

Public Document Pack

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



**Belfast
City Council**

13th August, 2021

REMOTE MEETING OF THE MEMBERS OF THE PLANNING COMMITTEE

Dear Alderman/Councillor,

The Members of the Planning Committee will meet remotely, via Microsoft Teams, on Thursday, 19th August, 2021 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters

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

2. Pre-emptive Site Visits

- **LA04/2021/0493/F** - Demolition of existing buildings and erection of social-led, mixed tenure residential development comprising of 90 units in 2 no. apartment buildings (maximum height of 4 storeys) containing 75 apartments; and 11 townhouses and 4 apartments (along Sefton Drive); provision of hard and soft landscaping including communal gardens, provision of car parking spaces, tenant/staff hub, cycle parking, substation and associated works at Former Park Avenue Hotel, 158 Hollywood Road; and
- **LA04/2020/1959/F** - New parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture, site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east, Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue, land at Springfield Dam (Springfield Road), Paisley Park (West Circular Road) and the Junction of West circular Road & Ballygomartin Road.

3. **Correspondence received**

- (a) PPR Project - Participation and the Practice of Rights (Pages 1 - 6)

4. **Planning Applications**

- (a) **LA04/2021/0516/F** - Erection of a Purpose-Built Managed Student Accommodation development comprising 724 no. units, courtyards, ancillary accommodation and facilities, cycle and car parking and all other associated site and access works. (Amendment to planning approval LA04/2015/0609/F) at 140 Donegall Street (Pages 7 - 26)
- (b) **LA04/2021/0303/F** - Redevelopment, refurbishment, and partial change of use of building at 35-39 Queen St & demolition of building and redevelopment of site at 31-33 Queen St. Provision of ground floor offices/professional services units (use class B1/A2), cafe and retail unit and offices above (use class B1) (Pages 27 - 50)
- (c) **LA04/2021/0244/F** - Demolition of existing building and erection of 8-storey building with retail/coffee shop at ground floor and 45No serviced apartments for both long- and short-term occupancy on the floors above at 52-54 Dublin Road (Pages 51 - 66)
- (d) **LA04/2021/0629/F** - Residential development of 72no. apartments in 3no. blocks with associated car parking, landscaping and road widening works to Stockmans Way on lands north east of 43 Stockmans Way and south west of 49 Stockmans Way (Pages 67 - 92)
- (e) **LA04/2020/1158/F** - Demolition of existing building and erection of 65No Apartments including 20% social housing at 1-5 Redcar Street (Pages 93 - 114)
- (f) **LA04/2021/1358/F** - Section 54 application seeking amendments to condition Nos 2 (access), 7, 13, 20 (CEMP), 8, 9, 10, 15, 16, 19 (ground conditions), 12 (noise/vibration), 17 (piling risk), 21 (drainage), 27 (landscaping) to enable a phased approach to the construction of the permitted film studios complex approved under planning permission LA04/2020/0474/F on lands immediately north and south of existing film studios north of Dargan Road Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park). (Pages 115 - 162)
- (g) **LA04/2021/0789/F** - Application under Section 54 to vary conditions applied to approval LA04/202019/1100/F to facilitate development of this proposal. Relevant conditions which require to be amended are: -Condition 2 (Landscaping, Condition 5 (public realm), Condition 25 (retail plant and associated equipment), Condition 26 (verification report for noise), Condition 28 (odour technologies). Condition to be deleted Conditions 17 (verification report for contamination), this is a duplication of Condition 15 at 721-739 Lisburn Road (Pages 163 - 176)

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Subject:	Correspondence received – Participation and the Practice of Rights (PPR Project)
Date:	19th August, 2021
Reporting Officer:	Alistair Reid, Strategic Director of Place and Economy
Contact Officer:	Louise McLornan, Democratic Services Officer

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report or Summary of main Issues
1.1	The Members of the Committee are requested to consider the invitation received from the PPR project in relation to the Take Back the City (TBtC) coalition.
2.0	Recommendations
2.1	The Members of the Committee are recommended to refer the invitation to the City Growth and Regeneration Committee.
3.0	Main report
	<u>Key Issues</u>
3.1	Correspondence has been received from the Participation and the Practice of Rights (PPR Project), providing the Planning Committee with information relating to the Take Back the

	City (TBTC) coalition, which seeks the “development of a prototype community on the site of the former Mackie’s factory in West Belfast.” (see Appendix 1).
3.2	PPR has invited the Members of the Planning Committee to attend a walkabout at the Mackie’s site in order to assess the site’s potential for addressing housing need.
3.3	Given the Committee’s potential role in determining any planning applications which may come forward in respect of this site, officers are of the view that it would be inappropriate for Members of the Planning Committee to accept the invitation. Instead, it is recommended that the invitation is referred to the City Growth and Regeneration Committee.
3.4	<u>Financial & Resource Implications</u> None identified.
3.5	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> None identified.
4.0	Appendices
	Appendix 1 – Letter from PPR Project.

Councillor Arder Carson
Chair, Planning Committee
Democratic Services Section
Room 123B
City Hall
Belfast
BT1 5GS

By e-mail: chloe@pprproject.org

30th June 2021

Dear Councillor Carson and members of the Planning Committee,

I am writing to advise you about the work of the Take Back the City (TBTC) coalition, an innovative collaboration between PPR, Queen's University Belfast School of Architecture, Maynooth University and the Town and Country Planning Association. The coalition has been working together with housing activists to progress the development of social, public and co-operative housing across the city of Belfast, particularly in areas of high housing need.

A key focus for our work is the development of a prototype community on the site of the former Mackie's factory in West Belfast. Almost half of this 61 acre site is owned by the Department of Communities, with a significant amount of vacant land available to build good-quality, sustainable public housing in line with the following model:

1. Co creation in design: communities working with professionals to design their own future.

2. Local employment and skills to ensure that the development process helps build local skills and keeps investment in the local community. The final design will create local workspace and opportunities for home working.

3. A healthy place to ensure our community prioritises walking and cycling, access to parks and gardens and opportunities for growing and exchanging local food.

4. A climate-ready place to ensure that our community will be zero carbon and, if possible, energy positive. It will use sustainable urban drainage and green spaces to manage flood risk, create urban cooling, and enhance biodiversity.

5. An inclusive place to ensure our new community is open to everyone, meeting the needs of diverse people across their whole lifetime by ensuring a mixed community, with emphasis on shared community meeting spaces.

6. A self-managed community framed by a model of long-term community stewardship, so that the homes and assets will be used for benefit of residents over the long term.

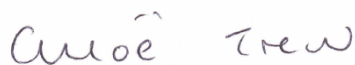
Last week (June 24th), the coalition held a highly successful and well-attended public event to discuss approaches to building a sustainable Belfast in the context of sectarian interfaces and the challenges of climate change. The event was chaired by Rory Hearne, Assistant Professor at Maynooth University and author of 'Housing Shock.' Other speakers included Grainia Long, Chief Executive of the NIHE and Minister Nichola Mallon, who confirmed that plans in progress for a greenway across the site would not preclude the building of public/social housing on Mackie's.

In addition, we were fortunate to hear from Mr Alistair Reid, Director of Place and Economy at Belfast City Council, who informed us of the Council's plans with respect to planning, economic growth and the upcoming consultation on the Belfast Agenda. Mr Reid confirmed to the coalition that any decision relating to the future use of the Mackie's site lay in the hands of elected politicians. With that in mind, we are pleased to invite members of the Planning Committee to attend a walkabout at the Mackie's site in order to assess the site's potential for addressing housing need for yourselves. Please do let us know when would suit members best. Our staff will be available at your convenience.

I am also pleased to advise that one of our coalition partners, Hugh Ellis, Policy Director at the Town and Country Planning Association is in the process of designing and delivering a number of workshops to explore some of the key issues in developing social housing in Belfast, on themes such as sustainability, planning, financing and contested spaces. Mr Ellis is an expert in planning policy and is particularly interested in the role of planning in addressing poverty and climate crisis. We would like to extend an invitation to all members to attend these workshops. Mr Ellis is keen that these are as useful and practical as possible, and therefore if members have any suggestions as to fruitful topics of discussion, he will be happy to accommodate this.

We look forward to hearing from you.

Yours Sincerely,

A handwritten signature in purple ink that reads "Chloë Trew".

Chloë Trew

Director, PPR, on behalf of the Take Back the City Coalition.

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Thursday 19 August 2021	
Application ID: LA04/2021/0516/F	
Proposal: Erection of a Purpose-Built Managed Student Accommodation development comprising 724 no. units, courtyards, ancillary accommodation and facilities, cycle and car parking and all other associated site and access works. (Amendment to planning approval LA04/2015/0609/F).	Location: 140 Donegall Street, Belfast, BT1 2FJ.
Referral Route: Major application	
Recommendation: Approve with conditions	
Applicant Name and Address: LDS Devco Ltd Hannaway CA The Gasworks 12 Cromac Place Belfast BT7 2JB	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Executive Summary: The application seeks full planning permission for the erection of Purpose Built Managed Student Accommodation comprising 724 no. units, courtyards, ancillary accommodation and facilities, cycle and car parking and all other associated site and access works. This application follows the granting of planning permission at appeal for a previous scheme of 620 units with 54 car parking spaces at lower ground floor level (LA04/2015/0609/F). The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> • Principle of Student Accommodation at this location • Impact on Built Heritage • Scale, Massing and Design • Waste Water Infrastructure Capacity • Open Space Provision • Traffic and Parking • Impact on Amenity • Contamination • Impact on Air Quality • Noise • Drainage and Flooding • Developer Contributions • Pre-application Community Consultation 	

The principle of student accommodation at this site is established with an extant permission for a 620 bed scheme (LA04/2015/0609/F) (allowed at planning appeal). An additional 104 units are proposed with basement parking now omitted. 15 on-site parking spaces are proposed compared to 54 spaces in the previously approved scheme.

The design of the proposed building is considered to be an improvement over the previous permission. The design, detailing and materiality including tonal red bricked finish reflects the industrial character of this part of the city centre. Subtle detailing has helped break up what could be an imposing block and has added significantly to the previously approved design. DfC Historic Environment Division (HED) have welcomed the proposed design changes.

Subject to a robust Travel Plan, the proposed approach to parking is considered acceptable given the highly accessible nature of the site and is consistent with other previously approved city centre PBMSA schemes which also have little or no on-site parking.

Statutory Consultees

DFI Roads – No objection

DAERA – Approval subject to conditions

Rivers Agency – No objections

NI Water – No objection

Belfast City Airport – No objections

Shared Environmental Services – Approval subject to conditions

Non-Statutory Consultees

Environmental Health BCC – Approval subject to conditions

Urban Design Officer – No Objections (final detailed comments awaited)

Building Control – No objections

No representations have been received from the community or third parties.

Recommendation

Having regard to the statutory development plan, the draft development plan, relevant planning policies, the site's planning history and consideration of the issues set out in this report, the proposed development is considered acceptable.

It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to approve the application subject to conditions and to finalise their wording, and enter into the Section 76 planning agreement subject to no new substantive planning issues being raised and to resolve any issues arising from any outstanding consultation responses.

Signature(s):

The map shows a red-outlined plot of land in Carrick Hill, Carrickfergus. The plot is located between Carrick Hill and Donegall Street. To the north of the plot is St. Patrick's Church. To the west is Carrick Hill, and to the east is Donegall Lane. The map also shows Carrick Street, Little Donegall Street, and Donegall Street.



1.1	The application seeks full planning permission for the erection of Purpose Built Managed Student Accommodation comprising 724 no. units, courtyards, ancillary accommodation and facilities, cycle and car parking and all other associated site and access works.
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1.3	External amenity space is to be provided in the form of three courtyards enclosed by the built structure and the adjacent Marshall Building. There are also to be interior recreation spaces and a gym.
1.4	Resident access to the building would be from the Carrick Hill elevation, with vehicular access from Little Donegall Street. This would serve 15 on-site parking spaces.
2.0	Description of Site
2.1	The site measures approximately 0.4 ha in size and comprises a former surface level carpark situated between Donegall Street and Little Donegall Street. Carrick Hill bounds the site to the north and north-west. The site is currently accessed from Little Donegall Street. A large four storey building lies adjacent and north-east of the site along the Donegall Street frontage.
2.2	There is a row of listed buildings opposite and north-east on the opposite side of Donegall Street comprised of several terraced Georgian dwellings, St Patrick's Church, and the Christian Brothers School building.
2.3	The site occupies a mixed use area with various shops and commercial premises further along Donegall Street to the east of the site. Opposite and north is the Carrick Hill housing area on the other side of a four lane orbital road. To the west on the opposite side of Little Donegall Street is a four storey social housing block and to its rear another surface level car park.
2.4	The following land-use zonings apply to the site: <ul style="list-style-type: none"> • Belfast Urban Area Plan – unzoned whiteland • Draft Belfast Metropolitan Area Plan (2004) – Development Opportunity Site/City Centre Gateway/Scotch and Cathedral Quarter Character Area • Draft Belfast Metropolitan Area Plan (2015) – Social Housing Zoning/Scotch and Cathedral Quarter Character Area • In the HMO SP the appeal site lies within the HMO Development Node HMO 4/17 Scotch Quarter.
3.0	Planning History
3.1	Z/2006/1544/F - Erection of 226 No. 1 and 2 bed apartments to include conversion of upper floors of existing buildings to apartments together with two levels of car parking. Approved 6 th June 2008.
3.2	LA04/2015/0609/F - Purpose built managed student accommodation comprising 620 no. units with associated amenity and ancillary support accommodation with 54 no. lower ground floor parking spaces Decision: PAC Approval PAC REF: 2016/A0202 Decision Date: 21 st Nov 2017
3.3	LA04/2020/1606/NMC – Non-material change. Approved 23 rd October 2020
3.4	LA04/2020/2431/NMC – Non-material change. Approved 23 rd December 2020.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2015 (v2014) Draft Belfast Metropolitan Area Plan 2015 (v2004)

	Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2
4.2	<p>Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 – Access, Movement and Parking 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 HMO Subject Plan 2015 Purpose Built Managed Student Accommodation in Belfast – Advice Note Belfast: A Framework for student housing and purpose built student accommodation Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 Creating Places BCC Developer Contribution Framework</p>
5.0	<p>Statutory Consultees DFI Roads – No objection DFC HED – No objection DAERA – Approval subject to conditions Rivers Agency – No objections NI Water – No objection Belfast City Airport – No objections Shared Environmental Services – Approval subject to conditions</p>
6.0	<p>Non-Statutory Consultees Environmental Health BCC – Approval subject to conditions Urban Design Officer – No Objections (final comments awaited) Building Control – No objection</p>
7.0	<p>Representations No third party representations have been received.</p>
8.0	<p>Other Material Considerations The Belfast Agenda (Community Plan).</p>
9.0	PLANNING ASSESSMENT
9.1	<p>The key issues in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of Student Accommodation at this location • Impact on Built Heritage • Scale, Massing and Design • Waste Water Infrastructure Capacity • Open Space Provision • Traffic and Parking • Impact on Amenity • Contamination • Impact on Air Quality • Noise • Drainage and Flooding • Developer Contributions • Pre-application Community Consultation

	Development Plan Context
9.2	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.
9.3	Following the Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan 2001. 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.
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	The Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 (HMO SP) is a freestanding plan. It has not been affected by the judgement that BMAP was unlawfully adopted.
9.6	Belfast Urban Area Plan (BUAP) – the site is located on unzoned “whiteland” within the development limits of Belfast.
9.7	Draft BMAP designations – in the draft Belfast Metropolitan Area Plan (2015) the site is located on a social housing zoning and part of the site is zoned as a city centre gateway. The site is also located within the Scotch and Cathedral Quarter Character Area.
	Principle of Student Accommodation
9.8	The principle of student accommodation at this site has been established through the previous extant planning permission grant at appeal. This remains extant until 2022.
9.9	The proposal has also been assessed against Policy HMO 7 of the Subject Plan for Belfast City Council Area 2015. This establishes the principle of development of the site for Purpose Built Managed Student Accommodation.
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 that planning permission will only be granted for large scale purpose built student accommodation where all of the following criteria are met:
9.11	<i>Development of any complex consists of a minimum of 50 units or a minimum of 200 occupants.</i> The proposal is for 720 beds. Therefore, this criterion is met.
9.12	<i>All units are self-contained (i.e. having a bathroom, w.c. and kitchen available for use by the occupiers).</i> Not all units are self-contained with the majority of rooms having no kitchen. However, this is off set with the provision of communal kitchen and common room areas referred to as ‘clusters, located evenly around each floor and within a short distance of any of the smaller single bedrooms.

9.13	<p><i>The location is not within a primarily residential area uses.</i></p> <p>The site is not within a primarily residential area. Environmental Health have no objections in terms of any potential impact on the nearest residential properties, approximately 25m south and 12m east of the site within Carrick Hill.</p>
9.14	<p><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></p> <p>A Student Management Plan has been prepared by Mezzino and submitted in support of the application. This will provide the following management interventions:</p> <ul style="list-style-type: none"> • Reception services • Creation of a centralised communication hub • An on-site management team to be put in place • Management of anti-social behaviour (4 tier escalation process) • Secured controlled access (App based) • CCTV operation within communal areas • On-site maintenance • Complaints procedure
9.15	<p>Environmental Health is satisfied with the submitted Management Plan. The Management Plan would be secured via a Section 76 planning agreement as has been the approach for other PBSMA developments across the city.</p>
9.16	<p><i>Landscaping and amenity space are provided in accordance with a landscaping plan indicating all landscaping proposals for the scheme and, where relevant making provision for future maintenance.</i></p> <p>Two enclosed landscaped ground floor courtyards of approximately 700 square metres in total are located internally and defined on each side by the two rear 'legs' of the building. A 'common area' is proposed at ground floor level, measuring approximately 130 square metres. Two cluster rooms are provided at ground floor level, 12 on 1st floor, 13 on 2nd to 6th floors, 12 on 7th, 11 on 8th and 2 on 9th floor. The internal communal space offered by the cluster rooms ranges between 20 sqm for the 4 bed clusters and 30 sqm for the 6 bed clusters (i.e. 5 sqm per room).</p>
9.17	<p>The proposal has been assessed against the Council's planning guidance 'Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note'. Whilst guidance and not planning policy, it is an important material consideration. The policy sets out six criteria which all applications for PBMSA proposals should adhere to:</p> <ul style="list-style-type: none"> A. The development should be at a location which is easily accessible to university/college campuses by sustainable transport modes; B. Policy designations specific to the City Centre; C. Layout, design and facilities provided within the development are of high standards; D. The development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area; 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 F. The development meets and identified need for the type of accommodation proposed.
9.18	<p>These criteria are assessed in turn as follows.</p>

	<p><u>Criteria A</u> The site lies within a short distance of the new University of Ulster complex, approximately 130m away, and within 25 mins walking distance of Queens University Belfast. The site is currently well serviced by the existing public transport infrastructure. It benefits from 18 bus-stops located within a 400m walking distance of the site. The site is also located approximately 800m walking distance from Millfield Belfast Glider Halt. For more extensive services, the Europa Bus Station and future Transport Hub are located approximately 1km south of the site. Yorkgate and Great Victoria Street Train Stations are located approximately 1km from the development site. These train stations provide connections to Bangor, Derry, Lisburn as well as other Belfast train halts.</p> <p><u>Criterion B</u> Requires the need to assess the proposal in relation to policy designations specific to the city centre. The proposal is located on un-zoned land in the BUAP and on a social housing zoning within the Draft BMAP. However, use of the site for student accommodation has been established through the granting of the previous approval.</p> <p><u>Criterion C</u> The proposed design is considered an improvement over the extant permission as explored in more detail later in the report. In terms of the specified space standards the smallest units have a floor area of 18 sqm with the larger rooms having an area of 26 sqm, both above the 10 square metres standard for 1 person rooms.</p> <p><u>Criterion D</u> There are residential properties immediately south of the site. Environmental Health have offered no objection in terms of the impact of the proposal on nearby properties and the site will be managed by a robust management plan.</p> <p><u>Criterion E</u> As previously state, a Student Management Plan has been prepared by Mezzino and submitted in support of the application. Environmental Health have offered no objection to the Management Plan which will be secured by means of a S76 planning agreement.</p> <p><u>Criterion F</u> Given the extant permission on the site for student accommodation it is not necessary to demonstrate need.</p> <p>Impact on Built Heritage</p> <p>9.19 Historic Environment Division (HED) has advised that the proposal will affect the setting of a number of listed buildings of special architectural or historic interest including:</p> <ul style="list-style-type: none"> • HB26 50 077A – St Patrick's Church (Grade B+) • HB26 50 077B – St. Patrick's Parochial House (Grade B2) • HB26 50 077C – St. Patrick's School (Grade B1) • HB26 50 085A-C – 201-205 Donegall Street (Grade B2) <p>9.20 However, having regard to paragraph 6.12 of the SPPS and Policy BH11 of PPS 6, HED considers that the application poses no greater demonstrable harm to the setting of the listed buildings than the previously approved extant planning permission grant at appeal. In fact, HED welcomes the justification for the refined material palette and the vertical fenestration rhythm which is in keeping with the red brick Victorian architecture of Donegall Street area.</p>
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9.21	The proposal represents a design improvement over the previous permission and is considered acceptable having regard to the impact on nearby Listed Buildings. The proposal is considered acceptable having regard to Policy BH11 of PPS6.
	Scale, Massing and Design
9.22	The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The area around the site is characterised by commercial and industrial buildings (both occupied and vacant) with a surface level car park facing the site. It is acknowledged that the character of this area has been subject to change over recent years and as such the scale, height and massing of buildings do vary, with a mix of lower established buildings and higher contemporary buildings, the University complex being the most notable.
9.23	The scale and massing of the building has been established on the site through planning permission LA04/2015/0609/F (subject to two approved non-material changes). The proposed building shares the same form and envelope of the previously approved scheme but represents an opportunity to improve its design.
9.24	Given the proximity to important Listed Buildings and the site's location on a gateway into the city centre it is essential that the design, finishes and overall quality are of a high standard. In this instance, the red bricked finish and white framing in the fenestration draw upon the traditional elements of the built form along Donegall Street and Little Donegall Street. The vertical emphasis and solid to void ratio would result in a building that is not overly imposing, but reflective of traditional mill style buildings, acknowledging the industrial heritage of this area.
9.25	The solid to void ratio within the upper floors deliberately differs from the lower 4 floors through the use of slightly narrower window openings with a contrasting grey brick recess which again enhances the vertical emphasis and gives the building a proportionately scaled 'top/attic' which hints at the hierarchical window treatments and detailing of the Belfast warehouse vernacular. This differentiation of bottom and top has been further emphasised, albeit subtly, by stepping the brick façade out from the bottom four floors. Subtle horizontal breaks have been incorporated as a protruding brick banding between 3 rd and 4 th floors on the Carrick Hill elevation, this steps up between 4 th and 5 th floors on the mid-section of the Little Donegall Street elevation, in line with the stepping up of parapet line. The banding terminates at either side of the protruding stair core. This helps break up the form whilst defining the core as a separate architectural entity on what is an important junction in terms of views on the approach to this part of the city centre.
9.26	The stepping up of the vertical banding also helps define the three distinctive elements of the building on Little Donegall Street and breaks down the plot, avoiding the potential monotony what is an expansive elevation.
9.26	In terms of detailing, subtle brick recesses have been introduced to the expansive vertical gables at the entrance on Donegall Street and on the opposite corner on the stair core at the junction of Carrick Hill and Little Donegall Street. This will help articulate these parts of the building and address the monotony of what are expansive gables.
9.27	In terms of finishes, the mottled red brick with subtle tonal variations will provide a richness and depth to the facades and avoid a uniform engineered brick appearance. The window framing, with accompanying contrasting recesses, and spandrel panels will contrast with the red brick.
9.28	Overall, the design of the proposed building is considered an improvement over the previous scheme granted at appeal. There is no objection in principle from the Council's Urban Design Officer and their detailed comments will be reported to Members in the

	<p>Late items report. The proposal is considered acceptable having regard to design policy in the SPPS and Policy QD1 of PPS 7.</p>
9.29	<p>Waste Water Infrastructure Capacity</p> <p>NI Water offers no objections and waste water capacity is considered acceptable.</p>
9.30	<p>Open Space and Amenity Provision</p> <p>The proposal has been assessed against Policy QD1 of PPS 7, Policy OS2 of PPS 8 and 'Creating Places' guidance.</p>
9.31	<p>Two enclosed landscaped ground floor courtyards of approximately 700 square metres in total are located internally and defined on each side by the two rear 'legs' of the building. A 'common area' is proposed at ground floor level, measuring approximately 130 square metres. Two cluster rooms are provided at ground floor level, 12 on 1st floor, 13 on 2nd to 6th floors, 12 on 7th, 11 on 8th and 2 on 9th floor. The internal communal space offered by the cluster rooms ranges between 20 sqm for the 4 bed clusters and 30 sqm for the 6 bed clusters (i.e. 5 sqm per room).</p>
9.32	<p>This level of amenity provision is lower than the previously approved scheme and less than the 10sqm per unit requirement in 'Creating Places'. However, given the nature of the use as student accommodation, the large number of cluster rooms and the sites inner city context, this level of provision is acceptable.</p>
9.33	<p>Traffic and Parking</p> <p>The proposal includes the provision of 15 on-site car parking spaces compared to the 54 spaces provided in the previously approved scheme. The applicant advises that there is a private lease that requires those 15 spaces to be available to local businesses. These spaces would be available for general use rather than dedicated to the proposed development and as such this parking needs to be considered under Policy AMP10 of PPS 3 (Provision of Public and Private Car Parks). Amongst other criteria, this policy requires such parking to meet a need identified by DfI/BCC and that it is not available to commuters. However, weight must be given to the previous use of the site as a surface level car park. It is considered unreasonable to resist the provision of these 15 spaces in light of what would be a significant reduction of overall parking on the site.</p>
9.34	<p>Notwithstanding, it will be necessary to ensure that there is appropriate provision for on-site parking for disabled users. DfI Roads has advised that a minimum of three disabled parking spaces should be provided and this will be secured by means of condition.</p>
9.35	<p>Other than the three disabled parking spaces, the proposal would not provide any dedicated on-site parking to serve the proposed development. However, this approach of very limited or no direct parking provision is consistent with previously approved PBSMA schemes within the city centre, some a relatively short distance from the site on York Street and off Dunbar Link. As stated previously, the site is highly accessible within walking distance of the new University of Ulster complex, QUB and also the Met building at Titanic Quarter. With the proximity of the new Transport Hub, train stations, bus stops, train halts and cycle stands, there is ample opportunity to avail of alternatives to the private car.</p>
9.36	<p>A Travel Plan accompanies the application and highlights the accessibility of the site and measures to promote alternatives to private car usage. DfI Roads are satisfied with the level of parking given the location of the site and the general principle of the Travel Plan. An updated Travel Plan will be required and this can be secured by condition. On balance, it is considered that the scheme as proposed is acceptable in terms of parking impacts.</p>

9.37	In terms of pedestrian infrastructure, DFI Roads advises that some localised improvements are required, noting that the proposal would result in an additional 104 bedrooms over and above the previous permission. The applicant has stated that this constitutes an increase of around 100 pedestrians over the previously approved application. The applicant advises that there are 11 signal-controlled pedestrian crossing points within 100m of the site entrance. DFI Roads pointed to the potential to increase footpath widths in the vicinity of the site to cater for the additional pedestrian traffic. The applicant has subsequently provided draft details of proposed 'junction improvements' at the Donegall Street and Royal Avenue intersection, an area which falls on the natural city centre desire line for pedestrians exiting the proposed building. DFI Roads are agreeable to this approach, subject to a condition seeking submission and approval of these details. The condition is recommended.
9.38	Overall, having regard to the advice from DFI Roads, and subject to conditions, the transport impacts of the proposed development would be acceptable and the proposal compliant with PPS 3.
9.39	Impact on amenity The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The introduction of a substantial built as proposed will inevitably have an impact on properties lying within the vicinity of the site.
9.40	It is noted that as well as the two internal courtyard amenity areas for use by residents, there would also be an external amenity area along Carrick Hill façade near the main entrance to the development. Environmental Health has stated the use of this particular external amenity area at night has the potential to cause disturbance to nearby existing residents. Therefore, a condition is recommended to prevent the amenity area being used after 23:00hrs. The use of the other central courtyards may be made available for later use and while these are closer to bedrooms within the proposed development it will be the responsibility of the management company to monitor and control potential disturbance to their own future occupants. This will be incorporated into the Section 76 planning agreement.
9.41	Policy QD1 of PPS7 requires that the design and layout of new residential development will not create conflict with adjacent land uses. Arguably the building most affected by the proposal is the four storey residential block situated at the corner of Little Donegall Street and Carrick Hill which lies approximately 13m south at its nearest point. Despite the relative proximity, the building will face onto Little Donegall Street at an angle from the existing residential building. Whilst the level of fenestration along this southern elevation is significant there are no direct facing windows between the two buildings given the angles of view involved and the relative positions of the two buildings to one another. It should also be noted that the amenity area to the rear of these properties comprises a shared yard with bin storage and an under-building car park enclosed by a high brick wall, and thus offers little in terms of conventional private amenity.
9.42	In terms of the housing to the west, although a substantial building, given its position relative to Carrick Hill housing area, being separated by the four lane road, along with the higher land that housing occupies in relation to the site, it would not appear dominant. The existing approval on the site is of an almost identical scale and massing and as such, on balance, there will be no further impact in terms of dominance.
9.43	Given the design and scale of the extant approval and similarities in terms of fenestration and window location, it is felt that for reasons stated above there will be no greater impact on amenity for existing residential properties in the vicinity than the existing permission.

	Impact on Protected Sites
9.44	<p>Following an appropriate assessment screening, Shared Environmental Services advises that the proposal would not have an adverse effect on the integrity of European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the proposal is to be carried out including any mitigation. This conclusion is subject to mitigation measures which will be ensured via condition.</p>
	Contamination
9.45	<p>An Environmental Site Assessment has been submitted by RSK Ireland (RSK) in support of the application. RSK identifies no unacceptable risk to controlled water receptors. DAERA Regulation Unit (RU) Land and Groundwater Team have no objections to the development subject to conditions.</p>
9.46	<p>The proposed development will include two central communal courtyards; these areas are to be formed from a concrete base overlain with sand and artificial grass (as shown on the 'Proposed Site Plan' drawing (drawing no. 100-03)). This will break any pollutant linkages for direct contact, ingestion and inhalation of dusts and fibres.</p>
9.47	<p>Environmental Health notes that there is an additional 'external amenity' area in the north of the site shown on the 'Proposed Ground Floor Plan' drawing (drawing no. 200-01) that is not shown on the Proposed Site Plan drawing contained within submitted Site Assessment. In order to ensure that this external amenity area does not introduce any direct contact, ingestion or inhalation of dust and fibre pathways to the development, Environmental Health has suggested a condition which requires that a Verification Report be submitted to demonstrate hardstanding or equivalent across the site.</p>
	Impact on Air Quality
9.48	<p>Environmental Health reviewed the RSK report titled " Air Quality Assessment, Northside Site 3 Donegall Street, Belfast" dated 24th November 2015 and concluded that there were no concerns regarding the air quality impacts of the development proposal (EH response dated 16th December 2015).</p>
9.49	<p>However, as details of the proposed heating systems are not confirmed, Environmental Health Department has advised that any combustion plant where the single or combined NOx emission rate is more than 5mg/sec could give rise to impacts. Consequently, a condition is attached requiring the submission of an Air Quality Impact Assessment is submitted for approval prior to the installation of any centralised combustion sources.</p>
	Noise
9.50	<p>Having reviewed information from the applicant's consultant, Environmental Health acknowledges that the expected noise from road traffic at the development site would not be expected to have significantly changed since the noise measurements conducted in 2015 for the previous application. Furthermore, given that the proposed layout of the development is similar it is accepted that reference to the earlier recommended condition should still be considered relevant to the proposal.</p>
9.51	<p>Environmental Health has suggested an amendment to the wording of the conditions imposed on the extant approval. As an alternative to requiring verification measurements, a condition is recommended to require the Council's prior approval of the details of the proposed windows serving habitable rooms. This will ensure that the recommendations of the acoustics report have been adequately understood in terms of the façade insulation required.</p>

	Drainage and Flooding
9.52	The applicant has provided adequate drainage drawings and calculations to support their proposals. Furthermore, the applicant has received Schedule 6 Consent from DfI Rivers local area office (7th June 2021) to discharge 4.2 l/s of storm water runoff from the proposed site to the designated Farset River (UBEL2).
9.53	DfI Rivers offers no objection to the proposal.
	Developer Contributions and Public Realm Provision
9.54	In this case it is considered that developer contributions should take the form of public realm improvements to the streetscape within the locality of the site.
9.55	The red line on the site location map extends beyond the footprint of the proposed building and incorporates the footpaths around the building. Public realm works within the red line will be secured via condition, as detailed below.
	Pre-application Community Consultation
9.56	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.
9.57	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 (LA04/201) was submitted to the Council on 10 th August 2020.
9.58	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.
9.59	A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:
9.60	An open air exhibition and drop-in event was held at the site on 4 th September 2020.
9.61	Events were advertised in the Belfast Telegraph on 27 th August 2020.
9.62	On the week commencing the 18th January 2021, approximately 250 packs containing information leaflets (Appendix 3), comment cards and self-addressed envelopes were distributed to residents and businesses within a 90m radius of the centre of the proposed development site (Neighbour Notification).
9.63	All relevant elected representatives including local DEA councillors, the five North Belfast MLAs and the North Belfast MP for the constituency were invited to view the proposed plans at the consultation digital 'Microsite'. Elected representatives were contacted on 20th January 2021, coinciding with the delivery of the leaflets to the neighbourhood, and launch of the website.
9.64	During the course of the consultation there were 207 unique visits to the website for a period of time greater than 30 seconds. There were two comments left via the digital comment card and one comment supplied on a leaflet comment card returned in the post. Two positives were positive and one negative, with a concern raised about the number of students.

9.65	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.
10.0 10.1 10.2	<p>Recommendation:</p> <p>Having regard to the statutory development plan, the draft development plan, relevant planning policies, the site's planning history and consideration of the issues set out in this report, the proposed development is considered acceptable</p> <p>It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to approve the application subject to conditions and to finalise their wording, and enter into the Section 76 planning agreement subject to no new substantive planning issues being raised and to resolve any issues arising from any outstanding consultation responses.</p>
11.0	<p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> 2. Notwithstanding the submitted details, no development shall commence on site unless full details of the public realm improvements to the footway bounding the site in the areas shown on Drawing No. 100-03 have been submitted to and approved in writing by the Planning Authority. The details shall include: <ol style="list-style-type: none"> 1. Surface materials; and 2. The design and provision of underground ducting. <p>The development shall not be occupied unless the public realm improvements have been carried out in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the Conservation Area, the setting of the Listed Building, and to enhance connectivity to and from the development.</p> 3. No works shall commence on the approved building until materials samples of the walls, roofs and glazing system have been submitted to and agreed in writing with the Council. The development shall not be carried out unless in accordance with the approved details. Samples shall be retained on site until completion of the works. <p>Reason: To respect the character of the setting of the building and ensure the proposal is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.</p> <ol style="list-style-type: none"> 4. If during the development works, new contamination and risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately in writing. This new contamination and risk 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 submitted and approved in writing the

Council before any works recommence. Development shall not thereafter proceed unless in accordance with the updated remediation strategy.

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

5. No development or piling work shall commence on this site until a piling risk assessment has been submitted to and approved in writing by the Council. This Condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in 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" available at:
<http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environmentagency.gov.uk/scho0501bitt-e-e.pdf>

No piling shall take place unless in accordance with the details so approved.

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

6. After completing any remediation works required under Condition 4 and prior to occupation of the development, a verification report must be submitted to and approved in writing by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/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 waste materials and risks and in achieving the remedial objectives.

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

7. Prior to the occupation, a Verification Report shall be submitted to and approved in writing by the Council. This Verification Report must demonstrate that the final site layout has building, hardstanding or equivalent across the site in order to ensure that no direct contact, ingestion or inhalation of dust or fibre pathways are present on the developed site.

