

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



**Belfast  
City Council**

10th February, 2023

## **PLANNING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall and remotely, via Microsoft Teams, on Tuesday, 14th February, 2023 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

## **AGENDA:**

### **1. Routine Matters**

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

### **2. Abandonments**

- (a) Abandonment of Footpath adjacent to 29 University Road (Pages 1 - 4)

### **3. Request for Pre-emptive Planning Committee Site Visits**

### **4. Planning Decisions Issued (Pages 5 - 14)**

### **5. Appeals (Pages 15 - 18)**

### **6. Restricted Items**

- (a) Update on LDP Draft Plan Strategy (Pages 19 - 28)

## 7. Planning Applications

(a) **LA04/2021/1672/O**

Outline planning permission (with all matters reserved) for mixed use development on Sites A, B, C, D. Comprising up to 7,710 sqm GEA mixed use to include tourist hostel, residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise floor space (A1 or A2 or B1 or B2 or C1 or C2 or D1) units on Site A, up to 6,980 sqm GEA of Hotel (C2) floorspace on Site B, the erection of a multi-storey car park comprising of up to 231 spaces (4,130 sqm GEA) and up to 7,130 sqm GEA of employment or community (A1 or A2 or B1 or B2) floorspace on Site C and up to 1,110 sqm GEA mixed use to include residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise (A1 or A2 or B1 or B2 or D1) floorspace on Site D.

Outline planning permission (with no matters reserved) for the erection of 94 residential dwellings (social housing). Comprising of 44 residential units on Site (Pages 29 - 80)

(b) **ITEM WITHDRAWN** ~~LA04/2019/2653/F Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas; and 8 floors of Grade A office accommodation. (Amended plans and updated technical information). Chancery House, 88 Victoria Street, Belfast.~~

(c) **ITEM WITHDRAWN** ~~LA04/2022/1503/F Proposed erection of a freestanding 6.8 metre high screen erected on steel structural supports (9 metres in total height) with associated site works. Lands within Musgrave Police Station 60 Victoria Street, Belfast.~~

(d) **LA04/2022/1284/F**  
Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 862 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths. Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast (Pages 81 - 118)

(e) **ITEM WITHDRAWN** ~~LA04/2021/0319/F Proposed use of hard standing area as overflow car park with a free draining surface and soft landscaping scheme, to serve existing approved uses on site. 115 Blacks Road Belfast BT10 0NF – Lands to north of square golf training area east of the 3G Dome south of 45 and 46 Garnock Hill.~~

(f) **LA04/2022/1479/F**  
Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping, Former NI Water Ltd Sewage Treatment Works, Blackstaff Road. (Pages 119 - 146)

- (g) **LA04/2022/0129/F**  
Proposed social housing led mixed tenure residential development comprising 122 residential dwellings, pedestrian and cycle ways, public open space, children's play area, landscaping (including 8 metre landscaped buffer to western boundary), boundary treatments, parking, access (provision of a right turn lane) and ancillary site works. Lands north of 14 Mill Race and 15 Belfield Heights and south of 2-15 St Gerards Manor Ballymurphy Belfast Co. Antrim (Pages 147 - 176)
  - (h) **LA04/2020/2105/F**  
Residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works, 1-5 Gaffikin Street, Belfast. (Pages 177 - 190)
  - (i) **LA04/2022/2018/F and LA04/2022/2019/LBC**  
Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations, 2 Royal Avenue Belfast.  
(Pages 191 - 204)
8. **Delegation of Local Applications with NI Water Objections** (Pages 205 - 210)

This page is intentionally left blank





**Eastern Division**

Belfast Planning Service  
Belfast City Council  
Cecil Ward Building  
4-10 Linenhall Street  
BELFAST  
BT2 8BP

Annexe 7, Block 2  
Castle Buildings  
Stormont Estate  
Upper Newtownards Road  
BELFAST  
BT4 3SQ

Telephone: 0300 200 7899

Textphone number: 028 9054 0022

Being dealt with by: Victor Clegg

Email: [Victor.clegg@infrastructure-ni.gov.uk](mailto:Victor.clegg@infrastructure-ni.gov.uk)

Direct Line: 02890 526193

Our Ref: MD2/Z/03/1100

Date: 24 January 2023

Dear Sir/ Madam

**ROADS (NI) ORDER 1993**

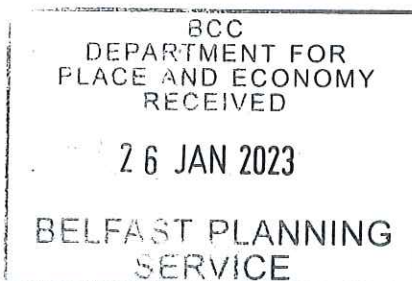
**ABANDONMENT OF FOOTPATH ADJACENT TO 29 UNIVERSITY ROAD, BELFAST.**

Further to previous correspondence in respect of the above-mentioned proposed abandonment, I enclose for your information a copy of the draft order and related map together with a copy of the statutory notice which is to be published in the Belfast Gazette on 27th January 2023 and the Belfast Telegraph, News Letter and Irish News on 25th January and 1st February 2023.

When the Department for Infrastructure makes the order, I will forward a copy when it comes into operation.

Yours faithfully

  
Victor Clegg  
Land Acquisition



ENC

### **Abandonment – University Road, Belfast**

The Department for Infrastructure (DfI), being of the opinion that the road is not necessary for road traffic, gives notice of its intention to make an Order under Article 68 of the Roads (Northern Ireland) Order 1993, the effect of which would be to abandon an area of 26.5 square metres of footway in front of No. 29 University Road, Belfast. The area of footway proposed to be abandoned is delineated on a map which, together with a copy of a draft order, may be inspected free of charge during office hours within the period 25th January 2023 to 3rd March 2023 at DfI Roads Eastern Division, Annexe 7, Block 2, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast, BT4 3SQ.

Inspection of the draft Order and map is by appointment only which can be arranged either by email using [lands.eastern@infrastructure-ni.gov.uk](mailto:lands.eastern@infrastructure-ni.gov.uk) or by telephone during office hours (Monday to Friday 9.00 a.m. to 5.00 p.m.) on 0300 200 7899.

Details may also be viewed online at [www.infrastructure-ni.gov.uk/consultations](http://www.infrastructure-ni.gov.uk/consultations)

Any person may, within the period above, object to the proposal by writing to the Department at the address above or by emailing [lands.eastern@infrastructure-ni.gov.uk](mailto:lands.eastern@infrastructure-ni.gov.uk) stating the grounds of the objection.

Information you provide in your response to this consultation, excluding personal information, may be published or disclosed under the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations (EIR). If you want the information that you provide to be treated as confidential, please tell us why, but be aware that, under FOIA/EIR, we cannot guarantee confidentiality.

For information regarding the Department Privacy Notice following the introduction of GDPR please go the following link <https://www.infrastructure-ni.gov.uk/dfi-privacy> or phone the Data Protection Office on 028 90540540. For further details on confidentiality, the FOIA and the EIR please refer to [www.ico.org.uk](http://www.ico.org.uk)



**2023 No.**

**ROADS**

**The University Road, Belfast (Footway) (Abandonment) Order  
(Northern Ireland) 2023**

BCC  
DEPARTMENT FOR  
PLACE AND ECONOMY  
RECEIVED

26 JAN 2023

BELFAST PLANNING  
AUTHORITY

*Made* - - - -

2023

*Coming into operation*

2023

The Department for Infrastructure<sup>(a)</sup> makes the following Order in exercise of the powers conferred by Article 68(1) and (5) of the Roads (Northern Ireland) Order 1993<sup>(b)</sup> and now vested in it<sup>(c)</sup>.

The Department in accordance with Article 68(4) of that Order proposes to abandon the area of road described in the Schedule as it is not necessary for road traffic.

Notice has been published, served and displayed in compliance with paragraphs 1, 2 and 3 of Schedule 8 to that Order.

(Here will follow, where appropriate, recitals of the fact of any objection received or inquiry held and the outcome thereof).

**Citation and commencement**

1. This Order may be cited as the University Road, Belfast (Footway) (Abandonment) Order (Northern Ireland) 2023 and shall come into operation on 2023.

**Application**

2. The area of road described in the Schedule is abandoned.

3.—(1) All existing cables, wires, mains, pipes or other apparatus placed along, across, over or under the abandoned area of road shall be retained.

(2) All existing rights as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be preserved.

---

(a) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))

(b) S.I. 1993/3160 (N.I. 15)

(c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV



## DEPARTMENT FOR INFRASTRUCTURE

Map No. IN1/22/388586 referred to in "The University Road, Belfast (Abandonment) Order (Northern Ireland) 2023" made by the Department for Infrastructure on 2023 and coming into operation on 2023.

© Based upon the Ordnance Survey map with Permission of the Director and Chief Executive.

Crown copyright

SCALE 1:1250



Area to be abandoned

BCC  
DEPARTMENT FOR  
PLACE  
BCC ECONOMY  
PARRECEPTIVE  
ECONOMY

26 JAN 2023

BELFAST PLANNING  
SERVICE

REV	DESCRIPTION	DRAWN / CHECKED BY	DATE

**COOKSTOWN**  
3a Killycolp Road  
Cookstown, BT89 9AD  
Northern Ireland  
+44 (0)28 8676 5228  
info@wearearcan.com

**BELFAST**  
172 Tates Avenue  
Belfast, BT12 6ND  
Northern Ireland  
+44 (0)28 9590 1400  
info@wearearcan.com

JOB TITLE		JOB	
25-29 UNIVERSITY ROAD		3708	
DRAWING TITLE		DRAWING	
PROPOSED ABANDONMENT PLAN		PL-100	
SCALE	DRAWN BY	CHECKED BY	DATE
1:1250 @ A4	KT	JA	24/09/2020



# Agenda Item 4

PLANNING APPLICATIONS ISSUED BETWEEN 10 January 2023 and 31 January 2023 Total 95

Application No	Category	Location	Proposal
LA04/2020/0595/F	LOC	510m north/north west of no.33 Upper Hightown Road Ballysillan Upper Belfast BT14 8RR	Proposed installation of a wind turbine on a 60m high tabular tower and 100m high blade tip, switch room cabinet, sub-station cabinet, extension of an existing laneway to form site access and all other associated ancillary works.
LA04/2020/2210/F	LOC	35 Cromwell Road Belfast BT7 1JW.	Sub division of apartment 3 to create an additional apartment (4no. in total) (amended plans and description)
LA04/2021/0760/F	LOC	Lands at 11 Dargan Road Belfast BT3 9JU.	Change of use from Ashers Bake Shop to drive thru restaurant and reconfiguration of car park to accommodate drive thru lane/provide additional car park spaces with associated site works.
LA04/2021/1534/F	LOC	184 Stranmillis Road Belfast BT9 5DT	first floor rear extension and 2nd floor rear extension to facilitate roofspace extension (amended description)
LA04/2021/2237/PAD	LOC	NI Water Ltd Westland House 40 Old Westland Road Belfast BT14 6TE	Redevelopment of existing storage sheds, temporary office structures and yard area to provide new replacement Analytical Services Laboratories.
LA04/2021/2481/F	LOC	Lands at rear of Head Office of Ulster Supported Employment Ltd 182-188 Cambrai Street Belfast BT13 3JH	Shed for dry bale storage of recycled material (associated with adjacent recycling works, previous approved under LA04/2018/1769)
LA04/2022/0035/DC	LOC	8 Blackstaff Way Kennedy Way industrial Estate Belfast BT11 9DT	Discharge of condition no. 5 - Z/2014/1373/F and Discharge of condition no. 4 - LA04/2020/1478/F
LA04/2022/0395/LDE	LOC	4 Salisbury Street Belfast BT7 1AH.	Retention of existing short term holiday let accommodation property.
LA04/2022/0510/F	MAJ	Parklands Knocknagoney Dale Knocknagoney Belfast	Construction of 90no. apartments (change of house type from that approved LA04/2019/0025/F) with associated car parking and landscaping.
LA04/2022/0684/PAD	LOC	72-78A Connsbrook Avenue Belfast.	Demolition of existing buildings on site and erection of 11 No. apartments and ancillary/associated works.

LA04/2022/0847/F	LOC	Edgewater House Edgewater Road Belfast BT3 9JQ	Change of use from office accommodation to medical treatment facility
LA04/2022/0928/LDP	LOC	577 Lisburn Road Belfast BT9 7GS	Addition of 9-12 seats and a 3-4 tables (internal) to existing Juice Bar
LA04/2022/1176/LDE	LOC	Apt 6 Cromwell Court 110 Cromwell Road Belfast BT7 1NE.	The property has been used for short term holiday let accommodation for more than 5 years.
LA04/2022/1177/LDE	LOC	Apt 12 Cromwell Court 110 Cromwell Road Belfast BT7 1NE.	The property has been used for short term holiday let accommodation for more than 5 years.
LA04/2022/1386/RM	LOC	Site 1 Adjacent and South of 43 Colinglen Road Dunmurry Belfast BT17 0LW.	Proposed Single storey dwelling and single storey garage (Reserved Matters).
LA04/2022/1420/F	LOC	Lands to the south of T13 building Hamilton Road Titanic Quarter Belfast.	Construction of a new NIE primary substation including 2no. 33kV/11kV transformers, associated switch gear, 11kV switch room, control building, underground cables and associated site works inclusive of a boundary wall, site access and site drainage.
LA04/2022/1600/F	LOC	Units 3 & 4 Bedford House 16-22 Bedford Street Belfast BT2 7FD.	Change of use from Class A1 to hot food bar (sui generis) offering both sit-in and takeaway services and the relocation of external door.
LA04/2022/1618/A	LOC	Charles Hurst Nissan Belfast - Hurst Auto Complex 62 Boucher Road Belfast BT12 6LR.	Display of 5 internally illuminated fascia signs, display of 7 non illuminated fascia signs, display of 1 internally illuminated pylon sign.
LA04/2022/1622/A	LOC	64 Woodvale Road Belfast BT13	Retrospective shop signage to front elevation. (AMENDED)
LA04/2022/1625/F	LOC	20 Prince Edward Gardens Belfast BT9 5GD	Two storey extension to side, single storey extension to rear.

LA04/2022/1641/F	LOC	52-58 Shankill Road and vacant site to West of 52-58 Shankill Road Belfast BT13 2BB	Amendments to Planning Approval LA04/2020/2198/F (Demolition of all buildings on site and construction of new retail unit, petrol filling station, bulk fuels, parking and site works. Existing site entrance to remain unaltered) Changes to building footprint, site layout and Left hand side kerbline to existing exit to be adjusted.
LA04/2022/1724/F	LOC	8 Deramore Drive Belfast BT9 5JQ.	Demolition of existing single storey kitchen extension and garage to rear of property and construction of new single storey kitchen orangery extension.
LA04/2022/1768/LBC	LOC	Ormeau Main Gates Ormeau Road Belfast BT7 3GG.	Restoration of Ormeau Park Main Entrance Gates and Screens, and connecting Railings and Walls.
LA04/2022/1783/LBC	LOC	King Edward Building Royal Victoria Hospital Belfast HSCNI Trust 274 Grosvenor Road Belfast BT12 6BA.	Internal alteration of existing rooms to the rear of the building to convert for office use. Removal of door to allow installation of internal window into corridor. Enclosing of doors into rooms beside. Demolition of internal wall.
LA04/2022/1801/F	LOC	O'Neills Unit 45/46 Kennedy Shopping Centre 564-568 Falls Road Belfast BT11 9AE.	Proposed extension to shop unit at ground floor with internal alterations. Ancillary site works including realigned low wall and raised planting bank (Amended Description)
LA04/2022/1817/LDE	LOC	24 Chadwick Street Belfast BT9 7FD.	House in multiple occupancy (HMO).
LA04/2022/1876/F	LOC	2 Viewfort Park Belfast BT17 9JY.	2 storey extension rear of building to provide additional 4th bedroom upstairs and increased living area below.
LA04/2022/1893/F	LOC	47 Broadway Belfast BT12 6AS	Conversion of existing residential property into a house of multiple occupation to include a proposed dormer to rear.
LA04/2022/1953/LBC	LOC	Units 3 and 4 Cleaver House 56 Donegall Place Belfast BT1 5BB.	Construction of internal mezzanine floor and associated site works.
LA04/2022/1969/F	LOC	24 Irwin Crescent Belfast BT4 3AQ	Single storey side extension. Alterations to boundary with new fencing and relocation of side gate.

LA04/2022/1972/DC	LOC	Lands bounded by Little Victoria Street Bruce Street and Holmes Street Belfast	Discharge of Condition no.3 - LA04/2021/2242/F
LA04/2022/2007/F	LOC	4a Glengoland Parade Belfast BT17 0JF.	Single story rear extension.
LA04/2022/2056/F	LOC	6 Finch Grove Belfast BT9 6QH.	Single storey extension to rear of property, level access ramp to front and some internal alterations. Amendment to previous approval - extension length increased by 926mm due to location of NI Water sewer running underneath (LA04/2021/2217/F).
LA04/2022/2061/DC	LOC	57-59 &61-63 Dublin Road Belfast BT2 7HE.	Discharge of condition 13 LA04/2020/0761/F.
LA04/2022/2086/F	LOC	28 Denorrton Park Belfast BT4 1SF.	Single storey rear extension.
LA04/2020/0235/F	LOC	2 Dargan Crescent Duncrue Road Belfast BT3 9HJ	Retrospective Erection of new tyre depot with associated parking, site works and new entrance onto Duncrue Road.
LA04/2021/2571/F	LOC	On the Public Footpath Approximately 10m West to the Entrance of Arches Care Home at 144 Upper Newtownards Road Belfast County Down BT4 3EQ. NGR: 149335E 529282N.	Installation of a 17.5m Pole with 6no Antennas, 2no Ground Based Cabinets, 1no Electrical Meter Cabinet and Ancillary Equipment.
LA04/2021/2832/F	LOC	337-339 Woodstock Road Belfast BT6 8NB.	Change of use from offices to 4No. residential units including small ground floor rear extension and erection of boundary treatment to front elevation to create garden space.
LA04/2022/0130/F	LOC	Land to rear of 46 Sicily Park Belfast BT10 0AA.	Change of use and alterations from domestic garage to a self contained residential unit, associated access and landscaping.



LA04/2022/0367/RM	LOC	Lands adjoining & north of 55 & 57 Ballylesson Road & south of 9 Ballynahatty Road Belfast.	New dwelling & garage in an existing cluster (in lieu of extant outline approval LA04/2019/0355/O).
LA04/2022/0376/F	LOC	61B Boucher Crescent Belfast BT12 6HU.	Application under section 54 of the planning (Northern Ireland) Act 2011 for variation of condition 13 of planning approval Z/1998/0377 regarding bulky goods floorspace restriction to allow the floorspace within unit 61B to be used for the sale of convenience goods.
LA04/2022/0505/F	LOC	39 Glen Crescent Belfast BT11 8FB.	Domestic garage/store in side garden of dwelling.
LA04/2022/0664/LDP	LOC	Lands at Cabin Hill Campbell College Upper Newtownards Road Belfast BT4	Confirmation of proposed completion of Unit 9 will be lawful.
LA04/2022/0686/F	LOC	Ground floor 50 University Street Belfast BT7 1HB.	Amended Plans Change of use of two ground floor rooms from massage treatment rooms to cafe.
LA04/2022/0719/F	LOC	363-365 Newtownards Road Belfast.	Change of use from vacant shop to public house to facilitate extension of Prince Albert Bar and outdoor seating. Alterations to front facade to include inset balcony. (Amended description)
LA04/2022/0886/F	LOC	6 Mornington Belfast BT7 3JS	Replacement of single storey dwelling with new two storey dwelling with internal garage
LA04/2022/1029/F	LOC	56-58 Townsend Street Belfast BT13 2ES	Transcendental meditation (TM) centre on ground floor with 4no. residential units above on 1st and 2nd floors, external amenity space, bin storage and bicycle shelter.
LA04/2022/1291/F	LOC	17A Donegall Park Ave Belfast BT15 4ET.	Single storey detached garage (retrospective).
LA04/2022/1314/PAD	LOC	9 Cadogan Park Belfast BT9 6HG.	The application is for a new domestic dwelling on the site. The site currently has a granted and in date planning application for a large dwelling and it is the applicants intention to apply for permission for a smaller dwelling design to meet their specific needs in terms of accessibility.

LA04/2022/1364/F	LOC	188 Ravenhill Avenue Belfast BT6 8LJ	Proposed change of use from dwelling to house in multiple occupancy (HMO 4 Bedroom).
LA04/2022/1382/F	LOC	428 Springfield Road Belfast BT12 7DU.	Change of use from offices to Transitional Learning Facility.
LA04/2022/1446/DC	LOC	Nrs. 148-158 (Evens) Kingsway Dunmurry and Nrs. 3-11 (odds) Dunmurry Lane Belfast.	Discharge of condition 3 (Sample Materials) LA04/2017/1784/F.
LA04/2022/1447/F	LOC	31 Finaghy Road North Belfast BT10 0JA.	Retrospective amendment to previously approved dwelling and garage to include increasing garage ridge height and fenestration changes to garage. (retrospective)
LA04/2022/1475/F	LOC	Land to the rear of 230 Lower Braniel Road Belfast BT5 7NJ	Variation of condition 4 and 5 of approval LA04/2019/1728/F requesting that windows to bed 4 and 2 to be changed from obscure glass. Side window to master bed to front to be omitted.
LA04/2022/1481/LDE	LOC	Apartment 2 Cromwell Court 110 Cromwell Road Belfast BT7 1NE.	The property has been used for short term holiday let accommodation for more than 5 years.
LA04/2022/1511/F	MAJ	The Residence (Former Ballynafeigh Police Station) 332 Ormeau Road Belfast BT7 2GE.	Section 54 Application to vary Condition 17 of the previously approved application LA04/2018/1415/F which reads, "The proposed public realm works, as shown on approved plan No. 22, date stamped 27/11/18, shall be carried out prior to the occupation / operation of any part of the development hereby approved." It is proposed to introduce a new landscaping & public realm drawing, accurately reflecting those works carried out on site and in agreement with DfI Roads. Varied wording is proposed to read as, "The proposed public realm works, as shown on approved plan No. 6303 L-205 date received 3rd August 2022, shall be carried out in accordance with the approved plan.
LA04/2022/1536/F	LOC	9 Frank Street Belfast BT5 4NW.	Change of use from existing dwelling to house in multiple occupation (HMO) with single storey rear extension.

LA04/2022/1588/A	LOC	Next 40-46 Donegall Place Belfast BT1 5BB.	Replacement signage of existing to reflect new branding including ground floor fascia, first floor individually illuminated letters projecting sign, rear replacement fascia and banner.
LA04/2022/1609/F	LOC	18 Hillside Park Belfast BT9 5EL.	Demolition of existing garage and erection of single storey extension.
LA04/2022/1664/F	LOC	Land adjacent to The Orthopaedics Unit (Withers Wards) Musgrave Park Hospital Stockmans Lane Belfast BT9 7JB.	A new garden room, garden pods and glasshouse and garden office and associated hard and soft landscaping, amenity areas, pergola and water feature.
LA04/2022/1720/A	LOC	BT Riverside Tower 5 Lanyon Place Belfast BT1 3BT.	Internally suspended illuminated sign. Suspended face illuminated BT Group logo.
LA04/2022/1725/DCA	LOC	8 Deramore Drive Belfast BT9 5JQ.	Demolition of existing single storey red brick kitchen extension with flat roof, partial demolition of rear roof and demolition of existing garage.
LA04/2022/1750/A	LOC	Gable Wall of No. 145 York Road Belfast BT15 3GZ.	Wall Mounted 48 sheet advertisement display.
LA04/2022/1780/F	LOC	239 Springfield Road Belfast BT12 7DD.	Change of use from dwelling house to HMO.
LA04/2022/1784/LBC	LOC	Entrance piers to Woodvale Park 25m west of No.41 Woodvale Road Belfast.	Repair of existing stone entrance pier and gate to Woodvale Park.
LA04/2022/1829/F	LOC	5 St. James's Street Belfast BT14 6BD	Change of use from residential to short term stay accommodation (Retrospective).
LA04/2022/1896/A	LOC	52-58 Shankill Road and adjacent site to West of 52-58 Shankill Road Belfast BT13 2BB	Shop signage to building, banner signage to boundaries, fuel canopy signage and separate free standing totem sign.

LA04/2022/1897/F	LOC	138 Hazelwood Avenue Dunmurry BT17 0SZ	Single storey side extension
LA04/2022/1910/A	LOC	Lands bounded by Little Victoria Street Bruce Street and Holmes Street Belfast.	High and low level illuminated signage displaying name of operator relating to the under construction purpose built student accommodation building (PBSA).
LA04/2022/1918/LBC	LOC	43-47 University Road Belfast BT7 1ND.	Internal and External Alterations and Refurbishment works
LA04/2022/1936/F	LOC	1 Orby Mews Belfast BT5 6AN	Proposed roofspace conversion with rear dormer to provide additional bedroom.
LA04/2022/1979/F	LOC	16 Wynchurch Park Belfast BT6 0JN	Demolition of existing garage and erection of a single storey extension to the side and rear of dwelling and a separate single storey rear extension with raised patio.
LA04/2022/1993/F	LOC	57 Castlehill Road Belfast BT4 3GP	Renewal of permission LA04/2017/2060/F for a single storey side and rear extension. Roof light to rear.
LA04/2022/1996/F	LOC	Unit B2 19 Heron Road Sydenham Intake Sydenham Business Park Belfast BT3 9LE.	Change of use to B1 offices.
LA04/2022/2000/LDP	LOC	Unit 3 Hollywood Exchange 306 Airport Road West Belfast BT3 9EJ.	Vacant Restaurant Unit (Constructed Under Z/2008/0683/F) to Proposed Retail Unit (Class A1)
LA04/2022/2186/F	LOC	Unit 19 & 20 Boucher Retail Park 21-59 BOUCHER CRESCENT BALLYMURPHY BELFAST ANTRIM BT12 6HU	Facade refurbishment with new main entrance & glazing, new fascias & cladding panels and existing wall panels painted.
LA04/2022/2262/PAN	LOC	47 BOUCHER ROAD BALLYMURPHY BELFAST ANTRIM BT12 6HR	Proposed Retail Warehouse Unit with Associated Car Parking and Site Works

LA04/2022/2136/CLEUD	LOC	Flat 3, 34 RUGBY AVENUE MALONE LOWER BELFAST ANTRIM BT7 1RG	House of Multiple Occupancy (HMO)
LA04/2022/2151/CLEUD	LOC	56 DONNYBROOK STREET MALONE LOWER BELFAST ANTRIM BT9 7DD	House of multiple occupation (HMO)
LA04/2022/2154/F	LOC	33 KNOCKBRED A GARDENS GALWALLY BELFAST DOWN BT6 0HH	Demolition of existing rear return and proposed double storey side and rear extension
LA04/2022/2157/CLEUD	LOC	Flat 4, 34 RUGBY AVENUE MALONE LOWER BELFAST ANTRIM BT7 1RG	House of Multiple Occupancy (HMO)
LA04/2022/2166/CLEUD	LOC	Flat 1 100 STRANMILLIS ROAD MALONE LOWER BELFAST ANTRIM BT9 5AE	House in Multiple Occupancy (HMO)
LA04/2022/2167/CLEUD	LOC	Flat 2 100 STRANMILLIS ROAD MALONE LOWER BELFAST ANTRIM BT9 5AE	House of multiple occupancy (HMO)
LA04/2022/2170/CLEUD	LOC	Flat 3 100 STRANMILLIS ROAD MALONE LOWER BELFAST ANTRIM BT9 5AE	House of Multiple Occupancy (HMO)
LA04/2023/2325/PAN	LOC	LESLIE RETAIL PARK BOUCHER ROAD MALONE LOWER BELFAST ANTRIM BT12 6HH	Section 54 application to vary Condition 04 of Planning Permission Z/96/0985 to allow for the sale of convenience goods, non bulky comparison goods and bulky comparison goods.
LA04/2022/2180/CLEUD	LOC	90 Edinburgh Street Belfast BT9 7DS	House in multiple occupancy
LA04/2022/2185/WPT	LOC	85 Old Holywood Road Belfast BT4 2HP	Works to TPO protected trees
LA04/2022/2203/CLOPUD	LOC	38-48 CLIFTON STREET TOWN PARKS BELFAST ANTRIM BT13 1AA	Internal subdivision of existing retail premises (Class A1) to create an off-sales (Class A1)

LA04/2022/2213/CLEUD	LOC	47 Lower Windsor Avenue Belfast BT9 7DW	House of multiple occupancy (HMO)
LA04/2023/2396/PAN	MAJ	Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queen's Road.	Erection of Hotel/Aparthotel comprising Circa 135 hotel beds and 93 apart-hotel beds, restaurant / cafe/bar uses, gym, landscaped public realm, car parking and associated site and road works.
LA04/2023/2284/PAN	LOC	Land North of former Corpus Christi College, Accessed off Michael Davitts GAC grounds, via St Mary's Gardens	Proposed Michael Davitt Heritage & Community Centre, Reception, Toilets and associated Car Parking with Exhibition Signage to existing Trim Trail.
LA04/2023/2354/PAN	LOC	Police Service of Northern Ireland (PSNI) Headquarters 65 Knock Road, Belfast, BT5 6LD	Demolition of existing buildings for the construction of a new Police Museum and all associated site and access works.
LA04/2023/2431/WPT	LOC	97 MALONE ROAD MALONE LOWER BELFAST ANTRIM BT9 6SP	Complete prune with crown reductions of 30%, 2x Tilia x europea at the front of the property, to allow more light & minimise the potential risk of failure.
LA04/2023/2448/WPT	LOC	116A MALONE ROAD MALONE LOWER BELFAST ANTRIM BT9 5HQ	1. Removal of a Beech Tree 2. Reconstruction of such part of boundary wall 3. Reduction of height of Oak Tree
LA04/2023/2457/WPT	LOC	51 MYRTLEFIELD PARK MALONE LOWER BELFAST ANTRIM BT9 6NF	Works to 1 tree



## PLANNING COMMITTEE – 14 FEBRUARY 2023

### APPEALS NOTIFIED (CONTINUED)

ITEM NO 3 PAC REF: 2022/L0007

PLANNING REF: LA04/2021/2502/LDP

APPLICANT: Oakland Homes (Antrim Road) Ltd

LOCATION: 151-167 Antrim Road and 12 Hallidays Road, Belfast, BT15 2GW

PROPOSAL: Demolition of existing public house, betting office and snooker hall, completion of construction of betting office, public house, ATM and 26 No apartments as per planning approval Z/2013/1402/F

PROCEDURE:

ITEM NO 4 PAC REF: 2022/A0142

PLANNING REF: LA04/2022/0453/F

APPLICANT: Gerard Catney and Ms Katharine Corder

LOCATION: Apartment 52 (5<sup>th</sup> Floor) Citygate, 2 Sussex Place, Belfast, BT2 8LN

PROPOSAL: Change of use from residential apartment to short term holiday let accommodation

PROCEDURE:

ITEM NO 5 PAC REF: 2022/A0144

PLANNING REF: LA04/2022/0030/O

APPLICANT: Mrs Donna O'Neill

LOCATION: 9 Summerhill Gardens, Belfast, BT17 0RB

PROPOSAL: Proposed dwelling in side garden

PROCEDURE:



## PLANNING COMMITTEE – 14 FEBRUARY 2023

### APPEALS NOTIFIED (CONTINUED)

ITEM NO 6 PAC REF: 2022/A0157

PLANNING REF: LA04/2021/2519/F

APPLICANT: Fratelli Ormeau Road Limited

LOCATION: Lands at Nos 348-350 Ormeau Road, Belfast, BT7 2FZ

PROPOSAL: Variation of Condition 11 of planning application  
LA04/2018/0059/F (variation of restricted opening hours from  
11 pm to 01.00 am)

PROCEDURE:

ITEM NO 7 PAC REF: 2022/A0158

PLANNING REF: LA04/2022/0451/F

APPLICANT: Gerard Catney

LOCATION: Apartment 33 (third floor) Citygate, 2 Sussex Place, Belfast,  
BT2 8LN

PROPOSAL: Change of use from residential apartment to short term holiday  
let accommodation

PROCEDURE:

ITEM NO 8 PAC REF: 2022/A0155

PLANNING REF: LA04/2021/2842/A

APPLICANT: Mr Jason Carlisle

LOCATION: 1 Bradbury Place, Belfast, BT7 1RQ

PROPOSAL: Digital Advertising Screen

PROCEDURE:

## APPEAL DECISIONS NOTIFIED

14 FEBRUARY 2023

ITEM NO	1	PAC REF:	2021/E0049
PLANNING REF:	LA04/2019/0985/CA		
RESULT OF APPEAL:	ALLOWED		
APPLICANT:	Mr Harry Gannon		
LOCATION:	76 Bloomfield Avenue, Belfast		
PROPOSAL:	Unauthorised change of use from residential to a house in multiple occupation		

ITEM NO	2	PAC REF:	2022/A0077
PLANNING REF:	LA04/2020/1084/F		
RESULT OF APPEAL:	FINDING – NO VALID APPEAL		
APPLICANT:	McKay Dundonald Ltd		
LOCATION:	Lands to the rear of 16-48 Gilnahirk Road, Belfast		
PROPOSAL:	Erection of 2 No semi-detached dwellings and one detached dwelling with improved access arrangements, incurtilage car parking, private amenity space and ancillary development		

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

## Addendum Report Development Management Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 14 <sup>th</sup> February 2023	
<b>Application ID:</b> LA04/2021/1672/O	
<p><b>Proposal:</b></p> <p>Outline planning permission (with all matters reserved) for mixed use development on Sites A, B, C, D. Comprising up to 7,710 sqm GEA mixed use to include tourist hostel, residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise floor space (A1 or A2 or B1 or B2 or C1 or C2 or D1) units on Site A, up to 6,980 sqm GEA of Hotel (C2) floorspace on Site B, the erection of a multi-storey car park comprising of up to 231 spaces (4,130 sqm GEA) and up to 7,130 sqm GEA of employment or community (A1 or A2 or B1 or B2) floorspace on Site C and up to 1,110 sqm GEA mixed use to include residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise (A1 or A2 or B1 or B2 or D1) floorspace on Site D.</p> <p>Outline planning permission (with no matters reserved) for the erection of 94 residential dwellings (social housing). Comprising of 44 residential units on Site A and 50 residential units on Site D/NIE. Access to be provided from Raphael Street and Stewart Street respectively. Along with the provision of landscaping, parking, public open space, pumping station and associated works.</p>	<p><b>Location:</b></p> <p>Lands at the Gasworks Northern Fringe site; bounded to the north by McAuley Street Stewart Street and Raphael Street; Cromac Street to the west; the River Lagan and Belfast-Newry railway line to the east; and the Gasworks Business Park to the south.</p>
<b>Referral Route:</b> Major development.	
<b>Recommendation:</b> Approval subject to conditions and a Section 76 planning agreement	
<p><b>Applicant Name and Address:</b></p> <p>Belfast City Council and Radius Housing</p>	<p><b>Agent Name and Address:</b></p> <p>AECOM 10th Floor Clarence West Building 2 Clarence Street West Belfast BT2 7GP</p>

## Addendum Report:

### Background

The Committee should read this addendum report in conjunction with the original Committee report to the meeting on 27<sup>th</sup> June 2022, appended (**Appendix 3**).

This application was previously considered by the Planning Committee at its meeting of 27<sup>th</sup> June 2022. The Committee resolved to approve the application, granting delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and the Section 76 Planning Agreement and resolve any outstanding issues. However, the Council had to first notify the application to the Department for Infrastructure, in accordance with the Planning (Notification of Applications) Direction 2017.

The Council was required to notify the Department as a significant objection had been submitted to the application from DfC Historic Environment Division.

The Department was notified of the application on 25<sup>th</sup> July 2022. Following a request for further information from the Council, the Department issued its formal response to the notification on 7<sup>th</sup> February 2023, confirming that it does not consider it necessary for the application to be referred to it for determination. It concluded that the application does not raise issues of such importance that their impact is considered to extend to a sub-regional or regional level, and the circumstances of the case are not exceptional such as to warrant the use of the Department's "call in powers".

The Department has therefore referred the application back to the Council to determine.

A Pre-Determination Hearing is required to be undertaken in accordance with the regulations and this is scheduled before the Committee meeting.

### Updated Assessment

Since the previous Committee report, a final set of draft conditions has been drafted in discussion with the applicant. These are detailed in **Appendix 1**, below. A revised Travel Plan has been received with subsequent consultation response from DFI Roads. Final consultation responses have also been received from DAERA NIEA, NI Water and Environmental Health. Clarification has been provided from the agent on the proposed residential parking ratio and on the specific uses within the mixed use buildings on Sites A and D. As reported to at the previous Committee meeting, a total of 265 letters of representation have been received.

#### *Amended Travel Plan:*

- An amended Travel Plan was submitted on 6<sup>th</sup> October 2022, reflecting the 1 year Travel Card contribution (as presented in the previous Committee report), as opposed to the 3 years previously requested by DFI Roads.
- DFI Roads has considered this revised Travel Plan and responded on 18<sup>th</sup> October 2022. DFI Roads has reiterated its previous position that the green measures offered within the above Travel Plan are insufficient, namely the Travel Card contribution. DFI Roads are of the opinion that a three year contribution is necessary, as opposed to one year as proposed. However, as previously reported, officers advise that a 1 year Travel Card contribution is appropriate given the highly central and sustainable location of the site. This is not considered to be a significant objection.

Officers advise that although this is an outline application, the detailed elements (namely those associated with the 94 residential units on Sites A and D/NIE) are the subject of a private streets layout and thus require private streets determination. Officers have requested that DFI Roads provide PSD and any other additional conditions. Delegated is sought for the Director of Planning and Building Control to finalise the wording of the conditions.

### **Environmental Health Response**

- A final substantive response has been received from Environmental Health further to submission of additional noise information and contaminated land report.
- Environmental Health recommends that windows in habitable rooms on all residential units within Site A are capable of achieving a desired level of sound reduction and providing alternative means of ventilation. It notes previously recommended sound reduction specification for windows of bedrooms and living rooms as well as sound reduction specification of alternative means of ventilation at houses within Site D.
- It recommends acoustic fencing for all garden areas to the rear of dwellings in Sites A and D.
- The proposed foundations and floor construction of dwellings on Site D will mitigate against potential adverse vibration effects associated with the train movements on the railway line.
- In terms of the updated contaminated land report, Environmental Health recommends that a capping layer is incorporated to control the upward movement of mobile contaminants. Details to be provided in Remediation Implementation Plan, which should also include gas and vapour protection measures.

The conditions to address these issues are provided in **Appendix 1**.

### **DAERA NIEA Response**

- A final substantive response has been received from DAERA NIEA following submission of the updated contaminated land report.
- DAERA NIEA offers no objections subject to conditions relating to groundwater monitoring and identification and remediation of any unacceptable risks.

Conditions are included in **Appendix 1**.

### **NI Water Response**

- A final substantive response has been received from NI Water confirming withdrawal of its previous objection. It provides confirmation that a storm water off-setting solution has been agreed. The developer will lay separate foul and storm sewers onsite. The re-development will see areas of hardstanding currently draining to the combined sewer diverted to a dedicated storm system.

NI Water has also requested the inclusion of a Grampian condition confirming that properties cannot be occupied until after 1 July 2023 (the date when additional treatment capacity will be available at Belfast WWTW). However, officer's advise that such a condition is not necessary as the development will not be ready for occupation within such a short timeframe.

## Other Updates

The following further late items were raised at the 27<sup>th</sup> June 2022 Planning Committee meeting.

- Clarification of uses within mixed use buildings – the applicant has sought to clarify that the proposed uses within mixed use buildings on Sites A and D include community related uses, as referenced in the plans at **Appendix 2**, below.
- Clarification of residential parking ratio – clarification provided by applicant that the parking ratio would be 0.63 spaces/residential unit. This is considered acceptable in view of the highly central and sustainable location of the site, and provision of green travel measures.
- 265 representations letters received, including support for:
  - Housing and 'social components' within Sites A and D
  - Community Infrastructure
  - New connections with wider city

However, concerns have also been raised with regard to how the proposed uses on Sites B and C will be agreed and operated. Officers advise that these elements form the more indicative parts of the proposal with all matters reserved. How these uses will operate will be detailed and assessed at reserved matters stage. The uses will be as set out in the outline planning permission, if granted, and the buildings will be required to fall within the height parameters set out in the submitted design code.

## Conclusion

In conclusion, the recommendation remains to approve the application for the reasons set out in the original report to the 27<sup>th</sup> June 2022 Planning Committee and this addendum report.

It is recommended that planning permission is granted subject to conditions and that the necessary developer contributions being sought through a legal agreement between the Council as landowner and the developer/s when the site is leased/disposed of. For the avoidance of doubt, it is not possible for the Council to enter into a Section 76 planning agreement with itself as explained the previous Committee report.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and legal agreement from a land-use planning perspective.



## Appendix 1 – Draft Planning Conditions

### TIME

1. The development hereby permitted must be begun by the following, whichever is the later.
  - Five years from the date of this permission; or
  - The expiration of two years from the date of approval of the last of the reserved matters

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

### RESERVED MATTERS

2. Application/s for approval of the reserved matters in respect of all parts of the development, other than the 94 residential units across Sites A and D/NIE for which full details have been provided, shall be made to the Council within three years from the date of this permission.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

3. No development shall commence on site, other than the 94 residential units across Sites A and D/NIE, unless details of the siting, design, external appearance, means of access and landscaping (herein called "the reserved matters") 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.

Reason: This permission is in outline only and further details of the development are required under section 4(1) of The Planning (General Development Procedure) Order (Northern Ireland) 2015.

4. The reserved matters referred to in condition 3 above shall include the following:

Siting: the two dimensional location of buildings within the site.

Design: the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings: the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access: the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping: the use of the site not covered by buildings and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Reason: To enable the Council to consider in detail the proposed development of the site.

### MATERIALS

5. No external facing or roofing materials shall be applied to the 94 residential units across Sites A and D/NIE unless in accordance with a written specification of the materials, 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.

## **CONTAMINATED LAND**

6. Prior to the commencement of construction of the approved residential units on the areas of Sites A and D/NIE as defined on Drawing No. XX dated XX, a Remediation Implementation Plan shall be submitted to and approved in writing by the Council. This Remediation Implementation Plan should be based on the remediation proposals outlined in the AECOM Infrastructure & Environment UK Ltd report entitled 'Remediation Strategy, Belfast Gasworks, Radius Housing, Project number: 60635685, 9 November 2021' (Revision 0). The Remediation Implementation plan should be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance and must provide the final detail of the remediation works to be completed on the site and how they are to be verified. The development shall not be carried out unless in accordance with the approved Remediation Implementation Plan.

Reason: Protection of human health.

7. Prior to the occupation of any of the 94 residential units on Sites A and D/NIE as referred to in Condition No. 6 above, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Implementation Plan have been implemented and have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

Reason: Protection of human health.

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and approved in writing by the Council, prior to the development being occupied. If required, 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: Protection of human health.

9. At reserved matters stage a Detailed Remediation Strategy for the hotel, car park, commercial building and any of the mixed use buildings (on sites A and D/NIE) shall be submitted to and agreed in writing by the Council. This Detailed Remediation Strategy should consider the risk assessment presented within the AECOM Ltd report entitled 'Tier 2: Generic Quantitative Risk Assessment, Belfast Gasworks, Belfast City Council, Project reference: PR- 60554325\_ENV\_ACM\_RP\_003\_05, Project number: 60554325, 03 November 2021' (Revision 05). The Detailed Remediation Strategy should be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance and must provide the final detail of the remediation works to be completed on the

site and how they are to be verified. All construction thereafter must be in accordance with the approved Detailed Remediation Strategy.

Reason: Protection of human health.

10. Prior to occupation of the hotel, car park, commercial building or any of the mixed use buildings (on sites A and D/NIE), a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Detailed Remediation Strategy have been implemented and have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

Reason: Protection of Human Health.

11. No development shall commence until the applicant has submitted a groundwater monitoring plan for the development works to the Council for its agreement. The groundwater monitoring plan should include:
- Groundwater monitoring locations down hydraulic gradient of the areas of groundwater contamination,
  - Groundwater quality parameters and substances relevant to the contamination detected at the site,
  - Limits of detection for the laboratory analysis of samples,
  - A schedule of the monitoring proposed prior, during and post development works.

If potential unacceptable risks to receptors are identified Conditions Nos. 21 and 22 will apply.

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

12. After completing any remediation works under Conditions 6 and 8; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with 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. The report must also contain groundwater monitoring results.

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

## AIR QUALITY

13. At reserve matters stage an air quality impact assessment shall be submitted to and approved by the Council. The assessment should have regard to recent up-to-date guidance and best practice for air quality, such as Local Air Quality Management Technical Guidance document LAQM.TG(16) and Environmental Protection UK and the Institute of Air Quality Management, Land-use Planning & Development Control: *Planning For Air*

*Quality (January 2017).* The assessment must demonstrate that there will be no significant adverse air quality impacts or exceedances of Air Quality Strategy objectives at relevant human receptor locations, associated with the development.

Where exceedances of air quality objectives are identified at relevant human receptor locations, the AQIA shall include appropriate mitigation measures to demonstrably achieve compliance with the objectives in the development year of opening.

Reason: Protection of human health against adverse air quality impact.

## CONSTRUCTION MANAGEMENT

14. No development shall commence on sites A and D/NIE as shown on Plan No. XX dated XXXXXX (including demolition, site clearance and site preparation) unless an Environmental Construction Management Plan (CEMP) has been submitted to and approved in writing by the Council. The Environmental Construction Management Plan shall include measures to control noise, dust, vibration and other nuisance during the demolition/construction phase. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Environmental Construction Management Plan. The CEMP must also have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration.

The dust management measures shall be based on the dust risk assessment and recommendations detailed by AECOM Consultants within Chapter 6 of the Air Quality Screening Report (June 2021) and have cognisance to good practice contained within the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014.

No variations to the CEMP shall be implemented without prior written agreement of the Council and the development shall be carried out in accordance with the revised arrangements at all times.

Reason: To safeguard the amenities of the area and to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

15. No development shall commence on sites the parts of Sites A and D not covered by condition No. 14, or on B and C, as shown on Plan No. XX dated XXXXXX (including demolition, site clearance and site preparation) unless an Environmental Construction Management Plan (CEMP) has been submitted to and approved in writing by the Council. The Environmental Construction Management Plan shall include measures to control noise, dust, vibration and other nuisance during the demolition/construction phase. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Environmental Construction Management Plan. The CEMP must also have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration.

The dust management measures shall be based on the dust risk assessment and recommendations detailed by AECOM Consultants within Chapter 6 of the Air Quality Screening Report (June 2021) and have cognisance to good practice contained within the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014.

No variations to the CEMP shall be implemented without prior written agreement of the Council and the development shall be carried out in accordance with the revised arrangements at all times.

Reason: To safeguard the amenities of the area and to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

## NOISE MITIGATION

16. At reserve matters stage, development-specific noise assessments, for all aspects of the proposal with all matters reserved on sites A and D (sub-areas), B and C as shown on Plan No. XX dated XXXXXX), shall be submitted detailing the baseline noise conditions and identifying any potential noise generating sources associated with the proposals. Suitable mitigation measures shall be recommended for each subsequent block within each phase of development.

Reason: Protection against adverse noise impact and protection of residential amenity.

17. Prior to installation of windows within the hereby approved residential units of site A as defined on Plan No. XX dated XX, the applicant shall submit to the Council, for review and approval in writing, the final window schedule. The schedule shall detail the selected window configuration and sound reduction performance (both in terms of the  $R_w$  and  $R_w+C_{tr}$ ) proposed for habitable rooms on all facades of residential units. The window specification for habitable rooms shall be capable of achieving a minimum sound reduction of  $25dB_{Rw+C_{tr}}$  as determined by acoustic consultant FR Mark & Associates. The development shall be carried out in accordance with the approved details.

Reason: Protection against adverse noise impact and protection of residential amenity.

18. Prior to installation within the hereby approved residential units within Site A as defined on Plan No. XX dated XX, the applicant shall submit to the Council, for review and approval in writing, confirmation of the acoustic specification of the proposed alternative means of ventilation. The specification for the chosen means of alternative ventilation shall demonstrate that the use of the alternative means of ventilation, when open (in the case of acoustically attenuated vents) or, when operating (in the case of mechanical means of ventilation), will not compromise the recommended internal noise levels of habitable rooms during the day and at night as outlined in British Standard BS8233:2014. The development shall be carried out in accordance with the approved details.

Reason: Protection against adverse noise impact and protection of residential amenity.

19. Prior to installation of windows within the hereby approved residential units within site D/NIE as defined on Plan No. XX dated XX, the applicant shall submit to the Council, for review and approval in writing, the final window schedule. The schedule shall detail the selected window configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of residential units. The window specification shall be capable of achieving a minimum sound reduction of  $24dB_{Rw+C_{tr}}$  in living rooms and  $21dB_{Rw+C_{tr}}$  and  $34dB_{Rw}$  in bedrooms as determined and presented on page 29, table 12 of the FR Mark & Associates 'Noise and Vibration' chapter submitted in support of the proposed Outline Hybrid application (uploaded on the planning portal on the 21st July 2021). The development shall be carried out in accordance with the approved details.

Reason: Protection against adverse noise impact and protection of residential amenity.

20. Prior to installation within the hereby approved residential units of Site D/NIE as defined on Plan No. XX dated XX, the applicant shall submit to the planning Council, for review and

approval in writing, confirmation of the acoustic specification of the alternative means of ventilation. The specification for the chosen means of alternative ventilation shall demonstrate that the alternative means of ventilation, when open (in the case of acoustically attenuated vents) or, when in the operation (in the case of mechanical means of ventilation), will not compromise the recommended internal noise levels of habitable rooms during the day and at night as outlined in British Standard BS8233:2014. The development shall be carried out in accordance with the approved details.

Reason: Protection against adverse noise impact and protection of residential amenity.

21. Prior to occupation of the residential units within site A as defined on Plan No. XX dated XX, the developer shall submit a verification report to the Council demonstrating 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.

Reason: Protection against adverse noise impact and protection of residential amenity.

22. Prior to occupation of the residential units within site D/NIE as defined on Plan No. XX dated XX, a verification report shall be submitted to the Council demonstrating 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.

Reason: Protection against adverse noise impact and protection of residential amenity.

