

## Development Management Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date: 17<sup>th</sup> October 2023</b>	
<b>Application ID: LA04/2023/2324/F</b>	
<b>Proposal:</b> Proposed redevelopment comprising demolition of an extant building and development of two apartment blocks (12 units - category 1 over 55s tenure) and change of use/alterations of existing retail unit to apartments (8 units private tenure), communal amenity, parking, site access alterations, landscaping and ancillary site works	<b>Location:</b> Mountain View Centre Norglen Gardens Ballymurphy Belfast  Antrim BT11 8EL
<b>Referral Route:</b> Through 3.8.2 of the Scheme of delegation where a representation has been received which conflicts with the Planning Officer's recommendation	
<b>Recommendation:</b>	Approval subject to conditions and a S.76 Planning Agreement.
<b>Applicant Name and Address:</b> MCG Property 2 Hightown Rise Newtownabbey	<b>Agent Name and Address:</b> Clyde Shanks Second Floor 7 Exchange Place Belfast BT1 2NA
<b>Executive Summary:</b> This application seeks full planning permission for a redevelopment comprising demolition of an extant building and development of two apartment blocks (12 units - category 1 over 55s tenure) and change of use/alterations of existing retail unit to apartments (8 units private tenure), communal amenity, parking, site access alterations, landscaping and ancillary site works.  The key issues are: <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design, scale, layout and impact upon the character and appearance of the area</li> <li>• Impact on Amenity</li> <li>• Affordable Housing and Housing Mix</li> <li>• Accessible and Adaptable Accommodation</li> <li>• Climate Change</li> <li>• Drainage</li> <li>• Traffic, Movement and Parking</li> <li>• Waste-water Infrastructure</li> <li>• Noise, odour and other environmental impacts including contamination.</li> </ul>	
<b>Recommendation</b> Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement being entered into to secure affordable housing.	

Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions, Section 76 planning agreement, and deal with any other matters that arise prior to issuing the decision, provided they are not substantive.

## Planning Report

1.0

### Drawings

1.1

**Fig 1. Site Location Plan**



1.2

**Fig.2 Proposed Site Layout**



2.0

### Characteristics of the Site and Area

2.1

The site is located at the Mountainview Centre, Norglen Gardens which is approximately 0.53ha in size. There are currently two buildings on site which consist of several retail units with ancillary storage/offices on the upper floors and associated car parking. The two buildings are both finished in red brick which is prevalent finish in the surrounding area.

2.2

	The site is accessed via an existing vehicular and pedestrian access on Norglen Gardens, with a gated service vehicle access to the rear of the site on Gortnamona Way. The topography of the site is flat and is bound by a mix of mature trees and hedgerows, wooden fence and brick walls. The surrounding area is residential with a mix of finished ranging from different coloured render and red brick.
<b>3.0</b>	<b>Description of Proposal</b>
3.1	This application seeks full planning permission for a redevelopment comprising demolition of an extant building and development of two apartment blocks (12 units - category 1 over 55s tenure) and change of use/alterations of existing retail unit to apartments (8 units private tenure), communal amenity, parking, site access alterations, landscaping and ancillary site works.
<b>4.0</b>	<b>Planning Policy and Other Material Considerations</b>
4.1	<b>Development Plan – operational policies</b> Belfast Local Development Plan, Plan Strategy 2035
4.2	<b>Development Plan – zoning, designations and proposals maps</b> Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	<b>Regional Planning Policy</b> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	<b>Other Policies</b> Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)
4.5	<b>Relevant Planning History</b>
4.6	Z/2015/0132/F Unit 9, Mountain View Centre, Belfast Single storey extension to rear Permission Granted  Z/2014/0964/f Junction between Norglen Gardens and Monagh Road, Belfast Installation of steel boundary features, bollards and a feature paved/landscaped public garden. Permission Granted  Z/1995/2653 Norglen Centre, Norglen Gardens, Belfast Re-development of existing commercial complex to include new build retail units, taxi depot, workshops and associated car parking. Permission Granted  Z/1988/2755 Norglen Gardens Conversion of first floor from shopping units to community use, installation of new shops fronts to ground floor and general refurbishment. Permission Granted