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 shall be submitted to and approved in writing by the Council prior to any works recommencing. Works shall not thereafter proceed unless in accordance with the approved details. There shall be no occupation of the development until a Verification Report has been submitted and approved in writing by the Council. This 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>Reason: Protection of human health.</p> <p>9. Prior to installation, an Air Quality Impact Assessment for where any centralised combustion sources (boilers/CHP, biomass) resulting in a single or combined NOx emission rate of more than 5mg/sec are proposed as part of this development, shall be submitted to and approved in writing by the Council. 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 and must sufficiently demonstrate that there will be no unacceptable ambient air quality impacts on human health receptors. The equipment shall not be installed unless in accordance with the approved details.</p> <p>Reason for condition: protection against adverse air quality.</p> <p>10. Prior to installation, an Air Quality Impact Assessment for where any centralised combustion sources (boilers/CHP, biomass), resulting in a single or combined NOx emission rate of more than 5mg/sec are proposed as part of this development, shall be submitted to and approved in writing by the Council. 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 and must sufficiently demonstrate that there will be no unacceptable ambient air quality impacts on human health receptors. The equipment shall not be installed unless in accordance with the approved details.</p> <p>Reason: protection against adverse air quality.</p> <p>11. Prior to installation, a window schedule detailing the glazing configuration and sound reduction performance of windows to habitable rooms on all facades of the development shall be submitted to and approved in writing by the Council. The window specification for habitable rooms shall be in accordance with recommendations in the Peter Lloyd and Associates Report dated February 2016 for achieving suitable internal noise levels in a habitable room. The development shall not be carried out unless in accordance with the approved details and shall be retained as such.</p> <p>Reason: Protection against adverse noise impact.</p> <p>12. Prior to installation, the specification of alternative means of ventilation to habitable rooms shall be submitted to and approved in writing by the Council. The specification shall be capable of providing at least the equivalent sound reduction of the window. The ventilation shall be installed in accordance with the approved details.</p> <p>Reason: Protection against adverse noise impact.</p> <p>13. The rating level (dBLAr,T) from the operation of all combined plant and equipment shall not exceed the existing representative daytime and night-time background noise level (dBLA90) as presented in the Peter Lloyd & Associate acoustic report dated February 2016 at the nearest noise sensitive premises, when measured or determined in respectively accordance with BS4142:2014+A1:2019 <i>'Methods for rating and assessing industrial and commercial sound'</i>.</p> <p>Reason: Protection against adverse noise impact.</p>
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	<p>14. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Council. The CEMP shall examine all stages of construction and identify methods to be employed to minimise adverse impact associated with noise, vibration and 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 should identify nearby sensitive premises likely to be impacted and identify also include arrangements for communicating and liaising with occupants of those premises. The approved Construction Environmental Management Plan shall be implemented throughout the entire construction phase.</p> <p>Reason: Protection of the amenity of nearby premises</p> <p>15. Access to the external amenity area at ground floor Carrick Hill façade shall not be permitted outside 0700 to 2300 hours.</p> <p>Reason: Protection of residential amenity.</p> <p>16. Commercial deliveries to and collections from the hereby approved development shall not be permitted outside 0700 to 2300 hours.</p> <p>Reason: Protection of residential amenity.</p> <p>17. Prior to the operation of the building hereby approved, a detailed design of junction improvements (in general conformity with Drawing No. 21-002_SK001) at the junction of Royal Avenue, York Street and Donegall Street shall be to be submitted to the Council for approval and completed in accordance with the approved details. The building shall not be occupied until the approved junction improvements have been implemented in full.</p> <p>Reason: In the interests of vehicular and pedestrian safety.</p> <p>18. Prior to occupation of the building, a minimum of three disabled parking spaces shall be provided in accordance with details including an access and parking layout which shall have first been submitted to and approved in writing by the Council. The disabled spaces, access and parking layout shall be retained in accordance with the approved details at all times.</p> <p>Reason: To ensure appropriate parking provision for disabled users.</p> <p>19. None of the external doors hereby approved will open out onto the public footpath.</p> <p>Reason: In the interests of pedestrian safety.</p> <p>20. No development shall commence until a drawing showing the visibility splays and landing area at the main vehicular access (in general conformity with drawing No. 100-03) has been submitted to and approved in writing by the Council. The visibility splays and landing area shall be provided in accordance with the approved details prior to occupation and shall be maintained as such at all times.</p> <p>Reason: In the interests of vehicular and pedestrian safety.</p>
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	<p>21. Notwithstanding the submitted details, no development shall commence until an updated Travel Plan has been submitted to and approved in writing by the Council. The Travel Plan shall include both soft and hard measures to promote more sustainable modes of transport to and from the development and reduce private car usage. The Travel Plan shall also include targets to meet these objectives and a mechanism for review. The development shall not operate unless in accordance with the approved Travel Plan.</p> <p>Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</p> <p>Informatives</p> <ol style="list-style-type: none"> 1. This planning permission is subject to a Section 76 planning agreement to secure the implementation of a student accommodation management plan. 2. Any cranes etc. which are to be used in the construction require the contractor to complete a BCA Crane Permit application form (BCA/F/020 – available from safeguarding@bca.aero) a minimum of 6 weeks prior to commencement of works to allow time for assessment & notification to pilots, etc. Depending on the height of crane, an IFP (Instrument Flight Procedures) assessment may be required (at a cost to the crane operator / developer) and can take up to 3 months to process.
12.0	Notification to Department (if relevant) N/A
13.0	Representations from elected members: None received
Neighbour Notification Checked Yes	
Signature(s)	
Date:	

ANNEX	
Date Valid	24th February 2021
Date First Advertised	19th March 2021
Date Last Advertised	19 th March 2021
<p>Details of Neighbour Notification (all addresses)</p> <p>120 Donegall Street, Belfast, Antrim, BT1 2GX 122 Donegall Street, Belfast, Antrim, BT1 2GX 126 Donegall Street, Belfast, Antrim, BT1 2GY 128 Donegall Street, Belfast, Antrim, BT1 2GY 13 Stephen Street, Belfast, Antrim, BT1 2JE 130 Donegall Street, Belfast, Antrim, BT1 2GY 132 Donegall Street, Belfast, Antrim, BT1 2GY 134 Donegall Street, Belfast, Antrim, BT1 2GY 136 Donegall Street, Belfast, Antrim, BT1 2GY 15 Stephen Street, Belfast, Antrim, BT1 2JE</p>	

199 Donegall Street, Belfast, Antrim, BT1 2FL
 201 Donegall Street, Belfast, Antrim, BT1 2FL
 203 Donegall Street, Belfast, Antrim, BT1 2FL
 205 Donegall Street, Belfast, Antrim, BT1 2FL
 51 Carrick Hill, Belfast, Antrim, BT1 2JH
 53 Little Donegall Street, Belfast, Antrim, BT1 2JD
 57 Carrick Hill, Belfast, Antrim, BT1 2JH
 63 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment A, 61 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment A, 65 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment A, 59 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment B, 61 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment B, 59 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment B, 65 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment C, 59 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment C, 65 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment D, 59 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment D, 65 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment E, 59 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment E, 65 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment F, 65 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment F, 59 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment G, 59 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment G, 65 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment H, 59 Carrick Hill, Belfast, Antrim, BT1 2JH
 Apartment I, 59 Carrick Hill, Belfast, Antrim, BT1 2JH
 Belfast Telegraph Ltd, Stephen Street, Belfast, Antrim, BT1 2JE
 Flat 1, John Blacking House, Lower Regent Street, Belfast, Antrim, BT13 1AL
 Flat 2, John Blacking House, Lower Regent Street, Belfast, Antrim, BT13 1AL
 Flat 3, John Blacking House, Lower Regent Street, Belfast, Antrim, BT13 1AL
 Flat 4, John Blacking House, Lower Regent Street, Belfast, Antrim, BT13 1AL
 Flat 5, John Blacking House, Lower Regent Street, Belfast, Antrim, BT13 1AL
 Flat 6, John Blacking House, Lower Regent Street, Belfast, Antrim, BT13 1AL
 Flat 7, John Blacking House, Lower Regent Street, Belfast, Antrim, BT13 1AL
 Flat 8, John Blacking House, Lower Regent Street, Belfast, Antrim, BT13 1AL
 Flat 9, John Blacking House, Lower Regent Street, Belfast, Antrim, BT13 1AL
 St Patrick's Church, Donegall Street, Belfast, Antrim, BT1 2FL
 The Marshall Building, 124 Donegall Street, Belfast, Antrim, BT1 2GY

Date of Last Neighbour Notification	31st March 2021
Date of EIA Determination	N/A – site area <0.5 Ha
ES Requested	No

Drawing Numbers and Title

Notification to Department (if relevant) – Yes, objection from statutory consultee (DFI Roads)

Date of Notification to Department:

Response of Department:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Thursday 19 August 2021	
Application ID: LA04/2021/0303/F	
Proposal: Redevelopment, refurbishment, and partial change of use of building at 35-39 Queen St & demolition of building and redevelopment of site at 31-33 Queen St. Provision of ground floor offices/professional services units (use class B1/A2), cafe and retail unit and offices above (use class B1).	Location: 31-39 Queen Street Belfast, BT1 6EA.
Referral Route: Major Application	
Recommendation:	Approval subject to conditions & Section 76
Applicant Name and Address: Angus Properties Ltd 12-14 Corn Market Belfast BT1 4AR	Agent Name and Address: O'Toole & Starkey Ltd Arthur House 41 Arthur Street Belfast BT1 4GB
Executive Summary: This application seeks the retention of the 5-storey warehouse at Nos. 35-39 and the addition of a two-storey glazed rooftop extension. It further seeks the demolition of Nos. 31-33 and replacement with a 5-storey infill building which also benefits in part from the rooftop extension at upper floors. The main issues to be considered in this case are: <ul style="list-style-type: none"> • The principle of offices and ground floor uses at this location • The principle of demolition of the 31-33 Queen Street • The consideration of economic benefits • The impact on built heritage and the principle of demolition in the conservation area • The scale, height, massing and design of the extension and new build • The impact on traffic and parking • The impact on amenity • The consideration of site drainage • The consideration of waste management • The impact on human health • The impact on the amenity of adjacent land users • The consideration of developer contributions <p>The site is located within the City Centre, City Centre Conservation Area, Area of Parking Restraint, Primary Retail Core, Airport Height Restriction, Old City Character Area and proximate to listed buildings.</p>	

DfI Roads, EHO, NIEA, NIE, Rivers Agency, HED and NIW were all consulted in addition to the Urban Design Officer, Economic Development Team and the Environmental Health team within the Council. Their responses are detailed in the main body of the report.

No objections have been received.

The proposal will generate an estimated 250 direct construction jobs with an estimated construction cost of £16.5m, and it is estimated that 710 employees will attend the building once operational.

Having regard to the submitted information and reports, consultee responses and representations, officers consider that the conversion and extension of the current building and proposed replacement building are acceptable. The Conservation Officer notes that the current building at 31-33 Queen Street does not reflect the architectural or historical interest of the wider conservation area and does not make a material contribution that merits retention. The demolition in the conservation area meets the policy test for demolition as set out in PPS6. The Urban Design Officer, Conservation Officer and Historic Environment Division consider that the extension to 35-39 Queen Street is appropriate to the context of the host building and locale. Officers consider that the proposed scheme will contribute positively to the local environment by enhancing the character and appearance of the conservation area and that the proposed scheme will make a positive contribution to the economy. The proposal meets the policy tests outlined in the SPSS and Planning Policy Statement 6.

Having regard to the Development Plan, and other material considerations, the proposed development is considered acceptable.

It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission, It is recommended that planning permission is granted subject to conditions, as set out in the report, and that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and enter into the Section 76 planning agreement.

An aerial map showing the location of the proposed development. The site is outlined in red and is bounded by College Court to the west, Queen Street to the east, and College Street to the south. The map includes labels for the surrounding streets and adjacent buildings. The site is located between College Court and Queen Street, and between College Street and the existing buildings to the east.

Queen Street elevation (CGI)



Long views Queen St (CGI)



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal retains the five-storey warehouse (Nos. 35-39) with an additional rooftop extension of two storeys. It also proposes a new five-storey infill building immediately adjacent to the retained warehouse in place of the demolished three storey element (Nos. 31-33).
1.2	The Urban Design Officer describes the rooftop extension as covering ' <i>a large proportion of the retained buildings and extends in part across a section of the new five storey infill building. Both floors extend fully to the rear building line along College Court but have been setback off both the Queen Street and College Street elevations along which they incorporate curved profiles</i> '.
1.3	The ground floor will be reinstated shopfronts and glazing using sympathetic design features.
1.4	The application follows a lengthy Pre-Application Discussion (PAD) process with officers.
2.0	Description of Site and Area
2.1	The site is located on Queen Street Belfast. The Conservation Officer describes the site and frontage as having ' <i>strong visual prominence within the wider streetscape and is visible from number of key viewpoints. The built form of the existing urban block is dictated primarily by the Queen Street frontage, with the warehouse at nos. 35-39 occupying a strong nodal corner plot, wrapping onto College Street and turning back into College Court. Directly adjacent on Queen Street are nos. 31-33 (proposed for demolition), after which there is the 'Craftworld' building, a 4storey height (although 3 storey internally), beside which is the listed Queen Street Police Station. With the exception of nos. 31-33, there is an incremental step down in height and scale as one moves northwards from the corner plot to the listed police station</i> '.
2.2	The subject site is currently occupied by two buildings, namely Nos. 35-39 Queen Street (a five-storey red brick former warehouse located at the corner of Queen Street and College Street) and the adjacent Nos. 31-33 Queen Street (a three-storey white rendered retail/office unit). The application proposes retention and re-use of the warehouse at nos. 35-39, including the portion of the warehouse building directly to the rear of nos. 31-33, fronting onto College Court. The current ground floor of Nos 35-39 contains no glazing due to a change of use to a bingo hall in the 1980s.
2.3	The site is located within the City Centre as defined by BUAP 2001 and both versions of draft BMAP 2015. It is within the City Centre Conservation Area and contains a variety of Victorian and Edwardian buildings. Its townscape pattern reflects the earlier history of the town, with continuity between past and present expressed through the buildings, streetscapes and layout.
2.4	The area is primarily commercial in nature with shops and offices. Across the road from the site is Swanston House, the redevelopment and extension of the former Athletic Stores Building on Queen Street for student accommodation.

Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	<p>Ref ID: LA04/2019/2932/PAN Proposal: Partial demolition and redevelopment and partial refurbishment and change of use of building at 35-39 Queen Street, and demolition of building and redevelopment of site at 31-33 Queen Street to provide ground floor restaurants/cafes and A2/B1 Offices. Address: 31-39 Queen Street, Belfast, BT1 6EA, Decision: PANACC Decision Date: 18.12.2019</p> <p>Ref ID: Z/2013/1063/F Proposal: Ten storey hotel comprising of 250 bedrooms, meeting rooms with bar and restaurant to ground floor. Nine storey open plan office building with retail on ground floor with underground car parking. Address: 78 College Avenue, Belfast, BT1 6BU, Decision: Permission Granted Decision Date: 20.02.2015</p> <p>Ref ID: LA04/2019/0553/F Proposal: Demolition of existing building and erection of 175 bed aparthotel with associated bar, restaurant and conferencing facilities and associated works. Address: Land at Lyndon Court, 32-38 Queen Street Belfast, BT1 6EF. Decision: Permission Granted Decision Date: 05.12.2019</p>
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015) Draft Belfast Metropolitan Plan 2004 BCC Developer Contribution Framework (2020)</p>
4.2	<p>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 15 (Revised) - Planning and Flood Risk City Centre Conservation Area document</p>
5.0	Statutory Consultees
	<p>DfI Roads – no objection subject to conditions and informatives Rivers Agency – no objection subject to condition NIEA Historic Buildings Unit – content subject to condition NIEA Historic Monuments Unit – no objection subject to condition NIEA Natural Environment Division – no objections subject to informative NIEA Water Management Unit – no objections, standing advice provided NIEA Land, Soil, and Air – no objection subject to conditions and informatives NIW – No objections NIE – No objections</p>
6.0	Non-Statutory Consultees
	<p>Environmental Health BCC – no objection subject to conditions and informatives</p>

	<p>Conservation Officer BCC – considers that the existing building at No 31-33 does not make a material positive contribution and that on balance the proposed rebuild will enhance the Conservation Area</p> <p>Urban Design Officer BCC – content that the redesign now addresses the appropriate cues in the immediate environment subject to resolution of the palette of materials and recommends the use of conditions to address this matter</p> <p>Economic Unit – No objection subject to Section 76 clause</p> <p>City Centre Development Team BCC – content that the proposal will contribute positively</p>
7.0	Representations
7.1	No representations have been received.
8.0	<u>ASSESSMENT</u>
8.1	<u>Development Plan</u>
8.1.1	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) 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.
8.1.2	Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it 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.
8.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, dBMAP 2015 is considered to hold significant weight.
8.1.4	In draft BMAP 2004, the site is located within the development limit for Belfast City Centre (CC001), within the City Centre Conservation Area (CC103), within the Belfast City Core Area of Parking Restraint (CC025), within the Primary Retail Core (CC007) and within the Old City Character Area (CC012).
8.1.5	The draft BMAP 2015 identifies the extent of the City Centre Conservation Area (CC103) and notes that it is a substantial area of the city and comprises much of the late Victorian commercial architecture of a bustling, self-confident town which expanded rapidly in the nineteenth century. The Plan further advises that development proposals within the City Centre Conservation Areas are to be assessed in accordance with Planning Policy Statement 6 Planning, Archaeology and the Built Heritage; however, it does not contain any specific policy provisions relevant to these conservation areas.
8.1.6	The application site lies within the Old City Character Area (CC007). The Character Area Designations specify urban design criteria related to the massing, alignment and scale of buildings. In their report on the Public Local Enquiry into Objections to the BMAP 2015 the Planning Appeals Commission (PAC) explored a number of general objections to all Character Areas and in particular to specific design criteria. The PAC concluded that in general the design criteria were merited and basic expectations of responsive urban design within a City Centre context.

8.1.7	The Urban Design Criteria relating to this character area does not specify heights for Queen Street but states that heights of a minimum of 3 storeys and a maximum of 5 should be maintained. In addition, the criteria state that the density of development should be increased/maintained and should take account of adjoining buildings.
8.2	<u>The principle of offices at this location</u>
8.2.1	The site is located within the settlement limits of draft BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations discussed below. In terms of the proposed office use, the site is within a prime city centre location and proposes approximately 7700 sqm of Grade B1 office space and including some A2 professional uses as well as a ground floor café. It has been assessed against Policy OF1 of Volume 1 of draft BMAP 2015. The policy states that planning permission will be granted for office development within Classes A2 and B1 of the Planning (Use Classes) Order within Belfast City Centre. The proposal therefore complies with this policy.
8.2.2	The proposal has been assessed under Policy PED1 of Planning Policy Statement 4: Planning and Economic Development (PPS4). Policy PED1 states that a development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan). Accordingly, the proposal satisfies the requirements of this policy.
8.2.3	The proposed use sits comfortably with the site's prime city centre location and will regenerate what is currently a weak frontage into the conservation area.
8.3	<u>The impact of the proposal on the built heritage</u>
8.3.1	The application was preceded by a robust Pre-Application (PAD process). The original height and extent of demolition was considered too tall and fundamentally inappropriate in the context of the conservation area and immediate context. As such an amended scheme was explored which reduced the overall height and design and also reduced the amount of demolition proposed.
8.3.2	Section 104 of the Planning (NI) Act 2011 advises that where any area is for the time being designated as a conservation area, special regard must be had to the desirability of (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.
8.3.3	The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) is a material consideration. It advises that until councils have adopted a new Plan Strategy any conflicts between the SPPS and existing specified retained Planning Policy Statements (including PPS6) are to be resolved in favour of the SPPS. The SPPS contains a policy direction reflecting Section 104 of the 2011 Act. Paragraph 6.18 of the SPPS advises that 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. It goes on to say that 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.
8.3.4	Policy BH14 of PPS 6 advises that demolition of an unlisted building in a conservation area should normally only be permitted where the building makes no material contribution to the

	character or appearance of the area.
8.4	<u>Demolition in the Conservation Area</u>
8.4.1	In assessing the contribution of the existing building to the character or appearance of the Conservation Area, regard should be had to the conservation area guidance. The City Centre Conservation Area Guide was published in 1998 and states that new buildings will be expected to take account of the character of their neighbours and should, in mass and outline, be sympathetic to the rhythm of the street scene. Furthermore, materials should generally be of a quality, texture, and colour compatible with the character of the area.
8.4.2	The Conservation Officer states that <i>'by nature of its age and style, it is clear that the physical fabric of the existing building does not reflect the architectural or historical interest of the wider conservation area'</i> and that <i>"it is concluded that the existing building does not make a material, positive contribution to the character and appearance of the conservation area"</i> .
8.4.3	Policy BH 14 states that where a building makes a positive contribution to the character or appearance of a conservation area there will be a presumption in favour of retaining it and in assessing the proposals the Council will have regard to the same broad criteria outlined for the demolition of a listed building under Para 6.5 of PPS 6 and Policy BH10. .
8.4.4	The Conservation Area Officer (CAO) describes Nos 31-33 as being former dwellings from the mid-Victorian period most likely constructed c1830. He states that whilst there are a small number of features which reflect the history such as gable depth and vertical emphasis, that <i>"above ground floor of both properties however there is limited detailing; original fabric has significantly deteriorated; façades are in poor condition with visible cracking and damage, and indications of potential water damage/ingress/damp. Windows are uPVC, and both elevations feature various modern interventions such as projecting signage, alarms, rainwater goods, projecting lighting stack and wiring"</i> .
8.4.5	He goes on to summarise that <i>"the buildings retain value in historical interest, however it is limited by way of architectural interest, in particular when read within the wider streetscape. On balance the part played in the wider area is diluted strongly by the current, physical condition and presentation, and in my opinion they make a neutral contribution to the character and appearance of the wider area."</i>
8.4.6	The CAO states that should the replacement scheme be agreed which makes an equal or greater contribution to the area, that he would have no objection to the demolition under Policy BH14 of PPS 6. The replacement proposals falls to be considered under Policy BH12 as detailed below.
8.4.7	The Urban Design Officer (UDO) notes that the retention of the portion of the Victorian Warehouse to the rear along College Court, as negotiated through the PAD process, is welcomed and will add significant value. He also states <i>'as seen on site during the PAD process, this building is in a poor state of repair internally with a great deal of the original fabric of the building already lost. This included its altered GF retail frontage which contributes little to the character of the street. In my view the loss of this building could be justified subject to the overall scheme making a more positive contribution to the area.'</i>
8.5	<u>The impact of the proposed building on the Conservation Area</u>
8.5.1	The House of Lords in the <i>South Lakeland</i> case decided that the "statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved."

8.5.2	<p>The proposed building should be considered having regard to the SPPS and Policy BH12 of PPS 6. The site is located within the Belfast City Centre Conservation Area as designated in the BUAP and BMAP/dBMAP. As detailed previously, the current building is not considered to make a material contribution to the conservation area however there is still a balance to be achieved with the proposal in terms of assessing the new proposal.</p>
8.5.3	<p>Policy BH12 of Planning Policy Statement 6 (PPS6) details criteria for new development in the conservation area. This policy contains several criteria which are applied to proposals in the conservation area.</p>
8.5.4	<p>(a) the development preserves or enhances the character and appearance of the area; (b) the development is in sympathy with the characteristic built form of the area; The Conservation Officer advises that <i>'the proposal includes the retention and re-use of both the warehouse at nos. 35-39, and the portion of the 5-storey red brick warehouse building directly to the rear of nos. 31-33, fronting onto College Court. By way of scale, height, proportions, bay rhythms, vertical emphasis, style and materials, together they help ascribe the historical architectural development of the conservation area and are clearly reflective of functional uses of the area. In my opinion their architectural and historic interest makes a positive contribution to the character and appearance of the conservation area, and thus their retention and integration within the wider redevelopment scheme is strongly welcome'</i>. He also states that <i>"the scheme as now proposed introduces a new five storey building that will sit comfortably beside the warehouse and ensure a sympathetic transition to the Craftworld building"</i>.</p>
8.5.5	<p>With regards to the roof-top extension, the CAO acknowledges the discussions which took place during the PAD whereby concerns were explored regarding the extension and impact of the design. He states <i>'with the proposed new-build now aligning with the existing warehouse, this enables the rooftop extension to project across both; and whilst it is still two storeys in height it has been set back and reduced further in both scale and depth than the previous iterations. In my opinion its curvature will add visual interest, and whilst it is clearly a contemporary addition above a traditional roofscape, the retention of the warehouse together with the new-build below will provide a solid and legible base. On balance, and again subject to conditions ensuring the use of suitable high quality materials, it would be difficult to conclude that the rooftop extension would reduce or dilute the significant positive elements of the overall scheme to such a level that it could be considered detrimental or harmful to the wider area'</i>.</p>
8.5.6	<p>Overall, the CAO states that <i>"there are sufficient benefits of the redevelopment in its totality that, even when read with the two-storey extension, would still make a positive contribution to the character and appearance of the conservation area. Likewise when balanced against the cumulative contribution made by the existing buildings, the contribution of the proposed scheme as a whole would, in my opinion, be greater than that which currently exists, and is of sufficient quality to enhance the character and appearance of the conservation area"</i>.</p>
8.5.7	<p>(c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area; The Urban Design Officer states that <i>'it is considered that the five-storey infill will sit comfortably with both the retained warehouse to the south and the Craftworld building to the north, providing an appropriate transitional element between both.'</i> With regards to the rooftop extension, the UDO describes this as an <i>'unashamedly contemporary yet considered addition to the historic warehouse building'</i>.</p>

	Both the CAO and UDO recommend that suitable conditions are attached to ensure a high quality palette of materials is agreed ahead of construction, see Para 11.2
8.5.8	<p>(d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;</p> <p>Environmental Health have not raised any concerns subject to conditions regarding these matters.</p>
8.5.9	<p>(e) important views within, into and out of the area are protected;</p> <p>Given the location of the site on the corner of Queen Street and College Street, the proposal will not be substantially visible from outside the conservation area. The key views for consideration within the Conservation Area are from Wellington Place, College Street and Queen Street. Having assessed these key views on the basis of the submitted material, the proposal is considered acceptable.</p>
8.5.10	<p>(f) trees and other landscape features contributing to the character or appearance of the area are protected;</p> <p>There are no landscape features on the site.</p>
8.5.11	<p>(g) the development conforms to the guidance set out in conservation area documents.</p> <p>It is considered that the proposals are consistent with the guidance.</p>
8.5.12	In conclusion, criteria (a) to (g) of Policy BH 12 have been assessed with input from the Conservation Officer and Urban Design Officer. Subject to resolution of the external materials, the proposal is deemed to be acceptable in policy terms.
8.6	<u>The impact of the proposal on nearby Listed Buildings</u>
8.6.1	Policy BH11 of Planning Policy Statement 6 (PPS6) relates to development affecting the setting of a listed building. There are several listed buildings/structures of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011 in the immediate vicinity. Of particular relevance is the Grade B1 listed former RUC Barracks/Children's Hospital, Queen Street.
8.6.2	Historic Environment Division were consulted extensively during the PAD process in relation to the proposal. In particular, the scale, form and materials of the roof extension were of concern however these concerns were addressed by design changes agreed through the PAD process. HED state that they are content with the proposal subject to a condition requiring details of the curtain walling to glass box upper levels, see Para 11.2.
8.7	<u>Archaeology</u>
8.7.1	Historic Environment Division: Historic Monuments Unit (HMU) have been consulted and considered the impacts of the proposal. HMU states that <i>'the application site is located in the historic core of Belfast, close to the town ditch of the 17th-century town (ANT 061:022). The recorded archaeological sites and monuments nearby are indicators of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site'</i> .
8.7.2	They state that they are <i>'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. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per</i>

	<p><i>Policy BH 4 of PPS 6. The archaeological programme of works should include a historic building survey of numbers 31-33 Queen Street and provisions to monitor the demolition of these buildings.' See Para 11.7 for this condition.</i></p>
8.8	<u>Scale, Massing, Height and Design</u>
8.8.1	There was a previous Pre-Application Discussion (PAD) for this office scheme on this site. Written feedback was provided regarding key aspects of the scheme and amendments were requested and the current scheme follows extensive negotiations with officers.
8.8.2	5-storey rebuild (31-33 Queen Street) - The Urban Design Officer notes that the <i>'upper height of this building sits below the shoulder height of the retained warehouse and is in general conformity with datum lines along the street. It is considered that the five-storey infill will sit comfortably with both the retained warehouse to the south and the Craftworld building to the north, providing an appropriate transitional element between both'</i> .
8.8.3	2-storey rooftop extension (35-39 Queen Street) – The rooftop extension was the subject of extensive negotiation during the PAD process and as a result, the form, scale and materials were amended. The submitted proposal is described by the UDO as covering <i>'large proportion of the retained buildings and extends in part across a section of the new five storey infill building. Both floors extend fully to the rear building line along College Court but have been setback off both the Queen Street and College Street elevations along which they incorporate curved profiles'</i> and goes on to summarise that <i>'deeper setbacks have been applied along the northern and eastern elevations to address views north and south along Queen Street, particularly those that could have had implications with respect to the setting of the listed former police station. The dynamic curved profile will also in my view help to add visual interest in what is an unashamedly contemporary yet considered addition to the historic warehouse building and will create an interesting juxtaposition of old and new at this visually prominent corner location'</i> .
8.9	<u>Detailed design</u>
8.9.1	During PAD discussions, a number of key elements were discussed such as the importance of reflecting surrounding historic buildings via proportions and articulation, window reveal depths, the use of blind windows, the ground floor proportions and detailed materials.
8.9.2	The Urban Design Officer summarises that he considers <i>'that the general articulation of the infill element, GF configuration and upper rooftop addition alongside the proposed palette of materials will result in a scheme that complements both the retained buildings and wider streetscene. The mottled grey brick of the infill element will provide a fresh and contemporary look and a degree of contrast with the more traditional red brick of the adjacent warehouse while reflecting the lighter tone of the 'Craftworld' building to the north'</i> .
8.9.3	Ground floor animation was an important consideration due to the prominent location within the conservation area and officers welcome the reintroduction of an active ground floor versus the dead frontage of the existing bingo hall. The use of glazing and intended use as a café will re-enliven this corner site.
8.9.4	As the Conservation Officer and HED also requested, the UDO requests that a condition is included to ensure the Council's approval of materials prior to the commencement of works, see Para 11.2.

8.10	<u>Ecology</u>
8.10.1	NIEA were consulted and had no objections. The agent submitted a Bat Survey which found that bat activity around the building was very low and no roosting sites were identified. The survey however did identify a large number of bird nests within the structure of the building and NIEA note that all birds including feral pigeons are protected under Schedule 4 of the Wildlife (NI) Order 1985. NIEA recommended a condition regarding the management of the feral pigeon problem being undertaken by a professional pest controller under Wildlife legislation however this would be outside the remit of the Planning Act and therefore will be included as an informative.
8.11	<u>Traffic, Movement and Parking</u>
8.11.1	The proposal has been assessed against PPS 3 and PPS13. In assessing the proposal DfI Roads considered the Transport Assessment Form and a Travel Plan.
8.11.2	There is zero parking provision within the scheme – and indeed the layout of the site and retention of historic buildings coupled with the need to provide active frontage precludes the provision of parking. The submitted Travel Plan however outlines the sustainable location of the proposal within an area of parking restraint and discusses the opportunities for public transport, access by bicycle and on foot as well as the strategic aim of reducing private car use.
8.11.3	DfI Roads have no objections subject to conditions regarding cycle parking and compliance with the Service Management Plan and Travel Plan.
8.12	<u>Contaminated Land</u>
8.12.1	The application is supported by a Phase 1 contaminated land report. The Environmental Health Service and NIEA Air, Land and Soil has reviewed the Phase 1 report and both note that a Phase 2 risk assessment report is required. Environmental Health have provided conditions to require the submission of same prior to construction and NIEA have confirmed by email that they too will provide conditions.
8.13	<u>Noise and Odour</u>
8.13.1	A Noise and Odour Impact Assessment was submitted in support of the application. BCC: EH has no objections and has provided conditions with regards to: <ul style="list-style-type: none"> - the requirement for a proprietary odour abatement system - maintenance of the extraction and ventilation system - provision of a 1.5m barrier screen around the air conditioning units - control of commercial vehicles to and from the development between 07.00 and 23.00 - maximum noise standards for plant and machinery - restriction of entertainment and live music within the proposed restaurant/café
8.14	<u>Air Quality</u>
8.14.1	Environmental Health have assessed the submitted details and recommend a condition for an Air Quality Assessment in the case that any centralised combustion sources are used. A condition has also been recommended which requires the submission of a Dust Management Plan prior to the commencement of works.
8.15	<u>Site Drainage and Flooding</u>
8.15.1	The proposal is supported by a Drainage Assessment. Rivers Agency has advised that Policies FLD 1, 2, 4 and 5 of the Revised PPS15 – ‘Development in Fluvial (River) and Coastal Flood Plains’ do not apply. They have requested further information in the form of

	a PDE response from NI Water consenting to discharge to their system. Delegated authority is sought to resolve this matter.
8.15.2	NIW were consulted and advised that NI Water Limited confirmed that waste water treatment capacity is not available at present for the proposed development and advised that if the applicant wishes to proceed they should contact NIW to discuss alternative interim options such as a temporary wastewater facility at the developer's own expense; this would not be adopted by NIW in the future. NI Water have confirmed that they have a programme for WWTW improvements which will increase capacity over the coming years. This includes two new sludge processing tanks for Belfast and subsequent improvements to the city's six existing sludge processing tanks. These works are estimated to be completed within 2.5 years – well 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. In light of the NI Water response the agent has advised that they would be agreeable to the use of a negative planning condition to require full details of the how foul/wastewater is to be disposed of prior to commencement of the development. As this matter can be addressed by a suitably worded planning condition (see Para 11.20), this issue is not considered to be a refusal reason.
8.16	<u>The impact on the amenity of adjacent land users</u>
8.16.1	It is considered that the proposal would not result in any unacceptable overlooking, loss of light, overshadowing, loss of outlook or other harmful impacts on adjacent land users.
8.17	<u>Pre-Community Consultation</u>
8.17.1	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 applicants for planning permission to consult the community in advance of submitting an application.
8.17.2	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. LA04/2019/2932/PAN was submitted to the Council on 12 December 2019 and was deemed to be acceptable on 19 December 2019.
8.17.3	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 (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which includes details of the public event, email consultations and newspaper advertising. Concerns were raised regarding the height of the proposal and the overall height was subsequently reduced through the PAD process. Other comments were generally welcoming of the proposal.
8.17.4	It is considered that the PACC 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.

8.18	<u>Developer Contributions</u>
8.18.1	Para 5.69 of the SPPS states that “Planning authorities can require developers to bear the costs of work required to facilitate their development proposals”.
8.18.2	The Developer Contributions Framework published by Belfast City Council in January 2020 sets out the circumstances whereby mitigation or management of the impacts of new development is required.
8.18.3	The Economic Unit assessed the information provided by the applicant and have requested that a Section 76 clause regarding employability and skills be included. This clause will require an employability and skills plan to be submitted to the Council to detail mitigations and interventions that will be put in place to ensure the viability of the development relating to employability and skills.
8.18.4	No other developer contributions were necessary to facilitate the proposals.
8.19	<u>Economic Principles and impacts of the Proposal</u>
8.19.1	Paragraphs 4.18 and 4.22 of the SPPS state that planning authorities should take a positive approach to appropriate economic development proposals and pro-actively support and enable growth generating activities. The application was supported by an Employability and Skills Assessment (ESA) which was considered by the Council’s Economic Development team. The ESA estimates that the proposal will generate 250 direct construction jobs. Once operational, it is envisaged that 710 people will be employed on the site.
8.19.2	As detailed in Para 8.19.3, a clause will be included in the Section 76 to ensure the viability of the development relating to employability and skills.
8.19.3	The City Regeneration and Development Team welcomes the car free nature of the development and overall <i>‘supports the proposal as it is broadly in line with the relevant BCCRIS core policies and INW Masterplan Objectives’</i> .
8.20	<u>Conclusion</u>
8.20.1	The proposal will have a positive impact on the character and appearance of the area, landscape, traffic, surrounding land-uses and wider environment. It is considered that the proposal would result in wider economic benefits and job creation opportunities.
8.20.2	Having regard to the Development Plan and relevant material considerations, including the previous planning permission for a tall office building on the site, the proposal is considered acceptable and planning permission is recommended subject to conditions and the applicant entering into a Section 76 Planning Agreement.
10.0	Summary of Recommendation:
10.1	It is recommended to grant conditional planning permission subject conditions and a Section 76 planning agreement. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and complete the Section 76.

11.0	Conditions (final wording to be delegated to the Director of Planning and Building Control)
11.1	<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>
11.2	<p>Notwithstanding the submitted details, the following elements of the approved scheme shall not be constructed, installed, implemented or carried out unless in accordance with further details and samples which must be first submitted to and approved in writing by the Council:</p> <ol style="list-style-type: none"> 1. Brick 2. Cladding 3. Windows 4. Rainwater goods 5. Roofing materials 6. Barrier screen referenced in Condition 11.10 6. Details of curtain walling to glass box upper levels including capping type, detail of Mesh fin type and vertical detail through 'horizontal's <p>The works must be implemented and permanently retained in accordance with the details so approved. A sample of each material shall be retained on site until the project is complete.</p> <p>Reason: To ensure the material finish and detailing is sympathetic to the Conservation Area and the setting of nearby listed buildings.</p>
11.3	<p>The development shall not become operational unless weather protected cycle parking has been fully provided in accordance with the approved plans. The approved cycle parking must be permanently maintained.</p> <p>Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.</p>
11.4	<p>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.</p> <p>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.</p>
11.5	<p>The development shall operate in accordance with the Service Management Plan.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p>
11.6	<p>The development shall operate in accordance with the Travel Plan.</p> <p>Reason: To encourage alternative modes of transport to the private car.</p>
11.7	<p>No site works of any nature or development shall commence unless a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted to and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:</p> <ul style="list-style-type: none"> • 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;

	<ul style="list-style-type: none"> • 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. <p>All construction thereafter must be 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>
11.8	<p>No development shall commence on site until details of wastewater disposal 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: To ensure appropriate foul drainage of the site.</p>
11.9	<p>Prior to the operation of the development hereby permitted, a proprietary odour abatement system shall be installed to suppress and disperse odours created from cooking operations on the premises. The outlet from any extract ventilation ducting shall terminate at a height of not less than 1 metre above the eaves height of the main building at 10-15 m/s and it should be directed away from nearby properties in accordance with the submitted Layde Consulting report entitled '<i>Noise and Odour Impact Assessment Partial demolition and redevelopment and partial refurbishment and change of use of a building at 35-39 Queen Street and demolition and redevelopment of site at 31-33 Queen Street to provide ground floor restaurant/café and A2/B1 offices</i>' dated January 2021 referenced P470/1.</p> <p>The extraction and ventilation system must be cleaned and maintained in accordance with manufacturer's instructions to ensure compliance with the aforementioned report.</p> <p>Reason: Protection of amenity from odour impacts.</p>
11.10	<p>Prior to the operation of the development hereby permitted, a 1.5m barrier screen shall be installed around the two banks of air conditioning units on the rooftop area, in accordance with the submitted Layde Consulting report entitled '<i>Noise and Odour Impact Assessment Partial demolition and redevelopment and partial refurbishment and change of use of a building at 35-39 Queen Street and demolition and redevelopment of site at 31-33 Queen Street to provide ground floor restaurant/café and A2/B1 offices January 2021 P470/1</i>'.</p> <p>The screen shall be constructed in accordance with the approved details under Condition 11.2 and permanently maintained.</p> <p>Protection of amenity from odour impacts.</p>
11.11	<p>No commercial deliveries or collections associated with the development shall be made between the hours of 23.00 and 07.00hrs.</p> <p>Reason: Protection of amenity of nearby residential receptors.</p>
11.12	<p>Prior to the operation of the development hereby permitted, all external plant shall be selected, designed and installed so as to achieve a combined rating level (L_{Ar,T}) no greater than the representative (daytime and night time background sound level (dBLA90) when measured or determined at the façade of the nearest noise sensitive premises in accordance with BS 4142:2014+A1:2019.</p>
11.13	<p>The permanent operation of said equipment must not exceed these levels.</p> <p>Reason: Protection of amenity of nearby residential receptors.</p>

11.14	<p>No entertainment or live music is permitted in the restaurant/café within the proposed development.</p> <p>Reason: Protection of amenity of nearby residential receptors.</p>
11.15	<p>In the event that any centralised combustion sources (boilers/CHP, biomass), where the single or combined NOx emission rate is more than 5mg/sec are proposed as part of this development and prior to operation of the development, an Air Quality Impact Assessment shall be carried out and submitted to the Council for approval. The assessment shall demonstrate that there will be no adverse impact on human health due to emissions and shall operate permanently in accordance with the approved details.</p> <p>Reason: The protection of human health</p>
11.16	<p>No works or development shall commence unless a Dust Management Plan has been submitted to and approved in writing by the Council. The Plan shall be prepared in accordance with <i>Guidance on the Assessment of Dust from Demolition and Construction</i> (Institute of Air Quality Management, 2014).</p> <p>All development works thereafter must be in accordance with the approved Dust Management Plan.</p> <p>Reason: In the interests of human health and amenity.</p>
11.17	<p>Following site clearance works and prior to commencement of the erection of the development hereby approved, a Contaminated Land Risk Assessment shall be submitted in writing to and approved by the Council. The Quantitative Risk Assessment should consider the information presented in the O'Sullivan Macfarlane Ltd report entitled '<i>O'Toole and Starkey, Redevelopment, Partial Refurbishment and Change of Use of Building, 35-39 Queen Street Belfast and Demolition and Redevelopment of site 31-33 Queen Street Belfast, P768 Phase 1 Preliminary Risk Assessment (PRA)</i>' (dated 19th November 2020). The Quantitative Risk Assessment must be conducted in accordance with Environment Agency guidance and must incorporate:</p> <ul style="list-style-type: none"> - A detailed site investigation in line with BS 10175:2011+A2:2017. Any ground gas investigations should be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019. - A satisfactory assessment of the risks (including a Revised Conceptual Site Model), conducted in accordance with Environment Agency guidance. Risks associated with ground gases should be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665. <p>Based on the outcome of this risk assessment, a Remediation Strategy may be required. If necessary, this Strategy 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. If required, the Remediation Strategy must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance.</p> <p>All construction thereafter must be in accordance with the approved Remediation Strategy.</p> <p>Reason: Protection of human health.</p>
11.18	<p>In the event that a Remediation Strategy is required, prior to occupation of the development a Verification Report shall be submitted to and agreed in writing by the Council, in order to demonstrate that any required remedial measures have been</p>

	<p>incorporated within the proposal. 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.</p>
11.19	<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>
11.20	<p>Reason: Protection of human health.</p> <p>No development shall commence on site until details of wastewater disposal 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: To ensure appropriate foul drainage of the site.</p>

ANNEX

Date Valid	17th February 2021
17th February 2021	26th February 2021
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier: 1 Queen Street, Belfast, Antrim, BT1 6EA 10 Albert Street, Belfast, Antrim, BT12 4HQ 10 College Avenue, Belfast, Antrim, BT1 6DS 10 College Court, Belfast, Antrim, BT1 6BS</p>	

