

# Public Document Pack

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

10<sup>th</sup> March, 2022

## **MEETING OF PLANNING COMMITTEE**

Dear Alderman/Councillor,

In addition to those matters previously notified to you, the following item(s) will also be considered at the meeting to be held at 5.00 pm on Tuesday, 15th March, 2022.

Yours faithfully,

RONAN CREGAN

Deputy Chief Executive

### **AGENDA:**

- 7 (j) LA04/2021/2144/F - Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) at 150 Knock Road. (Change of design to extant planning permission ref: Z/2011/0426/F) (Pages 1 - 30)
- 9 (c) **Restricted Item**  
Local Development Plan (LDP) -Supplementary Planning Guidance (SPG)  
(Pages 31 - 110)

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## Development Management Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> Tuesday 15 March 2022	
<b>Application ID:</b> LA04/2021/2144/F	
<b>Proposal:</b> Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) with associated incurtilage parking and landscaping (change of design to extant planning permission ref: Z/2011/0426/F).	<b>Location:</b> 150 Knock Road Belfast BT5 6QD
<b>Referral Route:</b> Planning Committee – major application	
<b>Recommendation:</b>	APPROVAL
<b>Applicant Name and Address:</b> GEDA Limited 36 Moore Street Coalisland Dungannon BT71 4QB	<b>Agent Name and Address:</b> Barry Owens Consulting 38 Highfields Avenue Dublin Road Newry BT35 8UG
<b>Executive Summary:</b>  The application seeks full planning permission for residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) with associated incurtilage parking and landscaping (change of design to extant planning permission ref: Z/2011/0426/F).  The key issues in the assessment of the proposal are:  <ul style="list-style-type: none"> <li>- The principle of the proposed development and use at this location;</li> <li>- Layout, scale, form, massing, and design;</li> <li>- Impact on built heritage;</li> <li>- Impact on amenity;</li> <li>- Impact on transport and associated infrastructure;</li> <li>- Flooding and drainage impacts;</li> <li>- Impact on natural heritage assets;</li> <li>- Contamination and remediation of the site; and</li> <li>- Developer contributions.</li> </ul> The site falls within the development limit within the BUAP and in both versions of dBMAP and is not subject to any zonings. Redevelopment of the site for residential use was accepted under the previously granted permission and there has been no change in policy direction since that time subject to detailed considerations as set out in regional policies.	

The proposed layout essentially repeats the previously approved layout arrangements, comprising two blocks, one behind the other, with areas of landscaping and parking. Both blocks repeat the separation distances to the southern site boundary. The front block layout/siting has been revised from the previous permission. It is in a broadly similar position on the site but within a more constrained footprint with the result that the block does not extend as close to the site frontage (c.6.5m reduction). Separation distances between the apartment blocks are slightly reduced by approximately 6m on average to an average of 33m. The rear block is located largely further away from the rear/eastern site boundary compared to the previous approval by approximately 1.5m, with overall separation distance ranging from c.8m at narrowest increasing to c. 16m at widest point. The revised layout details are considered acceptable taking account of the extant permission.

The layout does not include a basement level of parking within the layout as previously approved, rather parking court areas instead. This results in an increased area of hard-surfacing compared to the previous permission. However, this roughly equates to the larger built form area of the buildings in the previous permission. The layout is acceptable due to the similar approach/characteristics previously approved.

The proposed apartment blocks remain 4 storeys. Block 1 (front) at 17.75m is a slight reduction in height of approximately 1m compared to the previous approval. The height of the rear block is also revised, with an overall reduction of approximately 1.9-2m from the highest section, but a slight increase of the lower section of 1.3m compared to the previously approved details. Materials include a mix of render and brick. Massing is considered to be slightly less than the previous permission given the reduction in the height and extent of built form. Visual impacts to the site will also therefore be less than the previous permission and as demonstrated in the supporting visual impact assessment. These aspects are therefore considered acceptable and in accordance with policy requirements.

The proposed materials, design and fenestration are acceptable, incorporating a similar, fenestration, and solid to void ratios, as other development in the locality.

The proposal will not adversely impact on the amenity of existing residents due to the separation distances to existing properties and the layout ensures no adverse amenity impacts for prospective residents. Amenity space provision equates to 18sqm per unit and overall open space provision exceeds the 10% requirement in PPS7 & PPS8. The site is also in close proximity to public open space. Floorspace/sizes of the proposed apartments are in accordance with the space standards as set out in aPPS7.

Parking is provided at a ratio of 1:1 which is slightly below parking standards. Travel cards for a period of 3 years in addition to a car club facility are proposed as part of the travel plan arrangement to mitigate the deficit. DFI Roads have no objections to traffic, access, parking and related issues and the proposal is therefore considered compliant with relevant policies.

35 objections have been received and 1 letter of support. The Issues raised are fully considered in the report.

