

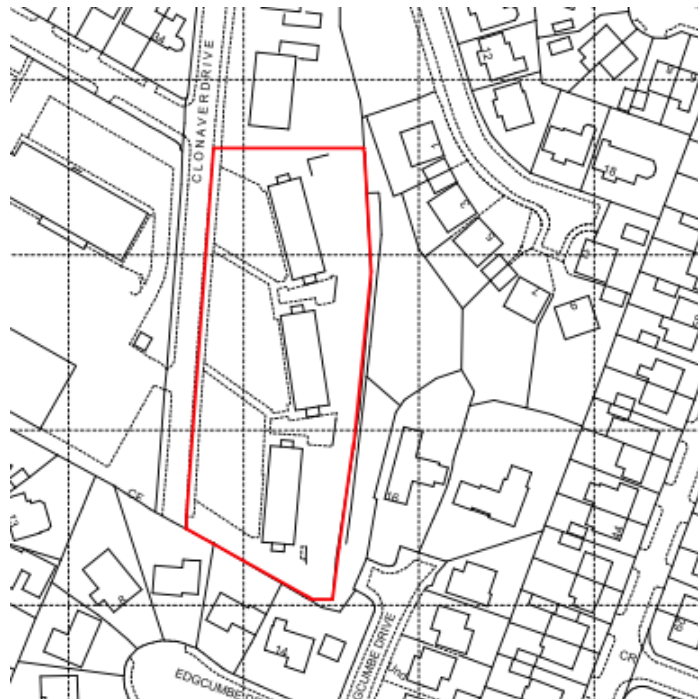
Development Management Report Committee Application

Summary	
Application ID: LA04/2023/2709/F	Committee Meeting Date: 14 th November 2023
Proposal: Demolition of existing buildings and erection of social housing development comprising 30 no. apartments across 3 buildings with amenity space, landscaping, car parking and associated site works	Location: Lands at Apartment Blocks 1-3 Clonaver Drive Belfast BT4 2FB
Referral Route: Through 3.8.2 of the Scheme of delegation where a representation has been received which conflicts with the Planning Officer's recommendation	
Recommendation:	Approval subject to conditions and a S.76 Planning Agreement.
Applicant Name and Address: Choice Housing Association Ireland Ltd Leslie Morrell House 37-41 May Street Belfast BT1 4DN	Agent Name and Address: Turley Hamilton House 3 Joy Street BELFAST
<p>Executive Summary: This application seeks full planning permission the demolition of existing buildings and erection of social housing development comprising 30 no. apartments across 3 buildings with amenity space, landscaping, car parking and associated site works.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Design, scale, layout and impact upon the character and appearance of the area • Impact on Amenity • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Climate Change • Drainage • Traffic, Movement and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination. <p>Recommendation Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement being entered into to secure affordable housing.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions, Section 76 planning agreement, and deal with any other matters that arise prior to issuing the decision, provided they are not substantive.</p>	

Planning Report

1.0 Drawings

1.1 Fig 1. Site Location Plan



1.2

Fig.2 Proposed Site Layout



2.0 Characteristics of the Site and Area

2.1 The proposed development site is located at lands adjacent to Clonaver Drive, East Belfast. The area is predominately residential, and the site sits between Norwood Court and Clonaver Park. The land has a sloping topography with a significant level change of up to 6 metres from the western site boundary to the east, and 5 metres from the southern site boundary to the north. The western site boundary is defined by the existing public

2.2	<p>footpath along Clonaver Drive and a row of mature/semi-mature trees. The northern site boundary is enclosed with security fencing, with mature trees and hedgerows defining the eastern and south site boundaries.</p> <p>The land is currently owned by Choice Housing and is occupied by 24 social housing apartments, arranged in 3, 2 storey buildings. The site is within walking distance to local shops and services and is served well by public transport links located on the Circular Road and the Hollywood road.</p>
3.0	Description of Proposal
3.1	<p>This application seeks full planning permission for the demolition of existing buildings and erection of social housing development comprising 30no. apartments across 3 buildings with amenity space, landscaping, car parking and associated site works.</p>
4.0	Planning Policy and Other Material Considerations
4.1	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p>
4.2	<p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.3	<p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
4.4	<p>Other Policies Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)</p>
4.5	<p>Relevant Planning History</p>
4.6	<p>LA04/2019/2279/F Blocks 4, 5, 6 Clonaver Drive Demolition of existing buildings on site and erection of 29 no. apartments across 4 buildings (4 no. apartments in Block No. 1, 8 no. apartments in Block 2, 8 no. apartments in Block 3 and 9 no. apartments in Block 4) with associated landscaping and car parking (Amended Description and Drawings) PERMISSION GRANTED</p>
5.0	Consultations and Representations
5.1	<p>Statutory Consultations DfI Roads – Outstanding DfI Rivers – Content subject to conditions NI Water – Recommended refusal DAERA NIEA – Content subject to conditions Shared Environmental Services (SES)- Content subject to conditions</p>
5.2	<p>Non-Statutory Consultations BCC Environmental Health – Content subject to conditions BCC Plans & Policy team – Advice. Senior Urban Design Officer- Advice. Trees and Landscape Officer- Advice</p>