10 Queen Street,Belfast,Antrim,BT1 6ED
 10 Queen Street,Belfast,Antrim,BT1 6ED
 12 College Court,Belfast,Antrim,BT1 6BS
 12 Queen Street,Belfast,Antrim,BT1 6ED
 13b Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 13b Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 13b Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 13b Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 17 Queen Street,Belfast,Antrim,BT1 6EA
 18 Queen Street,Belfast,Antrim,BT1 6EE
 19 Queen Street,Belfast,Antrim,BT1 6EA
 1st Floor,37 Queen Street,Belfast,Antrim,BT1 6EA
 21 Queen Street,Belfast,Antrim,BT1 6EA
 21-27 ,Queen Street,Belfast,Antrim,BT1 6EA
 28-30 ,College Street,Belfast,Antrim,BT1 6BT
 2nd Floor,31a ,Queen Street,Belfast,Antrim,BT1 6EA
 2nd Floor,37 Queen Street,Belfast,Antrim,BT1 6EA
 2nd Floor,37 Queen Street,Belfast,Antrim,BT1 6EA
 2nd Floor,37 Queen Street,Belfast,Antrim,BT1 6EA
 2nd-4th Floors,41 Queen Street,Belfast,Antrim,BT1 6EB
 31 Queen Street,Belfast,Antrim,BT1 6EA
 32 College Street,Belfast,Antrim,BT1 6BQ
 33 Queen Street,Belfast,Antrim,BT1 6EA
 33a ,Queen Street,Belfast,Antrim,BT1 6EA
 34 College Street,Belfast,Antrim,BT1 6DR
 35 College Street,Belfast,Antrim,BT1 6BU
 35 Queen Street,Belfast,Antrim,BT1 6EA
 37 Queen Street,Belfast,Antrim,BT1 6EA
 37-39 ,Queen Street,Belfast,Antrim,BT1 6EA
 38 Queen Street,Belfast,Antrim,BT1 6EF
 39 College Street,Belfast,Antrim,BT1 6BU
 3rd Floor Office 3a,37 Queen Street,Belfast,Antrim,BT1 6EA
 3rd Floor Office 3b,37 Queen Street,Belfast,Antrim,BT1 6EA
 3rd Floor,5 College Court,Belfast,Antrim,BT1 6BS
 40 Queen Street,Belfast,Antrim,BT1 6EF
 41 College Street,Belfast,Antrim,BT1 6BU
 41 Queen Street,Belfast,Antrim,BT1 6EB
 45 Queen Street,Belfast,Antrim,BT1 6EB
 45 Queen Street,Belfast,Antrim,BT1 6EB
 47-49 ,Queen Street,Belfast,Antrim,BT1 6EB
 49 Queen Street,Belfast,Antrim,BT1 6EB
 4th Floor Office 4.1,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.12,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.13,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.14,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.15,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.17,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.18,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.19,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.20,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.21,37 Queen Street,Belfast,Antrim,BT1 6EA

4th Floor Office 4.22,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.23,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.24,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.25,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.26,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.27,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.4,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.5,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Office 4.7,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Offices 4.8-4.10,37 Queen Street,Belfast,Antrim,BT1 6EA
 4th Floor Offices 4.9-4.11,37 Queen Street,Belfast,Antrim,BT1 6EA
 5 College Court,Belfast,Antrim,BT1 6BS
 8 College Avenue,Belfast,Antrim,BT1 6DS
 Car Park 15,Queens House,14 Queen Street,Belfast,Antrim,
 Fountain Centre,Fountain Street,Belfast,Antrim,BT1 6ET
 Gd Floor,5 College Court,Belfast,Antrim,BT1 6BS
 Lyndon Court,30 Queen Street,Belfast,Antrim,BT1 6EF
 Lyndon Court,34 Queen Street,Belfast,Antrim,BT1 6EF
 Office 1 1st Floor,Queens House,14 Queen Street,Belfast,Antrim,BT1 6ED
 Office 2 1st Floor,Queens House,14 Queen Street,Belfast,Antrim,BT1 6ED
 Offices 2nd-5th Floor,Queens House,14 Queen Street,Belfast,Antrim,BT1 6ER
 Offices 3rd - 5th Floors,Queens House,14 Queen Street,Belfast,Antrim,BT1 6ED
 Queens House,14 Queen Street,Belfast,Antrim,BT1 6ED
 Queens House,14 Queen Street,Belfast,Antrim,BT1 6ED
 Second Floor,35 College Street,Belfast,Antrim,BT1 6BU
 Shop,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Shop,23-29 ,Queen Street,Belfast,Antrim,BT1 6EA
 Studios And Gallery (1st Floor),37 Queen Street,Belfast,Antrim,BT1 6EA
 Suite 1a,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Suite 1b,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Suite 2,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Suite 3,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6BT
 Suite 5,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Suite 6,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 1,5 College Court,Belfast,Antrim,BT1 6BS
 Unit 10,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 11,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 12,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 13,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 14,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 14a,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6EE
 Unit 15,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 16,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 17,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 18,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 19,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 20,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 21,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6EE
 Unit 22,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6EE
 Unit 22,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 23,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET

Unit 24,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 3,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 4,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 5,Lyndon Court,Queen Street,Belfast,Antrim,BT1 6EF
 Unit 6,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit 6,Lyndon Court,Queen Street,Belfast,Antrim,BT1 6EF
 Unit 7,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ES
 Unit 8,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit A,Lyndon Court,30 Queen Street,Belfast,Antrim,BT1 6EF
 Unit B,32-38 Lyndon Court,Queen Street,Belfast,Antrim,BT1 6EF
 Unit C,Lyndon Court,30 Queen Street,Belfast,Antrim,BT1 3EF
 Unit C2 (Second Floor Offices),1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Unit D,Lyndon Court,30 Queen Street,Belfast,Antrim,BT1 6EF
 Unit E,Lyndon Court,30 Queen Street,Belfast,Antrim,BT1 6EF
 Units 1-2,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Units 19-20,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Units 24-26,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6EE
 Units 5-6,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET
 Units 8-9,1-13 Fountain Centre,College Street,Belfast,Antrim,BT1 6ET

Date of Last Neighbour Notification	24th February 2021
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Date of EIA Determination	N/A
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ES Requested	No
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Planning History

Ref ID: LA04/2019/2932/PAN

Proposal: Partial demolition and redevelopment and partial refurbishment and change of use of building at 35-39 Queen Street, and demolition of building and redevelopment of site at 31-33 Queen Street to provide ground floor restaurants/cafes and A2/B1 Offices.

Address: 31-39 Queen Street, Belfast, BT1 6EA,

Decision: PANACC

Decision Date: 19.12.2019

Ref ID: LA04/2019/0553/F

Proposal: Demolition of existing building and erection of 175 bed aparthotel with associated bar, restaurant and conferencing facilities and associated works.

Address: Land at Lyndon Court, 32-38 Queen Street Belfast, BT1 6EF.

Decision: Permission Granted

Decision Date: 05.12.2019

Ref ID: Z/2013/1063/F

Proposal: Ten storey hotel comprising of 250 bedrooms, meeting rooms with bar and restaurant to ground floor. Nine storey open plan office building with retail on ground floor with underground car parking.

Address: 78 College Avenue, Belfast, BT1 6BU,

Decision: Permission Granted

Decision Date: 20.02.2015

Ref ID: Z/2011/0967/F

Proposal: Erection of new street cabinet to facilitate provision of new fibre optic infrastructure across across the BT network. Cabinet dimensions approx 1128mm high 780mm wide 407mm deep

Address: On footpath 2m from College Street gable wall of Kellys Eye Club, 39 Queen Street, Belfast, BT1 6EB,

Decision: Permission Granted

Decision Date: 25.04.2012

Ref ID: Z/1984/1894

Proposal: CHANGE OF USE FROM SHOP/FACTORY TO BINGO HALL

Address: 37-39 QUEEN STREET/33-35 COLLEGE STREET

Decision: Permission Granted

Decision Date:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Thursday 19 th August 2021	
Application ID: LA04/2021/0244/F	
Proposal: Demolition of existing building and erection of 8-storey building with retail/coffee shop at ground floor and 45No serviced apartments for both long- and short-term occupancy on the floors above.	Location: 52-54 Dublin Road, Belfast BT2 7HN
Referral Route: Over 12 units	
Recommendation:	Approval subject to S76 Agreement
Applicant Name and Address: CHJ (133) Limited Jefferson House 42 Queen Street Belfast BT1 6HL	Agent Name and Address: O'Toole & Starkey Ltd Arthur House 41 Arthur Street Belfast BT1 4GB
Executive Summary: This application seeks full permission for the Demolition of existing building and erection of 8-storey building with retail/coffee shop at ground floor and 45No serviced apartments for both long- and short-term occupancy on the floors above at 52-54 Dublin Road. The site is located within the development limits of Belfast within the city centre. The key issues in the assessment of the proposal are as follows: <ul style="list-style-type: none"> - Principle of use on the site - Demolition - Access, movement and parking - Design and layout - Open space and landscaping - Flood risk - Waste water treatment - Impact on natural heritage - Other environmental matters - Developer Contributions Two objections were received from local residents raising the following issues (summarised): <ul style="list-style-type: none"> - Lack of parking - Noise during construction and parking obstructions - Noise from prospective residents - Loss of light - Loss of privacy - Height and density disproportionate to the area 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), Planning Policy Statement 2, Planning Policy Statement 3, Planning Policy Statement 8, Planning Policy Statement 13, Planning Policy	

Statement 15, Planning Policy Statement 16, Parking Standards, The Belfast Agenda (Community Plan), Developer Contribution Framework, and Creating Places.

BCC Environmental Health, Northern Ireland Water, DFI Roads Service, DFI Rivers Agency, DAERA Water Management Unit, DAERA Regulation Unit and DAERA Natural Environment Division have raised no objections subject to conditions and the proposal is considered acceptable.

On this basis, it is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the Section 76 planning agreement and wording of conditions subject to no new substantive planning issues being raised by third parties.

Case Officer Report

Site Location Plan



Representations:	
Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Characteristics of the Site and Area	
<p>1.0 Description of Proposed Development The application seeks full planning permission for the demolition of an existing building and erection of 8-storey building with retail/coffee shop at ground floor and 45No serviced apartments for both long- and short-term occupancy on the floors above.</p> <p>1.1 The application follows a lengthy Pre-Application Discussion (PAD) process with officers.</p> <p>2.0 Description of Site The site measures 0.06 hectares located on the corner of Salisbury Street and Dublin Road. The site is also bounded by Salisbury Lane to the rear (residential three storey dwellings here mainly). It is currently occupied by an Oxfam retail unit which is three storey fronting onto Dublin Road with pitched roof, and two storey rear return with flat roof. The area is largely characterised by shops, restaurants/hot food takeaways and apartments. The site is located within the development limits of Belfast on the (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 and Belfast Urban Area Plan 2001 (BUAP). It is also located within BMAP's designated Shaftesbury Square Character Area (CC013).</p>	
Planning Assessment of Policy and Other Material Considerations	
<p>3.1 There is no relevant recent planning history on the site. Whilst this proposal does not fall under the category of Major Development, Pre-Application Community Consultation was carried out under the planning reference LA04/2019/1492/PAN (it was initially proposed for greater than 50 apartments). Feedback given was generally positive.</p> <p>4.0 Policy Framework 4.1 Belfast Urban Area Plan 2001 (BUAP) 4.2 (Draft) Belfast Metropolitan Area Plan (BMAP) 2004 4.3 (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 4.4 Strategic Planning Policy Statement (SPPS) 4.5 Planning Policy Statement (PPS) 2: Natural Heritage 4.6 Planning Policy Statement (PPS) 3: Access, Movement and Parking 4.7 Planning Policy Statement (PPS) 8: Open Space, Sport and Outdoor Recreation 4.8 Planning Policy Statement (PPS) 13: Transportation and Land Use 4.9 Planning Policy Statement (PPS) 15: Planning and Flood Risk 4.10 Planning Policy Statement (PPS) 16: Tourism</p> <p>5.0 Statutory Consultees 5.1 DFI Roads – No objection subject to conditions 5.2 Northern Ireland Water Ltd – No objection subject to conditions 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</p>	

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

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. Re-notification of objectors and neighbours was undertaken in accordance with standard procedures following receipt. Two responses have been received from residents at 4 Salisbury Street and 4 Ashburne Place.

7.2 Two objections were received raising the following issues (summarised):

- Lack of parking
- Noise during construction and parking obstructions
- Noise from prospective residents
- Loss of light
- Loss of privacy
- Height and density disproportionate to the area

These issues will be considered within the written assessment however parking obstructions during construction is not a planning consideration and outside the remit of planning legislation and guidance. The Agent for the Application also submitted comments in response to these points, dated 20th July 2021. Re-notification of neighbours and objectors was carried out and no further comments were received.

8.0 Other Material Considerations

8.1 Parking Standards

8.2 The Belfast Agenda (Community Plan)

8.3 BCC Developer Contribution Framework (adopted January 2020)

8.4 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 within BMAP's designated Shaftesbury Square Character Area (CC013).

9.3 The proposed development is for "Demolition of existing building and erection of 8-storey building with retail/coffee shop at ground floor and 45 serviced apartments for both long- and short-term occupancy on the floors above."

9.4 The key issues are:

- Principle of use on the site
- Demolition
- Access, movement and parking

- Design and layout
- Open space and landscaping
- Flood risk
- Waste water treatment
- Impact on natural heritage
- Other environmental matters
- Developer Contributions

9.5 Principle of use

The site is within the development limits and city centre boundary of Belfast 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 mixed-use development comprising a cafe at ground floor level with serviced apartments located on upper floors is considered acceptable in principle at this city centre 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 café and entrance to the apartments on the ground floor will ensure animation at street level.

9.6 Demolition

The development proposes the demolition of an existing 3 storey retail 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.

9.7 Access, movement and parking

The proposed development does not include car park provision. The site is located on an arterial route and within the city centre and is well served by public transport with good access to the bus and railway stations/stops. The applicant has also agreed to provide 20 cycle parking spaces internally at ground floor level for the proposed residents.

9.8 A Transport Assessment Form, Parking and Accessibility Statement, Travel Plan and Service Management Plan were submitted. Green travel measures are proposed within the Travel Plan including: -

- Cycle User Group Annual Membership, such as the Belfast Bikes Scheme, (at 100% subsidy for each apartment) for a period of 3 years, at a rate of 1 Cycle User Group Membership per apartment;
- Car Club membership (at 50% subsidy for each apartment) for a period of 3 years, at a rate of 1 Car Club membership per apartment; and,
- Translink Travel Cards supplied (at 100% subsidy for each apartment) for a period of 3 years, at a rate of 1 Travel Card per apartment.

9.9 Whilst objectors raised concerns regarding the lack of parking, 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 Travel Plan and proposed green travel measures 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.

9.10 Design and layout

The proposal was subject to a lengthy and detailed PAD process, much of which focused on the design and internal layout of the building. The proposed building is eight storeys with a coffee/retail shop at ground floor and 45 apartments serviced apartments above, all one bedroom. The apartments range in size from 35 sqm to 57.58 sqm and they meet the space standards as set out in the Addendum to PPS7, although it is not applicable on this site. The main entrance is from Dublin Road, with a separate access adjacent to the retail/coffee unit.

9.11 The proposed building displays seven storeys with an additional storey at the top, set back within a chamfered frame. This set back will reduce the scale of the building when viewed from the street level. Whilst this is a considerable increase in height from what is existing on the site there are a number of tall buildings (six and eight storey) located within the same urban block further north towards the junction of the Dublin Road and Marcus Ward Street opposite the former Dublin Road Movie House, while 'The Gallery' apartment complex diagonally opposite to the south is nine storeys. The proposed height (excluding plant and rooftop elements) will match that of the ridge height of 32 – 42 Dublin Road. The Dublin Road has been subject to significant change in both building height and scale in recent years. The proposed height is considered acceptable in the context of existing developments in the immediate area which exhibit a variety in terms of building heights and designs. The proposal therefore also satisfies BUAP Policy CC12 in that It is sympathetic to the urban structure and the immediate surroundings; does not dominate the Belfast Hill, or views of Belfast, and there are no buildings of architectural and historic interest in the immediate area.

9.12 The building is of a modern design with the façade on Dublin Road broken into three framed bays of equal width with each bay containing a lessening degree of articulation as you move across the façade. A similar but simplified treatment is applied to the side elevation along Salisbury Street. The BCC Urban Design Officer stated this approach was “visually interesting with an attention to detail being paid in the round to both the lower and setback upper floor and narrow bays helping to introduce a sense of verticality to the building. At shoulder level, a horizontal banding of offset brick detailing runs across the façade as a nod to some of the eaves level detailing of surrounding buildings, which is welcomed.”

9.13 The rear return directly facing Salisbury Lane is three storey where window openings have been minimised to protect the amenity of neighbouring residents. Bedroom windows of apartments at the rear, adjacent to Salisbury Lane, are recessed and set at an angle towards the street to protect amenity of residential properties to the rear of the site. The terrace to the rear will be fitted with a balustrade setback 2.0m from the rear wall and will also be obscured to prevent overlooking. A detailed Daylight and Sunlight Assessment was submitted, which includes a consideration of the impact on the properties fronting onto Salisbury Lane. The report demonstrates that the development will not result in any unacceptable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings.

9.14 The proposed materials are buff brick, ppc aluminium curtain walling and cladding in grey and bronze respectively. The proposed materials are considered acceptable for the area which is characterised by a variety of building types and elevation treatment, however samples of these should be submitted and agreed in writing with the Council prior to work commencement.

9.15 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 33 of the proposed apartments. Two private external terraces are provided on the top floor also for 2 apartments (8 and 9 sqm). Private communal areas of open space are proposed on the rooftop terrace (approx. 186 sqm) and the third floor to the rear (approx. 83 sqm). Overall an average of 6.87 sqm of amenity provision per unit has been proposed which, whilst below the recommended minimum standard of 10 sqm it is comparable to other developments within the city centre and on balance it is considered acceptable.

9.16 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.

9.17 The proposed roof terrace indicates landscaping but no landscaping plan has been submitted. Should approval be granted, a landscaping plan should be conditioned to be submitted and agreed in writing with the Council prior to commencement of works. An arboricultural report was submitted outlining the methods to be used to ensure the protection of two existing street trees adjacent to the site which are within influencing distance of the proposal during construction. At the time of writing a response is outstanding from BCC Tree Officers to confirm wording of Conditions relating to this should approval be granted.

9.18 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 18th March 2021 stating whilst the Applicant had received consent from NI Water to discharge a maximum of 6.5 l/s of storm water discharge from the proposed site to the existing combined sewer on Salisbury Street, they had not provided detailed calculations to support their proposals. 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.

9.19 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.

9.20 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 2.5 years – well 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.

9.21 In light of the NI Water response 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, such as *“No development shall commence on site until details of waste water disposal 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: To ensure appropriate foul drainage of the site”.

As this matter can be addressed by a suitably worded planning condition this issue is not considered to be a refusal reason.

9.22 Impact on Natural Heritage

With respect to the natural heritage on the site the proposed roof plan as well as a Bat Survey were considered by Natural Environment Division (NED). They responded with no objections to the proposal. The Bat Survey Report concluded that the site currently has low potential to host a

bat roost and low/negligible value to foraging and/or commuting bats. It was noted that whilst the roof plan shows areas of landscaping it is unlabelled and NED encourage the applicant to include some or all of the measures for biodiversity enhancement detailed in the Bat Survey Report, including areas of planting and installation of bat boxes and bird boxes. In addition to this they would advise the applicant to ensure that any external lighting, especially at roof level is directed so as to minimise light spill to avoid potential impacts on protected species. These points can be added as informatives at the time of determination.

9.23 Other Environmental Matters

BCC Environmental Health reviewed a number of documents submitted relating to air quality, noise, odour and contaminated land. A Preliminary Environmental Site Assessment was submitted and comments were invited from both BCC Environmental Health and DEARA's Regulation Unit. BCC and DEARA both responded with no objections, suggesting conditions to be included should approval be granted.

9.24 The development proposal includes a retail/coffee shop on the ground floor and residential on the upper floors. There is an existing Thai restaurant adjacent to the site, which has the potential to adversely impact on the amenity of surrounding sensitive receptors in terms of odour. The report notes the mitigation has been incorporated into the development, since the wall facing the Thai restaurant has no openings and mechanical ventilation is to be incorporated into the design with the inlet located at high level. The adjacent Thai restaurant should not adversely impact the amenity of the proposed apartments following the incorporated mitigation. With respect to the proposed coffee shop on the ground floor, EHO have noted no tenant has been identified, and therefore have suggested Conditions should they wish to provide hot food in the retail/coffee shop, additional odour assessment information should be submitted and agreed in writing with the Council.

9.25 An Air Quality Assessment was submitted, as well as Travel Plan and Transport Assessment Form and as a result BCC EPU has no objection to the proposal from an air quality perspective subject to the request for an updated AGA to be submitted and agreed should any centralised combustion sources (boilers/CHP, biomass), where the single or combined NOx emission rate is more than 5mg/sec be proposed as part of the development.

9.26 A Noise Impact Assessment, and subsequent updated version were submitted and although the findings did not raise concern for BCC EPU they stated predictions within the report showed that one of the external amenity areas on the proposed development will not meet the outdoor amenity noise levels recommended within WHO Guidance, BS8233: 2014 and Pro.PG. This is however the 7th floor private terrace and given its urban location is acceptable. They suggested 2 conditions to be attached should be approval granted relating to all noise mitigation measures being installed and retained thereafter prior to occupation of the approved development.

9.27 The issue of noise was raised in the representations, both as a result of demolition and construction work, and also prospective residents enjoying nearby nightlife. The Agent confirmed the development will be operated by a management company and therefore residents will not be permitted to cause disturbance. In addition, all construction work will be undertaken in line with best practice guidelines.

9.28 Developer Contributions

It is considered appropriate that should planning permission be granted it should be subject to the developer entering a Section 76 legal agreement with Belfast City Council to secure green travel measures.

9.29 Conclusion

Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions. Should members agree with the recommendation to approve, it is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the Section 76 planning agreement and wording of conditions subject to no new substantive planning issues being raised by third parties.

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. 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.

3. 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.

4. The development shall operate in accordance with the Service Management Plan.

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

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

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

Reason:

6. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to, and agreed in writing with the Planning Authority.

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

7. The approved scheme for the control of odours associated with the cooking and frying of foods shall be installed in line with the approved details and shall be cleaned and maintained in accordance with the manufacturer's instructions to ensure compliance with the above condition.

Reason: Protection of residential amenity and adverse odour impact.

8. No cooking / frying of foods shall be permitted in the ground floor retail/coffee shop unless an updated odour risk assessment report with details of the proposed odour abatement technology to control cooking odours emanating from the premises is submitted to the Planning Authority and agreed in writing before installation. Externally located extraction flue(s) and termination point(s) shall be depicted on elevation drawings. The report shall demonstrate that the proposed scheme for the control of odours has been designed in accordance with industry guidance EMAQ "Control of Odour and Noise from Commercial Kitchen Exhaust Systems" issued September 2018.

Reason: Protection of residential amenity and adverse odour impact.

10. Prior to occupation of the development, the noise mitigation measures relating to the development facades, ceiling, glazing and ventilation systems as recommended in the submitted Irwin Carr Consultants Noise Impact Assessment, Dublin Road Apartments, Belfast, Report No. RP001N 2019164, dated 4th March 2021, Appendix E, shall be installed and retained thereafter to ensure that internal noise levels within habitable rooms do not exceed:

- 35dB LAeq,16 hr between 07.00hrs and 23.00hrs within any habitable room, if required with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements
- 30 dB LAeq,8hr within bedrooms between 23.00hrs and 07.00hrs, if required with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements.
- 45dB LAFmax, by more than 10 single sound events in any proposed bedrooms, if required with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements.

Reason: Protection of public health and residential amenity.

11. Prior to occupation of the development, the recommended noise mitigation measures specified within the Irwin Carr Consultants Noise Impact Assessment, Dublin Road Apartments, Belfast, Report No. RP001N 2019164, dated 4th March 2021, for the external terrace shall be installed and retained thereafter. These measures shall include a glazing barrier of at least 1.2m in height, with no gaps between the glazing panes.

Reason: Protection of public health and residential amenity.

12. In the event that any centralised combustion sources (boilers/CHP, biomass), where the single or combined NOx emission rate is more than 5mg/sec are proposed as part of this development, this Service would request that a revised Air Quality Impact Assessment be carried out and submitted to the Planning Authority. Information submitted must be sufficient to demonstrate that there will be no adverse impact on human health due to emissions. In accordance with the Environmental Protection UK and the Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017)

Reason:

13. Following demolition and prior to construction, no development shall commence until the Planning Authority has received in writing and agreed that suitable risk assessments and supporting data have been provided. These should identify all unacceptable risks to health and the water environment. The investigations should include, but not be restricted to:
- Identifying all potential contaminant sources within the planning boundary;
 - Site investigations and groundwater monitoring designed and implemented in accordance with British Standard BS BS10175:2011+A2:2017 'Investigation of potentially contaminated sites' to identify the contamination risks associated with the potentially contaminating activities which took place at this site or in the surrounding area;

- Provision of risk assessment(s) in accordance with the guidance on Land Contamination: Risk Management (LCRM) to identify all unacceptable risks to health and the water environment and provision of remedial criteria to be met through a remedial strategy.

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>

These works are required to ensure that the land will be in a condition suitable for the development.

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

14. Following demolition and prior to construction, development works shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified at Condition 13 has been submitted in writing and agreed with the Planning Authority. This should identify all unacceptable risks, 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 that the site is suitable for use.

15. No piling work should commence until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in 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', available at:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf>

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

16. As part of site clearance works, all remaining fuel storage tanks and associated infrastructure shall be fully decommissioned in line with Pollution Prevention Guidance No. 2 (PPG2) and No. 27 (PPG27). Soil and groundwater sampling shall be undertaken for a suitable analytical suite. Should contamination be identified the requirements of Condition 17 will apply.

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

17. If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works within the immediate area of the find should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

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

18. After completing any remediation works required under Conditions 13 - 17, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. 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.

19. No development shall commence on site until details of waste water disposal 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: To ensure appropriate foul drainage of the site.

20. 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 cladding, PPC aluminium curtain walling, aluminium frame surround, spandrel panels, balustrades and steel balcony. The development shall not be carried out unless in accordance with the approved details.

Reason: To protect the visual amenities of the area.

21. The external roof terrace of the building hereby permitted shall not be used as a roof garden or amenity area unless the privacy screen has been provided in accordance with the approved plans. The privacy screen shall be retained at all times in accordance with the approved plans.

Reason: To safeguard the amenities of the adjacent property.

ANNEX	
Date Valid	1st February 2021
Date First Advertised	12th February 2021
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses) 10 Ashburne Place, Belfast 12 Ashburne Place, Belfast 2 Ashburne Place, Belfast, Antrim, BT7 1SE 2 Salisbury Lane, Belfast 2 Salisbury Street, Belfast, Antrim, BT7 1AH 29 Salisbury Court, Belfast, Antrim, BT7 1DD 31 Salisbury Court, Belfast, Antrim, BT7 1DD 4 Ashburne Place, Belfast, Antrim, BT7 1SE 4 Salisbury Street, Belfast, Antrim, BT7 1AH 50 Dublin Road, Belfast, Antrim, BT2 7HN 55 Dublin Road, Belfast, Antrim, BT2 7HE 57-59 , Dublin Road, Belfast, Antrim, BT2 7HE 6 Ashburne Place, Belfast, Antrim, BT7 1SE 6 Salisbury Street, Belfast 6 Salisbury Street, Belfast, Antrim, BT7 1AH 60-66 Dublin Road, Belfast 61-63 , Dublin Road, Belfast, Antrim, BT2 7HE 65-69 , Dublin Road, Belfast, Antrim, BT2 7HG Flat 1 – 33 Hartington Court, Salisbury Street, Belfast	
Date of Last Neighbour Notification	21/07/21
Date of EIA Determination	N/A

ES Requested	No
<p>Planning History</p> <p>Ref ID: LA04/2021/0244/F Proposal: Demolition of existing building and erection of 8-storey building with retail/coffee shop at ground floor and 45No serviced apartments for both long- and short-term occupancy on the floors above. Address: 52-54 Dublin Road, Belfast, BT2 7HN., Decision: Decision Date:</p> <p>Ref ID: Z/1992/2277 Proposal: Erection of advertisement hoarding Address: 52/54 DUBLIN ROAD BELFAST Decision: Decision Date:</p> <p>Ref ID: LA04/2019/1059/PAN Proposal: Demolition of existing building and mixed-use development comprising a retail unit and apartments. Address: 52-54 Dublin Road, Belfast, BT2 7HN., Decision: PANACC Decision Date:</p> <p>Ref ID: LA04/2016/0435/A Proposal: Convert existing paper poster scroller display with a digital display Address: Existing Adshel bus shelter outside, Oxfam Shop, Dublin Road, Belfast, Decision: CG Decision Date: 02.06.2016</p> <p>Ref ID: LA04/2018/0915/F Proposal: 1No. InLink kiosk Address: Dublin Road outside the Five Points Bar, Belfast, BT2 7HN, Decision: PG Decision Date: 08.08.2018</p> <p>Ref ID: LA04/2018/0913/A Proposal: Double sided digital displays Address: Dublin Road outside the Five Points Bar, Belfast, BT2 7HN, Decision: CG Decision Date: 08.08.2018</p> <p>Ref ID: LA04/2019/1492/PAN Proposal: Demolition of existing building and erection of serviced apartment building for both short- and long-term occupancy. Address: 52-54 Dublin Road, Belfast, BT2 7HN, Decision: PANACC Decision Date:</p> <p>Ref ID: Z/1986/0546 Proposal: HOUSING DEVELOPMENT Address: LAND BOUNDED BY SALISBURY STREET, SALISBURY LANE, HARDCASTLE STREET AND MARY</p>	

Decision:

Decision Date:

Ref ID: Z/1984/2031

Proposal: NEW RESIDENTIAL DEVELOPMENT OF HOUSES AND FLATS

Address: 2-36 SALISBURY STREET, 60-64 HARDCASTLE STREET, 1-36 ASHBOURNE STREET, 61-75

Decision:

Decision Date:

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Thursday 19 th August 2021	
Application ID: LA04/2021/0629/F	
Proposal: Residential development of 72no. apartments in 3no. blocks with associated car parking, landscaping and road widening works to Stockman's Way.	Location: Lands north east of 43 Stockman's Way and south west of 49 Stockman's Way, Belfast, BT9 7ET
Referral Route: Major Application	
Recommendation:	Approve subject to conditions and Section 76
Applicant Name and Address: Kilmona Property Ltd 8th Floor Bedford House 16-22 Bedford Street Belfast BT2 7FD	Agent Name and Address: Coogan and Co Architects Ltd 122 Upper Lisburn Road Finaghy Belfast BT10 0BD
<p>Executive Summary:</p> <p>The application proposes a residential development of 72 apartments in 3 blocks along with associated car parking and landscaping and road widening works to Stockman's Way on lands adjacent and east of No. 43 Stockman's Way, Belfast.</p> <p>The main issues to be considered in the assessment of this application are set out below:</p> <ul style="list-style-type: none"> • The principle of development (including consideration of the planning history of the site) • Impact on the character of the area • Impact on amenity • Access, Car Parking and Sustainable Transport • Environmental Considerations - Contamination, Air Quality, Noise, Flooding/Drainage <p>In draft BMAP 2015 part of the site is zoned for housing, part whiteland and part zoned as existing employment. That part zoned as existing employment comprises the access road along Stockman's Way and is part of a larger adjacent existing employment zoning (Ref: BT005/12). Planning Permission was previously granted on 01 November 2018 for '<i>Demolition of existing buildings and erection of residential development comprising of 96 units and associated car parking and landscaping</i>' (Ref: LA04/2015/0668/F) on the application site. This permission is live and implementable. A subsequent application was received for the '<i>Erection of mixed-use development consisting of a 25no. bed hotel and 88no. apartments with associated car parking and landscaping on this site.</i>' It was resolved to approve this application in June 2020 and a decision to approve is pending.</p> <p>1 representation has been received regarding this proposal. The issues raised include:</p> <ul style="list-style-type: none"> ➤ Increased traffic impact 	

- Over capacity issue with the sewerage system – concern that further additional costs will be incurred by existing residents on Stockman’s Way as a result of the hire of vac tankers to deal with this issue.

The issues raised are considered in the report.

Consultees have no objections with the proposal subject to conditions.

A Section 76 Planning Agreement is proposed to secure the following developer obligations:

- Contribution of £72,000 towards the delivery of open space provision/play equipment or improvement of Public Open Space at Musgrave Park
- Access link to Public Open Space at Musgrave Park
- Management of Open Space Areas within the site
- Residential Travel Plan
- Travel Cards for each unit for 3 years
- Car Club spaces and discounted membership of a car club for 3 years for each unit

Recommendation

Having regard to the development plan, relevant policy context and other material considerations including the planning history of the site, the proposal for a residential development of 72 apartments and associated parking, landscaping and road widening along Stockman’s Way is considered acceptable and approval is recommended subject to conditions and a section 76 planning agreement.

It is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the Section 76 planning agreement and wording of conditions subject to no new substantive planning issues being raised by third parties.

Signature(s):

Case Officer Report

1.0 Associated Drawings

Site Location Plan



Site Layout



Floor Plans

BLOCK 1



FIFTH FLOOR PLAN



FOURTH FLOOR PLAN



FIRST FLOOR TO THIRD FLOOR PLAN

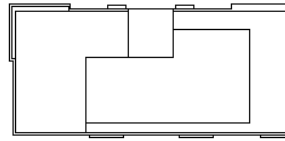


GROUND FLOOR PLAN

BLOCK 2



BLOCK 3



Elevations

BLOCK 1



Elevation 1 (Stockmans Way - South)



Elevation 2 (East)



Elevation 3 (M1 - North)



Elevation 4 (West)

BLOCK 2



Elevation 1 (Stockmans Way - South)



Elevation 2 (East)



Elevation 3 (M1 - North)



Elevation 4 (West)

BLOCK 3



Elevation 1 (Stockmans Way - South)



Elevation 2 (East)



Elevation 3 (M1 - North)



Elevation 4 (West)

CGIs



DIFFERENT SPECIES OF ORNAMENTAL SHRUBS PLANTED IN SECTIONS ALONG STOCKMAN'S WAY TO PROVIDE A MORE INTERESTING AND DYNAMIC FRONTAGE

ACCESS TO APARTMENTS OFF STOCKMAN'S WAY. LARGE AREAS OF GLASS TO EXTENDED LOBBY WITH SEATING AND STORAGE AREA TO OPTIMISE ACTIVE FRONTAGE

SEATING AREAS / STREET FURNITURE AND PEDESTRIAN ACCESS TO BIKE / CAR PARK TO PROVIDE MORE PERMEABILITY



MOTORWAY ELEVATION

Contextual Elevations

Block 1 Block 2 Block 3



Proposed M1 elevation (North)



<p>2.0</p> <p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>Characteristics of the Site and Area</p> <p>The site is located between Stockman's Way and the M1 Motorway at the entrance to Stockman's Way employment area and comprises a rectilinear plot which is currently separated into two plots by a palisade fence. The south western portion of the site is covered in hardstanding and the former warehouse building on the site has now been demolished. This portion of the site is not zoned in Draft BMAP. The north western plot is a vacant plot containing a single storey portacabin and storage unit surrounded by hardstanding, previously occupied by a car sales business. This portion of the site is zoned for housing in draft BMAP. There are currently 3 vehicular access points into the site - 2 serving the south western portion (site of former warehouse building) and 1 serving the former car sales area.</p> <p>The site is bounded by the M1 Motorway along the northern boundary and Stockman's Way along the southern boundary. The eastern and western boundaries are defined by palisade fences. The site is relatively flat.</p> <p>Stockman's Way is a mixed-use area comprising businesses and residential uses. Musgrave Park and Musgrave Park Hospital are located to the south/southeast. Casement Park and surrounding residential developments and are located to the North beyond the M1 motorway. A Site of Local Nature Conservation Importance (SLNCI) is located to the east of the site (Ref: BT 084/25 South of M1 Roundabout, Junction 1).</p>
<p>3.0</p> <p>3.1</p>	<p>Description of Proposal</p> <p>The proposed development comprises a residential development of 72no. apartments in 3no. blocks with associated car parking, landscaping and road widening works to Stockman's Way.</p>
<p>4.0</p> <p>4.1</p>	<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Policy Context</p> <p>Regional Planning Policy</p> <ul style="list-style-type: none"> • Regional Development Strategy 2015 (RDS) • Strategic Planning Policy statement for Northern Ireland (SPPS) • Planning Policy Statement 2 (PPS 2) - Planning and Nature Conservation

	<ul style="list-style-type: none"> • Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement • Planning Policy Statement 4 (PPS 4) - Planning and Economic Development • Planning Policy Statement 7 (PPS 7) - Quality Residential Environments • Planning Policy Statement 8 (PPS 8) - Open Space, Sport and Outdoor Recreation • Planning Policy Statement 12 (PPS 12) - Housing in Settlements • Planning Policy Statement 13 (PPS 13) - Transportation and Land Use • Planning Policy Statement 15 (PPS 15) - Flood Risk <p>Local Planning Policy Context</p> <ul style="list-style-type: none"> • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan (2015) • Draft Belfast Metropolitan Area Plan (2004)
4.2	<p>Other Material Considerations</p> <ul style="list-style-type: none"> • Creating Places, Belfast Agenda Community Plan and BCC Developer Contributions Framework (2020)
4.3	<p>Planning History</p> <p>LA04/2020/2073/PAN - Development of 72no. proposed apartments with associated car parking and landscaping, Lands north east of 43 Stockman's Way and south west of 49 Stockman's Way, Belfast, BT9 7ET.</p> <p>LA04/2019/1615/F – Erection of mixed-use development consisting of a 25no. bed hotel and 88no. apartments with associated car parking and landscaping, lands adjacent and East of No. 43 Stockman's Way, Belfast. Decision to approve pending.</p> <p>LA04/2015/0668/F - Demolition of existing buildings and erection of residential development comprising of 96 units and associated car parking and landscaping, Lands adjacent and East of No.43 Stockman's Way, Belfast. Planning permission granted 01.11.2018.</p> <p>Z/2007/2167/F - Demolition of existing buildings and erection of residential development comprising 96 units and associated car parking and landscaping, Lands adjacent and east of 43 Stockman's Way, Ballygammon, Belfast, BT09 7ET. Permission granted 12.02.2009.</p>
4.4	<p>Statutory Consultation Responses</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>DFI Roads – DFI Roads has no objection to the proposed development and have provided draft conditions and the Private Streets Determination has been authorised.</p> <p>NI Water – Belfast WWTW is currently operating above design capacity and new connections are being curtailed. However, NI Water advise that connection can be approved as there is an extant previously approved development (where NI Water has given a positive response).</p> <p>DFI Rivers Agency – No objection subject to condition.</p>

	<p>NIEA – Water Management Unit - No objections subject to conditions. Regulation Unit – No objections subject to conditions.</p> <p>NIHE – No objection. NIHE commented that there is currently no requirement for additional social housing at this location, however this proposal would be suitable for a form of intermediate housing.</p> <p>Shared Environmental Services – No likely significant effect. 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 10/06/2021. This found that the project would not be likely to have a significant effect on any European site.</p>
4.5	<p>Non-Statutory Consultation Responses</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>Environmental Health – No objections subject to conditions</p> <p>BCC Urban Designer – No objection subject to conditions</p> <p>UK Crown Bodies – No objection</p> <p>BCC Waste Management – No objection</p> <p>BCC Tree Officer – No objections subject to conditions</p> <p>BCC EDU – No Employability and skills related Developer Contributions will be required for this development.</p>
4.6	<p>Representations</p>
4.6.1	<p>One representation has been received to this application. The issues raised in the objection include:</p> <ul style="list-style-type: none"> ➤ Increased traffic impact ➤ Over capacity issue with the sewage system – concern that further additional costs will be incurred by existing residents on Stockman’s Way as a result of the hire of vac tankers to deal with this issue. <p>The issues raised by objectors are dealt within the assessment of the proposal below.</p>
4.7	<p>Planning Assessment</p>
4.7.1	<p>Development Plan Context</p> <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>
4.7.2	<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>
4.7.2	<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>

4.7.4	In dBMAP 2004 the north eastern portion of the site is zoned for housing site (Ref: SB 02/27 – Musgrave Manor, Stockman’s Way) and the south western portion is zoned as existing employment land. (Ref: BT011/23 – Stockman’s Way). In dBMAP 2015 the north eastern portion of the site is zoned for housing (Ref SB 03/04 – Adjacent to 49 Stockman’s Way), the south western portion of the site is not zoned (whiteland) and part of the access along Stockman’s Way is zoned as existing employment land (Ref: BT 005/12 – Stockman’s Way). Within the BUAP the site is unzoned land within the development limit of Belfast.
4.8	Principle of Development/Proposed Use
4.8.1	The SPPS sets out five core planning principles for the planning system, including improving health and wellbeing, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The site is located within the settlement limits in draft BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations discussed below.
4.8.2	The area is characterised by a mix of uses at this location including residential and employment uses. Part of the site is zoned for housing and part is whiteland (unzoned) in draft BMAP 2015. A small portion comprising the access from Stockman’s Way of the site is also zoned as Employment Industry. Significant weight is given to the planning history which is an important material consideration and establishes the principle of residential use and the scale and massing of development on the site. The site has an extant planning permission (LA04/2015/0668/F) for 96 residential units.
4.8.3	NIHE in their consultation response stated that the ‘ <i>There is currently no requirement for additional social housing at this location, however this proposal would be suitable for a form of intermediate housing</i> ’. The applicant has indicated that they would be willing to consider intermediate housing within the proposed development which is welcomed. However, there is currently no planning policy requirement to secure this.
4.9	Scale, Height and Massing
4.9.1	The proposed development comprises 72 apartments in 3 separate blocks. The height of the three blocks vary across the site. Blocks 1 and 2, situated in the northern and middle parts of the site are 6 storeys and block 3 situated in the southern part of the site is 5 storeys in height. The maximum height of Blocks 1 and 2 is 19.15m. Block 3 is a maximum height of 16.19m. The five and four storey shoulder heights of Blocks 1 and 3 generally align with the ridge height and upper heights of adjacent existing buildings to the north and south with substantial setbacks applied to the upper floors in both cases. Roof terraces providing communal amenity space are located on the top floors of each of the blocks.
4.9.2	There have been a number of previous development proposals for the site which established higher building height parameters compared with existing buildings along Stockman’s Way. These include applications LA04/2019/1615/F and LA04/2015/0668/F (refer to ‘Planning History’ Para 4.3 above for details). The maximum height of the proposed blocks is lower than the height of the most recent planning application for the site (LA04/2019/1615/F) which had a maximum height of 20m. The previous approval on the site (Ref: LA04/2015/0668/F) had a maximum height of 18.2m. The height of the proposed development is not substantially different from previous proposals for the site. It is considered that the proposed scale, height and massing is appropriate to its context with its upper height and stepped form at either end responding positively to adjacent existing development.