<b>5.0</b>	<b>Consultations and Representations</b>
5.1	<p><b>Statutory Consultations</b>  DfI Roads – Content subject to conditions  DfI Rivers – Content  NI Water – Recommended refusal  DAERA NIEA – Content subject to conditions  Shared Environmental Services (SES)- Content subject to conditions</p>
5.2	<p><b>Non-Statutory Consultations</b>  BCC Environmental Health – Content subject to conditions  BCC Plans &amp; Policy team – Advice.  Senior Urban Design Officer- Advice.</p>
5.3	<p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p>
5.4	<p><b>Representations</b></p>
5.5	<p>The application has been advertised and neighbours notified. The Council has received the following representations in support and objection.</p> <p>Objections: 1  Support: 1</p>
5.6	<p>The objection raises issues regarding overlooking and loss of privacy, traffic and road safety which are all considered within the main report.</p>
5.7	<p>The letter of support is from an elected representative, Councillor Micheal Donnelly from Sinn Fein stating that the proposal represents a positive contribution to the area and also meets a critical housing need within the area.</p>
<b>6.0</b>	<b>PLANNING ASSESSMENT</b>
	<b>Development Plan Context</b>
6.1	<p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
6.2	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>
6.3	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The</p>

	zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
6.6	<p><b>Relevant Planning Policies</b></p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <p><i>Strategic Policies</i></p> <p>Policy SP1A – managing growth and supporting infrastructure delivery  Policy SP2 – sustainable development  Policy SP3 – improving health and wellbeing  Policy SP5 – positive placemaking  Policy SP6 – environmental resilience  Policy SP7 – connectivity  Policy SP8 – green and blue infrastructure network</p> <p><i>Spatial Development Strategy</i></p> <p>Policy SD1 – Settlement hierarchy  Policy SD2 – Settlement Areas</p> <p><i>Shaping a Liveable Place</i></p> <p>Policy HOU1 – Accommodating new homes  Policy HOU2 – Windfall housing  Policy HOU4 – Density of Residential Development  Policy HOU5 – Affordable Housing  Policy HOU6 – Housing Mix  Policy HOU7 – Adaptable and Accessible Accommodation  Policy DES1 – Principles of Urban Design  Policy RD1 – New Residential Developments</p> <p><i>Transport</i></p> <p>Policy TRAN1 – Active travel – walking and cycling  Policy TRAN 2 – Creating an accessible environment  Policy TRAN4 – Travel plan  Policy TRAN6 – Access to public roads  Policy TRAN8 – Car parking and servicing arrangements</p> <p><i>Building a Smart Connected and Resilient Place</i></p> <p>Policy ENV1 – Environmental Quality  Policy ENV2 – Mitigating Environmental Change  Policy ENV3 – Adapting to Environmental Change  Policy ENV4 – Flood Risk  Policy ENV5 – Sustainable Drainage Systems (SuDS)</p>

6.7	<p><i>Promoting a Green and Active Place</i>  Policy OS1 – Protection of Open Space  Policy OS3 – Ancillary Open Space  Policy TRE1 – Trees  Policy LC1 – Landscape</p> <p><u>Supplementary Planning Guidance</u></p> <p>Affordable Housing and Housing Mix  Residential Design  Placemaking and Urban Design  Sustainable Urban Drainage Systems  Transportation  Trees and Development</p>
6.8	<p><b>Key Issues</b></p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design, scale, layout and impact upon the character and appearance of the area</li> <li>• Impact on Amenity</li> <li>• Affordable Housing and Housing Mix</li> <li>• Accessible and Adaptable Accommodation</li> <li>• Climate Change</li> <li>• Drainage</li> <li>• Traffic, Movement and Parking</li> <li>• Waste-water Infrastructure</li> <li>• Noise, odour and other environmental impacts including contamination</li> </ul>
6.9	<p>The adoption of the Plan Strategy requires the following updated assessment.</p>
6.10	<p><u>Additional Information</u></p> <p>Officers requested that the applicant provides a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal. The applicant has subsequently provided a Plan Strategy Statement, which seeks to demonstrate compliance with the relevant policies.</p>
6.11	<p>The Planning Service’s Plans and Policy team has been consulted on the applicant’s Plan Strategy. No further consultations have been considered necessary following adoption of the Plan Strategy.</p>
6.12	<p><b><u>Principle of development</u></b></p> <p>The site is located within the development limit in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The proposal site is identified as whiteland within BUAP 2001 and whiteland within both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The presumption is therefore in favour of development subject to planning considerations detailed below.</p>