5.3	Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.
5.4	Representations
5.5	The application has been advertised and neighbours notified. The Council has received two objections and on representation in support of the application.
5.6	Objections: 2 Support: 1
5.7	The objections raised the following issues: <ul style="list-style-type: none"> • Parking arrangements • Sewerage and Drainage • Wildlife and loss of habitat • Loss of privacy • Loss of Trees
5.8	These issues have been fully assessed within the planning assessment section of the report, however the application is considered acceptable for the reasons set out in the below assessment.
6.0	PLANNING ASSESSMENT
	Development Plan Context
6.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.3	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its

advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.

6.6

Relevant Planning Policies

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

Strategic Policies

Policy SP1A – managing growth and supporting infrastructure delivery

Policy SP2 – sustainable development

Policy SP3 – improving health and wellbeing

Policy SP5 – positive placemaking

Policy SP6 – environmental resilience

Policy SP7 – connectivity

Policy SP8 – green and blue infrastructure network

Spatial Development Strategy

Policy SD1 – Settlement hierarchy

Policy SD2 – Settlement Areas

Shaping a Liveable Place

Policy HOU1 – Accommodating new homes

Policy HOU2 – Windfall housing

Policy HOU4 – Density of Residential Development

Policy HOU5 – Affordable Housing

Policy HOU6 – Housing Mix

Policy HOU7 – Adaptable and Accessible Accommodation

Policy DES1 – Principles of Urban Design

Policy RD1 – New Residential Developments

Transport

Policy TRAN1 – Active travel – walking and cycling

Policy TRAN 2 – Creating an accessible environment

Policy TRAN4 – Travel plan

Policy TRAN6 – Access to public roads

Policy TRAN8 – Car parking and servicing arrangements

Building a Smart Connected and Resilient Place

Policy ENV1 – Environmental Quality

Policy ENV2 – Mitigating Environmental Change

Policy ENV3 – Adapting to Environmental Change

Policy ENV4 – Flood Risk

Policy ENV5 – Sustainable Drainage Systems (SuDS)

