

## Committee Application

Development Management Report	
<b>Application ID:</b> LA04/2019/1886/F	<b>Date of Committee:</b> 14 September 2021
<b>Proposal:</b> Proposed development of 13 Residential Apartments (One block of 11 No. Apartments, one block of 2 No. Apartments) with associated amenity space and site works (Amended site boundary)	<b>Location:</b> 42-50 Ormeau Road, Belfast, BT7 1SH.
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b> APPROVAL	
<b>Applicant Name and Address:</b> Andrew Bradley 213 Shore Road Magherafelt BT45 6LW	<b>Agent Name and Address:</b> Diamond (Belfast) Ltd 33 Strathmore Park North Belfast BT15 5HQ
<b>Executive Summary:</b>  <p>The proposal is for 'Proposed development of 13 Residential Apartments (One block of 11 No. Apartments, one block of 2 No. Apartments) with associated amenity space and site works (Amended site boundary)'.</p> <p>74 objections have been received in relation to this proposed development, including from Councillor John Gormley.</p> <p>The site is not zoned within either BUAP or dBMAP, however part of the site is located within the proposed 'Ormeau' Area of Townscape Character (ATC) in dBMAP. The site also fronts on to an arterial route in dBMAP.</p> <p>The key issues to consider in the assessment of this proposed development are:</p> <ul style="list-style-type: none"> <li>Impact on character of the area.</li> <li>Impact on residential amenity.</li> <li>Impact on parking.</li> <li>Impact on sewage and drainage infrastructure.</li> </ul> <p>Through the processing of the application numerous amendments have been received to address issues around design, impact on character, residential amenity and landscaping.</p> <p>It is considered that the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.</p> <p>Many of the objections related to the lack of parking within the proposal and pressures on existing street parking. The location of the site is considered to be highly accessible as it is located along an arterial route and provides convenient access to public transport links, local neighbourhood facilities and the city centre. At the time of publication, DFI Roads comments are currently outstanding, however they have confirmed informally that there are no objections to the proposed development, subject to conditions.</p>	

Adequate provision has been made for open space within the proposed development, in accordance with the provisions of Creating Places. Furthermore, it is considered that the proposed landscaping assists with integration and softens the visual impact of the proposal.

It is acknowledged that the proposed development may result in some overshadowing however, on balance, given the surrounding context and the amended design, it is not considered that this will create an unacceptable adverse impact on surrounding properties. It is also acknowledged that views towards existing dwellings are achievable from the bedroom and study window of Type A apartments on the first and second floor of Block A. However, the apartment windows are orientated towards the rear amenity area rather than the neighbouring properties, which are at an approximate 45 degree angle. It is not considered that the proposal will result in an unacceptable adverse impact in terms of overlooking. There are no concerns in relation to loss of light, outlook, noise or general nuisance for any existing or proposed properties.

NI Water have advised that the scheme can be registered on a pilot scheme, aiming to provide a site specific solution for sewage / drainage infrastructure. The pilot scheme relates to both foul and storm connections, therefore it is considered that conditions should be applied in the event of approval. A Drainage Assessment has been submitted and Rivers Agency have requested further information, approval is recommended subject to receipt of a satisfactory updated Drainage Assessment.

