

Development Management Officer Report Committee Application

| Summary | |
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| Application ID: LA04/2022/1384/F | Committee Meeting Date: 16 th February 2024 |
| Proposal: Residential development of 10 no. apartments within a single building, including demolition of existing structures, car parking and relocation of existing access, and all other associated siteworks. | Location: Lands at 12 Inverary Avenue Sydenham Belfast BT4 1RN |
| Referral Route: Through 3.8.2 of the Scheme of delegation where a representation has been received which conflicts with the Planning Officer's recommendation | |
| Recommendation: Approval | |
| Applicant Name and Address: MINT Properties 41 Donegall Street Belfast BT1 2FG | Agent Name and Address: Campbell Architects Ltd 50 High Street Holywood BT18 9AE |
| <p>Executive Summary: This application seeks full planning permission for a residential development of 10 no. apartments within a single building, including demolition of existing structures, car parking and relocation of existing access, and all other associated siteworks.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Design, scale, layout and impact upon the character and appearance of the area including residential amenity • Impact on Amenity • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Climate Change • Drainage • Traffic, Movement and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination <p>Recommendation Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement being entered into to secure affordable housing.</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, including consideration of the outstanding Rivers Agency consultation, provided that they are not substantive.</p> | |

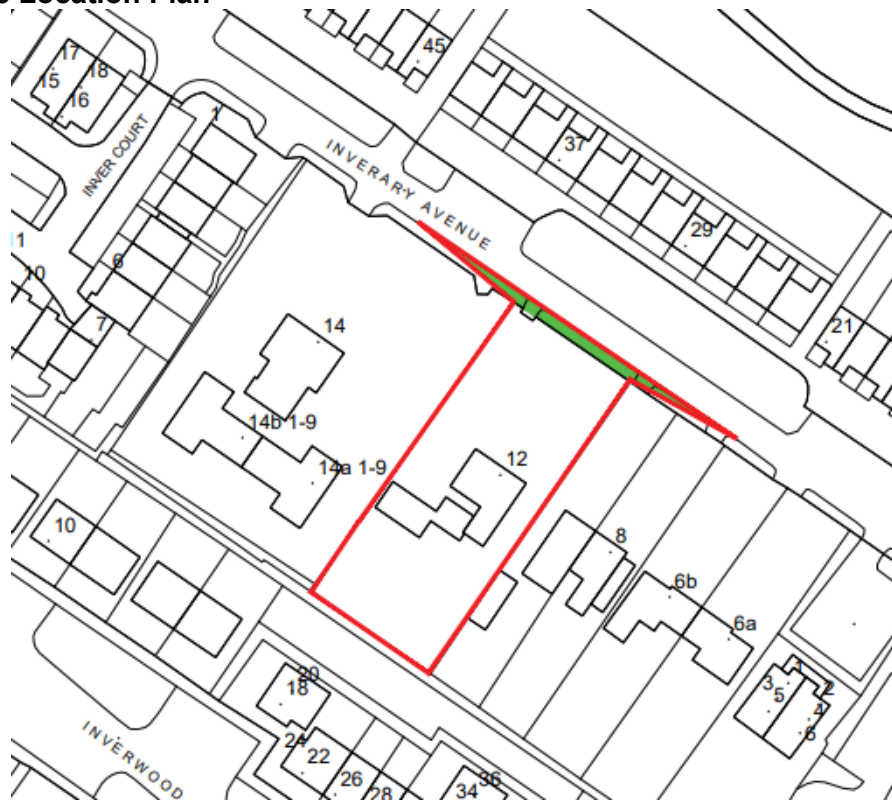
Officer Report

1.0

Drawings

1.1

Fig 1. Site Location Plan



1.2

Fig.2 Proposed Site Layout



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| 2.0 | Characteristics of the Site and Area |
| 2.1 | The site is located at 12 Inverary Avenue. The application site is currently occupied by a 2 storey detached dwelling and ancillary domestic garage, set within a relatively large plot, with existing trees and other vegetation along its boundaries. An existing vehicular access from Inverary Avenue serves the site. The surrounding area contains a mix of house types and densities, which includes detached, semi-detached, terraced and apartment buildings. The application site is on the south side of Inverary Avenue and existing buildings on this side of the street are 2/2.5 storey in height, and predominately finished in render, red or buff brick with grey/blue slate or tiled roofs. |
| 3.0 | Description of Proposal |
| 3.1 | Residential development of 10 no. apartments within a single building, including demolition of existing structures, car parking and relocation of existing access, and all other associated sitework |
| 4.0 | Planning Policy and Other Material Considerations |
| 4.1 | Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035 |
| 4.2 | 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) |
| 4.3 | Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) |
| 4.4 | Other Policies Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI) |
| 4.5 | Relevant Planning History |