23. Prior to occupation of any residential unit within Site A as defined on Plan No XX dated XX, a 1.83m high acoustic barrier fence of a minimum self-weight of 25kg/m<sup>2</sup>, with no gaps, shall be erected along the rear boundary of those gardens at the residential units within site A as shown on the Todd Architect's drawing referenced: GSW-ACM-SW-XX-DR-LA-600001 P4 - Proposed Landscape Layout Sheet 1 'Proposed Landscape Layout – Sheet 1' Rev P4. GSW-ACM-SW-XX-DR-CT-600002 P4 - Proposed Landscape Layout Sheet 2 'Proposed Landscape Layout – Sheet 2'.

Reason: Protection against adverse noise impact and protection of residential amenity.

24. Prior to occupation of any residential unit within Site D/NIE as defined on Plan No XX dated XX, a 1.83m high acoustic barrier fence of a minimum self-weight of 25kg/m<sup>2</sup>, with no gaps, shall be erected along the rear boundary of those gardens at the residential units within site A as shown on the Todd Architect's drawing referenced: GSW-ACM-SW-XX-DR-LA-600001 P4 - Proposed Landscape Layout Sheet 1 'Proposed Landscape Layout – Sheet 1' Rev P4. GSW-ACM-SW-XX-DR-CT-600002 P4 - Proposed Landscape Layout Sheet 2 'Proposed Landscape Layout – Sheet 2'.

Reason: Protection against adverse noise impact and protection of residential amenity.

25. Prior to construction of the residential units closest to the railway line within Site D/NIE (Site Nos. X-X), the applicant shall submit to the Council, for review and approval in writing, final details of the foundations and floor construction. The details shall be accompanied with a report / statement from the acoustic consultant confirming that the proposed construction will mitigate against potential adverse vibration effects associated with the train movements on the railway line.

Reason: Protection against adverse noise impact and protection of residential amenity.

26. At reserved matters stage for the hotel, car park, commercial building and any of the mixed use buildings (on sites A and D) (as shown on Plan X, dated X), site and development-specific noise assessments shall be submitted detailing the baseline noise conditions and identifying any potential noise generating sources associated with the proposals. Suitable mitigation measures shall be recommended for each subsequent block within each phase of development.

Reason: Protection against adverse noise impact and protection of residential amenity.

## ARCHAEOLOGY

27. No works shall be carried out within Sites A and D/NIE as shown on Plan No. X dated XXXXXX (other than those required to fulfil this condition) until a programme of archaeological work (POW) has been submitted to and approved in writing by the Council.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

The development shall not be carried out within Sites A and D/NIE, unless in accordance with the approved POW.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

28. No works shall be carried out within Sites B and D (those parts not covered by condition No. 28) as shown on Plan No. XX dated XXXX (other than those required to fulfil this condition) until a programme of archaeological work (POW) has been submitted to and approved in writing by the Council.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

The development shall not be carried out unless in accordance with the approved POW.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

29. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in

accordance with the programme of archaeological work approved under condition Nos. X and X (above). These measures shall be implemented and a final archaeological report shall be submitted to Belfast City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Belfast City Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

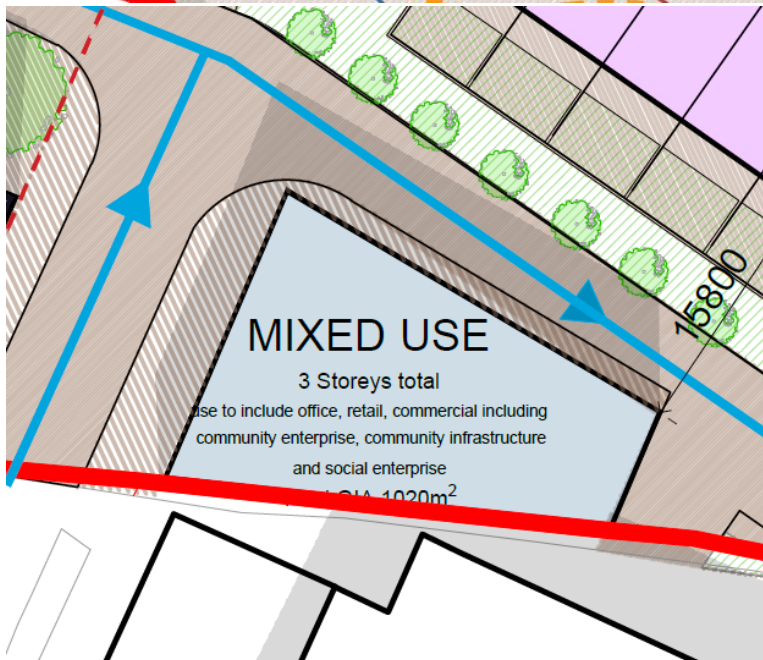
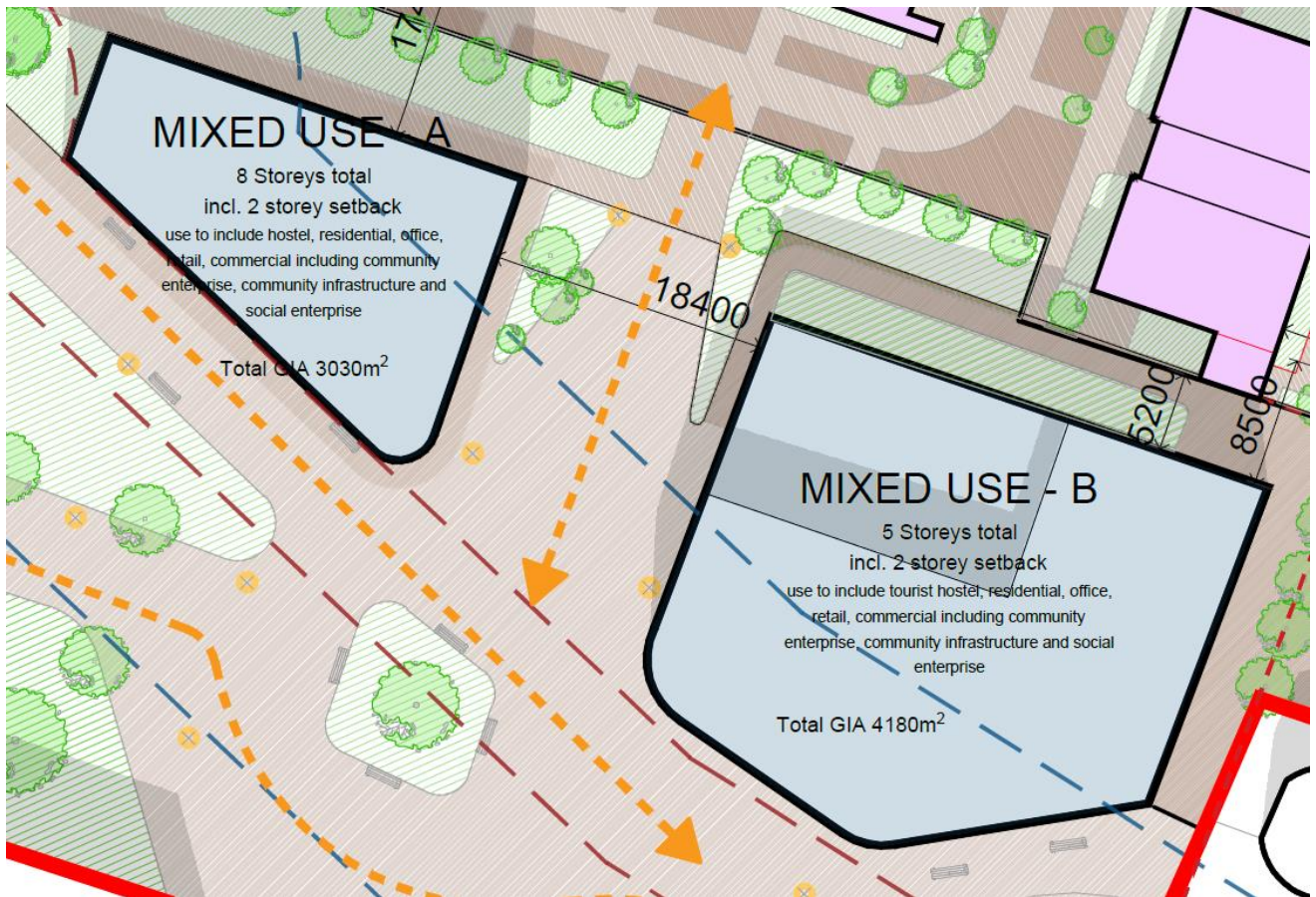
30. No piling work should commence, other than those relating to detailed approval for 94 residential units on sites A and D/NIE, until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement 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.

## **Appendix 2 – Plan showing mixed use buildings**



## Site A



## Site D

**Appendix 3 – Original report to 27<sup>th</sup> June 2021 Planning Committee**

## Development Management Report Committee Application

Summary	
<b>Committee Meeting Date:</b> Tuesday 27 June 2022	
<b>Application ID:</b> LA04/2021/1672/O	
<b>Proposal:</b> <p>Outline planning permission (with all matters reserved) for mixed use development on Sites A, B, C, D. Comprising up to 7,710 sqm GEA mixed use to include tourist hostel, residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise floor space (A1 or A2 or B1 or B2 or C1 or C2 or D1) units on Site A, up to 6,980 sqm GEA of Hotel (C2) floorspace on Site B, the erection of a multi-storey car park comprising of up to 231 spaces (4,130 sqm GEA) and up to 7,130 sqm GEA of employment or community (A1 or A2 or B1 or B2) floorspace on Site C and up to 1,110 sqm GEA mixed use to include residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise (A1 or A2 or B1 or B2 or D1) floorspace on Site D.</p> <p>Outline planning permission (with no matters reserved) for the erection of 94 residential dwellings (social housing). Comprising of 44 residential units on Site A and 50 residential units on Site D/NIE. Access to be provided from Raphael Street and Stewart Street respectively. Along with the provision of landscaping, parking, public open space, pumping station and associated works.</p>	<b>Location:</b> <p>Lands at the Gasworks Northern Fringe site; bounded to the north by McAuley Street Stewart Street and Raphael Street; Cromac Street to the west; the River Lagan and Belfast-Newry railway line to the east; and the Gasworks Business Park to the south.</p>
<b>Referral Route:</b> Application for Major development / BCC as joint applicant / BCC as landowner	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Belfast City Council and Radius Housing	<b>Agent Name and Address:</b> AECOM 10th Floor Clarence West Building 2 Clarence Street West Belfast BT2 7GP
<b>Executive Summary:</b> This is a hybrid application seeking outline planning permission for mixed use development as described above. All matters are reserved in respect of the proposed hotel, multi-storey car park,	

Class B, Class A, Class C, Class D and community uses. No matters are reserved (i.e. full details are provided) in respect of the proposed 94 residential units. The residential element is in effect an application for full planning permission, but procedurally it is an outline application.

A broad range of uses have been included in the mixed use proposals. Indicative floorplans and accommodation schedules have been provided to illustrate how the “outline elements” could be delivered to comply with the relevant planning policy framework and the proposed parameters provided on the application drawings. Outline elements include an extension to the existing Radisson Blu Hotel; a commercial building corresponding with the previously approved office block on Site C (reference: LA04/2016/2267/F); a multi-storey car park and three mixed-use buildings on Sites A and D.

The application also seeks outline planning permission (with no matters reserved) for the erection of 94 residential dwellings (social housing). Comprising of 44 residential units on Site A and 50 residential units on Site D/land owned by NIE. Access is to be provided from Raphael Street and Stewart Street respectively. Along with the provision of landscaping, parking, public open space, pumping station and associated works.

The key issues in the assessment of the proposed development are:

- Principle of development of residential and other mixed uses
- Impact on Built Heritage
- Impact on the character and appearance of the area
- Open Space Provision
- Traffic and Parking
- Impact on Amenity
- Land contamination
- Impact on Air Quality
- Noise and Odour
- Drainage and Flooding
- Waste Water Capacity
- Impact on Protected Sites
- Other Environmental Matters
- Developer Contributions
- Pre-application Community Consultation

The proposal will provide a comprehensive mixed use regeneration scheme on zoned lands within the Gasworks estate. The mix of industrial/commercial units is complimented by much needed social housing comprising 94 units, and is considered to follow the thrust of BUAP, and draft BMAP zonings for the area.

Consultation responses are summarised below.

### **Statutory consultees**

DFC Historic Environment Division – objection  
 DFI Roads – further issues need to be addressed  
 NI Water – objection  
 DAERA – awaiting response  
 Rivers Agency – no objection  
 Shared Environmental Services – no objection  
 NI Transport Holding Company – no objection  
 NIHE – supports the proposal

**Non-statutory consultations**

Environmental Health – awaiting further response  
BCC Plans and Policy team – no objection  
BCC Landscape Planning & Development Team – no objection  
BCC City Regeneration & Development – no objection  
BCC Economic Development Unit – no objection

DFC Historic Environment Division (HED) has expressed concern about the potential impact of the taller elements of the proposal on nearby listed buildings in the area. NI Water has highlighted concerns about the capacity of waste water treatment infrastructure. DFI Roads is seeking further information in terms of the submitted Travel Plan and green travel measures, including a commitment to Travel Cards, Car Club membership and Belfast Bikes membership.

One third party objection has been received, which raises issues regarding direct access from residential to non-residential uses within the site, proposed retail and potential for anti-social behaviour.

It is recommended that planning permission is granted subject to conditions and Developer Contributions being sought through a legal agreement between the Council as landowner and the developer/s when the site is leased/disposed of.

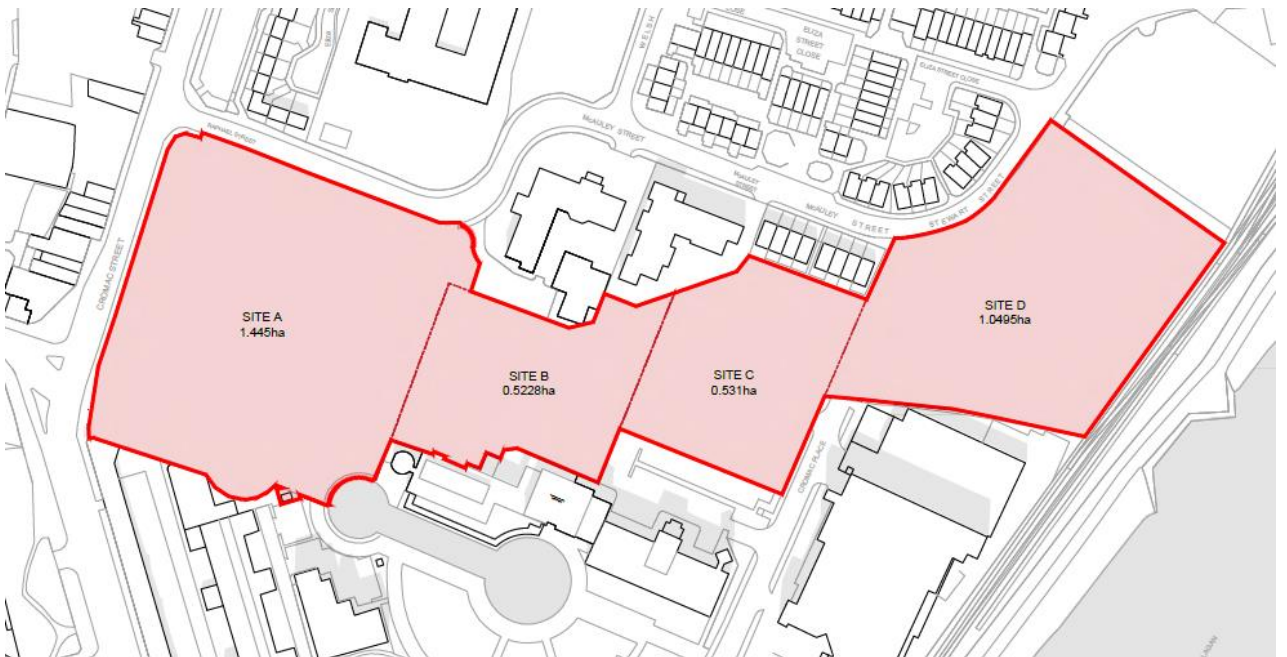
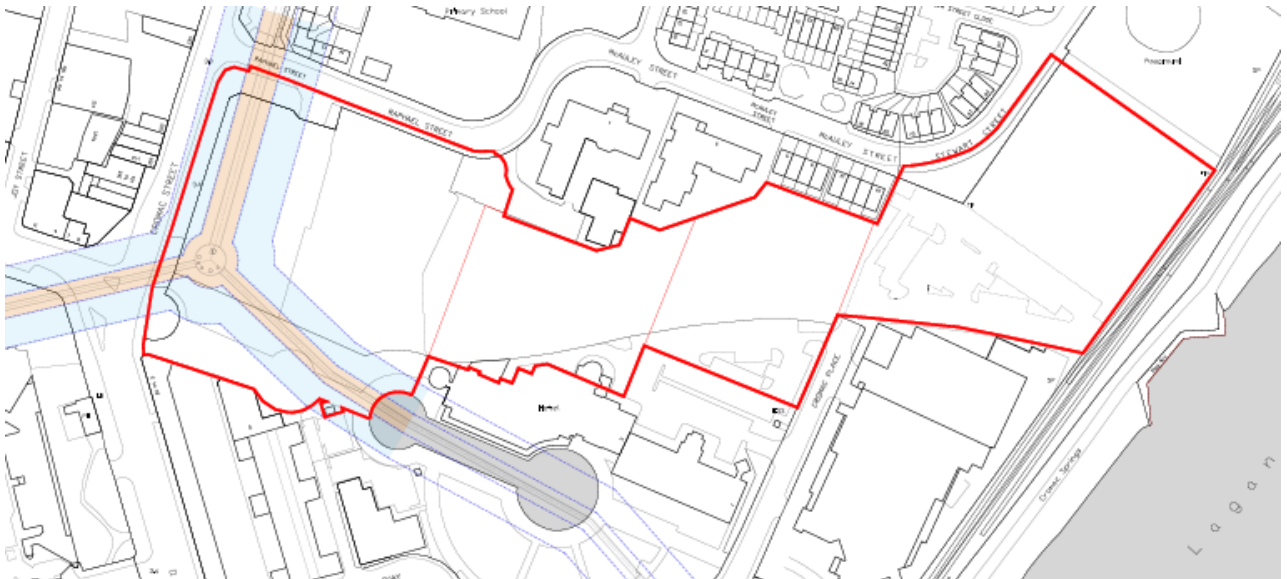
In view of the objection from DFC HED and current position of DFI Roads, the application will need to be notified to the Department for Infrastructure in accordance with the Planning (Notification of Applications) Direction 2017. Assuming that the Department does not “call in” the application, the application will then need to be subject to a Pre-Determination Hearing before further consideration by the Planning Committee.

**Signature(s):**



## Case Officer Report

### Site Location Plan and layout



The general breakdown of the scheme is described below and illustrated above:

**Site A** – Residential and Mixed Use

**Site B** – Proposed Hotel Extension

**Site C** – Commercial and Mutli-storey Car Park

**Site D** – Residential and Mixed Use



## 1.0 Description of Proposed Development

- 1.1 The application site is divided into four areas, defined on an overall “masterplan” as Site A, B, C and D, as illustrated above.
- 1.2 Although the application is in outline it is effectively a hybrid application, part “outline” and part “full”. The “outline elements” with all matters reserved relate to up to 7,710 sqm GEA mixed use to include tourist hostel, residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise floor space (A1 or A2 or B1 or B2 or C1 or C2 or D1) units on Site A, up to 6,980 sqm GEA of Hotel (C2) floorspace on Site B, the erection of a multi-storey car park comprising of up to 231 spaces (4,130 sqm GEA) and up to 7,130 sqm GEA of employment or community (A1 or A2 or B1 or B2) floorspace on Site C and up to 1,110 sqm GEA mixed use to include residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise (A1 or A2 or B1 or B2 or D1) floorspace on Site D.
- 1.3 The “full elements” (with no matters reserved) relate to the two residential sites within the overall masterplan area, one containing 44 units and accessed off Raphael Street (Site A) and the other containing 50 units and accessed off Stewart Street (Site D).
- 1.4 A breakdown of the proposed floor space is set out below.

Site/Block	Use	Gross Internal Area sqm	Net Internal Area sqm
Site A/Block A	Retail	420	336
	Office	1,260	1,050
	Residential	1,350	1,086
Site A/Block B	Tourist Hostel	4,180	3,585
Site B	4 star Hotel	6,590	102 bedrooms
Site C	Multi Storey Car Park	3,990	231 spaces
	Office	6,520	5,430
Site D	Office	1,020	880
<b>Total</b>		<b>25,330</b>	

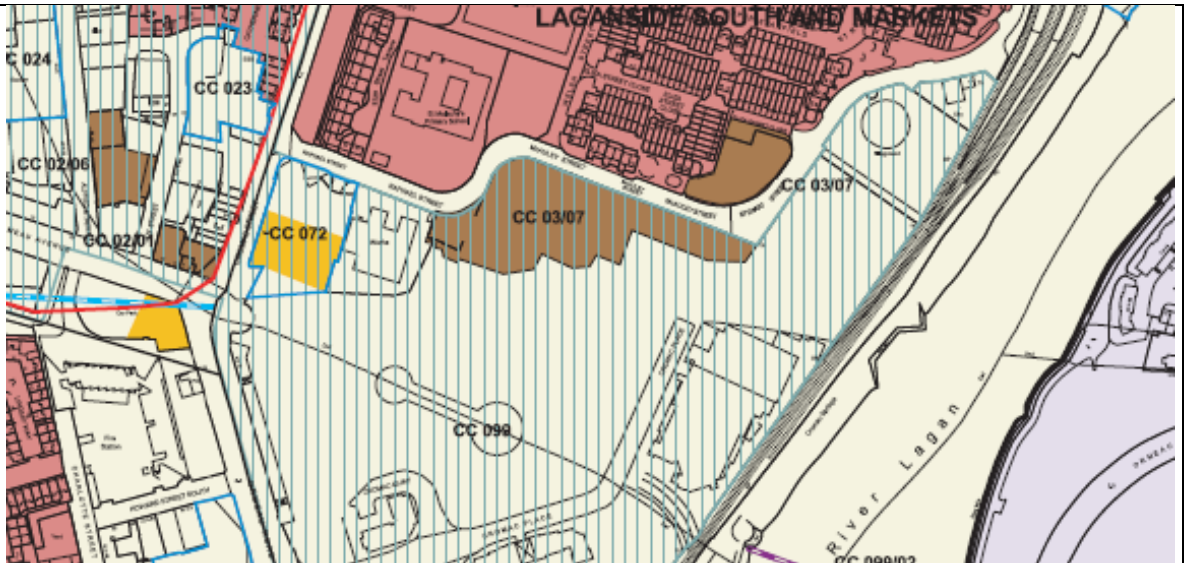
1.5	Whilst the application includes floorplans and accommodation schedules for the outline elements, these are provided for indicative purposes only. These indicate how the masterplan could be delivered. Illustrative details relating to materials, building types, and internal layouts are included within the Design Code and Design and Access Statement. Parameters plans are provided that show the maximum height of buildings.
1.6	Full details have been provided of the proposed housing in Sites A and D.
1.7	The proposal was subject to a Pre-Application Discussion although not all issues had been resolved at the point the planning application was submitted.
<b>2.0</b>	<b>Description of Site</b>
2.1	The site is previously developed (brownfield) land on the northern periphery of the city centre enclosed by roads and built form (predominantly residential to the north and commercial to the south). Cromac Street to the west leads on from Ormeau Road, and forms a junction with Ormeau Avenue. Ormeau Road is one of the main arterial routes to and from the city centre and beyond. The buildings within the Gasworks estate are located to the south of the site including Listed buildings. A railway line immediately abuts the eastern boundary of the site with the River Lagan just beyond this.
2.2	The site is relative flat and has an area of approximately 3.55 ha
2.3	Site A is a rectangular site of approximately 1.1 ha and is situated immediately adjacent to Cromac Street. It is currently used as a council staff car park and is largely enclosed by boundary mesh fencing. Housing is located to the opposite site of Raphael Street to the north. The site backs onto the Gas Works to the south.
2.4	Site B is further east and immediately to the rear of the existing Radisson hotel (6 storeys) and has an approximate area of 0.56 ha. Part of the site is currently in the hotel's demise. The current boundary to Raphael Street is comprised of metal fencing. To the north of this part of the site are 4 storey residential apartments.
2.5	Site C is located further to the east again and to the north of the existing 'Lighthouse' office building and consists partly of surface car parking and partly vacant land. It has an area of approximately 0.55 ha. To the north is three storey residential housing. Part of this site has been the subject of a recent planning approval LA04/2016/2267/F for office development, granted 15 <sup>th</sup> April 2022.
2.6	Site D currently comprises approximately 0.43ha of Council owned land, mostly used as a short stay visitors car park. The boundary to the north of this part of the site is a 2m high wall and fence which currently separates the Gasworks site from the Market residential area. An additional 0.52ha of lands owned by Northern Ireland Electricity (NIE) and is incorporated within this masterplan, separated by fencing and overgrown vegetation. The current NIE site fronts onto Stewart Street within the Market area. A play park is located to the north.
2.7	The site is not within a Conservation Officer or Area of Townscape Character. However, the Linen Conservation Area is located very close by to the west of the site, approximately 20m from its western most boundary to the other side of Cromac Street.
<b>3.0</b>	<b>Relevant Planning History</b>
3.1	Z/2001/0983/F - Reduction in car parking provision from 198 to 183 - non-compliance with condition No.2 of application Z/1999/2850/F. Permission Granted 31 <sup>st</sup> May 2001

3.2	Z/2001/2500/F - Relocation of existing 109 space ancillary car park. Permission Granted 27 <sup>th</sup> April 2002.
3.3	Z/2008/0518/F - Proposed 9-storey, 169-bed courtyard hotel incorporating restaurant, bar, dry fitness, small meeting rooms, access and servicing arrangements. Permission Granted 4 <sup>th</sup> November 2010.
3.4	LA04/2016/2267/F - Erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works at Site C. Permission Granted 15 <sup>th</sup> April 2022.
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area' Belfast Local Development Plan 2035 Draft Plan Strategy
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 – Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation Planning Policy Statement 12 – Housing in Settlements Planning Policy Statement 13 – Transportation and Landuse Planning Policy Statement 15 – Planning and Flood Risk Creating Places
<b>5.0</b>	<b>Statutory Consultees</b>  DFC Historic Environment Division – objection DFI Roads – further issues need to be addressed NI Water – objection DAERA – awaiting response Rivers Agency – no objection Shared Environmental Services – no objection NI Transport Holding Company – no objection NIHE – supports the proposal
<b>6.0</b>	<b>Other Material Considerations</b>  The Belfast Agenda BCC's Car Parking Strategy and Action Plan (Published April 2018)
<b>7.0</b>	<b>Non-Statutory Consultees</b>  Environmental Health – awaiting further response BCC Plans and Policy team – no objection BCC Landscape Planning & Development Team – no objection BCC City Regeneration & Development – no objection BCC Economic Development Unit – no objection



8.0	<p><b>Representations</b></p> <p>One third party representation has been received, expressing the following concerns.</p> <ul style="list-style-type: none"> <li>Uncontrolled access from housing onto 'non-residential' parts of the site.</li> </ul> <p><b>Officer response:</b> The two main housing areas link into the main road and public footpath network to either end of the masterplan area on Cromac Street (Site A) and Stewart Street (Site D). The most obvious link between residential and non-residential occurs at Site A but this will ensure the residents can avail of the adjacent public realm space off Cromac Place and promote this sense of a sustainable mixed use development and avoid any obtrusive visual barrier between the two parts of the site. At Site D the link is much less obvious with a narrow pedestrian linkage from Stewart Street south to the proposed central non-residential elements. These links promote connectivity and provide much needed linkages from the site and beyond to the city centre to the west through the existing housing and River to the north and east.</p> <ul style="list-style-type: none"> <li>Proposed retail uses and potential for anti-social behaviour particularly at night.</li> </ul> <p><b>Officer response:</b> the nature of the retail units, if delivered, including their detailed design and any necessary mitigation can be considered further at reserved matters stage. At this stage there is no objection in principle to retail units at this location as part of a comprehensive mixed use scheme.</p>
9.0	<p><b>PLANNING ASSESSMENT</b></p> <p><b>Development Plan Context</b></p> <p>9.1 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 consideration indicate otherwise.</p> <p>9.2 Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan. However, given the stage at which the Draft Belfast Metropolitan Area Plan (Draft BMAP) had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.</p> <p>9.3 Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the only areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.</p> <p>9.4 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</p>

	<p>(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> <p><b>Key Considerations</b></p>
9.5	<p>The key issues in the assessment of the proposed development are:</p> <ul style="list-style-type: none"> <li>• Principle of development of residential and other mixed uses</li> <li>• Impact on Built Heritage</li> <li>• Impact on the character and appearance of the area</li> <li>• Open Space Provision</li> <li>• Traffic and Parking</li> <li>• Impact on Amenity</li> <li>• Land contamination</li> <li>• Impact on Air Quality</li> <li>• Noise and Odour</li> <li>• Drainage and Flooding</li> <li>• Waste Water Capacity</li> <li>• Impact on Protected Sites</li> <li>• Other Environmental Matters</li> <li>• Developer Contributions</li> <li>• Pre-application Community Consultation</li> </ul> <p><b>Principle of Development</b></p>
9.6	<p><i>Belfast Urban Area Plan (BUAP)</i></p> <p>In the BUAP the site is zoned as part of an Area of Business Development Potential.</p>
9.7	<p>Policy IND2 of the BUAP identifies former industrial and commercial sites in the inner city as areas where urban renewal should facilitate business development. The former Gasworks site is identified as one such area. The policy goes on to state that the retention of these sites in business use will also help to locate jobs close to housing communities in the inner city. It also states that it may not be possible to retain all the land for industrial and commercial uses with the result that a mix of land uses may be more appropriate on some sites.</p>
9.8	<p>The Office Development Strategy within BUAP states that office development will be concentrated in the city centre with large scale office development directed to the Main Office Area.</p>
9.9	<p><i>Draft BMAP</i></p> <p>In draft BMAP (2004), the application site is in the City Centre (CC 001) and falls within designations CC 009 (Main Office Area), CC 017 (Laganside South and Markets Character Area) and CC 102 (Area of Parking Restraint). Part of the site to the west, along the Cromac Street frontage, is designated as a Development Opportunity Site ("DOS") (Cromac Street / Raphael Street CC 072). Zoning CC 03/07 is a committed housing site. The relevant excerpt from the proposal map is provided overleaf.</p>



- 9.10 The Public Inquiry into the draft published in 2004 ran from April 2007 to May 2008. The Planning Appeals Commission (PAC) report into the draft Plan and adoption Statement are material considerations.
- 9.11 In draft BMAP (2014), the application site is in the City Centre (CC 001) and the DOS has been removed following the PAC report and replaced with a social housing zoning (CC 04/08 - Social Housing Cromac Street / Raphael Street) for the entire application site. The site also falls within the Laganside South and Markets Character Area (CC 014) and an Area of Parking Restraint (CC 025).
- 9.12 In draft BMAP (2014), the application site is in the City Centre (CC 001) and the DOS has been removed and extent of the city centre gateway designation reduced. A social housing zoning (CC 04/08 - Social Housing Cromac Street / Raphael Street) now covers the entire application site. The site also falls within the Laganside South and Markets Character Area (CC 014) and an Area of Parking Restraint (CC 025).
- 9.13 The relevant excerpt from the proposal map is shown below:



9.14	The policies in draft BMAP (v2014) which was purported to be adopted are considered to have significant weight given the advanced stage in the development process that the draft plan had reached. Draft BMAP (v2014) is at the furthest possible stage that the draft development plan could have reached without being formally adopted.
9.15	The thrust of the BUAP and draft BMAP (v2004) is that office development is desirable in the Gasworks area. However, this has changed to a social housing zoning in dBMAP (v2014). In this case it is considered that the proposal would strike an appropriate balance between delivering high quality social housing and providing employment and community uses which would support the new housing and wider locality. It is pertinent that the NIHE is supportive of this mixed use scheme in its current form.
9.16	<p>Since parts of the site were previously used for industry, the proposed redevelopment of the site has also been assessed against Policy PED 7 of PPS 4 which states that:</p> <p><i>'On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where it is demonstrated that:</i></p> <p><i>(a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or</i></p> <p><i>(b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; or</i></p> <p><i>(c) the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location; or</i></p> <p><i>(d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or</i></p> <p><i>(e) the site is unsuitable for modern industrial, storage or distribution purposes; or</i></p> <p><i>(f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; or</i></p> <p><i>(g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity.</i></p>
9.17	It is clear that exception (b) applies here with the proposal being a mixed-use regeneration scheme that contains a significant element of economic development use and also includes social housing, which will bring substantial community benefits that outweigh the loss of land for economic development use.
9.18	The provision of much needed social housing in an area of housing stress, with a mixed of uses that will create job opportunities, is considered to be of substantial benefits to the local community. It is therefore considered that the proposed redevelopment of the site meets the requirements of PED7 of PPS4.
9.19	The previous industrial site land has over time been developed primarily as surface level car parks, a hotel (the Radisson) and more recently part of the site has been the subject of an approval for office development (Site C). This reflects the recent thrust of redevelopment for the former Gasworks Industrial site, zoned in BUAP as an Area of Business Development Potential. With the introduction of a number of uses, alongside proposed social housing, which acknowledges the most recent zoning in the Draft BMAP v2014, there is a balance to the proposed redevelopment and as such any loss of 'employment land' will be outweighed by wider community benefits, and a generous level of commercial, business and light industrial uses providing a sustainable, job creation package for a site largely vacant of any industrial or employment uses for some time. As

	such, approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally.
9.20	<p><i>Principle of Residential Use</i></p> <p>The site is located within a social housing zoning in draft BMAP (v2014), which officers advise should be given significant weight. As discussed, the proposed mix of uses is considered to sit comfortably with the BUAP zoning and the social housing zoning in the most advanced version of draft BMAP. The principle of social housing as part of the redevelopment of this mixed use masterplan area is considered acceptable and is supported by the Northern Ireland Housing Executive (NIHE) in recognition of the substantial unmet need for social housing in the area.</p>
9.21	This site sits within the Markets Common Landlord Area and the Lower Ormeau Housing Need Area (HNA), and the NIHE has confirmed that as of March 2021 there were 353 applicants in housing stress. The NIHE 'Place Shaping Team' has been working with Radius Housing Association, being the joint applicant, and has agreed a housing mix comprising 94 units, including eight wheelchair accessible units.
9.22	<p><i>Principle of Mixed Use blocks</i></p> <p>Three mixed use blocks located are proposed within masterplan area within Sites A and D. All matters are reserved for subsequent approval.</p>
9.23	<p>Site A</p> <p>The mixed use elements in Site A are located within an indicative eight storey and a five storey block located south of the residential layout. The maximum height parameters for these buildings are 30m and 23m respectively, as set out in the Design Code. The proposed uses include up to 7,710 sqm of floorspace to include tourist hostel, residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise floor space (A1 or A2 or B1 or B2 or C1 or C2 or D1) units.</p>
9.24	<p>Site D</p> <p>The mixed use block on Site D is indicatively three storeys high, with a total floor area of 1020 sqm, and is located just south of the residential layout. Its maximum proposed height parameter is 11m. The proposed uses include office, retail, commercial including community enterprise, community infrastructure and social enterprise.</p>
9.25	Policy IND2 of the BUAP identifies former industrial and commercial sites in the inner city as areas where urban renewal should facilitate business development. Given the location of the site within the city centre, its BUAP designation as an Area of Business Development Potential, and the provision as part of a wider mixed use scheme including social housing, with community benefits, and economic and community uses, the proposed mixed use blocks are considered acceptable in principle.
9.26	<p><i>Principle of Hotel Extension</i></p> <p>A 6,980 sqm maximum extension is proposed on Site B immediately to the rear of the existing Radisson Blu Hotel, comprising the following indicative elements:</p> <ul style="list-style-type: none"> <li>• Five storey bedroom block with provision for approximately 101 bedrooms and a gym</li> <li>• Three storey hotel amenity block including multi-functional room, back of house and admin.</li> </ul>
9.27	The maximum height parameter of this proposed extension would be 18m.

9.28	The hotel is an established use on the adjacent site, having been granted initial approval in 2010. The proposed heights and massing are in principle considered in keeping with the existing hotel, with a reduction in height to three storeys to the west ensuring there would be no adverse impact on the prospective residents in the proposed dwellings and namely the 5 storey apartment block located 10m to the west of the Hotel's curtilage. The final design of the hotel extension would be subject to a separate Reserved Matters application. The principle of a hotel use in this town centre location is considered acceptable.
9.29	<i>Principle of a Commercial Building</i> The proposed development on Site C includes an indicative six storey building with two storey set back, comprising a total of 7,130m <sup>2</sup> employment or community (A1 or A2 or B1 or B2) floorspace. No maximum height parameters are provided which means that height and scale are matters for subsequent approval.
9.30	The proposed six storey building corresponds with the office building approved under planning permission LA04/2016/2267/F. This previously approved proposal included a surface car park, providing approximately 79 car parking spaces on Site C. This hybrid application includes a new multi storey car park (MSCP) in place of the surface car park, which is discussed in more detail below.
9.31	In terms of impact on residential amenity, a generous separation distance of approximately 23m to the boundary of the nearest dwellings to the north should ensure no significant effect. The previously approved building on this site should also be taken into consideration and the impact is not anticipated to be any greater. The final design of the office building would be subject to a separate Reserved Matters application. The principle of an office building here is already established through the existing permission.
9.32	<i>Principle of Multi-storey car park (MSCP)</i> The proposed development on Site C also includes an indicative five storey car park with additional half storey set back, incorporating up to approximately 231 car parking spaces (4,130m <sup>2</sup> floorspace). No maximum height parameters are provided which means that height and scale are matters for subsequent approval.
9.33	The proposed MSCP has been assessed against the SPPS and Policies AMP9 and AMP10 of PPS3. The SPPS sets out the following requirements: <i>'In determining proposals for public and private car parks, including extensions, the planning authority should be satisfied that there is a need for the development by reference to the councils overall parking strategy following a robust analysis by the applicant'</i> . BCC's Car Parking Strategy and Action Plan (Published April 2018) promotes MSCPs, stating that: <i>'There should therefore be a shift away from surface car parking into multi-storeys'</i> and <i>'additional MSCPs should only be provided when a number of adjacent surface sites are closed and in consultation with adjacent communities.'</i>
9.34	There is an overall loss of 160 car parking spaces across the application site as a result of the proposed redevelopment. The MSCP seeks to facilitate the parking displaced by other development across the application site. As set out in the applicant's Transport Assessment, the need for car parking is stated to be in the range of 214-242 spaces, therefore, the 231 space MSCP would help to fulfil this requirement.
9.35	The proposed MSCP is supported by Policy CC13 of the BUAP, which encourages the provision of adequate and convenient car parking, including multi-storey car parks.
9.36	The application site is located within the Belfast City Core Area of Parking Restraint. Policy AMP 10 of PPS 3 establishes a need for proposed car parks in areas of parking

	<p>restraint to be limited to short-stay parking and to be appropriately managed to deter long stay commuter parking. Whilst some of the parking in the MSCP provides for the new development, the majority is replacement parking for vehicles already travelling to the site. Parking on parts of the Gasworks site is already managed to deter long stay, evidenced by barriers and ticket machines. It is expected that the proposed MSCP will be managed in a similar manner. It is considered that the MSCP would help address some of the loss of parking within the site, adheres to BCC's Parking Strategy and the SPPS, with the MSCP performing the same function of the existing surface car parks.</p>
9.37	<p>In terms of any potential impact on adjacent uses, there is a residential block located immediately north of the proposed MSCP. However, a 'building to building' separation distance of approximately 25m should ensure the amenity is not prejudiced to an unacceptable degree. It is also worth noting that the proposed roadway serving the buildings on Site B is not a through road and will be used only to serve the commercial building, the MSCP and the Hotel. The final design of the MSCP would be subject to a separate Reserved Matters application.</p>
9.38	<p><b>Impact on Built Heritage</b></p> <p>The application site is in close to listed buildings. HED considers that the following Listed Buildings would be impacted by the proposals:</p> <p>HB26 30 010 C The Gas Office, 4-14 Cormac Quay, Grade A  HB26 30 010 B Klondyke Building, Cormac Ave, Gasworks, Grade B1  HB26 30 010 C Meter House, The Gasworks, Ormeau Road, Grade B+  HB26 30 041 Ormeau Baths Galley, 18 Ormeau Ave, Grade B+</p>
9.39	<p>HED advises that it is content in principle with the concept of new development on this site. However, it has significant concerns relating to aspects of the development which it advises would have an adverse impact on the setting of the listed buildings.</p>
9.40	<p><u>Site A</u></p> <p>HED notes that the 2 and 3 storey residential blocks have been developed to a high level (detailed plans, elevations and sections) at this outline stage. Notably, the residential blocks which feed onto/off Raphael Street and the north west of Cromac Street associated with the Housing Association, Radius Housing.</p>
9.41	<p>HED is content with the scale and mass of the development of the detailed residential elements within the overall application site. Aspects around their materiality selection and finer detailing can be assessed and developed at (potential) later Reserved Matters stage or conditions.</p>
9.42	<p>HED notes that Site A also proposes to incorporate further development, as indicated by blocks 'Mixed Use – A' and 'Mixed Use – B' (Plot A and Plot B respectively). HED notes that these are less developed in design but the application package does present outline forms to indicate scale within contextual drawings and datum heights. Also presented is a series of 3D images (referred to as 'Scene 1-4 CGI' within the Planning Portal) from a limited number of key public views.</p>
9.43	<p>HED advises that the 3D CGI images, notably Scene 2 and Scene 4 highlight how Plots A and B would act as a completing focus from the listed building markedly via the designed views along Cromac Street towards The Gas Office (HB26 30 010 C).</p>

9.44	<p><i>Plot A – indicative 8 Storeys</i></p> <p>HED considers the indicative 8 storeys (including 2 storey setback) would have an adverse impact on the character of the listed buildings and their setting, notably The Gas Office, due to its scale, mass and height.</p>
9.45	<p>Officers advise that part of Site A was once designated as a development opportunity site in draft BMAP (v2004). This designation promoted the potential for a 6-9 storey building at this location. Admittedly the proposed 8 storey building is not at the exact location of this designation but is not far removed from it. This recognised the site's important role as a potential gateway into the city centre. In considering the appropriateness of the proposed 8 storey Plot A one must not simply focus on the existing built heritage but also the built context within the immediate vicinity of the site, most notably the 8 storey Lucas building at the junction of Ormeau Avenue and Cromac Street, a short distance west of the site at the edge of the 'Linen Quarter' Conservation Area.</p>
9.46	<p>The proposed 8 storey building is located some 60m east of the Lucas Building and would help create a gateway, and establish a degree of balance and symmetry on what is a landmark location at the junction of Ormeau Road and Ormeau Avenue. It is also noteworthy that there are existing newer developments within the Gasworks complex which have substantial height including the Radisson Blu Hotel, which is a substantial building, adjacent to Site A and to the immediate rear of Site B. This establishes an existing context of taller buildings in the area.</p>
9.47	<p>In terms of HED's position, one must consider where the main public viewpoints of the proposed building would be and how it would be read with the Listed structure in terms of their intervisibility. There are arguably three main views: the view travelling north towards the site along Ormeau Road, the view travelling east towards the site along Ormeau Avenue and the view travelling south towards the site along Cromac Street. Two of these views (travelling north and east towards site), including the proposed development, are shown below. Each view will now be discussed in turn.</p> <p><i>Travelling north along Ormeau Road</i></p>
9.48	<p>Given the bend in the road at the junction with Ormeau Avenue, when passing the Gas Office Building, one would not be aware of the development beyond it to the north and east. It is arguably the more distant views from this approach which are more critical.</p>
9.49	<p>Again, the bend in the road plays an important role in how the proposed building will be read in relation to the listed Gas Office and indeed the Gasworks area as a whole. There is doubt as to whether or not the proposed building would be visible at all from parts of this approach, certainly in terms of intervisibility with the listed building. But at best these views would be minimal and fleeting. With the proposed building being located approximately 35m to the north of the listed building at its closest point, it is not considered that the setting of the listed structure would be harmed when experienced from this this approach. Once the proposed building comes not view one is beyond the listed Gas Offices, and as such the appreciation of this building is not affected as the proposed building would not act as a competing focus.</p> <p><i>Travelling east along Ormeau Avenue</i></p>
9.50	<p>There is no doubt that this view is critical, and it will be the view from which there is the highest, and most prolonged, degree of intervisibility between the proposed 8 storey, and indeed 5 storey mixed use building, and the Gas Office Building. This is indicated in the visual below.</p>





- 9.51 The key point here is how the proposed building(s) reads within the existing built form, namely that of the 8 storey building at the junction of Ormeau Avenue and Cromac Street (on the left above). The proposed building, and the proposed 5 storey building in the backdrop, help frame this approach to the Gasworks Business Park. The two storey setback on the eight storey building is critical from this viewpoint and reduces the overall weight and massing of the structure. This undoubtedly reduces the potential impact on the setting of the listed building, whilst addressing the scale at the eastern periphery of the Linen Conservation Area and being sympathetic to this. With the Lucas Building already proving something of stark contrast to the modest two storey scale of the Gas Office Building, it is not considered that the proposed eight storey building will be of any further detriment to the setting of the building or offer any greater visual competition than that which already exists. It should also be noted that the existing context, that of a surface level car park, is not the traditional planned context of the area and thus the existing setting is somewhat alien to the original planned setting of the more established Gasworks Buildings.

*Travelling South along Cromac Street.*

- 9.52 Again, the bend in the road at the junction with Ormeau Avenue becomes critical when considering this main view, highlighted in the visual below:



9.53 It is clear that the 8 storey building will demand attention, however, this dominance will be reduced by the stepping down to 6 storeys to the east, which is visible beyond the first roadside tree above.

9.54 Although intervisible with the southern end of the Gas Office Building it can be argued that this is very much a secondary façade, with the main, and indeed longest, elevation facing onto the Ormeau Road. This façade is located around the bend of the road in the distance and as such will not be impacted by the higher buildings from this approach. Again, this building must also be considered in tandem with the Lucas Building, which although just out of picture to the right above, steps up significantly from the two storey scale of the Gas Office Building, and thus also acting as something of a competing focus on this southern transition past the western boundary of the site. Aside from the 8 storey building, it is evident that the three storey townhouses along Cromac Street will provide a strong built frontage and with a sympathetic red bricked finish will compliment the traditional finish of the Gas Office Building and are of a scale which will ensure the frontage does not detract from the setting of the listed building.

*Plot B – indicative 5 storeys*

9.55 HED states that they are minded that a 5 storey block, including a 2 storey setback, may be achievable on this plot without any significant adverse impact on the character of the listed buildings or their setting.

9.56 Again, this building should be considered in terms of the key views discussed above. And with the lower height, and its location further into the site from the main Cromac Street frontage, an even stronger argument can be made as to how this building would not compete visually with the Gas Office Building, and indeed other listed buildings in the area. In terms of the Gas Office Building the main approach in terms of key views is without doubt from Ormeau Avenue. And as stated above, with the building of a lower scale, and set further into the site, approximately 45m north-east of the listed building, it is not considered the building would appear in any way dominant or act as a competing focus to the listed building. Thus, it is considered that it would not impact negatively upon its setting.