**Recommendation -**

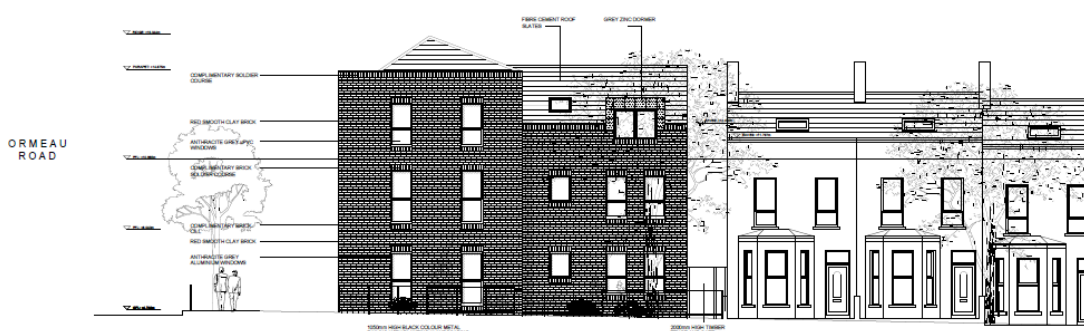
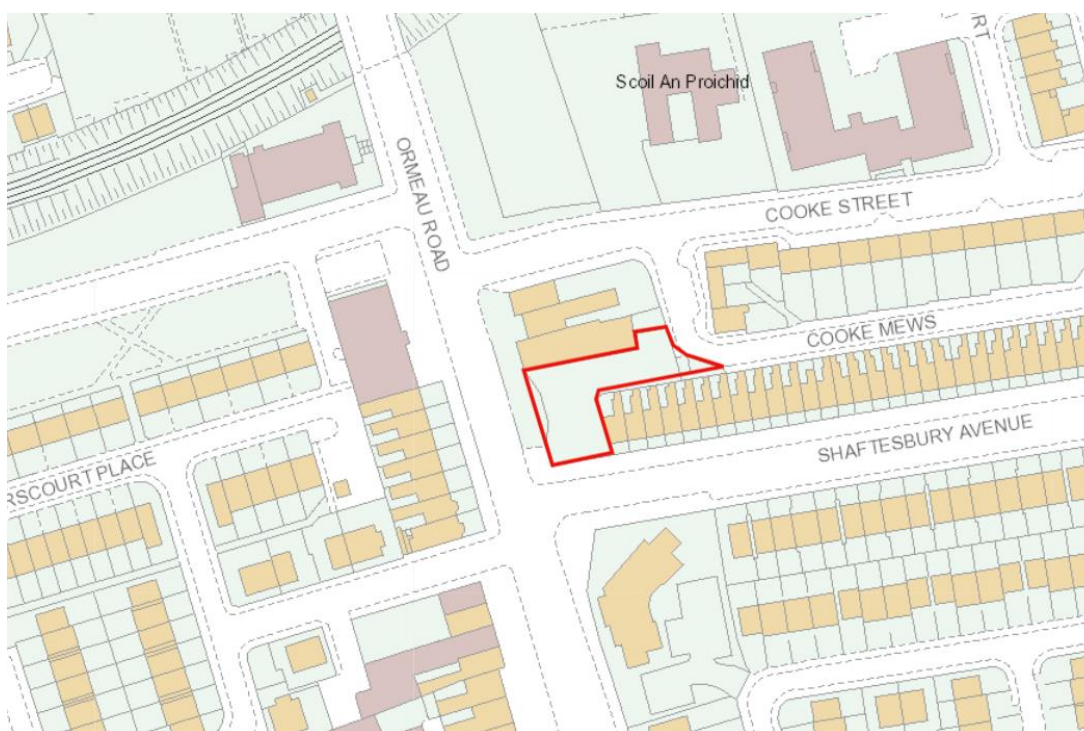
On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to receipt of a satisfactory updated Drainage Assessment. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.

## Characteristics of the Site and Area

### 1.0 Description of Proposed Development

- 1.1 The proposal is for 'Proposed development of 13 Residential Apartments (One block of 11 No. Apartments, one block of 2 No. Apartments) with associated amenity space and site works'.
- 1.2 The large block of apartments occupies the corner site with Ormeau Road and Shaftesbury Avenue. The building is 3 storeys / 2.5 storeys in height, with a ridge height of 11.3 metres. The building utilises a mix of materials including red brick, white render and fibre cement roof slates. There are 11 apartments within this building - 3 No. 3 bed, 6 No. 2 bed and 2 No. 1 bed.
- 1.3 The rear apartment block has outlook towards Cooke Mews and proposes 2 No. 2 bed apartments. This building is a two storey building with a ridge height of 7.7 metres. This building is finished in red brick, white render and natural slate roof tiles.
- 1.4 There is an area of amenity space located between the two buildings, including a bin store and cycle parking.