6.13	<p>The proposal is compliant with Policy HOU1, accommodating new homes as it will meet the delivery of housing supply in the Belfast City Council area. Policy HOU2, Windfall Housing is also met as the proposal is situated on previously developed land and is currently white land within the dBMAP 2004 and 2015 versions. The proposed scheme is a suitable site for an apartment scheme in principle, it is accessible and convenient to public transport and walking and cycling infrastructure.</p> <p><b><u>Design, scale, layout and impact upon the character and appearance of the area</u></b></p>
6.14	<p>Policy RD1 seeks to promote quality residential development that creates places that are attractive, locally distinctive, and appropriate to their surroundings. The proposal is compliant with Policy RD1 of the Plan Strategy 2035 and meets the below criteria:</p>
6.15	<p><i>a. Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i></p> <p>The addition of 20 apartments will not conflict with the adjacent land use which is primarily residential. The original proposal submitted to the council was considered to create a scale, massing and layout which was out of character with the surrounding environment. However, upon receipt of amendments, the scheme is now considered to take account of the specific circumstances of the site. The two new proposed apartment buildings (A and B) tie in with the surrounding area with a finish to match the surrounding area and through reducing the height of both buildings, the scale and massing now tie in with the adjacent dwellings. The existing units (C and D) are proposed to have a new cream render finish. The mix and contrast of finishes is considered to meet policy requirement DES1 part (b) in that the local distinctive features have been identified, incorporated and enhanced where appropriate.</p> <p>The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area.</p>
6.16	<p><i>b. Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance:</i></p> <p>The layout/aspect of the building within the site is such that there will be no significant overlooking into neighbouring properties. In addition, there is sufficient separation distances to existing neighbouring properties at to ensure that dominance and overshadowing will not occur to an unacceptable degree. Concerns regarding overlooking were raised from a neighbour at Gortnamona Rise. The separation distance from Apartment Block A is approximately 19.33m which meets the recommended distance as outlined in paragraph 7.16 of Creating Places, there is also a road to separate the apartment block from the closest dwelling. Block B has proposed balconies to the northern elevation which are considered appropriate as there is a considerable separation distance to the surrounding residential dwellings. The nearest dwelling is approximately 32.37m from the proposed apartments at Block B.</p>
6.17	<p>The separation distance between proposed block A and B is approximately 11.77m, Taking into account the urban context, this distance is considered acceptable and it will not result in a significant loss of privacy or overlooking due to the layout and alignment of the proposed blocks.</p> <p>It is considered that the design, layout and separation distances proposed are acceptable and will not impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.</p>
6.18	<p><i>c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure</i></p>