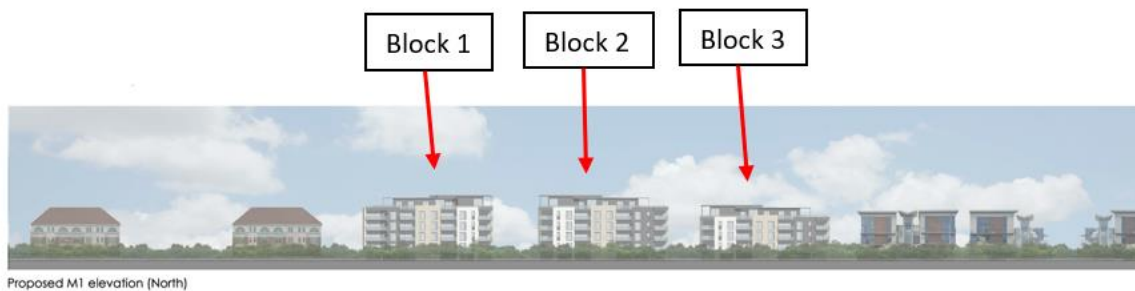
4.9.3

Gaps between the blocks as shown in the contextual elevation below reflect the existing pattern of development along Stockman's Way. The visual gaps between the blocks successfully breaks up the massing of the development and is an improvement on the previous development proposals for the site (Ref: LA04/2019/1615/F and LA04/2015/0668/F – see elevational drawings below).

4.9.4

The Urban Design Officer advises that given the surrounding context and the 2018 approval, it is considered that the proposed scale, height and massing is appropriate to its context with its upper height and stepped form at either end responding positively to its neighbours. The height of the proposed scheme is on balance considered acceptable and in compliance with Policy QD1 of PPS 7.

Current Proposal



M1 Motorway Elevations



Stockman's Way Elevation

LA04/2019/1615/F – Elevations



M1 Motorway Elevation



Stockman's Way Elevation

LA04/2015/0668/F – Elevations

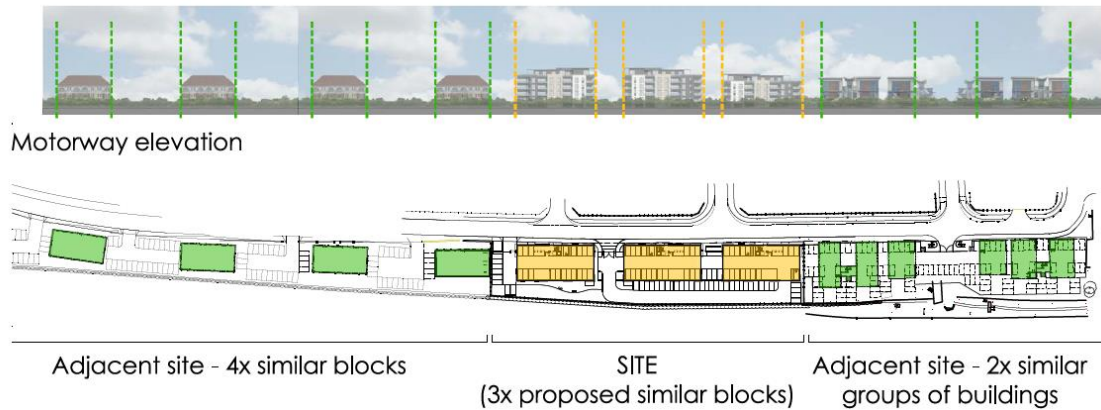


M1 Motorway Elevations

4.10 Design, Layout and Materials

4.10.1 The layout of the blocks proposes uniform footprints for the three blocks on this linear site. The 'Design Concept' accompanying the application sets out the rationale for the proposed layout and states that *'The building footprint will follow the form of a previous approval for an Apartment building on this site, but instead of a linear block, the volume has been broken into three blocks to reduce the visual impact and ease the construction phasing.'*

4.10.2 The diagram below illustrates the layout of the proposed development in the context of existing development to the immediate north east and south west of the site. The proposed pattern of development seeks to broadly replicate existing adjacent development in terms of scale, massing and layout characterised by blocks with spaces between to facilitate access/parking arrangements. The layout of the proposed blocks is in keeping with that of the existing development in this regard and is considered appropriate in its context.



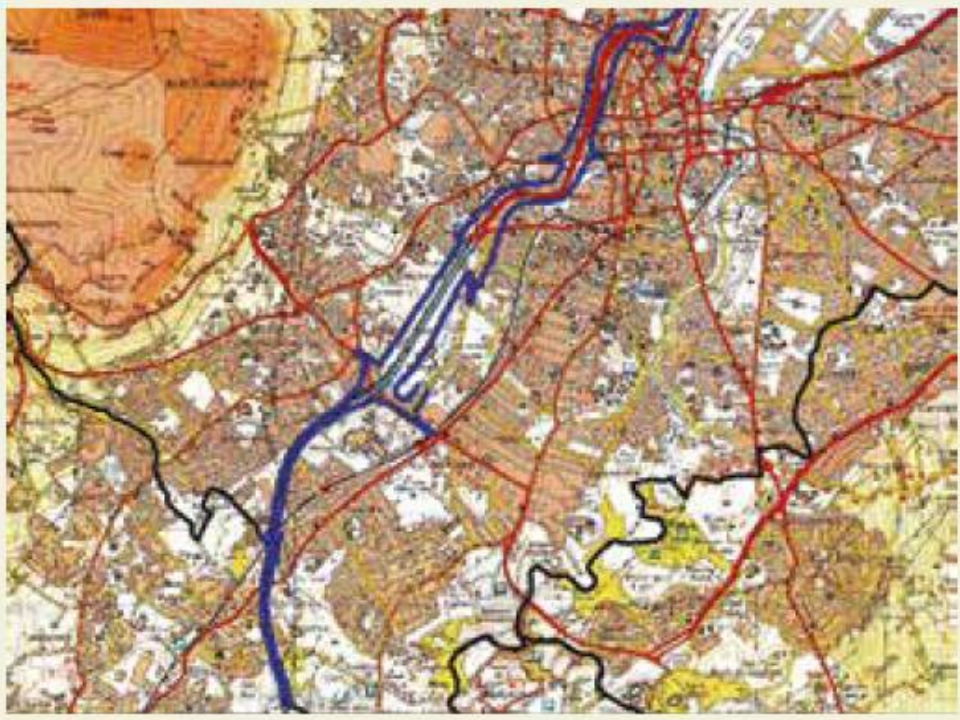
- 4.10.3 All three blocks comprise a series of vertical bays with recessed balconies along their edges which help to provide depth to the various facades and increase visual interest. The articulation of the Stockman's Way and M1 elevations also incorporates design elements including stepped roof profiles on each block, differing solid to void ratios across the elevations and a variety of complimentary materials. The combination of design features and materials across the development will create visual interest and successfully break up the massing of the blocks across the development both along Stockman's Lane and the M1 Motorway. The Urban Design officer considers that the architectural language across the scheme is modern and refined with the final design resulting in a collection of clean and contemporary buildings that include a degree of variation in their roof forms and finishes with obvious commonality between all blocks.
- 4.10.4 The design has sought to minimise the visual impact of parking at ground floor level. Each block includes a generously apportioned glazed entrance (with floating glass canopies) that will help to create a sense of arrival. The entrances include communal meeting area allowing for a reasonable length of active frontage along Stockman's Way on each block ensuring activity and animation at street level. The entrances to each block also propose storage areas for residents and direct access to parking and bin storage areas. The remaining length of the blocks at ground floor, behind which parking will be located, has been divided up using different materials including vertical stone cladding bands, louvres and render. Where possible louvred areas fronting the ground floor car park have also been reduced and screened with planting. The Urban Design advises that given the context presented by neighbouring buildings and the general approach which formed part of the extant approval there is no objection regarding the ground floor articulation given the context.
- 4.10.5 Each block is interspersed by recessed seating/planting areas, with landscape screening applied to stretches where ground floor parking is located. Columnar trees at either side of the vehicular access along with feature balconies between Blocks 1 and 2 will also help to frame this point.
- 4.10.6 The materials palette includes light brown/beige and off-white coloured stone cladding Dark grey render, dark grey metal cladding to penthouse, PPC aluminium grey windows, doors and entrance canopies, frameless glass balustrade system with clear, stone coping to stone cladding walls and are in keeping with developments in the surrounding area. The Urban Design Officers advises that the series of CGIs which have been provided show a number of key views along both the M1 Motorway and Stockman's Way and illustrate how the overall building composition and application of materials relates appropriately to surrounding context.

4.10.7	Vehicular and pedestrian access is proposed along Stockman's Lane between Blocks 1 and 2. Pedestrian access directly to the car park is also available adjacent to a recessed seating area between Blocks 2 and 3.
4.10.8	Balconies are provided along the Stockman's Way and M1 elevations for residential units providing private amenity space for prospective residents and in doing so will add visual interest to the proposed elevations.
4.10.9	The ground floor elevation facing the M1 Motorway Along is articulated with a series of vertical bands, render and louvres. The landscape strip between the building and the motorway along with the planted communal amenity area will effectively conceal most of the ground floor when viewed from the motorway.
4.10.10	The proposed design, layout and materials are considered acceptable and comply with the SPPS and Policy QD 1 of PPS 7.
4.11	Impact on the surrounding area and amenity of neighbouring properties
4.11.1	There are 5 residential buildings (apartment blocks) to the north of the site (Woodlands Manor and Musgrave Manor) which are also accessed off Stockman's Way. Four of the blocks (Musgrave Manor) are 4 storey and Woodlands Manor is 4 – 6 storeys high. One of the Musgrave Manor blocks sits immediately adjacent to the north eastern boundary of the proposed site and a separation distance of 12m is proposed between the existing and proposed residential blocks.
4.11.2	The north eastern elevation of the proposed block incorporates a narrow secondary living area window and bedroom window along with a corner terrace which wraps around part of the north eastern elevation and the eastern elevation (fronting Stockman's Way) with the door to the living area set back from the terrace.
4.11.3	The south western boundary of the adjoining Musgrave Manor residential block includes secondary living room window, bathroom and kitchen windows.
4.11.4	Whilst intervisibility is not uncommon in an urban context careful consideration has been given to potential intervisibility between the adjoining blocks and the design of the north eastern elevation has been changed during the processing of the application resulting in the layout of the terrace facing the M1 being amended to ensure that no adverse impact on existing residents in Musgrave Manor by way of overlooking will occur. The fifth floor is setback by 8m allowing for a greater separation distance from the adjoining Musgrave Manor residential block. The communal roof terrace is considered to be a sufficient distance away to ensure no adverse impact on residential amenity of occupants in Musgrave Manor by way of overlooking and noise.
4.11.5	The separation distance between the proposed block and the adjacent Musgrave Manor is considered acceptable and it is the officer's view that there will be no adverse impact on the amenity of existing residents in the adjacent Musgrave Manor in terms of overlooking, loss of light, noise and privacy. The relationship with the adjoining residential development is considered acceptable and complies with Policy QD 1 of PPS 7.
4.11.6	Block 3 proposed at the south western portion of the site will sit next to an existing office story block. The height of Block 3 (5 storeys) is lower than Blocks 1 and 2. The south western elevation of the proposed block 3 incorporates windows to serve bedrooms. Terraces are provided on each corner of this elevation with doors to serve living areas set back from the terraces. Doors to serve the living areas are also

	available on the elevation facing the M1 motorway and Stockman's Way. The separation distance between the proposed block and the adjoining office block is 8m.
4.11.7	The development is setback at the top floor to provide for communal amenity space for the residential occupiers. The setback will assist in ensuring that the proposed built development is not dominant adjacent to the existing office development. The proposed relationship with the adjoining office development is considered acceptable and it is officers' view that there would be no adverse impact on the amenity of the existing office development as a result of the adjacent proposed residential use.
4.11.8	The proposed development is situated at the entrance to Musgrave Park employment area which extends to the south and west of the site. Given its location on the periphery of this existing employment area it is considered that the proposal will not have an adverse impact on the existing employment uses. Environmental Health has not raised any issues in respect of the compatibility of existing and proposed uses with regard to noise and amenity concerns. The proposal is separated from the majority of employment uses by Stockman's Way access road and is adjacent to an existing office development. On balance it is considered that the proposal would not compromise the ability of the existing employment uses to continue their operations and it is the officer's view that the proposal is compatible with adjoining existing employment uses for the reasons set out above. The proposed development will not conflict with the employment uses in the surrounding area and complies with Policy PED 8 of PPS 4.
4.11.9	The proposal will result in the loss of the land last used for an economic development use. The previous car sales business on the north eastern portion of the site was a sui generis use and is zoned for housing in draft BMAP 2004 & 2015 and the loss of this part of the site does not conflict with Policy PED 7 of PPS 4.
4.11.10	Policy PED 7 states that planning permission will not normally be granted for the redevelopment for other uses of an unzoned site used or last used for industrial and storage or distribution purposes, except in circumstances outlined in the policy. Whilst the proposal does not meet the criteria set out in PED 7 significant weight is attached to the existing planning permission on the site for 96 apartments which is live and implementable and is on balance considered to outweigh the loss of land for economic development use.
4.11.11	A Site of Local Nature Conservation Importance (SLNCI) is located on the opposite side of Stockman's Way, to the to the east of the site. NIEA has raised no objection to the proposed development and it is considered that the proposal will have no adverse impact on the SLNCI and complies with PPS 2.
4.12	Amenity/Open Space Provision/Landscaping
4.12.1	<p>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. Balconies are provided for all 72 apartments and in some cases two balconies have been provided for apartments. In addition, communal areas of open space are proposed on the rooftops of each of the blocks and a communal amenity area is provided to the rear of Block 01 at ground level. Overall an average of 30 sqm of amenity provision per unit (see breakdown below) has been proposed which accords with the upper limit (10 and 30 sqm) as recommended in Creating Places and is considered acceptable.</p> <ul style="list-style-type: none"> • <i>Total private amenity provision from balconies – 1284sqm (17.8sqm per apartment)</i>

	<ul style="list-style-type: none"> • <i>Total communal residential amenity provision from roof top terraces – 534 sqm</i> • <i>Total communal amenity provision from ground floor area – 345 sqm</i>
4.12.2	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. No public open space has been proposed as part of the proposal. Policy OS 2 of PPS 8 goes on to state that an exception to the requirement of providing public open space will be permitted in the case of apartment developments where a reasonable level of private communal open space is provided. In this case a generous level of amenity space has been provided and the exemption test is met.
4.12.3	The site is also in close proximity to an existing area of open space at Musgrave Park. The developer has agreed to provide a direct link from Stockman's Way to the public open space along with a financial contribution towards the delivery of improvements to the open space at Musgrave Park. This will enable prospective occupiers of the proposed development to access the park from Stockman's Way. Taking account of the level of private amenity space proposed and proposed pedestrian link to Musgrave Park which would enable the existing area of open space to be within a reasonable walking distance the proposal is acceptable and is considered to satisfy Policy OS 2 and is in accordance with Developers Contributions Framework.
4.12.4	Landscaping proposals for the site include trees within the proposed communal amenity area, planting along Stockman's Way and trees between Block 2 and 3. Street furniture and ornamental shrubs have been incorporated within setback areas along the Stockman's Way elevation, which together with the glazed entrances to the three blocks help enliven and activate this primary frontage. The agent has advised that the type of paving proposed to the rear of the site will function as a sustainable drainage system allowing the flow of water through the surface to prevent ponding and reducing the risk of flooding. The landscaping proposals have been assessed by the Tree officer and Urban Design officer who raise no objections subject to conditions.
4.13	Space Standards
4.13.1	Whilst the space standards set out in PPS 7 Addendum 'Safeguarding the Characteristics of Established Urban Areas' do not apply to this proposal as the site is not located in an established residential area they are nevertheless a useful guide to determining whether proposed unit sizes are of a sufficient size to ensure a quality living environment for prospective occupiers.
4.13.2	<p>The proposed breakdown of units is set out as follows:</p> <ul style="list-style-type: none"> • 22 No. 1 bed apartments • 44 No. 2 bed apartments • 6 No. 3 bed apartments
4.13.3	The Space standards referred to above set out that the design standards for a 1 bedroom apartment ranges from 35/40 sqm for a 1 bedroom 1 person apartment to 50/55 sqm for a 1 bedroom 2 person apartment. The 1 bedroom apartments proposed are 53sqm and fall within the recommended design standards.
4.13.4	The Space standards referred to above set out that the design standards for a 2 bedroom apartment ranges from 60/65 sqm for a 2 bedroom 3 person apartment to 70/75 sqm for a 2 bedroom 4 person apartment. The 2 bedroom apartments proposed range from 71sqm to 77sqm and fall within or exceed the 2 bedroom recommended range.

4.13.5	The Space standards referred to above set out that the design standards for a 3 bedroom apartment ranges from 75/80 sqm for a 3 bedroom 4 person apartment, 80/85 sqm for a 3 bedroom 5 person apartment and 85/90 for a 3 bedroom 6 person apartment. The 3 bedroom apartments proposed range from 101sqm to 110sqm and exceed the 3 bedroom recommended range.
4.14	Access, Traffic and Parking
4.14.1	Vehicular and pedestrian access to the site is proposed from Stockman's Way between Block 1 and 2. Pedestrian access points are proposed at the entrance to each block and also between Blocks 2 and 3.
4.14.2	Parking for 94 car parking spaces including 4 disabled spaces is proposed at ground level within and around the blocks. The applicant proposes to widen Stockman's Way along the frontage of the site and to the south as set out in Drawing No.10 (Private Streets Determination Drawing). The site connects to the public road for both pedestrian and vehicular traffic providing immediate access to Stockman's Way. DFI Roads consider the level of parking acceptable. Green travel measures have also been secured to support the development and include the implementation of a travel plan, provision of travel cards for 3 years for each unit, provision of 2 dedicated car club spaces and discounted membership (50%) of a car club scheme for a period of 3 years for each unit.
4.14.3	The objection received raised concerns regarding traffic impact. DFI Roads has advised that they having considered the travel plan and green travel measures they have no objection to the proposed traffic impact, parking or access arrangements. Significant weight is given to the advice of the statutory consultee on this matter.
4.15	Water/Sewerage Infrastructure
4.15.1	The objection received raised concerns regarding the existing capacity of sewage to serve the development. NI Water has confirmed that there is a public water supply and surface water sewer within 20m of the site which have capacity to serve this proposal subject to an application to connect. They further advise that whilst the existing foul sewerage network is currently operating above design capacity, connection of the proposed development can be approved on the basis of the extant previously approved development ref LA04/2015/0668/F. Significant weight is given to the advice of the statutory consultee on this matter. In addition, Rivers Agency and NIEA have recommended conditions to ensure that details of sewage disposal (with appropriate consents) and final drainage assessment are submitted to and approved by the Council in advance of commencement of development as set out below.
4.16	Contaminated Land
4.16.1	Environmental Health has reviewed the Generic Quantitative Risk Assessment (GQRA) submitted with the application and advise that soil, groundwater and gas monitoring investigations have taken place to inform the assessment. EH response advises that the <i>GQRA concludes that "no pollutant linkages have been identified at the site and therefore no remedial works are recommended beyond the provision of a minimum 500mm cover system within the limited ground level perimeter planting, comprising suitable uncontaminated soils (in the context of a residential without plant uptake exposure scenario) to prevent potential exposure to contaminated soils"</i> .

4.16.2	EH offer no objections subject to conditions seeking submission of a Verification report demonstrating the successful completion of remediation works and that the site is fit for end-use (residential without plant uptake).
4.17	Noise
4.17.1	Environmental Health has reviewed the Noise Impact Assessment (NIA) submitted with the application and advise that due to the proximity of the proposed development to the M1 motorway and the Stockman's Way road network the most significant source of noise was found to be road traffic.
4.17.2	EH offer no objections subject to conditions seeking a Noise Verification Report, demonstrating implementation of the noise mitigation measures as set out in the NIA; installation of a window system and ventilation system to habitable rooms so as to ensure that internal noise levels within any proposed habitable rooms or the residential amenity space shall not exceed appropriate specified noise levels.
4.18	Air Quality
4.18.1	The site falls within the M1- Westlink Air Quality Management Area which is identified in the map below.
	
4.18.2	Environmental Health (EH) has reviewed the Air Quality Impact Assessment (AQIA) carried out by RPS which accompanies the application. EH response states that ' <i>RPS have concluded that as the predicted annual-mean NO2 and PM10 concentrations at the façades of the residential development are below their relevant AQS objectives; as such, the air quality effect of exposure on future occupants is considered by EPUK/IAQM criteria to be "not significant". On that basis, no mitigation is considered necessary</i> '.

4.18.3	The response also advises that ' <i>RPS have reported that the contribution of emissions from any proposed gas fired units are not likely to be significant in terms of nitrogen dioxide concentrations</i> '.
4.18.4	Environmental Health have offered no objection on Air Quality grounds and recommend a condition to ensure that details of any proposed combustion plant for heating and hot water provision are submitted and adequately assessed.
4.19	Construction Impacts
4.19.1	Environmental Health recommend a condition seeking the submission of a final Construction Environmental Management Plan (CEMP) to include measures to control noise, dust and vibration during the site preparation and construction phases.
4.20	Habitats Regulation Assessment
4.20.1	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 Habitats Regulation Assessment report, and conclusions therein, prepared by Shared Environmental Service, dated 10/06/2021. This found that the project would not be likely to have a significant effect on any European site.
4.21	Developer Contributions and Obligations
4.21.1	The applicant has agreed to provide an access plan for the creation and maintenance of a new opening into Musgrave Park from Stockman's Lane. The new link is to be constructed and completed prior to occupation of any unit. The developer has also agreed to provide a financial contribution towards the delivery of improvements to the existing area of open space/play equipment or improvements to facilities at Musgrave Park.
4.21.2	The proposed link to Musgrave Park will provide a direct access to/from Stockman's Way and significantly improve connectivity to the existing area of open space and to the wider area and support a sustainable movement pattern.
4.21.3	In order to mitigate the impacts of reduced level of parking, the following planning obligations are considered necessary to make the development acceptable. These will also be secured by means of a Section 76 planning agreement. <ul style="list-style-type: none"> • Implementation of Travel Plan and review for a period of 3 years; • Travel Card for each unit for a period of 3 years; • 2 dedicated Car Club spaces; • Discounted Membership of a car club (50%) for each residential unit for a period of 3 years.
4.21.4	The Section 76 will also secure the management of open space areas within the site. The planning obligations will be included as part of the planning permission by means of a Section 76 planning agreement. These are directly related to the development and will mitigate the requirement to improve connectivity and secure sustainable transport measures for the development and are considered necessary to make it acceptable.
4.22	Pre- Application Community Consultation

4.22.1	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 15 th October 2020 (LA04/2020/2073/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. The Council recommended that consultation with the South Belfast Partnership Board should take place. The Pre-Application Community Consultation (PACC) online event ran from 16th November 2020 until 18th December 2020 and facilitated feedback through a dedicated website.
4.22.2	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 and has taken account of the Council's comments during the PAN process. The report has confirmed advertising for the public event and that the public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that 600 packs containing an information leaflet on the proposed development and incorporating comment card and details of the consultation website were distributed to homes and businesses within a 200 metre radius of the proposed development. In addition, the PACC confirms that all elected representatives including local councillors, MLAs, the MP for the area and a local sports club were notified about the consultation process and elected representatives were invited to be briefed on the proposals.
4.22.3	The report states that issues raised related to the road width and the volume of traffic in the area at peak times and advises that the applicant is aware of these concerns and is working to help address the issues raised within their application. Other issues raised related to provision of a small community hub within the development. The PACC report also states that the <i>'development team is committed to ongoing consultation during the planning application submission phase. Local listening has not ceased but is being openly encouraged throughout this process'</i> .
4.22.4	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.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having regard to the development plan, relevant policy context and other material considerations including the planning history, the proposal for a residential development of 72 apartments and associated parking, landscaping and road widening along Stockman's Way is considered acceptable and approval is recommended subject to conditions and a section 76 planning agreement.

It is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the Section 76 planning agreement and wording of conditions subject to no new substantive planning issues being raised by third parties.

Draft 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 commencement of development a detailed specification and samples and sample panels of all external finishes shall be submitted to, made available on site for inspection by the Council and shall be approved in writing. The samples shall be retained on site until completion of the development. The development shall be carried out in accordance with the agreed details.

Reason: To ensure a high quality development.

3. All hard and soft landscaping works shall be carried out in accordance with the approved details on Drawing No. 07A – Proposed Landscape Plan published by Belfast City Council on 23 June 2021. The works shall be carried out prior to the occupation of the development unless otherwise agreed in writing by the Council and Planning Service informed within 2 weeks of completion of the works so that a site inspection can be carried out. 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 surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

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

4. Notwithstanding the details set out on Drawing No. 07A – Proposed Landscape Plan published by Belfast City Council on 23 June 2021 details of a permeable surfacing material for the car parking areas and communal amenity area at ground level shall be submitted to and agreed in writing by the Council prior to commencement of the development hereby approved. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of visual amenity and to facilitate run-off from the site.

5. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

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

7. The landscaping works hereby approved shall not be carried out unless in accordance with the Landscape Management and Maintenance Plan published by Belfast City Council on 30/07/21.

Reason: To ensure that landscaping is satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of the local area and visual amenity offering.

8. Prior to the occupation of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Service, a Verification Report. This report must demonstrate that the remediation measures outlined in the WYG Environment and Planning (Northern Ireland) Limited report entitled 'Generic Quantitative Risk Assessment (GQRA), Stockmans Way, Belfast, Project No. B025620, Coogan & Co Architects Ltd, December 2020' have been implemented.

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

- a) A 500mm cover system has been emplaced in all ground level landscaped areas.
- b) The material used to construct the cover system is demonstrably suitable for use (residential without plant uptake).

Reason: Protection of human health.

9. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority 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 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 should present all the remediation, waste management and monitoring works undertaken and demonstrate the implementation and effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of human health and protection of environmental receptors to ensure the site is suitable for use.

10. Prior to occupation of the proposed development, the applicant must submit to planning service, for review and approval in writing, a Noise Verification Report. The Verification Report shall demonstrate the following:

(a) that the noise mitigation measures as presented in section 5 of the RPS Noise Impact Assessment for Proposed development at lands between 43 Stockman's Way, Belfast, Document no. NI2038/F01 Dated: March 2021 have been installed and in particular;

(b) that entire window system (including frames, seals etc) and ventilation units to the habitable rooms shall be installed so as to ensure that internal noise levels within any proposed habitable rooms shall:

- Not exceed 35 dBLAeq (16hrs) at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided.
- Not exceed 30dBLAeq (8hrs) at any time between the hours of 23:00hrs and 07:00hrs within any proposed bedrooms, with the windows closed and alternative means of acoustic ventilation provided.
- Not exceed 45dBLAmax for any single event on more than 10 occasions between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided.

(c) That the noise level within the residential amenity space provided by the roof terraces does not exceed 50 - 55 dB LAeq.

(d) That the rating level (dBLAr,T) from the operation of any installed plant and equipment does not exceed the lowest background LA90 (Day & Night) as presented in the RPS noise impact assessment at the nearest noise sensitive residential premises when measured and/or determined in accordance with BS4142:2014 .The rating level shall be maintained thereafter.

Reason: Protection of residential amenity.

11. Prior to commencement of development on site, site clearance or site preparation, a final Construction Environmental Management Plan (CEMP) shall be submitted at least 8 weeks prior to commencement of development and approved in writing by the Council. The CEMP shall include measures to control noise, dust and vibration during the site preparation / construction phase, demonstrating the use of 'best practicable means'. The CEMP shall demonstrate that noise and vibration levels will not have an adverse impact on nearby premises (including commercial premises). The CEMP shall incorporate the dust mitigation measures as outlined Section 6 of The RPS Air Quality Impact Assessment (AQIA), Residential Development, Stockman's Way, Belfast, Ref: NI2038 March 2021.

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 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.

The (CEMP) shall include a Construction Method Statement (CMS), for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999.

The development shall be carried out in accordance with the approved details.

Reason: Protection against adverse construction impacts and to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

12. Prior to commencement of the hereby permitted development, the applicant must submit final specification details for combustion plant, including emission rates and flue termination heights, of the proposed combustion system for heating and hot water. The submission must demonstrate that there will be no significant adverse air quality impacts associated with the operation of the proposed combustion plant. Cognisance should be given to the proposed use of the roof top recreation/amenity spaces with regard to the location of combustion plant outlets.

Reason: Protection against adverse human health effects.

13. No development shall take place 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 and such agreed details have been submitted to and approved by the Council.

The development shall be carried out in accordance with the approved details.

Reason: To ensure protection to the aquatic environment.

14. Prior to the commencement of development, a final drainage assessment, compliant with Annex D of PPS 15 and Sewers for Adoption Northern Ireland 1st Edition, and containing a detailed drainage network design including a demonstration of how out of sewer flooding will be safely managed shall be submitted to and approved in writing by the Council.

The development shall be carried out 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.

15. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 20-138-PSD01 uploaded by Belfast Planning Service to EPIC 6/7/21, prior to the commencement 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.

16. No dwelling shall be occupied until hard surfaced areas have been constructed and permanently marked in accordance with the approved plan. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

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

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

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

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

19. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:20-138-PSD01 bearing the Department for Infrastructure determination date stamp 4/8/21.

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

20. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No:20-138-PSD01 bearing the date stamp 4/8/21. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

21. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of Department for Infrastructure.

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.

22. The development shall operate in accordance with the Service Management Plan.

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

Notification to Department (if relevant) Not Required

Date of Notification to Department: N/A

Response of Department: N/A

Representations from Elected Members: None

ANNEX	
Date Valid	10th March 2021
Date First Advertised	2nd April 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1st Floor Office,41 Stockmans Way,Musgrave Park Industrial Estate,Belfast,Antrim,BT9 7ET The Owner/Occupier, 1st Floor,39 Stockmans Way,Belfast,Antrim,BT9 7ET The Owner/Occupier, 2nd - 3rd Floors,39 Stockmans Way,Belfast,Antrim,BT9 7ET The Owner/Occupier, 33b ,Stockmans Way,Musgrave Park Industrial Estate,Belfast,Antrim,BT9 7ET The Owner/Occupier, 35a ,Stockmans Way,Musgrave Park Industrial Estate,Belfast,Antrim,BT9 7ET The Owner/Occupier, 37 Stockmans Way,Musgrave Park Industrial Estate,Belfast,Antrim,BT9 7ET The Owner/Occupier, 43 Stockmans Way,Belfast,Antrim,BT9 7ET The Owner/Occupier, 45 Stockmans Way,Belfast,Antrim,BT9 7ET The Owner/Occupier, Apartment 14a, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 14b, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 14c, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 14d, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 15a, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 15b, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 15c, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 15d, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 16a, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 16b, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 16c, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 16d, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 17a, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG The Owner/Occupier, Apartment 17b, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG	

The Owner/Occupier, Apartment 17c, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG
 The Owner/Occupier, Apartment 17d, Musgrave Manor, 49 Stockmans Way,Belfast,Antrim,BT9 7GG
 The Owner/Occupier, Automation Control 22 Stockman's Way, Belfast, BT9 7JU
 The Owner/Occupier, DSM 30 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Glenhill Merchants, Musgrave Park Industrial Estate, Unit 1 Stockman's Way Belfast, BT9 7ET
 The Owner/Occupier, JJ Hennebry _ Sons Ltd, Unit 1,Musgrave Park Industrial Estate,26 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Musgrave Business Centre,45 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Musgrave Park Business Centre,Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Musgrave Park Industrial Estate,21 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Office 1 (1st Floor),35 Stockmans Way,Musgrave Park Industrial Estate,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Office 1st Floor,33a ,Stockmans Way,Musgrave Park Industrial Estate,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Office 2nd & 3rd Floor,33b ,Stockmans Way,Musgrave Park Industrial Estate,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Offices 2nd & 3rd Floor (Unit 5b),35a ,Stockmans Way,Musgrave Park Industrial Estate,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 1,23 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 1,43 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 1,45 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 1,Musgrave Park Industrial Estate,21 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 1a,Musgrave Park Industrial Estate,26 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 1b,Musgrave Park Industrial Estate,26 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 2,23 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 2,Musgrave Park Industrial Estate,21 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 2,Musgrave Park Industrial Estate,26 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 3,Musgrave Park Industrial Estate,21 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 3,Unicom House,23 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 4,Musgrave Park Industrial Estate,21 Stockmans Way,Belfast,Antrim,BT9 7ET
 The Owner/Occupier, Unit 4a,43 Stockmans Way,Belfast,Antrim,BT9 7ET
 Conor Flynn

Date of Last Neighbour Notification	23 rd June 2021
Date of EIA Determination	1st April 2021
ES Requested	No

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Thursday 19 th August 2021	
Application ID: LA04/2020/1158/F	
Proposal: Demolition of existing building and erection of 65No Apartments including 20% social housing.	Location: 1-5 Redcar Street Belfast BT6 9BP.
Referral Route:	Major Application
Recommendation:	Approval subject to Section 76 planning agreement
Applicant Name and Address: Bairds Trust Laureldale Hall Laurel Bank Comber BT23 5EJ	Agent Name and Address: O'Toole 7 Starkey Ltd Arthur House 41 Arthur Street Belfast BT1 4GB
<p>Executive Summary:</p> <p>The proposal seeks outline permission for 65 no apartments on the current site of a factory.</p> <p>The main issues to be considered in this case are;</p> <ul style="list-style-type: none"> • The principle of housing at this location • The design and layout of the proposal • The impact on traffic and road safety • The impact on amenity of nearby residents and businesses • The impact on Built Heritage and Archaeological interests • Waste management • Human health • Parking provision and access • Drainage and flooding • The consideration of developer contributions <p>The site is located the development limits of Belfast in the BUAP 2001 and Draft BMAP 2015 (dBMAP) and is unzoned, white land under dBMAP.</p> <p>As the site is within the settlement development limit and taking into account the site context and last use of the site as a factory, the principle of housing at this site is acceptable subject to prevailing policy considerations.</p> <p>Consultees including DfI Roads, NIEA, Northern Ireland Housing Executive, Historic Environment Division and NI Water have no objection to the proposal subject to conditions. Their consultations are detailed in the main body of the report.</p> <p>Having regard to all of the submitted information and reports, consultee responses and representations, officers consider that the proposed scheme will create a quality residential</p>	

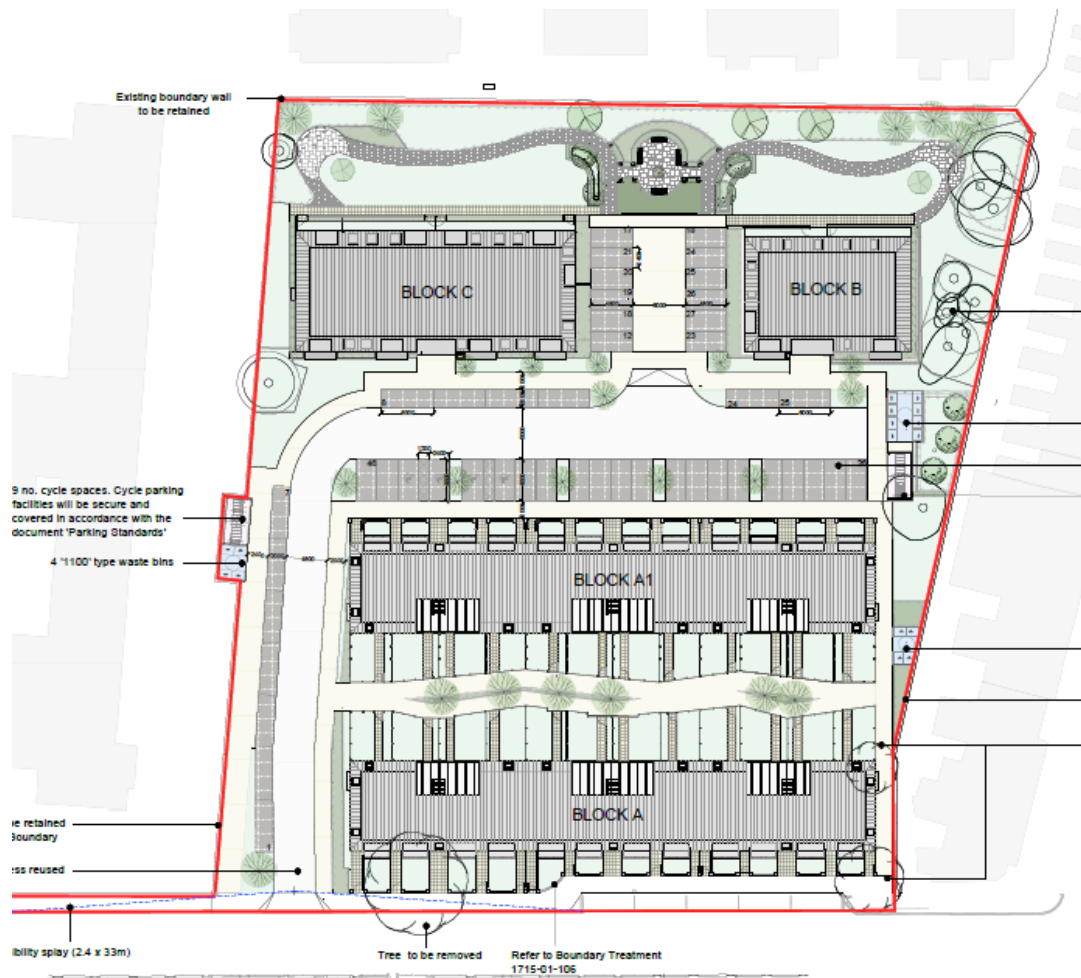
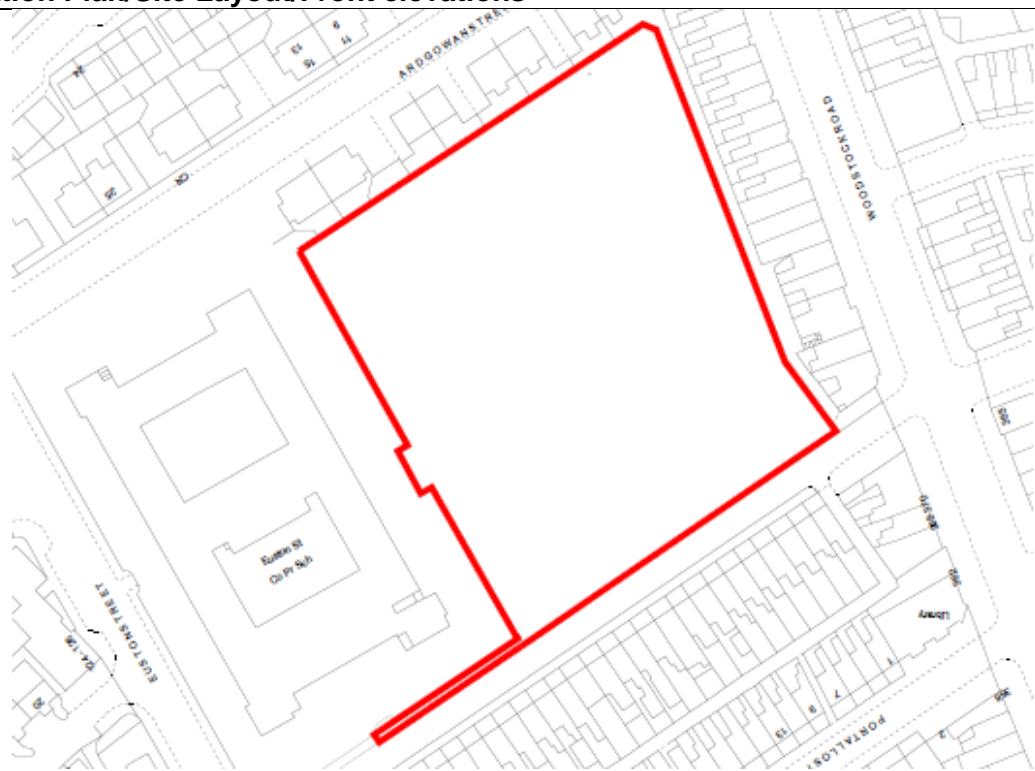
environment, contribute positively to the local environment by creating a more sympathetic use adjacent to the school and other residential streets and will meet the requirements of PPS 3, PPS 4, PPS 7, PPS 8, PPS 12 and PPS 15.

