

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 15 June 2021	
Application ID: LA04/2020/2071/F	
Proposal: Demolition of existing buildings and structures; and construction of 57 no. apartments with associated landscaping and car parking	Location: 41-49 Tate's Avenue Belfast BT9 7BY.
Referral Route: Major Application	
Recommendation:	Approval subject to Section 76 Planning Agreement
Applicant Name and Address: Newpark Homes 72-74 Omagh Road Dromore Omagh BT78 3AJ	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2
<p>Executive Summary: Application seeking demolition of existing buildings and structures; and construction of 57 no. apartments with associated landscaping and basement car parking</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Principle of redeveloping the site - Acceptability of residential use at this location - Demolition in an Area of Townscape Character - Impact on character and appearance of Area of Townscape Character - Scale, Massing and Design - Open Space Provision - Traffic and Parking - Contamination - Impact on Amenity - Flooding and Drainage - Wastewater Treatment - Impact on Natural Heritage and Designated Sites - Developer Obligations - Pre-application Community Consultation <p>The principle of demolition of the existing buildings and new residential development is acceptable given the extant permission on the site.</p> <p>The additional 8 units proposed are located within the main block and have resulted in additional floorspace created on the upper floor above the approved rear annex. The location of this additional mass ensures there will be no detrimental visual impact when viewed from the street. The minor elevation changes to the Tates Avenue elevation ensure the proposal continues to enhance the character of this Area of Townscape Character.</p> <p>Any additional windows are located as such that separation distances and screening provided by the parts of the proposed building will ensure there will be no impact on the amenity of</p>	

neighbouring properties. The removal of balconies and expanses of glazing also improves the relationship with adjacent properties, particularly those to either side on Tates Avenue.

Although a response from DFI Roads remains outstanding, justification has been provided for a reduced parking standard. Along with a parking survey that demonstrates availability of on-street parking and a Travel Plan which proposes Green Travel Measures including Travel Cards and a Car Club. Dfi Roads were included in discussions around these measures and it is anticipated that DFI Roads will look favourably on the proposal.

A response from NI Water is outstanding in relation to the capacity within the receiving wastewater treatment works. In the interim, and as a precaution, a condition has been proposed that will ensure no development is carried out until such times as capacity becomes available.

Statutory Consultees

DFI Roads – Await final Response

NI Water – Await final Response

DAERA Water Management Unit – No Objection

DAERA Regulation Unit – No Objection

Rivers Agency – Await Response

NI Housing Executive - Support

Non-Statutory Consultees

Belfast City Council Environmental Health Department – Further info requested

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

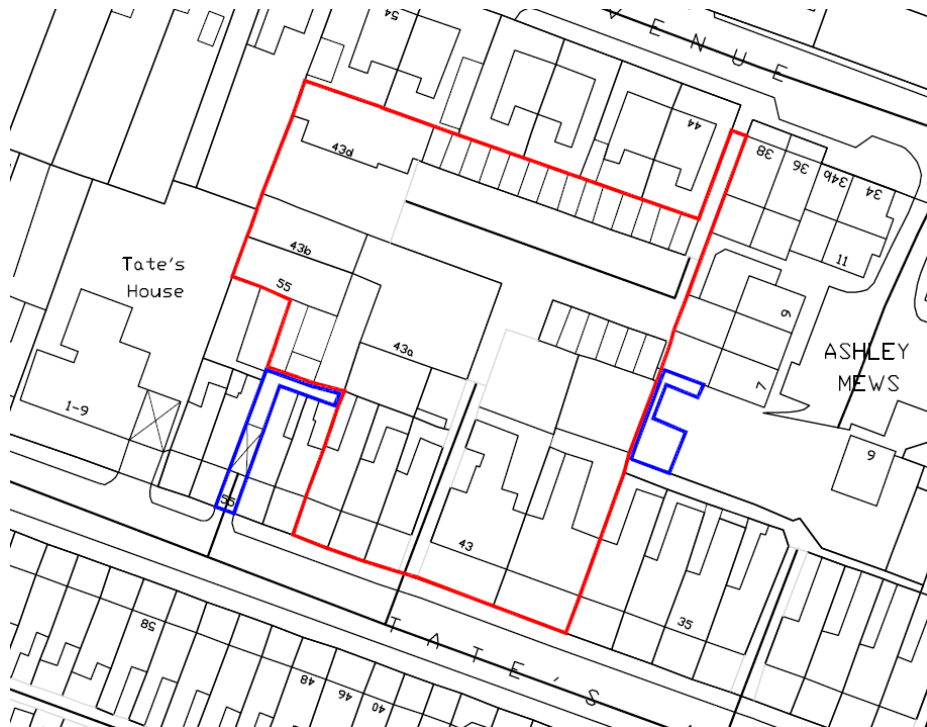
Recommendation

Having had regard to the statutory development plan, the draft development plan, relevant planning policies, planning approvals in the area, and the consideration of the issues set out in this report, the proposed demolition and redevelopment is considered acceptable.

