

## Development Management Report Committee Application

Summary	
<b>Application ID:</b> LA04/2021/2687/F	<b>Committee Date:</b> 12 <sup>th</sup> December 2023
<b>Proposal:</b> Residential development for 87 no. apartments (1 no. and 2 no. bedroom) of which 18no. units are affordable housing, internal car park, landscaped gardens/ terraces and all associated site works (amended description and plans).	<b>Location:</b> 3 Milner Street Belfast BT12 6GE.
<b>Referral Route:</b> Major Planning Application	
<b>Recommendation:</b>	Approval subject to conditions and a Section 76 Planning Agreement.
<b>Applicant Name and Address:</b> CYM Properties Ltd. 81 Templepatrick Road Doagh Ballyclare BT39 0RA	<b>Agent Name and Address:</b> MBA Planning 4 College House Belfast BT12 4HQ
<p><b>Executive Summary:</b> This application seeks full planning permission for a residential development comprising 87 no. apartments (1no. and 2no. bedroom) of which 18no. units are social housing, internal car park, landscaped gardens/ terraces and all associated site works.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design, scale, layout and impact upon the character and appearance of the area</li> <li>• Impact on Amenity</li> <li>• Affordable Housing and Housing Mix</li> <li>• Accessible and Adaptable Accommodation</li> <li>• Climate Change</li> <li>• Drainage</li> <li>• Traffic, Movement and Parking</li> <li>• Waste-water Infrastructure</li> <li>• Health Impact</li> <li>• Ecology</li> <li>• Contamination, Air Quality, Noise and other environmental impacts</li> <li>• Pre-application Community Consultation</li> <li>• Developer Contributions/Section 76 Agreement</li> </ul> <p>The principle of apartments at this location is considered acceptable and has been previously established with an extant approval in place.</p> <p>There are no objections from statutory or non-statutory consultees.</p>	

25 no objections were received which are considered in the main body of the report. There have been no objections received since the most recent iteration of the scheme now containing 20% social housing was received and advertised/notified.

**Recommendation**

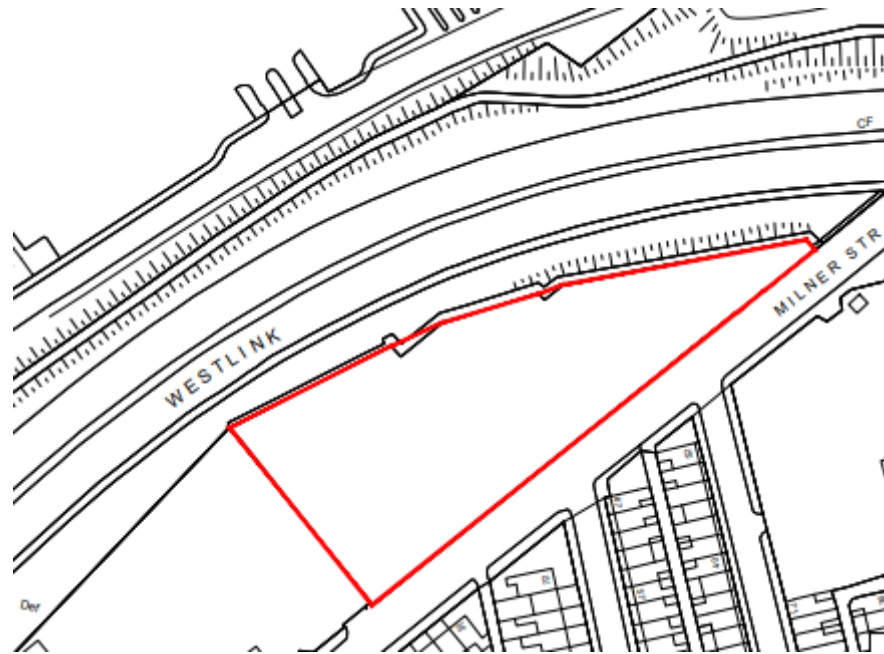
Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement being entered into to secure affordable housing, green travel measures and Employability and Skills provision.

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.