| 4.6 | No significant recent history on the application site. |
| 5.0 | Consultations and Representations |
| 5.1 | Statutory Consultations <ul style="list-style-type: none"> • DfI Roads – Content subject to conditions • DfI Rivers – Content • NI Water – Approval • DAERA- Concerns raised from Water Regulation Unit and no concerns from the Natural Environment Division • Shared Environmental Services- Content subject to conditions |
| 5.2 | Non-Statutory Consultations <ul style="list-style-type: none"> • BCC Environmental Health – Content subject to conditions • BCC Senior Urban Design Officer– Advice. • BCC Trees and Landscape Team- Content subject to conditions |
| 5.3 | Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the |

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| 5.4 | <p>same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p> <p>Representations</p> <p>The application has been advertised and neighbours notified. The Council has received the following representations in support and objection.</p> <p>Objections: 11</p> <p>The objections raise issues regarding the below:</p> <ul style="list-style-type: none"> • Increased traffic • Parking • Noise • Loss of light and overshadowing • Overdevelopment • Loss of privacy |
| 6.0 | <p>PLANNING ASSESSMENT</p> |
| | <p>Development Plan Context</p> |
| 6.1 | <p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> |
| 6.2 | <p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p> |
| 6.3 | <p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The 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> |
| 6.4 | <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> |
| 6.5 | <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.</p> |
| 6.6 | <p>Relevant Planning Policies</p> |
| | <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> |

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| <p>6.7</p> | <p><i>Strategic Policies</i> Policy SP1A – managing growth and supporting infrastructure delivery Policy SP2 – sustainable development Policy SP3 – improving health and wellbeing Policy SP5 – positive placemaking Policy SP6 – environmental resilience Policy SP7 – connectivity Policy SP8 – green and blue infrastructure network</p> <p><i>Spatial Development Strategy</i> Policy SD1 – Settlement hierarchy Policy SD2 – Settlement Areas</p> <p><i>Shaping a Liveable Place</i> Policy HOU1 – Accommodating new homes Policy HOU2 – Windfall housing Policy HOU4 – Density of Residential Development Policy HOU5 – Affordable Housing Policy HOU6 – Housing Mix Policy HOU7 – Adaptable and Accessible Accommodation Policy DES1 – Principles of Urban Design Policy RD1 – New Residential Developments</p> <p><i>Transport</i> 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 Policy TRAN10- Design of Car Parking</p> <p><i>Building a Smart Connected and Resilient Place</i> 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><i>Promoting a Green and Active Place</i> Policy OS1 – Protection of Open Space Policy OS3 – Ancillary Open Space Policy TRE1 – Trees Policy LC1 – Landscape</p> <p><u>Supplementary Planning Guidance</u></p> <p>Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Sustainable Urban Drainage Systems Transportation Trees and Development</p> |
| <p>6.8</p> | <p>Key Issues The key issues are:</p> |

