

Development Management Report

Summary	
Committee Date: 16 th January 2024	
Application ID: LA04/2022/1219/F	
Proposal: Demolition of existing building and erection of 11 storey building (May Street/Victoria Street) and 4 storey building (Gloucester Street) comprising 77 apartments with communal areas, ground floor retail services (A2) unit, cycle and car parking, and vehicular access via Gloucester Street	Location: 177-183 Victoria Street 66-72 May Street and 4-8 Gloucester Street Belfast
Referral Route: Application for Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Vinder Capital & Endeavour Building Ltd Avonmore House 15 Church Square Banbridge BT32 4AP	Agent Name and Address: Gavyn Smyth / Gavin Rolston Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast BT1 2NA
Executive Summary: <p>This application relates to an “L” shaped parcel of land with frontages onto May Street, Victoria Street and Gloucester Street. It is approximately 0.1 ha in size.</p> <p>The site is located in a draft Area of Townscape Character. It is within an Area of Archaeological Potential and area liable to flooding. There are three Listed Buildings close to the site. The site is adjacent the Linen Conservation Area to the south.</p> <p>The application was subject to a detailed PAD process which commenced in July 2019. The application was submitted in June 2022. It seeks full planning permission for an apartment block ranging from 4 to 11 storeys in height. The proposal would comprise 77 apartments with communal areas, ground floor retails services (Class A2), cycle and parking, and vehicular access via Gloucester Street.</p> <p>The key issue for consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Principle of development • Housing density • Affordable housing • Housing mix • Adaptable and accessible accommodation • Climate change • Impact on the character and appearance of the area • Heritage impacts • Residential quality and impact on amenity • Access and transport 	

- Other environmental impacts
- Developer Contributions
- Pre-application Community Consultation

There are no objections from statutory consultees. The Planning Service's Plans and Policy Unit has raised concerns about the proposal's non-compliance with Policies HOU5 (affordable housing) and HOU6 (housing mix).

One objection has been received as detailed in the main report.

The site is a central and sustainable location for new housing. The proposal would make effective use of previously developed land. The external design of the proposed buildings would be in keeping with the character and appearance of the draft Area of Townscape Character. There is no objection from DfC HED and the proposal would not harm the setting of nearby Listed Buildings.

The proposal does not include provision for affordable housing, as required by Policy HOU5 of the Plan Strategy. The applicant has demonstrated through a viability appraisal (independently verified by the Council) that the proposed development is unviable were affordable housing to be included. The proposal is in conflict with Policy HOU5.

The proposal would comprise a significant number of 1 and 2 bedroom units, including a substantial number of single person 1 bedroom properties. There would be a small number of 3 bedroom units. However, overall, the proposed housing mix is not considered to contribute to the creation of mixed and balanced communities and the proposal is contrary to Policy HOU6 of the Plan Strategy.

Whilst the proposal is in contravention with Policies HOU5 and HOU6, the Planning Act (Northern Ireland) 2011 permits departure from the Plan Strategy where material considerations indicate otherwise. Failure to comply with planning policy, which would otherwise lead to permission being refused, can be outweighed by other material considerations which the planning authority considers sufficient to justify the grant of permission in the circumstances.

In this particular case, officers have had regard to the benefits of the scheme in terms of regeneration of this part of the city centre, the proposal making effective use of land in a sustainable and accessible location, increasing city centre living and supporting the vitality and viability of the city centre.

Regard is also had to the longevity of the application process with the PAD submitted in July 2019, Proposal of Application Notice (PAN) in July 2020 and planning application in June 2022. The Committee will recall that the draft Plan Strategy was submitted to DfI for the purposes of Independent Examination in August 2019. The Plan Strategy was adopted in May 2023. The current owner purchased the site in 2018.

The applicant has also agreed to an affordable housing review clause that would require the delivery of affordable housing were economic conditions to change sufficiently. The review mechanism would be secured by way of a Section 76 planning agreement.

Having regard to the Development Plan and material considerations, and in the planning balance, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.

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

DRAWINGS AND IMAGERY

Site Location Plan:



Proposed Ground Floor Plan / Layout:



Proposed First Floor:



Proposed Second Floor



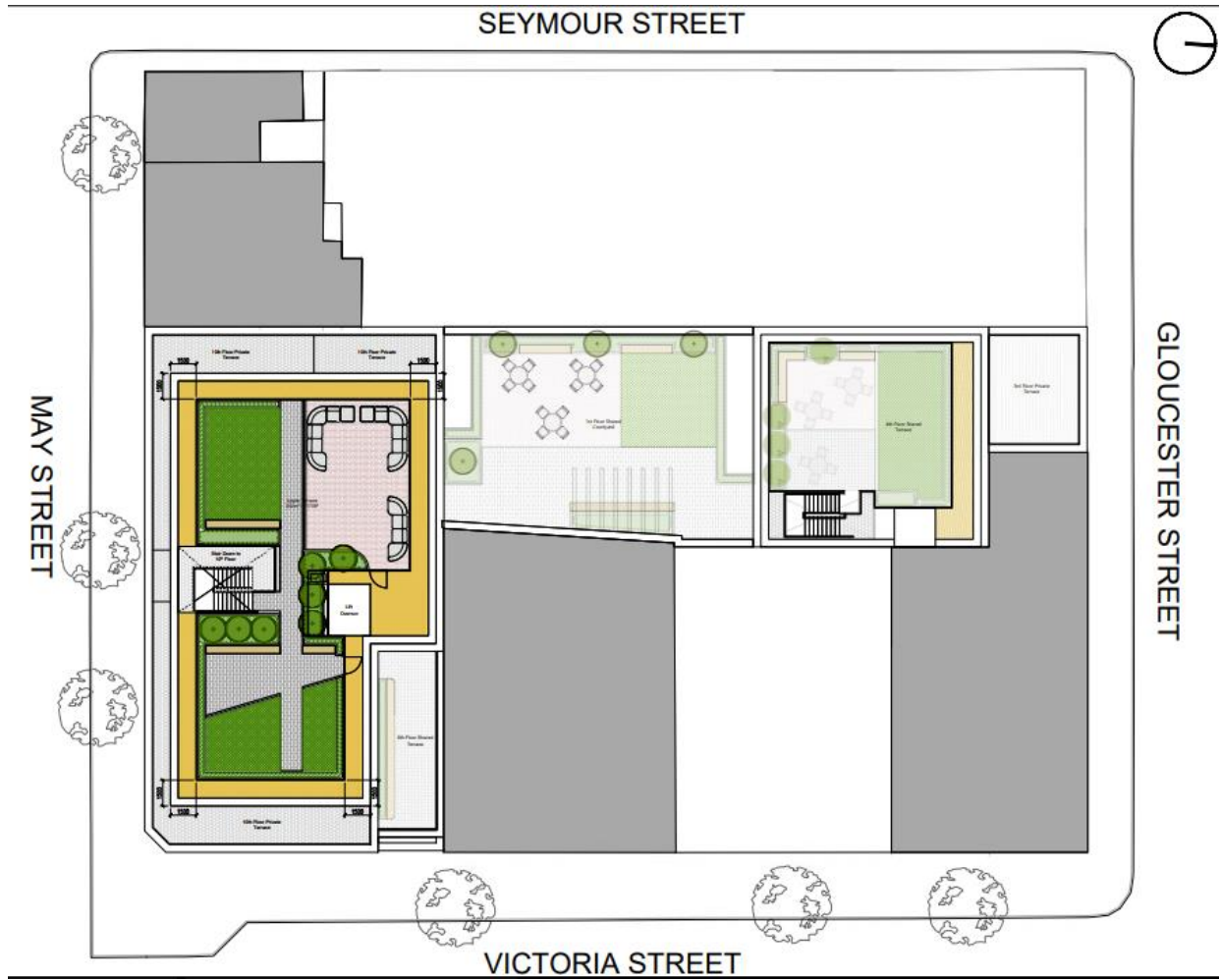
Proposed 9th Floor



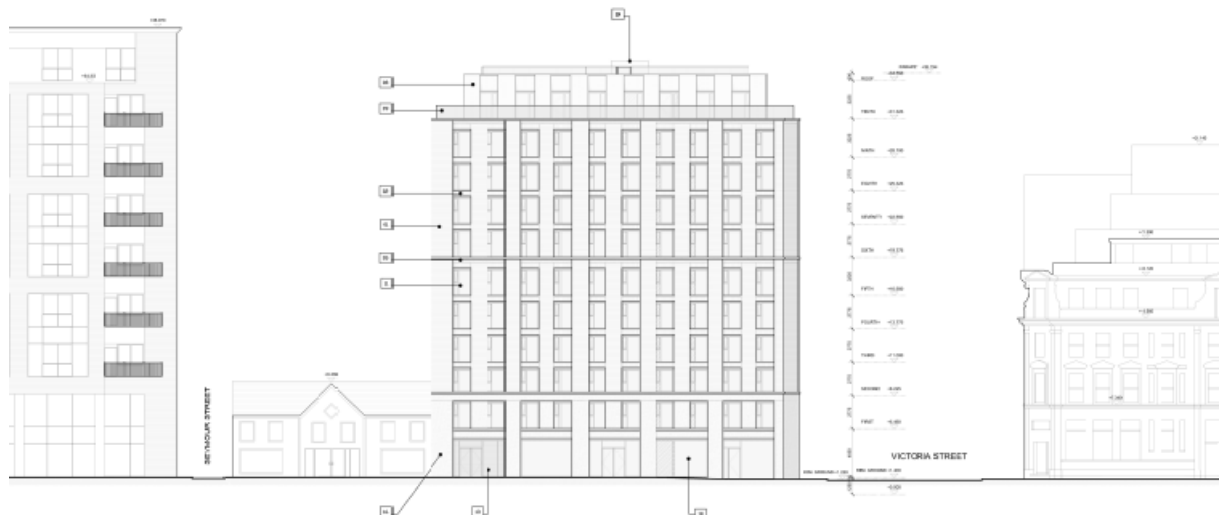
Proposed 10th Floorplan:



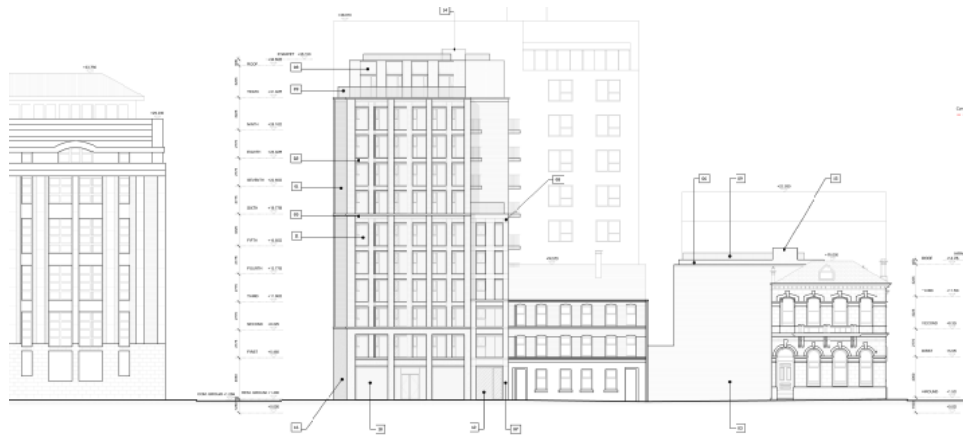
Proposed Roof Plan:



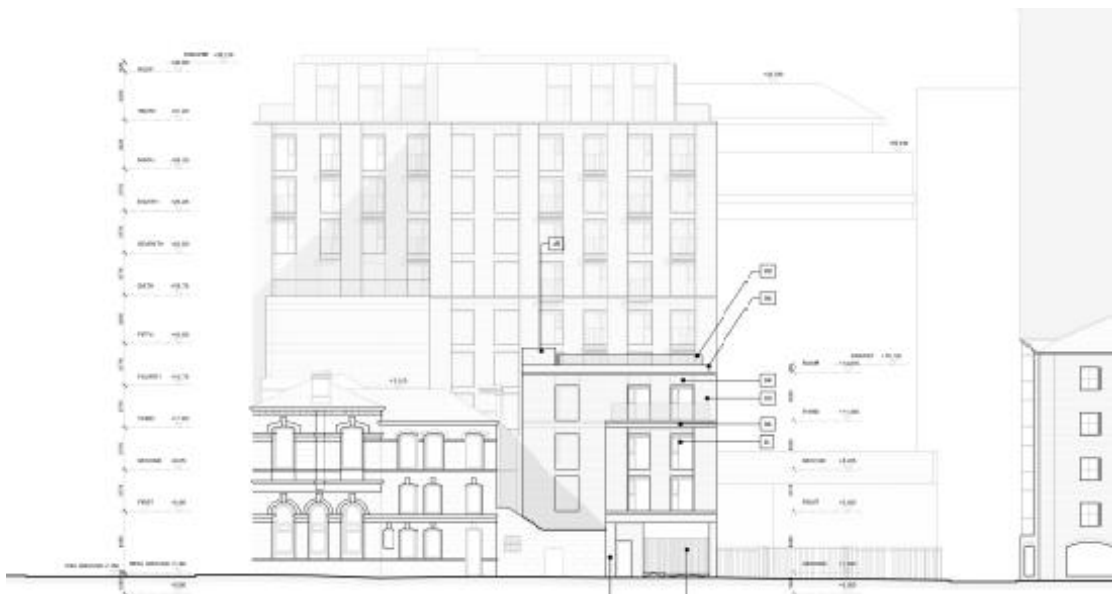
Proposed South Elevation (May Street):



Proposed East Elevation (Victoria Street):



Proposed North Elevation (Gloucester Street):



CGI – May Street/Market Street (looking west):



CGI – Victoria Street (looking north):



CGI – Victoria Street (looking south):



CGI – Gloucester Street (Note: the gable elevation below has been revised to provide acceptable articulation, although an updated CGI image has not been provided):



CGI – May Street (looking east):



1.0

Characteristics of the Site and Area

1.1

This application relates to an “L” shaped parcel of land with frontages to May Street, Victoria Street and Gloucester Street. It is approximately 0.1 ha in size.

1.2

The site comprises a row of three storey buildings on Victoria Street and May Street. As the site turns onto May Street, the three building corner building then drops down to single storey units then a two storey building.

1.3

The site is located in a draft Area of Townscape Character. It is within an Area of Archaeological Potential and area liable to flooding.