# Planning Report

## 1.0 Drawings

### 1.1 Fig 1. Site Location Plan

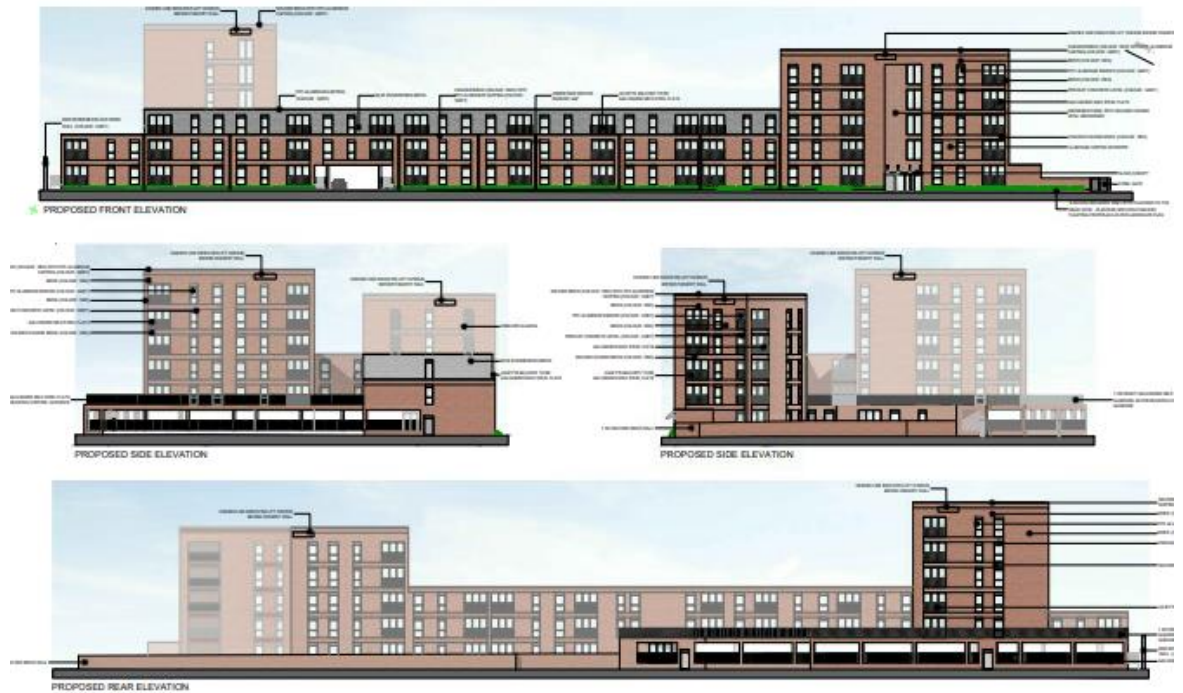


### 1.2 Fig.2 Proposed Site Layout



1.3

**Fig 3. Elevations**



1.4

**CGIs**





<b>2.0</b>	<b>Characteristics of the Site and Area</b>
2.1	The proposed development site is located on lands at 3 Milner Street Belfast. The area is predominately residential to the North of the site with terraced residential streets running down from Donegall Road. The area is also characterised by intermittent industrial uses adjacent to the Westlink which bounds the site to the south.
2.2	The site is covered in concrete and the oldest images on Google Streetview (2008) show the site as being vacant and disused for at least the past 15 years.
<b>3.0</b>	<b>Description of Proposal</b>
3.1	This application seeks full planning permission for a residential development comprising 87 no. apartments (1 no. and 2 no. bedroom) of which 18no. units are social housing, internal car park, landscaped gardens/ terraces and all associated site works.
<b>4.0</b>	<b>Planning Policy and Other Material Considerations</b>
4.1	<b>Development Plan – operational policies</b> Belfast Local Development Plan, Plan Strategy 2035
4.2	<b>Development Plan – zoning, designations and proposals maps</b> Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	<b>Regional Planning Policy</b> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	<b>Other Policies</b> Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)
4.5	<b>Relevant Planning History</b>
4.6	LA04/2014/1053/F 3 Milner Street, Belfast, BT12 6GE Proposal: Construction of 48no. apartments (39 x 2bed and 9 x 1bed) in 8no. separate blocks with associated parking and communal amenity space. Decision: Permission Granted 11.01.2016
4.7	LA04/2023/3256/CLOPUD 3 Milner Street, Belfast, BT12 6GE Proposal: Lawful to erect block E granted permission under Z/2014/1053/F. Decision: Certificate of Proposed Lawfulness Granted 07.08.2023
<b>5.0</b>	<b>Consultations and Representations</b>
5.1	<b>Statutory Consultations</b> DfI Roads – Content subject to conditions DfI Rivers – Content subject to condition NI Water – Content subject to conditions NIEA – Content subject to conditions

5.2	<p><b>Non-Statutory Consultations</b>  BCC Environmental Health – Content subject to conditions  BCC Environment – Advice  BCC Trees and Landscape Officer- Advice  BCC Landscape Planning and Development - Content  NIHE – Supportive of 20% social housing units at this location  BCC Economic Development Team – recommend employability and skills clause for construction phase.</p>
5.3	<p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p>
5.4	<p><b>Representations</b></p>
5.5	<p>The application has been advertised and neighbours notified. The Council has received 25 no representations. The application was most recently advertised and notified on 5<sup>th</sup> September 2023 and no further representations have been received since this time.</p>
5.6	<p>The representations raised the following issues:</p> <ul style="list-style-type: none"> <li>• Loss of residential character</li> <li>• Increase in traffic and parking</li> <li>• Sewerage, drainage and flooding issues</li> <li>• Need for social and affordable housing</li> <li>• Housing for local people</li> <li>• Houses rather than apartments</li> <li>• Preference for industrial use</li> <li>• Pollution levels and air quality issues</li> <li>• Negative impact on nearby play park</li> <li>• Noise</li> <li>• Anti-social behaviour</li> <li>• Concern that apartments would be let out as short-term lets</li> <li>• Rodents</li> </ul>
5.7	<p>These issues have been fully assessed within the planning assessment section of the report with the exception of potential short term lets. Any change of use from residential to short-term let accommodation would require a full planning application prior to any such change.</p>
5.8	<p>The application is considered acceptable for the reasons set out in the below assessment.</p>
6.0	<p><b>PLANNING ASSESSMENT</b></p>
	<p><b>Development Plan Context</b></p>
6.1	<p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
6.2	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>

