

ADDENDUM REPORT

Committee Meeting Date: 18th March 2025

Application ID: LA04/2022/1924/F

Proposal:
Stepped four to one storey mixed-use proposal comprising 13 apartments (with 13 car parking spaces) and ground floor coffee shop.

Location:
160-164 Kingsway
Dunmurry
BT17 9RZ

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 subject to conditions and Section 76 planning agreement (refusal if the Section 76 planning agreement is not completed by 27th March 2025)

Applicant Name and Address:

Glenoak Limited
44 Carnaree Road
Templepatrick
BT39 0BZ

Agent Name and Address:

Place Lab Limited
18 Osborne Park
Belfast
BT9 6JN

Valid date: 19th October 2022

Target date (15 weeks): 1st February 2023

Contact Officer: Ed Baker, Planning Manager (Development Management)

Background:

1. This application was approved by the Committee at its 29th June 2023 meeting. The Committee granted planning permission, subject to conditions and a Section 76 planning agreement to secure affordable housing. Delegated authority was given to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and to deal with any other matters which may arise.
2. The Section 76 planning agreement has not been completed and so the application is being reported back to the Committee.
3. This report should be read in conjunction with the original report to the 29th June 2023 Committee, appended.

Section 76 planning agreement

4. The Section 76 planning agreement is required to secure three of the proposed 13 apartments as affordable housing (Discounted Market Rent) in accordance with Policy HOU5 of the Plan Strategy.
5. The Section 76 planning agreement has yet to be agreed, signed and returned to the Council by the applicant. It is considered that the provision of the three affordable housing units is necessary to make the development acceptable, in compliance with Policy HOU5. The Section 76 planning agreement is the appropriate vehicle for securing the affordable housing and without it the proposal is considered unacceptable.


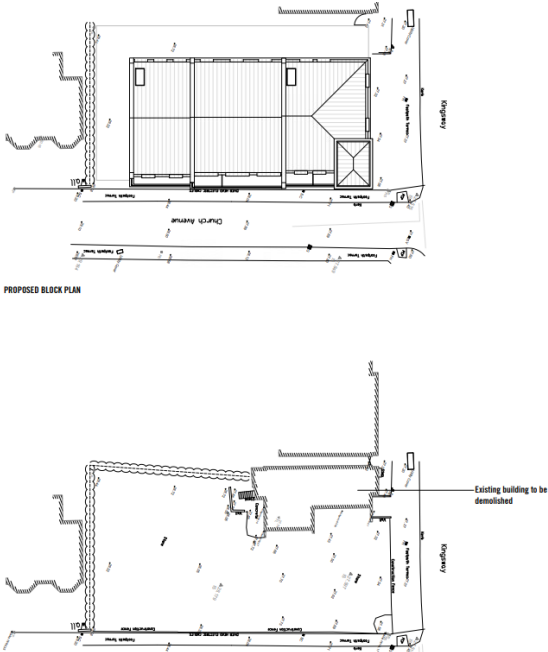
Recommendation

6. The Committee previously resolved to grant planning permission, subject to conditions and a Section 76 planning agreement to secure affordable housing. Delegated authority was given to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and to deal with any other matters which may arise.
7. It is recommended that should the Section 76 planning agreement not be completed by 30th April 2025, the application is refused with delegated authority given to the Director of Planning and Building Control to finalise the refusal reason/s.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 29th June 2023	
Application ID: LA04/2022/1924/F	
Proposal: Stepped four to one storey mixed-use proposal comprising 13 apartments (with 13 car parking spaces) and ground floor coffee shop.	Location: 160-164 Kingsway Dunmurry BT17 9RZ.
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: Glenoak Limited 44 Carnaree Road Templepatrick BT39 0BZ	Agent Name and Address: Place Lab Limited 18 Osborne Park Belfast BT9 6JN
<p>Executive Summary: This application seeks full planning permission for a stepped 4 to one storey mixed-use proposal comprising 13 apartments (with 13 car parking spaces) and coffee shop.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Design, Layout and impact upon the character and appearance of the area • Climate Change • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Access and Parking • Drainage • Access 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, including the extant planning permission, 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 conditions, Section 76 planning agreement, and deal with any other matters which may arise.</p>	