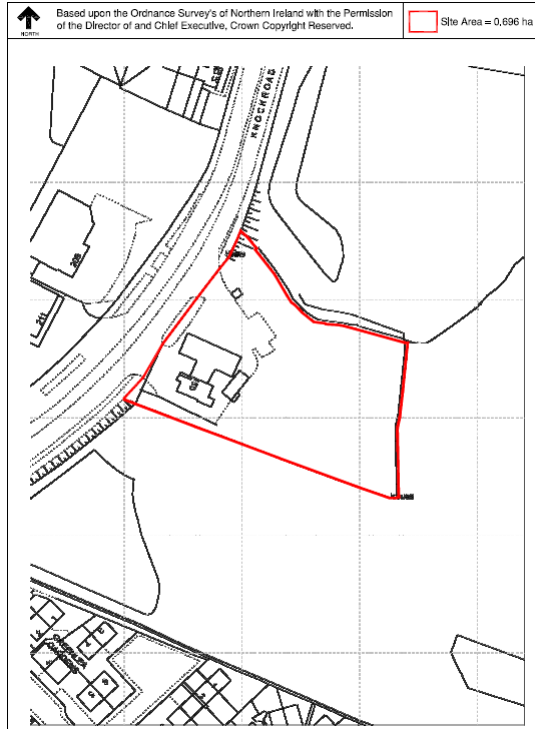
NI Housing Executive have no objections to the application and advise that they are supportive of the proposals. No other consultees have any objections to the application.

Having regard to the Development Plan and relevant material considerations, the proposal is considered acceptable subject to resolution of the outstanding matters.

It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission subject to conditions and enter into a S76 Planning Agreement with the applicant to secure green travel measures.

# Case Officer Report

## Site Location Plan







Previously approved elevations (front block):



Previously approved rear block front elevation:



Representations:

Letters of Support	1
Letters of Objection	35
Number of Support Petitions and signatures	No Petitions Received

Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Members	None received. Meeting held with Cllr McReynolds and objectors
Neighbour Notification Checked	Yes

### 1.0 Characteristics of the Site and Area

The application site is located at a former petrol station in east Belfast, which has now ceased trading. It is located adjacent to and is accessed from the Knock Road. Site clearance works are being undertaken at the time of writing.

The site is broadly rectangular in shape and a largely level area in which the former petrol station, hardstanding and associated structures were located. There are number of mature trees located generally around the periphery of the site.

The surrounding area is predominantly residential, comprising typical 2 storey terraced and semi-detached dwellings to the north east and south west. There is a petrol station and car sales premises opposite the site also on Knock Road. The site is bounded on 3 sides by a golf club, to the east and south.

### 2.0 Proposal

The application seeks full planning permission for Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) with associated incurtilage parking and landscaping (change of design to extant planning permission ref: Z/2011/0426/F).

### Planning Assessment of Policy and Other Material Considerations

#### 3.0 Site History

There is a previous permission on the site under reference Z/2011/0426/F for Demolition of petrol filling station. Development of residential scheme comprising 2 No. apartment buildings containing 52 No. units, basement and surface car parking, and landscaping, granted on 08.03.2013. the current application seeks to vary the details of this permission.

The site has also been subject to an application for a Certificate of Lawful Development under reference LA04/2020/2208/LDE for "Rear part of site development commenced on 19th February 2018 with construction of substructure foundations associated with approved planning application ref. no. Z/2011/0426/F". This was approved on 02.03.2021 and confirms works completed were in accordance with the approved application.

#### 4.0 Policy Framework

- 4.1 Belfast Urban Area Plan 2001
- 4.2 Draft Belfast Metropolitan Area Plan 2015 (v2004)
- 4.3 Draft Belfast Metropolitan Area Plan 2015 (v2014)
- 4.4 Strategic Planning Policy Statement (SPPS)
- 4.5 Planning Policy Statement 2 (PPS2) – Planning and Nature Conservation
- 4.6 Planning Policy Statement 3 (PPS3) - Access, Movement and Parking
- 4.7 Planning Policy Statement 6 (PPS6) – Planning and the Historic Environment

- 4.8 Planning Policy Statement 7 (PPS7) – Residential Development  
 4.9 Planning Policy Statement 12 (PPS12) – Housing in Settlements  
 4.10 Planning Policy Statement 13 (PPS13) – Transportation and Land Use  
 4.11 Planning Policy Statement 15 (PPS15) – Planning and Flood Risk  
 4.12 BCC Developer Contribution Framework (2020)

4.13 Supplementary Planning Guidance including ‘Creating Places’, Development Control Advice Note 8 Housing in Existing Urban Areas, and Parking Standards.

## 5.0 Statutory Consultee Responses

- 5.1 DFI Roads – awaiting response;  
 5.2 DFI Rivers – No objection;  
 5.3 DAERA – Waste Management - No objection subject to conditions;  
 5.4 NI Water – No objection;  
 5.5 DAERA – Natural Heritage – no objection;  
 5.6 DFC HED – no objections;  
 5.7 NIE – no response.

## 6.0 Non - Statutory Consultee Responses

- 6.1 BCC Environmental Health – No objection subject to conditions;  
 6.2 BCC Landscape Team – No objections;  
 6.4 BCC Tree Officer – no objection;

## 7.0 Representations

- 7.1 The application has been neighbour notified and advertised in the local press.  
 7.2 35 objections and 1 letter of support have been received from the public / neighbours. These are summarised at paragraph 9.37 of the report.  
 7.3 No representations have been received from elected representatives.

## 8.0 Other Material Considerations

- 8.1 Belfast Agenda (Community Plan).