9.57	<p><i>Impact on Historic Monuments</i></p> <p>The application site is located in an area of high historic industrial activity, including the location of the Raphael Street Pipe Works (IHR 10141), the Cromac Steam Saw Mill (IHR 10010), and the Soap Works (IHR 10006). While the above-ground structures associated with these buildings no longer exist, there is the potential for below-ground remains to survive <i>in situ</i> within the development area.</p>
9.58	<p>HED is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works, including an Industrial Archaeology survey and a mitigation strategy focussing on the industrial archaeological remains of the site. This is to identify and record any industrial archaeological remains in advance of new construction, or to provide for their preservation <i>in situ</i>, as per Policy BH 4 of PPS 6. Relevant conditions are detailed below.</p>
9.59	<p><i>Impact on the setting of the Linen Conservation Area</i></p> <p>The application site is located a short distance east of the Linen Conservation Area and as such has been assessed against Policy BH12 of PPS 6.</p>
9.60	<p>As with the listed buildings within the Gasworks site, the key views from within the Conservation Area are from Ormeau Avenue travelling west towards the site. Again, as with the discussions above, the key buildings will be the mixed use 8 storey and 5 storey buildings. As shown in the visual, it is clear that the 8 storey building takes a strong design cue from the Lucas Building located on the eastern edge of the Conservation Area. The indicative two storey setback certainly helps reduce any potential dominance from the eastwards journey from the middle of the Conservation Area towards the site and the scheme would read comfortably with those buildings on the junction of Ormeau Avenue and Cromac Street. With the further reduction in scale to the five storey mixed use building beyond, there would be a relatively smooth transition in terms of built form from the edge of the Conservation Area to the western edge of the site and beyond to the heart of the proposed scheme.</p>
9.61	<p>Similar to the argument about the impact on the setting of the Listed Gasworks Buildings, the bend in the road takes the built form away from the south-eastern corner of the conservation area, at the junction of Ormeau Avenue and Cromac Street. On the northwards approach along Ormeau Road, one would only start to read the proposal with the Conservation Area at this main junction with Ormeau Avenue. The scale and design of the housing, with three storey red-bricked townhouses onto Cromac Street, is very much reflective of the built form along the eastern edge of the Conservation Area to the other side of the road. It is considered that the character and appearance of the adjacent Linen Conservation Area would be preserved. The proposal, by reason of its nature and the location of the site, is not considered to provide opportunities for enhance of the Conservation Area.</p>
9.62	<p><b>Impact on the character and appearance of the area</b></p> <p>The proposal has been assessed against design policies in the SPPS and Policy QD1 of PPS 7.</p>
9.63	<p>The housing elements of the proposal are located on two separate sites at either end of the masterplan area, Sites A and D. These aspects of the proposal have been assessed against the detailed criteria in Policy QD1 of PPS 7, and each site will be assessed in turn below, having regard to the design analysis already undertaken in the report in the “in principle” section which considers the acceptability of the various proposed uses.</p>

	<u>Site A</u>
9.64	This site is located off Raphael Street to its north and shares a frontage with Cromac Street to the west. In terms of built context there are two storey terraced properties a short distance north of the site fronting onto the site and to Cromac Street to the west. A four storey apartment complex is located north-east of the site.
9.65	The proposed layout of Site A consists of four rows of townhouses running north to south on a loop from Raphael Street. There are two apartment blocks. One three storey fronting onto Raphael Street and one five storey located in the south-eastern corner of the site.
9.66	The town houses, two storey and three storey, would provide a strong traditional character reflective of the existing built context and indeed that of the industrial heritage of the site with their traditional design and red/ brown bricked finish. The three storey apartment block provides a strong frontage onto Raphael Street, whilst acting as a book end for the two central rows of north- south two storey back to back terraced dwellings.
9.67	One element of the layout which has given officers concerns during the design process is the fact that the proposed three storey townhouses onto Cromac Street back onto this primary route. This is a point also raised by BCC's City Regeneration and Development team. To address these concerns the design of these dwellings has been specifically tweaked to ensure a 'dual frontage' appearance. This has been accompanied by careful landscaping and boundary treatment to the rear of the dwellings, with a low wall and hedge providing a high quality frontage onto Cromac Street whilst also ensuring the private amenity areas to the rear of these dwellings is suitably protected.
9.68	The anomaly in terms of residential scale is the five storey block located in the south-eastern corner of the site. However, this scale and form again reflects that of some of the older industrial buildings that would have been found on the site and are still found in other areas of Belfast, many of which have been converted into apartments. This block also acts as something of a step to the higher 5 and 8 storey mixed use buildings to the south of the dwellings, thus enabling a smoother transition in built form from residential to non-residential, avoiding a stark contrast in height and also creating a unique character in this part of the site.
9.69	There would be two mixed use buildings, 5 storey and 8 storey, proposed to the immediate south of the residential development on Site A.
9.70	These buildings on Site A would create a strong sense of place providing landmark structures on a key nodal point close to the intersection of Ormeau Road, Cromac Street, Cromac Place and Ormeau Avenue. It is worth noting that the opportunity for a taller building along the eastern boundary of Site A was identified in the gateway designations in both versions of the draft BMAP.
9.71	The 8 storey building, with the upper two floors set back in the indicative design, would complement the Lucas Building to the other side of Cromac Street and create a strong gateway feature from what is an important arterial route to the city centre.
9.72	The proposed 5 storey building would then act as a transitional structure towards the 5 storey residential apartment block and hotel to the north and east and would be in keeping with the scale of other non-residential buildings within the Gasworks to the south
	<u>Site D</u>
9.73	As with Site A the housing is located off a loop road with five rows of terraced townhouses fronting onto the street. Again, as with Site A, three storey apartment blocks provide a strong frontage onto Stewart Street, and act as something of a book end to the

	two rows of two storey back to back housing located NW-SE in the middle of the site. The proposed row of dwellings along the southern boundary respects the established building line of the existing dwellings facing onto McAuley Street to the immediate west.
9.74	The rows of townhouses provide a strong traditional character reflective of the existing built context in the area immediately north of Site D and again that of the industrial heritage of the site with their traditional design, strong vertical emphasis and red/brown bricked finish.
9.75	An indicative 3 storey mixed use block is proposed just south-west of the residential development on Site D. Its location, form and scale would be in keeping with the site and its surroundings.
9.76	<i>Landscaping, public realm and entrances</i> The proposal includes areas of proposed public realm works, namely to Cromac Place to the south of the residential and mixed use blocks on Site A. It should be noted that the public realm proposals are outline and indicative by nature. Details of the public space would be considered in detail at reserved matters stage. The public realm works would help contribute to the overall regeneration of the area and would compliment the new landscaping within the residential Sites A and D.
9.77	HED sought clarity on the boundary treatments to the development, notably at the existing access to The Gasworks site at the junction of Cormac Street, Ormeau Road and Ormeau Ave (within Site A). The drawings show the existing access being altered, i.e. the existing curved wall, decorative pillars and gates are to be removed with the access to The Gasworks site being increased in width and being made more open.
9.78	HED highlights this design approach as a concern and a significant step away from the historic experience or understanding of this access point to The Gasworks. HED also accepts the character has altered significantly in the recent past the current access to The Gasworks at the junction of Ormeau Road, Cromac Street and Ormeau Avenue seek to retain the design ethos of 'entering' the industrial site. Therefore, HED are of the opinion the historic design character must be enhanced as part of this development opportunity. To remove the boundary edge of The Gasworks would have an adverse impact and significantly alter its character of the historic setting. It is worth noting that the entrance to Cromac Place is defined by fencing and gates. As this forms part of the outline application with matters reserved this is something which can be considered further at detailed design stage.
9.79	<b>Open Space Provision</b> The proposal has been assessed against Policies QD1 of PPS7 and OS2 of PPS8 and 'Creating Places' guidance.
9.80	<b>Site A</b> The private garden areas of the proposed residential units range from approximately 30 sqm to approximately 80 sqm per dwelling. The overall average is approximately 50 sqm per dwelling. Although this falls below the recommended 70 sqm as set out in 'Creating Places' it should be noted that this is an inner urban brownfield site on the edge of the city centre. Given the surrounding residential context it is considered that the garden spaces are generous and well above the norm in the area. As such the level of private amenity for dwellings within Site A is considered acceptable.
9.81	<b>Site D</b> The private garden areas range from approximately 45sqm to approximately 55 sqm per dwelling. The average provision is around 48 sqm per dwelling. As above this falls short

	<p>of the 70 sqm recommendation in 'Creating Places' but again, given the context of the site and the general level of private amenity provision in the area, almost 50 sqm per units is found to be acceptable.</p>
9.82	<p><i>Private communal open space</i></p> <p>Each of the two residential plots include apartments, which also require a level of private communal open space. These are provided in the form of enclosed communal gardens to the rear of the three main apartment blocks, two on Site A and one on Site D.</p>
9.83	<p><u>Site A</u></p> <p>Two three storey apartment blocks are located along the northern boundary of the site onto Raphael Street. These are served by an enclosed courtyard area measuring approximately 160 sqm to the rear. There are 9 apartments in these block, thus the level of private communal open space provision is approximately 18 sqm sqm per unit. This is above the minimum recommended 10sqm per units as set out in Creating Places and thus found to be acceptable.</p>
9.84	<p>The five storey block located in the SE corner of Site a has a total of 185 sqm of private communal space located to the rear of the building line. There are 10 apartments in this block, thus providing a total of 18.5 sqm of communal space per unit. As above this is in excess of the recommended 10 sqm per unit and as such is found to be acceptable.</p>
9.85	<p><u>Site D</u></p> <p>There are four apartment blocks located on this plot. Three at the front of the site onto McAuley Street and Stewart Street and another in the southern corner of the site. The apartments fronting onto Stewart Street have the same level of communal amenity provision as the same block on Site A, 160 sqm. With 9 apartments in these two blocks, that equates to approximately 18 sqm of amenity provision per unit, and as is the case with Site A is found to be acceptable. The other block along the site frontage has a more limited area of 'private' communal space with most of the amenity associated with this block located to the front. However, there is still approximately 50 sqm of private space to its rear, and with there only being 3 apartments in this block, ensures the level of provision is still greater than the recommended 10 sqm per unit.</p>
9.86	<p>The remaining apartment block is located in the rear corner of the site and has a generous level of open space provision adjacent to it, with approximately 225 sqm of communal space to its rear, equating to approximately 75 sqm per units for each of the three apartments in this block. This level of amenity provision well exceeds the Creating Places standards and as such is found acceptable.</p>
9.87	<p><i>Communal Open Space</i></p> <p>Policy OS2 of PPS8 requires that any residential developments in excess of 25 units, has at least 10% of the overall site area given over to communal open space. Each of the residential Plots A and D will be considered in turn.</p>
9.88	<p><u>Site A</u></p> <p>There is no central area of open space as such but a strand of landscaped space is proposed along the street frontage onto Raphael Street. The total area of this strip is approximately 270 sqm, plus two small pockets of landscaped space at the end of the terraces gable onto Raphael Street, totalling approximately 60 sqm and a landscaped strip along Cromac Street of approximately 580 sqm. The total area of the residential element of Site A is approx. 7,500 sqm, and subsequently a total of 750 sqm of communal space is required. The provision of approximately 910 sqm communal open space is therefore considered acceptable.</p>



9.89	<p><b>Site D</b></p> <p>There are three main pockets of communal open space within Plot D. Two are located along the frontage onto McAuley Street and Stewart Street, totalling approximately 580 sqm, and one located beside one of the apartment blocks in the southern corner of the Plot, approx. 170 sqm. The overall provision is approximately 750 sqm. The total area of the site is approximately 9,000 sqm, therefore a total of 900 sqm is required as per Policy OS2. Although the provision falls slightly short of the policy requirement, this must be weighed up against the level of communal space provided for the apartment blocks and the inner urban context of the site. On balance, it is considered the level of communal open space is considered to be acceptable.</p>
9.90	<p><b>Traffic and Parking</b></p> <p>The Transport Assessment submitted with the application is still under consideration by DFI Roads, however no fundamental issues have been raised to date with regard to the overall impact of the proposal on the road network. After some discussion and various amendments to the proposed residential layouts an agreement has been reached, with a more informal street layout proposed, to enhance the overall quality of the scheme and ensuring a less engineered appearance. In terms of these detailed residential aspects of the proposal the parking ratio is approximately 0.5 spaces per unit. This parking ratio is similar to other recently approved residential schemes, and indeed social housing schemes, within close proximity to the city centre and beyond.</p>
9.91	<p>In such cases it is now standard practice that a Travel Plan accompanies the applications, setting out various green travel measures that promote alternatives to the private car, and reduce reliance upon it. A Travel Plan has been proposed as part of the Transport Assessment. This proposes initiatives such as car club membership and the option of travel cards for residents, however no specific details are offered as to how the provision would be subsidised by the applicant. This is something which has been raised by DFI Roads, and it has been acknowledged in their most recent consultation response that the green travel measures as proposed are insufficient. Amongst other measures DFI Roads are seeking a three year subsidised Travel Card for every resident, three years subsidised car club membership and a three year subsidised membership of the Belfast Bikes Scheme (the site is within 400m of a docking station).</p>
9.92	<p>Discussions are ongoing with the applicant to firm up an appropriate level of green travel measures, which will ultimately be secured through relevant clauses in the legal agreement. Given the proximity of the site to the city centre, it is considered appropriate to moderate the travel cards requirement from three years to one year. Fully subsidised car club membership and Belfast Bikes membership for the first three years of occupation is considered appropriate to off-set the lower provision of parking and encourage a modal shift to more sustainable modes of transport.</p>
9.93	<p><b>Impact on amenity</b></p> <p>The proposal has been assessed against the SPPS and Policy QD1 of PPS7. Mixed use schemes with residential units proposed alongside substantial buildings, in this case three, five and eight storey buildings, will inevitably have an impact on proposed properties both within the development itself and existing properties beyond.</p>
9.94	<p>In assessing the potential impact of these larger blocks on the amenity of prospective residents on Site A shadow studies were requested and considered. It has been demonstrated that the private gardens of all proposed dwellings benefit from sunlight at some point of the day. The most significant impact on residential amenity would be on the front of some of the units within the lower floors of the five storey apartment block on Site A. These would spend most of the day in shadow. Having said this, they will still benefit from natural light and their outlook is not compromised in any way, benefiting from the</p>

	unimposing two storey terrace in front of the block across the street. On balance, the overshadowing of these three or four apartments within this block, in a scheme of 44 units, is not considered to be a fundamental issue.
9.95	On Site D the mixed use block is three storeys and given the separation distance there should be no significant loss of light or dominance experienced to the rear of the proposed dwellings backing onto this block.
9.96	It is evident that the housing layouts and positions of main windows and gables within the residential elements have been considered on the basis of the adjacent tall building, with separation distances, step downs and setbacks designed into the mixed use buildings to mitigate any overshadowing or amenity issues. No dwelling fronts directly onto any of the taller mixed use buildings with each receiving an acceptable level of natural light and sunlight both internally and externally.
9.97	In terms of the existing residential uses within the surrounding area separation distances are such that amenity should not be prejudiced to an unacceptable level as a result of any of the proposed uses or the scale or mass of any of the built form. The site is very much a standalone scheme and would relate sympathetically to neighbouring land uses.
9.98	<p><b>Contaminated Land</b></p> <p><i>Detailed Quantitative Risk Assessment (DQRA)</i></p> <p>Environmental Health has noted that the Detailed Quantitative Risk Assessment has been updated to include a section which considers the risk to adjacent residential properties. This assessment is based on the concentrations of a number of contaminants in deeper groundwater on the site and has determined an insignificant risk to off-site properties.</p>
9.99	<p><i>Remediation Strategy</i></p> <p>A Remediation Strategy has now been submitted for those aspects of the site which are subject to the outline with no matters reserved part of this hybrid application – specifically the 94 residential dwellings proposed across Site A and Site D. The report notes that prior to the commencement of site works, a detailed Remediation Implementation Plan will need to be prepared and submitted by the Contractor (or their representative) to address, in detail, the design and working methods by which the requirements of this Remediation Strategy will be implemented.</p>
9.100	A number of potential contaminant linkages have been identified on Sites A and D. A remedial options appraisal has been completed to identify the best remedial options to break the direct contact and inhalation pathway (associated with shallow soils), and the pathway associated with the migration of ground gases and volatile organic compounds into buildings.
9.101	The report notes that the sites will be subject to a regrading exercise. A clean cover capping layer is proposed for emplacement across all soft landscaped areas in sub-sites A and D/NIE. The cover layer is to comprise 600mm of clean topsoil and a permeable geo-membrane to act as a warning and prevent mixing.
9.102	The report notes that groundwater may pose a risk to site users where present at depths less than the proposed capping thickness (0.6m bgl). Environmental Health has suggested that consideration is given to the incorporation of a capillary break layer in order to help control upward movement of dissolved and/or mobile contaminants. Detail on this further assessment and on the final detailed design of the clean cover capping layer must be provided in the Remediation Implementation Plan.



9.103	The report does not provide a final design for gas and vapour protection but notes that a vapour barrier will be installed. Detail on the final detailed design of the gas and vapour protection measures and their validation must be provided in the Remediation Implementation Plan. A Remediation Implementation Plan will need to be presented prior to commencement of construction for all aspects of the site which are contained within the outline with no matters reserved part of the application. This will be the subject of a condition as detailed below.
9.104	<p><b>Impact on Air Quality</b></p> <p>The Air Quality Screening Report- Addendum, Gasworks Northern Fringe Masterplan Site, AECOM, (November 2021) has been provided to address air quality queries raised by Environmental Health. This Addendum document has been prepared primarily with regards to the 'no matters reserved' part of the planning application for 94 residential dwellings (Phase 1).</p> <p><i>Road sources</i></p> <p>9.105 The applicant has assessed the predicted impact of the proposed development on human health in terms of nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) air quality objectives.</p> <p>9.106 The predicted impacts of the proposed development on annual mean NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at all assessed receptor locations are described as negligible with no exceedances of the respective air quality objectives anticipated in the opening year of the development. Subsequently, the applicant's consultants have concluded that the impact of road vehicle exhaust emissions associated with the operation of the proposed development on local air quality is predicted to be not significant, in accordance with appropriate guidance and standards.</p> <p>9.107 Environmental Health reiterate that in accordance with the Air Quality Screening Report (AECOM, June 2021) and the Transport Assessment (TA) (AECOM, June 2021) <i>the Proposed Development would result in a minor change to traffic flows throughout the locale</i> and also that the site is well served by walking, cycling and public transport facilities. Consequently, Environmental Health conclude that estimated road transport emissions, as a result of the proposed development, are likely to have a 'negligible' impact on nitrogen dioxide and particulate matter concentrations in the local area.</p> <p><i>Railway sources</i></p> <p>9.108 The applicant's consultants have stated within the <i>Air Quality Screening Report- Addendum, Gasworks Northern Fringe Masterplan Site, AECOM, (November 2021)</i> that the potential impact of railway emissions (stationary/moving diesel locomotives) on the proposed development has been screened following the government's <i>Local Air Quality Management Technical Guidance LAQM.TG(16)</i>. The consultants have stated that although the closest part of the development to the railway is 13.5m, it is unlikely that trains will be idling directly adjacent to the development for periods of 15 minutes or more. Consequently, and in accordance with the government guidance, there is no predicted risk of exceedances of air quality objectives as a result of railway emissions.</p> <p><i>Combustion Processes</i></p> <p>9.109 It has been stated within the submitted document (<i>Air Quality Screening Report- Addendum, Gasworks Northern Fringe Masterplan Site, AECOM, November 2021</i>) that heating and hotwater provisions for the development (Phase 1) are to be provided by individual domestic boilers; it has been confirmed there is no central energy centre proposed for the site.</p>

9.110	Consequently, Environmental Health has no concerns in relation to air quality impacts from domestic combustion sources.
9.111	The consultants undertook a construction impact assessment in accordance with <i>Guidance on the assessment of dust from demolition and construction IAQM (2014)</i> .
9.112	They have defined the dust emission magnitude during earthworks, construction and trackout activities as Low-Medium and also within the Outline Construction Environmental Management Plan, it is predicted that dust impacts will be Low.
9.113	Environmental Health has recommended a condition in relation to the submission of a Construction Environmental Management Plan which will also require the dust management measures recommended by AECOM in Chapter 6 are incorporated into this Plan. This condition is detailed below.
	<b>Noise and Odour</b>
	<u>Site A and D (Housing)</u>
9.114	Site A – further information has been submitted by the acoustic consultant with additional supporting rationale to provide greater confidence that the shorter term monitoring and a robust assessment of the noise climate impacting the proposed houses.
9.115	With regard to Site D, it has been confirmed that the proposed pumping station is for storm drainage only, no foul waste to be pumped, therefore, an assessment of odour impact is no longer required. The Noise consultants have also concluded there will be no negative impact on amenity due to the operation of the pumping station.
9.116	Additional clarity has been provided around exactly what noise sources were accounted for from the railway line, confirming that during the baseline measurement noises such as signalling horns, idling engines, PA announcements, rail wheel noise etc were included in the measurements. The Noise Consultants also advise that no freight movements were noted during the several days of baseline measurements.
9.117	With regard to the noise level in external amenity areas of houses within Site D, it is advised by the Noise Consultants that a close boarded fence to a height of 1.8m and a self-weight of 25kg/m <sup>2</sup> is to be constructed at the boundary of all rear gardens of those houses that are proposed along the railway line. This proposed boundary acoustic fence between the rear gardens of Site D and the railway line will be secured via planning condition, as detailed below.
9.118	The specification for alternative means of ventilation should be clarified for these affected facades of the houses in Site D overlooking the railway. The windows to the rear facades of the houses overlooking the railway line need to be kept closed to insulate against noise ingress; therefore, an alternative means of suitable ventilation needs to be provided. Further technical information has been submitted to provide clarity on means of suitable ventilation in these windows. Final comments from Environmental Health remain outstanding, however a condition is likely to be recommended requiring the specification of windows and alternative means of ventilation to the habitable rooms of these houses on Site D be confirmed for review and approval prior to installation. Delegated authority is sought to resolve this issue.
	<b>Drainage and Flooding</b>
9.119	The proposal has been assessed against Policies FLD1, FLD2 and FLD3 of PPS 15.
9.120	The Flood Hazard Map (NI) indicates that portions of the northern boundary of the site lies within the 1 in 200 year coastal flood plain. As such, development within these areas

	is contrary to Policy FLD 1 of PPS 15, Planning but for it being deemed an exception or overriding regional importance by the Council. The proposal is considered an exception given that this is a zoned brownfield site within the city centre limits with material benefits to the economy in terms of proposed uses and provision of much needed social housing. DfI Rivers advises that 'If the Planning Authority deems this application to be an exception under Policy FLD 1', while not being responsible for the preparation of the Flood Risk Assessment accepts its logic and has no reason to disagree with its conclusions.
9.121	A culverted watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the 'Lower Blackstaff River' is located within the south-western boundary of the site. The site may be affected by undesignated watercourses of which we have no record.
9.122	Under paragraph 6.32 of Policy PPS 15, an adjacent working strip along a watercourse must be retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5m, but up to 10m where considered necessary, and be provided with clear access and egress at all times. Under 6.33 of the Policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place. DfI Rivers PAMU acknowledge the provision for a working strip has been illustrated on the most recent drainage layout. The proposed development has been specifically designed to avoid the culvert and ensure a suitable maintenance strip.
9.123	DfI Rivers has also reviewed the applicant's Drainage Assessment, dated 25th May 2021, and acknowledges the submission of additional drainage information uploaded to the planning portal on 26th Nov 2021, including Schedule 6 consent to discharge from the local DfI Rivers Area Office.
9.124	DfI Rivers has stated, that while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained through the addition of an underground online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NI Water prior to adoption.
9.125	However, in order to ensure compliance with PPS 15, DfI Rivers requests that the potential flood risk from exceedance of the network, in the 1 in 100 year event, is managed by way of a condition. A recommended condition is detailed below.
	<b>Waste Water Capacity</b>
9.126	The application proposes to dispose of foul sewage to a Northern Ireland Water Limited (NIW) sewer. The drainage assessment outlines issues with NIW accepting the foul sewage from the site due to capacity issues within the network.
9.127	NI Water has advised that no further connections should be made to the foul network. Sufficient waste water treatment capacity is not available at present for the proposed development. The public system cannot presently serve this development proposal without significant risk of environmental harm. NI Water plans to upgrade the Waste Water Treatment Works in this drainage area. While this remains subject to prioritisation

	and the availability of funding NI Water is recommending connections to the system are curtailed.
9.128	The applicant has since advised that as a result of the remodelling work there is now agreement to the storm water offsetting solution. This may change NI Water's position but for the moment they are recommending refusal for reasons stated above.
9.129	In any event, regard has to be had to the significant number of un-implemented and extant planning permissions across the city for substantial numbers of new housing, industrial and commercial floor space, which NIW has a duty to connect to. All those developments will not come forward as once and it would be unreasonable to refuse planning permission for the proposed development on the basis of this strategic fall-back.
	<b>Other Environmental Matters</b>
9.130	Due to the proximity to watercourses Water Management Unit also require a full Final Construction Environmental Management Plan (CEMP) from the appointed contractor and that it should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. This Final CEMP should include the mitigation and best practice outlined in the OCEMP document uploaded to the planning portal on 21st July 2021. An appropriate condition is detailed below.
	<b>Impact on Protected Sites</b>
9.131	Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, Shared Environmental Services (SES) has advised 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. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to mitigation measures being conditioned with the submission of a final Construction Environmental Management Plan required and details of the method of sewage disposal has been agreed with Northern Ireland Water (NIW) or a consent to discharge for private treatment plants. These conditions are detailed below.
9.132	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 25/05/2022. This found that the project would not have an adverse effect on the integrity of any European site.
	<b>Developer Contributions</b>
9.133	In this instance it is considered appropriate that the following Developer Contributions are secured to fulfil planning policy requirements and mitigate the impacts of the proposal.
9.134	<ul style="list-style-type: none"> <li>• Securing the residential units as affordable housing in view of the dBMAP zoning;</li> <li>• Securing the implementation of the travel plan and green travel measures including travel cards for each residential unit for one year; full membership of a car club for each residential unit for three years; and full membership of Belfast Bikes for each residential unit for three years;</li> <li>• Management of the open space and common parts of the site</li> </ul>

9.135	The Council's Economic Development Unit has advised that an Employability and Skills Developer Contribution is not required on the basis that the contract for redevelopment is subject to Buy-Social considerations. It is understood that the Council would insist on social clauses as part of its transaction to lease or dispose of the site.
9.136	The Council controls the application site and it is not possible for the Council to enter into a Section 76 planning agreement with itself. Therefore, the above planning obligations will need to form part of a legal agreement in respect of the Council's leasing or disposal of the land which will require those obligations to be delivered. This same approach was used in respect of the planning permission for the office building on Site C (LA04/2016/2267/F).
9.137	<p><b>Pre-application Community Consultation</b></p> <p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p>
9.138	Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2017/1900/PAN) was submitted to the Council on 17 <sup>th</sup> August 2017.
9.139	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.
9.140	<p>A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <ul style="list-style-type: none"> <li>• Two 'open house' public drop-in events were carried out as part of the consultation process. The first open house event took place on Friday 10th November 2017 at Cromac Regeneration Initiative, Donegall Pass, Belfast. The second took place on Friday 24th November 2017 at the Radisson Blu Hotel, Cromac Place.</li> <li>• The material shown at the open house events was also placed on public exhibition at the Ground Floor of the Cecil Ward Building at 4-10 Linenhall Street, Belfast from Monday 13th November 2017 to Friday 9th February 2018.</li> <li>• The project team held four individual workshops with the following identified stakeholders: <ul style="list-style-type: none"> <li>➤ Market Development Association - Markets Community Centre (11th January 2018)</li> <li>➤ Donegall Pass Community Forum - Donegall Pass Community Centre (25th January 2018)</li> <li>➤ Gasworks Estate tenants - Radisson Blu Hotel (13th February 2018)</li> <li>➤ Lower Ormeau Resident's Action Group - Shaftsbury Community &amp; Recreation Centre (21st February 2018).</li> </ul> </li> <li>• In addition, the applicants held three meetings with representatives from the Market Development Association on 30th July 2020, 26th January 2021 and 26th February 2021.</li> <li>• Notification of the webinar was advertised in the Belfast Telegraph and The Irish News on 16<sup>th</sup> October 2017.</li> <li>• The PAN was circulated to a number of Councillors and MLAs.</li> </ul>

<p>9.141</p> <p>9.142</p> <p>9.143</p>	<ul style="list-style-type: none"> <li>• Leaflets inviting people to the drop in webinars were distributed to approximately 7,000 properties in the vicinity of the site.</li> </ul> <p>In total, 61 feedback forms were returned. 48% did not agree with the overall regeneration proposals. Concerns were raised about the proximity of the 'gateway' building on Site A to proposed housing. Concerns were also expressed about the on-street parking layout and green spaces. General concerns were raised around the private commercial proposals at the expense of social housing (on social housing zoning).</p> <p>In response to these concerns the level of social housing provision was increased and the proposed 94 units have met with the full support of the NIHE. The amount of commercial/ mixed use floor space was reduced to make way for the additional housing. In terms of the heights of the mixed use buildings and potential proximity issues, there has been a two storey stepping in on the upper floors of both the 5 storey and 8 storey buildings on Site A.</p> <p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p> <p>10.3</p>	<p><b>Summary of Recommendation:</b></p> <p>The proposal would provide a comprehensive mixed use redevelopment and regeneration of zoned lands within the Gasworks Estate. The mix of industrial/commercial units is complimented by much needed social housing provision of 94 units, and follows the thrust of BUAP, and draft BMAP zonings for the area. Having regard to the Development and relevant material considerations, the proposal is considered acceptable.</p> <p>It is recommended that planning permission is granted subject to conditions and a completion of a planning agreement.</p> <p>In view of the objection from DFC HED and current position of DFI Roads, the application will need to be notified to the Department for Infrastructure in accordance with the Planning (Notification of Applications) Direction 2017. Assuming that the Department does not "call in" the application, the application will then need to be subject to a Pre-Determination Hearing before final consideration by the Planning Committee.</p>
<p>11.0</p>	<p><b>DRAFT CONDITIONS</b></p> <p>31. The development hereby permitted must be begun by the following, whichever is the later.</p> <ul style="list-style-type: none"> <li>• Five years from the date of this permission; or</li> <li>• The expiration of two years from the date of approval of the last of the reserved matters</li> </ul> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p> <p>32. Application/s for approval of the reserved matters in respect of all parts of the development, other than the 94 residential units across Sites A and D for which full details have been provided, shall be made to the Council within three years from the date of this permission.</p> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p>

	<p>33. No development shall commence on site, other than the 94 residential units across Sites A and D, unless details of the siting, design, external appearance, means of access and landscaping (herein called "the reserved matters") 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.</p> <p>Reason: This permission is in outline only and further details of the development are required under section 4(1) of The Planning (General Development Procedure) Order (Northern Ireland) 2015.</p> <p>34. The reserved matters referred to in condition 3 above shall include the following:</p> <p>Siting: the two dimensional location of buildings within the site.</p> <p>Design: the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.</p> <p>External appearance of the Buildings: the colour, texture and type of facing materials to be used for external walls and roofs.</p> <p>Means of Access: the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.</p> <p>Landscaping: the use of the site not covered by buildings and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.</p> <p>Reason: To enable the Council to consider in detail the proposed development of the site.</p> <p>35. No external facing or roofing materials shall be applied to the 94 residential units across Sites A and D unless in accordance with a written specification of the materials, which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>36. Prior to the commencement of construction of the approved residential units on Sites A and D/NIE, a Remediation Implementation Plan shall be submitted to and approved in writing by the Council. This Remediation Implementation Plan should be based on the remediation proposals outlined in the AECOM Infrastructure &amp; Environment UK Ltd report entitled 'Remediation Strategy, Belfast Gasworks, Radius Housing, Project number: 60635685, 9 November 2021' (Revision 0). The Remediation Implementation plan should be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance and must provide the final detail of the remediation works to be completed on the site and how they are to be verified. The development shall not be carried out unless in accordance with the approved Remediation Implementation Plan.</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Reason: Protection of human health.

37. Prior to the occupation of any of the 94 residential units on Sites A and D/NIE, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Implementation Plan have been implemented and have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

Reason: Protection of human health.

38. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and approved in writing by the Council, prior to the development being occupied. If required, 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: Protection of human health.

39. At reserve matters stage the applicant shall provide to and have agreed in writing by the Council, a Detailed Remediation Strategy for the hotel, car park, commercial building or any of the mixed use buildings. This Detailed Remediation Strategy should consider the risk assessment presented within the AECOM Ltd report entitled 'Tier 2: Generic Quantitative Risk Assessment, Belfast Gasworks, Belfast City Council, Project reference: PR- 60554325\_ENV\_ACM\_RP\_003\_05, Project number: 60554325, 03 November 2021' (Revision 05). The Detailed Remediation Strategy should be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance and must provide the final detail of the remediation works to be completed on the site and how they are to be verified. All construction thereafter must be in accordance with the approved Detailed Remediation Strategy.

Reason: Protection of human health.

40. Prior to occupation of the hotel, car park, commercial building or any of the mixed use buildings, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Detailed Remediation Strategy have been implemented and have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

Reason: Protection of Human Health.

41. At full or reserve matters stage the applicant shall include an air quality impact assessment. The assessment should have regard to recent up-to-date guidance and best practice for air quality, such as Local Air Quality Management Technical



Guidance document LAQM.TG(16) and Environmental Protection UK and the Institute of Air Quality Management, Land-use Planning & Development Control: *Planning For Air Quality (January 2017)*. The assessment must demonstrate that there will be no significant adverse air quality impacts or exceedances of Air Quality Strategy objectives at relevant human receptor locations, associated with the development.

Where exceedances of air quality objectives are identified at relevant human receptor locations, the AQIA shall include appropriate mitigation measures to demonstrably achieve compliance with the objectives in the development year of opening.

Reason: Protection of human health against adverse air quality impact.

42. No development shall commence on site (including demolition, site clearance and site preparation) unless an Environmental Construction Management Plan (CEMP) has been submitted to and approved in writing by the Council. The Environmental Construction Management Plan shall include measures to control noise, dust, vibration and other nuisance during the demolition/construction phase. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Environmental Construction Management Plan. The CEMP must also have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration.

The dust management measures shall be based on the dust risk assessment and recommendations detailed by AECOM Consultants within Chapter 6 of the Air Quality Screening Report (June 2021) and have cognisance to good practice contained within the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014.

No variations to the CEMP shall be implemented without prior written agreement of the Council and the development shall be carried out in accordance with the revised arrangements at all times.

Reason: To safeguard the amenities of the area and to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

43. At reserve matters stage, development-specific noise assessments, for all aspects of the proposal with all matters reserved, shall be submitted detailing the baseline noise conditions and identifying any potential noise generating sources associated with the proposals. Suitable mitigation measures shall be recommended for each subsequent block within each phase of development.

Reason: Protection against adverse noise impact and protection of residential amenity.

44. No works shall be carried out (other than those required to fulfil this condition) until a programme of archaeological work (POW) has been submitted to and approved in writing by the Council.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;

	<ul style="list-style-type: none"> <li>• Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;</li> <li>• Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and</li> <li>• Preparation of the digital, documentary and material archive for deposition.</li> </ul> <p>The development shall not be carried out unless in accordance with the approved POW.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p> <p>45. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition No. 14. These measures shall be implemented and a final archaeological report shall be submitted to Belfast City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Belfast City Council.</p> <p>Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.</p> <p>46. Prior to the commencement of any of the approved development, the applicant must demonstrate how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161, in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere.</p> <p>Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.</p> <p>47. Prior to occupation of any residential units within Site D a close boarded fence to a height of 1.8m (as shown on drawing No. GSW-ACM-SW-XX-DR-LA-600002 Rev.4 dated My 2022), and a self-weight of 25kg/m<sup>2</sup>, shall be constructed at the boundary of all rear gardens of those houses that are proposed along the railway line and thereafter retained at all times.</p> <p>Reason: In the interests of residential amenity.</p> <p>48. No residential unit hereby approved on Sites A and D shall be occupied or operated unless details of covered bicycle storage has been submitted to the Council, and approved in writing. The covered bicycle storage shall be retained in accordance with the approved details at all times</p> <p>Reason: To ensure adequate provision and availability of cycle parking and to encourage sustainable travel.</p>
12.0	Notification to Department (if relevant) Yes – Objections from statutory consultees (HED and NI Water)
13.0	Representations from elected members: None received
Neighbour Notification Checked <span style="float: right;">Yes</span>	

ANNEX	
<b>Date Valid</b>	18th June 2021
<b>Date First Advertised</b>	30th July 2021
<b>Date Last Advertised</b>	30 <sup>th</sup> July 2021
<b>Details of Neighbour Notification</b> (all addresses) 106 Joy Street,Belfast,Antrim,BT2 8AP 11 Mcauley Street,Belfast,Antrim,BT7 2BU 12 Eliza Street Terrace,Belfast,Antrim,BT7 2AX 12 Stewart Street,Belfast,Antrim, 124a Joy Street,Belfast,Antrim,BT2 8LG 128a, Eglantine Avenue, Belfast, Antrim, Northern Ireland, BT9 6EU 13 Eliza Street Terrace,Belfast,Antrim,BT7 2AX 13 Mcauley Street,Belfast,Antrim,BT7 2BU 14 Eliza Street Terrace,Belfast,Antrim,BT7 2AX 15 Mcauley Street,Belfast,Antrim,BT7 2BU 153 Cromac Street,Belfast,Antrim,BT2 8JE 155 Cromac Street,Belfast,Antrim,BT2 8JE 157 Cromac Street,Belfast,Antrim,BT2 8JE 161-165 ,Cromac Street,Belfast,Antrim,BT2 8JE 167 Cromac Street,Belfast,Antrim,BT2 8JE 169 Cromac Street,Belfast,Antrim,BT2 8JE 17 Mcauley Street,Belfast,Antrim,BT7 2BU 18 Mcauley Street,Belfast,Antrim,BT7 2BW 19 Mcauley Street,Belfast,Antrim,BT7 2BU 2-6 Unit 6,Raphael Street,Belfast,Antrim,BT7 2DD 20 Mcauley Street,Belfast,Antrim,BT7 2BW 22 Mcauley Street,Belfast,Antrim,BT7 2BW 24 Cromac Place,Belfast,Antrim,BT7 2JB 3 Cromac Place,Belfast,Antrim,BT7 2JB 42-54 ,Raphael Street,Belfast,Antrim,BT7 2DD 5 Cromac Quay,Belfast,Antrim,BT7 2JD 5 Mcauley Street,Belfast,Antrim,BT7 2BU 57 Stewart Street,Belfast,Antrim,BT7 2BT 59 Stewart Street,Belfast,Antrim,BT7 2BT 61 Stewart Street,Belfast,Antrim,BT7 2BT 63 Stewart Street,Belfast,Antrim,BT7 2BT 65 Stewart Street,Belfast,Antrim,BT7 2BT 67 Stewart Street,Belfast,Antrim,BT7 2BT 69 Stewart Street,Belfast,Antrim,BT7 2BT 7 Mcauley Street,Belfast,Antrim,BT7 2BU 71 Stewart Street,Belfast,Antrim,BT7 2BT 73 Stewart Street,Belfast,Antrim,BT7 2BT 9 Mcauley Street,Belfast,Antrim,BT7 2BU	

Apartment 1,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 1,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 1,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 10,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 10,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 10,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 11,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 11,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 11,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 12,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 12,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 12,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 13,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 13,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 14,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 14,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 15,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 15,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 16,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 16,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 17,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 18,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 19,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 2,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 2,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 2,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 20,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 21,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 22,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 23,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 24,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 25,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 26,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 27,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 28,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 29,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 3,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 3,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 3,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 30,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 31,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 32,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 33,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 34,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 35,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 36,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 37,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 38,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 39,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 4,10 Stewart Street,Belfast,Antrim,BT7 2BL

Apartment 4,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 40,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 41,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 42,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 43,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 44,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 45,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 5,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 5,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 5,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 6,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 6,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 6,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 7,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 7,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 7,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 8,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 8,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 8,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Apartment 9,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Apartment 9,10 Stewart Street,Belfast,Antrim,BT7 2BL  
 Apartment 9,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN  
 Central Fire Station,6 Bankmore Street,Belfast,Antrim,BT7 1AQ  
 Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BW  
 First Floor Flat,106 Joy Street,Belfast,Antrim,BT2 8AP  
 Flat 1, 19 Raphael Street,Belfast,Antrim,BT7 2DD  
 Flat 1,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 1,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 10,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 10,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 101,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 102,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 103,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 104,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 105,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 106,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 107,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 11,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 11,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 12,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 12,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 13,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 14,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 15,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 15,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 16,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 16,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 17,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 17,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 18,1 Mcauley Street,Belfast,Antrim,BT7 2BP

Flat 18,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 19,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 19,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 2, 19 Raphael Street,Belfast,Antrim,BT7 2DD  
 Flat 2,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 2,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 20,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 20,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 201,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 202,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 203,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 204,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 205,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 206,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 207,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 21,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 21,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 22,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 22,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 23,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 23,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 24,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 24,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 25,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 25,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 26,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 26,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 27,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 27,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 28,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 28,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 29,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 29,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 3,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 3,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 30,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 30,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 301,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 302,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 303,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 304,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 305,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 306,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 307,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 31,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 31,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 32,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 32,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 33,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 33,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ

Flat 34,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 34,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 35,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 35,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 36,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 36,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 37,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 37,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 38,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 38,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 39,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 39,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 4,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 40,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 40,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 401,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 402,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 403,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 404,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 405,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 406,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 407,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 41,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 41,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 42,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 42,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 43,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 44,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 45,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 5,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 5,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 501,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 502,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 503,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 504,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 505,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 506,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 507,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 6,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 6,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 601,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 602,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 604,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 605,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 606,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 607,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 7,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 7,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 701,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 702,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB

Flat 703,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 704,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 705,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 706,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 707,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB  
 Flat 8,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 8,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Flat 9,1 Mcauley Street,Belfast,Antrim,BT7 2BP  
 Flat 9,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ  
 Office (Gd Floor),135 Cromac Street,Belfast,Antrim,BT2 8JE  
 St Malachys Primary School,1 Eliza Street,Belfast,Antrim,BT7 2BJ  
 Suite 1 (1st Floor - Front),135 Cromac Street,Belfast,Antrim,BT2 8JE  
 Suite 2 (1st Floor - Side),135 Cromac Street,Belfast,Antrim,BT2 8JE  
 Suite 3 (1st Floor - Rear),135 Cromac Street,Belfast,Antrim,BT2 8JE  
 Suite 4 (2nd Floor - Front),135 Cromac Street,Belfast,Antrim,BT2 8JE  
 Suite 5 (2nd Floor - Rear),135 Cromac Street,Belfast,Antrim,BT2 8JE  
 Suite 6 (3rd Floor),135 Cromac Street,Belfast,Antrim,BT2 8JE  
 The Lighthouse,1 Cromac Place,Belfast,Antrim,BT7 2JB  
 Unit 1 ,Raphael Street,Belfast,Antrim,BT7 2DD  
 Unit 2-6,Raphael Street,Belfast,Antrim,BT7 2DD

<b>Date of Last Neighbour Notification</b>	28th July 2021
--------------------------------------------	----------------

<b>Date of EIA Determination</b>	N/A
----------------------------------	-----

<b>ES Requested</b>	No
---------------------	----

**Notification to Department (if relevant)**

Date of Notification to Department:  
 Response of Department:



Development Management Report Addendum Report	
<b>Committee Meeting Date:</b> 14 <sup>th</sup> February 2023	<b>Item Number:</b>
<b>Application ID:</b> LA04/2022/1284/F	
<b>Proposal:</b> Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.	<b>Location:</b> Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east) Belfast BT1 2JE.
<b>Referral Route:</b> Major Planning Application	
<b>Recommendation:</b> Approval	<b>Approve - Subject to Condition and a Section 76 Agreement</b>
<b>Applicant Name and Address:</b> Mandeville Developments NI Ltd	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2
<b><u>ADDENDUM REPORT</u></b>  This application was previously considered by the Planning Committee on 17 January 2023. At the January Planning Committee, it was resolved to defer the application to enable consideration of a late report from the Council's City Regeneration and Development Unit, which includes reference to the Inner Northwest Masterplan.  Members should read this Addendum Report in conjunction with the original full detailed planning report attached below (Appendix 1)  A Committee Site Visit took place on 2 <sup>nd</sup> December 2022.  Since the initial report was completed, 1 letter of objection has been received, and consultation responses have been received from BCC Urban Design Officer, Shared Environmental Services, DFI Roads and BCC City and Regeneration Team. Further technical information was also received from the Planning Agent in response to DFI Rivers' queries in relation to storm water and allowance for urban expansion and climate change in drainage modelling.  An additional 83 residents were also notified (errors in accuracy of postal addresses originally pulling through from previous planning portal).  The issues raised in the objection letter will be addressed followed by a summary of the consultation responses.	

### 1. Third Party Objection

- The objection letter raises the following points of concern:
- **Need for further student accommodation in an area where student accommodation is plentiful.**
- A Need for student accommodation was part of the initial assessment of the proposed development and officers are satisfied that a need for the PBMSA has been adequately demonstrated. The issue of Need is discussed further below in light of recent input from BCC Local Development Plan Team (Appendix 2). The site also lies within a Houses in Multiple Occupation (HMO) Development Node (Number 4/17 'Scotch Quarter' (as designated in the adopted Houses in Multiple Occupation (HMO's) Subject Plan for Belfast City Council Area 2015, and PBMSA is considered a form of HMO development. Policy HMO 3 of the HMO Subject Plan states that HMO development will be granted along HMO node frontages. All four sides of the proposed building lie within HMO frontages.
- **No real benefits to the local community, and noise pollution experienced from neighbouring Alma Place PBMSA (Library Street).**
- Community benefits are not a planning policy requirement for PBMSA applications. However, officers are of the opinion that the proposal, with appropriate management procedures in place and secured via a Section 76 planning agreement, will not result in any significant detriment to local residents by way of noise or general disturbance. In addition, Environmental Health has no objection in terms of noise/ disturbance.
- **Reduction of light into adjacent 'Factory Building' (apartments) and resulting loss of sunlight.**
- The section of the proposed building facing the apartment block on Little Donegall Street was reduced from 9 and a half storeys (sloping roof) in the initial proposal to 8 storeys but with the upper two storeys set back. The ridge height is reduced from approximately 31m to 28m, with a setback height of approximately 22m. Officers are of the opinion that this reduction in height means that the development will not have an unacceptable impact on the amenity of the existing apartments opposite the site.

### 2. Urban Design Officer (UD) Response

- UD comment regarding Façade Articulation - *Compared to earlier iterations, consideration has been given to breaking down what were viewed as long and largely uniform elevations, which is welcomed. This has been achieved through the application of two contrasting façade treatments around all four elevations, alongside a series of vertical and horizontal shifts in form.....Vertical shadow gaps of a bay's width have also been utilised to create discernible visual breaks between both treatments.*
- *Those more central framed brickwork sections allow for the establishment of shoulder heights that speak to the lower heights of adjacent buildings.....*
- *The dynamic sloped roof profiles at the taller corner locations, provide another contrasting element within the overall composition that adds to visual interest and nods to the varied and dense industrial roofscapes that were once a common characteristic of this historic area.*
- UD comments on ground floor activity - *The proposed GF plan includes a range of active frontages along the full extent of Union Street and Little Donegall Street, which are welcomed.*
- *A range of internal break out, study spaces and kitchen area extend along the length of Little Donegall Street, allowing for multiple views into and out of the building.....active uses along Little Donegall Street incorporate a dual aspect layout which allows for activity to be extended onto the sizeable internal courtyard/event space.*

### 3. Shared Environmental Services Response

- *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.*

- *In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to the following mitigation measures being conditioned:*

***Notwithstanding the submitted details, no development should take place on-site until the method of sewage/storm disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge for private treatment plants associated with the development have been granted under the terms of the Water (NI) Order 1999 by NIEA WMU.***

***Reason: To ensure a practical solution to sewage disposal is possible at the site that will protect features of indirectly connected European Sites in Belfast Lough from adverse effects.***

#### **4. Technical response from agent to DFI Rivers queries:**

- *It is confirmed that storm water will be controlled by a Hydro-brake flow control device. Additional Hydrobrake design drawing and hydraulic characteristics provided to confirm the flow control details. Also confirmed that a storm water requisition application and deposit has been paid to NI Water for final confirmation of the proposed storm water connection and a response is currently awaited.*
- *Additional Causeway FLOW results for the 1 in 100 year storm event including 20% provided. Proposed attenuation tank has a volume of 91m<sup>3</sup>. Results indicate very limited localised flooding of 0.1m<sup>3</sup> which can be accommodated within the site, in the central hardstanding area, without risk of flooding to the proposed or adjacent buildings.*
- *DFI Rivers Agency has been consulted for comment. These technical clarifications should address DFI Rivers queries. If any substantial matters arise in the final DFI Rivers response, these would be reported back to committee for members consideration.*

#### **5. BCC City & Regen response**

- *Whilst PBMSA supports regeneration, other housing tenures are required to create a balanced housing provision.*
- *The principle of PBMSA is considered acceptable at this location. The site is unzoned within a HMO development node. Policy HMO 3 of the Subject Plan states that HMO development will be granted along HMO node frontages.*
- *CRD would encourage a greater allocation of cycling provision to support the aspirations of BCCRIS.*
- *DFI Roads have no objection to the proposed cycle parking provision. 128 cycle spaces are provided.*
- *CRD would request clarity on what improvements are proposed to the pavements around the proposed building.*
- *Public realm improvements on the footpaths abutting the site will be secured via condition. The application site boundary incorporates the public footpath around the site.*
- *CRD would request clarity on how the proposed development connects to the city.*
- *The proposal has been assessed against the Inner NW Masterplan. The proposal provides connections from courtyard to street. There is no policy requirement to provide a public space and it would be inappropriate to provide public access into a private communal courtyard.*
- *The building ground floor layout should be reviewed to reduce the scale of dead frontage focused on one street.*

- The building occupies an entire city block. It is considered acceptable that three of the four frontages are active. In assessing the application officers sought to minimise the extent of 'dead frontage' at ground floor level.

- **A link to the Inner North West Masterplan is provided below:**  
[Belfast Inner North West Masterplan \(belfastcity.gov.uk\)](http://belfastcity.gov.uk)

## **6. DFI Roads Response**

- *Confirmation that reply of 02/12/2022 considered the technical note which was uploaded onto the old EPIC system and I note this document was also uploaded onto the new Public Portal on 26/11/2022. It is correct that my reply of 02/12/2022 did read "Dfi Roads acknowledges the document 'Technical Note - Response to DFI Roads'."*
- *The applicant has not adequately considered PPS3 - the provision of reserved disabled parking.*
- *The lack of disabled parking provision is not a road safety issue but it does impact on the amenity aspect of the development, in that disabled persons are potentially excluded from residing in this development. Planning Service should consider this amenity issue.*
- The officer opinion to approve remains unchanged. The issue regarding disabled parking was assessed in the original report. Two disabled car parking spaces have been identified by the agent in an adjoining car park. It should also be noted that blue badge holders can avail of existing on street parking on the streets surrounding the site without restriction. In the event that Planning Permission is granted DFI Roads has requested that the following conditions are attached:
  1. No dwelling shall be occupied until weather protected cycle parking has been fully provided in accordance with the approved plans.  
REASON: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.
  2. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of the Department for Infrastructure.  
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.
  3. The development shall operate in accordance with the Service Management Plan.  
REASON: In the interests of road safety and the convenience of road users.
  4. The development shall operate in accordance with the Travel Plan.  
REASON: To encourage alternative modes of transport to the private car.

## **7. Agent's response on queries relating to Waste Management**

- *Anticipated that all waste management functions (including on-site collection and utilisation of waste collection vehicles) will be undertaken by development management company and final plans agreed with the council.*
- *Members of the development management company waste management team will be solely responsible for the sorting and proper use of assigned bins within the internal bin stores.*
- *Bin stores only accessible to members of management team with access controlled.*

- *The waste management team will be on-site on bin collection days to ensure all bins are presented and removed from the street-side collection locations within 3m of the collection vehicle (as per SMP).*
- *Bin store size and locations have been designed to maximise space for the required number of bins and minimize impact on the general operation of the development.*
- *The Café/ retail internal layout will include provision of a standalone bin store which will only be accessible to employees of the unit. The size of the bin store will be sufficiently to accommodate the end user.*
- *A final waste management plan will be secured via planning condition.*

#### **8. Further supporting information from agent**

- *The site lies within HMO Development Node 4/17 'Scotch Quarter' of the HMO Subject Plan for Belfast (map no. 8 - Belfast City Centre). The Plan anticipates that (Policy HMO7) a significantly higher proportion of student accommodation will be provided by PBMSA. As set out in our Student Needs Assessment that has certainly been the case since 2015. Designation HMO4 of the plan provides justification for the choice of the various nodes as areas for HMO development.*
- *This proposal has the potential to increase the residential population of Belfast City Centre and will also result in the regeneration of this unsightly car park in an area that has been subject to much recent change. The site benefits from excellent connectivity to the surrounding area given it is bound on all sides by the existing city street network. It is within easy walking of the new Ulster University campus and the city centre as a whole.*
- *In relation to design, you are aware of the detailed discussions through the PAD and application process, the changes to the design that have come about as a result of those discussions and that the Urban Design officer and HED now have no objections to the development. Through these discussions an area of public realm has been created at the junction of Union Street and Little Donegall Street. This space will complement the pedestrianisation works that have been undertaken to the northern end of Union Street in recent month. The design at this location also successfully achieves a balance between public space and built form to address the relationship to Frames.*
- *You will be aware from our Design and Access Statement that the Inner North West masterplan has been an important consideration through the development of the design. Our 'Planning Chronology' document of November 2022 further considered the proposed development in the context of the Inner North West masterplan*
- *The officer report notes that we have a secure cycle storage area within the ground floor of the building. Access to this will be limited to residents only.*
- *The red line of the application incorporates the existing pavements around the building as it is intended to re-instate the pavements once construction works are complete. This has been done in line with the council's Developer Contributions Framework guide. You will see from the landscape plans that the central courtyard is a multi-surface space. The space is not limited to the courtyard as it connects the internal space through access ways to Library Street and the dedicated public space at Union Street (as referenced above).*
- *A Waste Management Plan was submitted with the planning application and we note the draft condition requiring a final plan to be agreed with council prior to occupation of the building.*

**Summary**

The late objection received has been fully taken into account. Amenity issues were previously assessed in the main report.

