

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date: 19 May 2020</b>	
<b>Application ID:</b> LA04/2019/1598/F	
<b>Proposal:</b> Proposed Apart-Hotel (87no. bedrooms & 26no. serviced apartments), 14no. Business Studios and 10no. Live/work studios with associated car parking and landscaping.	<b>Location:</b> Adelaide Business Centre Apollo Road Belfast BT12 6HP.
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Kilmona Property Ltd 8th Floor Bedford House 16-22 Bedford Street Belfast BT2 7FD	<b>Agent Name and Address:</b> Coogan & Co. Architects Ltd 122 Upper Lisburn Road Finaghy Belfast BT10 0BD
<p><b>Executive Summary:</b> The application is seeking full planning permission for an Apart-Hotel (87no. bedrooms &amp; 26no. serviced apartments), 14no. Business Studios and 10 no. live/work studios with associated car parking and landscaping.</p> <p>The key issues in the assessment of the proposal include:</p> <ul style="list-style-type: none"> <li>• The principle of redeveloping the site;</li> <li>• The principle of the proposed uses at this location;</li> <li>• Open Space Provision;</li> <li>• Scale, Massing and Design;</li> <li>• Traffic and Parking</li> <li>• Impact on Sewerage Infrastructure</li> <li>• Contaminated Land;</li> <li>• Impact on Protected Sites;</li> <li>• Flooding and Drainage</li> <li>• Impact on amenity;</li> <li>• Air Quality and other Environmental issues;</li> <li>• Pre-application Community Consultation.</li> </ul> <p>The site is located within an established mixed use industrial / commercial area. Although previously zoned as an area of existing employment/ industry the site is now unzoned. However the loss of the economic/ employment uses (warehousing and office space) are protected under regional policies to ensure economic development on suitably located sites is retained to ensure an ongoing and sufficient supply.</p> <p>The proposed mixed use scheme, close to a number of retail and leisure amenities, fulfils one of the exceptions (PPS4) whereby such a site, with an established economic/ employment use (warehousing and office space) can be redeveloped for a suitably designed mixed-use scheme that is compatible with the area and adjacent uses. The proposed scheme includes a similar quantum of office space to that which is being removed in the form of business studios with the accompanying</p>	

hotel and short term let serviced apartments providing a quite a unique facility and adding to the diversity of this mixed use area.

Tourism proposals such as this can benefit the wider Boucher Road area by helping to support existing services and facilities such as retail, catering, entertainment, leisure, and transport as well as promoting a sense of vitality.

The proposal would see the introduction of a high quality landmark building in an area void of any particularly strong architectural character. The diversity in the roofline ensures architectural interest in this modern flat roofed structure, accompanied with a range of finishes and elevational detailing ensures an interest in the built form and enforces a strong character.

Notwithstanding the above points, NI Water has highlighted that the waste water pumping station (WWPS) at Glenmachan Street has insufficient capacity to serve the proposed development, it is currently operating above its design capacity.

DfI Roads – Awaiting response

NI Water - Objection

NIEA Waste Management Unit – Approval subject to conditions

NIEA Water Management Unit – No objection

NIEA Natural Environment Division – Approval subject to conditions

DfI Rivers Agency – No Objection

Shared Environmental Services – Further information required

Non Statutory consultees

Environmental Health BCC – Approval subject to conditions

NI Tourist Board – Support

No objections or third party representations have been received.

In light of NI Water concerns regarding the waste water treatment infrastructure which would serve the proposed development, it is recommended that planning permission is refused.

By email dated 8 May 2020 the agent advised that they have recently submitted details of a waste water treatment plant as a proposed solution to the NI Water objection. This is very late in the day as the issue of a lack of capacity at the Glenmachan Street WWPS was highlighted in the NI Water response dated July 2019 and even earlier by NI Water in a pre-development enquiry response to the applicant in November 2018. The agent has also requested by email dated 11 May that the application be removed from the committee agenda. It is the view of officers that there is insufficient information to demonstrate that the proposed treatment plant represents either a suitable or feasible solution. It has also not been demonstrated that the proposed plant in itself would not require significant alterations to the proposed design and layout of the scheme. For these reasons the application has been kept on the agenda.

**Refusal is recommended for the following reasons**

1. The proposal is considered contrary to Policy NH 1 of PPS 2: Natural Heritage in that insufficient information has been submitted to demonstrate that the proposed development will not have a significant effect on Belfast Lough, a European Site designated for its International Nature Conservation Importance [Belfast Lough Special Protection Area (SPA)/Ramsar site, Belfast Lough Open Water SPA and East Coast Marine proposed SPA].
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland as the receiving Waste Water Treatment infrastructure has insufficient capacity to

accommodate a development of this scale at this location and insufficient information has been provided to demonstrate that there is a satisfactory alternative means of sewage disposal and that the proposal will not have a significant adverse impact on public health and the natural environment.

Delegated authority given to the Director of Planning and Building Control to finalise the wording of the reasons for refusal subject to no new substantive planning issues being raised by consultees and third parties.

# Case Officer Report

## Site Location Plan



**1.0 Description of Proposed Development**

**1.1** The proposal includes an 87 bedroom hotel, 14 business studios (own door access), 10 live/ work studios and 26 serviced apartments. There are 243 car parking spaces proposed, 163 undercroft and 80 external. A new access is to be created off Apollo Road, with the two existing access points remaining unaltered. There are 2 courtyard communal landscaped areas proposed and a rooftop garden at fourth floor level. The first floor courtyards areas are primarily designed to provide amenity for the serviced apartments. The apartments range in size between 61-86 sqm with the live/ work studios ranging between 65-77 sqm.




Central live/ work core with first floor communal gardens at each side

**1.2** Surface level car parking is located along the western and southern boundaries of the site. A drop off zone is proposed to the front of the building outside the hotel lobby. The undercroft car parking occupies most of the ground floor of the building, along with the hotel reception area.

**1.3** In terms of height, the proposed building varies from 3 to 6 storeys. The flat roof structure is finished in render, glazing, stone cladding with a metallic covering on the roof. The business units are located in the three storey part of the building along the western boundary with the hotel located in the four storey block to the front of the site and the serviced apartments occupying the six storey element along the eastern boundary. The live/ work units are located within a central four storey core, as shown on the 3D image above at para 1.1.



<b>2.0</b>	<b>Description of Site</b>
<b>2.1</b>	The site area is approximately 1 Ha. The total gross floor area is approximately 14,600 sqm. The building on the site is a mixed use commercial complex with office and warehouse units. The building is subdivided into 46 separate units (14 warehouse (B4) and 32 office (B1)), equating to 175 sqm of warehouse space and 250 sqm of office space. The warehousing is located to the rear
<b>2.2</b>	Flat site dominated by hard standing with a substantial warehouse style building located centrally with the main use on site being storage and distribution.
<b>2.3</b>	The site provides a through access to several other buildings to the rear which are outside the application site. There are 196 car parking spaces on the site, 19 of which were dedicated to office staff.
	
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Planning History</b>
<b>3.1</b>	No relevant planning history on the site
<b>4.0</b>	<b>Policy Framework</b>
<b>4.1</b>	Belfast Urban Area Plan (BUAP) 2001 Draft Belfast Metropolitan Area Plan 2015
<b>4.2</b>	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Natural Heritage Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 4 - Planning and Economic Development Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation Planning Policy Statement 13 – Transportation and Land Use Planning Policy Statement 15 - Planning and Flood Risk Planning Policy Statement 16 - Tourism
<b>5.0</b>	<b>Statutory Consultees</b>
	DfI Roads – Await response NI Water - Objection NIEA Waste Management Unit – Approval subject to conditions NIEA Water Management Unit – No objection NIEA Natural Environment Division – Approval subject to conditions DfI Rivers Agency – No Objection Shared Environmental Services – Further information required
<b>6.0</b>	<b>Non-Statutory Consultees</b>
	Environmental Health BCC – Approval subject to conditions NI Tourist Board - Support

<b>7.0</b>	<b>Representation</b>
<b>7.1</b>	No third party representations received
<b>8.0</b>	<b>Other Material Considerations</b> N/A
<b>9.0</b>	<p><b>Assessment</b></p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- The principle of redeveloping the site;</li> <li>- The principle of the proposed uses at this location;</li> <li>- Open Space Provision;</li> <li>- Scale, Massing and Design;</li> <li>- Traffic and Parking;</li> <li>- Impact on Sewerage Infrastructure;</li> <li>- Contaminated Land;</li> <li>- Impact on Protected Sites;</li> <li>- Flooding and Drainage</li> <li>- Impact on amenity;</li> <li>- Air Quality and other Environmental issues;</li> <li>- Pre-application Community Consultation.</li> </ul>
<b>9.1</b>	<p><b>The principle of redeveloping the site</b></p> <p>Following the May 2017 Court of Appeal decision on BMAP, the extant development plan is now the BUAP 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.</p>
<b>9.2</b>	<p>In the BUAP 2001 the site is located on unzoned lands within the development limits of Belfast and within the Draft Belfast Metropolitan Area Plan (November 2004) within an area of existing employment/ industry zoning. However the zoning in the 2014 version of draft BMAP the site is whiteland, and given that this is the most recent expression of land use policy in the Council Area this version of Draft BMAP must be given weight. However the weight would be limited as the PAC, in their report on dBMAP, recognised the points made in objections to the proposed employment use zoning, in that there were many non-employment, retail and sui-generis uses in the Boucher area at the time.</p>
<b>9.3</b>	<p>The site is located within an area of existing employment / industrial land within draft BMAP and on whiteland within the version successfully challenged. Although the draft version must be considered the move to whiteland is indicative of the land use policy thrust for the area. The SPPS must also be considered as it addresses development on unzoned lands in settlements in current economic development use. The SPPS states that it is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not be granted for proposals that would result in the loss of land zoned for economic development use (Para 6.89). Although the employment zoning was removed after the PAC BMAP public inquiry the loss of employment land must still be considered. The SPPS goes on to state that unzoned land within settlements in current economic development use (or land last used for these purposes, the same principle (to retain economic development land) applies.</p>
<b>9.4</b>	<p>As a result of the sites location within the draft plan employment zoning, and given the existing use on the site, with the resultant loss of the loss of office space and warehousing units (B4), the proposal must be assessed against Policy PED7 of PPS4. Given the mixed use nature of the proposal arguably criteria (b) is most applicable, as detailed below.</p>

9.5	<p>Policy PED 7 states that ' On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where it is demonstrated that:</p> <p>(b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development'.</p>
9.6	<p>Although there is a loss of existing office space on the site this employment use will be replaced by the proposed business studios, with a similar floor area. The existing office floorspace is 2,515 sqm. However the total floorspace of the proposed business units is approximately 2,600 sqm, thus a slight increase in employment floorspace. In terms of the policy requirement (criteria b above) this can be considered to be a significant element of economic development use. This is accompanied by the residential element, which although is not the normal residential use given the nature of the proposal (short term lets) it still adds to the diversity of the scheme and adds to the wider benefits of the scheme.</p>
9.7	<p>An exception to the loss of employment land under PPS4 is also where the area has already been developed for alternative uses, as is the case in the Boucher Road area (Policy PED1 Paragraph 1). Another exception is where a proposed sui generis employment use is compatible with existing uses in the area and of an appropriate scale, as is the case with the proposed hotel. As stated below in Section 9.43-9.51 the use will not cause any detrimental impact on amenity and is compatible with adjacent industrial/ commercial uses. Based on the assessment of the 'loss of economic/ employment' land against PPS4 and regional planning policy it meets the general thrust in terms of providing a suitable mixed use scheme and negating any loss of office space with the reintroduction of business units of a similar floor area with an acceptable mixed use redevelopment proposal in an area already characterised by a range of alternative uses.</p>
9.8	<p><b>The Principle of the proposed uses at this location</b></p> <p><u>Hotel</u></p> <p>The proposal has been assessed against the SPPS and Policies TSM1 and TSM 7 of PPS 16. This will be discussed in detail below. Although there are serviced apartments within the proposal these are not for long residency and will be available for short term let, hence the description of this element of the scheme being 'apart-hotel'.</p>
9.9	<p>A proposal for a tourism related use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:</p>
9.10	<p><b>(a) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;</b></p> <p>The site connects to the public road for both pedestrian and vehicular traffic providing immediate access to nearby bus stops and Adelaide Train halt.</p> <p><b>(b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;</b></p> <p>The stepped roof levels and mix of finishes on what is a contemporary building help provide a high quality landmark structure in an area with little in terms of architectural interest or quality. External landscaping provides some visual relief in an area dominated by hard landscaping and industrial style buildings. Internal planted courtyards enhance the residential environment and the overall internal aesthetics of the scheme.</p>



**(c) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;**

A grassed area is proposed along the frontage of the site with intermittent ground floor planting provided throughout the basement car park. This will break up the dominance of hard standing and help soften views into the site from Apollo Road. Although not a significant level of planting the character of the area, with high levels of hardstanding, must be considered, and thus the level of landscaping is acceptable.

**(d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;**

Given the industrialised, developed nature of the area this is not a feasible solution.

**(e) is designed to deter crime and promote personal safety;**

Access to the hotel and serviced apartments will be via the main hotel lobby. A secured access will also provide alternative entry into the serviced apartments towards the mid-point of the eastern boundary.

**(f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.**

N/A

**(g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;**

The proposed use and built form is in keeping with the industrial/ commercial style buildings in the wider Boucher Road area. The use is such that it will not be incompatible with surrounding uses due to any resultant noise or effluent.

**(h) it does not harm the amenities of nearby residents;**

The nearest residential properties are located approximately 100m east of the site on the other side of the railway. Given this separation distance and existing built form between the site and these properties the proposal will not have any impact on residential amenity.

**(i) it does not adversely affect features of the natural or built heritage;**

There are no built or natural heritage features affected by the proposal. The site is located in an established industrial/ commercial area. However, in light of NI Water's response, highlighting insufficient capacity at the Glenmachan Waste Water pumping station, Shared Environmental Services have requested more information in order to assess if the development would adversely affect Belfast Lough, a European Site.

**(j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;**

Environmental Health Service has asked that should planning permission be forthcoming a condition is attached to ensure flues terminate at the required height and due regard is given to adjacent land uses to ensure the future occupants of the apart-hotel do not experience any adverse impact on amenity. NIWater have raised an issue with regard to the capacity of the waste water pumping station that will serve the development. This is discussed further below at 9.23. In light of these significant concerns and the inability of the receiving waste water pumping station to deal with the additional effluent from the proposed development, it is recommended that planning permission should be refused.

**(k) access arrangements must be in accordance with the Department's published guidance;**

DFI Roads have not raised any issues with regards to the proposed access arrangements onto Apollo Road. The two existing accesses are to be utilised along with an additional access.

**(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;**

See (m) below.

**(m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;**

DFI Roads has not raised any concerns in terms of the principle of the proposed use and any inadequacies of the existing transport infrastructure. They have however sought a reduction in overall parking to discourage the use of the private car and limit the impact on the existing road network. This has been demonstrated through the submitted Travel Plan.

#### 9.11

The NI Tourist Board has provided some wider comments on tourism and how the proposal could help meet an apparent need for this type of accommodation:

- As of the end of June 2019, in the Belfast City Council area, there were 120 serviced accommodation providers (Hotels, Guest Houses, Guest Accommodation and B&Bs) providing 5,309 rooms and 11,413 bed-spaces. Of these providers, 85 are members of the Tourism NI Quality Grading Scheme.
- Of the estimated 2.2 million hotel room nights sold in Northern Ireland in 2018, 1.1 million (51%) were sold in the Belfast City Council area, the highest of any area.
- In 2018, the Belfast City Council area had the largest number of hotel rooms (4,706 rooms, equating to 51% of the Northern Ireland total). This is a substantial increase from 2017 (3,630 rooms).
- The Belfast City Council area attracted the largest number of estimated overnight trips in 2018 (1.7 million), equating to a third (33%) of all overnight trips to Northern Ireland.
- The Belfast City Council area attracted the joint highest relative proportion of business trips (with Antrim & Newtownabbey), with business accounting for approximately 15% of all overnight trips to this council area. Of all those people taking an overnight business trip in Northern Ireland, over half (54%) stayed in the Belfast City Council area.
- The proposed location of this Apart-Hotel in the South West area of the city may help to address a lack of hotel accommodation in that immediate area which is attractive to visitors who wish to take part in popular political walking tours, black taxi tours, cemetery tours or who wish to visit Colin Glen Forest Park & Activity Centre.

#### 9.12

##### Serviced Apartments

The exception (b) in Policy PED7 of PPS4, discussed above, states that permission may be granted for a '*specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include **residential** or community use*'. In terms of the serviced apartments the supporting documentation outlines that these will not be a typical private apartment in terms of the type of accommodation proposed, will be available for short term stays, and will provide housekeeping and a range of services for guests akin to a hotel experience. These will have private kitchens and larger living and sleeping areas than the standard hotel room. Should approval have been recommended the tenure could have been secured via condition to ensure none of the residential units are let over long terms, or privately sold.

**9.10** As part of the proposal is a residential use in what is an area characterised by non-residential uses it must also be assessed against Policy PED8 of PPS 4 which applies when a proposed use may be incompatible with existing economic development uses in the vicinity. With a residential element proposed there is therefore the potential that amenity issues may arise by introducing serviced apartments onto the site. However, as stated above, the characteristics of a serviced apartment, and certainly of the type proposed, are more akin to a hotel room than a typical dwelling unit and are thus less likely to demand or require the level of privacy and tranquillity normally associated with a more typical residential proposal, which would be of a more sensitive nature. Environmental Health stated that should planning permission be forthcoming noise mitigation measures could be conditioned to ensure the residents do not experience any loss of amenity.

**9.11** Business Units  
The proposed business units (14 business studios and 10 live/ work studios) have been assessed against the Office Strategy within draft BMAP and Policy PED1 of PPS4. The agent has clarified that the live/ work units will be located within the hotel but will be available to rent for conference meetings.

**9.12** Although regional planning policy and draft BMAP directs office uses to the city centre and commercial nodes the B1 business/ office units proposed have an overall floor area which is slightly greater than the existing office floorspace on the site as outlined above. The principle of this use, effectively a like for like replacement in terms of quantum of floor space, is acceptable at this location.

**Open Space Provision**

**9.13** As residential units are proposed as part of the scheme, albeit serviced apartments as part of the apart-hotel, the proposal has been assessed against policies QD1 of PPS and OS2 of PPS8, and accordingly the appropriate level of private and communal open space must be provided for the prospective short terms residents.

**9.14** External open space has been provided in the form of two courtyards at first floor level and a rooftop garden to serve the hotel on the fourth floor. There is approximately 2,500 sqm of communal and private open space provided throughout the proposal. This is in excess of the requirement in PPS8 (Policy OS2), which states that at least 10% of the total site area should be given over to the provision of open space. In this case the site area is approximately 1ha, thus the minimum requirement is 1,000 sqm.

**9.15** The serviced apartments and live/work studios have an outlook onto the two first floor courtyards which enhances the residential experience for those that would be availing of a longer stay.



3D image of proposed landscape garden

**Scale, Massing and Design**

**9.16** The proposal has been assessed against paragraphs 4.23-4.29 of the SPPS and Policy QD1 of PPS7. The area is characterised by large scale commercial/ industrial blocks, most of a

	relatively low scale (2/3 storey, with the exception of the Windsor Park stadium located a short distance north of the site. The proposal acknowledges this lower scale with the three storey business unit element to the western part of the site. Although the six storey element will be higher than most of the buildings in the vicinity it is located some distance from the nearest existing building and takes this opportunity to provide a distinctive, landmark feature in area devoid of any particular architectural quality or feature building.
9.17	The active ground floor hotel lobby creates a solid base to the building with a difference in finish (cladding) ensuring that this high corner element acts as a feature element to the structure, whilst also providing a sense of arrival to the scheme. The transition of finishes along the frontage from granite coloured cladding of the business units, through the render of the main hotel element, to the predominantly glazed serviced apartments block ensure a degree of visual interest and help break up what is a substantial built form. This is also assisted with the variations in height which complement the changes in finish. The result is a contemporary high quality structure with soft landscaping enhancing its overall visual appeal. The scheme will undoubtedly improve the appearance of the area.
9.18	The main access for the live/ work units and serviced apartments is defined by a solid vertical element with the entrance framed by a horizontally emphasised solid archway. This also helps ground the proposal, on what is an otherwise lightweight ground floor given the level of undercroft parking.
9.19	The internal elevations onto the courtyards are heavily glazed which will ensure an attractive outlook and provide a high quality internal environment.
	<b>Traffic and Parking</b>
9.20	Vehicular access is proposed via three access points along the site frontage onto Apollo Road, two of these accesses are existing. 243 car parking spaces are proposed. 97 spaces have been provided for the hotel (1 per room + 10 for staff), 109 for the business and live/ work units and 37 spaces for the 26 serviced apartments.
9.21	DfI Roads notes that a significant level of parking is offered in an area (Boucher Road) already associated with high traffic congestion at peak times. The Department initially expressed a desire to see a programme of measures to reduce the number of vehicle trips to the site, in favour of enhancing travel to the site by sustainable measures, and requested a Travel Plan for both commercial and residential aspects of the proposal. DfI Roads stated that it would offer no objection if measures to achieve this, or other planning objectives, were to involve reductions in the overall level of parking on the site and reduce reliance on the private car. It should be noted that the Transport Assessment form states that there are 709 private car trips to the site per weekday, this will be reduced to 128 with the proposed development, a reduction of 268 trips.
9.22	A Travel Plan for the commercial elements and for the hotel was submitted in December 2019 to address DfI Roads initial points. The Travel Plan points to the proximity of Adelaide Train halt, which is served by 3 peak time services in both morning and evening. Bus stops are located close by on Boucher Crescent and Boucher Road. The site is also located on a Metro corridor. It also states that a Travel Plan Co-ordinator would be employed to monitor visitor travel behaviour and concentrate on areas where most impact can be made in terms of changing travel habits. The implementation of the Travel Plan would help ensure a shift from car based trips to more sustainable modes of transport.
	<b>Impact on Sewage Infrastructure</b>
9.23	A 150mm diameter public water main is located within Apollo Road, which can serve this proposal.

9.24	There is no foul sewer available to serve this development. This proposed development is upstream of Glenmachan Street Waste Water Pumping Station (WwPS), currently the WwPS is operating above design capacity and as such NIW are currently not approving connections to the network upstream.
9.25	There is a 900mm diameter public storm sewer within Apollo Road, which can serve this proposal based on a storm discharge of 10.3l/s.
9.26	The receiving Waste Water Treatment facility (Belfast WwTW) has sufficient capacity to serve this proposal.
9.27	Given the NI Water concerns based on the lack of capacity at the receiving pumping station, and in the absence of any adequate, alternative solution on site, it is recommended that planning permission is refused. The waste water treatment infrastructure serving the proposed development does not have the ability to serve the proposed development and with insufficient information to demonstrate that there is an alternative means of sewage disposal there is a risk of adverse impact on public health and the natural environment.
<b>Contaminated Land</b>	
9.28	A Generic Quantitative Risk Assessment (GQRA) report has been provided by WYG Environment and Planning (NI) Ltd in support of this application. Intrusive site investigations have been undertaken in support of the GQRA. Reduced quality made ground has been found across the site with low levels of contamination, however no unacceptable risks to environmental receptors have been identified.
9.29	Remedial works to verify former fuel storage tank locations are required and a piling risk assessment will be necessary prior to development for which conditions are recommended. Regulation Unit Land and Groundwater Team have no objections subject to conditions.
9.30	This submission has determined that there are pollutant sources of contamination present at this site. A Preliminary Risk Assessment & Generic Quantitative Risk Assessment has been carried out.
9.31	A site investigation was completed in November 2018 comprising 3 boreholes located across the site with a total of 5 soil samples. Made ground was identified on site to a maximum depth of 2.5m below ground level.
9.32	Gas monitoring undertaken on six occasions between 15 <sup>th</sup> November 2018 and 12 <sup>th</sup> December 2018 consistently recorded concentrations of CO <sub>2</sub> greater than 5% and as a result the site has been classified as Characteristic Situation (CS) 2 with gas protection measures required within the proposed development.
9.33	Remedial measures include incorporation of a clean cover system in gardens and landscaped areas in order to break the identified human health pollutant linkage. A clean cover system of minimum depth 500mm is proposed for communal landscaped areas at ground level, consisting of a minimum 200mm granular layer at the base. In addition, the report notes that landscaping and garden areas to be installed on the 1 <sup>st</sup> and 4 <sup>th</sup> levels of the proposed development will be formed from imported soils that are demonstrably suitable for use.
9.34	Where roads, paths, driveways and buildings are located on the proposed development, this hardstanding is considered to break any direct contact pathways.
9.35	The report states that it will be necessary to test the soils utilised within the capping system and the soils intended for use within the 1 <sup>st</sup> and 4 <sup>th</sup> level gardens/landscaping areas. Details on the material source and analyses undertaken must be included in the validation report.

9.36	The report proposes that the necessary remediation for a CS2 classification can be achieved by implementing a selection of remediation measures including gas membranes or other subfloor dispersal layers
9.37	Gas protection measures will need to be verified in line with CIRIA C735. This Service would additionally note that should a passive sub floor dispersal layer be utilised, evidence will be required to demonstrate that 'good performance' has been achieved.
9.38	On the basis of the information submitted Environmental Health Service has offered no objection to the proposal subject to conditions, should planning permission be forthcoming.
9.39	<p><b>Impact on Protected Sites</b></p> <p>The planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.</p>
9.40	Having considered the nature, scale, timing, duration and location of the project Shared Environmental Services has concluded that further information is required to assess potential impacts on the selection features, conservation objectives and status of Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA and East Coast Marine proposed SPA. Clarification is required on the method of sewage disposal as NIWater has confirmed there is no foul sewer to serve this proposal and that it is currently not approving connections to the network upstream of Glenmachan Street WwPS. As stated above it is recommended planning permission is refused in light of inadequacies in the receiving waste water infrastructure.
9.41	<p><b>Flooding and Drainage</b></p> <p>The Flood Hazard Map (NI) indicates that the development <b>does not</b> lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.</p>
9.42	There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.
9.43	<p><b>Impact on amenity</b></p> <p>The accompanying Odour Abatement report states that a high level odour abatement system will be provided as assessed in line with Defra risk score and adhere to the minimum requirements as set out in EMAQ 2018 guidance. Furthermore it is noted that the extraction duct terminates 1m above the main roof as detailed in drawing number 18-176-10.</p>
9.44	Based on the information provided in the above report Environmental Health Service has asked that should planning permission be forthcoming Condition No. 9 is attached to ensure flues terminate at the required height and due regard is given to adjacent land uses to ensure the future occupants of the apart-hotel do not experience any adverse impact on amenity.
9.45	Environmental Health Service has reviewed the Noise Impact Assessment, which includes a baseline daytime and night-time background noise monitoring survey taken at 3 locations. The findings of the assessment note that with appropriate mitigation measures the required internal noise environment in all internal habitable rooms may be achieved, and could be secured via condition.
9.46	The Report recommends that double glazing providing a sound reduction Rw of 35dB is installed to habitable rooms throughout the development. Also alternative means of ventilation for passive/active ventilation is proposed.

9.47	<p><u>Outdoor living Areas/Communal External area</u> BS8233:2014 states it is desirable that the external noise level does not exceed 50dBLAeq with an upper guideline value of 55dB LAeq; it also recognises that the guideline values are not achievable in all circumstances. The report states that these areas are deemed functional spaces and unlikely that these smaller external spaces will be used for relaxation and/ or for spending significant amounts of time in.</p>
9.48	<p>Communal landscaping is proposed at first and fourth floor levels. The first floor landscaped area is located in the centre of the proposed development and it is predicted that the building construction will provide a barrier effect of at least 10-15dB attenuation. The fourth floor area will include a 600mm brick wall with 500mm toughened glass balustrade proposed along the perimeter with increased height to provide attenuation. It is proposed that noise levels of 55dB LAeq or less are achievable in the majority of communal external areas.</p>
9.49	<p><u>Plant and Equipment</u> The report states that as detailed information is unknown for the mechanical plant and equipment the noise rating level cannot be accurately predicted. It states that at the detailed design stage mitigation measures may be required. The report advises that the selection and design of mechanical plant will ensure that the lowest LAeq daytime 54 LA90,1 Hour dB and night time 52 LA90,15 min dB will not exceeded.</p>
9.50	<p><u>Traffic Noise</u> The report states that traffic noise level increase will be imperceptible as the traffic level is not predicted to increase by 25%.</p>
9.51	<p><u>Construction Phase</u> With respect to the construction phase the report has highlighted that there is a potential for short term noise impacts at the nearest noise sensitive property if worst case construction noise occurs.</p>
9.52	<p><b>Air Quality and other Environmental issues</b> The consultant has undertaken a detailed dispersion modelling exercise to assess the existing air quality in the vicinity of the proposed development site and to examine potential impacts that the proposed development may have at relevant receptor locations.</p>
9.53	<p>The assessment has demonstrated, based on the local background data and estimated transport emissions, that exceedances of the air quality objectives for nitrogen dioxide and particulate matter are not expected at modelled receptor locations.</p>
9.54	<p>Moreover, it is stated within the accompanying Transport Assessment Form (RPS, February 2019) that the proposed development is predicted to generate less vehicles trips than extant approval on site. The consultant has therefore concluded that the traffic impact of the proposed development will be less than the existing usage on the site.</p>
9.55	<p>However, this Service notes that the air quality impact of nearby industrial sources, which may result in adverse health and amenity impacts for occupants of the proposed development, have not been assessed in accordance with the provisions of the LAQM.TG(16) local air quality management technical guidance.</p>
9.56	<p>The assessment highlights however, that the nearby industrial sources are not permitted Pollution Prevention and Control processes and their emissions are therefore considered to be not significant.</p>

9.57	Moreover, RPS have submitted further information advising that a mechanical ventilation system has been recommended as a mitigation measure for ambient air quality.
9.58	Although full mechanical plant details are not presently available, RPS have advised that the design of the system (including the positions of air intake locations) will take cognisance of the boilers located on the neighbouring properties in order to ensure no significant detrimental air quality impact on the occupants of the new residential units.
9.59	The air quality consultants have advised however that the development proposal does not include any substantial combustion processes, which could have an unacceptable impact at relevant receptors. RPS have added that at this early stage of the design process, there is no detailed information about the proposed combustion plant to be installed for heating and for hot water provision.
9.60	In view of the lack of detail at this stage, regarding the proposed combustion plant to be installed for heating and hot water provision, Environmental Health has requested that specifics are secured via condition, should planning permission be forthcoming.
9.61	<i>Construction phase</i> The environmental consultant has also assessed the anticipated impact of the construction phase of the proposed development. With the implementation of appropriate mitigation measures set out within the Air Quality Impact Assessment, the dust effect is predicted to be insignificant. Environmental Health has subsequently requested that mitigation is conditioned, as per condition No. 11 below.
9.62	<b>Pre-application Community Consultation</b> For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.
9.63	Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A Proposal of Application Notice (PAN) LA04/2018/2117/PAN was submitted to the Council on 23 <sup>rd</sup> August 2018.
9.64	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.
9.65	A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:
9.66	The Public Consultation Event took place in The Doyen, 829 Lisburn Road on 9 <sup>th</sup> October 2018. This event was advertised in the Belfast Telegraph on 2 <sup>nd</sup> October 2018.
9.67	Information leaflets were issued to properties in the vicinity of the site in October 2018, including properties on Apollo Road, Falcon Way and Boucher Road.
9.68	The development team met with a number elected representatives from South Belfast and South Belfast Westminster Assembly Constituencies over a 3 month period.
9.69	An estimated 20 people took part in the public exhibition with 1 person providing feedback. The comment related to the timeline for construction. It is confirmed in the Community Consultation



9.70	<p>Report submitted with the application that the contractor will take over responsibility for communication with local businesses and residents.</p> <p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>
10.0 10.1  10.2	<p><b>Summary of Recommendation: Refusal</b></p> <p>Having regard to the policy context and other material considerations above, including the planning history on the site, the proposal is considered unacceptable and planning permission should be refused. The receiving waste water treatment infrastructure has insufficient capacity to adequately deal with the effluent from the proposed development and no viable alternative solution has been proposed on site to address NI Water's concerns.</p> <p>It is recommended that planning permission is refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of refusal reasons subject to no new substantive planning issues being raised by consultees and third parties.</p>
11.0	<p><b>Refusal Reasons</b></p> <ol style="list-style-type: none"> <li>1. The proposal is considered contrary to Policy NH 1 of PPS 2: Natural Heritage in that insufficient information has been submitted to demonstrate that the proposed development will not have a significant effect on Belfast Lough, a European Site designated for its International Nature Conservation Importance [Belfast Lough Special Protection Area (SPA)/Ramsar site, Belfast Lough Open Water SPA and East Coast Marine proposed SPA].</li> <li>2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland as the receiving Waste Water Treatment infrastructure has insufficient capacity to accommodate a development of this scale at this location and insufficient information has been provided to demonstrate that there is a satisfactory alternative means of sewage disposal and that the proposal will not have a significant adverse impact on public health and the natural environment.</li> </ol>
12.0	Notification to Department (if relevant) <span style="float: right;">N/A</span>
13.0	Representation from elected member <span style="float: right;">None</span>
14.0	Neighbour Notification Checked <span style="float: right;">Yes</span>

<b>ANNEX</b>	
<b>Date Valid</b>	4th July 2019
<b>Date First Advertised</b>	19th July 2019
<b>Date Last Advertised</b>	19th July 2019
<b>Details of Neighbour Notification</b> (all addresses)	
<p>1 Apollo Road,Belfast,Antrim,BT12 6HP  2 Wildflower Way,Belfast,Antrim,BT12 6TA  2-6 ,Apollo Road,Belfast,Antrim,BT12 6HP  8 Apollo Road,Belfast,Antrim,BT12 6LP  9 Apollo Road,Belfast,Antrim,BT12 6HP  Unit 1,2-6 ,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 1,24 Boucher Road,Belfast,Antrim,BT12 6HR  Unit 1,2a Boucher Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 10,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 11,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 12 Part,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 12b,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 2,24 Boucher Road,Belfast,Antrim,BT12 6HR  Unit 2,2a Boucher Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 2b,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 3,1 Apollo Road,Belfast,Antrim,BT12 6HP  Unit 3,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 3,24 Boucher Road,Belfast,Antrim,BT12 6HR  Unit 3,24 Boucher Road,Belfast,Antrim,BT12 6HR  Unit 3,2a ,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 4,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 4a,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 5,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 5,24 Boucher Road,Belfast,Antrim,BT12 6HR  Unit 5a,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 6,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 6,24 Boucher Road,Belfast,Antrim,BT12 6HR  Unit 6a,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 7,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 7,24 Boucher Road,Belfast,Antrim,BT12 6HR  Unit 7a 1st Floor,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 7a Gd Floor,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 8,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 8,24 Boucher Road,Belfast,Antrim,BT12 6HR  Unit 8a,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit 9,24 Boucher Road,Belfast,Antrim,BT12 6HR  Unit 9a,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP  Unit C,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6BF  Unit D,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6BF  Unitc,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP</p>	

Units 1 & 2,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP Units 13 - 14,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6BF Units 1a & B,2-6 Adelaide Business Centre,Apollo Road,Belfast,Antrim,BT12 6HP	
<b>Date of Last Neighbour Notification</b>	11th July 2019
<b>Date of EIA Determination</b>	22 <sup>nd</sup> August 2019
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b> <b>01, 02/A, 03/A, 04/A, 05, 06, 07, 08, 09, 10</b> Site location, layout, floor plans, elevations and sections.	
<b>Notification to Department (if relevant) N/A</b> Date of Notification to Department: Response of Department:	