1.4

The Linen Conservation Area is located to the other side of May Street to the south.

1.5

There are a number of Listed Buildings in the vicinity of the site including:

- Telephone House, 45-75 May Street to the opposite side of May Street to the south (Grade B2 Listed)
- Nos .161-163 Victoria Street on the junction with Gloucester Street to the north (Grade B1)
- Former Northern Bank, Nos. 108-110 Victoria Street to the opposite side of Victoria Street to the east (Grade B2 Listed)

<p>1.6</p> <p>1.7</p>	<p>Description of Proposed Development</p> <p>The application seeks full planning permission for an apartment block ranging from 4 to 11 storeys in height. The proposal would comprise 77 apartments with communal areas, ground floor retail services (Class A2), cycle and parking, and vehicular access via Gloucester Street.</p> <p>The application follows Pre-Application Discussions with officers.</p>
<p>2.0</p> <p>2.1</p> <p>2.2</p>	<p>PLANNING HISTORY</p> <p>LA04/2020/1329/PAN – Proposal of Application Notice for demolition of existing buildings and erection of multi-storey residential development with ground floor retail/restaurant – determined July 2020.</p> <p>The application was subject to a Pre-Application Discussion process (PAD), received in July 2019. There is no other relevant planning history.</p>
<p>3.0</p> <p>3.1</p>	<p>PLANNING POLICY</p> <p>Development Plan – operational policies</p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></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</p> <p>Policy SD2 – Settlement Areas</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</p> <p>Policy DES1 – Principles of urban design Policy DES2 – Masterplanning approach for major development</p> <p>Policy RD1 – New residential developments</p> <p>Policy RET1 – Establishing a centre hierarchy</p> <p>Policy BH1 – Listed Buildings Policy BH3 – Areas of Townscape Character Policy BH5 - Archaeology</p> <p>Policy NH1 – Protection of natural heritage resources</p> <p>Policy HC1 – Promoting healthy communities</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>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> <p>Policy GB1 – Green and blue infrastructure network Policy OS3 - Ancillary open space Policy TRE1 – Trees</p> <p><u>Supplementary Planning Guidance</u></p> <p>Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Tall Buildings Masterplanning approach for Major developments Sustainable Urban Drainage Systems Transportation Trees and Development Development Viability</p> <p>3.2 Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p>3.3 Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>3.4 Other Material Considerations Developer Contribution Framework (2020) <i>Belfast Agenda</i> (Community Plan)</p>
<p>4.0</p> <p>4.1</p>	<p>CONSULTATIONS AND REPRESENTATIONS</p> <p><u>Statutory Consultees</u></p> <p>DfI Roads – no objection subject to conditions.</p> <p>DfC HED – no objection subject to conditions.</p> <p>DAERA – no objection.</p> <p>NI Water – no objection subject to conditions.</p> <p>NIHE – supports the regeneration of the site and provides detailed comments set out in the main assessment.</p>

4.2	<p><u>Non-Statutory Consultees</u></p> <p>Planning Service Plans and Policy Unit – refer to main assessment.</p> <p>Planning Service Urban Design advice – no objection overall subject to conditions.</p> <p>Planning Service Conservation Advice – refer to main assessment.</p> <p>Environmental Health – no objection subject to conditions.</p> <p>BCC City Regeneration and Development – supports the proposed residential development at this location, however, would welcome the inclusion of an appropriate mix of tenures including affordable housing with appropriate wheelchair accessible homes. The proposal involves demolition of an unoccupied building and will bring people to live, work and play in the area. The surrounding area can expect to benefit from the increased city centre population.</p> <p>BCC Economic Development Unit – a Construction Employability and Skills Plan should be secured by way of a Section 76 planning agreement.</p> <p>BCC Landscape and Development team – no objection. Fully supports the inclusion of four green roof terraces that incorporate small tree and shrub planting.</p> <p>Shared Environmental Services (SES) – no objection subject to conditions.</p>
4.3	<p>Whilst consultees may have in some cases referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p> <p><u>Representations</u></p>
4.4	<p>The application has been advertised in the newspaper and neighbours notified.</p>
4.5	<p>An objection has been received on behalf of Nos. 171 to 175 Victoria Street, adjacent the application site.</p> <ul style="list-style-type: none"> • The application form is incomplete and does not provide ownership details. • Concerns about how the context of the site has been portrayed in the visual material accompanying the application. • Refers to the draft BMAP 2015 policy context including maximum heights of 6 storeys or 18 metres; and importance of nearby historic buildings. The proposal has no cognisance of Policy DES3 of the draft Plan Strategy which relates to proposals for tall buildings. • Concerns about scale, massing and design, and impact on Telephone House • Concentrated noise and pollution • Overpowering scale to the detriment of nearby Listed, historic and other buildings. • Overlooking and loss of light to the adjacent premises. • The proposal would compromise the future potential to convert the adjacent premises to residential. • Potential to create local wind effects on May Street. Careful modelling of these impacts should be provided.
4.6	<p>The issues are address in the main assessment below.</p>

5.0	<p>PLANNING ASSESSMENT</p>
	<p>Main Issues</p>
5.1	<p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Principle of development • Housing density • Affordable housing • Housing mix • Adaptable and accessible accommodation • Climate change • Design and impact on the character and appearance of the area • Heritage impacts • Residential quality and impact on amenity • Other environmental impacts • Developer Contributions • Section 76 planning agreement • Pre-application Community Consultation
	<p>Development Plan Context</p>
5.2	<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>
5.3	<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>
5.4	<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>
	<p><u>Operational Polices</u></p>
5.5	<p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are set out at paragraph 3.1 of the report.</p>
	<p><u>Proposals Maps</u></p>
5.6	<p>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.</p>

5.7	The site is un-zoned “white land” in the BUAP and both versions of dBMAP 2015 (v2004 and v2014). The site is within the City Centre and a draft Area of Townscape Character (ATC) in both versions of dBMAP 2015.
5.8	In dBMAP 2015 (v2004), the site is within character area CC 011 where building heights onto Victoria Street should be a minimum shoulder height of 6 storeys or 18 metres, and maximum seven storeys. It is also within the Commercial District.
	Principle of development
5.9	<p>Policy HOU1 of the Plan Strategy sets out the housing requirements for the plan-period. This includes a total of 2,000 windfall homes. The proposal comprises windfall housing and so Policy HOU2 applies. Policy HOU2 requires windfall housing to be delivered on previously developed land, which the application site is. Policy HOU2 goes onto require that such proposals also satisfy three criteria discussed below.</p> <ul style="list-style-type: none"> a. The site is suitable for housing – the site is un-zoned “white land” and considered suitable in principle for housing; b. The location is accessible and convenient to public transport and walking cycle infrastructure – the site is located within the City Centre and highly accessible to shops, services, amenities and public transport. c. Provision is made for any additional infrastructure required as a result of the development – suitable infrastructure is in place.
5.10	The proposal will support city centre living and will support the city centre including shops, bars, restaurants, leisure and other amenities.
5.11	The proposal is considered compliant with Policies HOU1 and HOU2 and the principle of housing in this location is considered acceptable.
5.12	The provision of ground floor Class A2 (financial and professional services) would help to activate the ground floor and is welcomed and compliant with Policy RET1 of the Plan Strategy.
5.13	The principle of the proposed uses is considered acceptable.
	Housing density
5.14	Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.
5.15	The proposal is for a tall building within the City Centre for which the average density should be greater than 350 dwellings per hectare (ha). The site area is 0.1 ha and so the proposal equates to a density of 770 dwellings per ha, compliant with Policy HOU6.
	Affordable housing
5.16	Policy HOU5 requires proposals of 5 units or more to deliver at least 20% of the units as affordable housing. The proposal is for 77 apartments and so Policy HOU5 is engaged. This equates to a minimum requirement of 16 affordable units.
5.17	The applicant states that it is not economically feasible to include any social or intermediate housing as part of the proposed development. The Development Viability SPG states at paragraph 2.2.6 that: <i>‘In a case where an applicant considers that they are unable to comply fully with the relevant policy requirements without rendering their</i>

