

ADDENDUM REPORT

Application ID: LA04/2020/2105/F

Committee Date: 19th March 2024

Proposal: Residential development comprising 55no. apartments comprising 12 no social, and 43 no private apartments and associated site works.

Location: 1-5 Gaffikin Street
Belfast
BT12 5FH

Referral Route: Major development

Recommendation: Approval subject to conditions and Section 76 planning agreement

Applicant Name and Address:

Benmara Property Ltd
181 Templepatrick Road
Ballyclare

Agent Name and Address:

Footprint Architectural Design
181 Templepatrick Road
Ballyclare

Background:

1. This application was due to be considered at the February 2023 Planning Committee. However, the application was deferred for a Committee site visit. The site visit took place on 24th February 2023. At the site visit it was observed that one of the units of the existing building is a car repair garage/workshop and it was considered that this would fall within Use Class B3: General Industrial and as such Policy PED7 of then PPS4 would have been a relevant planning consideration.
2. The application is reported back to the Committee for re-assessment against the Belfast Local Development Plan: Plan Strategy 2035. The Plan Strategy was adopted in May 2023. This provides a new policy framework for decision-making. In accordance with the advice given to Members at the April 2023 Committee, the application is required to be re-assessed having regard to the policies in the Plan Strategy.
3. The proposal has been amended to include 12 no social and 43 no private apartments, instead of 6 no social; 6 no intermediate and 43 no private apartments.
4. This report should be read in conjunction with the report to the 14th February 2023 Planning Committee, appended.

Updated consultation responses:

5. Northern Ireland Housing Executive (NIHE) – Supportive of the 12 social units proposed however they have emphasized that 2 bed/2 person units are not an approved form of social housing.
6. BCC Waste Management – No objection following the submission of a Waste Management Plan.
7. DfI Roads Service – No objection subject to conditions.
8. BCC Urban Design – There have been no design amendments proposed since that of February 2023, however the consultee commented on the submitted Masterplanning Statement.

Updated Policy Context:

9. 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.
10. 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.
11. 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 ("Departmental Development Plan") until the Local Policies Plan is adopted.
12. **Operational policies** – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of the report. The Plan Strategy replaces the operational policies previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).
13. **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 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.
14. The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP (2004 and 2014), and unzoned land within all. The site is located within Belfast City Centre and is identified as being within Shaftesbury Square Character Area CC013 within dBMAP.

Relevant Planning Policies

Plan Strategy

15. The following policies in the Plan Strategy are relevant to consideration of the full application.

SP1A – managing growth and supporting infrastructure delivery
SP2 – sustainable development
SP3 – improving health and wellbeing
SP5 – positive placemaking
SP6 – environmental resilience
SP7 – connectivity
SD2 – Settlement Areas

HOU1 – Accommodating new homes
HOU4 – Density of residential development
HOU5 – Affordable Housing
HOU6 – Housing Mix
HOU7 – Adaptable and accessible accommodation
DES1 – Principles of urban design
DES2 – Masterplanning approach for major development
RD1 – New residential developments
HC1 – Promoting healthy communities
ENV1 – Environmental quality
ENV2 – Mitigating environmental change
ENV3 – Adapting to environmental change
ENV4 – Flood risk
ENV5 – Sustainable drainage systems (SuDS)
TRAN1 – Active travel – walking and cycling
TRAN 2 – Creating an accessible environment
TRAN4 – Travel plan
TRAN6 – Access to public roads
TRAN8 – Car parking and servicing arrangements
OS3 – Ancillary open space
NH1 – Protection of natural heritage resources
TRE1 – Trees

Supplementary Planning Guidance

Placemaking and Urban Design
Masterplanning Approach for Major Development
Transportation
Planning and Flood Risk

Updated Assessment

16. The adoption of the Plan Strategy requires the following updated assessment.

Consultation responses

17. Whilst consultees may have 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, for example PPS6 and PPS15.

Key issues

18. The key issues for consideration of the application are set out below.

- Principle of housing in this location
- Housing density
- Affordable housing
- Housing mix
- Adaptable and accessible accommodation
- Design and placemaking
- Climate change
- Open space
- Access and transport
- Health impacts

- Environmental protection
- Flood risk and drainage
- Waste-water infrastructure
- Natural heritage
- Built heritage
- Pre-application Community Consultation

Representations

19. Following re advertisement in the local press as well as neighbour notification, an additional 10 letters of objection were received, and 1 letter of support. The issues were raised are the same as previously, with the exception of one letter noting that amendments being submitted around Christmas were misleading as you don't have enough time to reply. Written representations are considered throughout the assessment until Determination.

Principle of housing in this location

20. The site is within the development limits in BUAP, Draft BMAP and the unlawfully adopted version of BMAP and is not subject to any zonings. The area is characterised by a mix of uses. The proposed development is residential and considered acceptable in principle at this location and in keeping with the mix of existing uses in the locality, subject to the consideration and resolution of other planning and environmental matters. Concerns regarding PED7 of PPS4 previously are now not applicable. Whilst the Plan Strategy does not refer to unzoned land to be protected. Para 6.89 of the SPPS states that *“while the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.”* It is considered that the site is a suitable location in principle for housing and that the proposal is compliant with HOU1 which sets out the requirements for new residential accommodation in Belfast City.

Housing Density

21. Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations. The site is located within the city centre where the average density should be dwellings per 150-350 hectare (ha). The site area is 0.17 ha and so the proposal equates to a density of 323 dwellings per ha, demonstrating that it would make effective use of land.

Affordable Housing

22. Policy HOU5 of the Plan Strategy requires housing schemes of 5 units or more, or sites of 0.1 hectares or greater, to deliver a minimum 20% affordable housing. NIHE are supportive of 20% units for social housing (12no units) in this development as per their comments dated 1st November 2023. They emphasised that 2 bed/2 person is not an approved form of social housing however. The Agent has stated they can confirm the type of units required can be provided in line with the agreed S76 to ensure the feedback from NIHE is compiled with. The remaining units are a mix of 1 bed/2 person and 2 bed/3 person.

Housing Mix

23. Policy HOU6 applies, however the requirement for a mix of house types will not apply to single apartment developments, and instead the housing mix will be considered acceptable through greater variety in the size of units. The proposal consists of one and two bedroom apartments, ranging from 41sqm to 66sqm, and is therefore acceptable.

Adaptable and accessible accommodation

24. 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 applicant has provided evidence that these criteria are satisfied.
25. The policy also requires that at least 10% of units in residential developments of 10 units or more are wheelchair accessible and provides an additional nine criteria (g. to o.) with which these units should accord. The proposal includes 10% wheelchair units. It is considered that the proposal complies with the additional nine criteria g. to o and meet the standards set out in Appendix C of the Plan Strategy, as set out in the submitted Adaptable and Accessible Accommodation Statement.

