submission of further information by applicant:</i></p> <ol style="list-style-type: none"> 3. Following the 17th October 2023 Committee meeting, the applicant provided clarification of a number of technical matters. SES subsequently confirmed that it did not require any further information. SES undertook an HRA assessment and advised that the project would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. <p><i>Reconsideration of ammonia impacts:</i></p> <ol style="list-style-type: none"> 4. The application was then due to be considered at the 16th January 2024 Committee meeting. However, DAERA NED advised that it had withdrawn its previous standing advice on ammonia impacts and that it would require a re-consultation to reconsider the proposal under its new approach of assessing impacts on a case by case basis. 	

5. Consequently, DAERA NED was re-consulted on 16th January 2024. It responded on 31st May 2024, advising that it had insufficient information to provide a substantive response. It required an updated air quality impact assessment to include both nitrogen deposition and ammonia emissions as well as clarification of the type of fuel and total thermal input capacity of the proposal.
6. The applicant submitted further information on 17th July 2024 and DAERA NED was re-consulted on the same day.
7. DAERA NED responded to the further additional information on 20th September 2024. Whilst it acknowledged the additional information, DAERA NED remained of the opinion that there was still insufficient information and requested further information regarding the 5-year Process Contributions (PCs) in relation to ammonia and nitrogen oxides.
8. The applicant submitted further information on 23rd September 2024 and DAERA NED was re-consulted the same day.
9. DAERA NED responded on 17th October 2024, confirming that *'the Air Pollution Advisory Framework had been followed and confirmed that the proposal represents a low risk to the qualifying features for which the sites have been designated.'* A full copy of DAERA's latest consultation response is provided at **Appendix 1**.
10. Shared Environmental Services (SES) requested that it is reconsulted when DAERA NED was content. SES was reconsulted again and provided a final response on 29th November 2024, advising that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. A full copy of SES's latest consultation response is provided at **Appendix 2**.
11. As previously requested by the Committee, SES and DAERA have been invited to attend the meeting to field any questions that the Committee may have.

Recommendation

12. Having regard to the development plan and other material considerations, the proposal is considered acceptable.
13. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

DRAFT CONDITIONS

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. The vehicular access shall be provided in accordance with the approved drawings, prior to the operation of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The development hereby permitted shall not become operational until the existing redundant vehicular accesses from the site to the public carriageway have been permanently closed and the footway reinstated.

Reason: In the interests of road safety and the convenience of road users.

4. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawings, to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development.

Reason: To ensure adequate provision has been made for parking within the site.

5. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the City Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the City Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

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

6. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

7. No piling shall be undertaken unless a piling risk assessment, carried out in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and approved in writing by the Council. The methodology is available at:
<http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

No piling shall be undertaken unless in accordance with the approved details.

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

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and agreed in writing by the Council.

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

9. After completing the remediation works under Condition 8; and prior to occupation of the development, a Verification Report shall be submitted to and approved in writing by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

10. Evidence must be presented in the Verification Report that all fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Condition 9 will apply.

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

11. The use hereby permitted shall be restricted to the incineration of healthcare and hazardous waste streams.

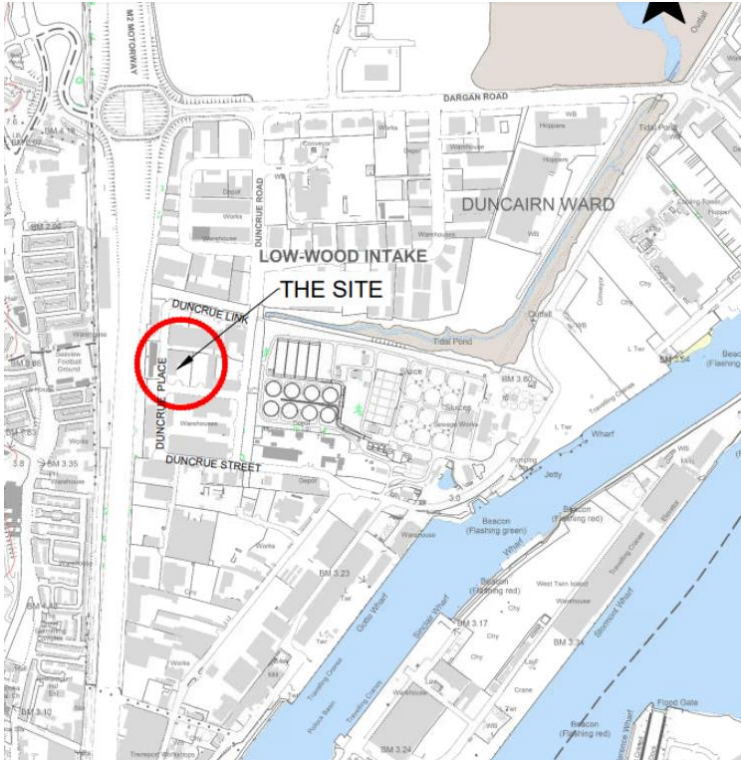
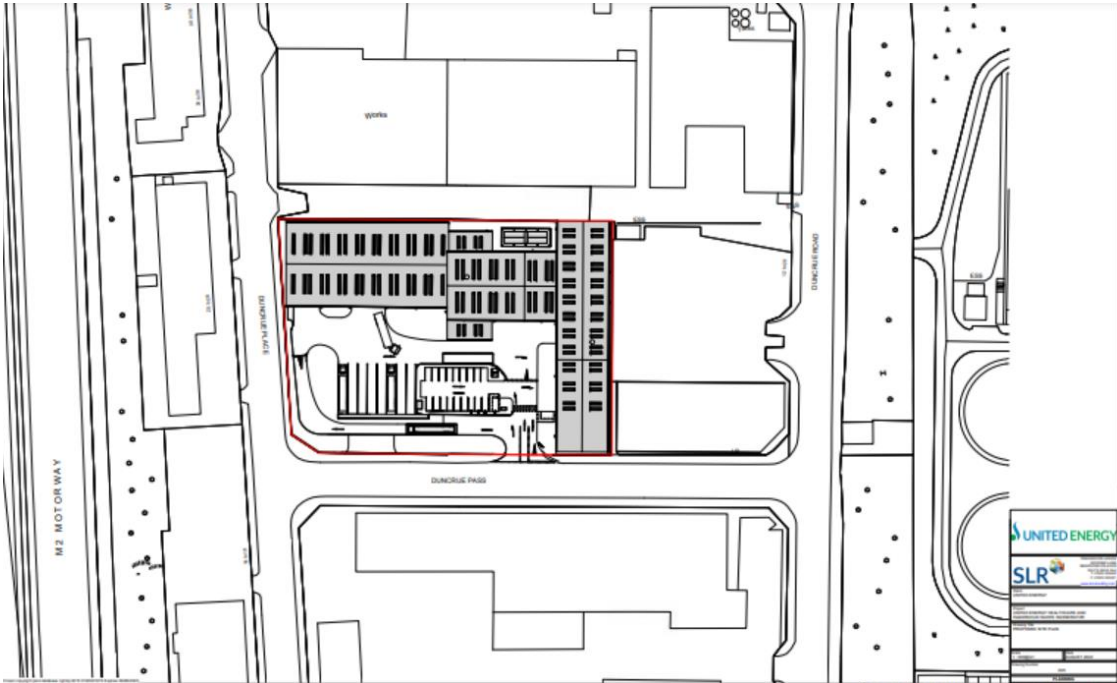
Reason: In the interests of environmental protection and public health and to ensure that there is no adverse effect on site integrity of any European designated site.

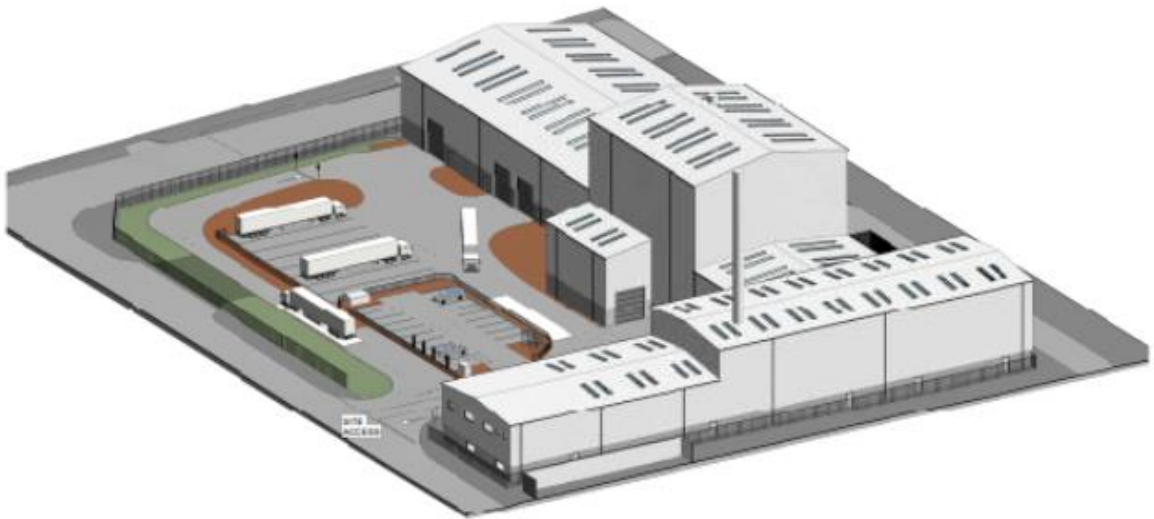
Development Management Officer Report

Committee Application

Summary	
Committee Meeting Date: 17/10/2023	
Application ID: LA04/2022/2103/F	Target Date:
Proposal: Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works.	Location: 1 and 2 Duncrue Pass Belfast BT3 9BS.
Referral Route: Referral to the Planning Committee under section 3.8.7 of the Scheme of Delegation	
Recommendation:	Approve
Applicant Name and Address: United Energy Waste Management Ltd 21D Enterprise Road Bangor BT20 3SR	Agent Name and Address: Jobling Planning & Environment Ltd 1A Nixon Building LED COM Business Park 100 Bank Road Larne BT40 3AW
<p>Executive Summary:</p> <p>This application seeks full planning permission for a proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> Principle of development Natural Heritage and Impact on ecology Impact on water / marine environment Design, Layout and Visual Impact Impact on Amenity and Environmental Health (Noise, Air Quality and Land Contamination) Access, parking and transport Flood risk Waste Infrastructure <p>Recommendation</p> <p>It is considered the proposal complies with the policies of the PS in respect of waste management, environment, ecology, economic development, residential amenity, transport, flood risk and climate change. 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 and to a positive response from Shared Environmental Services in respect of Habitats Regulations Assessment.</p>	

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

Officer Report	
1.0	<div>Drawings</div> <div>Site Location</div> <div></div> <div>Proposed Site layout</div> <div></div>

Sketch Views:**2.0 Characteristics of the Site and Area**

- 2.1 The site comprises Units 1 and 2 Duncrue Pass, and it lies within the Belfast Harbour Estate which is predominantly industrial in nature. The site is situated in the west of this industrial estate and is located on the corner of Duncrue Pass and Duncrue Place and extends to approximately 0.99 Ha in area.
- 2.2 The surrounding land uses comprise a mixture of Class B2 Light Industrial; B3 General Industrial; Class B4 Storage and distribution; and waste management facilities (sui generis). To the south and west, the site is abutted by the two roads, Duncrue Pass and Duncrue Place, which separate it from the adjoining industrial warehouse units. To the north is a former waste Materials Recovery Facility (Irish Recycling Services) which is now dormant. The M2 Motorway is located approximately 75 metres to the west of the site and this physically separates the Duncrue Industrial area from the rest of Belfast.

2.3	Unit 1 currently comprises an existing waste transfer station and materials recovery facility operated by Ace Bates Skip Hire Ltd and planning permission was recently granted to extend this waste management use into the adjoining Unit 2. Unit 2 is currently leased by Speedy Hire, which operates a commercial plant hire business.
3.0	Description of Proposal
3.1	The proposal seeks to change the use of the existing sui generis waste management use to create a thermal treatment facility for the incineration of clinical and hazardous waste streams. The proposal will have an annual intake capacity of circa 20,000 tonnes of healthcare and hazardous wastes and will generate an energy output capacity of up to 10MW of heat with potential for conversion to up to 2-3MW of electricity.
3.2	The proposed waste management site operations will involve these 4 key stages; <ul style="list-style-type: none"> • Reception and secure of incoming waste • Thermal treatment by incineration • Removal of recycle component parts • Energy Recovery
3.3	It is anticipated the facility will accept healthcare waste (hazardous & non-hazardous) from the following streams: <ul style="list-style-type: none"> • Hospitals • Pharmacies • Dentists • Care Homes • Veterinary • Sanitary wastes • Waste from Shipping / Air Travel industry • Other hazardous waste contractors and waste producers
4.0	Planning 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	Relevant Planning Site History <u>Application Site:</u> Z/2006/2897/F - Erection of waste processing plant, with associated car parking and siteworks – Approved Z/2010/0585/F - Proposed extension to existing waste sorting and treatment facility building to provide additional storage and processing area and permit the acceptance of road sweeping wastes – Approved

	<p>Z/2012/1294/F - Proposed modifications to existing WTS/MRF facility to include an extension to the existing building, covered yard area, changes to internal layout and additional processing infrastructure. Including internal storage bays, storage of baled RDF, biomass boiler and the acceptance of additional EWC codes – Approved</p> <p>LA04/2020/0791/F - Proposed extension to existing MRF facility to include extension to existing building no.1. Change of use of adjoining site to provide additional floorspace - Approved</p> <p>LA04/2021/2145/PAN - Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works – Decided</p>
5.0	Consultations and Representations
5.1	<p>Statutory Consultations</p> <p>DfI Roads – No objection, subject to conditions.</p> <p>NI Water – No objection.</p> <p>DAERA NIEA – No objection.</p> <p>DFI Rivers – No objection.</p>
5.2	<p>Non-Statutory Consultations</p> <p>BCC Environmental Health – No objection, subject to conditions.</p> <p>Shared Environmental Services (SES) – Response outstanding.</p> <p>NIE – No objection.</p>
5.3	<p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p>
5.4	<p>Representations</p> <p>The application has been advertised and neighbours notified. The Council has received one non-committal representation dated 24th August from a representative of clients in the vicinity of the proposal. The representation requested assurances that the application will not be determined until they have had sufficient time to review the proposal and reserved the right to make further representation, either in support of or objection to the proposal.</p>
6.0	PLANNING ASSESSMENT
6.01	<p>Environmental Impact Assessment</p> <p>An Environmental Statement (ES) was submitted as part of the application in line with the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. This assessed the environmental impacts of the proposed development.</p>
6.02	<p>Habitats Regulations</p> <p>This planning application is being considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.</p>

6.03	Shared Environmental Services were consulted on 4 th October 2023 and their comments are currently outstanding on date of publication.
6.04	<p>Development Plan Context</p> <p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
6.05	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.
6.06	The Development Plan is the Belfast Local Development Plan (LDP), which replaces the Belfast Urban Area Plan 2001 as the statutory plan for the city. The LDP is in two parts: Part 1 is the Plan Strategy (PS), which was adopted on 02 May 2023. Part 2 is the Local Policies Plan (LPP), which will provide the zonings and proposals map for Belfast and has yet to be published.
6.07	Operational policies – the LDP PS contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.08	Proposals Maps – until such time as the LPP is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the BUAP, 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.
6.09	The site is located within the development limits of Belfast and is un-zoned whiteland within the adopted BUAP. dBMAP identifies the site as being located within Belfast Harbour Area (Designation BHA 08-v2004) (Designation BHA 06-v2014) and is classified as a Major Area of Existing Employment/ Industry.
6.10	<p>Relevant Planning Policies/Guidance</p> <p>The following policies/guidance in the Plan Strategy are relevant to consideration of the application.</p>
6.11	<p>Regional Development Strategy for Northern Ireland (RDS) 2035</p> <p>Strategic Planning Policy Statement (SPPS)</p> <p>Policy SP1A – Managing growth and supporting infrastructure delivery</p> <p>Policy SP2 – Sustainable development</p> <p>Policy EC3 – Major employment and strategic employment locations</p> <p>Policy W1 – Environmental impact of a waste management facility</p> <p>Policy W2 – Waste collection and treatment facilities</p> <p>Policy TRAN 3 – Transport Assessment</p> <p>Policy TRAN 6 – Access to Public Roads</p> <p>Policy TRAN 8 – Car Parking and Servicing Arrangements</p> <p>Policy ENV1 – Environmental Quality</p> <p>Policy ENV2 – Mitigating Environmental Change</p> <p>Policy ENV 4 – Flood Risk</p> <p>Policy NH1 – Protection of Natural Heritage Resources</p>
6.12	Supplementary Planning Guidance – Waste Infrastructure

	Principle of development
6.13	<p>The site is located within the development limits of Belfast and is un-zoned whiteland within the adopted Belfast Urban Area Plan 2001. The draft Belfast Metropolitan Area Plan 2015 identifies the site as being located within Belfast Harbour Area (Designation BHA 08-v2004) (Designation BHA 06-v2014) and is classified as a Major Area of Existing Employment/ Industry. Policy EC3 states that appropriate sui generis uses will be directed towards Major employment locations, such as Belfast Harbour. Para 8.1.23 states that such areas are considered suitable for certain 'sui generis' uses as they could potentially harm residential amenity and are therefore considered most suited to an industrial estate.</p>
6.14	<p>There are multiple waste management facilities within the wider Duncrue area, including Irish Waste, McKenzies NI, River Ridge and McKinstry Waste Transfer Station, which are all located in very close proximity to the site. The proposed use is in keeping with the mixed industrial and waste uses within the Belfast Harbour Estate. The Industrial Estate comprises a coarse urban grain, with large, condensed blocks of industrial development, arranged around wide streetscapes, reflective of the industrial nature of the context. The scale and massing of the built form is large and dense and comprises mainly substantial industrial buildings.</p>
6.15	<p>Regional Development Strategy for Northern Ireland 2023 The RDS identifies the Belfast Harbour Industrial Estate as a location for growth through its Strategic Planning Guidelines and encourages opportunities for job creation.</p>
6.16	<p>Policy RG5 relates to the delivery of a sustainable and secure energy supply. It states that Northern Ireland needs a robust and sustainable energy infrastructure and advises that new generation infrastructure should be designed to avoid adverse environmental impacts, particularly on or near to protected sites.</p>
6.17	<p>Strategic Planning Policy Statement (SPPS) The SPPS advises that Planning authorities should take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. Planning authorities should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when drawing up new plans and taking decisions. The proposal represents an economic development proposal, supporting and enabling sustainable growth through job creation and retention within the local area.</p>
6.18	<p>The SPPS position on Waste Management is a key operational policy for this proposal. There is a presumption in favour of development unless it will cause demonstrable harm. The SPPS also acknowledges that the provision of waste facilities and infrastructure can make a valuable contribution towards sustainable development. The aim of the SPPS in relation to waste management is to support wider government policy focused on the sustainable management of waste and a move towards resource efficiency. The key objectives of the SPPS are to promote waste development in appropriate locations, ensure that detrimental impacts on people, the environment and local amenity are avoided or minimised and secure appropriate restoration of sites for after-use.</p>
6.19	<p>General Overview of Development This proposal primarily relates to the treatment of healthcare and hazardous waste and a small proportion of other wastes such as those arising from planes and the cruise ship industry. In addition, a small number of hazardous waste streams that are currently collected and exported out of the country shall be treated at this facility.</p>

6.20	This proposed waste management facility will meet a deficit in the infrastructure in Northern Ireland (NI) and Ireland (ROI) and will offer a solution for the Island of Ireland for the treatment of healthcare waste, that is currently shipped to the UK or other parts of Europe for disposal or recovery. There is currently no high temperature incineration facility for healthcare and hazardous waste currently in NI / ROI, other than at industrial sites operated by individual waste producers. A proportion of the less difficult healthcare waste is still currently landfilled in Ireland.
6.21	The proposed facility will deliver a self-sufficient and safe way of disposing of these types of waste within the country of origin, reducing reliance on overseas transport, traditional landfill disposal and will remove the need to export this waste to other countries for treatment, as is currently the practice.
6.22	The proposal will have an annual intake capacity of circa 20,000 tonnes of healthcare and hazardous wastes and will generate an energy output capacity of up to 10MW of heat with potential for conversion up to 1-2MW of electricity. It is proposed that the energy generated onsite will be used to provide the operation of the plant, and other nearby businesses with a source of heat energy and electricity.
6.23	<p>Impact on Water Environment</p> <p>DAERA NIEA Marine and Fisheries Division (MFD) note that the proposed development is in close proximity to Belfast Lough, a Shellfish water protected area. DAERA NIEA Water Management Unit (WMU) advise that if NI Water are content that both Belfast WWTW and associated sewer network can take the additional load from the proposal, they will have no objection to that aspect of the proposal. WMU have recommended a condition in relation to sewage disposal agreement in the event of approval. NIW have offered no objection in respect of the proposal.</p>
6.24	<p>Impact on Ecology</p> <p>DAERA NIEA Natural Environment Division (NED) note the application site is in close proximity and hydrologically linked to the following national, European and international designated sites:</p> <ul style="list-style-type: none"> • Belfast Lough Ramsar • Belfast Lough Special Protection Area (SPA) and Belfast Lough Open Water SPA • Inner Belfast Lough Area of Special Scientific Interest (ASSI), Outer Belfast Lough ASSI, Belvoir ASSI and Craigantlet Woods ASSI.
6.25	A Biodiversity checklist and additional environmental information were submitted in support of the proposed development. NED noted potential impacts on the designated sites, specifically contamination of aquatic environment and associated habitats via sedimentation hydrocarbon spills and leachate from building materials and airborne pollutants that can affect aquatic and terrestrial environments. NED also acknowledged that the proposal is located within an existing operational industrial unit. NED concluded that they had considered the potential impacts and are content with the proposal.
6.26	<p>Impact on Amenity and Environmental Health</p> <p>Policy ENV1 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. The development has taken wider health considerations into account through the design process and the effects on wider human health are anticipated to be negligible. The nearest residential properties are located over 250 metres from the application site in the Shore Road area to the west.</p>

6.27	<p>Air Quality</p> <p>An Air quality impact assessment (AQIA) has been submitted as part of the Environmental Statement. BCC Environmental Health (EHO) have advised that long and short-term ambient air quality impacts from the development are predicted to result in a 'not significant' effect at considered human receptor locations. Consequently, EHO conclude that the submitted AQIA adequately demonstrates that the proposal will not have an adverse impact upon air quality in the vicinity of the proposal and that relevant human health receptors will not be exposed to air quality concentration exceeding air quality objectives. EHO also advise they have no concerns regarding air quality during the construction phase.</p>
6.28	<p>Contamination</p> <p>A Preliminary and Generic Quantitative Risk Assessment (PRA & GQRA) report has been provided in support of the planning application. The GQRA is informed by site investigations and environmental monitoring data. Following consultation with both NIEA Land and Regulation Unit and EHO, it is considered that no unacceptable risks to environmental receptors have been identified for the development. Conditions have been provided in relation to contamination from both consultees, in the event of approval.</p>
6.29	<p>Noise</p> <p>A Noise impact assessment (NIA) has been submitted as part of the Environmental Statement. The NIA presents predicted levels and conclusions which suggest that the development is acceptable in principle in terms of noise impact. EHO also note that the proposed process will be subject to the legislative requirements under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 which as a part A process, will be enforced by DAERA. The subsequent application for a Part A permit will require a BS4142 noise assessment to be conducted and submitted to DAERA for review and a decision to issue the permit with or without conditions. Consequently, EHO have not suggested conditions in relation to noise.</p>
6.30	<p>Economic Development</p> <p>The proposal represents an economic development proposal, supporting and enabling sustainable growth through job creation and retention within the local area. The proposal would also be compliant with Policy EC3 – Major employment and strategic employment locations. A key priority is to focus economic development in the city's key employment area and directs new employment development towards Belfast Harbour Major Employment Location.</p>
6.31	<p>Design, layout and Visual Impact</p> <p>In terms of the physical development, this proposal involves four component parts, relating to Building 1, Building 2 and Yard. The proposal involves the change of use and physical modification of the existing Building 1, to remove existing bay involving a reduction in the total floorspace. The proposal also includes an extension to Building 1, to extend it laterally to connect to building 2. This extension measures 29.36 m to the ridge and forms the highest building within the site. The use of Building 2 is proposed to change from Class B2 & B4 and includes modifications to extend the ridge height of part of the building (to 17.37 m) and the installation of a flue, 36 m in height. The proposal also includes the reconfiguration of the external yard area.</p>
6.32	<p>The scale and massing of the built form of the area is large and dense and comprises mainly substantial industrial buildings. It is acknowledged that the proposed buildings and flue are large, however given the existing character of the surrounding area, it is not considered that the visual impact of the proposal will be detrimental.</p>

6.33	<p>Access, parking and transport</p> <p>The proposal has been assessed against Policy TRAN3, TRAN 6 and TRAN8. In assessing the proposal, DFI Roads considered a number of supporting documents, including a Traffic Flow Assessment and Transport section within the environmental statement (Chapter 15). DFI Roads offer no objection to the proposal, subject to conditions.</p>
6.34	<p>Flood Risk, Drainage & Infrastructure capacity</p> <p>The application has been assessed against Policy ENV4 - Flood Risk. The application site is not impacted by the floodplain, however a Drainage assessment was submitted as part of the Environmental Statement. DFI Rivers provided comments on the submitted information and accept the logic, therefore offering no objection. The proposal is suitably designed to meet the drainage requirements.</p>
6.35	<p>Mitigating Environmental Change</p> <p>The proposal includes the part demolition of some of the existing buildings on site, however the proposal incorporates the re-use of two large buildings on the site, in accordance with policy ENV2 of the PS.</p>
6.36	<p>Waste Infrastructure</p> <p>As per policy W1 – Environmental impact of a waste management facility. Planning permission will be granted for a waste management facility when the following criteria are met:</p> <p><i>(a) The proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;</i></p> <p>All waste storage and thermal treatment will be carried out internally and this will mitigate against any potential risks. A full environmental assessment of this land use has been undertaken and the Environmental Statement accompanies this application. This demonstrates that the proposal will not result in adverse harm to human health or the environment.</p> <p><i>(b) The proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;</i></p> <p>The proposal is compatible with an approved adjacent land use and the pre-existing use of the Building 1 as a waste management facility and equally the site is compatible with adjacent land uses which comprise a mix of industrial and other waste management uses.</p> <p><i>(c) The visual impact of the waste management facility, ... is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality'</i></p> <p>Similar built form is already established. It is acknowledged that the building is significantly higher than existing, however the visual impact is not considered detrimental in the context of the existing built form and will read as part of the pre-established built development. Furthermore, the proposal will not impact visually on any area designated for its landscape quality.</p> <p><i>(d) The access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt or dust;</i></p> <p>The annual throughput of waste to be treated at this site is significantly reduced. It is currently licensed to accept 100,000 tonnes per annum and this proposal will reduce that to 20,000 tonnes per annum. This will result in a 59% reduction of daily car/ van movements and 75% reduction of heavy goods vehicles. Therefore, there is a net benefit to road network. Environmental Health have been consulted with regards to noise, dirt and dust and raised no issues.</p>

	<p>e) <i>The public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;</i> As per point (d), this proposal will result in a net reduction of vehicle movements and the network can therefore accommodate this. DFI Roads were consulted and have no objection.</p> <p>(f) <i>Adequate arrangements shall be provided within the site for parking, servicing and circulation of vehicles;</i> Adequate parking, turning and servicing of vehicles is proposed as indicated on the drawings.</p> <p>(g) <i>Wherever practicable, the use of alternative transport modes, in particular, rail and water, has been considered;</i> Not applicable to this application.</p> <p>(h) <i>The development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests;</i> There are no features of nature conservation or archaeological/built heritage interests in close proximity to the site. This is fully demonstrated through the Environmental Statement and Shadow Habitats Risk Assessment.</p> <p>(i) <i>The types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;</i> A full environmental assessment of this land use has been undertaken and the Environmental Statement accompanies this application. The Environmental Statement has been assessed by external consultees with no objections, therefore it is considered the proposal will not pose a serious environmental risk to air, water or soil resources.</p> <p>(j) <i>the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;</i> The site is not within a flood plain and would not be at risk from flooding nor exacerbate flooding elsewhere.</p> <p>(k) <i>the proposal avoids (as far as practicable) the permanent loss of the best and most versatile agricultural land;</i> There is no impact on agricultural land.</p> <p>(l) <i>in the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.</i> The proposal does not involve landfilling.</p>
6.37	<p>As per policy W2 – Waste collection and treatment facilities, planning permission will be granted for a treatment facility where:</p> <p>a. <i>There is a need for the facility as established through the council's WMP or in consultation with the council in relation to projected need for a particular stream.</i></p>
6.38	<p>The need for this facility is established through the WMS and WMP and will offset the need to export the waste for incineration in other jurisdictions. Furthermore, para 9.2.13 states that the targets contained within the WMS require a significant shift away from landfill to enable a move towards a circular economy, which this proposal supports.</p>

6.39	<p>The proposal also complies with criterion b1 of policy W2 as it is located within an industrial / port area and the proposal is appropriate to the character of the area.</p> <p>With regard to criterion c of policy W2:</p> <ul style="list-style-type: none"> • The location of the proposed facility relates closely to and benefits from easy access to key transport corridors, including road and water. • The building will be modified to meet the specific requirements of the proposed development; • The waste handling, storage, treatment and processing techniques will be managed and appropriate to the waste stream, with heat and electricity recovery appropriately addressed. • The thermal treatment by incineration will maximise energy recovery in the form of heat and electricity and will be used locally to power adjoining users; and, • The proposal has been subject to a robust Environmental Impact Assessment to ensure the scheme will not result in an unacceptable adverse impact.
6.40	In assessment of the above waste policies, the proposal is considered acceptable.
7.0	Recommendation
7.1	<p>It is considered the proposal complies with the policies of the PS in respect of waste management, environment, ecology, economic development, residential amenity, transport, flood risk and climate change. 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 and to a positive response from Shared Environmental Services in respect of Habitats Regulations Assessment.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>
<p>DRAFT CONDITIONS:</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> 2. The vehicular access shall be provided in accordance with the approved drawings, prior to the operation of any other works or other development hereby permitted. <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <ol style="list-style-type: none"> 3. The development hereby permitted shall not become operational until the existing redundant vehicular accesses from the site to the public carriageway have been permanently closed and the footway reinstated. <p>REASON: In the interests of road safety and the convenience of road users.</p> <ol style="list-style-type: none"> 4. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawings, to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development. 	

REASON: To ensure adequate provision has been made for parking within the site.

5. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the City Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the City Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

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

6. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

7. No development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted in writing and agreed with the Planning Authority. The methodology is available at: <http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>.

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

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

9. After completing the remediation works under Condition 8; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

10. Evidence must be presented in the Verification Report that all fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Condition 9 will apply.

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

ANNEX	
Date Valid	03/10/2022
Date First Advertised	17/02/2023
Date Last Advertised	17/02/2023
Details of Neighbour Notification (all addresses)	
1 DUNCRUE PLACE, LOW-WOOD INTAKE BELFAST, ANTRIM, BT3 9BU 13A DUNCRUE ROAD, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BP 1B DUNCRUE PASS, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BS 1D DUNCRUE PASS, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BS 1J DUNCRUE PASS, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BS 1P DUNCRUE PASS, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BS 1R DUNCRUE PASS, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BS 2-10 DUNCRUE ROAD, LOW-WOOD INTAKE, BELFAST, ANTRIM BT3 9BN (6 Occupiers) 5 DUNCRUE PLACE, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BU 9 DUNCRUE PLACE, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BU DFP WORKS DUNCRUE LINK, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9DL MEAT PLANT, 1 DUNCRUE LINK, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BS	

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Planning Response Team
NIEA Lisburn
17 Antrim Road
Tonagh
Lisburn BT28 3AL
Telephone: 028 9056 9604

Date: 17 October 2024

Dear Sir/Madam,

Planning Application Ref.: LA04/2022/2103/F

Location: 1 and 2 Duncrue Pass
Belfast
BT3 9BS.

