

Development Management Officer Report Committee Application

Addendum Report	
Committee Meeting Date: Tuesday 14th March 2021	
Application ID: LA04/2020/2280/F	
Proposal: Proposed mixed use development comprising 1no. ground floor retail unit and 13no. apartments, associated amenity space, landscaping and all other site works.	Location: 93-95 Falls Road Belfast BT12 4PE
Referral Route: Objections has been received which is contrary to BCC Planning Officers' recommendation.	
Recommendation: Approve subject to conditions / Section 76 Agreement	
Applicant Name and Address: Scarsdale Properties LLP 263 Falls Road Belfast BT12 6FB	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
<u>Addendum Report</u> <p>This full application was deferred at Planning Committee on Tuesday 17th August 2021 for a site visit. The item was agreed to be deferred to allow committee members to undertake a site visit to better familiarise themselves with the proposal and the site. The committee site visit is taking place on Thursday 9th September 2021.</p> <p>There is no further update since the publication of the case officer report for the August Planning Committee. The recommendation remains as set out previously.</p> <p>Recommendation - Approval subject to conditions and Section 76 Agreement</p> <p>It is requested that the committee delegate authority to the Director of Planning and Building Control to finalise the wording of conditions and the completion of a Section 76 Agreement to secure the green travel measures.</p>	

Addendum Development Management Officer Report Committee Application

Summary	
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Addendum Report <p>This full application was previously listed for Planning Committee on 18th May 2021. However, the application was not presented at committee as the agent asked for it to be withheld while further consultation with local residents was undertaken by the applicant.</p> <p>A meeting was held on Wednesday 26th May 2021 at Davitts Gaelic Athletic Association on Falls Road. The meeting was arranged and chaired by the Chairman of Clonard Residents Association, the developer, local residents and Councillor Clare Canavan were in attendance.</p> <p>A summary of the meeting was forwarded by the agent and is set out below:</p> <p>Neighbours raised three areas of concern;</p> <p>1. EXISTING PARKING CONGESTION/ ISSUES:</p> <ul style="list-style-type: none"> - <i>Residence Group main point of discussion related to “existing” parking in the area; and the worry that the proposed development will only add to the parking congestion.</i> - <i>Design team highlighted that the proposed scheme design is for CAT 1 social housing and is supported by a travel plan and other supporting documents which have been assessed and accepted by DFI Roads. Design team also noted that the location of the site is on a main route into the city with access to excellent public transport links.</i> 	

- *The main concern of residents appeared to be daily issues with cars parking across and blocking their driveways, this would be a parking enforcement issue which is outside of the remit and control of the planning application process.*

- *It was apparent from the meeting that the Groups concerns are not actually with the proposed development but the existing inconsiderate parking and parking management.*

2. *END USER OF THE APARTMENTS*

- *Several residents wanted to know who would be assigned the apartments. Concerns over 1 bed apartments and issues with general needs apartments in other areas which has resulted in anti-social issues.*

- *Design team confirmed apartments would be for CAT 1 social housing (i.e. over 55's/ active elderly age group). It was confirmed that all apartments are 2 bed units (with the exception of a designated ground floor wheelchair apartment which would be 1 bed).*

- *The residents group broadly accepted the above and was not a major concern thereafter.*

3. *TIMESCALES ON DEVELOPMENT AND POTENTIAL CONSTRUCTION WORKS IMPACT TO LOCAL RESIDENTS*

- *The residents group wanted an outline of the construction programme and raised concerns over how the construction phase would be managed in respect to closing footpath sections and demolition works next to existing houses.*

- *The design team highlighted that all construction works (including demolition) would follow all H&S / CDM regulations. It was stated that there would be more consultation with contractor and residents/ local businesses prior to any construction works starting to outline any temporary footpath closures (which are also subject to DFI Roads consultation and approval).*

- *The developer stated that following demolition that construction works would follow on immediately as works would be completed under one contract. This was in response to local resident concerns if the site would remain vacant for some time between demolition and construction.*

Note –

All residents had opportunity to view the presentation drawings on display at the meeting and the design team answered any specific questions following the main presentation.

Several residents did note that the overall scheme proposal looked well and their main reservation and concerns related to existing parking congestion and issues within the local area.

Planning permission is sought for the demolition of the existing bank building and the construction of part 4 storey part 3 storey mixed use development containing one retail unit and 2 apartments on the ground floor and 11 apartments on the upper floors.

6 letters of objection were previously received including a representation from Clonard Residents Association, citing concern with the following:

- Disruption and noise pollution during construction;
- Parking pressure/ lack of availability;
- Highway safety;
- Loss of light / overshadowing;
- Overlooking / loss of privacy;
- Lack of amenity space;

- No prior consultation with local area;
- Anti-social behaviour.