	
2.0	<b>Description of Site</b>
2.1	<p>The site is located within the urban development limits of Belfast. It is currently a vacant plot of land on a prominent corner site of Ormeau Road and Shaftesbury Avenue. The site is an irregular 'L' shape, with the rear of the site accessible from Cooke Mews. The site is relatively flat and covers an area of approximately 750 square metres. The western boundary is defined by a mix of trees, hedgerow, metal fence and advertising hoardings and the eastern boundary is defined by metal palisade fencing. The site directly adjoins the rear of a number of houses along Shaftesbury Avenue, as well as a commercial unit on the Ormeau Road.</p>
2.2	<p>The surrounding area is characterised by a mix of uses, with commercial and residential uses prevalent on the Ormeau Road and residential uses primarily on the other streets in the immediate locality.</p>
	
<b>Planning Assessment of Policy and other Material Considerations</b>	
3.0	<b>Site History</b>
3.1	

3.2	Z/2007/0758/F - Proposed development containing 4no.shop units, 17no. apartments and car parking - Refused 29/1/19
3.3	Z/2010/0274/F - Development containing four shop units, fourteen apartments and car parking at 42-50 Ormeau Road, Belfast - Granted 5/9/12
3.4	Z/2006/1931/F - Proposed 5 storey 65 bedroom hotel containing restaurant, bar, conference room and car parking - Refused 19/4/07
3.5	Z/2003/2453/O - Renewal of planning permission ref. Z/1998/0929/O for proposed construction of 4 shop/office units, 12 no. apartments and 2 no. studio apartments, car parking and access road - Withdrawn 17/11/04.
	Z/1998/0929/F - Proposed construction of 4 shop/office units, 12 no. apartments and 2 no. studio apartments, car parking and access road (Amended Proposal) - Approved 10/8/00
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (dBMAP)
4.3	Strategic Planning Policy Statement (SPPS) PPS 3 Access, Movement and Parking PPS 6 Planning, Archaeology and the Built Heritage PPS 6 Addendum Areas of Townscape Character PPS 7 Quality Residential Environments PPS 7 Addendum - Safeguarding the character of established residential areas PPS 12 Housing in Settlements PPS 15 Planning and Flood Risk  Creating Places DCAN 15 Vehicular Access Standards
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	DFI Roads – No objections (informal response). Awaiting formal clarification
5.2	Historic Environment Division – No objection.
5.3	NIEA – No objection, subject to conditions.
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objection.
6.2	Rivers Agency – update to Drainage Assessment required.
6.3	BBC Tree and Landscaping Officer – No objection, subject to conditions.
6.4	Northern Ireland Water – No objection, subject to conditions.
<b>7.0</b>	<b>Representations</b>

7.1	74 objections have been received in relation to this proposed development, including from Councillor John Gormley.
7.2	<p>The objections raised the following issues:</p> <ul style="list-style-type: none"> <li>• Lack of parking proposed within the development.</li> <li>• Surrounding streets are already at capacity in terms of parking.</li> <li>• Current parking problems create knock on issues, such as impact on bin collection services.</li> <li>• No provision for service parking within the proposal.</li> <li>• Private letting of houses and Air BnBs in the surrounding area exacerbate the parking issues.</li> <li>• Inappropriate level of consultation has been carried out. Lower Ormeau Residents Action Group (LORAG) have advised that some residents did not receive notification letters.</li> <li>• Proposed height and design of the frontage is not in keeping with surrounding development.</li> <li>• Proposed development has little or no provision for disabled access. Internal central circulation corridor on each floor appears too narrow to meet access standards.</li> <li>• Detrimental impact of proposal on neighbouring properties in terms of natural light and overshadowing.</li> <li>• Proposed apartments at the rear of the development site reduce the amenity space for new occupiers.</li> <li>• Proposed development lacks adequate amenities for new occupiers, e.g. no laundry drying facility, inadequate bin storage etc.</li> <li>• Inadequate amenity space included within the proposed development. Useable space measures approximately 45 sq metres.</li> <li>• Proposed development results in overlooking / privacy issues, particularly in relation to No's 6-10 Shaftesbury Avenue and No. 4 Cooke Mews.</li> <li>• Inadequate sewage / drainage infrastructure to serve the proposed development.</li> <li>• Whilst NI Water proposes a pilot scheme to look for potential infrastructure solutions, objector believes that permission should be withheld until a viable solution is found.</li> <li>• Dwellings to the rear of the development have a history of flooding, particularly during storms.</li> <li>• Contamination assessment is not actually related to the application proposal.</li> <li>• Issues raised regarding submitted parking survey. Survey was completed during a significant holiday period when commuter and resident parking is greatly reduced.</li> <li>• Proposed alleyway at the rear of No's 2-16 Shaftesbury Avenue may result in anti-social behaviour if alleyway is not secured and appropriate lighting provided.</li> <li>• Concerns raised regarding space for services within the building, for example, water boosters, switch rooms, gas meter rooms, lift motor room, vertical risers.</li> <li>• Concerns raised regarding space standards within the proposed apartments.</li> </ul>
<b>8.0</b>	<b>Assessment</b>
8.1	<p><u>Preliminary Matters</u></p> <p>Issues have been raised in relation to neighbour notification. The Council is content that neighbour notification has taken place, in accordance with Section 41 of the</p>