Design and Placemaking

26. The proposal has been assessed against the SPPS, and Policies SP5, DES1, DES2 and RD1. Policies SP5 and DES1 promote good placemaking, high quality design and the importance of proposals responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials avoiding any negative impact at street level. Policy DES2 advocates adopting a holistic approach to site layout that is mindful of adjacent land.
27. The proposal was subject to a lengthy and detailed PAD process, much of which focused on the design and layout of the proposed building. The proposal is of a modern design. The building can be viewed as 3 sections, a five storey element with a part setback sixth floor at the corner of Donegall Road/Blondin Street, a central five storey element and a three storey plus setback floor at the corner of Donegall Road/Oban Street. Whilst this is an increase in height from what is existing on the site there are a number of taller buildings, Whitehall Square immediately adjacent (6 storeys to Donegall Road and 5 elsewhere) and Ulidia House (4 storeys with 1 storey set back on the top), located in the immediate area. The Urban Design Criteria (UDC) for this location in dBMAP 2015 for this character area states that 'new development shall respect the established building line and that building heights shall be a minimum of 2 storeys and a maximum of 3 storeys'. Previous approvals on the site itself must be acknowledged however as well as existing buildings in the area, and the proposed height is considered acceptable, especially in the context of existing developments in the immediate area which exhibits a variety in terms of building heights and designs.
28. The taller element of the building will be situated to the east of the site, and therefore adjacent to Whitehall Square. The opposite side of the building adjacent to Oban Street displays a 3 storey element with 1 storey set back, which is considered to respect the residential scale of the dwellings adjacent on the Donegall Road.
29. In regards to impact on residential amenity, criterion (b) of Policy RD1 requires there to be no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance and the orientation of the development in relation to the existing dwellings. With regards to the potential loss of light to the existing

residential properties a detailed Daylight and Sunlight Assessment was submitted, which includes a consideration of the impact on neighbouring properties. The report demonstrates that the development meets BRE guidelines and on balance is considered acceptable from a daylight and sunlight perspective.

30. With consideration to the orientation of the development as well as the layout of the apartments there will not be an unacceptable degree of overlooking to residential amenity, particularly at Nos 70-80 Donegall Road and Whitehall Square as raised as a concern within some representations received. This can be said for overshadowing also, especially considering the set backs for proposed terraces.
31. The development is accessed via Gaffikin Street and Donegall Road both for pedestrians, and Gaffikin St for the car park. Defensible space is provided to the front of the ground floor apartments in the form of a 1.1m metal railing with a hedge. This should alleviate any safety concerns.
32. Of the 55 apartments, there are eleven 1 bed apartments, with the remainder are 2 bed apartments. A large roof top terrace is proposed, as well as a much smaller terrace on the fourth floor. 45 of the apartments also display recessed balconies. The apartments range in size from 41-56sqm for a 1 bed apartment, and from 60-66sqm for a 2 bed apartment. The proposed apartments meet the recommended space standards as set out in the Appendix C of the Pan Strategy.
33. The proposed materials are predominantly brick alongside PPC aluminium windows/doors, zinc cladding at the fifth floor, frameless glass balustrades around both terraces, precast concrete lintel window headers and at ground floor hedge railings, render and metal louvres. The proposed materials are considered acceptable for the area which is characterised by a variety of building types and elevation treatment, however as suggested by BCC Urban Design Officer samples of these should be submitted and agreed in writing with the Council prior to work commencement.
34. A Masterplanning statement setting out the applicant's justification as to how the proposal accords with the masterplanning principles as set out in Policy DES2 was submitted. BCC Urban Design Officer commented that previous advice provided on 07 June 2021 would concur with the statements made on pgs. 2 and 3 which address each criterion of the policy in turn. No concerns are therefore raised in relation to the information contained within this statement and that all relevant criteria have been met. The proposal is acceptable when assessed against policies SP5, DES1, DES2 and RD1.

Climate change

35. Policy ENV2 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.
36. The proposal includes various sustainable design features which seek to mitigate environmental change. These measures include LED light fittings, and high-performance glazing and insulation to improve the performance of the building. Policy ENV2 also states that development proposals, where feasible, should seek to avoid demolition and should consider how existing buildings or their main structures could be reused. It is proposed to demolish the existing building, which is a building unsuitable for conversion for residential purposes and its demolition is considered acceptable. Excavated materials from the site will be reused if deemed suitable. Other waste will be disposed of according to waste disposal regulations and the submitted Waste Management Plan, to ensure that all

construction and demolition waste associated with the development is managed and controlled to prevent the risk of environmental pollution or ecological damage. The proposal is considered compliant with Policy ENV2.

37. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. The applicant has demonstrated in their Climate Change Statement that the proposal is compliant with criteria a to i. The introduction of natural SuDs is welcomed through rooftop terrace / green roof with box planting. Furthermore, box hedging is proposed along the boundaries of ground floor apartments. The proposal is considered compliant with Policy ENV3.
38. Policy ENV5 states that all built development shall include, where appropriate, SuDs measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere. The applicant has demonstrated the proposal will include the following SuDs measures:
- rooftop terrace / green roof with box planting and box hedging is proposed along the boundaries of ground floor apartments.
 - Oversized pipework
- The proposal is considered compliant with Policy ENV5.

Open Space

39. Policy OS3 requires that all new development proposals makes appropriate provision for open space, including hard and soft landscaped areas and outdoor amenity areas, to serve the needs of the development. The precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to a) the normal expectation will be at least 10% of the total site area; and b) complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupiers, should be incorporated into the design of the development.
40. Recessed balconies are provided for 45 of the proposed apartments. Private communal external terraces are provided on the fourth and fifth floors. Overall an average of approximately 10sqm of amenity provision per unit has been proposed. The Plan Strategy Statement confirms within the site area of 0.17ha the open space of 455sqm approx equates to 27% of the site area.
41. Planning permission will only be granted for proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. Whilst In this case, no public open space is proposed within the site. Policy OS3 accepts that on-site provision for open space can be reduced where the site is close to or would benefit from ease of access to areas of existing public open space. In this regard, the site is within close proximity of the site to Lower Crescent and to Botanic Gardens a high-quality area of open space. Having regard to these considerations, the approach to open space is considered acceptable.

Access and Transport

42. The proposed development includes car parking provision of 22 spaces (0.4 spaces per apartment). The site is located on an arterial route and is well served by public transport with good access to the bus and railway stations/stops. Cycle parking spaces (32no) are also provided within the car park.