Promoting a Green and Active Place

Policy OS1 – Protection of Open Space

Policy OS3 – Ancillary Open Space

Policy TRE1 – Trees

Policy LC1 – Landscape

6.7

Supplementary Planning Guidance

Affordable Housing and Housing Mix

Residential Design

Placemaking and Urban Design

	<p>Sustainable Urban Drainage Systems Transportation Trees and Development</p> <p>6.8 Key Issues</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Design, scale, layout and impact upon the character and appearance of the area • Impact on Amenity • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Climate Change • Drainage • Traffic, Movement and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination <p>6.9 The adoption of the Plan Strategy requires the following updated assessment. <u>Additional Information</u> Officers requested that the applicant provides a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal. The applicant has subsequently provided a Plan Strategy Statement, which seeks to demonstrate compliance with the relevant policies.</p> <p>6.10 The Planning Service’s Plans and Policy team has been consulted on the applicant’s Plan Strategy. No further consultations have been considered necessary following adoption of the Plan Strategy.</p> <p>6.11 <u>Principle of development</u> The site is located within the development limit in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The proposal site is identified as whiteland within BUAP 2001 and whiteland within both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The presumption is therefore in favour of development subject to planning considerations detailed below.</p> <p>6.12 The proposal is compliant with Policy HOU1, accommodating new homes as it will meet the delivery of housing supply in the Belfast City Council area. Policy HOU2, Windfall Housing is also met as the proposal is situated on previously developed land and is currently white land within the dBMAP 2004 and 2015 versions. The proposed scheme is a suitable site for an apartment scheme in principle, it is accessible and convenient to public transport and walking and cycling infrastructure.</p> <p>6.13 <u>Design, scale, layout and impact upon the character and appearance of the area</u> Policy RD1 seeks to promote quality residential development that creates places that are attractive, locally distinctive, and appropriate to their surroundings. The proposal is compliant with Policy RD1 of the Plan Strategy 2035 and meets the below criteria: a. <i>Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i></p>
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	<p>The addition of 30 apartments will not conflict with the adjacent land use which is primarily residential. The scheme is considered to take account of the specific circumstances of the site, acknowledging the steep level change to the south of the site and ensuring the 3 apartment blocks tie in with the adjacent approval LA04/2019/2279/F. The proposed development aims to reference the local housing typology of the surrounding built context, by establishing a streetscape rhythm of two storey frontages with pitched roofs. The rear elevation extends to three storeys with the lower ground floor apartments taking advantage of the significant level change across the site.</p>
6.14	<p>The ridge height of Block C drops from 7.94m at the front of the site to 12.40m to the rear of the site. Likewise, the ridge heights for blocks A and B increase towards the rear of the site, taking into account the level changes. Although the height increases to the rear, the sloping site characteristic ensures that impacts are minimised to the properties at Norwood Court and Edgecumbe Drive. This minimises the impact on the immediate street scene.</p>
6.15	<p>The proposed finish of the apartments is red brick which aims to be sensitive to the existing residential context and also the adjacent approved development. There is also grey facing brick within the central circulation cores which aims to reduce the visual impact of the massing of each building. The mix and contrast of finishes is considered to meet policy requirement DES1 part (b) in that the local distinctive features have been identified, incorporated, and enhanced where appropriate.</p>
6.16	<p>The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area.</p>
6.17	<p><i>b. Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance:</i> The layout/aspect of the building within the site is such that there will be no significant overlooking into neighbouring properties. In addition, there is sufficient separation distances to existing neighbouring properties at to ensure that dominance and overshadowing will not occur to an unacceptable degree. Concerns were received regarding overlooking from a neighbouring resident. The separation distance from Apartment Block A to the properties at Edgecumbe Drive is between 14.44m (No.10), 18.03m (No.12) and 24.30m (No.16) which meets the recommended distance as outlined in paragraph 7.16 of Creating Places, there are also existing trees to the south and east of the site to separate the apartment block from the closest neighbouring dwellings.</p>
6.18	<p>The separation distance between proposed block B and C is approximately 13.07m and 14.98m between Block C and Block A. Taking into account the urban context, this distance is considered acceptable, and it will not result in a significant loss of privacy or overlooking due to the layout and alignment of the proposed blocks.</p>
6.19	<p>It is considered that the design, layout and separation distances proposed are acceptable and will not impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.</p>
6.20	<p><i>c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure</i> The development site located adjacent to the Hollywood Road, with regular bus services to Belfast on Clonaver Drive. External cycle parking facilities are also included within the proposal. The council are awaiting a response from DFI Roads to consider whether the level of provision acceptable.</p>

6.21	<p><i>d. Provides adequate open space:</i> There is approximately 540.45 sqm of private communal open space which equates to around 18sqm per unit. This is in the form of communal green spaces provided between the 3 apartments blocks and benched seating areas throughout the site. The recommended amount of amenity space within Creating Places for apartment developments ranges from a minimum of 10sqm per unit to around 30sqm per unit. On balance, it is considered that there is an appropriate amount of private and private communal space to create a quality residential environment.</p>
6.22	<p><i>e. Keeps hard surfacing to a minimum</i> Car parking is considered to take up a large part of the front of the site, however through amendments the amount of hard standing has been reduced. There is a hedge proposed along the western boundary and the front of the site will be supplemented by 3 existing trees and 18 new specimen trees.</p>
6.23	<p><i>f. Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.</i> The proposed scheme is in keeping with the space standards as set out in appendix C. The proposed housing mix is as follows:</p> <ul style="list-style-type: none"> - 20 no. 3-person 2 Bed Cat 1 apartments: approximately 65.23sqm, - 4no. 3-person 2 Bed Wheelchair accessible apartments: approximately 84.01sqm - 6no, 2-person 1 Bed Cat 1 apartments: 55.84sqm
6.24	<p><i>g. Does not contain units which are wholly in the rear of the property, without direct, safe and secure access from the public street; and</i> All of the proposed apartments have been designed to be accessible with direct, safe and secure access from the public street and acceptable aspect/outlook.</p>
6.25	<p><i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i> All apartments have been designed to ensure living rooms, kitchens and bedrooms have access to natural light.</p>
6.26	<p>The proposal responds positively to the local context and character through addressing matters such as height, scale, massing, proportion, plot width, building lines, rhythm, roofscape and materials. The three proposed apartment buildings are considered to tie in with the immediate context and the surrounding residential dwellings. In conclusion, the proposal complies with the criteria set out in A-K of Policy DES 1- Principles of Urban Design in that the scheme is of a high quality, sustainable design and makes a positive contribution to placemaking.</p>
6.27	<p><u>Climate change</u> Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation.</p>
6.28	<p>The proposal involves the demolition of three, two storey apartment buildings. The applicant has provided justification regarding the demolition and viability of the existing</p>

