

Development Management Officer Report Committee Application

Summary	
Application ID: LA04/2025/2096/F	Committee Meeting Date: 21 st April 2026
Proposal: Variation of Condition 5 of Planning Permission LA04/2019/2387/F relating to Noise Impact Assessment.	Location: Land adjacent to Quay Gate House 15 Scrabo Street Belfast BT5 4D: footpaths and public realm at Scrabo Street Station Street and Middlepath Street.
Referral Route: Variation of Condition on previously approved Major approval	
Recommendation:	Approval
Applicant Name and Address: PGD Construction LTd 4 Beechmount Park Enniskillen BT74 6NL	Agent Name and Address: Richard O'Toole 1st Floor River House 48-60 High Street Belfast
Date Valid: 4 th December 2025	
Target Date: 2 nd July 2026	
Contact Officer: Lisa Walshe, Principal Planning Officer (Development Management)	
<p>Executive Summary:</p> <p>This application seeks planning permission for the variation of condition 5 of planning approval LA04/2019/2387/F. Condition 5 relates to the submission of a Final Noise Impact Assessment prior to commencement of construction of the approved development.</p> <p>The original planning permission was granted on 5th August 2021 for a 'residential development comprising 151 apartments and ancillary uses including; management suite, communal space, reception area and servicing (refuse/recycling/bicycle storage) and plant equipment; and associated car parking and public realm improvements to Scrabo Street, Station Street and Middlepath Street'.</p> <p>The key issues for the assessment of the application are:</p> <ul style="list-style-type: none"> - Acceptability of the revised trigger for the timing of the requirement to submit a Final Noise Impact Assessment. If approved, the trigger would change From 'prior to the commencement of development' to 'prior to installation of windows and means of ventilation'. <p>Environmental Health have offered no objection to the amended condition.</p> <p>None of the approved drawings, stated in original conditions, have been amended as a result of the changes.</p>	

Recommendation

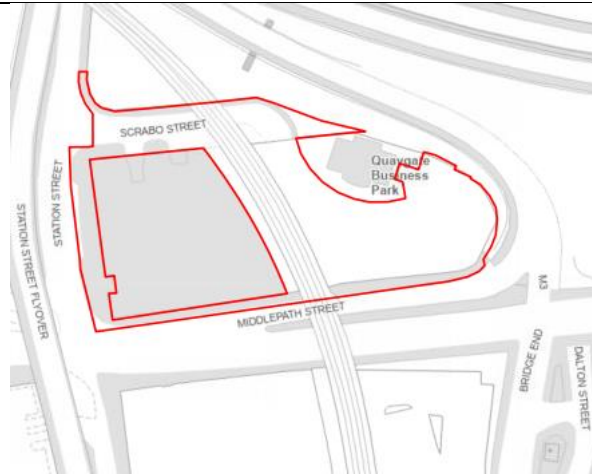
Having regard to the development plan, planning history on the site, response from Environmental Health and other material considerations, the proposed variation to the condition is considered acceptable.

All other conditions of planning approval LA04/2025/2096/F, which have not already been discharged, still apply.

It is therefore recommended that planning permission is granted and the condition is varied as proposed. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan



1.0 Description of Proposed Development

1.1 Variation of Condition 5 of Planning Permission LA04/2019/2387/F relating to Noise Impact Assessment.

1.2 Condition No 5 reads as follows:

Prior to commencement of construction of the hereby approved development, the applicant must submit a Final Noise Impact Assessment report to the Council, for review and approval in writing. The Final Noise Impact Assessment must demonstrate that the proposed facade insulation measures shall ensure that the following internal noise levels are not exceeded:

(a) 35dB LAeq,16 hr between 07.00hrs and 23.00hrs within any habitable room, with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements;

(b) 30 dB LAeq,8hr within bedrooms between 23.00hrs and 07.00hrs, with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements;

(c) 45dB LAFmax, by more than 10 single sound events in any proposed bedrooms, with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements.

Prior to occupation of the hereby permitted development, the approved noise insulation scheme must be installed and be retained thereafter.

Reason: Protection of residential amenity

1.3

Proposed amended condition (alteration in bold):

Prior to **installation of windows and alternative means of ventilation** for the hereby approved development, the applicant must submit a Final Noise Impact Assessment report