Since consultation with the residents' group, Planning Service has received no further objection to the proposal.

The applicant has advised that the proposed end user for the development is to be Category 1 Social Housing apartments for the active elderly. Whilst this is welcomed by officers', there is no planning policy requirement for the apartments to be restricted solely to social housing, therefore no planning condition is recommended.

The site is unzoned whiteland in the BUAP. In Draft BMAP 2004 and 2015, the site is located along an arterial route in a designated shopping/ commercial area. The redevelopment of this brownfield site and the principle of apartments at this location are considered acceptable. The provision of the retail unit is compliant with dBMAP.

The proposed development will not adversely impact the character and appearance of the surrounding area. It is considered to be sympathetic in its built form, scale, massing and appearance with the surrounding area and neighbouring properties. It is considered that the proposal will not raise any unacceptable issues in relation to residential amenity including overshadowing, loss of light and overlooking.

The proposal is unlikely to have a significant impact on the local road network in terms of traffic, road safety and parking. No provision for parking has been incorporated, however, this reduced standard is considered acceptable due to the site's highly sustainable location along an arterial route with the provision of Green Travel Measures. The developer has agreed to provide a travel card for each unit for 3 years as well as the provision of a cycle user subsidy scheme (e.g. Belfast Bikes) for the same period, should approval be granted.

Having regard to the policy context and objections received (considered fully in the main body of the report), the proposal is considered on balance to be acceptable and the officer recommendation to approve is unchanged.

Recommendation - Approval subject to conditions and Section 76 Agreement

It is requested that the committee delegate authority to the Director of Planning and Building Control to finalise the wording of conditions and the completion of a Section 76 Agreement to secure the green travel measures.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 18 th May 2021	
Application ID: LA04/2020/2280/F	
Proposal: Proposed mixed use development comprising 1no. ground floor retail unit and 13no. apartments, associated amenity space, landscaping and all other site works.	Location: 93-95 Falls Road Belfast BT12 4PE
Referral Route: Objections have been received to this proposal contrary to BCC Planning Officer recommendation.	
Recommendation: Approve	
Applicant Name and Address: Scarsdale Properties LLP 263 Falls Road Belfast BT12 6FB	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
<p>Executive Summary: This application seeks full planning permission for the demolition of the existing bank building and the construction of part 4 storey part 3 storey mixed use development containing one retail unit and 2 apartments on the ground floor and 11 apartments on the upper floors. This follows on from a previously refused scheme under reference LA04/2018/2292/F.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> Principle of development Retail Impact Design, Impact on character and appearance of the area Impact on amenity Access, Movement and Parking Flooding Infrastructure Capacity <p>The site is unzoned whiteland in the BUAP. In Draft BMAP 2004 and 2015, the site is located along an arterial route in a designated shopping commercial area. The redevelopment of this brownfield site and the principle of social housing apartments at this location are considered acceptable in principle. The provision of the retail unit is compliant with dBMAP.</p> <p>The proposed development will not adversely impact the character and appearance of the surrounding area. It is considered to be sympathetic in its built form, scale, massing and appearance with the surrounding area and neighbouring properties. It is considered that the proposal will not raise any unacceptable issues in relation to residential amenity including overshadowing, loss of light and overlooking.</p> <p>The proposal is unlikely to have a significant impact on the local road network in terms of traffic, road safety and parking. No provision for parking has been incorporated, however, this reduced</p>	

standard is considered acceptable due to the site's highly sustainable location along an arterial route with the provision of Green Travel Measures. The developer has agreed to provide a travel card for each unit for 3 years as well as the provision of a cycle user subsidy scheme (e.g. Belfast Bikes) for the same period, should approval be achieved.

The previous reasons for refusal under application LA04/2018/2292/F have been adequately addressed.

DFI Roads, Rivers Agency, DAERA, BCC Environmental Health and BCC Urban Design Officer offer no objections to the proposal.

NI Water have advised that whilst there is capacity at the WWTW, the sewer network within the catchment area is at capacity. The applicant is currently in discussions with NI Water regarding a potential solution. It is considered that the issue can be resolved by means of a negative condition to address this matter.

6 letters of objection have been received including a representation from Clonard Residents Association, citing concern with the following:

- Disruption and noise pollution during construction;
- Parking pressure/ lack of availability;
- Highway safety;
- Loss of light / overshadowing;
- Overlooking / loss of privacy;
- Lack of amenity space;
- No prior consultation with local area;
- Anti-social behaviour.

These matters are addressed in the main body of the report.

Having regard to the policy context and objections received, the proposal is considered on balance to be acceptable and planning permission is recommended for approval.