6.3	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p>
6.4	<p>Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.</p>
6.5	<p>Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals 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.</p>
6.6	<p><b>Relevant Planning Policies and Guidance</b></p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <p><i>Strategic Policies</i>  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</p> <p><i>Spatial Development Strategy</i>  Policy SD1 – Settlement Hierarchy  Policy SD2 – Settlement Areas</p> <p><i>Shaping a Liveable Place</i>  Policy HOU1 – Accommodating New Homes  Policy HOU2 – Windfall Housing  Policy HOU4 – Density of Residential Development  Policy HOU5 – Affordable Housing  Policy HOU6 – Housing Mix  Policy HOU7 – Adaptable and Accessible Accommodation  Policy DES1 – Principles of Urban Design  Policy RD1 – New Residential Developments  Policy HC1 – Promoting Healthy Communities</p> <p><i>Transport</i>  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</p>



	<p><i>Building a Smart Connected and Resilient Place</i>  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)</p> <p><i>Promoting a Green and Active Place</i>  Policy OS3 – Ancillary Open Space  Policy TRE1 – Trees  Policy LC1 – Landscape</p>
6.7	<p><u>Supplementary Planning Guidance</u>  Affordable Housing and Housing Mix  Residential Design  Placemaking and Urban Design  Sustainable Urban Drainage Systems  Transportation  Trees and Development</p>
6.8	<p><b>Key Issues</b></p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design, scale, layout and impact upon the character and appearance of the area</li> <li>• Impact on Amenity</li> <li>• Affordable Housing and Housing Mix</li> <li>• Accessible and Adaptable Accommodation</li> <li>• Climate Change</li> <li>• Drainage</li> <li>• Traffic, Movement and Parking</li> <li>• Waste-water Infrastructure</li> <li>• Noise, odour and other environmental impacts including contamination.</li> </ul>
6.9	<p><u>Additional Information</u>  The adoption of the Plan Strategy (PS) required further information in the form of a “Plan Strategy Statement” requested by officers 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>
6.10	<p>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 PS.</p>
6.11	<p><b><u>Principle of development</u></b>  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 white land within BUAP 2001 and white land 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</p>

	detailed below.
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. There is also an extant approval for an apartment scheme which was approved in 2016 and lawfully enacted.
6.13	<p><b><u>Design, scale, layout and impact upon the character and appearance of the area</u></b></p> <p>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:</p> <p><i>a. Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i></p> <p>The construction of an apartment scheme will not conflict with the adjacent residential use. There are some vacant sites nearby however residential use is appropriate for the host site. The scheme is considered to take account of the specific circumstances of the site, acknowledging the proximity of the Westlink and the scale of the terraced streets. The proposed development aims to reference the local housing typology with the design of the frontage onto Milner Street.</p>
6.14	The proposed finish of the apartments is red brick which aims to be sensitive to the existing residential context. 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.
6.15	The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area.
6.16	<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></p> <p>The layout/aspect of the building within the site is such that there will be no significant overlooking into neighbouring properties. There is no potential for overlooking with the dwellings directly opposite Milner Street however the dwellings at the end of Rydalmere and Empire Streets could have their amenity impacted as their gardens are at right angles to the proposal. Amendments were made to the layouts to ensure that any overlooking was minimised. 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.</p>
6.17	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.
6.18	<p><i>c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure</i></p> <p>Page 4 of the submitted Plan Strategy Statement outlines the proximity to public transport routes and local amenities as well as citing the location as being highly accessible to the new Transport Hub currently under construction. 32 bike racks are provided.</p>

6.19	<p><i>d. Provides adequate open space:</i> 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. There is approximately 1655 sqm of private communal open space which equates to around 19 sqm per unit. This is in the form of communal green spaces provided at ground and first floor levels. This is in addition to private balconies which are provided for 79 of the 87 units. Most balcony sizes are 2.4 sqm with a small proportion having larger balconies/terraces.</p> <p>On balance, it is considered that there an appropriate amount of private and private communal space to create a quality residential environment and meets the requirements of Policy OS3.</p>
6.20	<p><i>e. Keeps hard surfacing to a minimum</i> As the parking is undercroft, the hard standing of parking is protected from view. There are two large areas of landscaping included. The landscape plan shows a net gain of 32 trees.</p>
6.21	<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"> <li>- 19 no 1-person, 1 bedroom apartments: approximately 40 sq m,</li> <li>- 68 no 2/3-person, 2 bedroom apartments approximately 60-65 sq m</li> </ul>
6.22	<p><i>g. Does not contain units which are wholly in the rear of the property, without direct, safe and secure access form the public street; and</i> All of the proposed apartments have been designed to be accessible with direct, safe and secure access from either the street or secure public open space within the development both of which are considered appropriate in terms of access and outlook.</p>
6.23	<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>
6.24	<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 proposed apartment building is considered to tie in with the immediate context and the surrounding residential dwellings. The massing addresses the contexts of 2-storey terraced dwellings and also the proximity to the Westlink in an appropriate manner. Additional design interventions were negotiated with the assistance of the Senior Urban Design Officer in order to ensure visual interest and remove potential for overlooking.</p>
6.25	<p>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>
6.26	<p><b>Climate change</b> 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</p>

