

Development Management Officer Committee Report

Summary	
Committee Meeting Date: 17 th October 2023	
Application ID: LA04/2023/3494/F	
<p>Proposal: Application under Section 54 of the planning (NI) Act 2011 to vary/remove condition 4 of planning permission LA04/2021/2144/F which reads “There shall be no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans.” It is proposed to remove condition 4 to regularise downpipes and gas pipes affixed to the exterior of the building in order to comply with statutory health and safety requirements. (Retrospective)</p>	<p>Location: 150 KNOCK ROAD CARNAMUCK BELFAST DOWN BT5 6QD</p>
<p>Referral Route: Major development (the proposal seeks to vary a condition on a previous permission for Major development and would, if approved, create a new standalone approval)</p>	
<p>Recommendation: Approval subject to conditions</p>	
<p>Applicant Name and Address: Radius Housing Association 3-7 Redburn Square Holywood BT18 9HZ</p>	<p>Agent Name and Address: Paul Turley 15 Ravenhill Road Belfast</p>
<p>Executive Summary: This application seeks to vary condition 4 of planning permission LA04/2021/2144/F, which grants planning permission for 52 no. social housing units and associated site works.</p> <p>The proposal is to remove condition No.4 of planning permission LA04/2021/2144/F which reads “<i>There shall be no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans.</i>” It is proposed to remove condition 4 to regularise downpipes and gas pipes affixed to the exterior of the building.</p> <p>The purpose of the condition was placed on the permission to avoid adverse visual impacts and clutter. Following a review of the plans and site, the apartment buildings have been constructed with the pipework in place. This application is therefore seeking retrospective permission. It is considered that the changes have minimal impact on the visual amenity of the development.</p> <p>No objections have been received and a letter of support has been lodged by the adjoining golf club.</p> <p>It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate.</p> <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>	



Proposed elevations

2.0 Characteristics of the Site and Area

2.1 The application site is located at a former petrol station in east Belfast, which has now ceased trading. It is located adjacent to and is accessed from the Knock Road. Construction works for the housing development are near completion and the agent has indicated that the site is ready to be handed over in October 2023.

2.2 The site is broadly rectangular in shape and a largely level area in which the former petrol station, hardstanding and associated structures were located. There are number of mature trees located generally around the periphery of the site. The surrounding area is predominantly residential, comprising typical 2 storey terraced and semi-detached dwellings to the northeast and southwest. There is a petrol station and car sales premises opposite the site also on Knock Road. The site is bounded on 3 sides by a golf club, to the east and south. The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP.

3.0 Description of Proposed Development

3.1 Section 54 application to remove condition no. 4 of planning permission LA04/2021/2144/F relating to regularise downpipes and gas pipes affixed to the exterior of the building in order to comply with statutory health and safety requirements.

3.2 On 12th August 2022, full planning permission was granted under application LA04/2021/2144/F, which grants planning permission for 52 no. social housing units and associated site works.

3.3 On 25th July 2023, the current application was validated seeking to vary condition 21 of planning approval LA04/2021/2144/F.

Condition 4 as approved states:

	<p><i>“There shall be no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans.”</i></p> <p>It is proposed to remove the condition in its entirety.</p>
4.0	Planning Assessment of Policy and Other Material Considerations
4.1	<p>Development Plan – operational policies</p> <p>Belfast Local Development Plan, Plan Strategy 2035</p>
4.2	<p>Development Plan – zoning, designations and proposals maps</p> <p>Belfast Urban Area Plan (2001) BUAP</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2004)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.3	<p>Regional Planning Policy</p> <p>Regional Development Strategy 2035 (RDS)</p> <p>Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Other Policies</p> <p>Belfast Agenda</p>
4.4	Relevant planning history
4.5	<p>There is a previous permission on the site under reference <i>Z/2011/0426/F</i> for Demolition of petrol filling station. Development of residential scheme comprising 2 No. apartment buildings containing 52 No. units, basement and surface car parking, and landscaping, granted on 08.03.2013. the current application seeks to vary the details of this permission. The site has also been subject to an application for a Certificate of Lawful Development under reference <i>LA04/2020/2208/LDE</i> for “Rear part of site development commenced on 19th February 2018 with construction of substructure foundations associated with approved planning application ref. no. <i>Z/2011/0426/F</i>”. This was approved on 02.03.2021 and confirms works completed were in accordance with the approved application.</p>
4.6	<p>The most relevant planning history on the site is as follows:</p> <ul style="list-style-type: none"> Application Number: LA04/2021/2144/F Proposal: Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) with associated incurtilage parking and landscaping (change of design to extant planning permission ref: <i>Z/2011/0426/F</i>). Address: 150 Knock Road, Belfast BT5 6QD Permission granted 12th August 2022 This planning permission is subject to a planning agreement under Section 76 of the Planning Act and should be read in conjunction with this agreement.
4.7	<ul style="list-style-type: none"> Application Number: LA04/2023/3034/NMC Decision: Approved Decision Date: 2nd October 2023 Proposal: Non-Material Changes to LA04/2021/2144/F to include Changes to the locations of external bin stores. Relocation of external cycle stands and fencing

	<p>changes. Switch Room sizes amended and associated works. Flat roof entrance canopy extended. Original dark grey render panels now dark grey brick panels.</p>
4.8	<ul style="list-style-type: none"> Application Number: LA04/2023/3114/F Decision: Recommendation to approve Decision Date: to be discussed at October Planning Committee Proposal:–Section 54 application to vary condition no. 21 of planning permission LA04/2021/2144/F relating to alterations to the site’s acoustic fence. Address: 150 Knock Road, Belfast BT5 6QD
4.9	<ul style="list-style-type: none"> Application Number: LA04/2023/3607/DC Decision: Discharged Decision Date: 26th September 2023 Proposal: Discharge of condition no.17, 18, 19- LA04/2021/2144/F
4.10	<ul style="list-style-type: none"> Application Number: LA04/2022/1554/DC Decision: Refusal (partially discharged) Decision Date: 28 September 2022 Proposal: Discharge of conditions 5 & 6 LA04/2021/2144/F relating to tree protection measures
4.11	<ul style="list-style-type: none"> Application Number: LA04/2022/1556/DC Decision: Refusal (partially discharged) Decision Date: 28 September 2022 Proposal: Discharge of condition 15 LA04/2021/2144/F relating to piling risk assessment
4.12	<ul style="list-style-type: none"> Application Number: LA04/2022/1557/DC Decision: Condition Discharged. Decision Date: 28 September 2022 Proposal: Discharge of condition 16 LA04/2021/2144/F updated Risk Assessment
4.13	<ul style="list-style-type: none"> Application Number: LA04/2022/1560/DC Decision: Refusal(Refusal (partially discharged)) Decision Date: 18 November 2022 Proposal: Discharge of condition 24 LA04/2021/2144/F relating to temporary protective fencing
4.14	<ul style="list-style-type: none"> Application Number: LA04/2022/1553/DC Decision: Refusal Decision Date: 18 November 2022 Proposal: Discharge of condition 23 LA04/2021/2144/F relating to Construction and Environmental Management Plan
4.15	<ul style="list-style-type: none"> Application Number: LA04/2022/1558/DC Decision: Condition Not Discharged Decision Date: 10 February 2023 Proposal: Discharge of condition 11 LA04/2021/2144/F relating to final drainage assessment
5.0	<p>Consultations and Representations Non-Statutory Consultees</p>

	Environmental Health- No objections
6.0	<p>Representations</p> <p>The application has been neighbour notified. The proposal has been advertised in the local press. One letter of support was submitted by the adjoining golf club.</p>
7.0	<p><u>PLANNING ASSESSMENT</u></p> <p>Development Plan Context</p>
7.1	<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>
7.2	<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>
7.3	<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 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.</p>
7.4	<p>Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.</p>
7.5	<p>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. The relevant zonings/designations are set out below.</p>
7.6	<p>Development Plans- BUAP, dBMAP (v2004), dBMAP2015 (v2014)</p> <p>The site falls within the development limit within the BUAP and in both versions of dBMAP and is not subject to any zonings.</p>
7.7	<p>Key issues</p> <p>The principle of development has already been established through the planning approval LA04/2021/2144/F to which this proposal relates. The key issues to be considered in the assessment of the current application are the implications of the pipework on the design of the host building and its potential impact on the character and appearance of the development and wider area.</p>
	<p>The proposal is to remove condition No.4 of planning permission LA04/2021/2144/F which reads <i>“There shall be no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans.”</i> It is proposed to remove condition 4 to regularise downpipes and gas pipes affixed to the exterior of the building.</p>

	<p>The purpose of the condition was placed on the permission to avoid adverse visual impacts and clutter. Following a review of the plans and site, the apartment buildings have been constructed with the pipework in place. This application is therefore seeking retrospective permission. It is considered that the changes have minimal impact on the visual amenity of the development.</p> <p>No objections have been received and a letter of support has been lodged by the adjoining golf club.</p> <p>The removal of this condition is considered to be acceptable, and it will create a stand-alone planning permission. It will be necessary to repeat the conditions on the original permission as appropriate, subject to the variations granted by this decision.</p>
<p>8.0</p> <p>8.1</p> <p>8.2</p>	<p>Recommendation:</p> <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>
<p>9.0</p> <p>9.1</p>	<p>Draft Conditions:</p> <p>It should be noted that the other original conditions will be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone planning permission. Some conditions of the original approval LA04/2021/2144/F have been discharged and final wording will make reference to this.</p> <p>1: This planning permission has effect from the date which the development hereby approved was carried out.</p> <p>Reason: As required by Section 55 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Prior to the occupation of any apartment hereby approved, boundary walls and fencing shall be erected in accordance with the approved drawing 02E, dated 25/09/2023 on the planning portal, and shall be permanently retained thereafter.</p> <p>Reason: In the interest of privacy and amenity.</p> <p>3. Prior to the occupation of any apartment hereby permitted the bin store areas shall be constructed in accordance with the approved drawings 02E, dated 27/09/2023 on the planning portal, 04B and 06B dated 06/04/2023 on the planning portal, and drawings 05A and 07A dated 06/04/2023 on the planning portal and retained thereafter. Access to the bin storage area shall be available to residents of the apartments hereby permitted at all times.</p> <p>Reason: In the interests of residential and visual amenity.</p> <p>4: No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of</p>

works). Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

5: The developer shall inform the Council on completing the installation of all tree protection measures so that the Council or their representative may verify such measures before allowing development to commence. Development shall not commence until these measures have been agreed by the Council in writing.

Reason: To ensure that adequate protection measures are put in place around retained trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

6. Any excavation within tree protection areas shall be carried out using non-mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998, 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed, which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity.

Reason: To respect the topography of the site and to ensure the protection of existing landscape features.

7. Trees and vegetation to be retained within the site and proposed planting as indicated on approved drawings, shall not be cut down, uprooted or destroyed, or have their roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree, without the prior written approval of the Council . All arboricultural work shall be carried out in accordance with the approved details including the tree survey report recommendations, BS 3998, 2010 'Recommendations for Tree Work' (or equivalent British Standard current at time of works) prior to the occupation of any part of the development hereby permitted.

Reason: To ensure the continuity of amenity afforded by existing trees and vegetation.

8: All hard and soft landscape works shall be completed in accordance with the approved details, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS before the expiration of the first planting season following occupation of any apartment hereby approved.

All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.
The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed in writing with the Council prior to implementation.

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

9. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Council be seriously damaged or defective, it shall be replaced before the expiration of the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Council gives its prior written consent to any request for variation.

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

10. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval. The development shall be carried out in accordance with the agreed arrangements prior to the occupation of any dwelling hereby permitted and retained thereafter.

Reason: To safeguard against flood risk to the development and from the development to elsewhere.

11. Prior to the occupation of any part of the development hereby permitted, a Verification Report be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Tetra Tech Consulting (NI) Ltd report entitled '150 Knock Road, Belfast, Updated Contaminated Land Risk Assessment and Updated Remedial Strategy, B030728, Geda Construction Ltd, September 2021', and as clarified within the letter from Tetra Tech Environmental and Planning (Northern Ireland) Ltd dated 20th January and referenced B030728 Knock Road, have been implemented. In the event that an updated Remediation Strategy is required following the updated Risk Assessment for asbestos in shallow soils of the area of retained landscaping, the measures in this updated Remediation Strategy must also be implemented. 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 contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:

a) Any remaining fuel storage tanks or associated infrastructure has been fully decommissioned and dealt with in accordance with Guidance for Pollution Prevention (GPP2), the Pollution Prevention Guidance (PPG27), and in accordance with the actions and procedures presented in Tetra Tech's Updated Contaminated land Risk Assessment and Updated Remedial Strategy report Ref. B030728 dated September 2021 prior to the occupation of any apartment hereby permitted. The quality of surrounding soils and groundwater shall be verified and should contamination be identified during this process, Conditions 13 and 14 will apply.

b) A minimum 600mm capping layer has been emplaced in all communal landscaped areas formed from material that is demonstrably suitable for use (residential without plant uptake).

c) Gas protection measures commensurate with the Characteristic Situation 2 classification of the site have been incorporated in the development in accordance with BS 8485:2015+A1:2019. These measures should include:

- A reinforced concrete cast in situ monolithic concrete floor slab (suspended, non-suspended or raft, well reinforced with minimal penetrations) OR

- A passively ventilated 150mm underfloor subspace capable of providing 1 complete air change per 24 hours AND
- A gas and hydrocarbon resistant membrane with all joints and penetrations sealed, verified in accordance with CIRIA C735.

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

12. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

13. After completing the remediation works under Condition 13; and prior to the occupation of any apartment hereby permitted, a verification report shall be submitted in writing and agreed with Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

The verification report shall 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.

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

14. No development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention', has been submitted to and agreed in writing by the Council. The methodology is available at: <http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>. The works will be carried out in accordance with the agreed details.

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

15. Within three months of commencement of construction, the applicant shall provide to and have agreed in writing by the Council, an updated Risk Assessment for asbestos in shallow soils of the areas of retained landscaping proposed surrounding the site (as per the 'Site Layout & Landscape Plan' (Rev: A, Date: 13.01.22, Project No. 2123, Drawing No. 2123.01.A)).

Based on the outcome of this updated Risk Assessment, an updated Remediation Strategy may be required. If necessary, this Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and that they no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified. Any revised remediation strategy shall be carried out in accordance with the agreed arrangements.

Reason: In the interests of amenity.

16. Prior to occupation of any apartment hereby permitted, a report verifying that the window schedule and alternative means of ventilation as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise a written declaration from the suppliers and installers of the glazing and alternative means of ventilation confirming that the scheme of windows and alternative means of ventilation have been installed as approved.

Reason: Protection against adverse noise impact and in the interests of amenity.

17. Prior to occupation of any apartment hereby permitted, an acoustic fence shall be constructed around the perimeter of the entire site and shall be a minimum height of 2m, be of a density of at least 15kg/m² and have no gaps as recommended in appendix E of the Irwin Carr Consulting Noise Impact Assessment, 150 Knock Road, Belfast, report reference: Rp001N 2021258, dated 12th November 2021 and as shown on the Boyd Partnership Architects site layout drawing: proposed site block plan dated Aug 21, drawing number 003, rev C.

Reason: Protection against adverse noise impact and in the interests of amenity.

18. The GEDA 'Environmental Management Plan (Construction Stage), project: Knock Rd, Belfast', project no: BD102, dated 13/08/21, revised 18/01/22 shall be implemented throughout the construction phase. Control of dust emissions from the site shall include the recommended mitigation measures as outlined in the Irwin Carr Consulting Ltd Air Quality Impact Assessment, 150 Knock Road, Belfast, Irwin Carr (November 2021).