Subsequently approval of planning permission is recommended subject to conditions and a Section 76 planning agreement to secure Green Travel measures. It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to approve subject to conditions and to finalise the wording of conditions and enter into the Section 76 planning agreement subject to no new substantive planning issues being raised and to resolve any issues arising from the outstanding consultation responses..

Case Officer Report

Site Location Plan



1.0	Description of Proposed Development
1.1	Demolition of existing buildings and structures; and construction of 57 no. apartments with associated landscaping and car parking. There are 5 two storey terraced properties along the site frontage to be removed as well as a number of two storey and single storey derelict buildings located in the yard to their rear.
1.2	The proposed scheme will replace the existing buildings at 41-49 Tate's Avenue with 2 blocks. Block 1/2 is a two and a half storey block fronting Tate's Avenue with a three-storey block to the rear. Block 3 is a three-storey block located to the rear of Tate's Avenue.
1.3	30 car parking spaces (including 8 disabled spaces), bin storage areas and a bike store are located within an enclosed basement, accessed by a vehicular ramp in the south west corner of the site.

1.4	Block 1/2 is the main block, is T-shaped and includes the proposed built form fronting onto Tates Avenue. It houses 47 of the 57 apartments (35 2 bed and 12 one bed)
1.5	The height of the proposed apartments beside No 39 Tates Avenue measures 11 metres. As the gradient of the road slopes westwards along the site from the Lisburn Road down to the Railway Line the height to the proposed apartments beside No 51 Tates Avenue increases to measure 12.5 metres.
1.6	Block 1/2 extends some 50 metres deep with a Tates Avenue frontage of approximately 37m and is the main bulk of the proposal. The height of the rear of Block 1/2 measures approximately 11 metres over three floors (rising to approximately 12.5m to the west given the gradient of the site). On the front elevation the ridge sits approximately 0.5m lower than the adjoining terrace to the east, and with the gradient of the site, approximately 3.4m higher than the ridge of the adjoining terrace to the west on Tates Avenue.
1.7	Block 3 comprises 10 of the proposed 57 apartments. It is of a similar design and materials to that of the rear of Block B although smaller in overall scale. The height of Block 3 measures approximately 9 metres over 3 floors. Materials proposed include red brick and cement cladding to recessed upper floor.
1.8	In terms of boundary treatment, a timber fence will replace the existing corrugated metal fence along the rear boundary.
1.9	The main vehicular and pedestrian access point is located in the SW corner of the site with a secondary access proposed to Ashley Avenue.
2.0	Description of Site
2.1	The site fronts onto Tates Avenue, with the frontage defined by 2 no. 2 storey residential-type properties (Nos. 41 and 43 Tates Avenue) and 3 no. 2½ storey terrace dwellings (Nos. 45, 47 and 49 Tates Avenue). These properties are currently residential in use.
2.2	To the rear the site is a substantial Contractor's Yard, enclosed on three sides by existing residential development. The backland element of the site is accessed via a narrow laneway between Nos 43 and 45.
2.3	The site has an area of approximately 0.3 ha.
Planning Assessment of Policy and other Material Considerations	
3.0	Relevant Planning History
3.1	LA04/2016/1199/F – Renewal of planning permission for Demolition of existing buildings and structures with the construction of 49 apartments with associated landscaping and underground parking. Approved 13 th June 2016.
3.2	Z/2010/0647/F - Demolition of existing buildings and structures with the construction of 49 apartments with associated landscaping and underground parking. Approved 23 rd August 2011.
4.0	Policy Framework
4.1	Belfast Urban area Plan Draft Belfast Metropolitan Area Plan 2015 Draft Belfast Local Development Plan Strategy (Draft LDP)

	Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area'
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Natural Heritage Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 6 (Addendum) – Areas of Townscape Character Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 13 – Transportation and Landuse Planning Policy Statement 15 – Planning and Flood Risk
5.0	Statutory Consultees DfI Roads – Await response DAERA Waste Management Unit – No Objection DAERA Water Management Unit – No objection DAERA Natural Environment Division – No Objection DfI Rivers Agency – No Objection NI Water – Await Response Rivers Agency – Additional info requested NI Housing Executive - Support
6.0	Non-Statutory Consultees Environmental Health BCC – No objection subject to conditions
7.0	Representations None Received
8.0	Other Material Considerations The Belfast Agenda Creating Places Parking Standards DCAN15: Vehicular Access Standards
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> - Principle of redeveloping the site - Acceptability of residential use at this location - Demolition in an Area of Townscape Character - Impact on character and appearance of Area of Townscape Character - Scale, Massing and Design - Open Space Provision - Traffic and Parking - Contamination - Impact on Amenity - Flooding and Drainage - Wastewater Treatment - Impact on Natural Heritage and Designated Sites - Pre-application Community Consultation
9.2	Principle of redeveloping the site Following the May 2017 Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.