In conclusion, the recommendation remains as set out in the case officer's report and this addendum. The proposal is recommended for Approval subject to conditions and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions.

It is requested that authority be delegated to the Director of Planning & Building Control to finalise the wording of conditions and enter into the Section 76 planning agreement and deal with any other issues that may arise from outstanding consultations, unless they are substantive in which case the application will be reported back to the Planning Committee.

## Appendix 1 Planning Report

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 17 <sup>th</sup> January 2023	<b>Item Number:</b>
<b>Application ID:</b> LA04/2022/1284/F	<b>Target Date:</b>
<b>Proposal:</b> Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.	<b>Location:</b> Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast BT1 2JE.
<b>Referral Route:</b> Major Development	
<b>Recommendation:</b>	<b>Approval subject to conditions and a Section 76 planning agreement</b>
<b>Applicant Name and Address:</b> Mandeville Developments NI Ltd	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2
<p><b>Executive Summary:</b> This application seeks full planning permission for the erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.</p> <p><b>Planning committee agreed to hold a preliminary site visit. The site visit took place on Friday 2<sup>nd</sup> December 2022.</b></p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Principle of Student Accommodation</li> <li>- Principle of proposed 'out of term' accommodation</li> <li>- Principle of ground floor café and retail units</li> </ul>	

- Impact on Built Heritage
- Scale, Massing and Design
- Open Space Provision
- Trees and Landscaping
- Traffic and Parking
- Impact on Amenity
- Contamination
- Impact on Air Quality
- Noise
- Odour
- Drainage and Flooding
- Waste Management
- Other Environmental Matters
- Impact on Protected Sites
- Pre-application Community Consultation
- Developer Contributions

The principle of Managed Student Accommodation is considered acceptable on the site and complies with the relevant policy and guidance on PBMSA. The scheme will reintroduce built-form and urban grain within an historic part of the city with a strong industrial heritage, whilst being sympathetic to the built heritage, existing context and residential amenity.

The proposed scale and massing are now considered acceptable, given significant design changes and a reduction in scale, particularly on Stephen Street. The design, detailing and materiality including tonal red bricked finish reflects the industrial character of this part of the city centre. Subtle detailing, including vertical breaks and shifts has helped break up what could be an imposing block and is considered to be a significant improvement to the previously approved apartment building's design and envelope (Z/2008/0655/F)

The site is ideally located to serve both Queens University and the newly constructed University of Ulster complex.

Although DFI Roads have raised an issue with the absence of disabled parking, this zero-parking scheme is consistent with previously approved city centre PBMSA schemes which also provided no in-curtilage parking subject to a robust Travel Plan. Two disabled parking spaces have been identified within an adjacent public car park.

A number of issues remain outstanding including responses from Shared Environmental Services, however the applicant, Mandeville Developments NI Ltd, has confirmed that it has secured a funding offer to proceed with the construction of the building and a main contractor is in place. Mandeville must complete and handover the project by late July 2026 to meet funding terms and operator requirements. The construction programme will run 2 years 9 months on site from a projected start on site Oct 2023 to a July/August 2026 completion.

The developer has confirmed that funding will not be released until the period for a potential Judicial Review (JR) challenge is expired. The programme then allows for a 16 week mobilisation period from May to August for Planning Commencement Conditions, Funding, Legals, Professional Appointments, Health and Safety, Building Regulations, Final Design and Contractual works. The Contractor would start initial site mobilisation late Aug/ early Sept 2023 for a full start on site Oct 2023.

The 2026 delivery programme does not allow for slippage. Losing a month at this point would seriously impact funding to the point of likely withdrawal due to the timescale restrictions around a



2026 handover. It has therefore become critical that the application advances to committee at this stage.

Mandeville Developments NI Ltd have confirmed that they remain committed to delivering the scheme to meet the clear and quantifiable need for Student Accommodation in the city.

DFI Roads – Objection

DAERA – Approval subject to conditions

Rivers Agency – Further info requested

Belfast City Airport – No objection

Shared Environmental Services – Await response

Non-Statutory consultations

Environmental Health – Approval subject to conditions

Senior Urban Design Officer (SUDO) - Awaiting final response (however the SUDO was involved in design discussions and his comments have helped influence the amended design)

BCC Tree Officer – No objection

BCC City and Neighbourhoods Team – No objection

Environmental Health BCC – Approval subject to conditions

One third party objection received – set out and considered in the main report.

Recommendation

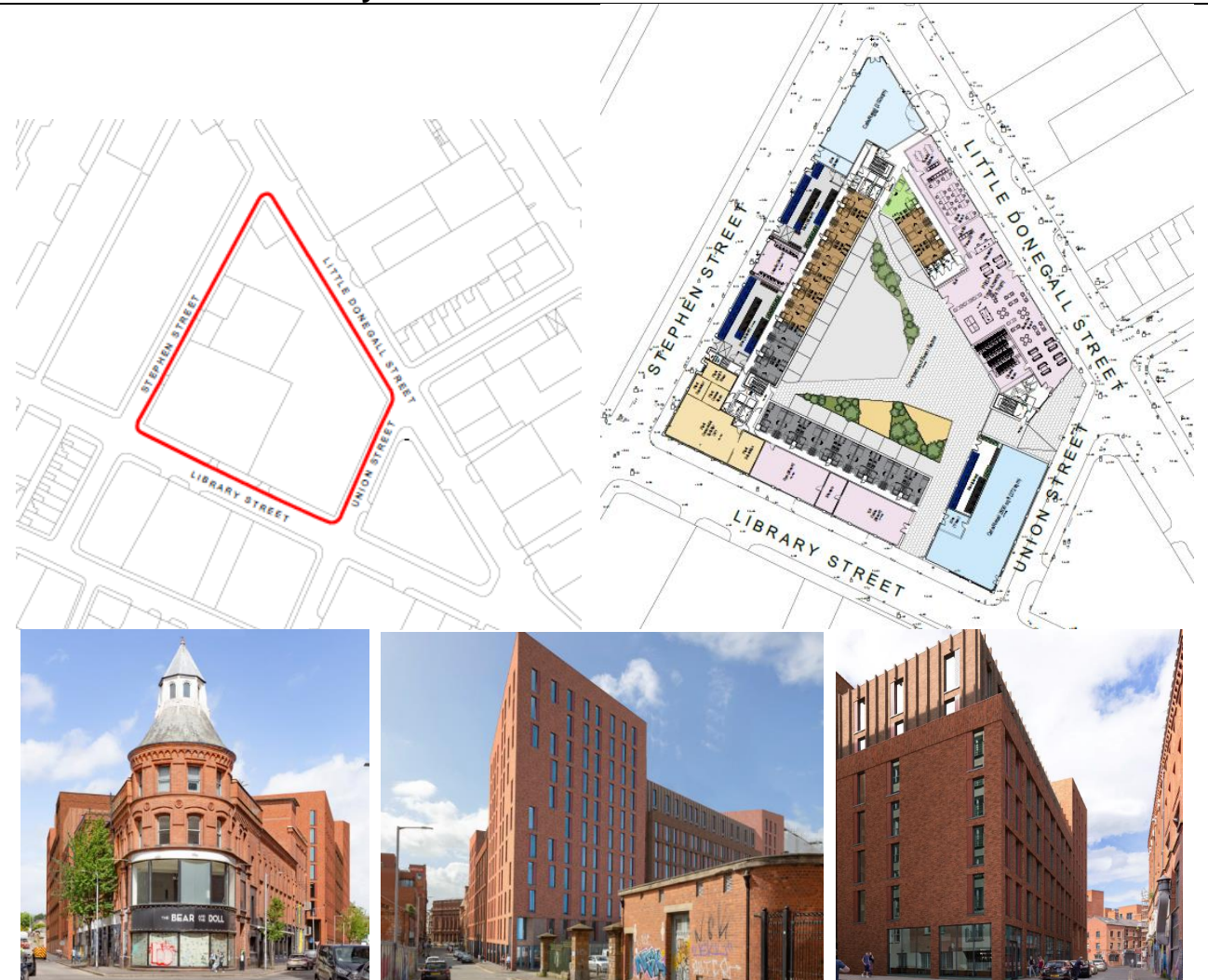
Having regard to the development plan, relevant policy context and other material considerations the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement to secure appropriate management of the student accommodation.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and enter into the Section 76 planning agreement and deal with any other issues that may arise from outstanding consultations, unless they are substantive in which case the application will be reported back to the Planning Committee.

**Signature(s):**

## Case Officer Report

### Site Location Plan and layout



1.0	Description of Proposed Development
1.1	The application seeks full planning permission for Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.
1.2	Permission is also sought for the development to be used as short-stay accommodation outside the traditional term times for Further or Higher Education Institution Staff or for individuals attending events hosted by a further or higher education institution.
1.3	The development includes: <ul style="list-style-type: none"> <li>- Apartment clusters comprising: 4-6no.single bedrooms each with double bed, study space and ensuite bathroom</li> </ul>

	<ul style="list-style-type: none"> <li>- Shared kitchen, living and dining spaces</li> <li>- Individual studios</li> <li>- 2no. commercial/retail units at ground floor level</li> <li>- Student amenity facilities comprising: Theatre, kitchen, Cinema room, Common social areas, Gym and Laundry</li> <li>- Ancillary facilities comprising: Secure cycle storage, Showers, Bin storage, plant space</li> </ul>
2.0	Description of Site
2.1	The application site has an area of approximately 0.4Ha and gently slopes from Carrick Hill to the west towards Royal Avenue to the east. The difference in level between Stephen Street and Union Street is approximately 1m. Where the change in topography is most notable closest to Stephen Street, the fall across the site is more gradual.
2.2	The site is mainly comprised of a surface level car park located on the northern periphery of the city centre enclosed by roads on all four sides, with apartments and a new student accommodation block to the south, the Frames Snooker Hall to the east, a surface level car park to the west and a mix of uses, including an apartment block to the north along Little Donegall Street.
2.3	The surrounding area is mixed use in character and consists of residential and student apartment blocks and 2 storey terraced dwellings, retail units and warehousing along with a number of surface level car parks.
2.4	<p>The following zonings apply to the site:</p> <ul style="list-style-type: none"> <li>- Belfast Urban Area Plan – unzoned whiteland</li> <li>- Draft Belfast Metropolitan Area Plan (2004) – part development opportunity site</li> <li>- Draft Belfast Metropolitan Area Plan (2015) – unzoned whiteland</li> </ul>
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History on the application site
3.1	LA04/2008/0655/F - Mixed use development comprising of 253 no. apartments, retail units and associated basement car parking. Land bounded by Library Street, Stephen Street, Little Donegall Street, Union Street, Belfast. Permission Granted 25 <sup>th</sup> June 2009.
3.2	LA04/2015/0577/O - Application for a mixed use regeneration project comprising community, residential, commercial, local retail, leisure and managed student accommodation uses and areas of public realm. Lands located within the DSD Northside Development Area principally those located within the Clifton Street Gateway and Press / Library Quarter. Clifton Street Gateway includes lands bounded by Clifton Street Regent Street the Westlink and Trinity Street. Press / Library Quarter includes lands bounded by Donegall Street North Street Royal Avenue and Carrick Hill. Refused (ES) 18 <sup>th</sup> January 2016
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001 (BUAP)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014)</p> <p>Belfast Local Development Plan Draft Plan Strategy 2035 (Draft LDP)</p> <p>Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area'</p>
4.2	<p>Regional Development Strategy 2035 (RDS)</p> <p>Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)</p> <p>Planning Policy Statement 3 - Access, Movement and Parking</p> <p>Policy Statement 6 - Planning, Archaeology and the Built Heritage</p> <p>Planning Policy Statement 7 – Quality Residential Environments</p>

	<p>Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation</p> <p>Planning Policy Statement 12 – Housing in Settlements</p> <p>Planning Policy Statement 13 – Transportation and Landuse</p> <p>Planning Policy Statement 15 – Planning and Flood Risk</p> <p>HMO Subject Plan 2015</p> <p>Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note</p> <p>Belfast: A Framework for student housing and purpose-built student accommodation</p> <p>Creating Places</p>
5.0	<p>Statutory Consultees</p> <p>DFI Roads – Objection</p> <p>DAERA – Approval subject to conditions</p> <p>Rivers Agency – No objections</p> <p>Belfast City Airport – No objection</p> <p>Shared Environmental Services – No objection</p>
6.0	<p>Non-Statutory Consultees</p> <p>Environmental Health BCC – Approval subject to conditions</p> <p>BCC Urban Design Officer – Await response</p> <p>BCC Tree Officer - No objection</p> <p>BCC City and Neighbourhoods Team – No objection</p> <p>BCC Economic Development Team – Await response</p>
7.0	<p>Representations</p> <ul style="list-style-type: none"> <li>- One third party representation received</li> </ul> <p>Concerns raised about the following:</p> <ul style="list-style-type: none"> <li>- Scale, massing and façade design has an adverse impact and on character of neighbouring historic buildings including.</li> <li>- <b>As will be discussed in detail below, the scale, massing and design has been amended substantially since the date of the objection (11/07/22) and is now considered to be sympathetic to the existing built context and historical assets.</b></li> <li>- Oversaturation of student accommodation in the immediate area.</li> <li>- <b>The proposal has been assessed against relevant policy and guidance, which includes a requirement to demonstrate need. It has been found acceptable on the basis of the information provided by the applicant/ agent.</b></li> </ul>
8.0	<p>Other Material Considerations</p> <p>The Belfast Agenda</p> <p>Inner North-West Master Plan</p>
9.0	<p>Assessment</p>
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Principle of Student Accommodation</li> <li>- Principle of proposed 'out of term' accommodation</li> <li>- Principle of ground floor café and retail units</li> <li>- Impact on Built Heritage</li> <li>- Scale, Massing and Design</li> <li>- Open Space Provision</li> <li>- Trees and Landscaping</li> <li>- Traffic and Parking</li> <li>- Impact on Amenity</li> <li>- Contamination</li> <li>- Impact on Air Quality</li> <li>- Noise</li> </ul>

	<ul style="list-style-type: none"> <li>- Odour</li> <li>- Drainage and Flooding</li> <li>- Waste Management</li> <li>- Other Environmental Matters</li> <li>- Impact on Protected Sites</li> <li>- Pre-application Community Consultation</li> <li>- Developer Contributions</li> </ul>
9.2	<p><b>Principle of Development</b></p> <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 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 consideration indicate otherwise.</p>
9.3	<p>Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan. However, given the stage at which the Draft Belfast Metropolitan Area Plan (Draft BMAP) had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.</p>
9.4	<p>Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the only areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.</p>
9.5	<p><i>Belfast Urban Area Plan (BUAP)</i></p> <p>The site is located on unzoned whiteland within the development limits of Belfast. Policy CC7 of the BUAP promotes the re-introduction of residential uses into the city centre.</p>
9.6	<p>The BUAP also sets out that high buildings must be sympathetic in scale to the traditional height of buildings in the City Centre. Policy CC12 requires that buildings should relate sympathetically to their immediate surroundings. In this case the application site is surrounded by existing and proposed buildings ranging in height up to 11 storeys.</p>
9.7	<p><i>Draft BMAP (v2004 and v2014 ) designations</i></p> <p>In both versions of the draft Belfast Metropolitan Area Plan (v2014) the site is located on unzoned whiteland. In the Draft BMAP part of the site is identified as a development opportunity site (CC0039).</p>
9.8	<p><i>Draft Belfast Local Development Plan Strategy (Draft LDP)</i></p> <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 DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 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 the transitional period planning authorities will apply existing policy together with the SPSS.</p>

9.9	<b>Principle of Student Accommodation</b>
9.10	Policy HMO 7 Large Scale Purpose Built Student Accommodation is the current planning policy which explicitly relates to the provision of PBMSA, stating: Planning permission will only be granted for large scale purpose built student accommodation where all of the following criteria are met:
9.11	<ul style="list-style-type: none"> <li>• <i>Development of any complex consists of a minimum of 50 units or a minimum of 200 occupants.</i></li> </ul> <p>The proposal is for 795 beds. Therefore this criteria is met.</p>
9.12	<ul style="list-style-type: none"> <li>• <i>All units are self-contained (i.e. having a bathroom, w.c. and kitchen available for use by the occupiers).</i></li> </ul> <p>Not all units are self-contained with many rooms having no kitchen. However this is off set with the provision of communal kitchen and common room areas, located evenly around each floor and within a short distance of any of the smaller single bed units.</p>
9.13	<ul style="list-style-type: none"> <li>• <i>The location is not within a primarily residential area uses.</i></li> </ul> <p>The site is located within the city centre off a main arterial route. The site is located a short distance east of the wider Carrick Hill area, and adjacent to existing apartment blocks on Library Street and Little Donegall Street. Whilst the site is not within a primarily residential area, when assessing the use as PBMSA located in proximity to a residential area, it is necessary to ensure there is no undue impact on amenity for existing residents. Environmental Health have no objections in terms of any potential impact on the nearest residential properties.</p>
9.14	<ul style="list-style-type: none"> <li>• <i>Provision is made for management of all accommodation. This may require an Article 40 agreement with Belfast City Council (Section 76 under the Planning Act (Northern Ireland 2015)).</i></li> </ul> <p>An Outline Student Management Plan has been submitted in support of the application. There are numerous procedures set out to ensure:</p> <ul style="list-style-type: none"> <li>- Reception Services</li> <li>- Online Tenancy Agreement and Handbook to provide guidance</li> <li>- Secured controlled access (fobs/ cards)</li> <li>- CCTV</li> <li>- On-site maintenance, repairs, inspections</li> <li>- Management of anti-social behaviour</li> <li>- Health and Safety Procedures</li> <li>- Complaints procedure</li> <li>- Liaison with PSNI</li> </ul>
9.15	The Management of the scheme will be secured via a Section 76 Agreement. An Agreement has been submitted for approval prior the granting of planning permission. Management arrangements will be written into this agreement.
9.16	<ul style="list-style-type: none"> <li>• <i>Landscaping and amenity space is provided in accordance with a landscaping plan indicating all landscaping proposals for the scheme and, where relevant making provision for future maintenance.</i></li> </ul> <p>An externally enclosed courtyard is proposed, with an area of approximately 1,300 sqm. The proposed internal courtyard is seeking to plant 5 x semi-mature birch trees - betula jacquemontii within the share space.</p>
9.17	The Landscape Management and Maintenance plan is deemed appropriate in terms of how landscaping within the site shall be future managed, cared for and provided

	adequate requirements to ensure the landscaping features can form key parts of the proposal.
9.18	Internal amenity spaces have been provided in the form of a 'sky lounge' on the 11 <sup>th</sup> floor (circa 100 sqm), and 'social' amenity areas on the ground floor and mezzanine floor, totalling approximately 750sqm.
9.19	<p>The proposal has also been assessed against the Council's document 'Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note'.</p> <p>Whilst guidance and not planning policy it is a material consideration. The policy sets out six criteria which all applications for PBMSA proposals should adhere to:</p> <p><i>A. The development should be at a location which is easily accessible to university/college campuses by sustainable transport modes;</i></p> <p><i>B. Policy designations specific to the City Centre;</i></p> <p><i>C. Layout, design and facilities provided within the development are of high standards;</i></p> <p><i>D. The development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area;</i></p> <p><i>E. The development has appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impacts from occupants; and</i></p> <p><i>F. The development meets and identified need for the type of accommodation proposed.</i></p> <p><u>Criteria (a)</u></p> <p>The site is located within 100 metres of the new University of Ulster Campus on York Street, 500 metres of Belfast Metropolitan College and within 2km of Queens University. The application site is also located within close proximity of Cathedral Quarter and Cityside Retail and Leisure Park, providing access to a range of services and facilities. Bus stops are located approximately 100 metres distant from the application site, providing Translink Metro services to the greater Belfast Area.</p>
9.20	
9.21	<p>The site is located within 800 metres distant from the Europa Bus and Rail Centre, providing rail and bus services across Northern Ireland and cross border to the South and a Belfast Bike docking station is located at Cathedral Gardens / York Street. The complex is ideally located within the city centre and complies with criterion (a).</p> <p><u>Criterion (b)</u></p>
9.22	<p>Requires the need to assess the proposal in relation to policy designations specific to the city centre. The site is located on undesignated land outside any conservation area of area of townscape character.</p> <p><u>Criterion (c)</u></p>
9.23	<p>As discussed in greater detail below, the proposal is in keeping with the existing built form in the area in terms of design and finishes, taking a cue in terms of heights and overall massing from the more established buildings in the area and the newly constructed and approved student blocks. In terms of the specified space standards the smallest units (bronze) have a floor area of 14sqm with the larger rooms (gold) having an area of 18sqm, both above the 9 square metres standard for 1-2 person rooms. A small number of larger units, shown in a pink wash and wheelchair accessible, have an area of approximately 20sqm.</p> <p><u>Criterion (d)</u></p>
9.24	<p>The impact on amenity will be discussed in detail below under 'Impact on amenity'.</p> <p><u>Criterion (e)</u></p>

9.25	<p>Requires that the development has appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impact from occupants. A management plan, prepared by Fresh Property Group, has been submitted in support of the planning application. This plan sets out a number of procedures to manage student behaviour and protect residential amenity. These include:</p> <ul style="list-style-type: none"> <li>- Reception Services</li> <li>- An on-site management team to be put in place</li> <li>- Management of anti-social behaviour</li> <li>- Secured controlled access (fobs/ cards)</li> <li>- On-site maintenance</li> <li>- Complaints procedure</li> </ul>
9.26	<p>Management of the PBMSA will be secured through a S76 planning agreement.</p>
9.27	<p><u>Criterion (f)</u></p> <p>There are 44,020 higher education full-time students in Northern Ireland (2020/21). Belfast is the 21st largest full-time student population in the UK (excluding Greater London). It is home to the four higher education institutions Queen's University Belfast (QUB); Ulster university (UU); Stranmillis University College; St. Mary's University College, as well as Belfast Met.</p>
9.28	<p><b>QUB</b></p> <p>Queen's University Belfast is the largest institution in Northern Ireland with 21,565 full-time students. This is more than a 35% increase in students since the 2007/08 intake, which was 15,880. UK full-time student enrolment in Queen's makes up 79% of the total enrolment in 2020/2021. 15,615 of a total 21,565 students in 2020/2021 were from Northern Ireland. The number of undergraduate full-time students at Queen's University Belfast has increased by over 20% and postgraduate full-time students has doubled in the last 10 years.</p>
9.29	<p>Full time international (including EU) students has been steadily growing throughout the years. The full-time international student enrolment has increased by 76% from 2016/2017 to 2020/2021.</p>
9.30	<p>In September 2021 Queen's University Belfast experienced a shortage of accommodation for its students and offered potential tenants at its own accommodation financial rewards for making alternative arrangements. This highlights a continuing and ongoing need for PBMSA in the city notwithstanding the currently available and under construction accommodation in Belfast.</p>
9.31	<p>The QUB accommodation website states the following,  <i>"Elms BT1, Elms BT2, Elms BT9 and Queen's Houses offer you the all-important space to live and enjoy student life to the full.</i></p>
9.32	<p><i>Queen's currently has over 3,400 places in our student accommodation, which means you can take advantage of the most affordable, purpose-built student accommodation in the city."</i></p>
9.33	<p>As such, QUB only provides enough bed spaces for 3,400 of its more than 20,000 students. This suggests a significant need for additional bed spaces. This is supported by the following also taken from the QUB website that suggests there is even a shortfall of bed spaces for first years that would traditionally have stayed at QUB managed facilities.</p>
	<p><b>Ulster University</b></p>



9.34	Ulster University has four campuses across Northern Ireland; Derry/Londonderry, Coleraine, Jordanstown and the new Belfast campus with a total of 20,670 full-time students enrolled in 2020/21.
9.35	The creation of the new Belfast campus is expected to bring a benefit to the Northern Ireland economy of £1.4bn, according to an independent study by the OECD.
9.36	Investment in elite sport in Jordanstown will continue after 2022 and students will be able to avail of world leading practical facilities on campus as well and benefitting from the full range of teaching and social spaces in the nearby new Belfast campus.
9.37	In September 2021, Ulster University began a phased handover and onboarding to the new Belfast campus from Jordanstown. Once entirely complete, the new campus will host over 16,000 students and staff. With the addition of approximately 20,000 QUB students this equates to almost 40,000 students studying in Belfast.
9.38	The University's Belfast campus is currently only partially open and is scheduled to fully open in September 2022. Once fully operational this will have a significant impact on Belfast city centre and the preference for students to live close to the university.
9.39	In the Statement of Need submitted in support of the application it is stated that 'circa 7,000 PBSA bed spaces have been granted planning permission and approximately 4,500 beds are currently available. This is approximately 10% of the total student population in Belfast. When considered alongside the existing housing and university halls of residence we contend that there remains a significant need for PBSA to meet the shortfall'.
9.40	<p><b>Principle of proposed 'out of term' accommodation</b></p> <p>The proposal also includes the use of the development to be used as short-stay accommodation outside the traditional term times for Further or Higher Education Institution Staff or for individuals attending events hosted by a further or higher education institution.</p>
9.41	<p>This proposed use will contribute towards the viability of the scheme and will be subservient to the main function to provide accommodation for students. It is proposed to restrict this use to those associated with Further and Higher Education Institutions through the Section 76 Agreement. In light of the above, the proposed ancillary use as out of term accommodation is considered acceptable.</p> <p><b>Principle of Retail/ Café Units</b></p>
9.42	The proposal includes two separate café/ retail units at ground floor, one located at the junction of Little Donegal Street and Stephen Street, with a floor area of 202 sqm. The other is located at the junction of Union Street and Library Street and has a floor area of 272 sqm.
9.43	<p>The proposal has been assessed against the SPPS and Draft BMAP. The proposed retail/ café units will introduce a more vibrant ground floor use which creates a more active street frontage onto the streets around the site which have recently become characterised by ground floor vacancy. Although located outside the primary retail core the unit sizes are modest in scale (202sqm and 272sqm) and is on a site where there were a number of retail units in the previous building, now demolished. Given the floor area the retail offer will not threaten the primacy of the retail core.</p> <p><b>Impact on Built Heritage</b></p>

9.44	<p>Historic Environment Division has commented that the proposal has the potential to impact upon the setting of a number of listed buildings of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.</p> <ul style="list-style-type: none"> <li>- HB26 50 280 Frames Snooker Hall, 2-14 Little Donegall Street, Belfast Grade B1</li> <li>- HB26 50 065 Central Library, 126 Royal Avenue, Belfast Grade A</li> <li>- HB26 50 189 Irish News Office, 113 Donegall Street, Belfast Grade B</li> <li>- HB26 50 077A St. Patricks Church, Donegall Street, Belfast Grade B+</li> <li>- HB26 50 077B St. Patricks Parochial House, Donegall Street Grade B2</li> <li>- HB26 50 077C St. Patricks School, Donegall Street Grade B1</li> </ul>
9.45	<p>HED Historic Buildings (HED:HB) has considered the effects of the proposal on the listed building and on the basis of the information provided give the following initial advice: HED: HB advises that the proposals may have an adverse impact. Upon receipt of requested information being provided HED:HB can assess the impacts of the proposal under the policy requirements of the SPPS (Para 6.12) and Policy BH11 of PPS6.</p>
9.46	<p>Presently used as Library Street public car-park, this application proposes the reinstate the historic urban grain. Arguably the listed building most affected by the proposal will be the Frames building located to the other side of Union Street. Frames Snooker Hall is a Grade B1 listed building with a 'dramatic eastern curved frontage with its four storey conical tower commanding a view of the Royal Avenue-Library Street junction.' (HED 2nd survey, 14th February 20). HED, having reviewed the submitted plans and supporting information, considers the proposals provide a balanced backdrop to the listed building without competing visually with this important architectural feature. HED considers the concept of a set-back on the Union Street and Library Street corner to the rear of Frames Snooker Hall an appropriate response which ensures the proposal responds to the parapet height of the rear block of the listed building. This will be prevalent on the approach to the site along Union Street from the north and south.</p>
9.47	<p>HED states that 'the overall massing approach is acceptable with the increased height and volume of the proposal focussed on the north-west of the site and stepping down to respect the setting of the more intimate historic Victorian context of Union Street and beyond' and considers the additional height gained by the roof-form (beyond the immediate backdrop of Frames Building) will not adversely affect the setting of St. Patrick's Church or other listed buildings in the vicinity.</p>
9.48	<p>HED considers the façade treatment and materiality of the proposals generally comply with BH11 of PPS6 in that '(b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building'. The red-brick responds to the materials found on Frames Snooker Hall and Belfast Central Library. HED consider the vertical proportions of the openings to be appropriate.</p>
9.49	<p><b>Scale, Massing and Design</b></p> <p>The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The application site is located to the north-west of Belfast City Centre, directly behind 'Frames Snooker Hall' and it forms an intermediary context between the higher city centre development and the more domestic scale of the buildings in Millfield and Carrick Hill and Belfast City Centre.</p>
9.50	<p>Consideration of scale, mass and height within the immediate context of the Frames Building is important, particularly on approach from Royal Avenue, where the vistas along Library Street and Little Donegall Street are relatively intact. Maintaining the silhouette of the Frames Building has been achieved successfully with the shift in scale to the west along Library Street and Little Donegall Street responding to the shift in scale of built form</p>

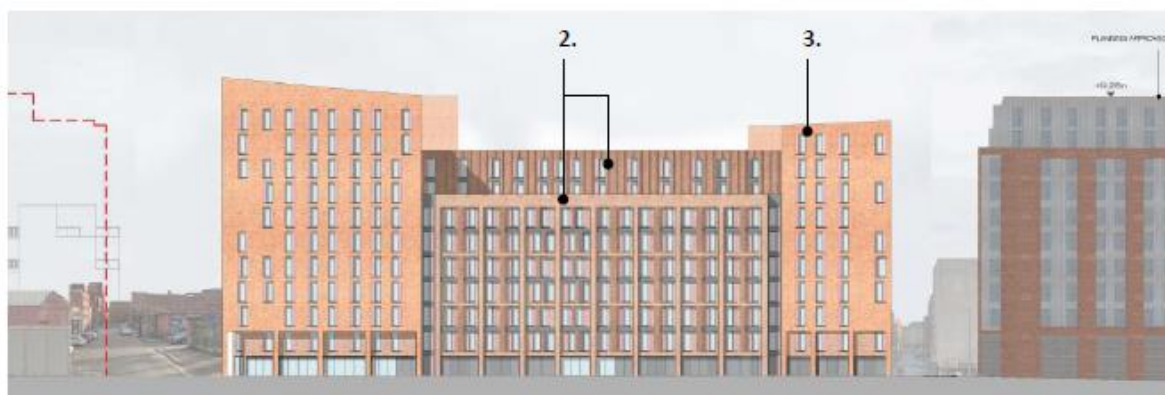
which rises towards Carrick Hill with the approved PBMSA schemes to the north and south of the site (one under construction). The visual primacy of the Frames Building, when viewed from Royal Avenue is preserved and illustrated in the CGI below:



9.51 The scale and massing of the proposal has been reduced significantly from the initial submission in order to break up what was quite an imposing building over the entirety of this inner city block. The following changes have taken place in order to address Officer's concerns about overall scale and form:

- A reduction in the shoulder height along Little Donegall Street by 1 storey. The facade in the central portion reads as 6 storeys with a 2 storey set back above.
- A reduction in the shoulder height of the central portion of the façade along Stephen Street by 2 storeys and overall reduction of 2 floors from the overall building height. The facade in the central portion reads as 7 storeys with a 2 storey set back above.
- A reduction in the building height on the corner of Stephen Street and Library Street by 1 storey.

9.52 The proposed building has a maximum height of approximately 41m at the junction of Stephen Street and Little Donegall Street. Although notably higher than the four storey development along the Carrick Hill frontage the height will be comparable to the approved PBMSA scheme to the immediate north and the scheme under construction to the south as shown below:



Stephen Street

9.53 The approved scheme to the north will also screen the proposal from views approaching the city centre from the north-west along Clifton Street from Carlisle Circus. The mid-section of the Stephen Street elevation has also been reduced in height with a seven

storey shoulder height (26m), nine storeys in total, with a height of 32m. This helps respect the transition in scale between the city centre and the more domestic scale of the two storey and four storey properties located to the west facing onto Carrick Hill. It will ensure that the existing car park site on Stephen Street, the subject of potential future development within the Inner North West Masterplan, can successfully 'bridge the gap', in terms of built form between the scale of the proposal and the residential properties to its immediate west.

9.54

The route from Kent Street along Union Street emphasises the role that the development can play in balancing the form and mass of the Frames Building, with the shoulder height of the Union Street elevation, including a setback, complimenting the shoulder height of the Frames Building. This is illustrated in the CGI below:



9.55

The subdivision of elevations along Little Donegall Street, Stephen Street and Library Street is achieved through the creation of vertical breaks and set backs along each elevation. A tripartite arrangement of building forms reduce the plot width on these elevations. The overall mass of the development is broken down by bays of inset fenestration that suggest several, linked urban blocks. This is shown on the elevation below:



3. LITTLE DONEGALL STREET ELEVATION

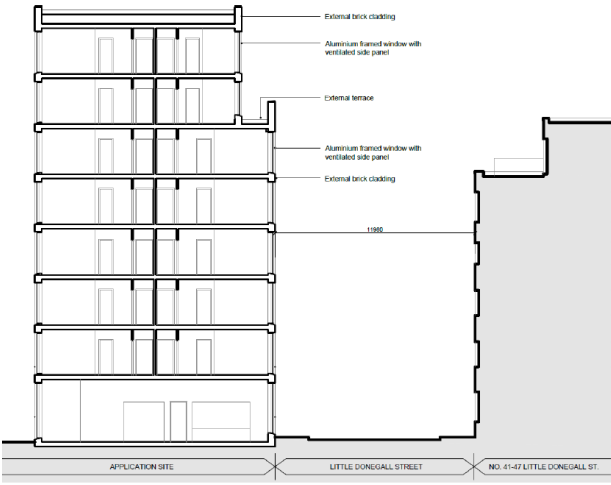
9.56

Large format glazing at ground level with double height openings helps establish a rhythm of bay's on key elevations, as above.

	In terms of finishes the subtle tonal variations in the brick, particularly along Stephen Street, accompanied with significant vertical design features, will help avoid an imposing, uniform, engineered appearance. The architecture within the wider context is characterized by its extensive use of Belfast brick. Masonry plinths are either contrasted through colour or tonally complement the brick facades on upper levels.
9.57	Although a formal response from BCC Urban Design Officer remains outstanding it should be noted that he has been heavily involved in a number of productive discussions and workshops throughout the course of the application and is now fully supportive of the scheme subject to recent changes to address issues around scale, massing, roofscape, setbacks and detailed design.
9.58	<p><b>Open Space Provision</b></p> <p>The proposal has been assessed against Policies QD1 of PPS7 and OS2 of PPS8 and 'Creating Places' guidance.</p>
9.59	An external courtyard provides an amenity space of approximately 1,300 sqm. Other external amenity areas include a ground floor break out area and cinema room with an area of approximately 750sqm. The total amount of external amenity space equates to approximately 1,300 sqm.
9.60	The internal and external open space/ amenity areas total approximately 2050 sqm, providing approximately 2.6 sqm sqm of amenity space per unit. This is below the 10sqm per unit requirement in 'Creating Places' however given the sites inner city context and the number of communal dining areas on each floor this level of provision is considered acceptable.
9.61	<p><b>Trees and Landscaping</b></p> <p>There is one street tree which is outside the red line boundary along Little Donegall Street, the tree is shown as being retained as part of the application. BCC Tree Officer has stated that the tree should not be impacted upon during construction works such as the erection of scaffolding / storage of materials on the rooting area or damage by diggers / machinery etc. The tree should be protected through tree protection fencing in the appropriate locations.</p>
9.62	The proposed internal courtyard is seeking to plant 5 x semi-mature birch trees - betula jacquemontii within the share space.
9.63	BCC Landscape Planning and Development team are supportive of the proposed hard and soft landscape details including high-quality natural stone surfacing within the proposed internal courtyard and event space. We welcome the inclusion of a high quality, robust landscape materials palette that complements the surrounding townscape character.
9.64	The Landscape Management and Maintenance plan is deemed appropriate in terms of how landscaping within the site shall be future managed, cared for and provided adequate requirements to ensure the landscaping features can form key parts of the proposal.
9.65	<p><b>Traffic and Parking</b></p> <p>The proposal does not include car parking. DFI Roads has stated that as Purpose Built Student Accommodation (PBSA) is considered to be residential, it is therefore categorised accordingly under dBMAP TRAN 1 Residential Units. As the development proposal is within an area of Parking Restraint, parking reductions are applicable.</p>

	However, DFI Roads has stated that consideration should be given to accommodating 4% of residential requirement for disabled users in the form of in-curtilage parking.
9.66	PPS3 Policy AMP7 Page 32 states “In assessing car parking provision the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.”
9.67	However, there is no specific quantum of disabled parking required by Planning Policy or associated guidance, simply ‘a proportion of the spaces to be provided’, as stated above. In this case there are no car parking spaces provided. In light of DFI Roads concerns the planning agent has identified Two disabled parking spaces within an adjacent car park, accessed off Little Donegal Street.
9.68	The proposed development has included external design features that aid accessibility to the development. It is located to the rear of the public footways with level access provided to the building. As a car free development, pedestrian access is prioritised within, and around the site.
9.69	As a Student Accommodation development, the site layout is designed to provide ease of access to the main pedestrian desire lines to/ from university sites and further educational campuses.
9.70	The proposal also includes 128 No. cycle spaces, located within an internal storage area at ground floor level on Library Street.
9.71	In order to capitalise on the highly sustainable city centre location of the application site, the Travel Plan, which accompanies the planning application includes a number of measures to encourage the use of non-car modes of travel. A Travel Plan Co-ordinator will be appointed by senior management to oversee the implementation and operation of the Travel Plan and will be responsible for the promotion of cycling, walking and public transport amongst residents, staff, and visitors.
9.72	The principle of a zero parking scheme is essentially accepted by DFI Roads, and other PBMSA proposals have been approved with zero parking in the city centre. There is no specific policy requirement for disabled parking, simply a statement within PPS3 that such parking would be desirable. Officer’s have considered the possibility of introducing a condition requiring a number of disabled parking spaced being reserved within the vicinity of the site however given the absence of any control of the lands by the applicant such a condition would not be reasonable.
9.73	DFI Roads state that the proposal in its current form is unacceptable, however given the points above and the absence of policy in terms of requiring a specific quantum of disabled parking spaces for residential development, it is not considered that the proposal could be refused on this basis. The proposal is therefore on balance considered acceptable.
9.74	<p><b>Impact on amenity</b></p> <p>The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The introduction of a substantial built form such as that proposed will inevitably have an impact on properties within the vicinity of the site. However the design has been amended during the course of the application to ensure any impact on adjacent residential properties will not be significant. There are apartments block across fort the proposal on both Library Street and Little Donegal Street.</p>



9.75	<p>To the north of the site, the consented 140 Donegall Street scheme is approximately 10 metres away across the Donegall Street, to the east is the Frames building (2-14 Little Donegall Street), and to the south west are the Library Court (another student accommodation building currently under construction) and the Library Square Penthouse, separated by the 8 metres wide Library Street. The west is the least obstructed side and faces onto an existing surface level car park with the two and four storey residential terrace facing onto Carrick Hill located immediately west of this car park. The car park providing a suitable separation to ensure there will be no significant impact on the amenity of the apartments and housing on Carrick Hill.</p>
9.76	<p>The section below shows how the shoulder height of the mid-section of the building along Little Donegall Street has been dropped to six storeys to address the potential impact on the apartments across from the site:</p> 
9.77	<p>On Library Street the height of the proposal is comparable with the scale of the apartment block and the Student Block (under construction) opposite the site. This juxtaposition of high rise blocks is not uncommon within the city centre.</p>
9.78	<p>The robust management of student behaviour at large scale purpose-built student accommodation schemes is critical to the integration and success of these large schemes as well essential to protect the residential amenity of existing residents of the area. No Student Management Plan has thus far been submitted for review.</p>
9.79	<p>The submission and implementation of a student management plan will be secured through a Section 76 Agreement.</p>
9.80	<p><b>Contamination</b></p> <p>A Preliminary Risk Assessment (PRA) and a Generic Quantitative Risk Assessment (GQRA) was submitted with the application. The PRA identified potential contaminant linkages on the site resulting from potential on-site and off-site sources of contamination. The on-site sources were identified as the potential presence of reduced quality made ground associated with historical development and potential contamination associated with the historical industrial use of the site. Potential off-site sources were identified as made ground from historical development within the surrounding area, and historical and current industrial land uses located within the vicinity of the site.</p>
9.81	<p>Soil and groundwater samples were taken and analysed for relevant contaminants of concern. Any exceedances are not considered to pose a risk via direct contact pathways</p>

	as they are located in areas of the site which will be covered by the proposed building. No free phase contamination was noted during the site investigation or within the subsequent groundwater monitoring works.
9.82	RSK have therefore concluded in Section 8 of the report that the underlying soils and groundwater do not pose an unacceptable risk to human health, and that no special gas protection measures are required within the proposed buildings.
9.83	Therefore, on the basis of the information submitted Environmental Health has requested that a condition is attached to demonstrate the successful completion of remediation works and that the site is now fit for end-use. This condition is detailed below.
9.84	<b>Impact on Air Quality</b> As part of Air Quality Impact Assessment Irwin Carr consultants have undertaken a desktop study to include an analysis of the existing air quality situation in the vicinity of the site and an examination of the potential impacts the proposed new development may have.
9.85	No car parking spaces are to be provided as part of the proposed development; moreover, traffic flow associated with the proposed development is predicted to decrease compared to the existing car park remaining in use.
9.86	Consequently, Irwin Carr have concluded that the potential impact associated with road vehicle exhaust emissions from the operation of the proposed development is considered to be negligible.
9.87	Moreover, Irwin Carr have stated within the provided assessment that the proposed development is unlikely to introduce a centralised energy centre or any form of substantial combustion plant. At the current stage of development, it is predicted that Air Source Heat Pump (ASHP) infrastructure to provide a renewable source for heating and hot water demand will be installed as part of the proposal. Furthermore, electrical demands are anticipated to be made directly from the national grid.
9.88	Consequently, Irwin Carr have advised that the proposed development will give rise to a negligible impact upon local air quality conditions with respect to centralised combustion sources.
9.89	Subsequently, Environmental Health Service are of the view that the Air Quality Impact Assessment sufficiently demonstrated that the proposed development will not have adverse impact on air quality in the vicinity of the site and that future occupants of the development will not be exposed to air quality concentrations exceeding UK Air Quality Objectives.
9.90	However, details of proposed heating systems are not confirmed at this stage. Environmental Health advise that any combustion plant where the single or combined NOx emission rate is more than 5mg/sec could give rise to impacts. In view of this, Environmental Health has recommended that the following condition is attached in the event that planning permission is granted:
9.91	<b>Noise</b> The Noise Impact Assessment (NIA) submitted with the application includes a baseline daytime and night-time background noise monitoring survey undertaken at two locations within the surrounding area.
9.92	The Noise Impact Assessment highlights that the noise environment was from road traffic



	noise in both locations. A computer noise model was used to predict the noise impact at each of the facades of the development.
9.93	The Acoustic Consultant has quantified the required mitigation and has recommended the provision of standard double glazing 4/12/4 which shall include an alternative form of ventilation to ensure windows can be kept shut to maintain the noise insulation specification of the window units. The NIA advises that it is not yet confirmed, but alternative ventilation may comprise trickle vents and some form of continuous mechanical extraction.
9.94	The NIA considers the potential impact from a nearby approved roof terrace/beer garden at the Shoe Factory on Union Street. Environmental Health is satisfied in this instance that patrons and music should not have a negative impact on the proposed development, on the basis of the information presented in the NIA.
9.95	In terms of the impact from the proposed ground floor gym to adjacent ground floor apartments and apartments directly above. The report concluded that separating walls and floor constructed of a 200mm concrete slab between the ground floor and first floor apartments would be required.
9.96	Subsequently, Environmental Health has requested that a number of conditions are attached to ensure that there is no significant impact on the amenity of prospective residents.
9.97	<p><b>Odour</b></p> <p>The Odour Impact Assessment report assessed the proposed development of two café and retail areas on the ground floor and concludes that a 'high level of odour control' will be required within both of proposed café/retail units. The assessment was based on the following criteria for both proposed units – an extraction ventilation riser that discharges 1m above roof level with a discharge rate of 10-15m/s, proximity of sensitive receptors within 20m of the development and above the proposed café/retail units, a large kitchen size, serving high odour generating food with more than 100 covers per day.</p>
9.98	Environmental Health has noted that the drawings/plans submitted do not indicate the location and height of any proposed odour extraction ducting. However given the absence of any known end user this information would not be available at present.
9.99	The extraction duct must be located at a height not less than 1m above eaves at a velocity of between 10-15m/s so that the kitchen extraction and odour abatement systems achieve a 'high level of odour control' based on the assessment methodology presented in relevant industry guidance. Given the lack of detail in terms of odour extraction conditions have been added below requesting such details prior to installation/commencement of use.
9.100	<p><b>Drainage and Flooding</b></p> <p>The proposal has been assessed against Planning Policy Statement 15. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record.</p>
9.101	DfI Rivers PAMU acknowledges receipt of the Drainage Assessment by Kevin McShane Ltd dated June 2022.
9.102	DfI Rivers Planning Advisory Modelling Unit having considered the proposal in line with the current Revised Planning Policy Statement 15 "Planning and Flood Risk" dated

	September 2014. Planning Advisory comments below on Flood Risk as a result of this proposal are:
9.103	FLD1 - Development in Fluvial and Coastal Flood Plains – The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.
9.104	FLD2 - Protection of Flood Defence and Drainage Infrastructure – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within the site. The site may be affected by undesignated watercourses of which we have no record, in the event of an undesignated watercourse being discovered, Policy FLD 2 will apply.
9.105	<p>FLD3 - Development and Surface Water – DfI Rivers PAMU has reviewed the Drainage Assessment by Kevin McShane Ltd dated June 2022, and comments as follows; Given the proposals that you refer to, DfI Rivers PAMU would require that in order to fully assess this Drainage Assessment that you provide us with further information that demonstrates the viability of your proposals by means of providing the following:</p> <ul style="list-style-type: none"> <li>- Revised Policy PPS 15 Annex D18 bullet point 2 states – Details of how runoff from the site will be controlled and safely disposed of supported by relevant correspondence from Rivers Agency and/or Northern Ireland Water</li> <li>- The applicant is requested to provide evidence of the PDE response from NIW consenting to discharge to their system and provide attenuation size and calculations based on the discharge rate stipulated in the PDE response letter.</li> </ul>
9.106	Revised Policy PPS 15 Annex D17 bullet point 9 states – Internal drainage design, including rehabilitation of existing sewers and suitable discharge points to the local drainage and watercourse system that will encourage the safe disposal of storm water run off away from the site and other neighbouring areas.
9.107	The submitted Drainage Assessment Appendix 5: Proposed Drainage Calculations for the applicant site, for 1 in 100 year storm return period, without an allowance for urban expansion or climate change. DFI Rivers has subsequently requested that applicant provide the Critical Storm Duration Results for 1 in 100 year storm event, to include a 10% allowance for urban expansion and a 10% allowance for climate change.
9.108	DFI requested that the applicant provide evidence of the PDE response from NIW consenting to discharge to their system and provide attenuation size and calculations based on the discharge rate stipulated in the PDE response letter.
9.109	In response to the request the agent has confirmed that DFI's first point relates to PPs 15 Annex D18 bullet point 2 and details on how storm water runoff from the site will be controlled and safely disposed of together with relevant correspondence from Rivers Agency and/or NI Water. It is confirmed that storm water will be controlled by a Hydro-brake flow control device, limited to 4.0 l/s, as shown on drainage plan 22-014-DR-100 included in Appendix 1 of the Drainage Assessment. Additional Hydrobrake design drawing and hydraulic characteristics are provided to confirm the flow control details. It is also confirmed that a storm water requisition application and deposit has been paid to NI Water for final confirmation of the proposed storm water connection and a response is currently awaited.