11 no objections were received, one of which was received in response to the most recent amended scheme. All objections are considered under Para 7.0 of the report.

Having regard to the Development Plan, and other material considerations, the proposed development is on balance considered acceptable. It is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the Section 76 planning agreement and wording of conditions subject to no new substantive planning issues being raised by third parties.

Case Officer Report

Site Location Plan/Site Layout/Front elevations





Characteristics of the Site and Area

1.0 Description of Proposed Development

- 1.1 The proposal seeks full permission for 65 no apartments over 4 blocks. The first are two terrace blocks (Block A) and then two smaller mansion blocks to the rear (Blocks B and C). All four buildings are 3-storey including the roof.
- 1.2 Between the two terraces of Block A there are private gardens for the larger ground floor units, and a central private alleyway which can be used for residents bringing bins to the main bin store. To the rear of Blocks B and C is a large area of communal open space.
- 1.3 There is also a bin store provided for all 65 units. Proposed boundary treatments include 1.1m walls with railings and gates to the front of the Block A terraces and to the rear, the 1.8m boundary wall is to be retained and made good. The Block A private back gardens will be bounded and divided by 1.8m timber fencing.

2.0 Description of Site and Area

- 2.1 The application site comprises a large rectilinear 2-storey commercial/factory building that covers a large proportion of the site, with the remainder used for parking and ancillary purposes.
- 2.2 The opposite side of the site on Redcar Street is comprised of 2-storey residential dwellings, mostly render with some red-brick.

2.3	Adjacent to the site is Euston Street Primary School. Most of the surrounding streets contain terraced residential housing with some apartments. The nearby Woodstock Road is an arterial route and comprises mixed uses such as retail, hot food etc with some “above the shop” residential uses. The site is approximately 1 mile from Lanyon Place Train Station.
2.4	At present the site is enclosed by a 1.8m wall at the rear bounding Ardgowan Street as well as adjacent to the school. There is currently 2 metre security fencing onto Redcar Street.
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History
3.1	Ref ID: Z/1989/0464 Proposal: Warehouse and ancillary offices (Approval of Reserved Matters) Address: 1-5 REDCAR STREET BELFAST BT6 Decision: Permission Granted Decision Date: 07.08.1989
3.2	Ref ID: LA04/2019/0759/PAN Proposal: Demolition of existing building and erection of residential development. Address: 1-5 Redcar Street, Belfast, BT6 9BP., Decision: PAN Acceptable Decision Date: 18.04.2019
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015) Draft Belfast Metropolitan Plan 2004
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Natural Heritage 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 Environment Planning Policy Statement 7 – Quality Residential Environments PPS7 addendum – Safeguarding the Character of Established Residential Areas Planning Policy Statement 8 – Open Space Planning Policy Statement 12 – Housing in Settlements Planning Policy Statement 15 – Planning and Flood Risk
5.0	<u>Statutory Consultees</u> DfI Roads – no objections in principle, subject to conditions, informatives and Private Streets Determination (PSD) Rivers Agency – no objection subject to condition NIEA Natural Heritage – no objections NIEA Land, Soil, and Air – no objections subject to conditions NIW – No current capacity – see Para 8.10.2
6.0	<u>Non-Statutory Consultees</u> Environmental Health BCC – no objections subject to conditions and informatives

	<p>Northern Ireland Housing Executive – have indicated there is social housing need in the vicinity and they welcome 20% social housing</p> <p>Economic Unit BCC – no identified need for Section 76 clauses relating to employability & skills</p> <p>Urban Design Officer BCC – content in principle subject to condition</p> <p>Tree Officer BCC – no objections subject to conditions</p> <p>Northern Ireland Electricity – no objection subject to informative</p>
7.0	<u>Representations</u>
7.1	11 no representations were received
7.2	<p>The issues raised can be summarised as follows:</p> <ul style="list-style-type: none"> a) Traffic, parking provision, road safety and congestion including impacts from school traffic being exacerbated b) Cumulative impact of further 12 apartments at 52 Redcar Street c) Loss of trees d) Increase in density e) Balconies causing detriment to privacy by virtue of insufficient separation distance f) Current wall at Ardgowan Street boundary being unsafe g) Negative impact on property values h) Negative impact of construction on amenity i) Increased density causing increased spread of Covid-19 j) Full consultation was not undertaken k) Increased numbers of rodents l) Blocking of light into properties at Ardgowan Street m) Impact on sewage and water pressure n) Creation of a gated community
7.3	<p>The issues above have been considered as follows:</p> <ul style="list-style-type: none"> a) There has been extensive consultation and negotiation with DfI Roads on all aspects of parking provision within the site. Additional surveys were submitted. Additional parking was designed into the layout and a layby was created on Redcar Street to aid with progression. Green Travel measures are proposed which will be included in the Section 76 agreement. DfI Roads have expressed that they are content in principle subject to conditions and informatives and the Private Streets Determination. b) The 12 apartments at the end of Redcar Street have been considered in terms of traffic and parking c) 9 no trees are proposed for retention along the side and rear boundaries. There are 35 no heavy standard and semi-mature trees proposed to complement these retained trees. The trees to the front which are being removed are on lands adopted by DfI Roads and are removed to accommodate the footpath and layby as required by DfI Roads. d) The density has not increased, see Para 8.4.12. e) The balconies of Block A facing onto Redcar Street are at one level only – that of the first floor. The second floor contain “Juliet balconies” which do not allow a seating area. The balconies of the first floor are accessed off the smaller bedrooms of the duplex units – it is not considered that these will unduly impact privacy. f) Following the objection regarding the rear wall, the agent met the objector on site and subsequently submitted a plan which details that the wall will be made good in any areas with structural issues. g) Property values are not a material planning consideration and therefore little weight is attached to this concern. h) Environmental Health were consulted on the proposal and have not expressed concern about undue noise and disturbance during construction. Naturally there is always some noise and disturbance during construction however this is managed

	<p>under separate legislation to ensure operating hours and noise levels are appropriate.</p> <ul style="list-style-type: none"> i) In the intervening time since this objection was received, a large proportion of the population have been vaccinated against Covid-19. No guidance has been issued to state that building densities should be reduced as a consequence of the pandemic. j) See Para 8.12 and Para 8.13 which details the pre-community consultation and consultation undertaken as part of the application process. k) There is no evidence to suggest that additional residential properties would lead to an increase in rodents and there is a Service Management Plan submitted to manage waste collections etc. l) There is a separation distance of some 20m between the rear blocks and Ardgowan Street. There is no indication that light will be impacted. m) NIW were consulted and NI Water confirmed that waste water treatment capacity is not available at present for the proposed development and advised that if the applicant wishes to proceed they should contact NIW to discuss alternative interim options such as a temporary wastewater facility at the developer's own expense; this would not be adopted by NIW in the future. NI Water have confirmed that they have a programme for WWTW improvements which will increase capacity over the coming years. This includes two new sludge processing tanks for Belfast and subsequent improvements to the city's six existing sludge processing tanks. These works are estimated to be completed within 2.5 years – well 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. In light of the NI Water response the agent has advised that they would be agreeable to the use of a negative planning condition to require full details of the how foul/waste water is to be disposed of prior to commencement of the development. n) There is no intention to create a gated community as detailed in the boundary treatments.
8.0	<u>ASSESSMENT</u>
8.1	<u>Development Plan</u>
8.1.1	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) 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.
8.1.2	Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it 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.
8.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies

	relating to Sprucefield Shopping Centre, dBMAP 2015 is considered to hold significant weight.
8.1.4	The site is un-zoned white land under the BUAP and both versions of BMAP.
8.2	<u>The principle of residential development at this location</u>
8.2.1	The SPPS sets out five core planning principles for the planning system, including improving health and wellbeing, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making.
8.2.2	The site is located within the settlement limits in draft BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations discussed below.
8.2.3	The surrounding context is predominantly housing and the site is zoned as white land. As the site is occupied by an existing manufacturing building (Class B2) Policy PED7 (Retention of Zoned Land and Economic Development Uses) of PPS4, 'Planning and Economic Development', is a material consideration. The proposal involves the loss of a manufacturing premises to residential use. This is contrary to Policy PED7, which is explored further in Para 8.3 below.
8.2.4	Northern Ireland Housing Executive (NIHE) were consulted and confirmed that there is an identified need in the area for social housing.
8.2.5	Further considerations are the policy provisions of PPS 7 and PPS 8 which are also explored below.
8.3	<u>Economic Considerations.</u>
8.3.1	The Design and Access Statement (DAS) states that <i>"the site is operated by Decco Ltd Cash and Carry, which is a DIY, garden, construction and industrial supplies merchant that serves high street retailers, garden centres and building/engineering companies."</i> It also states that <i>"The use comprises the storage and distribution of materials that accommodates trade based custom and does not cater for the general retail market. Goods are stored on-site and sold directly to trade. Customers can also place orders for delivery with the field and telesales team or via the company's online platform. Although comprising an element of B4 (storage or distribution), paragraph 5.31 of PPS4 confirms that a builders' supplies merchants as a sui generis use."</i>
8.3.2	The DAS goes on to state that as <i>"the proposed scheme would not strictly result in the loss of any of these uses, it is our view that an assessment against the provisions of PED7 is not required."</i>
8.3.3	The DAS also states that without prejudice to the above point, that it is considered that the proposal would satisfy criteria (d) and (e) stating that the present use has a significant adverse impact on the character and amenities of the surrounding area, and, that the site is unsuitable for modern industrial, storage or distribution purposes.
8.3.4	Whilst the current use could be argued to be sui generis it could also be considered that a B2 or B4 use would be lawful and for that reason PED 7 should be assessed in full.
8.3.5	It is considered that the present building and use on the site is not in keeping with its context which is characterised by low-rise housing. There are no large factories or Class B2-B4 uses in the locale. Redcar Street is narrow and characterised by terraced housing as well as the nearby school and it is considered that a residential use would be more compatible with the locale.

8.3.6	It is considered that the existing use if proposed in the modern day would be contrary to PED 9 of PPS 4, a point also made in the accompanying DAS. The applicant has also agreed to a significant developer contribution of 20% social housing which will assist housing need in the area.
8.3.7	It is therefore considered that on balance, the proposed use complies with Policy PED 7 and that the proposed use would be more compatible with surrounding uses.
8.3.8	In terms of Employment and Skills, an assessment was provided by the agent. It demonstrates an estimated 123 full time jobs during construction and a further 5 full-time jobs on an on-going basis. The Council's Economic Team were consulted and advised that <i>"the current projection forecast 5 employments being created through the development, due to the end use being residential accommodation. This will have no nominal effect on the Belfast labour market or skills issues. Therefore no employability and skills related Developer Contributions Section 76 clauses will be required for this phase of the development"</i> .
8.4	<u>Design and layout</u>
8.4.1	Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 states that sustainable economic growth will be supported. The SPPS states the majority of PPS's remain applicable under 'transitional arrangements', including PPS 3. The SPPS states that PPS3, 7 and 12 remain applicable under 'transitional arrangements'.
8.4.2	Planning Policy Statement 7 relates to quality in housing developments. PPS 7 objectives place emphasis on achieving quality residential development not only in terms of respecting local character and amenity of established residential areas, but also the developments themselves should be attractive for prospective residents. QD1 lists 9 criteria with which all proposals for residential development must comply. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations. The PPS7 addendum "Safeguarding the Character of Established Residential Areas" is also a material consideration and includes three policies LC1-3.
8.4.3	<u>Criterion (a)</u> of QD1 of PPS 7 requires the development to respect the surrounding context and to be appropriate in terms of layout, scale, massing, appearance and surfacing. The Urban Design Officer (UDO) notes that the current application <i>"proposes three storeys across all four blocks within the site with the upper floors taking the form of a contemporary mansard addition which visually retains the general impression of a two storey scheme, reflecting the general heights within surrounding context"</i> . The UDO goes on to state that the height is <i>"appropriate to this site and reflects that of neighbouring buildings. It is also worthy to note that the block along Redcar Street has also been setback from the road so as to further reduce the perceived massing of the building, while allowing for the creation of an attractive landscaped/ garden buffer which again softens the building."</i>
8.4.4	<u>Criterion (b)</u> is not applicable.
8.4.5	<u>Criterion (c)</u> requires adequate provision for public and private open space and landscaped areas as an integral part of the development. Planning Policy Statement 8, Policy OS2 Public Open Space in New Residential Development recommends at least 10% public open space. There is approximately 1445sq m of open space to the rear and sides of Blocks B and C available to the public not including additional incidental space. Some of the units in Block B

	and C have private balconies and others have direct access onto the open space including a private buffer at ground floor.
8.4.6	Block A contains approximately 980m of ground floor space between the two terraces. This comprises of a landscaped walkway (240sqm) and private gardens for the larger units. The gardens range from approximately 20 – 35 sqm which are considerable for duplex/apartment units. The 1-bedroom apartments which are located across the second floor of the terraces have access to the walkway at ground floor, the communal open space to the rear, and also benefit from landscaped courtyards varying from approximately 25-40sqm which contain the front doors to the apartments but also seating and planting.
8.4.7	The UDO notes the generous open space provided including the “ <i>dynamic linear route that doubles as a shared communal space and will improve community cohesion for future residents as well as providing a safe space for children to play in. It is noted that both of the longer blocks would benefit from a total separation distance of 16.4m, which includes the communal linear/gillen space, which in my view is considered sufficient in what is a relatively urban context</i> ”.
8.4.8	The proposal meets policy requirement criterion (c) as well as the 10% requirement in Policy OS2 of PPS 8 and Creating Places
8.4.6	<u>Criterion (d)</u> relates to the provision of local neighbourhood facilities. It is considered that there are sufficient neighbourhood and community facilities on the Woodstock Road/Cregagh Road.
8.4.7	<u>Criteria (e) and (f)</u> require adequate and appropriate provision for parking, walking and cycling in conjunction with the policy requirements of Planning Policy Statement 3: Traffic Movement and Parking. DfI Roads were consulted and initially had concerns regarding the level of incutillage parking, the capacity of on-street parking in the area and potential progression issues. As a result, the applicant provided additional surveys, proposals for green travel measures including car club, bike club and travel cards and introduced a parking bay to improve road safety. Additionally they increased the number of incutillage spaces to 46 no. DfI Roads have advised in an email dated 7 th June 2021 that they have no objections in principle subject to conditions, informatives and PSD and that they intend to provide a final response in a matter of days.
8.4.8	<u>Criterion (g)</u> relates to design and materials. The proposal was subject to a PAD which was not finished in its entirety. As a result some changes were requested to ensure better articulation and design in addition to layout changes necessitated by feedback from DfI Roads. The UDO states that “ <i>Both the block along Redcar Street and its sister block immediately to the rear incorporate projecting bays at GF level with small terraces above. This not only picks up contextually on the projecting bays of the existing terrace directly opposite but also helps to introduce a rhythm to the terrace and break up its massing, while adding depth and visual interest to its articulation. Blocks B and C to the rear echo the façade arrangements of the large blocks but with less pronunciation of bays in a nod to the larger mansion block footprints of existing buildings found along Ardgowan Street to the south. As mentioned previously, the use of a mansard profile at upper floor level allows for additional accommodation to be provided without necessarily adding a great extent of bulk to the buildings. The design of the gable ends of the buildings have been improved in order to reduce massing and create more attractive frontages in these locations that provide increased passive surveillance</i> ”.
8.4.9	The UDO goes on to describe the materials – “ <i>a mix of buff brick and render have been utilised for the finishes of the buildings across the site. While this will differ to a degree with the largely predominant use of red brick in adjacent streets, the use of a buff brick will in my opinion result in a contemporary and fresh arrangement that helps to embed the buildings</i>

	<i>within their setting with the use of white render reflecting materials found along existing terraces in the wider area". He also suggests that "should a recommendation of approval be made, I would suggest that an appropriately worded condition is included that requires the Council's prior approval of materials including the buff brick, render, windows/doors, roof material as well as any railings/boundary treatments". This condition is included at Para 11.2.</i>
8.4.10	<u>Criterion (h)</u> deals with the impact the development may have on adjacent land uses and residents taking into account the proposed layout, existing and proposed boundary treatments and separation distances. During negotiation, separation distances were increased both between Blocks B and C to the rear boundary and between the terraces of Block A and it is considered that there will be no unacceptable adverse impact on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance
8.4.11	Policy LC1 (Protecting Local Character, Environmental Quality and Residential Amenity) of the addendum to PPS 7 states that the proposed density of the development must not be significantly higher than that found in the established residential area and that the pattern of development is also in keeping with the overall character of the locale. The density of apartments (at approximately 81 dwellings per hectare) is lower than that of the nearby residential terraces estimated by the UDO at 1 at 110-120 dwellings per hectare. The pattern of terraces is more appropriate/in keeping with the local environment than the factory building. The proposal therefore meets criteria (a) and (b) of Policy LC1.
8.4.12	In addition, criterion (c) states that all dwelling units and apartments comply with the space standards set out in Annex A. The site layout submitted by the agent show sizes which vary from 40sqm for a one-person studio to 102sqm for a six-person three-bed apartment. These meet the requirements for space standards as outlined in Annex A of the addendum to PPS 7.
8.5	<u>Built and Archaeological Heritage</u>
8.5.1	The adjacent primary school, Euston Street P.S. was recently listed in 2019 and is Grade B1. Policy BH11 of Planning Policy Statement 6 (PPS 6) therefore applies as well as paragraph 6.12 of the Strategic Policy Planning Statement for Northern Ireland (SPPS). Historic Environment Division (HED) were consulted and their Historic Buildings section responded that they were largely content contingent on the windows and rainwater goods being amended from PVC to PPC aluminium. HED: HB further notes that the change to residential use and accompanying design and layout is considered a betterment to the setting of the listed building and that therefore the proposal complies with PPS 6 and the SPPS. The drawings were amended to reflect the request for more sympathetic materials for the windows and rainwater goods.
8.5.2	HED: Historic Monuments further note that the subject site contains the former Castlereagh Laundry site (IHR 10532) which is a site of industrial archaeology interest on the Department's Industrial Heritage Record. HED: HM advised that the proposal complies with Policy BH4 of PPS 6 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> . The relevant conditions are appended in paras 11.15 and 11.16.

8.6	<u>Landscaping and boundary treatments</u>
8.6.1	The site contains landscaped areas within the car park as well as a communal area of amenity space to the rear. In addition, there are incidental landscaped areas within the scheme.
8.6.2	The large area of open space to the rear was the subject of discussion and as a result, amended plans were submitted which created pathways, permanent seating areas, delineation of public and private space and movement patterns. A Landscape Management Plan has been provided and will be subject to condition.
8.6.3	The Tree Officer was consulted and provided feedback which was incorporated into the amendments. He has provided conditions and informatives.
8.7	<u>Traffic, Movement and Parking</u>
8.7.1	DFI Roads have no objection to the application. 46 no parking spaces are provided as well as cycle parking. Green measures have been included which will be secured via Section 76 (see para 8.4.7). A layby was introduced to assist with potential progression issues. The area is well connected in terms of its proximity to the city centre and is on a main arterial route in terms of public transport.
8.8	<u>Contaminated Land</u>
8.8.1	The application is supported by a GQRA which has been considered by both NIEA and Environmental Health. Both have provided conditions and informatives accordingly.
8.9	<u>Noise</u>
8.9.1	Environmental Health has reviewed the Noise Impact Assessment and advised that it meets the relevant requirements. Conditions have been provided.
8.10	<u>Air Quality</u>
8.10.1	Environmental Health has reviewed the Air Quality Assessment and advised that it meets the relevant requirements. Conditions have been provided.
8.11	<u>Site Drainage/Flood Assessment</u>
8.11.1	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. Rivers Agency advised that the Flood Risk Assessment is deemed to be robust with regards to managing flood risk. Rivers Agency have advised they have no objections under FLD 2, 4 and 5. With regards to Policy FLD 3, a Schedule 6 consent (to discharge into a watercourse) has been requested provided. Rivers Agency have no objection subject to condition.
8.11.2	NIW were consulted and advised that NI Water Limited confirmed that waste water treatment capacity is not available at present for the proposed development and advised that if the applicant wishes to proceed they should contact NIW to discuss alternative interim options such as a temporary wastewater facility at the developer's own expense; this would not be adopted by NIW in the future. NI Water have confirmed that they have a programme for WWTW improvements which will increase capacity over the coming years. This includes two new sludge processing tanks for Belfast and subsequent improvements to the city's six existing sludge processing tanks. These works are estimated to be completed within 2.5 years – well 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. In light of the NI Water response the agent has advised that they would be agreeable to the use of a negative planning condition to require full details of the how foul/wastewater is to be disposed of prior to commencement of the development. As this matter can be addressed by a suitably worded planning condition (see Para 11.15) this issue is not considered to be a refusal reason.
8.12	<u>Natural Heritage</u>
8.12.1	NIEA, Natural Environment Division (NED) acknowledges receipt of the NI Biodiversity Checklist, uploaded to the NI Planning Portal on 17 th July 2020 and the Preliminary Ecological Appraisal (PEA), dated June 2019. Having considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.
8.13	<u>Pre-Community Consultation</u>
8.13.1	For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application.
8.13.2	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2019/0759/PAN) was submitted to the Council on 8 April 2019 and was deemed acceptable on 18 April 2019. 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 (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which details public meetings, letters, leaflets and the public advertisement.
8.13.3	Concerns were expressed regarding the noise and disturbance of the existing use as well as the undesirable appearance of the existing building. The PACC report details generally positive feedback in terms of housing at the proposed location and the need for housing in the area. In terms of feedback, attendees raised that the trees should be retained, there should not be a gated community and one attendee objected to the idea of any social housing on the site.
8.13.4	It is considered that the PACC 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.
8.14	<u>Statutory Consultation</u>
8.14.1	The scheme was first advertised on 24 th July 2020 and readvertised on 30 th April 2021 Neighbour notifications were initially issued on 28 th July 2020 and re-notified of amendments to the scheme on 27 th January 2021 and 5 th May 2021.
8.15	<u>Developer Contributions</u>
8.15.1	Para 5.69 of the SPPS states that "Planning authorities can require developers to bear the costs of work required to facilitate their development proposals". A Section 76 agreement has been drafted to reflect the requirement for 20% social housing within the scheme as well as green travel measures such as car club membership, cycle club membership and travel cards.

8.16	<p><u>Conclusion</u></p> <p>The proposal will have a positive impact on the character and appearance of the area. It is considered that the proposal would result in wider economic benefits and job creation opportunities as well as providing social housing.</p> <p>Having regard to the Development Plan and relevant material considerations, including the current use on the site, the proposal is considered acceptable and planning permission is recommended subject to conditions and the applicant entering into a Section 76 Planning Agreement.</p>
10.0	<p>Summary of Recommendation:</p>
10.1	<p>Having regard to the policy context and other material considerations above, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the Section 76 planning agreement and wording of conditions subject to no new substantive planning issues being raised by third parties.</p>
11.0	<p>Proposed Conditions:</p>
11.1	<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>
11.2	<p>Notwithstanding the submitted details, no construction of the development hereby permitted shall take place unless in accordance with a schedule of external materials including samples which shall first be submitted to and agreed in writing by the Council.</p> <p>The details shall include buff brick, render, window/door materials, roof material and railings/boundary treatment materials.</p> <p>The works must be implemented and permanently retained in accordance with the details so approved.</p> <p>Reason: To ensure the material finish and detailing is appropriate to the area</p>
11.3	<p>The development hereby approved shall not be commenced unless a Contaminated Land Risk Assessment has been submitted to and approved in writing by the Council. The report must follow best practice and in the first instance contain the following information:</p> <ul style="list-style-type: none"> - A Preliminary Risk Assessment that includes a full description of the site and its surroundings, a determination of the history of the site and its surroundings, identification of the current and past land uses and a Preliminary Conceptual Site Model outlining all potential Source-Pathway-Receptor pollutant linkages. <p>Should the Preliminary Risk Assessment demonstrate that potential pollutant linkages exist on the site, then a Quantitative Risk Assessment that addresses these issues shall be submitted. This must incorporate:</p> <ul style="list-style-type: none"> - A detailed site investigation in line with BS 10175:2011+A2:2017. Any ground gas investigations should be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019.

	<p>- A satisfactory assessment of the risks (including a Revised Conceptual Site Model), conducted in line with current Environment Agency guidance. In addition, risks associated with ground gases should be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665.</p> <p>Based on the outcome of this risk assessment, a Remediation Strategy may be required. If necessary, this Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and that they no longer pose a potential risk to human health. It must also detail for the proposed remedial works are to be verified.</p> <p>All construction thereafter must be in accordance with the approved documents.</p> <p>Reason: Protection of human health.</p>
11.4	<p>In the event that a Remediation Strategy is required, in order to demonstrate that any required remedial measures have been incorporated within the proposal, prior to occupation of the development, a Verification Report shall be submitted to and agreed 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 pollutant linkages and that the site no longer poses a potential risk to human health.</p> <p>Reason: Protection of human health.</p>
11.5	<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. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied, and subsequently implemented and verified to its satisfaction. 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 and environmental receptors to ensure the site is suitable for use.</p>
11.6	<p>All fuel storage tanks (and associated infra-structure) must be fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater verified. Should contamination be identified during this process, Conditions 11.5 and 11.7 will apply.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.7	<p>After completing the remediation works under Condition 11.6; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks.</p>

11.8	<p>The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>The facades of all buildings shall be constructed so as to provide a minimum of 54 dB RW, as per Section 3.2.1 of the report from Irwin Carr Consulting entitled 'Noise Impact Assessment. Redcar Residential, Belfast', dated 24 June 2020 and referenced Rp 001N 2019124 (Redcar Residential).</p> <ul style="list-style-type: none"> - The uppermost ceilings of dwellings adjacent to the school boundary shall be constructed so as to provide a minimum of 49 dB RW, as per section 3.2.1 of the report from Irwin Carr Consulting entitled 'Noise Impact Assessment. Redcar Residential, Belfast', dated 24 June 2020 and referenced Rp 001N 2019124 (Redcar Residential). - All glazing installed within dwellings must provide a minimum sound reduction index of 31 dB RW, as per section 3.2.1 of the report from Irwin Carr Consulting entitled 'Noise Impact Assessment. Redcar Residential, Belfast', dated 24 June 2020 and referenced Rp 001N 2019124 (Redcar Residential). - An acoustically treated ventilation system must be incorporated into all dwellings and must provide a minimum of 31 dB RW, as per section 3.2.1 of the report from Irwin Carr Consulting entitled 'Noise Impact Assessment. Redcar Residential, Belfast', (dated 24 June 2020 and referenced Rp 001N 2019124 (Redcar Residential). <p>Reason: Protection of residential amenity.</p>
11.9	<p>In the event that any combustion plant, where the single or combined NOx emission rate is more than 5mg/sec, is proposed to be installed in connection with the development, the applicant must first submit an Air Quality Impact Assessment to the Council for approval in writing.</p> <p>Reason: Protection of human health.</p>
11.10	<p>The development hereby permitted shall not be commenced unless a Final Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted and approved in writing by the Council. All construction thereafter must be in accordance with the approved Assessment.</p> <p>Reason: To safeguard against flood risk to the development and from the development to elsewhere.</p>
11.11	<p>All existing trees as detailed on the stamped approved Proposed Landscape Plan, drawing No. 18A, published by the Council on 5th May 2021 shall be permanently retained unless otherwise stated on this plan. If any tree to be retained is seriously damaged, uprooted or dies, it shall be replaced with a tree of a similar species and a size standard at the time of planting to be agreed in writing by the Council.</p> <p>No arboricultural work or tree surgery shall take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 2010. Recommendations for Tree Work.</p>

11.12	<p>Reason: To ensure the continuity of amenity afforded by existing trees.</p> <p>No development may commence on site unless protective barriers (fencing) and ground protection have been erected / installed as specified in British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations' (section 6.2) on any existing trees to be retained on 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.</p> <p>Within the fenced area, no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.</p> <p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p> <p>All hard surfaces proposed within the Root Protection Area (RPA) of existing trees and any excavation, demolition and or construction within the RPA of any existing tree shall be carried out in accordance with recommendations outlined Landscape Management Plan, published by the Council on 24th September 2021.</p> <p>All soft landscaping works shall be carried out in accordance with the approved details on the Proposed Landscape Plan, drawing No. 18A, published by the Council on 5th May 2021.</p> <p>The works shall be carried out prior to the occupation of the development hereby approved or within the first available planting season after occupation, whatever is the sooner or unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
11.13	<p>Once completed, all soft landscaping shall be maintained in accordance with the Beth Moore Charter Landscape Architect 'Landscape Management Plan' titled Housing Development at Redcar St., Belfast, published 24th September 2021.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
11.14	<p>No development shall commence on site until details of wastewater disposal 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: To ensure appropriate foul drainage of the site.</p>
11.15	<p>No site works of any nature or development shall commence unless a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted to and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:</p> <ul style="list-style-type: none"> • The identification and evaluation of archaeological remains within the site;

	<ul style="list-style-type: none"> • 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. <p>All construction thereafter must be 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. L15b</p>
11.16	<p>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 11.15. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the 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>
11.17	<p>The development hereby permitted shall not be commenced unless the vehicular access, including visibility splays and any forward sight distance, has been provided in accordance with Proposed Site Layout Drawing No.102 Rev L recorded on the portal as being received by the Council on 19/05/2021.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
11.18	<p>The development hereby permitted shall not be constructed unless hard surfaced areas for parking have been constructed in accordance with Drawing No. P102 Rev L recorded on the portal as being received by the Council on 19/05/2021, to provide for parking and maneuvering of cars within the site. The approved hard surfaced areas must be permanently retained as approved and no part of these hard-surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.</p> <p>Reason: To ensure that adequate provision has been made for parking and turning of vehicles within the site.</p>
11.19	<p>The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 20032-MRA-001 Rev B bearing the Department for Infrastructure determination date stamp 07/06/2021.</p> <p>Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</p>
11.20	<p>The development hereby permitted shall not become occupied unless secure and covered cycle parking has been provided in accordance with Proposed Site Layout Drawing No.102 Rev L recorded on the portal as being received by the Council on 19/05/2021. This cycle parking must be permanently maintained.</p> <p>Reason: To ensure acceptable cycle parking facilities are provided on the site and to encourage alternative modes of transport to the private car.</p>

11.21	<p>The Residential Travel Plan - Revision 2 recorded on the portal as being received by the Council on 24/05/2021 shall be implemented on completion of the development. The Travel Plan includes provision of a three-year Residential Travel Card Scheme for one occupier of each apartment. The Scheme shall begin upon the date of first occupation and terminate three years later. The Scheme shall provide a free Residential Travel Card to one occupier of each apartment (within one month of their occupation) which is valid for the remainder of the scheme period, or until the property is vacated, whichever comes first.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.</p>
11.22	<p>The development hereby permitted shall operate in accordance with the approved Service Management Plan recorded on the portal as being received by the Council on 17/07/2021.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p>
12.0	<p>Representations from Elected Representatives (if relevant) N/A</p>
13.0	<p>Referral to DfI (if relevant) N/A</p>

ANNEX A	
Date Valid	10th July 2020
Date First Advertised	24th July 2020
Date Last Advertised	30th April 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1-5 ,Redcar Street,Belfast,Down,BT6 9BP The Owner/Occupier, 10 Ardgowan Street,Belfast,Down,BT6 9BU The Owner/Occupier, 10 Redcar Street,Belfast,Down,BT6 9BP The Owner/Occupier, 12 Ardgowan Street,Belfast,Down,BT6 9BU The Owner/Occupier, 12 Redcar Street,Belfast,Down,BT6 9BP The Owner/Occupier, 14 Ardgowan Street,Belfast,Down,BT6 9BU The Owner/Occupier, 14 Redcar Street,Belfast,Down,BT6 9BP 14, Ardgowan Street, Belfast, Down, Northern Ireland, BT6 9BU The Owner/Occupier, 16 Ardgowan Street,Belfast,Down,BT6 9BU The Owner/Occupier, 16 Redcar Street,Belfast,Down,BT6 9BP The Owner/Occupier, 18 Ardgowan Street,Belfast,Down,BT6 9BU The Owner/Occupier, 18 Redcar Street,Belfast,Down,BT6 9BP The Owner/Occupier, 1a ,Redcar Street,Belfast,Down,BT6 9BP The Owner/Occupier, 2 Ardgowan Street,Belfast,Down,BT6 9BU The Owner/Occupier, 2 Redcar Street,Belfast,Down,BT6 9BP 20 Ardgowan Street,Belfast,Down,BT6 9BU The Owner/Occupier, 20 Redcar Street,Belfast,Down,BT6 9BP 22 Redcar Street,Belfast,Down,BT6 9BP 24 Redcar Street,Belfast,Down,BT6 9BP 26 Redcar Street,Belfast,Down,BT6 9BP 28 Redcar Street,Belfast,Down,BT6 9BP The Owner/Occupier, 30 Redcar Street,Belfast,Down,BT6 9BP The Owner/Occupier, 32 Redcar Street,Belfast,Down,BT6 9BP 34 Redcar Street,Belfast,Down,BT6 9BP	

The Owner/Occupier,
 36 Redcar Street,Belfast,Down,BT6 9BP
 The Owner/Occupier,
 366 – 398b Woodstock Road,Belfast,Down,BT6 9DQ
 4 Ardgowan Street,Belfast,Down,BT6 9BU
 The Owner/Occupier,
 4 Redcar Street,Belfast,Down,BT6 9BP
 The Owner/Occupier,
 40 Redcar Street,Belfast,Down,BT6 9BP
 The Owner/Occupier,
 400 Woodstock Road,Belfast,Down,BT6 9DQ
 The Owner/Occupier,
 402 Woodstock Road,Belfast,Down,BT6 9DQ
 The Owner/Occupier,
 402a ,Woodstock Road,Belfast,Down,BT6 9DQ
 The Owner/Occupier,
 404 Woodstock Road,Belfast,Down,BT6 9DQ
 The Owner/Occupier,
 404a ,Woodstock Road,Belfast,Down,BT6 9DQ
 The Owner/Occupier,
 406 - 418 Woodstock Road,Belfast,Down,BT6 9DQ
 42 -48 Redcar Street,Belfast,Down,BT6 9BP
 490 Woodstock Road,Belfast,Down,BT6 9DQ
 The Owner/Occupier,
 5 Ardgowan Street,Belfast,Down,BT6 9BU
 The Owner/Occupier,
 50 Redcar Street,Belfast,Down,BT6 9BP
 The Owner/Occupier,
 6 Ardgowan Street,Belfast,Down,BT6 9BU
 6, Redcar Street, Belfast, Down, Northern Ireland, BT6 9BP
 The Owner/Occupier,
 8 Ardgowan Street,Belfast,Down,BT6 9BU
 The Owner/Occupier,
 8 Redcar Street,Belfast,Down,BT6 9BP
 The Owner/Occupier,
 Apartment 2,366a ,Woodstock Road,Belfast,Down,BT6 9DQ
 The Owner/Occupier,
 Euston Street Primary School,163 Euston Street,Belfast,Down,BT6 9AG

Date of Last Neighbour Notification	5th May 2021
Date of EIA Determination	26th February 2021
ES Requested	No

Planning History

Ref ID: LA04/2019/0759/PAN

Proposal: Demolition of existing building and erection of residential development.