Proposal:

Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works.

Thank you for your consultation on the above which was received by the Department on 23/09/2024.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

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contact the Department via the Next Generation Text
Relay Service by dialling 18001 + telephone number

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This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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Annex A

Advice Provided By:	Summary
Natural Environment Division	NED have taken account of the potential risk associated with the effects from air pollution on designated sites. The Air Pollution Advisory Framework has been followed and indicates that the proposal represents a low risk to the qualifying features for which the sites have been designated.

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Section Reference: CB3374-5

Planning Reference: LA04/2022/2103/F

Summary statement

Following the [Call for Evidence](#) on the 'Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment' (2023), a new assessment approach has been developed.

This approach is based on the concepts detailed within the [Decision Making Threshold \(DMT\) project](#), commissioned by the Joint Nature Conservation Committee (JNCC).¹ This recommends thresholds based on the best available scientific information and modelling.

NED have taken account of the potential risk associated with the effects from air pollution on designated sites. The Air Pollution Advisory Framework has been followed and indicates that the proposal represents a low risk to the qualifying features for which the sites have been designated.

Considerations

The application site is within 7.5km (NH₃) and 8km (NO_x) to the following nationally, European and internationally designated sites:

- Belfast Lough Ramsar, which is designated under the Convention on Wetlands of International Importance, Ramsar 2.2.1971 (as amended);
- Belfast Lough SPA and Belfast Lough Open Water SPA, which are designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora);
- Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belvoir ASSI, Bellevue ASSI and Craigantlet Woods ASSI, which are declared under the Environment Order (Northern Ireland) 2002

National Site Network considerations

In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the Competent Authority must assess how these works, either alone or in combination, are likely to have a significant effect on the National site network sites and their selection features.

Explanatory note

NED has considered the proposal and highlights the following as potential impacts on the designated sites;

Designated Site Considerations

In line with DAERA's advisory framework, NED will consider and provide advice on the potential impact of proposals both alone which are assessed against the *De-minimis* Threshold (DMT) and Site Relevant Threshold (SRT) and if required, in combination with other relevant plans and projects on the designated site network.

The applicant has submitted a Technical Memorandum (dated 13/09/2024) which addresses NED's previous consultation response. Tables 1, 2 and 6 detail the modelled ammonia concentration, NO_x

¹ [Guidance on Decision-making Thresholds for Air Pollution | JNCC Resource Hub](#)

Natural Heritage & Conservation Areas

concentration and nitrogen deposition, i.e. the Process Contribution (PC), from the proposal at the designated sites which are within 7.5 km of the proposal.

For each of these sites the PCs do not exceed the Site Relevant Threshold (SRT) for NH₃ concentration. Although the PCs for Inner Belfast Lough ASSI and Belfast Lough SPA/Ramsar exceed the SRT for Critical Load (CL), both PCs do not exceed the Test of Likely Significance threshold (ToLS) for CLs when considered in-combination with other plans/projects. Annex 1 below provides the results of the Air Pollution Decision and Advisory Framework Assessment on all sites within 7.5km of the proposal for NH₃ concentration and Nitrogen Deposition.

The PCs for Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belfast Lough SPA/Ramsar and Belfast lough Open Water SPA exceed the ToLS threshold for NO_x concentration on their own. However, the background NO_x concentration does not exceed the NO_x Critical Level (CLE) at the nearest receptor location for each of these designated sites. The Predicted Environmental Concentrations (PECs) for each of these sites were <70% and therefore meet the thresholds within the advisory framework. The rest of the designated sites have PCs which do not exceed the SRT for NO_x concentration.

Bellevue ASSI has been designated for its earth science features. It is considered, due to the nature of these features, that it is unlikely to be affected by nitrogen emissions from the proposal.

NED note that an incorrect CLE of 3µg/m³ has been applied to Belvoir ASSI (should be 1µg/m³). NED also note that Belfast Lough SPA/Ramsar overlaps with Inner Belfast Lough ASSI at the nearest location to the proposal. NED has therefore applied the PCs for Inner Belfast Lough ASSI to Belfast Lough SPA/Ramsar.

NED advises that under the Air Pollution Decision and Advisory Framework, there are no air quality concerns with the proposal.

There is no significant hydrological connection to any designated site, however NED refer to the standing advice for the water environment below for consideration.

The Planning Authority should note that NED's response is based on the implementation of mitigation measures. It is the role of the competent authority to test the efficacy of these measures through Appropriate Assessment, as set out in the CJEU Ruling on the use of mitigation measures in HRA (Case C-323/17).

Other Natural Heritage Concerns

NED has no further comment to make on the impacts to the natural heritage features not already associated with the designated sites.

Please see last consultation response (dated 3 May 2024) regarding NEDs position.

Informative

The applicant is referred to standing advice to protect hydrological connections to designated sites from pollution: [Standing advice for the water environment](#)

Note, revised Standing Advice to inform the assessment of air quality impacts on the natural environment will be finalised and uploaded onto the DAERA website as soon as possible.

Annex 1 - Air Pollution Decision and Advisory Framework Assessment (NH₃ and Critical Loads)

Designated Site	PC for NH ₃ CLe (µg/m ³)	PC for CL (Kg/ha/yr)	NH ₃ PC (CLe) (%)	De-minimis Threshold				Site Relevant Threshold		In combination Assessment	
				DMT of CLe (%)	DMT of CL 0.0093 kg N/ha/yr OR 0.013kg N/ha/yr	Exceeds DMT for NH ₃ CLe of 0.08% ?	Exceeds DMT of CL 0.0093 kg N/ha/yr OR 0.013kg N/ha/yr?	Exceeds SRT for NH ₃ CLe 0.75% ?	Exceeds SRT for CL 0.088kg N/ha/yr OR 0.13kg N/ha/yr?	≥ ToLS threshold of 1% NH ₃ CLe?	≥ ToLS threshold for CL of 0.12kg N/ha/yr OR 0.17kg N/ha/yr?
Outer Belfast Lough ASSI	0.0135	0.086	0.45%	0.08%	0.0093	Yes	Yes	No	No	N/A	N/A
Belfast Lough Open Water SPA	0.0135	0.086	0.45%		0.0093	Yes	Yes	No	No	N/A	N/A
Belfast Lough SPA/Ramsar	0.0155	0.099	0.517%		0.0093	Yes	Yes	No	Yes	N/A	No
Inner Belfast Lough ASSI	0.0155	0.099	0.517%		0.0093	Yes	Yes	No	Yes	N/A	No
Belvoir ASSI	0.0009	0.01	0.09%		0.013	Yes	No	No	No	N/A	N/A
Bellevue ASSI	0.0032	N/A	0.107%		0.0093	Yes	N/A	No	N/A	N/A	N/A
Craigantlet Woods ASSI	0.0011	0.01	0.037%		0.013	No	No	No	No	N/A	N/A

Acronym or Term

NH₃ – Ammonia

NO_x – Nitrogen oxides

PC – Process Contribution

CLe – Critical Level

CL – Critical Load

µg/m³ – micrograms of pollutant per cubic metre

Kg N/ha/yr – Kilograms of Nitrogen per Hecter per Year

Natural Heritage & Conservation Areas

DMT – *De-minimis* Threshold
 SRT – Site Relevant Threshold
 ≥ - Greater than or equal to
 ToLS – Test of Likely Significance
 N/A - Not Applicable i.e. no Air Pollution Information System (APIS) data available or assessment against threshold not required

Applications/PPCs used to determine SRT

Planning Application ID/Agricultural IPRI site PPC Name and number	Between 2017-2023, below DMT of 0.08% (NH₃ concentration)
LA04/2022/2103/F – This application	N/A
LA04/2017/0878/F	No
P0310/09A N I Water Ltd	No
P0485/15A MacWill Services	No
P0307/09A Renewable Power Systems (Dargan Road) Ltd	No
P0434/13A Coastal Clear Water Limited	No
PPC0002/08B PUMA ENERGY BELFAST LTD	No
P0565/17A Belfast Power Ltd.	No
P0446/14A Full Circle Generation Ltd.	No
PPC0019/08B Charles Tennant & Co (NI) Ltd	No
P0139/06A Clinty Regen Ltd	No
P0135/06A Bombardier Aerospace	No
PPC0006/08B NuStar Terminals Ltd	No
P0483/15A Clearway Disposals Ltd	No
P0001/03A Harland & Wolff	No
P0465/14B Euro Aggregates Ltd.	No
P0081/05A Veolia Water Outsourcing Limited	No
P0405/12B Larsen Building Products	No
P0102/05A United Feeds Limited	No
P0100/05A John Thompson and Sons Ltd	No
P0161/07A Irish Waste Services Ltd	No
P0124/06A Tennants Textile Colours Limited	No
P0084/05A The Royal Group of Hospitals	No

Applications/PPCs considered for in-combination

Planning Application ID/Agricultural IPRI site PPC Name and number	Applications above SRT, below ToLS and after January 2021
In-combination assessment for Inner Belfast Lough ASSI and Belfast Lough SPA/Ramsar CLs	
LA04/2022/2103/F – This application	Yes
LA04/2017/0878/F	No
T/2014/0114/F	No
P0156/06A Anderson Haulage Ltd	No
P0063/04A Diageo Baileys Global Supply - Belfast	No
P0460/14A Indaver (NI) Ltd	No
P0345/10A Anderson Haulage Ltd	No
PPC0168/08B AFBI - Veterinary Science Division	No
P0098/05A Diageo Global Supply IBC Group	No
P0239/07A N I Water Ltd	No
P0310/09A N I Water Ltd	No
P0485/15A MacWill Services	No
P0307/09A Renewable Power Systems (Dargan Road) Ltd	No

Natural Heritage & Conservation Areas

P0434/13A Coastal Clear Water Limited	No
PPC0002/08B PUMA ENERGY BELFAST LTD	No
P0565/17A Belfast Power Ltd.	No
P0446/14A Full Circle Generation Ltd.	No
PPC0019/08B Charles Tennant & Co (NI) Ltd	No
P0139/06A Clinty Regen Ltd	No
P0135/06A Bombardier Aerospace	No
PPC0006/08B NuStar Terminals Ltd	No
P0483/15A Clearway Disposals Ltd	No
P0001/03A Harland & Wolff	No
P0465/14B Euro Aggregates Ltd.	No
P0081/05A Veolia Water Outsourcing Limited	No
P0405/12B Larsen Building Products	No
P0102/05A United Feeds Limited	No
P0100/05A John Thompson and Sons Ltd	No
P0161/07A Irish Waste Services Ltd	No
P0124/06A Tennants Textile Colours Limited	No
P0084/05A The Royal Group of Hospitals	No

Annex 2 - Air Pollution Decision and Advisory Framework Assessment (NO_x)

Designated Site	PC for NO _x CLe (µg/m ³)	NO _x PC (CLe) (%)	De-minimis Threshold		Site Relevant Threshold	In-combination Assessment
			DMT of CLe (%)	Exceeds DMT for NO _x CLe of 0.05%?		
Outer Belfast Lough ASSI	0.16	0.533%	0.05%	Yes	Yes	Yes
Belfast Lough Open Water SPA	0.16	0.533%		Yes	Yes	Yes
Belfast Lough SPA/Ramsar	0.19	0.633%		Yes	Yes	Yes
Inner Belfast Lough ASSI	0.19	0.633%		Yes	Yes	Yes
Belvoir ASSI	0.01	0.033%		No	No	N/A
Bellevue ASSI	0.04	0.133%		Yes	No	N/A
Craigantlet Woods ASSI	0.01	0.033%		No	No	N/A
Acronym or Term NH ₃ – Ammonia NO _x – Nitrogen oxides PC – Process Contribution CLe – Critical Level CL – Critical Load						

µg/m³ – micrograms of pollutant per cubic metre

Kg N/ha/yr – Kilograms of Nitrogen per Hecter per Year

DMT – *De-minimis* Threshold

SRT – Site Relevant Threshold

≥ - Greater than or equal to

ToLS – Test of Likely Significance

N/A - Not Applicable i.e. no Air Pollution Information System (APIS) data available or assessment against threshold not required

Applications/PPCs considered for in-combination

Planning Application ID/Agricultural IPRI site PPC Name and number	Applications above SRT, below ToLS and after January 2021
In-combination assessment for Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belfast Lough SPA/Ramsar and Inner Belfast Lough Open Water SPA NO _x CLes	
LA04/2022/2103/F – This application	Yes – exceeds ToLS on its own

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Shared Environmental Service
Ardeevin
80 Galgorm Road
Ballymena
BT42 1AB

29/11/2024

Planning Reference: LA04/2022/2103/F

Location: 1 and 2 Duncrue Pass Belfast BT3 9BS.

Proposal: Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works.

Consultation: This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project. The assessment which informed this response is attached at Annex A.

Outcome: Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

SES has assessed the manner in which the project is to be carried out including any mitigation. The appropriate assessment has concluded that the design of the facility and regulatory oversight will ensure no adverse effects on site integrity of Belfast Lough Open Water SPA, Belfast Lough SPA/Ramsar site and East Coast (Northern Ireland) Marine Proposed SPA in light of the conservation objectives.

Advice for planner: Belfast City Council is advised to review the appropriate assessment provided by SES and if agreed, adopt the appropriate assessment. In recording the appropriate assessment in the planning report, the following statement may then be included:

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 29/11/2024. This found that the project would not have an adverse effect on the integrity of any European site.

ses@midandeantrim.gov.uk

ANNEX A

Habitats Regulations Assessment

Carried out by Shared Environmental Service, adopted by Belfast City Council.

Date Completed: 29/11/2024

Planning Reference: LA04/2022/2103/F

Location: 1 and 2 Duncrue Pass Belfast BT3 9BS.

Proposal: Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works.

Grid Reference: 334564 377090

Assessment stage completed

- ☐ 1. Assessment resulting in exemption
- ☐ 2. Assessment resulting in elimination
- ☐ 3. Assessment demonstrating no likely significant effect
- ☐ 4. Interim Assessment to inform e.g. EIA determination, PAD
- ☐ 5. Further information requested
- ☐ 6. Draft appropriate assessment referred to SNCB
- ☐ 7. Appropriate assessment complete, no adverse effect on site integrity without conditions
- ☒ 8. Appropriate assessment complete, no adverse effect on site integrity with conditions to mitigate
- ☐ 9. Appropriate assessment complete, adverse effect on site integrity

Summary of findings

Appropriate Assessment Outcome: The appropriate assessment has concluded that the design of the facility and regulatory oversight will ensure no adverse effects on site integrity of Belfast Lough Open Water SPA, Belfast Lough SPA/Ramsar site and East Coast (Northern Ireland) Marine Proposed SPA.

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Abbreviations/Glossary

AESI	Adverse effect on site integrity	NIW	Northern Ireland Water
Dfi	Department of Infrastructure	PAD	Pre-application discussion
EIA	Environmental Impact Assessment	RLB	Red line boundary
HRA	Habitats Regulations Assessment	SAC	Special Area of Conservation
LSE	Likely significant effect	SES	Shared Environmental Service
NA	Not applicable	SPA	Special Protection Area
NIEA	Northern Ireland Environment Agency	SNCB	Statutory Nature Conservation Body

Mitigation For the purposes of this report ‘mitigation’ includes measures to avoid, cancel or reduce effects

STAGE ONE ASSESSMENT

Note, in light of the April 2018 ruling of the European Court of Justice Case C323/17 (People over Wind and Sweetman), a cautious approach has been taken. Stage One Assessment does consider essential features and characteristics of the project but does not consider measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the integrity of European Sites. Assessment will therefore progress to Stage Two Appropriate Assessment unless there is certainty that it can be exempted, eliminated or screened out at Stage One. Incorporated and additional measures to avoid or reduce significant adverse effects will be assessed at Stage Two Appropriate Assessment.

A. Description and potential effects of the proposal

Description		
Heading	Short description	Comment
<div>Page 34</div> Proposal	Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works.	<p>This proposal seeks to develop a thermal treatment facility for the safe disposal of healthcare and hazardous waste, by the process of incineration with heat recovery and will provide a safe and sustainable solution for the treatment of these wastes.</p> <p>This facility will receive and treat the following wastes streams:</p> <ul style="list-style-type: none"> ▪ Healthcare; waste from hospitals, surgeries, clinics, dentists, veterinary practices and pharmacies. ▪ Community healthcare facilities; residential care homes, day centres and care in the community practices. ▪ Hazardous waste producers; industrial and commercial waste producers that hazardous waste contractors currently export for disposal and recovery to other countries. ▪ Travel Industry; waste from ships and planes to control imported waste materials. ▪ Government Controlled Wastes; specialist waste disposal from Government laboratory facilities and for the destruction of confidential goods such as alcohol drugs and tobacco for HMRC.
Location	1 and 2 Duncrue Pass Belfast BT3 9BS.	
Type of Development	Waste Management	
Size and Scale	0.99 ha	P1 Form
Land-take	None in any European Site	
Resource requirements (water etc.)	Mains water supply	

Emission (disposal to land, water or air)	Foul sewage to mains. Surface water Aerial emissions	P1 Form - Site runoff discharge to existing combined mains sewer at Duncrue Pass, through existing interceptor on site.
Excavation requirements	Will be required to accommodate some aspects related to the site redevelopment. Excavation requirements will not be major in scale.	
Transportation requirements	ES Chapter 15 Traffic and Transport - Operationally there will be a 59% reduction in the number of daily car and van arrival and departures (LGV). There will be a 75% reduction in the number of daily OGV 1 and OGV 2 larger vehicle arrival and departure trip movements, reducing from 111 existing to 28 daily arrivals and 28 daily departures proposed. This reduction will provide environmental benefit as there will be significantly fewer localised daily haul route trips to and from the site.	ES Chapter 15 Traffic and Transport - A wider environmental benefit is traffic associated with up to 20,000 tonnes of clinical waste currently travelling to GB each year by boat can be processed locally, including extracting energy from waste. Assuming a 5-day week and 50 working weeks per year, 28 HGV arrivals and departures equates to 7,000 HGV departing trips and 7000 HGV arriving trips to/from GB that will not be needed.
Duration	Not specified	
Frequency	Not specified	
Timing	Not specified	
Other		
Considerations for Assessment		
Are sea defences proposed/required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Will there be in river/sea works?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is piling required?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	PRA&GQRA, 4.6.4 Updated Conceptual Site Model (ES Appendix 8.1) Table 18 indicates that the engineered design is likely to include piled foundations. The piling will involve limited interaction with groundwater. No risk has been identified to designated sites from contaminated groundwater and/or leachate given the following rational ' <i>limited hydraulic continuity with designated sites given distance from development site</i> '.

		No viable pathway has been identified for piled foundations to negatively impact qualifying feature of any European site.
Is site within a flood plain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ArcMaps flood layers checked. DfI Rivers response dated 13/02/2023 confirms site is not in a flood plain.
Is site within 30m of Otter SAC river bank?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Could there be contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PRA&GQRA (ES Appendix 8.1) states: <i>'The proposed development is not considered to pose an impact upon the local water environment.</i> <i>It is concluded that the proposed development poses a low risk to end users and local environment. No specific remedial measures are deemed necessary for commercial end use based on details of the proposed development and site investigation findings detailed within this Report.'</i>
Has NIW confirmed capacity for stormwater/sewage to mains?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	NIW response 28/02/2023 confirms approval for foul sewage discharge and available capacity at the receiving WwTW.
Potential Effects		
<i>Development Phase</i>	<i>Type</i>	<i>Comment</i>
Pre-construction	Not applicable	
Construction	4. Marine Impact - Indirect Choose an item. Choose an item.	Potential for construction discharges of silt/sediment; release of toxic contaminants from the storage/handling of waste materials; discharges from dewatering of the excavations and small-scale hydrocarbon leaks/spillage from plant entering the existing storm water sewer and negatively impacting connected European sites.
Operation	4. Marine Impact - Indirect 7d. Development - Air Pollution Choose an item.	Potential for operational discharges entering the existing storm water sewer and negatively impacting connected European sites. The nature of the proposed development will generate aerial emissions at the operational phase. Detailed air quality dispersion modelling has been undertaken to consider the predicted process contribution from the project. Further consideration is required at Stage 2 Appropriate Assessment.
Decommissioning	Not applicable	
Restoration and aftercare	Not applicable	

Unintended events	Not applicable	
Assumptions		
<i>Assumption/s</i>	<i>Impact on potential effects</i>	<i>Comment</i>
The site will comply with the terms of a PPC permit.	Operation of facility will be regulated by NIEA.	Prior to operation the site will also require a PPC Permit regulated by NIEA IPRI. Emissions from the site will be regulated under the Implementing Decision 2019/2020 'Establishing the best available techniques (BAT) conclusions, under directive 2010/75/EU of the European Parliament and of the Council, for Waste incineration'. Implementing Decision 2019/2020 references Best Available Techniques Associated Emission Limits (BAT-AEL) as contained within the Bat Reference Document (BREF) for Waste Incineration. Regulation 43 of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) applies to any permit application/variation and requires that the competent authority "shall agree to the plan or project only having ascertained that it will not adversely affect the integrity of any European Site". IPRI is the competent authority in this regard.
The applicant will comply with the Waste Management Licensing Regulations (Northern Ireland) 2003 and The Waste and Contaminated Land (Northern Ireland) Order 1997 (as amended).	Operation of facility will be regulated by NIEA.	Concerns the prevention, reduction and elimination of pollution of water, the prevention, reduction and elimination of pollution caused by waste, the regulation and control of the transit, import and export of waste (including waste materials).
The Air Quality Impact Assessment has been prepared by a duly competent company.	This will ensure that aerial emissions have been accurately modelled and are a true reflection of emissions generated during the operation of the proposal.	ES Chapter 14 Air Quality (inc. AQ Technical Appendix 14.1 and Technical Memorandum dated 13/09/24). Prepared by SLR Consulting Ltd, an EIA Quality Mark registered company with the Institute of Environmental Management and Assessment (IEMA). The author is a Chartered Environmentalist (CEnv), Member of the Institute of Air Quality Management (MIAQM) and Member of the Institution of Environmental Sciences (MIEnvSc).
Information gaps		
<i>Information gap</i>	<i>Pathway/Receptor</i>	<i>Comment</i>
None		

B. Overview of sites potentially affected

Site Selection				
Proposal type				Site/s potentially affected
Ammonia livestock emitting project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes is development within 7.5km of European site?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select Site Select Site Select Site Select Site
Wind turbine/s	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes is it within NIEA consultation zone for a European site?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Select Site Select Site Select Site
All developments – is it hydrologically connected to a European site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes could it have a conceivable impact on any European site?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Belfast Lough Open Water SPA Belfast Lough Ramsar Belfast Lough SPA East Coast (Northern Ireland) Marine Proposed SPA
Could project increase disturbance to site selection features?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes detail:		Select Site Select Site Select Site
Any other potential impacts on European sites?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes detail: Potential for aerial deposition from atmospheric pollutants.		Belfast Lough Open Water SPA Belfast Lough Ramsar Belfast Lough SPA East Coast (Northern Ireland) Marine Proposed SPA

Site name	Relative Location of proposal	Pathway	Comment
Belfast Lough Open Water SPA	c.1.5km to the north-east of the proposed development.	Aerial/Hydrological	Potential for construction discharges of silt/sediment; release of toxic contaminants from the storage/handling of waste materials; discharges from dewatering of the excavations and small-scale hydrocarbon leaks/spillage from plant entering the existing drainage network and negatively impacting connected European designated sites. Potential for operational aerial deposition of atmospheric pollutants resulting in acidification and nutrient enrichment of adjacent European designated sites.
Belfast Lough SPA/Ramsar site	c.560m to the east of the proposed development.		
East Coast (Northern Ireland) Marine Proposed SPA	c.3.6km to the north of the proposed development.		

Sites considered but excluded from further assessment	
Site name	Reason excluded
North Channel SAC	Hydrological connection, SAC boundary c.15.3km north-east of the proposed development, however, due to distance to this site and magnitude of hydrological dilution/dispersion there can be no conceivable effects on associated mobile features. Atmospheric deposition is not likely to impact the qualifying feature.
The Maidens SAC	Hydrological connection, SAC boundary c.37km north of the proposed development, however, due to distance to this site and magnitude of hydrological dilution/dispersion there can be no conceivable effects on associated mobile features. Atmospheric deposition is not likely to impact the qualifying feature.

C. Outcome Stage One

Proposal exempt	
Is the entire project directly connected with or necessary to the management of all the European site(s) potentially affected and listed above?	<input type="checkbox"/> Yes – project exempt <input checked="" type="checkbox"/> No – further consideration
If 'Yes' justify	Click here to enter text.
Proposal eliminated	
Can any conceivable effect on any European site be objectively ruled out?	<input type="checkbox"/> Yes – project eliminated <input checked="" type="checkbox"/> No – further consideration
If 'Yes' justify why eliminated	Click here to enter text.
Likely Significant Effect	
Considering the project as proposed, and in the absence of any incorporated or additional measures to avoid, cancel or reduce the effects on a European site, could there be a likely significant effect (LSE) on one or more site selection features of any site?	<input type="checkbox"/> No – assessment completed <input checked="" type="checkbox"/> Yes – Progress to Stage Two Appropriate Assessment
If 'No' justify why no LSE	Click here to enter text.

STAGE TWO APPROPRIATE ASSESSMENT

This appropriate assessment further assesses effects on European sites and features and takes account of the evidence listed in the final section 'Evidence Used to Inform Assessment'.

D. Scoping Appropriate Assessment

Sites and Features which will be further assessed			
Site	Feature/s	Development Phases	Potential Impacts
Belfast Lough Open Water SPA	All features	Construction and Operation	<p>Potential for construction discharges of silt/sediment; release of toxic contaminants from the storage/handling of waste materials; discharges from dewatering of the excavations and small-scale hydrocarbon leaks/spillage from plant entering the existing drainage network and negatively impacting connected European designated sites.</p> <p>Potential for operational aerial deposition of atmospheric pollutants resulting in acidification and nutrient enrichment of adjacent European designated sites.</p>
Belfast Lough SPA/Ramsar site			
East Coast (Northern Ireland) Marine Proposed SPA			

E. Assessment of Mitigation Measures

Detail of mitigation measures included in proposal
<p>Environmental Statement - 10.8 Implementation of Mitigation Measures</p> <p>Mitigation measures to reduce or eliminate impacts on ecological receptors are, for the most part, <u>integral to the operations required</u> to carry out demolition of existing buildings, site preparation and construction of the incinerator facility.</p> <p>Mitigation of atmospheric emissions are inherent to the design of the flue gas treatment and continuous environmental monitoring equipment that will be installed as part of the plant. Mitigation measures that reduce or eliminates impacts on ecological receptors during operation of the incinerator are <u>integral to the operation and function</u> of the new facility.</p> <p>The measures included in the proposal are required or are already existing under the proactive regulatory oversight in place for this type of waste facilities which are discussed in more detail in Section F - Assessment of Sites and Features.</p>

F. Assessment of Sites and Features

Belfast Lough Ramsar		Pathway/s: Hydrological/Aerial		
Overall Objective		Not published - assumed to be to maintain or enhance the population of the qualifying species, to maintain or enhance the distribution, extent, structure, function and supporting processes of the qualifying habitats.		
Criterion	Qualifying Feature	Construction	Operation	Other
6	Common redshank , <i>Tringa totanus tetanus</i> Black-tailed godwit , <i>Limosa limosa islandica</i>	Potential impacts		
		<p>The location of the site within a heavily built-up commercial/industrial area restricts the potential for it to support significant populations of qualifying features or supporting habitat.</p> <p><u>Water Quality</u> There are no known waterways in the immediate vicinity of the site, and direct discharge of site waters during construction is therefore unlikely. Surface water from the site during construction of the site will be discharged to the existing combined sewer drainage system.</p> <p>The site has a <u>trade effluent discharge consent ref. TE340220</u> for discharge of trade effluent to foul sewer. A second connection found in the Speedy Hire yard discharges mainly stormwater and the domestic sewage from the staff toilet and kitchen. There are 3 interceptors within these two drainage systems. The site discharges rainwater from the site to a combined foul and stormwater system that ultimately drains to the Dargan WwTW. The Premier Drive Stream provides drainage for stormwater for most of this part of the Duncrue industrial area.</p>	<p>The location of the site within a heavily built-up commercial/industrial area restricts the potential for it to support significant populations of qualifying features or supporting habitat.</p> <p><u>Water Quality</u> This type of operational activity involves waste products that could pose a risk to the aquatic environment over a long period if not appropriately managed. Supporting information details the design of the facility with features which are integral to this type of development. All waste delivered to the site will be treated indoors and will be isolated from groundwater by the concrete platform construction of the facility. There will be no contact between waste liquids and any watercourse.</p> <p>It is stated in the ES, 'During the operational phase there may be an increased risk of pollution to water resources due to the use of temporary fuel storage containers and increased plant and equipment that will be used in the construction activity. Sensitivity of the controlled waters in the vicinity is low, given there is no direct connection to the Premier Drive Stream other than through the combined foul and storm water sewage network. The existing site has 3 no. oil interceptors installed, which will remain in place during the construction activity. This will limit the potential risk to stormwater from the accidental release of fuels</p>	NA

Summary

The existing site drainage infrastructure in place as required under the proactive regulatory oversight of the facility will ensure no adverse effect to the integrity of any European site from the construction phase of the proposal.

and chemicals. They will also serve to detain silt arising from rainfall run off on the hard standing yard areas.'

The site has a trade effluent discharge consent ref. TE340220 for discharge of trade effluent to foul sewer. A second connection found in the Speedy Hire yard discharges mainly stormwater and the domestic sewage from the staff toilet and kitchen. There are 3 interceptors within these two drainage systems. The site discharges rainwater from the site to a combined foul and stormwater system that ultimately drains to the Dargan WwTW. The Premier Drive Stream provides drainage for stormwater for most of this part of the Duncrue industrial area. If permission is granted for this application, a new discharge consent or a review of the existing discharge consent will be required.

The site will operate under a Waste Management Licence. A Waste Management Licence ref. LN/18/01 is currently in place. NIEA are responsible for granting waste licences, setting conditions on licensing activities and monitoring sites to ensure compliance with licence conditions.

The site will be subject to the conditions of this licence which will confirm the types of waste that can be accepted and agree a working plan to include a management system detailing the operation, control, monitoring, and maintenance of all specified waste management operations. If permission is granted for this application, a new waste authorisation or a review of the existing waste authorisation will be required.