	<p>building. The buildings have been vacated with only a small number of apartments still occupied by residents. The existing apartments do not meet the Disability Discrimination Act (DDA) or Lifetime Homed (LFT) requirements. The pedestrian access to the apartments is non-compliant with DDA standards and no level access is provided to first floor apartments. The applicant has stated that the apartments are no longer fit for purpose. Whilst asbestos has been found in the buildings, opportunities to recycle material from the buildings for use as hardcore or fill will be explored during the construction phase.</p>
6.29	<p>On balance, the council are satisfied that the existing building is not fit for the purpose of a new residential apartment scheme. In conclusion, the existing building is not viable or suitable for redevelopment. The proposed demolition is necessary to facilitate the proposal.</p>
6.30	<p>The applicant has submitted a Climate Change Statement setting out that the following features are incorporated into the design:</p> <ul style="list-style-type: none"> - Photovoltaic solar panels are proposed to each of the apartment building roofs. In addition to this, additional forms of renewable energy sources and the associated technologies will be explored within the RIBA Stage 4 Technical Design. This will include the potential use of Air/Ground Source Heat Pumps and MVHR Ventilation Systems. - Each dwelling will be designed using a 'Fabric First' approach to Energy Performance, with a key focus on reducing the short- and long-term environmental impacts of the development and the operational energy costs for homeowners. This will be achieved by upgrading the air tightness and thermal performance of all building elements, which will be in excess of the current NI Building Regulations June 2022. - The drainage is designed to limit run off to greenfield rates through a hard SuDS solution comprising oversized pipes and a hydrobake and the infrastructure is designed to incorporate climate resilience in accordance with Sewers for Adoption NI standards. - Additional trees and landscaping will be planted within the development and existing flora retained where possible. -
6.31	<p>The proposal is considered on balance to satisfy the requirements as set out in ENV2, ENV3 and ENV5 of the Plan Strategy. A pre commencement condition is proposed to ensure delivery of the above measures and that soft landscaping within the site introduces SuDS measures to partially meet ENV3 and comply with ENV 5.</p>
6.32	<p>Existing trees are being retained where possible within the site. The Tree Officer was consulted and was concerned with the loss of trees to the front of the site. However, the site will have a net gain in permeable surfaces due to the introduction of green spaces throughout to replace existing hardstanding/buildings and there will a net gain of 41 trees. Therefore, on balance the proposal is considered to mitigate and adapt to climate change and comply with Policy TRE1.</p>
6.33	<p><u>Density of Residential Development</u> Policy HOU4 sets density bands to be used as a guide to inform proposed developments within the relevant settlement/character areas and states development proposals outside of these broad bands will be considered on their merits, subject to meeting all other policy requirements.</p>
6.34	<p>Whilst the Settlement Areas are yet to be fully established in advance of the LPP, the site most logically aligns with the Outer Belfast character, to which a density band of 25-125 dwelling per hectare (dph) would apply. In this context and taking account of the site area</p>