	Planning Act (NI) 2011 and Article 8 of the Planning (General Development Procedure) Order (NI) 2015.
8.2	<p><u>Development Plan</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p>
8.3	The site is not zoned within either BUAP or dBMAP, however part of the site is located within the proposed 'Ormeau' Area of Townscape Character (ATC) in dBMAP. The site also fronts on to an arterial route in dBMAP.
8.4	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. The use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings. The SPPS also advises that housing should be located in sustainable locations that facilitate a high degree of integration with centres of employment, community services and public transport. Furthermore, all new housing developments should demonstrate a high quality of design, layout (including road infrastructure considerations) and landscaping.</p>
8.5	<p><u>Character / Layout / Design</u></p> <p>The application site is located on a prominent corner site facing Ormeau Road and Shaftesbury Avenue. The proposal includes two blocks of accommodation, with the larger Block A part 3 storeys in height on the Ormeau Road elevation (11.3 metres to ridge), dropping to 2.5 storeys on the Shaftesbury Avenue elevation. This building is located directly beside an existing 2.5 storey commercial building along the Ormeau Road elevation and a 2 storey terraced dwelling along Shaftesbury Avenue. The ridge height matches that of the existing building at No. 38-40 Ormeau Road, with the eaves of the proposed building set slightly higher than the neighbouring building. The Shaftesbury Avenue elevation steps down from the 3 storey element on the corner with Ormeau Road to the 2.5 storey element located beside No. 2 Shaftesbury Avenue. The nearest part of the proposed building is approximately 1 metre higher than the neighbouring terrace on Shaftesbury Avenue. The buildings are separated by an access path to the rear amenity area of the proposed building. The proposed Block B is a two storey building located at the rear of the site, fronting on to Cooke Mews.</p>
8.6	The form of existing adjacent development along the Ormeau Road frontage is inconsistent and varied, with a range of styles and building heights (No. 34, 36 & 38-40). A large apartment building occupies the opposite street corner at the top of Shaftesbury Avenue. The apartment building measures approximately 15.4 metres in

	height and is set back from the footpath. Two storey residential terrace housing is prevalent along Shaftesbury Avenue and Cooke Mews / Cooke Street. Following amendments, it is considered that the proposed development respects the adjoining buildings along Ormeau Road, Shaftesbury Avenue and Cooke Mews in terms of scale, alignment, eaves and ridge height.
8.7	The proposed development includes a diverse palette of materials, including red brick, zinc cladding and white render. The proposed materials pick up on prevalent materials within the local area. Furthermore, architectural details such as the soldier coursing underneath the eaves and around the windows add interest and enhance the overall design.
8.8	In summary, it is considered that the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.
8.9	<u>Residential Density</u> The residential density of the proposed development equates to approximately 180 dwellings per Hectare. Surrounding residential development along Shaftesbury Avenue and Cooke Street equate to approximately 70 – 110 dwellings per Hectare. The apartment building opposite the site equates to a density of approximately 100 dwellings per Hectare. The proposed development represents an increase in housing density, however it is noted that the application site is located directly along an arterial route. As per para 6.137 of the SPPS, higher density housing developments should be promoted in locations that benefit from high accessibility to public transport facilities.
8.10	<u>Space Standards</u> Policy LC1 does not apply to this proposed development as the site location is not within an 'established residential area' as defined by Annex E of PPS 7 Addendum. Although the policy does not apply, it is noted that 10 of the 13 proposed apartments comply with the space standards, as set out in Annex A (Type C apartments in Block A measures 58 sq m).
8.11	<u>Amenity space</u> Proposed amenity space totals approximately 238 square metres (18.3 sq metres per apartment). This total figure includes the landscaped areas between the proposed building and footpaths. The rear communal amenity area measures approximately 168 square metres. It is considered that adequate provision has been made for open space within the proposed development, in accordance with the provisions of Creating Places.
8.12	<u>Landscaping</u> Two new trees are proposed to compensate for the removal of the two trees on the site. One of these is to be planted at the rear of the main apartment block and one is to be planted at the side of Block B. The Council's tree and landscaping officer has provided comments and offered no objection, subject to conditions. In summary, it is considered that proposed landscaping assists with integration and softens the visual impact of the proposal.
8.13	<u>Residential amenity</u> It is considered that the design and layout will not create conflict with adjacent land uses. PPS 7 advises that proposals should not have an unacceptable adverse effect on existing or proposed properties in terms of residential amenity.



8.14	<p>A shadow assessment was submitted in support of the proposed development. The shadow assessment appears to show that the proposed building will have a shadow impact on both the proposed amenity area and adjacent properties along Shaftesbury Avenue in the late afternoon / evenings. Block A is located on the western portion of the site, therefore a shadow will be cast in an easterly direction in the late afternoon / evening. No. 2 Shaftesbury Avenue is the property most impacted by overshadowing. The properties along Shaftesbury Avenue all have 2 storey rear returns which cause overshadowing in the rear yard of the property directly to the east, i.e. Rear return of No. 2 causes overshadowing in rear yard of No. 4. Given the orientation of the application site in relation to the existing properties on Shaftesbury Avenue, it is considered that any development of the site will result in some degree of overshadowing. As previously noted, the height of the Ormeau Road elevation matches the neighbouring building at No. 38-40 Ormeau Road. Furthermore, the ridge line is located closer to the Ormeau Road side of the building, with a shallower roof plane and lower eaves at the rear of the building (measuring 8.2 m). Block B is located immediately to the north of No's 6-10 Shaftesbury Avenue therefore it will not create any shadow impact on these properties. It is acknowledged that the proposed development will result in some overshadowing however, on balance, given the surrounding context and the amended design, it is not considered that this will create an unacceptable adverse impact on surrounding properties. Furthermore, there are no concerns in relation to loss of light to any existing properties.</p>
8.15	<p>Views towards No. 2, 4 and 6 Shaftesbury Avenue are achievable from the bedroom and study window of Type A apartments on the first and second floor. However, the apartment windows are orientated towards the rear amenity area rather than the neighbouring properties, which are at an approximate 45 degree angle. The proposed Block B is located on the opposite side of Cooke Mews from 2 dwellings, No's 2 and 4. It is not considered that the proposal will result in an unacceptable adverse impact in terms of overlooking.</p>
8.16	<p>All proposed apartments have outlook towards the public street, with some apartments also having the benefit of outlook towards the communal amenity area also. The gable wall of Block B is located approximately 10.3 metres from the rear wall of No. 8 Shaftesbury Avenue. Block B measures approximately 5.6 metres to eaves and 7.6 metres to the ridge. It is noted that a hipped roof is utilised therefore the roof plane slopes away from this gable end, thereby reducing visual impact when viewed from No. 8. There are no upper floor windows in this gable wall. Whilst it is acknowledged that the building will be visible from No. 8, it is not considered that this will cause an unacceptable adverse impact due to the orientation of Block B to the north and separation distance between the two buildings. It is also noted that all ground floor windows with outlook to the street are protected by areas of landscaped defensible space.</p>
8.17	<p>A Noise Impact Assessment (NIA) was submitted in support of the proposed development. BCC Environmental Health (EHO) provided comment on the NIA and advised of no objection, subject to conditions.</p>
8.18	<p><u>Contamination</u> Contamination Information has been submitted in support of the proposed development. The Council has consulted with EHO and NIEA Regulation Unit Land and Groundwater Team (RU); both consultees are satisfied that the proposed development will not pose unacceptable risks to human health or environmental receptors, subject to identified mitigation measures. Consequently, there is no objection in relation to contamination, subject to conditions.</p>

8.19	<p><u>Access / Parking</u></p> <p>DFI Roads advised that a 2.0 metre wide footway should be provided to the frontage of the development at Cooke Street (rear of application site) and a Private Street Determination (PSD) will be required.</p>
8.20	<p>There is no car parking provided as part of the application. The application includes a Parking Survey, Travel Plan and Service Management Plan. DFI Roads have considered the submitted parking survey and offered no objections based on same. Whilst many of the objections related to the lack of any parking with the proposal, the location of the site is considered to be highly accessible as it is located along an arterial route and provides convenient access to public transport links, local neighbourhood facilities and the city centre.</p>
8.21	<p>At the time of publication, DFI Roads comments are currently outstanding, however they have confirmed informally that there are no objections to the proposed development, subject to conditions. Committee will be advised in the late items pack of DFI Roads response if received by the date of Committee.</p>
8.22	<p><u>Movement pattern / local facilities</u></p> <p>An acceptable movement pattern is provided offering convenient access for both pedestrians and cyclists. Adequate cycle storage is provided within the communal amenity area. The proposal includes level access from the street and an internal lift is proposed within Block A, therefore enhancing accessibility for those people whose mobility is impaired.</p>
8.23	<p>The proposal is located along an arterial route, offering convenient access to local amenities, public transport links and the city centre.</p>
8.24	<p><u>Flooding / Drainage</u></p> <p>The site and immediate surroundings are not located within a floodplain or a surface water flood zone.</p>
8.25	<p>In accordance with Policy FLD 3 of PPS 15, a Drainage Assessment was submitted for the proposal. DFI Rivers provided comment and advised that further information is required demonstrating the viability of the proposals. This includes submission of Schedule 6 Discharge consent and evidence of attenuation size and calculations based on discharge rate. The Drainage Assessment should also demonstrate how the development will limit/restrict the surface water discharge from the site to Pre-development run-off rates. Approval is recommended subject to a satisfactory updated Drainage Assessment being received.</p>
8.26	<p><u>Sewage infrastructure</u></p> <p>On 18<sup>th</sup> September 2019, NI Water (NIW) advised the Council that there is available capacity at the nearby waste water treatment works. However, during the processing of the application, the developer has been informed by NIW that existing sewage infrastructure has reached capacity. However, NIW has advised that the scheme could be registered on a pilot scheme, which aims to provide a site specific solution for sewage / drainage infrastructure. The pilot scheme relates to both foul and storm connections, therefore it is considered that conditions should be applied in the event of approval.</p>

8.27	<p><u>Crime / Antisocial behaviour</u></p> <p>Access to the apartment blocks and communal amenity space is secured. All of the apartments provide outlook to the street and some of the apartments provide outlook to the rear amenity area, thereby providing informal surveillance.</p>
8.28	<p>Objectors have noted concern with the proposed rear alleyway at the rear, stating that it has potential for anti-social behaviour if not secured. This is located outside the red line boundary of the application site, however the Council have a scheme relating to provision of alley gates in an attempt to reduce antisocial behaviour and burglaries.</p>
8.29	<p><u>Built Heritage</u></p> <p>The application site is located in close proximity to a listed terrace of 3 storey houses at 121-135 Ormeau Road. HED considered the impact of the proposal on the listed buildings and advised that the proposal poses no greater demonstrable harm on the setting of the listed buildings than the existing arrangement.</p>
<b>9.0</b>	<b>Summary of Recommendation: APPROVAL</b>
9.1	<p>It is considered that the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.</p>
9.2	<p>Many of the objections related to the lack of parking within the proposal and pressures on existing street parking. The location of the site is considered to be highly accessible as it is located along an arterial route and provides convenient access to public transport links, local neighbourhood facilities and the city centre. At the time of publication, DFI Roads comments are currently outstanding, however they have confirmed informally that there are no objections to the proposed development, subject to conditions.</p>
9.3	<p>Adequate provision has been made for open space within the proposed development, in accordance with the provisions of Creating Places. Furthermore, it is considered that the proposed landscaping assists with integration and softens the visual impact of the proposal.</p>
9.4	<p>It is acknowledged that the proposed development may result in some overshadowing however, on balance, given the surrounding context and the amended design, it is not considered that this will create an unacceptable adverse impact on surrounding properties. It is also acknowledged that views towards existing dwellings are achievable from the bedroom and study window of Type A apartments on the first and second floor of Block A. However, the apartment windows are orientated towards the rear amenity area rather than the neighbouring properties, which are at an approximate 45 degree angle. It is not considered that the proposal will result in an unacceptable adverse impact in terms of overlooking. There are no concerns in relation to loss of light, outlook, noise or general nuisance for any existing or proposed properties.</p>
9.5	<p>NI Water have advised that the scheme can be registered on a pilot scheme, aiming to provide a site specific solution for sewage / drainage infrastructure. The pilot scheme relates to both foul and storm connections, therefore it is considered that conditions should be applied in the event of approval.</p>