43. A number of versions of Transport Assessment Form, Parking Statement, and Travel Plan were submitted. The most recent Travel Plan submitted November 2021 proposes : -
- Funding for travel passes for three years to help establish sustainable travel and cycle hire membership.
 - Funding for cycle hire membership for three years
 - Commitment given by applicant the plan will be promoted by a Travel Coordinator. This will reduce dependence on the car and therefore contribute to reduced growth in car journeys in the future.
44. Whilst objectors raised concerns regarding the lack of parking and traffic increase, the scale of development and transport implications of the proposal were assessed by DFI Roads Service, the authoritative body on road safety and parking. Having considered the supporting information submitted as well as the plans, they have no objections to the development proposal on road safety and traffic progression grounds subject to conditions and securing the proposed green travel measures. They also did not raise any concern regarding the accuracy of the Travel Plan submitted.
45. The proposal is considered acceptable having regard to Policies TRAN1, TRAN2, TRAN4, TRAN 6 and TRAN8.

Health Impacts

46. Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.
47. The proposal provides opportunity for active travel, physical and improved mental wellbeing. The site is within walking distance of the city centre and its amenities. It is within short walking distance of Botanic Gardens, an area of quality open space. Active travel will be further encouraged through the travel plan and green measures proposed as part of the application. A reasonable level of amenity space would be provided within the development including private and communal space. The proposal is considered to satisfy the requirements of Policy HC1.

Environmental protection

48. 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. BCC Environmental Health reviewed a number of documents submitted relating to noise, and contaminated land.
49. The issue of noise was raised in the representations, as a result of demolition/construction work. All construction work should be undertaken in line with best practice guidelines, however a condition was recommended by BCC EHO requiring that detailed Construction Environmental Management Plan (CEMP) be submitted and agreed with the Council, prior to demolition and then again prior to construction commencing (as often different contractors may be involved). The CEMP should demonstrate best practicable means will be employed in controlling adverse impacts associated with dust, noise and vibration and

shall include arrangements and evidence of neighbour liaison/communication in advance of works commencing.

50. With regards to potential noise impact from the use of communal amenity areas which in noise terms do not benefit from being enclosed within a courtyard a condition has been recommended regarding access to the communal areas being restricted between certain hours to reduce the potential for noise in these areas affecting nearby off site sensitive residents.
51. While reduction by screening and distance from the road has been predicted in noise report submitted to achieve levels of noise just below the upper limits recommended in relevant guidance for the communal external amenity areas at fourth and fifth floor levels, a number of private balconies are likely to experience external noise levels significantly in excess of the recommended upper limit of 55dBLAeq,16hr outlined in the WHO guidelines. On balance given its urban location this is acceptable. BCC EHO suggested a number of very detailed conditions to be attached should approval be granted relating to all noise mitigation measures.
52. A Generic Quantitative Risk Assessment was submitted relating to the risk of contaminated land on the site. Comments were invited from both BCC EHO and DEARA's Regulation Unit, who both responded with no objections, suggesting conditions to be included should approval be granted.
53. BCC EPU has no objection to the proposal from an air quality perspective subject to the request for technical information to be submitted and agreed should any centralised combustion plants (boilers/CHP, biomass) be proposed. Based on this, an Air Quality Impact Assessment may be required for relevant human health receptors.

Flood risk and drainage

54. 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.
55. DfI Rivers had reviewed the submitted Drainage Assessment which indicates that flood risk to and from the development will be appropriately managed. DfI Rivers, while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. It offers no objection to the proposal and the proposal is therefore considered to meet the requirements of Policy ENV4.

Waste-water infrastructure

56. Policy SP1a requires that necessary infrastructure is in place to support new development. DAERA Waste Management Unit has expressed concern that the sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Belfast Waste Water Treatment Works (WWTW) and recommended that the Case Officer consult with Northern Ireland Water Limited (NIW) to determine if the WWTW will be able to cope with the additional load or whether the existing WWTW would need to

be upgraded. NI Water Limited confirmed that waste water treatment capacity is not available at present for the proposed development.

57. NI Water confirmed that they have a programme for WWTW improvements which will increase capacity over the coming years. These works are estimated to be completed within the five-year lifespan of planning permission were it to be granted. Moreover, NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development will not all come forward at once which means in practical terms it would be unreasonable to withhold planning permission in relation to these issues.
58. In practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental impact on waste-water infrastructure or environment, particularly in the context of impacts over and above what has already been committed across the city.
59. In light of the NI Water response dated 25/04/22 a negative planning condition shall be included in any approval to require full details of the how foul/waste water is to be disposed of prior to commencement of the development. As this matter can be addressed by a suitably worded planning condition this issue is not considered to be a refusal reason.
60. Shared Environmental Service (SES) carried out a Habitats Regulation Assessment on behalf of the Council and advise that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects subject to mitigation measures which are recommended as a condition. Consent is required for the method of sewage disposal, agreed in writing with Northern Ireland Water (NIW) or Consent to discharge has been granted under the terms of the Water (NI) Order 1999, prior to the commencement of development. DAERA WMU whilst expressing concern also suggested this condition to be attached, but noted that Consent is not guaranteed. The proposal is acceptable having regard to Policy SP1A of the Plan Strategy.

Natural heritage

61. With respect to the natural heritage on the site a Biodiversity Checklist including bat roosting and bird nesting potential assessment were considered by Natural Environment Division (NED). They responded with no objections to the proposal. The existing structure was assessed as having negligible bat roosting potential given a complete lack of potential roost features (PRFs). No evidence of nesting or roosting birds were identified inside the building by the ecologist, and NED are content that the demolition of the existing built structure will have no significant impacts on protected/priority species, including bats and breeding/nesting birds. Therefore, the proposal complies with the requirements of Policy NH1.

Built Heritage

62. The proposed site is in close proximity to No.1-29 Malone Place (Grade B2x8 & B1x1) which is a terrace of nine listed buildings. HED Historic Buildings was consulted and has no objections and the proposal complies with paragraph 6.12 of the SPPS and policy requirements relating to listed buildings. HED (Historic Monuments) also noted they were content that the proposal is satisfactory to SPPS and archaeological policy requirements.

Pre-application Community Consultation

63. The proposal falls under the category of Major Development, and therefore Pre-Application Community Consultation was carried out under the planning reference LA04/2020/0872/PAN. Feedback given was both supportive and unsupportive of the proposal.
64. Whilst some representations raised the issue that the developer was reluctant to meet with locals Community Consultation was carried out through the PAN process, and complied with The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020, which applied to this application.

Recommendation

65. It is recommended that planning permission is granted. 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 matters that arise, provided that they are not substantive.