	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.
6.27	<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"> <li>- LED Lighting;</li> <li>- Movement sensor activated lighting for low traffic areas</li> <li>- Information packs for occupants to highlight efficient use of heat and light systems;</li> <li>- High efficiency boilers will provide heat source for space heating and water heating all of which will operate under zoned thermostatic controls to avoid unnecessary energy usage;</li> <li>- All living and kitchen/dining areas are designed to have large, glazed areas to maximise natural day light to reduce reliance on artificial lighting;</li> <li>- Hallways equipped with independent heating systems with individual time/temperature controls;</li> <li>- High-performance insulation;</li> <li>- Energy-efficient windows;</li> <li>- Implementation of an efficient waste management system to include provisions for recycling, promoting waste reduction and diversion from landfill.</li> <li>- Low-flush toilets and dual (water-efficient toilets) flush toilets are specified for use in order to reduce water usage.</li> <li>- 'Spray' and 'low-flow' taps reduce the amount of water are specified for use in order to reduce water usage.</li> <li>- Bathroom accommodation contains only shower units, which consume less water than baths.</li> <li>- An in line 'water flow-meter' permitting metering of usage by occupants. The proposal envisages that individual residences would be metered, with residents being made aware of their individual usage.</li> <li>- Using recycled materials where possible and where not possible, bricks selected with full life cycle consideration given to ensure a low embodied energy (i.e. energy used in manufacture, transport, use and disposal);</li> <li>- Increasing surface temperatures, such as by the inclusion of insulation.</li> <li>- Avoiding cold bridges as a design standard.</li> </ul>
6.28	<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. This condition has been agreed with the applicant.</p>
6.29	<p>The Tree Officer notes that the site at present is derelict wasteland and that in terms of trees and landscaping there are no trees on the site worth retaining, any greenery on the site has been self-seeded unmanaged shrubs and overgrown weeds.</p>
6.30	<p>The site will have a net gain in permeable surfaces due to the introduction of green spaces throughout to replace existing hardstanding and there will a net gain of 32 trees. Therefore, on balance the proposal is considered to mitigate and adapt to climate change and comply with Policy TRE1.</p>
6.31	<p><b><u>Density of Residential Development</u></b> Policy HOU4 sets density bands to be used as a guide to inform proposed developments</p>

	<p>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>
6.32	<p>Whilst the Settlement Areas are yet to be fully established in advance of the LPP, the site most logically falls within the 'City Corridor' category as it is within 50m of a designated city corridor (the Westlink) to which a density band of 100-175 dwellings per hectare (dph) would apply. In this context and taking account of the site area (determined as approximately 0.42ha of land) the provision of 87no. units represents a density of 207dph which is above the density parameters of Policy HOU4. Policy HOU4 states that bands are to be used as a guide to inform proposed developments within the relevant settlement areas and development proposals outside of these broad bands will be considered on their merits, subject to meeting all other policy requirements. Given the location adjacent to the Westlink and the layout of the development which respects the 2-storey terraced streets and rises in height towards the Westlink, the density is considered, on balance, acceptable.</p>
6.33	<p><b><u>Affordable housing and Housing Mix</u></b>  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>
6.34	<p>The proposed scheme includes 87 no apartments including 18 no affordable apartments. The scheme was amended following the adoption of the Plan Strategy to increase the provision from 10% to 20% to meet the HOU5 minimum policy requirement. Northern Ireland Housing Executive (NIHE) were consulted on the application and confirmed there is an identified need in the area. T</p>
6.35	<p>The proposal meets the requirements of Policy HOU5 as apartment scheme provides 18no. social housing units comprising 8 no. 2 bed apartments and 10no. 1 bed apartments shown on Drawing No 200 01-03 (as revised) highlighted in yellow. The final units and breakdown of social and intermediate will be resolved via a Section 76 clause. The legal agreement will require a minimum of 10% social housing but will permit the remaining 10% to be either social or affordable depending on demand at the time.</p>
6.36	<p><b><u>Housing Mix</u></b>  With regards to housing mix, the proposal comprises a total of 87 residential units in the form of apartments:</p> <ul style="list-style-type: none"> <li>- 19 no 1-person, 1 bedroom apartments: approximately 40 sq m,</li> <li>- 68 no 3-person, 2 bedroom apartments approximately 60-65 sq m</li> </ul>
6.37	<p>NIHE were consulted on the application and have indicated there is social housing need in the area particularly for single person and small families.</p>
6.38	<p>Therefore, the housing mix is considered acceptable having regard to policy HOU6 of the Plan Strategy 2035.</p>
6.39	<p><b><u>Adaptable and Accessible Housing</u></b>  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.</p>