## 9.0 Assessment

- 9.1 The application seeks full planning permission for Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) with associated incurtilage parking and landscaping (change of design to extant planning permission ref: Z/2011/0426/F).
- 9.2 The key issues in the assessment of the proposal are:
- The principle of the proposed development and use at this location;
  - Layout, scale, form, massing, and design;
  - Impact on built heritage;
  - Impact on amenity;
  - Impact on transport and associated infrastructure;
  - Flooding and drainage impacts;
  - Impact on natural heritage assets;
  - Contamination and remediation of the site; and

	<p>- Developer contributions.</p> <p><b>Regional Policy Context:</b></p>
9.3	<p>The Regional Development Strategy 2035 (RDS) includes a number of policies relevant to the proposal including Tourism (RG4), Supporting Urban Renaissance (RG7), and Conserve, protect and enhance where possible the built and natural heritage.</p>
9.4	<p>In relation to Belfast, the RDS includes policies to promote economic development, grow the city population, and protect and enhance the setting of the Metropolitan Area and its environmental assets. Policy SFG3 seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services, and cultural amenities.</p>
9.5	<p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating, and enhancing shared space, and supporting good design and place making.</p>
9.6	<p>The SPPS states at paragraph 1.13 that a number of policy statements, including those listed at paragraph 4.2 of this report, remain relevant under the 'transitional arrangements' in advance of a council's adoption of its new Local Development Plan. Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.</p>
	<p><b>Development Plan</b></p>
9.7	<p>Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
9.8	<p>Following the Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the extant Development Plan is now the Belfast Urban Area Plan 2001 (BUAP). Both the draft Belfast Metropolitan Area Plan 2015 (dBMAP v2004) and Belfast Metropolitan Area Plan (dBMAP v2014) are material considerations. The weight to be afforded the draft Belfast Metropolitan Area Plan is a matter of judgement for the decision maker. The Committee is advised that significant weight should be afforded to the latest version of dBMAP 2015 (v2014) given the advanced stage it reached in the adoption process.</p>
9.9	<p>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 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</p>

	<p>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> <p><b>Principle of development and proposed uses:</b></p> <p>9.10 The site falls within the development limit within the BUAP and in both versions of dBMAP and is not subject to any zonings. Redevelopment of the site for residential use has been previously accepted under extant permission Z/2011/0426/F and there has been no change in policy direction since that time subject to detailed considerations as set out in regional policies.</p> <p>9.11 In relation to the demolition of the existing building and structures, the site is not located in a Conservation Area or Area of Townscape Character, and the buildings are not listed or of any historic interest or architectural merit. Demolition of the existing buildings and structures is therefore not subject to planning control. Accordingly, the demolition of these structures is acceptable in principle. The removal of all existing structures was also accepted through the previous permission. Site clearance works have already commenced.</p> <p>9.12 The proposal would assist the regeneration of the site with the existing petrol station no longer in operation and the site in derelict condition. The proposal would also make effective use of a brownfield site (previously developed land) in a sustainable location with good access to shops, services, jobs, and public transport. This is an affordable housing scheme which will help address an identified affordable housing need in the area. These factors support the case for the granting of planning permission in principle subject to acceptable detail issues.</p> <p><b>PPS7 – Design, Character and Appearance of Area and amenity</b></p> <p>9.13 The proposal has been assessed against Policy QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality, or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations. PPS7 addendum safeguarding character is also a material consideration and includes three policies LC1-3.</p> <p>9.14 <b>Layout</b></p> <p>The proposed layout essentially repeats the previously approved layout arrangements, comprising two blocks, one behind the other with areas of landscaping and parking. Both blocks repeat the separation distances to the southern site boundary. The front block layout/siting has been revised from the previous permission. It is in a broadly similar position on the site but within a more constrained footprint with the result that the block does not extend as close to the site frontage (c.6.5m reduction). Separation distances between the apartment blocks are slightly reduced by approximately 6m on average to 33m.</p>
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	<p>The rear block is located largely further away from the rear/eastern site boundary compared to the previous approval by approximately 1.5m, with overall separation distance ranging from c.8m at narrowest increasing to c. 16m at the widest point.</p> <p>The layout does not include a basement level of parking within the layout as approved previously, rather parking court areas instead. This results in an increased area of hard-surfacing compared to the previous permission. However, this roughly equates to the larger built form area of the buildings in the previous permission. The layout is acceptable due to the similar approach/characteristics previously approved.</p> <p><b>Scale, height, massing, and design</b></p>
9.15	<p>The proposed apartment blocks retain the previously approved 4 storey building heights but are subject to revisions resulting generally in a reduction in height. Block 1 (front) is 17.75m and is a slight reduction in height of approximately 1m compared to the previous approval. The height of the block is also revised, with an overall reduction of approximately 1.9-2m from the highest section, but a slight increase of the lower section of 1.3m. Materials include a mix of render and brick. Massing is considered to be slightly less than the previous permission given the reduction in the height and extent of built form. Visual impacts to the site will also therefore be less than the previous permission and as demonstrated in the supporting visual impact assessment. These aspects are therefore considered acceptable and in accordance with policy requirements.</p>
9.16	<p>The proposed materials, design and fenestration are consistent with the area, incorporating a similar, fenestration, and solid to void ratios, and in the locality. The proposed design is therefore compliant with criteria [g] of PPS7.</p> <p><b>Impact on Residential Amenity</b></p>
9.17	<p>There are significant distances between the site and existing properties which are considered sufficient to mitigate against amenity impacts on existing properties in terms of dominance, overshadowing, and overlooking/loss of light. The floorplan arrangement is very similar to the previous permission. It ensures that habitable rooms have adequate outlook to adjacent public space and will not result in direct overlooking or intervisibility of other apartments within the development.</p>
9.18	<p>Boundary treatments proposed repeat those evident in the local context and are acceptable. Conditions are necessary to secure the provision of these elements prior to occupation, including evidence that the retaining structures have been completed to a suitable structural design by an appropriate competent person / engineer to ensure public safety and amenity.</p>
9.19	<p>Amenity space provision includes external communal garden areas at ground floor which total approximately 939sq sqm, equating to approximately 18sqm per unit, which is above the minimum standard (10sqm min). This excludes the sloped landscaped areas located along the northern and eastern boundaries of the site but are also of amenity value to the site and prospective residents. Communal provision is in line with supplementary guidance which requires provision of between 10-30sqm, taking account of the context. Provision therefore is at the median of this requirement and is therefore acceptable. The overall open space provision of the site is 2515sqm which is well above the 10% of site area minimum requirement in PPS8. In addition, adequate public open space and management arrangements is provided as part of the development and related requirements under PPS7 and PPS8 are therefore satisfied. The site also benefits from close proximity to public open space to the south and</p>

	northwest/opposite of the site, the latter which includes a direct pedestrian linkage to Knock Road. Environmental Health have confirmed adequate arrangements are proposed to ensure residential amenity will be protected.
9.20	Policy LC 1 of PPS 7 (Addendum) sets out that in established residential areas planning permission will only be granted for the infilling of vacant sites to accommodate new housing, where all the criteria set out in Policy QD1 of PPS7, and additional criteria are met. Annex E of PPS 7 Addendum states that Policy LC 1 will not apply “along key and link transport corridors (including designated arterial routes)”. As such, LC1 does not apply to the proposed development.
9.21	Notwithstanding the above, the accommodation proposed range in size from approximately 62 sqm to 85 sqm and comprise 3p/2bed apartments. These sizes are compliant with the space standards prescribed in LC1. (60-65sqm and 80-85sqm) and are therefore acceptable.
	<b>Impact on Trees and Landscape Proposals</b>
9.22	The layout includes a landscaping scheme for the areas of open space, and includes the planting of trees, hedge, shrub, and screen planting. A tree health and condition survey and impact drawing information has been submitted in support of the application. The loss of existing trees is offset by the new tree planting proposed (approx.36). BCC Landscape team has no objections to the proposed arrangements.
9.23	Objectors have raised concerns regarding impact on and loss of existing trees and vegetation. Taking account of the response from the Landscape team, the acute need for social and affordable housing within the area, and the additional planting proposed it is considered that the loss of trees is acceptable. Root systems and damage to retained trees can be avoided through planning conditions. The extent of works required to the exiting trees is set out in the health and condition report. A planning condition is necessary to ensure remedial works are completed in accordance with these details. Conditions are also necessary to secure provision of the new planting as well as protecting existing trees during construction and maintenance and management of the landscaping proposed and retained trees.
	<b>PPS15 – Flooding and drainage</b>
9.24	Rivers Agency and NI Water have been consulted on the application and assessed the submitted flood risk assessment. Neither consultee has any objections to the proposal. Therefore, it is considered that the proposal will not result in or be impacted unacceptably by flooding. It is considered that the proposal is compliant with PPS15 requirements.
	<b>Impact on Built Heritage:</b>
9.25	HED (Historic Monuments) has assessed the application and based on the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
	<b>PPS3 - Traffic, Parking, and associated Roads considerations</b>
9.26	DFI Roads were consulted and are satisfied that there is sufficient vehicle and bicycle parking provision proposed, the access arrangements are adequate, and that the proposal will not result in a significant impact on traffic or road safety. The proposal includes 52 parking spaces and dedicated internal cycle. A 1:1 parking ratio is

	therefore proposed. Whilst this is less than standard, DFI Roads has had regard to the fact that the proposal is an affordable housing scheme and the applicant's evidence that car ownership for the type of housing proposed is less than the usual standard for private housing.
9.27	DFI Roads has also had regard to the applicant's travel plan and Green transport measures to promote alternative travel to the private car. These include provision of travel cards for each apartment for the first three years of occupation and a car club scheme with a recognised car hire provider. DFI Roads advise that these measures are acceptable and assist in mitigating the impacts of parking under-provision below the standards set out in guidance. These measures will require a S76 Planning Agreement to secure green travel measures.
9.28	In assessing the level of proposed parking, regard is also had to the sustainable location of the site which is on an arterial route and has good access to shops, services, jobs, and public transport. The level of proposed parking is therefore considered acceptable and compliant with PPS3, associated guidance, and criteria [f] of QD1.
9.29	The proposal includes modifications to the site access and provision of internal access roads and associated infrastructure. DFI Roads offers no objections to these alterations and the proposed access arrangements are considered acceptable having to PPS 3 and DCAN15. Objections are noted in respect of concerns raised on parking provision, access, traffic, and related issues. However, these aspects are considered acceptable due to the assessment and response from DFI Roads.
	<b>Consultee Responses</b>
9.30	Environmental Health has no objections to the proposal in terms of public health matters including contamination, noise, disturbance, and associated matters subject to conditions.
9.31	DEARA Regulation Unit has no objections regarding land contamination issues.
9.32	DEARA Water Management Unit has no objections subject to conditions.
9.33	DAERA Natural Heritage have considered an ecological report submitted in support of the application. They have no objections to the application subject to a condition requiring the submission of a final Construction Environmental Management Plan prior to the commencement of development. This includes a requirement to survey several existing trees identified for removal for bats. Accordingly, the application is compliant with PPS2.
9.34	Shared Environmental Service have been consulted as the site is hydrologically linked to Belfast Lough via the watercourse that traverses the northern site boundary. 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 03/03/2022. This found that the project would not have an adverse effect on the integrity of any European site. Accordingly, the application is compliant with PPS2.
9.35	NI Housing Executive have no objections to the application and advise that they are supportive of the proposals. They have advised that the proposed development site is located within the Middle East Housing Need Area which has a five year need for 307

units 2021-2026. They have also provided following table provides a summary of Braniel/Cherrywood and Clarawood CLA (areas adjacent to the site) Waiting List information for December 2021:

<b>All Applicants</b>	<b>Singles</b>	<b>Couples</b>	<b>Families</b>	<b>Elderly</b>	<b>TOTAL</b>
371	31	162	197	761	
<b>Housing Stress</b>	239	26	136	144	545
<b>Allocations to<sup>00</sup> September 2020</b>	55	4	38	38	135

The proposal will assist in meeting some of the overall housing needs for the area.

9.36 NIE have been consulted on the application to ascertain any adverse impacts on NIE infrastructure and have no objections. Accordingly the proposal will not adversely impact on NIE infrastructure.

**Representations**

9.37 35 objections have been received raising the following issues (summarised):

- a. Health and safety impacts on/from adjacent golf course/risk of injury/liability if a ball inadvertently is hit into this site;
- b. Detrimental impacts to the environment;
- c. Risk of ground collapse from earthworks/proposed basement;
- d. It ignores the surrounding established environment and usage of the golf course;
- e. this is a major development for which the developer failed to consult stakeholders (including SPGC which has been established for 100 years);
- f. It assumes use of Shandon Park Golf Club land to enable the development to proceed;
- g. It will not achieve most of the aims the application documentation claims;
- h. The development, if constructed as indicated in the application, will completely destroy the existing boundary treeline. The hedgerow (which was partly on our land) has already been removed by the contractors.
- i. The site layout indicates steep banking and retaining walls along the boundary;
- j. Work has commenced when planning permission has not been granted and should be stopped;
- k. The height and positioning of this building is inappropriate;
- l. The site location accessed directly off a protected carriageway, on a bend and at the bottom of a hill, at a point where cars are often travelling at pace is a serious concern for cars accessing and egressing the proposed apartment development as well as pedestrians who may live in this development;
- m. Impacts on traffic;
- n. Inappropriate for residential use in such close proximity to the A55 due to pollution from vehicle fumes and noise;
- o. Tourism impacts from inappropriate development;
- p. Impact on birds and wildlife from loss of vegetation;
- q. Height inappropriate for local character and does not blend in with the local landscape and topography;
- r. landscape plan is very basic in its layout and detail and in no way helps to address the loss of a well established habitat that has already in part been removed with further loss to occur should the development proceed;

	<p><b>Response:</b></p> <p>9.38 Many of the issues above have been considered as part of the assessment of the report above. Other issues raised are discussed below:</p> <p>a. Whilst the health as safety concern is noted and acknowledged as a potential issue, this is considered a civil matter between the relevant parties to ensure that health and safety is not adversely affected in the development and ongoing activities at the site. It is not considered that the likely impacts would be so severe as to warrant withholding on this basis. In any event the extant permission has determining weight in relation to this issue as the proposed apartments blocks are located in broadly the same position as the previous approval.</p> <p>b. the proposal will not adversely impact the environment taking account of the extant permission and consultee responses as discussed above.</p> <p>c. any subsidence, structural damage as a result of the development site is a civil matter between the relevant parties. It is the responsibility of the developer and other agencies to ensure that development works are completed in a safe and appropriate manner</p> <p>d. considered above and the proposal is considered acceptable as discussed.</p> <p>e. the application was subject to a PACC process and public consultation was undertaken (further discussion below).</p> <p>f. the applicant has been made aware of the queries/challenges on land ownership and boundary locations. The applicant has confirmed that the development is wholly located within their ownership.</p> <p>j. there is an extant permission on the application site and therefore siteworks in association with that permission can be undertaken lawfully.</p> <p>o. it is not considered that the proposal will impact on tourism to any unacceptable degree. It is compliant with relevant policies as discussed above.</p> <p><b>Pre-Community Consultation</b></p> <p>9.39 For applications that fall within the category of Major development as prescribed in the Development Management Regulations, Section 27 of the Planning Act (Northern Ireland) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p> <p>9.40 Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted.</p> <p>9.41 Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a Pre-application Community Consultation Report to accompany the planning application.</p> <p>9.42 It is considered that the Pre-application Community Consultation Report (PACC) submitted with the application has demonstrated that the applicant has carried out their duty under Section 27 of the Act to consult the community in advance of submitting an application.</p> <p>9.43 It is noted that objectors have raised concerns regarding lack of consultation and notification of the development. The PACC report and process meets legislative requirements and on that basis is acceptable. The application has been advertised and neighbours notified following receipt of the application and following receipt of revised information. Notification has been completed in accordance with legal requirements.</p>
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9.44	<p><b>Developer Contributions</b></p> <p>In this case the application site is subject to an extant permission for a similar proposal that was not subject to a planning agreement under previous legislation namely the Planning (Northern Ireland) Order 1991. The site is not identified or zoned for social or affordable housing under the relevant development plans and as such constitutes a 'windfall' social housing site. In these circumstances it is considered that it is not appropriate to require developer contributions for this case.</p>
10.0	<p><b>Summary of Recommendation</b></p>
10.1	<p>Having regard to the Development Plan and relevant material considerations, the proposal is considered acceptable subject to resolution of the outstanding matters.</p>
10.2	<p>It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission subject to conditions and enter into a S76 Planning Agreement with the applicant to secure green travel measures.</p>
<p>Conditions/Reasons for Refusal:</p> <p>Conditions to Follow</p>	