Draft Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Prior to the commencement of the approved development, the applicant must demonstrate how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161 of The Water and Sewerage Services (NI) Order 2006, in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere. Details of which shall be submitted and agreed in writing with the Council.

Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

3. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure appropriate foul and surface water drainage of the site is in place for the operational phase of the proposal that will ensure no impacts to European Sites. Approval is

required upfront because the design of drainage is an integral part of the development and its acceptability.

4. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

5. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of the hereby permitted development. The window specification for habitable rooms shall be in line with recommendations of section 5 of the Irwin Carr Consulting Noise Impact Assessment (dated 28th May 2021, referenced Rp003N2020187).

Reason: In the interests of residential amenity

6. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the specification of alternative means of ventilation. Windows shall be capable of a sound reduction of 40dB(Rw+Ctr) to the Donegall Rd northern façade, 36 dB(Rw+Ctr) to the Eastern (Blondin Street) and Western façade and 33dB(Rw+Ctr) to the rear southern façade along Gaffikin Street as recommended in section 5.4 of the Irwin Carr Consulting NIA dated 28th May 2021 Rp003N2020187. The sound reduction specification (dBD,n,e +Ctr) for the alternative means of ventilation shall be the same as or greater than the sound reduction specification for the windows of each façade to ensure suitable internal noise levels of habitable rooms outlined in British Standard BS8233:2014 are achieved with the windows shut and the alternative means of ventilation operating or in the open position.

Reason: In the interests of residential amenity

7. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed so as to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided

Reason: In the interests of residential amenity

8. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed.

Reason: In the interests of residential amenity

9. Prior to occupation of the hereby permitted development, the developer shall verify that the window schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation.

Reason: In the interests of residential amenity

10. The separating floor between the ground floor plant room and any habitable rooms directly above shall be constructed to ensure a sound reduction performance as per the recommendation in section 6 of the Irwin Carr Consulting NIA dated 28th May 2021, reference: Rp003N2020187.

Reason: In the interests of the residential amenity

11. The roof construction to the hereby permitted development shall incorporate an additional layer of 12.5mm plasterboard with staggered joints to ensure an overall sound reduction of 49dBRw is achieved by the roof.

Reason: In the interests of residential amenity

12. Access to and use of any communal external amenity area shall not be permitted between the hours of 22:30-08:00hrs

Reason: In the interests of residential amenity

13. The external communal amenity areas shall incorporate a 1.2m high glazed barrier to a minimum thickness of 10mm with no gaps below the glass or between sections of barrier.

Reason: In the interests of residential amenity

14. Prior to installation of any plant and equipment associated with the proposed development, details shall be provided to the planning authority for review and approval in writing. The details submitted shall be accompanied by comment by an acoustic consultant demonstrating that the rating level (dBLAr,T) of the plant/ equipment when in operation will not exceed the representative background sound level (dBLA90,T) at night when measured and/or determined in accordance with BS4142:2014. The details will be required to be supported with representative background noise levels taken at night in the location where the plant is proposed.

Reason: In the interests of residential amenity

15. The plant and equipment at the development shall be installed in accordance with the approved details.

Reason: In the interests of residential amenity

16. Prior to demolition, site clearance or site preparation, a Construction Environmental Management Plan (CEMP) shall be submitted to the Council for review and approval in writing. The CEMP shall include site specific measures to be employed by the appointed

contractor to control noise, dust and vibration during the demolition demonstrating the use of 'best practicable means'. The CEMP shall have due regard to Parts 1 and 2 of BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: In the interests of residential amenity

17. Prior to commencement of construction on site, a Construction Environmental Management Plan (CEMP) shall be submitted to the planning authority for review and approval in writing. The CEMP shall include site specific measures to control noise, dust and vibration during the construction phase, demonstrating the use of 'best practicable means'. The CEMP shall include rationale for and details of any chosen piling method and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises. The CEMP shall have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: Protection of residential amenity

18. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Council in writing, prior to the development being occupied. If required, 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.

Reason: Protection of human health.

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

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

20. After completing any remediation works required under Condition 19, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contaminationhow-to-manage-the-risks>. The verification

report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

21. In the event that a combustion plant is proposed at a subsequent design stage of the development, which has a single or combined NO_x emission rate greater than 5mgs-1, the applicant must submit an air quality impact assessment for the development. The assessment shall include a specification for the combustion plant to be installed, to include emission rates and flue termination heights, of the proposed combustion systems for heating and hot water. The assessment must demonstrate that occupants of the proposed development will not be exposed to concentrations of air pollution in excess of air strategy objectives.

Reason: protection against adverse health effects.

22. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with drawing No.P306/R01 Rev.E uploaded to the Planning Portal 21st December 2023, prior to the occupation of any other works or other development hereby permitted.

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

23. The vehicular access hereby permitted shall be formed by lowered kerbs at the carriageway edge and associated re-grading of the footway to the satisfaction of the Department for Infrastructure.

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

24. The development hereby permitted shall not be occupied until the redundant lowered kerbing to the southern frontage of the development at Gaffikin Street is removed and the footway reinstated to the satisfaction of the Department for Infrastructure.

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

25. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed and permanently marked in accordance with drawing No.P306/R01 Rev.E uploaded to the Planning Portal 21st December 2023, to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development.

Reason: To ensure adequate provision has been made for parking within the site.

26. The development hereby permitted shall not be occupied until sheltered cycle parking facilities have been provided in accordance with drawing No.P306/R01 Rev.E uploaded to the Planning Portal 21st December 2023.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles

27. The development hereby permitted shall operate in accordance with the Residential Travel Plan Rev.2 dated November 2021.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

28. The development hereby permitted shall not commence until details and samples and a written specification of the materials to be used in the external elevations, have been submitted to and have been approved in writing by the Council. These include brick, PPC aluminium windows/doors and precast concrete lintel window headers as well as GF hedge railings, render, metal louvres and vehicle entrance details. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of visual amenity.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 th February 2023	
Application ID: LA04/2020/2105/F	
Proposal: Residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works.	Location: 1-5 Gaffikin Street Belfast
Referral Route: Major development	
Recommendation:	Approval
Applicant Name and Address: Benmara Property Ltd 181 Templepatrick Road Ballyclare	Agent Name and Address: Footprint Architectural Design 181 Templepatrick Road Ballyclare
<p>Executive Summary: This application seeks full permission for a residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works.</p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> - Principle of use on the site - Demolition - Access, movement and parking - Impact on natural heritage - Impact on built heritage - Design and layout - Open space and landscaping - Flood risk - Waste water treatment - Other environmental matters <p>The application site measures approximately 0.17ha and is located at lands bounded by Gaffikin St, Donegall Road, Blondin St and Oban St, Belfast. There is an existing car accessory shop, tyre centre and boxing club all within one large building on site at present. It displays a pitched roof and predominantly red bricked finish.</p> <p>The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP (2004 and 2014), and unzoned land within all. The site is located within Belfast City Centre and is identified as being within Shaftesbury Square Character Area CC013 within dBMAP. The immediate area is mostly residential with a mix of single and two storey terraced dwellings and a six storey apartment development directly adjacent (Whitehall Square).</p> <p>Following advertisement in the local press as well as neighbour notification, 118 letters of objection are recorded as being received from local residents, as well as 1 petition raising the following issues (summarised):</p> <ul style="list-style-type: none"> - Overlooking, overshadowing and loss of private amenity - Traffic and insufficient parking - Social (and affordable) housing needed and not private - Out of keeping with the existing built environment - Inappropriate scale - Negative visual impact - Existing resentment towards existing apartments in the area will worsen 	

