

Development Management Report Addendum Report

Summary	
Committee Meeting Date: 13 August 2019	Application ID: LA04/2018/2649/F
Proposal: Demolition of existing building and construction of 178No. apartments, a gym, 3No. retail units and associated car parking and landscaping.	Location: Lands at 3-9 Dalton Street (Bordered by Middlepath Street and Bridge End) Belfast.
Referral Route: Committee (major application)	
Recommendation:	Approval incl Section 76 Agreement
Applicant Name and Address: Kilmona Property Ltd 8th Floor Bedford House 16-22 Bedford Street Belfast BT2 7FD	Agent Name and Address: Coogan & Co. Architects Ltd 122 Upper Lisburn Road Finaghy Belfast BT10 0BD
Executive Summary	
<p>The application was scheduled at July Planning Committee at which the application was deferred for a site visit to allow members the opportunity to consider the details of the site and the locality.</p> <p>The site visit was undertaken on 18th July.</p> <p>HED has responded with no objections. DFI Roads response remains outstanding at the time of writing.</p> <p>The opinion remains that the application be approved for the reasons set out in the original report below.</p> <p>It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission subject to conditions and a Section 76 planning agreement, and satisfactory resolution of outstanding issues, including:</p> <ul style="list-style-type: none"> - Resolution of outstanding DFI Roads issues; and - Finalising conditions and Section 76 Planning Agreement. 	

Development Management Report Committee Application

Summary	
Committee Meeting Date: 2 July 2019	Application ID: LA04/2018/2649/F
Proposal: Demolition of existing building and construction of 178No. apartments, a gym, 3No. retail units and associated car parking and landscaping.	Location: Lands at 3-9 Dalton Street (Bordered by Middlepath Street and Bridge End) Belfast.
Referral Route: Committee (major application)	
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<p>Executive Summary:</p> <p>Permission is sought for demolition of the existing building and construction of a building with a maximum of 17 storeys to provide 178No. apartments, a gym, 3No. retail units and associated car parking and landscaping. The application site is located at Dalton Street, and also has frontage to Bridge End and Middlepath Street in East Belfast. It is approximately 0.28 hectares in size and comprises a single two storey brick building in business use, with the remainder of the site cleared of buildings.</p> <p>The key issues in the assessment of the proposal are:</p> <ul style="list-style-type: none"> - The principle of the proposal at this location; - Layout, scale, form, massing and design; - Impact on amenity; - Impact on transport and associated infrastructure; - Flooding and drainage impacts; - Impact on natural heritage assets; - Contamination and remediation of the site; - Impact on civil aviation; and - Developer contributions. <p>The site falls within the City Centre boundary in both versions of dBMAP, where the uses proposed by the outline application are broadly acceptable. There is a previous permission on the site, now expired, for a similar development including residential, retail, office, and related infrastructure – uses for which the current application also seeks permission. Accordingly, the principle of development and mix of uses are considered acceptable.</p> <p>The proposed layout of the building repeats that previously approved, in that the building will occupy the entire site, with retail and gym uses at ground floor and residential at upper floors providing</p>	

active frontages along all ground floor elevations. Vehicular access to internal parking areas is also located in broadly the same position as the previous permission and is therefore acceptable.

In design concept terms the arrangement of the site includes the placement of a multi storey car park (MSCP) in the rear corner of the building where it would have minimal visual impact. This allows the proposed apartment block to wrap around the MSCP, effectively hiding it, while providing strong edges to Middlepath Street, Dalton Street and Bridge End. Apartments then face either externally onto one of the three surrounding streets/roads or else internally onto a large communal garden proposed on top of the decked MSCP. The approach advocates splitting the primary façade along Dalton Street into two blocks, a taller feature tower (17 storeys) at the corner of Dalton Street and Middlepath Street and a lower 10 storey block wrapping around the Dalton Street and Bridge End corner. The proposed materials, design and fenestration are consistent with the area, incorporating a similar, fenestration, and solid to void ratios, and also having regard to the previous permissions on the site and in the locality. There will be no greater impact on the amenity of existing neighbouring properties than with the previous approval. In terms of prospective residents, each unit has adequate outlook to the public street and external amenity areas. The accommodation comprises a mix of 1-3 bed units. They are in accordance / generally exceed standards set out in the addendum to PPS7, with accommodation ranging from 41sqm for the smallest 1 bed unit to 94 sqm for the largest 3 bed unit. Amenity space provision is acceptable for the location of the site.

No consultees have any objections to the proposal. Delegated authority to resolve any matters arising from the outstanding HED and DFI Roads responses is requested.

One objection has been received raising concerns regarding impact on the structural integrity of a neighbouring property/site. This is a civil matter between the parties and not a matter of public interest.