6.40	<p>The requirements of Policy HOU7 have been met as follows:</p> <ul style="list-style-type: none"> <li>a. Parking provision has a firm surface and provide level or gently sloping access to the main entrance of the property. All ramps and gradients are wheelchair friendly in these spaces.</li> <li>b. Main entrances are sheltered from the weather;</li> <li>c. Permanent living and dining space is provided within/in addition to a kitchen at entrance level;</li> <li>d. Accommodation provides entrance level WC with space to provide an accessible shower in the future if required;</li> <li>e. An accessible bathroom is provided on the same floor as the main bedroom;</li> <li>f. Glazing in the principal living space is sited to enable outlook when seated.</li> <li>g. A wheelchair accessible environment is provided in accordance with the space standards for wheelchair housing set out in Appendix C in the LDP, in this case 9 no wheelchair accessible units are provided;</li> <li>h. In-curtilage or designated car parking meets disabled parking standards;</li> <li>i. Pathways are wide enough to accommodate a wheelchair and have a firm surface, level or gently sloping surface;</li> <li>j. Entrance hallway, kitchen, living, dining area, bathroom and a main bedroom have an unobstructed turning circle;</li> <li>k. Entrances, doorways and halls are an appropriate width and length allow for wheelchair access;</li> <li>l. Space is available in the entrance area to enable storage of a second wheelchair;</li> <li>m. There are lifts accessed off circulation spaces on each floor;</li> <li>n. Adequate built-in storage is provided; and</li> <li>o. Private amenity space is level or gently sloping and incorporates suitable areas of hard surfacing.</li> </ul>
6.41	<p>The proposed living arrangements are considered to satisfy the accessibility requirements of Policy HOU7 and 10% threshold requirement of the policy through the provisions listed above.</p>
6.42	<p><b><u>Access, movement, and parking</u></b></p> <p>The proposed parking of 55 no spaces for 87 apartments has been found to be acceptable by DfI Roads due to the sustainable location of the site and the green travel measures proposed.</p>
6.43	<p>Policy TRAN 10 has been met in that the design of car parking meets the following criteria:</p> <ul style="list-style-type: none"> <li>a. It respects the character of the local townscape/landscape</li> <li>b. It will not adversely affect visual and residential amenity</li> <li>c. Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site; and</li> <li>d. Provision has been made for accessible parking bays which facilitate safe, convenient access for people with a disability or impaired mobility.</li> </ul>
6.44	<p>The means of access to the development would also be safe.</p>
6.45	<p>A suite of green travel measures are proposed including a travel plan co-ordinator, and sufficient funds for 3 years of membership of Belfast Bikes and 3 years of Translink passes. These measures will be secured via the Section 76 agreement. It is also considered the proposal complies with Policies TRAN 4, TRAN 6 and TRAN 8.</p>
6.46	<p><b><u>Drainage and Flooding</u></b></p> <p>The site lies within the floodplain. DfI Rivers were consulted and requested further</p>

	<p>information including forecast modelling and interventions to prevent flooding. DfI Rivers note that the <i>'FRA proposes specific measures to mitigate flood risk to the development and its impact on flooding elsewhere. To mitigate against flood risk to the development, the finished floor levels of the proposed development will be set with an appropriate freeboard. Furthermore, to ensure the proposals do not increase flood risk elsewhere, the FRA proposes flood compensatory storage to redirect flood waters back into the Blackstaff Culvert. The applicant has gained consent from DfI Rivers Operations to discharge 155 litres/second into the Blackstaff Culvert'</i>. Furthermore that the <i>'Flood Mitigation Technical Note includes a hydraulic model which demonstrates that, in the event the compensatory storage inlet becomes fully blocked, the proposals will cause a 1 mm increase in flood levels with a marginal increase in flood plain extents'</i>.</p>
6.47	<p>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 including an allowance for climate change (10%) and urban creep (10%), 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.</p>
6.48	<p>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>
6.49	<p>NIEA: Water Management Unit were consulted and were content subject to conditions including a final Construction Environmental Management Plan (CEMP).</p>
6.50	<p>It is therefore considered that the proposal complies with Policy ENV4.</p>
6.51	<p><b><u>Waste-water infrastructure</u></b>  NI Water were consulted and cite no objections subject to conditions which will require details of foul and surface water drainage, including a programme for implementation of these works to be agreed prior to construction.</p>
6.52	<p><b><u>Ecological Impacts</u></b>  NIEA: Natural Environment Division <i>'note from the Biodiversity checklist, dated 16/07/21, that the application site has little or no natural heritage interests, with little vegetation or habitat present suitable to host protected/priority species, therefore NED consider significant impacts on natural heritage features unlikely as a result of the proposal'</i>.</p>
6.53	<p>Furthermore, <i>'NED has assessed the oCEMP and, provided all pollution prevention and mitigation measures are implemented as outlined, NED is content any significant impacts on designated sites will be mitigated.'</i></p>
6.54	<p><b><u>Health impact</u></b>  The proposal has been assessed against Policy HC1 which requires that a Health Impact Assessment (HIA) is undertaken for all new major development. It seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. The submitted HIA makes reference to a number of measures, including housing design and affordability; provision of flexible Lifetime Homes; access to open space and nature; Air quality &amp; noise; and neighbourhood amenity (controlled/mitigated by CEMP). It also considers accessibility and active travel opportunities, crime reduction/community safety, resilient and environmental benefits of the design to promote social cohesion and sustainable neighbourhood. The proposal is in a sustainable location and would encourage walking and cycling. Communal areas and amenity space will be provided to promote positive mental health. The measures proposed meet with the provisions of the</p>