9.110	DFI Rivers also requested that the applicant provide the Critical Storm Duration Results for 1 in 100 year storm event, to include a 10% allowance for urban expansion and a 10% allowance for climate change.
9.111	The agent responded by stating that the second point relates to PPS 15 Annex D17 bullet point 9 and a request for the submission of the 1 in 100 year storm return period drainage model results with in the inclusion of both a 10% allowance for urban expansion and 10% allowance for climate change. Therefore, additional Causeway FLOW results for the 1 in 100 year storm event including 20% are provided. The proposed attenuation tank has a volume of 91m <sup>3</sup> . These results indicate very limited localised flooding of 0.1m <sup>3</sup> which can be accommodated within the site, in the central hardstanding area, without risk of flooding to the proposed or adjacent buildings.
9.112	These calculations, based on the current requirements, demonstrate that a solution is achievable and the design is future proofed to accommodate climate change. A final Drainage Impact Assessment will be required in order to achieve sign off from DFI Rivers. It is proposed that this is secured by planning condition and submitted for approval prior to commencement of development.
9.113	<p><b>Waste Management</b></p> <p>The proposal has been assessed against the SPPS and PPS7. The Waste Management Plan has confirmed that waste for the proposal will be stored in communal waste storage areas. On bin collection days the bins will be brought to the road edge at the site access on Library Street and Stephen Street for collection to ensure that there will be no delay on the external highway network.</p>
9.114	The proposal includes enclosed communal bin stores, which will be provided within an acceptable walking distance of the residential units. The communal stores will provide separate bin types to accommodate waste produced.
9.115	<p>Waste collections for the development are anticipated as follows:</p> <ul style="list-style-type: none"> <li>- Frequency – Weekly for each type of waste therefore 3-4 collections per week;</li> <li>- Timing – To be arranged with Belfast City Council. Preferably early morning collection, pre 11am.</li> </ul>
9.116	Given the reduction in the number of units from 862 to 795, and given the absence of any detailed end use for the proposed retail/ café units it is recommended that revised Waste and Service Management Plans are submitted to BCC for approval prior to the operation of the development, should approval be forthcoming. it is recommended that a revised Waste Management Plan is submitted to the Council for approval prior to the operation of the development. This will be secured via condition, as detailed below.
9.117	<p><b>Waste Water Capacity</b></p> <p>NI Water has stated that sufficient waste water treatment capacity is not available at present for the proposed development. NI Water plans to upgrade the Waste Water Treatment Works in this drainage area, however at the moment NI Water is recommending connections to the system are curtailed.</p>
9.118	Importantly, NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development, which includes unimplemented permissions across the city, including one on the site (approval LA04/2008/0655/F), will not come forward at once.

9.119	In practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental on the receiving waste water infrastructure or the environment.
9.120	BCC are awaiting a final consultation response from Shared Environmental Services (SES). Unless SES confirm that there are hydrological connections to designated sites at Belfast Lough (not apparent from the NIEA response), it is not considered necessary to include a negative condition requiring that the development is not occupied until such times that adequate foul and surface water sewerage connections are secured prior to occupation of development given the level of pre-exisitng commitments. It should also be noted that the applicant has confirmed that the contractor would not start initial site mobilisation until late Aug/ early Sept 2023 for a full start on site Oct 2023 with a 2026 delivery programme. NI Water has confirmed that additional capacity will become available from July 2023.
9.121	NI Water has also confirmed that the receiving surface water network has reached capacity. The public sewer system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. The planning agent has confirmed that discussions are underway with NI Water to split the combined storm/ foul sewer, with a sewer requisition application currently with NI Water. Should this be approved, this will reduce pressures on both the foul sewerage network and surface water network.
9.122	<p><b>Other Environmental Matters</b></p> <p>Environmental Health Department has noted that the development of large-scale major development sites close to other nearby sensitive premises such as residents and commercial/office premises has the potential to generate significant adverse environmental impacts if not controlled and managed throughout. Subsequently a condition is attached requiring the submission of a Construction Environmental Management Plan, for approval, prior to commencement of development.</p>
9.123	NIEA Natural Environment Division (NED) notes the site consists of mostly hardstanding with little vegetation. A preliminary bat roost assessment was carried out on the brick wall and Wild Cherry tree ( <i>Prunus avium</i> ) present at the site, and both had negligible bat roost potential. NED notes from the Ecological Assessment no other buildings or structures were present at the site.
9.124	NED notes butterfly bush ( <i>Buddleia</i> sp.) is present. This is not listed under Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) however has invasive species characteristics. NED therefore welcome plans for its removal as part of this development.
9.125	NED notes that there are limited nesting opportunities for birds. All nesting birds are protected under Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended). NED therefore welcome recommendations in the ES that any vegetation clearance or demolition of structures should be done outside the bird breeding season, which spans from March 1 to August 31st inclusive unless preceded by a pre-work nesting inspection.
9.126	NED welcome plans in the drawing titled: Landscape proposals, dated June 2022, for additional planting in the courtyard area of the site and recommends planting with native flowering and berry producing species to further enhance biodiversity.
9.127	NED has assessed the Ecological Assessment submitted and is content that the proposal is unlikely to significantly impact protected and/or priority species and habitats.

9.128	<p><b>Impact on Protected Sites</b></p> <p>The application is currently 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 (SES) 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>
9.129	<p>A HRA Appropriate Assessment (AA) under the above legislation has been drafted. SES has been reconsulted with a NIEA consultation to complete the HRA. It should be noted that NIEA have not identified any hydrological connection between the site and the protected sites at Belfast Lough. Officers request delegated authority to consider the outstanding Shared Environmental Services response.</p>
9.130	<p><b>Pre-application Community Consultation</b></p> <p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p>
9.131	<p>Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2022/0541/PAN) was submitted to the Council on 11<sup>th</sup> February 2022.</p>
9.132	<p>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>
9.133	<p>A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <ul style="list-style-type: none"> <li>- In the absence of a public event being held in the locality of the proposed development due to Covid-19 restrictions, an online webinar was held via Zoom on Wednesday 16 March 2022 between 6pm – 7pm</li> <li>- A consultation website was launched on 9<sup>th</sup> March 2022. This hosted a live chat function.</li> <li>- Two additional in person Public Information events were held at Belfast Central Library on June 1<sup>st</sup> 2022 &amp; June 16<sup>th</sup> 2022 from 12:30pm to 5:30pm to ensure all interested parties had an opportunity to view the proposals in person.</li> <li>- Notification of the webinar and subsequent public information events were advertised in the Belfast Telegraph on 9<sup>th</sup> March 2022, and amended notices on 24<sup>th</sup> May and 8<sup>th</sup> June 2022.</li> <li>- The PAN was circulated to a number of Councillors and MLAs.</li> <li>- Dedicated phone number and email address established.</li> <li>- Leaflets inviting people to the drop in webinars were distributed to approximately 700 properties in the surrounding area.</li> </ul>
9.134	<p>A total of eight people actively took part in through the various means of engagement. A total of three responses were received. 34% showed support for the accommodation.</p>
9.135	<p>Concerns were expressed about the lack of parking, the proliferation of student accommodation, disruption during construction, and noise from students walking home late at night.</p>

	<p>In response to these comments:</p> <ul style="list-style-type: none"> <li>- This is a zero parking scheme, supported by DFI Roads on this site and on other PBMSA sites throughout the city centre.</li> <li>- A Construction Environmental Management Plan (CEMP) will be secured via condition. This will help address potential disturbance during construction.</li> <li>- A management plan will be secured via a Section 76 Agreement to address wider amenity issues during operation.</li> </ul>
9.136	It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
9.137	<p><b>Developer Contributions/ Section 76</b></p> <p>In this case it is considered appropriate that any planning approval should be subject to the developer entering into a legal agreement with the Council to provide certainty around the management of the accommodation and provide community apprenticeships.</p>
9.138	The red line of the application extends to the edge of the public footpath. This will facilitate public realm improvements around the proposed building, which will be secured via condition.
10.0	<b>Summary of Recommendation:</b>
10.1	Having had regard to the statutory development plan, the draft development plan, relevant planning policies, planning approvals on the site, and the consideration of the issues set out in this report, the proposed development is considered acceptable.
10.2	It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement to secure appropriate management of the student accommodation. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and enter into the Section 76 planning agreement and deal with any other issues that may arise from outstanding consultations, unless they are substantive in which case the application will be reported back to the Planning Committee.
11.0	<p>Conditions</p> <ol style="list-style-type: none"> <li>1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</li> </ol> <p>Reason: Time Limit.</p> <ol style="list-style-type: none"> <li>2. 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.</li> </ol> <p>Reason: To ensure that any contamination within the site is appropriately dealt</p>

	<p>with, in the interests of human health.</p> <p>3. Prior to installation of the kitchen extraction and odour abatement systems to serve the hereby permitted development, the applicant must submit to the Planning Authority, for review and approval in writing, full specification details of the extraction and odour abatement systems for both Units including: the location and height of the discharge duct, the extract discharge velocity and details of all stages of grease, smoke and odour control to ensure that a 'high level of odour control' is achieved in accordance with EMAQ+ Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (DEFRA) as recommended within the An Irwin Carr Consulting, Odour Impact Assessment, Purpose-Built Student Accommodation, Library Street, Belfast', referenced Rp002AQ 2022047 (PSA Library Building) and dated 21 June 2022.</p> <p>Reason: Protection of amenity against adverse odour impact.</p> <p>4. Prior to the commencement of cooking operations within the development, the approved kitchen extraction and odour abatement systems shall be installed. The approved systems must be retained thereafter and be cleaned and maintained in accordance with manufacturer's instructions.</p> <p>Reason: Protection of amenity against adverse odour impact.</p> <p>5. In the event that any centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning &amp; Development Control: Planning For Air Quality (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development.</p> <p>Reason: To ensure that ambient air pollution related to the site is appropriately dealt with, in the interests of human health.</p> <p>6. Prior to commencement of construction, the applicant must submit to BCC, for review and approval in writing, a Construction Environmental Management Plan (CEMP). The CEMP shall be developed by the appointed contractor and outline the site-specific methods to be employed to minimise any noise, vibration and dust impacts associated with the phased construction operations demonstrating the use of 'best practicable means'. The plan must pay due regard to BS 5228:2009+A1:2014 Code of practice for Noise and vibration on construction and open sites, and incorporate the recommendations outlined within Chapter 6 of Irwin Carr Consulting, Air Quality Impact Assessment, Purpose-Built Student Accommodation, Library Street, Belfast (21 June 2022) throughout the duration of the construction phase of the development.</p> <p>The CEMP should also include arrangements for liaising with any nearby sensitive premises, both residential and commercial and measures to control noise, dust, vibration and other nuisance during the demolition/construction</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>phase. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Final Environmental Construction Management Plan.</p> <p>Reason: To safeguard the amenities of the area. Approval is required upfront because construction works have the potential to harm the amenities of the area.</p> <p>7. Prior to installation of the hereby approved windows, the applicant shall submit to the planning authority, for review and approval in writing, a final window schedule detailing the sound reduction specification. The selected windows shall be in line with the recommendations in the Irwin Carr Consulting report titled: 'Noise Impact Assessment, PBSA Library Building, Belfast, referenced Rp001N 2022047 (PBSA Library Building) dated 21 June 2022.</p> <p>Reason: In the interests of residential amenity.</p> <p>Prior to occupation of the hereby permitted development, the windows shall be installed as approved and be retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p> <p>8. Prior to occupation of the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, a verification report to demonstrate the windows have been installed as approved such as documentary confirmation from the supplier and installer.</p> <p>Reason: In the interests of residential amenity.</p> <p>9. Prior to installation of alternative means of ventilation throughout the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the sound reduction specification of the alternative means of ventilation. The report confirming the sound reduction specification for any alternative means of ventilation and /or any mechanical means of ventilation proposed shall demonstrate that internal noise levels in habitable rooms will be achieved in line with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'.</p> <p>Reason: In the interests of residential amenity.</p> <p>10. Prior to occupation of habitable rooms of the hereby permitted development, the 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 alternative ventilation provided and operational. The approved alternative means of ventilation shall be retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p> <p>11. Prior to occupation of habitable rooms of the hereby permitted development, a report verifying that the 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 alternative means of ventilation confirming that the alternative means of ventilation have been installed as approved.</p> <p>Reason: In the interests of residential amenity.</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



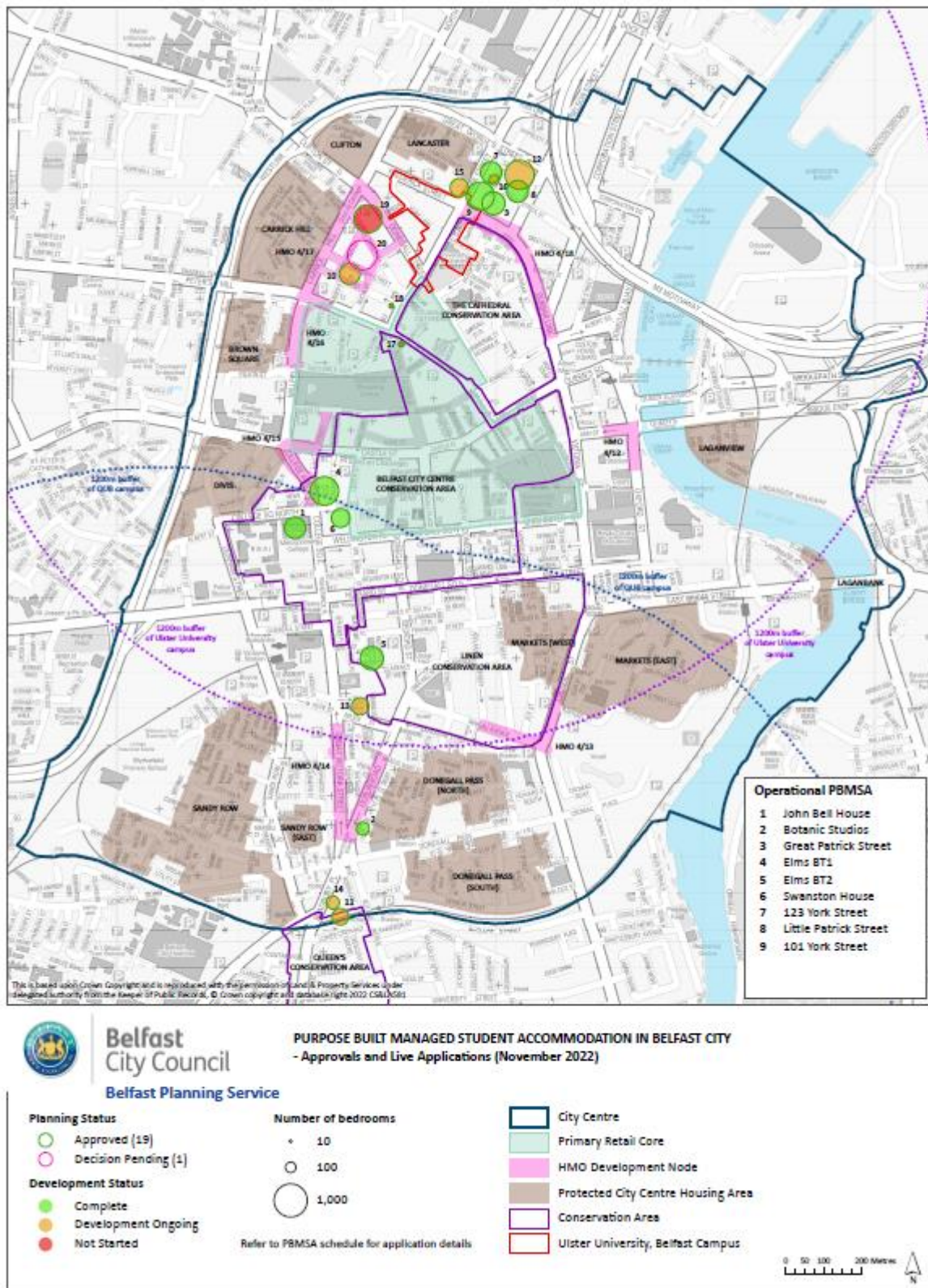
	<p>12. Prior to occupation of any apartment units hereby permitted, the sound reduction measures of the separating walls and a 200mm concrete slab between the ground floor and first floor apartments as outlined in Table 12 emailed from Irwin Carr Consulting titled: LA04/2022/1284/F on 31/10/2022 shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014. The approved separating walls and a 200mm concrete slab between the ground floor and first floor apartments must be retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p> <p>13. Prior to occupation of any apartment units hereby permitted, a report verifying that the sound reduction measures of the separating walls and a 200mm concrete slab between the ground floor and first floor apartments as outlined in Table 12 emailed from Irwin Carr Consulting titled: LA04/2022/1284/F on 31/10/2022 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 contractor / installers of the walls and floor construction confirming that the walls and floor have been installed as approved. Documentary evidence such as in-situ photographs should be taken during construction where possible to support verification.</p> <p>Reason: In the interests of residential amenity.</p> <p>14. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless full details of the public realm improvements to the footway bounding the site have been submitted to and approved in writing by the Council. The details shall include:</p> <ol style="list-style-type: none"> <li>1. Surface materials;</li> <li>2. The design and provision of underground ducting; and</li> <li>3. Arrangements for long term management and maintenance.</li> </ol> <p>The development hereby approved shall not be occupied or operated unless the public realm works have been completed in accordance with the approved details. The public realm shall be managed and maintained in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the area and to enhance connectivity to and from the development. Approval is required up front because appropriate realm is integral to design and layout of the scheme.</p> <p>15. The development hereby approved shall not commence until an updated Drainage Impact Assessment has been submitted to, and approved in writing by, Belfast City Council. The development hereby approved shall not be operated or operated unless provision has been made for foul and surface water drainage in accordance with the approved plans and documentation.</p> <p>Reason: To ensure appropriate foul and surface water drainage of the site.</p> <p>16. No external brickwork or render shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.</p> <p>The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick materials (or render if applicable).</p> <p>Reason: In the interests of the character and appearance of the area</p> <p>17. The development shall not be occupied or operated unless a Final Waste Management Plan has been submitted to and approved in writing by the Council. The development shall not be operated unless in accordance with the approved Final Waste Management Plan.</p> <p>Reason: To ensure adequate provision of refuse and recycling storage in the interests of the amenities of the area.</p> <p>18. The development shall not be occupied or operated unless a Final Service Management Plan has been submitted to and approved in writing by the Council. The development shall not be operated unless in accordance with the approved Final Service Management Plan.</p> <p>Reason: In the interests of amenity, road safety and convenience of road users.</p> <p>19. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless a Final Travel Plan has been submitted to and approved in writing by the Council. The Final Travel Plan shall be prepared in general accordance with the framework Travel Plan uploaded to the Planning Portal on 5<sup>th</sup> July 2022. The Final Travel Plan shall incorporate the following:</p> <ul style="list-style-type: none"> <li>• Objectives and targets for reducing private car use;</li> <li>• Measures to promote sustainable transports;</li> <li>• Appointment and identification of a Travel Plan Co-ordinator;</li> <li>• Means of funding of the travel plan including Travel Plan Co-ordinator;</li> <li>• Implementation timetable including the responsible body for each action;</li> <li>• Mechanisms for monitoring and review.</li> </ul> <p>The Final Travel Plan shall be operated at all times following occupation of the building hereby approved.</p> <p>Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking. Approval is required upfront because hard travel measures may be required such as bicycle storage and showers for cyclists which are integral to the design of the building.</p> <p>20. No works shall commence on site (including demolition and site clearance) unless a Tree Protection Plan ("TPP") to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the Council. The TPP shall detail the methods of tree protection and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.</p>
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>Reason: To safeguard existing tree on Little Donegall Street in the interests of visual amenity. Approval is required upfront to ensure that important trees are not permanently damaged or lost.</p> <p>21. Notwithstanding the submitted details, no development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless the detailed design of the recesses to the windows and external doors have been submitted to and approved in writing by the Council. The details shall include detailed scaled section drawings. The development shall not be carried out unless in accordance with the details so approved.</p> <p>Reason: Approval is required in advance because the design of the recesses is fundamental to the overall design of the building.</p> <p>22. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans 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. All hard and soft landscape areas and works shall be permanently retained in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the area, and to promote sustainable drainage. Approval is required upfront because the landscaping is critical to the acceptability of the proposal.</p> <p>23. No development shall commence on site (including demolition, site clearance and site preparation) unless a Final Environmental Construction Management Plan has been submitted to and approved in writing by the Council.</p>
12.0	Notification to Department (if relevant) No
13.0	Representations from elected members: None received
Neighbour Notification Checked <span style="float: right;">Yes</span>	
Signature(s)	
Date:	

ANNEX	
<b>Date Valid</b>	20th June 2022
<b>Date First Advertised</b>	15th July 2022
<b>Date Last Advertised</b>	15th July 2022
<b>Date of Last Neighbour Notification</b>	12 <sup>th</sup> December 2022
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
<b>Notification to Department (if relevant) – N/A</b>  Date of Notification to Department: Response of Department:	

## Appendix 2 PBMSA map and application status



**PBMSA DEVELOPMENT TRACKER - Updated November 2022**

**COMPLETED (SINCE 2015)**

Map Ref	Project Name	Address	Beds	Developer	Operator	Operational	Notes	Planning Ref	Date permission granted
-	Mark Royal House	70-74 Donegal Street	0	Cathedral Living	Cathedral Living	Sep-15	45 bedrooms now closed (Jan 22). Conversion to tourist accommodation	Z/2013/0686/F	19 December 2013
1	John Bell House	1A College Square East	413	Lacuna / Watkin Jones	Student Roost	Sep-16	Previously Fresh Student Living	Z/2014/1172/F	29 January 2015
2	Botanic Studios	78-86 Dublin Road	156	Lacuna / Watkin Jones	Fresh Student Living	Sep-17		LA04/2015/1175/F	15 April 2016
3	Great Patrick Street	28-30 Great Patrick Street	475	Olympian Homes	Student Roost	Sep-18		Z/2014/1657/F	20 May 2016
-	Elms BT1	78 College Avenue	740	McAleer & Rushe / QUB	Queens University	N/A		LA04/2015/0419/F	05 July 2016
4	Elms BT1	78 College Avenue	747	McAleer & Rushe / QUB	Queens University	Sep-18		LA04/2017/1376/F	31 July 2017
-	Elms BT2	McClintock Street	476	McAleer & Rushe / QUB	Queens University	N/A		LA04/2015/0420/F	05 July 2016
5	Elms BT2	McClintock Street	490	McAleer & Rushe / QUB	Queens University	Sep-18		LA04/2017/1382/F	31 July 2017
6	Swanston House	41-49 Queen Street	317	Lacuna / Watkin Jones	Student Roost	Sep-18		LA04/2015/1252/F	27 June 2016
7	123 York Street	123-137 York Street	407	Cathedral Living	Cathedral Living	Sep-19	Extension proposed (84 beds); see Ref 16 below	Z/2015/0177/F	11 October 2016
8	Little Patrick Street	26-44 Little Patrick Street	430	Lacuna / Watkin Jones	Student Roost	Sep-20		LA04/2017/2306/F	30 March 2018
-	101 York Street	81-107 York Street	682	Linux LLP (Unicell LLP)	LIV Student	N/A		Z/2015/0138/F	28 June 2016
9	101 York Street	81-107 York Street	717	Valeo Group	LIV Student	Sep-21		LA04/2016/2385/F	27 June 2017
Total bed spaces completed (since 2015)			4,152	Average Size (Beds) 461					
Completed	3		4,152						

**CONSTRUCTION**

Map Ref	Project Name	Address	Beds	Developer	Operator	Operational	Notes	Planning Ref	Date permission granted
10	Alma Place	18-26 Library Street	393	Lacuna / CAV	Novel Student	Sep-23		LA04/2015/0676/F	27 February 2017
11	Aster House	University Rd & Botanic Avenue (over railway)	253	Lacuna / CAV / Harrison St	Novel Student	Sep-23	Site checked 09/11/2022 - development seemingly complete - awaiting Building Control completion certification and LPS rating	LA04/2019/0417/F	14 June 2019
12	Nelson Street	Little York St, Great George's St & Nelson St	774	Olympian Homes	Student Roost	Sep-24	Pre-construction (piling) commenced Dec 2021.	LA04/2021/2893/F	19 August 2022
13	Bruce Street	Little Victoria St, Bruce St & Holmes St	274	McAleer & Rushe	N/A	N/A		LA04/2019/2602/F	30 March 2020
	Bruce Street	Little Victoria St, Bruce St & Holmes St	271	McAleer & Rushe	Vita	Sep-23	Construction commenced Jan 2022.	LA04/2021/2242/F	21 March 2022
14	Bradbury Place	30-44 Bradbury Place	156	Elkstone Partners	Bradbury Student Living Limited	Sep-24	Acquired by Elkstone. Demolition completed summer 2021. Contractor being tendered. Construction scheduled to commence summer 2022. Pending NMC application could reduce to 152 bed spaces	LA04/2017/2753/F	01 August 2019
-		48-52 York Street	-			N/A		Z/2014/0479/O	24 March 2015
15		48-52 York Street	307	Student City Ltd	Cathedral Living	Sep-24	Construction scheduled to commence summer 2022 - site checked on 09/11/2022, demolition appears to be underway.	LA04/2016/1213/RM	02 October 2017
16	123 York Street Extension	8-12 Little Patrick Street	94	Cathedral Living	Cathedral Living	N/A	Extension approved at September 2020 Committee - appears to be underway as of site check on 09/11/2022	LA04/2019/2285/F	03 August 2021
Underway			2,248	Average Size (Beds) 321					
			2,248						

**APPROVED - NOT STARTED**

Map Ref	Project Name	Address	Beds	Developer	Operator	Operational	Notes	Planning Ref	Date permission granted
17	Sinclair House	89-101 Royal Avenue	30	Cathedral Living	N/A	N/A	Building sold late 2019 / early 2020. Not progressing.	LA04/2015/0685/F	16 May 2017
18		116-122 Royal Avenue	21	CS Suppliers (NI) Ltd		N/A	Part of 'Site 10'. Site sold. Not progressing.	Z/2014/1669/F	23 August 2016
-		140 Donegal Street	620	Northside Regeneration LTD		N/A		LA04/2015/0609/F	21 October 2017
19		140 Donegal Street	724	Lotus Group	Mezzino	Sep-24	Amendment of previous approval LA04/2015/0609/F (620 units).	LA04/2021/0516/F	05 August 2021
Not started			775	Average Size (Beds) 258					
			775						
Total Approved			7,175	Average Size (Beds) 378					
			7,175						

**PLANNING PENDING**

Map Ref	Project Name	Address	Beds	Developer	Operator	Operational	Notes	Planning Ref	Date received
20	Liberty Street	Library Street and Little Donegal Street	862	Mandeville Developments NI Ltd		N/A		LA04/2022/1284/F	20 June 2022
Total pending			862	Average Size (Beds) 862					



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date: 14 February 2023</b>	
<b>Application ID:</b> LA04/2022/1479/F	<b>Target Date:</b>
<b>Proposal:</b> Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping.	<b>Location:</b> Former NI Water Ltd Sewage Treatment Works Blackstaff Road Belfast BT11 9DT
<b>Referral Route: Major Development</b>	
<b>Recommendation:</b>	<b>Approve subject to conditions</b>
<b>Applicant Name and Address:</b> Northern Ireland Water NI Westland House 40 Old Westland Road Belfast BT14 6TE	<b>Agent Name and Address:</b> Resolve Planning & Development Innovation Factory Forthriver Business Park 385 Springfield Road Belfast BT12 7DG
<b>Executive Summary:</b> This application seeks full planning permission for the partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping.  The site comprises the site of the former Kennedy Way Waste Water Treatment Works which ceased use in 2000.  The key issues to be considered in the assessment of this application are: <ul style="list-style-type: none"> <li>• The principle of the proposed use at this location</li> <li>• Impact on the character and appearance of the area</li> <li>• Compatibility with adjacent uses</li> <li>• Access, parking and traffic management</li> <li>• Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets</li> </ul> NI water (applicant) advise that the existing NI Water 'Bretland House' facility must be cleared to facilitate the main extension of the Belfast Waste Water Treatment Works at Duncrue which is a	

key and strategic outcome of the DFI-led Living With Water Programme (the Belfast Strategic Drainage Infrastructure Plan) and that the Kennedy Way Hub proposal forms a fundamental part of the works required to upgrade the Belfast WWTW at Duncrue, the proposal is therefore of strategic importance to both NI Water and the Department for Infrastructure led Living With Water Programme (LWWP).

Consultees are content with the proposal subject to conditions and no third party objections have been received.

**Recommendation**

Having regard to the development plan, relevant policy context and other material considerations, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal any other issues which might arise.

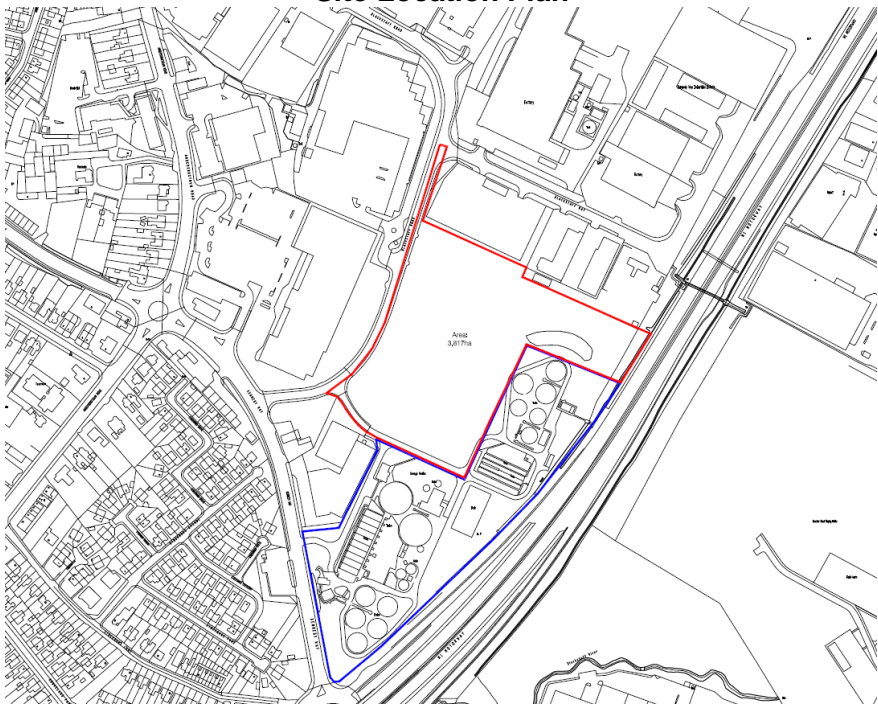
**Signature(s):**



Case Officer Report

1.0 Drawings

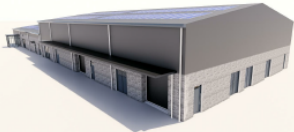
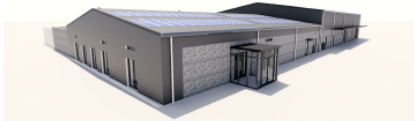
Site Location Plan



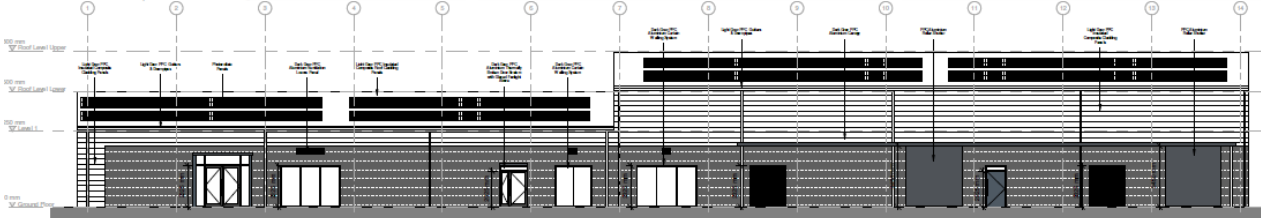
Site Layout



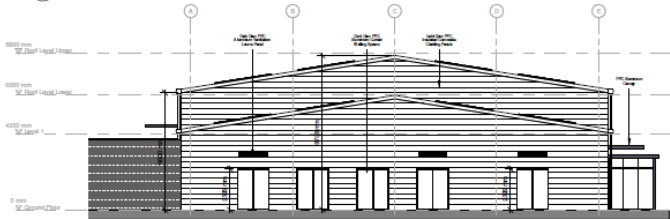
Hub Elevations



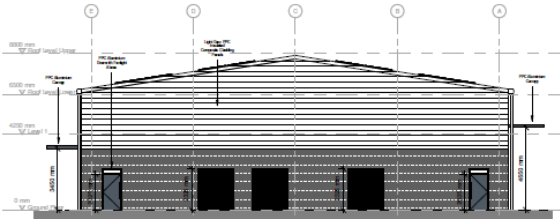
3D Views of Proposed Hub Building



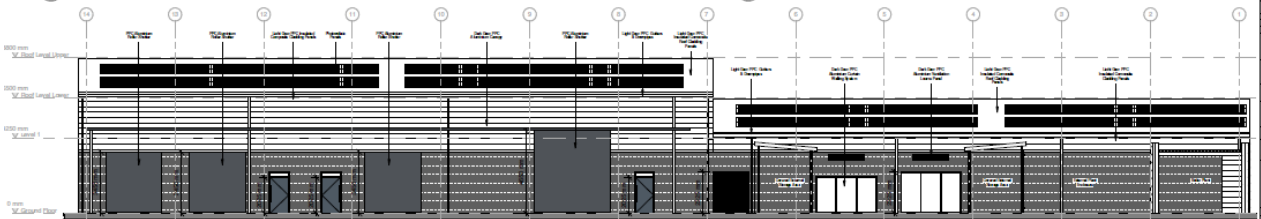
1 Elevation 1  
1:100



2 Elevation 2  
1:100

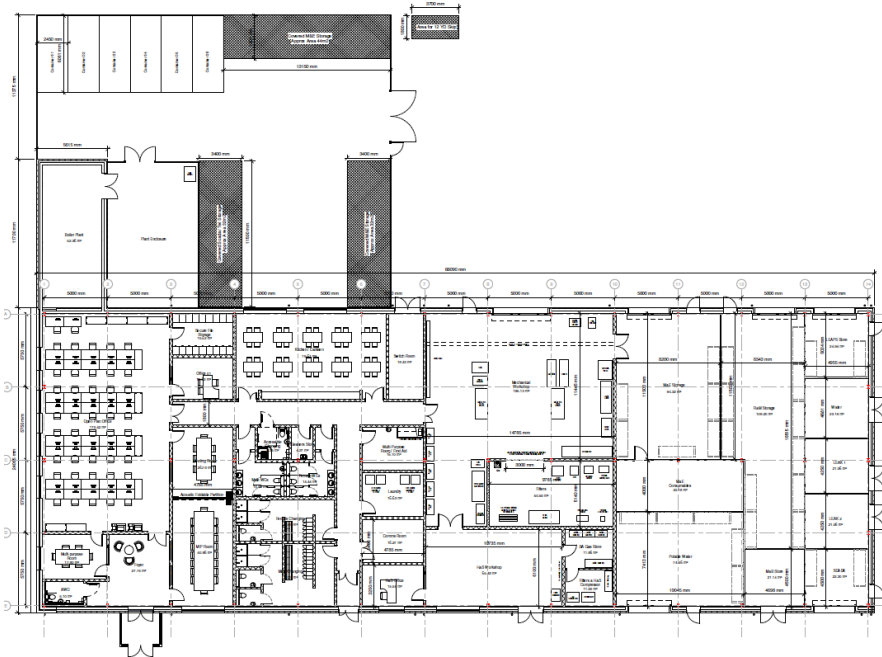


3 Elevation 3  
1:100



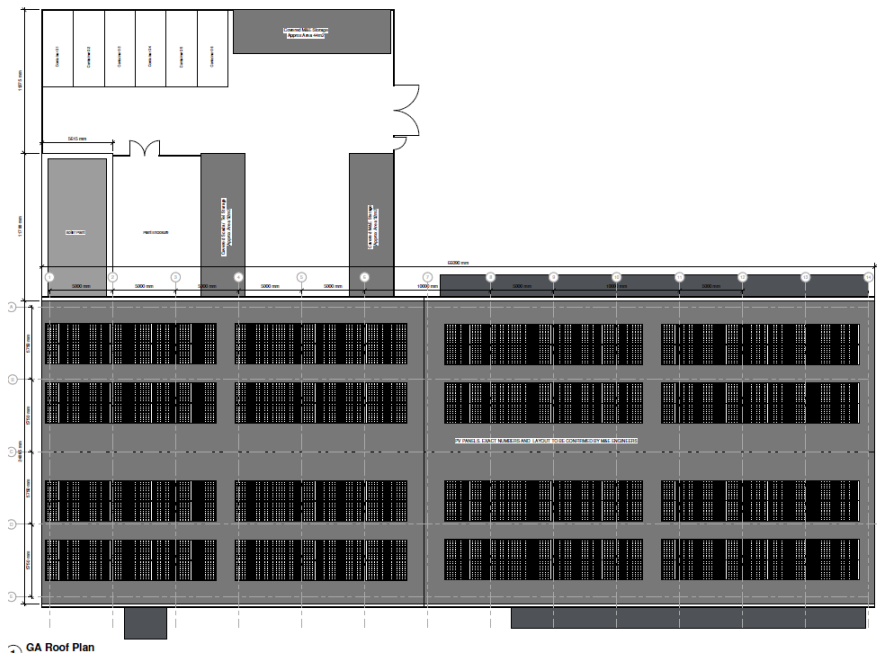
4 Elevation 4  
1:100

Hub Ground Floor Plan

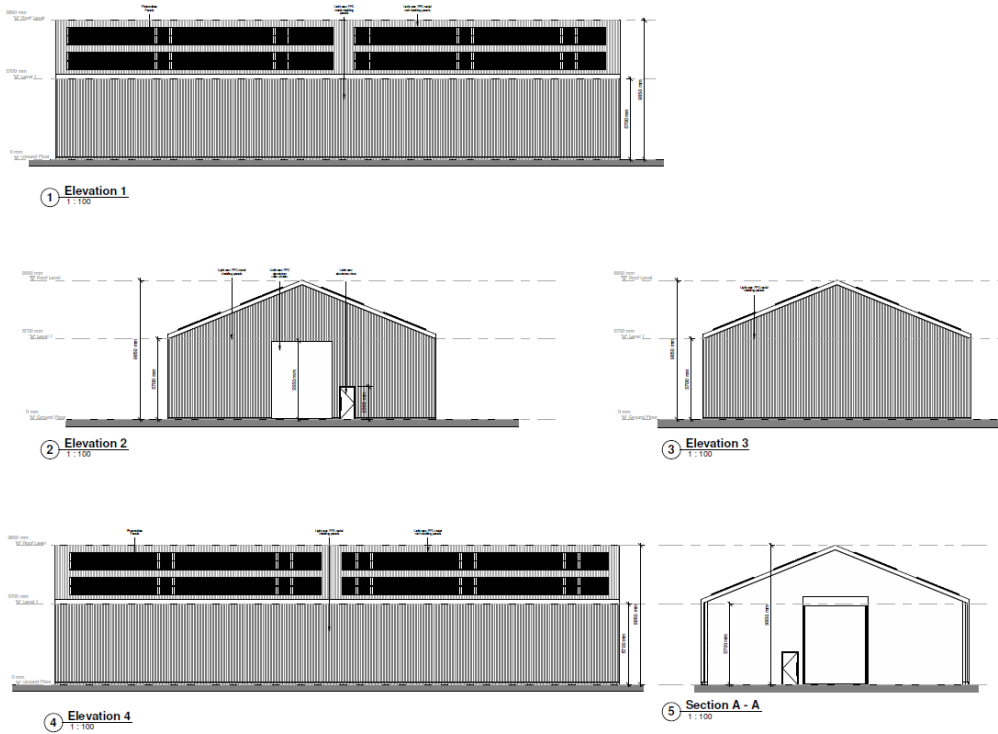


1 Proposed Ground Floor Plan  
1:100

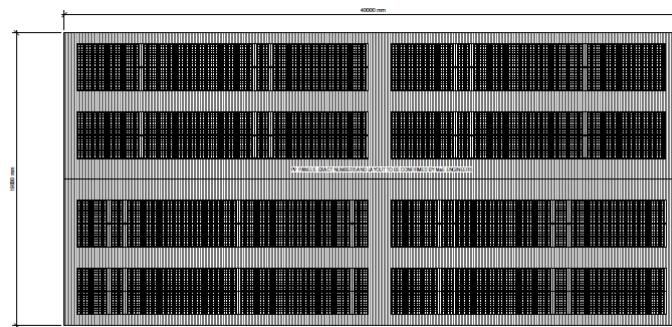
Hub Roof Plan



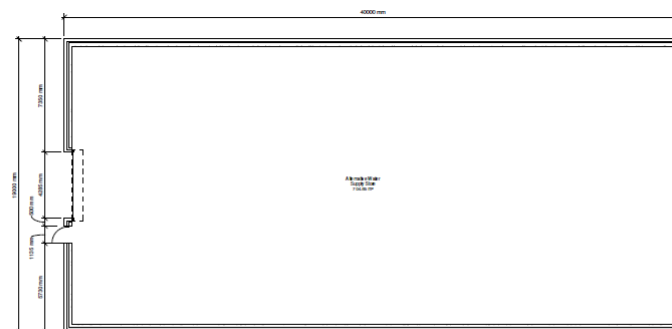
Alternative Water Supply Building (AWS) Elevations



### Alternative Water Store (AWS) Ground Floor Plan

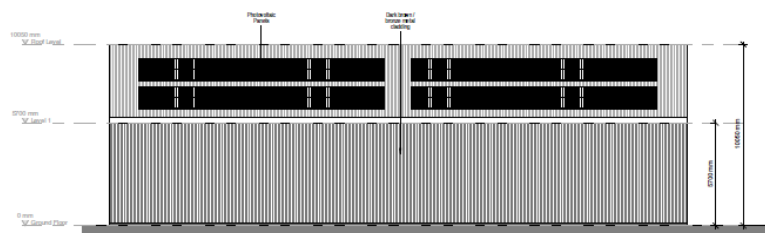


2 Proposed Roof Plan  
1 : 100

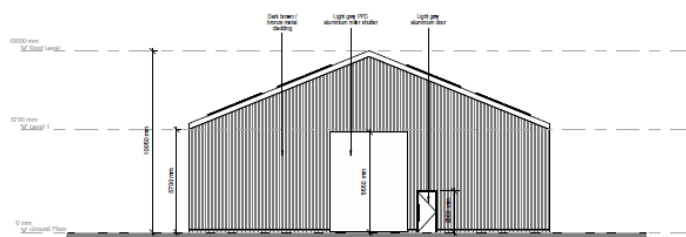


1 Proposed Ground Floor Plan  
1 : 100

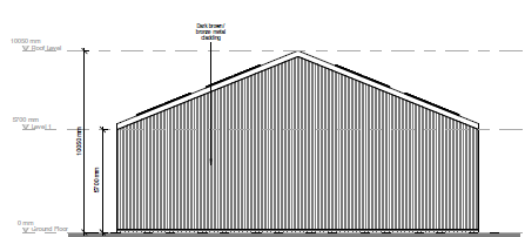
## Generator Store Elevation



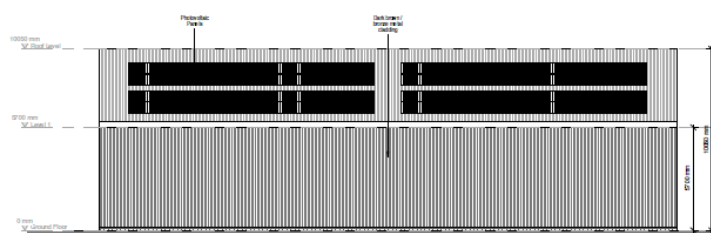
**1** Elevation 1  
1 : 100



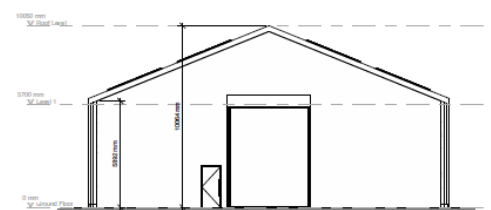
**2 Elevation 2**  
1 : 100



**3 Elevation 3**  
1 : 100

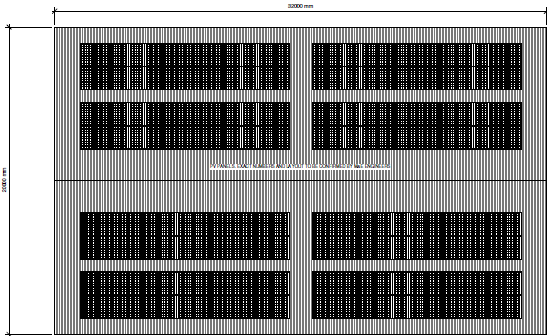


**Elevation 4**  
1 : 100

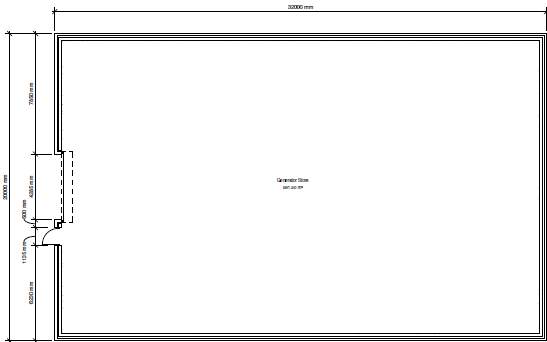


5 Section A - A  
1 : 100

Generator Store Floor Plans



2 Proposed Roof Plan  
1 : 100



1 Proposed Ground Floor Plan  
1 : 100

CGIs  
CGI of Hub showing front entrance






**CGI of Hub showing rear yard of Hub building****CGI of Alternative Water Supply Building**

2.0	<p><b>Characteristics of the Site and Area</b></p> <p>The site is located off the Blackstaff Road within an existing commercial/industrial area and comprises part of a former waste water treatment works that operated on the site until 2000 and has now been decommissioned. The M1 Motorway abuts part of the eastern boundary of the site. Blackstaff Road is located along the western boundary, Belfast City Council Civic Amenity Site and existing industrial/employment units are located to the immediate north of the site. An existing access road runs along the southern boundary of the site.</p>
3.0	<p><b>Description of Proposal</b></p> <p><b>3.1</b> The application seeks full planning permission for the partial redevelopment of former Waste Water Treatment Works to include the development of new Mechanical &amp; Electrical (M&amp;E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping.</p> <p><b>3.2</b> The application follows a Pre-Application Discussion (PAD) with officers.</p>

4.0	<b>Planning Assessment of Policy and Other Material Considerations</b>
4.1	<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p><b>Regional Planning Policy</b></p> <ul style="list-style-type: none"> <li>• Regional Development Strategy 2035 (RDS)</li> <li>• Strategic Planning Policy Statement for Northern Ireland (SPPS)</li> <li>• Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement</li> <li>• Planning Policy Statement 13 (PPS 13) - Transportation and Land Use</li> <li>• Planning Policy Statement 15 (PPS 15) - Flood Risk</li> </ul> <p><b>Local Planning Policy Context</b></p> <ul style="list-style-type: none"> <li>• Belfast Urban Area Plan (2001) BUAP</li> <li>• Draft Belfast Metropolitan Area Plan (2015)</li> <li>• Draft Belfast Metropolitan Area Plan (2004)</li> </ul> <p><b>Other Material Considerations</b></p> <ul style="list-style-type: none"> <li>• Belfast Agenda Community Plan</li> <li>• Developer Contributions Framework (2020)</li> </ul>
4.2	<p><b>Planning History</b></p> <p><b>LA04/2022/0668/PAN</b> - Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical &amp; Electrical (M&amp;E) workshops, storage, changing facilities, ancillary offices, access improvements, parking, service yards, boundary fencing and landscaping. It is proposed to develop three buildings on the site: 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store, Sewage Treatment Works, Blackstaff Road, Belfast, BT11 9DT. PAN acceptable 11.04.2022</p> <p><b>LA04/2021/1325/PAD</b> - Partial redevelopment of former NI Water operational land at Blackstaff Road / Kennedy Way, Belfast to include M&amp;E workshops, storage, changing facilities and associated offices, access improvements, parking, service yards, boundary fence and landscaping, Sewage Treatment Works, Blackstaff Road, Belfast, BT11 9DT.</p>
4.3	<b>Consultation Responses</b>
4.3.1	<p><b>Statutory Consultation Responses</b></p> <p>Responses from statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.</p> <p><b>DFI Roads</b> – No objection subject to conditions.</p> <p><b>NI Water</b> – No objection. NI Water response confirms that until such times as there is available capacity at Belfast Waste Water Treatment and downstream wastewater network its proposed to discharge foul sewage to a cesspool which will be emptied via a tanker as necessary. Public water main available to serve the development.</p> <p><b>DFI Rivers Agency</b> – No objection subject to a condition.</p> <p><b>DAERA (NIEA)</b> – <i>Water Management Unit</i> - No objection subject to conditions. <i>Drinking Water Inspectorate</i> – No objection <i>Regulation Unit Land and Groundwater Team</i> – No objection subject to conditions. <i>NED</i> – no objection.</p> <p><b>Shared Environmental Services</b> – No objection subject to conditions. SES advises that the project would not have an adverse effect on the integrity of any European site</p>

	<p>either alone or in combination with other plans or projects subject to mitigation measure proposed as conditions.</p>
<b>4.3.2</b>	<p><b>Non-Statutory Consultation Responses</b></p> <p>Responses from non-statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.</p> <p><b>Environmental Health</b> – No objection subject to conditions.  <b>BCC Tree Officer</b> – No objection subject to conditions.  <b>Economic Development Unit</b> – Recommend that Employability and Skills during both the construction or operational phases of development should not be applied.</p>
<b>4.4</b>	<p><b>Representations</b></p>
<b>4.4.1</b>	<p>The application has been advertised and neighbours notified. No third party objections have been received.</p>
<b>5.0</b>	<p><b>Planning Assessment</b></p>
<b>5.1</b>	<p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• The principle of the proposed use at this location</li> <li>• Impact on the character and appearance of the area</li> <li>• Compatibility with adjacent uses</li> <li>• Access, parking and traffic management</li> <li>• Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets</li> </ul> <p>An assessment of the above issues is set out below.</p>
<b>5.2</b>	<p><b>Background</b></p>
<b>5.2.1</b>	<p>The proposed development was the subject of a PAD process which included input from DFI Roads, BCC Tree Officer and Environmental Health.</p>
<b>5.3</b>	<p><b>Development Plan Context</b></p>
<b>5.3.1</b>	<p>Section 6(4) of the Planning Act (Northern Ireland) 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>
<b>5.3.2</b>	<p>The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.</p>
<b>5.3.3</b>	<p>Draft BMAP 2015 (dBMAP 2015), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).</p>