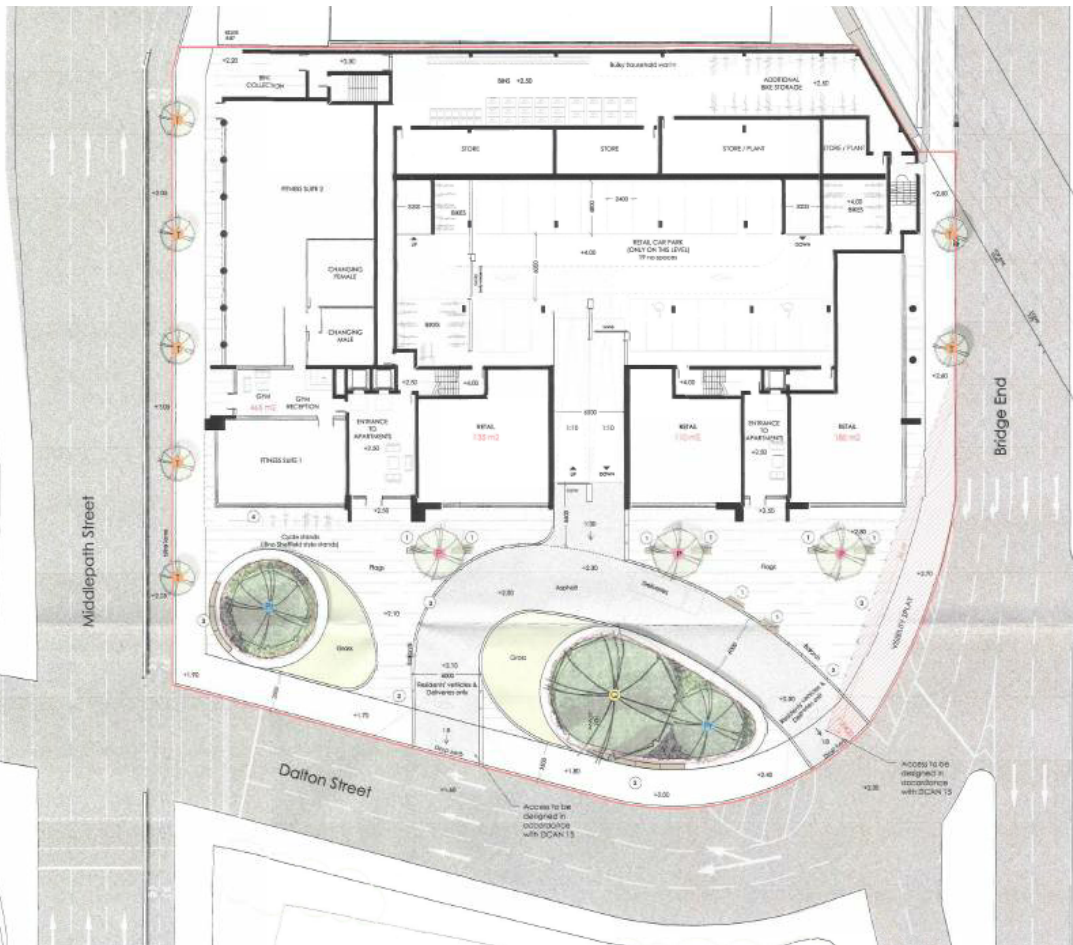
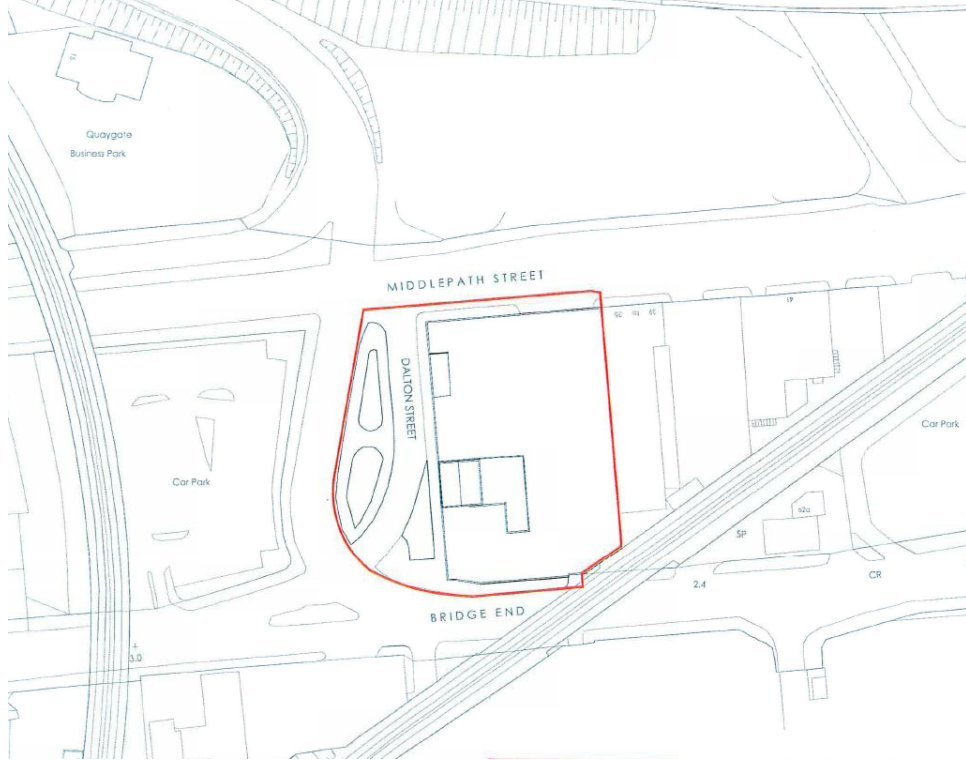
Having regard to the Development Plan and relevant material considerations, the proposal is considered acceptable subject to resolution of the outstanding matters.