Officer Report

1.0	Drawings
1.1	<p>Fig 1. Site Location Plan</p> 
1.2	<p>Fig.2 Proposed Site Layout</p> 
2.0	Characteristics of the Site and Area
2.1	<p>The site is currently a brownfield plot of land that has been cleared of buildings and fenced off. The site occupies a corner position at the junction of Kingsway and Church Avenue, a residential road mainly occupied by Victorian/Edwardian detached villas. The eastern or Church Avenue boundary of the site is directly opposite to Dunmurry Park, a public green open space. The southern boundary is contingent with the garden of No.5 Church Avenue.</p>

2.2	<p>The western boundary of the site backs onto rear service/parking areas belonging to commercial properties on Kingsway.</p> <p>There is a previous approval on the site for the erection of 2No. commercial units and 10 No. apartments and car parking (LA04/2018/0386/F).</p>
3.0	Description of Proposal
3.1	Mixed-use proposal comprising thirteen apartments (with 13 car parking spaces) and coffee shop. There are ten proposed 3-person 2 bed apartments, two 2 person 1 bed apartments and one, 4 person 2 bed apartment.
3.2	The proposed building will range in height from one storey to three storeys plus roof/attic level. A four-storey element will turn the corner at Kingsway and Church Avenue
4.0	Planning Policy and Other Material Considerations
4.1	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p>
4.2	<p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.3	<p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
4.4	<p>Other Policies Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)</p>
4.5	Relevant Planning History
4.6	<p><i>LA04/2018/0386/F</i> <i>160-164 Kingsway, Dunmurry, Belfast</i> <i>Erection of 20 No. Commercial units and 10 No. Apartments and car parking</i> <i>Permission Granted at Appeal</i></p>
5.0	Consultations and Representations
5.1	<p>Statutory Consultations DfI Roads – Content subject to conditions DfI Rivers – Content NI Water – Approval DAERA NIEA – Content</p>
5.2	<p>Non-Statutory Consultations BCC Environmental Health – Content subject to conditions BCC Plans & Policy team – Advice.</p>
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 same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.

5.4	<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: 1</p> <p>The objection raises issues regarding density, site parking provision, height, scale, and massing which are all addressed within the main report. Queries on the boundary lines with the development and the property at 5 Church Avenue have been resolved.</p>
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> <ul style="list-style-type: none"> • Policy SD2 – Settlement Areas • 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

	<ul style="list-style-type: none"> • Policy RD1 – New residential developments • Policy BH3- Areas of townscape Character • Policy TRAN1 – Active Travel – Walking and Cycle • Policy TRAN6 – Access to public roads • Policy TRAN8 – Car parking and servicing arrangements • Policy TRAN10 – Design of car parking • Policy ENV1 – Environmental quality • Policy ENV2 – Mitigating environmental change • Policy ENV3 – Adapting to environmental change • Policy ENV5 – SuDS • Policy OS3 – Ancillary open space • Policy NH1 – Protection of natural heritage resources • Policy TRE1 – Trees
6.7	<p>Key Issues</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Design, Layout and impact upon the character and appearance of the area • Climate Change • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Access and Parking • Drainage • Access and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination <p>The adoption of the Plan Strategy requires the following updated assessment.</p>
6.8	<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> <p>The Planning Service’s Plans and Policy team has been consulted on the applicant’s Plan Strategy. No further consultations have been considered necessary following adoption of the Plan Strategy.</p>
6.9	<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 presumption is therefore in favour of development subject to planning considerations detailed below. A previous approval on the site LA04/2018/0386/F has established that the principle of an apartment development is acceptable at this location.</p>

6.10	<p>The proposal is compliant with Policy HOU1, accommodating new homes as it will meet the delivery of housing supply in the Belfast City Council area. Policy HOU2, Windfall Housing is also met as the proposal is situated on previously developed land and is currently white land within the 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.</p>
6.11	<p><u>Design, layout and impact upon the character and appearance of the area</u> Policy RD1 seeks to promote quality residential development that creates places that are attractive, locally distinctive, and appropriate to their surroundings. The proposal is compliant with Policy RD1 of the Plan Strategy 2035 and meets the below criteria:</p>
6.12	<p><i>a. Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i> The site is located within an area which has a mix of residential and commercial units. The proposal is for a ground floor coffee shop with 13 apartments situated above. There is an existing apartment scheme opposite the proposed site which is part two-part three storey. The site is considered to represent a prominent plot on the approach from the city centre, however, views are filtered in part by the mature trees fronting the adjacent Park.</p> <p>The proposal breaches the established building line along the Church Avenue elevation; however, it is acknowledged that historically the building line here was breached by the building that previously occupied the site. There is no uniformity in the design of buildings, differing in size, scale, massing and finishes along Kingsway. The proposal along Church Avenue, comprises of a one storey (3.51m), rising to a two storey with a mansard roof, rising to three-storey with a mansard roof, culminating in a four storey (13.86m) element at the corner of the site with Kingsway. Along Kingsway, there is a one storey (3.84), rising to three storeys with mansard roof and culminating in a four-storey tower element (13.86) at the corner of the site with Church Avenue.</p> <p>The proposed recessed balconies are modest in scale in comparison to the prominence of numerous balconies and terraces on the two large developments opposite. They are considered to tie in with the existing character and appearance and will not unduly dominant in the streetscape. The proposed finish to the principal elevation is red brick with flush pointing. This finish will tie the new block in with the red brick finish of the existing No.5 Church Road and the terrace beginning with No.166 Kingsway. The proposal incorporates some glazed brick decorative features to the eaves level of the corner tower. The windows are proposed to be finished in black coloured ppc aluminium, and the roofing material is a dark grey standing seam system redolent of lead.</p> <p>The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area and draft ATC and therefore is compliant with Policy BH2.</p>
6.13	<p><i>b. Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance:</i> The layout/aspect of the building within the site is such that there will be no significant overlooking into neighbouring properties. In addition, there is sufficient separation distances to existing neighbouring properties to ensure that dominance and overshadowing will not occur to an unacceptable degree. The property at No. 5 Church Avenue, is approximately 0.81m from the proposed rear boundary of the proposed building. Although this does not meet the 15m separation distance as</p>

	<p>outlined in paragraph 7.17 of Creating Places, paragraph 7.18 allows for greater flexibility in inner urban locations. The elevation closest to this property is only one storey reducing any sense of dominance from the proposal. There will be no opportunity for overlooking into any other neighbouring properties due to the separation distances on both the elevations looking onto Kingsway and the outlook onto a Dunmurry public park on the Church Road elevation. It is considered that the design, layout and separation distances proposed are acceptable and will not impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.</p>
6.14	<p><i>c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure</i> The development site located on a major arterial route linking Lisburn and Belfast, with regular bus services between the two centres. It is also within a convenient walking distance (300m) to/from Dunmurry rail halt, on the Belfast-Portadown/Portadown-Belfast Line.</p>
6.15	<p><i>d. Provides adequate open space:</i> There is approximately 118.13 sqm of private communal open space which equates to around 9sqm per unit. This is in the form of a first-floor external deck area. This is marginally below the guidance in Creating Places; however, this is counterbalanced through the provision of private amenity space per each apartment ranging from approximately 4.4sqm to 19.76sqm per unit. Creating Places also states that the appropriate level of provision should be determined by having regard to the context of the development. There is a park adjacent to the proposal also which is easily accessed. Therefore, on balance, it is considered that there an appropriate amount of private and private communal space to create a quality residential environment.</p>
6.16	<p><i>e. Keeps hard surfacing to a minimum</i> Car parking is considered to not dominate the residential development as parking is provided within the ground floor of the scheme.</p>
6.17	<p><i>f. Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.</i> There are ten proposed 3 person 2 bed apartments ranging from 68.4 sqm-81.4sqm , two 2 person apartments at 54.8sqm and one, 4 person 2 bed apartment at 83.4sqm. The proposed scheme is in keeping with the space standards as set out in appendix C.</p>
6.18	<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> The entrances to the properties are from the Church Avenue Street elevation allowing for safe access from the footpath. There is a sizable communal area as you enter the building, in line with para 7.3.13 of the Plan Strategy 2035, providing a sense of security and safety for residents and visitors, maximising opportunities for natural surveillance.</p>
6.19	<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 to the public street, Dunmurry Park and external amenity areas.</p>

6.20	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.
6.21	<p><u>Climate change</u></p> <p>Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation. The applicant provided a Climate Change statement which outlines sustainable travel measures through the implementation of a travel plan and how the location is within walking distance of Train Halt and Bus Stops.</p>
6.22	<p>The applicant has updated their DAS setting out that the following features are incorporated into the design:</p> <ul style="list-style-type: none"> (i) Photovoltaic panels on the roof. These will be placed on the shallow slope of the mansard roof which faces south-west. The power generated from these will contribute a renewable element of the electricity required to run the building. (ii) Grey water storage installation will be incorporated to supply the site with water for the irrigation of the planting which is planned within the first floor courtyard spaces. (iii) Efficient heating system in common areas. The building will be fitted with high efficiency smart heaters within the landlord areas. These will react to rapid temperature changes and low occupancy, obviating the need for heaters to be kept at a constant temperature at all times. (iv) Heating installations. The apartments will be fitted with high efficiency gas-fired combination boilers which will be have flue gas heat recovery to maximise energy efficiency. (v) Lighting. The building will be fitted with a high efficiency LED lighting installation. <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 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></p> <p>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 site is located within the Dunmurry Local Centre (ML 10) as designated in 2014 version of draft BMAP and therefore in terms of Policy HOU4 the assigned average density band of 75-150dph would apply. At approximately 0.08 ha, the provision of 13 units represents a density of over 160 units, which is marginally above the density threshold. However, given the location of the development, the extant approval on the site and the ability to meet other the design requirements, of policies DES1 and RD1, the density marginally above the broad band is considered acceptable in this instance.</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 two 3-person 2 bed apartments (accessible units), and one 2-person 1 bed apartment at a discount market rented price 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>
6.28	<p>The proposed apartment block would comprise two one-bedroom apartments and eleven two bedroom apartments, which responds to this local analysis and the broader evidence of demographic changes across the housing market in Belfast, including an ageing population, showing a reduction in household size and a decline in the number of households with children. This emphasises the need for future accommodation which are 'suitable for smaller household types.' The mix of smaller apartments is therefore deemed appropriate in this particular location based on the evidence provided. The proposal is therefore compliant with Policy HOU6- Housing Mix in that the applicant has demonstrated a range of apartment types, sizes and proposed tenures.</p>
6.29	<p><u>Adaptable and Accessible Housing</u> Policy HOU7 of the Plan Strategy states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible. For schemes of 10 units or more, at least 10% of the units should be wheelchair accessible. The applicant has provided two designated accessible residential units. They have addressed the following requirements of Policy HOU7:</p> <ul style="list-style-type: none"> - Criteria g: Wheelchair accessible environment- The two proposed units are wheelchair accessible but fall short of meeting the space standards for wheelchair housing as set out in appendix C by 5 sqm. - Criteria h- there are two designated disabled parking bays to accommodate disabled users in line with the parking standards. - Criteria i- The applicant has confirmed that all pathways have been designed to exceed the minimum width of 900mm to accommodate wheelchair users. The narrowest width of the pathway from the covered car park to the apartments lift is 1200mm at the proposed bins store. The area in front of the lift complies with the 1500 x 1500mm building regulation for wheelchair manoeuvrability. All entrance doors to the apartment's reception, to the apartment's lift/stair core and to each apartment entrance there will be generous 926mm door leafs. From the covered car park to the lift there is a change of level. This will have a gentle slope with a handrail to comply with Part R of the building regulations. The passenger lift serving the apartments will be an 8-person capacity designed to accommodate wheelchair users. - Criteria j- The two designated apartments shown on drawing 03C (our reference) have room for an unobstructed turning circle within the entrance hallway, kitchen, living, dining area, bathroom, and main bedroom. The bathroom turning circle is no however unobstructed. - Criteria k- Drawing 03C (our reference) shows that the two apartments have entrance, doorways and halls at an appropriate width and length for wheelchair access. - Criteria l- Drawing 03C (our reference) shows that the two apartments have space provided to enable storage of a second wheelchair.

6.30	<ul style="list-style-type: none"> - Criteria n- The two designated accessible residential units are each 3-person 2 bed 67sqm. This generates a requirement for a minimum of 2sqm built-in storage shown in drawing 03C (our ref). - Criteria o- The private amenity space within the two designated accessible residential units are to be to be level/gently sloping. <p>On balance having regard to the extant permission on the site and the measures taking to address the LDP policy requirements as a whole, the above living arrangements are considered to satisfy the accessibility requirements of Policy HOU7.</p> <p><u>Access, movement, and parking</u></p>
6.31	<p>The proposal has been assessed against Policy TRAN 8- Car Parking and Servicing Arrangements. It is considered that adequate parking has been provided for the proposal. Policy TRAN 10 has been met in that the design of car parking meets the following criteria:</p> <ul style="list-style-type: none"> a. It respects the character of the local townscape/landscape b. It will not adversely affect visual and residential amenity c. Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site; and d. Provision has been made for accessible parking bays which facilitate safe, convenient access for people with a disability or impaired mobility.
6.32	<p>The means of access to the development would be safe. There is sufficient parking available having regard to the location and sustainability of the site.</p>
6.33	<p>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.</p>
6.34	<p>A condition has been proposed to ensure sufficient secure cycle parking is provided to meet TRAN 1.</p>
6.35	<p><u>Drainage</u></p> <p>Dfl Rivers were consulted and offer no objections to the proposal.</p> <p>In addition to the measures outlined at 6.24(ii) above the updated DAS confirms that the overall design includes storm water attenuation complete with a hydrobrake to restrict flow to that of greenfield rate. A pre-commencement condition is proposed to secure these measures to assist in mitigating against environmental change and flood risk.</p>
6.36	<p><u>Waste-water infrastructure</u></p> <p>NI Water has offered no objection to the proposal; therefore, it is acceptable having regard to Policy SP1A of the Plan Strategy.</p> <p>DAERA has been consulted and the Water Management Unit and Regulation Unit, have no concerns with the proposal. In this regard, the proposal is considered compliant with Policy NH1 of the of the Belfast Local Development Plan, Plan Strategy 2035, and paragraphs 6.176 and 6.177 of the Strategic Planning Policy Statement; and taking account of all relevant material considerations.</p>
6.37	<p><u>Noise, odour and other environmental impacts including Contamination</u></p> <p>The proposed site has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations. The ground floor part of the development, while the agent advises is intended to operate more as a 'coffee shop' by the prospective tenant, will still fall under sui generis use class (there is no separate class for a 'coffee shop' unless it falls under</p>

	retail with only ancillary sit-in consumption of hot and cold food on the premises). Consequently, in view of the potential for a future operator to extend the type of cooking methods, it is necessary to restrict this potential to protect residential amenity conditions, given that it is not intended to install a commercial extraction and odour abatement system at the herby approved coffee shop. A condition relating to air quality will also be attached to any approved scheme.
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 conditions and the S.76, and deal with any other matters which may arise.

DRAFT CONDITIONS:

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. Prior to installation of window units within the hereby permitted development, 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 and floors of the hereby permitted development. The window specification for habitable rooms shall be in accordance with the specification presented in Table 5, section 4.4 'Summary of Impact Mitigation Measures' of the Lester Acoustics report titled: 'Inward, Intra and Outward Sound Level Assessment' dated the 7th October 2022, referenced: MRL/1569/L01.
3. Prior to installation of any alternative means of ventilation to be incorporated within the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the specification of the alternative means of ventilation to serve habitable rooms. The sound reduction specification for the alternative means of ventilation shall be in accordance with the specification presented in Table 5, section 4.4 'Summary of Impact Mitigation Measures' of the Lester Acoustics report titled: 'Inward, Intra and Outward Sound Level Assessment' dated the 7th October 2022, referenced: MRL/1569/L01.
4. Prior to occupation of the hereby permitted development, the window schedule and approved alternative means of ventilation shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation Page 3 of 5 provided. The approved windows and alternative means of ventilation shall be retained thereafter.
5. Prior to occupation of the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, the final details of the construction of the intervening floor between the ground floor coffee shop and the apartments above. The details shall include a statement from a competent acoustic consultant to confirm that the proposed construction will achieve the sound reduction recommended in section 5, paragraph 5.0.2 of the Lester Acoustics report titled: 'Inward, Intra and Outward Sound Level Assessment' dated the 7th October 2022, referenced: MRL/1569/L01

6. Prior to occupation of each phase or block hereby permitted, a report verifying that all construction elements including walls, roofs, the window schedule and alternative means of ventilation as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise the following lines of evidence:
 - a written declaration from the suppliers and installers of the glazing and alternative means of ventilation confirming that the scheme of windows and alternative means of ventilation have been installed as approved.
 - a review of the declarations and specifications by a competent acoustic consultant and a summary report verifying that all facades and habitable rooms have been successfully installed with the recommended glazing and alternative means of ventilation specifications.
7. The hereby approved ground floor coffee shop shall not operate outside the hours of 8am to 10pm daily.
8. The outdoor seated area to the hereby approved coffee shop shall not be permitted for use outside the hours of 8am to 8pm Monday to Friday or outside the hours 10am to 9pm on a Saturday and between the hours of 10am to 8pm on a Sunday.
9. If at any time cooking, other than the preparation of hot beverages or the cooking/reheating of food in a panini machine, toaster or microwave, is undertaken on the premises, details of a the kitchen extraction / odour abatement system shall be submitted to and approved in writing to the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use with the additional cooking equipment and be maintained and retained thereafter.
10. No service collections from or deliveries to the hereby approved development are permitted beyond the hours of 07:00hrs-23:00hrs Monday to Friday, 09:00hrs- 23:00hrs on Saturdays or beyond 13:00hrs-23:00hrs on a Sunday. 10.The rating level (dBLAr,T) from the operation of all combined plant and equipment shall not exceed 50dB and 36dB during the day and night respectively at the nearest window of a residential habitable room, when measured or determined in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Reason for conditions 2-10: Protection of residential amenity against adverse noise and odour (condition 9) impact.

11. In the event that any centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development.

Reason: To ensure that ambient air pollution related to the site is appropriately dealt with, in the interests of human health.

12. 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.

13. 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.

14. 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.

15. 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.

16. The development hereby permitted shall operate in accordance with the approved Service Management Plan.

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

17. 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.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers:
Site location plan 01
Site Block Plan 02
Affordable Accessible floor plans 03C
Proposed Elevations 04A
Drainage Layout 05A

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 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.