	<p>(determined as approximately 0.5ha of land) the provision of 30no. units represents a density of 60dph which is within the density parameters of Policy HOU4.</p>
6.35	<p><u>Affordable housing and Housing Mix</u> HOU5- Affordable Housing of the of the Plan Strategy 2035 states that planning permission will be granted for residential development on sites greater than 0.1 hectares and or more dwelling units where a minimum of 20% of units are provided as affordable housing.</p>
6.36	<p>The proposed scheme includes thirty apartments, twenty 3-person 2 bed, four 4-person 2 bed wheelchair accessible apartments and six 2 person, 1 bed apartments. This exceeds the HOU5 minimum policy requirement. The applicant has included the Affordable Housing Proposal Form set out at Appendix 1 within the Affordable housing and housing mix SPG and has been liaising with Choice Housing, a registered housing association, regarding the housing need and design requirements. Northern Ireland Housing Executive (NIHE) were consulted on the application and support the proposal. Based on the recognised local need and informed by NIHE, all of the thirty units i.e., 100% will be allocated for social-rented accommodation.</p>
6.37	<p>The applicant has justified the provision of a single tenure social housing scheme through providing evidence and support from NIHE to meet the level of social housing need in the vicinity of the site and the availability of land to address such needs. This is compliant to the advice within Section 4.4.14 of the SPG. An email was also received on 6/11/2023 from Choice Housing confirming the final mix of units and proposed floor plans. Therefore, on balance, the distribution of housing arrangements is considered an exception as stated above and acceptable, in compliance with policy HOU5.</p>
6.38	<p><u>Housing Mix</u> With regards to housing mix, the proposal comprises a total of 30 residential units in the form of apartments. The applicant has provided a written submission to advise that they have had extensive correspondence with Choice Housing, and it has been clearly demonstrated that there is an unmet demand for over 55s tenure in this area. The design of the apartments has been informed by the correspondence with Choice Housing to their specific standards/requirements.'</p>
6.39	<p>NIHE were consulted on the application and have indicated support from Choice Housing Association for the 30 Category 1 apartments. In this instance, given the general mix of accommodation in the broader area and the specific cat 1 social housing need being met by 100% of the proposed unit, the mix of units is deemed acceptable.</p>
6.40	<p>Therefore, the housing mix is considered acceptable having regard to policy HOU6 of the Plan Strategy 2035.</p>
6.41	<p><u>Adaptable and Accessible Housing</u> Policy HOU7 of the Plan Strategy states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible. For schemes of 10 units or more, at least 10% of the units should be wheelchair accessible. The applicant has provided four designated accessible residential units alongside disabled parking spaces. The proposed living arrangements are considered to satisfy the accessibility requirements of Policy HOU7and 10% threshold requirement of the policy.</p>
6.42	<p><u>Access, movement, and parking</u> At the time of writing, a final consultation response from DfI Roads in relation to the travel plan and cycle parking was outstanding. It is not anticipated that any related issues would preclude the development of the site for the proposal.</p>

6.43	Delegated authority is therefore requested to the Director of Planning and Building Control to finalise the conditions and resolve any matters arising from the outstanding consultation response from DfI Rivers in the event this is not received prior to Committee.
6.44	The proposed parking falls short of the parking standards at approximately 0.8 of a space per apartment. However, the introduction of 24 spaces, 3 which are for disabled parking provides a substantial increase to the parking which is currently provided for the 3 existing apartment blocks. Alongside on-street parking there is ample space for future residents to park. Policy TRAN 8 outlines that beyond areas of parking constraint, a reduced level of car parking provision may be acceptable where it is demonstrated through a Travel Assessment where a package of measures is provided to promote alternative transport modes, and where the development is in a highly accessible location. The proposal is considered to meet the above requirements. It is considered that adequate parking has been provided for the proposal having regard to the location and sustainability of the site.
6.45	<p>Policy TRAN 10 has been met in that the design of car parking meets the following criteria:</p> <ol style="list-style-type: none"> a. It respects the character of the local townscape/landscape b. It will not adversely affect visual and residential amenity c. Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site; and d. Provision has been made for accessible parking bays which facilitate safe, convenient access for people with a disability or impaired mobility.
6.46	The means of access to the development would also be safe.
6.47	It is also considered the proposal complies with Policies TRAN 4, TRAN 6 and TRAN 8.
6.48	<p><u>Drainage</u></p> <p>DfI Rivers were consulted and offer no objections to the proposal. The drainage assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100-year event could be contained through the addition of an underground online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NI Water prior to adoption. However, in order to ensure compliance with ENV 4 and the SPPS, DfI Rivers have requested that the potential flood risk from exceedance of the network, in the 1 in 100-year event, is managed by way of condition.</p> <p>It is therefore considered that the proposal complies with Policy ENV4.</p>
6.49	<p><u>Waste-water infrastructure</u></p> <p>NI Water has objected to the proposal on grounds of insufficient capacity at the local waste-water treatment plan. It advises that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no clear evidence has been provided to demonstrate specific harm resulting from the development. Moreover, NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all. For these reasons, it would be unreasonable for the Council to refuse planning permission on these grounds and the proposal is acceptable having regard to Policy SP1A of the Plan Strategy.</p>