It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission subject to conditions and a Section 76 planning agreement, and satisfactory resolution of outstanding issues, including:

- Resolution of outstanding DFI Roads and HED issues; and
- Finalising conditions and Section 76 Planning Agreement.

Case Officer Report

Site Location Plan





Representations:	
Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Representatives	None received
Neighbour Notification Checked	Yes

1.0 Characteristics of the Site and Area

The application site is located at Dalton Street, and also has frontage to Bridge End and Middlepath Street in East Belfast. It is approximately 0.28 hectares in size and comprises a single two storey brick building in business use, with the remainder of the site cleared of buildings. The majority of the site is in use as architectural salvage. Boundary treatments comprise a mixture of wall and railings approximately 2-3m in height. Adjacent to the site is a further business building approximately two storeys in height. A railway line also runs along the eastern site boundary. The topography of the site is relatively level.

Dalton Street is located adjacent to the frontage of the site, with a hard-surfaced 'island' that includes a telecommunications mast between the site and main road. The city centre bound road has now been closed off at the Middlepath Street end. There is a block of apartments under construction to the southwest of the site opposite on Bridge End, with an office building and associated car park area to the North West.

2.0 Proposal

Permission is sought for demolition of the existing building and construction of a building with a maximum of 17 storeys to provide 178No. apartments, a gym, 3No. retail units and associated car parking and landscaping.

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

Z/2007/2948/F

Site framed by Dalton Street, Middlepath Street, Bridge End & railway line, Belfast. Demolition of existing two storey building & erection of new development to include 177 apartments to upper floors, 177 car parking spaces to basement levels, ground floor health/fitness suite & external garden area.

PERMISSION GRANTED 02.11.2009

4.0 Policy Framework

- 4.1 Belfast Urban Area Plan (BUAP),
- 4.2 draft Belfast Metropolitan Area Plan 2015;
- 4.3 draft Belfast Metropolitan Area Plan 2015 (purported to be adopted);
- 4.4 Strategic Planning Policy Statement (SPPS);
- 4.5 Planning Policy Statement 2 (PPS2) – Planning and Nature Conservation;
- 4.6 Planning Policy Statement 3 (PPS3) - Access, Movement and Parking;

- 4.7 Planning Policy Statement 13 (PPS13) - Transportation and Land Use;
- 4.8 Planning Policy Statement 7 (PPS7) – Residential Development;
- 4.9 Planning Policy Statement 12 (PPS12) – Housing in Settlements;
- 4.10 Planning Policy Statement 15 (PPS15) - Planning and Flood Risk;
- 4.11 Supplementary Planning Guidance including ‘Creating Places’, Development Control Advice Note 8 Housing in Existing Urban Areas, and Parking Standards.

5.0 Statutory Consultee Responses

- 5.1 NI Water - No objection;
- 5.2 DARD - Rivers Agency - No objection;
- 5.3 NIEA - Waste Management - No objection subject to conditions;
- 5.4 DFI - Transport NI - No objection in principle, considering updated design details;
- 5.5 DFC – Natural Heritage – no objections subject to conditions;
- 5.6 DFC HED – considering archaeological issues;

6.0 Non - Statutory Consultee Responses

- 6.1 BCC Environmental Health - No objection subject to conditions

7.0	<p>Representations</p> <p>The application has been neighbour notified and advertised in the local press. No representations have been received.</p> <p>No representations from any elected representatives have been received.</p>
8.0	Other Material Considerations
8.1	None
9.0	Assessment
9.1	<p>Permission is sought for demolition of the existing building and construction of 178No. apartments, a gym, 3No. retail units and associated car parking and landscaping.</p> <p>The key issues in the assessment of the proposal are:</p> <ul style="list-style-type: none"> - The principle of the proposal at this location; - Layout, scale, form, massing and design; - Impact on amenity; - Impact on transport and associated infrastructure; - Flooding and drainage impacts; - Impact on natural heritage assets; - Contamination and remediation of the site; - Impact on civil aviation; and - Developer contributions. <p>Regional Policy Context:</p>
9.2	<p>The Regional Development Strategy 2035 (RDS) includes a number of policies relevant to the proposal including Tourism (RG4), Supporting Urban Renaissance (RG7), and Conserve, protect and enhance where possible the built and natural heritage.</p>