	<p>The development site located adjacent to the Monagh By Pass, with regular bus services to Belfast on the Monagh Road which is opposite the proposed site. External cycle parking facilities are also included within the proposal and DFI Roads consider the level of provision acceptable.</p>
6.19	<p><i>d. Provides adequate open space:</i>  There is approximately 531.07 sqm of private communal open space which equates to around 26.3sqm per unit. This is in the form of communal green spaces provided between blocks A and B and communal amenity provided to the rear of block C. Additionally four out of the six apartments within block B benefit from private amenity space in the form of a balcony, at approximately 9.2sqm in size. The recommended amount of amenity space within Creating Places for apartment developments ranges from a minimum of 10sqm per unit to around 30sqm per unit. The proposal is therefore towards the higher end of the scale and is considered acceptable within this urban context.</p> <p>In addition to this, Falls Park is a 15-minute walk from the proposed site. On balance, it is considered that there an appropriate amount of private and private communal space to create a quality residential environment.</p>
6.20	<p><i>e. Keeps hard surfacing to a minimum</i>  Car parking is considered to take up a large part of the front of the site as it facilitates the existing retail and commercial units, however the applicant has provided soft landscaping measures to the north of the site to reduce the visual impacts. However, car parking to serve apartment blocks A and B is to the rear of the overall site which ensures it does not affect the use and appearance of the open spaces provided (Plan Strategy para 7.3.11)</p>
6.21	<p><i>f. Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.</i>  The proposed scheme is in keeping with the space standards as set out in appendix C. The apartments range from 2 person/ 1 bedroom, 3 person/ 2 bedroom and 4 person/2 bedroom. The 2 person/1 bedroom apartments range from 50sqm-71.6sqm which is in line with Appendix C (50sqm), the 3 person/2 bedroom apartments are 71.6sq, in keeping with Appendix C (60sqm) and the 4 person/2 bed apartment is 86.42sqm in line with Appendix C.</p>
6.22	<p><i>g. Does not contain units which are wholly in the rear of the property, without direct, safe and secure access form the public street; and</i>  All of the proposed apartments have been designed to be accessible with direct, safe and secure access from the public street and acceptable aspect/outlook.</p>
6.23	<p><i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i>  All apartments have been designed to ensure living rooms, kitchens and bedrooms have access to natural light.</p>
6.24	<p>The proposal responds positively to the local context and character through addressing matters such as height, scale, massing, proportion, plot width, building lines, rhythm, roofscape and materials. The proposed heights of Block A and B is approximately 8.95m. The two proposed apartment buildings are considered to tie in with the immediate context and the surrounding residential dwellings. In conclusion, the proposal complies with the criteria set out in A-K of Policy DES 1- Principles of Urban Design in that the scheme is of a high quality, sustainable design and makes a positive contribution to placemaking.</p>



6.25	<p><b>Climate change</b></p> <p>Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation.</p>
6.26	<p>The proposal involves the demolition of an existing single storey mixed retail unit. The applicant has provided justification regarding the demolition and viability of the existing building. This includes several factors relating to the built form not being appropriate for the proposed scheme. A full structural re-design of the existing building would be required to serve as residential. The applicant has stated that it would not be viable to redevelop as there would not be structural instability and it would not be economically viable when compared with the cost to demolish and rebuild. The applicant has also stated that various other planning considerations such as parking, amenity space, bin storage and additional accommodation could not be met if the original building was to be retained.</p>
6.27	<p>On balance, the council are satisfied that the existing building is not fit for the purpose of a new residential apartment scheme. In line with ENV2 the applicant has stated that where possible the remaining materials will be crushed, screen and re-used on site where practicable and where this is not possible, the remaining materials should be sent to the recycling facility.</p>
6.28	<p>In conclusion, the existing building is not viable or suitable for redevelopment. The proposed demolition is necessary to facilitate the proposal.</p>
6.29	<p>The applicant has submitted a Climate Change Statement setting out that the following features are incorporated into the design:</p> <ul style="list-style-type: none"> <li>(i) All apartments are designed using a fabric first approach to energy use and conservation. High levels of thermal insulation will be provided within the cavity construction that works in tandem with thermally efficient aircrete blocks on the inner leaf to avoid thermal bridges at junctions, with both construction detailing and air tightness to the external envelopes, limiting the number of thermal losses and thus ensure minimal energy requirements for space heating.</li> <li>(ii) High efficient boilers will provide heat source for space heating and water heating all of which will operate under zoned thermostatic controls to avoid unnecessary energy usage.</li> <li>(iii) The method of surface run-off will be proposed oversized pipe with a combination of soft SuDs on 490.3sqm of permeable hard standing as identified on the proposed site layout.</li> </ul>
6.30	<p>The proposal is considered on balance to satisfy the requirements as set out in ENV2, ENV3 and ENV5 of the Plan Strategy. A pre commencement condition is proposed to ensure delivery of the above measures and that soft landscaping within the site introduces SUDS measures to partially meet ENV3 and comply with ENV 5.</p>
6.31	<p>All existing trees are being retained where possible along the west of the site boundary. Furthermore, the site will have a net gain in permeable surfaces due to the introduction of green spaces throughout to replace existing hardstanding/buildings. There will a net gain</p>