David Scott Paul Stewart Raymond Limmer Frazer Hood Maeve Hamilton David Currie John Slane Simon Moore Kenneth Hanna Alan Paterson Derek Stewart Cathal Cunningham	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>	
Ref ID: LA04/2020/2215/PAN Proposal: Proposed residential development comprising 2no. apartment buildings containing 52no. units with associated incurtilage parking and landscaping. Address: 150 Knock Road, Belfast, BT5 6QD, Decision: PANACC Decision Date:	
Ref ID: LA04/2020/2208/LDE Proposal: Rear part of site development commenced on 19th February 2018 with construction of substructure foundations associated with approved planning application ref. no. Z/2011/0426/F Address: 150 Knock Road, Carnamuck, Belfast, BT5 6QD, Decision: PG Decision Date:	
Ref ID: LA04/2018/0240/DC Proposal: Discharge of condition 15 of planning application ref. no. Z/2011/0426/F Address: 150 Knock Road, Belfast, BT5, Decision: AL Decision Date:	
Ref ID: Y/1974/0047 Proposal: ERECTION OF A DWELLING Address: SHANDON PARK GOLF CLUB, KNOCK ROAD Decision: Decision Date:	
Ref ID: Z/2011/0426/F Proposal: Demolition of petrol filling station. Development of residential scheme comprising 2 No. apartment buildings containing 52 No. units, basement and surface car parking, and landscaping Address: 150 Knock Road, Belfast, BT5, Decision: PG Decision Date: 08.03.2013	

Ref ID: Z/1987/0721  
Proposal: Redevelopment of filling station  
Address: KNOCK ROAD FILLING STATION BELFAST  
Decision:  
Decision Date:

Ref ID: Z/1989/0496  
Proposal: Extension to petrol station  
Address: SHANDON PARK FILLING STATION, KNOCK DUAL CARRIAGEWAY BELFAST BT5  
Decision:  
Decision Date:

Ref ID: Z/1985/1698  
Proposal: ERECTION OF CAR WASH AND LIQUID PETROLEUM GAS STORE  
Address: KNOCK ROAD FILLING STATION  
Decision:  
Decision Date:

Ref ID: Z/2000/2007/O  
Proposal: Proposed sit in and drive through restaurant and associated car parking.  
Address: Land adjacent to 150 Knock Road, Belfast BT5 6QD  
Decision:  
Decision Date:

Ref ID: Z/1992/0606  
Proposal: Construction of fast-food premises to rear of petrol filling station  
Address: 150 KNOCK ROAD BELFAST BT5  
Decision:  
Decision Date:

Ref ID: Z/2010/0775  
Proposal: Residential development  
Address: 150 Knock Road, Carnamuck, Belfast, Northern Ireland, BT  
Decision: ESA  
Decision Date:

Ref ID: Z/2004/2684/F  
Proposal: Erection of replacement commercial premises to include convenience store, petrol forecourt, jetwash and drive through car wash.  
Address: 150 Knock Road, Carnamuck, Belfast, Northern Ireland.  
Decision:  
Decision Date: 10.10.2005

Ref ID: Y/1989/0470  
Proposal: Construction of palisade fencing and protective mesh fencing.  
Address: BOUNDARY OF SHANDON PARK GOLF CLUB AND SOUTHLAND DALE AND WHINCROFT WAY, LOWER BRANIEL.  
Decision:  
Decision Date:

<b>Drawing Numbers and Title</b>
<b>Notification to Department (if relevant) N/A</b>  Date of Notification to Department: Response of Department:

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<b>Application ID:</b> LA04/2021/2144/F	
<p><b>Proposal:</b> Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair &amp; 47no. 3p/2b CAT 1 apartments) with associated incurtilage parking and landscaping (change of design to extant planning permission ref: Z/2011/0426/F).</p>	<p><b>Location:</b> 150 Knock Road Belfast BT5 6QD</p>
<p>Conditions (delegated authority to Director of Planning &amp; Building Control to finalise conditions requested)</p> <p>1. 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> <p>2. Prior to the occupation of any apartment hereby approved, boundary walls and fencing shall be erected in accordance with the approved plans and shall be permanently retained thereafter.</p> <p>Reason: In the interest of privacy and amenity.</p> <p>3. Prior to the occupation of any apartment hereby permitted the bin store area shall be constructed in accordance with the approved drawings and retained thereafter. Access to the bin storage area shall be available to residents of the apartments hereby permitted at all times.</p> <p>Reason: In the interests of residential and visual amenity.</p> <p>4. There shall be no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans.</p> <p>Reason: In the interests of visual amenity.</p> <p>5. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of works).</p> <p>Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.</p> <p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p> <p>6. The developer shall inform the Council on completing the installation of all tree protection measures so that the Council or their representative may pass such measures before</p>	

allowing development to commence. Development shall not commence until these measures have been agreed by the Council in writing.