9.3	In relation to Belfast, the RDS includes policies to promote economic development, grow the city population, and protect and enhance the setting of the Metropolitan Area and its environmental assets. Policy SFG3 seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities.
9.4	The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making.
9.5	The SPPS states at paragraph 1.13 that a number of policy statements, including those listed at paragraph 4.2 of this report, remain relevant under the ‘transitional arrangements’ in advance of a council’s adoption of its new Local Development Plan. Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.
Development Plan Status:	
9.6	Following the Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the extant Development Plan is now the Belfast Urban Area Plan 2001 (BUAP). The site is not subject to any zoning within the BUAP. Both the draft Belfast Metropolitan Area Plan 2004 (dBMAP 2004) and purported to be adopted Belfast Metropolitan Area Plan (dBMAP 2015) are material considerations. The weight to be afforded the draft Belfast Metropolitan Area Plan is a matter of judgement for the decision maker. In dBMAP 2004, and dBMAP 2015, the site falls within the City Centre boundary, the fringe area of parking restraint, and the Laganside Character Area.
Principle of development and proposed uses:	
9.7	The site falls within the City Centre boundary in both versions of dBMAP, where the uses proposed by the outline application are broadly acceptable. There is a previous permission on the site, now expired, for a similar development including residential, retail, office, and related infrastructure – uses for which the current application also seeks permission. Accordingly, the principle of development and mix of uses are considered acceptable.
9.8	In the BUAP, the site is located outside the City Centre. The SPPS requires a sequential test to be applied to ‘town centre uses’, directing them to the city centre in the first instance, then edge of city centre and lastly out of centre. However, the site is located within the City Centre boundary in both versions of dBMAP. It is considered that substantial weight should be given to dBMAP 2015 given the advanced stage that it reached. Significant weight must also be afforded to the planning history of the site, which includes permission for redevelopment for the majority of uses proposed. These factors establish that the proposed uses are acceptable in principle.
9.9	In relation to the demolition of the exiting building and structures, the site is not located in a Conservation Area ore Area of Townscape Character, and the buildings are not listed or of any historic interest. Accordingly the demolition of these structures is acceptable in principle.
<u>PPS7 – Design, Character and Appearance of Area and amenity</u>	

9.10	<p>The proposal has been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations. PPS7 addendum safeguarding character is also a material consideration and includes three policies LC1-3.</p> <p>Layout</p>
9.11	<p>The proposed layout of the building repeats that previously approved, in that the building will occupy the entire site, with retail and gym uses at ground floor and residential at upper floors providing active frontages along all ground floor elevations. Vehicular access to internal parking areas is also located in broadly the same position as the previous permission and is therefore acceptable.</p>
9.12	<p>The layout accords with supplementary guidance in terms of separation distances between proposed and neighbouring existing buildings – approximately 33m min between elevations at closest point to the apartment building under construction at Bridge End (Sandford development), with separation distances of approximately 22m minimum between rear elevations and the eastern site boundary/railway line at closest point. Amenity space provision includes a communal area at fifth floor of approximately 920 sqm, equating to approximately 5sqm per unit. The majority of units also have dedicated private external amenity/balcony space of varying sizes. External public realm improvements are also proposed comprising 900 sqm approximately of landscaped area, which will assist in improving streetscape in this area. Within this context, the level of provision is considered acceptable taking account of the planning history of the site. In addition, adequate public open space and management arrangements is provided as part of the development and related requirements under PPS7 and PPS8 are therefore satisfied.</p> <p>Scale, height and massing</p>
9.13	<p>In design concept terms the arrangement of the site includes the placement of a multi storey car park (MSCP) in the rear corner of the building where it would have minimal visual impact. This allows the proposed apartment block to wrap around the MSCP, effectively hiding it, while providing strong edges to Middlepath Street, Dalton Street and Bridge End. Apartments then face either externally onto one of the three surrounding streets/roads or else internally onto a large communal garden proposed on top of the decked MSCP.</p>
9.14	<p>The approach advocates splitting the primary façade along Dalton Street into two blocks, a taller feature tower (17 storeys) at the corner of Dalton Street and Middlepath Street and a lower 10 storey block wrapping around the Dalton Street and Bridge End corner. The taller feature tower steps down again to 10 storeys further along Middlepath Street. The resultant scheme comprises the following four interconnected blocks;</p> <ul style="list-style-type: none"> - 17 storeys (52.7m to 54.2m) corner feature tower incorporating two upper storeys stepped along both Dalton Street and Middlepath Street); - 10 storeys (31.7m) with upper storey stepped along Middlepath Street; - 10 storeys (31.7m) with upper two storeys stepped along Dalton Street; and