	<p>of 14 trees, the proposal is considered to mitigate and adapt to climate change and comply with Policy TRE1.</p>
6.32	<p><b><u>Density of Residential Development</u></b>  Policy HOU4 sets density bands to be used as a guide to inform proposed developments within the relevant settlement/character areas and states development proposals outside of these broad bands will be considered on their merits, subject to meeting all other policy requirements.</p>
6.33	<p>Whilst the Settlement Areas are yet to be fully established in advance of the LPP, the site most logically aligns with the Outer Belfast character, to which a density band of 25-125 dwelling per hectare (dph) would apply. At approximately 0.53ha, the provision of 20 units represents a density of 37.7dph which is within the density parameters of Policy HOU4 and is therefore considered acceptable.</p>
6.34	<p><b><u>Affordable housing and Housing Mix</u></b>  HOU5- Affordable Housing of the of the Plan Strategy 2035 states that planning permission will be granted for residential development on sites greater than 0.1 hectares and or more dwelling units where a minimum of 20% of units are provided as affordable housing.</p> <p>The proposed scheme includes 20 apartments, two 2 person 1 bed (accessible units), and ten 3 person/ 2bed apartments, a total of 12 affordable social housing and 8 market priced apartments. This exceeds the HOU5 minimum policy requirement. The applicant has included the Affordable Housing Proposal Form set out at Appendix 1 within the Affordable housing and housing mix SPG and has been liaising with Apex Housing, a registered housing associating, regarding the housing need and design requirements. NIHE were consulted on the application and support the proposal.</p>
6.35	<p>As per paragraph 7.1.35, it specifies that ‘within mixed tenure developments, affordable housing should be distributed or ‘pepper plotted’ throughout a development, rather than concentrated in a specific part of a site. It should be ‘tenure blind’ i.e. indistinguishable from the general market housing in the development- to ensure it is well integrated within housing schemes’. The proposal offers two blocks (A and B) dedicated to social housing to suit the needs of over 55’s, whilst providing 7 new apartments within existing block C and 1 new apartment within existing block D. As above HOU5 states that there should be no visible distinction between tenures. As per paragraph 7.1.35, the clustering of the over 55s accommodation was considered more appropriate as it would lead to less efficient management arrangements for the social housing provider. Therefore, on balance, the distribution of housing arrangements is considered acceptable and in compliance with policy HOU5.</p>
6.36	<p><b><u>Housing Mix</u></b>  With regards to housing mix, the proposal comprises a total of 20 residential units in the form of apartments. The applicant has provided a written submission to advise that they have had extensive correspondence with Apex Housing and ‘it was clear that there is an unmet demand for over 55s tenure in this area. The design of the apartments have been informed by the correspondence with Apex to their specific standards/requirements.’</p>
6.37	<p>NIHE were consulted on the application and have indicated support to Apex Housing Association for the 12no cat 1 social housing units. In this instance, given the general mix of accommodation in the broader area and the specific cat 1 social housing need being met by 60% of the proposed unit, the mix of units is deemed acceptable.</p> <p>Therefore, the housing mix is considered acceptable having regard to policy HOU6 of the Plan Strategy 2035.</p>