9.6	<p>On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to receipt of a satisfactory updated Drainage Assessment.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>
<b>10.0</b>	<b>Conditions</b>
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
10.2	<p>Prior to the occupation of the hereby permitted development, the applicant shall provide to and have agreed in writing by the Planning Authority, a Verification Report. This report must demonstrate that the remediation measures outlined in the Pentland Macdonald Ltd report entitled 'Contamination Assessment &amp; Remediation Strategy, 42-50 Ormeau Road, Belfast for Gilligan &amp; Partners Ltd' (dated January 2019 and referenced PM18-1196) as updated in the contamination clarification letters from Pentland Macdonald Ltd dated 31st October 2019 and 26th January 2021 letter references PM18-1196 Let1 and PM18-1196 Let2 have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential without plant uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with current British Standards and Environment Agency guidance. In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> <li>- A 600mm capping layer has been emplaced in the gardens and landscaped areas requiring remediation as detailed in Figure A-1 of the letter from Pentland Macdonald dated 26th January 2021 and entitled 'Further Contamination Assessment Clarification - Site at 42-50 Ormeau Road, Belfast (LA04/2019/1886/F)' letter ref: PM18-1196 Let2.</li> <li>- The material used to construct the capping layer is either a proprietary construction product (certified by the supplier as being suitable for use) or has been demonstrated as being suitable for use (residential without homegrown produce).</li> </ul> <p>Reason: Protection of human health.</p>
10.3	<p>Prior to the occupation of the hereby permitted development acoustic glazing and acoustically attenuated ventilation units providing a sound reduction as specified in table 2 and 3 of the FR Mark &amp; Associates report entitled 'Noise Impact Assessment, Proposed development of existing brownfield site in an inner city location to provide 13 apartments, 42-50 Ormeau Road, Belfast Revised November 2020' shall be installed within the development so as to ensure the internal noise levels within the habitable rooms do not exceed the noise targets specified in BS8233:2014 with the windows closed and alternative means of acoustically attenuated ventilation provided in compliance with building control requirements.</p> <p>The sound rating level rating level (dBLAr,T) from the operation of any external plant shall not exceed the background noise level (daytime and night time) at the nearest</p>

	<p>residential premises when measured or determined in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.</p> <p>Reason: Protection of residential amenity.</p>
10.4	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>, as applicable. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.5	<p>After completing the remediation works under Condition 4; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>, as applicable.</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> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.6	<p>No equipment, machinery or materials are to be brought onto the site for the purpose of the development including demolition and site clearance until tree protection measures have been put in place in accordance with recommendations in the M. Large Tree Survey and Report for 40-50 Ormeau Road, dated February 2020 and uploaded to the Planning portal on 10th November 2020. These protection measures shall remain in place until the construction works hereby approved are complete and all plant and machinery has been removed from the site. Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.</p> <p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development works to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p>
10.7	<p>Any demolition and / or construction proposed within the Root Protection Area (RPA) of existing trees adjacent to the site shall be carried out in accordance to methods outlined in the M. Large Tree Survey and Report for 40-50 Ormeau Road, dated February 2020 and uploaded to the Planning portal on 10th November 2020.</p> <p>Reason: To ensure damage is not caused to the existing street tree on Shaftesbury Avenue by the development hereby approved.</p>

10.8	<p>All proposed landscaping and planting works shall be carried out in accordance with the approved details on the stamped approved Site Layout Plan, Drawing No. 03B uploaded to the Planning portal on 18th May 2021. The works shall be carried out prior to the occupation of the development hereby approved or within the first available planting season after occupation, whatever is the sooner or unless otherwise agreed in writing by the Council.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
10.9	<p>Any new trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
10.10	<p>The development hereby approved shall not be occupied until a long-term landscape management and maintenance plan has been submitted and agreed by Belfast City Council. Once completed, all soft landscaping shall be managed and maintained in accordance with this plan.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
10.11	<p>Notwithstanding the submitted details, no development shall commence until details of foul and surface water drainage 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 satisfactory sewage and drainage infrastructure is in place to facilitate to the development.</p>
<b>Notification to Department (if relevant)</b>	
<b>Representations from Elected members:</b>	
<b>Cllr John Gormley</b>	