9.3	Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the only areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.
9.4	In the Belfast Urban Area Plan the site is located on unzoned whiteland. In both the earlier version of Draft Belfast Metropolitan Area Plan 2015 (2004) the latest version of Draft BMAP 2015 (2014) (the version published post Public Enquiry and purported to be adopted) the site is within the Lisburn Road Area of Townscape Character (BT056 and BT039 respectively).
9.5	The Planning Appeals Commission (PAC) considered an objection to the proposed Lisburn Road designation in its report on the BMAP public inquiry. The Commission recommended no change to the plan. It is therefore considered likely that the proposed ATC designation would remain, as BMAP was lawfully adopted.
9.6	The proposed ATC designation is therefore a material contribution. The Commission also considered objections to the general policy for the control of development in ATCs which is contained in the draft BMAP. The Commission recommended that the policy be deleted and that detailed character analysis be undertaken, with a design guide produced for each ATC. It is unclear whether the text detailed the key features of the Lisburn Road ATC. As it stands, it is unclear how the area will be characterised in any lawfully adopted BMAP.
9.7	The principle of redeveloping the site has been established under the previous approvals. The site is located within the development limits of Belfast and therefore the presumption is in favour of development, subject to the policy considerations discussed below.
9.8	Acceptability of Residential Use The principle of residential use has already been established on the site through the extant approval (LA04/2016/1199/F). The proposal is for an additional 7 units, the merits of the increase in building size to facilitate the units will be discussed below. The surrounding area is defined by residential use. The proposed use is therefore acceptable.
9.9	Demolition in an Area of Townscape Character The proposal includes demolition of No 41 - 49 Bates Avenue - five properties fronting onto Bates Avenue - and five prefabricated structures to the rear of these properties which currently form part of a Contractors Yard.
9.10	The demolition of the existing buildings on the site has been granted under the extant approval LA04/2016/1199/F and previously under planning permission Z/2010/0647/F. The proposal has been assessed against Policy ATC1 of the Addendum to PPS6.
9.11	In addition, Historic Environment Division previously surveyed the properties and considered it did not warrant statutory listing. On this basis, it would be unreasonable to offer any objection to the demolition of the buildings on the site.
9.12	Impact on character and appearance of an Area of Townscape Character The proposal has been assessed against Policy ATC2 of the Addendum to PPS6. The site is located within the Lisburn Road ATC in both draft BMAP and BMAP. The Policy requires that any new development within an ATC maintains or enhances the overall character of the area and respects the built form. As stated previously there is an extant approval on the site LA04/2016/1199/F. The proposal is for an additional 8 units located within Block A. However, the additional built form is located over the approved rear annex and the overall scale and massing of the scheme, particularly from the street frontage, remains almost identical to the previous approval. The resultant scale and massing and

	the detailed design will be discussed further below. Given the location of the additional floorspace there will be no impact on views from the street. Along with minor elevational changes to the front, the resultant amended scheme will be of no detriment to the character of the ATC.
9.13	<p>Scale, Massing and Design</p> <p>The proposal has been assessed against paragraphs 4.23-4.29 of the SPPS and Policy QD1 of PPS7.</p>
9.14	The design of the proposed apartments fronting onto Bates Avenue are of a traditional appearance in keeping with the built form of the immediate surrounding properties.
9.15	In general design terms, the height of the new buildings follows the pattern of the existing streetscape in relation to the eaves / ridge height, window / door openings and building line. A more traditional design has been adopted along the Bates Avenue elevation to respect the established vernacular and this relationship is considered appropriate in the context of the street scene on Bates Avenue.
9.16	The main building is designed to front onto Bates Avenue as a uniform terrace with a consistent building line and ridge height, vertical emphasis in the pattern of fenestration, chimneys and will be finished in red brick and black slate. There are more windows in the front elevation than the previous approval, and this strengthens the vertical emphasis, arguably producing a more traditional solid: void ratio more in keeping with the area. Brick banding is proposed at ground and first floor level to match existing properties at 43-49 Bates Avenue. Dormer windows are proposed on the upper floor and these are designed to match original dormers found within the draft ATC.
9.17	Overall, the contemporary design of the rear of Block A and Block B are considered to be appropriate. It is proposed to include a condition requiring that details of external materials submitted for agreement prior to commencement of development (No. 10).
9.18	It is considered that the mixture of red brick, timber cladding, render and recessed top floor help to break up the bulk of the building.
9.19	Ground floor pedestrian access from Bates Avenue will be preserved and the historic pattern of front gardens will be re-instated, removing the current extent of hardstanding fronting Bates Avenue. A small red brick wall and railings define the edge of the footpath and again is very much in keeping with the area. This is welcomed and will enhance the appearance of the Bates Avenue site frontage whilst also providing a defensible space.
9.20	It is considered that the stepped heights proposed building fronting Bates Avenue is in keeping with the sloping nature of the site and generally accords with the height of the existing built form of the area.
9.21	<p>Open Space Provision</p> <p>The Proposal has been assessed against Policy OS2 of Planning Policy Statement 8. Integral communal open space has been provided in the form of landscaped areas between and around the proposed blocks.</p>
9.22	The area of the site is approximately 0.3 Hectares. Therefore, an area of at least 3,000 square metres (10% of the site area) should be given over to communal open space. The total area of open space provision amounts to approximately 1,000 square metres.
9.23	However, Creating Places states <i>that 'In the case of apartment or flat developments, or 1 and 2 bed roomed houses on small urban infill sites, private communal open space will be</i>