	Policy HC1 and is therefore considered compliant.
6.55	<p><b><u>Contamination</u></b>  Generic Quantitative Risk Assessment including a Preliminary Risk Assessment (PRA) has been provided in support of this planning application along with additional clarifications and information.</p>
6.56	<p>These submissions have determined that potential source-pathway-receptor contaminant linkages exist on the site in the form of:</p> <ol style="list-style-type: none"> <li>1. Heavy metal contamination in shallow soils.</li> <li>2. Hydrocarbon and Volatile Organic Compound Vapours in soil and shallow ground water.</li> </ol>
6.57	<p>Environmental Health have asked that a full remediation strategy be provided prior to commencement to ensure contaminant linkages are identified and dealt with. This has been agreed via a negative condition. NIEA: Land Regulation Unit were consulted and similarly provided negative conditions.</p>
6.58	<p><b><u>Air Quality</u></b>  The following were submitted in support of the application and assessed by the Council's Environmental Health service:</p> <ul style="list-style-type: none"> <li>- AONA Environmental, Air Quality Impact Assessment, Proposed Residential Apartment Development at Milner Street, Belfast. (September 2021)</li> <li>- MRA Partnership, Transport Assessment Form, Proposed Residential Development Milner Street, Belfast. (September 2021)</li> <li>- MRA Partnership, Residential Travel Plan, Proposed Residential Development Milner Street, Belfast. (September 2021)</li> </ul>
6.59	<p>EH Service is of the view that the <i>"assessment sufficiently demonstrates that the proposed development will not have adverse impact on air quality in the vicinity of the site and that future occupants of the development will not be exposed to air quality concentrations exceeding UK Air Quality objectives"</i>. Negative conditions are proposed to ensure dust management measures are implemented as well as a requirement for an amended AQIA, 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.</p>
6.60	<p>Reference was made in a representation regarding the proposed play park at Divis and its proximity to the Westlink and knock on impacts from pollution from cars. There is no evidence to suggest that the proposal would worsen the impact of the Westlink on existing or proposed play parks and EH Service is content with the proposal in terms of human health.</p>
6.61	<p><b><u>Noise</u></b>  Given the proximity of the Westlink, noise is an important consideration. A Noise Impact Assessment (NIA) was submitted in support of the application. Environmental Health officers identified that a <i>'higher specification of glazing'</i> will be necessary to adequately protect apartments from noise. They also note that:</p> <ul style="list-style-type: none"> <li>- <i>The external amenity areas on the facades of the proposed development and balcony areas will not meet the outdoor amenity noise levels recommended within WHO Guidance, BS8233: 2014 and Pro.P.G.</i></li> <li>- <i>The World Health Organisations guidance for external amenity space of 50 - 55 dB LAeq, 16hr.</i></li> <li>- <i>Within BS8233:2014 (which provides guidance for the control of noise in and around buildings and define what is considered to be acceptable in different</i></li> </ul>



	<p><i>environments) the level recommended for gardens is 50 – 55 dB LAeq 16hr.</i></p> <ul style="list-style-type: none"> <li>- <i>The Professional Practice Guidance on Planning states that below 50 dB LAeq 16hr, development is likely to be acceptable “noise may be noticeable but no adverse effects on health and quality of life”</i></li> </ul> <p><i>The Planning Service is referred to the above guidance in determining the suitability of proposed design and may conclude that, on balance, if the development is desirable and given its urban location, should not be prohibited on the basis of high external noise levels on any proposed outdoor amenity area.</i></p>
6.62	<p>Environmental Health have provided conditions which will require prior agreement of window specifications, glazing and ventilation. Whilst the location of the proposal is close to the Westlink which provides operational challenges due to noise, as stated above, there would be no adverse effects on health or quality of life and on balance, the location of the proposal is sustainable and desirable.</p>
6.63	<p><b><u>NIE considerations</u></b></p> <p>The site is in close proximity to a transmission electricity substation and NIE were consulted and noted the presence of a significant number of high voltage underground cables which run adjacent to the site and their need to access these. There are also noise considerations which were considered by Environmental Health.</p>
6.64	<p>NIE were further consulted on 11.05.2022, 06.07.2022, 21.03.2023 and 07.08.2023. The access of underground cables would be a matter to be resolved between NIE and the landowner. A further note was issued on 27.11.2023 advising that there have been no responses to the previous four consultations and that the application is due to be brought to Planning Committee on 12.12.23. As yet there has been no response. Delegated authority is sought to resolve any issues arising from NIE.</p>
6.65	<p><b><u>Pre-application Community Consultation</u></b></p> <p>For applications that fall within the Major development category, the regulations place a statutory duty on applicant to consult the community in advance of submitting the planning application.</p>
6.66	<p>The regulations require 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 was submitted to the Council on 25<sup>th</sup> August 2020 under reference LA04/2020/1791/PAN and approved on 17 September 2020. During this time, parts of Regulation 5(2) and (3) of the Development Management Regulations had been temporarily replaced by The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 which came into effect on 1 May 2020 (Planning Covid Regs). Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.</p>
6.67	<p>A Pre-Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <ul style="list-style-type: none"> <li>• Booklets containing the PAN, site location plan, floorplans and elevations were hand delivered to all neighbouring properties with a cover letter and information as to how to make comments</li> <li>• Notification of the consultation were advertised in the Belfast Telegraph on 4<sup>th</sup> September 2020</li> </ul>