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| | <ul style="list-style-type: none"> • Principle of development • Design, scale, layout and impact upon the character and appearance of the area including residential amenity • Impact on Amenity • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Climate Change • Drainage • Traffic, Movement and Parking • Waste-water Infrastructure <p>Noise, odour and other environmental impacts including contamination</p> |
| 6.9 | The adoption of the Plan Strategy requires the following updated assessment. |
| 6.10 | <p><u>Additional Information</u></p> <p>Officers requested that the applicant provides a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal. The applicant has subsequently provided a Plan Strategy Statement, which seeks to demonstrate compliance with the relevant policies.</p> |
| 6.11 | The Planning Service’s Plans and Policy team has been consulted on the applicant’s Plan Strategy. No further consultations have been considered necessary following adoption of the Plan Strategy. |
| 6.12 | <p><u>Principle of development</u></p> <p>The site is located within the development limit in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The site is also designated as white land within the draft Belfast Metropolitan Plan 2015 (v2004 and v2014). The presumption is therefore in favour of development subject to planning considerations detailed below.</p> |
| 6.13 | The proposal is compliant with Policy HOU1, accommodating new homes as it will meet the delivery of housing supply in the Belfast City Council area. Policy HOU2, Windfall Housing is also met as the proposal is situated on previously developed land and is currently white land within the BMAP 2004 and 2015 versions. The proposed scheme is considered to be a suitable site for an apartment scheme, it is accessible and convenient to public transport and walking and cycling infrastructure. |
| 6.14 | <p><u>Design, layout and impact upon the character and appearance of the area including residential amenity:</u></p> <p>Policy RD1 seeks to promote quality residential development that creates places that are attractive, locally distinctive, and appropriate to their surroundings. The proposal is compliant with Policy RD1 of the Plan Strategy 2035 and meets the below criteria:</p> <p><i>a. Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i></p> <p>Inverary Avenue contains an eclectic range of development types and architectural styles. The scale of development on the southern side of the street is relatively consistent at 2 or 2.5 storey. Roof profiles vary but are mainly double pitched. The proposal is approximately 10.42m in height to the ridge and ties in with the</p> |

surrounding apartment developments. The proposal responds positively to the context and character of the area by respecting the established building line, scale and form of development found in the area. The materials to be used are select facing brick with a light grey colour to ground floor and off-white to first and second floor. This is considered to tie in with the surrounding area as there is a mix of red brick and rendered dwellings/apartment blocks.

- b. Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance:*

Concerns have been raised with regards to overlooking and loss of privacy. However, the layout/aspect of the building within the site is such that there will be no significant overlooking into neighbouring properties. No adverse impacts will incur on the amenity of the neighbouring residents, there are no upper floor windows on the south-eastern elevations looking towards No.10. Views from the north-eastern facing windows towards the neighbouring apartments on that side are screened by the retained vegetation. A separation distance of over 30m is provided to the dwelling to the rear, with mature vegetation acting as a natural buffer/screen between the two sites. It is considered that the design, layout and separation distances proposed are acceptable and will not impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.

- c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure*

The development site is located within walking distance from bus stops along Inverary Avenue and Holywood Road which are accessible through footpaths to the front of the site. There are also cycle lanes along the Holywood Road.

- d. Provides adequate open space:*

The proposal includes 222sqm of communal open space within the curtilage of the site, equating to 22.2sqm per unit which is in line with the guidance in Creating Places. In addition to this, private defensible space is located at ground floor level, directly adjacent to the building, to serve apartments 1-3, whilst additional private amenity areas are proposed to the rear boundary of the site, to offer areas to grow plants or vegetables to service the dwellings on the upper floors. In addition to this there are various public open space, recreation and leisure facilities within close proximity of the application site, including the Alderman Tommy Patton Memorial Park, an extensive area of open space with a children's play park, dog walking areas, and sporting facilities. This is approximately a 5-minute walk from the site (google maps).

- e. Keeps hard surfacing to a minimum*

Car parking is considered to not dominate the residential development as parking is provided on street

- f. Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.*

The apartment schedule is as follows:

APT 1- (3P2B) 63sqm
 APT 2- (3P2B) 63sqm
 APT 3- (2B1P) 64.3sqm
 APT 4- (3P2B) 63sqm

