

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 19 January 2021	Application ID: LA04/2018/2659/F
Proposal: Erection of 22 no. Residential units in a mix of 20 detached dwellings and 2 apartments with associated site works, parking and landscaping	Location: Lands on McClure Street to include land south of Railway and north of Powerscourt Place between 10 Cameron Street and 85 Ormeau Road, Belfast
Referral Route: Over 12 units with representation Council Interest – BCC landowner	
Recommendation:	Approval subject to conditions
Applicant Name and Address: Apex Housing 10 Butcher Street Derry BT48 6HL	Agent Name and Address: McGirr Architects Ltd 670 Ravenhill Road Belfast BT6 0BZ
<p>Executive Summary:</p> <p>The proposal is for full planning permission for a residential development of 22 dwellings (20 detached and 2 apartments in one unit) with associated site works, parking and landscaping.</p> <p>The Key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> - Principle of development - Design, Layout, Impact on character and appearance of the area - Provision of Parking and Access - Public and Private Amenity Space Provision - Residential Amenity - Drainage and Flooding - Infrastructure - Contamination - Ecology <p>The proposed site is located on lands at McClure Street in south Belfast. The site is located adjacent to a railway line and comprises two landscaped / grassed areas separated by McClure Street. The topography of the site is generally level. There is housing to the south of the site. McClure Street is predominantly residential as is the surrounding area; there are offices to the east of the site adjoining Ormeau Road.</p> <p>The application site is located within the development limits identified under the existing Belfast Urban Area Plan (BUAP) and draft Belfast Metropolitan Area Plan. It is located on the boundary of the city centre and is identified as open space in dBMAP (both versions).</p> <p>There is a Planning History on the site which informs consideration of the current proposal. Application Z/2014/0586/F was refused permission for 27 dwellings with no in curtilage car parking on the same site. The proposal was dismissed at Appeal however the Commission determined the principle of the use of the site for social housing represented substantial community benefit to outweigh the loss of the open space to meet an exception to Policy OS1 of PPS8.</p>	

The application now submitted has reduced the number of units proposed from 27 no. to 22no. (within 21 no. plots) and incorporates in curtilage parking; the application is accompanied by Flood Risk and Drainage Assessments.

The proposal works with the street layout with active frontages on to McClure Street with small areas of defensible space defined by galvanised metal railings on a low red brick wall to each frontage. The density of the proposed development is in keeping with the surrounding area, which is characterised by terraced dwellings and apartments.

The dwellings are 2 storey in height; their scale, proportions and design reflect the existing streetscape and continue the traditional red brick material as per the surrounding context. The apartment block sits on the part of the site closest to the office building offering a transition in scale between the two storey dwellings and existing and approved office blocks.

20 in curtilage spaces are provided for each dwelling unit (one per unit) and an in curtilage space is provided for each of the 2 apartments in unit 21 with 3 visitor spaces also provided within the apartment unit curtilage. Informal on street provision to the front of the dwellings and on the opposite side of McClure Street alongside the retained area of open space will supplement visitor parking. Given that the site is on the boundary of the City Centre, adjacent to an arterial route and within an Area of Parking Restraint where the requirement ratio of 1:1 parking is fulfilled it is considered that adequate parking is provided.

Each dwelling benefits from private garden amenity provision to the side and defensible garden space to the front.

Overall the proposal would respect its surrounding context and would not cause significant harm to the amenity of neighbouring properties and would provide sufficient amenity space for future occupants in accordance with the SPPS, PPS7 and its addendum and Creating Places.

57 representations have been received in total; 6 letters of support, 49 objections and 2 petition of objection with 36 signatories. The objections were received from 32 different persons/addresses. They raise issues primarily with respect to parking, traffic, noise, loss of open space, amenity and character of the area. The issues are addressed in the assessment below. The most recent amended layout was re advertised and re neighbour notified and two representations received from one objector and one letter of support.

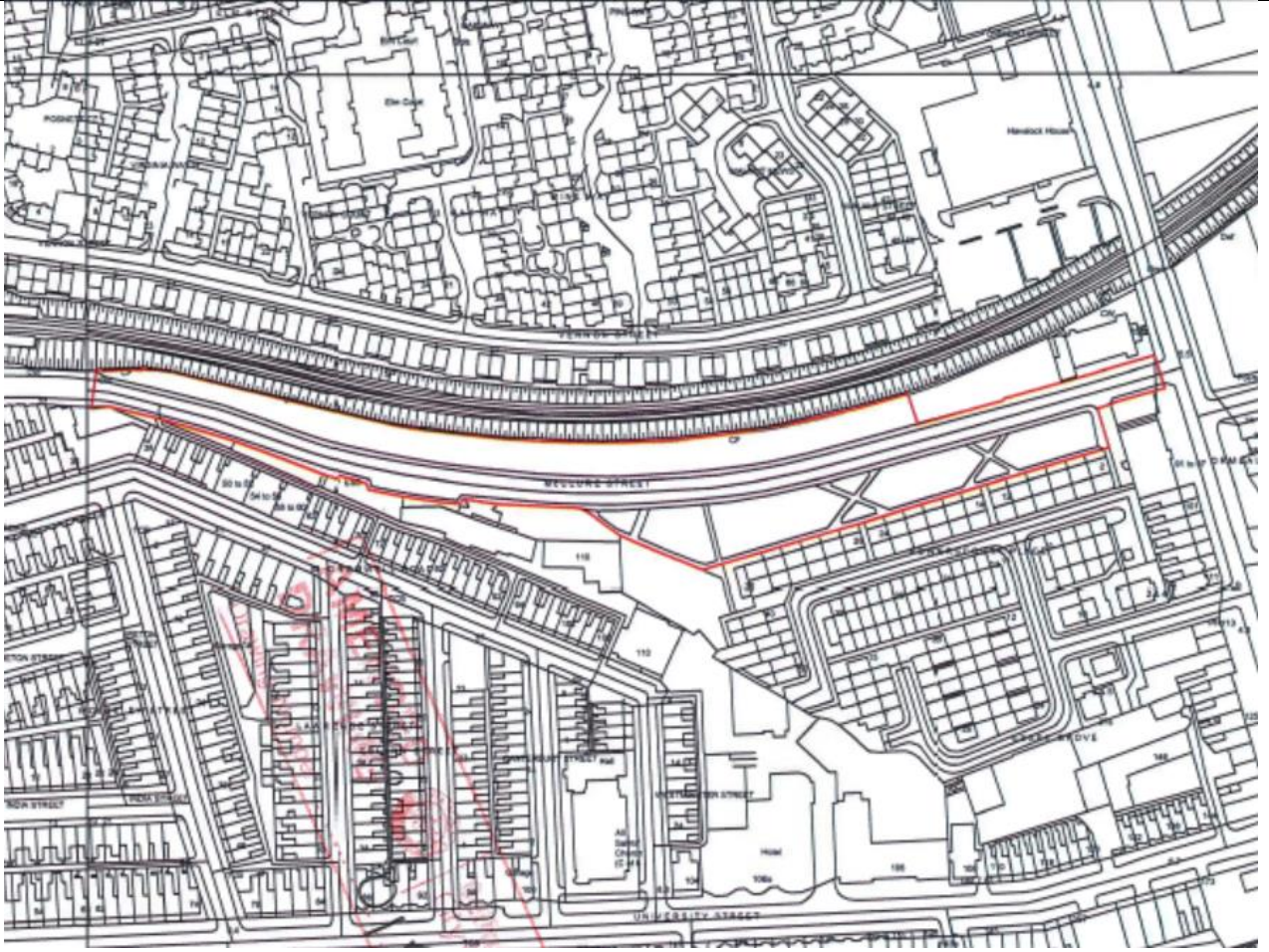
Environmental Health, DFI Roads, NI Water, Rivers Agency, NITHC, NIHE and NIEA have offered no objection to the proposal.

Recommendation:

Having regard to the policy context, planning history and other material considerations above, the proposal is considered acceptable and planning permission is recommended and delegated authority is sought for the final wording of conditions from the Director of Planning and Building Control.

Case Officer Report

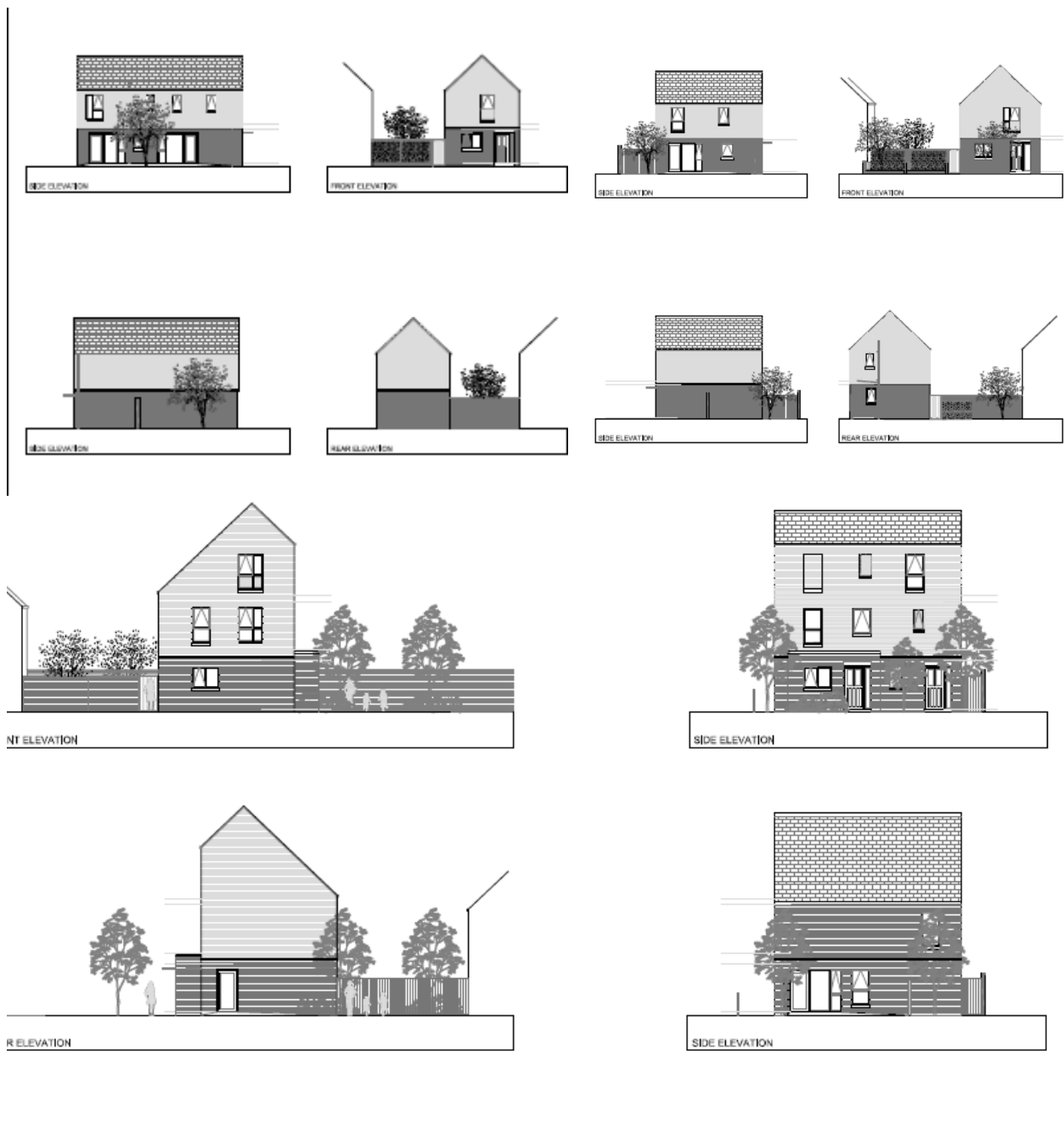
Site Location Plan



Site Layout Plan



Typical House Elevations and 1 no. apartment elevations



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Belfast City Council	Substantive Response Received
Statutory	NIEA	Advice
Statutory	Rivers Agency	Standing Advice
Statutory	DFI Roads – Hydebank	Substantive Response Received

Statutory	NIWater	Substantive Response Received
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Characteristics of the Site and Area	
1.0	<p>Description of Proposal</p> <p>The proposal is for full planning permission for the erection of 22no. Residential units in a mix of 20 detached dwellings and 1 unit with 2 no. apartments with associated site works, parking and landscaping.</p>
2.0	<p>Description of Site</p> <p>The site is located in an inner urban area on the boundary of the city centre in south Belfast and encompasses landscaped lands on either side of McClure Street. The northern boundary of the site backs on to the railway line. Residential properties exist to the south of the site and west of the site with offices to the east of the application site, fronting on to Ormeau Road.</p>
Planning Assessment of Policy and Other Material Considerations	
3.0	<p>Site History and Surrounding Area</p>
3.1	Z/2014/0586/F – Lands on McClure Street to include land south of railway and north of Powerscourt Place between 10 Cameron Street and 85 Ormeau Road, Belfast BT7 1SH, Construction of 20no 5 person 3bed and 7no 3person 2bed social housing dwellings with associated landscaping – REFUSED- 19/04/2016
3.2	LA04/2018/0764/F - Car park to rear of Arena Building, 85 Ormeau Road, Belfast, BT7 1SH- Office with basement parking – PERMISSION GRANTED AT APPEAL – 05/06/2019
4.0	<p>Policy Framework</p>
4.1	Regional Development Strategy
4.2	Belfast Urban Area Plan 2001
4.3	Draft Belfast Metropolitan Area Plan 2015
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 2: Planning & Nature Conservation
4.6	Planning Policy Statement 3: Access, Movement and Parking
4.7	Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 7 Addendum – Safeguarding the Character of Established Residential Areas
4.8	Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation
4.9	Planning Policy Statement 12: Housing in Settlements
4.10	Planning Policy Statement 15 – Planning and Flood Risk

<p>5.0</p> <p>5.1</p> <p>5.2</p> <p>5.3</p> <p>5.4</p> <p>5.5</p> <p>6.0</p> <p>6.1</p> <p>6.2</p>	<p>Statutory Consultees Responses</p> <p>Dfl Roads were consulted and have no objection subject to conditions.</p> <p>NI Water were consulted and have no objection</p> <p>Rivers Agency were consulted and have no objection</p> <p>NIEA were consulted and have no objection subject to conditions</p> <p>NIHE were consulted and confirmed acute housing need in area</p> <p>Non Statutory Consultees Responses</p> <p>Environmental Health were consulted and have no objection subject to conditions</p> <p>NI Transport Holding Company were consulted and returned a condition and request for clarification, no further response was received further to clarification being provided</p>
<p>7.0</p> <p>7.1</p> <p>7.2</p>	<p>Representations</p> <p>The application has been advertised in the local press and all neighbours have been notified. 57 representations have been received in total; 6 letters of support, 49 objections and 2 petition of objection with 36 signatories. The objections were received from 32 different persons/addresses.</p> <p>The main issues raised by the objections include: -</p> <ul style="list-style-type: none"> • Daylight restrictions on existing properties (<i>see para 9.43-9.47</i>) • Noise / Prospective residents will be adversely affected by noise from railway (<i>See para 9.49-9.50</i>) • Anti-Social Behaviour (<i>See para 9.40</i>) • Flooding/Drainage/Sewerage issues (<i>See para 9.52-9.55</i>) • Vermin (<i>Environmental Health have assessed proposals and have no objection</i>) • Tension between neighbourhoods (<i>See para 9.40</i>) • Loss of Open Space (<i>See para 9.7 to 9.15</i>) • Damage to Character of Area (<i>See para 9.16 to 9.29</i>) • Inadequate amenity space (<i>See para 9.35-9.42</i>) • Important linear park, wildlife corridor, green barrier (<i>See para 9.58</i>) • Side gardens not a traditional feature of area (<i>See para 9.21</i>) • Previous refusal by Planning Authority and Planning Appeals Commission (<i>See para 9.7 to 9.15</i>) • The impact of the approved office on adjacent 2 storey house will result in unacceptable overshadowing (<i>See para 9.24 & 9.44</i>) • Accuracy of drawings (<i>The applicant has provided sufficient detailing within the plans and maps. There were no apparent inaccuracies within the submitted maps following inspection.</i>) • Open ended nature of application (<i>this is not a material planning consideration</i>) • Traffic calming will conflict with vehicular access to approved office building and development will interfere with sight lines (LA04/2018/0764/F) • Traffic/Parking/Inadequate visibility • Traffic calming will negatively impact traffic flow • Conflict between commuter, resident and office parking/displacement of spaces • Detrimental impact on commercial operation of 2 major commercial road users / parking for office staff • Bin collection issues • Welfare/Safety Management problems for children crossing road to playground • Lack of developer consultation on proposed traffic calming and road works <p>(<i>For all the above Traffic & Parking related objections See paras 9.23, 9.30-9.34 & 9.48</i>)</p>

7.3	The letters of support refer to social housing need in the area; the proposal addressing anti-social behaviour on lands and the use of the road as free car parking. Two of the letters of support were from local Elected Representatives Paula Bradshaw and former elected member Mairtin O Muilleior.
7.4	The most recent amended layout (which reduced the number of units in response to the approved office development) was re advertised and re neighbour notified and two representations from one objector were received and one letter of support was received.
8.0	Other Material Considerations
8.1	Creating Places
8.2	Development Control Advice Note 8: Housing in Existing Urban Areas
9.0	Assessment
9.1	The Key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> - Principle of development - Design, Layout, Impact on character and appearance of the area - Provision of Parking and Access / Traffic - Public and Private Amenity Space Provision - Residential Amenity - Drainage and Flooding - Infrastructure - Contamination - Ecology
9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, 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 for the decision maker.
9.5	The site is located within the development limits of both the existing and the draft Area Plans. The site is identified as open space under the draft Belfast Metropolitan Area Plan 2015 (both drafts).
9.6	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is deemed that this proposal will not result in demonstrable harm to the amenity of neighbours.
9.7	<u>Principle of Development</u> The site is located within the development limits on the edge of the city centre boundary. It is zoned as open space. Regional policy contained in PPS8 applies.
9.8	

	<p>Planning Policy Statement 8 Policy OS1 Protection of Open Space states that development will not be permitted that would result in the loss of existing open space or lands zoned for open space. An exception is permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.</p>
9.9	<p>An application for 27no. social housing units on this site has previously been refused (Application Reference Z/2014/0586/F) and the applicant subsequently submitted a Planning Appeal (ref. 2016/A0102). Whilst the appeal was dismissed not all reasons for refusal were sustained and the findings of the Planning Appeal Commission are an important consideration in the assessment of the current application.</p>
9.10	<p>Reasons for refusal considered at the Appeal: -</p> <p><i>The proposal is contrary to the Departments Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation and the Belfast Metropolitan Area Plan 2015, in that the development would, if permitted, result in the loss of existing open space and therefore adversely affect the environmental quality and character of the area and no exceptional circumstances have been provided to outweigh the loss of open space.</i></p>
9.11	<p>The Commission weighed up the loss of open space for the immediate community in proximity to the site with the need for social housing in the wider community. The proposed social housing development is confined to the narrow northern portion of the site (approximately 0.38ha) with the majority of the larger area of open space retained across the road (approximately 0.62ha). It was concluded that when considered with the other subsidiary identified short term benefits (employment generation and employment apprenticeships) the principle of the use of part of the site for 27 units of social housing represents a substantial community benefit to outweigh the loss of open space to meet an exception to policy OS1.</p>
9.12	<p>The reason for refusal as set out in paragraph 9.10 above was not sustained.</p>
9.13	<p>The provision of social housing to meet an identified need supported by the NIHE was considered an exception to Policy OS1. At the appeal hearing there were 74 applicants on the waiting list who were considered in housing stress within Cromac and 202 in Lower Ormeau (March 2016) and the NIHE advised family housing was a priority.</p>
9.14	<p>When consulted on the current application NIHE confirmed an acute social housing need in the Lower Ormeau Common Landlord Area with 283 applicants on the waiting list, 214 of whom are in housing stress and annual allocations of 30. The most pressing need is from families with a recognised shortfall in this type of accommodation the area.</p>
9.15	<p>The material considerations since the Appeal consideration have not changed. The social housing need remains. The current proposal is for social housing units on the same narrow tract of land with the larger open space retained. Taking the history as outlined above into consideration, the principle of the development of a portion of the open space for social housing units is, on balance, considered acceptable. A condition securing the provision of the dwelling units for social housing is recommended.</p>
9.16	<p><u>Design, Layout, Impact on Character and Appearance of the Area</u> The design and layout of the proposal is assessed under the key tests within Policy QD1 of Planning Policy Statement 7 and its addendum.</p>
9.17	<p>The proposal offers a traditional street layout with active frontages on to McClure Street as per the terrace of dwellings opposite which have parking to their rear at Powerscourt Place.</p>

9.18	<p>The dwellings are domestic in scale at two storey, similar in scale to the terrace across the street and to those which back on to the opposite side of the railway track at Vernon Street.</p>
9.19	<p>The proposal comprises 20 detached dwellings (4 no. 2 bedroom and 16 no. 3 bedroom) and one apartment block (1 no. 1 bedroom and 1 no. 2 bedroom) arranged in a row overlooking the main street. The layout is bookended by the proposed 4 no. small 2 bed houses to its west with open space beyond and by an apartment unit to its eastern boundary, between these two dwelling types are 16 no. narrow detached dwellings which are the full depth of the site with side gardens and in curtilage parking spaces. The 16 dwellings have a uniform building line along both their fronts and rears.</p>
9.20	<p>The dwellings will overlook the remaining larger area of open space and provide more formal surveillance, framing the open space and enabling it to become the focal point.</p>
9.21	<p>The previous refused application included the following refusal reason: -</p> <p><i>“The proposal is contrary to Policy QD1 of the Departments Planning Policy Statement 7 Quality Residential Environments in that the scheme, if permitted, would result in unacceptable damage to local character and create an undesirable living environment for prospective residents due to unsatisfactory form and layout and inadequate provision of amenity space.”</i></p>
9.22	<p>The previously refused layout is not dissimilar to that which is subject to this application, it too comprised narrow dwellings that were the depth of the site with side gardens; the main difference between the refused layout and the one subject to this application is that the number of dwelling plots is reduced from 27 no. to 21 no. which has allowed the introduction of 1 no. in curtilage parking space within each plot. The Commission’s findings with respect to PPS7 must be considered; the Commission found that the proposed dwellings would enhance the amenity value of the larger expanse of open space on the other side of the road. The proposed design of the buildings fronting on to McClure Street were considered to respect surrounding context and to fit in with the established character of this inner city location and as such complied with policy QD1 (a). The Commission also considered that the side gardens were adequately enclosed to provide privacy and as such the objection with respect to amenity was not sustained. Criterion (f) of PPS7 Policy QD1 requires adequate parking provision and the Commission found that the layout of the appeal site provided no in curtilage parking instead relying on formalised lay by parking on McClure Street which experiences high demand from commuter parking; DfI Roads advised that the proposal was unacceptable in its current form. The Commission found that the proposal did not comply with criterion (f) of QD1 and the reason for refusal was sustained.</p>
9.23	<p>Each dwelling in the proposed application has front and side gardens, defensible space is provided along the McClure street frontage defined by a low brick wall and railings. The side gardens are enclosed by boundary walls. Adequate private amenity is provided.</p>
9.24	<p>One in curtilage space per dwelling unit is provided, this meets the parking ratio for residential development in Areas of Parking Restraint. DfI Roads have no objection.</p> <p>The application site is located on the edge of the city centre boundary and backs on to the railway line. The proposed dwellings will back on to the railway line similar to those along Vernon Street; at Vernon Street the density is 71 dwellings/hectare, the proposed density of the application site is 61 dwellings/hectare.</p>
	<p>The scheme as originally submitted was amended in response to a decision by the PAC during the processing of the application. The decision allowed an Office development on the car park of the Arena Building which adjoins the eastern boundary of the application</p>

	<p>site (ref. 2018/A0137). Dwellings at plots 21, 22 and 23 were removed and a small apartment block accommodating 2 units was introduced on Plot 21 in lieu of the 3 dwelling units. The communal space for the apartments lies to its western gable ensuring privacy from the approved office block, 5 parking spaces lie to the eastern gable closest to the office block. The apartment has been designed to achieve a successful transition between the domestic detached dwellings and the approved 5 storey office block; at its western gable it is 2 storey rising to 2.5 storey at its eastern gable which is set back approximately 23m from the approved office block</p>
9.25	<p>The dwellings will be finished in red facing brick and the roofs in blue black roof tiles. These materials are in keeping with and appropriate to the local surrounding context.</p>
9.26	<p>It is considered that the proposal complies with the criteria as set out in Policy QD1 of Planning Policy Statement 7.</p>
9.27	<p>The proposed house types have all been measured and are in line with the space standards as set out in Annex A to Addendum to PPS7.</p>
9.28	<p>The proposal complies with Policy LC1 of Addendum to PPS7 in that the proposed density is not higher than that found in the locality, the pattern of development is in keeping with the overall character and environmental quality of the existing area and all dwellings comply with the space standards.</p>
9.29	<p>Overall the proposal would respect its surrounding context whilst making a positive contribution to the character and quality of the area. It would create further sustainable and quality residential environment in accordance with the SPPS, PPS7 and its addendum and Creating Places</p>
9.30	<p><u>Provision of Parking and Access</u> As set out above Criterion (f) of PPS7 Policy QD1 requires adequate parking provision and this reason was sustained at the Appeal for the previously refused development as the layout provided no in curtilage parking instead relying on formalised lay by parking on McClure Street and Dfl Roads advised that the proposal was unacceptable in its current form.</p>
9.31	<p>1 no. in curtilage space per dwelling is provided in the proposed layout. The 2 unit apartment block has 5 spaces within its curtilage. This is supplemented by informal on street provision on McClure Street for visitor parking. The development complies with the recommended parking ratio for residential development within an Area of Parking Restraint as set out in draft BMAP.</p>
9.32	<p>The layout includes traffic calming measures and safe pedestrian crossing points with dropped kerbs and tactile paving at various locations along the length of the road. A secure locking bracket will be fixed to the walls in garden spaces to allow for bike locking.</p>
9.33	<p>Objections have been received in respect of traffic and parking. The adjacent office has raised concerns that the development will conflict with their approved access and visibility splays. A low speed environment will be created through this development which will not have a detrimental impact on the approved office development nor will the traffic calming impact on the approved access in any meaningful way. The housing development lies outside the visibility splays of the approved office block. The objector raises the requirement for developer consultation as referred to in a consultation response from Dfl Roads dated 28/01/2020 however this was reminding the applicant that under the Roads Order proposals for traffic calming require public consultation. This is separate legislation outside</p>

	<p>the planning process. With respect to the requirement for the developer to carry out public consultation under this planning application the proposals do not meet the threshold for public consultation to be carried out as set out in Planning (Development Management) Regulations (Northern Ireland) 2015. The application has however undergone public consultation in that all neighbours have been notified, the application has been advertised and all representations have been considered as part of the development management process.</p>
9.34	<p>A Transport Assessment Form accompanied the application. Given the application's edge of Belfast City Centre highly accessible location with good access to local amenities and public transport links, a range of modes of transport to and from the site will be encouraged. The proposal will link into current vehicular and pedestrian routes within the surrounding area. DfI Roads have no objection to the proposal subject to conditions detailed below. It is considered that the proposal is acceptable in terms of highway safety, capacity and car parking in accordance with the SPPS, PPS3, PPS7, Creating Places, BUAP and draft BMAP.</p>
9.35	<p><u>Public and Private Amenity Space Provision</u> Creating Places guidance advises of a minimum garden size of 40sqm for individual houses, and in the case of apartment developments or 1 and 2 bed roomed houses on small urban infill sites, private communal open space should range from a minimum of 10 sq m per unit to around 30 sq m per unit.</p>
9.36	<p>Each property will be provided with their own private side garden; for the 3 bedroom dwellings these all are in excess of the 40sqm recommended in Creating Places guidance document and in excess of the upper limit of 30sqm for the apartments/2 bed dwellings. A 2.1m high brick wall and native tree/hedge planting is proposed to the rear boundaries, side gardens have a 1.8m high brick wall set back from the frontage of McClure Street given its public view and to ensure privacy.</p>
9.37	<p>Each dwelling has its own individual pedestrian access from the main street to their property frontage and ease of access to bins which are all stored behind the 1.8m high brick wall and within the private garden.</p>
9.38	<p>A small defensible space is proposed to the front of each dwelling with low ornamental shrub planting behind; these provide a buffer to the street with the proposed low wall with railings above articulating the boundaries and maintaining a clear definition between the public and private realm. It is considered that adequate private amenity space is provided.</p>
9.39	<p>The proposal includes the retention of the large area of open space to the south of the site. It is considered that the proposed new dwellings will frame this space, increasing surveillance and allowing it to become a focal point. A Landscape Proposals Plan has been submitted as part of the application which proposes tree planting on this southern retained space. To the west of the site a tract of open space is also retained alongside the dwellings and will benefit from woodland planting and tree planting. Trees are also proposed within some of the gardens fronting on to McClure street. A condition is recommended that the landscape proposals are implemented in accordance with this Landscape Plan and retained thereafter.</p>
9.40	<p>Concerns had been raised about anti-social behaviour within the site and its vicinity, the development of the smaller northern narrow tract of open space coupled with retention and enhancement of the southern larger open space may remove potential for some anti-social behaviour to occur by providing passive surveillance for the area. A Landscape Management and Maintenance Plan has been submitted outlining how the open space will</p>

	be managed and maintained and a condition is recommended that the development be managed in accordance with that Plan.
9.41	The provision of public amenity space within the development is considered acceptable providing adequate areas of planting to soften the visual impact of the development and assisting with the integration of the development to the surrounding area.
9.42	Overall the proposal would provide sufficient amenity space for future occupants in accordance with the SPPS, PPS7, PPS8 and Creating Places. A condition has been recommended removing permitted development rights for extensions and outbuildings in order to protect the amenity of existing and future occupants.
9.43	<u>Residential Amenity</u> The proposed housing is sufficiently separated from the existing dwellings across McClure Street by a minimum distance of 35 metres, 19m minimum distance from the Cameron Street apartments, 22m minimum distance from the rear of Cromwell Street apartments and a minimum of 25m from the properties at Vernon Street across the railway embankment to the rear. These separation distances would ensure the development would not detrimentally affect the residential amenity of these existing dwellings.
9.44	The apartment unit at the eastern end of the development is 23m from the approved office block on the Arena car park site and its private amenity is located to its western gable to ensure privacy for residents. A sun path analysis demonstrates that the separation distance is sufficient to ensure no unacceptable adverse impact with respect to overshadowing.
9.45	The internal layout of the development has been designed to ensure an adequate level of privacy for future occupiers of the development with blank gables at mutual boundaries to avoid overlooking. Each dwelling would be provided with a suitable degree of outlook and light for their main habitable rooms. Fenestration to the main habitable rooms is on the south and west facing facades (overlooking McClure Street and private side gardens) which ensures that from midday onwards all properties benefit from adequate sunlight
9.46	The proposed dwellings would meet the space standards as set out in Annex A of PPS7 Addendum (the minimum requirement for a 3 person 2 bed house being 70sqm (all provide 74.8sqm) and a 5 person 3 bed house being 90sqm (all provide 94.8sqm), a 1 bed apartment being 50sqm (50sqm provided) and a 2 bed apartment being 60sqm (75.5sqm provided))..
9.47	Given the sites inner urban context, and the development pattern in the immediate area it is considered that the distances and layout are acceptable and the proposal would not result in an unacceptable loss of privacy or undue level of overlooking to existing and proposed occupiers. Loss of daylight / sunlight would not be caused to existing properties and a sufficient level of daylight/sunlight would be provided for future occupants.
9.48	The proposed development is located adjacent to and opposite areas of existing housing. The proposed residential use and the design and layout of the development will not create conflict with the adjacent residential use. Residential use adjacent to one another is considered compatible and acceptable, and will not result in detrimental impact to the residential amenity of neighbours. An objection raised concerns with respect to the impact of the development proposed on the approved office development on the adjacent Arena Car Park, the dwellings are adequately removed so as to ensure no detrimental impact with respect to overlooking or overshadowing between the two and the proposed site sits outside the approved office development site with respect to sight lines with DfI Roads satisfied with respect to the layout proposed

9.49	The proposed dwellings back on to the railway line; the design responds to this adjacent land use by incorporating blank rear facades to many of the dwellings with all main habitable rooms opening on to the side and front elevations only. BCC Environmental Health have fully considered the Noise and Vibration Impact Assessment submitted in support of the development and have no objection to the development proposed subject to a condition that the mitigation measures and recommendations as contained in the report are fully implemented. Those measures include upgraded glazing and provision of acoustic ventilation to habitable rooms and an appropriate boundary treatment to reduce potential noise impact on external amenity area facing the railway.
9.50	NITHC were consulted and requested that a condition be attached that NIR be contacted prior to any works being undertaken. A condition is recommend that a Construction Management Plan be provided for agreement in advance of development commencing. NIR also sought some points of clarification, the Agent met with NIR and also provided written clarification; no further comment from NIR was received.
9.51	Overall the proposal will not result in any unacceptable amenity impacts on prospective residents or on neighbouring properties in accordance with the SPPS, PPS7 and Creating Places.
9.52	<p><u>Drainage and Flooding</u></p> <p>The previously refused application third reason for refusal was attributed to no drainage assessment being submitted as part of the application and was sustained by the Commission who were not persuaded that a negative condition requiring the DA to be agreed in advance of development commencing was adequate given Rivers Agency advised that it could not be certain that any proposed attenuation measures for run off would be feasible. On the basis of a lack of information the reason for refusal was sustained.</p>
9.53	This planning application is supported by a Drainage Assessment which has been reviewed by Rivers Agency who have confirmed that they have no objection to the proposal.
9.54	The proposal complies with PPS15 Planning and Flood Risk.
9.55	<p><u>Infrastructure</u></p> <p>NI Water have been consulted and confirmed that public water supply and foul sewer are available to serve the proposal and that there is available capacity at the Waste Water Treatment Works. The applicant has received consent from NI Water to discharge 2//sec of storm water from the proposed development to an existing combined sewer on McClure Street. The applicant is proposing to install a 160m of 1200mm diameter culvert with a hydro brake fitted manhole to attenuate and restrict the total surface water discharge to 2 l/sec. The applicant has provided evidence of their agreement with NIW in this regard.</p>
9.56	<p><u>Contamination</u></p> <p>Belfast City Council Environmental Health were consulted and requested further contamination information. On the basis of the information provided they have no objection to the development subject to conditions with respect to the Verification Report.</p>
9.57	DAERA Regulation Unit (Land and Groundwater Team) have reviewed the Generic Quantitative Risk Assessment and Remediation Strategy submitted in support of the application and have no objections subject to conditions as set out below.
9.58	<p><u>Ecology</u></p> <p>Natural Heritage and Conservation Areas Natural Environment Division were consulted and had no concern. NED advised that representation with respect to ecological concerns</p>

	had been considered and that they were content that the site does not conform to a NI Priority Habitat nor is a natural heritage feature worthy of protection. NED is content that the development complies with PPS 2 Policy NH5.
Neighbour Notification Checked	Yes
<p>Summary of Recommendation: Taking all factors into consideration on balance, the proposal is considered acceptable and approval is recommended.</p>	
<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. No dwellings hereby permitted shall not be occupied until the necessary carriageway works, the associated hard surfaced areas, vehicular accesses, including visibility splays and any forward sight distance, have been constructed in accordance with the approved layout Drawing Nos; <ol style="list-style-type: none"> i. 'D6662-AFA-XX-01-DR-C-020-Revision 01-Private Streets Determination Layout' published by Belfast City Council Planning Office on 03 November. ii. 'D6662-AFA-XX-01-DR-C-021-Revision 01-Private Streets Determination Layout' published by Belfast City Council Planning Office on 03 November. iii. 'D6662-AFA-XX-01-DR-C-022-01-PSD Layout Sheet 2' published by Belfast City Council Planning Office on 03 November. iv. 'D6662-AFA-XX-01-DR-C-023-01-PSD Layout Sheet 3' published by Belfast City Council Planning Office on 03 November. v. 'D6662-AFA-XX-01-DR-C-024-01-PSD Layout Sheet 4' published by Belfast City Council Planning Office on 03 November. vi. 'D6662-AFA-XX-01-DR-C-012-Revision 03-Proposed Road Signage Layout A0' published by Belfast City Council Planning Office on 03 November. <p>The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter. All works, including signage, shall be completed to the satisfaction of the Department.</p> <p>The Department hereby attaches a requirement that such works shall be carried out in accordance with an agreement under Article 3 (4C).</p> <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the improvement of the road network for the convenience of road users</p> 3. No dwellings shall be occupied until that part of McClure Street which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling 4. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, 	

the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. Any existing street furniture or landscaping obscuring visibility or located within the proposed vehicular accesses shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

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

6. If during the development works, new contamination and risks are encountered which has not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

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

7. After completing any remediation works required under Condition 6, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives. All records associated with the management of waste to or from the site (transfer notes / consignment notes) should be presented via verification.

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

8. Prior to the occupation of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Service, a Verification Report. This report must demonstrate that the remediation measures outlined in the RSK Ireland report entitled *Apex Housing Association, Remedial Strategy, Lands at McClure Street, Belfast (dated May 2019 and referenced 602352-R2(00))* have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential with home-grown produce). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with current guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that:

- i. A capping layer has been installed in the vicinity of HP02 (to a depth of 500mm and the lateral extent shown in Figure 3 of the RSK Ireland report entitled *Apex Housing Association, Remedial Strategy, Lands at McClure Street, Belfast (dated May 2019 and referenced 602352-R2(00))*).
- ii. A geotextile barrier has been emplaced at the base of the capping layer.
- iii. The material used to form the capping layer is demonstrably suitable for use (residential with home-grown produce) with testing completed at a density of 1 sample per 100m³.

Reason: Protection of human health.

9. Prior to the occupation of the development, a Verification Report must be submitted to Planning Service for review and approval. The report must demonstrate that the noise mitigation measures and recommendations outlined in the submitted F. R. Mark and Associates noise report – ‘Proposed Social Housing Development; Lands at McClure Street, Belfast; Noise and Vibration Impact Assessment – Revised report including ProPG’, dated March 2019 have been fully implemented within the specified areas of the development.

The report must demonstrate that internal noise levels within any dwelling shall not:

- i. exceed 35 dB LAeq16hr at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.
- ii. exceed 30dB LAeq,8hr at all other times measured over a five minute period within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.
- iii. exceed 45 dB LAm_{ax} for more than 10 single noise events within a bedroom between the hours of 23:00 and 23:00hrs.

Reason: Protection of residential amenity.

10. The residential development hereby approved shall only be occupied for the benefit of social housing. Prior to occupation the Northern Ireland Housing Executive or Housing Association shall confirm in writing to the Planning Authority that each unit is to be occupied by a tenant on the social housing register.

Reason: To ensure the development brings forward public benefits.

11. The development hereby permitted shall be carried out in accordance with the approved landscaping plan Drawing Number 08A uploaded to the Planning Portal on 03/11/2020. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the completion of the development and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to preserve and enhance the character and appearance of the locality.

12. The development hereby permitted shall be carried out and maintained in accordance with the Landscape Management and Maintenance Schedule (Ref: 2012238.Landscape Management and Grounds Maintenance Schedule (Mandatory)) prepared by GM Design Associates and stamped received by Belfast City Council 31st October 2018 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper management of the landscaped areas in the interests of visual amenity.

13. The development hereby permitted shall be constructed in the materials shown on the approved plans.

Reason: To protect the visual amenities of the area.

14. The development hereby permitted shall be carried out in accordance with approved Drawing Numbers 02C uploaded to the planning portal on 03/11/2020 and Drawing Numbers 05, 06 and 07 stamped received by Belfast City Council on 31st October 2018. The means of enclosure including walls and boundary treatments shall be fully implemented in accordance with the approved details prior to the occupation of any part of the development and thereafter maintained in accordance with the approved details.

Reason: In the interests of visual amenity and ensure a satisfactory level of amenity for future occupiers.

15. Notwithstanding the provisions of Article 3, Part 1, Classes A ,B, C and D of The Planning (General Permitted Development) Order Northern Ireland 2015 (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling house or the provision of any other building within its curtilage other than that expressly authorised by this permission shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and future occupants and the character of the area and for this reason would wish to control any future development.

16. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by, the Local Planning Authority. The Management Plan shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) measures to control noise and vibration during construction.

The Management Plan shall be implemented as approved and maintained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public safety and amenity.

Informatives;

1. This planning permission includes conditions which require additional details to be submitted to and approved by the Council. Please read the conditions carefully. You should allow at least 8 weeks for the Council to assess the details and respond. This may take longer in cases which involve the submission of detailed technical reports. You should allow for this when planning your project. If you proceed without the approval of these details from the Planning Authority you do so at your own risk.

2. The applicant's attention is drawn to the consultation responses received by the Council in respect of this application. The responses are available to view on the planning portal by entering the planning reference number at <https://www.planningni.gov.uk/index/tools/public-access-info.htm>

3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands

4. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

5. Notwithstanding the terms and conditions of the Department for Infrastructure's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's licence before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The licence is available on personal application to the DfI Roads Section Engineer whose address is Belfast South Section Office, 1a Airport Road, Belfast BT3 9DY (ph. 028 9025 4600 for advice or to arrange an appointment). A monetary deposit will be required to cover works on the public road.

6. The design of any street lighting schemes will require the approval of DfI Roads Street Lighting Central design Unit, DfI Roads, Hydebank. 4 Hospital Road, Belfast BT8 8JL, Tel. 02890253256.

7. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

8. All construction plant and materials shall be stored within the curtilage of the site.

9. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

10. Pedestrian Crossing Points across the proposed entrances are to be provided in accordance with the DTER/Scottish Office publication 'Guidance on the use of Tactile Paving'.

11. The purpose of the Conditions 6 and 7 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

12. RU recommends that the applicant consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate discharge consent conditions. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

13. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/waste-management-licensing>

<https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>

<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

14. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1;

or

- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

15. In the event that unexpected contamination is encountered during the approved development of this site, the development should cease and the applicant should contact the Planning Service. Investigation of the contamination, risk assessment and, if necessary, remediation work, should be undertaken and verified in accordance with current best practice.

ANNEX	
Date Valid	16th November 2018
Date First Advertised	30th November 2018
Date Last Advertised	13th November 2020
Details of Neighbour Notification (all addresses)	
<p>1 Pine Way Belfast Antrim , 1,91 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1SH , Paula Bradshaw 100, Unit 1, University Street, Belfast, Antrim, Northern Ireland, BT7 1HE 2 - 10-38 Powerscourt Place,Belfast,Antrim,BT7 1FX Mairtin O Muilleoir MLA 178, Ormeau Road, Belfast, Ormeau, Antrim, Northern Ireland, BT7 2ED 1a, Unit 1, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB 2, Pine Way, Belfast, Antrim, Northern Ireland, BT7 1JF 22, COLLEGE GARDENS, BELFAST, ANTRIM, Northern Ireland, BT9 6BS 36 Cromwell Road,Belfast,Antrim,BT7 1JW 3rd Floor Ormeau House,91-97 Ormeau Road,Belfast,BT7 1SH 42 Cromwell Road,Belfast,Antrim,BT7 1JX 44 Cromwell Road,Belfast,Antrim,BT7 1JX 48 Cromwell Road,Belfast,Antrim,BT7 1JX 4th Floor,The Arena Building,85 Ormeau Road,Belfast,BT7 1SH 5, 11 -67 Vernon Street,Belfast,Antrim,BT7 1EW 58 Cromwell Road,Belfast,Antrim,BT7 1JW 66 Cromwell Road,Belfast,Antrim,BT7 1JX 70 Cromwell Road,Belfast,Antrim,BT7 1JX 85 The Arena Building, Ormeau Road, Belfast, Ormeau, Antrim, Northern Ireland, BT7 1SH 91 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1SH 91-97 ORMEAU HOUSE, SUITE 1, ORMEAU ROAD, BELFAST, ORMEAU, ANTRIM, Northern Ireland, BT7 1SH 97, Balfour Avenue, Belfast, Antrim, Northern Ireland, BT7 2EW Alliance Party Of Northern Ireland 88 University Street Belfast Apartment 1,50 Cromwell Road,Belfast,Antrim,BT7 1JX Arcus Architects,22 College Gardens,Belfast,BT9 6BS C/O DNTCA LTD Ormeau House,91-97 Ormeau Road,Belfast,BT7 1SH C/O Ormeau House,91-97 Ormeau Road,Belfast,BT7 1SH Flat 12, 3 ,27 - 70 - Cameron Street,Belfast,Antrim,BT7 1GU Flat 3,38 -74 Cromwell Road,Belfast,Antrim,BT7 1JX Office 1st Floor,The Arena Building,85 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1SH Office 4th Floor,The Arena Building,85 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1SH Offices 2nd Floor,The Arena Building,85 Ormeau Road,Ormeau,Belfast,Antrim,BT7</p>	

Offices 3rd Floor, The Arena Building, 85 Ormeau Road, Ormeau, Belfast, Antrim, BT7 1SH James Doyle Ormeau House, 91-97 Ormeau Road, Belfast, BT7 1SH Representative of Office Teams at, Arena Building, 85 Ormeau Road, Belfast, BT7 1GX The Arena Building, 85 Ormeau Road, Ormeau, Belfast, Antrim, BT7 1SH Paula Bradshaw Unit 1 100 University Street Belfast Unit 1 1a Pakenham Street Belfast	
Date of Last Neighbour Notification	5th November 2020
Date of EIA Determination	N/A
ES Requested	No

Drawing Numbers and Title

Drawing No. 01

Site Location Plan - date stamped 31st October 2020

Drawing No. 02C

Proposed Site Layout - uploaded to Planning Portal on 3/11/2020

Drawing No. 03C

House Type A & A1 Plans & Elevations - uploaded to Planning Portal on 3/11/2020

Drawing No. 04C

House Type B & B1 Plans & Elevations - uploaded to Planning Portal on 3/11/2020

Drawing No. 05

Proposed Street Frontage Detail and Timber Fence - date stamped 31st October 2020

Drawing No. 06

Proposed Boundary Wall Details - date stamped 31st October 2020

Drawing No. 07

Proposed Railing Detail - date stamped 31st October 2020

Drawing No. 08A

Landscape Plan - uploaded to Planning Portal on 3/11/2020

Drawing No.13B

House Type A2 & B2 Plans & Elevations - uploaded to Planning Portal on 3/11/2020

Drawing No.16

Boundary Wall Detail at Top of Railway Embankment/Site Boundary A1 – date stamped 11/02/2020

Drawing No.18

Apartment Type A & B Plans & Elevations - uploaded to Planning Portal on 3/11/2020

'D6662-AFA-XX-01-DR-C-020-Revision 01-Private Streets Determination Layout' - uploaded to Planning Portal on 3/11/2020

'D6662-AFA-XX-01-DR-C-021-Revision 01-Private Streets Determination Layout' - uploaded to Planning Portal on 3/11/2020

'D6662-AFA-XX-01-DR-C-022-01-PSD Layout Sheet 2' - uploaded to Planning Portal on 3/11/2020

'D6662-AFA-XX-01-DR-C-023-01-PSD Layout Sheet 3' - uploaded to Planning Portal on 3/11/2020

'D6662-AFA-XX-01-DR-C-024-01-PSD Layout Sheet 4' - uploaded to Planning Portal on 3/11/2020

'D6662-AFA-XX-01-DR-C-012-Revision 03-Proposed Road Signage Layout A0' - uploaded to Planning Portal on 3/11/2020