6.38	<p><b><u>Adaptable and Accessible Housing</u></b></p>
6.39	<p>Policy HOU7 of the Plan Strategy states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible. For schemes of 10 units or more, at least 10% of the units should be wheelchair accessible. The applicant has provided two designated accessible residential units alongside disabled parking spaces. The proposed living arrangements are considered to satisfy the accessibility requirements of Policy HOU7 and 10% threshold requirement of the policy.</p>
6.40	<p><b><u>Access, movement, and parking</u></b></p> <p>The proposal has been assessed against Policy TRAN 8- Car Parking and Servicing Arrangements. It is considered that adequate parking has been provided for the proposal. Policy TRAN 10 has been met in that the design of car parking meets the following criteria:</p> <ol style="list-style-type: none"> <li>a. It respects the character of the local townscape/landscape</li> <li>b. It will not adversely affect visual and residential amenity</li> <li>c. Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site; and</li> <li>d. Provision has been made for accessible parking bays which facilitate safe, convenient access for people with a disability or impaired mobility.</li> </ol>
6.41	<p>The means of access to the development would be safe. There is sufficient parking available having regard to the location and sustainability of the site. It is also considered the proposal complies with Policies TRAN 4, TRAN 6 and TRAN 8.</p>
6.42	<p>DfI Roads were consulted and is satisfied that parking on-street is unlikely to have a significant impact on the local road network in terms of traffic and road safety.</p> <p>A condition has been proposed to ensure sufficient secure cycle parking is provided to meet TRAN 1.</p>
6.43	<p><b><u>Drainage</u></b></p> <p>DfI Rivers were consulted and offer no objections to the proposal. In tandem with this permission DfI Rivers have required further information in which the applicant is providing with regards to a predevelopment enquiry response from NIW granting consent to discharge 5.4 l/s to their storm drainage network.</p>
6.44	<p>The applicant has confirmed that a PDE was undertaken and submitted in February 2023 with NI Water responding in June. Given there is only a combined sewer adjacent to the site, they are working with NI Water to requisition under an article 154 (Ref number:DS72938) in order to get a storm sewer to the site to service this development. This is currently being addressed in tandem with the permission.</p> <p>It is therefore considered that the proposal complies with Policy ENV4.</p>
6.45	<p><b><u>Waste-water infrastructure</u></b></p> <p>NI Water has objected to the proposal on grounds of insufficient capacity at the local waste-water treatment plan. It advises that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no clear evidence has been provided to demonstrate specific harm resulting from the development. Moreover, NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and</p>

	<p>commercial floor space across the city, will not all come forward at once and some may not come forward at all. For these reasons, it would be unreasonable for the Council to refuse planning permission on these grounds and the proposal is acceptable having regard to Policy SP1A of the Plan Strategy.</p>
6.46	<p><b><u>Ecological Impacts</u></b>  Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.</p>
6.47	<p>Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a significant effect on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.</p>
6.48	<p>In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult SES and DAERA. SES has advised following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, that the proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. This conclusion is subject to mitigation in the form of a planning condition to prevent commencement of development until the method of sewage disposal has been agreed with NI Water.</p>
6.49	<p>Shared Environmental Services, DAERA Environment, Marine and Fisheries Group &amp; NIEA has advised they have no objection to the proposal. Having regard to this advice, it is considered necessary to impose a condition to require details of foul drainage to be agreed prior to commencement of development. Subject to this condition, the proposal is considered compliant with Policy NH1 Protection of natural heritage resources and Policy ENV1 Environmental quality and the relevant provisions of the Strategic Planning Policy Statement.</p>
6.50	<p>Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, should adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, 21<sup>st</sup> February 2023. This found that the project would not have an adverse effect on the integrity of any European site subject to imposition of the foul drainage condition.</p>
6.51	<p>DEARA Natural Environment Division (NED) were consulted and are content that the proposal is unlikely to significantly impact NI Priority/protected species or habitats. The proposal is therefore considered compliant with Policy NH1 and ENV1.</p>
6.52	