Prior to operation the site will also require a PPC Permit regulated by NIEA IPRI. Emissions from the site will be regulated under the Implementing Decision 2019/2020 'Establishing the best available techniques (BAT) conclusions, under directive 2010/75/EU of the European Parliament and of the Council, for Waste incineration'. Implementing Decision 2019/2020 references Best Available Techniques Associated

			<p>Emission Limits (BAT-AEL) as contained within the Bat Reference Document (BREF) for Waste Incineration. Regulation 43 of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) applies to any permit application/variation and requires that the competent authority “shall agree to the plan or project only having ascertained that it will not adversely affect the integrity of any European Site”. IPRI is the competent authority in this regard.</p> <p><u>Aerial Emissions</u></p> <p>The waste incineration process will result in the production of waste gases, which will be directed to the facility gas-cleaning equipment to reduce emissions to air. Acidic gases derived from chlorine and sulphur compounds present in the incinerated waste have the potential to have effects on vegetation, habitats, receiving waters and aquatic organisms. Proposed gas-cleaning equipment neutralises acidic gases and filters out particulate matter and adsorbing heavy metals, dioxins and furans to prevent these from being emitted to atmosphere. Equipment will conform with the most stringent environmental limits set out in the 2019 BREF document (Chapter 2). A Continuous Emissions Monitoring System will continuously monitor flue gas contaminants prior to flue gas discharge to air via a stack (at this site 36m in height). Dispersion of treated flue gases is likely to result in no discernible effect on semi-natural habitats, fauna or ecological features of protected sites.</p> <p>The clean air emissions system and the Combined Heat and Power Plant will be installed internally into the Building 2 and a new flue will be added. Flue Gas Treatment will include dry reagent dosing and filtration to achieve emissions limits in line with requirements. A Continuous Emissions Monitoring System will be installed to continuously monitor flue gas contaminant concentrations for reporting to the NIEA. Flue gas will be exhausted via a stack of up to</p>	
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			<p>approximately 30m in height. Measures to address atmospheric emissions are inherent to the design of the flue gas treatment and continuous environmental monitoring equipment that will be installed as part of the plant.</p> <p>NIEA have advised Planning Authorities of an interim assessment approach based on the concepts detailed within the Decision-Making Threshold (DMT) project, commissioned by the Joint Nature Conservation Committee (JNCC Report No. 696). This recommends thresholds based on the best available scientific information and modelling.</p> <p>ES Chapter 14 Air Quality, AQ Technical Appendix 14.1 and Technical Memorandum (TM) 13/09/24 provide details of air dispersion modelling results at European sites in the vicinity of the proposal.</p> <p>Table 1 of the TM confirms the maximum NH₃ process contribution from the proposal at this site to be 0.0151 µg/m³. This equates to 0.517 % of the sites assigned Critical Level (CL_e) 3 and exceeds the Decision-Making Threshold (DMT) of 0.08%. Where the DMT is exceeded a Site Relevant Threshold (SRT) can be applied. The SRT represents a simple refinement to the Universal DMT made on the basis of development pressure.</p> <p>Annex 1 of NIEA consultation response 17/10/24 provides the results of the Air Pollution Decision and Advisory Framework Assessment on all sites within 7.5km of the proposal for NH₃ concentration and Nitrogen Deposition.</p> <p>NED 17/10/24 advise that...</p> <p><i>‘the PCs do not exceed the Site Relevant Threshold (SRT) for NH₃ concentration. Although the PCs for Inner Belfast Lough ASSI and Belfast Lough SPA/Ramsar exceed the SRT for Critical Load (CL), both PCs do not exceed the Test of Likely Significance</i></p>	
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			<p><i>threshold (ToLS) for CLs when considered in-combination with other plans/projects.</i></p> <p><i>The PCs for Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belfast Lough SPA/Ramsar and Belfast lough Open Water SPA exceed the ToLS threshold for NOx concentration on their own. However, the background NOx concentration does not exceed the NOx Critical Level (CLe) at the nearest receptor location for each of these designated sites. The Predicted Environmental Concentrations (PECs) for each of these sites were <70% and therefore meet the thresholds within the advisory framework. The rest of the designated sites have PCs which do not exceed the SRT for NOx concentration.'</i></p> <p><i>...for each of these sites the Process Contributions (PC's) meet the thresholds within the advisory framework. NED advises that under the Air Pollution Decision and Advisory Framework, there are no air quality concerns with the proposal.'</i></p> <p><u>Summary</u> The maximum process contributions from the facility do not exceed the advisory thresholds set by NIEA. Measures and features inherent to the design of the facility are required under the proactive regulatory oversight in place as part of the sites operational procedures and will ensure no adverse effect to the integrity of any European site from operational aspects of the proposal in light of the conservation objectives.</p>	
			Impact of mitigation on potential effects	
			NA	NA
			Residual Impacts	
			No AESI	NA

Belfast Lough SPA		Pathway/s: Hydrological/Aerial			
Overall Objective		To maintain each feature in favourable condition			
Feature	Status	Feature Objective	Construction	Operation	Other
Qualifying Feature	Cited feature	<p>To maintain or enhance the population of the qualifying species.</p> <p>To maintain or enhance the range of habitats utilised by the qualifying species. To ensure that the integrity of the site is maintained;</p> <p>To ensure there is no significant disturbance of the species and to ensure that the following are maintained in the long term:</p> <ul style="list-style-type: none"> Population of the species as a viable component of the site; Distribution of the species within site; Distribution and extent of habitats supporting the species; Structure, function and supporting processes of habitats supporting the Species. 	Potential impacts		
Redshank wintering population			<p>The location of the site within a heavily built-up commercial/industrial area restricts the potential for it to support significant populations of qualifying features or supporting habitat.</p> <p><u>Water Quality</u></p> <p>There are no known waterways in the immediate vicinity of the site, and direct discharge of site waters during construction is therefore unlikely. Surface water from the site during construction of the site will be discharged to the existing combined sewer drainage system.</p> <p>The site has a <u>trade effluent discharge consent ref. TE340220</u> for discharge of trade effluent to foul sewer. A second connection found in the Speedy Hire yard discharges mainly stormwater and the domestic sewage from the staff toilet and kitchen. There are 3 interceptors within these two drainage systems. The site discharges rainwater from the site to a combined foul and stormwater system that ultimately drains to the Dargan WwTW. The Premier Drive Stream provides drainage for stormwater for most of this part of the Duncrue industrial area.</p> <p><u>Summary</u></p>	<p>The location of the site within a heavily built-up commercial/industrial area restricts the potential for it to support significant populations of qualifying features or supporting habitat.</p> <p><u>Water Quality</u></p> <p>This type of operational activity involves waste products that could pose a risk to the aquatic environment over a long period if not appropriately managed. Supporting information details the design of the facility with features which are integral to this type of development. All waste delivered to the site will be treated indoors and will be isolated from groundwater by the concrete platform construction of the facility. There will be no contact between waste liquids and any watercourse.</p> <p>It is stated in the ES, 'During the operational phase there may be an increased risk of pollution to water resources due to the use of temporary fuel storage containers and increased plant and equipment that will be used in the construction activity. Sensitivity of the controlled waters in the vicinity is low, given there is no direct connection to the Premier Drive Stream other than through the combined foul and storm water sewage network. The existing site has 3 no. oil interceptors installed, which will remain in place during the construction activity. This will limit the potential risk to stormwater from the accidental release of fuels and chemicals. They will also serve to detain silt arising from rainfall run off on the hard standing yard areas.'</p>	NA

			<p>The existing site drainage infrastructure in place as required under the proactive regulatory oversight of the facility will ensure no adverse effect to the integrity of any European site from the construction phase of the proposal.</p>	<p>The site has a <u>trade effluent discharge consent ref. TE340220</u> for discharge of trade effluent to foul sewer. A second connection found in the Speedy Hire yard discharges mainly stormwater and the domestic sewage from the staff toilet and kitchen. There are 3 interceptors within these two drainage systems. The site discharges rainwater from the site to a combined foul and stormwater system that ultimately drains to the Dargan WWTW. The Premier Drive Stream provides drainage for stormwater for most of this part of the Duncrue industrial area. If permission is granted for this application, a new discharge consent or a review of the existing discharge consent will be required.</p> <p>The site will operate under a Waste Management Licence. A Waste Management Licence ref. <u>LN/18/01</u> is currently in place. NIEA are responsible for granting waste licences, setting conditions on licensing activities and monitoring sites to ensure compliance with licence conditions.</p> <p>The site will be subject to the conditions of this licence which will confirm the types of waste that can be accepted and agree a working plan to include a management system detailing the operation, control, monitoring, and maintenance of all specified waste management operations. If permission is granted for this application, a new waste authorisation or a review of the existing waste authorisation will be required.</p> <p>Prior to operation the site will also require a PPC Permit regulated by NIEA IPRI. Emissions from the site will be regulated under the Implementing Decision 2019/2020 'Establishing the best available techniques (BAT) conclusions, under directive 2010/75/EU of the European Parliament and of the Council, for Waste incineration'. Implementing Decision 2019/2020 references Best Available Techniques Associated Emission Limits (BAT-AEL) as contained within the Bat Reference Document (BREF) for Waste Incineration. Regulation 43 of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended)</p>	
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				<p>applies to any permit application/variation and requires that the competent authority “shall agree to the plan or project only having ascertained that it will not adversely affect the integrity of any European Site”. IPRI is the competent authority in this regard.</p> <p><u>Aerial Emissions</u></p> <p>The waste incineration process will result in the production of waste gases, which will be directed to the facility gas-cleaning equipment to reduce emissions to air. Acidic gases derived from chlorine and sulphur compounds present in the incinerated waste have the potential to have effects on vegetation, habitats, receiving waters and aquatic organisms. Proposed gas-cleaning equipment neutralises acidic gases and filters out particulate matter and adsorbing heavy metals, dioxins and furans to prevent these from being emitted to atmosphere. Equipment will conform with the most stringent environmental limits set out in the 2019 BREF document (Chapter 2). A Continuous Emissions Monitoring System will continuously monitor flue gas contaminants prior to flue gas discharge to air via a stack (at this site 36m in height). Dispersion of treated flue gases is likely to result in no discernible effect on semi-natural habitats, fauna or ecological features of protected sites.</p> <p>The clean air emissions system and the Combined Heat and Power Plant will be installed internally into the Building 2 and a new flue will be added. Flue Gas Treatment will include dry reagent dosing and filtration to achieve emissions limits in line with requirements. A Continuous Emissions Monitoring System will be installed to continuously monitor flue gas contaminant concentrations for reporting to the NIEA. Flue gas will be exhausted via a stack of up to approximately 30m in height. Measures to address atmospheric emissions are inherent to the design of the flue gas treatment and continuous environmental</p>	
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				<p>monitoring equipment that will be installed as part of the plant.</p> <p>NIEA have advised Planning Authorities of an interim assessment approach based on the concepts detailed within the Decision-Making Threshold (DMT) project, commissioned by the Joint Nature Conservation Committee (JNCC Report No. 696). This recommends thresholds based on the best available scientific information and modelling.</p> <p>ES Chapter 14 Air Quality, AQ Technical Appendix 14.1 and Technical Memorandum (TM) 13/09/24 provide details of air dispersion modelling results at European sites in the vicinity of the proposal.</p> <p>Table 1 of the TM confirms the maximum NH₃ process contribution from the proposal at this site to be 0.0151 µg/m³. This equates to 0.517 % of the sites assigned Critical Level (CLE) 3 and exceeds the Decision-Making Threshold (DMT) of 0.08%. Where the DMT is exceeded a Site Relevant Threshold (SRT) can be applied. The SRT represents a simple refinement to the Universal DMT made on the basis of development pressure.</p> <p>Annex 1 of NIEA consultation response 17/10/24 provides the results of the Air Pollution Decision and Advisory Framework Assessment on all sites within 7.5km of the proposal for NH3 concentration and Nitrogen Deposition.</p> <p>NED 17/10/24 advise that...</p> <p><i>'the PCs do not exceed the Site Relevant Threshold (SRT) for NH3 concentration. Although the PCs for Inner Belfast Lough ASSI and Belfast Lough SPA/Ramsar exceed the SRT for Critical Load (CL), both PCs do not exceed the Test of Likely Significance threshold (ToLS) for CLs when considered in-combination with other plans/projects.</i></p> <p><i>The PCs for Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belfast Lough SPA/Ramsar and Belfast</i></p>	
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Page 51				<p><i>lough Open Water SPA exceed the ToLS threshold for NOx concentration on their own. However, the background NOx concentration does not exceed the NOx Critical Level (CLE) at the nearest receptor location for each of these designated sites. The Predicted Environmental Concentrations (PECs) for each of these sites were <70% and therefore meet the thresholds within the advisory framework. The rest of the designated sites have PCs which do not exceed the SRT for NOx concentration.'</i></p> <p><i>...for each of these sites the Process Contributions (PC's) meet the thresholds within the advisory framework. NED advises that under the Air Pollution Decision and Advisory Framework, there are no air quality concerns with the proposal.'</i></p> <p><u>Summary</u> The maximum process contributions from the facility do not exceed the advisory thresholds set by NIEA. Measures and features inherent to the design of the facility are required under the proactive regulatory oversight in place as part of the sites operational procedures and will ensure no adverse effect to the integrity of any European site from operational aspects of the proposal in light of the conservation objectives.</p>			
				Impact of mitigation on potential effects			
				NA		NA	NA
				Residual Impacts			
Condition Assessment				No AESI	No AESI	NA	
Unfavourable				Potential impacts			
						NA	
Impact of mitigation on potential effects							
Qualifying Feature	Cited feature			NA	NA	NA	
Common tern & Arctic tern Breeding population							

Condition Assessment			Residual Impacts		
Favourable			No AESI	No AESI	NA
Qualifying Feature	Cited feature		Potential impacts		
Bar-tailed godwit (not breeding)					NA
			Impact of mitigation on potential effects		
			NA	NA	NA
Condition Assessment			Residual Impacts		
Favourable			No AESI	No AESI	NA
Qualifying Feature	Cited feature		Potential impacts		
Black tailed godwit					NA
			Impact of mitigation on potential effects		
			NA	NA	NA
Condition Assessment			Residual Impacts		
Favourable			No AESI	No AESI	NA

East Coast (Northern Ireland) Marine pSPA (Includes Belfast Lough Open Water SPA)			Pathway/s: Hydrological/Aerial		
Overall Objective		To maintain each feature in favourable condition			
Feature	Status	Feature Objective	Construction	Operation	Other
Qualifying Feature		To maintain or enhance the population of the qualifying species. To maintain or enhance the range of habitats utilised by the qualifying species. To ensure that the integrity of the site is maintained; To ensure there is no significant disturbance of the species and to ensure	Potential impacts		
Wintering populations of Great Crested Grebe, Red-throated Diver, Eider Duck			The location of the site within a heavily built-up commercial/industrial area restricts the potential for it to support significant populations of qualifying features or supporting habitat.	The location of the site within a heavily built-up commercial/industrial area restricts the potential for it to support significant populations of qualifying features or supporting habitat. <u>Water Quality</u>	NA

		<p>that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site; • Distribution of the species within site; • Distribution and extent of habitats supporting the species; • Structure, function and supporting processes of habitats supporting the Species. 	<p><u>Water Quality</u></p> <p>There are no known waterways in the immediate vicinity of the site, and direct discharge of site waters during construction is therefore unlikely. Surface water from the site during construction of the site will be discharged to the existing combined sewer drainage system.</p> <p>The site has a <u>trade effluent discharge consent ref. TE340220</u> for discharge of trade effluent to foul sewer. A second connection found in the Speedy Hire yard discharges mainly stormwater and the domestic sewage from the staff toilet and kitchen. There are 3 interceptors within these two drainage systems. The site discharges rainwater from the site to a combined foul and stormwater system that ultimately drains to the Dargan WwTW. The Premier Drive Stream provides drainage for stormwater for most of this part of the Duncrue industrial area.</p> <p><u>Summary</u></p> <p>The existing site drainage infrastructure in place as required under the proactive regulatory oversight of the facility will ensure no adverse effect to the integrity of any European site from the construction phase of the proposal.</p>	<p>This type of operational activity involves waste products that could pose a risk to the aquatic environment over a long period if not appropriately managed. Supporting information details the design of the facility with features which are inherent to this type of development. All waste delivered to the site will be treated indoors and will be isolated from groundwater by the concrete platform construction of the facility. There will be no contact between waste liquids and any watercourse.</p> <p>It is stated in the ES, <i>'During the operational phase there may be an increased risk of pollution to water resources due to the use of temporary fuel storage containers and increased plant and equipment that will be used in the construction activity. Sensitivity of the controlled waters in the vicinity is low, given there is no direct connection to the Premier Drive Stream other than through the combined foul and storm water sewage network. The existing site has 3 no. oil interceptors installed, which will remain in place during the construction activity. This will limit the potential risk to stormwater from the accidental release of fuels and chemicals. They will also serve to detain silt arising from rainfall run off on the hard standing yard areas.'</i></p> <p>The site has a <u>trade effluent discharge consent ref. TE340220</u> for discharge of trade effluent to foul sewer. A second connection found in the Speedy Hire yard discharges mainly stormwater and the domestic sewage from the staff toilet and kitchen. There are 3 interceptors within these two drainage systems. The site discharges rainwater from the site to a combined foul</p>	
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				<p>and stormwater system that ultimately drains to the Dargan WwTW. The Premier Drive Stream provides drainage for stormwater for most of this part of the Duncrue industrial area. If permission is granted for this application, a new discharge consent or a review of the existing discharge consent will be required.</p> <p>The site will operate under a Waste Management Licence. A Waste Management Licence ref. <u>LN/18/01</u> is currently in place. NIEA are responsible for granting waste licences, setting conditions on licensing activities and monitoring sites to ensure compliance with licence conditions.</p> <p>The site will be subject to the conditions of this licence which will confirm the types of waste that can be accepted and agree a working plan to include a management system detailing the operation, control, monitoring, and maintenance of all specified waste management operations. If permission is granted for this application, a new waste authorisation or a review of the existing waste authorisation will be required.</p> <p>Prior to operation the site will also require a PPC Permit regulated by NIEA IPRI. Emissions from the site will be regulated under the Implementing Decision 2019/2020 'Establishing the best available techniques (BAT) conclusions, under directive 2010/75/EU of the European Parliament and of the Council, for Waste incineration'. Implementing Decision 2019/2020 references Best Available Techniques Associated Emission Limits (BAT-AEL) as contained within the Bat Reference Document (BREF) for Waste Incineration.</p>	
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				<p>Regulation 43 of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) applies to any permit application/variation and requires that the competent authority “shall agree to the plan or project only having ascertained that it will not adversely affect the integrity of any European Site”. IPRI is the competent authority in this regard.</p> <p><u>Aerial Emissions</u></p> <p>The waste incineration process will result in the production of waste gases, which will be directed to the facility gas-cleaning equipment to reduce emissions to air. Acidic gases derived from chlorine and sulphur compounds present in the incinerated waste have the potential to have effects on vegetation, habitats, receiving waters and aquatic organisms. Proposed gas-cleaning equipment neutralises acidic gases and filters out particulate matter and adsorbing heavy metals, dioxins and furans to prevent these from being emitted to atmosphere. Equipment will conform with the most stringent environmental limits set out in the 2019 BREF document (Chapter 2). A Continuous Emissions Monitoring System will continuously monitor flue gas contaminants prior to flue gas discharge to air via a stack (at this site 36m in height). Dispersion of treated flue gases is likely to result in no discernible effect on semi-natural habitats, fauna or ecological features of protected sites.</p> <p>The clean air emissions system and the Combined Heat and Power Plant will be installed internally into the Building 2 and a new flue will be added. Flue Gas Treatment will include dry reagent dosing and filtration</p>	
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				<p>to achieve emissions limits in line with requirements. A Continuous Emissions Monitoring System will be installed to continuously monitor flue gas contaminant concentrations for reporting to the NIEA. Flue gas will be exhausted via a stack of up to approximately 30m in height. Measures to address atmospheric emissions are inherent to the design of the flue gas treatment and continuous environmental monitoring equipment that will be installed as part of the plant.</p> <p>NIEA have advised Planning Authorities of an interim assessment approach based on the concepts detailed within the Decision-Making Threshold (DMT) project, commissioned by the Joint Nature Conservation Committee (JNCC Report No. 696). This recommends thresholds based on the best available scientific information and modelling.</p> <p>ES Chapter 14 Air Quality, AQ Technical Appendix 14.1 and Technical Memorandum (TM) 13/09/24 provide details of air dispersion modelling results at European sites in the vicinity of the proposal.</p> <p>Table 1 of the TM confirms the maximum NH₃ process contribution from the proposal at this site to be 0.0135 µg/m³. This equates to 0.45 % of the sites assigned Critical Level (CLe) 3 and exceeds the Decision-Making Threshold (DMT) of 0.08%. Where the DMT is exceeded a Site Relevant Threshold (SRT) can be applied. The SRT represents a simple refinement to the Universal DMT made on the basis of development pressure.</p> <p>Annex 1 of NIEA consultation response 17/10/24 provides the results of the Air</p>	
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				<p>Pollution Decision and Advisory Framework Assessment on all sites within 7.5km of the proposal for NH3 concentration and Nitrogen Deposition.</p> <p>NED 17/10/24 advise that...</p> <p><i>'the PCs do not exceed the Site Relevant Threshold (SRT) for NH3 concentration. Although the PCs for Inner Belfast Lough ASSI and Belfast Lough SPA/Ramsar exceed the SRT for Critical Load (CL), both PCs do not exceed the Test of Likely Significance threshold (ToLS) for CLs when considered in combination with other plans/projects.</i></p> <p><i>The PCs for Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belfast Lough SPA/Ramsar and Belfast lough Open Water SPA exceed the ToLS threshold for NOx concentration on their own. However, the background NOx concentration does not exceed the NOx Critical Level (CLe) at the nearest receptor location for each of these designated sites. The Predicted Environmental Concentrations (PECs) for each of these sites were <70% and therefore meet the thresholds within the advisory framework. The rest of the designated sites have PCs which do not exceed the SRT for NOx concentration.'</i></p> <p><i>...for each of these sites the Process Contributions (PC's) meet the thresholds within the advisory framework. NED advises that under the Air Pollution Decision and Advisory Framework, there are no air quality concerns with the proposal.'</i></p> <p><u>Summary</u> The maximum process contributions from the facility do not exceed the advisory thresholds set by NIEA.</p>	
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				Measures and features inherent to the design of the facility are required under the proactive regulatory oversight in place as part of the sites operational procedures and will ensure no adverse effect to the integrity of any European site from operational aspects of the proposal in light of the conservation objectives.	
			Impact of mitigation on potential effects		
			NA	NA	NA
Condition Assessment			Residual Impacts		
Not assessed to date. (Great Crested Grebe wintering population, unfavourable in Belfast Lough Open Water SPA).			No AESI	No AESI	NA
Qualifying Feature			Potential impacts		
breeding populations of Sandwich Tern, Common Tern, Arctic Tern, Manx Shearwater.			As above	As above	NA
			Impact of mitigation on potential effects		
Condition Assessment			NA	NA	NA
			Residual Impacts		
			No AESI	No AESI	NA

G. Assessment of In Combination Effects

Are there any residual insignificant effects on site integrity?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Comment: The proposed development has no residual significant or insignificant effects which could contribute to cumulative effects. Therefore, an in-combination assessment is not required.
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H. Outcome of Appropriate Assessment

Site	Residual effect following application of mitigation measures?	Comment
Belfast Lough Open Water SPA Belfast Lough SPA/Ramsar site East Coast (Northern Ireland) Marine Proposed SPA	<input checked="" type="checkbox"/> No adverse effect on site integrity	Regulatory oversight will ensure site integrity of adjacent European sites are not impacted by the proposed development.

Taking account of the assessment above, including any incorporated and additional mitigation measures, could there be an adverse effect on site integrity for any site from the proposal alone or in combination with other projects or plans?		<input checked="" type="checkbox"/> No AESI – summarise outcome and record any conditions required to ensure mitigation is implemented <input type="checkbox"/> Yes AESI – detail here .
Recommendation	The appropriate assessment has concluded that the design of the facility and regulatory oversight will ensure no adverse effects on site integrity of Belfast Lough Open Water SPA, Belfast Lough SPA/Ramsar site and East Coast (Northern Ireland) Marine Proposed SPA.	
Conditions to ensure mitigation is implemented		
Are any conditions required to ensure that the proposal and mitigation measures are adhered to?	<input type="checkbox"/> Yes – complete next section and add condition/s <input checked="" type="checkbox"/> No – assessment complete	

EVIDENCE USED TO INFORM ASSESSMENT

Title	Date	Source	Comment
Application Documents	29/11/2024	NI Planning Portal	
Conservation Objectives	29/11/2024	NIEA Website	
ArcView Spatial Information	29/11/2024	Spatial NI and NIEA	
Representations	29/11/2024	NI Planning Portal	1 representation received to date – neutral.
Information gap/s		What is the impact of these?	
None			
Uncertainties		What is the impact of these?	
None			

Consultation with Statutory Nature Conservation Body (SNCB)	
Was the SNCB consulted?	<input checked="" type="checkbox"/> Yes – provide date and advice below <input type="checkbox"/> Not necessary as Stage One found appropriate assessment not required
Date	Advice
13/03/2023	<p><u>M&F</u></p> <p>Shellfish Waters The application site is in close proximity to Belfast Lough, which is a Shellfish Water Protected Area under the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017. The Shellfish Water Protected Area contains commercial shellfish harvesting areas which must meet stringent bacteriological and chemical standards laid down in the Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015 and the Food Hygiene Regulations (EU 2017/625). This must be taken into consideration when assessing any plan/project adjacent to a Shellfish Water Protected Area. MAT MAT would draw attention to the Guidance for Pollution Prevention (GPP) documents available on NetRegs and DAERA standing advice. These include GPP5 “Working and Maintenance In or Near Water” and GPP 21 “Pollution Incident Response Planning”.</p> <p><u>WMU</u></p> <p>Has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment. Conditions: Should this application be approved Water Management Unit recommend the following condition is inserted in any decision notice. Condition: No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999. Reason: This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note this also includes the purchase of any waste water treatment system. In addition the recommended conditions and informatives as set out in DAERA Standing Advice Industrial and Commercial Developments are appropriate for this development. All DAERA Standing advice referred to in this response unless otherwise stated can be found at the following link www.daera-ni.gov.uk/water-environment-standingadvice Explanatory Note: If NIW advise the NI Planning Case Officer that they are content that both the Belfast Waste Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network’s ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal. If NIW advise it is not possible to connect the proposed development then alternative arrangements will be required and a Discharge Consent issued under the terms of the Water (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Industrial and Commercial Developments. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance. The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The</p>

	<p>applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment.</p> <p><u>RU</u> An Environmental Statement has been provided in support of this planning application. Chapter 8 of which summarises the land contamination issues however Appendix 8.1 which contains the necessary risk assessments (PRA & GQRA) has not been provided for this consultation. Regulation Unit Land and Groundwater Team have not been provided with sufficient information to advise the Planning Authority as to the environmental risks from this development.</p> <p><u>IPRI</u> IPRI has previously commented on the related planning application, LA04/2021/2233/PAD, for the site and has stated that the applicant will require a PPC permit under the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013.</p>
<p>18/04/2023</p> <p>Page 61</p>	<p><u>RU</u> A Preliminary and Generic Quantitative Risk Assessment (PRA & GQRA) report has been provided by AMC Environmental in support of this planning application. The GQRA is informed by site investigations and environmental monitoring data. No unacceptable risks to environmental receptors have been identified for the development. There are potential risks through the creation of pathways via piling. Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.</p> <p>Conditions Wording for proposed Conditions concerning the management of land contamination are provided below and should you wish to discuss or have further clarity then do not hesitate to get in touch with the Land and Groundwater Team in Regulation Unit. In addition to imposing planning Conditions to address contamination and its risks, it is essential to ensure that these planning Conditions are complied with and discharged.</p> <p>1. No development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention”, has been submitted in writing and agreed with the Planning Authority. The methodology is available at: http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf. Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>2. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>

	<p>3. After completing the remediation works under Condition 1; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed Regulation Unit by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>4. Evidence must be presented in the Verification Report that all fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Condition 2 will apply. Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
<p>07/08/2023</p> <p>Page 62</p>	<p>NED</p> <p>Considered the impacts of the proposal and on the basis of the information provided requires further information to be able to determine whether the proposal would have a likely significant effect on a protected site.</p> <p>NED has considered the relevant documents and drawings to date (14/07/2023) uploaded to NIPP for the proposed development regarding proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works. The proposed development is located approximately 560m from the nearest point of Inner Belfast Lough ASSI and Belfast Lough SPA/Ramsar, 1.34km from Belfast Lough Open Water SPA, 4km S/4.7km SW from Outer Belfast Lough ASSI, 6.8km from Belvoir ASSI and 6.9km from Craigtantlet Woods ASSI.</p> <p>The proposed development has a tenuous hydrological connection to Inner Belfast Lough and Belfast Lough SPA/Ramsar (approximately 600m downstream) Belfast Lough Open Water SPA (approximately 1.7km downstream) and Outer Belfast Lough ASSI (approximately 4.8km downstream) via a watercourse located approximately 150m NE of the site. Inner Belfast Lough ASSI is designated for its invertebrate assemblage and for supporting a variety of overwintering bird species. Belfast Lough SPA is designated for supporting several breeding and overwintering bird species. Belfast Lough qualifies under criterion 3c of the Ramsar Convention by regularly supporting internationally important numbers of redshank in winter. Outer Belfast Lough ASSI is designated for Carboniferous, Ordovician and Permian stratigraphy, its terrestrial habitat (maritime cliff and slopes) and for supporting a variety of breeding and overwintering bird species. Belfast Lough Open Water SPA is designated for supporting Great Crested Grebe in winter. Belvoir ASSI is designated for its terrestrial habitat (wood pasture and parkland) and for its invertebrate assemblage. Craigtantlet Woods ASSI is designated for its terrestrial habitat (mixed ashwoods). NED note from the P1 Form (date stamped, 26/09/2022) that both surface water and foul sewage will be discharged via the existing combined mains sewer with an existing interceptor for surface water. Due to surface water and foul sewage being disposed of via mains, pollution of the watercourse approximately 150m NE of the site is unlikely and, when taking into account the dilution factor of Belfast Lough, the potential impacts of surface water from the development on the nearby designated sites is considered unlikely. NED note from DfI Flood Maps NI that a significant portion of the site is within the 1 in 100-year pluvial floodplain. Although, the</p>

	<p>proposed development is to be constructed upon existing hardstanding and will utilise the existing drainage infrastructure and hydrocarbon interceptor. Therefore, the development should not increase the risk of flooding on site. NED refer to the DfI Rivers response regarding the development (dated, 13/02/2023).</p> <p>NED acknowledge the Environmental Statement (dated, 23/09/2022) and welcome the mitigation proposed throughout. However, NED note that ES refers to a Biodiversity Checklist/Survey (Appendix 10.2) and a shadow Habitats Regulations Assessment (Appendix 10.3) although these documents were not made available for NED to review. NED consider these documents should contain useful ecological information along with proposed mitigation measures for the site and therefore should be submitted for review. NED note chapter 14 of the ES (Air Quality) and Appendix 14.1 (Air Quality Technical Appendix, dated, July 2022) the only emissions considered for air dispersion modelling were those from the stack associated with the Combined Heat and Power plant. NED require specification on the wattages of the incinerator and the CHP and clarification that the emissions from the stack are the combined emissions from the incinerator and the CHP. NED refer to RU Land and Groundwater Team's response (dated, 18/04/2023) for comments regarding the PRA and GQRA. NED refer to Marine and Fisheries Division's response (dated, 13/03/2023) for comments on Shellfish Waters. NED refer to NI Water's consultation response (dated, 28/02/2023) stating that there is available capacity at Belfast WwTW to serve the proposal. NED recommends that further information is submitted so that a full assessment of the proposal and any potential adverse impacts on the designated sites can be undertaken.</p> <p>Further Information NED considers the following information should be submitted:</p> <ol style="list-style-type: none"> 1. NED request that the Biodiversity Checklist/Survey (Appendix 10.2) and the shadow Habitats Regulations Assessment (Appendix 10.3) should be submitted for review. 2. NED require clarification on the wattages of the incinerator and the CHP and clarification that the emissions from the stack are the combined emissions from the incinerator and the CHP.
04/10/2023	<p><u>NED</u></p> <p>NED has considered the impacts of the proposal and on the basis of the information provided is content with the proposal. Considerations The application site is in close proximity and hydrologically linked to the following national, European and international designated sites: • Belfast Lough Ramsar, which is designated under the Convention on Wetlands of International Importance, Ramsar 2.2.1971 (as amended); • Belfast Lough SPA and Belfast Lough Open Water SPA, which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended); • Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belvoir ASSI and Craigantlet Woods ASSI, which are declared under the Environment Order (Northern Ireland) 2002. In accordance with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the Competent Authority should ensure an assessment is carried out to determine if the proposal, either alone or in combination, is likely to have a significant effect on a European site and the qualifying features, in line with the site conservation objectives. NIEA Natural Environment Division (NED) acknowledges receipt of the following document(s); • NI Biodiversity Checklist dated 22/05/2022. • Shadow Habitat Regulations Assessment, uploaded to the NIPP 11/08/2023. NED has considered the impacts of</p>

<p>Page 64</p>	<p>the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.</p> <p>NED has considered the relevant documents and drawings to date (29/09/2023) uploaded to NIPP for the proposed development: proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works. NED acknowledge the Biodiversity Checklist (dated 22/05/2022), shadow Habitat Regulations Assessment (date uploaded, 11/08/2023) and the wattage information letter (date received, 14/08/2023). NED note that incorrect % Process Contributions (PC) have been provided for NH3 for ER1 and ER2 (the Designated sites) in Table 14.25 of the Environmental Statement (dated, 23/09/2022). NED advise these values should be 0.33% for both ER1 and ER2 based on a Critical Level (CLe) of 3µg/m3 for NH3. However, NED note that the % PCs are <1% of the CLes for both NOx and NH3 for the designated sites, therefore the proposal is in line with DAERA'S current Operational Protocol.</p> <p>Other Natural Heritage Concerns NED acknowledges that the proposed development is located within an existing and operational industrial unit. Apart from the possibility of some nesting birds, NED is content that site is unlikely to support any other protected species or contain any other priority habitats. NED has no further comment to make in relation to protected/priority species or habitats not already addressed under the designated sites. Informative This facility will require a PPC permit under the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013. The applicant's attention is drawn to the following links, for DAERA's standing advice on protection of the terrestrial and water environment and the NetRegs Guidance for Pollution Prevention (GPP) documents: • https://www.daera-ni.gov.uk/articles/standing-advice-0 • https://www.netregs.org.uk/environmental-topics/guidance-for-pollutionprevention-gpp-documents/</p>
<p>IPRI provided a response directly to SES via email dated 28/11/2023.</p>	<p>IPRI</p> <p>Prior to operation the site will also require a PPC Permit regulated by NIEA IPRI. Emissions from the site will be regulated under the Implementing Decision 2019/2020 'Establishing the best available techniques (BAT) conclusions, under directive 2010/75/EU of the European Parliament and of the Council, for Waste incineration'. Implementing Decision 2019/2020 references Best Available Techniques Associated Emission Limits (BAT-AEL) as contained within the Bat Reference Document (BREF) for Waste Incineration. Regulation 43 of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) applies to any permit application/variation and requires that the competent authority "shall agree to the plan or project only having ascertained that it will not adversely affect the integrity of any European Site". IPRI is the competent authority in this regard.</p>
<p>31/05/2024</p>	<p>IPRI</p> <p>IPRI has previously commented on the related planning application, LA04/2021/2233/PAD, for this proposal and has stated that the applicant will require a PPC permit under the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 and will need to apply for such, prior to commencement of operation.</p> <p>NED</p> <p>Following the Call for Evidence on the 'Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment' (2023), an interim assessment approach has been developed. This approach will be utilised by NIEA until a new assessment procedure is in place.</p>

This interim approach is based on the concepts detailed within the Decision Making Threshold (DMT) project, commissioned by the Joint Nature Conservation Committee (JNCC).¹ This recommends thresholds based on the best available scientific information and modelling. NED advises there is insufficient information for NED to provide a substantive response to the consultation, and for the competent authority to undertake a robust Habitats Regulations Assessment.