Reason: To ensure that adequate protection measures are put in place around retained trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

7. Any excavation within tree protection areas shall be carried out using non-mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998, 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed, which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity.

Reason: To respect the topography of the site and to ensure the protection of existing landscape features.

8. Trees and vegetation to be retained within the site and proposed planting as indicated on approved drawings, shall not be cut down, uprooted or destroyed, or have their roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree, without the prior written approval of the Council. All arboricultural work shall be carried out in accordance with the approved details including the tree survey report recommendations, BS 3998, 2010 'Recommendations for Tree Work' (or equivalent British Standard current at time of works) prior to the occupation of any part of the development hereby permitted.

Reason: To ensure the continuity of amenity afforded by existing trees and vegetation.

9. All hard and soft landscape works shall be completed in accordance with the approved details, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS before the expiration of the first planting season following occupation of any apartment hereby approved.

All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed in writing with the Council prior to implementation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

10. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Council be seriously damaged or defective, it shall be replaced before the expiration of the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Council gives its prior written consent to any request for variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

11. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval. The development shall be carried out in accordance with the agreed arrangements prior to the occupation of any dwelling hereby permitted and retained thereafter.

Reason - To safeguard against flood risk to the development and from the development to elsewhere.

12. Prior to the occupation of any part of the development hereby permitted, the applicant shall provide to and have agreed in writing by the Planning Authority, a Verification Report. This report must demonstrate that the remediation measures outlined in the Tetra Tech Consulting (NI) Ltd report entitled '150 Knock Road, Belfast, Updated Contaminated Land Risk Assessment and Updated Remedial Strategy, B030728, Geda Construction Ltd, September 2021', and as clarified within the letter from Tetra Tech Environmental and Planning (Northern Ireland) Ltd dated 20th January and referenced B030728 Knock Road, have been implemented. In the event that an updated Remediation Strategy is required following the updated Risk Assessment for asbestos in shallow soils of the area of retained landscaping, the measures in this updated Remediation Strategy must also be implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential without plant uptake). It must demonstrate that the identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:

- a) Any remaining fuel storage tanks or associated infrastructure has been fully decommissioned and dealt with in accordance with Guidance for Pollution Prevention (GPP2), the Pollution Prevention Guidance (PPG27), and in accordance with the actions and procedures presented in Tetra Tech's Updated Contaminated Land Risk Assessment and Updated Remedial Strategy report Ref. B030728 dated September 2021 prior to the occupation of any apartment hereby permitted. The quality of surrounding soils and groundwater shall be verified and should contamination be identified during this process, Conditions 13 and 14 will apply.
- b) A minimum 600mm capping layer has been emplaced in all communal landscaped areas formed from material that is demonstrably suitable for use (residential without plant uptake).
- c) Gas protection measures commensurate with the Characteristic Situation 2 classification of the site have been incorporated in the development in accordance with BS 8485:2015+A1:2019. These measures should include:
  - A reinforced concrete cast in situ monolithic concrete floor slab (suspended, non-suspended or raft, well reinforced with minimal penetrations) OR
  - A passively ventilated 150mm underfloor subspace capable of providing 1 complete air change per 24 hours AND
  - A gas and hydrocarbon resistant membrane with all joints and penetrations sealed, verified in accordance with CIRIA C735.

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

13. 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. 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 Council in writing, and subsequently implemented and verified to its satisfaction.

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

14. After completing the remediation works under Condition 13; and prior to the occupation of any apartment hereby permitted, a verification report shall be submitted in writing and agreed with Council. This report shall 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 shall 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.

15. 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 Council. 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.

16. Within three months of commencement of construction, the applicant shall provide to and have agreed in writing by the Council, an updated Risk Assessment for asbestos in shallow soils of the areas of retained landscaping proposed surrounding the site (as per the 'Site Layout & Landscape Plan' (Rev: A, Date: 13.01.22, Project No. 2123, Drawing No. 2123.01.A)).

Based on the outcome of this updated Risk Assessment, an updated Remediation Strategy may be required. If necessary, this Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and that they no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified.

Reason: In the interests of amenity.

17. Prior to installation of window units throughout each block of the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of the hereby permitted development. The window specification for habitable rooms shall be in accordance with the recommendations in appendix D and E of the Irwin Carr Consulting Ltd 'Noise Impact Assessment, 150 Knock Road, Belfast?', report reference: Rp001N 2021258, dated 12th November 2021.

Reason: Protection against adverse noise impact and in the interests of amenity.

18. Prior to installation of alternative means of ventilation throughout each block of the hereby permitted development, the applicant shall submit to the planning authority, for review

and approval in writing, confirmation of the specification of the alternative means of ventilation. The sound reduction specification for the alternative means of ventilation shall be in accordance with the recommendations outlined in appendix E of the Irwin Carr Consulting Ltd 'Noise Impact Assessment, 150 Knock Road, Belfast', report reference: Rp001N 2021258, dated 12th November 2021 to be equivalent to or greater than the sound reduction specification of the windows.

Reason: Protection against adverse noise impact and in the interests of amenity.

19. Prior to occupation of any hereby permitted apartment, the window schedule and approved alternative means of ventilation shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided. The approved windows and alternative means of ventilation shall be retained thereafter.

Reason: Protection against adverse noise impact and in the interests of amenity.