	- 5 storeys (16.5m) decked car park to the rear catering for a total of 195 spaces (19 at GF serving retail units and 176 at 1F-4F for residents) with communal space above.
9.15	This represents a marginal increase in height from the previous scheme, which amounts to an increase of approximately 2.7m – 4.2m due to the angled arrangement of the upper floor and to take account of increased floor levels to mitigate climate change.
9.16	The scale and massing of development within this eastern side of the city is rapidly changing as witnessed by the recently constructed 8 storey 'Sandford' apartment complex (24.5m) diagonally opposite on Bridge End and the approved 13 storey Office Block C (56.2m) part of the larger Sirocco/Waterside scheme directly opposite along Bridge End. The longer term aspirations contained within the Queen's Quay Masterplan (2013) produced by the former DSD are also noted, which includes a number of taller elements along the River Lagan. The height, scale and massing of blocks contained within this proposal are considered acceptable in the wider context, with the taller corner element amounting to a marker statement at this key intersection out of the city along Middlepath Street that would also benefit from elevated views from the neighbouring motorway.
9.17	The proposed materials, design and fenestration are consistent with the area, incorporating a similar, fenestration, and solid to void ratios, and also having regard to the previous permissions on the site and in the locality. The proposed designs are therefore compliant with criteria [g] of PPS7. Accordingly, it is considered that the proposal would not adversely affect the character of the area, which is a wide mix of building designs and finishes.
9.18	The layout includes a landscaping scheme for the areas of open space, and includes the planting of trees, hedge, shrub and screen planting. Conditions are necessary to secure provision, maintenance and management of the landscaping proposed. The Urban Design Officer has no objection to the scale, massing, and design of the proposal.
	Impact on Residential Amenity
9.19	In regard to impact on residential amenity, there are no existing residential uses immediately adjacent to the application site, with the closest being the 'Sandford' development to the southwest and Rotterdam Street area beyond. The layout/aspect of the building is such that there will be no overlooking of neighbouring properties. In addition there is sufficient separation distances to existing neighbouring properties to ensure that that dominance and overshadowing will not occur to an unacceptable degree (33m at closest point). Accordingly, the proposal will not adversely impact on the amenity of existing residents. There will be no greater impact on the amenity of existing neighbouring properties than with the previous approval.
9.20	In terms of prospective residents, each unit has adequate outlook to the public street and external amenity areas. The accommodation comprises a mix of 1-3 bed units. They are in accordance / generally exceed standards set out in the addendum to PPS7, with accommodation ranging from 41sqm for the smallest 1 bed unit to 94 sqm for the largest 3 bed unit. The layout arrangement broadly repeat the previously approved arrangements. Environmental Health have confirmed adequate arrangements are proposed to ensure prospective residential amenity will be protected.
	PPS15 – Flooding and drainage

9.21	<p>Rivers Agency and NI Water have been consulted on the application, and assessed the submitted flood risk assessment. Neither consultee has any objections to the proposal. Therefore, it is considered that the proposal will not result in or be impacted unacceptably by flooding. It is considered that the proposal is compliant with PPS15 requirements.</p>
<p>PPS3 - Traffic, Parking and associated Roads considerations</p>	
9.22	<p>DFI Roads were consulted and are satisfied that there is sufficient vehicle and bicycle parking provision proposed, the access arrangements are adequate, and that the proposal will not result in a significant impact on traffic or road safety. The proposal includes 195 parking spaces (including 19 for the commercial elements), within a multi storey parking area of the building and dedicated internal cycle parking within the apartment block. Green transport measures including provision of travel cards are proposed and DFI are considering the arrangements proposed. Delegated authority is requested to finalise these outstanding issues. This aspect is therefore considered acceptable and compliant with PPS3, associated guidance, and criteria [f] of QD1. At the time of writing</p>
<p>Impact on civil aviation:</p>	
9.23	<p>Consultation has been undertaken with the City Airport, who have assessed the proposals in terms of air safety. IFP (Instrument Flight Procedure) & CNS (Communications, Navigation & Surveillance) assessments have been carried out, and the Airport have advised of safeguarding measures required that the proposal must incorporate. The proposal would not therefore compromise air safety.</p>
<p>Impact on Protected Habitats etc.</p>	
9.24	<p>The proposals have been considered in terms of impacts on the natural environment and Shared Environmental Services and DEARA have been consulted. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.</p>
<p>Consultee Responses</p>	
9.25	<p>Environmental Health has no objections to the proposal in terms of public health matters including contamination, noise, disturbance, and associated matters subject to conditions.</p>
	<p>DEARA Waste Management has no objections regarding land contamination issues.</p>
9.26	<p>Drainage and Water have no objections subject to NIW confirmation of adequate capacity of Waste Water Treatment. NIW have confirmed sufficient capacity.</p>
9.27	<p>NI Transport Holding Company (Translink) had no objections in relation to impacts on the railway infrastructure subject to a number of operational issues to be clarified/agreed during construction. The issues raised are considered civil matters between the respective parties.</p>
9.28	<p>NI Housing Executive was consulted and have responded advising that there is a current social housing waiting list of 10,136 households of which 7,336 are in urgent need seeking housing in Belfast (March 2018). On this needs basis, NIHE would wish to see 20% of residential development on this site committed to social and affordable housing, accessible dwellings and wheelchair housing units. This would help to meet the housing</p>