6.50	<p>Ecological Impacts</p> <p>Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.</p>
6.51	<p>Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As the Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a significant effect on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.</p>
6.52	<p>In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult SES and DAERA. SES has advised following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, that the proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. This conclusion is subject to mitigation in the form of a planning condition to prevent commencement of development until the method of sewage disposal has been agreed with NI Water.</p>
6.53	<p>Shared Environmental Services, DAERA Environment, Marine and Fisheries Group & NIEA has advised they have no objection to the proposal. Having regard to this advice, it is considered necessary to impose a condition to require details of foul drainage to be agreed prior to commencement of development. Subject to this condition, the proposal is considered compliant with Policy NH1 Protection of natural heritage resources and Policy ENV1 Environmental quality and the relevant provisions of the Strategic Planning Policy Statement.</p>
6.54	<p>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, should adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, 21st February 2023. This found that the project would not have an adverse effect on the integrity of any European site subject to imposition of the foul drainage condition.</p>
6.55	<p>DEARA Natural Environment Division (NED) were consulted and are content that the proposal is unlikely to significantly impact NI Priority/protected species or habitats. The proposal is therefore considered compliant with Policy NH1 and ENV1.</p>
6.56	<p><u>Noise, odour and other environmental impacts including Contamination.</u></p> <p>The proposed site has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations. Taking account of the response from Environmental Health, the application is therefore considered acceptable in relation to these issues.</p>

7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a S.76 planning agreement to secure the affordable social housing.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions, Section 76 planning agreement, and deal with any other matters that arise prior to issuing the decision, provided they are not substantive.
DRAFT CONDITIONS:	
<p>1. The development hereby permitted must be begun within five years from the date of this permission.</p> <p><i>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</i></p> <p>2. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.</p> <p><i>Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.</i></p> <p>3. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the OSM Environmental Consulting Ltd Report Entitled Hall Black Douglas Architects Development of New Residential Apartments And Associated Site Works, Clonaver Drive, Belfast (Site 2) Remediation Strategy Ref: P1185v2 Dated: 7 September 2022 have been implemented.</p> <p>The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use (residential without home grown produce). It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with current Environment Agency CIRIA guidance and British Standards. In particular, the Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> • The Hydrocarbon impacted soils at BH1 have been excavated and removed from site; The base and side-walls of this excavation must be proven suitable for the proposed end-use (residential without home grown produce). • This excavation has been backfilled with material that is demonstrably suitable for use (residential without home grown produce). • Characteristic Situation 2 gas protection measures have been installed within the development in accordance with BS 8485:2015+A1:2019. Gas protection measures shall be verified in accordance with the requirements of CIRIA C735. • Vapour protection measures have been provided within the development; these shall be installed and verified in accordance with the requirements of CIRIA C748. <p><i>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</i></p>	

4. In the event that any centralised combustion sources (boilers, CHP or biomass) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted in writing to the Planning authority for review and approval. Where the Air Quality Impact Assessment indicates exceedances of air quality objectives, appropriate mitigation measures shall be presented, and these mitigation measures shall be installed and retained thereafter.

Reason: Protection of human health

5. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with ENV 4 and the SPPS, to be submitted and approved by the agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100-year event.

Reason: In order to safeguard against surface water flood risk.

6. Prior to the commencement of the development hereby approved a landscape management plan shall be submitted to and agreed in writing with the council. The landscape management plan shall detail all soft landscaping including species, size and type, and include details of appropriate SUDs measures to assist in minimising flood risk. All agreed landscaping and SUDs measures shall thereafter be retained and managed as agreed.

Reason: In the interests of mitigating against environmental change.

7. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard 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.

8. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or new trees or planting 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 (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

9. No works shall commence on site (including demolition and site clearance) unless a Tree Protection Plan ("TPP") to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the Council. The TPP shall detail the methods of tree/hedge protection and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall

not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.

Reason: To safeguard existing retained trees in the interests of visual amenity. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers uploaded to the planning portal: 01, 05B, 06A, 07A, 08B, 09B, 10B, 12B, 13B, 14A, 16C, 17B, 18A, 19A & 20A.
2. In the event that unexpected contamination is encountered during the carrying out of the development, all related works should cease, and the applicant should contact the Council. Investigation of the contamination, risk assessment and, if necessary, remediation work, should be undertaken and verified in accordance with current Environment Agency and CIRIA guidance and British Standards.
3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.
4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

ANNEX	
Date Valid	03/02/2022
Date First Advertised	03/03/2023
Date Last Advertised	03/03/2023
Details of Neighbour Notification (all addresses) 22 Neighbours were notified on 21/02/2023	