	<p><i>development unviable, the onus will be on the applicant to demonstrate why their particular circumstances justify the need for a viability assessment at the application stage.</i> The applicant has provided a viability appraisal as part of the application, and this has been independently assessed on behalf of the Council.</p>
5.18	<p>The conclusion of the viability appraisal is that it is not viable to provide any level of affordable housing as part of this development. The Development Viability SPG suggests that a typical profit should be in the range of 10-15%. The viability appraisal indicates that providing any affordable housing would result in no profit and, in fact, would be a loss to the developer of up to 10%.</p>
5.19	<p>The Plans and Policy team advises that the most significant contributing factor to the inability to provide affordable housing is the cost of the land. Whilst this cannot be changed, the Development Viability SPG states at paragraph 4.3.4 that:</p> <p><i>“The price paid for land will... not be considered justification for failing to accord with relevant policies in the plan. In other words, overpaying for land/falls in land value should have been accounted for in the required developer’s return and should not result in non-compliance with planning requirements. It is therefore important that all planning policy obligations, including the provision of affordable housing, should be factored in when considering how much to pay for land.”</i></p>
5.20	<p>Whilst there are queries in relation to some of the costs assumptions in the viability appraisal, such as how construction costs have been calculated and how inflation has been accounted for, this is unlikely to affect the overall conclusion which is that it is not viable to deliver any level of affordable housing as part of this scheme.</p>
5.21	<p>The applicant states that the site was purchased in 2018. The draft Plan Strategy was published for consultation in August 2018 with the final draft Plan Strategy forwarded to DfI for the purposes of Independent Examination in August 2019. The Plan Strategy was adopted in May 2023. It is acknowledged that the price paid for the land is fixed and cannot be changed. However, the proposal is in conflict with Policy HOU5 and the Development Viability SPG.</p>
5.22	<p>The applicant was made aware of the potential requirement for affordable housing as part of the PAD process and there has been opportunity for the applicant to recognise and understand the potential implications of the emerging policy environment. There is evidence in the applicant’s submissions of some discussion with a Housing Association, but no details as to when in the process this took place.</p>
5.23	<p>The applicant has considered various alternative options as required by the SPG including deferring the timing of delivery of affordable housing, variation in size/mix, alternative sites, reduction in the level of affordable housing and providing a Financial Developer Contribution. However, these would not address the overall viability conclusion.</p> <p>NIHE consultation</p>
5.24	<p>NIHE advises that there continues to be a strong housing need in Belfast with a social housing waiting list of 12,237 households with 9,307 in housing stress (March 2022). Demand is increasing year by year and its projection of social housing need indicates a requirement for 6,125 new units of social housing accommodation across the Council area over the 5 year period 2021-2026.</p>

5.25	NIHE supports a minimum 20% social housing within this mix, consistent with Policy HOU5, which requires the proposal to deliver a minimum 20% affordable housing. NIHE advises that a minimum of 15 no. units should be social homes with the preference of 2 bedroom properties being a suitable and sustainable mix.
5.26	Paragraph 4.9.4 of the Development Viability SPG states that: ' <i>...in exceptional cases where the Council accepts that meeting the full policy requirements is unviable, an appropriate balance will need to be struck between the level of developer return and the obligations/mitigation required to ensure policy compliance. As every situation is different, each development will be judged on its merits at the time of assessing the planning application.</i> '
5.27	In relation to the waiving of requirements, paragraph 6.2.14 states that ' <i>Only in exceptional circumstances will the removal of requirements and/or obligations be considered, as a very last resort. The nature of the proposed development may also be taken into account, where the Council take into account the other social, community, economic or environmental benefits that would be realised in granting permission for the scheme, i.e. the planning gain arising.</i> '
5.28	Members are reminded that SPG is guidance as opposed to policy. The Planning Act (Northern Ireland) 2011 permits departure from the Local Development Plan where material considerations indicate otherwise. Failure to comply with planning policy, which would otherwise lead to permission being refused, can be outweighed by other material considerations which the Council considers sufficient to justify the grant of permission in the circumstances. Viability is a material consideration.
5.29	Whilst the proposal is in contravention with Policy HOU5, in this case regard is had to the regeneration benefits that would accrue from development including the physical regeneration of the land and public realm improvements; and introduction of 77 homes and estimated population of 125 people into the city centre, with increased city centre living an objective of the Plan Strategy. The applicant states that the proposal would support 100 jobs and indirectly support 110 jobs during the construction phase with an estimated retail expenditure per annum of £1.57m.
5.30	Regard is also had to the longevity of the application process which commenced well before the adoption of the Plan Strategy in May 2023. The PAD was submitted in July 2019, Proposal of Application Notice (PAN) in July 2020, and application in June 2022.
5.31	The applicant has agreed to an affordable housing review clause that would require the delivery of affordable housing were economic conditions to change favourably. This would enable a viability reassessment prior to the commencement of development to ascertain whether the economic conditions have changed to the extent that affordable housing could be provided. The review mechanism would be secured by way of a Section 76 planning agreement.
5.32	Having regard to all of the considerations set out above, and recognising that the issues are finely balanced, the non-provision of affordable housing is considered acceptable in this case.

Housing mix

5.33 Policy HOU 6 applies. It requires that provision should be made for small homes across all tenures to meet future household requirements and that the exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of:

- a. Up to date analysis of prevailing housing need in the area;
- b. The location and size of the site;
- c. Specific characteristics of the development; and
- d. The creation of balanced and sustainable communities.

5.34 The proposed housing mix is shown in the table below.

Accommodation type	Number of units	% of proposed accommodation	Totals
Studio	11 no.	14.3%	11
1 Bed 1 person	40 no.	51.9%	44 x 1 bed
1 bed 2 person	4 no.	5.2%	
2 bed 2 person wheelchair accessible	8 no.	10.4%	19 x 2 bed
2 bed 3 person	9 no.	11.7%	
2 bed 4 person	2 no.	2.6%	
3 bed 4 person	1 no.	1.3%	3 x 3 bed
3 bed 5 person	1 no.	1.3%	
3 bed 6 person	1 no.	1.3%	
Total units	77		

5.35 The applicant has submitted a Housing Mix Statement and supporting evidence from several estate agents/surveyors to support the proposal. They consider that the proposal provides a range and mix of housing designed to attract the target market of recent graduates/young professionals. The Housing Mix Statement highlights that there is a need for smaller units with apartments playing a large role in enabling this proposal. Furthermore, the Housing Mix Statement states that the proposal provides an ideal mix that will help with the city’s ambition to create City Centre Living further helping the city’s future economy.

5.36 Although the applicant notes that the mix of apartments proposed was negotiated with the Council through the PAD process between 2019 and 2022, it should be born in mind that this was prior to the adoption of the Plan Strategy. It is also notable that the Planning Service provided advice on the proposed housing mix in September 2022. This recommended that the mix proposed needed to be rebalanced to “reduce the number of smaller one-bed units and increase the number of larger units (i.e., to include more three-bedroom apartments).” The housing mix has since been revised from that originally submitted to that shown in the table above. This has included an increase in smaller 1-bedroom units to meet wheelchair standards (see later section of the report) but also the inclusion of a small number of larger three bedroom units.

5.37 However, the Plan and Policy team advises that the proposed housing mix remains unacceptable:

‘...the applicant has introduced a greater variety of units within the scheme.

	<p><i>However, one-bed (71.4%) and two-beds units (24.7%) still constitute over 96% of the proposed units. It is also notable that the units proposed are also generally smaller on average – of the 1-bed units proposed, all but 4 units are now designed for single occupation as opposed to 44 of the units for two people, whilst the original scheme consisted of 21 2-bed flats for 4 people, whilst the new scheme now contains only 2 units for 4 people, etc. Therefore, although we appreciate provision of an increase in the number of 3-bed units, we still consider the proposal still fails to provide a diverse range of accommodation sizes in accordance with Policy HOU6.</i></p>
5.38	<p>The space standards at Appendix C of the Plan Strategy specifically note that the use of 1 person / 1-bedroom flats should be restricted as this dwelling type is not flexible and is unpopular with tenants. It is also notable that although Policy HOU6 highlights a need for “smaller homes across all tenures to meet future household requirements” there is also an explicit acknowledgement that where a mix of house types is not possible in the case of single apartment developments, “the housing mix will be considered acceptable through greater variety in the size of units.”</p>
5.39	<p>The applicant indicates based on market research and evidence from estate agents that the mix would be appropriate for current market requirements. They state that market demand in the short to medium term, is primarily for smaller units, and the applicant has therefore focused on provision of the studio, 1 bed and 2 bed units. The applicant has further changed the mix to include a small number of 3 bed units as previously described. However, the Plans and Policy team advises that the mix remains inappropriate to meet the plan requirements and allow greater flexibility for future needs which the policy seeks to achieve.</p>
5.40	<p>Officers advise that the proposed housing mix would not support the creation of balanced and sustainable communities and is therefore in conflict with Policy HOU6. However, regard must also be had to the benefits of the scheme in terms of regeneration and supporting a residential scheme that makes effective use of land in a sustainable and accessible location that would increase city centre living. The proposal would also have a positive economic impact in terms of construction jobs and supporting the vitality and viability of the city centre. Regard is also had to the longevity of the application which was submitted in June 2022. Having regard to these factors, in the planning balance, the non-compliance with Policy HOU6 is in this case considered acceptable.</p> <p>Adaptable and accessible accommodation</p>
5.41	<p>Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life and sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) with which the wheelchair accessible units should accord.</p>
5.42	<p>The applicant argues that <i>‘The proposal is in broad compliance with Policy HOU7 as the apartments proposed have been designed in a flexible way to ensure they are 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.’</i> However, in relation to criteria a. to f. the proposal fails to comply with the following criteria:</p>

	Policy HOU7 – assessment criteria	Reason for non-compliance
	b. Main entrances should be sheltered from the weather;	“The primary entrance does not feature an external canopy”
	d. Accommodation should provide entrance level WC with space to provide an accessible shower in the future if required;	“the proposal cannot accommodate the additional floor build-up required for a recessed shower trap, as such there is no provision for a future level access shower in apartments.”
	e. An accessible bathroom should be provided on the same floor as the main bedroom;	Bathrooms provided are not all ‘accessible’
5.43	In response to criterion b. the applicant indicates that the ground floor communal lobby area will facilitate shelter for visitors to the building.	
5.44	Criterion d. would necessitate further revisions to the design. This would require either an increase in scale and height to facilitate additional floor to ceiling heights or a reduction in apartment numbers within the currently proposed and reorganisation of the internal layout.	
5.45	In relation to criterion e. the response indicates that not all bathrooms are accessible. However, it does not indicate which or how many bathrooms fail to meet this test.	
5.46	Given that the total number of units proposed is 77, the 10% requirement for wheelchair accessible units under Policy HOU7 is that eight units should be wheelchair accessible. The applicant has amended the scheme and now includes 8 wheelchair apartments as part of the proposal, therefore meeting the requirements. They also note that that this was not a requirement at the time the application was submitted.	
5.47	In assessing all of the requirements of HOU7, it is considered on balance that the lack of provision of an external shelter canopy is outweighed by the internal lobby provision. Similarly, the accessible shower and bathroom design revisions are outweighed by protection of heritage assets with an overall increase of the building height required to meet the policy objectives being undesirable due to setting issues with the adjacent Listed Buildings. Regard must also be had to the regeneration, housing and economic benefits of the scheme and longevity of the application, as discussed previously. It would not be considered appropriate to refuse planning permission for non-compliance with these specific aspects of Policy HOU7 when the application is considered in the round.	
	Climate change	
5.48	Policy ENV2 encourages the existing building stock to be retained and reused where possible. It is noted that the existing buildings which are proposed to be demolished are generally of small-scale, poor quality and condition, and not considered of sufficient architectural or heritage interest to warrant retention. Importantly, the proposal would provide high density housing in a sustainable location. Having regard to these factors, the proposed demolition is considered acceptable. Details of the re-use of existing materials could be secured by means of condition were permission to be granted.	
5.49	The proposal includes a number of sustainable design features to mitigate environmental change. These measures include meeting or exceeding local building control guidance for energy and sustainability requirements, conservation of fuel and power; air permeability; efficient heating system; passive design; accessibility of site in terms of location, amenities and sustainable travel options; waste storage and collection. Final details of these measures would need to be secured by condition.	

5.50	<p>Policy ENV 3 supports proposals which are resilient/adaptable in a changing climate. The proposal incorporates measures to adapt to environmental change to support sustainable and enduring development. These measures include flood proofing; green infrastructure; openable windows and an MVHR (Mechanical Ventilation Heat Recovery) system; communal open space; SuDS in the form of landscaping to roof areas and underground attenuation; high energy-performance envelope with high thermal mass. Having regard to these measures and, in particular, the proposed landscaped roof terraces, the proposals are considered acceptable. Again, final details would need to be secured by condition.</p>
5.51	<p>In relation to SuDS, it is noted that the site has potential risk of flooding from both pluvial and coastal flooding, although this risk will be eliminated through an underground SuDS attenuation system to serve the site. It is also proposed to provide green infrastructure in the form of grass and other planted areas on the roofs in order to make the development more resilient to severe rainfall events. These latter measures are welcomed and it is considered that the green infrastructure measures meet the objectives of Policy ENV5.</p>
5.52	<p>Subject to conditions, the proposal is considered to accord with Policies EN2, ENV3 and ENV5 of the Plan Strategy.</p>
	<p>Impact on the character and appearance of the area</p>
5.53	<p>The site is a prominent location in the City Centre with frontages to the principal roads of Victoria Street and May Street. Whilst exceeding the maximum height of 7 storeys set out in dBMAP 2015 (v2014), there are a range of substantial tall buildings in the area including the 8 storey building to the west on May Street; 8 storey building to the north of Gloucester Road to the north; and 7 storey building (Telephone House) to the other side of May Street to the south. Regard is also had to the benefits of high-density housing to the vitality of the City Centre and that this is a high sustainable location. Buildings of similar height are therefore supported due to the height and form of existing buildings in this context. The proposal is 33m in height and marginally higher than Telephone House opposite (32.5m), however the upper floor is setback to minimise visual impacts. The shoulder height of 29.9m is also 1m higher than the shoulder height of Telephone House but is considered acceptable and would not adversely impact on visual amenity or character.</p>
5.54	<p>Urban Design advice generally offers no objection to the scale and massing of the proposed buildings and relationship/massing in relation to neighbouring properties and streetscapes. However, both Urban Design and Conservation advice is that it would be preferable for the 11 storey block on May Street to step down in height next to the much lower existing two storey building on the immediately adjacent plot to the west. However, the proposed block would mainly be read in the context of the substantial 8 storey office block, Goodwood House, further to the west and the relationship is considered acceptable. The scale and massing of the buildings onto Gloucester Street and Victoria Street are also appropriate.</p>
5.55	<p>The architectural treatment and detailing of the proposed building are considered acceptable, using a suitable range of materials. Urban Design also raises concerns about the lack of articulation of the large west gable due to the extent of public views of this elevation from the west. However, it is considered that sufficient articulation is provided through the window openings and variety in how the materials are applied. Amended plans have been submitted which increase the articulation of the blank west gable of the three/four storey block onto Gloucester Street, which are also considered acceptable by officers in making this recommendation.</p>

5.56	The site is within a draft ATC, and notwithstanding the Conservation concerns, it is considered that the character of the area would be safeguarded. It is considered that the character and appearance of the adjacent Linen Conservation Area to the south would be preserved due to restricted views into and out of the Conservation Area by intervening buildings.
5.57	The proposed building would be 33 metres in height and Policy DES3 (tall buildings) applies. The proposal is considered compliant with Policy DES3 given the height of a number of buildings within the local context and the broadly supportive response from urban design.
5.58	The proposal is considered in keeping with the character and appearance of the area. It accords with Policies DES1, DES3 and BH3 of the Plan Strategy. Heritage impacts <u>Listed Buildings</u>
5.59	There are a number of Listed Buildings in the vicinity of the site including: <ul style="list-style-type: none"> • Telephone House, 45-75 May Street to the opposite side of May Street to the south (Grade B2 Listed) • Nos .161-163 Victoria Street on the junction with Gloucester Street to the north (Grade B1) • Former Northern Bank, Nos. 108-110 Victoria Street to the opposite side of Victoria Street to the east (Grade B2 Listed)
5.60	DfC HED has been consulted. It acknowledges the engagement at the Pre-Application Discussion stage and is content with the scale, massing and design of the proposals. DfC HED has no objection to the demolition of the existing terrace which it considered to be 'unremarkable' but 'mannerly'. It is content that the proposal complies with regional policy relating to the impact of proposals on the setting of Listed Buildings. DfC HED recommends that materials samples are secured by condition.
5.61	Having regard to the assessment of the design of the proposal and the advice from DfC HED, it is considered that the proposal accords with Policy BH1. <u>Archaeology</u>
5.62	The site is located in an Area of Archaeological Potential. Having assessed the archaeological information provided with the application, DfC HED advises that the site has low potential for archaeology and that no further archaeological works are required. The proposal is considered to accord with Policy BH5. Residential quality and impact on amenity
5.63	Policy RD1 states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal satisfies the criteria set within the policy. These include requirements around providing a quality residential environment such as space standards (Appendix C) and that habitable rooms have natural light.

5.64	The layout, outlook, and aspect of the proposed apartments is considered acceptable taking account of the city centre location. A daylight/sunlight assessment confirms the proposal meets BRE internal lighting standards and this aspect is therefore acceptable. No unacceptable overshadowing is considered to occur on neighbouring properties.
5.65	Furthermore, additional criteria i. to n are relevant for new developments of over 30 units. Criteria j, m, and n relating to lobby space, cycle parking and communal space provision are considered acceptable taking account of the positive response from DfI Roads on cycle parking and the character of the area. Internal communal space is included at ground floor reception hub (c.108sqm) and first floor gym (c.24sqm) in addition to external amenity areas at 1 st , 4 th , 6 th and 11 th floors. Amenity space overall equates to c. 778sqm or 10.1sqm per unit. This meets the minimum requirements set out in <i>Creating Places</i> guidance and is acceptable.
5.66	Space standards for residential accommodation are set out in Appendix C of the Plan Strategy. The proposal includes a range of unit sizes within the development, a breakdown of which is set out above. The units range in size from 35sqm for the studio apartments to approximately 38-45sqm for the 1bedroom units, approximately 50-72sqm for the 2person1bed units, and 75-85sqm for the 3bed units. The proposed units sizes are in accordance with the space standards and are considered acceptable. Access and transport
5.67	The site is a highly accessible location with good access to shops, services, jobs and public transport.
5.68	A small parking area with three disabled spaces is proposed at the rear of the site with access onto Gloucester Street.
5.69	DfI Roads offers no objection to the proposal subject to conditions. The Travel Plan and green travel measures would need to be secured by way of a Section 76 planning agreement were planning permission to be granted. Other environmental impacts
	<u>Contaminated land</u>
5.70	Environmental Health has been consulted. It refers to the applicant's preliminary risk assessment which advises that the risk of contaminants is moderate and moderate/low. Environmental Health recommends conditions in the event that planning permission is granted. The proposal is therefore considered to accord with Policy ENV1. <u>Air quality</u>
5.71	Environmental Health refers to the air quality assessment provided with the application. It is satisfied that the assessment has sufficiently demonstrated that in relation to transport aspects, the proposed development will not have adverse impact on air quality in the vicinity of the site and that future occupants of the development will not be exposed to air quality concentrations exceeding UK Air Quality Objectives. It recommends a condition requiring an updated Air Quality Assessment should centralised combustion sources that pose a potential risk.
5.72	Environmental Health is also satisfied in relation to potential dust impacts during construction subject to implementation of the proposed dust management measures.

5.73	<p>Subject to these conditions, the proposal is therefore considered to accord with Policy ENV1.</p> <p><u>Noise and vibration</u></p>
5.74	<p>Having considered the applicant's noise impact assessment, Environmental Health is content that the proposal is acceptable subject to conditions. The proposal is therefore considered to accord with Policy ENV1.</p> <p><u>Natural heritage</u></p>
5.76	<p>SES offers no objection to the proposal. It advises that following an appropriate assessment, the proposal would not have an adverse impact on the integrity of any European sites either alone or in combination with other plans or projects. It recommends a condition requiring further details of sewage disposal. It is recommended that the HRA report is adopted.</p>
5.77	<p>DAERA NED advises that having considered the applicant's Biodiversity Checklist and Outline Construction Environmental Management Plan, it has no concerns.</p>
5.78	<p>Having regard to the advice from SES and DAERA, and subject to conditions, it is considered that there would be no adverse impacts on the natural environment. In this regard, the proposal is compliant with Policy NH1.</p> <p><u>Drainage and Flood Risk</u></p>
5.79	<p>The application is accompanied by a Flood Risk Assessment and Drainage Assessment. DfI Rivers has advised that it has no reason to disagree with the conclusions of the Flood Risk Assessment. It advises that a condition is necessary to provide final detailed flood remediation measures.</p>
5.80	<p>Similarly, DfI Rivers states that it has no reason to disagree with the conclusions of the Drainage Assessment. It advises that the Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year flood event could be contained through the addition of an underground offline system adjacent to the online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. It recommends that a final drainage scheme is secured by condition.</p>
5.81	<p>Having regard to the advice from DfI Rivers, the proposal is considered to accord with Policy ENV4 of the Plan Strategy.</p> <p><u>Wastewater</u></p>
5.82	<p>NI Water offers no objection to the proposal subject to conditions. Further details of foul and surface water drainage would need to be secured by condition were permission to be granted. The proposal is considered to accord with Policy SP1a and ENV4 of the Plan Strategy.</p>

	<p>Representations:</p>
5.83	One representation has been received. In response to the objection, design, heritage impacts, impact on amenity, noise and air quality are issues that addressed in the main assessment. The Council should assess the proposal on the basis of adjacent existing uses, not potential uses, and the proposal must be assessed on its merits.
5.84	In relation to ownership, the applicant has completed “Certificate C”. This is completed where the applicant does not own all of the land to which the application relates and does not know the name and address of all the owners. Notice must be given to all known owners. Where the owner is unknown, notice must be published in a local newspaper. It is the applicant’s responsibility for ensuring that the appropriate certificate is signed on the application, that a notice is published in the press and the necessary notices issued.
5.85	There is no evidence that the proposal would create particularly unusual micro-climate issues that would require specific consideration of this issue.
	<p>Developer Contributions</p>
5.86	The Economic Development Unit advises that ‘ <i>The construction industry currently reports sectoral growth and shortages in specific skilled trades, both in Belfast and across Northern Ireland. Given the scale of the employments to be created in delivering this scheme, it is foreseeable that the development will give rise to skills or labour shortages within this sector. The recommendation is therefore that Section 76 Employability and Skills related Developer Contribution clauses will be required for this phase of the development. Should there be a significant change in employment figures, a further review may be required.</i>
5.87	The requirement for a Construction Employability and Skills Plan is supported by the Developer Contribution Framework.
	<p>Section 76 planning agreement</p>
5.88	Should the Committee resolve to grant planning permission, a Section 76 planning agreement would be required to secure the following planning obligations. <ul style="list-style-type: none"> • Affordable housing review mechanism – to enable a viability reassessment to be undertaken prior to commencement of development to test whether affordable housing can be provided as a result of changing economic conditions; • Green travel measures: travel plan; travel card for each apartment for a period of 3 years; discounted membership of a car club (100%) for a period of 3 years; and membership of a bike scheme for a period of 3 years; • Construction Employability and Skills Plan.
	<p>Pre-application Community Consultation</p>
5.89	The application was preceded by a Proposal of Application Notice (PAN) which set out the applicant’s proposals for pre-application community consultation.
5.90	The application is accompanied by a mandatory Pre-application Community Consultation Report, which is considered to meet the necessary requirements.

<p>6.0</p> <p>6.1</p> <p>6.2</p>	<p>Recommendation:</p> <p>Having regard to the Development Plan and material considerations, and in the planning balance, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other issues that arise, provided that they are not substantive.</p>
<p>7.0</p> <p>7.1</p> <p>7.2</p> <p>7.3</p> <p>7.4</p> <p>7.5</p>	<p>Draft Conditions:</p> <p>The development hereby permitted must be begun within five years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>A landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with the Local Planning Authority in writing prior to implementation.</p> <p>Reason: To ensure the provision of amenity afforded by an appropriate landscape design.</p> <p>All hard and soft landscape works shall be completed in accordance with the approved drawings, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to occupation of any dwelling / part of the development hereby approved.</p> <p>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]'. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>No part of the development hereby permitted shall commence until a plan for the maintenance and management of all communal areas within the development hereby permitted has been submitted to and agreed in writing with the Council. The development shall operate in accordance with the agreed details. No variation to the plan shall be implemented without the prior agreement of the Council in writing.</p> <p>Reason: in the interests of residential amenity.</p> <p>No part of the development hereby permitted shall be occupied or become operational until all public realm improvements have been carried in accordance with the approved details and shall be retained thereafter.</p> <p>Reason: in the interests of amenity.</p>

7.6	<p>No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Planning Authority. The scheme shall include a programme for implementation of the works and proposals for future maintenance and management. The development shall not be carried out unless in accordance with the approved SUDS scheme.</p> <p>Reason: To ensure sustainable drainage of the development. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.</p>
7.7	<p>No work shall commence on the proposal until samples of the following (noted below) have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed samples. Samples shall be retained on site until completion of the works:</p> <ul style="list-style-type: none"> • Light grey brick • Red brick • Bronze cladding panel • Grey cladding panel • Metal balcony • Glazing – grey frame <p>The development shall be carried out in accordance with the agreed details. No dwelling shall be occupied until weather protected cycle parking has been fully provided in accordance with the approved plans.</p> <p>REASON: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.</p>
7.8	<p>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.</p> <p>REASON: To ensure acceptable parking facilities on the site.</p>
7.9	<p>All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of the Department for Infrastructure.</p> <p>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.</p>
7.10	<p>The development shall operate in accordance with the Service Management Plan.</p> <p>REASON: In the interests of road safety and the convenience of road users.</p>
7.11	<p>The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with the approved drawing prior to the occupation of the development hereby permitted.</p> <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>

7.12	<p>No development shall commence (other than site clearance, enabling works or works to fulfil this condition) until a Quantitative Risk Assessment has been submitted to and approved in writing by the Council. The Quantitative Risk Assessment shall consider the RSK Ireland report entitled 'Quicklet NI, Preliminary Risk Assessment, Lands at Victoria Street, Belfast, 603104-R1(00), August 2021'. The Quantitative Risk Assessment shall follow best practice and must incorporate:</p> <ul style="list-style-type: none"> - A detailed site investigation in line with BS 10175:2011+A2:2017. Any ground gas investigations shall be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019. - A satisfactory assessment of the risks (including an updated Conceptual Site Model), conducted in line with current Environment Agency guidance. In addition, risks associated with ground gases shall be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665. <p>Should the Quantitative Risk Assessment demonstrate that human health contaminant linkages exist on the site, then a Remediation Strategy shall be submitted. The Remediation Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified.</p> <p>The development shall not be carried out unless in accordance with the approved Remediation Strategy.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p>
7.13	<p>In the event that a Remediation Strategy is required, prior to occupation or operation of the development, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.</p> <p>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</p>
7.14	<p>If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p>
7.15	<p>In the event that any centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality</p>

	<p>(January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development.</p> <p>As the proposed development is to include private terraces this Service would advise that the termination points of flues or vents associated with any combustion plant should be so located as to safeguard recreation areas such as terraces/balconies/roof spaces and neighbouring receptors against exceedances of Air Quality Strategy objectives.</p> <p>The suitability of the proposed combustion plant, flue location and flue termination height shall be confirmed using the emission screening tools detailed within the Defra Local Air Quality Management Technical Guidance document LAQM.TG(22). Where the emission screening tools are not applicable to the proposed development, suitability must be demonstrated using atmospheric dispersion modelling software.</p> <p>The emission screening tools and atmospheric dispersion modelling must demonstrate that there will be no exceedances of the UK Air Quality Strategy objectives at relevant receptor locations.</p> <p>Reason: To ensure that ambient air pollution related to the site is appropriately dealt with, in the interests of human health.</p>
7.16	<p>Dust management measures, as detailed within Chapter 7 of Irwin Carr Consulting, Air Quality and Odour Impact Assessment, Mixed Use Development, May Street, Belfast (26 May 2022) shall be implemented throughout the duration of the construction phase of the development.</p> <p>Reason: To ensure that ambient air pollution related to the site is appropriately dealt with, in the interests of human health and amenity.</p>
7.17	<p>Prior to installation of the hereby approved windows, the applicant shall submit to the planning authority, for review and approval in writing, a final window schedule detailing the sound reduction specification. The selected windows shall be in line with the recommendations in the Irwin Carr Consulting report titled: 'Noise Impact Assessment, May Street, Belfast, referenced Rp001N 2021234 (May Street, Belfast) dated 26 May 2022. Prior to occupation of the hereby permitted development, the windows shall be installed as approved and be retained thereafter.</p>
7.18	<p>Prior to occupation of the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, a verification report to demonstrate the windows have been installed as approved such as documentary confirmation from the supplier and installer.</p> <p>Reason: In the interests of residential amenity.</p>

7.19	<p>Prior to installation of alternative means of ventilation throughout the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the sound reduction specification of the alternative means of ventilation. The report confirming the sound reduction specification for any alternative means of ventilation and /or any mechanical means of ventilation proposed shall demonstrate that internal noise levels in habitable rooms will be achieved in line with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'.</p> <p>Reason: In the interests of residential amenity.</p>
7.20	<p>Prior to occupation of habitable rooms of the hereby permitted development, the alternative means of ventilation shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the alternative ventilation provided and operational. The approved alternative means of ventilation shall be retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p>
7.21	<p>Prior to occupation of habitable rooms of the hereby permitted development, a report verifying that the 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 alternative means of ventilation confirming that the alternative means of ventilation have been installed as approved.</p> <p>Reason: In the interests of residential amenity.</p>
7.22	<p>Prior to occupation of any apartment units hereby permitted, the sound reduction measures of the separating walls and a separate floor constructed of 200mm concrete slab between the first floor and second floor apartments as outlined in Table 2 from Irwin Carr Consulting letter dated 20 January 2023 shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014. The approved separating walls and separate floor constructed of 200mm concrete slab between the first floor and second floor apartments must be retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p>
7.23	<p>Prior to occupation of any apartment units hereby permitted, a report verifying that the sound reduction measures of the separating walls and a separate floor constructed of 200mm concrete slab between the first floor and second floor as outlined in Table 2 from Irwin Carr Consulting letter dated 20 January 2023 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 contractor / installers of the walls and floor construction confirming that the walls and floor have been installed as approved. Documentary evidence such as in-situ photographs should be taken during construction where possible to support verification.</p> <p>Reason: In the interests of residential amenity.</p>

7.24	<p>Prior to occupation of any apartment units hereby permitted, the sound reduction measures of a separate floor constructed of 200mm concrete slab between the ground floor and first floor as outlined in Table 3 from Irwin Carr Consulting letter dated 20 January 2023 shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014. The approved 200mm concrete slab between the ground floor and first floor must be retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p>
7.25	<p>Prior to occupation of any apartment units hereby permitted, a report verifying that the sound reduction measures of a separate floor constructed of 200mm concrete slab between the ground floor and first floor as outlined in Table 3 from Irwin Carr Consulting letter dated 20 January 2023 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 contractor / installers of the walls and floor construction confirming that the walls and floor have been installed as approved. Documentary evidence such as in-situ photographs should be taken during construction where possible to support verification.</p> <p>Reason: In the interests of residential amenity.</p>
7.26	<p>Prior to occupation of any apartment units hereby permitted, the sound reduction measures of the glass barriers to all the external amenity areas as outlined in Section 2 from Irwin Carr Consulting letter dated 20 January 2023 shall be installed, as approved, to achieve suitable external noise levels in accordance with BS8233:2014. The approved glass barriers will have no gaps between panes and to be 1.2m in height and must be retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p>
7.27	<p>Prior to occupation of any apartment units hereby permitted, a report verifying that the sound reduction measures of the glass barriers to all the external amenity areas as outlined in Section 2 of the Irwin Carr Consulting letter dated 20 January 2023 as approved have been installed shall be submitted to the planning authority for review and approval in writing.</p> <p>Reason: In the interests of residential amenity.</p>
7.28	<p>The report shall comprise a written declaration from the contractor/installers of the glass barriers confirming that the glass barriers have been installed as approved. Documentary evidence such as in-situ photographs should be taken during construction where possible to support verification.</p> <p>Reason: In the interests of residential amenity.</p> <p>Reason: In the interests of residential amenity.</p>
7.29	<p>Following demolition and prior to construction, no development shall commence until the Planning Authority has received in writing and agreed that suitable risk assessments and supporting data have been provided. These should identify all unacceptable risks to health and the water environment. The investigations should include, but not be restricted to:</p> <ul style="list-style-type: none"> • Identifying all potential contaminant sources within the planning boundary.

	<ul style="list-style-type: none"> • Site investigations and groundwater monitoring designed and implemented in accordance with British Standard BS 10175:2011 + A2:2017 – ‘Code of practice for investigation of potentially contaminated land sites’ to identify the contamination risks associated with the potentially contaminating activities which took place at this site or in the surrounding area. • Provision of risk assessment(s) completed in accordance with the guidance on risk assessment and risk management included in the UK technical framework as described in the Land Contamination: Risk Management (LCRM) guidance available at: https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks to identify all unacceptable risks to health and the water environment and provision of remedial criteria to be met through a remedial strategy. <p>These works are required to ensure that the land will be in a condition suitable for the development.</p> <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p>
7.30	<p>Following demolition and prior to construction, development works shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified at Condition 1 has been submitted in writing and agreed with the Planning Authority. This should identify all unacceptable risks, the remedial objectives / criteria and the measures which are proposed to mitigate them (including maps / plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program etc.).</p> <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p>
7.31	<p>In the event that piling is required, 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 in writing and agreed with the Planning Authority. The methodology is available at: http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
7.32	<p>Once a contractor has been appointed, a Final Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.</p>

7.33	<p>Prior to the commencement of any of the approved development on site, the applicant shall submit a final flood risk assessment, compliant with FLD 1 and Annex D of PPS15, and containing appropriate mitigation measures as a means of protecting the development from future flood events to the Planning Authority.</p> <p>Reason: In order to safeguard against coastal flood risk to the development.</p>
7.34	<p>Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.</p> <p>Reason: To provide appropriate drainage of the site.</p>
7.35	<p>No development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution as shown on solution design drawing to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of NI Water. The development shall not be occupied until the developer has complied with all of the requirements set out in the agreement entered into with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.</p> <p>Reason: To ensure a practical solution to sewage disposal from this site is possible.</p>