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| 6.15 | <p>AP5 5- (3P2B) 63sqm APT 6- (3P2B) 62.4sqm APT 7- (3P2B) 66sqm APT 8- (2P1B) 55.2 sqm APT 9- (2P1B) 54.6sqm APT 10- (3P2B) 70.6sqm</p> <p>The proposed scheme is in keeping with the space standards as set out in appendix C.</p> <p><i>g. Does not contain units which are wholly in the rear of the property, without direct, safe and secure access form the public street; and</i> All apartments are accessed via the main parking area, which offers a safe private environment adjacent to the primary entrance. The area will be well supervised and dwellings that are positioned and orientated towards the rear of the plot benefits from a close relationship to adjacent amenity, whilst being surrounded by well-defined areas of landscaping, and in close proximity to active car parking areas. Each dwelling benefits from direct, safe and secure access via the private driveway within the scheme, from the public street. Suitable private lighting will be provided to ensure a well-lit, inviting access route to the building from the adopted road.</p> <p><i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i> In terms of prospective residents, each unit has adequate outlook. All apartments benefit from adequate outlook and access to natural light.</p> |
| 6.16 | <p>Further to policy RD1, the proposal complies with the criteria set out in A-K of Policy DES 1- Principles of Urban Design in that the scheme is of a high quality, sustainable design and makes a positive contribution to placemaking.</p> |
| 6.17 | <p><u>Climate change</u> Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation.</p> |
| 6.18 | <p>ENV2 also states that development proposals should, where feasible, seek to avoid demolition and should consider how their main structures could be reused. The proposal involves the demolition of an existing property. The applicant has stated that the site could not feasibly accommodate 10 no. apartments on the existing site. The height and layout of the existing building would not lend itself to a conversion and an extension would not be capable of accommodating 10 no. apartments. Demolition of the existing building is therefore necessary to deliver the proposed development and to ensure the most efficient land use on site. The applicant has clearly demonstrated that waste materials from the demolition will be reused and recycled. This will range from the retention and reuse of material on site, to the removal of demolished material for use on other suitable schemes within the local area.</p> <p>On balance, the council are satisfied that the existing building is not fit for the purpose of a new residential apartment scheme. In conclusion, the existing building is not viable or</p> |

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| 6.19 | suitable for redevelopment. The proposed demolition is necessary to facilitate the proposal. |
| 6.20 | <p>The applicant has submitted a Climate Change Statement setting out that the following features are incorporated into the design to comply with both ENV2, ENV3 and ENV5:</p> <ul style="list-style-type: none"> • The drainage assessment includes SuDs proposals- underground storage, permeable paving, porous surface finishes and trees and landscaping. The applicant has stated that the site is very limited in relation to the land available to provide surface-based SUDs features, and as such, these will be introduced where feasible. • The proposed building will be designed at detailed design stage, to be constructed using a fabric first approach aim to minimise the need for energy consumption through methods such as- maximising air-tightness, increased levels of insulation, optimising solar gain through the provision of openings and shading, optimising natural ventilation and using thermal mass of the building fabric. |
| 6.21 | A total of 20 trees and shrubs are to be retained on site. Therefore, on balance the proposal is considered to mitigate and adapt to climate change and comply with Policy TRE1. |
| 6.22 | <p>The proposal is considered on balance to satisfy the requirements as set out in ENV2, ENV3 and ENV5 of the Plan Strategy. A pre commencement condition is proposed to ensure delivery of the above measures and that soft landscaping within the site introduces SuDS measures to partially meet ENV3 and comply with ENV 5.</p> |
| 6.23 | <p><u>Density of Residential Development</u> Policy HOU4 sets density bands to be used as a guide to inform proposed developments within the relevant settlement/character areas and states development proposals outside of these broad bands will be considered on their merits, subject to meeting all other policy requirements.</p> |
| 6.24 | <p>The application is for a total of 10 units and given the site area, the proposed density equates to around 66dph which falls within the average density band for Inner City Belfast Character Area. The proposed density is therefore considered appropriate in the context of the lower density setting in the existing area.</p> |
| 6.25 | <p><u>Affordable housing and Housing Mix</u> HOU5- Affordable Housing of the of the Plan Strategy 2035 states that planning permission will be granted for residential development on sites greater than 0.1 hectares and or more dwelling units where a minimum of 20% of units are provided as affordable housing.</p> |
| 6.26 | <p>The applicant has provided one 2 bed 3 person, and one 1 bed 2 person apartments for social rented housing which meets the definition of affordable housing. The delivery and monitoring of the DMR units will require a Section 76 planning agreement and delegated authority is requested to allow officers to finalise this.</p> |
| 6.27 | <p>The application is considered to comply with HOU5 of the Plan Strategy subject to the S.76.</p> <p>Further to this, Policy HOU6 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:</p> |
| | <p>a. Up to date analysis of prevailing housing need in the area;</p> |