Considerations

The application site is adjacent/in close proximity/hydrologically linked to the following National, European and International designated site/s: • Belfast Lough Ramsar, which is designated under the Convention on Wetlands of International Importance, Ramsar 2.2.1971 (as amended). • Belfast Lough SPA and Belfast Lough Open Water SPA, which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). • Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belvoir ASSI, Bellevue ASSI and Craigantlet Woods ASSI, which are declared under the Environment Order (Northern Ireland) 2002. In accordance with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the Competent Authority should ensure an assessment is carried out to determine if the proposal, either alone or in combination, is likely to have a significant effect on a European site and the qualifying features, in line with the site conservation objectives.

NIEA Natural Environment Division (NED) has concerns with this proposal and considers that, in the absence of further information and/or amendments, the proposal would be contrary to the Habitats Regulations.

Designated Site Considerations

In line with DAERA's interim advisory framework, NED will consider and provide advice on the potential impact of proposals both alone and in-combination with other relevant plans and projects on the designated site network.

Insufficient information has been submitted with the application to enable NED to make a considered response. NED recommends that further information is submitted so that a full assessment of the proposal and any potential adverse impacts on the designated sites can be undertaken.

NED acknowledge receipt of the chapter 14 of the ES (Air Quality) and Appendix 14.1 (Air Quality Technical Appendix, dated, July 2022) which has applied a 2 km Zone of Influence (ZoI) to ASSI's. However, as the proposal will produce ammonia (NH₃) emissions, a ZoI of 7.5km must be applied to all national, European and/or internationally designated sites.

NED also require clarification on the type of fuel and total thermal input capacity of the proposal. The NO_x screening distance should be generated by using the Air Pollution Information System (APIS) MCP screening tool (Available:

<https://www.apis.ac.uk/MCPscreening-tool>).

Other Natural Heritage Concerns

NED notes that the entirety of the site (as defined in Site Location Plan Drawing 005, dated 5 August 022) contains significant industrial infrastructure and is currently operational. Based on the site composition as well as the most recent aerial imagery available, NED is content that the application is unlikely to have any significant impact to any other natural heritage concerns outside those associated with the nearby designated site(s).

Further Information

	<p>NED advises that the following information is supplied to enable a determination of the potential impacts on the designated sites:</p> <ol style="list-style-type: none"> 1. Updated air quality impact assessment to include both nitrogen deposition (Critical Loads) and ammonia/NOx emissions (Critical Levels). This should determine the potential impacts on all designated sites within 7.5 km of the proposal. 2. Clarification on the type of fuel and total thermal input capacity of the proposal. Additional national, European and/or internationally designated sites may also require modelling depending on the Zone of Influence.
20/09/2024	<p><u>NED</u></p> <p>Following the Call for Evidence on the 'Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment' (2023), a new assessment approach has been developed. This approach is based on the concepts detailed within the Decision Making Threshold (DMT) project, commissioned by the Joint Nature Conservation Committee (JNCC).¹ This recommends thresholds based on the best available scientific information and modelling.</p> <p>NED advises there is insufficient information for NED to provide a substantive response to the consultation, and for the competent authority to undertake a robust Habitats Regulations Assessment.</p> <p>NED has considered the proposal and highlights the following as potential impacts on the designated sites; In line with DAERA's advisory framework, NED will consider and provide advice on the potential impact of proposals both alone and in combination with other relevant plans and projects on the designated site network. Insufficient information has been submitted with the application to enable NED to make a considered response.</p> <p>NED recommends that further information is submitted so that a full assessment of the proposal and any potential adverse impacts on the designated sites can be undertaken. NED acknowledge the Agent Cover Email (dated 16/07/2024) and the Technical Memorandum (dated 16/07/2024), addressing NED's previous response. NED acknowledge the updated screening distance and inclusion of several additional environmental receptors as a result of the clarification on the thermal capacity of the incinerator (10MWth) and the type of fuel (higher sulphurous fuel: Solid and liquid heavy fuel oil, including combustion appliances and incinerators). However, NED note that the Process Contributions (PCs) provided for Critical Levels for NH3 and NOx, in addition to Critical Loads for N Deposition, are "based upon an average of the modelled 5-year dataset". NED require that all PCs are based upon the highest yearly average of the 5-year dataset opposed to the average of the 5-year dataset. Therefore, NED request submission of the 5-year PCs for all designated sites for NH3 and NOx Cle and CL (N Deposition) to ensure the highest PCs have been used in the modelling.</p> <p>Further Information</p> <p>NED advises that the following information is supplied to enable a determination of the potential impacts on the designated sites:</p> <ol style="list-style-type: none"> 1. NED request submission of the 5-year PCs for all designated sites for NH3 and NOx Cle and CL (N Deposition) to ensure the highest PCs have been used in the modelling.
	<u>NED</u>

Following the Call for Evidence on the 'Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment' (2023), a new assessment approach has been developed. This approach is based on the concepts detailed within the Decision Making Threshold (DMT) project, commissioned by the Joint Nature Conservation Committee (JNCC).¹ This recommends thresholds based on the best available scientific information and modelling. NED have taken account of the potential risk associated with the effects from air pollution on designated sites. The Air Pollution Advisory Framework has been followed and indicates that the proposal represents a low risk to the qualifying features for which the sites have been designated.

Designated Site Considerations

In line with DAERA's advisory framework, NED will consider and provide advice on the potential impact of proposals both alone which are assessed against the De-minimis Threshold (DMT) and Site Relevant Threshold (SRT) and if required, in combination with other relevant plans and projects on the designated site network. The applicant has submitted a Technical Memorandum (dated 13/09/2024) which addresses NED's previous consultation response. Tables 1, 2 and 6 detail the modelled ammonia concentration, NO_x concentration and nitrogen deposition, i.e. the Process Contribution (PC), from the proposal at the designated sites which are within 7.5 km of the proposal.

For each of these sites the PCs do not exceed the Site Relevant Threshold (SRT) for NH₃ concentration. Although the PCs for Inner Belfast Lough ASSI and Belfast Lough SPA/Ramsar exceed the SRT for Critical Load (CL), both PCs do not exceed the Test of Likely Significance threshold (ToLS) for CLs when considered in-combination with other plans/projects. Annex 1 below provides the results of the Air Pollution Decision and Advisory Framework Assessment on all sites within 7.5km of the proposal for NH₃ concentration and Nitrogen Deposition. The PCs for Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belfast Lough SPA/Ramsar and Belfast Lough Open Water SPA exceed the ToLS threshold for NO_x concentration on their own. However, the background NO_x concentration does not exceed the NO_x Critical Level (CLE) at the nearest receptor location for each of these designated sites. The Predicted Environmental Concentrations (PECs) for each of these sites were <70% and therefore meet the thresholds within the advisory framework. The rest of the designated sites have PCs which do not exceed the SRT for NO_x concentration.

Bellevue ASSI has been designated for its earth science features. It is considered, due to the nature of these features, that it is unlikely to be affected by nitrogen emissions from the proposal. NED note that an incorrect CLE of 3µg/m³ has been applied to Belvoir ASSI (should be 1µg/m³).

NED also note that Belfast Lough SPA/Ramsar overlaps with Inner Belfast Lough ASSI at the nearest location to the proposal. NED has therefore applied the PCs for Inner Belfast Lough ASSI to Belfast Lough SPA/Ramsar.

NED advises that under the Air Pollution Decision and Advisory Framework, there are no air quality concerns with the proposal.

There is no significant hydrological connection to any designated site, however NED refer to the standing advice for the water environment below for consideration.

	<p>The Planning Authority should note that NED’s response is based on the implementation of mitigation measures. It is the role of the competent authority to test the efficacy of these measures through Appropriate Assessment, as set out in the CJEU Ruling on the use of mitigation measures in HRA (Case C-323/17).</p> <p>The applicant is referred to standing advice to protect hydrological connections to designated sites from pollution: Standing advice for the water environment.</p> <p>Note, revised Standing Advice to inform the assessment of air quality impacts on the natural environment will be finalised and uploaded onto the DAERA website as soon as possible</p>
Does the HRA outcome fully reflect this advice?	Yes, the PEC from the proposal meets the thresholds within the NIEA advisory framework.

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Development Management Report Addendum Report 4	
Application ID: LA04/2019/0081/F	Date of Committee: 10 th December 2024
Proposal: Erection of 12No. apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works (Amended site location plan / site layout)	Location: Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
Referral Route: Proposal would secure a Financial Developer Contribution exceeding £30,000. Application previously considered by the Committee.	
Recommendation:	Approval subject to S76 planning agreement
Applicant Name and Address: Latner 10 Developments Ltd Unit 983 Moat House 54 Bloomfield Avenue Belfast BT5 5AD	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Valid Date: 4 th October 2024	
Target Date (15 weeks): 17 th January 2025	
Contact Officer: Ed Baker, Planning Manager (Development Management)	
Background This application was first considered by the Committee in June 2019 and then resolved to be approved at the December 2019 Committee, subject to completion of a Section 76 planning agreement. The application was then reported to the March 2022 when the Committee again resolved to grant planning permission subject to a Section 76 planning agreement. The application remained undetermined at the point of adoption of the Belfast LDP: Plan Strategy in May 2023 because the Section 76 planning agreement had still not been completed. The application was therefore reported back to the Committee at its 20 th June 2023 meeting so that it could be reconsidered against the new policies in the Plan Strategy. The Committee again approved the application subject to completion of the Section 76 planning agreement. The application is reported back to the Committee for a further time in view of the following: <ol style="list-style-type: none"> 1. Discovery that the applicant had completed the incorrect ownership certificate at the time of submission of the original application. During the process of preparing the Section 76 planning agreement, it transpired that a small area of land that comprised one of the proposed car parking spaces was not in the ownership of the applicant. The applicant has subsequently chosen to remove the small area of land from the application site, which has resulted in the loss of one of the 12 originally proposed parking spaces (11 parking spaces are now proposed). 	

Whilst the omission of this land has meant that it is not necessary for the applicant to issue a new ownership certificate, it means that the application as originally submitted was technically invalid. The application is now valid following the change to the proposal. It has not been necessary to re-issue consultations or re-publicise the application.

2. The Section 76 planning agreement remains to be completed, some five years after the Committee's original resolution to grant planning permission subject to completion of the Section 76 planning agreement.

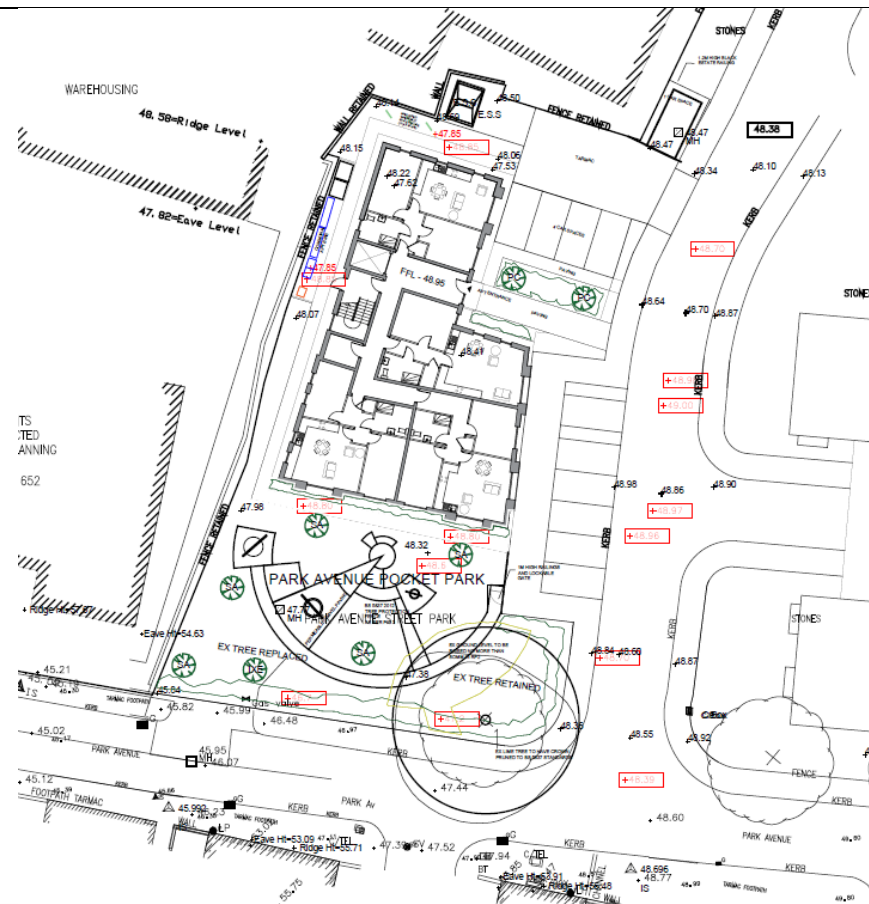
This addendum report should be read in conjunction with the previous Committee reports, appended.

Removal of one parking space from the proposed development

Through the Section 76 planning agreement process, it has been established that the applicant does not own a small part of the land, shown black in the plan below, in the original application site. This has necessitated the removal of one of originally proposed parking spaces.



3. The scheme has therefore been reduced from 12 parking spaces to 11 spaces. The revised parking layouts is shown below.



Above: Revised parking layout

4. DfL Roads was reconsulted on the application on 17th October 2024 and its response remains outstanding (and outside the 21-day consultation period). Officers have made various requests for the consultation reply but no response has been provided to date.
5. In any event, the removal of one parking space is considered acceptable. The parking ratio has reduced from 1 space per apartment to 0.92 spaces per apartment. The Department's Parking Standard guidance advises on average 1.5 unassigned spaces per apartment. Whilst the proposed scheme is less than that, regard is had to the sustainable location of the site which is with walking distances of shops, services and public transport, close to the Hollywood Road.
6. It is considered that it would be unreasonable to refuse planning permission on the basis of the loss of a single parking space and that it would not be in the public to do so. The proposal is considered to remain acceptable, having regard to Policy TRAN 8 of the Plan Strategy.

Section 76 planning agreement

7. The Section 76 planning agreement remains outstanding after 5 years. The delays have mainly been due to land ownership issues that still require to be resolved.
8. The application cannot remain undetermined indefinitely and the Council must be mindful of its statutory performance targets. It is therefore recommended that should the Section 76 planning agreement not be completed by the end of January 2025, the application will be reported back to the Committee in February 2025 for redetermination.

Other matters

9. Amongst other matters, the Section 76 planning agreement is to seek a Developer Contribution of £65,587 for enhancement works at the King George V playing fields. The value of the Developer Contribution should once again be subject to an inflationary uplift due to the passage of time. This should be based on CPI inflation since June 2023 when the application was last considered by the Committee.

Section 76 planning agreement – updated terms

10. The updated planning obligations to be secured through the Section 76 planning agreement are set out below.
 - a developer contribution of £65,587 (to be index linked from June 2023) for enhancement works at the King George V playing fields
 - securing the 12 apartments as affordable housing in perpetuity; and
 - ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

Recommendation

11. Having regard to the assessment in this addendum report and the previous report to the Planning Committee, in the planning balance, the proposal is considered acceptable.
12. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement. Should the Section 76 planning agreement not be completed by the end of January 2025, the application will be reported back to Committee for redetermination.

Development Management Report Addendum Report 3

Date of Committee: 20 June 2023

Location:

Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.

Referral Route: Proposal would secure a Financial Developer Contribution exceeding £30,000. Previously considered by the Committee in December 2019 and March 2022

Approval subject to S76 planning agreement

Agent Name and Address:

TSA Planning
20 May Street
Belfast
BT1 4NL

Background

This application was considered at the March 2022 meeting of the Planning Committee. The Committee resolved to grant planning permission subject to a Section 76 Planning Agreement to secure the following:

- a developer contribution of £52,000 for enhancement works at the King George V playing fields – the value of the contribution would be subject to an inflationary uplift for the period from December 2019;
- securing the 12 apartments as affordable housing in perpetuity; and
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

Delegated authority was given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Planning Agreement. If the planning agreement was not signed and completed within 3 months, the application would be reported back to the Committee.

Since the Committee's decision, the Belfast Local Development Plan: Plan Strategy has been adopted (02 May 2023). Moreover, the application is required to be reported back to the Committee as the planning agreement, although at a very advanced stage of drafting, is yet to be signed.

The previous case officer reports to the Committee are appended. This includes the Lates items to the March 2022 Committee.

Updated Policy Context

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.

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.

The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts.

Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.

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

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

Relevant Planning Policies

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

- Policy SD2 – Settlement Areas
- Policy HOU1 – Accommodating new homes
- Policy HOU2 – Windfall housing
- Policy HOU4 – Density of residential development
- Policy HOU5 – Affordable housing
- Policy HOU6 – Housing mix
- Policy HOU7 – Adaptable and accessible accommodation
- Policy DES1 – Principles of urban design
- Policy RD1 – New residential developments
- Policy HC1 – Promoting healthy communities
- Policy TRAN6 – Access to public roads
- Policy TRAN8 – Car parking and servicing arrangements
- Policy TRAN10 – Design of car parking
- Policy ENV1 – Environmental quality
- Policy ENV2 – Mitigating environmental change
- Policy ENV3 – Adapting to environmental change
- Policy ENV5 – SuDS
- Policy GB1 – Green and blue infrastructure network
- Policy OS1 – Protection of Open Space
- Policy OS3 – Ancillary open space
- Policy NH1 – Protection of natural heritage resources
- Policy TRE1 – Trees

Supplementary Planning Guidance

- Affordable Housing and Housing Mix
- Residential Design
- Placemaking and Urban Design
- Sustainable Urban Drainage Systems
- Transportation

Trees and Development

Updated Assessment

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

Additional Information

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

Consultation responses

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

Principle of development

The principle of development remains acceptable as set out in the previous case officer reports, appended. The site is located within the settlement limit, has good access to services, shops and public transport. The proposal would make effective use of land at a density of 60 units/ha, which is within the 25-125 units/ha range for outer Belfast. The proposal is considered compliant with Policies SD2, HOU1, HOU2 and HOU4 of the Plan Strategy.

Whilst the proposal would result in the loss of open space, this is considered off-set by the provision of the 12 apartments as affordable housing for which there is a significant local need. NIHE has previously confirmed its support for the application (see Late items report to the March 2022 Committee, appended). Combined with the provision of a commuted sum of £65k (including inflation) towards improvements to the local King George V playing fields, this is considered a substantial community benefit that would decisively outweigh the loss of the original open space, having regard to Policy OS1 of the Plan Strategy.

Affordable housing and housing mix

All 12 apartments would be provided as social or intermediate housing (100% provision) with the applicant noting that the Housing Association intends to sell properties through intermediate housing schemes or offering them to tenants through intermediate rent schemes within an area of housing need. The provision of affordable housing would help off-set the loss of the original Maple Leaf Club and open space from the site.

The proposal, in combination with the development of the adjacent site for 21 social homes (LA04/2020/2325/F), could result in mono-tenure social housing, which would be conflict with the Policy HOU5's objective of mixed and balanced communities. However, the Affordable Housing and Housing Mix SPG advises at paragraph 4.4.12 that whether proposals for mono-tenure social housing is deemed to deliver sustainable and balanced communities can be assessed on a case-by-case basis using three key factors:

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

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

Given the need for social housing the area, NIHE's support for the proposal and tenure characteristics of nearby housing, the approach to tenure is considered, on balance, acceptable.

The proposal is therefore considered acceptable having regard to Policy HOU5 of the Plan Strategy and its associated SPG.

In terms of housing mix, the proposal comprises 9 x 2 bedroom units and 3 x 1 bedroom units, ranging from 50 sqm to 70 sqm, meeting the space standards in Appendix C of the Plan Strategy. Having regard to Policy HOU6, the housing mix is considered acceptable in this case, particularly when considered alongside the adjacent 3 and 2 bedroom social housing scheme (LA04/2020/2325/F).

Adaptable and accessible housing

Policy HOU7 of the Plan Strategy states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible. For schemes of 10 units or more, at least 10% of the units should be wheelchair accessible. The applicant has not provided evidence that the scheme will provide sufficient wheelchair accessible units.

The applicant states that the apartments will be built to Lifetime Homes standards which are proposed to be transferred to a Housing Association under the terms of the Section 76 planning agreement (the apartments to be delivered as affordable housing will be required to meet either Housing Association Guide (HAG) or Homes for Intermediate for Rent Design Standards)

Whilst this will ensure that all units will meet the adaptable home requirements of criteria a. to f. of Policy HOU7, the proposals would not fully satisfy the wheelchair accessibility provisions set out in criteria g. to o. of Policy HOU7 for 10% wheelchair accessible units. However, some of the apartments would exceed the minimum space standards and the full Lifetime Homes Standards meet some of the wheelchair adaptable standards. Regard is also had to the previous decisions of the Committee to approve the application in December 2019 and March 2022. Taking into account these factors, this contravention of Policy HOU7 is considered acceptable in the planning balance.

Climate Change

Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals (including changes of use) will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction and operation. The applicant states that the proposal is capable of meeting the BREEAM and energy efficiency standards of Housing Associations. Whilst no specific measures to mitigate climate change have been provided, given the requirement for the apartments to be constructed to Housing Association design standards which require a commitment to energy efficiency, it is considered that this matter can be appropriately addressed by condition.

Policy ENV3 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and

enduring development. In order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates. The scope for accommodation of measures within the proposal is limited due to the nature of the site with physical constraints. The proposal does not lie within an area of risk and the integrated open space provides permeable surfaces that accommodate the retained tree and vegetation. Whilst no specific additional measures have been identified within this proposal, the proposed development in this area with the incorporation of SUDS (as detailed below) is considered to address the provisions of the policy.

Sustainable Urban Drainage Systems (SuDS)

Policy ENV5 of the Plan Strategy states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere. The proposed pocket park would provide a permeable grassed area. No additional SuDS measures have been identified by the applicant, however, this will be secured by means of a planning condition.

Promoting healthy communities

Policy HC1 of the Plan Strategy states that the council will seek to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. The scheme would provide a small pocket park to provide amenity and recreation space for residents. The site is within walking distance of King George V playing fields. It is within walking distance of shops and services and its location would promote healthy and active lifestyles. The proposal is considered acceptable having regard to Policy HC1 of the Plan Strategy.

Planning obligations

It is considered that the planning obligations previously agreed by the Committee remain necessary to make the proposal acceptable in the planning balance. These include:

- developer contribution of £65,587 for enhancement works at the King George V playing fields
- securing the 12 apartments as affordable housing
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments

Other considerations

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

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

Conclusion and Recommendation

Having regard to the assessment in this addendum report and the previous report to the Planning Committee, in the planning balance, the proposal is considered acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement.

Late Items

Agenda Item	Application	Issues Raised	Action																				
7c	LA04/2019/0081/F Erection of 12 apartments at former Maple Leaf Club, Park Avenue	<p>Northern Ireland Housing Executive (NIHE) is supportive of the application and provides the following comments.</p> <p>The site is located within Middle East Housing Need Area which has a five year need for 307 units for the period 2021-2026.</p> <p>The site is adjacent to Sydenham, Edenvale and Dundela Common Landlord Areas. The following table provides a summary of the Waiting List information for this area for December 2021.</p> <table><tr><td></td><td>Singles</td><td>Families</td><td>Elderly</td><td>TOTAL</td></tr><tr><td>All Applicants</td><td>133</td><td>138</td><td>58</td><td>329</td></tr><tr><td>Housing Stress</td><td>86</td><td>79</td><td>42</td><td>207</td></tr><tr><td>Allocations to December 2021</td><td>30</td><td>13</td><td>30</td><td>73</td></tr></table> <p>The proposal is currently on the 2024/25 Social Housing Development Programme as a second phase of development of the wider lands.</p>		Singles	Families	Elderly	TOTAL	All Applicants	133	138	58	329	Housing Stress	86	79	42	207	Allocations to December 2021	30	13	30	73	For notation.
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7c	LA04/2019/0081/F Erection of 12 apartments at former Maple Leaf Club, Park Avenue	The applicant confirms their agreement to the inflationary uplift (Consumer Price Index linked) to the £52k Financial Developer Contribution	For notation.																				

Agenda Item	Application	Issues Raised	Action																				
		towards enhancements at the King George V playing fields.																					
7d, 7e & 7f	LA04/2019/0082/F, LA04/2019/0083/F (s54 applications) and LA04/2020/2325/F Erection of 21 dwellings at former Maple Leaf Club, Park Avenue	<p>Northern Ireland Housing Executive (NIHE) is supportive of the application and provides the following comments.</p> <p>NIHE confirms that the proposal is on the 2021/22 Social Housing Development Programme and the mix of housing has been agreed with the joint applicant, Choice Housing. NIHE is keen that the scheme commences in this financial year.</p> <p>The site is located within Middle East Housing Need Area which has a five year need for 307 units for the period 2021-2026.</p> <p>The site is adjacent to Sydenham, Edenvale and Dundela Common Landlord Areas. The following table provides a summary of the Waiting List information for this area for December 2021.</p> <table><tr><th></th><th>Singles</th><th>Families</th><th>Elderly</th><th>TOTAL</th></tr><tr><td>All Applicants</td><td>133</td><td>138</td><td>58</td><td>329</td></tr><tr><td>Housing Stress</td><td>86</td><td>79</td><td>42</td><td>207</td></tr><tr><td>Allocations to December 2021</td><td>30</td><td>13</td><td>30</td><td>73</td></tr></table>		Singles	Families	Elderly	TOTAL	All Applicants	133	138	58	329	Housing Stress	86	79	42	207	Allocations to December 2021	30	13	30	73	For notation.
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7d & 7e	LA04/2019/0082/F and LA04/2019/0083/F s54 applications relating to site of the former Maple Leaf Club, Park Avenue	The applicant has withdrawn both applications as the s54 applications are no longer needed.	For notation.
7f	LA04/2020/2325/F Erection of 21 dwellings at former Maple Leaf Club, Park Avenue	<p>Further to the officer recommendation, the applicant has confirmed their agreement to the following planning obligations to be secured by way of a Section 76 planning agreement:</p> <ul style="list-style-type: none"> • Single payment of £52k plus inflationary uplift (Consumer Price Index linked); and • Delivery of the 21 dwellings as social/affordable housing. <p>However, for logistical reasons, the applicant is unable to agree to the requirement that the pocket park is delivered prior to occupation. The main difficulties are summarised below:</p> <ul style="list-style-type: none"> • Underneath the site of the pocket park is the main sewer and electrical cable. Access will be required until full adoption of sewers; • Access for gas connection; • Construction of the apartment block will require access for scaffold, plant and piling rig; • This is the only area left for welfare facilities; • It would be the last part of construction on the overall site from a practical view. <p>In practice, the applicant states that they are confident that they will be able to deliver the 12 apartments within this period and at the same</p>	<p>Officers accept that it would be impracticable to deliver the pocket park prior to occupation of the 21 dwellings for the reasons set out by the applicant.</p> <p>The officer recommendation is therefore modified to require that the pocket park is delivered no later than two years from the date of first occupation. A planning obligation should also be required to secure its future management.</p>

		<p>time complete the pocket park. However, should this not be possible, it proposes a clause in the Section 76 planning agreement to require delivery of the pocket park within 24 months from occupation of the first dwelling within the 21 dwelling scheme. The pocket park would be managed by Choice Housing Association.</p> <p>For information, the applicant provides the following indicative timeline for delivery of the scheme:</p> <ul style="list-style-type: none"> • March/April 2022 – onsite start of 21 dwellings. • March/April 2023 – first handover • March/April 2023 – hope to commence works on 12 apartments • March/April 2024 – complete 12 apartments and pocket park • Worst case scenario is that pocket park will be delivered 24 months from first handover i.e. by March/April 2025 	
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Development Management Report

Addendum Report 2

Application ID: LA04/2019/0081/F	Date of Committee: 15 March 2022
Proposal: Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	Location: Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
Referral Route: Previously considered by the Planning Committee in December 2019	
Recommendation:	Approval subject to S76 planning agreement
Applicant Name and Address: Latner 10 Developments Ltd Unit 983 Moat House 54 Bloomfield Avenue Belfast BT5 5AD	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Addendum Report: <u>Background</u> <p>This application, along with associated applications LA04/2019/0082/F and LA04/2019/0083/F, were considered by the Planning Committee in December 2019. The Committee resolved to approve all three applications subject to conditions and a Section 76 planning agreement. The planning agreement was intended to secure the following:</p> <ul style="list-style-type: none"> • a developer contribution of £52k for enhancement works at the King George V playing fields • securing the 12 apartments as affordable housing • ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments <p>The Planning Committee should consider this Addendum Report 2 in conjunction with the original Development Management Officer Report of June 2019 and Addendum Report 1 of December 2019, both appended to this report.</p> <p>Since the applications were approved by the Planning Committee, both the Planning Service and Legal Services have been making significant efforts to finalise the planning agreement. However, it has not been possible to progress the planning agreement with the applicant. Firstly, it was disputed that the 12 apartments should be delivered as affordable housing despite it being central to the consideration of the planning balance and justification for the grant of planning permission, the proposal being contrary to Policy OS 1 of PPS 8 through the loss of Open Space. Secondly, and more recently, by failure to commit to the delivery of the pocket park, which is essential recreation space to off-set the lack of amenity space within the proposed development as well as to help compensate for the loss and limited provision of Open Space overall. Officers consider the terms of the planning agreement originally agreed by the Committee to be wholly reasonable. The three applications (LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F) are linked as explained in the previous reports, attached. Officers advise that the three applications cannot be separated out from the agreement as they are intrinsically connected.</p>	

Recap of the planning history

In June 2011, planning permission was granted on the site and adjacent land to the east where the Maple Leaf Club was originally located for mixed use development comprising 21 dwellings and replacement social club (Z/2010/0434/F). The social club is to be located on the current application site where 12 apartments are now proposed with the 21 dwellings to the east. The original planning permission included conditions requiring the provision of social housing and build out of the replacement social club, required to offset the loss of open space. These conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple Leaf Club has been erected in accordance with the new approved plans. Condition 3 requires the development to be delivered as social / affordable housing. It appears the main site access and part of the access road between Blocks A and C have been constructed and this serves the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it is considered that the development has commenced and represents a fall-back for the developer, albeit it would require the construction of the replacement social club.