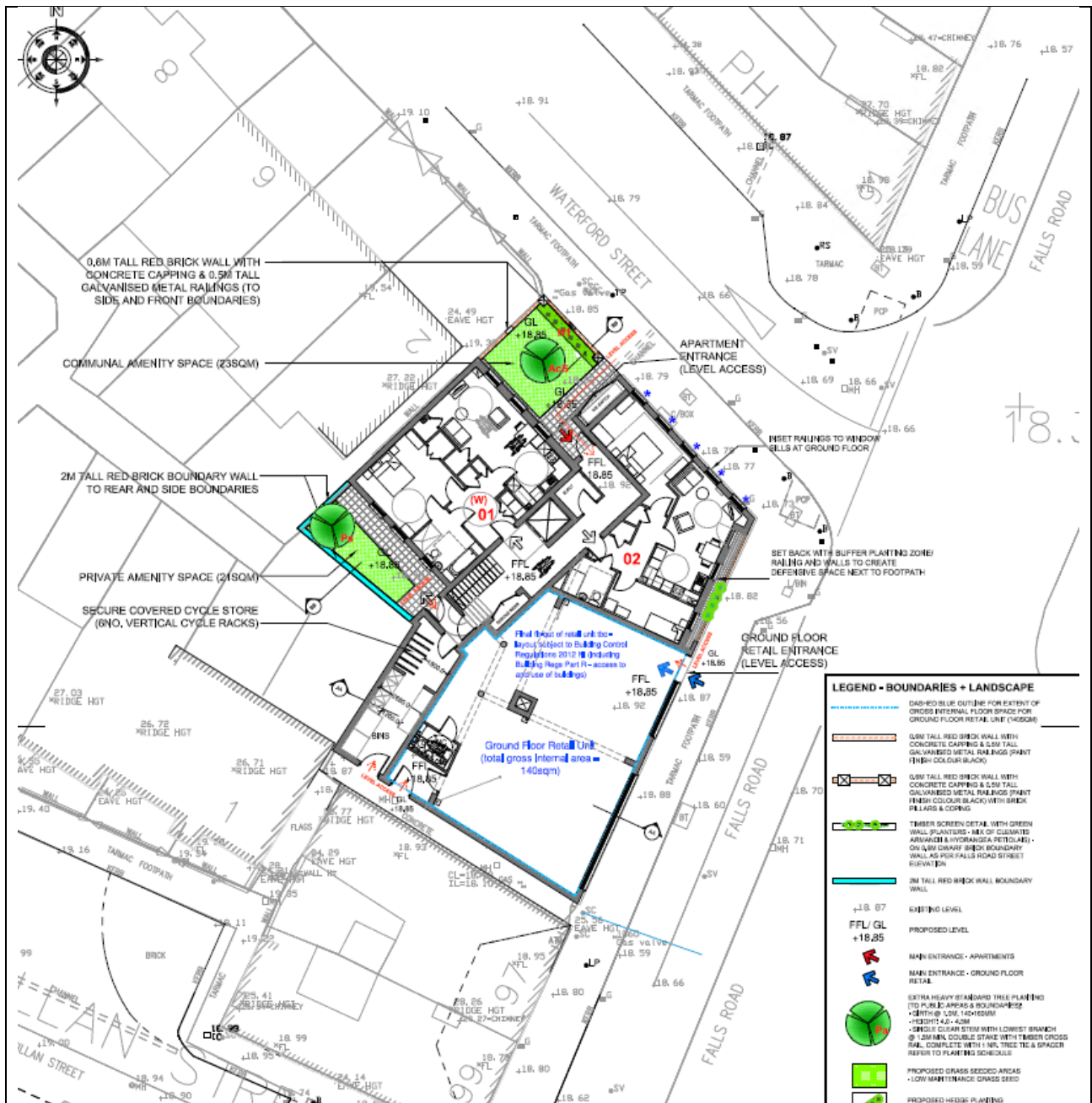
Recommendation - Approval subject to conditions and Section 76 Agreement

It is requested that the committee delegate authority to the Strategic Director of Place and Economy to grant conditional planning permission and to finalise the wording of conditions and the completion of a Section 76 Agreement to secure the green travel measures.

Case Officer Report

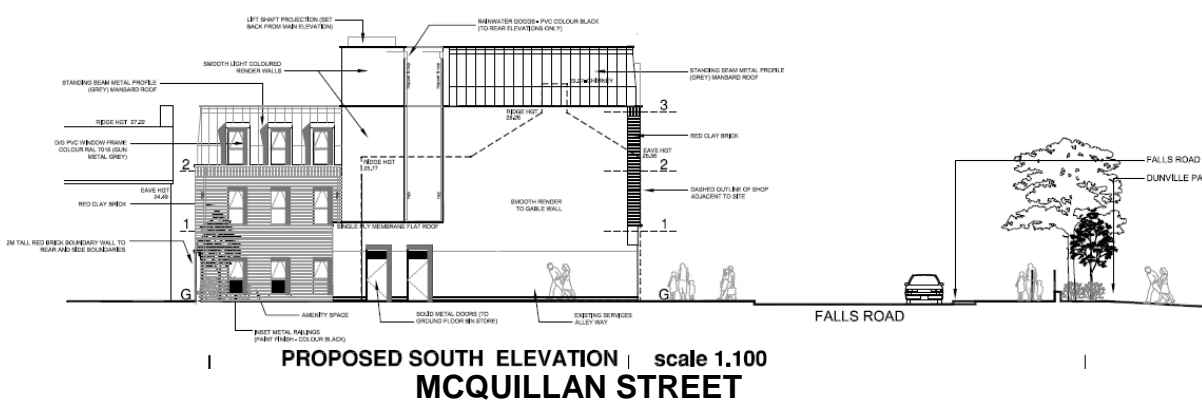
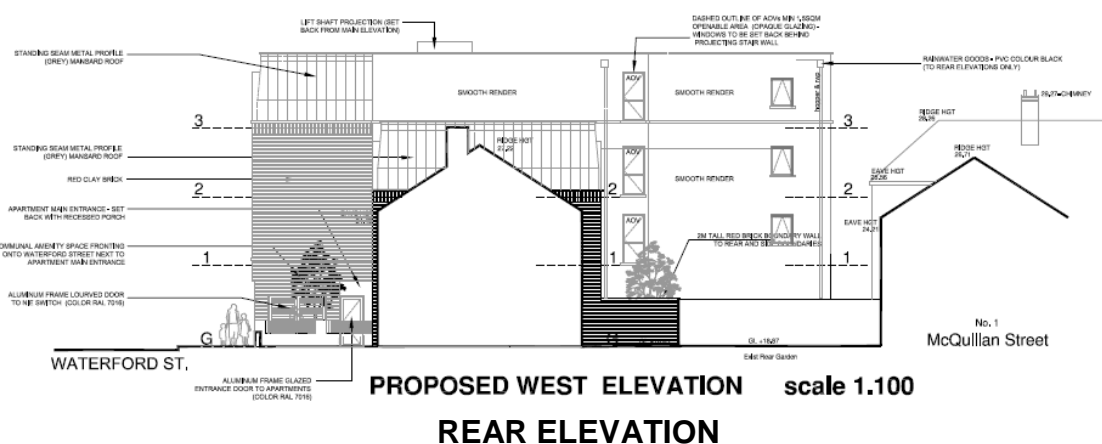
Site Location Plan







PROPOSED NORTH / WATERFORD STREET ELEVATION scale 1.100



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>This application seeks full planning permission for the construction of a mixed-use development containing 1 retail unit and 13 apartments (12 x 2 bedroom and 1 x 1 bedroom), associated amenity space, landscaping and all other site works. A vacant social club building which was a former bank building are to be demolished.</p> <p>There is an entrance to the retail unit on the Falls Road. There is another rear access to the retail unit and bin store from the narrow alleyway between the application site and No. 97 Fall Road. Apartments can be accessed via Waterford Street. Amenity space has been incorporated at ground floor level as well as a bin store and bicycle storage.</p> <p>The scheme has been amended following a PAD under ref: LA04/2020/0244/PAD; and refusal of LA04/2018/2292/F - Demolition of existing building and erection of 16No. apartments for social housing use and 1No. retail unit together with associated works.</p> <p>The applicant/ agent has advised that the development is to be Category 1 Social Housing apartments for the active elderly.</p>
2.0	<p>Description of Site and Area</p> <p>The application site comprises of a former vacant bank building- now vacant social club fronting onto Falls Road and Waterford Street. Falls Road is a busy arterial route well served by public transport – buses and black taxis.</p> <p>The surrounding area is defined by a mix of commercial, retail and residential uses, with Waterford Street and McQuillan Street characterised by two storey terraced dwellings. Open space - Dunville Park is located directly opposite the site and the Royal Victoria Hospital is close by. There are a number of schools and a university within walking distance and Falls Leisure Centre is easily accessed also.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>LA04/2018/2292/F - Demolition of existing building and erection of 16No. apartments for social housing use and 1No. retail unit together with associated works. Permission Refused 05.09.2019</p> <p>LA04/2020/0244/PAD - Demolition of existing building to facilitate mixed use development comprising 1 no. ground floor retail unit and 14 no. Category 1 over 55's social housing apartments, associated amenity space and all other site works. – PAD Concluded.</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan 2004
4.3	(Draft) Belfast Metropolitan Area Plan 2015
	<p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. 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.</p>

	4.3.1	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits
	4.3.2	Policy SETT 3 Arterial Routes
	4.3.3	Policy R4 Arterial Routes and Local Centres
4.4		Regional Development Strategy 2035
4.5		Strategic Planning Policy Statement 2015 (SPPS)
4.6		Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 12: Housing in Settlements Planning Policy Statement 15: Planning and Flood Risk
4.7		Developer Contribution Framework (2020)
5.0		Statutory Consultees Responses
5.1		DFI Roads – No objection subject to condition
5.2		NI Water – WWTW available, however sewer network is at capacity
5.3		Rivers Agency – No objection subject to conditions
5.4		NIEA Water Management Unit – content if NIW content NIEA Regulation Unit – no objection subject to conditions
6.0		Non-Statutory Consultees Responses
6.1		BCC Environmental Health – No objection subject to conditions
6.2		Urban Design Officer – No objection subject to conditions
7.0		Representations
7.1		<p>The application was neighbour notified on the 2nd December 2020 and advertised in the local press on the 20th November 2020.</p> <p>6 letters of objection have been received including 5 from neighbours from McQuillan Street and Waterford Street; a further objection has been received from Clonard Residents Association. The representations are summarised</p> <ul style="list-style-type: none"> Concerns of disruption and noise pollution when building work commences <i>Officer Response: Environmental Health have advised that the developer follows noise control advice for construction and demolition sites.</i> Concerns as to how waste will be managed <i>Officer Response: A bin store is enclosed and integrated into the proposed building. A Service Management Plan has been provided which includes management of waste. In addition, Environmental Health have powers to investigate complaints regarding environmental issues associated with waste.</i> Concerns regarding parking space availability <i>Officer Response: The previous parking survey identified capacity in the surrounding area. A planning agreement is to be signed whereby the developer will provide Translink travelcards for each dwelling unit in addition to other measures to encourage green travel and to encourage a shift from car dependency. Bicycle storage has been included in the development.</i> Concerns regarding highway safety <i>Officer Response: DFI Roads are the governing authority with regard to road safety, they have deemed the proposal acceptable and consider it will not compromise road safety</i> Concerns regarding loss of light/ overshadowing at adjacent properties <i>Officer response: A 'daylight modelling analysis' has been undertaken which demonstrates shadows cast by the buildings currently in situ and the new building</i>

	<p>from spring through to and winter. It indicates there will be minimal – if any change in the shadow cast by the buildings currently in situ.</p> <ul style="list-style-type: none"> Concerns regarding potential overlooking and loss of privacy at adjacent properties <u>Officer response –</u> There are no windows proposed in the elevation adjacent to 2 Waterford street so overlooking in this context is not possible. There is potential overlooking of the rear of properties along McQuillan Street from the bedroom windows in the north facing elevation. However, this has been mitigated through the set back at first floor level and above to match the existing rear building line of the existing Waterford Street terraces. Therefore, maintaining a similar back to back relationship to what currently exists. In terms of the rear elevation (western), opaque glazing is proposed and a setback of 5.5m has been incorporated at first floor level and above with minimised openings. These measures will ensure an unacceptable level of overlooking does not occur. Concern that there is lack of amenity space particularly for children to play <u>Officer response:</u> Reduced amenity space provision has been incorporated into the design of the proposal, this is considered acceptable in this urban context as Dunville Park is highly accessible being located directly opposite and the other various local amenity provisions nearby. Concerns that no prior consultation with neighbours has been undertaken <u>Officers Response:</u> This is a statutory requirement for pre application community consultation for major development proposals, however this scheme is not of a scale that requires prior consultation with neighbours. Concerns that apartment living attracts anti-social behaviour <u>Officer response:</u> the proposal is in keeping with 'Living Spaces: An Urban Stewardship and Design Guide for Northern Ireland' guidelines. Strong boundary treatment provides a further degree of security.
8.0	Other Material Considerations
8.1	<p>Parking Standards DCAN 15: Vehicular Access Standards Creating Places Living Spaces: An Urban Stewardship and Design Guide for Northern Ireland The Belfast Agenda</p>
9.0	Assessment
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Principle of development - Retail Impact - Design, Impact on character and appearance of the area - Impact on amenity - Access, Movement and Parking - Flooding - Infrastructure Capacity
9.3	<p><u>Principle of development</u> The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.</p>
9.4	In general, the weight that should be given to draft policy increases as it approaches the date of final publication. It is the view that the draft BMAP, in its most recent, post-

	examination, form continues to exist. As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted. Draft BMAP remains the most advanced and up to date collection of development management policies for the City Council's area, albeit that those policies do not carry the statutory force conferred upon an adopted statutory development plan by the 2011 Act.
9.5	The version of draft BMAP which was purported to be adopted and not the one published in 2004 should be given substantial weight together with and in consideration of all other material matters.
9.6	The BUAP designates the site as un-zoned whiteland. In draft BMAP 2004 and 2015, the site is located on an arterial route in a designated shopping commercial area. The redevelopment of this brownfield site and the principle of social housing apartments at this location is considered to be acceptable. The proposed retail unit at ground floor is also compliant with draft BMAP and is considered to be acceptable providing an active frontage along the arterial route.
9.7	<u>Retail Impact</u> The proposal would result in the creation of a retail unit with a maximum gross floorspace of 140m ² . In this instance, the proposal is for retailing within a designated shopping and commercial area. The proposed development would help meet a local need in an established residential area and would be within the floorspace thresholds set out in Policy R4. The retail development is limited in scale and would not prejudice the vitality and viability of nearby centres. The proposal would accord with the SPPS and Draft BMAP in this regard.
9.8	The Environmental Health team has advised that within the odour assessment submitted reference was made to 'a new café and hot food unit' at ground floor level. Clarification was sought from the agent, however the type of retail unit proposed for the ground floor has not been confirmed. In any case, a retail unit is what has been applied for and what is being assessed. An informative has been included to advise that planning permission should be sought if the retail unit is to operate as a café or hot food unit.
9.9	<u>Design, Impact on character and appearance of the area</u> The proposed density of development would be in keeping within the density parameters already established further along this arterial route. The proposed replacement building would be 4 storeys on the Falls Road elevation at a maximum height of 12.175m which is appropriate for its location along the arterial route and having regard to the heights of buildings further along the Falls Road. The height is reduced to 3 storeys (approximately 9.2m) at Waterford Street to respect the lower residential scale of properties. The ridge height of the 3-storey block is the same height (top of chimney) as the 2 storey residential terrace houses at Waterford Street. The proposed scale, height and massing represents a sympathetic design that on balance sits comfortably within the streetscape.
9.10	The building is to be constructed using red clay brick with element of render at the side and rear, Windows are to be set in by a depth of one brick which provides a depth to the building façade and avoids a sense of flatness. The stepped mansard roofline is to be constructed in standing seam metal- in grey. The two different roof heights and pronounced surrounds to dormer windows add emphasis to the dormers and help with the overall building proportions and composition.
9.11	The Council's Urban Design Officer has reviewed the drawings and although content with the design suggests that the deeper feature header band detail above ground floor level is extended along the full extent of the Waterford Street block of the four storey component to help break up the extent of the brickwork. A condition will be included to secure this improved design change.

9.12	Boundary treatment includes 0.6m red brick wall with 0.5m metal railings at Waterford Street which encloses amenity space of 21sqm; a 2m red brick wall to the rear and side boundaries at McQuillan Street encloses a small integral amenity space of area 23sqm. To the front, the ground floor apartment is set back from the street and adjoining retail unit, with a buffer planting zone, wall and railings breaking up the frontage.
9.13	The proposed development forms a strong edge with the street and would provide a continuous and active frontage along the Falls Road. The proposal would enhance the overall character and respect the built form of this part of the Falls Road and therefore accords with the SPPS, Policy QD1 of PPS7, Draft BMAP, Creating Places and Living Spaces: An Urban Stewardship and Design Guide for Northern Ireland.
9.14	<u>Impact on amenity</u> For each apartment the main outlook from the primary living areas would be to the street ensuring that future occupants would be afforded an adequate degree of light and outlook. Each apartment is an acceptable size and meets the minimum space standards set out in Annex A of addendum to PPS7.
9.15	Two grassed communal amenity space areas have been incorporated. The total area of the 2 spaces is 43sqm. This falls short of the minimum provision of 10sqm for each apartment as set out in Creating Places, however with Dunville Park directly opposite, a reduced provision is considered acceptable for this inner urban location along an arterial route.
9.16	A Noise and Odour Assessment have been provided in support of the proposal, which have been reviewed by Environmental Health. A number of mitigation measures are proposed to protect the amenity of existing and future occupants.
9.17	Daylight modelling analysis of the existing buildings and the proposed has been undertaken by The Boyd partnership – Chartered Architects. Results indicates that during the morning, midday and evening from spring through to winter similar shadows will be cast to what is in place at present. The building has been sensitively designed at align with the building line of adjoining properties with setbacks to reduce the impact on Waterford Street and McQuillan Street occupiers. Openings have minimised at the rear with the use of opaque glazing to reduce the potential for overlooking. Overall, it is not considered that they will be an unacceptable loss of amenity in terms of overshadowing, loss of light, overlooking or overbearing impact to existing properties.
9.18	In light of the above, it is considered that an adequate level of residential amenity would be maintained for future and existing occupiers in this inner urban location in accordance with Policy QD1 of PPS7 and the SPPS.
9.19	<u>Access, Movement and Parking</u> The application was submitted with a Transport Assessment Form and Parking Statement. A zero level of car parking is proposed which falls short of the recommended parking standard. However, justification is provided for this reduced standard due to the site's highly sustainable location along an arterial route in close proximity to a wide range of local amenities and public transport links which reduces the reliance on the private car in line with the main objectives of the SPPS and Draft BMAP. Provision has been made on site for covered cycle parking. In addition, the car parking survey carried out shows there is spare capacity in the evening time to accommodate any overspill from the site at nearby Clonard Street, Dunville Street, Waterford Street, Colligan Street and McQuillan Street without having an adverse impact on street car parking, highway safety and the convenience of local residents.

9.20	DFI Roads were consulted and they have confirmed that they are satisfied that parking on street is unlikely to have a significant impact on the local road network in terms of traffic and road safety. On this basis, the proposal is considered to accord with Policy QD1 of PPS7, PPS3, SPPS and Draft BMAP.
9.21	To promote green travel, the applicant has agreed to provide Translink travel cards for each dwelling unit, – one pass for an occupier per unit, and up to 2 full time members of staff for the retail unit for a period of 3 years in addition to the provision of a cycle user subsidy scheme (e.g. Belfast Bikes) to encourage use of public transport.
9.22	Satisfactory provision has been made within the building for bicycle parking, and for storage of waste.
9.23	<p><u>Flooding</u></p> <p>The site is not located within the fluvial flood plain, it is not prone to historical flooding nor surface water retention. A Drainage Assessment has been submitted and it is proposed to attenuate for more than the 1 in 30-year storm event in the drainage network. Rivers Agency has requested a plan of the drainage system is submitted prior to commencement of development. Rivers Agency have cited no objection to the proposal subject to inclusion of said condition. As such, the proposed development would comply with Policy FLD3 of PPS 15 and the SPPS.</p>
9.24	<p><u>Infrastructure Capacity</u></p> <p>NI Water have advised that whilst there is available capacity to receive wastewater at the local waste water treatment works, the sewer network within the catchment area is at capacity. The applicant is currently in discussions with NI Water regarding a potential solution. NI Water have confirmed that they have a programme for WWTW improvements which will increase capacity over the coming years. This includes two new sludge processing tanks for Belfast and subsequent improvements to the city's six existing sludge processing tanks. These works are estimated to be completed within 2.5 years – well within the five-year lifespan of planning permission were it to be granted. Moreover, NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development will not all come forward at once which means in practical terms it would be unreasonable to withhold planning permission in relation to these issues.</p>
9.25	It is considered that the issue can be resolved by means of a negative condition to address this matter.
9.26	<p><u>Planning History</u></p> <p>The proposed scheme has been amended since the refusal of application LA04/2018/2292/F. The number of units have been reduced along with the height, scale and massing. The previous refusal reasons have now been adequately addressed.</p>
10.0	<p>Summary of Recommendation:</p> <p>Having regard to the policy context and other material considerations raised by consultees and third parties, it is concluded that, on balance, the proposal is considered acceptable. It is requested that the committee delegate authority to the Strategic Director of Place and Economy to grant conditional planning permission subject to completion of Section 76 agreement to secure the green travel measures.</p>
11.0	<p>Conditions</p> <ol style="list-style-type: none"> 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>Reason: Time Limit.</p> <p>2. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Council for its consideration and approval in writing. The development shall not be carried out unless in accordance with the approved details. Reason – To safeguard against flood risk to the development and elsewhere.</p> <p>3. As part of site clearance works, all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Guidance on Pollution Prevention No. 2 (GPP2). Where the tank is industrial size or there is a number of tanks but for a domestic tank, sampling and analysis is not required. Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>4. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>5. After completing all remediation works under Condition 4 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. 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/land-contamination-how-to-manage-the-risks The verification report should present all the remediation and monitoring works and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>6. Secure and covered cycle parking shall be provided in accordance with Drawing No. 03A published on the Planning Portal on 3rd February 2021. Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car</p> <p>7. The development hereby permitted shall operate in accordance with the approved Service Management Plan, published on the Planning Portal on 12th November 2020. Reason: In the interests of road safety and the convenience of road users.</p> <p>8. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied. If required,</p>