- Dominance
- Overburdening the existing sewerage system
- Construction work and noise will impact on residential amenity
- Too many apartments are in the area already
- Community will not benefit from private rentals
- Developer was reluctant to meet with local residents
- Large number of dwellings in Gaffikin St are blocked up
- Travel Plan submitted is inaccurate
- Safety concerns
- Loss of existing boxing club
- Safe access required for ambulances and care workers
- PAN shows the development is not wanted in the area

In addition, a number of letters state their objection to the proposal but do not expand on the reasons why. Within a letter of objection from Blackstaff Residents Association, a request for a time extension was made for the submission of objection letters during Covid restrictions, and this was granted. Details were also included regarding a proposed "Traditional Family Residential Protection Areas" to be presented to DfC.

The proposal was amended from that initially submitted during the assessment of the application. The original submission was for a residential development of 55 apartments with no social or intermediate dwellings included.

The proposal has been assessed against and is considered to comply with the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Belfast Metropolitan Area Plan 2015 (BMAP), PPS2, PPS3, PPS6, PPS7, PPS8, PPS12, PPS13, PPS15, Parking Standards, and Creating Places.

No objections were raised by Consultees, subject to Conditions should approval be granted, with the exception of NI Water who requested an up to date Waste Water Impact Assessment. This is addressed in the main report.

Having regard to the development plan, relevant policy context and other material considerations, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal any other issues which might arise.

Case Officer Report

Site Location Plan



Representations:

Letters of Support	None received
Letters of Objection	118
Number of Support Petitions and signatures	None received
Number of Petitions of Objection and signatures	1 received containing 28 signatures

Characteristics of the Site and Area

1.0 Description of Proposed Development

The application seeks full planning permission for a residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works.

1.1 The application follows a lengthy Pre-Application Discussion (PAD) process with officers.

2.0 Description of Site

The site measures 0.17 hectares approximately, located at lands bounded by Gaffikin St, Donegall Road, Blondin St and Oban St, Belfast. There is an existing car accessory shop, tyre centre and boxing club all within one single storey large building on site at present. It displays a pitched roof and predominantly red bricked finish. There are commercial/warehouse type buildings to the rear of the site, and residential dwellings in the rest of the immediate area. They take the form of apartments and terraced dwellings.

Planning Assessment of Policy and Other Material Considerations

3.0 Site history

3.1 There are a number of Planning Approvals on the site itself which are relevant, as detailed below:

Z/2007/1490/O - Site for residential development comprising 48 apartments – Approved 05/12/07

Z/2010/0777/F - Residential development comprising 51no. apartments – Approved 05/08/11

LA04/2015/0617/O – Residential development comprising 42 no. apartments – Approved 17/08/16
LA04/2018/0021/RM - Residential development comprising 42 apartments – Approved 13/11/18

3.2 The proposal falls under the category of Major Development, and therefore Pre-Application Community Consultation was carried out under the planning reference LA04/2020/0872/PAN. Feedback given was both supportive and unsupportive of the proposal.

3.3 Whilst some representations raised the issue that the developer was reluctant to meet with locals Community Consultation was carried out through the PAN process, and complied with The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020, which applied to this application.

4.0 Policy Framework

- 4.1 Belfast Urban Area Plan 2001 (BUAP)
- 4.2 (Draft) Belfast Metropolitan Area Plan (BMAP) v2004
- 4.3 (Draft) Belfast Metropolitan Area Plan (BMAP) v2014
- 4.4 Belfast Local Development Plan Draft Plan Strategy 2035
- 4.5 Strategic Planning Policy Statement (SPPS)
- 4.6 Planning Policy Statement (PPS) 2: Natural Heritage
- 4.7 Planning Policy Statement (PPS) 3: Access, Movement and Parking
- 4.8 Planning Policy Statement (PPS) 6: Planning Archaeology and the Built Environment
- 4.9 Planning Policy Statement (PPS) 7: Quality Residential Environments
- 4.10 Planning Policy Statement (PPS) 8: Open Space, Sport and Outdoor Recreation
- 4.11 Planning Policy Statement (PPS) 12: Housing in Settlements
- 4.12 Planning Policy Statement (PPS) 13: Transportation and Land Use
- 4.13 Planning Policy Statement (PPS) 15: Planning and Flood Risk

5.0 Statutory Consultees

- 5.1 DfI Roads – No objection subject to conditions
- 5.2 Northern Ireland Water – Issues raised
- 5.3 DfI Rivers Agency – No objection subject to conditions
- 5.4 DAERA Natural Environment Division – No objection
- 5.5 DAERA Regulation Unit – No objection subject to conditions
- 5.6 DAERA Water Management Unit – No objection
- 5.7 DfC Historic Environment Division (HED) Historic Buildings – No objection
- 5.8 DfC Historic Environment Division (HED) Historic Monuments – No objection

6.0 Non-Statutory Consultees

- 6.1 Belfast City Council (BCC) Environmental Health – No objection subject to conditions
- 6.2 BCC Urban Design Officer – No objection subject to conditions
- 6.3 Northern Ireland Housing Executive (NIHE) - No objection
- 6.4 BCC Landscape, Planning and Development – No objection
- 6.5 Shared Environmental Services – No objection subject to conditions

7.0 Representations

7.1 The application has been neighbour notified and advertised in the local press. Additional information/amendments have been received during the processing of the application in response to requests for clarification from consultees, as well as the Applicant's wishes. Re-notification of objectors and neighbours was undertaken in accordance with standard procedures following receipt.