20. Prior to occupation of any apartment hereby permitted, a report verifying that the window schedule and alternative means of ventilation as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise a written declaration from the suppliers and installers of the glazing and alternative means of ventilation confirming that the scheme of windows and alternative means of ventilation have been installed as approved.

Reason: Protection against adverse noise impact and in the interests of amenity.

21. Prior to occupation of any apartment hereby permitted, an acoustic fence shall be constructed around the perimeter of the entire site and shall be a minimum height of 2m, be of a density of at least 15kg/m<sup>2</sup> and have no gaps as recommended in appendix E of the Irwin Carr Consulting 'Noise Impact Assessment, 150 Knock Road, Belfast?', report reference: Rp001N 2021258, dated 12th November 2021 and as shown on the Boyd Partnership Architects site layout drawing: 'proposed site block plan' dated Aug '21, drawing number 003, rev C.

Reason: Protection against adverse noise impact and in the interests of amenity.

22. The GEDA 'Environmental Management Plan (Construction Stage), project: Knock Rd, Belfast', project no: BD102, dated 13/08/21, revised 18/01/22 shall be implemented throughout the construction phase. Control of dust emissions from the site shall include the recommended mitigation measures as outlined in the Irwin Carr Consulting Ltd Air Quality Impact Assessment, 150 Knock Road, Belfast, Irwin Carr (November 2021).

Reason: Protection of amenity within the surrounding area.

23. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and the watercourses or surface drains present on or adjacent to the site;

c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;

d) Details of updated bat surveys, such as emergence/re-entry or licenced endoscope surveying, on all trees with moderate bat roost potential planned for arboricultural works or felling (including those labelled in the Preliminary Ecological Appraisal as trees 6, 9 and 1) prior to any arboricultural works commencing. This shall include details of the appointed suitably qualified and licenced bat ecologist and the development of any additional mitigation measures should bats be found.

Reason: To protect Northern Ireland priority habitats and species, ensure implementation of mitigation measures identified within the Outline CEMP and to prevent likely significant effects on the Belfast Lough.

24. Prior to works commencing on site a temporary fence shall be erected on site along the length of the of the Kenban stream at a distance of 20 metres from the centre of the stream. No works, infill, storage or construction activity shall take place to the north of the fenced area without the consent of the Department. The fence shall be maintained and shall not be removed until the occupation of the apartments hereby permitted.

Reason: to minimise the potential impacts of contamination on site on Belfast Lough SPA, Belfast Lough Open Water SPA and Inner Belfast Lough ASSI and to protect the integrity of the stream corridor

25. There shall be no lighting facilities erected and no light spillage within 10 metres of the existing Kenban stream to the north of the site.

Reason: to minimise the impact of the proposal on otters and bats.

26. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No C003 Rev P6 and Drawing C004 Rev P5, prior to the occupation 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.

27. No dwelling within Block A shall be occupied until parking spaces 1-36 have been constructed in accordance with the approved Drawing No. C003 Rev P6 to provide adequate facilities for parking. These spaces shall be permanently retained.

REASON: To ensure adequate parking in the interests of road safety and the convenience of road users.

28. No dwelling within Block B shall be occupied until parking spaces 37-52 have been constructed in accordance with the approved Drawing No. C003 Rev P6 to provide adequate facilities for parking. These spaces shall be permanently retained.

REASON: To ensure adequate parking in the interests of road safety and the convenience of road users.

29. No apartment shall be occupied until related hard surfaced areas (incurtilage) have been constructed in accordance with the approved Drawings. These spaces shall be permanently retained thereafter.

REASON: To ensure adequate parking in the interests of road safety and the convenience of road users.

30. No apartment shall be occupied until provision has been made for cycle parking in accordance with the approved plan. These facilities shall be permanently retained.

REASON: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.

31. The access gradients shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

32. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.  
The Department 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:C003 Rev P6 bearing the Department for Infrastructure determination date stamp 4/3/22.

REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

33. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.  
No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No:C003 Rev P6 bearing the date stamp 4/3/22. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

34. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of Department for Infrastructure prior to the occupation of any apartment hereby permitted.

REASON: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

35. The development shall operate in accordance with the Waste Management Plan.

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

36. The development shall operate in accordance with the Travel Plan.

REASON: To encourage alternative modes of transport to the private car.

#### Informatives

1. This planning permission includes condition(s) which require additional details to be submitted to and approved by the Council. Please read the conditions carefully. You should

allow at least 8 weeks for the Council to assess the details and respond. This may take longer in cases which involve the submission of detailed technical reports. You should allow for this when planning your project. If you proceed without the approval of these details from the Council, you do so at your own risk.

This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

This decision relates to planning control only and does not dispense with the necessity of obtaining any other approval which may be necessary under other legislation.

This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

Consultees have provided informatives to the decision notice within their consultation responses which are available to review on the planning portal at [www.planningni.gov.uk](http://www.planningni.gov.uk) The applicant is referred to these informatives and should note and action as appropriate.

2. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
  - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
  - c) Deliberately to disturb such an animal in such a way as to be likely to -
    - i. affect the local distribution or abundance of the species to which it belongs;
    - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
    - iii. Impair its ability to hibernate or migrate;
  - d) Deliberately to obstruct access to a breeding site or resting place of such an animal;
- or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing

eggs or young; or  
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August).

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of the Local Government Act (Northern Ireland) 2014.

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