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| 6.28 | <ul style="list-style-type: none"> b. The location and size of the site; c. Specific characteristics of the development; and d. The creation of balanced and sustainable communities |
| 6.29 | <p>The development contains a mix of one- and two-bedroom apartments. A total of ten units are proposed with seven 2-bed, 3 person units, two, 1 bed, 2 person units and one, 1 bed, 2-person unit as accessible. With regards to the affordable units as described above, the NIHE has informed the applicant that this area is in need of one and two bed apartments to meet the needs of single adults and small family occupants. The proposal offers a suitable mix of house types and sizes to promote choice and assist in the surrounding community needs.</p> |
| 6.30 | <p><u>Adaptable and Accessible Housing</u></p> <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. Policy HOU7 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.) which these units must meet. The applicant has provided evidence to demonstrate that the proposal is in accordance with criteria a. to f. In addition to this, the applicant has provided one adaptable and accessible unit on the ground floor to comply with criteria g. to, o.</p> |
| 6.31 | <p><u>Access, movement, and parking</u></p> |
| 6.32 | <p>The proposal has been assessed against the following policies TRAN 1, TRAN 6, TRAN 8, TRAN 10.</p> |
| 6.33 | <p>TRAN 1 is met in that cycle parking has been provided to the rear of the apartment development. In addition, it is proposed that provision will be made to provide able routes for future introduction of EV charging points to each parking space.</p> |
| 6.34 | <p>Policy TRAN 6- Dfl Roads were consulted and is satisfied that parking on-street is unlikely to have a significant impact on the local road network in terms of traffic and road safety. The means of access to the development would be safe. There is sufficient parking available having regard to the location and sustainability of the site.</p> |
| 6.35 | <p>Policy TRAN 8- Car Parking and Servicing Arrangements. It is considered that adequate parking has been provided for the proposal. 1 no. parking space has been provided per apartment, with the inclusion of one accessible parking space located in close proximity to the primary entrance to the apartment building. This is considered adequate, given the location and choice of other transport modes available and the Travel Plan, which will promote alternative forms of transport to the use of private cars. It has also been demonstrated in the submitted TAF and Parking Statement that there is also adequate spare capacity on-street available to accommodate any possible overspill of parking from the development.</p> |
| | <p>Policy TRAN 10 has been met in that the design of car parking meets the following criteria:</p> <ul style="list-style-type: none"> a. It respects the character of the local townscape/landscape as the majority of parking is to the rear of the building. The extent of parking retained at the front of the property is consider consistent with other development in the area and is screed by the retained vegetation along the site frontage. b. It will not adversely affect visual and residential amenity as it is extensively screened from view of the street scene. c. Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site as all parking is overlooked and located adjacent to, or within a short distance of, the entrance to the building. |

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| 6.36 | d. Provision of one parking space has been made for accessible parking bays which facilitate safe, convenient access for people with a disability or impaired mobility. |
| 6.37 | The proposal is considered compliant to Policies, TRAN 1, 2, 4, 6, 8 and 10. |
| 6.38 | <p><u>Drainage</u> Policy ENV4 states that planning applications in flood risk areas must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA). The council will have regard to guidance publications produced by other authorities and prospective developers/applicants are advised to liaise early in the formulation of their proposals with DfI Rivers to clarify flooding or flood plain issues that may affect particular sites. In all circumstances, the council will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions.</p> |
| 6.39 | DfI Rivers is currently considering additional information from the applicant. Delegated authority is therefore requested to the Director of Planning and Building Control to finalise any conditions and resolve any matters arising from the outstanding consultation response from DfI Rivers in the event this is not received prior to Committee. |
| 6.40 | <p><u>Waste-water infrastructure</u> NI Water have advised that if a solution is agreed between the developer and NIW, they will be in a position to change their response to a positive one. The applicant has submitted further information to demonstrate that a solution has been found, however we are awaiting confirmation from NI Water.</p> |
| 6.41 | NIW is currently considering additional information from the applicant. Delegated authority is therefore requested to the Director of Planning and Building Control to finalise the conditions and resolve any matters arising from the outstanding consultation response from NIW in the event this is not received prior to Committee. |
| 6.42 | <p><u>Noise, odour and other environmental impacts including Contamination</u> Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations.</p> |
| 6.43 | <p><u>Contaminated land</u> Environmental Health (EH) is of the opinion that past land-use on or in close proximity to this proposed development will not cause a potential impact on the health of the future occupants of the proposed development.</p> |
| 6.44 | <p><u>Air quality</u> EH has reviewed the proposal with regards to air quality and has requested that in order to determine if an Air Quality Impact Assessment will be required for the proposed development, the service would request that technical information on the proposed centralised combustion plant be provided to the Planning Service and therefore request that consideration is given to this through a condition.</p> |
| | <p><u>Noise</u> EH offered no objection with regards to noise impacts from the development.</p> |