<p>6.68</p> <p>6.69</p> <p>6.70</p> <p>6.71</p> <p>6.72</p> <p>6.73</p> <p>6.74</p> <p>6.75</p> <p>6.76</p>	<ul style="list-style-type: none"> <li>• A site notice was erected from 4<sup>th</sup> September 2020 for 12 weeks</li> <li>• The PAN was circulated to a number of elected representatives 25<sup>th</sup> August 2020</li> <li>• Dedicated website established</li> </ul> <p>An informal meeting was held between the applicant and the Greater Village Regeneration Trust (GVRT) as proposed by Cllr Christopher Stalford on 3<sup>rd</sup> November 2020.</p> <p>Written and verbal feedback was received and indicated opposition to private housing, a preference for lower density housing rather than apartments, concern regarding negative impacts from construction, concern about a potential 'gated style' development and the potential to create a barrier to culture at key times of year.</p> <p>The PACC report does not provide any consideration of social housing however in the period since the application was submitted, the applicant volunteered to provide 10% social housing and following the adoption of the Plan Strategy increased this to 20% affordable housing.</p> <p>Design alterations were made following PAN consultation and furthermore during the processing of the application to ensure appropriate massing and remove potential overlooking.</p> <p>The applicant undertook to provide an oCEMP as part of the submission in order to provide reassurance around the impacts of construction.</p> <p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p> <p><b><u>Developer Contributions / Section 76 Agreement</u></b></p> <p>Were the application to be approved, a Section 76 planning agreement would be necessary to secure the provision of affordable housing, green travel measures and Construction Employability and Skills Plan.</p> <p>BCC Place and Economy Team has recommended that the Section 76 includes a clause relating to employability and skills during the construction phase. The applicant has estimated that the scheme and associated works will be delivered by a contractor team of approximately 116 full time equivalent staff for the construction phase. It is estimated that on occupation of the completed scheme, approximately 16 part time staff will be employed to support residential occupation.</p> <p>A draft planning agreement was submitted with the application and is being finalised by the Council's Legal Services team. Delegated authority is sought to resolve the final wording of the Section 76.</p>
<p><b>7.0</b></p>	<p><b>Recommendation</b></p>
<p>7.1</p> <p>7.2</p>	<p>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 to secure the affordable social housing, green travel measures and employability and skills requirements.</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</p>

prior to issuing the decision, provided they are not substantive.

**DRAFT CONDITIONS:**

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

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

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

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

3. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with 4.8 and Appendix E of SPG, to be 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, including an allowance for climate change (10%) and urban creep (10%).

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

4. No construction of the development hereby permitted shall commence unless the vehicular access, including visibility splays and any forward sight distance, have been provided in accordance with Drawing No.12A published by the Council on 14th February 2023.

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

5. The development hereby permitted shall not be occupied unless the existing redundant vehicular accesses from the site to the public carriageway have been permanently closed and the footway reinstated to the satisfaction of the Department for Infrastructure.

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

6. The development hereby permitted shall not be occupied unless hard surfaced areas have been constructed and permanently marked in accordance with Drawing No.12A published by the Council on 14th February 2023, to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development.

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

7. The development hereby permitted shall not be occupied unless sheltered cycle parking facilities have been provided in accordance with Drawing No.12A published by the Council on 14th February 2023. The cycle parking facilities must be retained and maintained in accordance with the approved details.

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

8. The development hereby permitted shall operate in accordance with the Residential Travel Plan.

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

9. The development hereby permitted shall operate in accordance with the Service Management Plan Rev.1 published 23 November 2022.

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

10. No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless a final hard and soft landscaping scheme has been submitted to and approved in writing by the Council. The scheme shall include details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; and a programme of implementation.

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

Reason: In the interests of the character and appearance of the area, and to promote sustainable drainage. Approval is required upfront because the landscaping is critical to the acceptability of the proposal.

11. The development hereby permitted shall not be occupied until details of the hard surfaces within the site, including driveways, parking and turning areas, footways and patios, have been submitted to and approved in writing by the Council. All new hard surfacing areas shall be permeable or drained to a permeable area. The development shall not be occupied unless the approved works have been carried out and retained as such thereafter.

Reason: In the interests of the character and appearance of the area, and to promote sustainable drainage.

12. All hard and soft landscaped areas hereby permitted shall be operated and maintained in accordance with the Landscape Management Plan Rev.1 published by the Council on 23 November 2022.