5.3.4	In dBMAP 2004 part of the site is identified as a Park and Ride site within the Belfast Metropolitan/Settlement Development Limit. In dBMAP 2015 the site is on unzoned land within the Belfast Metropolitan/Settlement Development Limit. Within the BUAP the site is unzoned land within the development limit of Belfast.
5.3.5	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 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.
5.4	<b>Need for the Proposed Development</b>
5.4.1	<p>The Planning Statement accompanying the application states <i>that 'The need for the Kennedy Way Hub building arises as a direct result of the requirement to upgrade the existing Belfast Wastewater Treatment Works, which is a key and strategic outcome of the DFI-led Living With Water Programme (the Belfast Strategic Drainage Infrastructure Plan). The Strategic Drainage Infrastructure Plan demonstrates that the Belfast WWTW needs to be significantly increased in capacity to facilitate economic growth, reduce the risk of flooding and achieve future stringent final effluent discharge consent standards in order to help improve the water quality of Belfast Lough. Without the Belfast WWTW upgrade, none of these objectives can be met.... Recent appraisals undertaken by NI Water have identified that the adjoining NI Water 'Bretland House' facility must be cleared to facilitate the main extension of the Belfast WWTW and Bretland House staff must therefore be relocated in order to facilitate the main Belfast WWTW upgrade works currently scheduled for 2024. The new Kennedy Way Hub building, as proposed in this planning application, will provide replacement facilities for those staff currently based at Bretland House whose relocation needs are not already being planned for through other NI Water projects. The provision of this alternative accommodation will allow Bretland House to be demolished and an Inlet Sewer diverted prior to the main Belfast WWTW works commencing.'</i></p>
5.4.2	<p>The Map below shows the existing Bretland House site (6 acres) adjacent to Belfast Waste Water Treatment Works, Duncrue.</p> 

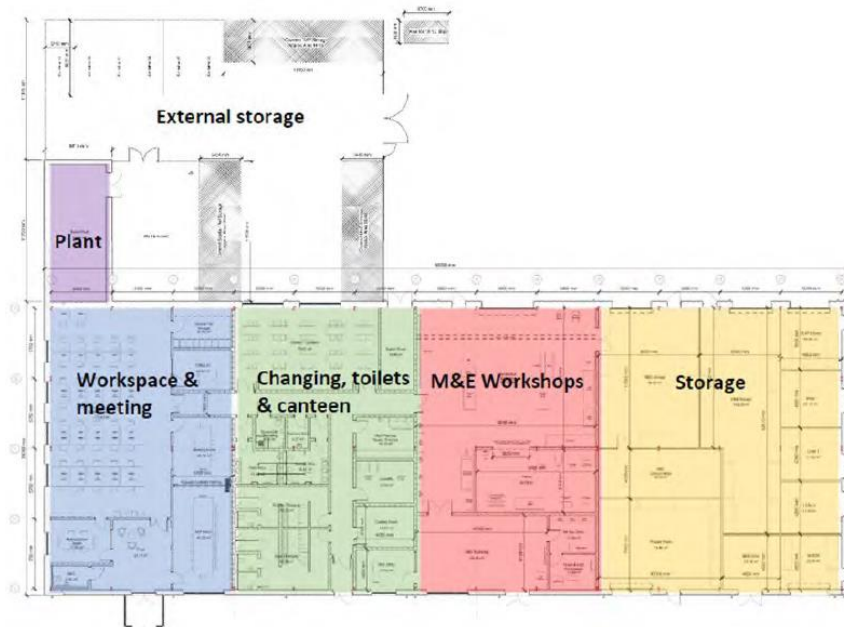
5.4.3	The need for a replacement facility as a result of relocation of Bretland House to facilitate the upgrade to Belfast Waste Water Treatment Works is a material consideration that supports the case for the proposed development.
5.4	<b>Policy Context/Principle of Proposed Uses</b>
5.4.1	The site is located within a primary commercial/industrial/ employment area. The proposal primarily comprises a Class B2 (Light Industrial Use) and Class B4 (Storage and Distribution) uses. Offices are also proposed within the Hub building. The applicant's team has advised that the function of the office space within the hub building is ancillary to its principal function and its purpose is to provide a supporting role to the main use of the building as an M&E workshop and that it would not be operationally possible to provide the office element in a town centre location with the main industrial use on a separate site elsewhere in the city, because the main industrial use relies on the support provided by the office staff. Officers are satisfied that the proposed office use is ancillary to the primary use of the main Hub building.
5.4.2	Policy PED 1 of PPS 4 – Economic Development in Settlements states that proposals for Class B2 and B4 uses will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. Elsewhere in cities and towns such proposals will be determined on their individual merits. The site is not zoned as an employment /industry area in either versions of draft BMAP or the BUAP. However, it is located adjacent to an existing employment/industry and commercial area. The proposal would support the strategic objectives of NI Water to upgrade the Belfast Waste Water Treatment Works. The proposed development is considered in principle to comply with Policy PED 1 and meet the core principles of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and objectives of the Belfast Agenda.
5.4.3	<p>Policy PED 9 – General Criteria for Economic Development also applies to the proposed development and further assessment of the proposed development is set out below. Policy PED 9 states that <i>'a proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria'</i>. Assessment of the criteria is set out below.</p> <p>(a) it is compatible with surrounding land uses; <i>It is considered that the proposal is compatible with the surrounding uses for reasons set out above.</i></p> <p>(b) it does not harm the amenities of nearby residents; <i>No residential properties are located in close proximity to the site.</i></p> <p>(c) it does not adversely affect features of the natural or built heritage; <i>NIEA Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and has no concerns subject to condition to ensure the satisfactory implementation of the Invasive Species management Plan. SES advises the proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to mitigation measures which are included as recommended conditions. There are no built heritage assets in close proximity to the site. In summary the proposed development is not considered to adversely affect features of the natural or built heritage.</i></p> <p>(d) it is not located in an area at flood risk and will not cause or exacerbate flooding; <i>The site is not located in a floodplain. Rivers Agency has considered the proposal against Policy FLD 1 and considers that it is not applicable to this development and raises no objections.</i></p>

	<p>(e) it does not create a noise nuisance; <i>Environmental Health has considered the impact of the proposed development and has no concerns relating to noise subject to a condition.</i></p> <p>(f) it is capable of dealing satisfactorily with any emission or effluent; <i>Environmental Health has considered the impact of the proposed development and has no objections relating to air quality/emissions subject to a condition. NI Water has no objections to the proposed development with regard to waste water infrastructure.</i></p> <p>(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; <i>DFI Roads has considered the traffic impact of the proposal and has raised no objections subject to conditions.</i></p> <p>(h) adequate access arrangements, parking and manoeuvring areas are provided; <i>DFI Roads has considered the proposed access, parking and manoeuvring arrangements and has raised no objection subject to conditions.</i></p> <p>(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport; <i>The access arrangements proposed include two access points and operation of a one way system for lorries and vans. The site is located close to Kennedy Way and a regular bus service is available in close proximity to the site. The development supports a range of modes of transport and is considered to meet the needs of those with impaired mobility and is convenient to public transport route.</i></p> <p>(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity; <i>The site layout and building design are considered to be of an appropriate design quality. Photovoltaic (solar) panels are proposed on the roof which will promote sustainability. Landscaping proposals are proposed which will promote biodiversity in the area and serve to improve the character and appearance of the area.</i></p> <p>(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; <i>Security fencing (2.4m high paladin fencing) around the perimeter of the site is proposed and will provide an appropriate means of enclosure. Existing birch trees along the Blackstaff Road boundary will be retained along with new planting proposed within the site will provide an adequate degree of screening of storage areas.</i></p> <p>(l) is designed to deter crime and promote personal safety; <i>Perimeter fencing and gates at the access points entrance and exit to the site will secure the site and act as deterrent against crime. Car parking and access to the building/office is segregated from lorry loading/parking bays which will serve to promote personal safety for users.</i></p> <p>(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape. <i>Not applicable.</i></p>
<b>5.4.4</b>	The scale, nature and form of the development is considered appropriate to the location and compatible with surrounding uses. The proposal is considered to satisfy the criteria set out in Policy PED 1 and PED 9.
<b>5.5</b>	<b>Scale, Design, Layout</b>
<b>5.5.1</b>	<p>The proposed development comprises three buildings as set out below:-</p> <ul style="list-style-type: none"> <li>• Hub – this is the main building accommodating mechanical and electrical (M&amp;E) workshops, stores, welfare and administrative support;</li> <li>• The Alternative Water Supply Store (AWS) - stores water containers and bottles of drinking water deployed to the community in the event drinking water main supply is interrupted; and</li> </ul>

- Generator Store – This building stores mobile electrical generators used during water operations within the Belfast area and beyond.

**5.5.2**

The hub building is the main operational building proposed and comprises of three types of accommodation (as set out in the plan below) for mechanical and electrical workshops, workspace and meeting space, storage and changing facilities, toilets and canteen along with plant. The height of the Hub building varies across its length. The lowest part is 6.5 m rising to 8.8m. The M&E workshops are accessed from the eastern (rear) elevation whilst the ancillary offices are accessed from the western elevation thereby providing segregated safer entrances.

**5.5.3**

The Planning Statement states that ‘around 100 operational and maintenance staff will need to be assigned to a new hub location arising from the requirement to demolish Bretland House and that the Hub building will incorporate a management control centre and a major incident emergency control centre. It will also have welfare facilities and include a canteen, showers and laundry areas’. The Planning Statement further states that ‘It is operationally essential that the Hub management staff and operatives are accommodated at their operational base – the proposed new Kennedy Way Hub. Its proximity to the M1 motorway, makes it an ideal route access for the Hub’s staff vehicles. In the event of any major incident, its Major Incident Centre (Bronze Command) within the Hub building can be quickly activated with management control staff directing operations and with the ability to deploy staff and plant to site as rapidly as possible.’

**5.5.4**

The Alternative Water Supply building will be used for the storage of emergency bottled water (a minimum of 200 pallets) and a water tanker fast fill station. In addition, there will also be a large portable generator shed complete with a specialist ventilation system for generator testing. Portable generators stored at the Hub can be quickly moved to a remote site as necessary for use by operational staff. All of the proposed facilities will be provided in a secure protected site. The Kennedy Way Hub will be a working depot for maintenance of water and wastewater infrastructure throughout Belfast and areas beyond and the proposed business hours are 24/7.

**5.5.5**

The design of the Hub, Alternative Water and Generator Stores reflect typical warehouse type accommodation. All three buildings are of similar scale and appearance

	to industrial buildings in the surrounding area and are long span portal framed buildings with composite cladding. Walls are proposed to be finished in grey cladding and blue/grey brick. Windows are proposed to be finished in grey aluminium frames, roof to be finished in grey cladding and doors in grey steel, grey roller shutter goods doors and glazed aluminium entrance doors.
<b>5.5.6</b>	The height, scale, massing, design, layout and materials of the proposed development are acceptable and compatible with the surrounding context and comply with the SPPS and PPS4.
<b>5.7</b>	<b>Impact on the character and appearance of the area</b>
<b>5.7.1</b>	The site is located in a predominantly commercial/industrial/employment area. Belfast City Council Civic Amenity Site is located to the immediate north along with existing industrial/employment units. The Westwood Shopping Centre is located to the west. Lands abutting the site to the south and southeast are owned by NI Water and form part of the former Waste Water Treatment Works. The M1 motorway runs along the eastern boundary of the site. The nearest existing residential property is located approximately 115 to the south at Stockmans Crescent. The Traffic impact has been considered by DFI Roads who raise no objection. Environmental Health has considered amenity impacts and are content that no adverse impact by way of noise, odour air quality would arise from the development. Japanese knotweed and Himalayan Balsam were identified as being present on the site and the applicant has submitted an Invasive Species Management Plan (ISMP) which sets out steps to control and manage the species to facilitate the proposed development. Measures have been implemented to eradicate the species and this process is ongoing. The (ISMP) has been reviewed by NIEA Natural Environment Division who raise no objection and recommend a condition ensuring that the development adheres to the ISMP.
<b>5.7.2</b>	It is considered that the proposed development will not give rise to adverse impacts and is compatible with the surrounding area and complies with the SSPS.
<b>5.8</b>	<b>Access Parking and Traffic Management</b>
<b>5.8.1</b>	Two access points to the site are proposed from the Blackstaff Road and a one-way access route for lorries and vans is proposed through the site segregating lorries and vans from cars/staff traffic. Parking for 64 cars/vans and 11 HGV lorries is proposed and includes 6 electrical charging points. A sheltered cycle store and providing parking for bicycles is also proposed on site.
<b>5.8.2</b>	DFI Roads has no objections to the proposed development subject to conditions which are set out below. The proposal is considered to comply with the SPPS and PPS 3.
<b>5.9</b>	<b>Environmental Considerations</b>
	<b>Drainage</b>
<b>5.9.1</b>	The application is supported by a Flood Risk Assessment and Drainage Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under Policies FLD 1, 2, 3, 4 and 5 subject to a condition seeking the submission of a final drainage plan prior to construction.
<b>5.9.2</b>	NI Water has no objection to the proposed development and advises that although Belfast WWTW and catchment are both operating at capacity this proposal can be approved on the basis of no additional loading. It is proposed to discharge foul sewage to a cesspool which will be emptied by a tanker as necessary. This arrangement will be

	in place until such times as there is capacity at both the WWTW and wastewater network. NI Water advise that there is a public water main within 20m of the proposed development boundary which can adequately service these proposals.
<b>5.9.3</b>	<p><b>Contamination</b></p> <p>The application is supported by a Land Contamination Assessment which has been considered by both DAERA, NIEA and Environmental Health. Neither have raised objections and both have provided conditions/informatives if permission is granted.</p>
<b>5.9.4</b>	<p><b>Noise</b></p> <p>The application is supported by a Noise Impact Assessment which has been considered by Environmental Health who has provided a condition should permission be granted.</p>
<b>5.9.5</b>	<p><b>Air Quality</b></p> <p>The application is supported by an Air Quality Impact Assessment which has been considered by Environmental Health which has no objection subject to a condition as set out below.</p>
<b>5.9.6</b>	<p><b>Odour</b></p> <p>The application is supported by an Odour Impact Assessment which has been considered by Environmental Health who has no objection.</p>
<b>5.10</b>	<b>Impact on Designated Sites/Natural Heritage Assets</b>
<b>5.10.1</b>	The proposed development is located adjacent to an unnamed watercourse that connects to the features in Belfast Lough via the Turf Lodge Stream and Lagan System and therefore there is potential that the development could impact on a number of designated sites.
<b>5.10.2</b>	In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) Shared Environmental Services (SES) on behalf of the Council has carried out an appropriate assessment and having considered the nature, scale, timing, duration and location of the project, SES advises that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including mitigation measures. This conclusion is subject to mitigation measures being conditioned in any approval which require the development to be carried out in accordance with the drainage plan submitted and the requirement for at least a 10m buffer between the location of any refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and any watercourse or drains present onsite or adjacent to the site. SES considers that adherence to these conditions will negate any potential pollution issues at both construction and operational phases from affecting connected European Site features. Both conditions are set out in full below.
<b>5.10.3</b>	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 01/02/2023. This found that the project would not have an adverse effect on the integrity of any European site.

<b>5.11</b>	<b>Pre-Application Community Consultation</b>
<b>5.11.1</b>	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 25 <sup>th</sup> March 2022 (LA04/2022/0668/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable subject to additional consultation with the MP for West Belfast. A digital public consultation event via a dedicated NI Water website was proposed between 02 and 20 May 2022.
<b>5.11.2</b>	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and that the public event (digital public consultation event) took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that a leaflet was distributed to neighbouring properties. The report states that feedback was limited to one response which raised issues regarding additional traffic on Blackstaff Road.
<b>5.11.3</b>	The applicant's responded to the issue raised by advising that the application is accompanied by a Transport Assessment Form (TAF) that considers the impact of the development on traffic congestion and road safety which concludes that <i>"the low number of vehicles generated by the proposed development will have a minimal transport impact during AM and PM peak periods"</i> . The response advises that the TAF was also submitted in draft to DFI Roads via the PAD process, who raised no objection to the draft development proposal.
<b>5.11.2</b>	The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.
<b>Neighbour Notification Checked</b> <span style="float: right;"><b>Yes</b></span>	
<b>Summary of Recommendation:</b> Having regard to the development plan, relevant policy context and other material considerations, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions.  Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal any other issues which might arise.	
<b>Draft Conditions:</b>  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. All landscaping works shall be carried out in accordance with the approved details on Drawing No. 16C – Planting Plan. The works shall be carried out prior to the occupation of	



any part of the development unless otherwise agreed in writing by the Council. Any proposed 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

3. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing trees or planting to be retained as indicated on the approved drawings which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season 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 visual amenity.

4. Prior to commencement all tree protective measures, protective barriers (fencing) and ground protection shall be erected or installed in accordance with the British Standard 5837: 2012 (section 6.2) on any trees 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 are 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.

5. If roots are accidentally damaged the Council must be immediately notified in writing and given the opportunity to inspect the damage before it is covered over. The roots must be wrapped in wet hessian wrap until the arrival of an arborist or Council tree officers. Remedial works to roots/trees shall be submitted to and agreed in writing by the Council. The development shall not proceed unless in accordance with the approved details.

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

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

Reason: To avoid compaction within the RPA of existing trees to be retained.

7. The Kennedy Way Hub Tree Survey Report [Arboricultural Method Statement and Plan] by M. Large Tree Services dated 16 Sept 2022 submitted in support of the application shall be adhered to in full during the construction process.

Reason: To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees.

8. No development shall commence (other than site clearance, enabling works or works to fulfil this condition) until a Detailed Remediation Strategy has been submitted to and approved in writing by the Council. The Remediation Strategy shall consider the MCL Consulting Ltd report entitled 'Project Number: P2565\_2\_Issue 4, Phase 3 Remediation Strategy, Kennedy Way, Belfast, Client: McAdam Design, Issued: January 2023'. The Remediation Strategy



shall follow best practice and must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified. The development shall not be carried out unless in accordance with the approved Remediation Strategy.

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

9. Prior to operation of the development, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

10. If during the carrying out of the development, or through the completion of any updated risk assessment for the proposal, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the 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 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. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health and for the protection of environmental receptors to ensure the site is suitable for use.

11. Prior to operation of the development, alternative means of mechanical ventilation that is suitably acoustically attenuated shall be installed to the hub building in accordance with section 4.1.1 of the RPS Group report entitled '*Noise Impact Assessment, NI 2588 Kennedy Way Belfast*', referenced NI 2588, dated June 2022.

Reason: Protection of amenity.

12. In the event that any substantial centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), an updated Air Quality Impact Assessment shall be submitted to and approved in writing by the Council prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development. The development shall be carried out in accordance with the approved details.

Reason: Protection of human health against adverse air quality impact.

13. The dust management measures, as detailed within Appendix D (*Dust Management Plan*) of the *RPS Group Report entitled 'Air Quality Impact Assessment, Partial Redevelopment of Former NI Water Operational Land at Blackstaff Road/Kennedy Way*, referenced NI 2588, dated July 2022 shall be implemented throughout the duration of the construction phase of the development.

Reason: Protection against adverse air quality impacts.

14. A suitable buffer of at least 10m must be maintained between the location of any refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and any watercourse or drains present onsite or adjacent to the site.

Reason: To protect the features of European Sites indirectly hydrologically connected in Belfast Lough from adverse effects.

15. The drainage for the site shall be constructed in accordance with the approved drainage plan on drawing No. 17D – Proposed Drainage Layout (BRA-MCA-ST1-00-DR-CP-2000 Rev P6).

Reason: To protect the features of European Sites indirectly hydrologically connected in Belfast Lough from adverse effects.

16. Prior to the construction of the drainage network, a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, shall be submitted to and agreed in writing by the Council. The Final Drainage Assessment shall demonstrate the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event. The development shall not be carried out unless in accordance with the approved details.

Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

17. No development shall commence until the applicant has submitted evidence in writing to the Council for its agreement demonstrating that the risks to groundwater and other environmental receptors due to on-site contamination of the ground and groundwater have been effectively assessed. This evidence should include but not be limited to:

- Groundwater quality monitoring data and a detailed quantitative risk assessment to investigate the risks to groundwater from hydrocarbon contamination identified at the site (WS01),
- If unacceptable risks to groundwater are identified provision of remedial criteria as soil and groundwater concentrations that would not pose a risk to receptors. The remedial criteria are required to be derived through quantitative risk assessment based on the conceptual site model.

If unacceptable risks to receptors are identified a remediation strategy will be required to address those risks.

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

18. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified from Condition 17. This strategy must be submitted to and agreed in writing by the Council and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which

are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

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

19. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under Condition 17 have been implemented to the satisfaction of the Council. The Council must be given at least 2 weeks written notification prior to the commencement of remediation work.

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

20. In the event that piling is required, 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.

21. The applicant must adhere to the agreed Invasive Species Management Plan (ISMP) for this site and Waste Transfer Notes must be retained where they are required.

Reason: To control and reduce the spread of non-native species.

22. The development shall not become operational until the weather protected cycle parking has been provided in accordance with the approved plans.

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

23. The development shall not become operational until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

24. Pedestrian crossing points including tactile paving shall be provided at all road junctions in accordance with the DETR / Scottish Office publication "Guidance on the use of Tactile Paving Surfaces".

Reason: In the interests of pedestrian safety.

25. The visibility splays, shall be provided in accordance with Drawing Nos. 14C and 26B, 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.

26. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted becomes operational and such splays shall be retained and kept clear thereafter.

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

**Notification to Department (if relevant) - Not Required**

Date of Notification to Department:

Response of Department:

**Representations from Elected Members:-** None

<b>ANNEX</b>	
<b>Date Valid</b>	9th August 2022
<b>Date First Advertised</b>	26th August 2022
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 1,6a ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 11 Blackstaff Road,Belfast,Antrim,BT11 9DT The Owner/Occupier, 14a ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 16a ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 19 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 19a ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 1c ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT The Owner/Occupier, 2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT The Owner/Occupier, 2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT The Owner/Occupier, 2 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 3 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT The Owner/Occupier, 3,3 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 4,4-5 ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 45 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 47 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 5 Blackstaff Road,Belfast,Antrim,BT11 9DT The Owner/Occupier, 5 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 5-8a Dc Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 6 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 6,5 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 7 Blackstaff Road,Belfast,Antrim,BT11 9DT The Owner/Occupier, 9 Blackstaff Road,Belfast,Antrim,BT11 9DT The Owner/Occupier, Blackstaff Recycling Centre (Belfast CC), Blackstaff Way, Belfast BT11 9BQ The Owner/Occupier, Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT The Owner/Occupier, Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT The Owner/Occupier, Ess,Blackstaff Way,Ballymurphy,Antrim, The Owner/Occupier, Factory 10,Blackstaff Way,Ballymurphy,Belfast,Antrim,BT11 9DT The Owner/Occupier, Factory 7,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT The Owner/Occupier, Former Kennedy Enterprise Centre, 2 Blackstaff Road, Belfast, Antrim,BT11 9DT	

The Owner/Occupier, olly Business Park,Blackstaff Way, Ballymurphy, Belfast, Antrim, BT11 9DS

The Owner/Occupier, Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Office,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, R ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 1,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 1-2,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 10,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 10,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 10,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 11 ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9BL

The Owner/Occupier, Unit 11,5 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 11,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 12,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 12,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 14,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 14,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 14,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 15,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 15a,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 16,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 16,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 16/17/18,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 17,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 17,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 17-18,Westwood Shopping Centre,Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 18,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 18,5 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 19,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 19a,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 19b,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 1a,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 2,3 Blackstaff Way,Ballymurphy,Belfast,Antrim,BT11 9DT

The Owner/Occupier, Unit 2,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 2,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 20,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 20,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 21,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 21,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 22,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 22,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 22,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 23,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 24,5 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 24,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 24,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 25,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 26,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 27,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 28,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 29,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ

The Owner/Occupier, Unit 3,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 3,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 3,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ

The Owner/Occupier, Unit 3,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 39,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 4,48 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 4,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ  
 The Owner/Occupier, Unit 4,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ  
 The Owner/Occupier, Unit 4-5,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ  
 The Owner/Occupier, Unit 4-5,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ  
 The Owner/Occupier, Unit 5 ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT  
 The Owner/Occupier, Unit 5,5 Kennedy Way,Belfast,Antrim,BT11 9BQ  
 The Owner/Occupier, Unit 5,Blackstaff Road,Belfast,Antrim,BT11 9DT  
 The Owner/Occupier, Unit 5,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim, BT11 9DT  
 The Owner/Occupier, Unit 5,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ  
 The Owner/Occupier, Unit 5/6,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ  
 The Owner/Occupier, Unit 6,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT  
 The Owner/Occupier, Unit 6,48 Kennedy Way,Belfast,Antrim,BT11 9AP  
 The Owner/Occupier, Unit 6,5 Kennedy Way,Belfast,Antrim,BT11 9BQ  
 The Owner/Occupier, Unit 6,Westwood Retail Park,51 Kennedy Way,Belfast,Antrim,  
 The Owner/Occupier, Unit 6,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ  
 The Owner/Occupier, Unit 6,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ  
 The Owner/Occupier, Unit 6/7,D C Silencers Complex,Kennedy Way, Belfast, Antrim, BT11 9AP  
 The Owner/Occupier, Unit 7,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT  
 The Owner/Occupier, Unit 7,48 Kennedy Way,Belfast,Antrim,BT11 9AP  
 The Owner/Occupier, Unit 7,5 Kennedy Way,Belfast,Antrim,BT11 9AP  
 The Owner/Occupier, Unit 7,D C Silencers Complex,Kennedy Way,Belfast,Antrim,BT11 9AP  
 The Owner/Occupier, Unit 7,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ  
 The Owner/Occupier, Unit 7,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ  
 The Owner/Occupier, Unit 7,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ  
 The Owner/Occupier, Unit 7b,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT  
 The Owner/Occupier, Unit 8,48 Kennedy Way,Belfast,Antrim,BT11 9AP  
 The Owner/Occupier, Unit 8,5 Kennedy Way,Belfast,Antrim,BT11 9BQ  
 The Owner/Occupier, Unit 8,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ  
 The Owner/Occupier, Unit 8,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ



The Owner/Occupier, Unit 8,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ The Owner/Occupier, Unit 9,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ The Owner/Occupier, West Belfast Enterprise Centre,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT The Owner/Occupier, Westwood Shopping Centre,Kennedy Way,Belfast,Antrim,BT11 9BQ	
<b>Date of Last Neighbour Notification</b>	31st August 2022
<b>Date of EIA Determination</b>	30th August 2022
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
01 – Site Location Plan 03C – Proposed Site Layout Plan 04C – Proposed layout Levels 05 – Proposed AWS Ground Floor and Roof Plan 06 – Proposed AWS Elevations and Sections 07 – Proposed Generator Store Ground Floor and Roof Plan 08 – Proposed Generator Store Elevations and Sections 09 – Proposed Hub Ground Floor Plan 10 – Proposed Hub Roof Plan 11 – Proposed Hub Elevations 12 – Proposed Hub Sections 13 – Proposed Site Sections 14C – Proposed Visibility Splays – Secondary Access 15C – Proposed Visibility Splays 16C – Planting Plan 17D – Proposed Drainage Layout 18C – Proposed Layout fencing 19C – Proposed Layout Kerbs 20C – Proposed Layout Surfacing 21 – Pavement Construction Details 22 – Ground Mounted PV Cells 23 – Above Ground Bunded Fuel Tank 24 – Cycle Shelter Stands 25B- Tree Root Protection Zones 26B – Proposed Whitelining Plan	

This page is intentionally left blank

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 14 February 2023	<b>Item Number:</b>
<b>Application ID:</b> LA04/2022/0129/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed social housing led mixed tenure residential development comprising 122 residential dwellings, pedestrian and cycle ways, public open space, children's play area, landscaping (including 8 metre landscaped buffer to western boundary), boundary treatments, parking, access (provision of a right turn lane) and ancillary site works.	<b>Location:</b> Lands north of 14 Mill Race and 15 Belfield Heights and south of 2-15 St Gerards Manor Ballymurphy Belfast Co. Antrim.
<b>Referral Route:</b> Major application	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Eglantine Developments Ltd 1 Campsie Business Park Eglinton BT47 3XX	<b>Agent Name and Address:</b> Clyde Shanks Ltd 7 Exchange Place Belfast BT1 2NA
<p><b>Executive Summary:</b> The application seeks planning permission for a residential development comprising of 122 residential dwellings, pedestrian and cycle ways, public open space, children's play area, landscaping (including 8 metre landscaped buffer to western boundary), boundary treatments, parking, access (provision of a right turn lane) and ancillary site works. The proposal is for a mixed tenure development comprising predominantly social housing. Alongside social rented offering the proposal offers a minimum of 10% intermediate housing. (110 social and 12 intermediate).</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Development Plan considerations</li> <li>- Principle of Housing at this location</li> <li>- Loss of Open Space</li> <li>- Scale, massing, design and layout</li> <li>- Open Space Provision</li> <li>- Impact on existing trees and vegetation</li> <li>- Traffic, Movement and Parking</li> <li>- Impact on the Environment and Amenity</li> <li>- Other Environmental Matters</li> <li>- Drainage and Flooding</li> <li>- Impact on Protected/ Priority Species and Habitats</li> <li>- Developer Contributions/ Section 76 Agreement</li> <li>- Pre-application Community Consultation</li> </ul> <p>The principle of housing on this unzoned brownfield site, and the accompanying loss of open space, is considered acceptable given the provision of much needed social housing. The Northern Ireland Housing Executive are supportive of the proposal.</p>	

The density and layout are in keeping with the established housing developments in the area with the predominance of two storey semi-detached dwellings reflective of housing abutting the site to the north and to the south.

A number of unprotected trees and some boundary vegetation will be removed, but this is considered to have low conservation status and is outweighed by a comprehensive planting scheme, which includes augmentation of existing boundary planting, in particular the provision of an 8m deep buffer along the western boundary which is the settlement development limit. This helps minimise overall visual impact from distant views, as does rows of internal planting between lower and upper levels which not only assist in the integration of the development into the landscape but also protect the amenity of prospective residents.

Planted open space and a fully equipped play area form an intrinsic and integral spine of accessible communal space running on a south-north axis through the site with accompanying pedestrian footway providing a linkage through the site to the Upper Springfield Road and associated public transport network.

Consultation has confirmed that there will be no adverse impact on protected sites, species or habitats.

A Section 76 Planning Agreement will secure Green Travel measures including provision of Travel Cards. Social Housing provision will also be secured along with an Employability and Skills Plan and the management and maintenance of public open space.

DFI Roads – Awaiting final response (verbal confirmation already received confirming that DFI Roads are content subject to conditions and Travel Plan implementation)

DAERA – Approval subject to conditions

Rivers Agency – Awaiting final response

Shared Environmental Services – No Objection

NI Water – Approval subject to conditions

NI Housing Executive - Support

Non-Statutory consultations

Belfast City Council Environmental Health Department – No objection subject to conditions

Belfast City Council City Landscape Planning and Development Unit – No objection

Belfast City Council Place and Economy Department – No objection


Belfast Hills Partnership – Issues raised

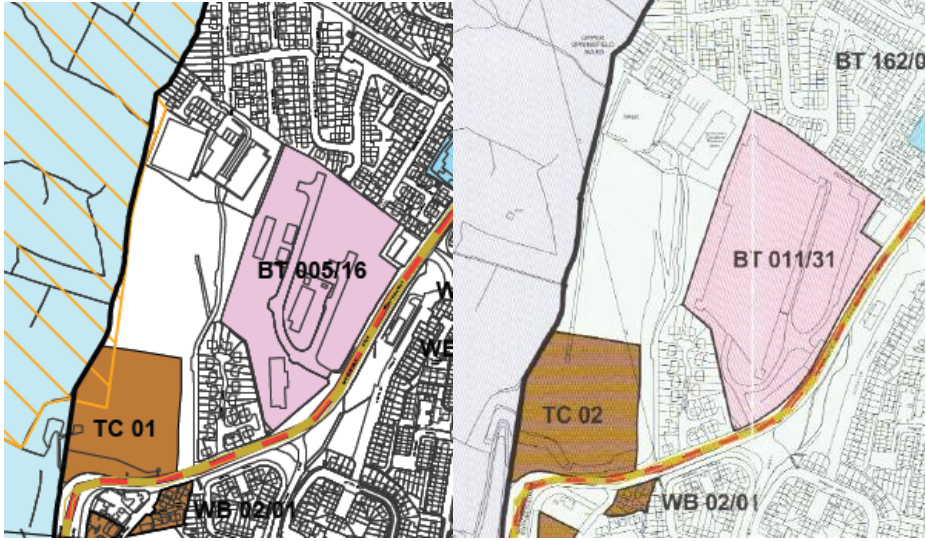
A total of 10 letters of objection have been received. The issues raised are set out and considered in the main report.

Having regard to the development plan, relevant policy context and other material considerations the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and enter into the Section 76 planning agreement and deal with any other issues that may arise from outstanding consultations, unless they are substantive in which case the application will be reported back to the Planning Committee.

**Signature(s):**

Case Officer Report	
Site Location Plan and Layout	
	
1.0	<b>Description of Proposed Development</b>
1.1	Proposed social housing led mixed tenure residential development comprising 122 residential dwellings, pedestrian and cycle ways, public open space, children's play area, landscaping (including 8 metre landscaped buffer to western boundary), boundary treatments, parking, access (provision of a right turn lane) and ancillary site works.
1.2	The proposal is for a mixed tenure development comprising predominantly social housing (114 dwellings and 8 apartments). Alongside social rented offering the proposal offers a minimum of 10% intermediate housing. (110 social and 12 intermediate).
2.0	<b>Description of Site</b>
2.1	The site is located on the north-western edge of the Belfast Urban Area and just within the settlement limits as defined in the Belfast Urban Area Plan and Belfast Metropolitan

	<p>Area Plan 2015 (both v2004 &amp; v2014). The site has an area of approximately 5Ha and is bounded by housing to the south-east and south-west, and an industrial estate to the east, with the Upper Springfield Road and Belfast Hills to the south-west and west respectively.</p>
2.2	<p>The site itself is well defined with mature low-level planting and sporadic trees along eastern and western boundaries boundaries, and within the site itself. The site rises steeply from the eastern boundary to a flat area to the west. The location of a former school (now demolished). The frontage is limited to the Upper Springfield Road and is defined by an existing access point and laneway with an embankment and planting to either side of this access. The site itself is predominantly made ground given its former use.</p>
2.3	<p>The site has two distinct areas. The northern half forms the remains of the former St Gerard's Educational Resource Centre which has now been demolished. This section of the site consists of a mixture of hard surfaced areas and the crushed demolition material of the former buildings.</p> <p>The remainder of the site consists of a raised platform located to the immediate west of the access lane. The top of this platform is uniformly level and under rough pasture. The slopes of the platform are covered with some mature and semi-mature planting.</p>
2.4	<p>The following zonings apply to the site:</p> <p>The site is located on unzoned whiteland in the Belfast Urban Area Plan, and both versions of draft BMAP 2015 (v2004 &amp; v2014).</p> <p>Draft BMAP</p> 
2.5	<p>The site is adjacent to the Belfast Hills and abuts a Site of Local Nature Conservation Importance (SLNCI).</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Planning History</b>
<b>3.1</b>	<p>Z/2010/1374/O - Residential development at lands beside Mill Race, Monagh-by- Pass, Belfast – adjacent and to the south of the site. Approved 29<sup>th</sup> August 2012</p> <p>Z/2007/0705/F – Erection of 22 no. dwellings with access road at a travellers site, Monagh-by-Pass/Springfield Road, Belfast, BT12. This development comprises the Mill Race residential development bounding the site to the south adjacent and to the west of the site entrance on Upper Springfield</p>

	<p>Road. Approved 21<sup>st</sup> March 2008</p> <p>Z/2006/1448/F - Erection of two buildings - plaster moulding factory and a plaster mould store, located at Whiterock Business Park, Springfield Road, Belfast, BT12 7PF – adjacent and to the east of the site. Approved 30<sup>th</sup> August 2006.</p> <p>Z/2001/0276/F - Housing &amp; associated infrastructure &amp; community facilities for the existing travellers community - 2 no. houses, 14 no. bungalows and 1 no. community bungalow at Monagh By-Pass, Springfield Road, Belfast – adjacent and to the south of the site.</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	<p>Belfast Urban Area Plan 2001</p> <p>Draft Belfast Metropolitan Area Plan 2015 (versions published in 2004 and 2014)</p> <p>Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area'</p> <p>Developer Contribution Framework (adopted January 2020)</p>
4.2	<p>Regional Development Strategy</p> <p>Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Planning Policy Statement 2 – Natural Heritage</p> <p>Planning Policy Statement 3 – Access, Movement and Parking</p> <p>Planning Policy Statement 4 – Planning and Economic Development</p> <p>Planning Policy Statement 11 – Planning and Waste Management</p> <p>Planning Policy Statement 13 – Transportation and Land-use</p> <p>Planning Policy Statement 15 – Planning and Flood Risk</p>
5.0	<p><b>Statutory Consultees</b></p> <p>DFI Roads – Awaiting final response (verbal confirmation already received confirming no objection)</p> <p>DAERA – No objection subject to conditions</p> <p>Rivers Agency – Awaiting final response</p> <p>Shared Environmental Services – No objection</p> <p>NI Housing Executive – Support</p> <p>NI Water – Approval subject to condition</p>
6.0	<p><b>Non-Statutory Consultees</b></p> <p>Belfast City Council Environmental Health Department – No objection subject to conditions</p> <p>Belfast City Council City Landscape Planning and Development Unit – No objection</p> <p>Belfast City Council Place and Economy Department – No objection</p> <p>Belfast Hills Partnership – Issues raised</p>
7.0	<p><b>Representations</b></p> <p>10 public objections have been received.</p> <p>The following issues were raised, with each addressed immediately below:</p> <ul style="list-style-type: none"> <li>- <b>Impact on natural habitats</b></li> <li>- This will be assessed in the main body of the report and has factored in comment from DAERA Natural Environment Division and Shared Environmental Services.</li> <li>- <b>Loss of open space</b></li> <li>- The loss of open space will be addressed in the main body of the report. On balance, with the community benefits from redeveloping a vacant site for much needed social housing with a high quality of open space and landscaping, it is considered on balance to be acceptable.</li> <li>- <b>Overlooking onto adjacent residential properties</b></li> </ul>



	<ul style="list-style-type: none"> <li>- Impact on residential amenity will be discussed in the main body of the report. Given generous separation distances and screening along boundaries it is not considered the proposal would prejudice the amenity of existing residents.</li> <li>- <b>Impact of additional traffic</b></li> <li>- No through road is proposed to Dermot Hill.</li> <li>- <b>Road Safety</b></li> <li>- The visibility splays at the main entrance point from Upper Springfield Road have been extended in response to DFI Roads concerns with regard to existing traffic speed along this stretch of road. DFI Roads has offered no objection in terms of impact of additional traffic on road network.</li> <li>- <b>School capacity in area.</b> This is not a material planning consideration.</li> <li>- <b>Larger wall and fence would provide more security and prevent 'shortcutting'</b></li> <li>- The proposed fence along the boundary with Dermot Hill has been replaced by a 2.4m high wall.</li> <li>- <b>Impact on views to Black Mountain and countryside</b></li> <li>- The site is located within the settlement limits and the presumption is therefore in favour of development. The scale and height of the development (generally two storey residential dwellings) are not considered to be excessive at this location. The right to a view is not a consideration for BCC Planning, however outlook, overlooking and impact on private amenity are. These areas will be covered in the main body of the report.</li> <li>- <b>Lack of private housing in the area</b></li> <li>- A mixed tenure is something that would be supported by Planning Policy, in particular PPS12. The Housing Executive is supportive of the provision of social housing in an area of high social housing need.</li> </ul>
8.0	<b>Other Material Considerations</b> The Belfast Agenda Creating Places DCAN 8 – Housing in Existing Urban Areas DCAN 15 – Vehicular Access Standards
<b>9.0</b>	<b>Assessment</b>
9.1	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> <li>- Development Plan considerations</li> <li>- Principle of Housing at this location</li> <li>- Loss of Open Space</li> <li>- Scale, massing, design and layout</li> <li>- Open Space Provision</li> <li>- Impact on existing trees and vegetation</li> <li>- Traffic, Movement and Parking</li> <li>- Impact on the Environment and Amenity</li> <li>- Other Environmental Matters</li> <li>- Drainage and Flooding</li> <li>- Impact on Protected/ Priority Species and Habitats</li> <li>- Developer Contributions/ Section 76 Agreement</li> <li>- Pre-application Community Consultation</li> </ul>
9.2	<b>Development Plan</b> Article 6 (4) of the Planning (Northern Ireland) 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.



9.3	Following the Court of Appeal decision on BMAP, the extant development plan is now the BUAP. BMAP has reverted to a draft plan and both the pre-examination (dBMAP 2004) and post-examination (dBMAP 2015) versions are material considerations. However, given the stage at which dBMAP 2015 had reached pre-adoption through a period of independent examination, the policies within the version of Draft BMAP 2015 are considered to carry significant weight in the decision making process.
9.4	Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the only areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.
9.5	<i>Belfast Urban Area Plan 2001 (BUAP)</i> The site is located on unzoned whiteland within the development limits of Belfast.
9.6	<i>Draft BMAP (2004 and 2014) designations</i> The site is located on unzoned whiteland within the development limits of Belfast.
9.7	<i>Draft Belfast Local Development Plan Strategy (Draft LDP)</i> 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 DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 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 the transitional period planning authorities will apply existing policy together with the SPPS.
9.8	<i>The Belfast Agenda</i> The proposed development broadly contributes to the delivery of the core principles of the Belfast Agenda. One of the core aims of the Belfast Agenda is to support 66,000 additional people living in the city by 2035, and within this, 1,800 social housing units and an agreed city target of affordable housing. The provision of 122 no. residential dwellings supports these core aims.
9.9	<b>Principle of Housing at this location</b> The presumption is in favour of development on the site given its location within Belfast's settlement limits. The principle of residential use is also acceptable subject to the detailed planning policy considerations which are set out below.
9.10	<b>Loss of Open Space</b> As the proposed housing development is located on an area of existing open space the proposal has been assessed against the SPPS and Policy OS1 of Planning Policy Statement. There is a presumption against development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. The SPPS also reflects this, with the onus placed on the retention of open space unless it is demonstrated that its loss would bring about substantial community benefits which would outweigh any loss.
9.11	A case has been presented by the planning agent to justify the apparent loss of open space. It is stated that the site is not located on zoned open space, with any open space provision associated with the previous school on the site. It goes on to state that the site

	is not accessible to the public and secured by a locked gate and boundary fence. The statement points to the community benefits through the provision of much needed social and mixed tenure housing and a formal area of open space including a secure children's play area.
9.12	Northern Ireland Housing Executive (NIHE) are supportive of the proposal and consider that mixed tenure development is an important way to create cohesive, sustainable and balanced communities.
9.13	The Housing Executive welcomes the inclusion of accommodation to help address the demand for intermediate housing in the Belfast City Council area. The requirement for this provision is based on the Housing Executive's knowledge of the local housing market; their assessment of the intermediate market; and the level of Co-ownership activity in the Belfast City Council area. The Housing Executive estimates intermediate housing demand for the Council area at 140 units of accommodation per year.
9.14	NIHE state that demand for social housing in this part of West Belfast is high with 2,098 applicants in housing stress at March 2021. The site would be attractive to the wider catchment areas of Inner and Middle West Belfast. The projected housing needs assessment for both these areas over the period 2021-2026 indicates that 1,570 new social housing starts are required to address waiting list demand for this catchment area.
9.15	<p><b>Scale, Massing, Design and Layout</b></p> <p>The proposal has been assessed against the SPPS and Policies QD1 of Planning Policy Statement 7.</p>
9.16	Policy QD1 of PPS7 sets out the following criteria for new housing developments:
9.17	<p><b><i>a) the 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, structures and landscaped and hard surfaced areas;</i></b></p> <p>The proposal consists of a mix of 122 residential units. The surrounding area is characterised predominantly by a mix of detached and townhouse development. Densities range between 25 units/ ha in the recently approved Glenmona development a short distance south of the site, and 31 and 37 units/ ha in the adjoining Belfield Heights and St. Gerards Manor developments respectively. The proposed density is sympathetic to this established residential character at approximately 23 units/ ha. This lower density reflects the site's edge of city location and ensures the development is 'softer' and less visually intrusive.</p>
9.18	In terms of house types, semi-detached units dominate the layout, as is the case in adjoining developments. There are a total of 114 semi-detached units, with the remaining 8 units located within two apartment blocks. Although apartments are by no means common in the immediate area, their scale (2 storey) and central location, ensure that they do not appear overly dominant, nor do they detract from the overall quality of the development. The proposed mix of house types (12 in total), ensures variety in design and avoids a potentially monolithic appearance given the dominance of semi-detached dwellings on what is quite a linear layout, largely dictated by the existing topography and the fact that a large part of the site is on a flat man-made site on an otherwise sloping escarpment. At corner sites the proposed 'dual frontage' house types ensure the dwelling addresses the street to front and side with a 1.8m high decorative brick wall offering protection to private amenity whilst ensuring a high quality of streetscape, as opposed to a 1.8m close-boarded fence.

9.19	The proposed 2.4m high boundary wall between the application site and existing dwellings in Dermott Hill is a feature requested by the existing residents. Brick piers, cappings and string courses assist in breaking up the visual impact of the proposed boundary wall on both sides whilst soft landscaping (on both sides) further softens the visual impact. It has been designed using materials (ie brick) that will match the type of brick proposed for the new dwellings thus assisting integration.
9.20	Parking has been provided in the form in-curtilage parking, mostly to the side of the semi-detached dwellings, and a limited amount to the front, with the exception of communal parking bays which serve the two apartment blocks. This ensures that the dwellings address the road rather than cars and car parking, providing an all-round softer landscaping.
9.21	<i>b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;</i> The site does not lie within an area of archaeological potential. The Archaeological Impact Assessment submitted with the application has identified no known archaeological sites within the development area and very little known archaeology within the wider search radius. An inspection of the early edition OS maps shows that the development site has remained free from historic development. The site inspection indicated that the proposed development site has been subject to significant disturbance in the recent past.
9.22	A Tree Survey has identified 4 trees as not being suitable for retention, with the remaining being of low conservation value, a mix of leylandii, ash, alder and willow.
9.23	There are approximately 13 existing trees directly impacted by the proposed development. The majority of these are located internally and are of low conservation value, and offered no protection. The Arboriculturalist has confirmed that the two trees (Ash (common) and Scots Pine) located along the site boundary with Dermott Hill Drive are of 'Low value' and not worthy of retention. In fact the Ash tree has Ash Dieback (see screenshot from Tree Constraints Schedule below). These trees can therefore be removed to facilitate the construction of the proposed 2.4m boundary wall.
9.24	The loss of approximately 13 trees and some low level scrub and boundary hedging must be considered in conjunction with the comprehensive landscaping plan (discussed further below). As the new planting matures and becomes more established the result will be an increase in the extent, and indeed quality, of vegetation on the site. This is coupled with a planted 8m deep buffer along the western boundary of the site. Therefore, on balance, the loss of trees is considered acceptable given the low conservation value of the existing vegetation and what is a comprehensive planting scheme, which will be discussed in detail below.
9.25	<i>c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;</i> Public open space provision within the site is predominantly delivered through three main open space areas. These areas comprise a central area of open space area running south-north through the site from the Upper Springfield Road. There are two smaller pockets, one located just behind the dwellings in Belfield Heights and the other adjacent to the northern boundary with Dermott Hill. The total useable open space within the site measures approximately 6,000 sqm/0.6ha. 'Creating Places' states that a normal expectation for new green-field development may be around 10% of the site area or

	greater. The total area in this case equates to approximately 12% of the total site area. In terms of non-useable spaces, an 8m deep landscaped buffer is located along the western boundary of the site equating to approximately 2,500sqm/ 0.25Ha.
9.26	In terms of private amenity, the proposal encompasses a range of rear garden sizes and communal amenity areas at apartments for future residents. Apart from four anomalies on corner/ junction sites within the development where gardens are approximately 55 sqm, garden sizes range between approximately 75 sqm and 200 sqm. The average private amenity provision (for dwellings) is therefore greater than the 'Creating Places' guidance (70sqm) and are akin to greenfield standards on new housing developments within rural villages. In terms of the apartments, there is a communal private open space between the two blocks of approximately 1,160sqm. This equates to approximately 145sqm per unit, well in excess of the 'Creating Places' standards, where it is stated communal open space ' <i>should range from a minimum of 10 sq m per unit to around 30 sq m per unit</i> '.
9.27	Open Space provision will be discussed further under Policy OS2 of PPS8 below.
9.28	(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development; Given the scale of the development no such facilities are required.
9.29	<i>(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;</i> There is one main vehicular access point to the development site off Upper Springfield Road. This is an existing access which previously served the former school on the site.
9.30	This access provides links to existing public transport networks, with bus stops located a short distance from the site entrance. A footpath runs from the site access south-north through the main spine of open space which provides a pedestrian/ cycle corridor through the heart of the development.
9.31	Traffic calming measures have been provided in the form of speed control cushions. DFI Roads are satisfied with these speed control measures.
9.32	<i>(f) adequate and appropriate provision is made for parking;</i> DFI Roads is satisfied with the level car parking provision (164 spaces) and its arrangement given a commitment from the developer to enact a Travel Plan, including green travel measures, namely the provision of travel cards for the first three years of occupation of each dwelling.
9.33	<i>(g) the design of the development draws upon the best local traditions of form, materials and detailing;</i> The built form, with the rows of two storey semi-detached dwellings, reflects the character of the adjoining residential areas.
9.34	The mix of red brick and off-white render finish reflects the finishes and material of both the more established and newer dwellings that bound the site and those within the wider vicinity, including those approved on the 'Glenmona' site a short distance south. With the proposed modest density and predominance of semi-detached units, it will be a character very much in keeping with the area.