7.2 118 letters of objection were recorded as being received from local residents, as well as 1 petition raising the following issues

(summarised):

- Overlooking, overshadowing and loss of private amenity
- Traffic and insufficient parking
- Social (and affordable) housing needed and not private

- Out of keeping with the existing built environment
- Inappropriate scale
- Negative visual impact
- Existing resentment towards existing apartments in the area will worsen
- Dominance
- Overburdening the existing sewerage system
- Construction work and noise will impact on residential amenity
- Too many apartments are in the area already
- Community will not benefit from private rentals
- Developer was reluctant to meet with local residents
- Large number of dwellings in Gaffikin St are blocked up
- Travel Plan submitted is inaccurate
- Safety concerns
- Loss of existing boxing club
- Safe access required for ambulances and care workers
- PAN shows the development is not wanted in the area

7.3 These issues will be considered within the written assessment however a number of these issues are not planning considerations and outside the remit of planning legislation and guidance. Namely parking obstructions during construction as well as access; loss of the existing boxing club; resentment within the community towards existing apartments; number of existing apartments; proposed ideas for a “Traditional Family Residential Protection Areas” to be presented to DfC; incomes from private rentals; and quantum of existing dwellings which are in disrepair.

8.0 Other Material Considerations

8.1 Parking Standards

8.2 The Belfast Agenda (Community Plan)

8.3 Creating Places

9.0 Assessment

9.1 Section 6(4) of the Planning Act (Northern Ireland) 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.

9.2 Following the Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage at which Draft BMAP had reached it is considered to hold significant weight (save for policies around Sprucefield which remain contentious). The site is within the development limits of Belfast within (Draft) Belfast Metropolitan Area Plan (BMAP) 2004; BMAP 2015 and, the Belfast Urban Area Plan 2001 (BUAP). It is also located adjacent to an Arterial Route (Donegall Road).

9.3 The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council’s Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.

9.4 The proposed development is for a residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works.

9.5 The key issues are:

- Principle of use
- Demolition
- Access, movement and parking
- Impact on natural heritage
- Impact on built heritage
- Design and layout
- Open space and landscaping
- Flood risk
- Waste water treatment
- Other environmental matters

9.6 Principle of use

The site is within the development limits in BUAP, Draft BMAP and the unlawfully adopted version of BMAP and is not subject to any zonings. The area is characterised by a mix of uses as stated previously. The proposed development is residential and considered acceptable in principle at this location and in keeping with the mix of existing uses in the locality, subject to the consideration and resolution of other planning and environmental matters. The initial submission was for 55 private apartments, however the applicant amended this proposal to 55 apartments, 6 of which are social and 6 are intermediate. The request for social housing had been raised repeatedly within submitted representations. NIHE welcomed the inclusion of social and intermediate dwellings within the proposal also within their response dated 15/02/22.

9.7 Demolition

The development proposes the demolition of an existing single storey building. The building is considered to be of no architectural or historic interest, is not listed or located in an Area of Townscape Character or Conservation Area. The proposed demolition is considered by officers as acceptable in principle.

9.8 Access, movement and parking

The proposed development includes car parking provision of 23 spaces (0.4 spaces per apartment). The site is located on an arterial route and is well served by public transport with good access to the bus and railway stations/stops. Cycle parking spaces (32no) are also provided within the car park.

9.9 A number of versions of Transport Assessment Form, Parking Statement, and Travel Plan were submitted. The most recent Travel Plan submitted November 2021 proposes : -

- Funding for travel passes for three years to help establish sustainable travel and cycle hire membership.
- Funding for cycle hire membership for three years
- Commitment given by applicant the plan will be promoted by a Travel Coordinator. This will reduce dependence on the car and therefore contribute to reduced growth in car journeys in the future.

9.10 Whilst objectors raised concerns regarding the lack of parking and traffic increase, the scale of development and transport implications of the proposal were assessed by DFI Roads Service, the authoritative body on road safety and parking. Having considered the supporting information submitted as well as the plans, they have no objections to the development proposal on road safety and traffic progression grounds subject to conditions and securing the proposed green travel measures. They also did not raise any concern regarding the accuracy of the Travel Plan submitted.

9.11 Impact on natural heritage

With respect to the natural heritage on the site a Biodiversity Checklist including bat roosting and bird nesting potential assessment were considered by Natural Environment Division (NED). They responded with no objections to the proposal. The existing structure was assessed as having negligible bat roosting potential given a complete lack of potential roost features (PRFs). No evidence of nesting or roosting birds were identified inside the building by the ecologist, and NED are content that the demolition of the existing built structure will have no significant impacts on protected/priority species, including bats and breeding/nesting birds. Therefore, the proposal complies with the requirements of Policy NH2 of PPS2.

9.12 Impact on built heritage

The proposed site is in close proximity to No.1-29 Malone Place (Grade B2x8 & B1x1) which is a terrace of nine listed buildings. HED Historic Buildings was consulted and has no objections and the proposal complies with paragraph 6.12 of the SPPS and Policy BH11 of PPS6. HED (Historic Monuments) also noted they were content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

9.13 Design and layout

The proposal was subject to a lengthy and detailed PAD process, much of which focused on the design and layout of the proposed building. The proposal is of a modern design. The building can be viewed as 3 sections, a five storey element with a part setback sixth floor at the corner of Donegall Road/Blondin Street, a central five storey element and a three storey plus setback floor at the corner of Donegall Road/Oban Street. Whilst this is an increase in height from what is existing on the site there are a number of taller buildings, Whitehall Square immediately adjacent (6 storeys to Donegall Road and 5 elsewhere) and Ulidia House (4 storeys with 1 storey set back on the top), located in the immediate area. The Urban Design Criteria (UDC) for this location in dBMAP 2015 for this character area states that 'new development shall respect the established building line and that building heights shall be a minimum of 2 storeys and a maximum of 3 storeys'. Previous approvals on the site itself must be acknowledged however as well as existing buildings in the area, and the proposed height is considered acceptable, especially in the context of existing developments in the immediate area which exhibits a variety in terms of building heights and designs.

9.14 The taller element of the building will be situated to the east of the site, and therefore adjacent to Whitehall Square. The opposite side of the building adjacent to Oban Street displays a 3 storey element with 1 storey set back, which is considered to respect the residential scale of the dwellings adjacent on the Donegall Road.

9.15 In regards to impact on residential amenity, criterion (h) of QD 1 of PPS 7 requires there to be no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance and the orientation of the development in relation to the existing dwellings. With regards to the potential loss of light to the existing residential properties a detailed Daylight and Sunlight Assessment was submitted, which includes a consideration of the impact on neighbouring properties. The report demonstrates that the development meets BRE guidelines and on balance is considered acceptable from a daylight and sunlight perspective.