Address: 1-5 Redcar Street, Belfast, BT6 9BP.,

Decision: PAN Acceptable

Decision Date: 18.04.2019

Ref ID: Z/1998/0597

Proposal: Erection of 90 houses and flats

Address: WILLOWFIELD PHASE 1A & 1B. 103-129 CASTLEREAGH ROAD, 37-77 REDCAR STREET, 54-100 REDCAR STREET, 88-1

Decision: Permission Granted

Decision Date: 06.05.1999

Ref ID: Z/1989/0464

Proposal: Warehouse and ancillary offices (Approval of Reserved Matters)

Address: 1-5 REDCAR STREET BELFAST BT6

Decision: Permission Granted

Decision Date: 07.08.1989

Ref ID: Z/1989/0065

Proposal: Warehouse and ancillary offices

Address: 1-5 REDCAR STREET BELFAST BT6

Decision: Permission Granted

Decision Date: 22.03.1989

Ref ID: LA04/2015/1525/F

Proposal: Bicycle shelters-house 20nr bicycles-constructed on a concrete base

Address: Euston Street Primary School, Euston Street, Belfast, BT6 9AG,

Decision: Permission Granted

Decision Date: 10.02.2016

Development Management Officer Report Committee Application

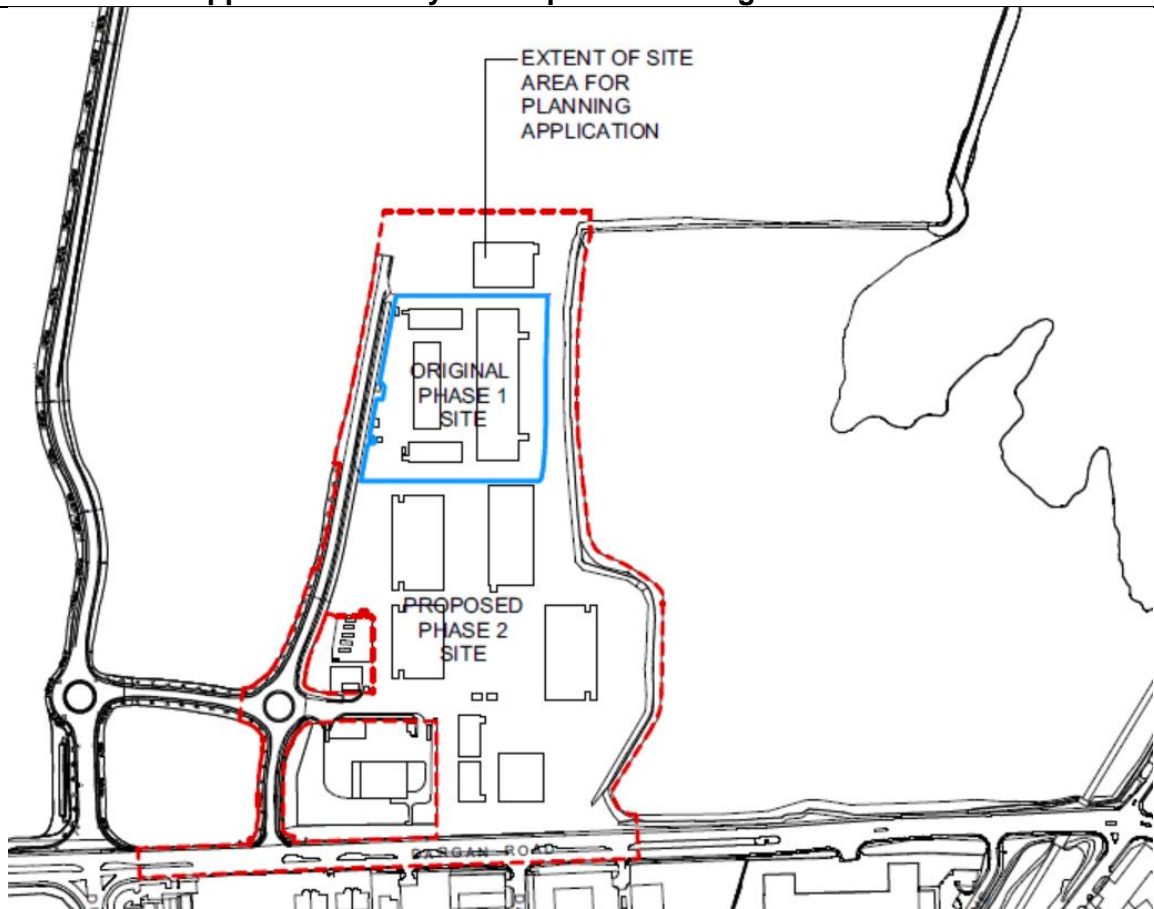
Summary	
Committee Meeting Date: Thursday 19 August 2021	
Application ID: LA04/2021/1358/F	
Proposal: Section 54 application seeking amendments to condition Nos 2 (access), 7, 13, 20 (CEMP), 9, 10, 15, 16, 19 (ground conditions), 12 (noise/vibration), 17 (piling risk), 21 (drainage), 27 (landscaping) to enable a phased approach to the construction of the permitted film studios complex approved under planning permission LA04/2020/0474/F. [amended condition wording]	Location: Lands immediately north and south of existing film studios north of Dargan Road Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park).
Referral Route:	Major Application
Recommendation:	Approval
Applicant Name and Address: Belfast Harbour Commissioners Harbour Office Corporation Square Belfast BT1 3AL	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
Executive Summary: The proposal seeks permission under Section 54 of the Planning Act (Northern Ireland) 2011 to vary several conditions to allow for a phased construction of Planning Application approval LA04/2020/0474/F (see Annex B for committee report of original approval). The site is un-zoned “white land” within the Belfast Area Urban Plan (BUAP) 2001. It is located within the development limits of the City in the draft Belfast Metropolitan Area Plan (dBMAP) with a number of relevant zonings: <ul style="list-style-type: none"> - Within BHA 07 Employment and Industry North Foreshore - Within an Area of Mineral Constraint - Adjacent to a National Designated Site (Inner Belfast Lough Area of Special Scientific Interest); - Adjacent to two European Designated Sites – Belfast Lough Special Protection Area (SPA) and Belfast Lough Open SPA; - Adjacent to an International Designated Site Belfast Lough Ramsar Site - Adjacent to BHA10 Local Landscape Policy Area (LLPA) NIEA, Environmental Health, DfI Roads and Rivers were consulted in relation to the amended wording of conditions. It has been agreed with the applicant that Condition No 8 does not require amendment as a separate application has been made to discharge that condition for the site in its entirety. All consultees are content with the phased approach.	

The proposed development is estimated to represent an investment of £45m, generate in excess of 200 construction jobs and approximately 1,000 creative industry jobs and it is considered that the variation of conditions to assist this investment is acceptable.

Having regard to the Development Plan, and other material considerations, the proposed amendment to the conditions of the approved development is considered acceptable. It is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan/Approved Site Layout/Proposed Phasing Plan





Characteristics of the Site and Area	
1.0	<u>Description of Proposed Development</u>
1.1	<p>The proposal seeks full permission to vary several conditions of the previous approval. This includes:</p> <ul style="list-style-type: none"> • Condition 2 (access), • Conditions 7, 13, 20 (CEMP), • Conditions 9, 10, 15, 16, 19 (ground conditions), • Condition 12 (noise/vibration), • Condition 17 (piling risk), • Condition 21 (drainage) and, • Condition 27 (landscaping)
1.2	This is proposed in order to allow the approved development to be brought forward in three phases, should investors wish to do so.
1.3	In all cases, the amended wording includes reference to the submitted phasing plan. Full details of the amendments is provided in Annex C.
2.0	<u>Description of Site and Area</u>
2.1	The area of the site is 10.5 hectares and was part of the former Dargan Landfill Site. The landfill site was closed in March 2007 and was subject to capping following completion of landfill operations on the area.
2.2	The site is part of the wider North Foreshore Giant's Park. The wider site has been landscaped in the interim years with land directly south of the application site developed for a Belfast City Council Waste Electrical and Electronic Equipment (WEEE) transfer station and a (landfill) gas powered electricity generating turbine complex.
2.3	Access to the site is via the existing internal road infrastructure off Dargan Road which has been upgraded with a signalised junction.
2.4	The application site is on low-lying ground and is located immediately adjacent to Belfast Lough. The area to the north of the site is described as the northern zone of the North Foreshore land and is the area of most recent cessation of landfill operations. This area of land slopes upwards to the north. The area to the south and east of the site consists of industrial and commercial buildings that contrast to the dominant residential use west of the M2 / Shore Road. There is an established woodland strip along the western North Foreshore boundaries which provides a landscape buffer and protection from the Motorway.
Planning Assessment of Policy and other Material Considerations	
3.0	<u>Planning History</u> Full details of all historical applications are provided at Annex A. Of particular relevance to this site are the following:
3.1	<p>Ref ID: LA04/2020/0474/F</p> <p>Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, services and access from existing internal access road, landscaping and associated site works.</p>

	<p>Address: Lands immediately north and south of existing film studios north of Dargan Road Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park). [Amended address], Decision: Permission Granted Decision Date: 19.08.2020</p>
3.2	<p>Ref ID: LA04/2019/1612/PAN Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, servicing & access from existing internal access road, landscaping and associated site works. Address: Lands immediately north & south of existing film studios, north of Dargan Road, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's Park)., Decision: PAN Acceptable Decision Date: 31.07.2019</p>
3.3	<p>Ref ID: LA04/2019/1540/F Proposal: Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks. 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works. Address: Lands to the northwest of existing Belfast City Council Waste Transfer Station, (2a Dargan Road, Belfast, BT3 9JU). Decision: Application under consideration.</p>
3.4	<p>Ref ID: LA04/2015/1605/F Proposal: Film studios complex comprising production, studio and workshop buildings, associated service yards, car parking, access to service roads under construction (Z/2014/1279/F), landscaping and ancillary works including 3No stand-alone transformer compounds, security hut and proposed headwall (amended description) Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility) adjacent to Belfast Lough, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park, with access from Dargan Decision: Permission Granted Decision Date: 25.02.2016</p>
3.5	<p>Ref ID: LA04/2015/0982/PAN Proposal: Construction of film studios complex, associated yards, car parking & access. Film studios to comprise four separate buildings as follows; Production (37,450 sq ft.) Stage 01 & stage 02 (66,000 sq ft.) Stage 03 (45,000 sq ft.) Workshop 01, 02 & 03 (46,170 sq ft.) Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility), adjacent to Belfast Lough, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park), Decision: PAN Acceptable Decision Date: 15.12.2016</p>

3.6	<p>Ref ID: Z/2014/1279/F</p> <p>Proposal: Provision of new upgrade of existing roads infrastructure and associated site capping together with associated landscaping and site works</p> <p>Address: Lands of the former Dargan Road land fill site, to the north of Dargan Road, Belfast.</p> <p>Decision: Permission Granted</p> <p>Decision Date: 24.04.2015</p>
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001 (BUAP)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015)</p> <p>Draft Belfast Metropolitan Plan 2004</p>
4.2	<p>Regional Development Strategy</p> <p>Strategic Planning Policy Statement for Northern Ireland (SPSS)</p> <p>Planning Policy Statement 2 (PPS 2) – Planning and Nature Conservation</p> <p>Planning Policy Statement 3 (PPS 3) - Access, Movement and Parking</p> <p>Planning Policy Statement 4 (PPS 4) – Planning and Economic Development</p> <p>Planning Policy Statement 13: Transportation and Land Use</p> <p>Planning Policy Statement 15 (Revised) (PPS 15) - Planning and Flood Risk</p>
5.0	<p><u>Statutory Consultees</u></p> <p>DfI Roads – no objections in principle, subject to conditions</p> <p>Rivers Agency – no objection subject to condition</p> <p>NIEA Natural Heritage – no objections</p> <p>NIEA Land, Soil, and Air – no objections</p>
6.0	<p><u>Non-Statutory Consultees</u></p> <p>Environmental Health BCC – no objections subject to conditions</p>
7.0	<u>Representations</u>
7.1	No representations were received.
8.0	<u>ASSESSMENT</u>
8.1	<u>Development Plan</u>
8.1.1	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) 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.
8.1.2	Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it 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.
8.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies

	relating to Sprucefield Shopping Centre, dBMAP 2015 is considered to hold significant weight.
8.1.4	The PAC report (independent examination) recommended that Zoning BHA07 and Proposal BHA19 be deleted from the Plan and replaced by a new mixed use zoning BHA07. The Key Site Requirements (KSR's) are broadly similar to those in the draft plan and are detailed under Sections 9.2.3 – 9.2.10.
8.2	<u>The principle of phased development of the approved scheme</u>
8.2.1	The proposal has been split into three phases to bring forward the various studios, workshops and vendor villages. The landscaping associated with each phase is clearly marked on the proposed phasing plan and all accesses are undertaken as part of Phase 1. It should be noted that the boundary line for the proposed Phase 1 partially bisects the building labelled SS5. Revision C of the 'Proposed Site Plan' drawing notes that the position of the phasing line at this location indicates the ground works associated with the Phase 1 site levels and that the SS5/SS6/O3 building will in fact be delivered in Phase 2.
8.3	<u>Economic Considerations.</u>
8.3.1	Whilst it is preferred to consider phasing at the initial application stage, given the level of investment this development can potentially bring forward, the applicant states this will assist in securing investors.
8.4	<u>Traffic, Movement and Parking</u>
8.4.1	DFI Roads have no objection to the application subject to condition, noting that site splays and accesses are all provided under the first phase.
8.6	<u>Contaminated Land</u>
8.6.1	Both NIEA and Environmental Health were consulted as part of this application. NIEA provided a response of no objections. The Environmental Health team required further clarification with regards to ground gas management and have now provided a response of no objections subject to conditions. These condition wordings have been agreed with the applicant via their agent.
8.7	<u>Noise and Vibration</u>
8.7.1	Both NIEA and Environmental Health Service are content that the conditions can be reworded to permit phasing.
8.8	<u>Site Drainage/Flood Assessment</u>
8.8.1	Rivers Agency were consulted and have no objections subject to conditions.
8.9	<u>Natural Heritage</u>
8.9.1	NIEA, Natural Environment Division (NED) were consulted and have no objections subject to conditions
8.10	<u>Statutory Consultation</u>
8.10.1	The scheme was first advertised on 16 th June 2021 and readvertised on 22 nd July 2021. Neighbour notifications were initially issued on 16 th June 2021 and re-notified of amendments to the scheme on 14 th July 2021.

<p>8.11</p> <p>8.11.1</p>	<p><u>Conclusion</u></p> <p>The proposal to vary conditions 2 (access), 7, 13, 20 (CEMP), 9, 10, 15, 16, 19 (ground conditions), 12 (noise/vibration), (piling risk), 21 (drainage) and 27 (landscaping) to allow the phasing of the development is considered reasonable and acceptable. There are no technical objections to the application. Having regard to the planning policy context, the variation of conditions is considered acceptable.</p>
<p>10.0</p> <p>10.1</p>	<p>Summary of Recommendation:</p> <p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable.</p> <p>The variation of conditions will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission, subject to the variations granted by this decision. It is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the wording of conditions.</p>
<p>11.0</p> <p>11.1</p> <p>11.2</p> <p>11.3</p> <p>11.4</p>	<p>Proposed Conditions:</p> <p>As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before 13th August 2025.</p> <p>Development in any particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, shall not become operational until the vehicular access, including visibility splays and any forward sight distance associated with each sub phase are provided in accordance with Drawing No. RPS-HGN-XX-DR-C-100-0002 Revision P1.2 'Proposed Road Layout Sheet 1', published by the Belfast City Council Planning Office on 15 April 2020 and Drawing No. RPS-HGN-XX-DR-C-100-0003 Revision P1.2 'Proposed Road Layout Sheet 2', published by the Belfast City Council Planning Office on 15 April 2020. The area within the visibility splays and any forward sight line shall, with the exception of existing trees, be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>No part of the development hereby permitted shall become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. RPS-HGN-XX-DR-C-100-0002 Revision P1.2 'Proposed Road Layout Sheet 1' published by the Belfast City Council Planning Office on 15 April 2020 and Drawing No. RPS-HGN-XX-DR-C-100-0003 Revision P1.2 'Proposed Road Layout Sheet 2', published by the Belfast City Council Planning Office on 15 April 2020 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard-surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles. A minimum of 4% of parking shall be for disabled users and will be close to building accesses.</p> <p>Reason: To ensure that adequate provision has been made for parking and servicing.</p> <p>The development hereby permitted shall not become operational unless a minimum of 20 no. secure covered cycle parking stands have been provided close to the accesses to the proposed development for use by staff and visitors to the development. These spaces shall be permanently retained.</p>

	Reason: To encourage the use of alternative modes of transport for development users.
11.5	<p>The development hereby permitted shall operate at all times in accordance with the approved Travel Plan published by the Belfast City Council Planning Office on 03 March 2020. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads. This Travel Plan must be issued as a standalone document and the measures contained within must be monitored and assessed from the inception of the Plan on a minimum of an annual basis to ensure the Plan's effectiveness.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.</p>
11.6	<p>The rating level (dBLAr,Tr) for the combined operation of all plant and equipment associated with the phase 2 development of the Belfast Harbour Studios must not exceed existing daytime and night-time background noise levels of 59 dB (LA90,T) and 48 dB (LA90,T) respectively at the nearest noise sensitive premises when measured or determined in accordance with the requirements of BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.</p> <p>Reason: Protection of amenity against adverse impact.</p>
11.7	<p>No development shall take place in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021 until the Construction Environmental Management Plan for that sub-phase in its entirety has been submitted to and approved in writing by the Council. This Plan must outline the methods to be employed to minimise any environmental impacts during site preparation and construction works, demonstrating the use of best practicable means. All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan.</p> <p>Reason: Protection of human health and the environment and amenity of nearby premises.</p>
11.8	<p>The development hereby permitted shall not commence unless a Quantitative Risk Assessment has been submitted to and approved in writing by the Council. The Quantitative Risk Assessment should consider the information presented in the RSK Environment Ltd report entitled 'Belfast Harbour Commissioners, Proposed Film Studio Complex, North Foreshore, Belfast, Preliminary Risk Assessment' (dated 24th February 2020 and referenced 602462-1(00)). The Quantitative Risk Assessment must be conducted in accordance with Environment Agency guidance and must incorporate:</p> <ul style="list-style-type: none"> - A detailed site investigation in line with BS 10175:2011+A2:2017. Ground gas investigations should be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019. - A satisfactory assessment of the risks (including a Revised Conceptual Site Model), conducted in accordance with Environment Agency guidance. Risks associated with ground gases should be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665. <p>Reason: Protection of human health.</p>
11.9	<p>No development shall take place in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, until a detailed Remediation Strategy for that sub-phase in its entirety has been submitted to and approved in writing by the Council. The Remediation Strategy must demonstrate how the pollutant linkages identified within the agreed Quantitative Risk Assessment are to be demonstrably broken and no longer pose a potential risk to human health. The Strategy must also detail how the proposed remedial works are to be verified. The detailed Remediation Strategy</p>

	<p>must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance, and must meet the requirements of the Belfast City Council North Foreshore Developer's Guidance Note.</p> <p>Reason: Protection of human health.</p>
11.10	<p>Development in any particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, shall not become operational unless a Verification Report, demonstrating that all required remedial measures have been incorporated for that sub-phase in its entirety, has been 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 detailed Remediation Strategy have been implemented and have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health.</p> <p>Reason: Protection of human health.</p>
11.11	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works must cease and the Council must 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 Planning Authority 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>
11.12	<p>No development shall take place in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, until a Construction Noise Vibration and Dust Management Plan (CNV&DMP) for that sub-phase in its entirety has been submitted to and approved in writing by the Council. The Plan must outline the methods to be employed to minimise any noise and vibration associated with construction operations, demonstrating the use of 'best practicable means'. The plan must have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014, Code of practice for noise and vibration on construction and open sites. All construction works thereafter must be carried out in accordance with the approved CNV&DMP.</p> <p>Reason: Protection of amenity of nearby premises.</p>
11.13	<p>No development shall take place in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, until a Final Construction Environmental Management for that sub-phase has been submitted to and approved in writing by the Council. This shall reflect all the mitigation and avoidance measures detailed in the outline CEMP, Artificial Lighting Assessment, Drainage Assessment and HRA carried out by RPS on behalf of Belfast Harbour Authority. The Final CEMP for each sub-phase must confirm details of the chosen piling method. If this differs from the method detailed in the HRA then an assessment of impact to marine mammals shall be included. The Final CEMP for each sub-phase should reflect the recommendations of NIEA: NED in its consultation response 17/04/20. The approved CEMP for each sub-phase shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing with by the Council.</p> <p>Reason: To ensure that the appointed contractor undertaking the work is fully appraised of all the risks associated with the proposal and to provide effective mitigation ensuring there</p>

	are no adverse impacts on the integrity of Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA, East Coast (NI) Marine proposed SPA or to mobile features associated with North Channel SAC or The Maidens SAC.
11.14	<p>The development hereby permitted shall not commence unless detailed proposals for landscape planting along the shoreline of Belfast Lough, between the proposed development and the rock armour revetment have been submitted to and approved in writing by the Council. The detailed design must incorporate the comments of NIEA NED in its response dated 17/04/20. Landscape planting must not extend to the edge of the revetment and a gap of at least 3m should be maintained as a buffer zone for roosting birds. As permanent screening by landscape planting will not be immediately functional, some form of temporary physical screening must be included in proposals to be put in place during the early stages of the operational phase until the plants have reached a suitable height and density to form an effective screen.</p> <p>The landscape proposals shall be installed prior to operation of the development hereby permitted and shall be permanently retained thereafter.</p> <p>Reason: To prevent adverse impacts to SPA features through visual disturbance.</p>
11.15	<p>No development shall commence in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, unless suitable risk assessments and supporting data have been submitted to and approved in writing by the Council. These shall identify all unacceptable risks to health and the water environment in each sub-phase. The investigations shall include, but not be restricted to:</p> <ul style="list-style-type: none"> • Identifying all potential contaminant sources within the planning boundary. • Site investigations and groundwater monitoring designed and implemented in accordance with British Standard BS 10175:2011 + A2:2017 – ‘Code of practice for investigation of potentially contaminated land sites’ to identify the contamination risks associated with the potentially contaminating activities which took place at this site or in the surrounding area. • Provision of risk assessment(s) in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks to identify all unacceptable risks to health and the water environment and provision of remedial criteria to be met through a remedial strategy. These works are required to ensure that the land will be in a condition suitable for the development. <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p>
11.16	<p>No development shall take place in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, until a detailed Remediation Strategy, addressing all unacceptable risks to receptors identified at Condition 15 for that sub-phase, has been submitted to and approved in writing by the Council. This must identify all unacceptable risks, 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.).</p> <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p>
11.17	<p>No development shall commence in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, unless a Piling Risk Assessment for that sub-phase has been submitted to and approved in writing by the Council. Piling risk assessments must be undertaken in 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</p>

	<p>Prevention", available at: http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p>
11.18	<p>If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works within the immediate area of the find 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-contamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing and subsequently implemented to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.19	<p>After completing any remediation works required under Conditions 15-18, and prior to the operation of each sub phase a Verification Report for each sub-phase shall be submitted in writing and agreed with the Council. This report must be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The verification report shall 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>
11.20	<p>No development shall commence in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, unless a Final Construction Environmental Management, detailing all Pollution Prevention measures, for that sub-phase has been submitted to and approved in writing by the Council. NIEA Water Management Unit require the CEMP 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.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.</p>
11.21	<p>No construction of the development hereby permitted shall commence in a particular sub-phase, unless a Final Drainage Assessment, compliant with Annex D of PPS 15, for that sub-phase has been submitted to and approved in writing by the Council.</p> <p>Reason: To safeguard against flood risk to the development and elsewhere.</p>
11.22	<p>All existing trees within the site as detailed on the stamped approved drawing No. 58A, and published by the Council on 2nd July 2020 shall be retained. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved details, without the written consent of the Council.</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees.</p>
11.23	<p>If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the development hereby approved, another tree or trees shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified by the Council.</p>

11.24	<p>Reason: To ensure the continuity of amenity afforded by existing trees.</p> <p>Any demolition and removal of existing hard surfaces within the Root Protection Areas of existing trees to be retained, shall be carried out in accordance with recommendations outlined in part 7 of British Standard 5837: 2012 'Trees in relation to design, demolition and construction : Recommendations' where this encroaches within the root protection area of any existing tree.</p>
11.25	<p>Reason: To avoid damage to existing trees.</p> <p>Where construction is proposed within the Root Protection Area (RPA) of existing trees, careful hand digging will be employed with extreme care being taken not to damage tree roots and tree stems within the Root Protection Areas of all trees to be retained. Mini-pile / post foundations or equivalent shall be used in the construction of any boundary fence.</p>
11.26	<p>Reason: To avoid root severance of existing trees.</p> <p>No construction of the development hereby permitted shall commence unless protective barriers (fencing) and ground protection have been erected / installed as specified in British Standard 5837: 2012 'Trees in relation to design, demolition and construction Recommendations' (Section 6.2) on all 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.</p> <p>Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.</p>
11.27	<p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p> <p>All soft landscaping works shall be carried out in accordance with the detail on Planting Plans Sheet 1 and 2 published by the Council on 2 July 2020. The works associated with each sub-phase shall be carried out prior to the occupation of that part of the development hereby approved unless otherwise agreed with the Council and shall be permanently retained thereafter. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next available planting season with other trees or plants of a similar species and size, details of which shall have first been submitted to and approved in writing by the Council.</p>
11.28	<p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>All soft landscaping indicated on the stamped approved Planting Plans Sheet 1 and 2 published by the Belfast City Council Planning Office on 2 July 2020 shall be managed and maintained in accordance with the RPS Landscape Management Plan titled '20 Year Landscape Management Plan For Belfast Film Studios Phase 2' published by the Council on 2 July 2020. Any changes or alterations to the approved landscape management arrangements must be submitted to and agreed in writing by the Council in advance.</p> <p>Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual amenity.</p>
11.29	<p>The offices hereby approved shall not be used other than for purposes ancillary to the</p>

11.30	<p>principal use of the site as film studios.</p> <p>Reason: The proposal has been assessed on this basis and use of the premises as general offices would require further consideration.</p> <p>The phase 2 and 3 vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. RPS-HGN-XX-DR-C-100-0002 Revision P1.2 'Proposed Road Layout Sheet 1', published by the Belfast City Council Planning Office on 15 April 2020, and, Drawing No. RPS-HGN-XX-DR-C-100-0003 Revision P1.2 'Proposed Road Layout Sheet 2', published by the Belfast City Council Planning Office on 15 April 2020, prior to the occupation of phases 2 and 3, as outlined on Drawing "Belfast Film Studios Phasing" published on the Planning Portal 7th June 2021. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
12.0	<p>Representations from Elected Representatives (if relevant)</p> <p>N/A</p>
13.0	<p>Referral to DfI (if relevant)</p> <p>N/A</p>

ANNEX A (LA04/2021/1358/F)	
Date Valid	3rd June 2021
Date First Advertised	18th June 2021
Date Last Advertised	23rd July 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier: 1 Dargan Road,Belfast,Antrim,BT3 9JU 1 Gullivers Road,Belfast,Antrim,BT3 9LU 108 Dargan Crescent,Belfast,Antrim,BT3 9JP 11 Dargan Road,Belfast,Antrim,BT3 9JU 13 Dargan Road,Belfast,Antrim,BT3 9JU 13 Dargan Road,Belfast,Antrim,BT3 9JU 15 Dargan Road,Belfast,Antrim, 15 Dargan Road,Belfast,Antrim,BT3 9LS 1st & 2nd Floors,37 Dargan Road,Belfast,Antrim,BT3 9JU 1st Floor,35 Dargan Road,Belfast,Antrim,BT3 9LZ 3 Dargan Road,Belfast,Antrim,BT3 9JU 39 Dargan Road,Belfast,Antrim,BT3 9JU 41 Dargan Road,Belfast,Antrim,BT3 9JU 5 Dargan Road,Belfast,Antrim,BT3 9JU 57 Dargan Road,Belfast,Antrim,BT3 9JU 65 Dargan Road,Belfast,Antrim,BT3 9JU 7 Dargan Road,Belfast,Antrim,BT3 9JU 9 Dargan Road,Belfast,Antrim,BT3 9JU Alpha House,53 Dargan Road,Belfast,Antrim,BT3 9JU Dargan Road,Belfast,Antrim, Ground Floor,39 Dargan Road,Belfast,Antrim,BT3 9LZ Ground Floors,37 Dargan Road,Belfast,Antrim,BT3 9JU Ground,1st & 2nd Floor,33 Dargan Road,Belfast,Antrim,BT3 9JU Ground,35 Dargan Road,Belfast,Antrim,BT3 9LZ Unit 2 ,Dargan Road,Belfast,Antrim,BT3 9LZ Unit 2 ,Dargan Road,Belfast,Antrim,BT3 9LZ Unit 2,37 Dargan Road,Belfast,Antrim,BT3 9JU Unit 3 ,Dargan Road,Belfast,Antrim,BT3 9LZ	
Date of Last Neighbour Notification	14th July 2021
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA04/2020/0474/F

Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, services and access from existing internal access road, landscaping and associated site works.

Address: Lands immediately north and south of existing film studios north of Dargan Road Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park). [Amended address],

Decision: Permission Granted

Decision Date: 19.08.2020

Ref ID: Z/2014/0057/F

Proposal: Amendments to Waste Transfer Station (Ref: Z/2005/1970/F) to regularise current operations incorporating acceptance of and external storage containers for Waste Electrical and Electronic Equipment (WEEE), plasterboard and metal. Proposed new steel gantry, steel containers and additional car parking spaces.

Address: Dargan Road Waste Transfer Station, 2a Dargan Road, Belfast, BT3 9JU,

Decision: Permission Granted

Decision Date: 22.05.2015

Ref ID: LA04/2019/1540/F

Proposal: Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks, 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works.

Address: Lands to the northwest of existing Belfast City Council Waste Transfer Station, (2a Dargan Road, Belfast, BT3 9JU).

Decision: Application under consideration.

Ref ID: LA04/2019/1612/PAN

Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, servicing & access from existing internal access road, landscaping and associated site works.

Address: Lands immediately north & south of existing film studios, north of Dargan Road, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's Park).,

Decision: PAN Acceptable

Decision Date: 31.07.2019

Ref ID: Z/2014/1279/F

Proposal: Provision of new upgrade of existing roads infrastructure and associated site capping together with associated landscaping and site works

Address: Lands of the former Dargan Road land fill site, to the north of Dargan Road, Belfast,

Decision: Permission Granted

Decision Date: 24.04.2015

Ref ID: Z/2004/1294/F

Proposal: Application to infill land with excavation and demolition materials for land reclamation purposes

Address: Belfast City Council Land, North Foreshore, Dargan Road, Belfast.

Decision: Permission Granted

Decision Date: 08.02.2005

Ref ID: LA04/2015/0982/PAN

Proposal: Construction of film studios complex, associated yards, car parking & access. Film studios to comprise four separate buildings as follows;

Production (37,450 sq ft.)

Stage 01 & stage 02 (66,000 sq ft.)

Stage 03 (45,000 sq ft.)

Workshop 01, 02 & 03 (46,170 sq ft.)

Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility), adjacent to Belfast Lough, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park),

Decision: PAN Acceptable

Decision Date: 15.12.2016

Ref ID: Z/2010/1178/F

Proposal: Provision of management system for landfill gas, comprising capping, and installation of gas abstraction wells and pipework. Surface-water drainage and foul sewerage. Provision of services.

Address: North Foreshore Site, Dargan Road, Belfast, BT3 9JU,

Decision: Permission Granted

Decision Date: 30.08.2013

Ref ID: Z/2006/1545/F

Proposal: Provision of management system for landfill gas, comprising capping, installation of gas abstraction wells and pipework (gas to be drawn off to be flared at a nearby existing facility), surface-water drainage, site access road and foul sewerage.

Address: Dargan Road Landfill Site, Dargan Road, Belfast.

Decision: Permission Granted

Decision Date: 30.08.2007

Ref ID: LA04/2015/1605/F

Proposal: Film studios complex comprising production, studio and workshop buildings, associated service yards, car parking, access to service roads under construction (Z/2014/1279/F), landscaping and ancillary works including 3No stand-alone transformer compounds, security hut and proposed headwall (amended description)

Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility) adjacent to Belfast Lough, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park, with access from Dargan

Decision: Permission Granted

Decision Date: 25.02.2016

Ref ID: Z/2008/0228/F

Proposal: Management System for landfill gas, comprising capping, installation of gas abstraction, wells and pipework (gas to be drawn off to be flared at a nearby existing facility), and site access. Landscaping.

Address: North Foreshore Site, Dargan Road, Belfast

Decision: Permission Granted

Decision Date: 26.03.2009

ANNEX B**Development Management Officer Committee Report for LA04/2020/0474/F****Summary****Committee Meeting Date:** Tuesday 21st July 2020**Application ID:** LA04/2020/0474/F**Proposal:**

Construction of film studios complex including ancillary offices, workshops, ancillary car parking, services and access from existing internal access road, landscaping and associated site works.

Location:

Lands immediately north and south of existing film studios, north of Dargan Road Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park).

Referral Route: Major Application**Recommendation:****Approval****Applicant Name and Address:**

Belfast Harbour Commissioners
Harbour Office
Corporation Square
Belfast

Agent Name and Address:

Turley
Hamilton House
3 Joy Street
Belfast
BT2 8LE

Executive Summary:

This application seeks the erection of a film studios complex including studios, ancillary offices, workshops, parking and landscaping. The proposal will form Phase II of the current complex which was approved under reference LA04/2015/1605/F.

The site is un-zoned “white land” within the Belfast Area Urban Plan (BUAP) 2001. It is located within the development limits of the City in the draft Belfast Metropolitan Area Plan (dBMAP) with a number of relevant zonings:

- Within BHA 07 Employment and Industry North Foreshore
- Within an Area of Mineral Constraint
- Adjacent to a National Designated Site (Inner Belfast Lough Area of Special Scientific Interest);
- Adjacent to two European Designated Sites – Belfast Lough Special Protection Area (SPA) and Belfast Lough Open SPA;
- Adjacent to an International Designated Site Belfast Lough Ramsar Site
- Adjacent to BHA10 Local Landscape Policy Area (LLPA)

The main issues to be considered in this case are:

- The principle of the proposed use at this location
- Scale, massing and design
- Traffic, movement and parking
- Landscape and visual assessment
- Amenity and open space
- Habitat Regulations Assessment

- Drainage and Flooding
- Contaminated Land
- Pre-Application Community Consultation Report
- Economic benefits
- Developer contributions

DfI Roads, Environmental Health, NIEA, Shared Environmental Services, Rivers Agency, NI Water, Belfast City Airport, were all consulted in addition to the Council's Economic Development team, Tree Officer, City and Neighbourhood Services Landscape team and Environmental Health. Their responses are detailed in the main body of the report. There were no objections from consultees.

One representation was received. Issues raised included an error in the description of the site address (now rectified), an issue with letters not being available to view on the portal (now rectified) and concerns relating to the rationale behind the Council's decision that an Environmental Statement was not required for this application (detailed in Sections 7.0 and 8.0 of this report).

The submitted Pre-Application Community Consultation Report demonstrates 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 this Major application.

This application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Consultees confirm that the proposal will not adversely impact on amenity, human health, traffic or the adjacent protected areas.

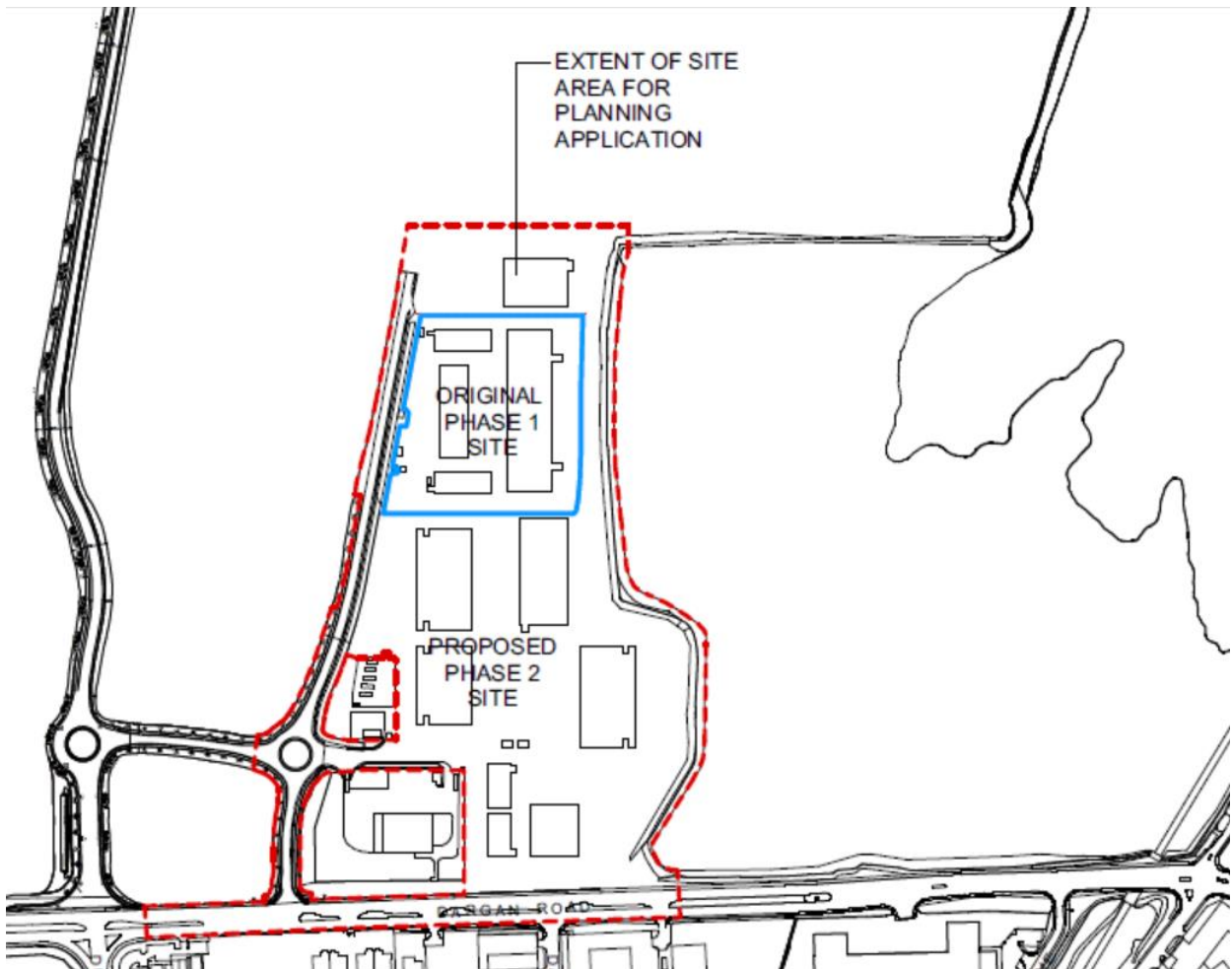
The proposed development is estimated to represent an investment of £45m, generate in excess of 200 construction jobs and approximately 1,000 creative industry jobs.