9.35	<p><i>h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;</i></p> <p>Screening is provided by mature planting and proposed along boundaries with existing housing to the south of the site, with a 2.4m wall along the northern boundary. Boundary planting will be augmented and forms part of a comprehensive planting scheme. A 1.8m fence provides screening along the eastern part of the access road onto Belfield Heights.</p>
9.36	<p>In the north south-eastern part of the site, where the development sits closest to neighbouring buildings, these separation distances range from approximately 24-25m from built form to built form. This separation distance has been achieved by generous rear garden depths on the dwellings at site Nos. 35-38. As there is a slight drop in levels into the site along the northern part of the site where the proposed dwellings back onto the rear of properties in Dermot Hill, with a further drop in terms of finished floor levels (approx. 3-4 lower there should be no significant levels of overlooking or dominance as a result of the development.</p>
9.37	<p>Where the proposed dwellings in the north-eastern corner of the site front onto the rear and sides of the dwellings within the Dermott Hill Grove and Dermot Hill Drive cul-de-sacs there is a separation distance of at least 20m to the site boundary. This separation distance, coupled with a 2.4m high boundary wall, should ensure that any overlooking is in the worst case minimal, and certainly not any cause for concern from an amenity perspective. Seven trees have also been proposed along this boundary which will not only enhance screening but also soften the impact of the proposed wall from the development side.</p>
9.38	<p>To the south the proposed development backs directly onto two properties at Mill Race. The separation distance here is approximately 21m. The ground levels fall away from the southern boundary somewhat, and the proposed floor levels of the dwellings facing south will be approximately 0.5m higher than the rear gardens of the existing dwellings. However given the generous separation distance, and what is a minor level change, this should not create any significant amenity issues.</p>
9.39	<p>To the east of the proposed access roadway lies Belfield Heights, which backs onto the eastern boundary of the site. A 1.8m high fence will screen these dwellings from the development, with deep back gardens ensuring the amenity of these dwellings should experience any significant impacts.</p>
9.40	<p>The housing layout responds to the changes in ground levels across the site with generous separation distances and minimal cut and fill ensuring there is no unduly significant overlooking and/ or dominance from proposed back to back relationships. Internally the separation distance range between 22m and 27m. This is in excess of the recommended 20m set out in the 'Creating Places' guidance document. Some obstruction of views will be inevitable given the sloping nature of the site and the fact that proposed finished floor levels will be lower than those properties adjoining the site along the northern and north-eastern boundary. Screening between the proposed dwellings on the upper part of the site and the lower part of the site has been provided in the form of a narrow planted embankment. This will accompany the boundary fencing to enhance levels of privacy enjoyed to the rear of the proposed dwellings.</p>
9.41	<p>Internally, where differences in proposed finished floor levels of back to back dwellings can reach up to 3.5m, generous separation distances will ensure that any retaining structures have been pushed to the northern edge of deep garden areas so as to minimise their impact, whilst also ensuring the dwellings at the higher levels do not</p>

	dominate or impose significantly on the amenity of the dwellings at the lower end of the slope.
9.42	<p>i) <i>the development is designed to deter crime and promote personal safety.</i></p> <p>All car parking is located in areas which would encourage an optimum level of surveillance. All open space areas are positioned in such a way that would discourage anti-social behaviour and enclosed spaces and walkways behind building lines and behind proposed dwellings have been avoided. All rear gardens are private and well enclosed.</p>
9.43	<p><b>Open Space Provision</b></p> <p>The Proposal has been assessed against Policies OS1 and OS2 of Planning Policy Statement 8. Integral communal open space has been provided in the form of three 'village green' areas and a 'linear park' (as referenced on the proposed site layout). The area of the site is approximately 5 Hectares. Therefore an area of at least 5,000 square metres (10% of the site area) should be given over to communal open space. There are two main areas of open space, one located around the site access and off the main access road, and the other a long north-south strip of open space located centrally within the site, and both are interconnected. The total area of usable open space provision amounts to approximately 6,000 square metres, approximately 12% of the area of the site. In addition to this there are planted embankments which are of visual amenity value.</p>
9.44	<p>The largest open space area is located off the main south-north access road and helps incorporate existing planting along the roadside embankment into the overall layout. 'Creating Places' states that <i>'larger open spaces can be major focal points along local distributor roads and other important streets and avenues and can create settings for key community buildings'</i>. This is achieved here with the largest area of open space, and also helps create a visual buffer on this elevated site, sympathetic to the edge of settlement location adjacent to the Belfast Hills.</p>
9.45	<p>The integral location of the main areas of open space will ensure ease of access to dwellings and achieve maximum amenity value. The pockets of public open space are an intrinsic part of the overall site and represent approximately 12% of the site area. A public footpath runs through this main spine of open space and provides linkages through to the adjoining dwellings.</p>
9.46	<p>Policy OS2 of PPS 8 requires that for residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. An equipped children's play area has been proposed within the northern part of the elongated central area of open space. The children's play area is overlooked by housing on three sides.</p>
9.47	<p><b>Impact on existing Trees and Vegetation</b></p> <p>The proposal has been assessed against policies QD1 of PPS7, OS2 of Planning Policy Statement 8 and NH5 of Planning Policy Statement 2. The existing mature landscaping is one of the key assets of the site, and similarly replacement/ proposed landscaping will have a significant role in enhancing the quality of the environment for prospective residents and workers alike, but also acknowledging the site's location at the north-western edge of Belfast's settlements limits and at foot of the Belfast Hills.</p>
9.48	<p>The proposal includes the removal of approximately 13 trees, most of which are located internally within the site with at least two located just within the northern boundary that will no doubt be impacted by the proposed 2.4m high wall.</p>

9.49	The proposal includes wide-ranging landscaping proposals throughout the site which incorporate the retention of existing trees where possible and augmenting where required. Additional trees and vegetation are included within the street scene and at site boundaries to compensate for any loss of vegetation. A comprehensive planting plan has been provided which includes a large number of semi-mature trees, heavy standard trees, low planting, hedging, grassland, climbing plants and native species planting.
9.50	The proposal provides a landscaping scheme including approximately 90 no. trees within the streetscape and an 8m planted buffer along the western boundary, respective of the site's edge of limits location. Trees are also located internally on a north-south axis between rows of proposed dwellings with trees also located along the rear of properties to the south abutting the existing Mill Race development. This comprehensive landscaping scheme helps mitigate the visual impact of the development at this edge of settlement location and also protects the amenity of adjacent properties to the south.
9.51	NED notes from the Drawing titled 'Soft Landscape Proposals' dated July 2021, that most hedgerows will be retained and augmented with native species, and, where hedgerows are removed, there is additional planting of new hedgerows as part of the proposed development. NED considers this additional planting sufficient to compensate for the loss of hedgerow for this development. NED is in agreement with the Preliminary Ecological Assessment that, due to the close proximity of the site to an SLNCI, all planting should be of native species to enhance biodiversity and the use non-native ornamental species should be minimised.
9.52	BCC Landscape Planning and Development Team has also welcomed the inclusion of soft landscaped areas, including tree planting, as part of the Soft Landscape Proposals. This will <i>'help enhance the amenity and biodiversity value of the development whilst mitigating any potential adverse visual impact'</i> . They are also encouraged to see that soft landscape buffers are also indicated to site boundaries.
9.53	<b>Traffic, Movement and Parking</b> The proposal has been assessed against the SPPS and Policies AMP1, AMP2, AMP6, AMP7 and AMPS of Planning Policy Statement 3 and the general principles of Planning Policy Statement 13.
9.54	A total of 164 car parking spaces have been provided, with 84 units having one space and 38 units having two spaces. 4 cycle parking spaces are provided close to the proposed apartment buildings.
9.55	A Travel Plan Framework has been submitted. The Plan summarises proposals for enhancing the attractiveness of walking, cycling and public transport for staff and visitors of the site, and outlines the restrictions imposed to curtail the use of private cars.
9.56	The Transport Assessment has been reviewed. DfI Roads is generally content with the TA on the understanding that the impact of the development will be mitigated through a Travel Plan and through measures to support Public Transport rather than off-site works to junctions. In particular, the provision of Travel Cards for each dwelling for the first 3 years, secured via Section 76 Planning Agreement.
9.57	In response to DfI Roads concerns reading the safety of the proposed access visibility splays were increased on the right hand side exiting from 4.5mx90m to 4.5mx93m. DfI Roads has confirmed that they are now content with the proposed access arrangements. A right turn pocket has been provided into the site to ensure cars waiting to access the site are not backing up onto the Upper Springfield Road.

9.58	A response from DFI Roads remains outstanding, however it has been confirmed in writing that an approval is recommended subject to conditions. A final consultation response is imminent.
9.59	<p><b>Impact on the Environment and Amenity</b></p> <p>Paragraphs 4.11 and 4.12 of the SPPS state that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.</p>
9.60	Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas. Each proposed use that may give rise to adverse impacts on amenity will be discussed in turn below.
9.61	<p><b>Noise</b></p> <p>Further to review of the above-mentioned Noise Impact Assessment (NIA) dated 13<sup>th</sup> January 2021, Environmental Health raised concerns around the potential noise impact on the closest proposed dwellings associated with the activities at the neighbouring Whiterock Business Park. The initial NIA considered only the daytime operation of the business park and specifically the activities at one of the premises. The existing Whiterock Business Park, however, has extant approval for light industrial use and there is unfettered access for use over a 24hr period as no conditions were attached with regard to the unit's operating times as this was not deemed necessary at the time the industrial lands sought planning approval.</p>
9.62	To protect future occupants of the proposed residential development from adverse noise impact, it is important therefore, to consider the potential for night time impact associated with the operation of the industrial units at the Whiterock Business Park as well as the daytime impact of the additional 12 units not included in the daytime assessment.
9.63	In relation to daytime activities, it is noted that the amended/updated NIA from Irwin Carr dated 8 <sup>th</sup> March 2022 has considered the operational noise associated with the soon to be occupied 12 units with the roller shutter doors open all of the time. Vehicular movement was also considered as well as noise from the nearby Churchills plastic moulding company including some external use of equipment which occurs occasionally throughout the day.
9.64	In terms of night-time potential impact, while this is very hard to predict accurately, Environmental Health has acknowledged the approach considered in the NIA with all 12 units operating as well as the plastics moulding business in operation (as a worst case) but with only 2 of the roller shutter doors open at night.
9.65	With regard to potential impact from activities at the nearby Whiterock Business Park, it is noted that the NIA has recommended mitigation measures to reduce the potential impact on certain dwellings immediately bordering the east of the site overlooking the Whiterock Business Park.



9.66	In view of the findings of the updated Noise Impact Assessment dated 07 March 2022, Environmental Health has requested that in the event that planning permission is granted, conditions are attached as detailed below to ensure prospective residents do not experience any significant impact on amenity. This includes the erection of a 3m high acoustic boundary to the rear of the dwellings (Nos. 1-26), which back onto the existing industrial estate to the east of the site.
9.67	Environmental Health welcomes the submission of the above Construction Environmental Management Plan (CEMP) and notes a number of general good practice measures have been presented as intended to be in place to control potential negative impacts such as excess noise, dust and vibration.
9.68	Environmental Health has however requested that a Final CEMP, providing greater detail on noise and vibration limits to be adhered to on site, how these will be managed and reported, should be secured via condition. This condition is detailed below.
	<b>Contamination</b>
9.69	A Generic Quantitative Risk Assessment (GQRA) and a Remediation Strategy have been provided by Pentland Macdonald Ltd in support of this application. No unacceptable risks to the water environment have been identified.
9.70	Potential onsite sources of land contamination are identified as: fuel storage at former educational centre; made ground and; infill. A range of historic and current potential off-site sources are identified as: several small quarries; bleech green; mill ponds; beetling mill; electricity sub stations; petrol filling station; police/army barracks and; former landfill.
9.71	Pentland Macdonald note that all off-site sources, except the former quarries, are unlikely to impact the application site due to their cross / down gradient locations and / or relative distances from the site.
9.72	Based on the information provided Environmental Health BCC and the DAERA Regulation Unit Land & Groundwater Team has no objections subject to conditions, which are listed below.
	<b>Other Environmental Matters</b>
9.73	DAERA Water Management Unit has stated that if NIW advise 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.
9.74	NI Water initially indicated that a high level assessment has indicated potential network capacity issues. NI Water has also confirmed that additional treatment capacity will be available at Belfast WWTW from 1 July 2023 as a result of completion of initial phase of upgrade work
9.75	However, in a later consultation response NI Water confirmed that they had worked with the developer to find an acceptable solution. As a result, the developer has requisitioned NI Water to provide offsite infrastructure to resolve the capacity issue. Scheme will be at full cost recovery and paid for by developer.
7.76	Consequently, NI Water is content to recommend approval of this planning application subject to conditions relating to the provision of a foul sewage network solution to

	mitigate downstream foul capacity issues and no occupation until such measures have been delivered.
9.77	<p><b>Drainage and Flooding</b></p> <p>DFI Rivers has stated that site may be affected by the designated watercourse, known as the Whiterock Mill Race (New Barnsley Stream) which flows to the western site boundary. The site may be affected by other smaller undesignated watercourses within the site boundaries.</p>
9.78	The Flood Risk Assessment Revision A, dated August 2022, prepared by Flood Risk Consulting indicates that the development does not lie within the detailed modelled 1 in 100 year fluvial floodplain; hence, DFI Rivers cannot sustain an objection to this development in relation to Revised PPS 15, Planning and Flood Risk, FLD 1.
9.79	Climate Change watercourse modelling contained within the Flood Risk Assessment (FRA) indicates an increased water level within the mill race of up to 150mm. This causes overtopping of the mill race bank, and indicates parts of the site to be within the climate change flood plain, to a stated depth of 136mm.
9.80	The applicant's hydrologist has recommended the applicant utilises the resilience measures in Paragraph 8.2.1.5 of the FRA, either a flood defence wall or mitigation measures. DFI Rivers has confirmed that the Flood Defence Wall is not an option that they would recommend. The FRA indicates that the site floods in a climate change scenario (20% additional flows) and in this instance would recommend that the Finished Floor Levels (FFLs) for the development are 250mm above ground level (as per the recommendations in the FRA). DFI Rivers has also confirmed that if this is not possible then flood resilience measures should be implemented up to this level. The agent has stated that FFLs for the development cannot be raised to 250mm above ground level for the entire development as level access is required for social housing, and subsequently the latter would be the preferred option.
9.81	A gated access to the existing Mill Race has been provided on the western boundary of the site, at the request of DFI Rivers.
9.82	<p><b>Impact on Protected Sites/ Priority Species and Habitats</b></p> <p>The application site is hydrologically connected to the Blackstaff River, which flows into Inner Belfast Lough Area of Special Scientific interest (ASSI), Belfast Lough Special Protection Area (SPA) and Ramsar Site.</p>
9.83	The site is directly adjacent to Divis Mountain Site of Local Nature Conservation Importance (SLNCI).
9.84	The site contains hedgerows and a watercourse which are Northern Ireland Priority Habitats (NIPH).
9.85	NED has assessed the Construction Environmental Management Plan submitted. They have confirmed that provided the appropriate mitigation and pollution prevention to protect the watercourse is implemented, the proposal is unlikely to have significant effects on any designated sites due to its distance from the sites and the scale and nature of the development. These mitigation measures will be secured via condition, as detailed below.
9.86	Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, Shared

	Environmental Services 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.
9.87	In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to a number of mitigation measures being secured via condition. These conditions will be detailed below.
9.88	The proposal has been assessed against Policies NH2, NH4 and NH5 of Planning Policy Statement 2.
9.89	<p><i>Birds</i></p> <p>DAERA Natural Environment Division (NED) notes from the Preliminary Ecological Assessment (PEA) that the scrub and trees present at the site are suitable habitat for birds. During the site visit, four priority species and five Amber-listed species of conservation concern were noted, potentially breeding at the site. NED is in agreement with the PEA that, where possible, woodland and boundary hedgerow should be retained to minimise impact to breeding birds for this development. The vegetation removal along the boundaries is focused on the northern boundary, where the vegetation is sparse. The existing vegetation on the well defined eastern and western boundaries is to be retained where possible.</p>
9.90	<p><i>Bats</i></p> <p>NED notes an assessment of the potential roost features (PRF) was carried out on the trees present at the site. Four trees had low bat roosting potential (BRP) and the others were negligible BRP. The site was also considered to be low commuting and foraging potential. NED is therefore content that the proposed development will not significantly impact roosting bats.</p>
9.91	NED welcomes plans within the Construction Environmental Management Plan (CEMP) to avoid light spill on trees and boundary hedgerows and recommend that a light spill of less than 1 lux is maintained on hedgerows, in particular, along the western border adjacent to Divis SLNCL.
9.92	NED note that the grassland present at the site has some wildflower diversity and welcomes plans within the Soft Landscape Proposals to replace with wildflower planting of native, locally sourced wildflower species as compensation.
9.93	NED notes from the PEA that the watercourse at the site is NIPH. NED welcomes the 8m buffer strip proposed in the Soft Landscape Proposals and the mitigation measures, lighting plan and pollution prevention outlined in the CEMP. NED highlight that a 10m buffer is normally recommended, however, considers the proposed layout sufficient to protect the watercourse NIPH, provided the suitable buffer is maintained between all construction works and the watercourse throughout the development.
9.94	<p><i>Other Natural Heritage interests</i></p> <p>NED notes from the PEA that there was no evidence of badgers or otters during the site survey and is content that no further surveys are required.</p>
9.95	<p>Belfast Hills Partnership raised a number of issues in their consultation response:</p> <p><i>It is very important this SLNCL is protected from issues often associated with large areas of new housing with an adequate buffer.ie flytipping, light pollution, escape of invasive species and unauthorised access on to private land. These buffers are vital and must be designed with climate change and wildfires in mind.</i></p> <p>An 8m deep planted buffer has been provided along the western boundary of the site which shall provide protection to the SLNCL abutting the site.</p>

9.96	<p><i>Belfast Hills Partnership note that on some of the plans the western buffer is shown as being within residents gardens. This would be unacceptable as it would not afford protection to the buffer zone.</i></p> <p>It would not be uncommon for private gardens to abut landscaped buffers onto the countryside and arguably this would offer more protection to the SLNCI than accessible public open space or communal roadway/ footpath.</p>
9.97	<p><i>The PEA mentioned there were no formal records of badgers within 2 Km of the site. We have records of both badgers and Pine Marten (a NI priority Species) within 250m of the area. It is important these species are afforded adequate protection from loss of habitat and disturbance.</i></p>
9.98	<p>There is no evidence of badger activity on the site. These species are afforded protection under the Wildlife Order.</p>
9.99	<p><i>The development of this site would result in the loss of an important nature pocket on the urban fringe</i></p> <p>DAERA Natural Environment Division has offered no objection in relation to impacts on natural habitats. The site is located on unzoned within the settlement limits, and subject to satisfying relevant planning policy requirements, the presumption is in favour of development.</p>
9.100	<p><i>The meadow mix mentioned in the Landscape Proposals included some species which are not known locally to NI such as Corn cockle, Corn marigold and Corn poppy. As the site is so close to ecologically important habitats only indigenous and locally sourced species should be used eg Eco Seeds NI</i></p> <p>These species are incorporated into a revised planting plan. NED was in agreement with the Preliminary Ecological Assessment that, due to the close proximity of the site to an SLNCI, all planting should be of native species to enhance biodiversity and the use non-native ornamental species should be minimised.</p>
9.101	<p><b>Developer Contributions/ Section 76 Agreement</b></p> <p>A Draft Section 76 planning agreement accompanies the application and seeks to secure the implementation of an agreed Travel Plan, an Employability and Skills Plan, the management and maintenance of public open space within the development and the provision of social housing.</p>
9.102	<p>Given the potential impacts of introducing a significant level of vehicular traffic onto an already pressured road network the developer has proposed a number of Green Travel measures within the Travel Plan Framework accompanying the application. DFI Roads has accepted the principle of this approach in terms of the Travel Plan and the provision of Green Travel measures, including Travel Cards for all residents for three years.</p>
9.103	<p>An employability and Skills Plan will also be required to identify the projected requirements for the employability and skills generated within the various phases of the development and promote employment opportunities.</p>
9.104	<p>The development will also provide a substantial area of landscaped and managed public open space, including a play area, to serve the site and the wider area. The implementation and provision of landscaping within the site and along existing site boundaries will be secured via condition as detailed below, and the long-term management of planting and open spaces will be secured via the Section 76 Agreement.</p>
9.105	<p>Finally, the provision of social/ affordable housing will also be secured via the Section 76 agreement.</p>

9.106	The above draft clauses have been put forward by the planning agent. A final Section 76 agreement has yet to be agreed with the Council.
9.107	<p><b>Pre-application Community Consultation</b></p> <p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p>
9.108	Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2021/1347/PAN) was submitted to the Council on 08/06/2021, with a revision submitted on 22/06/2021.
9.109	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.
9.110	<p>A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <ul style="list-style-type: none"> <li>- In the absence of a public event being held in the locality of the proposed development due to Covid-19 restrictions, an online magazine was created on 06/08/2021 to set out details of the proposal.</li> <li>- Comments were invited via an online feedback menu.</li> <li>- Notification of the consultation magazine going live was published in the Irish News on 23/07/2021.</li> <li>- Notification was sent to a number of local Councillors via email.</li> <li>- 319 local properties were notified by letter.</li> <li>- 6 hard copies of the magazine were provided to local residents on request.</li> </ul>
9.111	One representation was received from a local resident further to notification. Approximately 40 members of the public provided feedback following the public consultation magazine going live.
9.112	Given the numerous requests for an in-person consultation event the planning agent agreed to meet a delegation of local residents on site on 8 <sup>th</sup> September 2021. Approximately 25 people attended the event.
9.113	<p>A total of 45 representations were received before, during and after the consultation period. There was general support for social housing however concerns were raised with regard to the following:</p> <ul style="list-style-type: none"> <li>- Potential pedestrian/ vehicular access from the site to adjacent housing developments.</li> <li>- Impact on traffic and parking in the area.</li> <li>- Insufficiencies in boundary fencing and need for a wall between existing and proposed housing.</li> <li>- Overpopulation when combined with recent residential approval close by.</li> <li>- Impact on semi-rural character.</li> <li>- Impact on residential amenity.</li> <li>- Noise, disturbance and environmental impact of construction works.</li> </ul>

	<ul style="list-style-type: none"> <li>- Capacity of sewage network.</li> <li>- Pressure on educational and health services.</li> <li>- Will housing be for local people.</li> <li>- More appropriate to provide recreational uses provided on site.</li> <li>- Importance of future management of the site.</li> <li>- Loss of views.</li> </ul>
9.114	<p>As a result of the feedback the following amendments were carried out:</p> <ul style="list-style-type: none"> <li>- All vehicular/ pedestrian accesses to neighbouring developments have been removed.</li> <li>- Robust boundary treatments have been added (including 2.4m wall along northern boundary).</li> <li>- Separation distances between existing and proposed dwellings have been maximised.</li> <li>- No dwellings have been located higher than existing neighbouring dwellings where possible.</li> <li>- Extensive landscaping proposed at main entrance to reduce visual impact.</li> <li>- Some of the housing to be intermediate/ affordable.</li> </ul>
9.115	<p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>
9.116	<p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>
<b>10.0</b>	<b>Recommendation:</b>
10.1	<p>Having had regard to the statutory development plan, the draft development plan, relevant planning policies, planning approvals in the area and proposed mitigation, and the consideration of the issues set out in this report, the proposed development is considered acceptable.</p>
10.2	<p>It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission, finalise the wording of conditions and enter into the Section 76 Agreement and resolve any issues arising from any outstanding consultation responses.</p>
<b>11.0</b>	<b>Draft Conditions</b>
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>
2.	<p>The existing trees outlined in green on approved plan No. 4737-P-10 E shall be retained in accordance with this plan unless necessary to prevent danger to the public in accordance with details that shall have first been submitted to and approved in writing by the Council. Any retained trees or plants indicated on the approved plans which, within a period of five years from the completion of the development, 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: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.</p>

3.	<p>Prior to the commencement of any site works, all existing trees shown on Drawing Number 4737-P-10 E as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations. Such tree protection measures shall remain in situ during the duration of the build. 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 other than in accordance with the approved plans and particulars, without the written approval of the Council.</p> <p>Reason: To protect existing trees indicated to be retained.</p>
4.	<p>All hard and soft landscaping works shall be carried out in accordance with the approved plan No. L0-01 K. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans 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. All hard and soft landscape areas and works shall be permanently retained in accordance with the approved details .</p> <p>Reason: In the interests of the character and appearance of the area, to promote sustainable drainage and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
5.	<p>The residential unit/s hereby approved shall not be occupied until their respective boundary treatment has been implemented in accordance with the approved plans. The boundary treatment shall be retained in accordance with the approved details.</p> <p>Reason: In the interests of amenity.</p>
6.	<p>A buffer of at least 8m, as depicted on Drawing Nos.4737-P-10 and L0-01 K must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil and the watercourse located along the western boundary of the application site.</p> <p>Reason: To negate any potential pollution issues to European Site features in Belfast Lough connected via the adjacent watercourse and to protect NI Priority Habitat and to prevent likely significant effects on the Belfast Lough SPA and Ramsar, and Inner Belfast Lough ASSI.</p>
7.	<p>If during the development works, new contamination or risks to the water environment 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:  <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>.  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.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
8.	<p>After completing any remediation works required and prior to occupation of the</p>

	<p>development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:  <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>.  The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
9.	<p>Prior to the commencement of construction, the applicant shall provide to and have agreed in writing by the Council, a Materials Management Plan. This Materials Management Plan should present an auditable system of how the excavation, movement, placement and re-use of materials on the site will be managed to ensure no risk to human health exists on the developed site.</p> <p>All construction thereafter must be in accordance with the approved Materials Management Plan.</p> <p>Reason: Protection of human health.</p>
10.	<p>Prior to the occupation of the proposed development, the applicant shall provide to and have agreed in writing by the Council, a Verification Report. This report must demonstrate that the remediation measures outlined in the Pentland Macdonald Ltd report entitled 'Contamination Assessment and Remediation Strategy, Former Gort na Mona Educational Resource Centre, Springfield Road, Belfast, for McGinnis Group' (referenced PM21-1065 and dated October 2021) and the Pentland Macdonald letter dated 24th February 2022 regarding 'Residential development at former Gort Na Mona Educational Resource Centre, Belfast (LA04/2022/0129/F) - Contaminated Land Clarifications' (PM21-1065_Let1) have been implemented. The Verification Report should also demonstrate that the agreed Materials Management Plan has been implemented during construction.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. 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:</p> <ol style="list-style-type: none"> <li>A 300mm thick capping layer has been emplaced in the grassed public open space area shown on Figure 4 of the Contamination Assessment and Remediation Strategy report, composed of material that is suitable for a public open space in a residential setting end use and with a maximum nickel concentration of 78.3 mg/kg.</li> <li>The gardens of units 13-20 have a clean capping layer measuring 1m thick, composed of material that is suitable for a residential with homegrown produce end use.</li> <li>The properties shown on Figure 4 of the Contamination Assessment and Remediation Strategy report as requiring gas protection measures have been provided with gas protection in accordance with their Characteristic Situation 2 classification (as per the requirements of BS 8485:2015+A1:2019). Gas protection measures must be verified in line with the requirements of CIRIA C735.</li> </ol>



11.	<p>d) Any soils excavated from within the delineated area of gas risk (as shown on Figure 4, the quadrilateral defined by 2020 BH3, BH22, BH32 and BH34) have only been reused across parts of the site where no buildings are located.</p> <p>Reason: Protection of human health.</p> <p>If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Council in writing, prior to the development being occupied. If required, 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.</p> <p>Reason: Protection of human health.</p>
12.	<p>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.</p> <p>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.</p>
13.	<p>Prior to installation, the applicant shall submit to the Council, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to first floor habitable rooms on the eastern facade of dwellings numbered 1 to 26 as well as the windows of the ground and first floor habitable rooms of both the south and east façades of dwelling no. 69 and habitable rooms on the ground and first floor southern façade of dwelling number 70 of the hereby permitted development as shown on the JNP Architects 'Proposed site plan', dated 11/05/2021, drawing no. 4737-P-10, revision E. The window specification for habitable rooms shall be capable of achieving a sound reduction value of 33dBRw/27dBRtra in line with recommendations of the Acoustic Design Statement in appendix C of the Irwin Carr Consulting Noise Impact Assessment (dated 8th March 2022, referenced Rp002N 2021193).</p> <p>Reason: To protect the amenity of prospective residents.</p>
14.	<p>Prior to installation, the applicant shall submit to the Council, for review and approval in writing, confirmation of the sound reduction specification of alternative means of acoustically attenuated ventilation to be installed in first floor habitable rooms of dwellings no.1 to 26 and in the southern and eastern facades at ground and first floor of dwellings no. 69 and in the ground and first floor habitable rooms of the southern elevation of dwelling number 70 as shown on the JNP Architects 'Proposed site plan', dated 11/05/2021, drawing no. 4737-P-10, revision E. The alternative means of ventilation shall have a sound reduction value, when in the open position, equivalent or greater to that provided by the glazing units of the same</p>

15.	<p>dwellings in line with the Acoustic Design Statement in appendix C of the Irwin Carr Consulting Noise Impact Assessment (dated 7th March 2022, referenced Rp002N 2021193).</p> <p>Reason: To protect the amenity of prospective residents.</p> <p>Prior to occupation of the hereby permitted development, the final window schedule and alternative means of ventilation schedule 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 means of ventilation provided in compliance with building control requirements.</p> <p>Reason: To protect the amenity of prospective residents.</p>
16.	<p>Prior to occupation of the hereby permitted development, the applicant submit, to the Council for review and approval in writing a report to verify that the window schedule and alternative means of ventilation as approved have been installed. This report may take the form of a written declaration from the supplier and installation contractor confirming purchase and subsequent installation.</p> <p>Reason: To protect the amenity of prospective residents.</p>
17.	<p>Prior to occupation of the hereby permitted development, a 3m high close boarded acoustic timber fence of a mass of at least 15kg/m2 with no gaps shall be constructed to the rear of dwellings numbered 1 to 26 as recommended in appendix C 'Acoustic Design Statement' of the Irwin Carr Consulting Noise Impact Assessment dated 08 March 2022, report ref: Rp002N 2021193 and as shown in the JNP proposed site plan, dated 28/05/2021 drawing number: 4737- P-10F revision F.</p> <p>The fence shall be retained permanently unless otherwise agreed in writing by the Council.</p> <p>Reason: To protect the amenity of prospective residents.</p>
18.	<p>Prior to commencement of the development, the applicant shall submit to the Council, for review and approval in writing, a Final Construction Environmental Management Plan (CEMP). The final CEMP must outline the methods to be employed to minimise any noise, vibration and dust impacts associated with the construction operations demonstrating the use of 'best practicable means'. The plan must pay due regard to BS 5228:2009+A1:2014 Code of practice for Noise and vibration on construction and open sites, and IAQM Guidance on the Assessment of dust from demolition and construction 2014. The CEMP shall include the noise and vibration limits not to be exceeded on site and outline the arrangements for noise and vibration monitoring. The CEMP should also include arrangements for liaising with nearby residents. All construction works thereafter must be carried out in accordance with the approved management plan.</p> <p>Reason: Protection of amenity of nearby houses</p>
	<p>Notification to Department (if relevant)</p> <p>Not required.</p>
13.0	<p>Representations from elected members: None received</p>

Neighbour Notification Checked	Yes
--------------------------------	-----

ANNEX	
<b>Date Valid</b>	26th January 2022
<b>Date First Advertised</b>	11th February 2022
<b>Date Last Advertised</b>	11 <sup>th</sup> February 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Belfield Heights,Belfast,Antrim,BT12 7GN The Owner/Occupier, 1 Mill Race,Belfast,Antrim, The Owner/Occupier, 1 Mill Race,Belfast,Antrim,BT12 7GP The Owner/Occupier, 10 Belfield Heights,Belfast,Antrim,BT12 7GN The Owner/Occupier, 10 Mill Race,Belfast,Antrim,BT12 7GP The Owner/Occupier, 10 St Gerards Manor,Belfast,Antrim,BT12 7GW Joanne Keenan 10, Dermott Hill Drive, Belfast, Antrim, Northern Ireland, BT12 7GG The Owner/Occupier, 11 Belfield Heights,Belfast,Antrim,BT12 7GN The Owner/Occupier, 11 Mill Race,Belfast,Antrim,BT12 7GP The Owner/Occupier, 11 St Gerards Manor,Belfast,Antrim,BT12 7GW The Owner/Occupier, 12 Belfield Heights,Belfast,Antrim,BT12 7GN The Owner/Occupier, 12 Mill Race,Belfast,Antrim,BT12 7GP The Owner/Occupier, 12 St Gerards Manor,Belfast,Antrim,BT12 7GW The Owner/Occupier, 12 Upper Springfield Road,Belfast,Antrim,BT12 7QP The Owner/Occupier, 13 Belfield Heights,Belfast,Antrim,BT12 7GN The Owner/Occupier, 14 Belfield Heights,Belfast,Antrim,BT12 7GN The Owner/Occupier, 14 Dermott Hill Grove,Belfast,Antrim,BT12 7GH The Owner/Occupier, 14 Mill Race,Belfast,Antrim,BT12 7GP The Owner/Occupier,	

14 St Gerards Manor,Belfast,Antrim,BT12 7GW  
The Owner/Occupier,  
15 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,  
15 Dermott Hill Drive,Belfast,Antrim,BT12 7GG  
The Owner/Occupier,  
15 Mill Race,Belfast,Antrim,BT12 7GP  
Majella McCartney  
15, Belfield Heights, Belfast, Antrim, Northern Ireland, BT12 7GN  
The Owner/Occupier,  
16 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,  
16 Dermott Hill Grove,Belfast,Antrim,BT12 7GH  
The Owner/Occupier,  
16 Mill Race,Belfast,Antrim,BT12 7GP  
The Owner/Occupier,  
17 Dermott Hill Drive,Belfast,Antrim,BT12 7GG  
The Owner/Occupier,  
17 Mill Race,Belfast,Antrim,BT12 7GP  
Joan Keenan  
17, Dermott Hill Drive, Belfast, Antrim, Northern Ireland, BT12 7GG  
Caictlyn Greene  
18 Belfield Heights Belfast Antrim  
The Owner/Occupier,  
2 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,  
2 Mill Race,Belfast,Antrim,  
The Owner/Occupier,  
2 Mill Race,Belfast,Antrim,BT12 7GP  
The Owner/Occupier,  
2 St Gerards Manor,Belfast,Antrim,BT12 7GW  
The Owner/Occupier,  
21 Monagh Parade,Belfast,Antrim,BT11 8EH  
The Owner/Occupier,  
22 Dermott Hill Drive,Belfast,Antrim,BT12 7GG  
Paul Hall  
22, Dermott Hill Drive, Belfast, Antrim, Northern Ireland, BT12 7GG  
The Owner/Occupier,  
23 Monagh Parade,Belfast,Antrim,BT11 8EH  
The Owner/Occupier,  
23a ,Monagh Parade,Belfast,Antrim,BT11 8EH  
Eamon Davidson  
24 Dermott Hill Drive,Belfast,Antrim,BT12 7GG  
The Owner/Occupier,  
25 Monagh Parade,Belfast,Antrim,BT11 8EH  
The Owner/Occupier,  
3 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,  
3 Mill Race,Belfast,Antrim,  
The Owner/Occupier,

3 Mill Race,Belfast,Antrim,BT12 7GP  
The Owner/Occupier,  
31 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,  
32 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,  
33 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,  
34 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,  
35 Monagh Parade,Belfast,Antrim,BT11 8EH  
The Owner/Occupier,  
37 Monagh Parade,Belfast,Antrim,BT11 8EH  
The Owner/Occupier,  
37a ,Monagh Parade,Belfast,Antrim,BT11 8EH  
The Owner/Occupier,  
39 Monagh Parade,Belfast,Antrim,BT11 8EH  
The Owner/Occupier,  
4 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,  
4 Mill Race,Belfast,Antrim,BT12 7GP  
The Owner/Occupier,  
4 St Gerards Manor,Belfast,Antrim,BT12 7GW  
The Owner/Occupier,  
5 Avoca Close,Belfast,Antrim,BT11 8QT  
The Owner/Occupier,  
5 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,  
5 Mill Race,Belfast,Antrim,BT12 7GP  
The Owner/Occupier,  
6 Avoca Close,Belfast,Antrim,BT11 8QT  
The Owner/Occupier,  
6 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,  
6 Mill Race,Belfast,Antrim,BT12 7GP  
The Owner/Occupier,  
6 St Gerards Manor,Belfast,Antrim,BT12 7GW  
The Owner/Occupier,  
7 Avoca Close,Belfast,Antrim,BT11 8QT  
The Owner/Occupier,  
7 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,  
7 Mill Race,Belfast,Antrim,BT12 7GP  
The Owner/Occupier,  
7 Springfield Road,Belfast,Antrim,BT12 7AB  
The Owner/Occupier,  
735 Springfield Road,Belfast,Antrim,BT12 7FP  
The Owner/Occupier,  
8 Belfield Heights,Belfast,Antrim,BT12 7GN  
The Owner/Occupier,

8 Mill Race,Belfast,Antrim,BT12 7GP  
 The Owner/Occupier,  
 8 St Gerards Manor,Belfast,Antrim,BT12 7GW  
 The Owner/Occupier,  
 9 Belfield Heights,Belfast,Antrim,BT12 7GN  
 The Owner/Occupier,  
 9 St Gerards Manor,Belfast,Antrim,BT12 7GW  
 The Owner/Occupier,  
 Apartment 10,7b ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 11,7b ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 12,7b ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 14,7b ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 15,7b ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 16,7b ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 17,7b ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 18,7b ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 19,7b ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 20,7a ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 21,7a ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 22,7a ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 23,7a ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 24,7a ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 25,7a ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 7,7b ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 8,7b ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Apartment 9,7b ,Upper Springfield Road,Belfast,Antrim,BT12 7QX  
 The Owner/Occupier,  
 Springfield Road,Belfast,Antrim,  
 The Owner/Occupier,  
 Unit 1,733 Springfield Road,Belfast,Antrim,BT12 7FG  
 The Owner/Occupier,  
 Unit 10,733 Springfield Road,Belfast,Antrim,BT12 7FG  
 The Owner/Occupier,

Unit 11,733 Springfield Road,Belfast,Antrim,BT12 7FG The Owner/Occupier, Unit 2,733 Springfield Road,Belfast,Antrim,BT12 7FG The Owner/Occupier, Unit 3,733 Springfield Road,Belfast,Antrim,BT12 7FG The Owner/Occupier, Unit 4,733 Springfield Road,Belfast,Antrim,BT12 7FG The Owner/Occupier, Unit 5,733 Springfield Road,Belfast,Antrim,BT12 7FG The Owner/Occupier, Unit 6,733 Springfield Road,Belfast,Antrim,BT12 7FG The Owner/Occupier, Unit 7,733 Springfield Road,Belfast,Antrim,BT12 7FG The Owner/Occupier, Unit 8,733 Springfield Road,Belfast,Antrim,BT12 7FG The Owner/Occupier, Unit 9,733 Springfield Road,Belfast,Antrim,BT12 7FG The Owner/Occupier, Unit12,733 Springfield Road,Belfast,Antrim,BT12 7FG	
<b>Date of Last Neighbour Notification</b>	26 <sup>th</sup> January 2023
<b>Date of EIA Determination</b>	8 <sup>th</sup> June 2021 (pre-application)
<b>ES Requested</b>	No
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	

This page is intentionally left blank



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 14 <sup>th</sup> February 2023	
<b>Application ID:</b> LA04/2020/2105/F	
<b>Proposal:</b> Residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works.	<b>Location:</b> 1-5 Gaffikin Street Belfast
<b>Referral Route:</b> Major development	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Benmara Property Ltd 181 Templepatrick Road Ballyclare	<b>Agent Name and Address:</b> Footprint Architectural Design 181 Templepatrick Road Ballyclare
<p><b>Executive Summary:</b> This application seeks full permission for a residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works.</p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> <li>- Principle of use on the site</li> <li>- Demolition</li> <li>- Access, movement and parking</li> <li>- Impact on natural heritage</li> <li>- Impact on built heritage</li> <li>- Design and layout</li> <li>- Open space and landscaping</li> <li>- Flood risk</li> <li>- Waste water treatment</li> <li>- Other environmental matters</li> </ul> <p>The application site measures approximately 0.17ha and is located at lands bounded by Gaffikin St, Donegall Road, Blondin St and Oban St, Belfast. There is an existing car accessory shop, tyre centre and boxing club all within one large building on site at present. It displays a pitched roof and predominantly red bricked finish.</p> <p>The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP (2004 and 2014), and unzoned land within all. The site is located within Belfast City Centre and is identified as being within Shaftesbury Square Character Area CC013 within dBMAP. The immediate area is mostly residential with a mix of single and two storey terraced dwellings and a six storey apartment development directly adjacent (Whitehall Square).</p> <p>Following advertisement in the local press as well as neighbour notification, 118 letters of objection are recorded as being received from local residents, as well as 1 petition raising the following issues (summarised):</p> <ul style="list-style-type: none"> <li>- Overlooking, overshadowing and loss of private amenity</li> <li>- Traffic and insufficient parking</li> <li>- Social (and affordable) housing needed and not private</li> <li>- Out of keeping with the existing built environment</li> <li>- Inappropriate scale</li> <li>- Negative visual impact</li> <li>- Existing resentment towards existing apartments in the area will worsen</li> </ul>	

- Dominance
- Overburdening the existing sewerage system
- Construction work and noise will impact on residential amenity
- Too many apartments are in the area already
- Community will not benefit from private rentals
- Developer was reluctant to meet with local residents
- Large number of dwellings in Gaffikin St are blocked up
- Travel Plan submitted is inaccurate
- Safety concerns
- Loss of existing boxing club
- Safe access required for ambulances and care workers
- PAN shows the development is not wanted in the area

In addition, a number of letters state their objection to the proposal but do not expand on the reasons why. Within a letter of objection from Blackstaff Residents Association, a request for a time extension was made for the submission of objection letters during Covid restrictions, and this was granted. Details were also included regarding a proposed "Traditional Family Residential Protection Areas" to be presented to DfC.

The proposal was amended from that initially submitted during the assessment of the application. The original submission was for a residential development of 55 apartments with no social or intermediate dwellings included.

The proposal has been assessed against and is considered to comply with the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Belfast Metropolitan Area Plan 2015 (BMAP), PPS2, PPS3, PPS6, PPS7, PPS8, PPS12, PPS13, PPS15, Parking Standards, and Creating Places.

No objections were raised by Consultees, subject to Conditions should approval be granted, with the exception of NI Water who requested an up to date Waste Water Impact Assessment. This is addressed in the main report.

Having regard to the development plan, relevant policy context and other material considerations, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal any other issues which might arise.

## Case Officer Report

### Site Location Plan



### Representations:

Letters of Support	None received
Letters of Objection	118
Number of Support Petitions and signatures	None received
Number of Petitions of Objection and signatures	1 received containing 28 signatures

### Characteristics of the Site and Area

#### 1.0 Description of Proposed Development

The application seeks full planning permission for a residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works.

1.1 The application follows a lengthy Pre-Application Discussion (PAD) process with officers.

#### 2.0 Description of Site

The site measures 0.17 hectares approximately, located at lands bounded by Gaffikin St, Donegall Road, Blondin St and Oban St, Belfast. There is an existing car accessory shop, tyre centre and boxing club all within one single storey large building on site at present. It displays a pitched roof and predominantly red bricked finish. There are commercial/warehouse type buildings to the rear of the site, and residential dwellings in the rest of the immediate area. They take the form of apartments and terraced dwellings.

### Planning Assessment of Policy and Other Material Considerations

#### 3.0 Site history

3.1 There are a number of Planning Approvals on the site itself which are relevant, as detailed below:

Z/2007/1490/O - Site for residential development comprising 48 apartments – Approved 05/12/07

Z/2010/0777/F - Residential development comprising 51no. apartments – Approved 05/08/11

LA04/2015/0617/O – Residential development comprising 42 no. apartments – Approved 17/08/16

LA04/2018/0021/RM - Residential development comprising 42 apartments – Approved 13/11/18

3.2 The proposal falls under the category of Major Development, and therefore Pre-Application Community Consultation was carried out under the planning reference LA04/2020/0872/PAN. Feedback given was both supportive and unsupportive of the proposal.

3.3 Whilst some representations raised the issue that the developer was reluctant to meet with locals Community Consultation was carried out through the PAN process, and complied with The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020, which applied to this application.

#### 4.0 Policy Framework

4.1 Belfast Urban Area Plan 2001 (BUAP)

4.2 (Draft) Belfast Metropolitan Area Plan (BMAP) v2004

4.3 (Draft) Belfast Metropolitan Area Plan (BMAP) v2014

4.4 Belfast Local Development Plan Draft Plan Strategy 2035

4.5 Strategic Planning Policy Statement (SPPS)

4.6 Planning Policy Statement (PPS) 2: Natural Heritage

4.7 Planning Policy Statement (PPS) 3: Access, Movement and Parking

4.8 Planning Policy Statement (PPS) 6: Planning Archaeology and the Built Environment

4.9 Planning Policy Statement (PPS) 7: Quality Residential Environments

4.10 Planning Policy Statement (PPS) 8: Open Space, Sport and Outdoor Recreation

4.11 Planning Policy Statement (PPS) 12: Housing in Settlements

4.12 Planning Policy Statement (PPS) 13: Transportation and Land Use

4.13 Planning Policy Statement (PPS) 15: Planning and Flood Risk

#### 5.0 Statutory Consultees

5.1 DfI Roads – No objection subject to conditions

5.2 Northern Ireland Water – Issues raised

5.3 DfI Rivers Agency – No objection subject to conditions

5.4 DAERA Natural Environment Division – No objection

5.5 DAERA Regulation Unit – No objection subject to conditions

5.6 DAERA Water Management Unit – No objection

5.7 DfC Historic Environment Division (HED) Historic Buildings – No objection

5.8 DfC Historic Environment Division (HED) Historic Monuments – No objection

#### 6.0 Non-Statutory Consultees

6.1 Belfast City Council (BCC) Environmental Health – No objection subject to conditions

6.2 BCC Urban Design Officer – No objection subject to conditions

6.3 Northern Ireland Housing Executive (NIHE) - No objection

6.4 BCC Landscape, Planning and Development – No objection

6.5 Shared Environmental Services – No objection subject to conditions

#### 7.0 Representations

7.1 The application has been neighbour notified and advertised in the local press. Additional information/amendments have been received during the processing of the application in response to requests for clarification from consultees, as well as the Applicant's wishes. Re-notification of objectors and neighbours was undertaken in accordance with standard procedures following receipt.

7.2 118 letters of objection were recorded as being received from local residents, as well as 1 petition raising the following issues

(summarised):

- Overlooking, overshadowing and loss of private amenity
- Traffic and insufficient parking
- Social (and affordable) housing needed and not private
- Out of keeping with the existing built environment
- Inappropriate scale
- Negative visual impact
- Existing resentment towards existing apartments in the area will worsen
- Dominance

- Overburdening the existing sewerage system
- Construction work and noise will impact on residential amenity
- Too many apartments are in the area already
- Community will not benefit from private rentals
- Developer was reluctant to meet with local residents
- Large number of dwellings in Gaffikin St are blocked up
- Travel Plan submitted is inaccurate
- Safety concerns
- Loss of existing boxing club
- Safe access required for ambulances and care workers
- PAN shows the development is not wanted in the area

7.3 These issues will be considered within the written assessment however a number of these issues are not planning considerations and outside the remit of planning legislation and guidance. Namely parking obstructions during construction as well as access; loss of the existing boxing club; resentment within the community towards existing apartments; number of existing apartments; proposed ideas for a "Traditional Family Residential Protection Areas" to be presented to DfC; incomes from private rentals; and quantum of existing dwellings which are in disrepair.

## 8.0 Other Material Considerations

### 8.1 Parking Standards

### 8.2 The Belfast Agenda (Community Plan)

### 8.3 Creating Places

## 9.0 Assessment

9.1 Section 6(4) of the Planning Act (Northern Ireland) 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.

9.2 Following the Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage at which Draft BMAP had reached it is considered to hold significant weight (save for policies around Sprucefield which remain contentious). The site is within the development limits of Belfast within (Draft) Belfast Metropolitan Area Plan (BMAP) 2004; BMAP 2015 and, the Belfast Urban Area Plan 2001 (BUAP). It is also located adjacent to an Arterial Route (Donegall Road).

9.3 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 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.

9.4 The proposed development is for a residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works.

9.5 The key issues are:

- Principle of use
- Demolition
- Access, movement and parking
- Impact on natural heritage
- Impact on built heritage
- Design and layout
- Open space and landscaping

- Flood risk
- Waste water treatment
- Other environmental matters

#### 9.6 Principle of use

The site is within the development limits in BUAP, Draft BMAP and the unlawfully adopted version of BMAP and is not subject to any zonings. The area is characterised by a mix of uses as stated previously. The proposed development is residential and considered acceptable in principle at this location and in keeping with the mix of existing uses in the locality, subject to the consideration and resolution of other planning and environmental matters. The initial submission was for 55 private apartments, however the applicant amended this proposal to 55 apartments, 6 of which are social and 6 are intermediate. The request for social housing had been raised repeatedly within submitted representations. NIHE welcomed the inclusion of social and intermediate dwellings within the proposal also within their response dated 15/02/22.

#### 9.7 Demolition

The development proposes the demolition of an existing single storey building. The building is considered to be of no architectural or historic interest, is not listed or located in an Area of Townscape Character or Conservation Area. The proposed demolition is considered by officers as acceptable in principle.

#### 9.8 Access, movement and parking

The proposed development includes car parking provision of 23 spaces (0.4 spaces per apartment). The site is located on an arterial route and is well served by public transport with good access to the bus and railway stations/stops. Cycle parking spaces (32no) are also provided within the car park.

9.9 A number of versions of Transport Assessment Form, Parking Statement, and Travel Plan were submitted. The most recent Travel Plan submitted November 2021 proposes :-

- Funding for travel passes for three years to help establish sustainable travel and cycle hire membership.
- Funding for cycle hire membership for three years
- Commitment given by applicant the plan will be promoted by a Travel Coordinator. This will reduce dependence on the car and therefore contribute to reduced growth in car journeys in the future.

9.10 Whilst objectors raised concerns regarding the lack of parking and traffic increase, the scale of development and transport implications of the proposal were assessed by DFI Roads Service, the authoritative body on road safety and parking. Having considered the supporting information submitted as well as the plans, they have no objections to the development proposal on road safety and traffic progression grounds subject to conditions and securing the proposed green travel measures. They also did not raise any concern regarding the accuracy of the Travel Plan submitted.

#### 9.11 Impact on natural heritage

With respect to the natural heritage on the site a Biodiversity Checklist including bat roosting and bird nesting potential assessment were considered by Natural Environment Division (NED). They responded with no objections to the proposal. The existing structure was assessed as having negligible bat roosting potential given a complete lack of potential roost features (PRFs). No evidence of nesting or roosting birds were identified inside the building by the ecologist, and NED are content that the demolition of the existing built structure will have no significant impacts on protected/priority species, including bats and breeding/nesting birds. Therefore, the proposal complies with the requirements of Policy NH2 of PPS2.