	<p>to the Council, for review and approval in writing. The Final Noise Impact Assessment must demonstrate that the proposed facade insulation measures shall ensure that the following internal noise levels are not exceeded:</p> <p>(a) 35dB LAeq,16 hr between 07.00hrs and 23.00hrs within any habitable room, with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements;</p> <p>(b) 30 dB LAeq,8hr within bedrooms between 23.00hrs and 07.00hrs, with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements;</p> <p>(c) 45dB LAFmax, by more than 10 single sound events in any proposed bedrooms, with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements.</p> <p>Prior to occupation of the hereby permitted development, the approved noise insulation scheme must be installed and be retained thereafter.</p> <p>Reason: Protection of residential amenity.</p>
<p>2.0 2.1 2.2</p>	<p>Description of Site</p> <p>The application site is located at Scrabo Street within Belfast City Centre and adjacent to the junction with the M3 on-slip. It comprises a car park area associated with an adjacent office building. It is approximately 0.46 hectares in size. It includes a hard surfaced area underneath an existing elevated railway line. Boundary treatments comprise a mixture of wall and railings approximately 2-3m in height. The topography of the entire site is relatively level, however the M3 bridge is located adjacent and above the site to the North, with an elevated railway bridge to the west.</p> <p>There is a block of apartments further to the west of the site, beyond the railway bridge. Sites opposite and closest to the site are vacant with no ongoing uses.</p>
<p>3.0 3.1</p>	<p>Planning History of the application site</p> <p>LA04/2019/2387/F - Residential development comprising 151 apartments and ancillary uses including; management suite, communal space, reception area and servicing (refuse/recycling/bicycle storage) and plant equipment; and associated car parking and public realm improvements to Scrabo Street, Station Street and Middlepath Street. Permission Granted.</p>
<p>4.0</p>	<p>Policy Context</p>
<p>4.1 4.2 4.3</p>	<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> <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> <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</p>

	<p>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> <p>Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed below:</p> <p>ENV1- Environmental Quality</p> <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> <p>The site is located within the City Centre boundary in the BUAP and both versions of BMAP.</p>
4.4	<p><u>Regional planning policy</u> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)</p>
4.5	<p><u>Other Relevant Policies</u> Developer Contribution Framework</p>
5.0	<p>Statutory Consultees Environmental Health- No objections</p>
6.0	<p>Non-Statutory Consultees N/A</p>
7.0	<p>Representations</p>
7.1	<p>The application was notified to the relevant neighbours and advertised in the local press.</p>
7.2	<p>No representations were received.</p>
8.0	<p>ASSESSMENT</p>
8.1	<p>The key issues for the assessment of the application are:</p> <ul style="list-style-type: none"> - Acceptability of the revised commencement trigger for the timing of the requirement to submit a Final Noise Impact Assessment.
8.2	<p>This application seeks planning permission for the variation of condition 5 of planning approval LA04/2019/2387/F.</p>
8.3	<p>The proposed variation to the wording of condition 5 is to change the commencement trigger for the timing of the requirement to submit of a Final Noise Impact Assessment</p>

<p>8.4</p> <p>8.5</p>	<p>(FNIA). The original wording required submission of a FNIA 'prior to commencement of construction of the approved development' and the proposed wording seeks to amend the trigger to: 'prior to installation of windows and alternative means of ventilation for the hereby approved development'.</p> <p>The reason for the proposed change in the commencement trigger is as a result of comments provided by Environmental Health in relation to the 'Final' Noise Impact Assessment submitted with the application to discharge condition 5 as it was worded originally. Environmental Health requested noise surveys at various floor levels which could be used to verify the noise modelling and refine the final specification for windows and alternative means of ventilation prior to occupancy. Given the height of the building, it isn't possible to take noise readings at each floor level until the structure of the building is constructed therefore the trigger on the condition needed changed.</p> <p>Environmental Health were consulted and had no objections.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p>	<p>Recommendation</p> <p>This application was submitted under Section 54 of the Planning Act (Northern Ireland) 2011 to vary a condition on the host approval. Having regard to the development plan, planning history on the site, response from Environmental Health and other material considerations, the proposed variation to the condition is considered acceptable.</p> <p>It is therefore recommended that planning permission is granted and the condition is varied as proposed. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>
<p>11.0</p> <p>11.1</p> <p>11.2</p> <p>11.3</p> <p>11.4</p>	<p>Draft Conditions</p> <p>The development hereby permitted shall be begun before the 4th August 2026.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>No part of the development shall be occupied or become operation until Obstacle lighting (constantly illuminated steady red) has been installed at the highest point of all corners of the building hereby permitted and verified with the Council. The obstacle lighting shall be retained thereafter and not removed or altered without the prior consent of the Council in writing.</p> <p>Reason: In the interest of air safety.</p> <p>Prior to installation of the heating/hot water system to the hereby permitted development, the applicant shall submit the specification details of the proposed heating system for approval by the Council. Prior to occupation of the hereby permitted development, the heating/hot water system as approved shall be installed, maintained and retained thereafter.</p> <p>Reason: Protection against adverse air quality impacts.</p> <p>The noise rating level (dBLar,T) from the combined operation of all plant and equipment must not exceed a background noise level (dBLA90) of 55dB when measured or determined in accordance with BS4142:2014 at the nearest noise sensitive premises.</p>