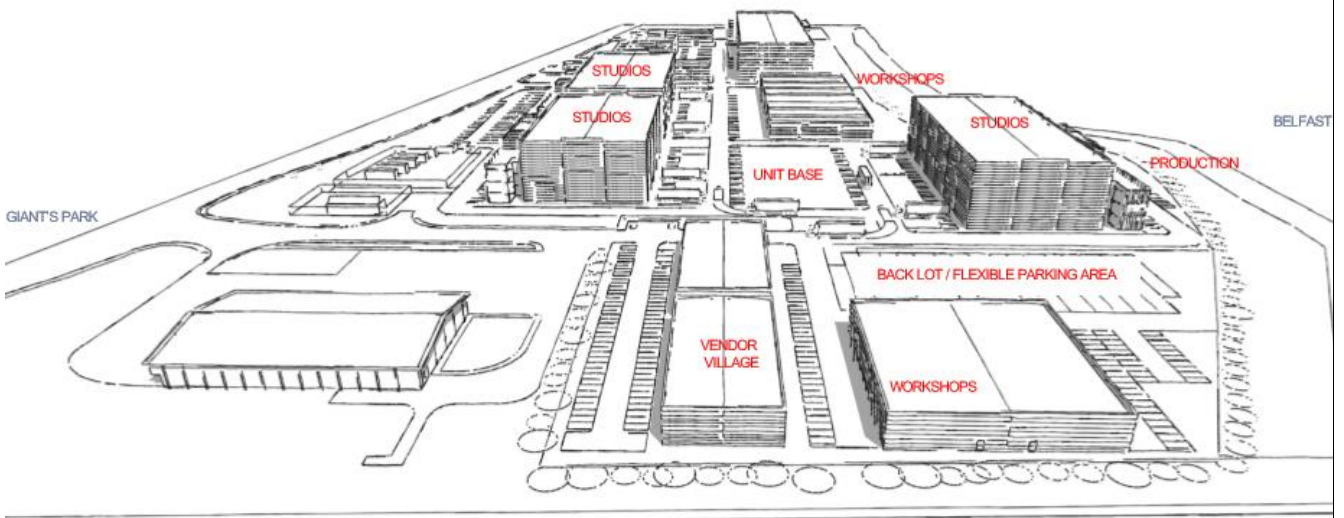
Recommendation:

Having regard to the Development Plan and other material considerations, including the issues raised by the representation, the proposal is considered and approval of planning permission is recommended with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised during the remainder of consultation.

Case Officer Report

Site Location/Layout/3D Visuals

Site Location Plan:Site Layout:3D Visuals:



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	<p>Full planning permission is sought for a second phase of the Belfast Film Studios complex comprising:</p> <ul style="list-style-type: none"> - Film studios/Sound stages with accompanying ancillary offices (20,439 sq m) - Workshops (9,631 sq m) - Vendors Village (1,1918 sq m) - Flexible car parking and associated service areas
1.2	<p>The proposed buildings have been laid out to work alongside Phase 1 as a large, coherent complex. The design of the buildings are similar to those in Phase 1 with the proposed scale and massing determined by the nature of the proposed use. The buildings are essentially acoustically sealed boxes similar in scale to a warehouse type structures. The workshops although much smaller in scale, similarly do not require windows due to the nature of the activities within such as set building, painting and chemical treatment of costumes and sets.</p>
1.3	<p>The studios titled S1 – S4 contain ancillary offices which are designed with glazing and entrances as have studios S5-S6 to the rear of the site overlooking the lough.</p>
1.4	<p>The parking has been designed to adapt flexibly where on-site production requires it.</p>
2.0	Description of Site and Area
2.1	<p>The area of the site is 10.5 hectares and was part of the former Dargan Landfill Site. The landfill site was closed in March 2007 and was subject to capping following completion of landfill operations on the area.</p>
2.2	<p>The site is part of the wider North Foreshore Giant's Park. The wider site has been landscaped in the interim years with land directly south of the application site developed for a Belfast City Council Waste Electrical and Electronic Equipment (WEEE) transfer station and a (landfill) gas powered electricity generating turbine complex.</p>
2.3	<p>Access to the site is via the existing internal road infrastructure off Dargan Road which has been upgraded with a signalised junction.</p>
2.4	<p>The application site is on low-lying ground and is located immediately adjacent to Belfast Lough. The area to the north of the site is described as the northern zone of the North Foreshore land and is the area of most recent cessation of landfill operations. This area of land slopes upwards to the north. The area to the south and east of the site consists of industrial and commercial buildings that contrast to the dominant residential use west of the M2 / Shore Road. There is an established woodland strip along the western North Foreshore boundaries which provides a landscape buffer and protection from the Motorway.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	<p>Full details of all historical applications are provided at Annex A. Of particular relevance to this site are the following:</p>
3.2	<p>Ref ID: LA04/2019/1612/PAN Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, servicing & access from existing internal access road, landscaping and associated site works.</p>

3.3	<p>Address: Lands immediately north & south of existing film studios, north of Dargan Road, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's Park)., Decision: PAN Acceptable Decision Date: 31.07.2019</p> <p>Ref ID: LA04/2019/1540/F Proposal: Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks. 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works. Address: Lands to the northwest of existing Belfast City Council Waste Transfer Station, (2a Dargan Road, Belfast, BT3 9JU). Decision: Application under consideration.</p>
3.4	<p>Ref ID: LA04/2015/1605/F Proposal: Film studios complex comprising production, studio and workshop buildings, associated service yards, car parking, access to service roads under construction (Z/2014/1279/F), landscaping and ancillary works including 3No stand-alone transformer compounds, security hut and proposed headwall (amended description) Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility) adjacent to Belfast Lough, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park, with access from Dargan Decision: Permission Granted Decision Date: 25.02.2016</p>
3.5	<p>Ref ID: LA04/2015/0982/PAN Proposal: Construction of film studios complex, associated yards, car parking & access. Film studios to comprise four separate buildings as follows; Production (37,450 sq ft.) Stage 01 & stage 02 (66,000 sq ft.) Stage 03 (45,000 sq ft.) Workshop 01, 02 & 03 (46,170 sq ft.) Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility), adjacent to Belfast Lough, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park), Decision: PAN Acceptable Decision Date: 15.12.2016</p>
3.6	<p>Ref ID: Z/2014/1279/F Proposal: Provision of new upgrade of existing roads infrastructure and associated site capping together with associated landscaping and site works Address: Lands of the former Dargan Road land fill site, to the north of Dargan Road, Belfast. Decision: Permission Granted Decision Date: 24.04.2015</p>
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015)</p>

	Draft Belfast Metropolitan Plan 2004 Developer Contribution Framework (2020)
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland (SPSS) Planning Policy Statement 2 (PPS 2) – Planning and Nature Conservation Planning Policy Statement 3 (PPS 3) - Access, Movement and Parking Planning Policy Statement 4 (PPS 4) – Planning and Economic Development Planning Policy Statement 13: Transportation and Land Use Planning Policy Statement 15 (Revised) (PPS 15) - Planning and Flood Risk
5.0	Statutory Consultees Transport NI – no objection subject to conditions and informatives Rivers Agency – no objection subject to conditions NIEA Water Management Unit – issued standing guidance NIEA Land, Soil, and Air – no objection subject to conditions and informatives NIEA Natural Environment Division – no objection NIW – No objection Shared Environmental Services - no objection subject to conditions and informatives Belfast City Airport – No objection
6.0	Non-Statutory Consultees Environmental Health BCC – no objection subject to conditions and informatives Tree Officer BCC – content that the landscaping proposals are appropriate subject to condition City and Neighbourhood Landscape Team BCC – no objection Economic Unit – No objections
7.0	Representations
7.1	One representation has been received on behalf of Energia Renewables and raises a number of issues: <ol style="list-style-type: none"> 1. The site address contains an error, omitting the word “south”. 2. The neighbour notifications are shown on the Planning Portal as being issued but do not appear in the “Neighbour Notification” tab. 3. Concerns about the EIA determination and its conclusion that an Environmental Statement (ES) was not required: including a concern that the EIA assessment did not consider the entire application site; that an ES was not required given the size of the site, the scale of the development and the potential cumulative impacts of both phases of the film studio complex and adjacent development and the fact that the site is a landfill site; and that this differs from the approach taken for a major application for an Anaerobic Digester on an adjacent site, which required an ES for a smaller site, located further away from Belfast Lough.
7.2	In addition, this representation requests a substantive response regarding the procedural issues and observations requiring the EIA determinations.
7.3	The representation has been considered as follows: <ol style="list-style-type: none"> 1. The description error was corrected and the application was re-advertised and neighbour notifications re-issued to highlight the amended address and also referred to the receipt of further information provided by the applicant to address issues raised by consultees. The notification period ends on 22nd July 2020. 2. The original neighbour notification letters did not appear on the Planning Portal because of an IT issue. This was rectified and all letters are now visible. 3. The proposal has been subject to an EIA screening process both before and on submission of the planning application. In terms of the most recent screening, the history of the site including the Phase 1 application was taken into account and

	<p>informed the decision. The conclusion was that the proposal would be unlikely to have significant environmental effects either individually or cumulatively in the context of the EIA Regulations and the matters could be effectively dealt with during the normal consultation and development management processes. Statutory consultees were consulted as part of the EIA screening process and have confirmed that they have no objections subject to conditions. Legal Services have reviewed the correspondence and have advised on the issues raised. They do not consider it necessary to review the screening decision. Officers are therefore content that the Planning (EIA) Regulations Northern Ireland 2017 have been correctly considered and applied and the decision that an Environmental Statement was not required was the correct decision taking into account all relevant factors. The objector has been advised of the Council's position.</p>
8.0	Environmental Impact Assessment
8.1	Phase I
8.1.1	Phase I of the development was subject to a Pre-Application Discussion (PAD) under reference LA04/2015/1085/PAD. An Environmental Impact Assessment (EIA) Determination was carried out at the PAD stage to determine if the proposed development would or would not be an EIA development (thus requiring an ES). After following process, including consideration of formal responses from relevant consultees, it was concluded that the environmental effects of a film studio at this location would be unlikely to be significant.
8.1.2	Upon receipt of the full application (LA04/2015/1605/F) for Phase 1, a further EIA screening assessment was carried out. This was informed by previous consultation responses at PAD stage and also discussions with Environmental Services Department regarding the incorporation of gas protection measures that satisfy the requirements for Characteristic Situation 6 (CS6) as detailed within CIRIA publication C665 'Assessing risks posed by hazardous ground gases to buildings'. Having regard to the requirement that the proposal incorporates gas measures that satisfy the requirements for a CS6 build which would ensure the maximum gas protection measures for any future development on site it was determined that the development would not be an EIA development and an ES was not required. Gas contamination was subsequently satisfactorily dealt with as part of the planning process.
8.2	Phase II
8.2.1	Phase II of the development which is the subject of this current application, also benefitted from a PAD under reference LA04/2019/1700/PAD.
8.2.2	In addition, a formal EIA screening request was received under reference LA04/2019/2595/DETEIA. A detailed screening report was provided and consultation was undertaken with all relevant consultees.
8.2.3	A response was issued on 29 th January 2020 which concluded that the proposal would be unlikely to have significant environmental impacts either individually or cumulatively with other developments. The potential impacts can be assessed during the normal consultation process with the appropriate reports as outlined in the Applicant's EIA Screening Report in addition to the information provided by key consultees. Therefore, an Environmental Statement was not required.
8.2.4	Upon receipt of the application, a further EIA screening assessment was carried out which was informed by the Phase I development, the PAD and previous DETEIA screening and having taken into account all relevant considerations, including the nature of the proposal and site location, it was determined that an Environmental Statement was not required.

9.0	<u>ASSESSMENT</u>
9.1	<u>Development Plan</u>
9.1.2	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.1.2	Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it 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.
9.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.
9.1.4	The PAC report (independent examination) recommended that Zoning BHA07 and Proposal BHA19 be deleted from the Plan and replaced by a new mixed use zoning BHA07. The Key Site Requirements (KSR's) are broadly similar to those in the draft plan and are detailed under Sections 9.2.3 – 9.2.10.
9.2	<u>The principle of the proposed use at this location</u>
9.2.1	The site is located within the development limits of draft BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations discussed below.
9.2.2	The land is currently not in use however it is immediately adjacent to the existing film studios complex known as Phase I.
9.2.3	The site is within Zoning BHA 07 Employment/Industry for North Foreshore in the draft BMAP 2015. A number of key site requirements (KSRs) form part of this mixed use zoning.
9.2.4	The first KSR states that development at this location shall only include uses including Light Industrial, General Industrial, Special Industrial, Storage and Distribution, Port-related Uses and Waste Management facilities. Following the PAC enquiry, it was agreed by all parties that Recycling would be included also. It is considered that a film studio with associated production and workshops fall within Class B2: Light Industry and complies with identified uses considered to be suitable at this location.
9.2.5	The second KSR requires development of the site to be permitted only in accordance with an overall comprehensive masterplan to be agreed with the Department. The Comprehensive Master Plan was agreed by DOE Planning Service under reference Z/2008/2289/Q by correspondence dated 15 January 2010. This Masterplan recommended waste management facilities in the area subject to the current application. The Masterplan also promoted economic development on the site. It is considered that the proposal complies with the overall aspiration of the Masterplan to seek the regeneration and development of this site.

9.2.6	The third KSR states that access shall be from Dargan Road. The access arrangements and principal internal road network for North Foreshore have been granted planning permission (Z/2014/1279/F) and are constructed and in operation.
9.2.7	The fourth KSR states that a Transport Assessment agreed with Transport NI shall be required. A Transport Scoping Study, Transport Assessment, Transport Assessment Form, Waste Management Plan and a Travel Plan were all submitted in support of the application. DfI Roads have no objections based on the information submitted to support the application.
9.2.8	The fifth KSR states that development proposals shall be required to provide appropriate protection of habitat biodiversity in the adjacent international and national designated natural heritage sites. A Landscape and Visual Impact Assessment; a Preliminary Ecological Assessment; a Habitats Regulations Assessment Screening Statement; and an Outline Construction Phase Environmental Management Plan have been submitted in support of the application. NIEA have been consulted and confirmed that they have no objections based on the information submitted to support the application subject to appropriate conditions.
9.2.9	The sixth KSR requires buildings to exhibit variety in their elevational treatment and heights. The nature of the use gives rise to different sizes and heights between the buildings. There is a commonality of finish which arises primarily from the specific needs of the end-user which leads to largely windowless designs. Phase I contains a main building at the front of the site however which contains offices and is suitably glazed. Within Phase II there are two such buildings which are glazed at the front to take in the views of both the Belfast Hills and the Belfast Lough.
9.2.10	The seventh and eighth KSR's require a comprehensive landscaping scheme including retention of vegetation on the site and a detailed planting plan and programme of works as well as long-term landscape management proposals. Both detailed landscape proposals and a 20-year management plan were submitted in support of the current application. These were assessed by BCC Tree Officer and BCC City and Neighbourhood Landscape Team and found to be acceptable. These consultees have no objections subject to conditions.
9.2.11	It is therefore considered that the proposed use is acceptable having regard to the relevant zonings on the site.
9.3	<u>The Economic Principles and impacts of the Proposal</u>
9.3.1	PPS 4: Planning and Economic Development sets out planning policies for economic development uses, recognising the key role the planning system has in achieving a vibrant economy. Paragraphs 4.18 and 4.22 of the SPPS state that planning authorities should take a positive approach to appropriate economic development proposals and pro-actively support and enable growth generating activities.
9.3.2	A Film Studio falls within Class B2: Light Industry. Policy PED 1 of PPS 4 states that "A development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan". Zoning BHA 07 of dBMAP details Class B2: Light Industrial Use as a suitable use at this location.
9.3.3	Policy PED 1 also states that "A development proposal to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED9". In considering proposals for economic development the Council will seek to minimise adverse effects on the amenities of adjacent properties, particularly dwellings, and on natural and built heritage resources. Particular care will be taken to safeguard local, national and international natural heritage designations.

9.3.4	<p>Policy PED 9 details general criteria for economic development that are detailed elsewhere throughout this report. In summary however, the proposal is considered to be compliant with Policy PED 9 as it is considered that:</p> <ul style="list-style-type: none"> (a) The proposal is compatible with surrounding land uses (b) The proposal will not harm the amenity of nearby residents (c) The proposal will not adversely affect features of the natural or built heritage (d) The proposal will not cause or exacerbate flooding (e) The proposal will not create a noise nuisance (f) The proposal can satisfactorily deal with any emissions or effluent (g) The existing road network can safely handle any extra vehicular traffic (h) The proposal contains adequate access arrangements, parking and manoeuvring areas (i) The proposal provides an adequate movement pattern (j) The proposal contains a site layout, building design, infrastructure and landscaping that are of high quality and assist sustainability and biodiversity (k) The proposal contains appropriate boundary treatments and landscaping (l) The proposal is designed to deter crime and promote personal safety
9.3.5	<p>The application was supported by an Employability and Skills Assessment (ESA) which was considered by the Council's Economic Development team. The ESA estimates that Phase I of the Film Studios complex, which has been open since May 2017, has generated c£19m per annum. Phase II is anticipated to double this to almost £40m per annum.</p>
9.3.6	<p>The programmed construction phase will create in excess of 110 jobs with Buy Social provisions to be incorporated in the procurement. Up to 200 additional jobs are anticipated to be created directly with a further 1000 creative industry jobs during filming and production.</p>
9.3.7	<p>It is considered that there is no conflict with PPS 4 and that the proposal will bring vitality and economic benefits to the area.</p>
9.4	<u>Scale, Massing and Design</u>
9.4.1	<p>The schedule of accommodation is as follows:</p> <ul style="list-style-type: none"> - Film studios/Sound stages with accompanying ancillary offices (20,439 sq m) - Workshops (9,631 sq m) - Vendors Village (1,1918 sq m) - Flexible car parking and associated service areas
9.4.2	<p>The design ethos of Phase I was intended to sit within the established development profile of the area, including an extension of the large format, cladding panel which is so predominant in the area. The PAD for Phase II explored whether it was appropriate to continue this design ethos or seek to depart from the Phase I design. As the scale and massing is so similar and the phases are designed to be integrated into a large, functional studios lot, it was considered there was no requirement to depart from the design rationale and that Phase II should seek to replicate the existing ethos.</p>
9.4.3	<p>The primary external cladding material is proposed as insulated aluminium composite cladding panels randomly assigned utilising a 3-colour palette (goosewing grey, white and anthracite), which the applicant considers reflects the immediate context of this primarily commercial / industrial area. This is also reflective of Phase I.</p>
9.4.4	<p>The scale and massing of the buildings proposed are primarily influenced by the function within. The maximum height of the buildings ranges from 21.95m for the film studios, 8.1m</p>

9.4.5	<p>for the workshops and 9.1m for the Vendor village. This is broadly reflective of the heights across Phase I.</p> <p>Given the overall size of the site within North Foreshore and the industrial / commercial nature of the immediate surrounding context, and the established form of development within Phase I, the design, scale and layout of the proposed scheme is considered to be acceptable.</p>
9.5	<u>Landscape and Visual Impact</u>
9.5.1	A Landscape and Visual Assessment (LVIA) was submitted in support of the application.
9.5.2	The LVIA states that the proposed development is located within the Belfast Harbour Estate landscape character area that is defined by roadways, commercial units, cranes and traffic as key features of its character. It states that there are no residential properties in close proximity to the proposed development and no significant visual impacts have been predicted on residential properties. It further refers to a “range of mitigation measures” proposed including “landscape planting around and within the site and for retention of the existing mature trees outside the site’s southern boundary at Dargan Road”.
9.5.3	It concludes that the proposed development is consistent with the existing character of the Harbour Estate and no significant landscape impacts are predicted.
9.5.4	The Council’s Landscape Planning and Development Team reviewed the LVIA as well as associated planting and landscaping proposals. They are content with the methodology and assessment and note that whilst the proposal will be “visible in association with the Belfast Harbour Film Studios Phase I” that it is “unlikely to result in significant additional impact on landscape character or visual amenity”.
9.5.1	The landscape planting and management plan will be conditioned accordingly.
9.6	<u>Natural Heritage and Conservation</u>
9.6.1	The application site is adjacent to Inner Belfast Lough ASSI, Belfast Lough SPA, Belfast Lough Open Water SPA and Belfast Lough Ramsar site which are of international and national importance and is/are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.
9.6.2	PPS 2: Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage. Development proposals are restricted where they are likely to impact upon the integrity of European or Ramsar sites as these are afforded the highest protection. Policies NH1, NH2, NH3, NH4 and NH5 apply.
9.6.3	Natural Environment Division (NIEA: NED), Coastal Development (NIEA: CD), Water Management Unit (NIEA:WMU) and Shared Environmental Services (SES) have considered the impacts of the proposal on designated sites.
9.6.4	NIEA:NED state that they are content that: ‘All significant threats associated with the proposal have been identified and that the proposed mitigation measures are appropriate and likely to prevent any significant impact on selection features of the designated sites adjacent to the application site.’ They request that a 3m buffer zone for roosting birds be provided
9.6.5	NIEA:CD have provided informatives regarding marine life and protections.

9.6.6	NIEA:WMU have requested a Construction Environmental Management Plan.
9.6.7	SES have requested conditions regarding landscaping and a Construction Environmental Management Plan. They request that a 3m buffer zone for roosting birds be provided alongside screening and landscape planting. This will be reflected in the conditions below.
9.6.8	Having regard to PPS 2, it is considered that the proposal meets the requirements of the relevant policies as outlined above.
9.7	<u>Contaminated Land</u>
9.7.1	The nature of the site as a landfill location naturally gives rise to concerns regarding contamination and human health. The Council's Environmental Health Department (BCC: EH) as well as NIEA: Land and Groundwater Regulation Unit (NIEA: LRU) were consulted during the PAD process, the EIA screening process and again on the current full application.
9.7.2	An Outline Construction Environmental Management Plan (oCEMP) and a Preliminary Risk Assessment (PRA) were submitted in support of the application. Following a request from BCC:EH and NIEA:LRU, a further environmental clarification document was submitted including an RSK memo document.
9.7.3	Following review of these documents, both consultees were content to recommend conditions and informatives (this same approach was taken to Phase I). The conditions will require a full Quantitative Risk Assessment (QRA), a detailed Remediation Strategy and Verification Report in advance of construction and occupation. In addition, NIEA require a full Piling Risk Assessment to be submitted and approved prior to construction.
9.8	<u>Habitats Regulation Assessment (HRA)</u>
9.8.1	This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (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.
9.8.2	SES have stated that having considered the submitted HRA and the nature, scale, timing, duration and location of the project it is concluded that, provided mitigation is conditioned as requested, that the proposal will not have an adverse effect on site integrity of any European site.
9.8.3	NIEA: CD also confirmed that the HRA which has been undertaken for these works provides appropriate mitigation to ensure that there will be no significant negative effects on the Special Protection Area site selection features of both sites. Provided these mitigation measures are implemented Marine Environment Division is content subject to conditions requested.
9.9	<u>Traffic, Movement and Parking</u>
9.9.1	The proposal has been assessed against PPS 3 and PPS13. In assessing the proposal DfI Roads considered the following documents: Transport Scoping Study, Transport Assessment, Transport Assessment Form, Waste Management Plan and a Travel Plan.
9.9.2	As Phase I has been completed and operational for a number of years, this has given the applicant important insights in to the traffic and travel needs of the studios as a whole. There are 648 no parking spaces proposed within Phase II, however this is designed to be flexible with an area of 110 spaces within this total which may at times be used for outdoor

	production or catering as the specific needs of each production arise. This provision is in addition to the 168 no parking spaces provided in Phase I.
9.9.3	Access to the site is primarily by private car due to the nature of the location. Sheltered cycle parking, disabled parking and a drop-off zone for taxis and buses are all provided within the site.
9.9.4	DFI Roads engaged in the PAD process and have no objections to the current proposals. The submitted Travel Plan identifies public transport routes, cycling and private car usage but also highlights that the Travel Plan contains measures for promoting public transport and sustainable modes of travel.
9.10	<u>Noise and Vibration</u>
9.10.1	The Environmental Health Service raised concern with the submitted Noise Impact Assessment with regards to potential construction noise impacts. As a result the agent provided a second document with clarification and further details. The Environmental Health Officer is content that this can be covered by the requirement of a Construction Noise and Vibration Management Plan to be submitted and approved prior to construction.
9.11	<u>Air Quality</u>
9.11.1	An Outline Construction Environmental Management Plan (oCEMP) was submitted in support of the application. Further information was requested by BCC: EH with regards to the dust management plan. Following submission of this information, BCC: EH has confirmed that this will be covered in a condition to require a full CEMP. This is also required by NIEA.
9.12	<u>Artificial Lighting</u>
9.12.1	An Artificial Lighting Assessment was submitted in support of the application. Further information was requested by BCC: EH and additional design information was provided. Having considered the additional information, BCC: EH are content and no lighting conditions are required.
9.13	<u>Flood Risk and Drainage</u>
9.13.1	PPS15: Planning and Flood Risk seeks to minimise and manage flood risk to people, property and the environment. The site is located outside the 1 in 100 year river flood plain and 1 in 200 year coastal flood plain. The proposal has been considered against Policy FLD 1 of the Revised PPS15 – 'Development in Fluvial (River) and Coastal Flood Plains'. The Flood Hazard Map (NI) indicates that the development is not within any river or coastal flood plains.
9.13.2	Given that the site area exceeds 1ha, Policy FLD 3: Development and Surface Water Flood Risk Outside Flood Plains of PPS 15 applies. A Drainage Assessment was submitted in support of the application. As the development is within proximity of the coastal floodplain of Belfast Lough, all finished floor levels have been placed at a minimum of 600mm above the 1 in 200 year coastal flood plain.
9.13.3	DfI Rivers were consulted and requested that a condition be placed on any approval requiring a final Drainage Assessment to be submitted and approved prior to commencement of the works.
9.13.4	Northern Ireland Water (NIW) has been consulted on the proposal and confirmed that the waste water treatment works (WWTW) has available capacity to accept the additional load

	from the proposal. NIEA: WMU has no objection to the proposal subject to a condition for a final detailed CEMP.
9.14	<u>Amenity</u>
9.14.1	Paragraphs 4.11 and 4.12 of the SPPS states there are a wide range of environmental and amenity considerations including noise and air quality, which should be taken into account by planning authorities when managing development.
9.14.2	The nearest residential properties are located approximately 750 metres from the proposed development. The Artificial Lighting Report and Landscape Visual Impact Assessment concluded that the proposed artificial lighting associated with the development will have a negligible impact on residential units and an insignificant impact on commercial premises.
9.14.3	Noise, air quality and lighting are all considered in paragraphs above. BCC:EH has no objections subject to conditions.
9.15	<u>Pre-Community Consultation</u>
9.15.1	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 applicants for planning permission to consult the community in advance of submitting an application.
9.15.2	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. LA04/2019/1612/PAN was submitted to the Council on 9 th July 2019 and was deemed to be acceptable on 29 th July 2019.
9.15.3	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 (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which includes details of public meetings, stakeholder letters, freephone number and email contact and the public advertisement.
9.15.4	Engagement by post and at the event demonstrated a strong support (88%) for the expansion of the studios and generally welcoming of the job creation and regeneration possibilities the proposal would bring.
9.15.5	It is considered that the PACC 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.
9.16	<u>Developer Contributions</u>
9.16.1	Para 5.69 of the SPPS states that "Planning authorities can require developers to bear the costs of work required to facilitate their development proposals".
9.16.2	The Developer Contributions Framework published by Belfast City Council in January 2020 sets out the circumstances whereby mitigation or management of the impacts of new development is required.
9.16.3	In the circumstances of the current site, it is not deemed necessary for the applicant to make a developer contribution as the landscaping and access arrangements are sufficient and appropriate to the proposal. The Economic Unit assessed the information provided by

	the applicant and are content that the job creation through construction and operation will support local people and operate without the requirement for a Section 76 agreement regarding employability and skills.
9.17	<u>Statutory Consultation</u>
9.17.1	The proposal was advertised on 6 th March 2020 and 26 th June 2020.
9.17.2	Neighbours/objectors were notified on 6 th March 2020 and 8 th July 2020.
9.17.3	1 no representation was received and this is considered in detail above.
9.18	<u>Conclusion</u>
9.18.1	The proposal would have an acceptable impact on the landscape, traffic, surrounding land-uses and wider environment. It is considered that the proposal would result in wider economic benefit and job creation opportunities and that these factors lend substantial weight in favour of the proposal.
9.18.2	Having regard to the Development Plan and relevant material considerations, the proposal is considered acceptable and planning permission is recommended.
10.0	Summary of Recommendation:
10.1	It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.
11.0	Conditions
11.1	<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>
11.2	<p>The development hereby approved shall not become operational until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. RPS-HGN-XX-DR-C-100-0002 Revision P1.2 'Proposed Road Layout Sheet 1', published by the Belfast City Council Planning Office on 15 April 2020 and Drawing No. RPS-HGN-XX-DR-C-100-0003 Revision P1.2 'Proposed Road Layout Sheet 2', published by the Belfast City Council Planning Office on 15 April 2020. The area within the visibility splays and any forward sight line shall, with the exception of existing trees, be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
11.3	No part of the development hereby permitted shall become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. RPS-HGN-XX-DR-C-100-0002 Revision P1.2 'Proposed Road Layout Sheet 1', published by the Belfast City Council Planning Office on 15 April 2020 and Drawing No. RPS-HGN-XX-DR-C-100-0003 Revision P1.2 'Proposed Road Layout Sheet 2', published by the Belfast City Council Planning Office on 15 April 2020 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used

	<p>for any purpose at any time than for the parking and movement of vehicles. A minimum of 4% of parking shall be for disabled users and will be close to building accesses.</p> <p>Reason: To ensure that adequate provision has been made for parking and servicing.</p>
11.4	<p>No part of the development hereby permitted shall become operational until a minimum of 20 No. secure covered cycle parking stands shall be provided. The cycle parking stands shall be permanently retained close to the accesses to the proposed development for use by staff and visitors to the development.</p> <p>Reason: To encourage the use of alternative modes of transport for development users.</p>
11.5	<p>The development hereby permitted shall operate at all times in accordance with the approved Travel Plan published by the Belfast City Council Planning Office on 03 March 2020. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads. This Travel Plan must be issued as a standalone document and the measures contained within must be monitored and assessed from the inception of the Plan on a minimum of an annual basis to ensure the Plan's effectiveness.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.</p>
11.6	<p>The rating level (dBLAr,Tr) for the combined operation of all plant and equipment associated with the phase 2 development of the Belfast Harbour Studios must not exceed existing daytime and night-time background noise levels of 59 dB (LA90,T) and 48 dB (LA90,T) respectively at the nearest noise sensitive premises when measured or determined in accordance with the requirements of BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.</p> <p>Reason: Protection of amenity against adverse impact.</p>
11.7	<p>The development hereby permitted shall not be commenced unless a final Construction Environmental Management Plan has been submitted to and approved in writing by the Council. This Plan must outline the methods to be employed to minimise any environmental impacts during site preparation and construction works, demonstrating the use of 'best practicable means'. All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan.</p> <p>Reason: Protection of human health and the environment and amenity of nearby premises.</p>
11.8	<p>The development hereby permitted shall not be commenced unless a Quantitative Risk Assessment has been submitted to and approved in writing by the Council. The Quantitative Risk Assessment should consider the information presented in the RSK Environment Ltd report entitled 'Belfast Harbour Commissioners, Proposed Film Studio Complex, North Foreshore, Belfast, Preliminary Risk Assessment' (dated 24th February 2020 and referenced 602462-1(00)). The Quantitative Risk Assessment must be conducted in accordance with Environment Agency guidance and must incorporate:</p> <ul style="list-style-type: none"> – A detailed site investigation in line with BS 10175:2011+A2:2017. Ground gas investigations should be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019. – A satisfactory assessment of the risks (including a Revised Conceptual Site Model), conducted in accordance with Environment Agency guidance. Risks associated with ground gases should be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665.

	Reason: Protection of human health.
11.9	<p>The development hereby permitted shall not be commenced unless a detailed Remediation Strategy has been submitted to and approved in writing by the Council. The Remediation Strategy must demonstrate how the pollutant linkages identified within the agreed Quantitative Risk Assessment are to be demonstrably broken and no longer pose a potential risk to human health. The Strategy must also detail how the proposed remedial works are to be verified. The detailed Remediation Strategy must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance, and must meet the requirements of the Belfast City Council North Foreshore Developer's Guidance Note. All construction thereafter must be in accordance with the approved Detailed Remediation Strategy.</p>
	Reason: Protection of human health.
11.10	<p>The development hereby approved shall not become operational unless a Verification Report has been submitted to and approved in writing by the Council which demonstrates that all required remedial measures have been incorporated within the proposal. 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 detailed Remediation Strategy have been implemented and have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health.</p>
	Reason: Protection of human health.
11.11	<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 Planning Authority 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>
	Reason: Protection of human health.
11.12	<p>No construction of the development hereby permitted shall commence unless a Construction Noise Vibration and Dust Management Plan (CNV&DMP) has been submitted to and approved in writing by the Council. The Plan must outline the methods to be employed to minimise any noise and vibration associated with construction operations, demonstrating the use of 'best practicable means'. The plan must have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014, Code of practice for noise and vibration on construction and open sites. All construction works thereafter must be carried out in accordance with the approved CNV&DMP.</p>
	Reason: Protection of amenity of nearby premises.
11.13	<p>No construction of the development hereby permitted shall commence unless a Final Construction Environmental Management Plan has been submitted to and approved in writing by the Council. This shall reflect all the mitigation and avoidance measures detailed in the outline CEMP, Artificial Lighting Assessment, Drainage Assessment and HRA carried out by RPS on behalf of Belfast Harbour Authority. The Final CEMP must confirm details of the chosen piling method. If this differs from the method detailed in the HRA then an assessment of impact to marine mammals shall be included. The Final CEMP should</p>

	<p>reflect the recommendations of NIEA: NED in its consultation response 17/04/20. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing with by the Council.</p> <p>Reason: To ensure that the appointed contractor undertaking the work is fully appraised of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA, East Coast (NI) Marine proposed SPA or to mobile features associated with North Channel SAC or The Maidens SAC.</p>
11.14	<p>The development hereby permitted shall not be commenced unless suitable risk assessments and supporting data have been submitted to and approved in writing by the Council. These shall identify all unacceptable risks to health and the water environment. The investigations shall include, but not be restricted to:</p> <ul style="list-style-type: none"> • Identifying all potential contaminant sources within the planning boundary. • Site investigations and groundwater monitoring designed and implemented in accordance with British Standard BS 10175:2011 + A2:2017 – ‘Code of practice for investigation of potentially contaminated land sites’ to identify the contamination risks associated with the potentially contaminating activities which took place at this site or in the surrounding area. • Provision of risk assessment(s) in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks to identify all unacceptable risks to health and the water environment and provision of remedial criteria to be met through a remedial strategy. These works are required to ensure that the land will be in a condition suitable for the development. <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p>
11.15	<p>The development hereby permitted shall not be commenced unless a detailed Remediation Strategy to address all unacceptable risks to receptors identified at Condition 11.14 has been submitted to and approved in writing by the Council. This must identify all unacceptable risks, 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.).</p> <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p>
11.16	<p>No construction of the development hereby permitted shall commence unless a Piling Risk Assessment has been submitted to and approved in writing by the Council. Piling risk assessments must be undertaken in 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”, available at: http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.17	<p>If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works within the immediate area of the find 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-</p>

	<p>contamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing and subsequently implemented to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use. After completing any remediation works required under Conditions 11.14 – 11.17, and prior to operation of the development, a verification report must 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. The verification report shall 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>
11.18	<p>No construction of the development hereby permitted shall commence unless a Final Construction Environmental Management Plan detailing all Pollution Prevention measures has been submitted to and approved in writing by the Council. NIEA Water Management Unit require the CEMP 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.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.</p>
11.19	<p>No construction of the development hereby permitted shall commence unless a Final Drainage Assessment compliant with Annex D of PPS 15 has been submitted to and approved in writing by the Council.</p> <p>Reason: To safeguard against flood risk to the development and elsewhere.</p>
11.20	<p>All existing trees within the site as detailed on the stamped approved drawing No. 58, and bearing the Council's date stamp 17 February 2020 shall be retained. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved details, without the written consent of the Council.</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees.</p>
11.21	<p>If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the development hereby approved, another tree or trees shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified by the Council.</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees.</p>
11.22	<p>Any demolition and removal of existing hard surfaces within the Root Protection Areas of existing trees to be retained, shall be carried out in accordance with recommendations outlined in part 7 of British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations' where this encroaches within the root protection area of any existing tree.</p> <p>Reason: To avoid damage to existing trees.</p>

11.23	<p>Where construction is proposed within the Root Protection Area (RPA) of existing trees, careful hand digging will be employed with extreme care being taken not to damage tree roots and tree stems within the Root Protection Areas of all trees to be retained. Mini-pile / post foundations or equivalent shall be used in the construction of any boundary fence.</p> <p>Reason: To avoid root severance of existing trees.</p>
11.24	<p>No construction of the development hereby permitted shall commence unless protective barriers (fencing) and ground protection have been erected / installed as specified in British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations' (section 6.2) on all 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.</p> <p>Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.</p> <p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p>
11.25	<p>All soft landscaping works shall be carried out in accordance with the details on Planting Plans Sheet 1 and 2 published by the Belfast City Council Planning Office on 2 July 2020. The works shall be carried out prior to the occupation of the development hereby approved unless otherwise agreed with the Council and shall be permanently retained thereafter. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a similar 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 provision, establishment and maintenance of a high standard of landscape.</p>
11.26	<p>All soft landscaping indicated on the stamped approved Planting Plans Sheet 1 and 2 published by the Belfast City Council Planning Office on 2 July 2020 shall be managed and maintained in accordance with the RPS Landscape Management Plan titled '20 Year Landscape Management Plan For Belfast Film Studios Phase 2' published by the Belfast City Council Planning Office on 2 July 2020. Any changes or alterations to the approved landscape management arrangements must be submitted to and agreed in writing by the Council in advance.</p> <p>Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual amenity.</p>
12.0	<p>Representations from Elected Representatives (if relevant) N/A</p>
13.0	<p>Referral to DfI (if relevant) N/A</p>

ANNEX A (LA04/2020/0474/F)	
Date Valid	24th February 2020
Date First Advertised	5th March 2020
Date Last Advertised	26 th June 2020
<p>1 Dargan Road,Belfast,Antrim,BT3 9JU 108 Dargan Crescent,Belfast,Antrim,BT3 9JP 11 Dargan Road,Belfast,Antrim,BT3 9JU 13 Dargan Road,Belfast,Antrim,BT3 9JU 15 Dargan Road,Belfast,Antrim, 1st & 2nd Floors,37 Dargan Road,Belfast,Antrim,BT3 9JU 1st Floor,35 Dargan Road,Belfast,Antrim,BT3 9LZ 3 Dargan Road,Belfast,Antrim,BT3 9JU 39 Dargan Road,Belfast,Antrim,BT3 9JU 41 Dargan Road,Belfast,Antrim,BT3 9JU 42-44 ,Duncrue Crescent,Belfast,Antrim,BT3 9BW 5 Dargan Road,Belfast,Antrim,BT3 9JU 57 Dargan Road,Belfast,Antrim,BT3 9JU 7 Dargan Road,Belfast,Antrim,BT3 9JU 9 Dargan Road,Belfast,Antrim,BT3 9JU Alpha House,53 Dargan Road,Belfast,Antrim,BT3 9JU Ground Floor,39 Dargan Road,Belfast,Antrim,BT3 9LZ Ground Floors,37 Dargan Road,Belfast,Antrim,BT3 9JU Ground,1st & 2nd Floor,33 Dargan Road,Belfast,Antrim,BT3 9JU Ground,35 Dargan Road,Belfast,Antrim,BT3 9LZ Unit 1-2,Nella House,96 Dargan Crescent,Belfast,Antrim,BT3 9JP Unit 2 ,Dargan Road,Belfast,Antrim,BT3 9LZ Unit 2,37 Dargan Road,Belfast,Antrim,BT3 9JU Unit 3 ,Dargan Road,Belfast,Antrim,BT3 9LZ Unit 3,Nella House,96 Dargan Crescent,Belfast,Antrim,BT3 9JP Unit 4,Nella House,96 Dargan Crescent,Belfast,Antrim,BT3 9JP Unit 5,Nella House,96 Dargan Crescent,Belfast,Antrim,BT3 9JP Unit 6,Nella House,96 Dargan Crescent,Belfast,Antrim,BT3 9JP</p>	
Date of Last Neighbour Notification	8 th July 2020
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: Z/2014/0057/F Proposal: Amendments to Waste Transfer Station (Ref: Z/2005/1970/F) to regularise current operations incorporating acceptance of and external storage containers for Waste Electrical and Electronic Equipment (WEEE), plasterboard and metal. Proposed new steel gantry, steel containers and additional car parking spaces. Address: Dargan Road Waste Transfer Station, 2a Dargan Road, Belfast, BT3 9JU, Decision: Permission Granted Decision Date: 22.05.2015</p>	

Ref ID: LA04/2019/1540/F

Proposal: Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks. 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works.