	needs of everyone and ensure a balanced and inclusive community. A suggested mix of 35 no. social/intermediate 2 bedroom apartments would be appropriate.
9.29	The proposal is for private residential only (no social / affordable). There is no current policy requirement for the developer to provide social housing. The previous approval was also for private housing.
9.30	HED are considering archaeological impacts of the proposal. A submitted archaeological report indicates that no assets are likely to be present on the site and includes a draft programme of works for approval. Delegation of resolution of this issue is requested.
	<p>Pre-Community Consultation</p>
9.31	For applications that fall within the category of Major development as prescribed in the Development Management Regulations, Section 27 of the Planning Act (Northern Ireland) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.
9.32	Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2018/0304/PAN) was submitted to the Council on 7th February 2018.
9.33	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a Pre-application Community Consultation Report to accompany the planning application.
9.34	It is considered that the Pre-application Community Consultation Report submitted with the application has demonstrated that the applicant has carried out their duty under Section 27 of the Act to consult the community in advance of submitting an application.
	<p>Representations</p>
9.35	On representation has been received raising concerns regarding potential impacts on the structural integrity of a neighbouring building/site. Whilst the concerns are noted, ensuring no damage to third party property and lands during the construction process is a civil matter between the relevant parties and therefore not a matter of public interest.
	<p>Economic Impacts</p>
9.36	The developer estimates that the proposal will result in approximately 220 jobs for the construction phase and 50 post construction/operational jobs.
	<p>Developer Obligations</p>
9.37	<p>In summary, the following planning obligations should be included as part of the planning permission by means of a Section 76 planning agreement. These are directly related to the development and considered necessary to make it acceptable.</p> <ul style="list-style-type: none"> • Green transport measures to promote alternatives to car use; • Training and development opportunities; • Provision of the public open space; • Maintenance and management of the public open space, private roads, public realm; and

	<ul style="list-style-type: none"> • Monitoring fee.
10.0	<p>Summary of Recommendation</p> <p>Having regard to the Development Plan and relevant material considerations, the proposal is considered acceptable subject to resolution of the outstanding matters.</p> <p>It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission subject to conditions and a Section 76 planning agreement, and satisfactory resolution of outstanding issues, including:</p> <ul style="list-style-type: none"> - Resolution of outstanding DFI Roads and HED issues; and - Finalising conditions and Section 76 Planning Agreement.
<p>Conditions (Delegated authority to Director of Planning and Building Control to finalise requested)</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No development shall take place until samples of all external finishes has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample details.</p> <p>Reason: In the interests of visual amenity and the character and appearance of the area.</p> <p>3. 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> <p>4. All windows to be finished in obscure glass shall be installed before the occupation of the building hereby permitted as indicated on the approved plans, shall be permanently retained, and in the event of breakage shall be replaced with obscure glass to the satisfaction of the Belfast City Council Local Planning Authority.</p> <p>Reason: In the interests of amenity.</p> <p>5. If during the development works, new contamination or risks 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 Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>6. After completing the remediation works under Condition 5; 1. Prior to the occupation of the hereby permitted development, the applicant shall submit to the council, for approval in writing, a Verification Report. The report must demonstrate that the remedial measures as outlined in the Pentland MacDonald Contamination Assessment and Remediation Strategy titled " Site at Dalton Street, Belfast "Report no:PM18-1009 as amended by the Pentland MacDonald additional</p>	

information pertaining to contaminated land – site at Dalton Street, Belfast ref:PM18-1009i dated 28/1/19 and Pentland MacDonald additional information regarding contamination remediation report-site at Dalton Street, Belfast ref: PM19-1077 dated 17 June 2019 have been implemented.

The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for end use. It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that:

- a) Gas ingress protection measures in line with CIRIA C665 Characteristic Situation 2 and BS8485:2015 and vapour protection measures have been incorporated into the proposed new building.
- b) A 0.5m thick physical barrier (capping layer) comprising of clean gravel/subsoil and topsoil has been emplaced within all areas of landscaping which are not surfaced on hardstanding. The imported material shall be demonstrably suitable for end use.