#### 9.12 Impact on built heritage

The proposed site is in close proximity to No.1-29 Malone Place (Grade B2x8 & B1x1) which is a terrace of nine listed buildings. HED Historic Buildings was consulted and has no objections and the proposal complies with paragraph 6.12 of the SPPS and Policy BH11 of PPS6. HED (Historic Monuments) also noted they were content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

#### 9.13 Design and layout

The proposal was subject to a lengthy and detailed PAD process, much of which focused on the design and layout of the proposed building. The proposal is of a modern design. The building can be viewed as 3 sections, a five storey element with a part setback sixth floor at the corner of Donegall Road/Blondin Street, a central five storey element and a three storey plus setback floor at the corner of Donegall Road/Oban

Street. Whilst this is an increase in height from what is existing on the site there are a number of taller buildings, Whitehall Square immediately adjacent (6 storeys to Donegall Road and 5 elsewhere) and Ulidia House (4 storeys with 1 storey set back on the top), located in the immediate area. The Urban Design Criteria (UDC) for this location in dBMAP 2015 for this character area states that 'new development shall respect the established building line and that building heights shall be a minimum of 2 storeys and a maximum of 3 storeys'. Previous approvals on the site itself must be acknowledged however as well as existing buildings in the area, and the proposed height is considered acceptable, especially in the context of existing developments in the immediate area which exhibits a variety in terms of building heights and designs.

9.14 The taller element of the building will be situated to the east of the site, and therefore adjacent to Whitehall Square. The opposite side of the building adjacent to Oban Street displays a 3 storey element with 1 storey set back, which is considered to respect the residential scale of the dwellings adjacent on the Donegall Road.

9.15 In regards to impact on residential amenity, criterion (h) of QD 1 of PPS 7 requires there to be no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance and the orientation of the development in relation to the existing dwellings. With regards to the potential loss of light to the existing residential properties a detailed Daylight and Sunlight Assessment was submitted, which includes a consideration of the impact on neighbouring properties. The report demonstrates that the development meets BRE guidelines and on balance is considered acceptable from a daylight and sunlight perspective.

9.16 With consideration to the orientation of the development as well as the layout of the apartments there will not be an unacceptable degree of overlooking to residential amenity, particularly at Nos 70-80 Donegall Road and Whitehall Square as raised as a concern within some representations received. This can be said for overshadowing also, especially considering the set backs for proposed terraces.

9.17 The development is accessed via Gaffikin Street and Donegall Road both for pedestrians, and Gaffikin St for the car park. Defensible space is provided to the front of the ground floor apartments in the form of a 1.1m metal railing with a hedge. This should alleviate any safety concerns.

9.18 Of the 55 apartments, there are eleven 1 bed apartments, with the remainder are 2 bed apartments. A large roof top terrace is proposed, as well as a much smaller terrace on the fourth floor. 45 of the apartments also display recessed balconies. The apartments range in size from 41-56sqm for a 1 bed apartment, and from 60-66sqm for a 2 bed apartment. The proposed apartments meet the recommended space standards as set out in the Addendum to PPS7, Safeguarding the Character of Established Residential Areas.

9.19 The proposed materials are predominantly brick alongside PPC aluminium windows/doors, zinc cladding at the fifth floor, frameless glass balustrades around both terraces, precast concrete lintel window headers and at ground floor hedge railings, render and metal louvres. The proposed materials are considered acceptable for the area which is characterised by a variety of building types and elevation treatment, however as suggested by BCC Urban Design Officer samples of these should be submitted and agreed in writing with the Council prior to work commencement.

#### **9.20 Open Space and landscaping**

The proposed development has been assessed against the SPPS, Policy QD 1 of PPS7, Policy OS 2 of PPS 8 (Open Space, Sport and Recreation) and Creating Places. Recessed balconies are provided for 45 of the proposed apartments. Private communal external terraces are provided on the fourth and fifth floors. Overall an average of approximately 10sqm of amenity provision per unit has been proposed which is in line with Creating Places.

9.21 Policy OS 2 of PPS 8 states that proposals for new residential development of 25 or more units will only be permitted where public open space is provided as an integral part of the development. An exception to this requirement is in the case of apartment developments where a reasonable level of private communal open space is provided. The level of private open space is comparable with other developments in the area. The site is also in close proximity to existing areas of open space including Botanic Gardens. Taking account of the level of private amenity space proposed and accessibility to a

number of existing areas of open space within reasonable walking distance the proposal is on balance considered acceptable.

#### **9.22 Flood Risk**

Since the proposal is for development of more than 10 units FLD 3 of PPS 15 applies. A Drainage Assessment was submitted and forwarded to DfI Rivers Agency for comment. They responded on 09/12/20 stating the Drainage Assessment “lacks a current letter from NIW for consent to discharge storm water to their system”. They requested that should Approval be granted a Condition is included stating a final Drainage Assessment must be submitted to and agreed in writing with the Council prior to work commencing.

9.23 Following receipt of their response the Applicant submitted a copy of a Conditional Response dated 30/08/18 to an Article 154 application they had made, showing NI Water's consent to connect storm (attenuated) to the combined sewer. This was forwarded to DfI Rivers Agency for comment. They responded on 19/07/22 acknowledging the Drainage Assessment demonstrated the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event will be contained within the network, when discharging at existing greenfield runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NIW prior to adoption, however, in order ensure compliance with PPS 15, they suggested the potential flood risk from exceedance of the network, in the 1 in 100 year event, is managed by way of a condition, which shall be included should approval be granted.

#### **9.24 Waste Water Treatment**

DAERA Waste Management Unit has expressed concern that the sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Belfast Waste Water Treatment Works (WWTW) and recommended that the Case Officer consult with Northern Ireland Water Limited (NIW) to determine if the WWTW will be able to cope with the additional load or whether the existing WWTW would need to be upgraded. NI Water Limited confirmed that waste water treatment capacity is not available at present for the proposed development.

9.25 NI Water confirmed that they have a programme for WWTW improvements which will increase capacity over the coming years. These works are estimated to be completed within the five-year lifespan of planning permission were it to be granted. Moreover, NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development will not all come forward at once which means in practical terms it would be unreasonable to withhold planning permission in relation to these issues.

9.26 In practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental impact on waste-water infrastructure or environment, particularly in the context of impacts over and above what has already been committed across the city.

9.27 In light of the NI Water response dated 25/04/22 a negative planning condition shall be included in any approval to require full details of the how foul/waste water is to be disposed of prior to commencement of the development. As this matter can be addressed by a suitably worded planning condition this issue is not considered to be a refusal reason.

9.28 Shared Environmental Service (SES) carried out a Habitats Regulation Assessment on behalf of the Council and advise that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects subject to mitigation measures which are recommended as a condition. Consent is required for the method of sewage disposal, agreed in writing with Northern Ireland Water (NIW) or Consent to discharge has been granted under the terms of the Water (NI) Order 1999, prior to the commencement of development. DAERA WMU whilst expressing concern also suggested this condition to be attached, but noted that Consent is not guaranteed.

#### **9.29 Other Environmental Matters**



BCC Environmental Health reviewed a number of documents submitted relating to noise, and contaminated land.

9.30 The issue of noise was raised in the representations, as a result of demolition/construction work. All construction work should be undertaken in line with best practice guidelines, however a condition was recommended by BCC EHO requiring that detailed Construction Environmental Management Plan (CEMP) be submitted and agreed with the Council, prior to demolition and then again prior to construction commencing (as often different contractors may be involved). The CEMP should demonstrate best practicable means will be employed in controlling adverse impacts associated with dust, noise and vibration and shall include arrangements and evidence of neighbour liaison/communication in advance of works commencing.

9.31 With regards to potential noise impact from the use of communal amenity areas which in noise terms do not benefit from being enclosed within a courtyard a condition has been recommended regarding access to the communal areas being restricted between certain hours to reduce the potential for noise in these areas affecting nearby off site sensitive residents.

9.32 While reduction by screening and distance from the road has been predicted in noise report submitted to achieve levels of noise just below the upper limits recommended in relevant guidance for the communal external amenity areas at fourth and fifth floor levels, a number of private balconies are likely to experience external noise levels significantly in excess of the recommended upper limit of 55dBLAeq,16hr outlined in the WHO guidelines. On balance given its urban location this is acceptable. BCC EHO suggested a number of very detailed conditions to be attached should approval be granted relating to all noise mitigation measures.

9.33 A Generic Quantitative Risk Assessment was submitted relating to the risk of contaminated land on the site. Comments were invited from both BCC EHO and DEARA's Regulation Unit, who both responded with no objections, suggesting conditions to be included should approval be granted.

9.34 BCC EPU has no objection to the proposal from an air quality perspective subject to the request for technical information to be submitted and agreed should any centralised combustion plants (boilers/CHP, biomass) be proposed. Based on this, an Air Quality Impact Assessment may be required for relevant human health receptors.

#### 9.35 Conclusion

Having regard to the policy context, planning history on the site and other material considerations above, the proposal is considered on balance acceptable and planning permission is recommended for approval subject to conditions. It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised.

**Neighbour Notification Checked:** Yes

**Summary of Recommendation:** Approval subject to Conditions

#### Conditions

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. Prior to the commencement of the approved development, the applicant must demonstrate how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161 of The Water and Sewerage Services (NI) Order 2006, in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere. Details of which shall be submitted and agreed in writing with the Council.

Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

3. 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 is in place for the operational phase of the proposal that will ensure no impacts to European Sites. Approval is required upfront because the design of drainage is an integral part of the development and its acceptability.

4. No development shall 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: To ensure the project will not have an adverse effect on the integrity of any European site.

5. Prior to installation, 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 line with recommendations of section 5 of the Irwin Carr Consulting Noise Impact Assessment (dated 28th May 2021, referenced Rp003N2020187).

Reason: In the interests of residential amenity

6. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the specification of alternative means of ventilation. Windows shall be capable of a sound reduction of 40dB(Rw+Ctr) to the Donegall Rd northern façade, 36 dB(Rw+Ctr) to the Eastern (Blondin Street) and Western façade and 33dB(Rw+Ctr) to the rear southern façade along Gaffikin Street as recommended in section 5.4 of the Irwin Carr Consulting NIA dated 28th May 2021 Rp003N2020187. The sound reduction specification (dBD,n,e +Ctr) for the alternative means of ventilation shall be the same as or greater than the sound reduction specification for the windows of each façade to ensure suitable internal noise levels of habitable rooms outlined in British Standard BS8233:2014 are achieved with the windows shut and the alternative means of ventilation operating or in the open position.

Reason: In the interests of residential amenity

7. 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

Reason: In the interests of residential amenity

8. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed.

Reason: In the interests of residential amenity

9. Prior to occupation of the hereby permitted development, the developer 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.

Reason: In the interests of residential amenity

10. The separating floor between the ground floor plant room and any habitable rooms directly above shall be constructed to ensure a sound reduction performance as per the recommendation in section 6 of the Irwin Carr Consulting NIA dated 28th May 2021, reference: Rp003N2020187.

Reason: In the interests of the residential amenity

11. The roof construction to the hereby permitted development shall incorporate an additional layer of 12.5mm plasterboard with staggered joints to ensure an overall sound reduction of 49dBRw is achieved by the roof.

Reason: In the interests of residential amenity

12. Access to and use of any communal external amenity area shall not be permitted between the hours of 22:30-08:00hrs

Reason: In the interests of residential amenity

13. The external communal amenity areas shall incorporate a 1.2m high glazed barrier to a minimum thickness of 10mm with no gaps below the glass or between sections of barrier.

Reason: In the interests of residential amenity

14. Prior to installation of any plant and equipment associated with the proposed development, details shall be provided to the planning authority for review and approval in writing. The details submitted shall be accompanied by comment by an acoustic consultant demonstrating that the rating level (dBLAr,T) of the plant/ equipment when in operation will not exceed the representative background sound level (dBLA90,T) at night when measured and/or determined in accordance with BS4142:2014. The details will be required to be supported with representative background noise levels taken at night in the location where the plant is proposed.

Reason: In the interests of residential amenity

15. The plant and equipment at the development shall be installed in accordance with the approved details.

Reason: In the interests of residential amenity

16. Prior to demolition, site clearance or site preparation, a Construction Environmental Management Plan (CEMP) shall be submitted to the Council for review and approval in writing. The CEMP shall include site specific measures to be employed by the appointed contractor to control noise, dust and vibration during the demolition demonstrating the use of 'best practicable means'. The CEMP shall have due regard to Parts 1 and 2 of BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: In the interests of residential amenity

17. Prior to commencement of construction on site, a Construction Environmental Management Plan (CEMP) shall be submitted to the planning authority for review and approval in writing. The CEMP shall include site specific measures to control noise, dust and vibration during the construction phase, demonstrating the use of 'best practicable means'. The CEMP shall include rationale for and details of any chosen piling method and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises. The CEMP shall have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: Protection of residential amenity

18. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Council in writing, prior to the development being occupied. If required, 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: Protection of human health.

19. If during the development works, new contamination and risks are encountered which has 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/land-contaminationhow-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 to its satisfaction.

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

20. After completing any remediation works required under Condition 19, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with 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/land-contaminationhow-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

21. In the event that a combustion plant is proposed at a subsequent design stage of the development, which has a single or combined NO<sub>x</sub> emission rate greater than 5mg/s, the applicant must submit an air quality impact assessment for the development. The assessment shall include a specification for the combustion plant to be installed, to include emission rates and flue termination heights, of the proposed combustion systems for heating and hot water. The assessment must demonstrate that occupants of the proposed development will not be exposed to concentrations of air pollution in excess of air strategy objectives.

Reason: protection against adverse health effects.

22. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with drawing No.P306/R01 Rev.C uploaded to the Planning Portal 20th December 2021, 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.

23. The vehicular access hereby permitted shall be formed by lowered kerbs at the carriageway edge and associated re-grading of the footway to the satisfaction of the Department for Infrastructure.

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

24. The development hereby permitted shall not be occupied until the redundant lowered kerbing to the southern frontage of the development at Gaffikin Street is removed and the footway reinstated to the satisfaction of the Department for Infrastructure.

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

25. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed and permanently marked in accordance with drawing No.P306/R01 Rev.C uploaded to the Planning Portal 20th December 2021, 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.

26. The development hereby permitted shall not be occupied until sheltered cycle parking facilities have been provided in accordance with drawing No.P306/R01 Rev.C uploaded to the Planning Portal 20th December 2021.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles

27. The development hereby permitted shall operate in accordance with the Residential Travel Plan Rev.2 uploaded to the Planning Portal 20th December 2021.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

28. The development hereby permitted shall not commence until details and samples and a written specification of the materials to be used in the external elevations, have been submitted to and have been approved in writing by the Council. These include brick, PPC aluminium windows/doors and precast concrete lintel window headers as well as GF hedge railings, render, metal louvres and vehicle entrance details. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of visual amenity.

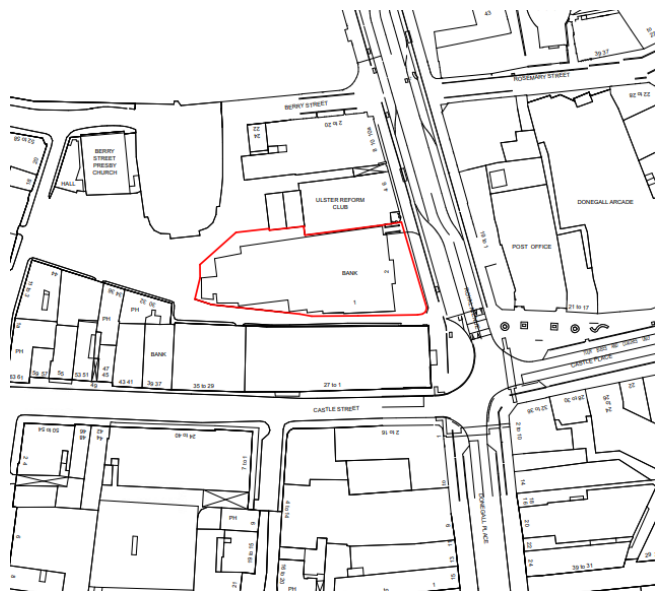
<b>ANNEX</b>	
<b>Date Valid</b>	21/10/20
<b>Date First Advertised</b>	20/11/20
<b>Date Last Advertised</b>	31/12/21
<b>Date of Last Neighbour Notification</b>	20/12/21
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: N/A Response of Department: N/A	

## Committee Report

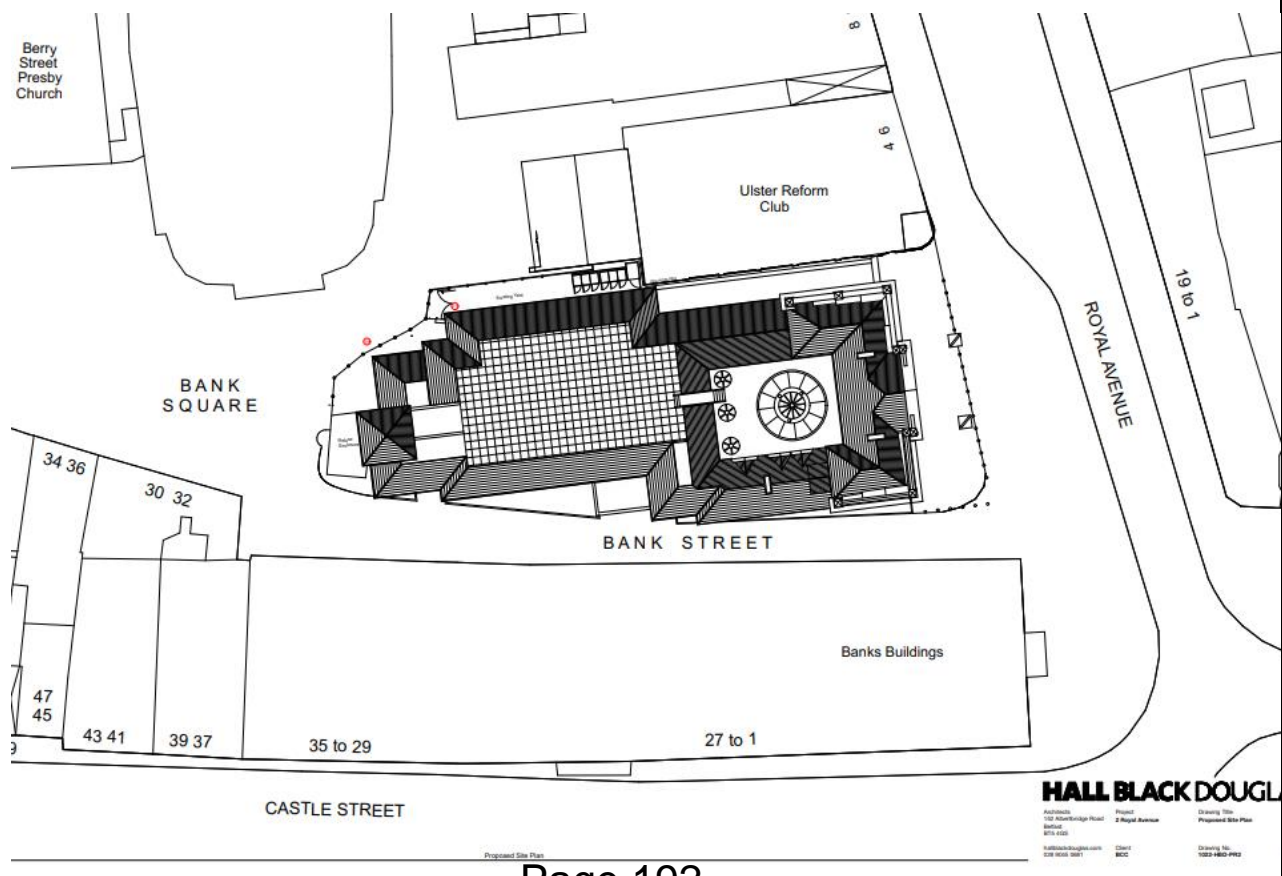
Development Management Report	
<b>Application ID:</b> LA04/2022/2018/F	<b>Date of Committee:</b> Tuesday 14 <sup>th</sup> February 2023
<b>Proposal:</b> Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations.	<b>Location:</b> 2 Royal Avenue Belfast BT1 1DA.
<b>Referral Route:</b> Referral to the Planning Committee under Section 3.8.5 (c) of the Scheme of Delegation	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Belfast City Council City Hall Belfast BT1 5GS	<b>Agent Name and Address:</b> 152 Albertbridge Road Belfast BT5 4GS
<p><b>Executive Summary:</b></p> <p>The applications seeks proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations. The building is a two storey high Victorian sandstone B+ graded listed building (HB26/50/106). The building is in a prominent position facing onto Royal Avenue and has been extensively extended to the rear of the site facing onto Bank Street.</p> <p><b>Area Plan</b></p> <p>The site is located within the City Centre in BUAP and within the Retail Core, City Centre Conservation Area and Primary Retail Frontage within both versions of dBMAP. The application site is currently used as a community, recreational and cultural space to facilitate multi-disciplinary uses as approved on a temporary basis under the application LA04/2021/2580. The surrounding area is commercial in nature with a mix of city centre uses, the building is surrounded by a number of listed buildings.</p> <p>The proposal is deemed to comply with the SPPS, policies BH 8 and BH 12 of PPS 6 and Section 104(11) (b) of the Planning Act (Northern Ireland) 2011. The proposal will open up the rear of the building with a new pedestrian entrance. This includes removing the existing palisade fence to be replaced with bollards and this is considered to enhance the listed building and the conservation area.</p> <p>The application is brought before committee under section 3.8.5 (c).</p> <p>HED and the Conservation Officer were consulted. HED had no objections, the Conservation Officer had no objections to the proposed pedestrian entrance but asked for clarity regarding the proposed shutter.</p> <p><b>Recommendation</b></p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved.</p>	

# Case Officer Report

## Site Location Plan



## Proposed Block Plan





[illegible]

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations.
<b>2.0</b>	<b>Description of Site</b> The site is located at 2 Royal Avenue. The building is a two storey high Victorian sandstone B+ graded listed building (HB26/50/106). The building is in a prominent position facing onto Royal Avenue and has been extensively extended to the rear of the site facing onto Bank Street.  The application site is currently used as a community, recreational and cultural space to facilitate multi-disciplinary uses as approved on a temporary basis under the application LA04/2021/2580. The surrounding area is commercial in nature with a mix of city centre uses, the building is surrounded by a number of listed buildings. The site is located within the City Centre in BUAP and within the Retail Core, City Centre Conservation Area and Primary Retail Frontage within both versions of dBMAP.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>  Application Number: LA04/2021/2580/F      Decision: Permission Granted Decision Date: 04 January 2022 Proposal: Temporary (2 years) change of use of the ground floor at the former Tesco Metro store on Royal Avenue Belfast from use class A1 to a community, recreational and cultural space to facilitate multi-disciplinary uses under use classes D1 (community and cultural uses) and D2 (assembly and leisure).
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan
4.2	Draft Belfast Metropolitan Area Plan 2015 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 3: Access, Movement and Parking
4.5	Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
<b>5.0</b>	<b>Statutory Consultees Responses</b> HED- No objections
<b>6.0</b>	<b>Non Statutory Consultees Responses</b> Conservation Officer- No objections to proposed entrance, clarification sought on details.

<b>7.0</b>	<b>Representations</b>
	The application was advertised on the 18 <sup>th</sup> November 2022 and neighbour notified on the 13 <sup>th</sup> December 2022, no objections were received.
<b>8.0</b>	<b>Other Material Considerations</b> None
<b>8.1</b>	<b>Any other supplementary guidance</b> Belfast City Centre Conservation Area Design Guide
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<p>Assessment</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Design of the Proposal</li> <li>• Impact on Listed Building</li> <li>• Impact on Conservation Area</li> </ul> <p>With regards to development in Conservation Areas, Section 104(11) of the Planning Act (Northern Ireland) 2011 states that special regard must be had to the desirability of;</p> <p>(a)preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;</p> <p>(b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise</p> <p>Paragraph 6.18 of the SPSS states as follows:</p> <p>‘In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained.’</p> <p>Section 91 (2) of the Planning Act (Northern Ireland) 2011 applies which states ‘the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’ Policy BH 8 of PPS 6 provides policy for the extension or alteration of a listed building and three criteria to be met which are:</p> <p><b>Design of the Proposal</b></p> <p>The proposal involves the creation of a new pedestrian access to the rear of the existing extension with a roller shutter. The rear of the building is surrounding by a 2.4m palisade fence and the proposal removes a section of fencing to the rear of the building, instead</p>

	<p>using stainless steel bollards which will open up the rear of the site. A new 2.4m gate is also proposed to the side of the building which will tie in with the existing fencing. The proposal is considered to conform to the good design paragraphs of the SPPS in that the proposals will open up the rear of the building to the public and remove an unsightly palisade fence in an area open to the public.</p> <p><b>Impact on the Listed Building</b></p> <p>The proposal is deemed to comply with the SPPS and policy BH 8 of PPS 6. The proposed works are to the rear extension of the building which was constructed during the 1990s and will retain the essential character of the building. The proposal will open up the rear of the building by removing the unsightly palisade fencing and utilising bollards instead, this will improve the setting of the listed building. HED were consulted and considered the proposal shall not have any additional adverse impact on the listed building. HED consider that the proposed roller shutter is situated on the rear extension of the building and the removal of the fencing and opening up a new entrance is a betterment.</p> <p><b>Impact on the Conservation Area</b></p> <p>The proposal is considered to comply with the SPPS, policy BH 12 of PPS 6 and Section 104(11) (b) of the Planning Act (Northern Ireland) 2011. The scale of the proposal is minor in nature and by opening up the building to the rear and removing the unsightly palisade fencing the development is considered to enhance the character and appearance of the area. The pedestrian entrance is considered sympathetic to the rear extension it is set within and the proposed bollards replacing the palisade fencing will improve views within the conservation area. Bank Street is a pedestrianised area which is located at the rear of buildings facing Royal Avenue and contains a number of unsympathetic boundary treatments, the proposals will aid footfall within the area and enhance the character of the area. The conservation officer was consulted and had no objection to the proposed new entrance. The Conservation Officer stated that page 58 of the Belfast City Centre Conservation Guide notes that external shutter boxes will not be permitted and any acceptable roller shutter/housing should be internal and be perforated. The Guide refers to perforated shutters within the streetscene and does state projecting shutter boxes will not be permitted. With consideration that the shutter is located to the rear of the building and the enhancements of the proposals, it is considered that the shutter will not have a detrimental impact to the conservation area.</p>
9.3	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.
<b>10.0</b>	<b>Summary of Recommendation: Approval</b>
<b>11.0</b>	<p><b>Draft Conditions</b></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><b>Informatives</b></p> <p>1. This decision relates to the following approved drawing numbers: 01, 02, 05, 06, 07</p>
	<b>Notification to Department (if relevant) N/A</b>
	<b>Representations from Elected members: N/A</b>

<b>ANNEX</b>	
<b>Date Valid</b>	12 <sup>th</sup> October 2022
<b>Date First Advertised</b>	18 <sup>th</sup> November 2022
<b>Date Last Advertised</b>	18 <sup>th</sup> November 2022
<b>Date of Last Neighbour Notification</b>	13 <sup>th</sup> December 2022
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
01 Site Location Plan 02 Existing Block Plan 03 Proposed Block Plan 04 Existing Ground Floor Plan 05 Existing 1 <sup>st</sup> Floor Plan 06 Existing Elevations 07 Existing Roof Plan 08 Proposed Ground Floor Plan 09 Proposed 1 <sup>st</sup> Floor Plan 10 Proposed Elevations	

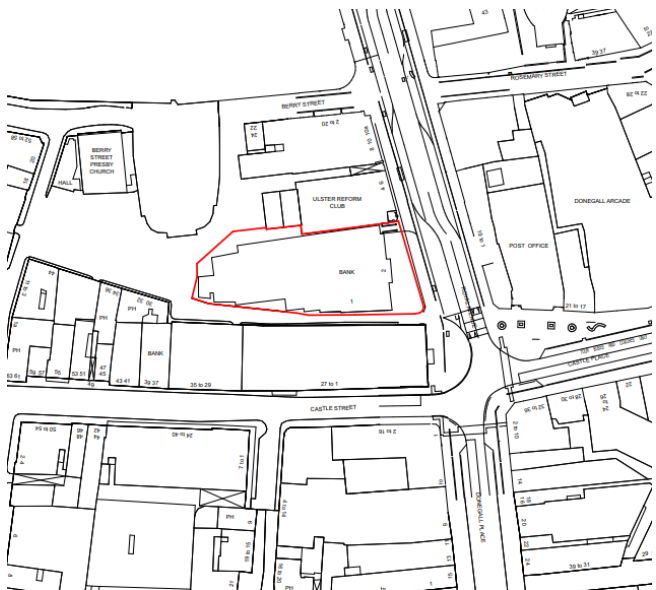
This page is intentionally left blank

## Committee Report

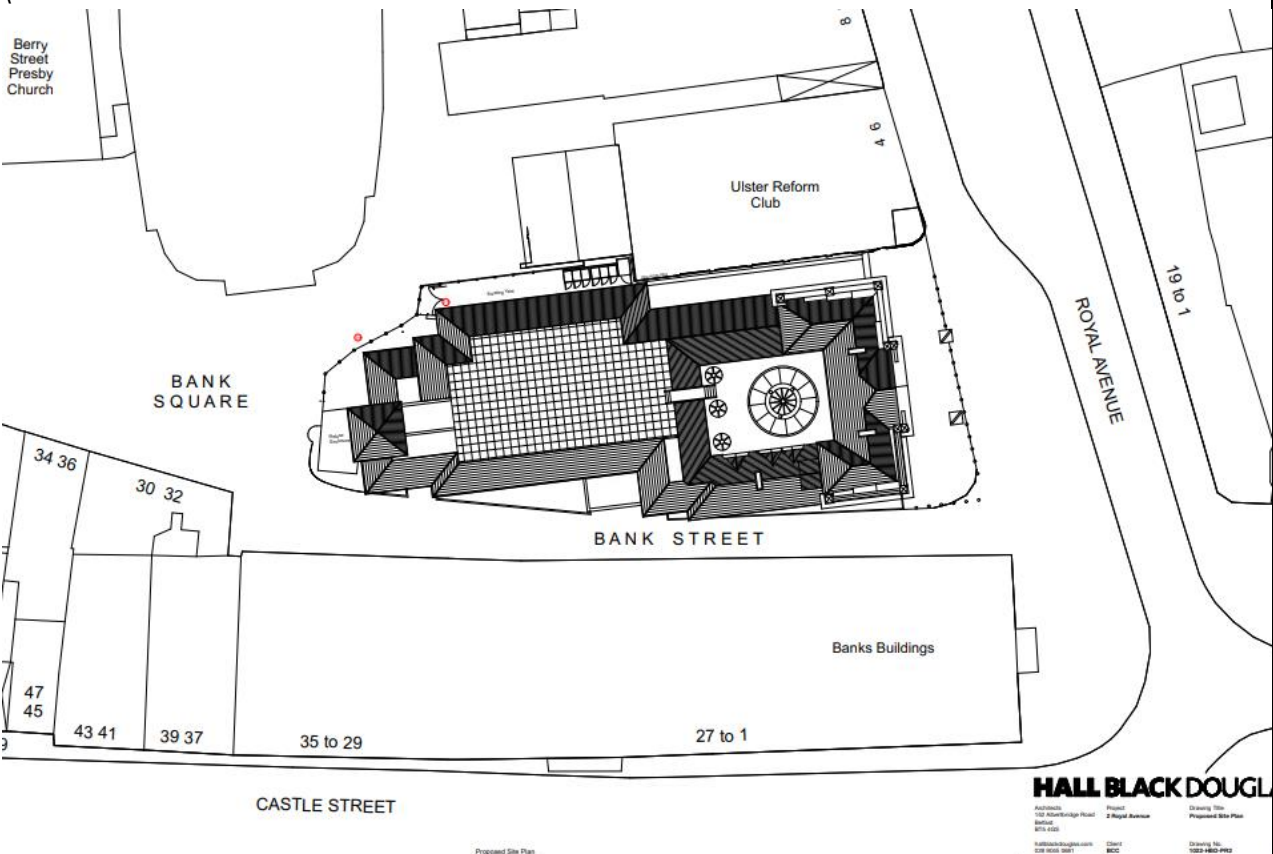
Development Management Report	
<b>Application ID:</b> LA04/2022/2019/LBC	<b>Date of Committee:</b> Tuesday 14 <sup>th</sup> February 2023
<b>Proposal:</b> Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations.	<b>Location:</b> 2 Royal Avenue Belfast BT1 1DA.
<b>Referral Route:</b> Referral to the Planning Committee under Section 3.8.5 (c) of the Scheme of Delegation	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Belfast City Council City Hall Belfast BT1 5GS	<b>Agent Name and Address:</b> 152 Albertbridge Road Belfast BT5 4GS
<p><b>Executive Summary:</b> The applications seeks proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations. The building is a two storey high Victorian sandstone B+ graded listed building (HB26/50/106). The building is in a prominent position facing onto Royal Avenue and has been extensively extended to the rear of the site facing onto Bank Street.</p> <p><b>Area Plan</b> The site is located within the City Centre in BUAP and within the Retail Core, City Centre Conservation Area and Primary Retail Frontage within both versions of dBMAP. The application site is currently used as a community, recreational and cultural space to facilitate multi-disciplinary uses as approved on a temporary basis under the application LA04/2021/2580. The surrounding area is commercial in nature with a mix of city centre uses, the building is surrounded by a number of listed buildings.</p> <p>The proposal is deemed to comply with the SPPS, policy BH 8 of PPS 6 and Section 91(2) of the Planning Act (Northern Ireland) 2011. The proposal will open up the rear of the building with a new pedestrian entrance while the internal alterations are minor. This includes removing the existing palisade fence to be replaced with bollards and this is considered to enhance the listed building and the conservation area.</p> <p>The application is brought before committee under section 3.8.5 (c).</p> <p>HED were consulted and had no objections.</p> <p><b>Recommendation</b> Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved.</p>	

# Case Officer Report

## Site Location Plan



## Proposed Block Plan





Proposed Elevations

- A. COVERED LOADING AREA
- B. LEAN TO EXTERNAL STORE
- C. EXISTING 2.5M HIGH DOUBLE SLUTTED GALVANISED STEEL GATES / RAILINGS
- D. EXISTING 1.8M HIGH RAILING ON GUM STONE PUNY
- E. EXISTING TIMBER WINDOWS WITH COMMERICAL DISPLAY

EXISTING FINISHES

- Brick - Red/Brown in Colour
- Concrete/Floor Tiles
- Reconstructed Stone Window Surround - Buff in Colour
- Reconstructed Stone Details - Buff in Colour
- Dark Grey Aluminium Rainwater Goods

- 1. WINDOW INFILL PANELS (BASIC) Carefully remove plastered masonry (if) to reveal of existing timber framed retail window in Bank Street. Reveal / replace existing window reveals, where damaged and install painted horizontal (if) board.

- 2. NEW STRUCTURAL OPENINGS Remove plastered masonry (if) and existing masonry (if) to reveal of existing 2.5m high double sluted galvanised steel gates and existing 1.8m high railing on gum stone puny. Install new structural openings (if) to reveal of existing 2.5m high double sluted galvanised steel gates and existing 1.8m high railing on gum stone puny. Install new structural openings (if) to reveal of existing 2.5m high double sluted galvanised steel gates and existing 1.8m high railing on gum stone puny.

- 3. NEW WINDOW SCREENS Install new PVC aluminium framed doors / screens comprising vertical to parking doors with steel lintels and sashels (if) to reveal of existing 2.5m high double sluted galvanised steel gates and existing 1.8m high railing on gum stone puny. Install new PVC aluminium framed doors / screens comprising vertical to parking doors with steel lintels and sashels (if) to reveal of existing 2.5m high double sluted galvanised steel gates and existing 1.8m high railing on gum stone puny.

- 4. ROOFER SHUTTER Install new PVC aluminium framed doors / screens comprising vertical to parking doors with steel lintels and sashels (if) to reveal of existing 2.5m high double sluted galvanised steel gates and existing 1.8m high railing on gum stone puny. Install new PVC aluminium framed doors / screens comprising vertical to parking doors with steel lintels and sashels (if) to reveal of existing 2.5m high double sluted galvanised steel gates and existing 1.8m high railing on gum stone puny.

- 5. STAINLESS STEEL ROLLERS Provide 12mm x 100mm x 100mm high angle stainless steel rollers including 400mm deep roller type to allow delivery vehicles to enter.
- 6. GATES Install 2.5m high double sluted galvanised steel gates and parking facility.



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations.
<b>2.0</b>	<b>Description of Site</b> The site is located at 2 Royal Avenue. The building is a two storey high Victorian sandstone B+ graded listed building (HB26/50/106). The building is in a prominent position facing onto Royal Avenue and has been extensively extended to the rear of the site facing onto Bank Street.  The application site is currently used as a community, recreational and cultural space to facilitate multi-disciplinary uses as approved on a temporary basis under the application LA04/2021/2580. The surrounding area is commercial in nature with a mix of city centre uses, the building is surrounded by a number of listed buildings. The site is located within the City Centre in BUAP and within the Retail Core, City Centre Conservation Area and Primary Retail Frontage within both versions of dBMAP.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>  Application Number: LA04/2021/2580/F      Decision: Permission Granted Decision Date: 04 January 2022 Proposal: Temporary (2 years) change of use of the ground floor at the former Tesco Metro store on Royal Avenue Belfast from use class A1 to a community, recreational and cultural space to facilitate multi-disciplinary uses under use classes D1 (community and cultural uses) and D2 (assembly and leisure).
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan
4.2	Draft Belfast Metropolitan Area Plan 2015 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
<b>5.0</b>	<b>Statutory Consultees Responses</b> HED- No objections
<b>6.0</b>	<b>Non Statutory Consultees Responses</b> None
<b>7.0</b>	<b>Representations</b> The application was advertised on the 18 <sup>th</sup> November 2022.
<b>8.0</b>	<b>Other Material Considerations</b>

	None
8.1	<b>Any other supplementary guidance</b> None
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<p>Assessment</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>Impact on Listed Building</li> </ul> <p>Section 91 (2) of the Planning Act (Northern Ireland) 2011 applies which states ‘the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’ Policy BH 8 of PPS 6 provides policy for the extension or alteration of a listed building and three criteria to be met which are:</p> <p>(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;</p> <p>(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and</p> <p>(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.</p> <p><b>Impact on the Listed Building</b></p> <p>The proposal is deemed to comply with the SPPS and policy BH 8 of PPS 6. The proposed works are to the rear extension of the building which was constructed during the 1990s and will retain the essential character of the building. The proposal will open up the rear of the building by removing the unsightly palisade fencing and utilising bollards instead, this will improve the setting of the listed building. HED were consulted and considered the proposal shall not have any additional adverse impact on the listed building. HED consider that the proposed roller shutter is situated on the rear extension of the building and the removal of the fencing and opening up a new entrance is a betterment.</p>
9.3	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.
<b>10.0</b>	<b>Summary of Recommendation: Approval</b>
<b>11.0</b>	<p><b>Draft Conditions</b></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><b>Informatives</b></p> <p>1. This decision relates to the following approved drawing numbers: 01, 03, 08, 09, 10</p>

<b>ANNEX</b>	
<b>Date Valid</b>	12 <sup>th</sup> October 2022
<b>Date First Advertised</b>	18 <sup>th</sup> November 2022
<b>Date Last Advertised</b>	18 <sup>th</sup> November 2022
<b>Date of Last Neighbour Notification</b>	N/A
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
01 Site Location Plan 02 Existing Block Plan 03 Proposed Block Plan 04 Existing Ground Floor Plan 05 Existing 1 <sup>st</sup> Floor Plan 06 Existing Elevations 07 Existing Roof Plan 08 Proposed Ground Floor Plan 09 Proposed 1 <sup>st</sup> Floor Plan 10 Proposed Elevations	



<b>Subject:</b>	Delegation of Local applications with NI Water objections
<b>Date:</b>	14 February 2023
<b>Reporting Officer(s):</b>	Kate Bentley, Director of Planning and Building Control
<b>Contact Officer(s):</b>	Ed Baker, Planning Manager (Development Management) Ciara Reville, Principal Planning Officer

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>
1.1	The Planning Committee will recall that at its meetings on 27 June and 14 November 2022 it agreed to delegate authority to the Director of Planning and Building Control the determination of a number of Local applications to which NI Water had objected.
1.2	The Council continues to receive objections from NIW to some Local applications. The purpose of this report is to seek the Committee's agreement to delegate to officers those Local planning applications to which NI Water has objected as set out at <b>Appendix 1</b> .
1.3	For the avoidance of doubt, it is only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water which are proposed to be delegated. Therefore, any of the Local applications listed at <b>Appendix 1</b> which it may later transpire require to be referred to the Committee for other reason/s (other than the NI Water objection) will be reported to the Committee to determine. Individual Members can also still request that the applications at Appendix 1 are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.

<b>2.0</b>	<b>Recommendation</b>
2.1	That the Committee agrees to delegate to the Director of Planning and Building Control those Local planning applications to which NI Water has objected set out at <b>Appendix 1</b> .
<b>3.0</b>	<b>Main Report</b>
	<u>Background</u>
3.1	The Committee will be aware from the Committee Workshop on 18 November 2021 that NI Water has objected to a significant number of Local applications on grounds of insufficient waste-water infrastructure capacity.
3.2	As advised at the Committee Workshop, officers have been engaging with NI Water to try to resolve those objections. Whilst progress is being made, and NI Water is actively considering a threshold for the scale and nature of development above which they would like to be consulted on future planning application, the objections to these Local applications remain.
	<u>Scheme of Delegation</u>
3.3	Members will be aware that the Council operates a Scheme of Delegation for Planning which identifies which matters are to be determined by the Committee and which are delegated to officers.
3.4	Paragraph 3.8.5 (f) of the Scheme of Delegation (January 2020) states that planning applications are not delegated where ' <i>There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve.</i> ' This means that those applications are required to be determined by the Planning Committee.
3.5	The Planning (General Permitted Development) Order (Northern Ireland) 2016 identifies NI Water as a statutory consultee ' <i>...where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.</i> '
3.6	This means that where NI Water has lodged an objection to a Local application and the officer recommendation is to approve, the application cannot be delegated and must be determined by the Committee.
3.7	Therefore, at its meeting on 27 June and 14 November 2022, the Committee agreed to delegate 97 and 25 Local applications respectively with NI Water objections to the Director of Planning and Building Control. This has avoided the potential need to report all 122 applications individually to the Committee. To have reported all those applications to the Committee would have been logistically extremely difficult, costly and would have resulted in further delays for applicants.
	<u>Nature of NI Water objections</u>
3.8	NI Water has lodged objections to Local applications for one or both of the following reasons. <ul style="list-style-type: none"> <li>a) There is insufficient capacity at the local Waste Water Treatment Plant to support the proposed development; <b>and/or</b></li> <li>b) There is insufficient network capacity within existing Combined Storm Overflows to support the development.</li> </ul>

3.9	In broad terms, NI Water is concerned that a lack of infrastructure capacity would give rise to risk of environmental harm including pollution, flooding and adverse impact on existing property. In some cases, NI Water is concerned that the application site may be hydrologically linked to Belfast Lough and may harm its water quality.
3.10	However, despite requests, NI Water has to date not provided robust evidence to support individual objections including demonstration of actual specific impacts resulting from individual proposals that stems from their broad concerns outlined above.
3.11	Importantly, allowance must be made for existing significant committed development across the city including extant planning permissions. It is highly unlikely that all such development, which includes unimplemented permissions for over 20,000 houses and significant levels of commercial floor space across the city, will come forward at once, if at all. In practical terms it would be unreasonable for the Council to withhold planning permission given the fall-back of the need to connect those developments to existing waste water infrastructure.
3.12	In the case of Waste Water Treatment capacity, NI Water advises that there will be increased capacity from July 2023, albeit this will not be sufficient to address long term waste water treatment plant infrastructure requirements.
3.13	The Council must be mindful that were it to refuse planning permission based on NI Water's concerns, it would need to provide robust evidence to the Planning Appeals Commission in the event that the applicant appeals the decision. In the absence of robust evidence, it would be unreasonable to refuse planning permission.
	<u>Habitats Regulations Assessment</u>
3.14	Officers have met with Shared Environmental Services (SES). Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also "in combination" impacts with other development.
3.15	Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a "significant effect" on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification the Council will consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This would also trigger statutory consultation with DAERA NI Environment Agency. The Planning Service will consult SES and DAERA on a case by case basis as required.
	<u>Local applications for which delegated authority is sought to determine</u>
3.16	The further Local applications to which NI Water has objected and which delegated authority is sought to determine are listed at <b>Appendix 1</b> .
3.17	It should be noted that only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water are proposed to be delegated. Therefore, any of the Local applications listed at <b>Appendix 1</b> which it

	transpires need to be referred to the Committee for other reason/s under the Scheme of Delegation will be reported to the Committee to determine. Individual Members can also still request that the applications at Appendix 1 are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.
<b>4.0</b>	<b>Financial &amp; Resource Implications</b>
4.1	Officers are aware of the infrastructure issues which NI Water are facing and have had regard to that in making this recommendation to Committee. However, each application must be assessed on its own merits and officers have sought detailed evidence to support the objections which have been provided by NI Water. That has not been forthcoming.
4.2	The cost and resources involved in individually reporting all Local applications to which NI Water has objected to the Planning Committee would be considerable. It would also require several additional sittings of the Committee.
4.3	Regard is also had to the considerable current pressures on the Planning Service and staff with an extremely high volume of live applications on hand due to the longer-term impacts of COVID-19 and ongoing technical issues with the new Planning Portal. The impacts of COVID-19 and other operational pressures were reported in detail to the 15 <sup>th</sup> February 2022 Planning Committee, <a href="#">item 12a</a> . (hyperlink). In addition, technical issues with the new Planning Portal have reduced the rate of decisions. Combined with several key vacancies, total live applications have increased to around 1,200 application, an approximate 40% increase since pre-pandemic levels. It is very important that the Planning Service implements a range of measures to reduce live applications back down to more manageable levels. This includes securing delegated authority from the Committee for officers to deal with these Local applications subject to NI Water objections.
4.4	For the reasons set out above, officers are of the view that it would be appropriate to continue to delegate these applications.
<b>5.0</b>	<b>Equality or Good Relations Implications / Rural Needs Assessment</b>
5.1	No adverse impacts identified.
<b>6.0</b>	<b>Appendices – Documents Attached</b>
	<b>Appendix 1</b> – List of Local applications which are proposed to be delegated to officers to determine.



## Appendix 1 – Local applications with NIW objections (February 2023)

	DEA	REFERENCE	DATE RECEIVED	PROPOSED	ADDRESS
1	Balmoral	LA04/2022/2222/F	22/11/2022	The construction of a ground floor restaurant with 4no. 1 bed apartments at first and second floor level, at 565-567 Lisburn Road.	565-567 Lisburn Road
2	Balmoral	LA04/2022/2226/F	22/11/2022	The construction of a ground and first floor restaurant with 2no. 1 bed apartments at second floor level, at 565-567 Lisburn Road.	565-567 Lisburn Road
3	Black Mountain	LA04/2023/2324/F	13/12/2022	Proposed redevelopment comprising demolition of an extant building and development of two apartment blocks (12 units - category 1 over 55s tenure) and change of use/alterations of existing retail unit to apartments (8 units private tenure), communal amenity, parking, site access alterations, landscaping and ancillary site works	Mountain View Centre Norglen Gardens
4	Black Mountain	LA04/2022/0929/F	20/04/2022	Proposed alterations to existing Social Club to provide extensions to Main Hall, lounge with new external entrance, bar with covered seated patio area, smoking area and boundary wall removal.	Andersonstown Social Club
5	Botanic	LA04/2022/1934/F	12/10/2022	Proposed change of use to ground floor of former bank building to hot food cafe and associated external terrace space.	49-51 University Road
6	Botanic	LA04/2022/1880/F	07/10/2022	Proposed change of use from retail unit to hot food carry out and erection of extractor flue	463 Ormeau Road
7	Botanic	LA04/2022/1355/F	14/07/2022	Change of use from retail unit to hot food take away with associated flue extracton. External works to include a first floor extension a single storey side extension.	224 Tates Avenue
8	Botanic	LA04/2022/1721/F	24/08/2022	Change of use from dwelling to House in Multiple Occupation (HMO).	15 Ulsterville Gardens
9	Botanic	LA04/2021/2408/F	07/10/2021	Extensions to existing office building, elevations changes, internal alterations and ancillary landscaping works	Gas Office, Cromac Quay
10	Castle	LA04/2022/1950/F	19/10/2022	Proposed 2Nos. detached two storey dwellings, associated car parking, landscaping and all other ancillary site works (Phase 2).	Lands Immediately South Of 742 Antrim Road
11	Castle	LA04/2021/2756/F	16/11/2021	Alteration & refurbishment, with change-of-use, of existing commercial premises to 6No 1-bed apartments with 2No integral garages.	61 Alexandra Park Av

12	Castle	LA04/2022/1945/F	21/06/2022	Proposed extension of restaurant/ bar at rear of building; first floor external seating/ smoking area at rear with fire stairs and exit. Demolition of existing store and replacement with single storey flat roof store. Proposed alterations of south facade.	169-175 Cavehill Road
13	Court	LA04/2022/2059/F	04/11/2022	Residential development comprising of 12no. 3p/2b semi-detached dwelling houses with incurtilage parking and associated site-works.	Lands South Of 56 Highcairn Drive Belfast BT13 3RU Site Located At Junction Between Highcairn Drive And Dunboyne Park Belfast.
14	Court	LA04/2022/0742/F	01/03/2022	Proposed new two storey/split level community hub building (including changing rooms) and a single storey modular changing room building with associated car parking; paths and landscape site-works.	Paisley Park Sportsplex West Circular Road
15	Court	LA04/2022/1450/F	18/07/2022	Proposed change of use from vacant social club and bar to a bar, restaurant and function room; first floor side extension; 2 storey side and rear extension; alterations to Shankhill Road facade and alterations to boundary on Lanark Way	352-356 Shankill Road
16	Lisnasharragh	LA04/2022/0953/F	30/03/2022	Retrospective change of use from commercial building to plant hire business	3 Alexander Road
17	Titanic	LA04/2022/2111/F	11/11/2022	Conversions of existing storage space into 1 no. 68sqm 2 bedroom apartment	228 Albertbridge Road
18	Titanic	LA04/2022/1998/F	25/10/2022	Demolition of existing buildings and erection of social-led, mixed tenure residential development comprising of 20 no. dwelling houses and 10 no. apartments with car parking; provision of public open space and community hib	Belfast Metropolitan College Tower Street.