Address: Lands to the northwest of existing Belfast City Council Waste Transfer Station, (2a Dargan Road, Belfast, BT3 9JU).

Decision: Application under consideration.

Ref ID: LA04/2019/1612/PAN

Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, servicing & access from existing internal access road, landscaping and associated site works.

Address: Lands immediately north & south of existing film studios, north of Dargan Road, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's Park).,

Decision: PAN Acceptable

Decision Date: 31.07.2019

Ref ID: Z/2014/1279/F

Proposal: Provision of new upgrade of existing roads infrastructure and associated site capping together with associated landscaping and site works

Address: Lands of the former Dargan Road land fill site, to the north of Dargan Road, Belfast,

Decision: Permission Granted

Decision Date: 24.04.2015

Ref ID: Z/2004/1294/F

Proposal: Application to infill land with excavation and demolition materials for land reclamation purposes

Address: Belfast City Council Land, North Foreshore, Dargan Road, Belfast.

Decision: Permission Granted

Decision Date: 08.02.2005

Ref ID: LA04/2015/0982/PAN

Proposal: Construction of film studios complex, associated yards, car parking & access. Film studios to comprise four separate buildings as follows;

Production (37,450 sq ft.)

Stage 01 & stage 02 (66,000 sq ft.)

Stage 03 (45,000 sq ft.)

Workshop 01, 02 & 03 (46,170 sq ft.)

Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility), adjacent to Belfast Lough, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park),

Decision: PAN Acceptable

Decision Date: 15.12.2016

Ref ID: Z/2010/1178/F

Proposal: Provision of management system for landfill gas, comprising capping, and installation of gas abstraction wells and pipework. Surface-water drainage and foul sewerage. Provision of services.

Address: North Foreshore Site, Dargan Road, Belfast, BT3 9JU,

Decision: Permission Granted

Decision Date: 30.08.2013

Ref ID: Z/2006/1545/F

Proposal: Provision of management system for landfill gas, comprising capping, installation of gas abstraction wells and pipework (gas to be drawn off to be flared at a nearby existing facility), surface-water drainage, site access road and foul sewerage.

Address: Dargan Road Landfill Site, Dargan Road, Belfast.

Decision: Permission Granted

Decision Date: 30.08.2007

Ref ID: LA04/2015/1605/F

Proposal: Film studios complex comprising production, studio and workshop buildings, associated service yards, car parking, access to service roads under construction (Z/2014/1279/F), landscaping and ancillary works including 3No stand-alone transformer compounds, security hut and proposed headwall (amended description)

Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility) adjacent to Belfast Lough, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park, with access from Dargan

Decision: Permission Granted

Decision Date: 25.02.2016

Ref ID: Z/2008/0228/F

Proposal: Management System for landfill gas, comprising capping, installation of gas abstraction, wells and pipework (gas to be drawn off to be flared at a nearby existing facility), and site access. Landscaping.

Address: North Foreshore Site, Dargan Road, Belfast

Decision: Permission Granted

Decision Date: 26.03.2009

Briefing - NFS Phase 2_Section 54 application, Condition Summary

August 2021

Condition Review

No.	Existing Condition	Proposed Condition	Justification
1.		No change	n/a
2	<p>The development hereby approved shall not become operational until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. RPS-HGN-XX-DR-C-100-0002 Revision P1.2 'Proposed Road Layout Sheet 1', published by the Belfast City Council Planning Office on 15 April 2020 and Drawing No. RPS-HGN-XX-DR-C-100-0003 Revision P1.2 'Proposed Road Layout Sheet 2', published by the Belfast City Council Planning Office on 15 April 2020. The area within the visibility splays and any forward sight line shall, with the exception of existing trees, be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>	<p>Development in any particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, shall not become operational until the vehicular access, including visibility splays and any forward sight distance associated with each sub phase are provided in accordance with Drawing No. RPS-HGN-XX-DR-C-100-0002 Revision P1.2 'Proposed Road Layout Sheet 1', published by the Belfast City Council Planning Office on 15 April 2020 and Drawing No. RPS-HGN-XX-DR-C-100-0003 Revision P1.2 'Proposed Road Layout Sheet 2', published by the Belfast City Council Planning Office on 15 April 2020. The area within the visibility splays and any forward sight line shall, with the exception of existing trees, be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p>	<p>Amendment of the condition to permit part of the development advancing to construction/operation does not compromise the reason for the condition and its control to ensure infrastructure associated with the development is delivered.</p>
3		No change	n/a
4		No change	n/a
5		No change	n/a
6		No change	n/a
7	<p>The development hereby permitted shall not commence unless a final Construction Environmental Management Plan has been submitted to and approved in writing by the Council. This Plan must outline the methods to be employed to minimise any environmental impacts during site preparation and construction works, demonstrating the use of best practicable means. All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan.</p> <p>Reason: Protection of human health and the environment and amenity of nearby premises.</p>	<p>No development shall take place in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021 until the Construction Environmental Management Plan for that sub-phase in its entirety has been submitted to and approved in writing by the Council. This Plan must outline the methods to be employed to minimise any environmental impacts during site preparation and construction works, demonstrating the use of best practicable means. All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan.</p>	<p>Comprehensive Environmental Reporting was undertaken in support of the planning permission including an Outline Construction Environmental Management Plan. Associated mitigation measures and methodology were presented.</p> <p>Permitting the phased part construction and operation of the development does not compromise those measures and the requirement for a CEMP as the parts of the development progress ensure the relevant checks and measures can be undertaken by the Council in line with the reasoning for the condition.</p>

8		No change	
9	<p>The development hereby permitted shall not be commenced unless a detailed Remediation Strategy has been submitted to and approved in writing by the Council. The Remediation Strategy must demonstrate how the pollutant linkages identified within the agreed Quantitative Risk Assessment are to be demonstrably broken and no longer pose a potential risk to human health. The Strategy must also detail how the proposed remedial works are to be verified. The detailed Remediation Strategy must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance, and must meet the requirements of the Belfast City Council North Foreshore Developer's Guidance Note. All construction thereafter must be in accordance with the approved Detailed Remediation Strategy.</p> <p>Reason: Protection of human health</p>	<p>No development shall take place in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, until a detailed Remediation Strategy for that sub-phase in its entirety has been submitted to and approved in writing by the Council. The Remediation Strategy must demonstrate how the pollutant linkages identified within the agreed Quantitative Risk Assessment are to be demonstrably broken and no longer pose a potential risk to human health. The Strategy must also detail how the proposed remedial works are to be verified. The detailed Remediation Strategy must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance, and must meet the requirements of the Belfast City Council North Foreshore Developer's Guidance Note.</p>	<p>Permitting the phased approach to construction and operation of the development does not compromise those measures and the requirement for a Remediation Strategy as the parts of the development progress. This ensure the relevant checks and measures can be undertaken by the Council in support of the reasoning for the condition.</p>
10	<p>The development hereby approved shall not become operational unless a Verification Report has been submitted to and approved in writing by the Council which demonstrates that all required remedial measures have been incorporated within the proposal. 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 detailed Remediation Strategy have been implemented and have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health.</p>	<p>Development in any particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, shall not become operational unless a Verification Report, demonstrating that all required remedial measures have been incorporated for that sub-phase in its entirety, has been 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 detailed Remediation Strategy have been implemented and have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health.</p>	<p>Permitting the phased approach to construction and operation of the development does not compromise those measures and the requirement for a Verification Report as the parts of the development progress. This ensure the relevant checks and measures can be undertaken by the Council in support of the reasoning for the condition.</p>
11		No change	n/a
12	<p>No construction of the development hereby permitted shall commence unless a Construction Noise Vibration and Dust Management Plan (CNV&DMP) has been submitted to and approved in writing by the Council. The Plan must outline the methods to be employed to minimise any noise and vibration associated with construction operations, demonstrating the use of 'best practicable means'. The plan must have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014, Code of practice for noise and vibration on construction and open sites. All construction works thereafter must be carried out in accordance with the approved CNV&DMP.</p> <p>Reason: Protection of amenity of nearby premises.</p>	<p>No development shall take place in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, until a Construction Noise Vibration and Dust Management Plan (CNV&DMP) for that sub-phase in its entirety has been submitted to and approved in writing by the Council. The Plan must outline the methods to be employed to minimise any noise and vibration associated with construction operations, demonstrating the use of 'best practicable means'. The plan must have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014, Code of practice for noise and vibration on construction and open sites. All construction works thereafter must be carried out in accordance with the approved CNV&DMP.</p>	<p>A Noise Assessment was submitted in support of the planning permission.</p> <p>Permitting the phased approach to construction and operation of the development does not compromise those measures and the requirement for a CNV&DMP as the parts of the development progress. This ensure the relevant checks and measures can be undertaken by the Council in support of the reasoning for the condition.</p>
13	<p>No construction of the development hereby permitted shall commence unless a Final Construction Environmental Management Plan has been submitted to and</p>	<p>No development shall take place in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05</p>	<p>Comprehensive Environmental Reporting was undertaken in support of the planning permission.</p>

	<p>approved in writing by the Council. This shall reflect all the mitigation and avoidance measures detailed in the outline CEMP, Artificial Lighting Assessment, Drainage Assessment and HRA carried out by RPS on behalf of Belfast Harbour Authority. The Final CEMP must confirm details of the chosen piling method. If this differs from the method detailed in the HRA then an assessment of impact to marine mammals shall be included. The Final CEMP should reflect the recommendations of NIEA: NED in its consultation response 17/04/20. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing with by the Council.</p> <p>Reason: To ensure that the appointed contractor undertaking the work is fully apprised of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA, East Coast (NI) Marine proposed SPA or to mobile features associated with North Channel SAC or The Maidens SAC.</p>	<p>August 2021, until a Final Construction Environmental Management for that sub-phase has been submitted to and approved in writing by the Council. This shall reflect all the mitigation and avoidance measures detailed in the outline CEMP, Artificial Lighting Assessment, Drainage Assessment and HRA carried out by RPS on behalf of Belfast Harbour Authority. The Final CEMP for each sub-phase must confirm details of the chosen piling method. If this differs from the method detailed in the HRA then an assessment of impact to marine mammals shall be included. The Final CEMP for each sub-phase should reflect the recommendations of NIEA: NED in its consultation response 17/04/20. The approved CEMP for each sub-phase shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing with by the Council.</p>	<p>Associated mitigation measures and methodology were presented within shadow Habitat Regulation Assessment, Noise Assessment, Ecological Impact Assessment, Air Quality Assessment, outline CEMP, Water Quality Assessment.</p> <p>Permitting the phased part construction and operation of the development does not compromise those measures and the requirement for a CEMP as the parts of the development progress ensure the relevant checks and measures can be undertaken by the Council in support of the protection of human health which is the reasoning for the condition.</p>
14		No change	n/a
15	<p>The development hereby permitted shall not be commenced unless suitable risk assessments and supporting data have been submitted to and approved in writing by the Council. These shall identify all unacceptable risks to health and the water environment. The investigations shall include, but not be restricted to:</p> <ul style="list-style-type: none"> Identifying all potential contaminant sources within the planning boundary. Site investigations and groundwater monitoring designed and implemented in accordance with British Standard BS 10175:2011 + A2:2017 – ‘Code of practice for investigation of potentially contaminated land sites’ to identify the contamination risks associated with the potentially contaminating activities which took place at this site or in the surrounding area. Provision of risk assessment(s) in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks to identify all unacceptable risks to health and the water environment and provision of remedial criteria to be met through a remedial strategy. These works are required to ensure that the land will be in a condition suitable for the development. <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p>	<p>No development shall commence in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, unless suitable risk assessments and supporting data have been submitted to and approved in writing by the Council. These shall identify all unacceptable risks to health and the water environment in each sub-phase. The investigations shall include, but not be restricted to:</p> <ul style="list-style-type: none"> Identifying all potential contaminant sources within the planning boundary. Site investigations and groundwater monitoring designed and implemented in accordance with British Standard BS 10175:2011 + A2:2017 – ‘Code of practice for investigation of potentially contaminated land sites’ to identify the contamination risks associated with the potentially contaminating activities which took place at this site or in the surrounding area. Provision of risk assessment(s) in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks to identify all unacceptable risks to health and the water environment and provision of remedial criteria to be met through a remedial strategy. These works are required to ensure that the land will be in a condition suitable for the development. 	<p>Comprehensive Environmental Reporting was undertaken in support of the planning permission. Associated mitigation measures and methodology were presented.</p> <p>Permitting the phased part construction and operation of the development does not compromise those measures and the requirement for associated contamination requirements as the parts of the development progress ensure the relevant checks and measures can be undertaken by the Council in support of the protection of environmental receptors which is the reasoning for the condition.</p>

16	<p>The development hereby permitted shall not be commenced unless a detailed Remediation Strategy to address all unacceptable risks to receptors identified at Condition 15 has been submitted to and approved in writing by the Council. This must identify all unacceptable risks, 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.).</p> <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p>	<p>No development shall take place in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, until a detailed Remediation Strategy, addressing all unacceptable risks to receptors identified at Condition 15 for that sub-phase, has been submitted to and approved in writing by the Council. This must identify all unacceptable risks, 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.).</p>	<p>Permitting variation of the condition for a Remedial Strategy to come forward addressing a phased approach to development does not compromise the ability to deal with the reason for the condition and its protection of environmental receptors.</p>
17	<p>No construction of the development hereby permitted shall commence unless a Piling Risk Assessment has been submitted to and approved in writing by the Council. Piling risk assessments must be undertaken in 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", available at: http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protect of environmental receptors to ensure the site is suitable for use.</p>	<p>No development shall commence in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, unless a Piling Risk Assessment for that sub-phase has been submitted to and approved in writing by the Council. Piling risk assessments must be undertaken in 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", available at: http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p>	<p>Permitting a variation to the condition wording to enable a phased approach does not compromise the reason for the condition. The need for the Piling Risk Assessment to address each specific part of the development ensures the reason for the condition are protected i.e. protection of environmental receptors.</p>
18		No change	n/a
19	<p>After completing any remediation works required under Conditions 15-18, and prior to the operation of the development, a Verification Report must be submitted in writing and agreed with the Council. This report must be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The verification report shall 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>	<p>After completing any remediation works required under Conditions 15-18, and prior to the operation of each sub phase a Verification Report for each sub-phase shall be submitted in writing and agreed with the Council. This report must be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The verification report shall 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>Permitting a phased approach does not compromise the foundation and reason for the condition. The need for the Verification Report to address each specific part of development ensures the reason for the condition are protected i.e. protection of environmental receptors.</p>
20	<p>No construction of the development hereby permitted shall commence unless a Final Construction Environmental Management Plan detailing all Pollution Prevention measures has been submitted to and approved in writing by the Council. NIEA Water Management Unit require the CEMP at least 8 weeks prior to the commencement of construction to ensure effective avoidance and</p>	<p>No development shall commence in a particular sub-phase, as identified in the phasing plan titled RPP-XX-XX-DR-A-PL10001 RevC dated 05 August 2021, unless a Final Construction Environmental Management, detailing all Pollution Prevention measures, for that sub-phase has been submitted to and approved in writing by the Council. NIEA Water Management Unit require the CEMP at least 8 weeks prior to</p>	<p>Comprehensive Environmental Reporting was undertaken in support of the planning permission. Associated mitigation measures and methodology were presented.</p>

	mitigation methodologies have been planned for the protection of the water environment. Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment	the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.	Permitting the phased part construction and operation of the development does not compromise those measures and the requirement for a CEMP as the parts of the development progress ensure the relevant checks and measures can be undertaken by the Council in support of the protection of the water environment which is the reasoning for the condition.
21	No construction of the development hereby permitted shall commence unless a Final Drainage Assessment compliant with Annex D of PPS 15 has been submitted to and approved in writing by the Council. Reason: To safeguard against flood risk to the development and elsewhere.	No construction of the development hereby permitted shall commence in a particular sub-phase, unless a Final Drainage Assessment, compliant with Annex D of PPS 15, for that sub-phase has been submitted to and approved in writing by the Council.	A Drainage Assessment was undertaken in support of the planning permission. Associated indicated drainage design was presented. Permitting a phased approach to development does not deviate from the findings of the reporting associated with the original permission or reason for the condition.
22		No change	n/a
23		No change	n/a
24		No change	n/a
25		No change	n/a
26		No change	n/a
27	All soft landscaping works shall be carried out in accordance with the detail on Planting Plans Sheet 1 and 2 published by the Council on 2 July 2020. The works shall be carried out prior to the occupation of the development hereby approved unless otherwise agreed with the Council and shall be permanently retained thereafter. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next available planting season with other trees or plants of a similar species and size, details of which shall have first been submitted to and approved in writing by the Council. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.	All soft landscaping works shall be carried out in accordance with the detail on Planting Plans Sheet 1 and 2 published by the Council on 2 July 2020. The works associated with each sub-phase shall be carried out prior to the occupation of that part of the development hereby approved unless otherwise agreed with the Council and shall be permanently retained thereafter. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next available planting season with other trees or plants of a similar species and size, details of which shall have first been submitted to and approved in writing by the Council.	Permission to bring forward discrete components of the development will ensure high quality landscaping as the permission is implemented. The reason for the condition is not compromised.
28		No change	n/a
29		No change	n/a


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Thursday 19 August 2021	
Application ID: LA04/2021/0789/F	
Proposal: Application under Section 54 to vary conditions applied to approval LA04/2019/1100/F to facilitate development of this proposal. Relevant conditions which require to be amended are:- Condition 2 (Landscaping, Condition 5 (public realm), Condition 25 (retail plant and associated equipment), Condition 26 (verification report for noise), Condition 28 (odour technologies). Condition to be deleted Conditions 17 (verification report for contamination), this is a duplication of Condition 15.	Location: 721-739 Lisburn Road, Belfast BT9 7GU
Referral Route: Variation/ removal of Conditions on a Major application	
Recommendation:	Approval
Applicant Name and Address: Galgorm Properties 7 Corbally Road Galgorm Industrial Estate Ballymena BT42 1JQ	Agent Name and Address: Inaltus Limited 15 Cleaver Park Malone Road Belfast BT9 5HX
<p>Executive Summary: The application seeks full planning permission for the variation of five planning conditions and the removal of one condition attached to planning permission LA04/2019/1100/F. The approved apartment building is a substantial development and the proposed changes to the wording of the conditions will enable occupation of the development before the entire building is completed.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> - The acceptability of proposed amendments and impact on the quality of development and prospective amenity. <p>The purpose of the application is to facilitate the gradual and orderly construction and occupation of a substantial mixed use development on a main arterial route. Previously all 'negative' conditions would have to be discharged either prior to commencement or occupation of the entire development. The proposed rewording will enable occupation of completed parts of the building (both commercial and residential) as construction progresses to completion.</p> <p>Environmental Health Service have no objections to the revised approach to the development and the gradual approval and verification of ground floor plant and equipment. Amended wording of the conditions has been requested and the revisions are considered acceptable.</p> <p>The planting/ public realm condition has been reworded to ensure a more enforceable approach and achieve an acceptable streetscape is created as soon as possible after completion of the development.</p> <p>No third party objections received.</p>	

Recommendation

Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.. Original unaltered planning conditions repeated (LA04/2019/1100/F).

Signature(s):

Case Officer Report	
Site Location Plan and approved layout	
	
1.0	Description of Proposed Development
1.1	Relevant conditions which require to be amended are:- Condition 2 (Landscaping), Condition 5 (public realm), Condition 25 (retail plant and associated equipment), Condition 26 (verification report for noise), Condition 28 (odour technologies). Condition to be deleted Conditions 17 (verification report for contamination), this is a duplication of Condition 15.
2.0	Description of Site Brownfield Site
Planning Assessment of Policy and other Material Considerations	

3.0	Planning History
3.1	LA04/2019/1100/F - Mixed use commercial and residential development providing 79 apartments with associated amenity space, c.8999 sq ft of retail floorspace in 6 units, c.6950 sq ft Gym, 67 car parking spaces, bin storage and assoc. site and access works and public realm improvements. Approved 12 th June 2020
4.0	Policy Framework
4.1	Belfast Urban Area Plan Draft Belfast Metropolitan Area Plan 2015
4.2	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 7- Quality Residential Environments Planning Policy Statement 12- Housing in Settlements
5.0	Statutory Consultees None
6.0	Non-Statutory Consultees Environmental Health – No objections
7.0	Representations None received
8.0	Other Material Considerations NA
9.0	Assessment The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> - The acceptability of proposed amendments and impact on quality and prospective amenity.
9.1	The original conditions and proposed conditions (<i>Italics</i>) to the conditions are listed and considered in detail below: <p>2. All soft and hard landscaping incorporated in the stamped approved landscape plan, Drawing No. 12/A bearing BCC date stamp 16th September 2019, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice in the first available planting season following commencement of the development or before occupation of the first residential unit in the development, whichever is the later.</p> <p><i>2. All soft and hard landscaping incorporated in the stamped approved landscape plan, Drawing No. 12/A bearing BCC date stamp 16th September 2019, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice in the first available planting season following commencement of the development.</i></p> <p>5. The proposed public realm works, as shown on approved plan No. 12/A, date stamped 16th September 2019, including fencing as shown on approved plan No. 12, uploaded to the Planning Portal on 17th May 2019, shall be carried out prior to the occupation/ operation of any part of the development hereby approved.</p> <p><i>5. The proposed public realm works, as shown on approved plan No. 12/A, date stamped 16th September 2019, including fencing as shown on plan No. 12, uploaded to the Planning Portal on 17th May 2019, shall be completed within 6 months of practical completion of the development hereby approved.</i></p>
9.2	The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The proposed wording of Condition No. 5 is considered unacceptable given the timeframe for completion (6 months after completion). The trigger point should be linked to the commencement or

	<p>occupation of the development and should seek commencement of planting/ landscaping rather than completion, as this is more difficult to enforce.</p>
9.3	<p>Officers are of the opinion that No. 5 should be amended to require that public realm improvement/ landscaping are completed as per approved details within 24 months from first occupation of any part of the development. The planning agent was contacted with regard to the Council's position and is agreeable to amending the condition as necessary. Subsequently the condition should read as follows:</p> <p><i>The proposed public realm works, as shown on approved plan No. 12/A, date stamped 16th September 2019, uploaded to the Planning Portal on 17th May 2019, shall be completed in accordance with these details within 24 months of the first occupation of any part of the development.</i></p>
9.4	<p>Condition 17 is a duplication of Condition 15. Both seek verification that mitigation works have been completed as required and the site is fit for the approved end-use. There is therefore no objection to the removal of Condition No. 15.</p>
9.5	<p>25. Prior to the commencement of development hereby approved, excluding demolition, details of all plant and equipment associated with the development hereby permitted shall be submitted to and approved in writing by the Council. The plant and equipment shall be selected and designed so as to achieve a rating level (LAr) no greater than 50 dB LAR (45 LAeq) daytime and 40dB LAR (35LAeq) night time when measured at the nearest noise sensitive premises (existing or proposed). The plant and equipment shall be installed and retained in accordance with the approved details.</p> <p><i>25. Prior to the occupation of each commercial unit of development hereby approved, excluding demolition, details of all plant and equipment associated with the development hereby permitted shall be submitted to and approved in writing by Belfast City Council. The plant and equipment shall be selected and designed so as to achieve a rating level (LAr) no greater than 50 dB LAR (45 LAeq) daytime and 40dB LAR (35LAeq) night time when measured at the nearest noise sensitive premises (existing or proposed). The plant and equipment shall be installed and retained in accordance with the approved details.</i></p> <p>26. Prior to the occupation of the first residential unit hereby approved, a verification report shall be submitted to, and approved by the Council to demonstrate that all plant and equipment, as approved under condition No. 25 has been installed in accordance with the approved details and evidence provided to demonstrate that noise levels achieve the stated standards.</p> <p><i>26. Prior to the operation of any of the commercial/business units by a food business, details of all odour technologies to be employed to suppress and disperse odours created by cooking operations in the premises shall be submitted for approval to Belfast City Council and agreed in writing before installation. Verification of their installation shall be submitted to, and approved in writing by the Council prior to the operation of any food business unit. The approved odour abatement technology shall be retained at all times.</i></p>
9.9	<p>Environmental Health Service has offered no objection to a more flexible approach to the development allowing a gradual build out of what is a substantial built form. However they note that the proposed replacement conditions 25 and 26 do not cover the impact of plant and equipment associated with the residential element of the development. Subsequently they have suggested the following wording:</p>
9.10	<p><i>25. Prior to the commencement of each element of the development hereby approved, details of all plant and equipment associated with that element shall be submitted to and approved in</i></p>

	<p>writing by Belfast City Council. The plant and equipment shall be selected and designed so as to achieve a rating level (LAr) no greater than 50 dB LAR (45 LAeq) daytime and 40dB LAR (35LAeq) night time when measured at the nearest noise sensitive premises (existing or proposed). The plant and equipment shall be installed and retained in accordance with the approved details.</p> <p>26. Prior to the occupation of each element/block of the development hereby approved, a verification report shall be submitted to, and approved by the Council to demonstrate that all plant and equipment associated with that element/block of the development as approved under condition 25 has been installed in accordance with the approved details and evidence provided to demonstrate that noise levels achieve the stated standards.</p>
9.11	<p>28. Prior to the operation of any of the commercial/ business units hereby approved, the odour abatement technology approved under condition No. 28 shall be installed. Verification of their installation shall be submitted to, and approved in writing by the Council prior to the occupation of any of the commercial/ business units. The approved odour abatement technology shall be retained at all times.</p> <p>28. Prior to the operation of any of the commercial/business units by a food business, details of all odour technologies to be employed to suppress and disperse odours created by cooking operations in the premises shall be submitted for approval to Belfast City Council and agreed in writing before installation. Verification of their installation shall be submitted to, and approved in writing by the Council prior to the operation of any food business unit. The approved odour abatement technology shall be retained at all times.</p> <p>Environmental health is content with the proposed change of wording to condition 28 however would suggest the addition of - Reference should be made to current industry guidance for Commercial kitchens: 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA (Department for Environment Food and Rural Affairs) updated by EMAQ+ on 5/9/18. Subsequently the following wording has been suggested:</p>
9.12	<p>28. Prior to the operation of any of the commercial/business units by a food business, details of all odour abatement technologies to be employed to suppress and disperse odours created by cooking operations in the premises shall be submitted for approval to Belfast City Council and agreed in writing before installation. Reference should be made to current industry guidance for Commercial kitchens: 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA (Department for Environment Food and Rural Affairs) updated by EMAQ+ on 5/9/18. Verification of installation shall be submitted to and approved in writing by the Council prior to the operation of any food business unit. The approved odour abatement technology shall be retained at all times.</p> <p>To conclude, the proposed changes to the conditions will facilitate and enable the gradual development and occupation of what is a substantial development. The amendments are acceptable in that a quality scheme will be ensured in terms of public realm improvements and landscaping and the amenity of prospective residents will not be unduly compromised.</p> <p>The gradual approval and verification of plant and equipment, from both a noise and odour perspective, shall ensure the amenity of any residential units occupied in the vicinity of the various ground floor units will be protected.</p>
10.0	Summary of Recommendation: Approval
10.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended with delegated authority given to the Director of Planning and Building Control to finalise the wording of

	conditions subject to no new substantive planning issues being raised by third parties. The original, unaltered planning conditions will be repeated from the original planning permission (LA04/2019/1100/F).
11.0 11.1	<p>Conditions</p> <p>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.</p> <p>Reason: Time Limit.</p> <p>2. All soft and hard landscaping incorporated in the stamped approved landscape plan, Drawing No. 12/A bearing BCC date stamp 16th September 2019, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice in the first available planting season following commencement of the development.</p> <p>Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.</p> <p>3. If within a period of 5 years from the date of the planting of any tree, that tree is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.</p> <p>Reason: To ensure the maintenance of a high level of landscaping.</p> <p>4. Maintenance and management of the open space and landscaped areas as shown on Plan No. 12/A date stamped 16th September 2019, shall be carried out in accordance with the Park Hood maintenance and management plan date stamped 16th April 2019, unless otherwise agree in writing by the Council.</p> <p>Reason: To ensure successful establishment and maintenance of the open space and amenity areas in the interests of visual and residential amenity.</p> <p>5. The proposed public realm works, as shown on approved plan No. 12/A, date stamped 16th September 2019, uploaded to the Planning Portal on 17th May 2019, shall be completed in accordance with these details within 24 months of the first occupation of any part of the development.</p> <p>Reason: To ensure the provision of a high quality of landscaping and public realm.</p> <p>6. The development hereby approved shall not commence until the vehicular access, including visibility splays and any forward sight distance, is provided in accordance with drawing No.5168627-ATK-LRD-XX-DR-D-0007 Rev.P02 (contained within the Atkins letter dated 14th May 2020, uploaded to the Planning Portal 18th May 2020).</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>7. The development hereby approved shall not be occupied until the area within the visibility splays and any forward sight line is cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway. The splays shall be retained and kept clear thereafter.</p>

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

8. The development hereby approved shall not be occupied until hard surfaced areas have been constructed and permanently marked in accordance with drawing No.5168627-ATK-LRD-XX-DR-D-0007 Rev.P02 (contained within the Atkins letter dated 14th May 2020, uploaded to the Planning Portal 18th May 2020) 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.

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

9. The development hereby approved shall not be occupied until sheltered cycle parking facilities have been provided in accordance with Drawing No.02A uploaded to the Planning Portal 27th November 2019, and retained thereafter.

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

10. The development hereby permitted shall operate in accordance with the Residential Framework Travel Plan dated April 2019, uploaded to the Planning Portal 17th May 2019.

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

11. The development hereby permitted shall operate in accordance with the Workplace Framework Travel Plan dated November 2019, uploaded to the Planning Portal 21st November 2019.

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

12. The development hereby permitted shall operate in accordance with the Service Management Plan dated November 2019, uploaded to the Planning Portal 21st November 2019.

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

13. In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease until a written report detailing the nature of this contamination and its management has been submitted to and agreed in writing by the Council. The investigation, risk assessment and if necessary remediation work, must be undertaken and verified in accordance with current best practice. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and approved in writing by the Council and subsequently implemented to its satisfaction.

Reason: Protection of human health.

14. The development hereby approved shall not commence until all fuel storage tanks (and associated infra-structure) are fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the quality of surrounding soils and groundwater verified in writing by the Council. Should any additional contamination be identified during this process, Condition 13 will apply.

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

15. Prior to the occupation or operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RSK Environment Ltd. report entitled 'Galgorm Properties, Environmental Site Assessment and Generic Quantitative Risk Assessment, No. 721-739 Lisburn Road, Belfast' (dated March 2019 and referenced 602257-R1 (01)) have been implemented. Should unexpected contamination be identified during the approved development of the site, the Verification Report must demonstrate that the remediation measures within the agreed documentation have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. The Verification Report shall be in accordance with current guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that:

- a) All fuel storage tanks and associated pipework have been decommissioned and removed in accordance with Pollution Prevention Guidelines (PPG) 27 (Installation, Decommissioning and Removal of Underground Storage Tanks) and Guidance for Pollution Prevention (GPP) 2 (Above ground oil storage tanks).
- b) Materials used in the landscaped areas are demonstrably suitable for use residential use.

Reason: Protection of human health.

16. No development or piling work should commence on this site until a piling risk assessment has been submitted to and approved in writing by the Council.

This Condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in 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' available at <http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environmentagency.gov.uk/scho0501bitt-e-e.pdf>

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

17. After completing any remediation works required under Conditions 13 and 14, and prior to occupation of the development, a verification report must be submitted to and agreed in writing by the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). 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.

18. Combustion plant shall meet the technical specification as indicated within chapter 1.5.10 of the Air Quality Impact Assessment, 721-739 Lisburn Road, SNC-LAVALIN ATKINS, April 2019. Emissions shall be released from stacks positioned to provide adequate dispersion in line with the above assessment information, with a combined extraction flue terminating 1m above the ridge of the building, and not below windows of any habitable rooms. No residential

unit hereby approved shall be occupied until a verification report has been submitted to and approved by the Council, clearly showing specification and location of combustion plant and associated extraction flues.

Reason: Protection of human health and amenity.

19. Dust management measures, as detailed within the chapter 1.7.3 of the Air Quality Impact Assessment, 721-739 Lisburn Road, SNC-LAVALIN ATKINS, April 2019 shall be implemented throughout the duration of any demolition and construction phases of the development.

Reason: Protection of human health and amenity.

20. Prior to occupation of the proposed residential element of the development, a noise Verification Report (VR) shall have been submitted to and approved in writing by the Council. The VR must demonstrate that;

- The window system (including frames, seals etc.) and attenuated ventilation systems have been installed in line with the Lester Acoustics Report entitled, 'Proposed Mixed Use Commercial and Residential Development at 721 -739 Lisburn Road, Belfast, BT9 7GU, Inward, Intra and Outward Sound Level Impact Assessment. Ref: MRL/1293/L01 March 2019', to ensure that internal noise levels within any proposed residential unit shall:
- Not exceed 35 dB LAeq, 16hrs at any time between 07:00hrs and 23:00hrs within any habitable room.
- Not exceed 30 dB LAeq, 1hr at any time between the hours of 23:00hrs and 07:00hrs within any bedroom, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements; and
- Not exceed 45 dB L_{Amax} more than 10-15 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.

The building envelope of the proposed office accommodation shall be constructed so as to provide a suitable internal noise environment in line with current guidance, BS8233:2014 Guidance on Sound Insulation and Noise Reduction in Buildings.

Reason: To protect human health and amenity.

21. The sound reduction performances of the floor construction between the proposed ground floor Retail/Commercial and the first floor apartments above shall be 63dB Rw for daytime scenario and 73dB Rw for night time scenario in line with Chapter 5 of the approved Lester Acoustics Report entitled, 'Proposed Mixed Use Commercial and Residential Development at 721 -739 Lisburn Road, Belfast, BT9 7GU, Inward, Intra and Outward Sound Level Impact Assessment. Ref: MRL/1293/L01 March 2019'.

Reason: To protect human health and the amenity of nearby premises.

22. The sound reduction performances of the floor and walls of the proposed Gym shall provide a sound reduction of 73dB Rw for the daytime scenario and 83dB Rw for the night time scenario. In addition, the construction of the Gym shall provide impact isolation. The floor shall be a proprietary floating (vibration isolating) floor system in line with Chapter 5 of the approved Lester Acoustics Report entitled 'Proposed Mixed Use Commercial and Residential Development at 721 -739 Lisburn Road, Belfast, BT9 7GU, Inward, Intra and Outward Sound Level Impact Assessment. Ref: MRL/1293/L01 March 2019'.

Reason: To protect human health and the amenity of nearby premises.

23. The outer ends of the proposed courtyard external amenity areas shall incorporate acoustic barriers at the positions identified in Figure N of the approved Lester Acoustics Report entitled 'Proposed Mixed Use Commercial and Residential Development at 721 -739 Lisburn Road, Belfast, BT9 7GU, Inward, Intra and Outward Sound Level Impact Assessment. Ref: MRL/1293/L01 March 2019'.

Reason: To protect human health and outside amenity.

24. The design of the barriers shall be as outlined within the approved Lester Acoustics Report entitled 'Proposed Mixed Use Commercial and Residential Development at 721 -739 Lisburn Road, Belfast, BT9 7GU, Inward, Intra and Outward Sound Level Impact Assessment. Ref: MRL/1293/L01 March 2019', being of solid construction with no holes or gaps, and of an appropriate mass (at least 6kg/m2).

Reason: To protect human health and outside amenity.

25. Prior to the commencement of each element of the development hereby approved, details of all plant and equipment associated with that element shall be submitted to and approved in writing by Belfast City Council. The plant and equipment shall be selected and designed so as to achieve a rating level (LAr) no greater than 50 dB LAr (45 LAeq) daytime and 40dB LAr (35LAeq) night time when measured at the nearest noise sensitive premises (existing or proposed). The plant and equipment shall be installed and retained in accordance with the approved details.

Reason: To protect human health and the amenity of nearby premises.

26. Prior to the occupation of each element/block of the development hereby approved, a verification report shall be submitted to, and approved by the Council to demonstrate that all plant and equipment associated with that element/block of the development as approved under condition 25 has been installed in accordance with the approved details and evidence provided to demonstrate that noise levels achieve the stated standards.

Reason: To protect human health and the amenity of nearby premises.

27. No development shall commence until a Noise Management Plan has been submitted to and approved in writing by the Council. The plan should outline the methods to be employed to minimise any noise and vibration impact from demolition and construction operations and demonstrate 'best practicable means'. The Plan should pay due regard to the current BS 5228-1:2009+A1:2014: Noise and Vibration Control on Construction and Open Sites and include a detailed programme for the demolition/construction phases, the proposed noise and vibration monitoring methods, noise mitigation methods and evidence of community liaison. The development shall not be carried out unless in accordance with the approved Noise Management Plan.

Reason: To protect human health and the amenity of nearby premises.

28. Prior to the operation of any of the commercial/business units by a food business, details of all odour abatement technologies to be employed to suppress and disperse odours created by cooking operations in the premises shall be submitted for approval to Belfast City Council and agreed in writing before installation. Reference should be made to current industry guidance for Commercial kitchens: 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA (Department for Environment Food and Rural Affairs) updated by EMAQ+ on 5/9/18. Verification of installation

	<p>shall be submitted to and approved in writing by the Council prior to the operation of any food business unit. The approved odour abatement technology shall be retained at all times.</p> <p>Reason: To protect the amenity of nearby premises.</p> <p>29. No development shall be carried out unless sample panels and samples of the following external materials and elements of the building have been provided on site for inspection and agreed in writing by the Council:</p> <ul style="list-style-type: none"> - Red/buff brick, - Zinc cladding, - Juliette balcony materials, - PPC aluminium windows/panels/canopies, - precast concrete lintels, - vehicular access gates, - steel balustrades, - climber/screenings and render. <p>The approved sample panel shall be retained on site and made available for inspection by the Council for the duration of the construction works.</p> <p>The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: To ensure the development is in keeping with the character of the area and to ensure the provision of a high quality mixed use development.</p> <p>30. The development shall not be occupied until the refuse and recycling storage area has been provided in accordance with the approved plans and shall thereafter be retained as such at all times.</p> <p>Reason: To ensure adequate provision of refuse and recycling storage in the interests of the amenities of the area.</p>
	<p>Neighbour Notification Checked Yes</p>
	<p>Signature(s)</p>

ANNEX	
Date Valid	30th March 2021
Date First Advertised	16th April 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) 1,428 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN 2 Maryville Park,Belfast,Antrim,BT9 6LN 2,428 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN 418 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN 424 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN 426 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN 428 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN 428 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN 430 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN 432 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GR 713a ,Lisburn Road,Belfast,Antrim,BT9 7GU 715 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 7GU 717 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 7GU 741 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 7GW Apartment 1,428a ,Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Apartment 2,428a ,Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Apartment 3,428a ,Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Flat 1,416 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Flat 1,717 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 7GU Flat 1,Osborne Court,1 Osborne Park,Belfast,Antrim,BT9 6JN Flat 2,416 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Flat 2,422 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Flat 2,717 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 7GU Flat 2,Osborne Court,1 Osborne Park,Belfast,Antrim,BT9 6JN Flat 3,416 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Flat 3,422 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Flat 3,717 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 7GU Flat 3,Osborne Court,1 Osborne Park,Belfast,Antrim,BT9 6JN Flat 4,717 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 7GU Flat A,420 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Flat B,420 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Flat C,420 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Flat D,420 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Flat E,420 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Offices,422 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GN Unit 2,715 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 7GU	
Date of Last Neighbour Notification	28th April 2021

Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	