In 2019, the applicant applied for planning permission for 12 apartments on the land where the replacement social club was to be built (LA04/2019/0081/F). Two associated applications were submitted at the same time seeking removal of the conditions requiring the construction of the replacement social club attached to planning permissions Z/2010/0434/F and LA04/2015/0075/F (LA04/2019/0082/F and LA04/2019/0083/F respectively).

All three applications were approved by the Planning Committee in December 2019 subject to conditions and completion of a Section 76 planning agreement as explained above.

In terms of the original planning permission for the erection of 21 dwellings and replacement social club on the application site and adjacent land (Z/2010/0434/F) and subsequent modifications (planning permissions Z/2011/0827/F, Z/2011/0829/F and LA04/2015/0075), these are considered to have commenced by virtue of the formation of the access and road. Therefore, the applicant has a fall-back position, albeit the housing development cannot be occupied without the delivery of the community building as previously granted. The granting of the variation of condition applications (LA04/2019/0082/F and LA04/2019/0083/F) would permit the housing development to proceed and being occupied **without** the replacement club having to be delivered.

New application for 21 dwellings on land to the east

A further, more recent application for 21 dwellings on the adjacent land has been submitted by the landowner and Housing Association (LA04/2020/2325/F). That application is being considered by the Planning Committee at this same meeting due to the linked nature of the applications. That application is also for affordable housing and is being brought forward by a Housing Association with funding support from NIHE. NIHE has advised that in order to secure the funding from this year's housing programme, planning permission will need to be granted by 31 March 2022 although it might still be possible to progress the scheme with a resolution from the Council to grant permission.

The Committee will note from the case officer report to application LA04/2020/2325/F that the recommendation to approve the 21 dwellings is reliant on applications LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F being progressed to approval as it is reliant on the pocket

park being granted planning permission – this would serve not only the proposed 12 apartments but also the proposed 21 dwellings (as well as other surrounding housing).

Assessment

As set out in the previous reports, the proposed development of the site for 12 apartments would result in the loss of Open Space. Moreover, it would no longer be possible to bring forward the new social club to replace the original Maple Leaf Club, which was otherwise critical to the off-set of loss of Open Space from the wider site resulting from development of the 21 dwellings.

The Planning Committee accepted that in the planning balance, the loss of the original off-set (i.e. the dropping of the replacement social club) was justified providing that the following is achieved:

- a developer contribution of £52k for enhancement works at the King George V playing fields
- securing the 12 apartments as affordable housing
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments

These obligations were to be secured by a Section 76 planning agreement, which the applicant has not signed. Officers provide an update on each of the above obligations as follows.

Developer Contribution of £52k for off-site Open Space – officers advise that the value of the Contribution should be subject to an inflationary uplift due to the passage of time since the Committee's original decision to grant planning permission in December 2019. In effect, the £52k Developer Contribution has devalued over time.

Provision of affordable housing – at the time of the Planning Committee's original decision in December 2019, NIHE had confirmed that there was a housing need and that they were supportive scheme coming forward as social housing. However, in a recent meeting with officers, NIHE confirmed that they cannot currently support the 12 apartments as social housing. This is because of the change in circumstances since December 2019 including the bringing forward of other affordable housing schemes in the area such as the redevelopment of the Park Avenue Hotel site for an affordable housing led housing scheme (LA04/2021/0493/F) and NIHE's commitment to delivery of the 21 dwellings on the adjacent site (LA04/2020/2325/F). It is understood that it is concerned about over saturation. However, NIHE verbally advised that it is very likely that the proposed 12 apartments on the application site would be supported within the 5 year live span of the planning permission if granted. It is therefore considered that the Committee can still proceed to secure the 12 apartments as affordable housing through the Section 76 planning agreement.

Delivery and ongoing maintenance of the pocket park – as set out in the previous reports, this is essential to off-set the substandard level of amenity within the proposed 12 apartments as well as to help off-set the loss of open space and lack of open space within the wider development. Officers advise that it remains essential for the pocket park to be delivered and maintained. The Committee will note that officers are advising that the pocket park is delivered prior to occupation of the 21 dwellings on the adjacent site as part of the recommendation for application LA04/2020/2325/F. Therefore, if planning permission is not granted for the 12 apartments and pocket park under application LA04/2019/0081/F, it will not be possible to secure the Section 76 planning agreement proposed by officers for application LA04/2020/2325/F.

Recommendation

It is recommended that planning permission is granted with conditions and subject to a Section 76 planning agreement which secures the following:

- a developer contribution of £52k for enhancement works at the King George V playing fields – the value of the contribution to be subject to an inflationary uplift for the period from December 2019 to when the planning agreement is signed;
- Securing the 12 apartments as affordable housing in perpetuity; and
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the planning agreement.

If the Section 76 planning agreement is not signed and completed within 3 months, the application shall be reported back to the Planning Committee.

Development Management Report

Addendum Report 1

Application ID: LA04/2019/0081/F	Date of Committee: December 2019
Proposal: Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	Location: Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
Referral Route: At the request of the Director of Planning and Building Control	
Recommendation:	Approval
Applicant Name and Address: Dixon Contractors 89 Broughshane Street Ballymena	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
<p>Addendum Report:</p> <p>This application was previously scheduled for Planning Committee on the 11th June 2019 with a recommendation for refusal. However, was not presented as a legal Agreement under Section 76 was submitted setting out mitigation against the proposed loss of open space. The application was withdrawn from committee to enable the consideration of the proposed terms of the Section 76 Agreement.</p> <p>Members should read this Addendum Report in conjunction with the original Development Management Officer Report of June 2019, attached below.</p> <p>The Case officer report attached below sets out two reasons for refusal in relation to</p> <ol style="list-style-type: none"> 1. The loss of open space 2. The under provision of amenity space for the proposed development <p>There were no other reasons for refusal. Notwithstanding the issue of principle the scheme was considered acceptable in terms of its design, height, scale, and mass; and access and parking. Therefore, this addendum deals only with the two matters set out above, all other considerations are set out in the case officer report.</p> <p><u>Principle of development</u></p> <p>Historically the site was in use as a substantial area of open space, a bowling green and club house / social club. Residential development was granted on the site subject to a replacement recreational social club being provided to off-set the loss of open space. The provision of the recreational social club in combination with the social housing to be provided was the justification for setting aside Policy OS1 of PPS 8 – Open Space, Sport and Recreation and granting the proposal.</p> <p>This current application proposes to build an apartment block in place of the social recreation club. In these particular circumstances, given the history of this site, the principle of the development on this site, was initially considered to be unacceptable as it will result in the almost total loss to the community of the open space and recreation use, in addition to providing minimal amenity space for residents. Therefore, refusal was originally recommended.</p>	

Following the publication of the officer report, the applicant submitted a Section 76 Agreement, setting out terms to offset the loss and under provision of open space / recreation facility by offering to provide a financial contribution towards improvements to a local park. Policy OS1 allows developers to offer an alternative provision, which is as accessible to current users, at least equivalent in terms of its size, usefulness, attractiveness, safety and quality. In this case, the offer is to provide an upgrade to an existing Council owned park rather than 'new' or additional open space, however, the offer must be considered alongside the community benefits of the provision of the 12 social and affordable apartments themselves. The developer has agreed to provide a financial contribution of over £52K to be used to enhance existing open space in the area. The combination of the associated community benefits are considered on balance to decisively outweigh the loss of the provision of the recreation club and the shortage in the amenity provision.

Terms of the Section 76 Agreement

In respect of the proposed off set, the applicant has agreed to a developer contribution through a Section 76 Agreement. In broad terms, monies (£52k) will be used by the Council to enhance existing open space at King George V Playing Fields, which is an 8 minute walk away from the site and serves the local community. As set out above, this in part is considered, in this case, to adequately address Policy OS1 of PPS8 to off-set the loss of existing open space.

The following works are proposed for the King George V playing fields;

Improve Parkgate site boundary

Remove exiting concrete boundary fencing/walling
 Install new 250 x 125 x 905mm road kerb edge
 New hedge planting along boundary to kerb edge
 Supply & install new vehicular access barrier
 Construct low brick piers with existing concrete crest
 Pedestrian road crossing markings

Trim Trail

New 1.2m wide bitmac path to site boundary
 Form new mounds with excavated material
 Remedial landscape works/seeding

Screen planting

Screen planting to western boundary

Provision of private amenity space

In terms of private amenity space only 3 of the proposed 12 apartments has their own private amenity space. Creating Places recommends a minimum of between 10m²- 30m² per unit. Apartments 11 and 12 meet the recommended minimum however apartments 1-10 do not. Policy OS 2 states that an exception to this will only be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided or where it will make use of adjoining public open space. It is considered that insufficient private amenity space is proposed for the individual apartments. In respect of the communal amenity space provided this is in the form of a pocket park which will provide 450 square metres of amenity space. The provision of the pocket park between the proposed apartments and Park Avenue with landscaping and play equipment with access from Park Avenue so other residents can benefit and; the proposed developer contribution of over £52K to enhance 2.88ha of existing open space at the King George V playing fields, provides a wider community benefit to the existing and proposed residents and is considered to make an otherwise unacceptable scheme acceptable in these particular circumstances.

Linked Applications

Planning permission LA04/2015/0075/F was a modification to the original planning permission Z/2010/0434/F. This included the reduction in the size of the social club to be constructed. Whilst this was a reduction and was considered to be of a scale more in keeping with the established residential area, the community benefit to be gained remained an integral part of the proposal and was appropriately conditioned to reflect this. The condition in relation to the provision of the social club was attached to the permission and was worded that the residential dwellings would not be occupied. The same reason as per planning permission Z/2010/0434/F for the condition was given to ensure the orderly development of the site and to ensure the community benefits of the development are fully implemented.

The applicant also seeks the removal of condition no.2 of planning permissions Z/2010/0434/F and LA04/2015/0075/F, which are attached to the original permissions and relate to the provision of the recreational club and to ensure the orderly development of the site and community benefits of the development are fully implemented. This proposal would replace the social club with 12 social/affordable apartments.

Consultees

DFI Roads were consulted and have advised of no objection in principle with amendments sought to address clarification in terms of bicycle parking and visibility splays for previous approvals within the wider proposal site and Private Streets Determination drawings.

Further Representations

No further objections or information has been received in respect of the proposal itself. A draft Section 76 Agreement was submitted and BCC Legal Services and City and Neighbourhoods have been consulted in respect of the Section 76 Agreement and the enhancement of open space through the developers contribution.

Summary

In conclusion, the recommendation has changed for the reasons as set out in this addendum. The proposal on balance is considered to be acceptable and contributes to the delivery of the Belfast Agenda aims and objectives - Living Here and City Development and the Local Development Plan Strategic Aims – Shaping a liveable place, a green and active place and a smart connected and resilient place.

Recommendation

Approval subject to the signing and delivery of the Section 76 Agreement and conditions.

It is requested that committee delegate authority to the Director of Planning and Building Control to finalise the Section 76 and the wording of conditions. Draft Conditions below:

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

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

2. The residential development hereby approved shall be allocated for social housing use and shall be managed by a registered Housing Association.

Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.

3. Double glazed float units 4-12-4 (or similar) with a sound reduction of 26dB R_{tra} / 31dB R_w must be installed in bedroom and living room windows to the Park Avenue façade of the proposed apartments and to any habitable rooms situated on either side elevation. Alternative means of acoustic ventilation capable of meeting the same sound reduction value of the windows must also be installed in all bedroom and living room windows to the Park Avenue façade and side elevations and be in accordance with building control regulations.

Reason: Protection of Residential Amenity

4. Double glazed float units 4-12-4 (or similar) with a sound reduction of 26 dB R_{tra} / 31 dB R_w must be installed in bedroom and living room windows of the rear façade of the proposed apartments.

Reason: Protection of Residential Amenity

5. All soft landscaping works shall be carried out in accordance with the approved details on drawing no 13C, dated 3rd June 2019. The works shall be carried out prior to the occupation of the first apartment / dwelling 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.

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

6. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which 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.

Reason: In the interests of visual amenity

7. Prior to any work commencing all protective barriers (fencing) and ground protection measures to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment is removed from site.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

8. If roots are accidentally damaged the tree council must be notified and given the opportunity to inspect the damage before it is covered over.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing tree hedging.

9. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA.

DFI Roads conditions to follow.

ANNEX 1

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11 June 2019	
Application ID: LA04/2019/0081/F	
Proposal: Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	Location: Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
Referral Route: At the request of the Director of Planning and Building Control	
Recommendation:	Refusal
Applicant Name and Address: Dixon Contractors 89 Broughshane Street Ballymena	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Executive Summary: <p>The proposal is for full planning permission for the erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.</p> <p>This application is linked to two further applications (LA04/2019/0082/F and LA04/2019/0083/F) both of which are Section 54 applications and seek to remove a planning condition from the original approvals. Condition no.2 of these planning permissions relate to the provision of a recreational social club under planning permissions Z/2010/0434/F and LA04/2015/0075/F.</p> <p>The key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> Principle of development and use; Height, scale, massing, layout and design; Provision of private amenity space and Provision of open space; Parking and access; Impact on residential amenity of neighbours; Impact on protected trees; Other environmental factors. <p>The applicant proposes a building containing 12 apartments on a site which has been secured by planning condition to be used for recreational open space in lieu of the loss of an extensive area of open space, bowling green and a club house / social club.</p> <p>The original approval set aside OS1 of PPS 8 Open space Sport and Recreation and allowed the loss of the space to provide 21 social dwelling units and the construction of a new Recreation</p>	

Social Club. The applicant makes a case that the occupier of the social club, the Maple Leaf Club is no longer in existence. The applicant states that they have sought an alternative occupier, however they have not provided sufficient evidence to demonstrate that a new occupier has been sought and all avenues explored.

The principle of the development therefore, is considered to be unacceptable and would if permitted result in the permanent loss of the open space by failing to provide the social club to the community. Which is contrary to policy OS 1 of Planning Policy Statement 8: Open space and recreation.

The proposed development fails to meet criterion (c) of policy QD1 of Planning Policy Statement 7 – Quality Residential Environments. In that the loss will impact the amenity for those prospective new residents of the approved housing as there will be insufficient amenity space provided for the combined development and will therefore also be contrary to Policy OS 2 of PPS8.

Consultees: Environmental Health, Rivers Agency, BCC Tree Officer and NIHE offer no objection to the proposal.

DFI Roads advised the applicant has failed to demonstrate acceptable parking arrangements.

There have been no third party objections received.

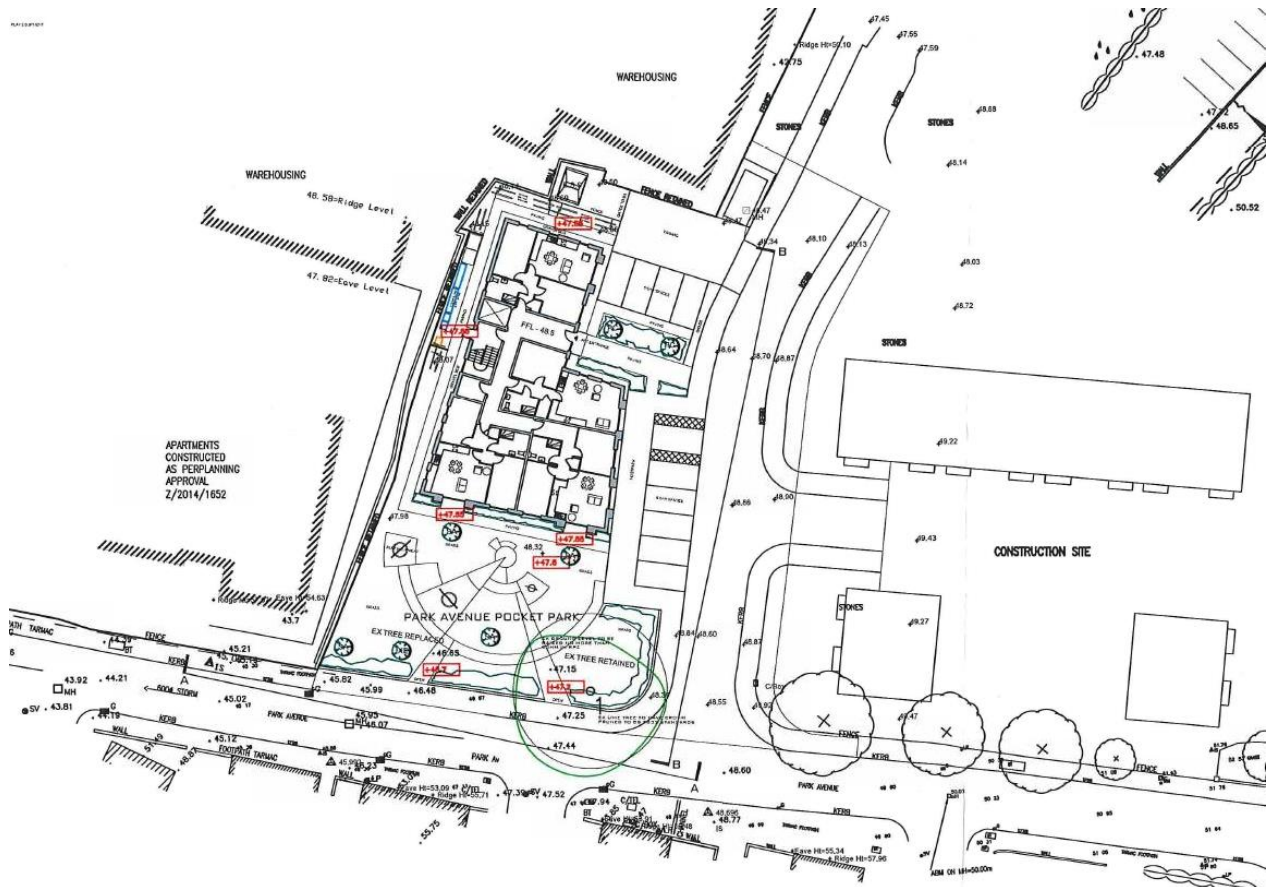
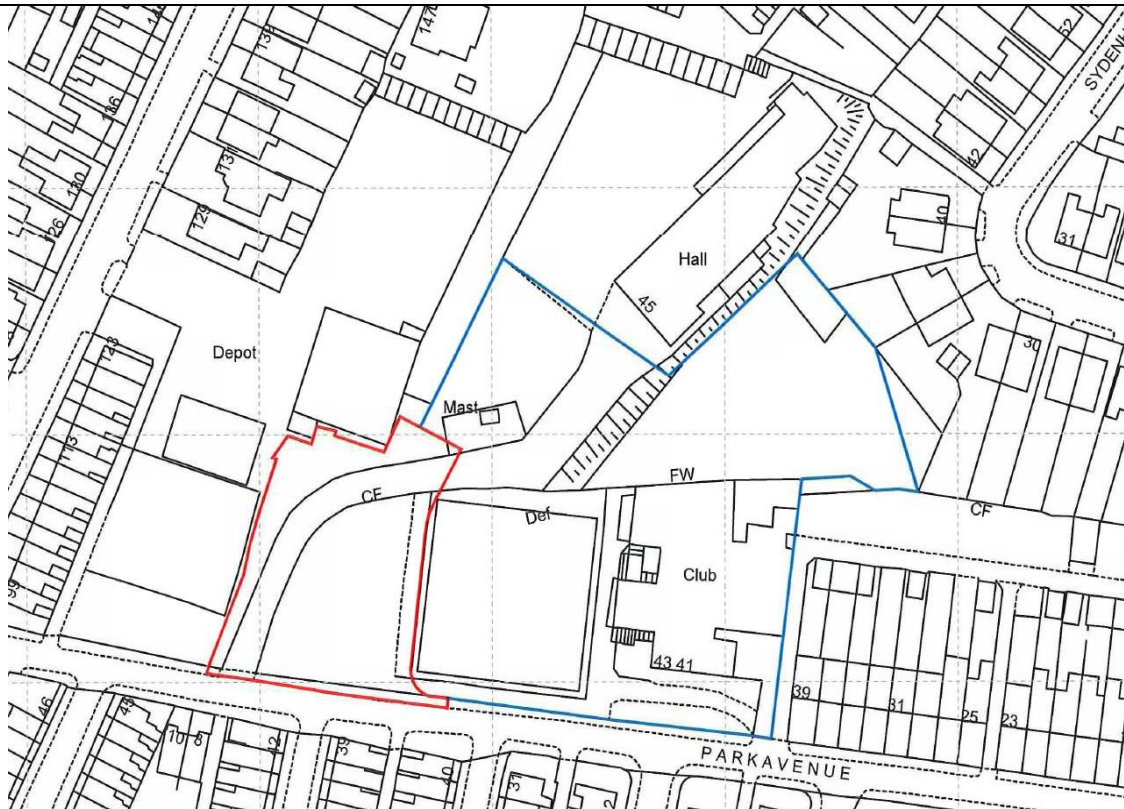
Recommendation:

Refuse

Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Environmental Health Belfast City Council	No objection subject to conditions
Statutory	Rivers Agency	No objection
Advice and Guidance	NIHE - Corporate Planning	No objection - support
Statutory	DFI Roads - Hydebank	Unacceptable
Statutory	NI Water - Multi Units East - Planning Consultations	No Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is for full planning permission for the erection of 12No. apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.
1.2	This application is linked to LA04/2019/0082/F and LA04/2019/0083/F both of which are Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F and LA04/2015/0075/F. Both of these conditions also relate to the implementation of the social club element of planning permissions Z/2010/0434/F and LA04/2015/0075/F.
2.0	Description of Site
2.1	The site is located at lands at the former Maple Leaf Club, 41-43 Park Avenue, Belfast. The site has been cleared and is currently under construction. Formerly on the site was a bowling green and car park and the now derelict Maple Leaf Club building. The site is accessed from Park Avenue which slopes steeply from Holywood Road to Connsbrook Avenue. The area is characterised by two storey terrace dwellings and two storey semi-detached dwellings. Adjacent to the site and accessed from Connsbrook Avenue is a fuel and oil distribution depot. The site bounded by existing mature vegetation. Seven of the previously approved dwellings (10-22 Park Avenue Heights) have been constructed and are now occupied.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	LA04/2019/0083/F - Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows "No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015". The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing – Pending
3.2	LA04/2019/0082/F - Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, "No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans." The removal of the condition is necessary to allow the construction of the social/affordable housing - Pending
3.3	LA04/2015/0075/F - Modifications to previous planning approval Z/2010/0434/F comprising of a reduction in the size of the replacement club premises and change of house types to the dwellings at plots 14-21 - Granted
3.4	Z/2011/0829/F - Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club – Granted
3.5	Z/2011/0827/F - Article 28 application to vary condition 3 of permission Z/2010/0434/F to include social/affordable housing within the residential development and the social club - Granted

3.6	Z/2010/0434/F - Mixed use development to include the relocation and replacement of the Ulster Maple Leaf Club premises and residential development comprising 21 dwellings (3no. 2 bed, 18no. 3 bed dwellings), landscaping and associated site works - Granted
3.7	Z/1999/0307 - Proposed bowling green in part of existing car park including new access arrangements - Granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015
4.3	Draft Belfast Metropolitan Area Plan 2004
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 3: Access, Movement and Parking 4.4.3 Planning Policy Statement 7: Quality Residential Environments 4.4.4 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas 4.4.5 Planning Policy Statement 8: Open Space and Recreation 4.4.6 Planning Policy Statement 12: Housing in Settlements 4.4.7 Planning Policy Statement 15: Planning & Flood Risk 4.4.8 Creating Places 4.4.9 Development Control Advice Note 15: Vehicular Access Standards
5.0	Statutory Consultees Responses
5.1	Rivers Agency has no objection.
5.2	DFI Roads advised the proposal was unacceptable and failed to demonstrate acceptable parking arrangements.
6.0	Non Statutory Consultees Responses
6.1	Environmental Health has no objection subject to conditions.
6.2	BCC Tree Officer has no objection subject to conditions.
6.3	Northern Ireland Housing Executive – Corporate Planning provided advice and guidance. NIHE advised there is currently unmet social housing need in this part of East Belfast and the site has previously been registered by a housing association for the provision of social housing. NIHE supports the current proposal for the site.
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
8.0	Other Material Considerations
8.1	The adopted Belfast Urban Area Plan 2001 designates the site as white land.

8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site is designated as white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as white land.
8.4	The site is the subject of a Tree Preservation Order – TPO/2006/0081
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> • Principle of development and use; • Height, scale, massing, layout and design; • Provision of private amenity space; • Provision of open space; • Provision of parking and access; • Impact on residential amenity of neighbours; • Impact on protected trees; • Other environmental factors.
9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.
9.5	The site is located within the settlement development limit for Belfast. However given that the Belfast Metropolitan Area Plan 2015 version was adopted and subsequently quashed weight is afforded to it as it had reached the most advanced stage a draft plan could having been through public inquiry. The site was designated as white land.
9.6	Draft BMAP 2004 version also designated the site as white land.
9.7	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
9.8	<p><u>Principle of development</u></p> <p>In other circumstances the construction of apartments within the development limits within a residential area would be acceptable however, the circumstances and history of this site is such that the principle of the development in this case, on this site, is considered to be unacceptable. This proposal site was granted as a recreational social club under application references Z/2010/0434/F and LA04/2015/0075/F in which the replacement social club was to be provided to off-set the loss of a substantial area of open space, a bowling green and club house / social club. The provision of the recreational social club in combination with the social housing to be provided was the rational for setting aside OS1 of PPS 8 – Open Space, Sport and Recreation.</p>
9.9	The supporting statement submitted by the applicant states that the Maple Leaf Club has been permanently closed and evidence has been provided at Annex 2 in the supporting statement. It is on this basis that the applicant seeks the removal of condition no.2 of

	planning permissions Z/2010/0434/F and LA04/2015/0075/F, which related to the social club and to ensure the orderly development of the site and community benefits of the development are fully implemented. This proposal would replace the social club with 12 social/affordable apartments.
9.10	Linked applications LA04/2019/0082/F and LA04/2019/0083/F both of which are Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F and LA04/2015/0075/F. Both of these conditions also relate to the implementation of the social club aspect of planning permissions Z/2010/0434/F and LA04/2015/0075/F are also under consideration.
9.11	The applicant submitted a supporting statement. Paragraphs 6.15-6.18 refer to the search for an alternative operator. It is stated that the applicant has no viable option for delivering the club building and the social housing due to the 'winding up' of the Maple Leaf Club and no club interested in relocating and therefore the removal of the club from the proposal is required. However, whilst this has been stated in the supporting statement, no evidence has been provided by the applicant to demonstrate and marketing or tendering for an alternative occupier and therefore have failed to demonstrate that all avenues to secure an occupier have been investigated.
9.12	The group report of the original planning permission Z/2010/0434/F, stated that <i>'the main benefits are the provision of much needed social housing and provision of a new social facility to serve the local area'</i> . The two conditions that attached to the permission, condition no.2 which the applicant seeks to remove and condition no.3 in relation to the allocation of the residential development for social housing were both attached and the same reason <i>'To ensure the orderly development of the site and community benefits of the development are fully implemented'</i> . Therefore it is considered that the construction of the social club was equally required to be provided to ensure the community benefits.
9.13	Application Z/2011/0829/F, was an Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club.
9.14	Planning permission LA04/2015/0075/F was a modification to the original planning permission Z/2010/0434/F. This included the reduction in the size of the social club to be constructed. Whilst this was a reduction and was considered to be of a scale more in keeping with the established residential area, the community benefit to be gained remained an integral part of the proposal and was appropriately conditioned to reflect this. The condition in relation to the provision of the social club was attached to the permission and was worded that the residential dwellings would not be occupied. The same reason as per planning permission Z/2010/0434/F for the condition was given to ensure the orderly development of the site and to ensure the community benefits of the development are fully implemented.
9.15	Therefore, considering the previous use of the site, the protection afforded under PPS8 and the planning history of the site the principle of the development is unacceptable and would result in the loss of the replacement social club which was to provide the off set for the loss of open space for the whole development. It is considered that the supporting statement from the applicant does not provide a compelling case that would outweigh the loss to the community.
9.16	<u>Height, scale, massing, layout and design</u> The proposed building is to be 'L' shaped and 8.4m in height from finished floor level (FFL), 27.3m long along the western elevation and 18m wide along the southern (Park Road) elevation. In terms of the footprint of the proposed apartments is be approximately 392m ² . This is an increase in the footprint from the previously reduced social club at

	387m ² which was reduced by 49m ² from the original approval. The difference in the increase in the footprint is considered to be marginal. The proposed height of the building is similar to that granted for the social club under LA04/2015/0075/F. The height, scale and massing of the proposed apartments is considered to be acceptable.
9.17	In terms of layout all apartments outlook either on to Park Avenue of the entrance to the whole development. It is considered this outlook on to public realm in acceptable.
9.18	In terms of the proposed design this is not dissimilar from that previously approved for the social club building. The proposed finished of smooth red facing brick and grey mortar, dark grey framed windows, glazed balcony and grey zinc cladding on the roof and pent houses are considered to be acceptable. The architectural approach is modern yet sympathetic to its context. The proposed design and architectural treatment and materials are acceptable.
9.19	Policy LC 1 – Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas applies. The proposed density of the development and pattern of development is considered to be acceptable and not out of keeping with the character of the area. The size of each of the proposed apartments are outlined below;
9.20	Apartment 1 - 2 bed 3 person: 65m ² Apartment 2 - 1 bed 2 person: 57 m ² Apartment 3 - 2 bed 3 person: 70 m ² Apartment 4 - 2 bed 3 person: 65 m ² Apartment 5 - 2 bed 3 person: 65 m ² Apartment 6 - 2 bed 3 person: 68 m ² Apartment 7 - 2 bed 3 person: 70 m ² Apartment 8 - 2 bed 3 person: 65 m ² Apartment 9 - 2 bed 3 person: 65 m ² Apartment 10 - 2 bed 3 person: 63 m ² Apartment 11 - 1 bed 2 person: 50 m ² Apartment 12 - 1 bed 2 person: 50 m ²
9.21	The proposed apartments meet the minimum space standards as set out in Annex A of the Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas.
9.22	Therefore it is considered that the proposal complies with the criterion set out in policy LC 1 of the Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas.
9.23	<u>Provision of private amenity space</u> In terms of private amenity space only 3 of the proposed 12 apartments has their own private amenity space. They do all however share communal bin storage and secure bicycle parking. The following private amenity space provision is as below for 3 apartments on the second floor;
9.24	Apartment 10 - 63.3 m ² Apartment 11 - 22.3 m ² Apartment 12 - 10.98 m ²
9.25	Creating Places recommends a minimum of between 10m ² - 30m ² . Apartments 11 and 12 meet this recommended minimum however apartments 1-10 do not. . Whilst the applicant refers to other facilities in the locality including Victoria Park, this is 0.7mile away