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

13. No development shall commence on site (including demolition, site clearance and site preparation) unless a Final Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The Final Environmental Construction Management Plan shall include measures to control noise, dust, vibration and other nuisance during the demolition/construction phase to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Final Environmental Construction Management Plan.

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

Approval is required upfront because construction works have the potential to harm the amenities of the area.

14. Prior to the construction of the drainage network, the applicant shall submit a final Drainage Assessment, compliant with 4.8 and Appendix E of the SPG, to be 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, including an allowance for climate change (10%) and urban creep (10%). Thereafter all construction must be in accordance with the agreed details.

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

15. Prior to installation of window units at each apartment façade (except for the west facing façade), the applicant shall submit to the Council, for review and approval in writing, a final window schedule detailing the glazing configuration and sound reduction performance of proposed windows to habitable rooms of the hereby permitted development. The sound reduction specification for the chosen windows shall be in accordance with the requirements identified within the submitted Aona Environmental Consulting Ltd Report Entitled: 'Noise Impact Assessment Report, Proposed Residential Apartment Development At Milner Street, Belfast' Dated September 2021. Thereafter all installation of windows must be in accordance with the approved details.

Reason: Protection of health and amenity against adverse noise impact.

16. Prior to installation of alternative means of acoustically attenuated ventilation to be incorporated within each apartment façade of the hereby permitted development, the applicant shall submit to the Council, for review and approval in writing, confirmation of the specification of the acoustically attenuated alternative means of ventilation to serve habitable rooms on each façade (except for the west facing façade). The sound reduction specification for the alternative means of ventilation shall be in accordance with the requirements identified within the submitted Aona Environmental Consulting Ltd Report Entitled: 'Noise Impact Assessment Report, Proposed Residential Apartment Development At Milner Street, Belfast' Dated September 2021 and Aona email entitled NIA Milner Street dated 22/05/2023. All installations of ventilation thereafter shall be in accordance with the approved details.

Reason: Protection of health and amenity against adverse noise impact.

17. Prior to installation of window units and alternative means of acoustically attenuated ventilation to be incorporated within each apartment on the western façade of the development, the applicant shall submit to the Council, for review and approval in writing, a final window schedule detailing the glazing configuration and sound reduction performance of proposed windows/acoustically attenuated ventilation to habitable rooms of the hereby permitted development. The sound reduction specification of the proposed triple glazed unit (Rw 53dB (-1; -4), or similar subject to final design) shall be in accordance with the annotated drawing entitled: Proposed West facing elevation overlooking NIE substation on Page 12 of the submitted Aona Environmental Consulting Ltd report Entitled: 'Updated Noise Impact Assessment NIE Substation Noise Sources. Client: Benamara Properties Ltd. Project: Proposed Residential Apartment Development At Milner Street, Belfast'. Date: February 2023. All installations of ventilation and window units thereafter shall be in accordance with the approved details.

Reason: Protection of health and amenity against adverse noise impact.

18. Prior to occupation of each apartment of the hereby permitted development, the approved window schedule and approved alternative means of acoustically attenuated ventilation shall

be installed to all facades to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative means of ventilation provided. The approved windows and alternative means of ventilation shall be retained thereafter.

Reason: Protection of health and amenity against adverse noise impact.

19. Prior to occupation of the hereby permitted development, the developer shall verify that the window schedule and alternative means of acoustically attenuated ventilation, as approved, have been installed by way of a written declaration from the supplier and installation contractor confirming such installation.

Reason: Protection of health and amenity against adverse noise impact.

20. Dust management measures, as detailed within Appendix B of the AONA Environmental, Air Quality Impact Assessment, Proposed Residential Apartment Development at Milner Street, Belfast (September 2021) shall be implemented throughout the duration of the construction phase of the development.

Reason: Protection of health.

21. 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.

Reason: Protection of human health.

22. In the event that piling is required, no development or piling work shall commence on this site until a Piling Risk Assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted in writing and agreed with the Council. The methodology is available at: <http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environmentagency.gov.uk/scho0501bitt-e-e.pdf>. All construction thereafter must be in accordance with the approved details.

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

23. Prior to construction of the development hereby approved, all site investigation and geotechnical boreholes must be fully decommissioned and in line with SEPA guidance document Good practice for decommissioning redundant boreholes and wells (UK Groundwater Forum) available at: <https://www.sepa.org.uk/media/34618/decommissioning-redundant-boreholes-andwells.pdf> Evidence for the decommissioning shall be provided in the verification report required for Condition 25.

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

24. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/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 and verified to its satisfaction.

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

25. After completing any remediation works required and prior to occupation of the development, a verification report needs to 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 available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>

The verification report shall 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.

## ANNEX

<b>Date Valid</b>	02.11.2021
<b>Date First Advertised</b>	10.12.2021
<b>Date Last Advertised</b>	04.09.2023
<b>Details of Neighbour Notification:</b>	05.09.2023, 26.10.2022, 12.01.2022
<b>Date of EIA Determination:</b> N/A – does not meet threshold <b>ES Requested:</b> No	