9.16 With consideration to the orientation of the development as well as the layout of the apartments there will not be an unacceptable degree of overlooking to residential amenity, particularly at Nos 70-80 Donegall Road and Whitehall Square as raised as a concern within some representations received. This can be said for overshadowing also, especially considering the set backs for proposed terraces.

9.17 The development is accessed via Gaffikin Street and Donegall Road both for pedestrians, and Gaffikin St for the car park. Defensible space is provided to the front of the ground floor apartments in the form of a 1.1m metal railing with a hedge. This should alleviate any safety concerns.

9.18 Of the 55 apartments, there are eleven 1 bed apartments, with the remainder are 2 bed apartments. A large roof top terrace is proposed, as well as a much smaller terrace on the fourth floor. 45 of the apartments also display recessed balconies. The apartments range in size from 41-56sqm for a 1 bed apartment, and from 60-66sqm for a 2 bed apartment. The proposed apartments meet the recommended space standards as set out in the Addendum to PPS7, Safeguarding the Character of Established Residential Areas.

9.19 The proposed materials are predominantly brick alongside PPC aluminium windows/doors, zinc cladding at the fifth floor, frameless glass balustrades around both terraces, precast concrete lintel window headers and at ground floor hedge railings, render and metal louvres. The proposed materials are considered acceptable for the area which is characterised by a variety of building types and elevation treatment, however as suggested by BCC Urban Design Officer samples of these should be submitted and agreed in writing with the Council prior to work commencement.

9.20 Open Space and landscaping

The proposed development has been assessed against the SPPS, Policy QD 1 of PPS7, Policy OS 2 of PPS 8 (Open Space, Sport and Recreation) and Creating Places. Recessed balconies are provided for 45 of the proposed apartments. Private communal external terraces are provided on the fourth and fifth floors. Overall an average of approximately 10sqm of amenity provision per unit has been proposed which is in line with Creating Places.

9.21 Policy OS 2 of PPS 8 states that proposals for new residential development of 25 or more units will only be permitted where public open space is provided as an integral part of the development. An exception to this requirement is in the case of apartment developments where a reasonable level of private communal open space is provided. The level of private open space is comparable with other developments in the area. The site is also in close proximity to existing areas of open space including Botanic Gardens. Taking account of the level of private amenity space proposed and accessibility to a number of existing areas of open space within reasonable walking distance the proposal is on balance considered acceptable.

9.22 Flood Risk

Since the proposal is for development of more than 10 units FLD 3 of PPS 15 applies. A Drainage Assessment was submitted and forwarded to DfI Rivers Agency for comment. They responded on 09/12/20 stating the Drainage Assessment "lacks a current letter from NIW for consent to discharge storm water to their system". They requested that should Approval be granted a Condition is included stating a final Drainage Assessment must be submitted to and agreed in writing with the Council prior to work commencing.

9.23 Following receipt of their response the Applicant submitted a copy of a Conditional Response dated 30/08/18 to an Article 154 application they had made, showing NI Water's consent to connect storm (attenuated) to the combined sewer. This was forwarded to DfI Rivers Agency for comment. They responded on 19/07/22 acknowledging the Drainage Assessment demonstrated the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event will be contained within the network, when discharging at existing greenfield runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NIW prior to adoption, however, in order ensure compliance with PPS 15, they suggested the potential flood risk from exceedance of the network, in the 1 in 100 year event, is managed by way of a condition, which shall be included should approval be granted.

9.24 Waste Water Treatment

DAERA Waste Management Unit has expressed concern that the sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Belfast Waste Water Treatment Works (WWTW) and recommended that the Case Officer consult with Northern Ireland Water Limited (NIW) to determine if the WWTW will be able to cope with the additional load or whether the existing WWTW would need to be upgraded. NI Water Limited confirmed that waste water treatment capacity is not available at present for the proposed development.

9.25 NI Water confirmed that they have a programme for WWTW improvements which will increase capacity over the coming years. These works are estimated to be completed within the five-year lifespan of planning permission were it to be granted. Moreover, NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development will not all come forward at once which means in practical terms it would be unreasonable to withhold planning permission in relation to these issues.

9.26 In practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of unimplemented development across the city. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental impact on waste-water infrastructure or environment, particularly in the context of impacts over and above what has already been committed across the city.

9.27 In light of the NI Water response dated 25/04/22 a negative planning condition shall be included in any approval to require full details of the how foul/waste water is to be disposed of prior to commencement of the development. As this matter can be addressed by a suitably worded planning condition this issue is not considered to be a refusal reason.

9.28 Shared Environmental Service (SES) carried out a Habitats Regulation Assessment on behalf of the Council and advise that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects subject to mitigation measures which are recommended as a condition. Consent is required for the method of sewage disposal, agreed in writing with Northern Ireland Water (NIW) or Consent to discharge has been granted under the terms of the Water (NI) Order 1999, prior to the commencement of development. DAERA WMU whilst expressing concern also suggested this condition to be attached, but noted that Consent is not guaranteed.

9.29 Other Environmental Matters

BCC Environmental Health reviewed a number of documents submitted relating to noise, and contaminated land.

9.30 The issue of noise was raised in the representations, as a result of demolition/construction work. All construction work should be undertaken in line with best practice guidelines, however a condition was recommended by BCC EHO requiring that detailed Construction Environmental Management Plan (CEMP) be submitted and agreed with the Council, prior to demolition and then again prior to construction commencing (as often different contractors may be involved). The CEMP should demonstrate best practicable means will be employed in controlling adverse impacts associated with dust, noise and vibration and shall include arrangements and evidence of neighbour liaison/communication in advance of works commencing.

9.31 With regards to potential noise impact from the use of communal amenity areas which in noise terms do not benefit from being enclosed within a courtyard a condition has been recommended regarding access to the communal areas being restricted between certain hours to reduce the potential for noise in these areas affecting nearby off site sensitive residents.

9.32 While reduction by screening and distance from the road has been predicted in noise report submitted to achieve levels of noise just below the upper limits recommended in relevant guidance for the communal external amenity areas at fourth and fifth floor levels, a number of private balconies are likely to experience external noise levels significantly in excess of the recommended upper limit of 55dBLAeq,16hr outlined in the WHO guidelines. On balance given its urban location this is acceptable. BCC EHO suggested a number of very detailed conditions to be attached should be approval granted relating to all noise mitigation measures.

9.33 A Generic Quantitative Risk Assessment was submitted relating to the risk of contaminated land on the site. Comments were invited from both BCC EHO and DEARA's Regulation Unit, who both responded with no objections, suggesting conditions to be included should approval be granted.

9.34 BCC EPU has no objection to the proposal from an air quality perspective subject to the request for technical information to be submitted and agreed should any centralised combustion plants (boilers/CHP, biomass) be proposed. Based on this, an Air Quality Impact Assessment may be required for relevant human health receptors.