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

7. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention' available at <http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

8. The hereby permitted development shall not be occupied until the applicant submits to the Council, for review and approval in writing, a Noise Verification Report. The Noise verification report must demonstrate the following:

- That the sound insulation and noise control measures to the gym as recommended in the FR Marks Further Environmental Information report dated 14 th May 2019, and the glazing / ventilation sound insulation measures as detailed in the FR Marks Further Environmental Information dated May 2019 emailed to the planning service on the 31/5/19 have been incorporated into the development.
- That the internal noise level in habitable rooms does not exceed:
 - 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
 - 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.
 - 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.
- That a high performance proprietary floating acoustic sports floor has been provided to the ground floor gym to minimise impact noise on the structure.
- That 27mm thick multi tile impact resistant mat with a 40mm thick regupol 40/80 mat below or equivalent has been installed in the free weights area

- That a 15mm thick shock pad with a 10mm thick everroll mat on top or equivalent has been installed in the studio areas.
- That the separating partition between the gym and the residential units shall provide a minimum of 60 dB Dw
- The ceiling to the gym should be supported on proprietary resilient acoustic hangers, with 30mm of mineral wool (min density of 12kg/m³) in void.

3. Wall mounted equipment within the Gym must be resiliently mounted.

4. The ground floor gym must not operate outside the following hours 22:00 and 6:30am

5. Only background music permitted within the gym.

6. The cumulative Rating Level (dB LAr) of sound from the operation of all combined building services plant associated with the development shall not exceed the existing daytime and night-time background noise level of 60dBLA90 50dBLA90 respectively at the nearest noise sensitive premises, when measured or determined at 1m from the façade of the nearest noise sensitive premises in line with the methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound. A Rating Level (dB LAr) indicative of 'no adverse impact' shall be maintained thereafter.

7. No service collections from or deliveries to the proposed development are permitted beyond the hours of 07:00hrs-23:00hrs.

Reason: Protection of health and residential amenity

9. No development including site clearance works, lopping, topping or felling of trees, shall take place until a landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, has been submitted to and approved by the Department. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with the Department in writing prior to implementation.

Reason: To ensure the provision of amenity afforded by an appropriate landscape.

10. All hard and soft landscape works shall be completed in accordance with the approved drawings, 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 dwelling / part of the development hereby approved.

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.

11. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority, 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 Local Planning Authority gives its written consent to any request for variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

12. No dwelling hereby permitted shall be occupied until all drainage mitigation measures as set out in the submitted Drainage Assessment have been constructed and installed in accordance with these details. A report verifying these measure have been installed shall be submitted to the satisfaction of the Local Planning Authority. The mitigation measures shall be permanently retained thereafter and not removed without the prior consent of the Local Planning Authority.

Reason: to ensure adequate flood mitigation measures are provided for the site and to protect residential amenity.

13. DFI Roads Conditions (tba)

14. HED Conditions (tba)

ANNEX	
Date Valid	20th November 2018
Date First Advertised	30th November 2018
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>16 Scrabo Street,Belfast,Down,BT5 4BD 22 Bridge End,Belfast,Down,BT5 4AE 23 Bridge End,Belfast,Down,BT5 4AE 27 Bridge End,Belfast,Down,BT5 4AE 29 Bridge End,Belfast,Down,BT5 4AE 29 Middlepath Street,Belfast,Down,BT5 4BG 31 Bridge End,Belfast,Down,BT5 4AE 33 Bridge End,Belfast,Down,BT5 4AE 35 Bridge End,Belfast,Down,BT5 4AE 35-39 ,Middlepath Street,Belfast,Down,BT5 4BG 48-58 ,Bridge End,Belfast,Down,BT5 4AE 62a ,Bridge End,Belfast,Down,BT5 4AE 62a ,Bridge End,Belfast,Down,BT5 4AE Apartment 1,21 Bridge End,Belfast,Down,BT5 4AE Apartment 1,25 Bridge End,Belfast,Down,BT5 4AE Apartment 1,37 Bridge End,Belfast,Down,BT5 4AE Apartment 10,21 Bridge End,Belfast,Down,BT5 4AE Apartment 10,25 Bridge End,Belfast,Down,BT5 4AE Apartment 10,37 Bridge End,Belfast,Down,BT5 4AE Apartment 11,21 Bridge End,Belfast,Down,BT5 4AE Apartment 11,25 Bridge End,Belfast,Down,BT5 4AE Apartment 11,37 Bridge End,Belfast,Down,BT5 4AE Apartment 12,21 Bridge End,Belfast,Down,BT5 4AE Apartment 12,25 Bridge End,Belfast,Down,BT5 4AE Apartment 12,37 Bridge End,Belfast,Down,BT5 4AE Apartment 13,21 Bridge End,Belfast,Down,BT5 4AE Apartment 13,25 Bridge End,Belfast,Down,BT5 4AE Apartment 13,37 Bridge End,Belfast,Down,BT5 4AE Apartment 14,21 Bridge End,Belfast,Down,BT5 4AE Apartment 14,25 Bridge End,Belfast,Down,BT5 4AE Apartment 14,37 Bridge End,Belfast,Down,BT5 4AE Apartment 15,25 Bridge End,Belfast,Down,BT5 4AE Apartment 15,37 Bridge End,Belfast,Down,BT5 4AE Apartment 16,25 Bridge End,Belfast,Down,BT5 4AE Apartment 16,37 Bridge End,Belfast,Down,BT5 4AE Apartment 17,25 Bridge End,Belfast,Down,BT5 4AE Apartment 17,37 Bridge End,Belfast,Down,BT5 4AE Apartment 18,25 Bridge End,Belfast,Down,BT5 4AE Apartment 18,37 Bridge End,Belfast,Down,BT5 4AE Apartment 2,21 Bridge End,Belfast,Down,BT5 4AE</p>	