	<p><i>acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to around 30 sq m per unit.</i> In this case it is considered that the site is an urban infill site given the density of the area and the back-land element of the site. When the lower standard is applied the level of communal amenity space would be 570 square metres. In this case the proposed amenity provision is approximately 820 square metres, and is considered acceptable.</p>
9.24	<p>Traffic and Parking</p> <p>The application site falls within the Belfast Core Parking Restraint Area as set out in the BUAP and draft BMAP. The proposal has been assessed against Policies AMP7, 8 and 9 of PPS3.</p>
9.24	<p>DFI Roads has stated that the site lies outside the Fringe Area of Parking Restraint. 44 of the apartments will be 2 bedrooms and 12 will be 1 bedroom. Creating Places advises 1.25 spaces / apt for 1 bed = 15 spaces, and 1.5 spaces / apt for 2 bed = 66. So, the provision should be somewhere between fringe (56) and Creating Places (81), for the 57 apartments.</p> <p>30 basement car parking spaces are proposed, as opposed to 73 for the 49 units in the original approval.</p>
9.25	<p>DFI Roads final response remains outstanding, however in an initial response they had raised concerns over the level of parking provision, inadequacies in the submitted Travel Plan and further information in terms of the level of available on-street parking.</p>
9.26	<p>Further information has now been received to address these concerns. It has been highlighted that the scheme is for social housing, where normally there is less than a 50% occupancy rate in terms of parking. It is pointed that the 0.53 provision per unit is adequate given trends in similar social housing schemes. The supporting information also highlighted that there were 44 spaces available on-street in the AM period and 63 spaces in the PM period.</p>
9.27	<p>In terms of the Travel Plan, DFI Roads had asked that the Travel Plan should include provision of a 3-year Travel Card for each unit, a 50% subsidy towards a car club and a cycle user scheme. The planning agent has confirmed that a 3-year Travel Card will be offered for each unit, as well as a Car Club. It has since been acknowledged by DFI Roads, that given the distance to the nearest bike dock is 866m, a cycle user scheme is not required. The green travel measures would be secured through a Section 76 Planning Agreement.</p>
9.28	<p>Taking into account the site's highly accessible location, along with the proposed basement parking which offers just over half a space per unit, and a parking survey which shows availability on-street capacity within a short distance of the would suggest that DFI Roads would look on the proposal favourably. The Travel Plan, submitted in support of the application, highlights the site's proximity to the Lisburn Road, an important arterial route to the city centre with a number of shops and services, including a Tesco Express.</p>
9.29	<p>Contamination</p> <p>The site is a former waste metal recycling centre (scrap yard) with a number of oil drums and tanks noted in the site walkover report. The GQRA is informed by trial pitting and boreholes to sample and analyse soils and groundwater at the site. Some exceedances are noted of generic screen values however no unacceptable risks have been identified to environmental receptors.</p>
9.30	<p>The site investigation undertaken at the site in April 2020 comprised of 5 trial pits and 2 hand dug trial pits to a maximum depth of 2m below ground level (bgl). The report also</p>

	relies upon a previous site investigation undertaken at the site in November 2019 by Hanmar Site Investigation Services Ltd. The Hanmar site investigation included drilling of 5 boreholes to a maximum depth of 12.7m. Both reports identified the presence of made ground. Ground gas monitoring was completed on 3 occasions at the 3 installed boreholes.
9.31	Environmental Health Department sought clarity on the extent of the basement, and if the proposed development works will break the identified pollutant linkages (resulting from soil and ground gas) in the manner presented in the RSK Ireland report. It is important to consider that a development of a similar nature was recently approved on the site, albeit with an increased level of excavation given what was a larger basement car park. The majority of the 'gassing source' is still being removed from the site. We have requested an updated risk assessment and associated remediation strategy for those areas of concern highlighted by EHO.
9.32	DAERA Regulation Unit Land and Groundwater Team have no objections to the development subject to the conditions detailed below (Nos. 7-8).
9.33	<p>Impact on amenity</p> <p>The proposal has also been assessed against paragraphs 4.12 and 4.13 of the SPPS and Policy QD1 of PPS7, in terms of potential impact on amenity of adjacent properties. The building is set within a predominantly medium to high density residential context, and there are existing residential properties in close proximity to the site to either side and to the rear.</p>
9.34	At present, the Contractors Yard is enclosed on all sides by surrounding properties and as a result, ground level views into and from the site are inhibited. The removal of these buildings and the introduction of at least three floors of living accommodation will obviously present the opportunity for views to be gained over the adjacent residential properties. Having said this the extant approval on the site holds significant determining weight and the proposal must be assessed in terms of its impact over and above that of the extant approval. The additional 7 units, located in the roof and subsequently more elevated, must be considered in some detail with regard to their potential impact on neighbouring amenity.
9.35	All of the additional 8 units are located within Block A. The previously approved duplex units within the block have been replaced with standard apartments. Previously the upper floor included the living areas of 6 of the duplex apartments along the Tates Avenue frontage. There are now 7 units within this upper floor, which has also been extended over part of the rear annex by approximately 20m and is now a T-shape. This has resulted in the introduction of additional high-level windows. Having said this the location of these windows, within a recessed upper floor, is such that there will be no significant overlooking impacting on the amenity of neighbouring properties. The floor is stepped in by approximately 1.4m to either side and approximately 18.5m to the rear.
9.36	There will be two additional rear facing bedroom windows at second and third floor levels in Block A. At second floor level these are two narrow bedroom windows. At third floor level they are also narrow and one is a bathroom. At second floor the bedroom windows are within a floor which is set back from the rear edge of the building by approximately 3.5m. This will ensure a degree of screening provided by the lip of the building and also a separation distance of approximately 11.5m to the party boundary. At third floor level the setback is much more substantial, and will ensure an ample separation distance of approximately 26m from the new upper floor windows and the party boundary. It should also be noted that none of these additional rear facing windows are on kitchen or living