	<p>from the site. Considering this and the recent EIA Street planning appeal decision 2018/A0070 it was considered that existing other public spaces were not an acceptable substitute for the deficit of communal space in quantitative and qualitative terms. Therefore it is considered that insufficient private amenity space has been provided for prospective residents. The site on which the apartments are proposed was to provide the off set for loss of open space through the construction of a social club and was conditioned as so to ensure the community benefit of the existing club would continue to be provided. Linked applications LA04/2019/0082/F and LA04/2019/0083/F both of which are Section 54 applications to remove condition no.2 of planning permission Z/2010/0434/F and LA04/2015/0075/F. Both of these conditions also relate to the implementation of the social club aspect of planning permissions Z/2010/0434/F and LA04/2015/0075/F. The provision of open space is discussed below.</p>
9.26	<p><u>Provision of open space</u></p> <p>The proposal includes the provision of a pocket park which will provide 0.045ha of public amenity space. Planning permission Z/2010/0434/F for the residential development and replacement of the social club and LA04/2015/0075/F for a change of house type at plots 14 to 21 and included the reduction in the proposed replacement social club were both granted on the basis of provision of the social club to offset the loss of open space, in line with policy OS 1 of Planning Policy Statement 8: Outdoor space and recreation. Whilst the social club was to be reduced under planning permission LA04/2015/0075/F it still provided the off set for the loss of open space in line with policy OS 1 of Planning Policy Statement 8: Outdoor space and recreation.</p>
9.27	<p>However the applicants statement of case states at paragraph 6.26 the delivery of 12 apartments in lieu of the social club yields a substantially greater benefit to the community and that as the case officer acknowledged the proximity of similar bowling facilities in close proximity to the site which were equally accessible in their view. The applicant states that in this context, the total loss of the facility is therefore negligible to the local community and its loss therefore will have no significant detrimental impact and states this is consistent with para. 6.025, of the Strategic Planning Policy Statement for Northern Ireland (SPPS). It is considered that the loss of the social club which was the off set for the loss of all quality open space is not negligible to the local community as stated. Particularly as the private amenity provision is below recommended requirements. Whilst the applicant refers to other facilities in the locality including Victoria Park, this is 0.7mile away from the site. As per recent appeal decision 2018/A0070, it was considered that existing of other public spaces were not an acceptable substitute for the deficit of communal space in quantitative and qualitative terms.</p>
9.28	<p>This acknowledged the community benefit the club itself provided and while the open space was to be lost, the offset to this was through the provision of a new social facility, albeit reduced but would continue to provide community benefit as was provided by the existing club. Therefore it is considered that in order to comply with policy OS 1 of Planning Policy Statement 8 – Open Space and Recreation to ensure adequate alternative provision that the social facility must be implemented and form part of the overall development of the site.</p>
9.29	<p>It is also noted that the original development comprised of 21 dwelling units. The applicant proposed the construction of an additional 12 apartments. This would provide a total of 33no. social/ affordable housing units. However, the additional units would exceed the threshold of 25 units as set out in policy OS 2 of Planning Policy Statement 8. Policy OS 2 states that an exception to this will only be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided or where it will make use of adjoining public open space.</p>
9.30	<p>As stated in the original case officers report for Z/2010/0434/F, the proposal did not provide sufficient amenity space for the majority of the proposed dwellings and would be limited in its</p>

	<p>usability. Nor is it located adjacent to existing public open space. Therefore it would be considered that it would not be an exception to Policy OS 2 and therefore it would be expected that at least 10% of the site would be for the provision of public open space. The proposal would not be able to facilitate this and the addition of 12 no. apartments was add extra pressure to the demand for amenity space in the whole development. Although this application proposes the provision of a pocket park between the proposed apartments and Park Avenue providing an area of 0.045ha with landscaping and play equipment with access from Park Avenue so other residents can benefit. It is considered to be insufficient to warrant the loss of the social facility and the wider community benefit which it would provide.</p>
9.31	<p>On balance with the provision of private amenity for the approved apartments being below the requirements as per Creating Places, it is considered that the social facility is essential to address the loss of the open space and the club facility, particularly as private amenity space is insufficient to meet requirements. The proposal to not provide the social facility is considered to be contrary to policy OS 1 of Planning Policy Statement 8: Open Space and Recreation.</p>
9.32	<p><u>Provision of parking and access</u></p> <p>DFI Roads were consulted and responded stating that the applicant had failed to demonstrate acceptable parking arrangements and required a number of issues to be addressed and the submission of Private Streets Determination drawings. This information was not requested as to have done so would have put the applicant to unnecessary expense when Planning Service had fundamental concerns with the proposal and the two (LA04/2019/0082/F and LA04/2019/0083/F) associated Section 54 applications for the removal of conditions.</p>
9.33	<p><u>Impact on residential amenity of neighbours</u></p> <p>In terms of residential amenity the proposed apartments will be located to the east of the existing apartments on Park Avenue. In terms of overshadowing considering the sun path it is considered that some overshadowing will result to the apartments adjacent to the west in the morning, however this will travel from east to west from midday on it is considered that no unacceptable overshadowing will result to the apartments located to the west of the site. It is also considered that an unacceptable level of overlooking will not result from the proposed apartments to the existing apartments to the west due to sufficient separation distance and existing boundary treatment. To the north of the site is an existing depot and to the east whilst currently no under construction dwelling with extant permission are to be located. However it is considered that sufficient separation distances will ensure no unacceptable overshadowing or overlooking will result to these dwellings form the proposed apartments. This is also considered to be the same for those dwellings located on the opposite of Park Avenue.</p>
9.34	<p><u>Impact on protected trees</u></p> <p>Belfast City Council's Tree Officer was consulted and following the submission of a tree survey and amended plans the Tree Officer has no objections to the proposal subject to conditions. The proposal includes the retention of an existing protected Lime tree along the Park Avenue boundary, which is to be crown cleaned. Protective root barriers in the form of Geocells has been shown at specific locations to ensure root and soil compaction is avoided during and after construction. The proposal includes the removal of x1 Chestnut tree a protected tree and replacement planting of x8 extra heavy standard Rowan and Ornamental Pear trees to compensate for its loss. A new hawthorn boundary hedge is proposed. The tree officer commented that the proposed tree choice, was considered appropriate in terms of species to complement the proposed pocket park. Tree officer has no objection to the proposal subject to conditions.</p>
9.35	<p><u>Other environmental factors</u></p> <p>Environmental Health were consulted and considered the Noise Impact Assessment and an updated contaminated land report. Environmental Health has no objection subject to</p>

9.36	<p>conditions. Rivers Agency were consulted with a Drainage Assessment and responded stating that the proposal was acceptable and that the proposal was deemed to provide a robust drainage solution.</p> <p><u>Recommendation</u> The proposal is considerable to be unacceptable and refusal is recommended asset out in paragraph 11 below.</p>
9.37	<p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.</p>
10.0	Summary of Recommendation: Refusal
11.0	<p>Refusal Reasons</p> <ol style="list-style-type: none"> 1. The proposal is contrary to OS1 of PPS 8 in that it will result in a loss of open space and the applicant has failed to demonstrate that the redevelopment will bring substantial community benefits that decisively outweigh its permanent loss. 2. The proposal is contrary to OS2 of PPS 8 Open Space Sport and Recreation QD1 of PPS7 Quality Residential Environments in that it fails to provide adequate or quality private amenity space or sufficient communal open space for prospective residents of this development or the overall development.
<p>Notification to Department (if relevant)</p> <p>N/A</p>	
<p>Representations from Elected members:</p> <p>Cllr Newton</p>	

ANNEX	
Date Valid	3rd January 2019
Date First Advertised	25th January 2019
Date Last Advertised	25th January 2019
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 10 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, 12 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 125 Connsbrook Avenue,Belfast,Down,BT4 1JX The Owner/Occupier, 14 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 16 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 18 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 20 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 22 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 31 Sefton Park, Belfast, BT4 1PN The Owner/Occupier, 31 Shaw Street,Belfast,Down,BT4 1PT The Owner/Occupier, 32 Sefton Park, Belfast, BT4 1PN The Owner/Occupier, 36 Sefton Drive, Belfast, BT4 1PL The Owner/Occupier, 39 Colvil Street,Belfast,Down,BT4 1PS The Owner/Occupier, 39 Park Avenue, Belfast, BT4 1PU The Owner/Occupier, 40 Shaw Street,Belfast,Down,BT4 1PT The Owner/Occupier, 42 Colvil Street,Belfast,Down,BT4 1PS The Owner/Occupier, 45 Park Avenue, Belfast, BT4 1PU The Owner/Occupier, 8 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, Apartment 1,47 Park Avenue,BELFAST,BT4 1PU	

The Owner/Occupier,
 Apartment 10,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 11,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 12,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 13,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 14,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 15,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 2,47 Park Avenue,BELFAST,BT4 1PU
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 Apartment 3,47 Park Avenue,BELFAST,BT4 1PU
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 Apartment 4,47 Park Avenue,BELFAST,BT4 1PU
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 Apartment 5,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 6,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 7,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 8,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 9,47 Park Avenue,BELFAST,BT4 1PU

Date of Last Neighbour Notification	12th February 2019 Additional neighbours consulted 24 th May 2019 due to new dwellings now being occupied.
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Date of EIA Determination	N/A
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ES Requested	No
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Drawing Numbers and Title

Drawing No. Type:

Development Management Report Addendum Report 2	
Application ID: LA04/2020/2325/F	Date of Committee: 10 th December 2024
Proposal: Proposed erection 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4no. semi-detached), car parking, landscaping and all associated site and access works (Amended drawings, additional information)	Location: Lands at Former Maple Leaf Club, 41-43 Park Avenue, Belfast
Referral Route: Proposal would secure a Financial Developer Contribution exceeding £30,000. Previously considered by the Committee in March 2022 and June 2023.	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Choice Housing Association & Latner 10 Developments, Unit 983 Moat House, 54 Bloomfield Avenue, Belfast	Agent Name and Address: TSA Planning, 20 May Street, Belfast, BT1 4NL
Date valid: 6 th November 2020	
Target date: 18 th February 2021	
Contact Officer: Ed Baker, Planning Manager (Development Management)	
Background This application was first considered by the Committee in March 2022 when the Committee resolved to approve the application subject to completion of a Section 76 planning agreement. The application remained undetermined at the point of adoption of the Belfast LDP: Plan Strategy in May 2023 because the Section 76 planning agreement had not been completed. The application was therefore reported back to the Committee at its 20 th June 2023 meeting so that it could be reconsidered against the new policies in the Plan Strategy. The Committee again approved the application subject to completion of the Section 76 planning agreement, The application is reported back to the Committee for a further time in view of the following: <ol style="list-style-type: none"> 1. The Section 76 planning agreement remains to be completed, over 2.5 years after the Committee's original resolution to grant planning permission subject to completion of the Section 76 planning agreement. This addendum report should be read in conjunction with the previous Committee reports, appended.	

Section 76 planning agreement

2. The Section 76 planning agreement remains outstanding after more than 2.5 years. The delays have mainly been due to land ownership issues that still require to be resolved.
3. The application cannot remain undetermined indefinitely and the Council must be mindful of its statutory performance targets. It is therefore recommended that should the Section 76 planning agreement not be completed by the end of January 2025, the application will be reported back to the Committee in February 2025 for redetermination.

Other matters

4. Amongst other matters, the Section 76 planning agreement is to seek a Developer Contribution of £65,587 for enhancement works at the King George V playing fields. The value of the Developer Contribution should once again be subject to an inflationary uplift due to the passage of time. This should be based on CPI inflation since June 2023 when the application was last considered by the Committee.

Section 76 planning agreement – updated terms

5. The updated planning obligations to be secured through the Section 76 planning agreement are set out below.
 - provision of the 21 units as affordable housing (social / intermediate housing);
 - the pocket park proposed under LA04/2019/0081/F to be delivered no later than two years from the date of first occupation of the 21 units;
 - the future management of the pocket park;
 - temporary treatment of the site for 12 apartments if those were delayed or not built out; and
 - developer contribution of £65,587 for enhancement works at the King George V playing fields (to be index linked from June 2023) for enhancement works at the King George V playing fields.

Recommendation

6. Having regard to the assessment in this addendum report and the previous report to the Planning Committee, in the planning balance, the proposal is considered acceptable.
7. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement. Should the Section 76 planning agreement not be completed by the end of January 2025, the application will be reported back to Committee for redetermination.

Development Management Report

Addendum Report 1

Application ID: LA04/2020/2325/F	Date of Committee: 20 th June 2023
Proposal: Proposed erection 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4no. semi-detached), car parking, landscaping and all associated site and access works (Amended drawings, additional information)	Location: Lands at Former Maple Leaf Club, 41-43 Park Avenue, Belfast
Referral Route: Proposal would secure a Financial Developer Contribution exceeding £30,000. Previously considered by the Committee in March 2022.	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Choice Housing Association & Latner 10 Developments, Unit 983 Moat House, 54 Bloomfield Avenue, Belfast	Agent Name and Address: TSA Planning, 20 May Street, Belfast, BT1 4NL
<p>Background</p> <p>This application was considered at the March 2022 meeting of the Planning Committee. The Committee resolved to grant planning permission subject to a Section 76 Planning Agreement to secure the following:</p> <ul style="list-style-type: none"> • provision of the 21 units as affordable housing (social / intermediate housing); • the pocket park proposed under LA04/2019/0081/F to be delivered no later than two years from the date of first occupation of the 21 units; • the future management of the pocket park; • temporary treatment of the site for 12 apartments if those were delayed or not built out; • securing of the £52,000 with inflationary uplift since December 2019 (if it had already been paid in relation to application LA04/2019/0081 then it would not have to be paid twice). <p>The Committee gave delegated authority to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Planning Agreement.</p> <p>Since the Committee's decision, the Belfast Local Development Plan: Plan Strategy has been adopted (02 May 2023). At its April 2023 meeting, the Committee gave delegated authority to re-evaluate the application following adoption of the Plan Strategy. However, the application is reported back to Committee for re-evaluation as it is connected to application for 12 apartments on the adjacent land (LA04/2019/0081F), which is also being reported to the Committee.</p> <p>The previous case officer report to the Committee is appended. This includes the Lates items to the March 2022 Committee.</p>	

Updated Policy Context

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.

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.

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

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

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

Relevant Planning Policies

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

- Policy SD2 – Settlement Areas
- Policy HOU1 – Accommodating new homes
- Policy HOU2 – Windfall housing
- Policy HOU4 – Density of residential development
- Policy HOU5 – Affordable housing
- Policy HOU6 – Housing mix
- Policy HOU7 – Adaptable and accessible accommodation
- Policy DES1 – Principles of urban design
- Policy RD1 – New residential developments
- Policy HC1 – Promoting healthy communities
- Policy TRAN6 – Access to public roads
- Policy TRAN8 – Car parking and servicing arrangements
- Policy TRAN10 – Design of car parking
- Policy ENV1 – Environmental quality
- Policy ENV2 – Mitigating environmental change
- Policy ENV3 – Adapting to environmental change
- Policy ENV5 – SuDS
- Policy GB1 – Green and blue infrastructure network

Policy OS1 – Protection of Open Space
Policy OS3 – Ancillary open space
Policy NH1 – Protection of natural heritage resources
Policy TRE1 – Trees

Supplementary Planning Guidance
Affordable Housing and Housing Mix
Residential Design
Placemaking and Urban Design
Sustainable Urban Drainage Systems
Transportation
Trees and Development

Updated Assessment

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

Additional Information

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

Consultation responses

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

Principle of development

The principle of development remains acceptable as set out in the previous case officer report, appended. The site is located within the settlement limit, has good access to services, shops and public transport. The proposal would make effective use of land at a density of 42 units/ha, which is within the 25-125 units/ha range for outer Belfast. The proposal is considered compliant with Policies SD2, HOU1, HOU2 and HOU4 of the Plan Strategy.

Whilst the proposal would result in the loss of open space, this is considered off-set by the provision of the 21 dwellings as social housing for which there is a significant local need. NIHE has previously confirmed its support for the application and that the scheme was on the 2021/22 social housing programme (see Late items report to the March 2022 Committee, appended). Combined with the provision of a commuted sum of £65k (including inflation) towards improvements to the local King George V playing fields, this is considered a substantial community benefit that would decisively outweigh the loss of the original open space, having regard to Policy OS1 of the Plan Strategy.

Affordable housing and housing mix

All 21 dwellings would be provided as affordable housing (100% provision) to help off-set the loss of the original Maple Leaf Club and open space from the site.

The proposal, in combination with the development of the adjacent site for 12 apartments (LA04/2019/0081/F), could result in mono-tenure social housing, which would be conflict with the

Policy HOU5's objective of mixed and balanced communities. However, the Affordable Housing and Housing Mix SPG advises at paragraph 4.4.12 that whether proposals for mono-tenure social housing is deemed to deliver sustainable and balanced communities can be assessed on a case-by-case basis using three key factors:

- The level of social housing need in the vicinity of the site and the availability of land to address such needs;
- The wider tenure characteristics of an area, in order to minimise large areas of single tenure social housing; and
- Whether a scheme is proposed as 'shared housing'.

Given the need for social housing the area, NIHE's support for the proposal and tenure characteristics of nearby housing, the approach to tenure is considered, on balance, acceptable.

The proposal is therefore considered acceptable having regard to Policy HOU5 of the Plan Strategy and its associated SPG.

The proposed 5 person 3 bedroom units are 103-104 sqm; and the 3 person 2 bedroom units are 80 sqm, meeting the space standards in Appendix C of the Plan Strategy. The housing mix is considered acceptable, having regard to Policy HOU6.

Adaptable and accessible housing

Policy HOU7 of the Plan Strategy states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible. For schemes of 10 units or more, at least 10% of the units should be wheelchair accessible. The applicant has not provided evidence that the scheme will provide sufficient wheelchair accessible units and argues that 'there is an inherent difficulty in designing a small percentage of units to a different standard'.

The applicant states that the proposed dwellings have been specifically designed to meet the requirements of the Housing Association, taking account of increased space requirements requested by them, and that no wheelchair housing units have been provided as a result of no need being identified by NIHE with respect to the social housing waiting list. Similarly, the applicant notes that there is in-built flexibility for all units already designed to Lifetime Homes standards.

Whilst building to Lifetime Homes standards and Housing Association Guide (HAG) standards will ensure that all dwellings will meet the adaptable home requirements of criteria a. to f. of Policy HOU7, the proposals does not fully satisfy the wheelchair accessibility provisions set out in criteria g. to o. Policy HOU7 requires a minimum of 10% of the dwellings to be wheelchair accessible units. However, some of the proposed dwellings exceed the minimum space standards and the full Lifetime Homes standards meet some of the wheelchair adaptable standards. Regard is also had to the previous decision of the Committee in March 2022 to grant planning permission. Taking into account these factors, this contravention of Policy HOU7 is considered acceptable in the planning balance.

Climate Change

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

operation. The applicant states that the proposal is capable of meeting the BREEAM and energy efficiency standards of Housing Associations. Whilst no specific measures to mitigate climate change have been provided, given the requirement for the apartments to be constructed to Housing Association design standards which require a commitment to energy efficiency, it is considered that this matter can be appropriately addressed by condition.

Policy ENV3 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. In order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates. The proposed layout includes permeable grassed areas. No additional resilience measures have been identified, however, this can be secured by an appropriate planning condition.

Sustainable Urban Drainage Systems (SuDS)

Policy ENV5 of the Plan Strategy states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere. Whilst no specific measures are identified, the proposed layout includes permeable grassed areas. No additional specific SuDS measures have been identified by the applicant, however, this will be secured by means of a planning condition.

Promoting healthy communities

Policy HC1 of the Plan Strategy states that the council will seek to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. The scheme involves the provision of a small pocket park on the adjacent development of 12 apartments to provide amenity and recreation space for residents. The site is within walking distance of King George V playing fields. It is within walking distance of shops and services and its location would promote healthy and active lifestyles. The proposal is considered acceptable having regard to Policy HC1 of the Plan Strategy.

Planning obligations

It is considered that the planning obligations previously agreed by the Committee remain necessary to make the proposal acceptable in the planning balance. These include:

- provision of the 21 units as affordable housing (social / intermediate housing);
- the pocket park proposed under LA04/2019/0081/F to be delivered no later than two years from the date of first occupation of the 21 units;
- the future management of the pocket park;
- temporary treatment of the site for 12 apartments if those were delayed or not built out; and
- developer contribution of £65,587 for enhancement works at the King George V playing fields

Other considerations

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

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

Conclusion and Recommendation

Having regard to the assessment in this addendum report and the previous report to the Planning Committee, in the planning balance, the proposal is considered acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement. Additional conditions are required in respect of mitigation and adaptation to climate change, including SuDS.

Late Items

Agenda Item	Application	Issues Raised	Action																				
7c	LA04/2019/0081/F Erection of 12 apartments at former Maple Leaf Club, Park Avenue	<p>Northern Ireland Housing Executive (NIHE) is supportive of the application and provides the following comments.</p> <p>The site is located within Middle East Housing Need Area which has a five year need for 307 units for the period 2021-2026.</p> <p>The site is adjacent to Sydenham, Edenvale and Dundela Common Landlord Areas. The following table provides a summary of the Waiting List information for this area for December 2021.</p> <table><tr><td></td><td>Singles</td><td>Families</td><td>Elderly</td><td>TOTAL</td></tr><tr><td>All Applicants</td><td>133</td><td>138</td><td>58</td><td>329</td></tr><tr><td>Housing Stress</td><td>86</td><td>79</td><td>42</td><td>207</td></tr><tr><td>Allocations to December 2021</td><td>30</td><td>13</td><td>30</td><td>73</td></tr></table> <p>The proposal is currently on the 2024/25 Social Housing Development Programme as a second phase of development of the wider lands.</p>		Singles	Families	Elderly	TOTAL	All Applicants	133	138	58	329	Housing Stress	86	79	42	207	Allocations to December 2021	30	13	30	73	For notation.
	Singles	Families	Elderly	TOTAL																			
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Allocations to December 2021	30	13	30	73																			
7c	LA04/2019/0081/F Erection of 12 apartments at former Maple Leaf Club, Park Avenue	The applicant confirms their agreement to the inflationary uplift (Consumer Price Index linked) to the £52k Financial Developer Contribution towards enhancements at the King George V playing fields.	For notation.																				

Agenda Item	Application	Issues Raised	Action																				
7d, 7e & 7f	LA04/2019/0082/F, LA04/2019/0083/F (s54 applications) and LA04/2020/2325/F Erection of 21 dwellings at former Maple Leaf Club, Park Avenue	<p>Northern Ireland Housing Executive (NIHE) is supportive of the application and provides the following comments.</p> <p>NIHE confirms that the proposal is on the 2021/22 Social Housing Development Programme and the mix of housing has been agreed with the joint applicant, Choice Housing. NIHE is keen that the scheme commences in this financial year.</p> <p>The site is located within Middle East Housing Need Area which has a five year need for 307 units for the period 2021-2026.</p> <p>The site is adjacent to Sydenham, Edenvale and Dundela Common Landlord Areas. The following table provides a summary of the Waiting List information for this area for December 2021.</p> <table><tr><td></td><td>Singles</td><td>Families</td><td>Elderly</td><td>TOTAL</td></tr><tr><td>All Applicants</td><td>133</td><td>138</td><td>58</td><td>329</td></tr><tr><td>Housing Stress</td><td>86</td><td>79</td><td>42</td><td>207</td></tr><tr><td>Allocations to December 2021</td><td>30</td><td>13</td><td>30</td><td>73</td></tr></table>		Singles	Families	Elderly	TOTAL	All Applicants	133	138	58	329	Housing Stress	86	79	42	207	Allocations to December 2021	30	13	30	73	For notation.
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Allocations to December 2021	30	13	30	73																			
7d & 7e	LA04/2019/0082/F and LA04/2019/0083/F s54 applications relating to site of the former Maple Leaf Club, Park Avenue	The applicant has withdrawn both applications as the s54 applications are no longer needed.	For notation.																				

Agenda Item	Application	Issues Raised	Action
7f	LA04/2020/2325/F Erection of 21 dwellings at former Maple Leaf Club, Park Avenue	<p>Further to the officer recommendation, the applicant has confirmed their agreement to the following planning obligations to be secured by way of a Section 76 planning agreement:</p> <ul style="list-style-type: none"> • Single payment of £52k plus inflationary uplift (Consumer Price Index linked); and • Delivery of the 21 dwellings as social/affordable housing. <p>However, for logistical reasons, the applicant is unable to agree to the requirement that the pocket park is delivered prior to occupation. The main difficulties are summarised below:</p> <ul style="list-style-type: none"> • Underneath the site of the pocket park is the main sewer and electrical cable. Access will be required until full adoption of sewers; • Access for gas connection; • Construction of the apartment block will require access for scaffold, plant and piling rig; • This is the only area left for welfare facilities; • It would be the last part of construction on the overall site from a practical view. <p>In practice, the applicant states that they are confident that they will be able to deliver the 12 apartments within this period and at the same time complete the pocket park. However, should this not be possible, it proposes a clause in the Section 76 planning agreement to</p>	<p>Officers accept that it would be impracticable to deliver the pocket park prior to occupation of the 21 dwellings for the reasons set out by the applicant.</p> <p>The officer recommendation is therefore modified to require that the pocket park is delivered no later than two years from the date of first occupation. A planning obligation should also be required to secure its future management.</p>

Agenda Item	Application	Issues Raised	Action
		<p>require delivery of the pocket park within 24 months from occupation of the first dwelling within the 21 dwelling scheme. The pocket park would be managed by Choice Housing Association.</p> <p>For information, the applicant provides the following indicative timeline for delivery of the scheme:</p> <ul style="list-style-type: none"> • March/April 2022 – onsite start of 21 dwellings. • March/April 2023 – first handover • March/April 2023 – hope to commence works on 12 apartments • March/April 2024 – complete 12 apartments and pocket park • Worst case scenario is that pocket park will be delivered 24 months from first handover i.e. by March/April 2025 	

Committee Application

Development Management Report	
Application ID: LA04/2020/2325/F	Date of Committee: 15 March 2022
Proposal: Proposed erection 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4no. semi-detached), car parking, landscaping and all associated site and access works (Amended drawings, additional information)	Location: Lands at Former Maple Leaf Club, 41-43 Park Avenue, Belfast
Referral Route: Proposal would secure a Financial Developer Contribution exceeding £30,000. Application also in association with applications LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F, previously considered by the Planning Committee and on the same agenda.	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Choice Housing Association & Latner 10 Developments, Unit 983 Moat House, 54 Bloomfield Avenue, Belfast	Agent Name and Address: TSA Planning, 20 May Street, Belfast, BT1 4NL
Executive Summary: The application seeks full planning permission for the erection of 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4 no. semi-detached), car parking, landscaping and all associated site and access works. The key issues to consider are: <ul style="list-style-type: none"> • Principle of development • Loss of open space • Provision of public and private amenity space • Impact on the character and appearance of the area • Impact on residential amenity • Impact on existing trees / proposed landscaping • Access and parking • Drainage and flood risk • Waste-water infrastructure The site is un-zoned 'whiteland' within the BUAP 2001 and draft BMAP 2015. The proposed development would result in the loss of open space (including the bowling green previously located on the site) protected by Policy OS1 of PPS 8. By way of background, planning application Z/2010/0434/F was granted planning permission in June 2011 on essentially the same site, but also including land to the west, for a mixed use development including replacement of the original Maple Leaf club and 21 dwellings. That planning permission	

included conditions requiring the provision of social housing and build out of the replacement social club, required to offset the loss of open space. These conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple Leaf Club has been erected in accordance with the new approved plans. Condition 3 requires the development to be delivered as social / affordable housing. It appears the main site access and part of the access road between Blocks A and C have been constructed and this serves the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it is considered that the development has commenced and represents a fall-back for the developer, albeit it would require the construction of the replacement social club.

The current application for 21 dwellings (social / affordable) is a standalone application for residential development, i.e. the developer does not wish to construct the social club as previously approved.

The Planning Committee has previously resolved to approve application LA04/2019/0081/F for 12 apartments (social/affordable housing) on the part of the site previously approved for the replacement social club. It also approved associated applications LA04/2019/0082/F and LA04/2019/0083/F to vary the previous permissions for 21 dwellings and replacement Maple Leaf Club in order to relax the requirement to construct and operate the new social club.

Policy OS2 requires public open space to be provided as an integral part of new housing schemes of 25 units or more and states that at least 10% of the total site area should be open space in normal circumstances. Whilst the proposal is for 21 dwellings – being less than the 25 unit threshold – it is being brought forward in combination with the development of the immediately surrounding lands of 13 units built to the north and the proposed 12 apartments to the west (i.e. 46 units in total). The proposal includes some minor areas of maintained open space, however, these areas do not amount to 10% and offer limited amenity value. The proposal is therefore contrary to Policy OS 2 of PPS 8.

Policy OS1 of PPS 8 states that development resulting in the loss of existing open space will not be permitted, however, an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. It is considered that the provision of affordable housing does not by itself outweigh the loss of the open space in this instance.

In resolving to grant planning permission for the 12 apartments to the west (LA04/2019/0081/F), the Planning Committee took the view that the relaxation of the requirement to provide a new club to replace the Maple Leaf Club and off-set the loss of open space from the site would be justified provided that 1) the 12 apartments were delivered as affordable housing; 2) a Financial Developer Contribution of £52k is paid to improve off-site open space facilities, and 3) that the proposed pocket park in front of the apartments is delivered to provide valuable open space to serve not only the proposed 12 apartments but also the surrounding houses including the extant permissions for 21 dwellings on the application site.

Therefore, consistent with the Committee's previous decisions in December 2019 in respect of the 12 apartments on the adjacent site, it is also necessary that the pocket park is delivered as part of the scheme for 21 dwellings. Otherwise, it would have insufficient open space and there would be insufficient off-set for the loss of the original open space on the site. Moreover, the £52k should also be secured as part of any permission for the 21 dwellings. This amount was agreed by the Planning Committee in December 2019 but should be increased to allow for inflation. An obligation should also secure temporary treatment of the site if the construction of the 12 apartments are delayed or not

built. Subject to these obligations to be secured by means of a Section 76 planning agreement, the proposal is considered acceptable having regard to Policies OS 1 and OS 2 of PPS 8. On balance, it is considered the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings and landscaped and hard surfaced areas. Furthermore, whilst there are concerns regarding the design of the proposed development, given the extant approval on the site and the similar design, it is considered acceptable.

Minor concerns regarding overlooking between Blocks C and D have been raised, however, given the extant approval on the site and the similar layout, it is considered acceptable. There are no concerns regarding natural light, outlook or shadow.

BCC Environmental Health Service has raised concerns regarding the level of noise within the external amenity areas of the 4 semi-detached dwellings. However, they conclude that if the development is desirable and given its urban location, it should not be prohibited on the basis of high external noise levels in some garden areas. Consequently, they have not offered any objections to the proposal.

Each dwelling enjoys access to private amenity space, ranging from 33 sq m to 100 sq m, with the average provision approx. 50 sq m. There are slight concerns regarding the amenity space provision of some proposed dwellings. However, given there is an extant approval on the site for a similar layout, the arrangement is considered acceptable.

The proposed development is accessed via Park Avenue. No in-curtilage parking is proposed, however, communal car parking space are proposed within the development. DFI Roads have provided comments on the proposal and offered no objection, subject to conditions.

The proposal involves the removal of trees along the Park Avenue boundary, however, a tree survey has been submitted and the Council's Tree Officer has no objection. Furthermore, additional compensatory planting has been proposed which helps to soften the proposal and assist its integration.

Recommendation

Having regard to the development plan and the other material planning considerations, including planning history of the site and adjacent land, it is considered that, on balance, the proposed development is acceptable. It is therefore recommended that planning permission is granted, subject to conditions and a Section 76 planning agreement to secure the following:

- provision of the 21 units as affordable housing (social / intermediate housing)
- delivery of the pocket park proposed under LA04/2019/0081/F prior to occupation of any of the 21 dwellings
- temporary treatment of the site for 12 apartments if these are delayed or not built out
- securing of the £52k with inflationary uplift since December 2019 (if this already been paid in relation to applications LA04/2019/0081, LA04/2019/0082 or LA04/2019/0083 then it will not have to be paid twice).

