Planning Appeals Commission

Appeal Decision

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Appeal Reference:	2021/A0217.
Appeal by:	Diamond Homes NI Ltd.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Demolition of existing bar and construction of 12no 2 bed apartments in a 3 storey block.
Location:	167-177 Oldpark Road, Belfast, BT14 6QP.
Planning Authority:	Belfast City Council.
Application Reference:	LA04/2020/1342/F.
Procedure:	Informal Hearing on 3rd August 2022.
Decision by:	Commissioner Laura Roddy, dated 22nd December 2022.

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Preliminary Matter

2. The Council's decision was based on drawings showing a three-storey apartment block with a maximum height of 12.5m above ground level. Revised elevations were submitted with the appellant's Statement of Case reducing the height of the proposed development to some 10.72m above ground level. Whilst the overall height of the building is reduced, the proposal still remains as three floors of accommodation providing 12 no 2 bedroom apartments. At the appeal hearing the appellant stated that they wanted the appeal to be determined on the basis of the revised proposal, relating to the reduction in the overall height of the proposed apartment block. However, the Council considered the appeal must be determined on the basis of the refused plans, as only the revised elevations were updated and submitted rather than the full suite of plans. Consequently, there are differences between the proposed elevations (as revised) and the proposed floor plans. The appellant considers the changes to be minor in nature and, if necessary, they could provide a revised floor plan to reflect the amended elevations. The appellant suggested this could be ensured by a planning condition.

3. In the evidence before me, I note the revised elevations were submitted to the Council on 18th January 2021, some 9 months before planning permission was refused. The Council, however, did not assess the proposed development based on the revised elevations. Given this time scale I consider the Council could have sought to rectify any discrepancies between the proposed elevations and floor plan drawings.

4. As the revised proposal relating to the reduced height of the scheme was before the Council prior to the decision being made, it is not a 'new matter' and Section 59 of the Planning Act (Northern Ireland) 2011 is not engaged. Nonetheless, I must consider whether the revised proposal can be considered in the context of this appeal.

5. The revised elevations were submitted to the Council some nine months before the determination of the application in an attempt to overcome issues raised by the Council. The same drawings have been included within the appellant's Statement of Case. Accordingly, I consider the Council had sufficient opportunity to assess the revised proposal during the processing of the planning application and now in the context of the appeal. The planning application and appeal were advertised in accordance with the statutory requirements. There were no third party representations made to the planning application or appeal. Therefore, I consider no one has been deprived of an opportunity to comment on the revised proposal.

6. There has been no increase in the site area and no increase in the height, scale or number of apartments now proposed. The amendments relate to a reduction in the overall height of the development. The heart of the proposal remains unchanged which is for an apartment block comprising three floors of accommodation, with 12 no. two bed apartments. Furthermore, the internal layout shown on the floor plans does not change as a result of the revised elevations.

7. In considering the revised elevations, I note some of the windows have been changed to roof lights and one small window on has been removed. The change in window positioning would affect a limited number of windows with the inconsistencies confined to only the second-floor plan. The ground and first floor plans remain unchanged by the revised elevations. The proposed changes to the windows would not result in any additional overlooking in comparison to the original proposal. Therefore, no third party would be impacted by the small number of windows being removed and/or changed to rooflights.

8. For all of the above reasons, I consider the variation between the floor plans and elevations is not significant in the context of the overall development. As no prejudice arises from the appellant's request to consider the revised proposal in this appeal, accordingly it is the revised proposal that I will consider. Without any prejudice to my consideration, if necessary, I consider a condition could be imposed to require a revised second floor plan to be submitted to correspond with revised elevation drawings.

Reasons

9. The main issues in this appeal are whether the appeal proposal would:
    - create a quality residential environment;
    - provide adequate private open space;
    - have an unacceptable adverse effect on existing or proposed properties in terms of noise and odour;
    - have acceptable access arrangements and parking provision; and
    - provide satisfactory measures for the mitigation of flood risk and specifically drainage.

10. Section 45(1) of the Planning (Northern Ireland) Act 2011 states that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act requires that, where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been declared unlawful. As a result, the Belfast Urban Area Plan 2001 (BUAP) now operates as the local development plan for the area. However, a further consequence of the judgement is that the draft BMAP (dBMAP), published in 2004, remains as a material consideration.

11. It is recognised that in both documents the appeal site lies on unzoned land within the development limit of Belfast. Both the BUAP and dBMAP seek to balance support for new housing in urban areas with the protection of residential character and amenity. BUAP does not designate arterial routes. However, the Oldpark Park is proposed as an Arterial Route (AR01/03) in dBMAP. Policy SETT 4 'Arterial Route within Belfast' seeks to facilitate regeneration of the designated Arterial Routes within Belfast and promotes good quality urban design. The appeal proposal for the redevelopment of a corner block with 12 apartments would accord with the above documents in principle, but must also be assessed under more detailed regional policy for quality residential environments.

12. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will apply until a local authority has adopted a Plan Strategy for its council area. Whilst Belfast City Council have published a draft Plan Strategy, it is not yet adopted. Until a plan is adopted the SPPS retains certain existing Planning Policy Statements including Planning Policy Statement 7: Quality Residential Environments (PPS7), Addendum to PPS7: Safeguarding the Character of Established Residential Areas (aPPS7); Planning Policy Statement 3: Access, Movement and Parking (PPS3) and Planning Policy Statement 15: Planning and Flood Risk (PPS15). There is no conflict between the provisions of the SPPS and those of retained policy regarding issues relevant to this appeal. Therefore, in accordance with the transitional arrangements set out in the SPPS, the appeal should be considered in accordance with the retained policies of PPS7, aPPS7, PPS3 and PPS15. Creating Places – Achieving Quality in Residential Developments (CP) also provides relevant supplementary planning guidance that is material in the consideration of the appeal proposal.

13. The appeal site is located at the corner of Oldpark Road and Ballymoney Street, with the site boundary adjoining the public footpath on three sides. It is currently occupied by 'the Corner House Bar, Offsales and Function Room' which is a storey and a half red brick building with slate roof and three dormer windows to the front.

14. The character of the area is mixed use although it is defined by predominantly 2 to 2.5 storey red brick terraces. There are some 3 storey dwellings in the area. There are several small ground floor commercial units with fascia signs along this part of Oldpark Road. There is variation in the window size, shape and style with large windows on the ground floor commercial units and dormer windows on many of the buildings. Ridge heights vary along the Oldpark Road, including within and between terraces. Roofs are generally pitched and finished in slate. Some houses along Oldpark Road have small front gardens, delineated by either red brick walls

or railings. However, the terrace in which the appeal site lies does not have front gardens. The tight urban grain in the vicinity of the appeal site is interspersed with buildings of a larger scale, bulk and mass. This includes the Sacred Heart Church some 70m from the appeal site, the community hub some 170m from the appeal site and some more modern residential development including apartment blocks further along the Oldpark Road. These other larger scale buildings also contribute to the character of the area.

15. Oldpark Road is a busy main road connecting north Belfast to the city centre. It is well served by public transport with a number of bus stops along it allowing transport to and from the city centre. Whilst predominantly residential, there is also a mix of retail, small scale commercial and community uses along the Oldpark Road. As such, I consider that given the mixed used in this area the appeal site is not within what is defined as an established residential. I also consider the appeal site is located along a key transport corridor as recognised by the dBMAP arterial route designation (AR01/03).

16. Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment, subject to complying with specified criteria. The Council raised concerns in relation to criteria (a), (c), (e), (f), (g) and (h). In recognition of the desirability of promoting increased density housing in appropriate locations, including along key transport corridors, Policy LC 1 of the Addendum to PPS7 'Safeguarding the Character of Established Residential Areas' does not apply to the appeal proposal. The appeal site is not within a Conservation Area or Area of Townscape Character and there are no listed buildings in proximity to the site.

17. Criterion (a) of Policy QD1 of PPS7 requires the development to respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. Criterion (g) of Policy QD1 of PPS7 requires the design of the development draws upon the best local traditions of form, materials and detailing although the Council only raised objections in relation to the form of the appeal proposal.

18. The Council consider the appeal proposal does not respect the surrounding context, particularly in relation to layout, height, scale, proportions, massing and appearance. Whilst the Council accept the reduction in height is an improvement from the original proposal, with the dominant positioning reduced, it still maintains its view that it is not significant enough to address the concerns raised. Accordingly, its concerns regarding the bulk and scale remain and the Council still consider the proposed Ballymoney Street elevation in particular does not respond to the streetscape.

19. The main elevation of the proposal would be to Oldpark Road although the proposal, as it occupies a corner plot, would present elevations onto Ballymoney Street (side and rear). The remainder of the appeal site would be occupied by the grassed courtyard area and refuse area to the rear.

20. The appeal proposal would be finished predominantly in red brick with a red smooth clay brick soldier course delineating the top of the ground floor level.

Roughcast render painted in cream is also proposed on each elevation. The roof would be pitched with grey concrete roof tiles. Other finishes such as windows and guttering would be finished in grey PVC, concrete or zinc. These finishes and materials are consistent with that observed within the area and therefore would be in keeping with the character of the area.

21. Along Oldpark Road, the building would be built up close to the prevailing building line, similar to the existing building on the site, and is in keeping with the adjacent terrace. The proposal would be of a similar height to the adjacent terrace notwithstanding that the two buildings immediately adjacent are lower. Being of a similar height to the majority of the terrace, combined with a gap of over 1.5m to the adjacent building, the appeal proposal would not appear overly dominant or dwarf the buildings immediately adjacent along this elevation. The windows vary in size and shape but retain a vertical emphasis. This is not dissimilar to that observed along the Oldpark Road. Although the appeal proposal would be of a larger scale than the fine urban grain characteristic along the terrace, there are several buildings of a larger scale and massing observed along the Oldpark Road and which contribute to the character of the area. As I have already noted, in this area the urban grain is broken up with more modern buildings of a larger scale and massing. I therefore consider that the revised proposal due to its overall height, form and scale would be in keeping with the character of the area. Furthermore, the vertical emphasis of the fenestration assists in visually breaking up the façade, as does the use of render. Given all of this, I consider the layout, height, scale, massing and appearance of the appeal proposal would be appropriate to the character of the area when observed along the Oldpark Road.

22. Along Ballymoney Street, to the side, the appeal site currently comprises the side entrance to the existing building with the rest of this elevation defined by metal fencing. The appeal site sits opposite, and faces, the gable end of a terrace on Oldpark Road. There are no buildings immediately adjacent and no strong sense of streetscape along this part of Ballymoney Street. This part of Ballymoney Street leads to a number of residential cul-de-sacs comprising primarily two storey red brick dwellings. Although taller than the existing building on the site, the appeal proposal would be of a similar height to the predominantly two storey dwellings observed in Ballymoney Street, notwithstanding it would be slightly taller. The appeal proposal would also be built up to a similar building line as the existing building. Whilst it would be of a larger scale than the current building on the site, and the domestic scale observed along Ballymoney Street, the strong vertical emphasis along this elevation assists in visually breaking up the façade. For these reasons, I consider that the appeal proposal would also have an acceptable scale, height, layout, massing and appearance when observed along the side elevation at Ballymoney Street. No concerns were raised regarding the rear elevation along Ballymoney Street.

23. The Council, in respect of Policy QD1 of PPS7, also raised concerns regarding the lack of defensible space between the appeal site and the public domain. Galvanised metal railings would separate the appeal proposal from the existing streets along Oldpark Road and Ballymoney Street (side). To the rear, the appeal proposal would be delineated from the public pavement by a line of flush kerb and a 2.1m red brick wall with two gates. The appeal site is located in an area where terraced houses form the predominant character of the area. Some have small and narrow front gardens but some do not, including the terrace which the appeal

site is part of. Notwithstanding this, the appeal building would be slightly set back from the public footpath along Oldpark Road and Ballymoney Street, separated by metal railings some 1m in height with gravel beds between the building and railings. Considering all of the above, the appeal site has sufficient defensible space with a clear distinction between the public footpath and the appeal proposal.

24. The Council also indicated that the appeal proposal would result in overdevelopment of the site with the lack of external amenity space being an indicator of overdevelopment. Criterion (c) of Policy QD1 of PPS7 requires adequate provision is made for public and private open space and landscaped areas as an integral part of the development. The Council consider the appeal proposal fails to provide sufficient private amenity space, and that the amenity space would be overshadowed for a large part of the day. The Council referred to appeal decision 2018/A0070 in support of its position. The appellant argued that the site's location in an urban area, with several public parks in proximity, can justify a lower provision. Further, when including the ground floor balconies, the appellant considers the provision complies with the guidance contained in CP. In any case, the appellant notes the figures in CP are guidance only.

25. The guidance in CP, although not policy, indicates that $10m^2$ – $30m^2$ per unit of private communal open space would be acceptable for apartment development. The appropriate level should be determined having regard to the particular context of the development and the overall design context. Developments in inner urban areas and high density areas will tend towards the lower figure. Given the appeal site location, in a built up area on a key transport corridor, I consider the lower figure of $10m^2$ per unit would be appropriate to the character of the surrounding area, amounting to a requirement for $120m^2$ of private communal space.

26. There was disagreement about the exact level of private communal amenity space provided, primarily due to whether or not the 'ground floor balconies' and refuse area are included in the calculations. Whilst there is external space on the ground floor between the building and railings, this $38m^2$ area of gravel beds is narrow, not accessible directly from any apartment and sits adjacent to the public footpath. For these reasons I do not agree with the appellant that these areas can be considered to be ground flood balconies, nor do I consider they contribute towards the provision of private amenity space. Similarly, the refuse area provides no amenity space and should be discounted from the assessment. This leaves an area of $113m^2$, a shortfall of approximately $7m^2$, comprising the courtyard area to the rear of the appeal proposal.

27. The courtyard comprises a large grassed area with some planting and paved areas around the edge. There would be no development immediately abutting the rear (northeast) of the courtyard, as it sits adjacent to the public footpath beyond which lies the road at Ballymoney Street. The adjacent terrace on Oldpark Road (to the southeast) does not extend as far back as the courtyard and is only 2 – 2.5 storey in height. Therefore, the courtyard would obtain a good level of sunlight from the northeast and southeast during the day. Although there would be some overshadowing to the northwest and southwest, caused by the proposed development, this would be no different to other residential development on the eastern side of Oldpark Road, which would also be overshadowed in part by the built form along the road during part of the day. The reduction in height of the proposed development will also go some way to reducing the amount of

overshadowing in the courtyard. Given the size, configuration and positioning of the proposed courtyard, I consider the private amenity space to be of sufficient quality and quantity. Whilst there would be a shortfall of some 7m^2 of private open space, in this instance do not find this shortfall to be so significant given the quality and quantity of the open space provided as well as the site's location within some 500m of two public parks, which weighs in favour of a reduction in the private amenity space to be provided. For these reasons, I find the appeal proposal complies with criterion (c) of Policy QD1 of PPS7 as adequate provision is made for private open space within the proposed development.

28. The appellant referred to inconsistency in decision making by the Council. However, as I have found the provision of private amenity space of itself to be acceptable, I need not consider this further. The Council referred to appeal decision 2018/A0070 for 15 apartments at 1-3 Eia Street in Belfast as being a material consideration. In that decision the Commissioner found the provision of just over half of the amount required in CP to be unacceptable. Furthermore, the open space was noted to be cramped and enclosed between the building and rear boundary which was formed by a terrace of three storey Victorian dwellings. I do not consider this to be comparable to the appeal proposal where there is a much smaller shortfall in the provision of open space compared to the guidance in CP, which I have found to be acceptable, and the space provided as part of the appeal proposal would not feel cramped or enclosed.

29. Overall, I find the height of the appeal proposal would be similar to that observed within the locality, the proposal therefore respects its surrounding context. The materials and proportions are also in keeping with the area. Whilst the appeal proposal is of a larger scale than that observed within the local context, including the terrace properties along Oldpark Road, it is not out of context given there are other buildings of a larger scale and form observed in this area. The façade retains a strong vertical emphasis and the variety in fenestration and materials helps to break up the appearance of the elevations along Oldpark Road and Ballymoney Street. I am not persuaded that the layout, height, scale, proportions, massing and appearance of the building would be out of keeping in the streetscape or surrounding context. I consider that the appeal proposal, occupying a corner position along a key transport corridor, would be in keeping with the character of the area, having been designed to take account of the positive characteristics of the area. This, combined with my conclusions in respect of private amenity space, satisfies me that the appeal proposal does not represent overdevelopment of the site. Accordingly, I consider the appeal proposal satisfies criteria (a), (c) and (g) of Policy QD1 of PPS7. The Council's first and second reasons for refusal are not sustained.

30. The fifth reason for refusal relates to concerns regarding unacceptable adverse impacts on existing and proposed properties by way of noise and odour. At the time of the decision the Council considered the proposal to be contrary to Policy QD1 of PPS7, criterion (h). However, at the hearing the Council stated that the concerns regarding noise and odour can be addressed by conditions. The appellant was in agreement with the conditions, although contested the need for a Noise Impact Assessment (NIA) to be submitted post approval.

31. The purpose of the NIA is to demonstrate that the proposal would not result in adverse noise impact to its end users or nearby receptors. The appeal site is in a

predominantly residential area although there are commercial uses in close proximity. It is located along a main road. I accept that this road can be busy with traffic, particularly at peak times. The closest commercial premises are adjacent along the ground floor units of the adjacent terrace. These include, for example, a small hot food take away, beauticians, tanning salon, taxi office, chemist and off license. I consider that the proposed residential use is compatible with the surrounding land uses and, given both the nature and size of the adjacent commercial units, would not result in any adverse impacts on proposed residents by way of noise. Given the appeal proposal involves the replacement of a public house with a residential use, I am not persuaded that a residential use on the site would result in a significant increase or unacceptable level of noise compared to what is currently experienced in this area. Taking account of the above, I am satisfied by the evidence presented that the appeal proposal would not give rise to a level of unacceptable noise impact on existing or proposed residents. The submission of a NIA is not necessary in this case. However, as the appeal proposal is on a main road, and in order to protect the residential amenity of the proposed residents, I consider a condition would be necessary to ensure the windows and ventilation are of an appropriate standard.

32. The Council also suggested a condition would be required to submit an Odour Impact Assessment (OIA) prior to construction. Although there is a pizza take away adjacent to the appeal site, this is small in scale and no evidence was provided to suggest this would result in an unacceptable adverse odour impact on any future residents. The appellant stated it was not possible to discern where any extraction unit is located from the front or rear, and I could also not locate it at my site visit. Nonetheless, an alternative means of ventilation has been suggested, and could be secured by planning condition, to ensure odour issues are not at a level that would give rise to unacceptable impacts on the residents of the proposed accommodation. I consider this would reasonable and more appropriate than the post submission of an OIA.

33. The Council raised concerns regarding the access and parking provision. The third reason for refusal refers to PPS3 Policies AMP1, AMP6 and AMP7 as well as Policy QD1 (criteria e and f) of PPS7. Following the submission of a Parking Survey within the appellant's Statement of Case, at the hearing the Council withdrew its concerns in relation to parking provision and Policies AMP1 and AMP7 of PPS3 and criterion (f) of Policy QD1 of PPS7. The Council now accept that there is sufficient on street capacity to accommodate the proposed development. Having considered the evidence, including my observations at my site visit, I am also satisfied there is sufficient on street car parking in the area to facilitate the proposal. However, the Council retained its concern regarding Policy AMP6 of PPS3 due to the lack of a Transport Assessment Form and Travel Plan.

34. Policy AMP6 of PPS3 states that in order to evaluate the transport implications of a development proposal the Department will, where appropriate, require developers to submit a Transport Assessment (TA). The policy itself does not outline the circumstances where a TA is required, it is a matter of fact and degree to be established on a case by case basis. However, Transport Assessment: Guidelines for Development Proposals in Northern Ireland (2006) provides some guidance.

35. The guidance indicates that, in relation to housing, the threshold for requiring a TA is 100 dwellings. The Council's witness referred to Appendix A of the guidance, which states a TA Form must be submitted with each application. The appeal proposal is for 12 residential units which is significantly below the recommendations in the guidance where a TA would be required. Given the number of units proposed, that the evidence demonstrates there is sufficient on street parking to accommodate the proposed development and the site's location on a key transport corridor with good access to public transport, I consider a TA is not required. It is not a requirement of Policy AMP6 to submit a TA form, Policy AMP6 only relates to the provision of a full TA. I can see no justifiable reason, given the specifics of the appeal proposal and its site location, in requiring a TA form.

36. The lack of a TA form in itself does not justify a reason to withhold planning permission. Given I have already concluded a TA is not required, the appeal proposal does not engage Policy AMP6 of PPS3. For the same reasons, I do not consider the appeal proposal would generate a significant amount of traffic, or require a Travel Plan. The remaining elements of the Council's fourth reason for refusal, and concerns in relation to transport, are not sustained.

37. Policy FLD3 of PPS15 requires a drainage assessment to be submitted for development proposals which exceed the stated thresholds. As the appeal proposal involves residential development comprising ten or more dwelling units, a Drainage Assessment (DA) is required. Policy FLD3 states that development will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

38. A DA was submitted with the application which proposes to connect the surface water drainage infrastructure to the existing NI Water infrastructure on Ballymoney Street. However, the Council consider that until approval has been obtained from NI Water to discharge to this point, the DA is incomplete, and the appellant has failed to demonstrate that adequate mitigation measures will be put in place to effectively the flood risk. The Council were supported in its view by Rivers Agency.

39. An application to NI Water (NIW) would be required to obtain approval to connect to the proposed discharge point. There is no indication that the proposed discharge point does not have the capacity to serve the proposed development. I was told that the existing development on the site discharges to the NIW infrastructure on Ballymoney Street. Whilst a new application would be required for the proposed development, there would be no additional discharge generated as a result of the proposed development. Due to the introduction of the landscaped courtyard, and reduction in hardstanding on the site, the DA calculations show the site run off would actually reduce. Regardless of the NIW procedure, the requirements of the policy are that adequate measures will be put in place to effectively mitigate the flood risk. Should a connection to the NIW infrastructure be refused, the Council's witness told me that the appellant could apply to Rivers Agency for consent to discharge to a watercourse.

40. I consider the fact there is an existing discharge connection point from the appeal site to NIW infrastructure, the reduction in run off, the proposed use of hydrobrakes and concrete culverting within the site before final discharge to the

NIW infrastructure, as well as the potential alternative to discharge to a watercourse, demonstrates that there would be adequate measures in place to effectively mitigate surface water flood risk. A condition would ensure an adequate discharge connection is in place prior to commencement of works. Whilst the drainage proposals within the site may need to change depending on the final discharge point, this could also be secured by condition. The appeal proposal therefore complies with Policy FLD3 of PPS15 and the Council's third reason for refusal is not sustained.

41. The appellant pointed to the appeal proposal being for 'Category 1 active elderly' throughout their evidence and a need for this type of development. I have already concluded that the appeal proposal complies with planning policy of itself and does not rely on any relaxation of policy to meet the needs of the end user. Therefore, should the appeal be allowed, although the appellant was agreeable to a condition restricting the use, I do not consider this would be reasonable or necessary.

42. I consider a Construction Method Statement, as suggested by the Council, would be necessary to ensure that disruption to nearby residents specifically by way of noise, parking and vibration is minimised during the construction phase. Given the minor inconsistencies between the second floor plan and the revised elevations, I also consider that it would be reasonable, for clarification purposes, to add a condition requiring a second floor plan to be submitted prior to the commencement of any development on the site.

43. All in all, I consider the appeal proposal complies with BUAP, dBMAP, PPS7, Policy AMP3, PPS15 and the SPPS. Accordingly, the Council's reasons for refusal have not been sustained.

Conditions

1) Before the commencement of development, a revised floor plan for the second floor shall be submitted to and approved by the Council. This shall correspond with Drawing BD66/004A 'Proposed Elevations / Sections (1:100) Revised Elevations'.

2) No development or site works of any nature shall take place until a Construction Management Plan (CMP) has been submitted to and approved by the Council. This Plan should outline the methods to be employed to minimise disruption to existing residents in respect of parking, noise and vibration during the construction phase. All construction activities shall be carried out in accordance with the approved CMP unless otherwise agreed in writing with the Council.

3) No development shall take place until a final drainage assessment, containing a detailed drainage network design, is submitted to the Council for approval. The site drainage shall be implemented, and thereafter maintained, in accordance with the agreed design.

4) Prior to installation of any windows, the final window schedule detailing the glazing configuration and sound reduction performance of the windows to habitable rooms on all facades shall be submitted to the Council for approval.

The windows must be installed to the agreed specification prior to occupation. The window specification for habitable rooms must ensure that the internal sound levels shall:

- not exceed 35 dB LAeg, 10hr at any time between 07:00 hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of ventilation provided in accordance with current Building Control requirements;
- not exceed 30 dB LAg, ahr at any time between 23:00 hrs and 07:00hrs within any proposed bedroom with the windows closed and alternative means of ventilation provided in accordance with current Building Control requirements;
- not exceed 45 dB LAMax more than 10 times between 23:00 hrs and 07:00hrs within any proposed bedroom with the windows closed and alternative means of ventilation provided in accordance with current Building Control requirements.

5) Prior to installation, confirmation of the specification of alternative means of ventilation shall be submitted to the Council, for its approval. The alternative means of ventilation shall not compromise the recommended internal noise levels of habitable rooms outlined in British Standard BS8233:2014. The agreed means ventilation must be installed prior to occupation and thereafter maintained.

6) The development shall be begun before the expiration of five years from the date of this permission.

This decision relates to the following drawings:-

Drawing No.	**Title**	**Scale**	**Date Received by Council**
01 (BD66/001)	Site Location Map	1:1250	24th September 2020
02 (BD66/002)	Block Plan	1:500	
04 (BD66/003)	Proposed Floor Plans and Site Layout	1:100	
BD66/004A	Proposed Elevations / Sections (1:100) Revised Elevations	1:100	18th January 2021

COMMISSIONER LAURA RODDY

List of Appearances

Planning Authority:-	Mr R Nolan, Belfast City Council Mr A Fahy, DfI Roads Mr D Clarke, DfI Rivers
Appellant:-	Ms G Jobling, Agent Mr P Byrne, MacRae Hanlon Spence Architects Mr H Diamond, Appellant

List of Documents

Planning Authority:-	“A1” Statement of Case by Belfast City Council “A2” Post Hearing Evidence from Belfast City Council (appeal decision 2018/A0070)
Appellant:-	“B1” Statement of Case by JPE Planning “B2” Post Hearing Evidence from JPE Planning (comments on appeal decision 2018/A0070)