9.37	<p>areas. Taking these factors into account, it is considered that the impact on existing properties to the rear will not be significant.</p> <p>To either side there will be living room and bedroom windows from two apartments introduced at third floor level. The slight setback and accompanied with ample separation distances to the party boundaries, approximately 27.5m to the east and 32m to the west, will ensure there is no significant level of overlooking onto the rear of adjacent properties. It should also be noted that the part of the building fronting onto Tates Avenue in itself will provide screening and arguably there will only be acute views from the living and bedroom areas of apartment No. 30.</p>
9.38	<p>It is worth noting that elevational changes have resulted in the removal of 6 elevated first floor balconies on Block A, namely on the eastern and western elevations. Similarly, large glazed areas on the east and west facing living rooms at second floor level have been removed and replaced by more modest windows.</p>
9.39	<p>In conclusion, the buildings are positioned in the same location as approved in the extant planning permission on the site. The additional built form is setback over the approved rear annex of the main block. The minor design changes to the fenestration also reduces the window: wall ratio and on balance there will be no additional impact on neighbouring amenity by way of overdominance or overlooking.</p>
9.40	<p><i>Noise, Dust and General Disturbance</i></p> <p>The submitted noise impact assessment included a noise survey over three consecutive hours between 10:00 and 17:00 and two hours during night-time hours. The measurements were taken at 1.5m above the pavement and 3.5m from the facade of the existing building with one of the night-time hours taken within the enclosed courtyard to rear of 61 Tates Avenue.</p>
9.41	<p>A computer noise model was used to predict the noise impact from the nearby road at each of the proposed apartment facades. The Acoustic Consultant has quantified the necessary mitigation suggesting the provision of facades in excess of 50 dB Rw, upgraded glazing and alternate ventilation to a number of the properties in order to meet the BS8233 recommended internal noise levels. Based on the information submitted in support of this application and Environmental Health Department has requested that consideration is given to attaching conditions to ensure the appropriate noise mitigation measures are put in place. The two conditions are detailed below (Nos 2 and 3).</p>
9.42	<p>In addition, in view of the built-up of location of the development site, as well as the size and nature of development proposed (which includes demolition), Environmental Health has recommended that in order to avoid negative impacts from dust emissions associated with the construction phase of the proposed development, a Dust Management Plan will be required.</p>
9.43	<p>A condition is proposed that requires a Dust Management Plan must be submitted to the Council for approval prior to the commencement of any development, including demolition. This should be prepared in accordance to <i>Guidance on the Assessment of Dust from Demolition and Construction (Institute of Air Quality Management, 2014)</i> and implemented during construction and demolition works on the site. This condition is detailed below (No. 4).</p>
9.44	<p><i>Air Quality</i></p> <p>No details have been provided by the applicant regarding the siting of the ventilation system required for the basement carpark, or if any centralised combustion plant is required as part of the development. Should the ventilation system for the basement</p>