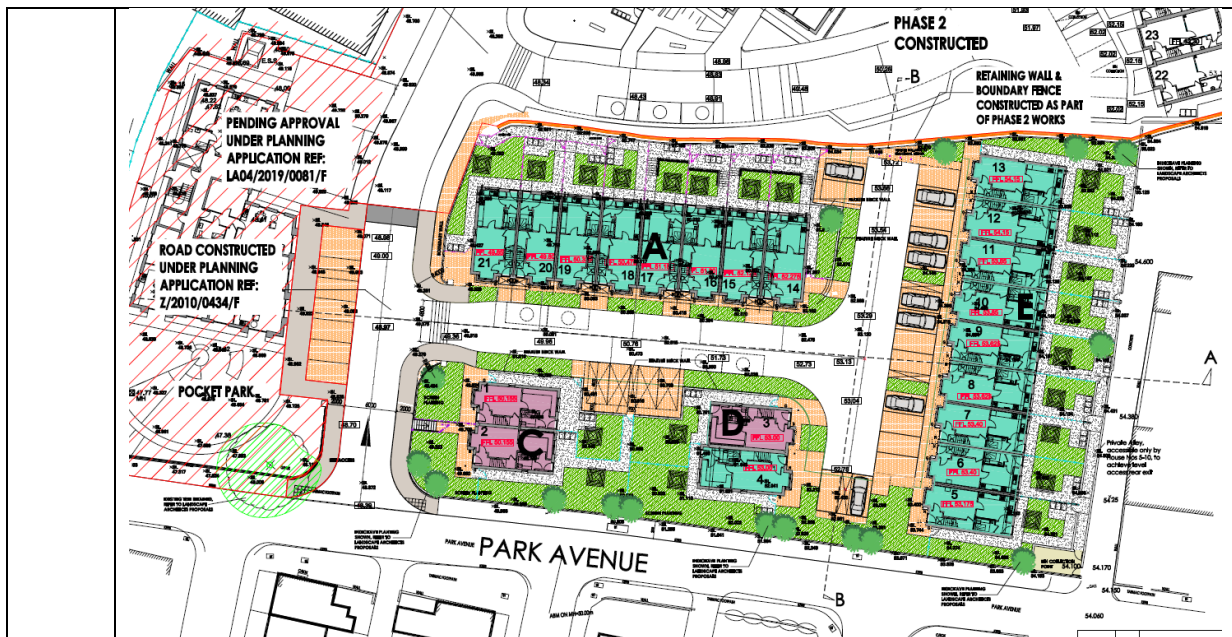
It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and Section 76 planning agreement.

Characteristics of the Site and Area

1.0 Description of Proposed Development

- 1.1 The application seeks full planning permission for the erection of 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4 no. semi-detached), car parking, landscaping and all associated site and access works.
- 1.2 It follows previous planning permissions being granted on the site and adjacent land for 21 dwellings including the erection of a new club to replace the original Maple Leaf Club, which has since been demolished.





2.0 Description of Site

- 2.1 The application site is located to the north side of Park Avenue on lands at the former Maple Leaf social club. The site has been cleared and is currently secured from public access. Previously, the Maple Leaf social club, a bowling green and a car park were located on the site, however, the bowling green appears to have been removed circa 2015/16 and the Maple Leaf club demolished circa 2018/19.
- 2.2 The site is accessed from Park Avenue which slopes steeply in a westerly direction from Hollywood Road towards Connsbrook Avenue. There is an existing access road through the site, which currently serves 13 residential units and a Masonic Hall to the north. The same access is proposed to serve the development.
- 2.3 The surrounding area is characterised primarily by residential development, however, there is a Masonic Hall in close proximity and a commercial vehicle sales yard to the west (accessed off Connsbrook Avenue). The surrounding residential development is relatively high density, in the form of terraced housing and apartments.

Planning Assessment of Policy and other Material Considerations

3.0 Site History

Application site

Z/2010/0434/F – Mixed use development to include the relocation and replacement of the Maple Leaf Club premises and residential development comprising 21 dwellings (3no. 2 bed, 18no. 3 bed dwellings), landscaping and associated site works – Granted 9/6/11

Z/2011/0827/F – Article 28 application to vary condition 3 of permission Z/2010/0434/F to include social/affordable housing within the residential development and the social club – Granted 30/3/12

	<p>Z/2011/0829/F – Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club – Granted 30/3/12</p> <p>LA04/2015/0075/F – Modifications to previous planning approval Z/2010/0434/F comprising of a reduction in the size of the replacement club premises and change of house types to the dwellings at plots 14-21 – Granted 25/2/16</p> <p>Z/2002/2542/A41 – Conversion of existing offices to bowling viewing lounge – Permitted Development</p> <p>Z/1999/0307 - Proposed bowling green in part of existing car park including new access arrangements – Granted 10/4/01</p> <p><i>Land to West (Currently under consideration)</i></p> <p>LA04/2019/0081/F – Erection of 12 apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works. <i>The Planning Committee resolved to grant planning permission subject to a Section 76 planning agreement at its meeting in December 2019</i></p> <p>LA04/2019/0082/F – Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, 'No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans.' The removal of the condition is necessary to allow the construction of the social/affordable housing. <i>The Planning Committee resolved to grant planning permission subject to a Section 76 planning agreement at its meeting in December 2019</i></p> <p>LA04/2019/0083/F – Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows 'No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015'. The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing. <i>The Planning Committee resolved to grant planning permission subject to a Section 76 planning agreement at its meeting in December 2019</i></p> <p><i>Wider lands</i></p> <p>LA04/2015/0052/F - Lands to the north of 41-43 Park Avenue , Belfast, and to the south of 45 Park Avenue, Belfast - Erection of 13 No. social/affordable housing units (7No, 2 bed townhouses & 6No. 2 bed apartments) with associated parking, landscaping and road works, with access from Park Avenue via adjacent approval Z/2010/1434/F including provision for revised access/parking to masonic hall – Granted 22/9/16.</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (v2004) (dBMAP 2015 v2004)
4.3	Draft Belfast Metropolitan Plan 2015 (v2014) (dBMAP 2015 v2014)

4.3	Strategic Planning Policy Statement (SPPS) PPS 2 Natural Heritage PPS 3 Access, Movement and Parking PPS 7 Quality Residential Environments PPS 7 Addendum - Safeguarding the character of established residential areas PPS 8 Open Space, Sport and Outdoor Recreation PPS 12 Housing in Settlements PPS 15 Planning and Flood Risk Creating Places Developer Contribution Framework (adopted 2020)
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection, subject to conditions
5.2	NIEA – No objection, subject to conditions
5.3	NI Water – No objection
5.4	DFI Rivers – No objection
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection, subject to conditions
6.2	BCC Tree and Landscaping officer – No objection, subject to conditions
7.0	Representations
7.1	37 neighbours have been notified of the proposed development. No representations were received.
8.0	Assessment
8.1	<u>Development Plan context</u> Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP 2015 remaining a material consideration. Given the advanced stage at which dBMAP 2015 (v2014) pre-adoption including modification following the Planning Appeals Commission's report on the Examination in Public, it is considered that it holds significant weight, save for retail policies relating to Sprucefield, Lisburn, which remain contentious.
8.2	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in

	<p>relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p>
8.3	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.</p>
8.4	<p>The SPPS aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. The SPPS advises that the use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings. The SPPS also seeks to protect Open Space.</p>
8.5	<p><u>Principle of development including loss of Open Space</u></p> <p>The site is un-zoned 'whiteland' within the BUAP and draft BMAP.</p>
8.6	<p>The proposed development would result in the loss of open space including the bowling green previously located on the site, protected by Policy OS1 of PPS 8.</p>
8.7	<p>Planning application Z/2010/0434/F was granted planning permission in June 2011 for a mixed use development of the site and adjacent land to include the relocation and replacement of the Maple Leaf club premises and 21 dwellings, landscaping and associated site works. This planning permission included conditions requiring the provision of social housing and a new social club. Condition 2 prevents commencement of the construction of the houses until the replacement Maple Leaf Club has been erected in accordance with the approved plans and is operational. Condition 3 requires the development to be delivered as social housing. These conditions were imposed to offset the loss of open space.</p>
8.8	<p>Planning application Z/2011/0829/F was granted in March 2012 to vary condition 2 to allow simultaneous construction of the Maple Leaf Club and 21 dwellings approved under application Z/2010/0434/F. The condition was varied to prevent <u>occupation</u> of the residential units until the replacement Maple leaf Club had been erected in accordance with the approved plans and is operational.</p>
8.9	<p>Planning application Z/2011/0827/F was granted in March 2012 to vary condition 3 to include the term affordable in addition to social housing, in order to be less restrictive for the applicant as it would allow the sale of dwellings in the future under the 'right to buy' scheme.</p>
8.10	<p>Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple leaf Club has been erected in accordance with the new approved plans and is operational. Condition 3 requires the development to be delivered as social / affordable housing. Conditions 2 and 3</p>

	of this approval replicate the previous variation of condition approvals under Z/2011/0827/F and Z/2011/0829/F.
8.11	It appears that the main site access and part of the access road between Blocks A and C have been constructed. Google Earth images appear to show this in place in June 2016. The only pre-commencement condition of LA04/2015/0075/F relates to the provision of the site access onto Park Avenue. As this access appears to have been constructed within 5 years of the date of the permission, it is considered that this development has likely commenced and this represents a fall back.
8.12	The current application for 21 dwellings is a standalone application for residential development, i.e. the developer does not wish to construct the social club as previously approved. In December 2019, the Planning Committee resolved to approve application LA04/2019/0081/F for 12 apartments (social/affordable housing) on the part of the site previously approved for the social club. In addition, it resolved to approve applications LA04/2019/0082/F and LA04/2019/0083/F to remove the conditions requiring construction and operation of the social club from the previous 2010 and 2015 approvals.
8.13	As previously noted, the principle of development on the current application site was considered acceptable as the original proposal included both the provision of affordable housing and a replacement social club. The current proposal includes the provision of social / affordable housing, however, the social club has now been removed entirely from the proposal. Since the provision of a replacement social club was to form part of the original off-set for the loss of Open Space, this now needs to be reconsidered.
8.14	Policy OS1 of PPS 8 states that development resulting in the loss of existing open space will not be permitted, however, an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. It is considered that the provision of affordable housing does not by itself outweigh the loss of the open space in this instance.
8.15	In resolving to grant planning permission for the 12 apartments to the west (LA04/2019/0081/F), the Planning Committee took the view that the relaxation of the requirement to provide a new club on the site to replace the Maple Leaf Club and loss of Open Space from the site would be justified provided that the 12 apartments were delivered as affordable housing, that a Financial Developer Contribution of £52k be paid to improve off-site Open Space facilities, and that the proposed pocket park in front of the apartments is delivered to provide value Open Space to serve not only the 12 apartments but also the surrounding houses including the extant permissions for 21 dwellings on the application site.
8.16	Therefore, consistent with the Committee's previous decisions in respect of the 12 apartments on the adjacent site, it is also necessary that the pocket park is delivered as part of the scheme for 21 dwellings. Otherwise, it would have insufficient Open Space and there would be insufficient off-set for the loss of the original Open Space on the site. It is conceivable that only the pocket park element of the adjacent scheme for 12 apartments comes forward and in these circumstances there should be an additional obligation requiring temporary treatment of the location of the 12 apartments. Moreover, the £52k should also be secured as part of any permission for the 21 dwellings (although it would not need to be paid twice – it should be secured from whichever of the two permissions comes forward first). This amount was agreed by the Committee in December 2019

	<p>but should be increased to allow for inflation. Subject to these obligations to be secured by means of a Section 76 planning agreement, the proposal is considered acceptable having regard to Policies OS 1 and OS 2 of PPS 8.</p> <p><u>Impact on the character and appearance of the area</u></p> <p><i>Layout</i></p> <p>8.17 The proposal includes 17 terraced dwellings and 4 semi detached dwellings. Block C is a pair of semi-detached dwellings located directly facing the site access. Block A includes 8 terraced dwellings located perpendicular to the existing access road. The terraced dwellings are 3 storey (10.1 m to ridge), with a heavier roof at the rear giving the appearance of 2 storeys. The proposal includes an internal access road between Blocks A and C in an easterly direction. To the south of the access road and to the north of the existing Park Avenue is Block D, another pair of semi detached dwellings. Block D includes one 2 storey dwelling and one 3 storey dwelling. At the end of the access road and arranged perpendicular to Park Avenue is Block E, a row of 9 terraced dwellings with a similar 3 storey / 2 storey design to Block C. The proposed dwellings are orientated gable ended towards Park Avenue, similar to the residential developments directly opposite the site. No in curtilage parking is provided, which is generally characteristic of the surrounding area.</p> <p><i>Materials</i></p> <p>8.18 The proposed materials include a mix of red brick and smooth render external walls, grey concrete roof tiles, grey uPVC windows, timber hardwood doors and black uPVC rainwater goods. The proposed materials are considered in keeping with the site and surrounding area and are acceptable.</p> <p>8.19 There are concerns regarding the form of the proposed dwellings, e.g. Block D is a pair of semi detached dwellings, one two storey and one three storey in height. However, given the extant approval on the site which included an almost identical arrangement, it is considered acceptable in this case.</p> <p><i>Residential density</i></p> <p>8.20 The proposed residential density equates to approximately 42 dwellings per hectare. Densities within the immediate surrounding areas range from approximately 40 dwellings per Ha (Phase 1 and development along Park Avenue) up to 120 dwellings per Ha (terraced dwellings along Colvil Street, Shaw Street, Sefton Park etc). It is considered the proposed density is in keeping with the area.</p> <p>8.21 On balance, it is considered the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings and landscaped and hard surfaced areas, having regard to the previous permission which was for a similar layout and design.</p> <p><u>Residential amenity</u></p> <p>8.22 It is not considered that the proposed development will create conflict with adjacent land uses.</p> <p>8.23 As already noted, Blocks C and D are two pairs of semi-detached dwellings arranged back to back within the proposed development. The separation distance between the two blocks is approximately 17 metres, which is below the guidelines as detailed in Creating Places. However, given the extant approval on the site which</p>
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	included a similar arrangement, it is considered acceptable in this case. There are no other concerns regarding overlooking, natural light, shadow or outlook.
8.24	<p>The application site is located close to the busy Park Avenue road and will therefore potentially be impacted by noise. A Noise Impact Assessment (NIA) was submitted in support of the proposal. BCC Environmental Health (EHO) has raised concerns regarding the level of noise within the external amenity areas of the 4 semi-detached dwellings. The British Standard guidance advises that <i>'the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBL_{Aeq,16hr}.'</i> The standard continues... <i>'these guideline values may not be achievable in all circumstances where development might be desirable. In such a situation development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited.'</i></p>
8.25	<p>Consequently, EHO have advised that if the development is desirable and given its urban location, it should not be prohibited on the basis of high external noise levels in some garden areas. Furthermore, EHO also acknowledge the previous approval granted for a similar layout on the site. In conclusion, Environmental Health Has requested conditions in the event that planning permission is granted.</p>
8.26	<p>An updated Generic Quantitative Risk Assessment (GQRA) and further clarifications document were submitted in support of the proposal in relation to contaminated land. Following review of this information, EHO advise they have no objection, subject to conditions.</p>
8.27	<p><u>Space standards</u></p> <p>The proposed development includes a mix of 5 person 3 bedroom dwellings and 3 person 2 bedroom dwellings. The 5P3B dwellings measure approximately 103-104 sq metres and the 3P2B dwellings measure approximately 80 sq metres. Consequently, the proposed dwellings comply with the space standards, as per Policy LC1 of PPS 7 Addendum.</p>
8.28	<p><u>Amenity space</u></p> <p>Creating Places (CP) states that 'a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater'. CP also states that a private amenity area of less than around 40 sqm would generally be unacceptable. Each dwelling enjoys access to private amenity space, ranging from 33 sq m to 100 sq m, with the average provision approx. 50 sq m. There are slight concerns regarding the amenity space provision of a number of proposed dwellings, e.g. House No's 6, 7 and 8 have relatively small rear gardens measuring approx. 33 sqm. However, given there is an extant approval on the site for a similar layout, the arrangement is considered acceptable.</p>
8.29	<p>As previously noted, Policy OS2 of PPS 8 is relevant to the proposed development. Policy OS2 requires public open space to be provided as an integral part of new housing schemes of 25 units or more and states that at least 10% of the total site area should be open space in normal circumstances. Whilst the proposal is for 21 dwellings – being less than the 25 unit threshold – it is being brought forward in combination with the development of the immediately surrounding lands of 13 units built to the north and the proposed 12 apartments to the west (i.e. 46 units in total). The proposal includes some minor areas of maintained open space, however, these areas do not amount to 10% and offer limited amenity value. The proposal is therefore contrary to Policy OS 2 of PPS 8. This was also true of the extant</p>

	<p>schemes, however, these were to provide a replacement social club to provide off-set. Linking the proposed development to provision of the pocket park (as proposed under ref. LA04/2019/0081/F) on land directly adjacent to the site would help offset the reduced provision of public open space within the site.</p>
8.30	<p><u>Access and Parking</u></p> <p>The proposed development is accessed via Park Avenue. As noted previously, no in-curtilage parking is proposed, however 28 communal car parking spaces are proposed within the development (1.33 spaces per dwelling). It is noted that one additional space is now proposed on the western portion of the site, however the proposal has been amended to remove the social club and apartments are now proposed on this part of the site (ref. LA04/2019/0081/F). DFI Roads have provided comments on the proposal and offered no objection, subject to conditions.</p>
8.31	<p>The proposed development incorporates an acceptable movement pattern that supports walking and cycling and offers convenient access to public transport, along Hollywood Road and Connsbrook Avenue. The proposal incorporates traffic calming measures and assists in meeting the needs of people whose mobility is impaired (level access, tactile paving, accessible parking bays etc.).</p>
8.32	<p>The proposed development is not large enough for provision of local neighbourhood facilities, however, local amenities are located in close proximity on Connsbrook Avenue, Hollywood Road and Belmont Road.</p>
8.33	<p><u>Trees and Landscaping</u></p> <p>Trees along the front boundary of the site were originally proposed for retention but are now proposed for removal. The tree survey that has assessed 9 trees in total, two of which are outside the redline boundary of the application site. Out of the 7 remaining trees, 4 were found to be in poor condition, 3 of which are recommended for felling. The other 3 trees were found to be in fair condition but that 2 of these (No's 5 and 6) have evidence of root disturbance, most likely from demolition works to remove old structures. Updated arborist details have been provided in regard to tree no. 4. The report states that the current situation adjacent to the tree and construction measures is likely to result in the future stress and strain of the tree. Given the location of the tree adjacent to the public footpath, the Council's Tree Officer advises that the most appropriate long-term approach would be to remove and replace the tree with a suitable species.</p>
8.34	<p>Compensatory planting is proposed for the loss of the trees along the front boundary. These will be 16 x extra heavy standard size at the time of planting. The proposed planting has been revised to include a mix of species, including birch, sweetgum, cherry, rowan and apple. The Tree Officer is content with the proposed landscaping and the long term management plan relating to same. Consequently, it is considered that the proposed landscaping helps to soften the visual impact of the development and assists in integration with the surrounding area.</p>
8.35	<p><u>Drainage and Flood Risk</u></p> <p>A Drainage assessment (DA) was submitted in accordance with Policy FLD 3 of PPS 15. DFI Rivers accepts the logic of the DA and have no reason to disagree with the conclusions. Furthermore, a copy of the Schedule 6 consent to discharge has been submitted. Consequently, DFI Rivers has no objection to the proposal.</p>

8.35	<p><u>Waste water infrastructure</u></p> <p>NI Water (NIW) has confirmed that there is available capacity at the receiving waste water treatment works and offers no objection to the proposal.</p>
8.36	<p><u>Other issues</u></p> <p>There are no concerns regarding impact on features of archaeological or built heritage. Furthermore, the proposal is designed to deter crime and promote personal safety, meeting Secure By Design standards.</p>
9.0	Summary of Recommendation: Approve subject to conditions and S76
9.1	<p>Having regard to the development plan and the other material planning considerations, including planning history of the site and adjacent land, it is considered that, on balance, the proposed development is acceptable. It is therefore recommended that planning permission is granted, subject to conditions and a Section 76 planning agreement to secure the following:</p> <ul style="list-style-type: none"> • provision of the 21 units as affordable housing (social / intermediate) • delivery of the pocket park proposed under LA04/2019/0081/F prior to occupation of any of the 21 dwellings • temporary treatment of the site for 12 apartments if delayed or not built out • securing of the £52k with inflationary uplift since December 2019 (if this already been paid in relation to applications LA04/2019/0081, LA04/2019/0082 or LA04/2019/0083 then it will not have to be paid twice).
9.2	It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and Section 76 planning agreement.
10.0	Draft Conditions
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
10.2	<p>The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Private Streets Determination drawing No.201001-C100 Rev.B uploaded to the Planning Portal 10th February 2022, prior to the occupation of any other works or other development hereby permitted.</p> <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
10.3	<p>The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied and such splays shall be retained and kept clear thereafter.</p> <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>

10.4	The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No.201001-C100 Rev.B bearing the Department for Infrastructure Determination date stamp 3rd March 2022.
10.5	<p>REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</p> <p>No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course. The final wearing course shall be applied on the completion of each phase of the development.</p> <p>REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.</p>
10.6	<p>Notwithstanding the provisions of the Planning (General Permitted Development) (Northern Ireland) Order 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown in service strips determined for adoption.</p> <p>REASON: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage to or obstruction of services within the service strip.</p>
10.7	<p>Notwithstanding the provisions of the Planning (General Permitted Development) (Northern Ireland) Order 2015, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 0.5m shall be carried out in service strips determined for adoption.</p> <p>REASON: To prevent damage to or obstruction of services within the service strip.</p>
10.8	<p>The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.201001-C100 Rev.B uploaded to the Planning Portal 10th February 2022 to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.</p> <p>REASON: To ensure adequate provision has been made for parking within the site.</p>
10.9	<p>The development hereby permitted shall not be occupied until any retaining structure requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1; Design Manual for Roads and Bridges.</p> <p>REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1; Design Manual for Roads and Bridges.</p>
10.10	No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until tree protection measures have been put in place in accordance with recommendations in the Andrew Boe BS5837 Tree Survey and Arb Impact Assessment Report, dated the 20

10.11	<p>January 2021 and approved Drawing No.15A, uploaded to the planning portal on 20th December 2021. These protection measures shall remain in place until the construction works hereby approved are complete and all plant and machinery has been removed from the site.</p> <p>Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.</p> <p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development works to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p>
10.12	<p>All soft landscaping works shall be carried out in accordance with the approved details on approved Drawing No.15A, uploaded to the planning portal on 20th December 2021. The works shall be carried out prior to the occupation of the development hereby approved or within the first available planting season after occupation, whatever is the sooner or 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> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
10.13	<p>Once completed, all soft landscaping shall be maintained in accordance with the B. Moore ‘Landscape Management Plan’ titled ‘Proposed Housing at Park Avenue Belfast’, uploaded to the planning portal on 20th December 2021.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
10.14	<p>No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.</p> <p>Reason: To ensure the continuity of the biodiversity value afforded by existing trees.</p>
10.15	<p>The Proposed drainage Strategy, as set out in section 5.0 of <i>Drainage Assessment</i>, produced by Civil Design Services (Doc Ref: 201001/DA/10-20LJW), dated October 2020 and uploaded to the Planning Portal on 16th November 2020, shall be implemented in full.</p> <p>Reason: To protect the water environment.</p>

10.16	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works must cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.17	<p>After completing the remediation works under Condition 16; and prior to occupation of the development, a verification report shall be submitted to and approved in writing and agreed by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks.</p> <p>The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.18	<p>Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the PM Ltd report entitled: 'Updated Contamination Assessment - New Housing at Park Avenue Phase 1, Belfast' for Latner Developments Ltd (dated October 2020 and referenced PM20-1141) and as updated in the PM Ltd 'Contamination Assessment Clarifications' letter dated 11th February 2021, referenced PM20-1141_Let1 have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential with home-grown produce). It must demonstrate that the identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance. In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> a. the final site layout is as per the proposed development plan within Appendix I of the PM Ltd report entitled: 'Updated Contamination Assessment - New Housing at Park Avenue Phase 1, Belfast' for Latner Developments Ltd (dated October 2020 and referenced PM20-1141); b. Soils of private garden areas as shown in Figure A of the PM Ltd 'Contamination Assessment clarifications letter', dated February 2021, referenced PM20-1141_Let1, drawing titled: 'Updated areas of gardens requiring remediation', have been encapsulated with a 1m depth capping layer comprising 300mm of granular material, overlain by 700mm of demonstrably clean subsoils and topsoil. Any imported and /or site won material for this cover system must be demonstrably fit for end use (residential with home-grown produce); c. Soils of landscaped areas as shown in Figure A of the PM Ltd: 'Contamination Assessment clarifications letter', dated February 2021, referenced PM20-1141_Let1 drawing titled: 'Updated areas of gardens/landscaping requiring remediation' have

	<p>been encapsulated with a physical capping layer comprising a minimum of 500mm of gravel and subsoil / topsoil demonstrably fit for the end use (Residential with homegrown produce);</p> <p>d. Any imported soils for use on site in all other remaining private gardens and/or landscaped areas is demonstrably fit for the end (Residential with homegrown produce);</p> <p>e. The Verification Report must include the necessary appropriate documentary evidence as outlined in section 6.3 'Validation' in the October 2020 PM Ltd Report referenced PM20-1141.</p> <p>Reason for condition: Protection of human health.</p>
10.19	<p>Prior to installation within the hereby permitted development, the final window schedule confirming the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of Blocks C and D and to the first two houses of Block E shall be submitted to and approved in writing by the Council. The window specification for habitable rooms shall be in line with recommendations of the FR Mark & associates Noise Impact Assessment dated February 2021, planning referenced LA04/2020/2325/F. The windows shall not be installed unless in accordance with the approved details.</p> <p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p>
10.20	<p>Prior to installation, details of the specification of alternative mechanical means of ventilation proposed to be installed within Blocks C and D and the first two houses of Block E shall be submitted to and approved in writing by the Council. The specification for the alternative means of ventilation shall be in line with the recommendations as per table 2 pages 13 and 14 of the FR Mark & associates NIA dated February 2021, planning referenced: LA04/2020/2325/F. The details shall demonstrate that the specification selected for the alternative means of ventilation will not compromise the recommended internal noise levels specified for habitable rooms outlined in British Standard BS8233:2014. Blocks C and D and the first two houses of Block E shall not be occupied unless the approved details have been installed and shall be permanently retained as such.</p> <p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p>
10.21	<p>Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed so as to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided in compliance with building control requirements</p> <p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p>

10.22	<p>Prior to occupation of the hereby permitted development, the applicant shall verify that the window schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation, a copy of which shall be submitted to the Council in writing.</p> <p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p>
10.23	<p>Prior to occupation of the hereby permitted development, a boundary wall to a minimum height of 2m and at least 2225mm thick shall be constructed to the rear boundary of Block E and a 1m high wall at the boundary of blocks C and D along Park Avenue as shown on approved Drawing No. 03A uploaded to the planning portal on 11th May 2021.</p> <p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p>
10.24	<p>Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extensions or enlargements, buildings, walls, gate pillars, fences or other structures shall be constructed without the grant of a separate planning permission from the Council.</p> <p>Reason: Construction of further extensions or buildings requires detailed consideration to safeguard the amenities of the surrounding area.</p>

Notification to Department (if relevant)

Not applicable.

Representations from Elected members:

None

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
10 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
12 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
125 Connsbrook Avenue,Belfast,Down,BT4 1JX
The Owner/Occupier,
14 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
16 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
18 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
31 Sefton Park,Belfast,Down,BT4 1PN
The Owner/Occupier,
31 Shaw Street,Belfast,Down,BT4 1PT
The Owner/Occupier,

32 Sefton Park,Belfast,Down,BT4 1PN
 The Owner/Occupier,
 36 Sefton Drive,Belfast,Down,BT4 1PL
 The Owner/Occupier,
 39 Colvil Street,Belfast,Down,BT4 1PS
 The Owner/Occupier,
 39 Park Avenue,Belfast,Down,BT4 1PU
 The Owner/Occupier,
 40 Shaw Street,Belfast,Down,BT4 1PT
 The Owner/Occupier,
 42 Colvil Street,Belfast,Down,BT4 1PS
 The Owner/Occupier,
 6 Park Avenue Heights,Belfast,Down,BT4 1SH
 The Owner/Occupier,
 8 Park Avenue Heights,Belfast,Down,BT4 1SH
 The Owner/Occupier,
 Apartment 1,4 Park Avenue Heights,Belfast,Down,BT4 1SH
 The Owner/Occupier,
 Apartment 1,47 Park Avenue,Belfast,Down,BT4 1PU
 The Owner/Occupier,
 Apartment 10,47 Park Avenue,Belfast,Down,BT4 1PU
 The Owner/Occupier,
 Apartment 11,47 Park Avenue,Belfast,Down,BT4 1PU
 The Owner/Occupier,
 Apartment 12,47 Park Avenue,Belfast,Down,BT4 1PU
 The Owner/Occupier,
 Apartment 13,47 Park Avenue,Belfast,Down,BT4 1PU
 The Owner/Occupier,
 Apartment 14,47 Park Avenue,Belfast,Down,BT4 1PU
 The Owner/Occupier,
 Apartment 15,47 Park Avenue,Belfast,Down,BT4 1PU
 The Owner/Occupier,
 Apartment 2,4 Park Avenue Heights,Belfast,Down,BT4 1SH
 The Owner/Occupier,
 Apartment 2,47 Park Avenue,Belfast,Down,BT4 1PU
 The Owner/Occupier,
 Apartment 3,4 Park Avenue Heights,Belfast,Down,BT4 1SH
 The Owner/Occupier,
 Apartment 3,47 Park Avenue,Belfast,Down,BT4 1PU
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 Apartment 7,47 Park Avenue,Belfast,Down,BT4 1PU
 The Owner/Occupier,
 Apartment 8,47 Park Avenue,Belfast,Down,BT4 1PU

The Owner/Occupier,
Apartment 9,47 Park Avenue,Belfast,Down,BT4 1PU

Addendum Report	
Application Ref: LA04/2024/1623/F	Committee Meeting Date: 10 th December 2024
Proposal: Change of use from 4-bed dwelling (C1) to 5-bed House of Multiple Occupancy (Sui Generis)	Location: 49 Woodcot Avenue, Belfast, BT5 5JB
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request to be reported to Planning Committee by Elected Member (Cllr Ruth Brooks, Cllr Bradley Ferguson and Cllr Sammy Douglas).	
Recommendation:	Approval subject to conditions
Applicant Name and Address: Paul Kennedy 49 Woodcot Avenue Belfast	Agent Name and Address: Ally Olphert Create Architecture Blick Studios 46 Hill Street Belfast BT1 2LB
<p>Background:</p> <p>This application was due to be considered at the 12th November 2024 Planning Committee. However, the application was deferred for a committee site visit which is scheduled to take place on the 4th of December 2024.</p> <p>This report should be read in conjunction with the original committee report, appended.</p> <p>Further consideration</p> <p>An additional document was submitted by the agent on 6th November 2024 which included photographs of the existing property, details of the Applicant and the intentions for the property. There are no additional material considerations within the document received.</p> <p>A further representation was received on 9th November 2024 from Councillor Brian Smyth which raised issues already brought up in other representations received including: parking issues, this application will set a precedent for Houses of Multiple Occupancy (HMOs) in the area. All issues raised have been considered in the original committee report which is appended.</p> <p>Relevant appeal decision</p> <p>Appeal Decision at 51 Glandore Avenue- (Appeal reference 2022/A0197, planning reference LA04/2022/1839/F).</p> <p>Following the Committee meeting on the 12th November 2024, the PAC has since issued a decision to allow the above appeal for an HMO. The main issues in the appeal related to whether the development proposal would unacceptably affect residential amenity and whether sufficient on-street car parking was available. The Commissioner considered that there was sufficient parking available in the vicinity of the site and that there was no evidence</p>	

to support the view that an additional HMO would adversely impact residential amenity. The reasons for refusal were not therefore not sustained and the appeal succeeded. The appeal decision is available [here](#).

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.

Development Management Report

Summary	
Committee Date: 12 th November 2024	
Application ID: LA04/2024/1623/F	
Proposal: Change of use from 4-bed dwelling (C1) to 5-bed House of Multiple Occupancy (Sui Generis)	Location: 49 Woodcot Avenue, Belfast, BT5 5JB
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request to be reported to Planning Committee by Elected Member (Cllr Ruth Brooks, Cllr Bradley Ferguson and Cllr Sammy Douglas).	
Recommendation: Approval subject to conditions	
Applicant Name and Address: Paul Kennedy 49 Woodcot Avenue Belfast	Agent Name and Address: Ally Olphert Create Architecture Blick Studios 46 Hill Street Belfast BT1 2LB
Date Valid: 26/09/2024	
Target Date: 09/01/2025	
Contact Officer: Lisa Walshe, Principal Planning Officer	
Executive Summary: This application seeks full planning permission for Change of use from a 4-bed dwelling (use class C1) to a 5-bedr House of Multiple Occupancy (Sui Generis use class). The site is located at 49 Woodcot Avenue. The key issues are: <ul style="list-style-type: none"> The principle of an HMO at this location Impact on the character Impact on residential amenity Traffic, parking and access Waste and refuse collection 9 objections have been received with the issues raised addressed within the main report. The application has been called in for the following reasons: <ol style="list-style-type: none"> Significant public interest. Concerns relating to amenity, parking and precedent for other HMOs in the area. The scheme is compliant with Policy HOU10 in that the 10% threshold for HMOs on this stretch of the Woodcot Avenue has not yet been reached. The applicant has demonstrated that there is sufficient provision for bin storage whilst retaining adequate amenity space. Officers consider that	

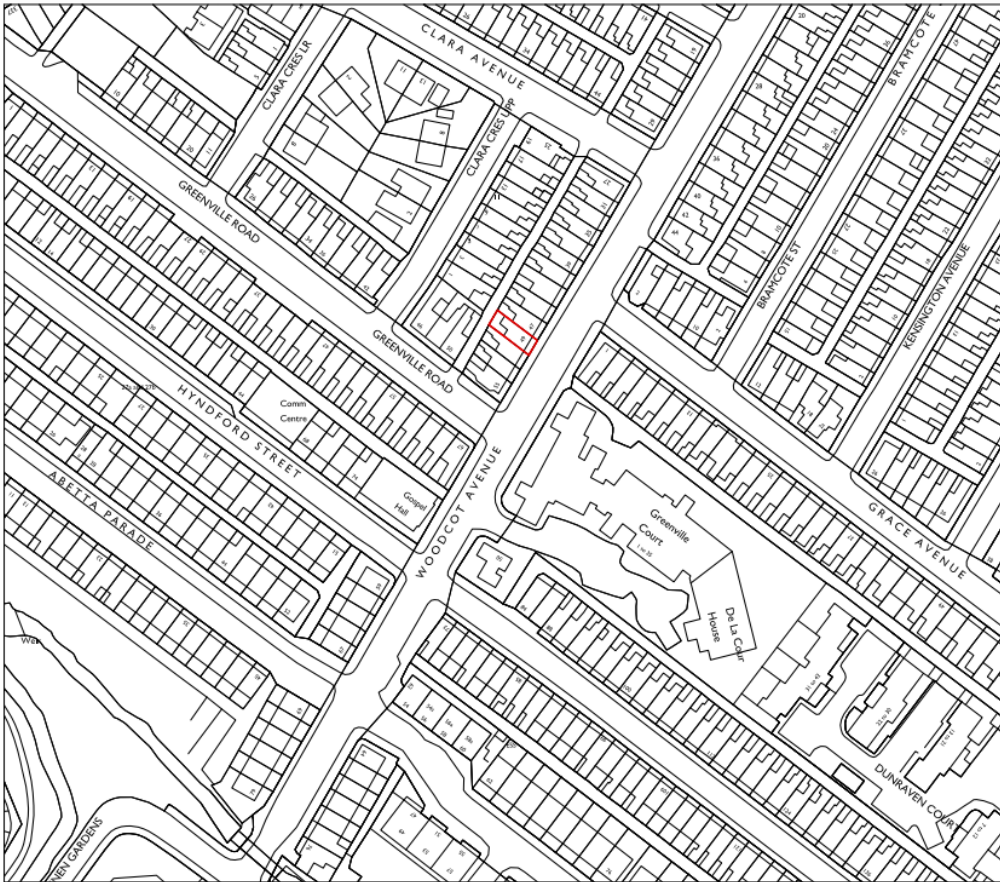
the scheme will not be harmful in terms of traffic, parking, impact on amenity of the surrounding area.

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.

DRAWINGS AND IMAGERY

Site Location Plan:



Existing and Proposed Site Plan:



Proposed Floor Plans:



Proposed Elevations:



1.0	Characteristics of the Site and Area
1.1	The application site is located at 49 Woodcot Avenue. The property is a 3-storey residential terraced property with a two-storey rear return. There is a small, enclosed amenity space to the rear of the building. The immediate area is predominantly residential.
1.2	The site falls within the development limit as set out in the BUAP 2001 and draft BMAP 2015. The site does not fall within any of the existing HMO Policy Areas or Development Nodes as designated in the Belfast HMO Subject Plan 2015.
1.3	Description of Proposed Development The application is seeking full planning permission to change the of use from a dwelling (class C1) to a 6-bed HMO (suis generis).
2.0	PLANNING HISTORY
2.1	There is no relevant planning history pertaining to the site.
3.0	PLANNING POLICY
3.1	Development Plan – Plan Strategy <u>Belfast Local Development Plan, Plan Strategy 2035</u> <i>Strategic Policies</i> <ul style="list-style-type: none"> • Policy SP1A – managing growth and supporting infrastructure delivery • Policy SP2 – sustainable development • Policy SP3 – improving health and wellbeing • Policy SP5 – positive placemaking • Policy SP6 – environmental resilience • Policy SP7 – connectivity <i>Operational Policies</i> <ul style="list-style-type: none"> • Policy SD2 – Settlement Areas • Policy HOU10 - Housing Management Areas • Policy RD1 – New residential developments • Policy TRAN8 – Car parking and servicing arrangements • Policy ENV1 – Environmental quality • Policy OS3 – Ancillary open space <u>Supplementary Planning Guidance</u> <ul style="list-style-type: none"> • Residential Design • Placemaking and Urban Design • Transportation Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP

	<p>Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p>Regional Planning Policy</p> <p>Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Other Material Considerations</p> <p>Developer Contribution Framework (2020) <i>Belfast Agenda</i> (Community Plan)</p>
4.0	CONSULTATIONS AND REPRESENTATIONS
4.1	<p><u>Statutory Consultees</u></p> <p>DfI Roads – No objections</p>
4.2	<p><u>Non-Statutory Consultees</u></p> <p>No non-statutory consultations required.</p>
4.3	<p><u>Representations</u></p> <p>The application has been advertised and neighbours notified. The Council has received 9 letters of objection. The issues raised in the objections are summarised as follows:</p> <ol style="list-style-type: none"> 1. Waste management 2. Parking and traffic 3. Impact on the character of the area 4. Inadequate living space 5. Safety and security issues 6. Effect on property value 7. Precedent for other HMOs 8. Noise and Anti-social behaviour <p>Issues 1-4 are addressed in the main body of the report.</p> <p>The additional points are considered as follows:</p> <ol style="list-style-type: none"> 5. Safety and security issues <p>This is not a material consideration. Any issues regarding safety and security issues and is outside the remit of planning and relevant bodies such as the PSNI should be contacted if these issues escalate.</p> <ol style="list-style-type: none"> 6. Effect on property value <p>This is not a material consideration and is outside the remit of planning.</p> <ol style="list-style-type: none"> 7. Precedent for other HMOs

	<p>Each application is considered on its own merits. Officers consider that this scheme is compliant with relevant policy for the reasons stated in the report and any further applications for HMOs will be assessed in accordance with the relevant planning policy.</p> <p>8. Noise and Anti-social behaviour</p> <p>The HMO licensing scheme is in place to regulate HMOs. An anti-social behaviour plan will therefore be in place, and it is the landlord's responsibility to ensure compliance with licensing requirements. Tenants also have responsibilities to make sure the landlord can carry out their duties. The Northern Ireland House of Multiple Occupancy Unit (NIHMO) within BCC has developed a guide highlighting ways to tackle antisocial behaviour linked to their properties. The guide provides preventative measures that landlords can take to manage antisocial behaviour, highlights how to demonstrate compliance by record keeping and intervention, and details how to develop an antisocial behaviour plan. The HMO legislation in Northern Ireland has the potential to have a positive impact on the lives of those living in HMOs, the owners of HMOs, and the residents surrounding HMO properties.</p> <p>Environmental Health and the PSNI are the appropriate bodies to deal with noise issues and antisocial behaviour.</p>
5.0	PLANNING ASSESSMENT
5.1	<p>Main Issues</p> <p>The main issues relevant to consideration of the application are set out below:</p> <ul style="list-style-type: none"> • The principle of an HMO at this location • Impact on the character • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection.
5.2	<p>Development Plan Context</p> <p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
5.3	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>
5.4	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p> <p><u>Operational Policies</u></p>

5.5	<p>The Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).</p> <p><u>Proposals Maps</u></p>
5.6	<p>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.</p>
5.7	<p>Belfast Urban Area Plan 2001 – The site is located within the settlement development limit and is not zoned for any use.</p>
5.8	<p>Belfast Metropolitan Area Plan 2015 (2004) – the site is un-zoned “white land” within the settlement development limits of Belfast.</p>
5.9	<p>Belfast Metropolitan Area Plan 2015 (v2014) – the site is also located within the settlement development limits of Belfast. The site is not located in a Housing Policy Area or an HMO Development Node in the Belfast HMO Subject Plan 2015.</p>
5.10	<p><u>The principle of an HMO at this location</u></p> <p>The site is outside both Housing Policy Areas and development nodes as designated in the Belfast HMO Subject Plan 2015. Policy HOU10 of the Plan Strategy is applicable and states that:</p> <p><i>‘Outside of designated HMAs planning permission will only be granted for HMOs where the number of HMOs would not as a result exceed 10% of all dwelling units on that road or street. Where such a street is in excess of 600 metres in length, the 10% threshold will be calculated on the basis of existing residential units within 300 metres of either side of the proposal on that street’.</i></p>
5.11	<p>The justification and amplification text to Policy HOU10 confirms at paragraph 7.1.66 that the level of HMOs outside a HMA will be measured by adding together:</p> <ol style="list-style-type: none"> 1. The number of HMOs recorded under the HMO Licensing scheme; and 2. The number of planning approvals for HMOs not yet licensed, with the total then divided by the total number of dwelling units within the street. If a street is longer than 600, the total number of dwellings in the street will relate to the total properties within 300m either side of the property on the street.
5.12	<p>According to the LPS Pointer Address database, there are 111 domestic properties on Woodcot Avenue. This would allow for 11 HMO properties on Woodcot Avenue before the 10% threshold would be exceeded. According to our records there is two existing HMOs on Woodcot Avenue and one application currently being processed. The proposal for a change of use from dwelling to HMO would not result in an exceedance of the 10% threshold and is therefore considered compliant with Policy HOU 10 and is acceptable in principle at this location.</p>

5.13	Officers consider that this scheme is compliant with relevant policy for the reasons stated above and any further applications for HMOs will be assessed in accordance with the relevant planning policy.
5.14	Paragraph 7.1.69. of HOU10 states that in all cases, intensive forms of housing whether within or outside HMAs will still be carefully assessed against the relevant criteria set out in Policies RD1, RD2 and RD3. The assessment of the proposal against these policies is set out below.
5.15	<p><u>Impact on residential amenity</u></p> <p>The property is a 3-storey dwelling and is of sufficient size to accommodate an HMO, comfortably providing accommodation for 5 people whilst still meeting the space standards. The proposal complies with the HMO space standards for a 5-bed HMO as set out within Belfast Local Development Plan: 2035. The proposal would provide a quality and sustainable residential environment.</p>
5.16	<p>Policy RD1 applies as set out above and states that <i>'planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal:</i></p> <p><i>a) Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential areas -</i></p> <p>Officers consider that the use does not conflict with adjacent land uses. The scheme meets the policy requirements set out in HOU10 and RD1 & RD3. The HMO licensing scheme also seeks to ensure that landlords are compliant with regulations, such as the number of occupants and provision of sufficient bin storage.</p>
5.17	<p><i>b) Does not unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance -</i></p> <p>Officers consider that the scheme will not give rise to any of the issues listed in criterion b. The rear elevation has a velux window which is increasing in size but overlooking, loss of light, overshadowing and dominance will not be changing from what is existing. Noise or other disturbance will be addressed by the anti-social behaviour plan which is a licensing requirement.</p>
5.18	<p><i>c) Makes provision for, or is, accessible and convenient to public transport and walking and cycling infrastructure -</i> There is sufficient space for cycle parking. Metro services are available along the Beersbridge Road, a 3-minute walk from the property.</p>
5.19	<p><i>d) Provides appropriate open space -</i> The existing rear amenity space is to be retained which is considered sufficient to serve the proposal.</p>
5.20	<p><i>e) Keeps hard surfacing to a minimum -</i> No hard standing is proposed as part of this application.</p>
5.21	<p><i>f) Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C -</i> The proposal exceeds the requirements set out in the space standards and provides a generous amount of living space for the occupants of the 5 bedrooms. The proposal therefore complies with the HMO space standards for a 5-bed HMO as set out within Belfast Local Development Plan: 2035.</p>
5.22	<p><i>g) Does not contain any units which are wholly in the rear of the property without direct, safe and secure access from the public street -</i> All units have safe and secure access from the front door of the dwelling.</p>

5.23	h) <i>Ensures that living rooms, kitchens and bedrooms have access to natural light</i> – All habitable rooms in the dwelling have access to natural light.
5.24	The LDP Plan Strategy seeks to facilitate sustainable housing growth in response to changing housing needs. Carefully managing the variety of house types, sizes and tenures will help to meet the diverse needs of all the community. This supports wider LDP aims of shaping quality and sustainable residential development, providing a mix of housing that create more balanced communities, increasing density without town cramming. HMOs are regulated by the relevant Policy set out in the LDP plan Strategy and the proposal has been found to comply with the relevant policies. This HMO comprises 5 bedrooms and will also be subject to the licensing process which will determine how many persons the home can accommodate. HMOs can meet high demand for housing and the application site is located in an accessible location close to services and public transport. It is considered that the proposal would not undermine the availability of family housing in the area.
5.25	As indicated above, the HMO will further require to be licensed with Belfast City Council which requires the implementation of an anti-social behaviour plan, ensuring the HMO operator runs the property effectively.
5.26	The proposal is considered compatible with adjacent land uses. It would not harm the amenity of adjacent and nearby properties or result in unacceptable overlooking, overshadowing, overbearing, loss of outlook or daylight. The proposal is considered to comply with Policy RD 1.
5.27	Policy RD3 is applicable and states that planning permission will be granted for conversion or change of use of existing buildings for residential use where all the criteria in policy RD1 and all the additional criteria below are met:
5.28	<p>a) <i>Any units are self-contained</i> - This criterion is not applicable.</p> <p>b) <i>Adequate refuse storage space is provided within the curtilage of the site, large enough to allow for the separation of recyclable waste, and is designed to not be visible from the amenity space / public realm</i> - Officers consider that this criterion is met (refer to sections 5.34-5.39 below)</p> <p>c) <i>The original property is greater than 150 square metres gross internal floorspace in the case of sub-division of an existing dwelling</i> – This criterion is not applicable to this proposal.</p> <p>d) <i>Conversions above commercial premises do not prejudice the commercial functions of the business</i> - This criterion is not applicable to this proposal.</p>
5.29	Taking account of the criteria set out above the proposal is considered to comply with Policy RD3.
5.30	<p><u>Traffic, Parking and Access</u></p> <p>Officers acknowledge the objections to parking. DFI Roads have no objections to the scheme. Whilst the various policy requirements of HOU10 seek to address need and protect residential amenity, the provision of car parking is not a requirement of this policy.</p>
5.31	Policy TRAN8 – Car parking and servicing arrangements states that, ' <i>Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements</i> '. Existing Regional Planning Policy and supplementary planning guidance, including the published 'Parking Standards', do not incorporate car parking as a requirement for HMO development.

5.32	The site is in a sustainable location with regular bus services operating in close proximity and accessible to services and amenities in the local and wider area.
5.33	DfI Roads were consulted and have no objection to the proposal. In other applications, officers have requested a parking survey where there are objections on the grounds of parking. The agent for this application submitted a parking survey under application LA04/2023/4521/F for 4 Woodcot Avenue in February 2024. This demonstrated sufficient parking capacity on the same street.
5.34	<p><u>Waste and Refuse Collection</u></p> <p>Objectors have alluded to previous issues with waste management on Woodcot Avenue and the alleyway behind.</p>
5.35	Policy RD3 criterion B applies, it states that adequate refuse storage space must be provided within the curtilage of the site, large enough to allow for the separation of recyclable waste and is designed to not be visible from the amenity space / public realm.
5.36	<p>The adopted Waste Infrastructure Supplementary Planning Guidance (SPG) and Local Government Waste Storage Guide for NI sets out typical weekly waste arisings for different types of development including HMOs. For an HMO, the typical weekly waste arising is 100L per bedroom plus 60L per dwelling. For the proposed 5-bed HMO this would equate to the typical production of 560L of waste per week. The total waste production is broken down into the following types of waste:</p> <ol style="list-style-type: none"> 1. 35% general waste (collected fortnightly), 2. 55% recycling and 3. 10% food waste (both 2. and 3 collected weekly).
5.37	<p>The Council's Waste Management Unit has advised that the following waste containers would be required to serve the proposed HMO in line with the SPG and the Local Government Waste Storage Guide for NI.</p> <ol style="list-style-type: none"> 1. Black bins – 3 x black bins (3 x 180L) – sufficient for 2 weeks of general waste 2. Recycling – 2 x recycling packs (6 x 55L) – collected weekly 3. Food waste – 3 x food bins (3 x 23L) – collected weekly
5.38	Officers consider that this policy is complied with. The disposal of waste is the responsibility of tenants and the landlord.
5.39	<p>The rear amenity space of the property is 12.9 sqm. For each set of 3 bins (black bin, recycling pack and food caddy) in an enclosed yard 2.0 x 1.8m is required in a single row layout $2.0 \times 1.8\text{m} = 3.6\text{sqm} \times 3 = 10.8 \text{ sqm}$. The provision of 3 sets of bins would leave approximately 2.1sqm for amenity provision. The premises will therefore be served by the correct amount for a 5-bed HMO as set out in the Supplementary Planning Guidance whilst maintaining sufficient amenity space. Bin storage is also a licensing requirement and the Council's website states that "<i>during the period of the licence the licensee shall ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal in accordance with the Local Government Waste Storage Guide for Northern Ireland</i>". A condition is recommended to ensure bin storage is provided within the curtilage of the property.</p> <p><u>Impact on the sewage network</u></p>

5.40	There is no evidence that change of use from a dwelling to an HMO will cause any issues as the dwelling will continue to avail of the main sewage network like other houses in the street. As there is no evidence of significant impact on waste-water infrastructure, it has been unnecessary to consult NI Water as a statutory consultee.
6.0	Recommendation
6.1	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.
6.2	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.
7.0	<p>DRAFT CONDITIONS</p> <p>1. The development hereby permitted must be begun within five years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The development shall not be occupied for the use hereby approved unless a refuse and recycling storage area within the rear curtilage of the dwelling has been provided. This area must be sufficient to meet the requirements of the development and must be retained and managed at all times.</p> <p>Reason: To ensure adequate management of waste and in the interests of the amenities of the area.</p> <p>DRAFT INFORMATIVES:</p> <p>1. Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.</p> <p>2. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.</p> <p>3. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.</p>

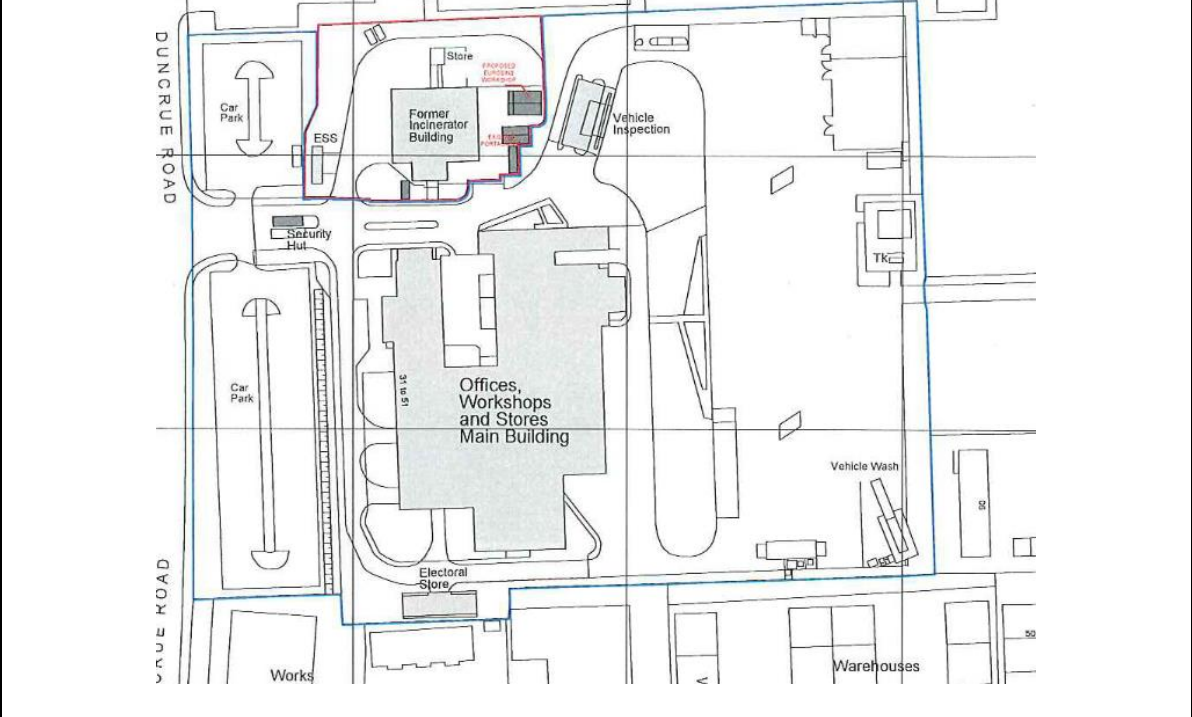
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 10 th December 2024	
Application Ref: LA04/2024/1046/F	
Proposal: Erection of a store to be used as a workshop for Eurobins.	Location: Duncrue Complex, Duncrue Road, Belfast BT3 9BP
Referral Route: Paragraph 3.8.5 (d) of the Scheme of Delegation – Council owned land	
Recommendation: Approval subject to condition	
Applicant Name and Address: Belfast City Council City & Neighbourhood Services Duncrue Complex, Duncrue Road Belfast BT3 9BP	Agent Name and Address: Belfast City Council Property Maintenance Unit Duncrue Complex Duncrue Road Belfast BT3 9BP
Date Valid: 29.10.2024	
Target Date: 11.02.2025	
Contact Officer: Lisa Walshe, Principal Planner	
<p>Executive Summary:</p> <p>This application seeks full planning permission for the erection of a store to be used as a Eurobins workshop. The application site is situated at Duncrue Complex, Duncrue Road.</p> <p>The key issues for consideration of the application are set out below:</p> <ul style="list-style-type: none"> • Principle of the proposal • Environmental considerations • Design <p>The Eurobins workshop facilitates commercial bins being repaired or refurbished before being issued to customers or events. The height and scale of the workshop is designed to appear subservient when read alongside the other buildings within the development.</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 the conditions and deal with any other issues that arise, provided that they are not substantive.</p>	

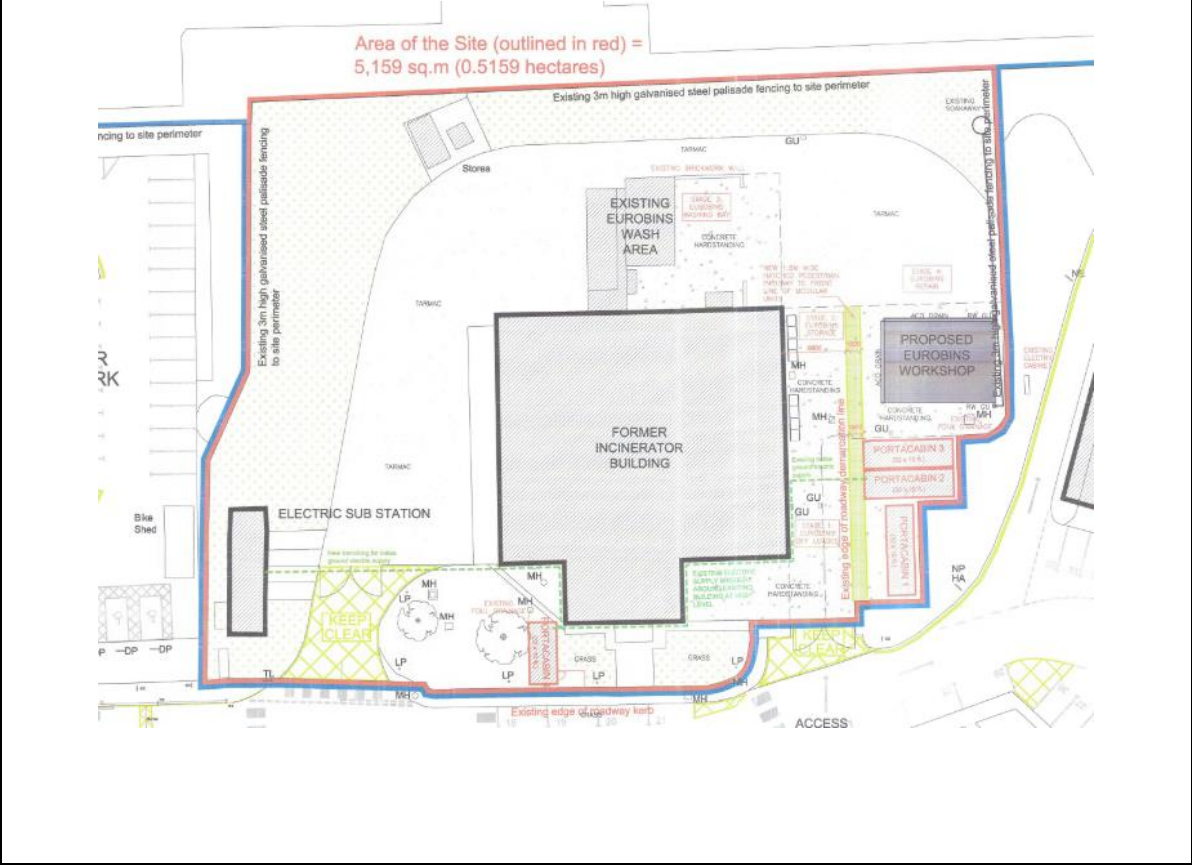
Officer Report

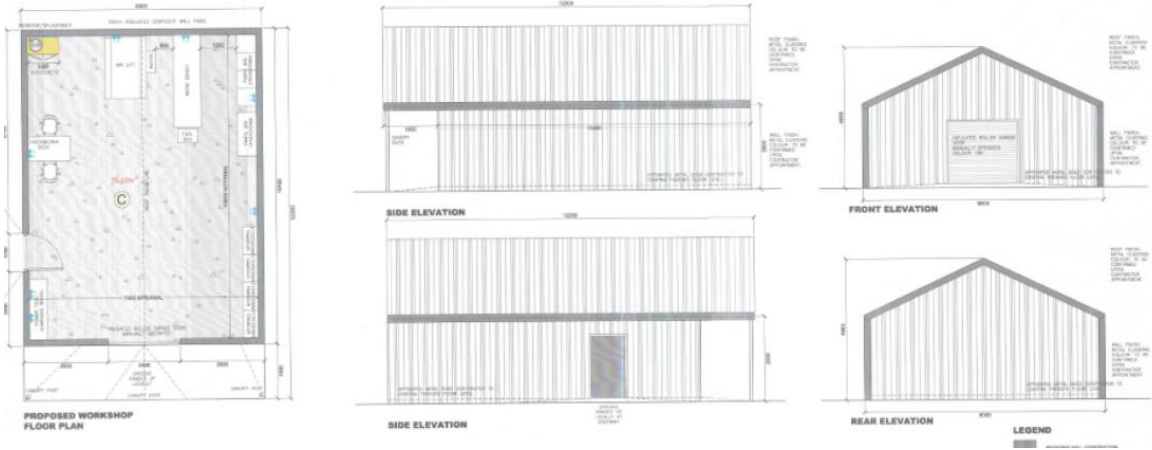
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Drawings
Site Location



Block Plan



	<p style="text-align: center;">Elevations and Floor Plans</p> 
2.0	Characteristics of the Site and Area
2.1	The site is located within Duncrue Complex, Duncrue Road, Belfast. The site is used as a depot for staff with administration offices, workshops and stores used by Belfast City Council Waste Management Operations.
2.2	The proposed Eurobins Workshop will be situated to the east of the application site and will be bounded by existing 3m steel palisade fencing. The area to the north of the site comprises Dale Farm House and to the east, south and west is associated Waste Management Operations.
3.0	Description of Proposal
3.1	The application is seeking full planning permission for the erection of a store to be used as a workshop for Eurobins.
3.2	The process involves collecting bins from customers where they are emptied, power washed and cleansed before entering the workshop for repairs including replacing wheels, lids, etc. Bins will be painted for the appropriate type of waste they are intended for.
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – Plan Strategy 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

4.4	<p>Policy EC5 – Industry and storage and distribution uses DES1 – Principles of Urban Design</p> <p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>4.5 Relevant Planning History None</p>
5.0	Consultations and Representations
5.1	<p>Statutory Consultations None</p> <p>5.2 Non-Statutory Consultations BCC Environmental Health – No Objections</p> <p>5.3 Representations</p> <p>5.3.1 The application has been advertised and neighbours notified. No representations have been received.</p>
6.0	PLANNING ASSESSMENT
6.1	<p>Development Plan Context</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> <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.</p> <p>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.</p> <p>6.1.4 Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report.).</p>

6.1.5	<p>Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
6.1.6	<p>Belfast Urban Area Plan 2001 - The site is located within the settlement development limit in the BUAP and is not zoned for any use.</p>
6.1.7	<p>Belfast Metropolitan Area Plan 2015 (2004 and 2014) - Within BHA 08 Existing Employment and Industry.</p>
6.1.8	<p>Key Issues</p> <p>The key issues to be considered in this application are:</p> <ul style="list-style-type: none"> • Principle • Design • Contaminated Land
6.2	<p>Principle of the proposal</p>
6.2.1	<p>The Eurobins workshop is where 660 & 1100 litres commercial bins are taken for repair or refurbishment before being issued to customers or events. The process involves collecting bins from customers where they are emptied, power washed and cleansed before entering the workshop for repairs including replacing wheels, lids, etc. Bins will be painted for the appropriate type of waste they are intended for.</p>
6.2.2	<p>The repair of the Eurobins currently takes place within an existing former incinerator building at Duncrue Complex which is no longer fit for purpose as a work environment. The surrounding area includes an existing Eurobins wash area and portacabins. The new workshop will be built adjacent to the incinerator on existing concrete hardstanding. The proposal is situated on land zoned for employment and industrial uses. Policy EC5 – Industry and storage and distribution uses states that ‘Planning permission will be granted for development proposals in Class B2 light industrial use, Class B3 general industrial use and Class B4 storage and distribution as set out in the Planning (Use classes) Order (NI) 2015 in a zoned employment area, subject to normal planning considerations’. The principle of use is considered acceptable at this location.</p>
6.3	<p>Design</p>
6.3.1	<p>The height and scale of the building is considered to appear subservient when read alongside the other buildings within the development. The building will measure approximately 83sqm with a height of 5.5m. It will be finished in metal cladding with a pitched roof and have a roller door to the front and one door to the side, giving the appearance of a typical workshop/store. The building is in keeping with the surrounding industrial area and will have limited views when entering the site.</p>
6.4	<p>Environmental Considerations</p>
6.4.1	<p>Belfast City Council Environmental have been consulted on the application. They state that ‘Records held by this Service indicate that the site of the proposed development is located</p>

	on and in close proximity to land use types that have the potential to contaminate land and pose a risk to human health. These land use types are known to include domestic waste landfills, an abattoir, depots and mineral workings. The site is located on reclaimed land, which is known to have been infilled with material of unknown and varying quality'. The applicant has submitted supporting information confirming that there is an existing deep concrete base in place (over 1m thick) where the shed is to be located. The proposed shed is to be bolted to this concrete base. There are to be no penetrations of the concrete base to facilitate the development and on this basis, Environmental Health therefore have no objections to the application.
8.0	Recommendation
8.1	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.
8.2	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.
DRAFT CONDITIONS: 1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.	