Reason: Protection of amenity within the surrounding area.

19. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and the watercourses or surface drains present on or adjacent to the site;
- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d) Details of updated bat surveys, such as emergence/re-entry or licenced endoscope surveying, on all trees with moderate bat roost potential planned for arboricultural works or felling (including those labelled in the Preliminary Ecological Appraisal as trees 6, 9 and 1) prior to any arboricultural works commencing. This shall include details of the appointed suitably qualified and licenced bat ecologist and the development of any additional mitigation measures should bats be found.

Reason: To protect Northern Ireland priority habitats and species, ensure implementation of mitigation measures identified within the Outline CEMP and to prevent likely significant effects on the Belfast Lough.

20. Prior to works commencing on site a temporary fence shall be erected on site along the length of the of the Kenban stream at a distance of 20 metres minimum from the centre of the stream. No works, infill, storage or construction activity shall take place

to the north of the fenced area without the written consent of the Council. The developer shall inform the Council on completing the installation of all protection measures so that the Council or their representative may verify such measures before allowing development to commence. The fence shall be maintained for the duration of construction works and shall not be removed until the occupation of the apartments hereby permitted.

Reason: To minimise the potential impacts of contamination on site on Belfast Lough SPA, Belfast Lough Open Water SPA and Inner Belfast Lough ASSI and to protect the integrity of the stream corridor.

21. There shall be no lighting facilities erected and no light spillage within 10 metres of the existing Kenban stream to the north of the site.

Reason: to minimise the impact of the proposal on otters and bats.

22. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No C003 Rev P6 and Drawing C004 Rev P5, prior to the occupation of any other works or other development hereby permitted.

REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

23. No dwelling within Block A shall be occupied until parking spaces 1-36 have been constructed in accordance with the approved Drawing No. C003 Rev P6 to provide adequate facilities for parking. These spaces shall be permanently retained.

REASON: To ensure adequate parking in the interests of road safety and the convenience of road users.

24. No dwelling within Block B shall be occupied until parking spaces 37-52 have been constructed in accordance with the approved Drawing No. C003 Rev P6 to provide adequate facilities for parking. These spaces shall be permanently retained.

REASON: To ensure adequate parking in the interests of road safety and the convenience of road users.

25. No apartment shall be occupied until related hard surfaced areas (incurtilage) have been constructed in accordance with the approved Drawings. These spaces shall be permanently retained thereafter.

REASON: To ensure adequate parking in the interests of road safety and the convenience of road users.

26. No apartment shall be occupied until provision has been made for cycle parking in accordance with the approved plan. These facilities shall be permanently retained.

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

27. The access gradients shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

28. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:C003 Rev P6 bearing the Department for Infrastructure determination date stamp 4/3/22.

REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

29. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No:C003 Rev P6 bearing the date stamp 4/3/22. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

30. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of Department for Infrastructure prior to the occupation of any apartment hereby permitted.

REASON: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

31. The development shall operate in accordance with the Waste Management Plan.

REASON: In the interests of road safety and the convenience of road users.

32. The development shall operate in accordance with the Travel Plan.

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

Informatives

1. This planning permission includes condition(s) which require additional details to be submitted to and approved by the Council. Please read the conditions carefully. You should allow at least 8 weeks for the Council to assess the details and respond. This may take longer in cases which involve the submission of detailed technical reports. You should allow for this when planning your project. If you proceed without the approval of these details from the Council, you do so at your own risk.

This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

This decision relates to planning control only and does not dispense with the necessity of obtaining any other approval which may be necessary under other legislation.

This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

Consultees have provided informatives to the decision notice within their consultation responses which are available to review on the planning portal at www.planningni.gov.uk. The applicant is referred to these informatives and should note and action as appropriate.

2. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
 - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
 - d) Deliberately to obstruct access to a breeding site or resting place of such an animal;
- or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August).