9.35 Conclusion

Having regard to the policy context, planning history on the site and other material considerations above, the proposal is considered on balance acceptable and planning permission is recommended for approval subject to conditions. It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised.

Neighbour Notification Checked: Yes

Summary of Recommendation: Approval subject to Conditions

Conditions

- 29. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

30. Prior to the commencement of the approved development, the applicant must demonstrate how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161 of The Water and Sewerage Services (NI) Order 2006, in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere. Details of which shall be submitted and agreed in writing with the Council.

Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

31. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure appropriate foul and surface water drainage of the site is in place for the operational phase of the proposal that will ensure no impacts to European Sites. Approval is required upfront because the design of drainage is an integral part of the development and its acceptability.

32. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

33. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of the hereby permitted development. The window specification for habitable rooms shall be in line with recommendations of section 5 of the Irwin Carr Consulting Noise Impact Assessment (dated 28th May 2021, referenced Rp003N2020187).

Reason: In the interests of residential amenity

34. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the specification of alternative means of ventilation. Windows shall be capable of a sound reduction of 40dB(Rw+Ctr) to the Donegall Rd northern façade, 36 dB(Rw+Ctr) to the Eastern (Blondin Street) and Western façade and 33dB(Rw+Ctr) to the rear southern façade along Gaffikin Street as recommended in section 5.4 of the Irwin Carr Consulting NIA dated 28th May 2021 Rp003N2020187. The sound reduction specification (dB(D,n,e +Ctr) for the alternative means of ventilation shall be the same as or greater than the sound reduction specification for the windows of each façade to ensure suitable internal noise levels of habitable rooms outlined in British Standard BS8233:2014 are achieved with the windows shut and the alternative means of ventilation operating or in the open position.

Reason: In the interests of residential amenity

35. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed so as to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided

Reason: In the interests of residential amenity

36. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed.

Reason: In the interests of residential amenity

37. Prior to occupation of the hereby permitted development, the developer shall verify that the window schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation.

Reason: In the interests of residential amenity

38. The separating floor between the ground floor plant room and any habitable rooms directly above shall be constructed to ensure a sound reduction performance as per the recommendation in section 6 of the Irwin Carr Consulting NIA dated 28th May 2021, reference: Rp003N2020187.

Reason: In the interests of the residential amenity

39. The roof construction to the hereby permitted development shall incorporate an additional layer of 12.5mm plasterboard with staggered joints to ensure an overall sound reduction of 49dB_{Rw} is achieved by the roof.

Reason: In the interests of residential amenity

40. Access to and use of any communal external amenity area shall not be permitted between the hours of 22:30-08:00hrs

Reason: In the interests of residential amenity

41. The external communal amenity areas shall incorporate a 1.2m high glazed barrier to a minimum thickness of 10mm with no gaps below the glass or between sections of barrier.

Reason: In the interests of residential amenity

42. Prior to installation of any plant and equipment associated with the proposed development, details shall be provided to the planning authority for review and approval in writing. The details submitted shall be accompanied by comment by an acoustic consultant demonstrating that the rating level (dBL_{A,r,T}) of the plant/ equipment when in operation will not exceed the representative background sound level (dBL_{A90,T}) at night when measured and/or determined in accordance with BS4142:2014. The details will be required to be supported with representative background noise levels taken at night in the location where the plant is proposed.

Reason: In the interests of residential amenity

43. The plant and equipment at the development shall be installed in accordance with the approved details.

Reason: In the interests of residential amenity

44. Prior to demolition, site clearance or site preparation, a Construction Environmental Management Plan (CEMP) shall be submitted to the Council for review and approval in writing. The CEMP shall include site specific measures to be employed by the appointed contractor to control noise, dust and vibration during the demolition demonstrating the use of 'best practicable means'. The CEMP shall have due regard to Parts 1 and 2 of BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: In the interests of residential amenity

45. Prior to commencement of construction on site, a Construction Environmental Management Plan (CEMP) shall be submitted to the planning authority for review and approval in writing. The CEMP shall include site specific measures to control noise, dust and vibration during the construction phase, demonstrating the use of 'best practicable means'. The CEMP shall include rationale for and details of any chosen piling method and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises. The CEMP

shall have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: Protection of residential amenity

46. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Council in writing, prior to the development being occupied. If required, 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.

Reason: Protection of human health.

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

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

48. After completing any remediation works required under Condition 19, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contaminationhow-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

49. In the event that a combustion plant is proposed at a subsequent design stage of the development, which has a single or combined NO_x emission rate greater than 5mg/s-1, the applicant must submit an air quality impact assessment for the development. The assessment shall include a specification for the combustion plant to be installed, to include emission rates and flue termination heights, of the proposed combustion systems for heating and hot water. The assessment must demonstrate that occupants of the proposed development will not be exposed to concentrations of air pollution in excess of air strategy objectives.

Reason: protection against adverse health effects.

50. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with drawing No.P306/R01 Rev.C uploaded to the Planning Portal 20th December 2021, prior to the occupation of any other works or other development hereby permitted.

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

51. The vehicular access hereby permitted shall be formed by lowered kerbs at the carriageway edge and associated re-grading of the footway to the satisfaction of the Department for Infrastructure.

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

52. The development hereby permitted shall not be occupied until the redundant lowered kerbing to the southern frontage of the development at Gaffikin Street is removed and the footway reinstated to the satisfaction of the Department for Infrastructure.

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

53. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed and permanently marked in accordance with drawing No.P306/R01 Rev.C uploaded to the Planning Portal 20th December 2021, to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development.

Reason: To ensure adequate provision has been made for parking within the site.

54. The development hereby permitted shall not be occupied until sheltered cycle parking facilities have been provided in accordance with drawing No.P306/R01 Rev.C uploaded to the Planning Portal 20th December 2021.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles

55. The development hereby permitted shall operate in accordance with the Residential Travel Plan Rev.2 uploaded to the Planning Portal 20th December 2021.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

56. The development hereby permitted shall not commence until details and samples and a written specification of the materials to be used in the external elevations, have been submitted to and have been approved in writing by the Council. These include brick, PPC aluminium windows/doors and precast concrete lintel window headers as well as GF hedge railings, render, metal louvres and vehicle entrance details. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of visual amenity.

ANNEX

Date Valid	21/10/20
Date First Advertised	20/11/20
Date Last Advertised	31/12/21
Date of Last Neighbour Notification	20/12/21
Date of EIA Determination	N/A
ES Requested	No
Notification to Department (if relevant) Date of Notification to Department: N/A Response of Department: N/A	