	<p><b><u>Noise, odour and other environmental impacts including Contamination.</u></b></p> <p>The proposed site has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations. There is an existing hot food bar adjacent to Block A and Environmental Health have no objections in relation to these issues subject to conditions regarding noise and odour. Taking account of the response from Environmental Health, the application is therefore considered acceptable in relation to these issues.</p> <p>Representations:</p> <p>1 objection raises issues regarding overlooking and loss of privacy, traffic and road safety. These issues have been fully assessed, however the application is considered acceptable for the reasons set out in the above assessment.</p>
<b>7.0</b>	<b>Recommendation</b>
7.1	<p>Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a S.76 planning agreement to secure the affordable social housing.</p>
7.2	<p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions, Section 76 planning agreement, and deal with any other matters that arise prior to issuing the decision, provided they are not substantive.</p>
<b>DRAFT CONDITIONS:</b>	
<ol style="list-style-type: none"> <li>1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</li> <li>2. Prior to occupation of the development, the noise mitigation measures and alternative means of acoustically attenuated ventilation (in addition to that provided by open windows) specified within Section 5.2 of the submitted Irwin Carr Ltd Report Entitled: Noise Impact Assessment, Mountainview Centre, Belfast Ref: Rp002n 2022258 (Mountainview Centre, Belfast) Dated: 7 April 2023 report shall be installed within habitable rooms of the development and retained at all times. Reason: To safeguard the amenity of occupants of the building hereby approved.</li> <li>3. Prior to operation of the hereby approved development an extraction and odour abatement system shall be installed capable of achieving 'high level' of odour control in accordance with the measures outlined in section 5 of the Irwin Carr Ltd Report Entitled: Odour Impact Assessment Mountainview Centre, Belfast, Ref: Rp002aq 2022258 (Mountainview Centre, Belfast) Dated: 21 April 2023 Reason: Protection of residential amenity against adverse odour.</li> <li>4. The extraction duct shall be installed at the height and location shown in Architect's drawing entitled 'Proposed Residential Development', drawing No 3790-PL109 date: 04/07/23 rev B Reason: Protection of residential amenity against adverse odour.</li> <li>5. All components of the system shall be cleaned and maintained in accordance with manufacturer's instructions and be retained thereafter. The extraction and ventilation system</li> </ol>	

must be cleaned and maintained in accordance with Manufacturer's instructions to ensure compliance with condition above.

Reason: Protection of residential amenity against adverse odour.

6. 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.

7. After completing all remediation works required under Condition 1 and prior to operation 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 undertaken 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

8. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, 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, which shall be retained as such thereafter.

Reason; To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

9. No dwelling shall be occupied until weather protected cycle parking has been fully provided in accordance with the approved plans.

Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.

10. No dwelling shall be occupied until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

11. Pedestrian crossing points including tactile paving shall be provided at all road junctions in accordance with the DETR / Scottish Office publication "Guidance on the use of Tactile Paving Surfaces".

Reason: In the interests of pedestrian safety.

12. The development shall operate in accordance with the Travel Plan. The offer of Residential Travel cards shall suffice.

Reason: To encourage alternative modes of transport to the private car.

13. A three-year Residential Travel Card Scheme shall be implemented for this development. The Scheme shall begin upon the date of first occupation and terminate three years later. The Scheme shall provide the offer of a free Residential Travel Card to one occupier of each dwelling (within one month of their occupation) which is valid for the remainder of the scheme period, or until the property is vacated, whichever comes first. This provision shall extend to any subsequent occupants until termination of the scheme.
14. Prior to the commencement of the development hereby approved a landscape management plan shall be submitted to and agreed in writing with the council. The landscape management plan shall detail all soft landscaping including species, size and type, and include details of appropriate SUDs measures to assist in minimising flood risk. All agreed landscaping and SUDs measures shall thereafter be retained and managed as agreed.

Reason: In the interests of mitigating against environmental change.

15. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans 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. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

*Reason: In the interests of the character and appearance of the area.*

**DRAFT INFORMATIVES:**

1. This decision relates to the following approved drawing numbers uploaded to the planning portal: 01, 02A, 04, 05, 06, 07, 08, 09
2. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.
3. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

**ANNEX****Date Valid**

13/12/2022

**Date First Advertised**

20/01/2023

**Date Last Advertised**

20/01/2023

**Details of Neighbour Notification (all addresses)**

57 Neighbours were notified.