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	<p>the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use. Reason: Protection of human health.</p> <p>9. Prior to occupation of the apartments, the noise mitigation measures relating to the development facades, glazing and ventilation systems as recommended in Section 6 of the Irwin Carr Consulting report titled: 'Noise Impact Assessment, 93-95 Falls Road, Belfast' Report no. Rp002N 2020160 (93-95 Falls Road) dated 8th March 2021, 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>10. Prior to operation of the retail unit, the noise mitigation measures relating to the party floor/ceiling of the development as recommended in Section 9 of the Irwin Carr Consulting report titled: 'Noise Impact Assessment, 93-95 Falls Road, Belfast' Report no. Rp002N 2020160 (93-95 Falls Road) dated 8th March 2021, shall be installed and retained thereafter. Reason: Protection public health and residential amenity</p> <p>11. No deliveries shall be permitted to the retail development between the hours of 23:00 and 07:00hrs on any day. Reason : Protection public health and residential amenity</p> <p>12. No external plant is permitted within the hereby permitted retail development. Reason: Protection public health and residential amenity</p> <p>13. Prior to occupation of the herby permitted development, a mechanical ventilation system as per the Irwin Carr Consulting report titled: 'Noise Impact Assessment, 93-95 Falls Road, Belfast' Report no. Rp002N 2020160 (93-95 Falls Road) dated 8th March 2021. (Section 11 - Odour) shall be installed within the development. Reason: Protection of residential amenity.</p> <p>14. Prior to installation of the mechanical ventilation system as per the Irwin Carr Consulting report titled: 'Noise Impact Assessment, 93-95 Falls Road, Belfast' Report no. Rp002N 2020160 (93-95 Falls Road) dated 8th March 2021. (Section 11 - Odour), the location of the air inlet and outlet points shall be depicted on a scaled drawing and submitted to the Planning Authority for approval and shall be agreed in writing. The ventilation inlet and outlet points shall be located as approved. Reason: Protection of residential amenity.</p> <p>15. Notwithstanding the approved plans the brickwork feature header band above the ground floor level should be extended along the Waterford Street elevation for the full extent of the four-storey component of the development hereby approved.</p>
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	<p>Reason: In the interests of visual amenity.</p> <p>16. Prior to commencement of development, sample panels of the external materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Council. The development shall be constructed in accordance with the approved details thereafter.</p> <p>Reason: In the interest of visual amenity.</p> <p>17. No development shall commence on site until details of sewerage waste 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>18. Obscure glazing shall be provided in accordance with the approved plans and permanently retained as such thereafter.</p> <p>Reason: In the interests of residential amenity.</p> <p>Informatives</p> <p>THE POLLUTION CONTROL AND LOCAL GOVERNMENT (NI) ORDER 1978 Due to the proximity of residential properties to the proposed development site, the applicant would be advised of the following good practice documents for noise control during the demolition/construction phase of the development:</p> <ul style="list-style-type: none"> - Belfast City Council's Noise Control Advice Note for Construction and Demolition Sites (available at http://www.belfastcity.gov.uk/buildingcontrol-environment/noisecontrol/typesofnoise.aspx.) and - British Standard 5228 -1:2009+A1:2014 – Code of practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration <p>Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is: Belfast North Section Office, 1A Airport Road, Belfast, BT3 9DY. A monetary deposit will be required to cover works on the public road.</p> <p>Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent roads by vehicles travelling to and from the construction site. Any mud or debris deposited on the road must be removed immediately by the contractor.</p> <p>All construction plant and materials shall be stored within the curtilage of the site.</p> <p>It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site</p> <p>Separate planning approval should be sought if the retail unit is to be used as a café or hot food unit.</p>
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Notification to Department (if relevant) – N/A
Representations from Elected members – None

**Addendum
Development Management officer report
Committee Application**

Summary	
Committee Meeting Date: Tuesday 17 th August 2021	
Application ID: LA04/2020/2280/F	
Proposal: Proposed mixed use development comprising 1no. ground floor retail unit and 13no. apartments, associated amenity space, landscaping and all other site works.	Location: 93-95 Falls Road Belfast BT12 4PE
Referral Route: Objection has been received which is contrary to BCC Planning Officers' recommendation.	
Recommendation: Approve subject to conditions	
Applicant Name and Address: Scarsdale Properties LLP 263 Falls Road Belfast BT12 6FB	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Addendum Report This full application was previously listed for Planning Committee on 18 th May 2021. The application was not presented as the agent asked for it to be withheld while further consultation with neighbours was undertaken.	
Signature(s): <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	