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| 6.45 | The proposal is therefore considered to accord with Policy ENV1. |
| | Representations: |
| 6.46 | <p>Eleven objections raise issues regarding increased traffic, parking, noise, loss of light and overshadowing, overdevelopment and loss of privacy.</p> <p>These issues have been fully assessed above; however, the application is considered acceptable for the reasons set out in the above assessment.</p> |
| 7.0 | Recommendation |
| 7.1 | Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a S.76 planning agreement to secure 20% affordable housing. |
| 7.2 | 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, including consideration of the outstanding Rivers Agency consultation, provided that they are not substantive. |
| DRAFT CONDITIONS: | |
| <ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. No dwelling shall be occupied until weather protected cycle parking has been fully provided in accordance with the approved plans. Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car. 3. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development. Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site. 4. The vehicular access, including visibility splays, shall be provided in accordance with the approved plan, prior to the commencement 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. 5. The development shall not be occupied until secure and covered cycle parking facilities have been provided on the site. These facilities shall be permanently retained on the site. Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car. | |

6. The development hereby permitted shall not be occupied until all existing redundant accesses have been closed off to the satisfaction of DfI Roads.

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

7. The development hereby permitted shall operate in accordance with the approved Travel Plan.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

8. In the event that any centralised combustion sources (boilers, CHP or biomass) 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 (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted in writing to the Planning Authority for review and approval. Where the Air Quality Impact Assessment indicates exceedances of air quality objectives, appropriate mitigation measures shall be presented and these mitigation measures shall be installed and retained thereafter.

Reason: Protection of Human Health

9. Prior to the commencement of the development hereby approved a landscape management plan shall be submitted and agreed in writing with the council. The landscape management plan should detail all soft landscaping including species, size and type, and include details of appropriate SUDs measures to assist in minimising flood risk. All agreed landscaping and SUDs measures shall thereafter be retained and managed as agreed.

Reason: In the interests of mitigating against environmental change.

10. All hard and/or soft landscaping works shall be carried out in accordance with the above approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

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

11. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased, or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

12. All landscaping works shall be carried out in accordance with the approved details on drawing no 14, uploaded to the planning portal on 05/02/2024 . The works shall be carried out prior to

the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

13. Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site and must be in place before any materials or machinery are brought onto site for demolition, development, or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

14. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers: 01 02 03A 04A 05 06 07 08 09 10 11 12 13 14 15 16
2. Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.
3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.
4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

| ANNEX | |
|---|------------|
| Date Valid | 05/08/2022 |
| Date First Advertised | 10/03/2023 |
| Date Last Advertised | 02/03/2023 |
| Flat 8, 14a Inverary Avenue 39 Inverary Avenue 33 Inverary Avenue 24 Inverwood Gardens 24 Inverary Avenue Flat 1, 14b Inverary Avenue 3 Inverary Avenue 16 Inverwood Gardens Flat 6, 14a Inverary Avenue Flat 9, 14b Inverary Avenue 18 Inverwood Gardens 14 Inverwood Gardens Flat 3, 14a Inverary Avenue 12 Inverary Avenue 10 Inverary Avenue Flat 4, 14a Inverary Avenue 24a Inverary Avenue 2 Inverary Avenue 26 Inverwood Gardens 21 Inverary Avenue Flat 8 14b Inverary Avenue Flat 9 14a Inverary Avenue 14 Inverary Avenue 25 Inverary Avenue Flat 1, 14a Inverary Avenue 20 Inverwood Gardens Flat 6, 14b Inverary Avenue Flat 3, 14b Inverary Avenue Flat 5, 14a Inverary Avenue 6b Inverary Avenue 8 Inverary Avenue Flat 4, 14b Inverary Avenue 31 Inverary Avenue Flat 7, 14b Inverary Avenue Flat 7, 14a Inverary Avenue 20 Inverwood Gardens 41 Inverary Avenue Flat 5, 14b Inverary Avenue 27 Inverary Avenue 20 Inverary Avenue 1 Inverary Avenue 43 Inverary Avenue 23 Inverary Avenue Flat 2, 14a Inverary Avenue Flat 2, 14b Inverary Avenue 22 Inverwood Gardens | |

37 Inverary Avenue
35 Inverary Avenue
19 Inverary Avenue
29 Inverary Avenue