11.5	<p>Reason: Protection of residential amenity</p> <p>Prior to the occupation of any part of the approved development, the applicant shall provide to and have agreed in writing by the Council, a Verification Report. This report must demonstrate that the remediation measures outlined in the O'Sullivan Macfarlane Ltd report entitled 'PGD Construction Ltd, Proposed residential development, Lands at no. 15 Scrabo Street, Belfast, P235-2 Phase 2 Generic Quantitative Risk Assessment (GQRA) and Remediation Strategy' (dated 21st March 2018 and referenced P235-2) and the letter from O'Sullivan Macfarlane Environmental Consulting (dated 4th December 2019 and referenced P235) have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential without plant uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> a) A clean cover system has been installed in all areas of the site not covered with hardstanding or a building, i.e. all areas proposed for shrub planting, hedgerow planting, Green Ivy Wall, tree planting and grass areas. b) The clean cover system is a minimum of 600mm deep, consisting of a minimum 200mm granular layer at the base overlain with 400mm of topsoil. c) The material used in the clean cover system and all above ground landscaped areas has been imported to site and has been demonstrated to be suitable for use (residential without plant uptake). d) Testing of the material used in the clean cover system and all above ground landscaped areas has been completed at a density of 1 sample per 250m³, with a minimum of three samples from an individual source. e) A hydrocarbon and vapour resistant membrane and a structural barrier (reinforced concrete floor slab) have been installed in the development in order to break the identified vapour inhalation pathway. The vapour protection measures must be verified in line with CIRIA C735. <p>All remediation measures shall be retained thereafter in accordance with the approved arrangements.</p>
11.6	<p>Reason: Protection of human health.</p> <p>If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease, and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable.</p> <p>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. All remediation measures shall be retained thereafter.</p>
11.7	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>After completing the remediation works under Condition 9 & 10; and prior to occupation of any part of the development hereby permitted, a verification report shall be</p>

	<p>submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable.</p> <p>The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.8	<p>A clearly defined buffer of at least 10 m must be maintained at all times between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and any surface water drains within or adjacent to the red line boundary for the duration of the construction works.</p> <p>Reason: To prevent polluting discharges entering the surface water system and impacting indirectly on the site integrity of Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA and East Coast Marine proposed SPA.</p>
11.9	<p>Storm drainage of the site, during construction must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water indirectly on the water environment. Construction of SuDS shall comply with the design and construction standards as set out in The SuDS Manual – Construction Industry Research and Information Association (CIRIA) Report C753. Construction of SuDS shall adhere to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems for brownfield sites or contaminated land.</p> <p>Reason: To prevent polluting discharges entering the water environment and impacting on the site integrity of Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA and East Coast Marine proposed SPA.</p>
11.10	<p>The building shall be provided with such sanitary pipework, foul drainage and rainwater drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system shall also be designed to minimise the risk of wrongly connecting the sewage system to the rainwater drainage system. These measures shall be installed prior to the occupation of any part of the development hereby permitted and retained thereafter.</p> <p>Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.</p>
11.12	<p>The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 21 'Proposed Site Plan (Figure 2) AECOM' published by the Belfast City Council Planning Office on 22 September 2020 to provide adequate facilities for pedestrian access to the site. These facilities shall be retained thereafter.</p> <p>Reason: To ensure that provision has been made for safe pedestrian access.</p>
11.13	<p>The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 03B 'Proposed Site Plan Revision E' published by the Belfast City Council Planning Office</p>

11.14	<p>on 22 September 2020 to provide adequate facilities for parking, servicing and circulating within the site. This shall include 4 No. dedicated disabled parking spaces, 3 No. dedicated car club spaces and 44 No. car parking spaces for general use by residents of the development. These facilities shall be retained thereafter.</p> <p>Reason: To ensure that adequate provision has been made for parking and servicing.</p> <p>No part of the development hereby permitted shall become operational or occupied until 90 No. secure cycle parking spaces have been provided within the ground floor of the building for use by staff and 6 No. cycle parking spaces shall be provided in accordance with the approved plans and retained thereafter for use by visitors to the development. These facilities shall be retained thereafter.</p> <p>Reason: To encourage the use of alternative modes of transport for development users.</p>
11.15	<p>The development hereby permitted shall operate in accordance with the Service Management Plan published by Belfast City Council Planning Office on 25 October 2019. No variations to the service management plan shall be implemented without the prior consent of the Council in writing.</p> <p>Reason: in the interests of road safety and the convenience of road users.</p>
11.16	<p>All hard and soft landscape works, including all public realm improvements, shall be completed in accordance with the approved plans 15C, 16B, 17, 18A, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to occupation of any apartment hereby approved.</p>
11.17	<p>All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and amenity of the area</p>
11.18	<p>Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Council seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Council gives its written consent to any request for variation.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>All services (including those for water supply, drainage, heating, and gas supplies) shall be laid underground or housed internally within the building hereby approved.</p> <p>Reason: In the interests of visual amenity.</p>
12.0	<p>Representations from elected members: N/A</p>