	<p>parking be within 20m of any sensitive receptor, and/or the proposed development is to include any centralised combustion plants (Biomass, CHP or gas boilers, etc.), an Air Quality Impact Assessment must be submitted. This will be secured via condition, as detailed below (No. 5).</p>
9.55	<p>Flooding and Drainage</p> <p>There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record.</p>
9.66	<p>The proposal has been assessed against Policy FLD3 - Development and Surface Water. DfI Rivers has reviewed the Drainage Assessment by MCL Consulting and additional drainage information by MCL Consulting uploaded to the planning portal on 24th Nov 2020.</p>
9.67	<p>DfI Rivers require that in order to fully assess this Drainage Assessment that you provide us with further information that demonstrates the viability of your proposals by means of providing updated correspondence from NI Water confirming consent to discharge storm water into the combined sewer.</p>
9.68	<p>NI Water's initial consultation response Section 4 states: <i>It has been agreed that applicant can discharge storm water to existing combined sewer at an attenuated discharge rate of 2.5l/s. Application to NIW is required to obtain approval to connect.</i></p>
9.69	<p>Rivers Agency has been asked if they are now in a position to further consider the Drainage Assessment. It is worth noting at this point that there is an extant approval on the site for a similar development,</p>
9.70	<p>Wastewater Treatment</p> <p>NI water has been consulted with regard to their current position on the capacity of the receiving Wastewater Treatment Works (WWTW). In the absence of a response a condition has been proposed to ensure that no dwelling unit is occupied until such times as capacity becomes available. The condition is detailed below (No. 6).</p>
9.80	<p>Water Management Unit is concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to Belfast Wastewater Treatment Works (WWTW). If NI Water indicate that the WWTW is able to accept the additional load, with no adverse effect on the operation of the WWTW or its ability to comply with its consent to discharge, then DAERA Water Management Unit would have no objection to this aspect of the proposal.</p>
9.81	<p>Impact on Natural Heritage and Designated Sites</p> <p>NIEA Natural Environment Division (NED) notes from the Ecological Statement of the Biodiversity Checklist submitted that it is possible that the buildings on site are used by breeding birds, such as starlings and jackdaws in the chimneys and that some birds are likely to nest in the vegetation within the site.</p>
9.82	<p>NED notes that demolition of buildings and vegetation clearance will be required as part of the proposed development. However, providing this is carried out outside the bird breeding season, as recommended in the Ecological Statement of the Biodiversity Checklist, NED considers that this is unlikely to have a significant impact on natural heritage interests. NED has recommended a condition below (No. 9).</p>
9.83	<p>NED notes that additional planting with native and non-native species is proposed within the site. NED is content that this planting provides sufficient compensation</p>

	for the loss of existing trees and vegetation on site.
9.84	The proposal is unlikely to have significant effects on any designated sites due to its distance from the sites and the scale and nature of the development.
	Developer Obligations
9.85	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.
	<ul style="list-style-type: none"> - Green transport measures to promote alternatives to car use as set out in agreed Travel Plan.
	Pre-application Community Consultation
9.86	For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.
9.87	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A Proposal of Application Notice (PAN) LA04/2019/0447/PAN was submitted to the Council on 25 th February 2019.
9.88	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.
9.89	A Pre-Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:
9.90	A public exhibition was held on 5 th March 2020 at The Malone Lodge Hotel, Eglantine Avenue, Belfast. This event was advertised in the Belfast Telegraph on 26 th February 2020.
9.91	Information leaflets were issued to properties in the vicinity of the site on 4 th April 2019.
9.92	The PAN was circulated to a number of local Councillors and MLAs W/C 27 th January 2020 in the Botanic District Electoral Area and within the Belfast South Constituency. Leaflets were also circulated to approximately 1,700 properties in the surrounding area.
9.93	Around 14 people took part in the public exhibition. 4 attendees provided feedback. 75% were supportive of the scheme in general with 50% supportive of the provision of housing. Concerns were expressed about design, social housing and parking and access both during and after construction.
	<p>The applicant responded in the PACC report as follows:</p> <p><i>Impact on adjacent properties has been an important consideration for the design in terms of minimising overlooking. The external layout of the proposed development has not significantly altered since this approval which took full account of adjacent properties. The internal layout has been reconfigured to better make use of the space and make it more suitable for the needs of older people. The buildings are located in the same location as was approved in a previous planning application on the site. The design has been amended to reduce the proportion of windows and reduce potential overlooking and to improve the relationship with adjacent properties. Overall, the building design reflects</i></p>

<p>9.94</p> <p>9.95</p>	<p><i>the previous approval however some design feedback from the pre application discussions with Belfast City Council, principally on the front elevation onto Tates Avenue, have been incorporated into the design.</i></p> <p><i>These proposed apartments are proposed to meet the live needs for social housing in the local area. There is a live and pressing need for social housing in the South Belfast area, with a particular need for accommodation for older people.</i></p> <p><i>These apartments have been specifically designed to meet the needs of older people in the South Belfast area.</i></p> <p><i>The development proposes 28 spaces - an appropriate number of car parking spaces for this tenure of development - provided in an underground car park, which will meet the needs of residents without the need to use on-street parking. This is supported by the detailed transport assessment form and travel plan submitted which highlight the highly accessible nature of the site and the availability.</i></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>10.0</p> <p>10.1</p> <p>10.2</p>	<p>Summary of Recommendation:</p> <p>Having regard to the detailed assessment set out in this report, it is recommended that planning permission is approved.</p> <p>It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to approve subject to conditions and to finalise the wording of conditions and enter into the Section 76 planning agreement subject to no new substantive planning issues being raised. And to resolve any issues arising from the outstanding consultation responses.</p>
<p>11.0</p>	<p>Conditions</p> <p>1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: Time Limit.</p> <p>2. Prior to occupation of the development, the noise mitigation measures relating to the development facades, glazing and ventilation systems as recommended in Acoustic Design Statement of the F.R. Mark & Associates, Noise Impact Assessment, Apartment Development 41-49 Tates Avenue, Belfast, Updated report December 2020 shall be installed and retained thereafter to ensure that internal noise levels within habitable rooms shall not exceed:</p> <ul style="list-style-type: none"> - 35dB LAeq,16 hr between 07.00hrs and 23.00hrs within any habitable room, if required with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements. - 30 dB LAeq,8hr within bedrooms between 23.00hrs and 07.00hrs, if required with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements. - 45dB LAFmax, by more than 10 single sound events in any proposed bedrooms, if required with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements. <p>Reason: Protection of public health and residential amenity.</p>

	<p>3. All plant and equipment associated with the development hereby permitted, shall be selected, designed and installed so as to achieve a combined rating level (LAr) no greater than the representative (daytime and night time background sound level (dBLA90) when measured or determined at the façade of the nearest noise sensitive premises in accordance with BS4142:2014+A1:2014.</p> <p>Reason: Protection of public health and residential amenity.</p> <p>4. Prior to commencement of development (including demolition) a Dust Management Plan must be submitted to the Council for approval. This should be prepared in accordance to <i>Guidance on the Assessment of Dust from Demolition and Construction (Institute of Air Quality Management, 2014)</i>. Any agreed mitigation measures must be implemented during construction and demolition works on the site, and verified to the satisfaction of the Council.</p> <p>Reason: Protection of residential amenity.</p> <p>5. Should the ventilation system for the basement parking be within 20m of any sensitive receptor, and/or the proposed development is to include any centralised combustion plants (Biomass, CHP or gas boilers, etc.), an Air Quality Impact Assessment must be submitted to the Council for approval prior to any development (excluding demolition). Any agreed mitigation measures must be implemented during construction and demolition works on the site, and verified to the satisfaction of the Council.</p> <p>Reason: Protection of residential amenity.</p> <p>6. No development shall commence on site until details of wastewater disposal have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: To ensure appropriate foul drainage of the site.</p> <p>7. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-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.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>8. After completing the remediation works under Condition 7; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks.</p> <p>The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p>
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	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>9. No vegetation clearance or demolition of buildings shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.</p> <p>Reason: To protect breeding birds.</p> <p>10. No development shall commence until a detailed specification and samples of the external materials have been submitted to and approved in writing by the Council. The details shall include a sample panel of the proposed brick which will be retained on site for the duration of the construction. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the Area of Townscape Character.</p> <p>11. All hard and soft landscape works shall be carried out in accordance with the approved details as indicated on plan No. 6629-L-203B published on the Planning Portal on 16th October 2020. The works shall be carried out during the first available planting season after commencement of development.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>Informatives:</p> <p>1. The purpose of the Conditions 7 and 8 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part III of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.</p> <p>2. The applicant should ensure that the management of all materials onto and off this site is suitably authorized through the Waste and Contaminated Land Regulation Unit (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999.</p> <p>3. RU recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.</p> <p>4. Certain types of work with asbestos in soils and construction and demolition (C&D) materials can only be done by those who have been issued with a licence by HSENI. This is work which meets the definition of 'licensed work with asbestos' in Regulation 2(1) of the Control of Asbestos Regulations (Northern Ireland) (2012) (the Regulations). These Regulations can be viewed at: http://www.legislation.gov.uk/nisr/2012/179/pdfs/nisr_20120179_en.pdf.</p>
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	<p>The Regulations and the accompanying Approved Code of Practice and guidance (The Control of Asbestos Regulations 2012: Managing and working with asbestos (L143)) apply to all work with asbestos, including managing the risks related to exposure to asbestos from work with asbestos contaminated soil or C&D materials in addition to CL:AIRE's Industry Guidance entitled: Control of Asbestos Regulations 2012, Interpretation for managing and working with asbestos in soils and C&D materials 2016 that can be viewed at: https://www.claire.co.uk/projects-and-initiatives/asbestos-in-soil.</p> <p>All works associated with asbestos contaminated land must be carried out by competent persons so that the site reports can be relied upon and works completed in compliance with the Regulations and in a manner likely to be minimise consequential risks.</p> <p>5. Prior to disposing waste materials to a suitable facility, waste classification needs to be completed of the materials either in-situ or of excavated materials in accordance with the EWC codes. Details of this classification can be found in Waste Management Paper No 3 at: https://www.gov.uk/government/publications/waste-classification-technicalguidance</p> <p>Should the materials be classified as Hazardous waste then this material will need to be consigned off site as hazardous waste. NIEA should receive the waste consignment notices 72 hours in advance of any movements off site and waste materials moved off site only by a registered carrier (i.e. ROC permitted). Also, if the material is hazardous, it should be WAC tested to determine a suitable landfill for disposal. Note there are no landfills in Northern Ireland licensed to take non- asbestos hazardous wastes, so this material would need to be disposed at a suitable site in England or Scotland.</p>
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ANNEX	
Date Valid	30th September 2020
Date First Advertised	30th October 2020
Date Last Advertised	30th October 2020
Details of Neighbour Notification (all addresses) 2 Bates Avenue, Belfast, Antrim, BT9 7BY 32 Bates Avenue, Belfast, Antrim, BT9 7BY 34 Bates Avenue, Belfast, Antrim, BT9 7BY 36 Bates Avenue, Belfast, Antrim, BT9 7BY 38 Ashley Avenue, Belfast, Antrim, BT9 7BT 39 Bates Avenue, Belfast, Antrim, BT9 7BY 4 Bates Avenue, Belfast, Antrim, BT9 7BY 40 Bates Avenue, Belfast, Antrim, BT9 7BY 41 Bates Avenue, Belfast, Antrim, BT9 7BY 43a , Bates Avenue, Belfast, Antrim, BT9 7BY 43b , Bates Avenue, Belfast, Antrim, BT9 7BY 43d , Bates Avenue, Belfast, Antrim, BT9 7BY 44 Ashley Avenue, Belfast, Antrim, BT9 7BT 45 Bates Avenue, Belfast, Antrim, BT9 7BY 46 Ashley Avenue, Belfast, Antrim, BT9 7BT 46 Bates Avenue, Belfast, Antrim, BT9 7BY 47 Bates Avenue, Belfast, Antrim, BT9 7BY 48 Bates Avenue, Belfast, Antrim, BT9 7BY 49 Bates Avenue, Belfast, Antrim, BT9 7BY 5,43 Bates Avenue, Belfast, Antrim, BT9 7BY 50 Ashley Avenue, Belfast, Antrim, BT9 7BT 51 Bates Avenue, Belfast, Antrim, BT9 7BY 52 Ashley Avenue, Belfast, Antrim, BT9 7BU 53 Bates Avenue, Belfast, Antrim, BT9 7BY 54 Ashley Avenue, Belfast, Antrim, BT9 7BU 55 Bates Avenue, Belfast, Antrim, BT9 7BY 57 Bates Avenue, Belfast, Antrim, BT9 7BY 58 Ashley Avenue, Belfast, Antrim, BT9 7BU 59 Bates Avenue, Belfast, Antrim, BT9 7BY 7 Ashley Mews, Belfast, Antrim, BT9 7BN 8 Ashley Mews, Belfast, Antrim, BT9 7BN 9 Ashley Mews, Belfast, Antrim, BT9 7BN Flat 1,39 Bates Avenue, Belfast, Antrim, BT9 7BY Flat 1,43 Bates Avenue, Belfast, Antrim, BT9 7BY Flat 1,52 Bates Avenue, Belfast, Antrim, BT9 7BY Flat 1, Bates House, 61 Bates Avenue, Belfast, Antrim, BT9 7BY Flat 2,39 Bates Avenue, Belfast, Antrim, BT9 7BY Flat 2,43 Bates Avenue, Belfast, Antrim, BT9 7BY Flat 2,47 Bates Avenue, Belfast, Antrim, BT9 7BY Flat 2,52 Bates Avenue, Belfast, Antrim, BT9 7BY	

Flat 2,Tates House,61 Tate Avenue,Belfast,Antrim,BT9 7BY Flat 3,43 Tate Avenue,Belfast,Antrim,BT9 7BY Flat 3,Tates House,61 Tate Avenue,Belfast,Antrim,BT9 7BY Flat 4,43 Tate Avenue,Belfast,Antrim,BT9 7BY Flat 4,Tates House,61 Tate Avenue,Belfast,Antrim,BT9 7BY Flat 5,Tates House,61 Tate Avenue,Belfast,Antrim,BT9 7BY Flat 6,Tates House,61 Tate Avenue,Belfast,Antrim,BT9 7BY Flat 7,Tates House,61 Tate Avenue,Belfast,Antrim,BT9 7BY Flat 8,Tates House,61 Tate Avenue,Belfast,Antrim,BT9 7BY Flat 9,Tates House,61 Tate Avenue,Belfast,Antrim,BT9 7BY Flat A,6 Tate Avenue,Belfast,Antrim,BT9 7BY Flat B,6 Tate Avenue,Belfast,Antrim,BT9 7BY Flat C,6 Tate Avenue,Belfast,Antrim,BT9 7BY	
Date of Last Neighbour Notification	28th October 2020
Date of EIA Determination	
ES Requested	No
Drawing Numbers and Title 01 Site Location 02 Site Layout 03-10 Floor Plans and Elevations	
Representations from Elected Members No	
Notification to Department (if relevant) N/A Date of Notification to Department: Response of Department:	