Apartment 2,25 Bridge End,Belfast,Down,BT5 4AE
 Apartment 2,37 Bridge End,Belfast,Down,BT5 4AE
 Apartment 3,21 Bridge End,Belfast,Down,BT5 4AE
 Apartment 3,25 Bridge End,Belfast,Down,BT5 4AE
 Apartment 3,37 Bridge End,Belfast,Down,BT5 4AE
 Apartment 4,21 Bridge End,Belfast,Down,BT5 4AE
 Apartment 4,25 Bridge End,Belfast,Down,BT5 4AE
 Apartment 4,37 Bridge End,Belfast,Down,BT5 4AE
 Apartment 5,21 Bridge End,Belfast,Down,BT5 4AE
 Apartment 5,25 Bridge End,Belfast,Down,BT5 4AE
 Apartment 5,37 Bridge End,Belfast,Down,BT5 4AE
 Apartment 6,21 Bridge End,Belfast,Down,BT5 4AE
 Apartment 6,25 Bridge End,Belfast,Down,BT5 4AE
 Apartment 6,37 Bridge End,Belfast,Down,BT5 4AE
 Apartment 7,21 Bridge End,Belfast,Down,BT5 4AE
 Apartment 7,25 Bridge End,Belfast,Down,BT5 4AE
 Apartment 7,37 Bridge End,Belfast,Down,BT5 4AE
 Apartment 8,21 Bridge End,Belfast,Down,BT5 4AE
 Apartment 8,25 Bridge End,Belfast,Down,BT5 4AE
 Apartment 8,37 Bridge End,Belfast,Down,BT5 4AE
 Apartment 9,21 Bridge End,Belfast,Down,BT5 4AE
 Apartment 9,25 Bridge End,Belfast,Down,BT5 4AE
 Apartment 9,37 Bridge End,Belfast,Down,BT5 4AE
 Office 1 Fifth Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD
 Office 1 Ground Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD
 Office 1 Third Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD
 Office 2 Fifth Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD
 Office 2 Ground Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD
 Office 2 Third Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD
 Office First Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD
 Office Fourth Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD
 Office Second Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD
 Office Sixth Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD
 Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD
 Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD

Date of Last Neighbour Notification	
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Date of EIA Determination	N/A
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ES Requested	No
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Planning History

Ref ID: Z/1974/0697
 Proposal: ERECTION OF PAINT STORE
 Address: 29-33 MIDDLEPATH STREET
 Decision:
 Decision Date:

Ref ID: Z/1997/6016
Proposal: Erection of offices 3-5 Dalton Street
Address: 3-5 Dalton Street
Decision:
Decision Date:

Ref ID: Z/1987/1122
Proposal: Construction of a new showroom and refurbishment of existing buildings to be used as gardening equipment showrooms
Address: 48/60 BRIDGE END BELFAST BT5
Decision:
Decision Date:

Ref ID: Z/2003/2727/F
Proposal: Proposed retail store, 5No non-food retail units, 6-island petrol filling station, 832 car parking spaces, alterations to existing road network, landscaping and ancillary works
Address: Howden Sirocco Works, Bridge End, Belfast
Decision:
Decision Date: 17.04.2008

Ref ID: Z/1997/0384
Proposal: Erection of office building
Address: NOS 3 & 5 DALTON STREET BELFAST BT5
Decision:
Decision Date:

Ref ID: Z/2007/2948/F
Proposal: Demolition of existing two storey building & erection of new development to include 177 apartments to upper floors, 177 car parking spaces to basement levels, ground floor health/fitness suite & external garden area.
Address: Site framed by Dalton Street, Middlepath Street, Bridge End & railway line, Belfast.
Decision:
Decision Date: 02.11.2009

Ref ID: Z/2008/2112/F
Proposal: Retrospective application to use the site as a car park with office.
Address: Site framed by Dalton Street, Middlepath Street, Bridge End and Railway Line including 1 and 7 Dalton Street, Belfast.
Decision:
Decision Date: 03.09.2009

Summary of Consultee Responses
Drawing Numbers and Title
Notification to Department (if relevant) Date of Notification to Department: Response of Department: