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Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS

8th October, 2020

MEETING OF PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet remotely via Microsoft Teams on Thursday, 15th October, 2020 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. **Routine Matters**

   (a) Apologies

   (b) Declarations of Interest

2. **Planning Applications**

   (a) **(Reconsidered) LA04/2019/1614/F** - Redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area (MUGA pitch), pitch side fencing and ball-stop nets, car parking, landscaping and associated site works on land including and adjacent to the existing all-weather sports pitch at Stranmillis University College, Stranmillis Road (Pages 1 - 40)

   (b) ~~**LA04/2016/0559/F** - Construction of 4 office blocks - Block A 10 storeys, Block B 14 Storeys, Block C and Block D 3 Storeys plus 4 retail units, plant and car parking with external plaza and associated landscaping on site at the junction of Stewart Street/East Bridge Street and West of Central Station East Bridge Street~~ (withdrawn from the agenda)

Development Management Addendum Report
Committee Application

Summary	
Committee Decision Date: Tuesday 13 October 2020	
Application ID: LA04/2019/1614/F	
Proposal: Redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area (MUGA pitch), pitch side fencing and ball-stop nets, car parking, landscaping and associated site works.	**Location:** Land including and adjacent to the existing all-weather sports pitch at Stranmillis University College Stranmillis Road Belfast BT9 5DY.
Referral Route: Major Application	
Recommendation:	**APPROVAL**
Applicant Name and Address: Stranmillis University College Stranmillis Road Belfast BT9 5DY	**Agent Name and Address:** Resolve Planning & Development Innovation Factory Forthriver Business Park 385 Springfield Road Belfast BT12 7DG

This application was previously scheduled for consideration by Planning Committee at its' September meeting, however consideration was deferred due to technical issues encountered by members and third parties in presenting their views. The application was therefore deferred by members. A copy of the late items document for this case at September Committee, and original report is appended.

All representations have been fully considered in the assessment of the application, and issues raised in the late item submission are addressed in the late items document.

Officers are satisfied that the proposal is compliant with relevant policy considerations and that the assessment as detailed in the report and accompanying late items document set out justification how the proposal complies with the policy considerations taking account of all material considerations.

No further representations have been received. The total objections received therefore remains at 116 as set out in the previous report.

Having regard to the development plan, policy context and other material considerations, the proposal is considered acceptable and the recommendation remains for approval of planning permission subject to conditions based on compliance with the development plan, relevant policy and taking account of consultation responses and representations.

It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.

Please note that Conditions 3 and 15 of the draft conditions listed in the original report are updated as follows:

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 18613-C500 Rev P1 bearing the Belfast Planning Service date stamp 16/8/19, prior to the commencement of any other works or other development hereby permitted. Vehicular access to the development hereby permitted shall be from Stranmillis Road only.

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

15. Prior to commencement of development on site, including demolition, site clearance or site preparation, a Construction Environmental Management Plan (CEMP) shall be produced by the appointed contractor. The CEMP shall include measures to control noise, dust and vibration during the demolition / construction phase, demonstrating the use of 'best practicable means'. The CEMP shall include rationale for and details of the chosen piling methodology and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises.

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

The CEMP must incorporate a construction traffic management plan and shall ensure that vehicular access to the development shall be from Stranmillis Road only.

The development shall be carried out in accordance with the agreed arrangements.

Reason: in the interests of amenity.

Appendix 1: Development Management Report
Committee Application

Summary	
Committee Decision Date: Tuesday 15 September 2020	
Application ID: LA04/2019/1614/F	
Proposal: Redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area (MUGA pitch), pitch side fencing and ball-stop nets, car parking, landscaping and associated site works.	**Location:** Land including and adjacent to the existing all-weather sports pitch at Stranmillis University College Stranmillis Road Belfast BT9 5DY.
Referral Route: Major Application	
Recommendation:	**APPROVAL**
Applicant Name and Address: Stranmillis University College Stranmillis Road Belfast BT9 5DY	**Agent Name and Address:** Resolve Planning & Development Innovation Factory Forthriver Business Park 385 Springfield Road Belfast BT12 7DG

Executive Summary:

The site is located within the Stranmillis University College campus and comprises a gravelled pitch and tarmacked tennis courts areas, within the north-western corner of the campus. The topography of the pitch areas is relatively level, however it sits below adjacent university building including a refractory building immediately adjacent to the gravel pitch, with halls of residence buildings beyond. Cleaver Park is located to the north, a residential area comprising largely detached dwellings, which is elevated above the pitches area by approximately 4 – 5m.

The key issues in the assessment of the proposal are as follows:

- The principle of the development of at this location;
- Visual impacts of the proposal;
- Impact on amenity / character of the area;
- Impact on built heritage;
- Impact on the natural environment;
- Impact on transport and other infrastructure;
- Flood risk from the proposal.

The proposal comprises improvements to existing sports pitches comprising a gravel sports pitch albeit in poor condition and subject to little use for sporting activities in recent years. The main pitch, at closest points would be located 29m from the nearest dwelling at 28 Beechlands, and approximately 51.6m from the nearest dwelling in Cleaver Park (number 28). Whilst the proposal will result in the reduction of the playing surface area to allow for car parking facilities, these facilities are necessary and a policy requirement to support the proposal. The provision of

improved/refurbished pitch facilities is considered acceptable in principle. Access to the campus will be unaffected by the proposals.

The proposal would not adversely impact on amenity, traffic, heritage assets or flooding. The proposed scale, form, massing, design and materials of structures proposed are considered acceptable and will not adversely impact on local character. Existing trees within the site and around the site periphery, in addition to new planting would filter views of these structures. All structures are of a scale and character that would be reasonably expected at a sports facility. Changing rooms facilities originally proposed through conversion of existing ancillary buildings have been removed from the proposal in order to safeguard their heritage contribution, with provision relocated to existing facilities within the campus. On balance the proposal would not result in detrimental visual impacts.

DFI Roads, Historic Environment Division, NI Water, Rivers Agency, Conservation Officer, Natural Environment Division, Environmental Health and DEARA NED have no objections to the proposal.

Conditions are necessary to mitigate impacts of the development, including hours of operation of the facility and restriction of floodlighting use to between the months of October and February.

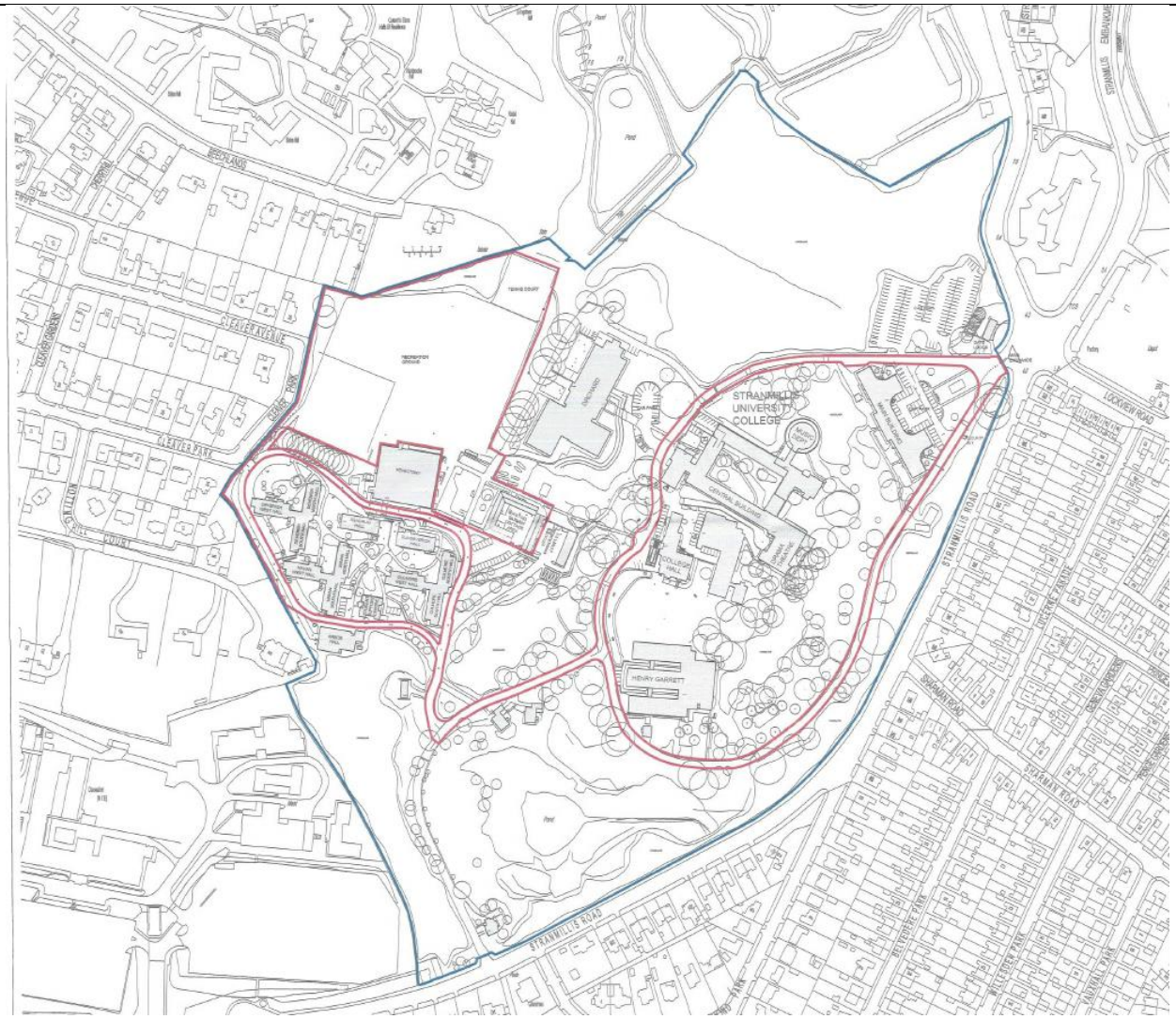
116 objections have been received and have been considered in the report.

Having regard to the development plan, policy context and other material considerations, the proposal is considered acceptable and approval of planning permission is recommended due to compliance with policy and taking account of consultation responses and representations.

It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.

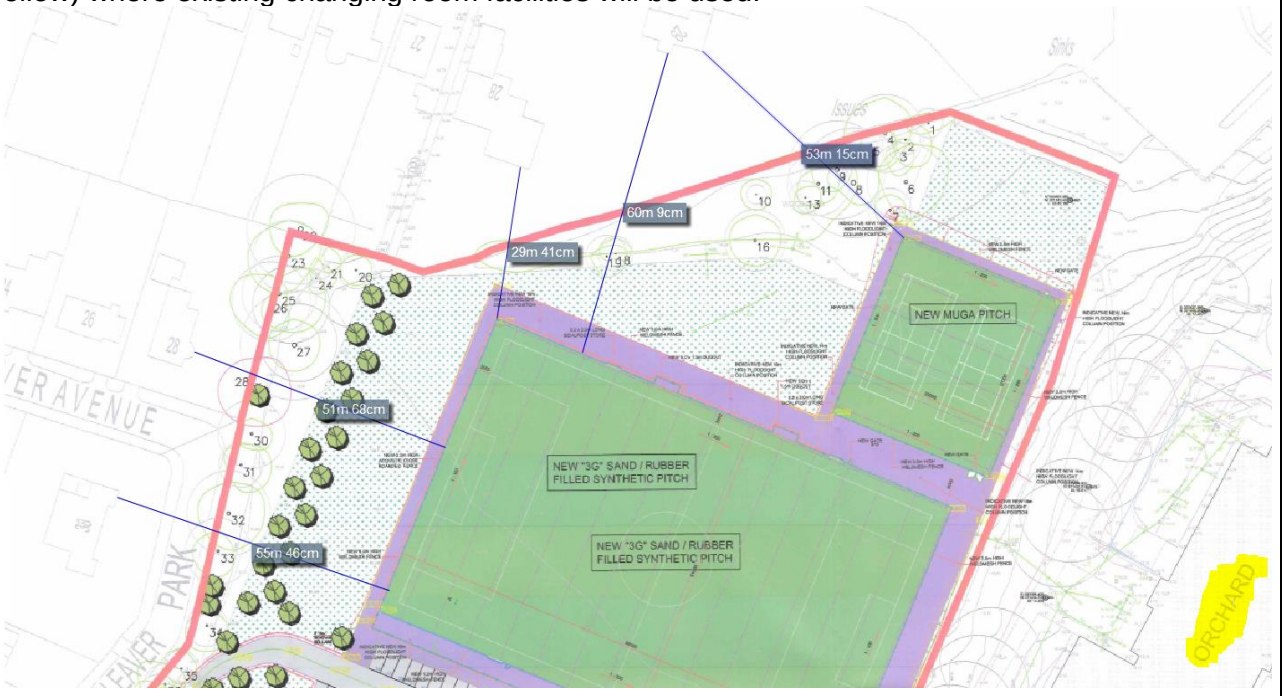
Case Officer Report

Site Location Plan



NEW MUGA PITCH
NEW "3G" SAND / RUBBER FILLED SYNTHETIC PITCH
NEW "3G" SAND / RUBBER FILLED SYNTHETIC PITCH
CLEAVER AVENUE
CLEAVER PARK
ORCHARD
REFECTORY
Proposed site cross section A scale 1.200
Proposed site cross section B scale 1.200
Proposed site cross section C scale 1.200
Proposed site cross section D scale 1.200

Separation Distance to Neighbouring Properties and Location of 'Orchard Building' (highlighted yellow) where existing changing room facilities will be used:



Representations:	
Letters of Support	None Received
Letters of Objection	116
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Representatives	Paula Bradshaw MLA – objection Alderman Jim Rodgers - objection
Neighbour Notification Checked	Yes

1.0	**Description of Proposed Development** The application seeks planning permission for the redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area (MUGA pitch), pitch side fencing and ball-stop nets, car parking, landscaping and associated site works.
2.0 2.1	**Description of Site** The site is located within the Stranmillis University College campus and comprises a gravelled pitch and tarmacked tennis courts areas, within the north-western corner of the campus. The topography of the pitch areas is relatively level, however it sits below adjacent university building including a refractory building immediately adjacent to the gravel pitch, with halls of residence buildings beyond. Cleaver Park is located to the north, a residential area comprising largely detached dwellings, which is elevated above the pitches area by approximately 4 – 5m. There is a belt of mature trees and vegetation along the western and northern boundaries of the site with Cleaver Park. There is further housing on Beechlands to the north west. The southern and eastern boundaries are

	undefined, with the remainder of the campus including landscaped areas and educational buildings beyond. There are a number of listed buildings within the wider campus.
Planning Assessment of Policy and other Material Considerations	
3.0	**Site History** No relevant history
4.0	**Policy Framework**
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2004 Draft Belfast Metropolitan Area Plan 2015 Developer Contribution Framework 2020
4.2	Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS); PPS2: Natural Heritage; PPS3: Roads Considerations; PPS6: Built Heritage and Archaeology; PPS6 Addendum: Areas of Townscape Character (ATC); PPS8: Open Space, Sport and Recreation; PPS15: Planning and Flood Risk; Development Control Advice Note 15 Vehicular Access Standards
5.0	**Statutory Consultee Responses**
	DFI Roads – no objections; NI Water – no objections; Rivers Agency – no objections; Natural Environment Division – final response outstanding.
6.0	**Non-Statutory Consultee Responses**
	Environmental Health – no objections; Lagan Valley Park – objection – impact on Lagan Valley Park BCC Tree Officer – no objections; BCC Landscape Section – no objection; BCC Conservation Officer – no objection.
7.0	**Representations**
7.1	The application has been neighbour notified and advertised in the local press. Additional information/amendments have been received during the processing of the application in response to requests for clarification from consultees. Re-notification of objectors and neighbours was undertaken in accordance with standard procedures following receipt.
7.2	116 objections received raising the following issues (summarised): 1) Noise and disturbance impact to existing residents, including associated emotional distress; 2) Traffic and associated noise from pick up and dropping off to the facility at the access gate at Cleaver Park and access issues due to layout of Clear Park; 3) Amenity and design impacts from proposed floodlighting; 4) Impact on residential area/environment;

	5) Impact on conservation area, Listed building and historic parklands and contrary to PPS6; 6) Impact on flora and fauna including protected species; 7) Site used as car park for number of years and no longer sports pitch; 8) 3G pitch is not required; 9) Pre-Application Community Consultation not undertaken in accordance with the Planning Act. 10) Pre-Application consultation does not represent local opposition to the proposals; 11) Increased parking demands where currently a shortfall of parking on site; 12) Perception of fear with strangers coming into the area to use the facility; 13) Application submission is inadequate with necessary supporting information; 14) Failed to provide up to date ecological information; 15) Landscape and Visual assessment is inadequate and ignores adjacent Conservation Areas and should include additional viewpoints and summer and winter assessments; 16) LB Consent required – not correctly referred to on the application form; 17) Design and Access Statement fails to comply with legislative requirements; 18) Inadequate Neighbour Notification undertaken by the Council – contrary to spirit of neighbour notification notwithstanding statutory requirement; 19) Inconsistency with notification requirements for Pre-community consultation and application; 20) Design is out of character with historic layout; 21) Contrary to PPS8; 22) Potential criminal activity / vandalism / anti-social behaviour; 23) Detrimental impact on wildlife including from noise; 24) Intensification of use of pitches / overdevelopment of the site. 25) Consideration/decision by Committee under delegated authority potentially unlawful; 26) Independent noise assessment submitted – issues with applicant assessment / methodology.
8.0	**Other Material Considerations**
	Belfast Agenda (Community Plan)
9.0	**Assessment**
9.1	The key issues in the assessment of the proposal are as follows: • The principle of the development of at this location; • Visual impacts of the proposal; • Impact on amenity / character of the area; • Impact on built heritage; • Impact on the natural environment; • Impact on transport and other infrastructure; • Flood risk from the proposal; **Policy context**
9.2	Article 6 (4) of the Planning (Northern Ireland) Act states that in making any determination under the said Act regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

9.3	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS2, PPS3, and PPS 8 remain applicable under 'transitional arrangements'.
9.4	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. Paragraphs 4.37-40 highlights the preservation and improvement of the built and natural environment.
9.5	Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the version of Draft BMAP 2015 still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
9.6	Within the BUAP the site is located within the development limits and is identified as whiteland. The site abuts the Malone and Stranmillis Conservation Areas but falls within the Stranmillis ATC. PPS6 and the PPS6 Addendum relating to ATC's are therefore applicable.
9.7	Section 104 of the 2011 Act and the related policy direction of the SPPS take precedence over criterion (a) of PPS6 Policy BH12 New Development in a Conservation Area, which requires the development to preserve or enhance the character of the area. The remaining criteria of this policy however remain. (b) and (c) broadly seek development that is in sympathy with the characteristic built form, scale material and detailing of the area; (d) that proposal will not result in environmental problems such as noise, nuisance and disturbance; (e) that important views within, into and out of the area are protected, and (f) that trees and other landscape features are protected. Criterion (g) seeks redevelopment that conforms to the guidance set out in conservation area documents.
9.8	Within draft Belfast Metropolitan Area Plan 2004 and draft Belfast Metropolitan Area Plan 2015, the site is located within the development limit. Within dBMAP 2004 the site is located within a Local Landscape Policy Area (LLPA).
9.9	PPS8 sets out regional policy for open space and recreation. Policy OS1 refers to the protection of open space, Policy OS4 relates to intensive sports facilities, stipulating 5 criteria with which proposals must accord. Policy OS7 relates to floodlighting and stipulates 3 criteria that proposals must satisfy. Paragraphs 6.199 - 6.213 relate to open space. Paragraph 6.213 sets out relevant planning considerations including: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage. No conflict arises between PPS8 and SPPS policies.
9.10	PPS2 Natural Heritage is relevant to the proposal given the large number of trees within the site and the LLPA designation. Policy NH2 relates to protected species, whilst Policy NH5 relates to habitats, species or features of natural heritage importance. Natural Heritage in the SPPS is set out at pages 80 – 85. Policy requirements essentially repeat the provisions of PPS2 and accordingly no conflict arises with the SPPS.
9.11	

	PPS3 contains policy considerations relating to roads, access and parking and is a material consideration in that any proposals must make necessary provisions for such matters. Car parking and servicing requirements are set out at Policy AMP7, with design considerations set out at AMP9. Transportation considerations in the SPPS are set out at pages 106-110. Policy requirements essentially repeat the provisions of PPS3 and accordingly no conflict arises with the SPPS.
	Principle of Development
9.12	The proposal includes a 3G pitch, a MUGA pitch, car parking, fencing and floodlighting. The main pitch, at closest points would be located 29m from the nearest dwelling at 28 Beechlands, and approximately 51.6m from the nearest dwelling in Cleaver Park (number 28). The MUGA pitch is approximately 53m from the nearest dwelling at 29 Beechlands at the closest point. The site has been previously used for sporting activities, however representations have indicated that the area was used for car parking for various periods in the past. Notwithstanding this, the site has clearly been used in past for sport recreation use and the proposal is therefore considered in accordance with the requirements of Policy OS1. It is not considered that the recreational use of the land has been abandoned. Whilst in poor condition, the facilities could continue to be used at any time with repair works. Such works would fall outside the meaning of development as set out in the Planning (NI) Act 2011, or benefit from Permitted Development as set out in the Planning (General Permitted Development) Order 2015 and accordingly would not require planning permission. The use of the site for sporting facilities is acceptable in principle. Car parking is considered later in the report.
	Visual impacts of the proposal/character of the area
9.13	PPS6 Policy BH6 requires proposal to respect historic gardens. Policy BH11 requires proposals to respect the setting of Listed Buildings. Policy BH12 requires views into and out Conservation Areas to be protected under criteria (e). The SPPS, at paragraph 6.18, states that "In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained". Policy ATC2 in PPS6 Addendum relates to new development within an ATC. This policy states proposals will be approved where the development maintains or enhances its overall character and respects the built form of the area. The policy also requires that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.
9.14	Policy OS4 of PPS8 requires that: • buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
9.15	The 3G pitch surfaces would have a negligible visual impact on the locality. The site / playing surface areas sit at a lower level than the adjacent nearest public road, Cleaver Park. Public views of the surface would read as green space/playing surface and would therefore have no greater impact than the existing gravel surface. Views into and out of the site are filtered by existing and proposed new boundary vegetation. It is accepted that views would become more readily available during winter months due to the deciduous nature of the majority of this planting, however this coupled with the restricted area from which views would be possible adjacent to the site, would not result in an unacceptable impact on the setting of either the Stranmillis or the Malone Conservation Areas as a whole, or the

	Stranmillis Area of Townscape Character. The character and appearance of the Conservation Areas would be preserved. The associated fencing (6m and 3m high) and floodlights (18m) would have a greater visual impact. However, public views of such structures would also largely be limited to views discussed above. The floodlighting, by virtue of the level difference of the site with Cleaver Park and neighbouring streets would be similar/lower in height than the ridges of the nearest dwellings in Cleaver Park. Accordingly, distance views into the site and of these structures would be filtered by the existing dwellings and boundary vegetation. These factors would also mitigate the illumination impacts on the locality and would not therefore adversely impact on character. The Conservation Officer has no objections to the application. For these reasons the proposals are considered acceptable and comply with Section 104 (11) of the Planning Act (NI) 2011, the SPPS, PPS6 and the Addendum to PPS6.
9.16	The proposed scale, form, massing, design and materials are considered acceptable and will not adversely impact on local character. Existing trees within the site and around the site periphery, in addition to new planting would filter views of these structures. All structures are of a scale and character that would be reasonably expected at a sports facility. On balance, the proposal would not result in detrimental visual impacts.
9.17	Alterations and conversion works to facilitate new changing room facilities were originally proposed to existing outbuildings located close/adjacent to the site to the southeast of the pitches. These were removed from the proposal due to concerns from HED regarding impacts on the historic assets/features of this building. Changing facilities will now be provided within existing facilities at the "Orchard building" to the east of the application site. Accordingly the proposal does not contravene relevant Listing Building policies as set out in PPS6, and this revision is admissible within the application in that it is not a policy requirement that changing facilities must be included with all playing pitch proposals.
	Impact on amenity;
9.18	The application has attracted objections on grounds that the proposal would detrimentally impact on amenity due to noise and light disturbance. Policies OS4 and OS7 of PPS8 require consideration of these issues. Policy OS4 requires proposals to ensure: • there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;
9.19	In assessing these impacts, consultation has been undertaken with Environmental Health who have reviewed noise and lighting assessments submitted by the applicant. Environmental Health have concluded that the proposal would not detrimentally impact on amenity through predicted noise levels or light disturbance subject to a number of recommended conditions. However, the duration and level of activities need to be considered and are discussed below. Light spill information indicates that the highest Lux (light) level at the nearest residential property at 28 Cleaver Park would be 4 Lux. This equates to twilight/dusk on a clear night.
9.20	In relation to noise, the conclusion of the January 2020 FR Mark Noise Assessment advises that the cumulative predicted noise level from the upgraded pitches when used simultaneously will be no greater than 45dBLAeq, 1hour at the nearest sensitive premises, with installation of noise mitigation measures including acoustic fencing. The report advises that the predicted level, when compared against relevant World Health Organisation (WHO) standards for noise levels in external amenity areas and with reference to relevant British Standard BS8233:2014 for internal noise standards, does not exceed the target criteria. The noise assessment advises there were no previous restrictions on the existing

	site, however, given that the existing playing fields never had an artificial surface or purpose built floodlighting these factors naturally restricted site usage such that it is assumed that the facility would not have been used after hours of darkness or in poor weather. The indicative timetable schedule has been revised by the applicant such that it is no longer proposed to have the pitches in use on a Sunday and reduced hours on a Saturday compared to weekdays (except for 8 weekends of the year). The schedule does indicate that the site, however, will potentially be available for use 6 days per week all year round every evening up to 10pm except a Saturday when it is proposed to shut at 8pm except for 8 weekends of the year when it would be propose to use the pitches on a Saturday up until 10pm. A significant proportion of additional usage presented on the proposed indicative schedule appears to involve the use of the pitches by external groups. Additional mitigation measure details were also requested.
9.21	Revised information was received to address the queries outlined by Environmental Health in their response. This includes a revision to the operating hours of the pitches to between 09:00 and 22:00 Monday to Friday and 09:00 and 19:00 on a Saturday with a restriction to external bookings to between 18:30 and 22:00 hours on weekdays, except for Fridays where public booking will be available between 17:30 and 22:00. Floodlighting operation will be restricted to between the months of October and February (inclusive). Noise mitigation measures have also been provided. An independent noise assessment was submitted on behalf of objectors. This queried the methodology and findings of the applicant's noise assessment. Further submissions from the applicant's noise expert were received to address issues raised by both the objectors and Environmental Health.
9.22	Environmental Health have considered all additional noise information and confirmed that the additional information addresses the concerns relating to predicted noise levels and lighting disturbance, subject to mitigation measures being implemented. They have recommended planning conditions regarding implementation of the noise and lighting mitigation measures. They have not provided comments on operating hours due to limited information regarding the former/current use being presented to enable the assessment to take account of historic pitch use and associated activities, and accordingly deferred judgement on this issue to planning officers. The applicant has requested operating hours of 09:00 to 22:00 Monday to Friday and 09:00 to 19:00 on a Saturday, with no use on a Sunday. The pitches will be used by students during term-time between 09:00 and 19:00 Monday – Friday and 09:00 and 17:00 on a Saturday, with use for the community available for the remaining hours of operation.
9.23	It is considered that the proposal would result in an intensification of use given that it will be more suitable during inclement weather and as a result of floodlighting allowing evening use at certain times of the year with the potential to cause disturbance. Taking into account the residential characteristics of the adjacent areas and the proximity of existing residents, it is considered that operating hours in the evenings, Monday to Friday, should by reduced to 21:00 hours to mitigate disturbance. Furthermore, it is proposed to limit use on Saturdays to 19:00 hours with no exceptions throughout the year (the applicant originally proposed later hours on Saturdays for 8 weekends per annum). Taking into account the technical noise assessment provided and associated review and advice from Environmental Health, together with the proposed reduced hours of operation of the pitches and floodlighting, it is considered that this would ensure that there would be no unacceptable impact on the amenity of local residents. Conditions are necessary in accordance with Environmental Health recommendations and operating hours are recommended. It is considered that subject to conditions, the proposal is compliant in relation to policies OS4 and OS7 of PPS8.
9.24	Policy OS4 also requires that:

	• there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
9.25	Consideration in relation to the SPPS and PPS6 regarding impacts on the Conservation Area, ATC and Listing Building and its setting have been considered above. HED and The Conservation Officer have no objections to the proposal and is therefore deemed acceptable in relation to SPPS, PPS 6 and Policy OS4 of PPS8. Visual amenity considerations have been considered above and no unacceptable impacts are considered to occur.
9.26	Additional landscaping is proposed throughout the site and includes additional tree planting (30 extra heavy standard 4.5m min) along the boundary with Cleaver Park. These details are considered acceptable and will assist in mitigating visual impacts of the proposal. Appropriate conditions are necessary to secure retention of existing trees along this boundary, in addition to securing the delivery and management of new planting.
9.27	NED have assessed the application and consider it acceptable in relation to impacts on flora and fauna subject to conditions to ensure protected species are not adversely impacted.
9.28	Objections queried the adequacy of information submitted regarding ecological impacts. Additional ecological information was submitted and assessed by NED. Having considered the submitted information, NED have no objections subject to conditions. Accordingly, the proposal is considered compliant with PPS2 and PPS8.
	Impact on transport and other infrastructure;
9.29	PPS3 and two of the criteria of Policy OS4 relates to transport considerations: • the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and • the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking,
9.30	DFI Roads have considered the proposal and have no objections. They have considered representations received in relation to these issues. The proposal includes 34 parking spaces and a 10 bicycle shelter spaces. Rigid application of the parking standards for sports pitches indicates that the parking requirements based on 40 players using the facility at one time (32 football, 8 tennis) would require 14 spaces. An additional 20 spaces are proposed to facilitate match changeover periods. The additional provision is considered justified in this instance to assist in mitigating the concerns expressed by residents regarding on street parking, drop off, and associated issues. The visual impacts of the parking area will be limited given that it sits at a lower level than the surrounding area and views will be filtered by existing trees and buildings. The parking area will result in the loss of a small area of open space, however this is considered acceptable in order to provide adequate parking facilities and taking account of residents' concerns regarding parking and is not therefore considered contrary to OS1 PPS8. The proposal also meets parking standard requirements. Level access is provided throughout the site to facilitate easy access for any impaired user, and the site is located in close proximity to public transport links on the Malone and Stranmillis Roads. The University also has a duty under separate legislation to ensure adequate access is provided for people with disabilities.
9.31	Residents have concerns regarding parking and drop off issues within Cleaver Park associated with the university as there is a pedestrian access gate into the campus

	adjacent to the sports pitches. Cleaver Park has been used for spill-over parking thereby creating noise and nuisance within this street. Whilst there is understandable frustration associated with this activity, any parking issues arising from the wider university activities does not form part of the application and is a matter for review and resolution by the University outside of this application. The remit of parking provision before the Council is restricted to the proposal and its associated parking requirements. It is important to note that Cleaver Park forms part of the public highway, and as such is accessible to the public. Any additional parking provided within the campus would not preclude visitors to the facilities from parking within Cleaver Park or nearby public roads. As previously stated, the proposed level of parking exceeds the normal requirements and is acceptable for the reasons set out above. There are no reasonable grounds to refuse planning permission on this issue.
9.32	Notwithstanding this, the university is seeking to control the degree of access available by *"electronically controlling the use of the Cleaver Gate…and… include a commitment to keep the gate open to all during normal College hours, but to introduce electronic control during those hours when the pitches will be in public use. It is anticipated that students and staff of the college will be able to access the campus from the Cleaver gate during these hours, but the overall effect of this will be to reduce the accessibility of the site to the wider public."* Case law tests would preclude the Council from securing this measure by planning condition, as it does not relate to the proposal. This measure, on a goodwill basis, may assist in mitigating parking and access issues faced by residents and will be a matter for the university to deliver. DFI Roads have included a requirement in the recommended conditions that vehicular traffic accessing the proposal, do so via the main access to the University on Stranmillis Road.
9.33	Accordingly, the proposal is considered acceptable in terms of traffic, parking and access considerations and therefore in accordance with this criteria and relevant policy within PPS3 and PPS8.
	Flood risk from the proposal;
9.34	Policy OS4 requires satisfactory arrangements for drainage to be provided, and specific drainage/flood risk policy is set out in PPS15.
9.35	A drainage assessment and associated information was submitted for consideration and consultation undertaken with Rivers Agency and NIW in relation to these matters. Both consultees are satisfied with the mitigation measures proposed and it is therefore considered that the proposal complies with policy and acceptable drainage and flood risk protections measures are proposed.
	Waste Disposal;
9.36	The proposal will not significantly alter current arrangements for waste disposal. Arrangements for the disposal of Wastewater/drainage from the proposed 3G pitch have been deemed satisfactory by Rivers Agency and NI Water. Concerns raised regarding rubbish generation relate to adequate management arrangements for the site and would not warrant refusal on planning grounds.
	Issues raised by Representations:
9.37	Many of the issues raised have been considered above. However additional matters are addressed as follows:
	1) Listed Building (LB) Consent required – not correctly referred to on the application form;

	The application was revised to exclude works to the changing rooms which were deemed listed during the application process. LB Consent is therefore no longer required. HED have no objections to the proposal. 2) Design and Access Statement fails to comply with legislative requirements; A revised statement was received during the processing of the application. It is considered adequate to address legislative requirements. 3) Inadequate Neighbour Notification undertaken by the Council – contrary to spirit of neighbour notification notwithstanding statutory requirement; Notification has been completed in accordance with legislative requirements, namely those properties that abut the red line boundary of the application site. 4) Inconsistency with notification requirements for Pre-community consultation and application; Legislative requirements are different for pre-application and application notification. 5) Design is out of character with historic layout; Design has been deemed acceptable in the assessment above and HED and the Conservation Officer have no objections. 6) Public order / Potential criminal activity / vandalism / anti-social behaviour; This is matter for the relevant authorities and outside the scope of this planning application. It is for the landowner to effectively manage the pitches/grounds and for the Police to ensure compliance with relevant public order legislation / regulations. 7) Application red line incorrect / parts of proposal outside the application site boundary. Revised drawings were submitted to align the proposal and hard surfacing works with the submitted application red line location drawing. All works are within the site boundary and no third parties would be prejudiced. Neighbours/objectors have been notified of these revisions and the latest additional information received (24th August 2020). 8) Consideration/decision by Committee under delegated authority potentially unlawful; The application will now be considered by Planning Committee in accordance with normal procedures, albeit remotely due to the Covid-19 restrictions and in line with Government and public health advice. Accordingly, this objection is no longer applicable as procedures have been revised. **Consultations** 9.38 No technical consultees have any objections to the proposal. **Pre-Community Consultation** 9.39 For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty

	on applicants for planning permission to consult the community in advance of submitting an application.
9.40	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. It is considered that the PACC Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
10.0	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended due to compliance with policy and taking account of consultation responses.
10.1	It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Draft Conditions (delegated authority to finalise conditions requested)

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. The pitches and floodlighting hereby approved shall not be operational outside the following hours:
Monday to Friday – 09.00hrs to 21.00hrs
Saturday – 09:00hrs to 19:00hrs

The pitches and floodlighting shall not be used on Sundays or public holidays.

The floodlighting shall be implemented and operated in accordance with the approved details and shall only be operational during the months of October, November, December, January, and February and during no other months of the year.

Reason: In the interests of residential amenity and protection of natural heritage assets.

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 18613-C500 Rev P1 bearing the Belfast Planning Service date stamp 16/8/19, prior to the commencement of any other works or other development hereby permitted.

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

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:18613-C500 Rev P1 bearing the Department for Infrastructure determination date stamp 16/8/19.

REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

5. Prior to operation of the new play pitches, all redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated in accordance with details to have first been submitted to and approved in writing by the Council.

REASON: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

6. No part of the development hereby permitted shall be operated until hard surfaced areas have been constructed in accordance with approved drawing to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the development.

REASON: To ensure that adequate provision has been made for parking.

7. The development shall not become operational until weather protected cycle parking has been fully provided in accordance with the approved plans and shall be retained at all times thereafter.

REASON: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.

8. All floodlighting on site shall be asymmetric and hooded to avoid upward spill. Lighting shall be directed away from all trees on the boundaries of the application site identified by the red line on drawing number 01 date stamped received 5 July 2019.

Reason: To protect Bats in their foraging and commuting areas.

9. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted before the expiration of the next available planting season in accordance with details that shall have first been submitted to and approved in writing by the Council.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Council to ensure the retention of trees on the site in the interests of visual amenity.

10. All soft landscaping comprised in the approved details shall be carried out within the first planting and seeding season following any part of the development hereby permitted becoming operational. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to Construction' 2005.

Protective fencing shall be at least 2.3 metres high, comprising of a scaffolding framework, verticals positioned no more than 3.0 metres apart driven into the ground approximately 0.6 metres, braced to resist impacts, supporting weldmesh panels, fixed in a manner to avoid easy removal as shown in BS 5837 2005, Figure 2.

Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

12. Prior to use of the hereby permitted 3G pitches becoming operational, the applicant shall construct and install the acoustic barrier as illustrated in the McAdam Design drawing titled: 'Proposed Acoustic Timber Fence Detail', dwg no. 08-820-01 date stamped received 22 Jan 2020 and numbered 19 by Belfast City Council and as illustrated in the Taylor Boyd drawing titled: 'Proposed Fence elevations, dwg no. 17921-C005, Rev P2, date stamped received 22 Jan 2020 by Belfast City Council. The acoustic timber fence shall be maintained and retained thereafter;

Reason: in the interests on amenity.

13. Prior to use of the hereby permitted 3G pitch and Multi-use games area, the applicant shall ensure the weldmesh fencing is constructed and installed in line with the Taylor Boyd drawing titled: 'Proposed Fence Elevations, dwg no. 17921-C005, Rev P2, date stamped received 22 Jan 2020 by Belfast City Council. The weldmesh fencing shall be maintained and retained thereafter;

Weldmesh fence panelling shall be installed and fixed using resilient connections to reduce rattle and vibration upon impact;

Prior to the selection of the proprietary shock absorbing material to be installed in the backboards of hockey goals, the applicant shall submit to the planning authority for review and approval in writing, a detailed specification of the proposed material to be used;

The approved proprietary shock absorbing material shall be fitted to the backboards of the hockey goals;

No hoarding or signage shall be fitted to weldmesh fencing surrounding the MUGA pitches or the main 3G pitch which could result in impact sound from ball strike;

A report verifying all noise mitigation measures have been installed shall be submitted to and agreed with the Council prior to any part of the development hereby permitted becoming operational. All measures shall be retained thereafter and not removed or altered without the prior consent of the Council in writing.

Reason: in the interests of amenity.

14. Prior to operation of the hereby permitted pitches the applicant shall produce a site Management Plan. The Management Plan should include a system for dealing with complaints about anti-social behaviour and noise and an arrangement for regular liaison with nearby Cleaver Residents Association by way of meetings to recognise the need to respond to any negative aspects that may arise from the redevelopment and its use. The management plan shall be implemented in accordance with the agreed details.

Reason: Protection of residential amenity.

15. Prior to commencement of development on site, including demolition, site clearance or site preparation, a Construction Environmental Management Plan (CEMP) shall be produced by the appointed contractor. The CEMP shall include measures to control noise, dust and vibration during the demolition / construction phase, demonstrating the use of 'best practicable means'. The CEMP shall include rationale for and details of the chosen piling methodology and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises.

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

The CEMP must incorporate a construction traffic management plan and shall ensure that vehicular access to the development shall be from Stranmillis Road only.

The development shall be carried out in accordance with the agreed arrangements.

Reason: in the interests of amenity.

16. Prior to commencement of use of the upgraded facilities the approved lighting scheme shall be installed as per drawing/report titled 'Horizontal Illuminance levels' dated 26/7/2019 design reference UKS 15919/3. Rear cowls shall be fitted to masts 1 and 2 as per the approved drawing and retained thereafter.

Prior to the operation of the approved lighting scheme associated with the hereby permitted development, an Artificial Obtrusive Light Verification report shall be submitted to the City Council for review and approval in writing. The report shall demonstrate that the approved lighting scheme has been installed and shall verify that all artificial floodlighting connected with the development has been measured and/or determined and confirmed to be within the vertical illuminance (Lux) levels for Environmental Zone E3 at the windows of habitable rooms of the nearest residential properties as stipulated in the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN0L:2011. The lighting scheme shall operate in accordance with the agreed details thereafter.

Reason: Protection of residential amenity

17. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the 25m protection zone without the consent of the Planning Authority/unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on the site.

18. All works to take place within 25 metres of existing badger sett entrances on site shall be done so under licence and supervised by an NIEA Protected Species Licence holder. Reason: To protect badgers 19. No development activity shall commence on site until an Invasive Species Management Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. Reason: To prevent the spread of an invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and to minimise the impact of the proposal on the biodiversity of the site.
Neighbour Notification Checked Yes

ANNEX	
Date Valid	31st July 2019
Date First Advertised	16th August 2019
Date Last Advertised	21st February 2020

Details of Neighbour Notification (all addresses)
14 Notting Hill Court,Belfast,Antrim,BT9 5NH
The Owner/Occupier, 16, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA
The Owner/Occupier, 18, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA
The Owner/Occupier, 2 Sharman Road,Belfast,Antrim,BT9 5FW
The Owner/Occupier, 20 Notting Hill,Belfast,Antrim,BT9 5NS
The Owner/Occupier, 20, Cleaver Park, Belfast, Antrim, Northern Ireland, BT9 5HY
21 Cleaver Avenue Belfast Antrim
21, Beechlands, Belfast, Antrim, Northern Ireland, BT9 5HU
22 Notting Hill,Belfast,Antrim,BT9 5NS
22 Richmond Park,Stranmillis,Belfast,Antrim,BT9 5EF
22, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA
23, Beechlands, Belfast, Antrim, Northern Ireland, BT9 5HU
23, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA
24, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA
25 Beechlands,Belfast,Antrim,BT9 5HU
25, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA
256 Stranmillis Road,Belfast,Antrim,BT9 5DZ
258 Stranmillis Road,Belfast,Antrim,BT9 5DZ
26 Cleaver Park Belfast Antrim
26, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA
260 - 268 Stranmillis Road,Belfast,Antrim,BT9 5DZ
27 Beechlands,Belfast,Antrim,BT9 5HU
27 Cleaver Avenue Belfast Antrim
270 – 320 Stranmillis Road,Belfast,Antrim,BT9 5DZ
28 Beechlands,Belfast,Antrim,BT9 5HU
28 Cleaver Avenue,Belfast,Antrim,BT9 5JA
29 Beechlands,Belfast,Antrim,BT9 5HU
29, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA
29, Cleaver Park, Belfast, Antrim, Northern Ireland, BT9 5HY
3,Cottage,Stranmillis Road,Belfast,Antrim,BT9 5DX
32 -38, Cleaver Park, Belfast, Antrim, Northern Ireland, BT9 5HY
37 Notting Hill,Belfast,Antrim,BT9 5NS
39 Notting Hill,Belfast,Antrim,BT9 5NS
44 Stranmillis Embankment,Malone Lower,Belfast,Antrim,BT9 5FL
48 Stranmillis Embankment,Malone Lower,Belfast,Antrim,BT9 5FL
55 - 61 Richmond Park,Stranmillis,Belfast,Antrim,BT9 5EF
Apartment 3 - 8,41 Notting Hill,Belfast,Antrim,BT9 5NS
Back Lodge,Stranmillis College,Stranmillis Road,Belfast,Antrim,BT9 5ED
Central Building,187 Stranmillis Road,Belfast,Antrim,BT9 5DT
Cleaver Residents' Group,c/o 18 Cleaver Park,Belfast,BT9 5HY
College Hall,187 Stranmillis Road,Belfast,Antrim,BT9 5DT
Culmore Halls Of Residence,Stranmillis Road,Belfast,Antrim,BT9 5DY

Deputy Principal'S House,Stranmillis Road,Belfast,Antrim,BT9 5DX
Devenish Halls Of Residence,Stranmillis Road,Belfast,Antrim,BT9 5DX
Dunseverick Halls Of Residence,Stranmillis Road,Belfast,Antrim,BT9 5DY
Estate Management Complex,187 Stranmillis Road,Belfast,Antrim,BT9 5EE
Groundfloor,46 Stranmillis Embankment,Malone Lower,Belfast,Antrim,BT9 5FL
Groundfloor,Aisling House,50 Stranmillis Embankment,Malone Lower
Gymnasia,Stranmillis Road,Belfast,Antrim,BT9 5DY
Lower Orchard,187 Stranmillis Road,Belfast,Antrim,BT9 5DT
Navan Halls Of Residence,Stranmillis Road,Belfast,Antrim,BT9 5DY
Nendrum Halls Of Residence,Stranmillis Road,Belfast,Antrim,BT9 5DX
Oak Lodge,Stranmillis Road,Belfast,Antrim,BT9 5DY
Office 1,Main Building,187 Stranmillis Road,Belfast,Antrim,BT9 5DT
Orchard Building,Stranmillis Road,Belfast,Antrim,BT9 5DY
Paula Bradshaw MLA, Parliament Building Stormont Estate
Principal House,Stranmillis College,Stranmillis Road,Belfast,Antrim,BT9 5DX
Principal'S House,Stranmillis Road,Belfast,Antrim,BT9 5DY
Refectory,187 Stranmillis Road,Belfast,Antrim,BT9 5DT
Riddle Hall Cottage,187 Stranmillis Road,Belfast,Antrim,BT9 5EE
Stranmillis Road,Belfast,Antrim,BT9 5DY
Stranmillis University College Campus,Stranmillis Road,Belfast,Antrim,BT9 5DY
Upper Orchard,187 Stranmillis Road,Belfast,Antrim,BT9 5DT
Wardens House,Stranmillis Road,Belfast,Antrim,BT9 5DX

Date of Last Neighbour Notification	14th February 2020
Date of EIA Determination	7th August 2019
ES Requested	No

Planning History

Ref ID: LA04/2017/2703/PAN
Proposal: Redevelopment of existing all weather playing field to provide new 3G flood-lit pitch, new flood-lit multi use games area (MUGA pitch), renovation of existing out-buildings to provide new changing accommodation, car parking and associated access arrangements.
Address: Land including and adjacent to, the existing all weather sports pitch at, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY.,
Decision: PANACC
Decision Date: 11.12.2017

Ref ID: Z/1994/1064
Proposal: Change of use to student accommodation and provision of 10 no. car parking spaces
Address: PRINCIPAL'S HOUSE STRANMILLIS COLLEGE BELFAST BT9
Decision:
Decision Date:

Ref ID: Z/1996/0490
Proposal: Change of use from residential to office accommodation
Address: LAGAN LODGE (PRINCIPLES HOUSE) STRANMILLIS COLLEGE STRANMILLIS ROAD BELFAST BT9
Decision:

Decision Date:

Ref ID: Z/1998/0945
Proposal: Change of use from domestic to office use including alterations and construction of disabled ramp to front
facade, and provision of ancillary car parking
Address: LAGAN LODGE STRANMILLIS COLLEGE STRANMILLIS ROAD BELFAST BT9
Decision:
Decision Date:

Ref ID: Z/2004/3006/F
Proposal: Demolition of existing Orchard Building and replacement with new education building and associated car parking.
Address: Orchard Buildings, Stranmillis College, Belfast. BT9 5DY
Decision:
Decision Date: 12.10.2005

Ref ID: Z/2004/3016/DCA
Proposal: Demolition of existing Orchard Buildings (upper & lower) to allow for the erection of a new educational facility.
Address: The Orchard Buildings, Stranmillis University College, Stranmillis, Belfast
Decision:
Decision Date: 12.10.2005

Ref ID: Z/2007/0273/LB
Proposal: Demolition of building and erection of new primary school.
Address: Henry Garrett Building, Stranmillis University College, Stranmillis Road, Belfast, BT09 5DY
Decision:
Decision Date: 12.12.2008

Ref ID: Z/2007/0274/O
Proposal: Construction of a 14no. class Primary School with school meals, multi-purpose hall and ancillary accommodation with a detached 2no. class nursery unit adjacent.
Address: Stranmillis University College, Stranmillis Road, Belfast, BT09 5DY
Decision:
Decision Date: 12.12.2008

Ref ID: Z/2007/0275/DCA
Proposal: Demolition of two storey previous dwelling and education building.
Address: Former Headmaster's cottage & Henry Garrett Building, Stranmillis University College, Stranmillis Road, Belfast, BT09
Decision:
Decision Date: 12.12.2008

Ref ID: Z/2012/0407/F

Proposal: Alterations to the internal layout of the building to provide en-suite bathrooms. This will consequently require alterations to several external bedroom window openings and opaque glass to ensuites.
Address: Dunseverick Building, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY,
Decision: PG
Decision Date: 22.08.2012

Ref ID: Z/2012/0528/LBC
Proposal: Demolition of most recent extension (circa 1958) to south side of the Henry Garret building and reinstatement of the land
Address: Henry Garret Building, Stranmillis University College, Stranmillis Road, Belfast, BT9 5AD,
Decision: CG
Decision Date: 03.05.2013

Ref ID: Z/2012/0530/LBC
Proposal: Demolition of derelict Principals House and reinstatement of the land to complement the existing landscaping within the Stranmillis University Campus
Address: Principals House (located approx 30m east of the Henry Garrett Building) Stranmillis University College Stranmillis Road Belfast BT9 5AD,
Decision: CG
Decision Date: 08.02.2013

Ref ID: Z/2012/0816/F
Proposal: Change of use of part of the lower ground level from ancillary use (storage/WC's etc) to Student Union Bar/Cafe. Upgrading of the building facade to include re-cladding and provision of lift shaft.
Address: Refectory Building, Stranmillis University College, Stranmillis Road, Belfast,
Decision: PG
Decision Date: 21.01.2013

Ref ID: Z/2013/0660/LBC
Proposal: Internal alterations including new coffee dock, break out space, corridor and lobby work to the left of the main entrance, removal of non historic lightweight walls doors, a bar and bar store. Provision of new automated doors, kitchenette, ceiling floor and wall finishes. Raising of door head DG06. Removal of lining in front of windows. Replacement of extract fan.
Address: Stranmillis House, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY,
Decision: CG
Decision Date: 01.08.2013

Ref ID: Z/2014/0148/LBC
Proposal: Minor adjustment to entrance steps raising the top landing and providing a new step. Staff tutorial room on second floor converted into WC area.
Address: The Main Building, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY,
Decision: CG
Decision Date: 16.05.2014

Ref ID: Z/2014/0383/F

Proposal: Creation of level access main entrance incl. lobby (19sqm) plus extension to north facade (+55sqm). Internal alterations at ground floor level to provide cafe. External alterations to create disabled parking spaces and an improved shared surface link with the adjacent orchard building.
Address: Central Building, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY,
Decision: PG
Decision Date: 16.05.2014

Ref ID: Z/2014/1515/LBC
Proposal: Minor amendment to entrance doors and further adjustments to first and second floor offices including removal of some interior walls and the provision of a platform lift.
Address: The Main Building, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY,
Decision: CG
Decision Date: 06.03.2015

Notification to Department (if relevant) N/A

Date of Notification to Department:
Response of Department:

Appendix 2: Late Items – Tuesday 15 September 2020

Agenda Item	Details	Issues Raised	Action
7(a) **LA04/2019/1614/F**	Objection received from Cleaver Park residents	1) The application description fails to identify the proposed floodlights and the material used for the 3G pitch. This is a failing in the context of Morelli v DOE (NI). This application seeks permission for a flood lit pitch, but does not specifically request permission for the associated floodlights. 2) The application description fails to provide clarification on whether the pitch will be sand or rubber crumbed. I refer the Council to the Pirrie Park application LA02/2020/0757/F which seeks permission for a 'sand dressed hockey pitch, with flood lighting'. The public remain unaware of what materials that will be used in the construction of this proposal, which may present a carcinogenic risk. 3) The Stranmillis application does not specifically seek consent for flood lights nor does it confirm the materials used in the pitch. It is wholly inconsistent for the description to specifically mention 'fencing' and 'ball stop nets' but not to specifically refer to flood lights or sand or rubber crumbed materials in the description. The impression given by the description is that this is a redevelopment of a pitch that is already flood-lit which is wholly incorrect.	1) The description refers to *"new 3G flood-lit sports pitch".* This is adequate to alert the reader that floodlighting is proposed and relevant details are shown on the enclosed plans. 2) Construction details are shown on the submitted plans. Drawings indicate the pitch is constructed from "sand/rubber". Environmental Health have raised no objection in relation to public health issues. 3) The description adequately summarises the proposal to alert the reader of its' nature. It is considered that the description does accurately reflect the proposed development. Full details have been provided and the reader can refer to these details to ascertain all aspects of the proposal. The neighbours are aware of the nature of the proposal and have not been prejudiced.

Agenda Item	Details	Issues Raised	Action
		4) The Case Officer fails to give 'special regard' (a statutory requirement) to the protection of two conservation areas. We had previously asked for the Conservation Officer to provide comments on the impact of this proposal, but have not been provided with any comments from them. In particular we sought confirmation that the inter-visibility across two statutorily designated Conservation Areas was considered by the Conservation Officer.	4) The Conservation Officer response was uploaded to the portal 25/09/2019 and has been available to view by the public since this date. The assessment concludes that: *The proposal as a whole offers improved facilities that will also be available to the wider public out with college hours. Providing no detrimental harm arises by way of light pollution or impact on trees; I am satisfied that overall the proposals are sufficient to preserve the character and appearance of the conservation area and to protect the setting of the listed buildings.* The proposal is considered to comply with Section 104(11) because the character and appearance of the adjacent Conservation Areas would be preserved for the reasons set out in the main report and having regard to the advice from the Council's Conservation Officer. Furthermore, it is considered that the proposal, by reason of its nature, does not provide opportunity to enhance the character and appearance of those Conservation Areas and it would be unreasonable to require it to do so.
		5) We had previously asked the Council to engage with Historic Environment Division (HED) to determine whether the proposal impacted on the setting (i.e. the pink wash	5) HED were consulted on the application, responding on 23/08/2019, 15/11/2019, and 26/02/2020. In the final response, HED conclude:

Agenda Item	Details	Issues Raised	Action
		area) of the listed building on the site. Given HED had concerns about the impact of the application on listed buildings we are surprised and disappointed this matter has not been addressed;	*HED Listed Buildings advises that subject to a condition, it satisfies the policy requirements of paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.* *Condition:* *Existing trees as indicated on Proposed Site Layout, drawing No. 09A, including those to East of Orchard House and to East and South of the Gardener's Cottage and associated outbuildings, shall be retained and protected throughout the works. Reason: to protect the quality and character of the setting to the listed buildings and associated curtilage structures in accordance with PPS6, BH11 criterion (c) and SPPS (NI) 2015, paragraph 6.12.*
		6) We requested a Construction Method Statement be provided as we are concerned that Cleaver Park will be used to access the site for heavy construction traffic. This has not been provided. Indeed, even the conditions proposed does not require a Construction Management Plan. This is wholly unacceptable and inconsistent with the Council decision and conditions imposed in Pirrie Park approval LA04/2020/0757/F;	6) Condition 15 to be updated. Roads condition requiring all vehicular access via Stranmillis Road also to be included.

Agenda Item	Details	Issues Raised	Action
		7) We requested additional visual impact analysis to assess the impact of night time artificial light which has not been provided. No visual impact assessment has been provided to inform the inter-visibility between two Conservation Areas – a key policy test in the context of this application;	7) Adequate lighting assessment information has been provided to assess this issue, including the light spill details. These details indicate that the illuminated area will be restricted to the pitch. Illumination will be restricted to months of October, November, December, January, and February by condition. Environmental Health and the Conservation Officer have no objections to the proposal. The visual impact will therefore be acceptable taking account of all of these material considerations as set out in the planning report.
		8) No evidence as to the previous use of the site and the intensity of the supposed hockey pitch use has been provided despite the repeated requests from the Environmental Health Officer;	8) This issue has been addressed in the planning report at para. 9.23.
		9) The Case Officer Report accepted the BUAP is the extant development plan. However the Case Officer Report does not address the: - Stranmillis Area of Townscape Character Guidance Note 3L(i); - BUAP policy C3; or - PPS 6 policy ATC 2.	9) It is noted that the application is within the Stranmillis Area of Townscape Character (ATC). - Stranmillis Area of Townscape Character Guidance Note 3L(i) appended; Policy C3 of BUAP 2001 states that ATC's will be identified and development control statements will be prepared. The relevant

Agenda Item	Details	Issues Raised	Action
			regional planning policy for the control of new development in ATC's is Policy ATC 2 of the Addendum to PPS6. It states that *"The Department will only permit development proposals in an ATC where the development maintains or enhances its overall character and respects the built form of the area."* The proposals have been assessed against Policy ATC 2 and as set out in the case officer report the proposals will not detract from the character, appearance and quality of the area.
		10) Without prejudice to our comments above, if floodlighting is to be assessed under this application policy OS 7 of PPS 8 should be specifically assessed. The Case Officer Report identifies the policy but wholly fails to assess the proposal against the criterion;	10) OS7 of PPS8 states: *The Department will only permit the development of floodlighting associated with sports and outdoor recreational facilities where all the following criteria are met:* *1.there is no unacceptable impact on the amenities of people living nearby;* *2.there is no adverse impact on the visual amenity or character of the locality; and* *3.public safety is not prejudiced.* These criteria are assessed within the report under the section headings: *Visual impacts of the proposal/character of the area;* *Impact on amenity* Public Safety is assessed on the basis of the responses from Environmental Health

Agenda Item	Details	Issues Raised	Action
			and Roads in which no concerns were raised. Accordingly the proposal is acceptable in relation to public safety issues.
		11) Compelling evidence has recently come to light which indicates that following the installation of floodlights last winter on the Stranmillis College campus, local badgers have altered their foraging routes with residents now having their gardens dug up at night; this has been captured on video footage. Given the consequences of this lighting installation postdates last year's ecology report, the existing report informing your deliberations is invalid and must now be revisited.	11) NED have been consulted on the application including on representations raising concerns regarding impacts on protected species. Their most recent response dated 11 May 2020 states: *Natural Environment Division (NED) is content that there are sufficient mitigation measures in place to ensure that the prosed development will have a minimal impact on the natural heritage interests associated with the site provided the recommendations outlined in our last response (dated 22/11/2019) can be conditioned as part of the final decision notice. NED has no additional comments to make regarding this consultation.* As set out in the report at 9.27 and 9.28 the proposal will not adversely impact on protected species.
		12) The Council should have required an archaeological assessment of the site and included conditions that any planning permission should be required to undertake a programme of archaeological works.	12) HED HM were consulted and concluded in their response dated 26/02/2020: *Due to the level of pre-existing development on site, HED (Historic Monuments) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.*

Agenda Item	Details	Issues Raised	Action
		13) Conditions: We object to conditions being delegated to the Director of Planning and Building Control. While all applications are treated on their merits, the Council must act consistently. Where one is dealing with a proposed development within the twin Malone / Stranmillis conservation areas, conditions should logically be more strict (thereby affording greater environmental protection) not more lenient compared to Cherryvale or Pirrie Park. To do otherwise would be perverse and irrational in law. The conditions proposed in the Case Officer Report are confusing, incomplete, inconsistent with conditions imposed on Pirrie Park and Cherryvale, yet go to the heart of this permission. Conditions should be fully debated and understood by residents so that the Council can hold Stranmillis College accountable. Cleaver residents do not have confidence in Stranmillis College independently acting as a good neighbour. The planning judgement that Cleaver 'spill-over' parking should be dismissed as an issue to be left to the 'goodwill' of Stranmillis College is totally unacceptable.	13) Response to comments on conditions: The wording of conditions is delegated to the Director in accordance with Committee protocol, and is applied to all applications recommended for approval. Conditions must comply with the relevant legal tests as set out in case law. Conditions are applied on this basis, and informed by the material considerations of the case. This is incorrect. The majority of conditions are suggested by the relevant consultees and applied as deemed appropriate taking account of case law tests. Residents have taken the opportunity to consider and comment on the conditions. The issues raised will be fully considered in the final wording of conditions. Parking Assessment is set out in the report.

Agenda Item	Details	Issues Raised	Action
		There is no provision of a Construction Method Statement and indeed no condition requiring an agreed Construction Method Statement. This is a fundamental failing as the Council and the residents do not know how the proposal is supposed to be constructed.	Condition to be added as set out above.
		There is no programme of archaeology works.	Not required by HED and therefore not necessary.
		Proposed Condition 2 is inconsistent with paragraph 9.22 of the Case Officer Report which advises that the pitches shall only be available for student use between 09:00-19:00 Monday to Friday and 09:00 and 17:00 on Saturday during term time.	Not necessary to condition timescales for student use, rather it is necessary to condition the overall hours of operation.
		We note that Cherryvale's 3G pitch does not open to the public beyond 18:00 on a Saturday and Pirrie Park is not open after 13:00 on Saturday. We consider the Case Officer Report is inconsistent with conditions imposed by the Council only 1.5 miles away (which have less environmental protection than Malone and Stranmillis Conservation Areas and Stranmillis ATC and Stranmillis Historic Park Garden and Demesne).	Operating hours are applied on the basis of requirements of the applicant, weighed against amenity impacts of the proposal which have been informed by the various consultee responses.
		Proposed Condition 5 should be explained in detail. It is assumed that this seeks to remove the access to the development from Cleaver Park. This should be confirmed.	To be clarified by Roads, however it is assumed this relates to the new/improved access to the pitches.

Agenda Item	Details	Issues Raised	Action
		Proposed Condition 6 requires approval of the Council.	Final wording to be delegated to the Director.
		Proposed Condition 14 requires approval of the Council and Cleaver Residents Group.	Final wording to be delegated to the Director. It does not require approval of the Residents Group.
		Proposed Condition 15 requires approval of the Council.	Final wording to be delegated to the Director.
		Conditions must be prepared in a comprehensive manner and presented to residents and the Planning Committee before any approval.	Draft Conditions have been presented in the report and residents have been afforded the opportunity to comment on them. Application of appropriate conditions is a matter for the Council.
		14) To conclude, it is not by chance that the Development Management Report references no letters of support for this development but rather 116 letters of objection, identifying 26 different issues, plus further objections from elected representatives.	14) All representations received have been considered in the report.
		15) Councillors should not be placed in the unenviable position of adjudicating on a flawed planning application, with significant information missing. Nor in these challenging times of Covid-19, should contentious development applications proceed when residents are blocked from effectively making their concerns heard.	15) We are satisfied that the application is sufficiently detailed and adequate information has been provided. Residents have had adequate opportunity to participate in the planning process and are not unreasonably prejudiced in the Council discharging its statutory obligations.

Agenda Item	Details	Issues Raised	Action
			In the current circumstances the Council must support the development of the city and the economy as far as practicable.
		16) That the Operating Protocol provisions around speaking rights are unfair and applying it will supress other significant perspectives from coming before Committee	16) The Cleaver Residents Group agent was advised of the provisions of the Operating Protocol around speaking rights on 11th September. These were communicated to all those who have registered to speak both yesterday and today. The speakers have refused to co-ordinate as per the Operating Protocol for the reasons set out.
		Residents are being disadvantaged by the Operating Protocol due to current Covid restrictions as they cannot meet to prepare their presentation to the Committee and that this is also unfair as the applicant's deputation would be able to meet in person. An additional deputation should be permitted as this is a major application with over 116 objections.	Speaking rights are generally intended to be an opportunity to emphasis points which have already been made during the processing of the application or to address particular issues in the case officer report. The planning process allows the opportunity for those affected by a development to make submissions which are considered and reported to Committee in the Officer report. Therefore these perspectives are before the Committee.
		17) An additional deputation should be permitted as the Cleaver Residents Group does not speak for all residents and the proposed second delegation wish to raise site specific issues which cannot be addressed by anyone else as they are 'frontline of this application'.	Virtual meetings or telephone conference calls can be used to organise deputations.

Agenda Item	Details	Issues Raised	Action
		The 'adhoc Covid arrangements' operate against good decision making, there is limited transparency and accountability to the public. Given the strength of public objection the Committee would be advised to press pause on this until we revert to more normal times.	Committee frequently deals with major applications with significant objection so that in and of itself, in officers view, is not an exceptional circumstance. The Protocol allows for 3 speakers and it is up to those who wish to speak to co-ordinate their presentation. If a particular person is the only one who can do that then they should be included in the deputation. Remote meetings are open to the public to attend and are fully transparent. Therefore there is no less transparency or accountability than if the meeting were to be held 'in person'. The strength of public objection is not valid reason to delay making a decision.
7(a) **LA04/2019/1614/F**	Email from Mr Eamon Loughrey	I am afraid, having read the procedures that, I think residents are placed at a disadvantage in this case under the current pandemic movement restrictions and the Council's protocol. The applicant as an educational establishment can meet in an office with their agents and speak to the Planning Committee via a single video link as part of their work.	Residents have had adequate opportunity to participate in the planning process and are not prejudiced in the Council discharging its statutory obligations. Also see responses under 16 & 17 above.

Agenda Item	Details	Issues Raised	Action
		However the residents are required to be in separate homes due to the new regulations introduced today. Bearing in mind we are already required to condense down over 100 objections to even a few speakers, we are then supposed to somehow construct a deputation and a presentation that of itself cannot actually meet in person to agree speaking parts and the content of the presentation. We are not even allowed to meet each other beforehand to run through the presentation to make sure we meet the allocated 5 minutes. Whilst I appreciate everyone is trying to muddle through in these unusual times, I wonder do the Council think this makes for a fair decision making process?	
7(a) **LA04/2019/1614/F**	Report refers to Lagan Valley Park Consultation under 'non statutory consultations'	N/A	Included in error as the site is outside of the Lagan Valley Park and accordingly were not consulted.

Belfast Divisional Planning Office
Development Guidance Note

DGN 3L(i)
Published on 1-11-92

Malone Area of Townscape Character Malone/Stranmillis Landscape Area

1 INTRODUCTION

1.1 The aim of the Conservation Strategy for Belfast outlined in the Belfast Urban Area Plan is to protect and enhance the historic character of the city. An important element of this strategy is the protection of areas which possess special townscape character.

1.2 As outlines in Development Guidance Note DGN 3L the Malone Area of Townscape Character is large and varied and includes a wedge of private open space which extends from Lennoxvale and Edgehill through to Queen's Elms, Riddel Hall, Stranmillis College, Danesfort and RBAI playing fields at Cranmore. The high quality of these pleasant woodlands and grassed open spaces together with the mature trees and hedges which line many of the avenues and roads combine to give this landscape area a unique character.

1.3 While the area is privately owned and is not open for general access to the public it is the most important natural habitat for flora and fauna in close proximity to the city centre and is a vital backdrop to the townscape character of the adjoining properties, streets and roads in the Malone area generally.

1.4 The area is historically interesting in that it contains Cranmore House which is important as the only surviving 17th century house in Belfast. Also, within the grounds of Riddel Hall, Stranmillis Road, are two lakes which formed part of the first Belfast piped water supply system.

2 ISSUES

2.1 The unique landscape character of the area could be threatened by inappropriate development and expansions by some of the large institutional uses.

2.2 The setting of existing buildings could be seriously altered by the removal of mature woodlands, boundary hedgerows, and trees.

2.3 The wildlife value of the area could be affected by future development proposals and care should be taken to protect indigenous flora and fauna and significant wildlife habitats.

3 OBJECTIVES

3.1 To retain, protect and enhance the landscape character of the area.

3.2 To set guidelines for any new development and expansion of existing uses in the area.

3.3 To retain the mature woodlands, boundary hedgerows and trees which contribute to the landscape character.

3.4 To protect the wildlife value of the area.

4 GUIDELINES

4.1 In all future planning applications within the area applicants will be expected to demonstrate how proposals respect the landscape character and enhance environmental quality. In this respect the form and layout of the development in relation to the existing tree cover and visual intrusion will be important considerations.

4.2 Applicants for future development proposals will be expected to include within their submission full details of their proposals for landscaping and a detailed tree survey of the existing trees on the site. All proposed developments should be positioned clearly outside the falling distance of mature trees which are to be retained, in the interests of public safety and amenity. The removal of trees will only be accepted where there is clear evidence of disease.

4.3 This area has a special landscape character which is derived largely from institutional buildings in a mature landscape setting. Care should therefore be taken to ensure that alterations and extensions to existing properties respect the form and style of buildings, the relationships with adjoining properties and their setting within the landscape. Development proposals will be expected to be presented in a manner which shows how these considerations have been taken into account.

4.4 All mature trees, understorey trees and shrubs, are considered an integral part of the vegetation structure of the area and consideration will be given to placing a Tree Preservation Order within the boundaries as indicated on the map overleaf.

Where appropriate, the careful planting of new boundaries with indigenous vegetation will help to retain the area's landscape character.

4.5 This landscape area is an important natural wildlife habitat and care will be taken when considering future development proposals to ensure that indigenous flora and fauna in the area are not adversely affected. The badger setts within the area are protected.

4.6 The Department considers that part of this area of landscape character is worthy of conservation status and accordingly a statement will be produced for the designation of the area marked on the map overleaf.

Department of the ENVIRONMENT for Northern Ireland

For further information please contact:
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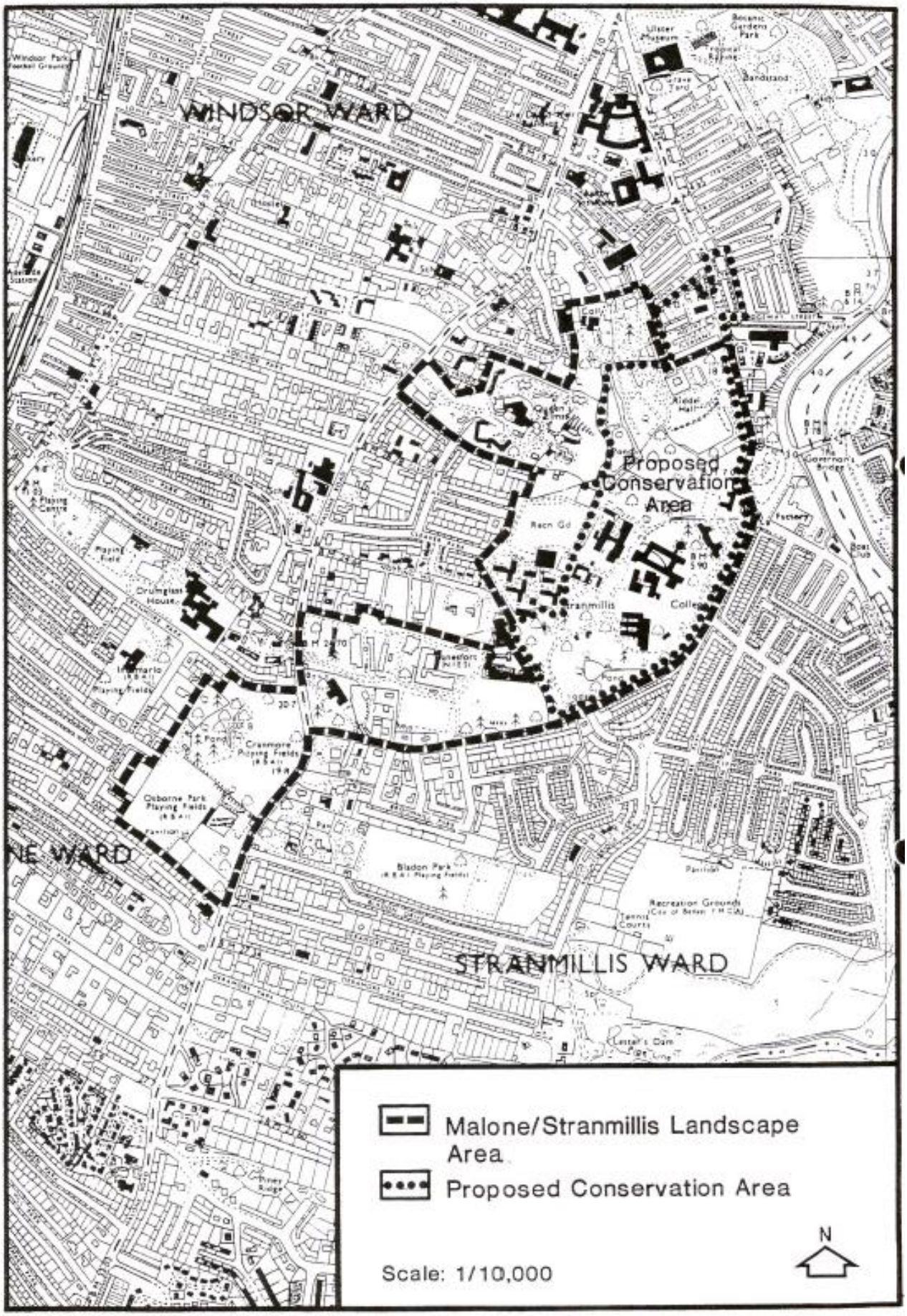
Bedford House, 16-22 Bedford Street, Belfast
Tel: 0232 242486


WINDSOR WARD
Proposed Conservation Area
STRANMILLIS WARD
Malone/Stranmillis Landscape Area
Proposed Conservation Area
Scale: 1/10,000
N

Development Management
Committee Report

Summary	
Committee Meeting Date: Thursday 15 October 2020	
Application ID: LA04/2016/0559/F	
Proposal: Proposed construction of 4No separate blocks of office development - Block A 10 No Storeys, Block B 14 No Storeys, Block C and Block D 3No Storeys. Proposal also includes 4 No retail units, plant and car parking at lower ground floor level with external plaza and associated landscaping	**Location:** Site at the junction of Stewart Street/East Bridge Street and West of Central Station, East Bridge Street, Belfast
Referral Route: Major Planning Application (>5,000 square metres of office floor space)	
Recommendation: Approve subject to Conditions and Section 76 Agreement	
Applicant Name and Address: Kilmona Property LTD Adelaide House 1 Falcon Road Belfast BT12 6SJ	**Agent Name and Address:** Coogan and Co Architects Ltd 144 Upper Lisburn Road Finaghy Belfast BT10 0BG

Executive Summary

Full planning permission is sought for the construction of four separate blocks of office development – Block A 10No Storeys, Block B 14No Storeys, Block C and Block D 3No storeys. The proposal also includes 4No retail units, plant and car parking at lower ground floor level with an external plaza and associated landscaping.

Background

This application was originally received on 04 March 2016, and was reported to the Planning Committee ('Committee') in August 2016 at which it was deferred for a site visit. The application was reported back to the Planning Committee on 20 September 2016 (**see Annex D**). The Committee resolved to grant full planning permission, subject to the completion of a Section 76 Legal Agreement to secure a developer contribution of £230,000 towards the cost of local public realm improvement works; access to the tunnels project; submission and retention of a Tunnels Protection Scheme; completion of the piazza and management of the land.

The planning permission was issued on 05 June 2017 following the completion of the Section 76 planning agreement. The Council's decision to grant planning permission was subsequently the subject of legal challenge on eight grounds. These are summarised as follows:

1. The Council was not adequately informed of, and failed to sufficiently consider, the impact of the proposed development on the area generally;
2. Breach of residents' right under Article 8 of the European Convention on Human Rights, contrary to section 6 of the Human Rights Act 1998;
3. Wrongly taking into account non-planning consideration, namely the payment by the developer of £230,000 towards the cost of public infrastructure works;

4. Inconsistency, having regard to a previous decision refusing to approve the development of a hotel at the location;
5. Wrongly taking into account certain provisions of the Belfast Metropolitan Area Plan 2015, at all stages, on the (erroneous) premise that this was a lawfully finally adopted measure;
6. In consequence of (e), failing to take into account the material consideration constituted by the Belfast Urban Area Plan 2001, thereby contravening section 6(4) of the Planning Act (NI) 2011;
7. Using the wrong reference point regarding height, in breach of planning policy.
8. Disregard of a material consideration namely the unmet need for social housing in the Belfast Metropolitan Area generally and, more specifically, the view of the Planning Appeals Commission during the BMAP adoption process that the subject site should have been zoned for this development purpose.

On 24 May 2018, the High Court quashed the Council's decision to grant planning permission. The legal challenge had succeeded on two of the eight contested grounds as set out below.

- Firstly, the High Court concluded that the Council's approach to the still extant Belfast Urban Area Plan 2001 and the still unadopted Belfast Metropolitan Area Plan 2015 had been erroneous in law. In particular the Committee failed to consider the impact of successive orders of the Northern Ireland High Court and Court of Appeal declaring legally ineffective the purported adoption of the draft BMAP which emerged from the former DOE's consideration of the Planning Appeals Commission Report. Whilst not criticising the reasoning of Officers in their assessment of the impact of those orders, the Court found that Officers had misapplied its Scheme of Delegation in that the assessment should have been undertaken by Committee. The consequent legal error was that Committee erred by treating BMAP as being, in substance, the adopted urban area plan for Belfast and did not consider BUAP.

- Secondly, the Council erred in law by failing to take into account the Planning Appeals Commission's recommendation that the subject site at Stewart Street should be designated for social housing development. The former DOE rejected the PAC recommendation in this regard, and thus it did not form part of the final document. The High Court concluded that this was a material consideration which the Council should have weighed and evaluated. While it was considered by Senior Council Officers, it was at no time considered by the relevant decision maker, namely the Planning Committee.

The legal challenge to the Council's decision on the other six grounds were not successful (see **Annex A**).

Accordingly, the legal challenge succeeded and the High Court quashed the Council's decision to grant planning permission on 05 June 2017.

This in effect requires the Council to re-determine the application taking into account the two additional issues that it failed to have regard to as well as any further change in material circumstances since the decision.

<u>Post decision being quashed</u>
Since the previous decision was quashed, the Local Planning Authority has been carefully considering the issues raised through the judicial review. This required a number of additional steps to be taken before the application could be reported back to Committee. These included:

- Reviewing the High Court's decision including the grounds for the challenge being upheld, whether these were accepted and taking a view on whether to appeal the decision of the Court;

- Considering the next steps in terms of addressing the grounds upheld, and in addition the other comments made in the judgement;
- Commissioning an independent review of the design of the proposal, dealing with comments regarding scale, massing and design within the judgement;
- Considering the implications of the passage of time on the application, including consideration of any material changes in circumstance since the decision, supporting information and making additional consultations as necessary; and
- Compiling a revised report for consideration by Committee addressing all of the above.

Summary of Key Issues
The site is located within the City Centre of Belfast as defined within BUAP 2001 and both versions of draft BMAP 2015. It is located on un-zoned land within the City Centre outside the primary retail core and within the city centre office area. Belfast City Centre Regeneration and Investment Strategy (Sept 2015) seeks to increase the employment population of the city centre.

The site extends to approximately 0.8 hectares. It is located adjacent to East Bridge Street which sits at a higher level with access taken off Stewart Street which sits at a lower level. The site is a vacant, hard standing plot of land which was previously used as a temporary car park.

The site is situated between very different urban forms of development: the high rise commercial development to the north, the elevated Lanyon Place Railway Station to the west and the domestic residential scale and form of the Markets residential area to the south and west.

The key material factors in the post judicial review assessment of this application are as follows:

- Principle of Proposed land use for Office and Retail at this location
- Belfast Urban Area Plan 2001
- Draft Belfast Metropolitan Area Plan 2015
- Decision of the Planning Committee on 20 September 2016
- Response from Ministerial Advisory Board
- Response from Historic Environment Division – St George's Market
- Height, Scale & Massing
- Landscape & Visual
- Impact on Amenity & Surrounding Properties & Area
- Traffic Movement & Parking
- Other Environmental Matters
- Economic Benefits
- Pre-Community Consultation
- Consideration of additional Representations
- Section 76 Planning Agreement

252 letters of objection have been received which are summarised in section 1.4 of the report below.

A further letter of objection was received post Judicial Review on 11 September 2018 from the Markets Development Association (MDA). In this letter the MDA requested that the Council obtain an opinion from the Ministerial Advisory Group. The MDA stated that the scale and urban design of the proposal needs to be properly assessed and the decision needs to be informed by an independent body. Following that request a consultation with the Ministerial Advisory Group has taken place to enable an impartial view to be obtained, responding to the comments from the Judge. Full consideration of the Ministerial Advisory Group's report, including the applicant's response, is set out in the main report. The Ministerial Advisory Group concluded that had it considered the proposal at an earlier stage it would have recommended that the arrangement of buildings on the site was reconsidered; and that the site should be considered as a transition site between business (at Lanyon) and living (at the Markets) and thus a mixed use scheme should be encouraged to

provide the best regeneration opportunity. Members are reminded that they must assess the planning application proposal before them.

20 additional letters of objection were received post Judicial Review on 29 September 2020. Points raised in these additional letters of objection are listed in section 1.4 below and considered in the report. Any further representations will be reported to Members via the Late items report.

Given the urban city centre context, it is considered that the scale, height and massing of the buildings proposed are acceptable and would not harm the character or appearance of the immediate or wider area. The form and height of the proposal establishes a presence that responds to the scale and massing of both other commercial buildings in the immediate environment on East Bridge Street whilst stepping down considerably having regard to the smaller scale of the residential dwellings on Stewart Street to the south and west, which is considered to be appropriate.

In terms of compatibility and the potential for dominance, it is acknowledged that the scheme proposes large scale blocks, however, the scale of the proposal was reduced during the processing of the application to take account of the local environment, namely residential properties on Stewart Street, to ensure that the character of the area and residential amenity would not be compromised. It is considered that the scale and massing proposed, with the separation distances as proposed, and the planted buffer will ensure that the proposal, on balance, will not cause an unacceptable impact on neighbouring residential properties.

The architectural approach both in terms of design and materials is modern. As part of the consideration of the application, both independent design advice and advice from the Ministerial Advisory Group has been sought on the proposal. In weighing up all the material planning considerations, as set out in the main body of the report, it is considered that on balance the proposed design and architectural treatment are acceptable.

The proposal has been assessed having regard to the Development Plan and against planning policies including:

- Strategic Planning Policy Statement for Northern Ireland;
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 4 – Planning and Economic Development;
- Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage;
- Planning Policy Statement 13 – Transportation & Land Use; and
- Planning Policy Statement 15 (Revised) – Planning & Flood Risk.

Statutory consultees raise no objections to the proposal subject to conditions.

The submitted Pre-Community Consultation Report has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

Recommendation

Having regard to the Development Plan, planning policies and relevant material considerations, the proposal is considered acceptable.

It is recommended that planning permission is granted subject to conditions and completion of the Section 76 planning agreement. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 planning agreement. The Section 76 planning agreement shall include:

- Public Realm Improvement Contribution of £230,000 towards the cost of public realm improvement works within the area;
- Adjoining Street – Piazza to be completed to a standard agreed by the Council;
- Estate Management Statement to be submitted and agreed by the Council;
- Public Access – permit reasonable access across the site in relation to the Tunnels Project and from Stewart Street across the site to the Tunnels;
- Tunnels Protection Retention Scheme – not to commence development until a method statement showing the proposed protection / retention systems for the bridge and tunnels situated at East Bridge Street; and
- Securing apprenticeships in the main trades during construction.

1.0	**Background**
1.1	On 04 March 2016, Belfast City Council received a planning application from Kilmona Property Ltd seeking full planning permission for a proposed office development at lands at the junction of Stewart Street and East Bridge Street, and West of Central Station. The original description of the development proposal made to the Council was: *'Proposed construction of new 13 storey office building (in 2 blocks) with 4No retail units, car parking and plant on lower ground floor and 4No 3 storey pavilion office buildings including external plaza and landscaping.'*
1.2	Upon receipt of the application, the Council advertised the proposed development in the Andersonstown News, Belfast Telegraph, Irish News and News Letters newspapers on 08 April 2016, and notified neighbours of the proposed development on 05 April and 29 April 2016.
1.3	The Council also consulted the following statutory and non-statutory agencies seeking their view on the development: • Transport NI (now DfI Roads); • Rivers Agency; • NI Water Ltd; • DOE (Historic Environment Division; Water Management Unit; Waste Management Unit); • Environmental Health; • Belfast City Airport; • Northern Ireland Transport Holding Company; • Health & Safety Executive NI; and, • Independent Design Advice.
1.4	In total, 252 formal objections to the planning application have been received, on the following grounds: 1. Concern regarding the scale of the proposal in a residential area which would dominate the residential properties in the immediate area; 2. Inappropriate scale, massing and design – will result in demonstrable harm; 3. Height of the proposal is contrary to BMAP; 4. Access to the Tunnels Project – impact of the proposal on this community project; 5. Connectively – pedestrian access through the site at different locations in order to prevent the Tunnels and the site from being severed from the Markets community; 6. Community benefit – there must be tangible benefits for the community and to ensure the sustainability of the Tunnels project; 7. No provision is made to improve the layout of Stewart Street which is dangerous – problem further heighted with additional traffic as a result of the proposal; 8. Commuter car parking – this is a serious issue in the Markets Area and it poses a health and safety hazard for all residents – does the development include sufficient car parking for potential office workers? 9. Detrimental Impact on the physical and mental wellbeing of residents – lowers the quality of life for residents;

	10. Overshadowing and Loss of Light; 11. Residents will have no privacy – contrary to Article 8 of the Human Rights Act 1998; 12. Major detrimental impact on residential property prices; 13. No mix of affordable housing included within the proposal; 14. Vacant offices in proximity to the site that should be occupied rather than creating additional office space at this location; 15. Assessment of environmental impact – wind analysis and air quality; 16. Adverse noise and disruption; 17. Already an oversubscription of office buildings in the vicinity; 18. Contrary to the SPPS and Belfast Metropolitan Area Plan; 19. The PAC report into draft BMAP stated that the site should be re-zoned for social housing and in the recent JR judgement it was stated that this was a material matter; 20. Ministerial Advisory Group was overwhelming negative about the design of the proposal, however, no changes have been made; 21. The voluntary financial contribution from the application cannot be justified, it is contrary to the Council's policy in respect to developer contributions and suggest the applicant is buying permission. Any further representations will be reported to Members via the Late items report.
1.5	Two previous committee reports have been prepared in relation to this application (appended at **Annex D**). The first was made in preparation for the scheduled Committee meeting on 16 August 2017 when the matter was tabled for consideration. However, before the presentation of the application, the Committee decided to defer consideration of the application to allow Members to undertake a site visit. The reason for the site visit is noted in the minutes of the Committee meeting as being in response to the issues outlined regarding height, scale, mass and its potential impact on neighbouring properties. The site visit took place on 31 August 2016.
1.6	The second report was presented to the Planning Committee on 20 September 2016. The Committee agreed to approve the development proposal and delegated power to the then Director of Planning and Place in conjunction with the Town Solicitor to enter into discussions regarding a planning agreement with the applicant.
1.7	The planning permission was issued on 05 June 2017 following the completion of the Section 76 planning agreement. The Council's decision to grant planning permission was subsequently the subject of legal challenge on eight grounds. These were as follows: 1. The Council was not adequately informed of, and failed to sufficiently consider, the impact of the proposed development on the area generally; 2. Breach of residents' right under Article 8 of the European Convention on Human Rights, contrary to section 6 of the Human Rights Act 1998; 3. Wrongly taking into account non-planning consideration, namely the payment by the developer of £230,000 towards the cost of public infrastructure works;

	4. Inconsistency, having regard to a previous decision refusing to approve the development of a hotel at the location; 5. Wrongly taking into account certain provisions of the Belfast Metropolitan Area Plan 2015, at all stages, on the (erroneous) premise that this was a lawfully finally adopted measure; 6. In consequence of (e), failing to take into account the material consideration constituted by the Belfast Urban Area Plan 2001, thereby contravening section 6(4) of the Planning Act (NI) 2011; 7. Using the wrong reference point regarding height, in breach of planning policy; and 8. Disregard of a material consideration namely the unmet need for social housing in the Belfast Metropolitan Area generally and, more specifically, the view of the Planning Appeals Commission during the BMAP adoption process that the subject site should have been zoned for this development purpose.
1.8	The Court concluded that the applicant's legal challenge succeeded, on two grounds: - First, the Court accedes to the contention that the Council's approach to the still extant Belfast Urban Area Plan 2001 and the still unadopted Belfast Metropolitan Area Plan 2015 was erroneous in law. In particular, the Council failed to consider the impact of successive orders of the Northern Ireland High Court and Court of Appeal declaring legally ineffective the relevant Minister's purported adoption of the daft BMAP which emerged from the former DOE's consideration of the Planning Commission Report following a Public Inquiry. Whilst not criticising the reasoning of Officers in their assessment of the impact of those orders, the Court found that Officers had misapplied its Scheme of Delegation in that this assessment should have been undertaken by Committee. Furthermore, the Council erred in law by in substance treating BMAP as the adopted plan for Belfast, to the exclusion of the still extant BUAP. - The Council also erred in law by failing to take into account the Planning Appeals Commission's proposal (ultimately rejected by the DOE/it's Minister) that the subject site at Stewart Street should be designated for social housing development. This was a material consideration which the Council should have weighed and evaluated. While it was considered by Senior Council Officers, it was at no time considered by the relevant decision.
1.9	As a result of the Judicial Review the decision was quashed by the High Court on 31 May 2018 and the application remains undetermined. This report details the reconsideration of the planning application, having regard to the above.
2.0	**Additional Planning History**
2.1	LA04/2019/0219/F Single level car park (244 spaces) with associated landscaping (temporary) - Permission Refused 16.10.19

2.2	LA04/2020/1554/F Renewal of planning permission referenced Z/2012/1421/F - Conversion of and extension to existing archways to comprise a crèche, an employment education and training club, community space, cafe, health and fitness facility with access to East Bridge Street and train station – undetermined.
3.0	**Extant and Draft Development Plans**
3.1	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) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.
3.2	Following the judicial proceedings in relation to the adoption of BMAP, the statutory Local Development Plan for the area is the BUAP. Both draft BMAP (BMAP 2015) and pre-examination draft BMAP (dBMAP) are a material consideration. Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the only area of contention was limited to policies relating to Sprucefield Shopping Centre, that version of BMAP 2015 is considered to hold significant weight. *Belfast Urban Area Plan 2001*
3.3	In the context of BUAP the subject site is within the city centre on un-zoned white land. Under the BUAP, there are a number of relevant and material policies as set out below:
3.4	The Office Development Strategy states that office development will be concentrated in the City Centre with large scale office developments directed to the Main Office Area. The site is located within the city centre and adjacent to the Main Office Area as defined in BUAP.
3.5	Policy CC12 states that high buildings must be sympathetic in scale to the traditional height of buildings in the city centre.
3.6	Policy CC1 states that City Centre Shopping will be concentrated in the Main Shopping Area around Donegall Place / Royal Avenue. Small scale shopping development up to 2,500 sqm gross floorspace may be permitted in existing shopping frontages in the remainder of the City Centre. Retail policies within BUAP and draft BMAP are now superseded by the Strategic Planning Policy Statement for Northern Ireland. The SPPS sets out a Town Centre first approach for retailing and other main town centre uses and sets out a sequential approach. The retail element proposed is small scale at less than 600 sqm, and thus is not considered to cause any harm to the primary retail core of the City Centre.
3.7	The purpose of BUAP was to establish physical development policies for this broad urban area up to 2001, clarifying the extent and location of development and providing a framework for public and private agencies in their investment decisions relating to land use. BUAP was published in 1990, nearly 30 years ago, and although alterations were made in 1996, the BUAP is now largely out-of-date. The Belfast City Council Plan Area has undergone massive transformation since then, particularly in the city centre. The formal

	development plans which apply are dated and silent on many of the planning issues relevant to the needs of the current planning decision making process. *Draft Belfast Metropolitan Area Plan 2015 (November 2004)*
3.8	In draft BMAP (November 2004) the site is identified as a 'Development Opportunity Site Stewart Street' (Designation CC 070). Defined as a site greater than 0.1ha which presents an opportunity to develop and normally vacant derelict or in use as a surface level car park. A Key Site Requirement is detailed under designation CC 070 stating that access arrangements shall be agreed with Roads Service. In addition, detailed consultation will be required with Roads in order to identify any necessary improvements to the road network / public transport / transportation measures in that area, to facilitate development of the site. A Transportation Assessment (TA) may be required to identify such improvements. It also states that detailed consultation with Water Service will also be required as an existing major trunk sewer is located adjacent to and within the eastern boundary of the site.
3.9	It is also located within the City Centre (outside the primary retail core), the main office area and within Laganside South and Markets Character Area (Designation CC 017). The site is also situated within the Belfast Area of Archaeological Potential and within an area of parking restraint.
3.10	Policy R1 Retailing in City and Town Centres states that outside designated primary retail cores and within city and town centres retail development will only be granted planning permission where it can be demonstrated that there is no suitable site for the proposed development within the Primary Retail Core. As stated previously, retail policies within draft BMAP are now superseded by the Strategic Planning Policy Statement for Northern Ireland, as set out above in para 4.5 above.
3.11	Policy OF1 Belfast City Centre Main Office Area, Lisburn City Centre and other Town Centres states that planning permission will be granted for office development in these designated areas.
3.12	The Laganside South and Markets Character Area (CC 017) provides a number of urban design criteria relevant to that character area. In general, development proposals shall take account of the height of adjoining buildings and elsewhere development shall aim to reflect traditional plot widths.
3.13	The Public Inquiry into the draft published in 2004 ran from April 2007 – May 2008. Two objections were received to the proposed Development Opportunity Site Stewart Street Designation (CC 070). Of particular relevance being: *'An objection from the Markets Development Association generally sought the re-designation of this development opportunity site to include a suitable mix of housing types, including a social element to fulfil a local need.'*
3.14	The Planning Appeals Commission (PAC) stated in response to this objection that given the sustainable location of this site and the PAC conclusions regarding the significant shortfall in housing provision in the Belfast area they see merit in the objection and considered that the site should be zoned for housing rather than as a Development Opportunity Site. The PAC recommended that zoning CC 070 was deleted and land zoned for housing.

3.15	The level of social housing would be a matter that should be determined by the Department.
3.16	In the BMAP Adoption Statement 2014 the then DOE did not accept this recommendation and stated that as the site had extant planning permission for residential development, the development opportunity site is deleted and the site is un-zoned and is not zoned for any particular land use.
3.17	This is a matter upon which the recent JR was upheld, in that this point was not considered by the Committee in September 2016. *Draft Belfast Metropolitan Area Plan 2015 (Post-Examination)*
3.18	In Draft BMAP 2015 the site is also located within the City Centre (outside the primary retail core), and within the main office area. The site is also within the Laganside South and Markets Character Area (Designation CC 014) and within the Belfast Area of Archaeological Potential. The site is located within Belfast City Centre Core Area of Parking Restraint (Designation CC 025).
3.19	The site is not zoned as a Development Opportunity Site or any other use in draft BMAP 2015.
3.20	Therefore, in the Development Plan history of the site as set out above, the lands were never formally zoned for housing development. The site was designated as un-zoned whiteland, a Development Opportunity Site and in the most recent version of draft BMAP 2015 was un-zoned again. This was despite the PAC recommendation following the 2007/2008 Public Inquiry to zone for housing.
3.21	Significant weight should be afforded to the examination version of BMAP 2015 given its advanced stage, in which the site was un-zoned.
3.22	The consequence of the above is that the site has the potential to be used for a range of land uses, providing it is broadly compliant with other relevant planning policies. The proposal for consideration is for an office led development and there are no policies to preclude that form of development on this site in principle.
4.0	**Reviewed Consideration / Assessment**
4.1	The key material factors in the post judicial review assessment of this application are as follows: - Principle of Office and Retail Use at this Location - Belfast Urban Area Plan 2001 - Draft Belfast Metropolitan Area Plan 2015 - Decision of the Planning Committee on 20th September 2016 - Response from Ministerial Advisory Board - Response from Historic Environment Division – St George's Market - Height, Scale & Massing - Landscape & Visual - Impact on Amenity & Surrounding Properties & Area - Traffic Movement & Parking - Other Environment Matters - Economic Benefits

	- Pre-Community Consultation - Consideration of Additional Representations - Section 76 Planning Agreement
5.0	**<u>Principle of Office and Retail Use at this Location</u>**
5.1	As previously stated, the application site is located on un-zoned land in dBMAP 2015 (and BUAP 2001 and dBMAP (2004)) within the defined City Centre boundary and the city centre office area yet outside the primary retail core.
5.2	The SPPS supports vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions consistent with the RDS.
5.3	4 No. retails units are proposed at lower ground level with a total gross floorspace of approximately 553 square metres (Unit 1 – 198 square metres; Unit 2 – 109 square metres; Unit 3 – 123 square metres; and Unit 4 – 123 square metres). Either cumulatively or individually the size of the retail units proposed is not considered to be of such a significant size to impact upon the primary retail core. It will bring active frontage to this area of the city and combined with the Tunnels Project (approved immediately adjacent / opposite) will enhance the vitality and viability of the area.
5.4	dBMAP is clear in that Belfast City Centre remains the first choice location for major office development (Policy OF 1). A total of 26,309 square metres of Grade A gross office space is proposed in the development.
5.5	The Building Owners and Managers Association (BOMA) classifies office space into three categories: Class A, Class B and Class C. According to BOMA, Class A office buildings have the 'most prestigious buildings competing for premier office users with rents above average for the area'. BOMA state that Class A facilities have 'high quality standard finishes, state of the art systems, exceptional accessibility and a definite market presence'. In planning terms Grade A office space falls within Planning Use Class B1 (a).
5.6	The planning system has a key role in achieving a vibrant economy and the Belfast City Centre Regeneration and Investment Strategy (Sept 2015) seeks to increase the city centres employment population. The applicant has advised that this proposal represents a £55 million investment, creating 350 construction jobs during the two year build programme. Once fully operational the estimated employment generated will be around 2,500 people.
5.7	The site is considered to be logistically well located, beside the railway line and within easy walking to the central shopping core of the city. The intensification of use at this location could have a positive impact on service provision across the city in terms of connectively, namely access to public transport, access to Belfast Bikes for ease of movement, access to wifi and other facilities. Upgrades to these services are to be secured within a S76 planning agreement.
5.8	PPS4: Planning and Economic Development sets out the planning policies for economic development uses. It recognises that the planning system has a key role to play in achieving a vibrant economy.

5.9	Policy PED 1 states that a development proposal for a Class B1 business use will be permitted in a city or town centre and in other locations that may be specified for such a use in a development plan. Given the city centre location the proposed uses are considered to comply with the draft development plan and the policies contained with the SPPS as well as PED 1 of PPS4.
5.10	In considering proposals for economic development the Council will seek to minimise adverse effects on the amenities of adjacent properties - particularly dwellings. Policy PED 9 details general criteria for economic development that will be considered throughout this report.
5.11	Having considered the application against the policy framework, it is considered that the proposed land uses are in principle in accordance with PPS 4 and relevant policy.
6.0	**Decision of Planning Committee on 20th September 2016**
6.1	The Committee's previous resolution to grant full permission is a material consideration, as is the Judgement of the Court following the successful Judicial Review.
6.2	Whilst these are material considerations, the application must be determined afresh and the Committee is not therefore bound by its previous decision.
7.0	**Ministerial Advisory Group**
7.1	The Local Planning Authority sought an independent design review of the proposed scheme by the Ministerial Advisory Group (MAG) to respond to the comments made throughout the judgement regarding scale, massing and design. This was sought on 16 October 2018.
7.2	The MAG Review was carried out on 06 November 2018 and their Design Review Report was received by the Council on 16 November 2018 and is attached at **Annex B** for information. Notifications were issued by the Council to inform neighbours of the Design Review Report on 08 February 2019. MAG Report
7.3	In summary, the review concluded that had the scheme been considered by the MAG Panel at an earlier stage it would have made two key recommendations: 1. Reconsideration of the arrangement of the buildings on the site; and, 2. Confirming their thoughts that the site should be considered as a transition site between business (at Lanyon) and living (at the Markets) and thus a mixed use scheme should be encouraged to provide the best regeneration opportunity.
7.4	MAG review comments in summary are: • The design results in an inward looking scheme and there are opportunities for increased public frontage;

	• The scale, bulk and mass would be prominent especially when viewed from the south (Markets) and when viewed from entering and leaving the city from the east; • The proposed plaza is of limited proportions with access to offices only. Landscaping should also be reconsidered and cross referenced with the shadow analysis to ensure a viable lasting and successful scheme; • The level changes across the site will discourage public access and enjoyment of the public space; and
7.5	The 10m walkway in front of "The Tunnels" is likely to be overshadowed and have relatively poor access. A more inclusive design and connectivity would allow for the Tunnels to open out to open space. <u>Applicant's Response</u>
7.6	The applicant provided a detailed response to the issues raised by MAG as set out at **Annex C** and summarised below (responding to the above points): • A commitment is maintained to provide and improve the width of access to the Tunnels, and this means that public frontage at East Bridge Street level are limited to that where the bridge connectivity is. Full public frontage is provided at the level where the tunnels project is located, which will complement this project. This maximises the opportunities for an outward looking scheme, given the site constraints; • The architectural concept is to form a gateway to the City, which relates to the scale of development at Lanyon, whilst stepping down to relate to the scale of the Markets beyond; • The proposed plaza is of sufficient size in relation to the proposed scheme, it is accessible to all, and there is public connectivity through the public areas, which is secured within the Section 76 legal agreement. Landscaping has been fully considered by the applicants project team and been assessed by the Council with no issues raised; • There is no reason why the stepped access would hinder public access or enjoyment of the plaza space itself; • There is a fundamental requirement to excavate the ground in front of the Tunnels to create a viable scheme (internal head heights etc.) and thus the external ground levels will be lower than existing. The proposed significantly increases the width in front of the Tunnels to maximise opportunities for improved access. The Tunnels will have an element of overshadowing as they sit due north of a currently vacant site, which when developed will create an impact, the acceptability of which needs to be judged on its merits. <u>Officer comment</u>
7.7	The instruction of MAG followed a detailed design assessment of the proposal by officers, which took place prior to the original committee meetings. This

	included independent design advice which resulted in amendments to the scheme, including a reduction in scale.
7.8	The issues that have been raised by MAG are material considerations to be given consideration as part of this application.
7.9	The matters raised are all issues that were considered by officers, and the Committee in September 2016, as part of the approval which was quashed by Judicial Review.
7.10	It is important to note, that whilst it may be possible to take a view on how the scheme could be amended to improve it, the role of the Local Planning Authority is to consider the application before it.
7.11	In that context, it is considered that the scheme put forward is acceptable on planning grounds, for the reasons rehearsed as part of the September 2016 resolution to grant and set out in this report. The proposal has not been amended since that time, and the core planning policy context has not altered, therefore it follows that despite suggested improvements to the proposal by MAG, the actual proposal is considered to comply with planning policy and therefore it is not considered reasonable to request the changes put forward.
8.0	**Response from Historic Environment Division**
8.1	One of the grounds for challenge focused on an alleged failure to assess the impact the proposed development would have on the setting of St George's Market (Grade B+ Listed Building), in accordance with the planning policies and guidance for listed buildings. The Court concluded that the ground of challenge on Policy BH 11 of PPS 6 were without substance and thus was not upheld. A consultation also issued to the Department for Communities Historic Environment Division on 24 October 2018 and 05 February 2019, as this had been raised as a third party concern.
8.2	Historic Environment Division's response dated 20 November 2018 advised that the proposal is sufficiently removed in situation from St George' Market as to have no further impact on this urban setting. HED considers that the proposal has no harm to the setting of the listed building under the policy requirements of 6.12 and 6.13 of the SPPS for Northern Ireland and Policy BH11 of PPS6.
8.3	In addition, HED noted that the reason the Local Planning Authority had consulted it was due to third party objections and noted the high numbers of objection. They sought further clarification regarding the specific representations concerning St George's Market. In this respect, the relevant information was issued to HED on 05 February 2019. HED responded on 05 September 2019 stating that having considered the impacts of the proposal on the building and on the basis of the information provided the proposal has no harm to the setting of the listed building under the policy requirements of 6.12 of the SPPS for Northern Ireland and Policy BH11 of PPS6.
8.4	Having regard to HED's advice, it is considered that the proposal would have no undue impact on the setting of St George's Market, or other heritage assets. The proposal is considered compliant with Policy BH11 of PPS6 and Section 91(2) of the Planning Act (NI) 2011.

9.0	**Design, Height, Scale & Massing**
9.1	The site is located within Laganside South and Markets Character Area (CC 014) in Draft Belfast Metropolitan Area Plan 2015. This designation provides advice that development proposals shall take account of the height of adjoining buildings and that development shall aim to reflect traditional plot widths.
9.2	The proposal requires to be assessed within the context of the site, which is surrounded by two very different types of urban form, as previously set out. Officers' assessment of the proposal has been informed by VU.CITY, an accurate 3D model of Belfast, as well as Independent Design Advice. The subject site immediately adjoins Lanyon Place Railway Station which is 4 storeys in height. As detailed in the reports it is concluded that the height of the buildings fronting East Bridge Street would be in keeping with the high rise commercial buildings to the north of the site. Block A is to be 10 storeys, but then reduces to 6 storeys at the intersection with East Bridge Street and Stewart Street. Similarly, it is proposed that Block B transitions from 14 storey, to 11 storey, down to 3 storey fronting into Stewart Street. The buildings fronting Stewart Street are also set back 25m from the nearest residential properties and a planting landscaping scheme is also proposed to further soften the impact. The materials proposed for the buildings fronting Stewart Street include a solid red brick base to reflect the brick character of the residential properties in the Market's area. The proposed scheme is considered to be in keeping with the high rise buildings to the north of the site. In relation to the properties the south, it is noted that the proposed reduction in scale seeks to minimise the impact on the residential properties in Stewart Street. The relationship with those properties is considered acceptable.
9.3	Full planning permission was granted in May 2008 by the former DOE for 320 apartments with 230 car parking spaces on the subject site. This building ranged from 6 storeys (car parking at ground level with 5 storeys above) at its boundary with Stewart Street to 12 storeys (car parking at ground level with 11 storeys above) fronting onto East Bridge Street. Whilst this permission has now expired however, it is still a material consideration in the assessment of this planning application, and demonstrates the scale previously considered acceptable.
9.4	Full planning permission was refused in March 2015 by the former DOE for a mixed use development comprising 126No bed hotel, office accommodation, 136No apartments and associated car parking. This application proposed a 12 storey building on East Bridge Street and a 6 storey building on Stewart Street. Permission for the hotel development was refused as it was considered inappropriate in terms of scale, massing and design. It proposed a 6 storey solid block facing Stewart Street.
9.5	This is in contrast to the current application that has been broken up into 4 blocks, 2 of which are stepped down to 3 storey where they face Stewart Street. Significantly, each case must be considered on individual merits and it is considered that the refused application and the current application are materially different.
9.6	The resulting regeneration is a material planning consideration as the site has been vacant for at least half a century and its re-development for an economic use will be an addition to other new, relatively recently approved office developments (for Concentrix and AllState) on the south side of East Bridge

	Street. Given the city centre location, it is considered that the height of the buildings proposed on East Bridge Street are acceptable and would not harm the character or appearance of the immediate area. The form and height of the Block A and Block B (East Bridge Street) establishes a presence that responds to the scale and massing of other commercial buildings in the immediate environment that is considered to be appropriate.
9.7	The scale of the proposal has been reduced during the application process to take account of the local environment namely, residential properties on Stewart Street, seeking to ensure that the character of the area and residential amenity would not compromised to an unacceptable degree. The drop in scale and massing, proposed separation distances and landscaping have all been incorporated to improve the design relationship and reduce the impact on the residential properties in the markets.
9.8	The architectural approach is modern and the elevations contain elements which include curtain walling in addition to glass spandrel panels, reconstituted granite cladding, red brick and rain screen polyester powder coated cladding. A condition is recommended requiring sample boards for all external materials to be submitted for agreement by the Council prior to commencement on site.
10.0	**Landscape & Visual**
10.1	A continuous tree planting zone is proposed along the boundary of the site with Stewart Street and along the eastern boundary of the site adjacent to Central Station. This comprises shrub planting and tree planting together with a wide section of granite paving located between Blocks C and D. At its shallowest point, directly outside Block C, this buffer measures 5.6m deep. A 3.0m wide footpath is also proposed between this buffer and the kerb / road carriageway. This results in the proposed building line along Stewart Street being set back a minimum distance of around 8.6 m from the kerb line. There is a separation distance of 26m between Block C and Nos 3-6 Friendly Street.
10.2	Provision is also made with the proposal for public spaces which serve to enhance the overall design quality of the development.
10.3	The landscaping plan confirms that at the entrance on East Bridge Street a tree is proposed to perforate the entrance platform. Trees are also proposed on the lower street level outside the tunnels and proposed retail units together with a range of planters through the site. Trees on easements or at the Tunnels would also be in planters. A landscaping condition is recommended to ensure that the landscaping and public realm enhancements are completed prior to occupation.
11.0	**Impact on Amenity & Surrounding Properties & Area**
11.1	The protection of neighbouring properties from unreasonable loss of amenity is a well-established planning consideration.
11.2	In a city centre and within other high density locations, properties are likely to be overlooked to some degree, and any new development proposals should seek to provide reasonable space between buildings in order to minimise overlooking.

11.3	The proposed development includes a minimum separation distance of approximately 25 metres between the proposal and the residential properties on Stewart Street. This separation distance includes a landscaping buffer, including new trees which will assist in minimising the impact on the neighbouring residential properties. It is considered that the relationship of the proposed development with the neighbouring residential development is not uncommon is a city centre location such as this. Therefore, on balance, the proposal is considered acceptable in terms of privacy, outlook and dominance.
11.4	The proposal has the potential to bring approximately 2,500 additional people to this area of the city. Whilst the facilities, in terms of location to public transport, are considered good, the impact on the amenity in the surrounding area has the potential to be significant. The public realm in the vicinity has had some recent upgrade due to the physical enhancement at the railway station and BRT halt. It is considered that this upgrade should be extended to include the area of the site in order to support a development of this scale and provide a visually integrated street scene in line with the Council's Developer Contribution Framework.
11.5	As such it is recommended that the developer enter into a Section 76 Agreement to secure contributions to facilitate environmental improvements in the area.
12.0	**Traffic Movement & Parking**
12.1	The site is located within an Area of Parking Restraint (Designation CC025) in draft BMAP. Policy TRAN 1: Parking Standards within Areas of Parking Restraints recommends 1 space per 300 square metres for non-operational spaces and 1 space per 930 square metres for operational spaces. Reductions in these standards will be considered in appropriate circumstances where evidence of alternative arrangements can be clearly demonstrated.
12.2	The proposal includes a new vehicular access point on Stewart Street to replace the existing.
12.3	Pedestrian access into the site is proposed directly from East Bridge Street and Stewart Street. Linkages are proposed across the site to increase overall permeability. Those accessing from East Bridge Street can either directly enter the office accommodation at a higher level which takes them to the landscaped public spaces or descend into the lower ground level where a street will be created with an active frontage on both sides by the proposed retail units and the Tunnels Project. A further three pedestrian access points are also located on Stewart Street. The proposal also includes improvements to the footways along Stewart Street surrounding the site.
12.4	The development will comprise 63 car parking spaces at lower ground level against a policy requirement of 119 spaces. The proposal also incorporates the provision of 60 cycle parking spaces. 3 spaces will be for disabled parking.
12.5	Policy AMP 7 of PPS3 states that a reduction in parking provision may be accepted where, for example, it forms a part of a package of measures to promote alternative transport modes. A Travel Plan has been submitted in support of the application seeks to encourage a modal shift from car based trips to more sustainable modes of transport. It is proposed to appoint a Travel Co-ordinator – responsible for the promotion of cycling, walking and public

	transport for staff and visitors. This requirement will form part of the Section 76 Agreement with the Developer. Within this context a reduced car parking provision is considered, in these circumstances, to be appropriate.
12.6	The site is well placed in terms of accessibility to a range of alternative and sustainable modes of transport. Lanyon Place train station is located adjacent to the site; there are a number of bus stops, including a Glider stop, are located along East Bridge Street and Belfast Bikes have three bike docking stations located in close proximity to the site. A lift is proposed at lower ground level to provide direct access to central station.
12.7	Having had regard to the above and consultation response from DfI Roads (then Transport NI) which confirms no objection, it is considered that the scheme is acceptable and in accordance with relevant sections of PPS 3 and PPS 13.
13.0	**<u>Other Environmental Matters</u>**
13.1	Paragraph 4.11 and 4.12 of the SPPS states that there are a wide range of environmental and amenity considerations including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. Other amenity considerations arising from development that may have potential health and well-being implications include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Other environmental impacts associated with development include sewerage, drainage, waste management and water quality. *Flood Risk and Drainage*
13.2	PPS15 seeks to minimise and manage flood risk to people, property and the environment. Given that Flood Maps are regularly updated by DfI Rivers Agency, a further consultation was issued to Rivers Agency on 17 June 2019. Rivers Agency responded on 17^{t} July 2019, confirming that the site is located within the 1 in 200 year coastal floodplain. A Flood Risk Assessment was subsequently requested and submitted.
13.3	DfI Rivers has reviewed the Flood Risk Assessment and concluded that it cannot object to the proposed development from a drainage or flood risk perspective. DfI Rivers advised that they cannot comment on the acceptability of the flood evacuation plan. Consequently, further consultation took place with BCC Emergency Plan Section with regarding the flood evacuation plan. They noted that it is the developer's responsibility to ensure that the flood evacuation plan is documented and future occupants are aware of this. If the Committee is minded to approve the application a condition is recommended regarding the implementation of the flood evacuation plan.
13.4	Furthermore, the applicant has received consent from NI Water to discharge theses runoff rates into an existing combined sewer.
13.5	NI Water Ltd has been consulted on the proposal and confirmed that the waste water treatment works (WWTW) has available capacity to accept the additional load. Given that NIW confirmed available capacity, DAERA Water Management Unit has no objection to the proposal subject to Informatives detailed below.

13.6	Having had regard to the above it is considered that the proposal would not have a significant impact on flood risk, drainage and the sewerage system. The proposed scheme is therefore considered acceptable in accordance with Policy FLD 3 of PPS 15 and the SPPS with respect to flood risk, drainage, sewerage and climate change.
	Contaminated Land
13.7	Preliminary and Generic Quantitative Risk Assessment were submitted in support of the application. Waste Management (DAERA) and Environmental Protection (BCC) raised no objection to the proposal subject to conditions and Informatives.
	Archaeology
13.8	The application site is located within Belfast Area of Archaeological Potential as identified in dBMAP. The application site includes the location of a former abattoir and is also in close proximity to a number of Industrial Heritage Sites associated with the economic development of Belfast. Historic Environment Division: Historic Monuments Unit is content with the proposal in the context of BH4 of PPS6 conditional on the agreement and implementation of a developer-funded programme of archaeological works. This could take the form of the current Archaeological Impact Assessment augmented with a detailed archaeological mitigation strategy related to the proposed development. The programme of archaeological works is to be secured by condition.
	Noise, Air Quality and Wind Microclimate Assessment
13.9	Noise and Vibration Impact Assessment and an Air Quality Impact Assessment were submitted in support of the application. A Pedestrian Level Wind Microclimate Assessment Desk Study was also submitted in support of the application.
13.10	Environmental Protection (BCC) raised no objection to the proposal subject to conditions and Informatives.
	Loss of Light and Overshadowing
13.11	A Shadow Analysis has been submitted in support of the application which demonstrates that the development will not cause overshadowing to an unreasonable degree to the surrounding environment, in particular to the Markets properties to the south of the subject site. It confirms that there would be limited overshadowing only during the winter months of the year. As previously mentioned, due to the orientation of the tunnels project to the north of the development site, there would be some overshadowing to this potential scheme, however, this is not considered to be of a degree that warrants a reason for refusal.
	Waste Storage
13.12	Bin storage is proposed at lower ground level contained within the car parking area of the proposal. If the scheme is considered acceptable a condition will be necessary to ensure an adequate waste storage area and waste management strategy is implemented for the collection and disposal of waste.

14.0	**Economic Benefits**
14.1	The SPPS states that planning authorities should take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities, taking into account all material planning considerations. The proposal is consistent with this aim.
15.0	**Pre-Community Consultation**
15.1	As required by Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application.
15.2	It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
16.0	**Consideration of Additional Representations Received**
16.1	The majority of the issues raised have already been considered in this or the preceding reports. However some matters are new and are addressed below. *The voluntary financial contribution from the application cannot be justified, it is contrary to the Council's policy in respect to developer contributions and suggest the applicant is buying permission.*
16.2	The Developer Contribution Ground was one of the eight grounds that challenged the grant of planning permission. This ground was predicated on the Section 76 Agreement and that the Council's decision was vitiated by taking into account the developer's willingness to contribute £230,000 to the cost of public infrastructure works at this was not a legally impermissible consideration. The Court concluded that this ground of challenge must fail. *Inappropriate Scale*
16.3	This height ground argued that a misunderstanding and misapplication of the building height policies in draft BMAP 2015 had resulted in the concentration on the height of buildings situated on the opposite side of East Bridge Street, rather than the immediately adjoining buildings, namely Central Station. The Court concluded that this ground of challenge had no merit. Design, Height, Scale and Massing has also been considered under section 8.0 of this report. *Planning Precedent for a Refusal on the Site*
16.4	The inconsistency ground of challenge is that the impugned granted of planning permission is vitiated by the planning history on the site, namely a decision of the then DOE dated 31 March 2015 to refuse planning permission involving the construction of two blocks, one of 12 storeys (on the East Bridge Street side) and the other of 6 storeys (on the Stewart Street side). The Court concluded that irrationality is not demonstrated and this ground fails accordingly.

	Independent Design Advice
16.5	Independent Design Advice was sought on the proposal. Following the submission of amended plans to address concerns raised regarding the scale, massing and design no further objection was offered to the scheme on design grounds from the Independent Design Consultant.
	Connectivity
16.6	The proposal includes improvements to the footways along Stewart Street, and the creation of 3 access points on Stewart Street which will allow access through the development to the tunnels project and the City Centre. Rather than interfering with the tunnels project, it is considered that the proposal will complement and enhance it, and increase accessibility through the site for residents of the Markets area.
17.0	**<u>Section 76 Planning Agreement</u>**
17.1	A Section 76 planning agreement was signed in respect of the now quashed planning permission issued on 5 June 2017. The planning agreement set out in detail a number of obligations upon the developer in relation to the markets tunnel project. These are: • To prohibit the development from commencing until a method statement showing the proposed protection system for the bridge and tunnels at East Bridge Street has been submitted and agreed by BCC; • Securing the developer's co-operation in relation to providing access for the purposes of construction and maintenance of the Tunnels project; • To permit the public to have access through the development to the tunnels project including access for construction of a public pedestrian access from Stewart Street across the site to the Tunnels; and • Requiring the developer to invite local residents to attend a meeting with the developer twice each year, to review and matters arising which may affect residents.
17.2	The Section 76 agreement therefore secures appropriate protection for the tunnels project. If the Council were not satisfied with proposals for the protection of the tunnels, it would not agree with the method statement and development could therefore not commence.
17.3	The planning agreement also provided that the developer will pay the total sum of £230,000 towards the cost of public realm improvement works.
17.4	In addition, the Section 76 agreement secures the works to the piazza; and the submission and implementation of an Estate Management Strategy. This will provide for the management of parking spaces and access; travel coordinator; alternative and sustainable modes of transport; management and maintenance of the piazza, planting and landscaping; and an anti-social behaviour plan.
17.5	The applicant has expressed a willingness to enter into another Section 76 Agreement to secure the same planning obligations.

17.6	The applicant has also agreed an additional clause which would secure apprenticeships in the main trades consistent with the requirements of previous planning agreements. This employability and skills intervention is considered appropriate given the applicant's commitments to other developer contributions and obligations.
18.0	**Summary of Recommendation**
18.1 18.2	Having regard to the Development Plan, planning policies and relevant material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions and completion of the Section 76 planning agreement. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 planning agreement. The Section 76 planning agreement shall include: • Public Realm Improvement Contribution of £230,000 towards the cost of public realm improvement works within the area; • Adjoining Street – Piazza to be completed to a standard agreed by the Council; • Estate Management Statement to be submitted and agreed by the Council; • Public Access – permit reasonable access across the site in relation to the Tunnels Project and from Stewart Street across the site to the Tunnels; • Tunnels Protection Retention Scheme – not to commence development until a method statement showing the proposed protection / retention systems for the bridge and tunnels situated at East Bridge Street; and • Securing apprenticeships in the main trades during construction.
	Provisional Conditions (based on the conditions imposed on the previous decision which was quashed by the Court). 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. The development hereby permitted shall not be occupied until the vehicular accesses, including visibility splays and any forward sight distance, have been constructed in accordance with the approved layout Drawing No. 02B '15-184-02, 'Proposed Site Layout – Lower Ground Floor Level rev_C' and bearing Belfast City Council Planning Office date stamp 29 June 2016. 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. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

	3. The Private Streets (Northern Ireland) Order 1980. The Council hereby determines that the width, position and arrangement of the street, and the land to be registered as being comprised in the streets, shall be as indicated on Drawing No. 15-184-PSD01, 'PSD Site Layout' and bearing Belfast City Council Planning Office date stamp 04 August 2016 and Transport NI determination stamp of 31 August 2016. Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980. 4. The development hereby permitted shall not be occupied until the associated hard surfaced area have been constructed in accordance with the approved layout Drawing No. 02B '15-184-02, 'Proposed Site Layout – Lower Ground Floor Level rev_C' and bearing Belfast City Council Planning Office date stamp 29 June 2016 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles. Reason: To ensure that adequate provision has been made for parking. 5. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses a 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 user. 6. 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 and at the applicant's expense. Reason: In the interests of road safety and the convenience of road users. 7. The development hereby permitted shall operate in accordance with the approved Travel Plan & Service Management Plan published on ePIC 6 May 2016. This includes provision of the Translink Corporate Commuter Initiative, the Translink TaxSmart Initiative and the Bike2Work Initiative or equivalent measures agreed by DFI Roads. Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles and in the interests of road safety and the convenience of road users. 8. No site works of any nature or development (other than that required to fulfil this condition) shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of archaeological remains

	within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report. Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded. 9. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council to observe the operations and to monitor the implementation of archaeological requirements. Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed. 10. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and approved by the Council. . Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf. The development shall not be carried out unless in accordance with the approved details. Reason: Protection of environmental receptors to ensure the site is suitable for use. 11. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately in writing. 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 submitted and agreed in writing by Council, and subsequently implemented and verified. Reason: Protection of environmental receptors to ensure the site is suitable for use. 12. After completing the remediation works under Condition 11; and prior to occupation of the development, a verification report shall be submitted to and approved in writing by the Council. 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. Reason: Protection of environmental receptors to ensure the site is suitable for use.

13. The final site layout shall be built in accordance with Drawing Number 02B - Coogan and Co Architects Ltd - Proposed site layout - Lower Ground Floor Level, Revision C, stamp date 29th June 2016.

Reason: Protection of human health

14. Prior to the operation of the development, a Verification Report which demonstrates that a capping layer of clean imported material demonstrably suitable for end use has been installed to a depth of at least 500mm within all landscaped areas shall be submitted to and approved in writing by the Council. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.

Reason: Protection of human health

15. Prior to the commencement of development, a Construction Noise Management Plan shall be submitted to and approved in writing by the Council. This Plan should incorporate the recommended mitigation measures outlined in the RPS Limited 'Noise & Vibration assessment of the proposed development at East Bridge Street, Belfast' Reference NI1665/N/01/01, dated 11th February 2016. The Plan shall pay due regard to BS 5228:2009 Noise and Vibration Control on Construction and Open Sites and include a detailed programme for the construction phase, the proposed noise/vibration monitoring methods and evidence of neighbour liaison. The Construction Noise Management Plan shall be implemented as agreed.

Reason: In the interest of residential amenity

16. On operation of the development, the Rating Level (dB LAr) of sound from all combined building services plant associated with the development shall at all times not exceed the background sound level (for both daytime and night time) at the nearest sound sensitive premises when measured in accordance with assessment methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound. A Rating Level (dB LAr) indicative of 'no adverse impact' shall be maintained thereafter.

Reason: In the interest of residential amenity

17. No development shall take place until samples of all external finishes has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample details.

Reason: In the interests of visual amenity and the character and appearance of the area.

18. All hard and soft landscaping works shall be carried out in accordance with Drawing No 16b date stamped 29 June 2016. Planting shall be carried out in the first available planting season prior to the occupation of the proposed development, unless otherwise specifically set out in the Section 76 Legal Agreement between the landowner and Belfast

City Council. All hard landscaping works shall be completed prior to occupation.

Reason: To ensure provision, establishment and maintenance of a high standard of landscaping.

19. In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to and approved in writing by the Council. In the event of unacceptable risks being identified, a remediation strategy shall be submitted and agreed in writing by Council, and subsequently implemented and verified.

Reason: Protection of human health.

20. After completing the remediation works under Condition 19; and prior to occupation of the development, a verification report shall be submitted to and approved in writing by the Council.

Reason: Protection of human health

21. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no buildings, walls, gate pillars, fences or other means of enclosure requiring foundations shall be constructed.

Reason: To preserve the open plan nature of the development.

22. Notwithstanding, the landscaping details shown on drawing no 16b date stamped 29 June 2016. The 4no trees shown on the granite cobbles street within the 5 metres bridge service strip shall be moveable at all times.

Reason: To avoid obstruction within the 5 metres bridge service strip.

23. On occupation of the development hereby approved, the recommendations and mitigation measures outlined in the Flood Risk Assessment including the Flood Alleviation Plan, shall be fully implemented. No part of the agreed measures shall be removed or altered without the prior written permission of the Council.

Reason: In the interest of public safety and amenity and to mitigate against the environmental effects of climate change.

ANNEX A

Summary of Other Unsuccessful Grounds of Challenge

The Developer Contribution Ground

This ground was predicated on the Section 76 Agreement and that the Council's decision was vitiated by taking into account the developer's willingness to contribution £230,000 to the cost of public infrastructure works as this was not a legally impermissible consideration.
The Court concluded that this ground of challenge must fail.

The Inconsistency Ground

The essence of this ground of challenge is that the impugned granted of planning permission is vitiated by the planning history on the site, namely a decision of the then DOE dated 31 March 2015 to refuse planning permission involving the construction of two blocks, one of 12 storeys (on the East Bridge Street side) and the other of 6 storeys (on the Stewart Street side).
The Court concluded that irrationality is not demonstrated and this ground fails accordingly.

The Height Ground

This ground entailed a complaint that a misunderstanding and misapplication of the building height policies in draft BMAP 2015 resulted in the concentration on the height of buildings situated on the opposite side of East Bridge Street, rather than the immediately adjoining buildings, namely Central Station.
The Court concluded that this ground of challenge had no merit.

The Policy BH 11 Ground

This ground focused on failing to assess the impact the proposed development would have on St George's Market setting, in accordance with the planning policies and guidance for listed buildings. It was irrational not to consider these relevant factors.
The Court concluded that the ground of challenge on Policy BH 11 of PPS 6 were without substance.

Fairness and Balance

The main thrust of this ground of challenge is that the Development Management Officer Reports to the Committee partook of an unfair imbalance favouring the planning applicant and prejudicing the Markets residents. The main submission advanced was that the planning officer misled the Committee.
The Court concluded that this criticism was not sustained.

Article 8 ECHR

The pleading stated that there have been on or inadequate regard for the impact of the proposed development on the Article 8 rights of the Applicant and other residents.
The court rejected this ground of challenge.

MINISTERIAL ADVISORY GROUP
ARCHITECTURE AND THE BUILT ENVIRONMENT
FOR NORTHERN IRELAND

Stewart Street, Belfast

Planning Application LA04/2016/0559/F

Design Review Report

Stewart Street, Belfast – Planning Application LA04/2016/0559/F

DESIGN REVIEW

6 | 11 | 18

MAG Design Review Panel:

Panel Chair	Richard Partington, MAG Expert Advisor
Member 1	John FitzGerald, MAG Expert Advisor
Member 2	Terence McCaw, MAG Expert Advisor
Member 3	Alex Wright, MAG Expert Advisor

Attendees representing the Developer:

Alan Mains

Stephen Blaney	Architect - Coogan and Co Architects

Attendees from the Markets Development Association:

Kathleen McCarthy

Áine Brady

Margaret Downey

Fintan Hargey

Contributors via Conference Call:

Kelly Mills	Belfast City Council - Planning
Emma Hanratty	Belfast City Council - Planning

Observers:

Eileen McCallion	MAG Secretariat, Department for Communities

1.00 Terms of Reference

1.01 In 2006, the Northern Ireland government adopted the Policy for Architecture and the Built Environment, and in 2007 established a publicly selected group of professionals – the Ministerial Advisory Group (MAG) – to advise on the implementation and development of the policy. MAG promotes the highest quality of places for all those involved in using and shaping them.

1.02 A central part of our work is providing direct advice on new development schemes by means of undertaking a design briefing or review. This is a method which can play an important role in creating better developments and improving people's quality of life.

1.03 The design review offers independent, impartial advice on the design of new buildings, landscapes and public spaces. The Planning or Design team are not bound to act on any of the recommendations made by the MAG Design Review Panel.

1.04 The Design Review Panel's main terms of reference are those of the Architecture and Built Environment Policy for Northern Ireland. Planning policies are not generally referenced.

1.05 The report on the review, which is classed as 'Restricted', will be issued to Aidan Thatcher, Director of Planning and Building Control for Belfast City Council, for distribution. The Department for Communities will consider whether disclosure should take place in response to any Freedom of Information requests, and will consult with MAG before finalising its decision on disclosure. If the Planning Team choose to bring the report into the public domain, it must be published in its entirety.

2.00 Introduction

2.01 This review, requested by Belfast City Council, considered the scheme drawings and documents recommended for approval under planning consent LA04/2016/0559/F and subsequently subject to a Judicial Review.

2.02 The panel initially met in private. The review did not follow the usual participatory pre-application procedure whereby an applicant's presentation is followed by questions and discussion and then verbal

feedback and a review report. The applicant's design team were not present during the first stage of the review.

3.00 The Review Process

3.01 Panel members had made themselves familiar with the planning application material for a substantial B1 office proposal (2167 sq m GIA), in advance of the meeting. In particular we reviewed the evolution of the design through the planning process; the quality of information and supporting technical studies; the proposed materials and details; and the broader urban design and public realm considerations.

3.02 A site visit was undertaken and the development site was viewed from several vantage points including the neighbouring residential area known as the Markets and from the established office and employment area to the north known as Lanyon Place. The panel's site visit came to the attention of members of the local community who then contacted MAG. As a consequence MAG secretariat facilitated a brief representation to the Panel by members of the Markets community and, in the interests of fairness and impartiality, also with the developer and its architect.

3.03 These representations were made on the same day with the purpose of helping the Panel to understand the evolution of the proposals and the extent of engagement, particularly with regard to a community led project to the north as the site known as 'the tunnels' (Z/2012/1421/F). It was also helpful to hear, first hand, the applicant's plans for delivering the project and the evolution of their design.

3.04 The panel discussion was also preceded by a conference call with planning officers, who clarified the interpretation of planning policy, particularly the designation of the site and the weight that both adopted (BUAP) and un-adopted (BMAP) and evolving policy might carry. The officers also updated the panel on the status of the application, which is in essence a 'live' application.

4.00 The Site and its Context

4.01 The project is located on the northern and eastern edges of a roughly rectangular piece of land to the east of the junction between Stewart Street and East Bridge Street. On the southern edge of the site Stewart Street forms a gently curving boundary whose southern edge is formed by the backs of short housing terraces of the Markets area. The site constraints are complicated and these constraints are not easily appreciated from the submission material, particularly the relationships of the various levels of roads and pathways. On the northern side of the site East Bridge Street is elevated at a steady incline as it approaches Albert Bridge and rises over railway lines that run in a north-south direction across the Lagan. At the west end the level difference is approximately 2.4m and at the east it is approximately 4.9m. Under the bridge arched tunnels connect the site to Lanyon Place, though these are currently fenced and inaccessible. The tunnels project, a community-led plan to introduce a crèche, gym and small business unit in the unused archways, achieved planning approval in 2015.

4.02 On the eastern edge the site is flanked by the blank wall of Lanyon Place Station (formerly Belfast Central Station). The station entrance is at the street level of East Bridge Street.

4.03 Stewart Street also rises from the south-east to the north-west and where it meets East Street is approximately 2.0m above the site level. The site itself is flat, covered in compacted material and devoid of any natural features or trees. Two easements impose material constraints. To the east, there is an existing sewer has and easement along the boundary with the railway line. A 5m access strip is provided along the south side of the tunnels under East Bridge Street to allow for inspections and repair of the tunnel structures and their facing arches.

4.04 To the south of Stewart Street the Markets housing is predominantly two and three storey traditional construction typical of the schemes built by the Northern Ireland Housing Executive in the 1970s and 80s. The streets within this area, particularly Friendly Street and Friendly Place are dominated by car-parking and Stewart Street is also intensively used for parking, presumably an overspill from the office workers at Lanyon Place.

5.00 The Proposal

5.01 The scheme proposes two tall buildings, one on the East Bridge Street frontage and one at right angles to it running along the eastern railway boundary. At their highest these buildings are 12 and 14 storeys respectively, but each steps down in height at the southern and western ends. The East Bridge Street block is set some 10m from the footpath and access is gained at this level (+7.07m AOD) by a short bridging footpath. The building does not therefore make a conventional frontage to the street.

5.02 Entrances to both the main buildings are on the north-east corner of the site from an elevated and circular platform/podium with a single tree growing through an opening at its centre. From the podium access to the lower tunnels level is gained by a circular stair and a public lift. The ground level is some 4.9m below this access level.

5.03 The two main buildings are of unequal depth. The eastern building (block B) is approximately 15m deep, a conventional office plan depth. The East Bridge Street block (block A) measures 30m deep at its widest, a very deep plan, that would preclude natural ventilation and deny outward views from the centre of the space. The floor plates are drawn as conventional open plan space with the usual cores and vertical servicing (lift, escape stairs, services risers etc).

5.04 The southern, Stewart Street, edge is formed by two low building of three storeys following the curve of the pavement. These are broken centrally by a wide public staircase that initiates a route through the site via a podium-level, landscaped space. This leads indirectly towards the main building entrances on the north-east corner. Between the low blocks (C and D) and blocks A and B the landscaped area has a tapering shape and is approximately 20 m in width at its widest. It is described on the drawings as a public garden but no detailed information is provided for the design or management of this space.

5.05 The buildings are uniformly clad in a combination of curtain-walled glazing and aluminium panels with projecting horizontal shading structures ('brise soleil' to reduce solar gain) on all sides including the northern façade. The low blocks, C and D have brick framed bases with glazing above in a curiously top-heavy configuration. For the main facades no information is provided on the detailed connections, material supports, material texture, opening or spandrel areas, or the general quality of the façade assembly. The three-dimensional views

included do not portray the scheme in sufficient detail to establish the design quality of the façade construction.

5.06 On the lower level a public area is proposed between the buildings and the tunnels. This space is 10 m wide and is unlikely to support the landscaping and tree planting indicated on the drawings. It is permanently in the shade as the applicant's own shadow analysis clearly demonstrates. This space is described as a "street" in the design and access statement, but by virtue of its sunken position does not connect with any other pavements or public spaces, except by a lift and a long flight of stairs at its western end, and by a passageway through the vaults at its eastern end. Facing on to this space at the base of the 12 storey office there are four retail units, each approximately 100 sq m in area, but no information is given on their servicing or viability, which would seem highly questionable given the lack of footfall or visibility from the public domain.

6.00 The Panel's Observations: Preamble

6.01 The project has been presented to the panel as a 'finalised' design, albeit one that is not necessarily adequately drawn or described (see comments below under further information) to fully understand its relationship to the surroundings or the detail of its execution.

6.02 The panel's observations are therefore presented in two sections. The first describes the opportunities and alternative approaches that may have been taken had the applicant or planning service requested an earlier design review. The second section critiques the scheme as presented, assuming that the mix of uses has been settled and that the scale of development proposed is broadly acceptable in planning terms (if not the disposition and arrangement of the building mass).

6.03 A final section reviews the quality of the drawings, their faithfulness to the actual proposal and the information that we consider to be absent but necessary for a proper understanding of the project.

7.00 The Panel's Observations: Section 1 – Strategic Opportunities

7.01 The supporting design and access statement identifies the opportunities for re-establishing historical connections to the city centre at street level and under the tunnels to the north. It notes the historical evolution and settlement of the area, its employment, culture and people. The statement also advocates the reinstatement of historic development and street patterns and the integration of community led initiatives, particularly the 'tunnels' community project. To us, however, the influence of this analysis and commentary is insufficiently manifest in the design proposal, which is essentially a self-contained office development, inward looking and giving little to the public frontages other than the activity and occupation of the space during office hours.

7.02 We recognize that the 'tunnels' proposal has been incorporated by widening the prescribed access strip along East Bridge Street to 10 metres, but by arranging a substantial building mass between the tunnels and the Markets community the design compromises the purpose of the community project and prevents direct access to the tunnels entrances. The computer generated renderings of this space suggest a well-lit and vibrant paved terrace in front of the tunnels but in reality it will always be overshadowed, with relatively poor access.

7.03 Similarly the south to north route through the site over the parking area, with substantial level changes, will discourage connectivity and public enjoyment of the limited landscape space. For this space to be truly 'public' and accessible from the Markets it should be at the Stewart Street level rather than elevated on a podium structure. The panel had concerns that although the stated intention of the applicant is to allow full public access to all open areas within the site at all times, this may in time be altered by a future owner. If this was the case there could be severe limitations placed on the pedestrian connectivity through the site at certain times of day.

7.04 The token bridge and 'plaza' space at the north-east entrance is similarly misconceived, and too mean in proportion to accommodate any activity other than an elevated crossing from street to building entrance. The space below this at the level of the tunnels project is likely to become a dark and forbidding 'undercroft'.

7.05 If one of the guiding aims of the project is to improve connectivity and purposefully include the tunnels within the project the proposal must be re-organized in a way that will allow direct and visible access to the tunnels themselves and allow them to open onto a properly functioning public space. We recommend that the arrangement of buildings on the site is reconsidered.

7.06 Two possibilities for improving public accessibility to the tunnels occur to us. The first would be to concentrate the building mass along the eastern side of the site with the creation of a new public space to the west. If this space was nearer to the level of Stewart Street it would be visible form the Markets and the resulting space would provide a public transition from the residential community to the office district in this part of the city. The second possibility would be to arrange buildings to the eastern and western edges of the site enclosing a space in the centre. The northern edge would form a third side of this south facing space and the route through to Lanyon Place, proposed to be in one of the east most tunnels, would be accessible.

7.07 Either of these options would require the reduction of parking or the introduction of parking at a basement level to ensure that the public space is accessible.

7.08 As to the height of the building, we recognize that the scheme has had regard to the height of neighbouring buildings and the precedent set by previously approved schemes. However, building height alone is not

an adequate measure of a building's impact on either the skyline or its immediate neighbourhood. The depth of the building, its size in plan and the articulation of form and material will influence its mass and presence.

7.09 We also challenge the view that the office building should be comparable in height to Lanyon Place because of the affinity of use. In reality Lanyon Place is separated from the site by the elevated East Bridge Street and by the service road that is Lanyon Place itself. These two edges could easily be viewed as significant boundaries that contain the office district and define its area. We believe that the site should be viewed as an important transition between the two established areas of business and living. As such, it could make a better contribution to the overall regeneration of the area if it was treated as a mixed-use opportunity rather than a mono-cultural extension of the office / employment district.

7.10 The buildings are substantial in height and plan form, and will become a bulky and very prominent presence when viewed from the south. Although the stepping of the main building forms to the south and the east attempts to mitigate this bulk, we do not think that the architectural treatments are sufficiently accomplished to overcome this concern.

8.00 The Panel's Observations: Section 2 – Detailed Comments

8.01 The elevation and section drawings give very little detailed information regarding the construction (how the façade is made) and services (how air and heat or cooling is distributed). An office building of this size will have a substantial heating and cooling load, which in turn requires large areas of air-handling and heating and cooling equipment. Some plant space is indicated at basement level but this an impractical location for cooling or air handling. There is no indication of any plant enclosure on the roof and there will surely need to be a substantial area and a significant height of plant enclosure. We advise that any future planning conditions specifically ask for details of plant space and a roof plan with suitably written additional conditions to ensure that the height of the building as consented is not exceeded to accommodate services areas.

8.02 The elevation drawings do not show the detail of the materials proposed: the fixings of the cladding system, brise-soleil, external projections; the joints between cladding panels, the types of glazing, the mullion caps, cills and flashings. Any condition regarding materials should require further detail to be submitted including detailed construction or design intent drawings. For a building of such prominence, and a major application, it would also be reasonable to require full-height sample areas of construction rather than sample materials for approval.

8.03 The design of the solar shading devices within the elevational treatment does not appear to respond to the orientation of the elevations. This could significantly reduce their effectiveness in limiting unwanted solar gain. On the north elevation their adoption appears vulnerable to potential removal during any value engineering exercise, as they serve no legitimate solar control function. The façade facing east onto the train station is close to the boundary, and the choice of materials and the amount of glazing will be limited by fire safety considerations. It is extremely unlikely that a fully glazed façade as drawn would meet Building Regulations requirements, and fire brigade access is potentially restricted.

8.04 The entrance to the tunnels and the relationship with the building should be reconsidered. The tunnels proposal should be incorporated within the drawing set so that the relationships and spaces around both can be clearly understood by potential occupiers of the units; by the community that will use it; and any public organisations that will potentially be funding the tunnels project.

8.05 There is insufficient landscape design information to illustrate how trees and landscaping will be incorporated. How, for instance, are trees grown in the podium level above the car parking? The section drawings show none of the tree pits and planting depth that would be expected. Trees are shown all around the perimeter of the building, including the east side where we understand there is a services easement. These observations, and the comments regarding landscaping in heavily overshadowed areas, suggest that the landscape and public realm design has not been thoroughly considered.

9.00 Conclusions

9.01 This project occupies an important position on a strategic route close to the city centre. By virtue of its proximity to the rail station it will strongly influence the first visual impression of the city for some visitors. Further it straddles an important transition from one city area to an established residential community of entirely different scale. The physical relationships are further complicated by level changes and easements.

9.02 The proposals do not adequately address these considerations or the more detailed integration of the existing project proposed for the 'tunnels'.

9.03 Further, the information provided does not adequately describe the relationship with surrounding physical context or the neighbouring community. There is a single extended section drawing, but otherwise no scale drawings which adequately show the surrounding context. There is similarly a lack of material that adequately represents the buildings as they would be seen from the south, or as they would be seen at the approach to the station, or as one emerges from it. The treatment of the public realm is considered to be either difficult to access, in the case of the sunken 'street', or inappropriate in the case of the podium garden.

9.04 The buildings are bulky and unrefined and will probably be overbearing when viewed from the south. The architectural treatments, as described, are not sufficiently refined or accomplished to overcome this concern.

9.05 Although the proposed office use may be acceptable in planning policy, we consider that the potential benefits of a mixed-use proposal, including employment space; private and affordable homes; and street facing shops and facilities, should be considered. A mixed-use proposal could improve activity (and security) throughout the day and beyond 'office hours' and would create the potential for a finer grained approach to the architectural design and massing. It would be more appropriate for the site, and would suit the regeneration aspirations of the area better, as well as the rejuvenation of the city as a whole.

Richard Partington, Chair of the Design Review Panel, MAG Expert Advisor

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APPENDIX

This section outlines the information that could have been provided or updated during the period of the application's consideration, either to explain the relationship with the proposals surroundings and context, or so that consultees and the general public could have had a better understanding of the changes made after the application was first submitted.

Roof drawings

A1 Roof plans including details of roof plant enclosures, projections above the roof line (for instance lift overruns), air-handling equipment and chilling/cooling equipment. The maximum height of the building indicated on drawings should make proper provision for roof build-ups, plant enclosures and equipment.

Context

A2 Visual or graphical analysis of the wider site, the space around the buildings and the changes in level in a way that can easily be interpreted by planning officers and the general public.

Cross sections

A3 Accurate sectional drawings that show the make up of floor constructions, the roof build up, including insulation, upstands etc and the maximum height of roof plant and enclosures above any parapets or copings. The sections that are produced provide limited information and do not necessarily indicate the worst case.

Detailed descriptions of materials

A4 Specifications and drawings at a sufficient level of detail and large enough scale to show joints, panel subdivisions and setting out, glazing details, cappings and general construction. The quality of the proposal, clad as it is in glass and metal panels, will depend very much on the quality and detail of its design and construction. An assessment of the design quality is not possible from the diagrammatic information provided on the elevation drawings.

Street context drawings

A5 Extended drawings that show the scheme in relation to the surroundings, for instance an elevation to East Bridge Street showing the relationship with the station.

Neighbouring uses

A6 Plan drawings that show the detail of the 'tunnels' project in relation to the lower ground floor plan and extend northwards to show the connections with Lanyon Place.

Information to describe the changes made post submission

A7 Updated views and an updated design and access statement that show how the proposal was amended after consultation.

A8 The planning service's design consultee appears to have accepted alterations made after design advice had been sought, but the wider consultees including neighbouring residents would not have been able to assess the differences without a document such as the design and access (D+A) statement being updated.

A9 The D+A is the record of the evolution of the design, and is intended to be the illustrative document that explains the design intent to the wider public. For major applications, it is good practice to request this to be updated as the design develops.

Contextual views from critical positions

A10 Given the level of interest and subsequent objections from the Markets community to the south, it is regrettable that views from various vantage points south of the site were not produced to illustrate the impact on this area. The shadow studies demonstrate that homes will not be overshadowed by the development, but this study does not provide any sort of visual analysis (how much of the building will be seen), nor does it consider other objective measures such as the change to the 'no-sky line'.

MINISTERIAL ADVISORY GROUP ARCHITECTURE AND THE BUILT ENVIRONMENT FOR NORTHERN IRELAND

Response to the MAG Report by Coogan & Co. Architects. 16.01.19

Stewart Street, Belfast

Planning Application LA04/2016/0559/F
Design Review Report

RAISING EXPECTATIONS

Stewart Street, Belfast - Planning Application LA04/2016/0559/F

DESIGN REVIEW

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MAG Design Review Panel:

Panel Chair	Richard Partington, MAG Expert Advisor
Member 1	John FitzGerald, MAG Expert Advisor
Member 2	Terence McCaw, MAG Expert Advisor
Member 3	Alex Wright, MAG Expert Advisor

Attendees representing the Developer:

Alan Mains

Stephen Blaney Architect - Coogan and Co Architects

Attendees from the Markets Development Association:

Kathleen McCarthy

Aine Brady Margaret

Downey Fintan Hargey

Contributors via Conference Call:

Kelly Mills	Belfast City Council - Planning
Emma Hanratty	Belfast City Council - Planning

Observers:

Eileen McCallion MAG Secretariat, Department for Communities

1.00 Terms of Reference

1.01 In 2006, the Northern Ireland government adopted the Policy for Architecture and the Built Environment, and in 2007 established a publicly selected group of professionals - the Ministerial Advisory Group (MAG) - to advise on the implementation and development of the policy. MAG promotes the highest quality of places for all those involved in using and shaping them.

1.02 A central part of our work is providing direct advice on new development schemes by means of undertaking a design briefing or review. This is a method which can play an important role in creating better developments and improving people's quality of life.

1.03 The design review offers independent, impartial advice on the design of new buildings, landscapes and public spaces. The Planning or Design team are not bound to act on any of the recommendations made by the MAG Design Review Panel.

1.04 The Design Review Panel's main terms of reference are those of the Architecture and Built Environment Policy for Northern Ireland. Planning policies are not generally referenced.

1.05 The report on the review, which is classed as 'Restricted', will be issued to Aidan Thatcher, Director of Planning and Building Control for Belfast City Council, for distribution. The Department for Communities will consider whether disclosure should take place in response to any Freedom of Information requests, and will consult with MAG before finalising its decision on disclosure. If the Planning Team choose to bring the report into the public domain, it must be published in its entirety.

2.00 Introduction

2.01 This review, requested by Belfast City Council, considered the scheme drawings and documents recommended for approval under planning consent LA04/2016/0559/F and subsequently subject to a Judicial Review.

2.02 The panel initially met in private. The review did not follow the usual participatory pre-application procedure whereby an applicant's presentation is followed by questions and discussion and then verbal feedback and a review report. The applicant's design team were not present during the first stage of the review.

It is extremely disappointing that the panel did not follow "*the usual procedure*" and denied the opportunity for the applicant's design team to present the project at the first stage of the review. It not clear why the Group departed from its usual procedure, and chose not to see the design team until the end of the review process. Whatever the rationale, the consequence is that there are a series of material misstatements and errors

throughout this document.

We are advised that MAG met with the MDA and/or local residents on site. As with the failure to engage in the "*usual procedure*", this conduct also appears to be outwith the terms of reference. We had been advised that the design review would be a review of the planning file without representations.

3.00 The Review Process

3.01 Panel members had made themselves familiar with the planning application material for a substantial B1 office proposal (2167 sq m GIA), in advance of the meeting. In particular we reviewed the evolution of the design through the planning process; the quality of information and supporting technical studies; the proposed materials and details; and the broader urban design and public realm considerations.

3.02 A site visit was undertaken and the development site was viewed from several vantage points including the neighbouring residential area known as the Markets and from the established office and employment area to the north known as Lanyon Place. The panel's site visit came to the attention of members of the local community who then contacted MAG. As a consequence MAG secretariat facilitated a brief representation to the Panel by members of the Markets community and, in the interests of fairness and impartiality, also with the developer and its architect.

Regrettably, the agents for the applicant do not accept that the conduct of the investigation was fair. The Applicant's architects were contacted without preamble by Eileen McCallion of the MAG at 1.20pm on 6th November 2018. They were asked to meet with MAG at 2.00pm the same day.

The request for a meeting without prior notice followed the meeting on site with the residents. The developer's architects were not afforded the same consideration of a site meeting to discuss the proposal.

The meeting with the developer's architects was cursory and superficial. Most significantly:

1. No questions were asked around any of the misstatements and errors made in this report that are set out and explained hereafter. In the meeting the Chairman outlined the normal participatory procedure. He explained that this would simply be a review of the design before leaving to catch a flight. The Architect then outlined the concept for the project explaining how it worked with the adjacent tunnels project.

   After the architect's presentation of the concept, three questions were asked and answered.

   Question. Where did the office space requirement for the site originate?

Answer. From the commercial market place.
Question. How would the accessibility of the gardens be protected for public use?
Answer. The Section 76 is a legal document protecting this.
Question. When would be intend to start building?
Answer. 4-5 months after securing permission.

2. The chairman left the meeting after his introduction and before listening to anything we said. The full panel was in attendance for the entirety of the meeting with the residents' group. The conduct of the chairman in departing without hearing from the developer's architects is unsatisfactory and unfair in itself.
3. The inquiry was superficial and cursory.

3.03 These representations were made on the same day with the purpose of helping the Panel to understand the evolution of the proposals and the extent of engagement, particularly with regard to a community led project to the north as the site known as 'the tunnels' (Z/2012/1421/F). It was also helpful to hear, first hand, the applicant's plans for delivering the project and the evolution of their design.

Again, the sequence of the events does not support the assertions of para 3.03. It is not clear to us what the terms of reference of the MAG appointment actually are. We had been advised by the Council planners that MAG would simply review the planning application file without any representations from residents, MDA or architects.
It was plainly not the intention to hear "*first hand*" the applicant's plans because as has been made clear by the MAG Report above, the request for a meeting with the Applicant's architects was at 40 minutes notice in response to the meeting arranged with the MDA. The MAG Panel had not intended to meet the applicant's architects at all, and the resulting inquiries made were cursory and, as appears hereafter, resulted in inaccurate assumptions that undermine the process and conclusions.

As appears hereafter the MAG:

(1) ignore Planning Policy when making re-design suggestions;
(2) ignore the key problems of the DRD service strip and the impact of this on the tunnel's development;
(3) ignore fundamental issues of commerciality which shaped the organisation of the built form on the site;
(4) ignore the irregularities of the MDA planning permission;
recommend complete re-organisation of the layout to the commercial detriment of the developer. This recommendation is made without any understanding of the irregularities and problems in the tunnels project.

3.04 The panel discussion was also preceded by a conference call with planning officers, who clarified the interpretation of planning policy, particularly the designation of the site and the weight that both adopted (BUAP) and un-adopted (BMAP) and evolving policy might carry. The officers also updated the panel on the status of the application, which is in essence a 'live' application.

Whilst a matter for the City Council, this underscores the inconsistent and

cursory approach to the inquiry and investigation. The MAG panel seem to have involved themselves in planning policy issues with the Council, and failed to express its position, and then did not discuss the same with the Applicant or its expert team.

4.00 The Site and its Context

4.01 The project is located on the northern and eastern edges of a roughly rectangular piece of land to the east of the junction between Stewart Street and East Bridge Street. On the southern edge of the site Stewart Street forms a gently curving boundary whose southern edge is formed by the backs of short housing terraces of the Markets area. The site constraints are complicated and these constraints are not easily appreciated from the submission material, particularly the relationships of the various levels of roads and pathways. On the northern side of the site East Bridge Street is elevated at a steady incline as it approaches Albert Bridge and rises over railway lines that run in a north-south direction across the Lagan. At the west end the level difference is approximately 2.4m and at the east it is approximately 4.9m. Under the bridge arched tunnels connect the site to Lanyon Place, though these are currently fenced and inaccessible. The tunnels project, a community-led plan to introduce a crèche, gym and small business unit in the unused archways, achieved planning approval in 2015.

4.02 On the eastern edge the site is flanked by the blank wall of Lanyon Place Station (formerly Belfast Central Station). The station entrance is at the street level of East Bridge Street.

4.03 Stewart Street also rises from the south-east to the north-west and where it meets East Street is approximately 2.0m above the site level. The site itself is flat, covered in compacted material and devoid of any natural features or trees. Two easements impose material constraints. To the east, there is an existing sewer has and easement along the boundary with the railway line. A 5m access strip is provided along the south side of the tunnels under East Bridge Street to allow for inspections and repair of the tunnel structures and their facing arches.

4.04 To the south of Stewart Street the Markets housing is predominantly two and three storey traditional construction typical of the schemes built by the Northern Ireland Housing Executive in the 1970s and 80s. The streets within this area, particularly Friendly Street and Friendly Place are dominated by car-parking and Stewart Street is also intensively used for parking, presumably an overspill from the office workers at Lanyon Place.

5.00 The Proposal

5.01 The scheme proposes two tall buildings, one on the East Bridge Street frontage and one at right angles to it running along the eastern

railway boundary. At their highest these buildings are 12 and 14 storeys respectively, but each steps down in height at the southern and western ends. The East Bridge Street block is set some 10m from the footpath and access is gained at this level (+7.07m AOD) by a short bridging footpath. The building does not therefore make a conventional frontage to the street.

5.02 Entrances to both the main buildings are on the north-east corner of the site from an elevated and circular platform/podium with a single tree growing through an opening at its centre. From the podium access to the lower tunnels level is gained by a circular stair and a public lift. The ground level is some 4.9m below this access level.

5.03 The two main buildings are of unequal depth. The eastern building (block B) is approximately 15m deep, a conventional office plan depth. The East Bridge Street block (block A) measures 30m deep at its widest, a very deep plan, that would preclude natural ventilation and deny outward views from the centre of the space. The floor plates are drawn as conventional open plan space with the usual cores and vertical servicing (lift, escape stairs, services risers etc).

5.04 The southern, Stewart Street, edge is formed by two low building of three storeys following the curve of the pavement. These are broken centrally by a wide public staircase that initiates a route through the site via a podium-level, landscaped space. This leads indirectly towards the main building entrances on the north-east corner. Between the low blocks (C and D) and blocks A and B the landscaped area has a tapering shape and is approximately 20 m in width at its widest. It is described on the drawings as a public garden but no detailed information is provided for the design or management of this space.

5.05 The buildings are uniformly clad in a combination of curtain-walled glazing and aluminium panels with projecting horizontal shading structures ('brise soleil' to reduce solar gain) on all sides including the northern façade. The low blocks, C and D have brick framed bases with glazing above in a curiously top-heavy configuration. For the main facades no information is provided on the detailed connections, material supports, material texture, opening or spandrel areas, or the general quality of the façade assembly. The three-dimensional views included do not portray the scheme in sufficient detail to establish the design quality of the façade construction.

5.06 On the lower level a public area is proposed between the buildings and the tunnels. This space is 10 m wide and is unlikely to support the landscaping and tree planting indicated on the drawings. It is permanently in the shade as the applicant's own shadow analysis clearly demonstrates. This space is described as a "street" in the design and access statement, but by virtue of its sunken position does not connect with any other pavements or public spaces, except by a lift and a long flight of stairs at its western end, and by a passageway through the vaults at its eastern end. Facing on to this space at the

base of the 12 storey office there are four retail units, each approximately 100 sq m in area, but no information is given on their servicing or viability, which would seem highly questionable given the lack of footfall or visibility from the public domain.

6.00 Panel's Observations: Preamble

6.01 The project has been presented to the panel as a 'finalised' design, albeit one that is not necessarily adequately drawn or described (see comments below under further information) to fully understand its relationship to the surroundings or the detail of its execution.

The project was not presented to the panel by the architect, only the concept for the project was explained by the architect. A 30 minute meeting would not suffice to present this project in detail. The panel had already examined the finalised design. The project has been drawn to the satisfactory standard required by Belfast City Council.

6.02 The panel's observations are therefore presented in two sections. The first describes the opportunities and alternative approaches that may have been taken had the applicant or planning service requested an earlier design review. The second section critiques the scheme as presented, assuming that the mix of uses has been settled and that the scale of development proposed is broadly acceptable in planning terms (if not the disposition and arrangement of the building mass).

The 'opportunities and the alternative approaches' described hereafter, demonstrate a lack of understanding of the problems with the tunnels project and a lack of commercial understanding.

6.03 A final section reviews the quality of the drawings, their faithfulness to the actual proposal and the information that we consider to be absent but necessary for a proper understanding of the project.

None of these issues were raised at the meeting. This identifies the unfairness of this process, that the applicant was deliberately denied the opportunity to address any issues the panel had.

7.00 The Panel's Observations: Section 1 - Strategic Opportunities

7.01 The supporting design and access statement identifies the opportunities for re-establishing historical connections to the city centre at street level and under the tunnels to the north. It notes the historical evolution and settlement of the area, its employment, culture and people. The statement also advocates the reinstatement of historic development and street patterns and the integration of community led initiatives, particularly the 'tunnels' community project. To us, however, the influence of this analysis and commentary is insufficiently manifest in the design proposal, which is essentially a self-contained office development, inward looking and giving little to the

public frontages other than the activity and occupation of the space during office hours.

7.02 We recognize that the 'tunnels' proposal has been incorporated by widening the prescribed access strip along East Bridge Street to 10 metres, but by arranging a substantial building mass between the tunnels and the Markets community the design compromises the purpose of the community project and prevents direct access to the tunnels entrances. The computer generated renderings of this space suggest a well-lit and vibrant paved terrace in front of the tunnels but in reality it will always be overshadowed, with relatively poor access.

The Panel's Observations: Section 1

A. The first point is that the observations of the MAG panel are expressions of planning judgement. Its views are undermined by significant material errors of understanding as hereafter appear. As appears hereafter, there is integration and delivery of the tunnels project in a manner that is not achievable under the tunnels planning consent. The MAG panel fail to engage with these issues.

B. This section of the MAG report concentrates on the relationship of the proposed office development with the tunnels project, Planning ref: Z/2012/1421/F. To properly and fairly analyse this relationship, it is necessary to assess and understand the tunnels project. The approved drawings are available online and there are only 4 of them (Appendix A).

Even upon cursory examination, it is obvious that the floor plans of the tunnel project do not match the red line of the location plan.

Four fundamental elements of the tunnels project are outside the red line of the tunnels development permission:

(1) The steps at Stewart Street;

(2) The glass box extensions to the creche (necessary to connect one part of the plan to another)

(3) The glass box extension to the MDA facility (necessary to connect one part of the plan to another)

(4) The elaborate stair and lift enclosure which connects the tunnels level with East Bridge Street.

Consequently, critical elements that deliver the tunnels project and the connectivity to the Markets are outside the red line of the tunnels development application site. The delivery of those elements relies upon the land ownership and the financial input of the planning applicant on the adjacent land.

By not examining these issues, and failing to ask the planning applicant's representatives to comment and explain, this fundamental error undermines the approach, criticisms and the conclusions reached by MAG.

A brief inspection of the tunnels levels on the 'existing floor plan' (Appendix E), confirms that the tunnel closest to Stewart Street is not high enough to be used, according to the planning application drawings, it is only 1.87m at the internal apex. In the MAG report in paragraph 4.01, the level difference between East Bridge Street and the west end of the site and ground level is

noted at 2.4m. (See photograph Appendix B which shows how the ground level rises). Because it did not assess the plans, or engage in discussion and inquiry with the Applicant's design team, the MAG panel inevitably failed to grapple with, and understand, the significance of this on site. Allowing for the substantial bridge arch structure, this restricts head height to the extent it makes some of the tunnels not fit for the purpose proposed.

It is common case that the tunnels project is an important social and economic issue for the Markets. It is plainly a material planning consideration as a matter of Law. It is an issue of weight for the planning authority. As noted above, the MAG panel failed to properly understand and have regard for it because they neither understood the issues around the tunnels project nor asked about the relationship to the development project.

The MAG panel misunderstood and/or failed to address the unresolved problems of the Tunnels development project.

Having failed to address the issues, it is be prudent to look at the drawings and application to understand the extent of that failure. This is summarised in the spreadsheet below. This spreadsheet identifies the elements of the tunnels project which do not work; describes the problems; and analyses the potential for resolving them. The final column shows how each problem has a solution provided within the current application. For convenience a larger scale copy of this spreadsheet is included in Appendix C.

	ELEMENTS OF THE TUNNELS PROJECT WHICH DO NOT WORK	IDENTIFICATION OF THE PROBLEM WITH EACH ELEMENT	ANALYSIS OF THE POTENTIAL TO RESOLVE	SOLUTION PROVIDED WITHIN THE CURRENT APPLICATION
1	Access steps from Stewart Street.	Located on third party lands. Located outside the red line of the application site. Located on the bridge service strip in contravention of the draft lease.	This problem can be resolved.	Access steps are located on Kilmona land. Steps are reconfigured outside service strip. Steps are within red line of office application.
2	Glass box extension to creche.	Located on third party lands. Located outside the red line of the application site. Located on the bridge service strip in contravention of the draft lease.	This problem cannot be resolved.	Alternative accommodation can be provided in a Victoria Square Centre style 'street' configuration.
3	Configuration of creche within tunnel closest to Stewart Street.	The ground level in this tunnel restricts the head height. The terms of the lease state that no alteration of the ground levels will be permitted.	This problem cannot be resolved.	Alternative accommodation can be provided in a Victoria Square Centre style 'street' configuration.
4	Configuration of fitness suite.	The ground level in this tunnel restricts the head height in the centre of the arch. The toilet accommodation does not work in its current configuration. A gym with restricted head height due to the nature of the arched tunnel construction is not fit for purpose.	This problem cannot be resolved.	Alternative accommodation can be provided in a Victoria Square Centre style 'street' configuration.
5	Glass box extension to MDA community facility.	Located on third party lands. Located outside the red line of the application site. Located on the bridge service strip in contravention of the draft lease. Plan configuration does not work in its current form due to arch construction.	This problem cannot be resolved.	Alternative accommodation can be provided in a Victoria Square Centre style 'street' configuration.
6	GEMS	Plan configuration will not work in its current form, due to arch construction.	It should be possible to fix this.	Reconfigure.
7	Lifts and stair arrangement to East Bridge Street.	Located on third party lands. Located outside the red line of the application site. Located on the bridge service strip in contravention of the draft lease. This is unacceptable.	This problem can be fixed.	Alternative circulation can be provided on Kilmona land. Lifts and stairs can be provided outside the service strip, within the current application.

The background to the tunnels planning application is as follows:

1. The MDA applied for the conversion of the tunnels (conversion only) (11.12.12.).

2. The red line was drawn around the application site and notice served on the DRD. The red line did not include all the land used by the application. For convenience we have provided an overlay of the location plan on the floor plan in Appendix A. DRD were not advised in the notification that the application was for an extension. This is relevant because any extension impacts on the service strip required for bridge maintenance.

3. The description was revised to include extensions, but no revised notice was served on the DRD (07.01.13).

4. No notice was served on the previous owner of the additional land the applicant required for the application.

   The drawings show a staircase at the Stewarts Street end of the row of tunnels. An elaborate glass enclosed lift and stair are located adjacent to Central Station. They also show two large glass box extensions. All these elements are outside the red line. And more importantly located on the service strip required for bridge maintenance.

5. A draft lease has been agreed with the DRD, and accompanied the application, however the tunnels project does not comply with the terms therein (Appendix D)

   - In condition 2:
     "No excavation of land below the arches"
     "No alteration either by raising or lowering to the level of the finished ground under the bridge".

     Also
     "A right to be reserved to remove or cause to be removed any goods, materials, vehicles, buildings, structures or any other things infringing the conditions attached to the lease."

     Also
     "Interference with or use of the bridge structure would be prohibited and no interference with the surface thereof."

   In the explanation of the development of the concept of the office application, the architect made the MAG panel aware that the glass boxes, stairs and lift are located within the service strip required for bridge maintenance. This was described as "*unacceptable*" by Roads Service when discussed as part of the current application: see Appendix F, point 3, highlighted in the DRD Roads Service consultation.

Drawing number P01.4 (existing floor plans) illustrate the arch height and ground level in each tunnel. This drawing accompanied the planning application (Appendix E).

The plan of the most western tunnel shows an arch height of 5.023m and a ground level of 3.150m. 1.873m clear in the centre of the arch. Before any ceilings or suspended floors are constructed. It is only possible to stand upright in the centre of the arch. Either side of the centre of the arch, the head height reduces further.

The adjacent tunnel has an arch height of 5.289m and a ground level of 3.108m. 2.181m clear in the centre of the arch. Again, before any ceilings or suspended floors are fitted. It is only possible to stand upright in the centre of the arch.

This means that in these two tunnels, if the ground level is not lowered, it is not possible for an adult to stand upright in much of the tunnel unless standing in the middle of the arch. Changing the ground level is prohibited by the terms of the lease.

Therefore, the floors plans as submitted for these tunnels do not work. The next two tunnels are only marginally better. Circulation and other uses are located where there is insufficient head height. The glass boxes required to link the tunnels to each other are not acceptable to Roads Service. The glass boxes appear to be necessary to link accommodation as it is not possible to make connecting doorways in the bridge structure.

6. Given the number of irregularities in the planning permission and the non-compliance with the terms of the lease, it is obvious that the tunnels permission has not been examined by the MAG panel prior to recommending the reconsideration of the arrangement of built form on the office application site. This is wrong.

   Having acknowledged the importance of the Tunnels project to the local community, and having designed the current application to deliver that project, then the permission should have been examined by the MAG panel. The errors and problems are obvious. The issue was not assessed properly, if at all. The errors are so obvious and the absence of any expression of understanding of those errors suggests a lack of inquiry, and undermines the conclusions reached by MAG.

C. Delivery of the Tunnel permission within the Kilmona Planning Application

The Kilmona development delivers the Tunnels development. It delivers third party lands and access that are otherwise unavailable. This is set out below.

1. the office development design expressly provides for the lift and stair arrangements on Kilmona land close to locations where the MDA wanted them, but significantly, outside the service strip.

   There is public space arranged at the vertical circulation core adjacent to Central Station so that the buildings can be entered from East Bridge Street at this location. This means that the vertical circulation required for the tunnels project and the entrance to the office buildings are given equal importance.

   The applicant has arranged and organised his scheme around both the vertical circulation and the lateral circulation required in front of the tunnels project, whilst respecting the DRD service strip

2. The lateral circulation proposed is designed to be a sheltered street across the frontage of the tunnels linking the two locations of vertical circulation. This is appropriate. This is to provide a 'Victoria Square Centre style' pedestrian street, sheltered by the office building. The Victoria Square Centre was used as the inspiration for a semi enclosed public street. The Victoria Square Centre 'street' follows the same east west axis as our proposal. The sunlight/shadow will therefore be the same. Artificial lighting supports daylight in the Victoria Square Centre. Artificial lighting will support daylight in this project also.

   The proposed vertical circulation is located close to where the MDA want it to be, but outside the service strip.

3. It is difficult to understand how MAG could look at the permission for these glass boxes, which are proposed to be built on third party land on a DRD service strip, and arrive at the conclusion that this permission should define the reorganisation of the Applicant's project. Further, by failing to address the problems with the Tunnels permission, and the delivery of solutions to those issues with the current application, the MAG panel could not possibly have applied proper planning judgement to the issue. That is of course a matter for the planning authority.

4. MAG have further criticised *"the computer renderings of this space suggest a well-lit and vibrant patio terrace in front of the tunnels but in reality, it will always be overshadowed with relatively poor access."*

   The lighting, and aesthetics will be similar to the Victoria Square Centre. This is again a matter of planning judgement. Even if it were accepted that there was "*relatively poor access*" (which is not accepted) by failing to understand the Tunnels project, the MAG panel has failed to make any proper planning judgement or weighting of the issues.

5. MAG criticise the handling of substantial level changes, suggesting public space should be at Stewart Street level rather that elevated on a podium structure. The levels of Stewart Street constantly change, as the street gradually rises up to East Bridge Street. Selecting an intermediate level is a perfectly reasonable design solution. This intermediate level makes a transition level with the levels of Stewart Street as it slopes up to East Bridge Street.

The Victoria Square Centre designers were able to handle levels very simply. We are proposing something similar. The MDA need connection to East Bridge Street. So does this application. To provide further connectivity, an access is provided to Stewart Street. The garden is set at an intermediate level to make the transitions between East Bridge Street and Stewart Street gradual. The route through the garden from Stewart Street to the vertical circulation location required by the MDA follows a diagonal desire line. This is sensible.

The MAG panel fails to acknowledge that there is no requirement in planning policy for a commercial office development to provide open space at, much less additionally providing open public access to the Tunnel permission the way this application has done. Whilst the MAG panel may see its role free from planning policy and judgements relating to that policy, the planning authority cannot ignore planning policy in this unsatisfactory manner.

6. In section 5.06 MAG criticise four retail units, "*they seem highly questionable given the lack of footfall or visibility from public domain.*" However, MAG miss the point of these units. These units are also proposed by the developer to be for community use. So that the tunnels project does not just look into office space, but a Victoria Square Centre style mall of community use is created. The MAG panel has failed to understand this. These four units are intended to provide alternative space where the tunnels project (with its restricted head height and glass extensions), does not work. Speculative retail development at this location would not make commercial sense, and the proposal provides choice and opportunity for the community.

7.03 Similarly the south to north route through the site over the parking area, with substantial level changes, will discourage connectivity and public enjoyment of the limited landscape space. For this space to be truly 'public' and accessible from the Markets it should be at the Stewart Street level rather than elevated on a podium structure. The panel had concerns that although the stated intention of the applicant is to allow full public access to all open areas within the site at all times, this may in time be altered by a future owner. If this was the case there could be severe limitations placed on the pedestrian connectivity through the site at certain times of day.

There will be no limitations placed on pedestrian connectivity through the site as this is dealt with in the Section 76 Agreement.

7.04 The token bridge and 'plaza' space at the north-east entrance is similarly misconceived, and too mean in proportion to accommodate any activity other than an elevated crossing from street to building entrance. The space below this at the level of the tunnels project is likely to become a dark and forbidding 'undercroft'.

The MAG panel has referred to the bridge as a 'token'.

East Bridge Street transverses the tunnels. The arches underneath are structural. MAG was advised that a service strip is required for maintenance.

Increasing the size of this bridge impedes this maintenance. The lack of understanding that the MAG panel exhibits on this issue is disappointing.

The Applicant's design team explained to the MAG panel those specific elements in the Tunnels planning application that have been placed on the strip of land the DRD requires for maintenance: see point 3, highlighted on DRD Roads consultation in Appendix F. This again reflects the lack of understanding and failure by the MAG panel to balance these design issues.

7.05 If one of the guiding aims of the project is to improve connectivity and purposefully include the tunnels within the project the proposal must be re-organized in a way that will allow direct and visible access to the tunnels themselves and allow them to open onto a properly functioning public space. We recommend that the arrangement of buildings on the site is reconsidered.

7.06 Two possibilities for improving public accessibility to the tunnels occur to us. The first would be to concentrate the building mass along the eastern side of the site with the creation of a new public space to the west. If this space was nearer to the level of Stewart Street it would be visible form the Markets and the resulting space would provide a public transition from the residential community to the office district in this part of the city. The second possibility would be to arrange buildings to the eastern and western edges of the site enclosing a space in the centre. The northern edge would form a third side of this south facing space and the route through to Lanyon Place, proposed to be in one of the east most tunnels, would be accessible.

The design of the planning proposal is a matter for the planning authority. Significantly, the MAG panel fails to point to any failure of planning policy. This is unsurprising as there is no such failure. The MAG panel may prefer a different design, but that is not the planning policy presumption. There remains a presumption in favour of development unless there is demonstrable harm to interests of acknowledged planning importance. Not only is there no such harm, but as explained above the application delivers the Tunnels project, despite the manifest difficulties with that Tunnels planning permission.

When the two office elements were proposed to be placed close together, there was the inherent potential that they could be linked at an upper level if necessary, without destroying the design or having an unacceptable adverse impact on residential amenity (subject to planning obviously). It is important for a speculative office development to build as much flexibility into the design as possible. In this way, different floor space configurations were possible. Frontage to East Bridge Street was also important. It is plainly sensible that the office development relates to Lanyon Place as much as possible. It does not make commercial sense for a building of this nature to front Stewart Street. No multinational with a substantial office floor space requirement would prefer to have the entrance on Stewart Street when it could be located on East Bridge Street beside Central Station. Similarly, splitting the accommodation by a large area of open space removes any possibility of linking the accommodation.

7.07 Either of these options would require the reduction of parking or the introduction of parking at a basement level to ensure that the public space is accessible.

This is a commercial venture that applies and balances planning policy and secures the locally important Tunnel project.
This comment underscores the fact that MAG has not considered planning policy as outlined above, and instead considers itself free to design a proposal free from such considerations of planning policy, finance and marketability.

7.08 As to the height of the building, we recognize that the scheme has had regard to the height of neighbouring buildings and the precedent set by previously approved schemes. However, building height alone is not an adequate measure of a building's impact on either the skyline or its immediate neighbourhood. The depth of the building, its size in plan and the articulation of form and material will influence its mass and presence.

The architectural concept was to form a gateway into the City along East Bridge Street. That the built form of our proposal would relate to the scale of Lanyon before stepping down to The Markets.

Belfast City Council planners and the urban design architect welcomed this concept. MAG do not. MAG suggests a scale which relates neither to Lanyon Place or The Markets; an intermediate scale. It is difficult to understand how it is possible to make a gateway into a City where one 'gatepost' is substantially different in height to another. Once again this is a matter for planning judgement wherein the MAG panel appears to be working on the basis that it may make such "recommendations" without reference to planning policy.

7.09 We also challenge the view that the office building should be comparable in height to Lanyon Place because of the affinity of use. In reality Lanyon Place is separated from the site by the elevated East Bridge Street and by the service road that is Lanyon Place itself. These two edges could easily be viewed as significant boundaries that contain the office district and define its area. We believe that the site should be viewed as an important transition between the two established areas of business and living. As such, it could make a better contribution to the overall regeneration of the area if it was treated as a mixed-use opportunity rather than a mono-cultural extension of the office / employment district.

Yet again MAG demonstrate that it has had no regard for planning policy. This undermines the reliability and weight of the report. There is no requirement in planning policy for housing on this site. The MAG approach engages in re-design this project to a new brief without reference to planning policy or the other material considerations discussed above.

7.10 The buildings are substantial in height and plan form, and will become a bulky and very prominent presence when viewed from the south.

Although the stepping of the main building forms to the south and the east attempts to mitigate this bulk, we do not think that the architectural treatments are sufficiently accomplished to overcome this concern.

This is a subjective criticism. The independent urban design architect advised on architectural treatments and his advice was encompassed in the revisions. Once again planning judgement is at the heart of this issue.

8.00 The Panel's Observations: Section 2 - Detailed Comments

8.01 The elevation and section drawings give very little detailed information regarding the construction (how the façade is made) and services (how air and heat or cooling is distributed). An office building of this size will have a substantial heating and cooling load, which in turn requires large areas of air-handling and heating and cooling equipment. Some plant space is indicated at basement level but this an impractical location for cooling or air handling. There is no indication of any plant enclosure on the roof and there will surely need to be a substantial area and a significant height of plant enclosure. We advise that any future planning conditions specifically ask for details of plant space and a roof plan with suitably written additional conditions to ensure that the height of the building as consented is not exceeded to accommodate services areas.

A. There are two substantial plant rooms at ground floor level with very substantial floor to ceiling heights. There are also rooftop plant areas. The overall floor to ceiling heights in the top floors are also overly generous so that rooftop plant can be located in a well over the cores: see the elevation drawings 15-184-12A and 15-184-13A. The plant is indicated on the elevations. Rooftop plant is also indicated on drawing 15-184-11A (Appendix M).

B. Attached is a copy of a contemporaneous planning application, planning ref: LA04/2016/1789/F, drawn by Todd Architects (Appendix G). We have shown plant illustrated in a similar manner and have no issue with the Council conditioning our decision notice in a similar manner (refer to decision notice in Appendix H). This was approved a few months before our scheme.

> Condition 2 states;
> *"Notwithstanding the details shown on the drawings hereby approved. Full particulars of the following should be submitted to and approved by the Council in writing prior to their installation:*
> *1. 1:1 mock up panels*
> *2. Sample board for all external materials*
> *3. Details of enclosure to roof plants*
>
> *The development shall not be carried out unless in accordance with the approved details."*

8.02 The elevation drawings do not show the detail of the materials proposed: the fixings of the cladding system, brise-soleil, external

projections; the joints between cladding panels, the types of glazing, the mullion caps, cills and flashings. Any condition regarding materials should require further detail to be submitted including detailed construction or design intent drawings. For a building of such prominence, and a major application, it would also be reasonable to require full-height sample areas of construction rather than sample materials for approval.

Again, we refer to the Todd Architects approval. The detail on our drawing is every bit as detailed as their drawings. We do not understand how the Council could entertain criticism of this nature. Again, we would have no issue with the Council conditioning any decision notice in a similar manner to the Todd approval.

8.03 The design of the solar shading devices within the elevational treatment does not appear to respond to the orientation of the elevations. This could significantly reduce their effectiveness in limiting unwanted solar gain. On the north elevation their adoption appears vulnerable to potential removal during any value engineering exercise, as they serve no legitimate solar control function. The façade facing east onto the train station is close to the boundary, and the choice of materials and the amount of glazing will be limited by fire safety considerations. It is extremely unlikely that a fully glazed façade as drawn would meet Building Regulations requirements, and fire brigade access is potentially restricted.

A. The MAG panel does not understand (because it did not ask about) the reason for the louvres. These are not for solar shading.

B. The louvres are positioned at the floor level of the windows of the floor above, rather than at window head height, to reduce the vertical field of views from deeper within the office floor plate so that views of the occupants are directed across the rooftops of the neighbouring Markets housing (or across East Bridge Street to Lanyon Place in the case of the north facing elevation). On the north elevation, the louvres restrict views down to the street in front of the tunnels. Views into the creche were an issue for the MDA at consultation stage. Refer to section drawing 15-184-14 B, Appendix M.

C. The louvres are an embellishment to the facade but for different reasons to which MAG have presumed. Incidentally we note that Studio Partington, the Architectural Practice of Richard Partington, the panel chair, used metal screens to control views in the Putney Plaza Scheme (Appendix I). It seems acceptable for this practice to use metal screens to control views laterally, but not acceptable for Coogan & Co to control views vertically.

The MAG panel did not test these assumptions.

With respect to glass/building control, Belfast has numerous glass facaded office buildings. Refer to the recently completed Grimshaw project, Planning ref: Z/2013/1508/F (Appendix J). Note the proximity of the two glazed elevations. Technical advancements in glazing systems make this possible.

8.04 The entrance to the tunnels and the relationship with the building should be reconsidered. The tunnels proposal should be incorporated within the drawing set so that the relationships and spaces around both can be clearly understood by potential occupiers of the units; by the community that will use it; and any public organisations that will potentially be funding the tunnels project.

The tunnels are indicated on drawing 15-184-02 C. This comment is perhaps inevitable given the manifest failure of the MAG panel to understand the Tunnels planning permission, its limitations and constraints, and how the current planning application delivers that project set out above.

8.05 There is insufficient landscape design information to illustrate how trees and landscaping will be incorporated. How, for instance, are trees grown in the podium level above the car parking? The section drawings show none of the tree pits and planting depth that would be expected. Trees are shown all around the perimeter of the building, including the east side where we understand there is a services easement. These observations, and the comments regarding landscaping in heavily overshadowed areas, suggest that the landscape and public realm design has not been thoroughly considered.

The landscape drawing indicates planters (Drawing 15-184-04 C). Trees on easements or at the tunnels would also be in planters.

The MAG panel has not considered the drawings or even the condition on the green form. Which states "*the 4no. trees shown on the granite cobbles street within the 5 metres bridge service strip shall be moveable at all times*." All trees within easements shall be in planters.

9.00 Conclusions

9.01 This project occupies an important position on a strategic route close to the city centre. By virtue of its proximity to the rail station it will strongly influence the first visual impression of the city for some visitors. Further it straddles an important transition from one city area to an established residential community of entirely different scale. The physical relationships are further complicated by level changes and easements.

A gateway building was designed as the importance of the location of this site was appreciated. The entrance to the buildings is arranged by virtue of their proximity to the rail station.

9.02 The proposals do not adequately address these considerations or the more detailed integration of the existing project proposed for the 'tunnels'.

This report did not examine the tunnel project adequately or properly. There is clear evidence that the panel failed to consider the Tunnel project plans;

and if it did it failed to understand the design problems. As a result, the MAG panel fails to understand, or give any weight to, how these proposals solve the tunnels project problems.

9.03 Further, the information provided does not adequately describe the relationship with surrounding physical context or the neighbouring community. There is a single extended section drawing, but otherwise no scale drawings which adequately show the surrounding context. There is similarly a lack of material that adequately represents the buildings as they would be seen from the south, or as they would be seen at the approach to the station, or as one emerges from it. The treatment of the public realm is considered to be either difficult to access, in the case of the sunken 'street', or inappropriate in the case of the podium garden.

The Victoria Square Centre sheltered street concept has not been understood by MAG. Numerous views were provided to represent the building as it would be seen. Refer to Appendix K.

9.04 The buildings are bulky and unrefined and will probably be overbearing when viewed from the south. The architectural treatments, as described, are not sufficiently refined or accomplished to overcome this concern.

Appendix L illustrates some Coogan & Co. Architects Ltd experience in this type of development. Please note all these office developments were built speculatively (with no lease agreements in place) because of client confidence in the office development design proposals.

9.05 Although the proposed office use may be acceptable in planning policy, we consider that the potential benefits of a mixed-use proposal, including employment space; private and affordable homes; and street facing shops and facilities, should be considered. A mixed-use proposal could improve activity (and security) throughout the day and beyond 'office hours' and would create the potential for a finer grained approach to the architectural design and massing. It would be more appropriate for the site, and would suit the regeneration aspirations of the area better, as well as the rejuvenation of the city as a whole.

Richard Partington , Chair of the Design Review Panel, MAG Expert Advisor
15 | 11 | 18

- Fundamental errors were made by MAG in failing to examine the tunnels project. MAG did not appreciate the number of issues resolved in the current application because they did not examine the tunnels project in sufficient depth to understand that these issues were not resolved in the tunnel's approval.
- The tunnels project is a material consideration; however, MAG has failed to understand the relationship proposed.
- MAG has demonstrated that they had no regard whatsoever for planning

policy.

These basic errors undermine the reliability and weight to be given of the report.

APPENDIX

This section outlines the information that could have been provided or updated during the period of the application's consideration, either to explain the relationship with the proposals surroundings and context, or so that consultees and the general public could have had a better understanding of the changes made after the application was first submitted.

Roof drawings

A1 Roof plans including details of roof plant enclosures, projections above the roof line (for instance lift overruns), air-handling equipment and chilling/cooling equipment. The maximum height of the building indicated on drawings should make proper provision for roof build-ups, plant enclosures and equipment.

Refer to elevation drawings 15-184-12A and 15-184-13A, compare to Todd elevations (Appendix M). Refer to roof plant on drawing 15-184-11A.

Context

A2 Visual or graphical analysis of the wider site, the space around the buildings and the changes in level in a way that can easily be interpreted by planning officers and the general public.

Planning officers and the general public understood this scheme very well. Regrettably the MAG panel did not for the reasons set out above.

Cross sections

A3 Accurate sectional drawings that show the make up of floor constructions, the roof build up, including insulation, upstands etc and the maximum height of roof plant and enclosures above any parapets or copings. The sections that are produced provide limited information and do not necessarily indicate the worst case.

Construction sections are not a requirement of a planning application, MAG panel members should know this. The maximum height of plant is indicated.

Detailed descriptions of materials

A4 Specifications and drawings at a sufficient level of detail and large enough scale to show joints, panel subdivisions and setting out, glazing details, cappings and general construction. The quality of the proposal, clad as it is in glass and metal panels, will depend very much on the quality and detail of its design and construction. An assessment of the design quality is not possible from the diagrammatic information provided on the elevation drawings.

Detail of this nature is usually dealt with by a condition. That is not acknowledged by the MAG panel.

Street context drawings

A5 Extended drawings that show the scheme in relation to the surroundings, for instance an elevation to East Bridge Street showing the relationship with the station.

This was illustrated using contextual renderings of a computer-generated model that were provided. Uploaded to Epic on 04.08.16 (Appendix K) Titled views around scheme.

Neighbouring uses

A6 Plan drawings that show the detail of the 'tunnels' project in relation to the lower ground floor plan and extend northwards to show the connections with Lanyon Place.

The tunnels are shown on drawing 15-184-02 C (Appendix M).

Information to describe the changes made post submission

A7 Updated views and an updated design and access statement that show how the proposal was amended after consultation.

Updated drawings were provided showing 'original' and 'revised' comparisons. (Appendix N)

A8 The planning service's design consultee appears to have accepted alterations made after design advice had been sought, but the wider consultees including neighbouring residents would not have been able to assess the differences without a document such as the design and access (D+A) statement being updated.

This is nonsense. Updated drawings were provided (Appendix N), uploaded to Epic 04.08.16, these quite clearly show, 'original scheme' and 'revised scheme'.

A9 The D+A is the record of the evolution of the design, and is intended to be the illustrative document that explains the design intent to the wider public. For major applications, it is good practice to request this to be updated as the design develops.

The design and access statement illustrates the evolution of the design up until lodging, then the planning file illustrates all the changes. A summary of the revisions was submitted and uploaded to EPIC on 04.08.18. A community consultation meeting was held where these revisions were discussed.

Contextual views from critical positions

A10 Given the level of interest and subsequent objections from the Markets community to the south, it is regrettable that views from various vantage points south of the site were not produced to illustrate the impact on this area. The shadow studies demonstrate that homes will not be overshadowed by the development, but this study does not provide any sort of visual analysis (how much of the

building will be seen), nor does it consider other objective measures such as the change to the 'no-sky line'.

Specific views were requested by the Council and provided (Appendix O), uploaded on EPIC 09.08.16 and 30.08.16.

Whilst a relatively minor point in the assessment of the failures of the MAG panel report, the site address chosen by MAG on the cover of its report demonstrates a lack of the commercial understanding needed to make a commercial office development work. The MAG panel has changed the address to '*Stewart Street*' Belfast'. The correct address for the site of the proposed development is '*Site at the junction of Stewart Street/East Bridge Street and west of Central Station, East Bridge Street, Belfast*.' Regrettably this, coupled with the inadequate approach to the inquiry process that departed from the usual procedure; a meeting requested with the Applicant's design team at 40 minutes notice where the panel chair failed to remain; the repeated departures from, or ignoring of, planning policy; the failure to assess the Tunnels permission adequately if at all and the errors that flow from that; all suggest an approach to the assessment that leant heavily towards Stewart Street as the focus for that assessment, and the interests that supported such an approach.

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Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date: 20 September	**Item Number:**
Application ID: LA04/2016/0559/F	
Proposal: Proposed construction of 4No separate blocks of office development - Block A 10 No Storeys, Block B 14 No Storeys, Block C and Block D 3No Storeys. Proposal also includes 4 No retail units, plant and car parking at lower ground floor level with external plaza and associated landscaping	**Location:** Site at the junction of Stewart Street/East Bridge Street and West of Central Station, East Bridge Street, Belfast
Referral Route: Major Planning Application (>5000 square metres of office floor space)	
Recommendation:	**Approve - Subject to Condition and a Section 76 Agreement**
Applicant Name and Address: Kilmona Property LTD Adelaide House 1 Falcon Road Belfast BT12 6SJ	**Agent Name and Address:** Coogan and Co Architects Ltd 144 Upper Lisburn Road Finaghy Belfast BT10 0BG

ADDENDUM REPORT

This full application was previously listed for Planning Committee on 16 August 2016. The application was not presented, but deferred for a site visit by Committee. The reason for this deferral was to ensure the Committee, given the issues which had been outlined in the case officer's report regarding the height, scale, mass and its potential impact on neighbouring properties, had the opportunity to undertake a site visit to acquaint itself with the application location at first hand, including Stewart Street and Friendly Street before making a decision.

Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.

A site visit for elected members took place on 31st August 2016.

A total of 62 letters of objection were received on 10 August 2016. A letter of objection was also received on 11 August 2016 from Mairtin O Muilleoir MLA. The content of these objection letters were detailed in the late items dated 16 August 2016. For further clarification these letters raised the following issues:

1. ***Amended Plans are inappropriate in terms of scale and dominance which will result in an adverse effect on the community and the residential dwellings nearby;***

Amendments to the scheme included a reduction in overall floorspace of 2167 square metres.

The scale and massing of Block A and Block B have been redesigned to provide one taller building as opposed to two of similar height. The scale and massing to East Bridge Street has been reduced. The architectural composition of the two main blocks has been simplified.

The height of Block A was originally 13 storeys with plant above at its highest. This then stepped down to 9 storeys and then again down to 5 storeys at the intersection of East Bridge Street with Stewart Street. The amended proposal had reduced the overall height of Block A to 10 storeys at its highest then stepping down to 6 storeys at the intersection of East Bridge Street with Stewart Street.

The height of Block B was originally 13 storeys with plant above at its highest point. This then stepped down to 13 storeys and then down to 5 storeys and then 3 storeys fronting onto Stewart Street. The amended proposal comprises 14 storeys stepping down to 11 storeys and then down to 3 storeys fronting onto Stewart Street.

Block C and Block D were pulled back from the sites edge to allow a more continuous tree planting zone and a more continuous building line and building arrangement. This included amendments to the design and materials of Block C and Block D a more solid brick base is proposed with a simpler lightweight top floor.

An additional landscape buffer is also proposed along Stewart Street and improvements to access to the site including widening the pedestrian entrance from East Bridge Street to give a more generous entrance link into the proposal.

Independent Design Advice was sought on the proposal. Following the submission of amended plans to address concerns raised regarding the scale, massing and design no further objection was offered to the scheme on design grounds from the Independent Design Consultant.

In summary the scale of the proposal has been reduced to take account of the local environment to ensure that the character of the area and residential amenity is not adversely affected. The reduction in scale and massing and proposed separation distances will ensure that neighbouring occupiers should not be adversely affected by the proposal.

2. ***Detrimental Impact on the physical and mental wellbeing of residents;***

It is recognised that well designed buildings and the patterns of movement in the space around the buildings impact on the health and well-being of people. A landscaped plaza is proposed at ground floor level. This will be accessed from Stewart Street and East Bridge Street. This central landscaped shared space is a key element of the proposal which acts to encourage movement of pedestrians through the site to the proposed public spaces around the built form.

3. ***Such a large development will segregate the community from the city and effectively hem the residents in;***

The proposal includes the introduction of a new vehicular access point, replacing the existing access on to Stewart Street. Pedestrian access into the site is proposed from both an upper level directly from East Bridge Street and a lower service level on Stewart Street. This split level approach will enable greater permeability into and through the site – linking all routes around the site. Those accessing from East Bridge Street can either directly enter the office accommodation at this higher level or descend into the lower level, where a sheltered street will be created with an active frontage on both sides by the lower ground level and the Tunnels community project.

4. ***Access to the Tunnels Project will be prohibited defeating the purpose of this much needed and desired community and Belfast City Council project;***

A 10 metre separation distance is proposed between the Tunnels and Block A of the proposal. 4No retail units are proposed at lower ground floor level to create a street between the proposal and the Tunnels Project which in turn will enhance the vitality and viability of this level of the development. Access to the Tunnels Project will be available from East Bridge Street via a set of

steps at each northern corner of the site and also a proposed lift adjacent the site boundary with Central Station. A level access from East Bridge Street is also proposed which will allow site users direct access into the proposed office building or descend to the Tunnels via the proposed steps. In addition, pedestrian access is proposed from Stewart Street across the proposed site to the Tunnels Project.

5. ***It will be intrusive to dwellings in the immediate vicinity;***

Adequate separation distances (25 metres) between the proposal and the residential properties on Stewart Street combined with a 5 metre buffer of tree planting will minimise the potential for overlooking. It is considered that the relationship of the proposed development with the immediate surrounding environment is common to many city centres streets. On balance in a city centre content this relationship is considered to be acceptable in privacy and outlook terms.

6. ***Loss of light;***

A Shadow Analysis was submitted in support of the application which demonstrates that the development will not cause overshadowing to the surrounding environment. The set back and stepped design of the built form will reduce the perception of dominance and loss of light.

7. ***Invasion of privacy. Protocol 1, Article 1 of the Human Rights Act states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. In addition, Article 8 states that a person has the substantive right to respect for their privacy and family life. The proposed development would have a dominating impact and the right to the quiet enjoyment of their property;***

The protection of neighbouring properties from unreasonable loss of amenity is a well established planning consideration. In a city centre location properties will be overlooked to some degree. Adequate separation distances between the proposal and the residential properties on Stewart Street combined with set back and landscaping will minimise the potential for overlooking. As detailed above it is considered that the relationship of the proposed development with the immediate surrounding environment is common to many city centres streets. On balance in a city centre context this relationship is considered to be acceptable in privacy and outlook terms.

8. ***Adverse noise and disruption;***

A Noise and Vibration Impact Assessment was submitted in support of the application. Environmental Protection (BCC) raised no objection to the proposal.

9. ***Increased level of traffic and parking, compromising safety. The current proposals for car parking are totally inadequate and unrealistic. This will place a massive burden on residential streets and homes whose safety is already compromised by current car parking;***

The development will comprise 63 car parking spaces at lower ground floor level. The overall objective of the Travel Plan submitted in support of the application seeks to encourage a shift from car based trips to more sustainable modes of transport. It is proposed to appoint a Travel Co-ordinator responsible for the promotion of cycling, walking and public transport for staff and visitors. This requirement will form part of the Section 76 Agreement with the Developer. Within this context a reduced car parking provision is considered in these circumstances on balance to be acceptable. In addition, the site is well placed in terms of accessibility to a range of alternative and sustainable modes of transport. Transport NI offered no objection to the proposal. The proposal also includes improvements to the footways along Stewart Street surrounding the site.

10. ***How and where will construction vehicles and staff gain access to the site without causing a hazard and inconveniencing neighbours;***

A Construction Traffic Management Plan could be attached as a condition if Committee are minded to approve. This would require that the development shall not commence until this document is submitted and agreed with Transport NI. This would mitigate any potential adverse impacts of construction traffic on the surrounding roads in the interests of road safety and convenience of road users.

The proposal includes the introduction of a new vehicular access point, replacing the existing access on Stewart Street. Pedestrian access into the site is proposed from both an upper level directly from East Bridge Street and a lower service level on Stewart Street. This split level approach will enable greater permeability into and through the site – linking all routes around the site.

11. ***There is already an oversubscription of office buildings in the vicinity, many of which are empty. Belfast City Centre Regeneration Investment Strategy 2015 states 'the Belfast office market has become increasingly polarised. There is significant over-supply of secondary office accommodation, with agents estimating the quantum of vacant office space at approximately 1.2 million square feet;***

The proposal comprises a total gross floorspace of 30,683 square metres of which 26,309 square metres will include gross office space. The applicant has indicated that this is proposed to be Grade A office space. The Belfast City Centre Regeneration Investment Strategy 2015 states that Grade A office space is undersupplied and there is virtually no Grade A space available.

12. ***Further recommendations in the Belfast City Centre Regeneration Investment Strategy 2015 include the identification of well-supported, social housing opportunities along the major roads leading into the centre. It further states that planners should remedy key deficiencies in the city centre living environment, through improvement of food shopping, day-care, open space and sense of security. This site is one that should be used for such proposes;***

The site is unzoned white land located within the city centre outside the primary retail core. The proposal as submitted is not contrary to the relevant plans and policies for the site. The application does not include social housing and there is no policy requirement to provide social housing at this location. The resulting regeneration must also be considered and balanced in the overall assessment of the application.

13. ***The proposal does not conform with the SPPS (September 2015) – the proposal would prevent the creation of a place where communities can flourish and enjoy a shared sense of belonging, both now and in the future. In addition, the proposal would not contribute towards sustainable development and would have a detrimental impact on the built and natural environment and on the heritage assets of the area, particularly that of the Tunnels Project, which are the focus of community regeneration;***

The proposal would deliver the regeneration of a brownfield site in the city centre. Relevant consultees did not raise any concern regarding detrimental impact on the built and natural environment and on the heritage assets of the area. The proposal includes the creation of a street with retail units facing the Tunnels Project which is considered will enhance the vitality and viability of the Tunnels Project by promoting increased footfall to the area.

14. ***The proposal is contrary of PPS 1: General Principles as it does not provide sustainable development, mixed use, quality development and design of the site;***

PPS1 has been superseded by the SPPS: Planning for Sustainable Development which was introduced in September 2015.

15. Design of the scheme is unacceptable;

As detailed above Independent Design Advice was sought on the proposal. Following the submission of amended plans to address concerns raised regarding the scale, massing and design no further objection was offered to the scheme on design grounds from the Independent Design Consultant.

16. The site is identified within BMAP as a character area under designation CC014 Laganside South and Markets and therefore the site should be designed and developed in a way which allows integration with the existing residential developments and the proposed Tunnels Project;

Please refer to response detailed under point 1, 4 and 15.

17. The proposal would result in demonstrable harm to the character of the area and the residential amenity of nearby residents through inappropriate scale, massing and design;

The resulting regeneration must be considered and balanced in the overall assessment of the application. As detailed in the response to point 1 the scheme has been amended and reduced to take account of the residential properties on Stewart Street to ensure that residential amenity is not compromised. The drop in scale and massing, proposed separation distances and additional landscaping with ensure that neighbouring occupiers should not be adversely affected by the proposal.

18. The proposed development would be overbearing and intrusive to residents of the Market area – it would not respect the established building line of the area exacerbated by little provision for public open space;

Please refer to response detailed under point 5, 6 and 7. Following initial design comments regarding the proposal Block C and Block D fronting Stewart Street were pulled back from the sites edge to allow continuous tree planting and a more consistent building line. A landscaped plaza is proposed at ground floor level. This will be accessed from Stewart Street and East Bridge Street. This central landscaped shared space is a key element of the proposal which acts to encourage movement of pedestrians through the site to the proposed public spaces around the built form.

19. The design of the proposed development limits permeability through the site and prohibit access to the Tunnels project;

Please refer to response detailed under point 3 and 4.

20. The scale of the proposal would exacerbate the issue of commuter parking and would contribute to the health and safety issues;

Please refer to response detailed under point 2 and 9.

21. The scale of the development following amendments remains the same with the reduction of Block A and the addition of a floor to Block B;

Please refer to response detailed under point 1 regarding amendments to the scheme. In terms

of Block B for clarification purposes the original proposal included a 13 storey building with plant floor above with a height of approximately 52.3 metres. The amended proposal has relocated the plant to lower ground floor level and Block B now comprises 14 storeys with a height of approximately 54 metres. Whilst the original Block B was advertised as a 13 storey building it also compromised an additional plant floor above. It is acknowledged that the height of the amended Block B has increased however, it does not include the addition of a floor as this already existed on a smaller scale at this level in the form of plant.

22. Height of the proposal is contrary to BMAP;

BMAP is not prescriptive regarding heights at this location however does not states that development proposals shall take account of the height of adjoining buildings. The height of the buildings fronting onto East Bridge Street relate directly to the high-rise commercial buildings to the north of the site. The drop in scale towards Stewart Street responded to the 2 and 3 storeys residential properties along Stewart Street.

A further letter of objection was received on 8 September 2016 from Paula Bradshaw MLA raising the following points.

- The development will totally encroach upon this settled community, in terms of height, mass and density within the site;
- It will also overshadow their homes, the vast majority of which are two stories; and
- The provision of 63 car parking spaces – regardless of planning policy guidelines – seems incredibly short-sighted, and if the development goes ahead, then the residents will be further disadvantaged through the site's employees parking outside their front doors and impeding local children from playing close to their homes.

All of these matters have already been considered throughout this Addendum Report.

Following the Members site visit on 31st August 2016. The Council received two complaints regarding the site visit. The complainants expressed concern that the Members did not specifically visit the streets and properties directly affected by the proposal. The Chair of the Planning Committee advised Members before arriving at the site as to the reason for the site visit. The Committee took the opportunity to view the site and its surroundings to the extent they considered necessary, including taking account of the potential impact of the proposed scale and massing on the surrounding environment.

Summary

- The site visit by members has taken place.
- The late objections received have been fully taken into account.

In conclusion the recommendation remains as set out in the case officer's report and this addendum. The proposal is recommended for Approval subject to conditions and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions (see section 10.11 of the case officer report below). If Committee is minded to agree with that recommendation, it is requested that authority be delegated to the Director of Planning & Place, in consultation with the Town Solicitor, to negotiate and enter into the said Agreement on behalf of the Council.

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date: 16 August 2016	**Item Number: 8d**
Application ID: LA04/2016/0559/F	
Proposal: Proposed construction of 4No separate blocks of office development - Block A 10 No Storeys, Block B 14 No Storeys, Block C and Block D 3No Storeys. Proposal also includes 4 No retail units, plant and car parking at lower ground floor level with external plaza and associated landscaping	**Location:** Site at the junction of Stewart Street/East Bridge Street and West of Central Station, East Bridge Street, Belfast
Referral Route: Major Planning Application (>5000 square metres of office floor space)	
Recommendation:	**Approve - Subject to Condition and a Section 76 Agreement**
Applicant Name and Address: Kilmona Property LTD Adelaide House 1 Falcon Road Belfast BT12 6SJ	**Agent Name and Address:** Coogan and Co Architects Ltd 144 Upper Lisburn Road Finaghy Belfast BT10 0BG

Executive Summary:

Full planning permission is sought for the construction of 4No separate blocks of office development – Block A 10No Storeys, Block B 14No Storeys, Block C and Block D 3No storeys. The proposal also includes 4No retail units, plant and car parking at lower ground floor level with an external plaza and associated landscaping.

The site is located within the city centre of Belfast as defined within Belfast Metropolitan Area Plan.

The main issues in the assessment of this application include:

- Principle of Office and Retail Use at this Location
- Height, Scale, Massing and Design
- Landscape and Visual
- Impact on Amenity
- Traffic, Movement and Parking
- Other Environmental Matters
- Economic Benefits
- Pre Community Consultation
- Consideration of Representations

The site is unzoned white land located within Belfast City Centre and extends to approximately 0.8 hectares. It is located adjacent to East Bridge Street which sits at a higher level with access taken off Stewart Street which sits at a lower level. The site is a vacant, hard standing plot of land which was previously used as a temporary car park.

The site is situated between two very different urban forms of development, the high rise

commercial development to the north and the two to three storey residential scale and form of the Markets area to the south.

15 letters of objection were received in total prior to the submission of amended plans.

Belfast City Centre Regeneration and Investment Strategy (Sept 2015) seeks to increase the city centres employment population. The applicant has advised that this proposal represents a £55 million investment creating 350 construction jobs during the two year build programme. Once fully operational the estimated employment generated will be around 2,500 people. The rateable value of the building is estimated to be approximately £1.5 million per annum.

Given the urban city centre context, it is considered that the height of the buildings proposed on East Bridge Street are acceptable and would not harm the character or appearance of the immediate area. The form and height of the proposal establishes a presence that responds to the scale and massing of other commercial buildings in the immediate environment that is considered to be appropriate.

In terms of compatibility and the potential for dominance the scale of the proposal has been reduced to take account of the local environment namely, residential properties on Stewart Street to ensure that the character of the area and residential amenity is not compromised. The drop in scale and massing with proposed separation distances and additional planting buffer will ensure that the proposal will not cause an unacceptable adverse impact on neighbouring residential properties.

The architectural approach is modern. Independent Design Advice was sought on the proposal. No objection was offered to the scheme on design grounds. It is therefore considered that the proposed design and architectural treatment are acceptable.

The proposal has been assessed having regard to the development plan and against the following policies – Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement 3 - Access, Movement and Parking, Planning Policy Statement 4 - Planning and Economic Development, Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage, Planning Policy Statement 13 – Transportation & Land Use, and Planning Policy Statement 15 (Revised) – Planning & Flood Risk.

Consultees raised no objections to the proposal subject to conditions.

The resulting regeneration must be considered and balanced in the overall assessment of the application.

The Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

Recommendation

Having had regard to the development plan, relevant planning policies and all other matters raised by consultees and third parties it is concluded thaton balance, the proposal would constitute an acceptable development at this location. The proposal would deliver the regeneration of a brownfield site in the City Centre.

The proposal is recommended for Approval subject to conditions and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions (see section 10.11 below). If Committee is minded to agree with that recommendation, it is requested that authority be delegated to the Director of Planning & Place,

in consultation with the Town Solicitor, to negotiate and enter into the said Agreement on behalf of the Council.

Case Officer Report

Site Location Plan

Characteristics of the Site and Area

1.0	**Description of Proposed Development**
1.1	Full planning permission is sought for the construction of 4No separate blocks of office development – Block A 10No Storeys, Block B 14No Storeys, Block C and Block D 3No storeys. The proposal also includes 4No retail units, plant and car parking at lower ground floor level with an external plaza and associated landscaping.
2.0	**Description of Site**
2.1	The site is unzoned white land located within Belfast City Centre and extends to approximately 0.8 hectares. It is located adjacent to East Bridge Street which sits at a higher level with access taken off Stewart Street which sits at a lower level. The site is a vacant, hard standing plot of land which was previously used as a temporary car park.
2.2	The site is situated between The Markets residential area and larger scale commercial and office use on Lanyon Place. Central Station is located to the immediate east of the site.
2.3	Stewart Street runs along the south and west of the site and rises from south to north to its junction with East Bridge Street. East Bridge Street defines the northern boundary of the site. At the eastern corner of the site the change in level from the top of the bridge to the site level is 4.9 metres reducing to 2.3 metres as you move north along East Bridge Street.
2.4	The tunnels under East Bridge Street are currently not in use. However, planning permission has been granted to reopen these archways for community and business uses

	(see section 3.0).
2.5	The boundary of the site with Stewart Street is defined by a palisade fence.
2.6	The character of the area is defined by offices, civic and commercial uses on Lanyon Place and the Markets community. Lanyon Place is read a being part of the city centre and on the periphery of the commercial core of the city which sits juxtaposed with the Markets area – a residential enclave on the edge of the city centre.
2.7	East Bridge Street is a main arterial route into the city. Central Street train station is located adjacent to the site; there are a number of bus stops located along East Bridge Street and Belfast Bikes have three bike docking stations located in close proximity to the site.
Planning Assessment of Policy and Material Considerations	
3.0	**Planning History** • Z/2001/1922/O - Lands to south of East Bridge Street and West of Central Station, Belfast – Multi storey office development without compliance with condition 7 (limiting car parking provision) of previously approved application Z/1997/2906/F in order to allow for 109 car parking spaces – Permission Granted 17.09.02. • Z/2003/1106/O - Lands to south of East Bridge Street and West of Central Station, Belfast – Temporary surface car park – Permission Granted 26.06.03. • Z/2005/1161/F – Lands to south of East Bridge Street and West of Central Station, Belfast – Proposed residential development of 320 apartments and 230 car parking spaces – Permission Granted 12.05.08 • Z/2008/2426/F – Lands to south of East Bridge Street and West of Central Station, Belfast - Temporary surface car park with pay kiosk providing 268 car parking spaces – Permission Refused 22.02.11. • Z/2009/1118/F – Lands south of East Bridge Street and West of Central Station, Belfast – Proposed mixed use development comprising 126No bed hotel office accommodation, 136No apartments and associated car parking and landscaping – Permission Refused 31.03.15. • Z/2012/0128/F - Lands south of East Bridge Street and West of Central Station, Belfast – Car parking including kiosk and use of existing fencing providing space for 244 cars – Permission Refused 16.04.13. • Z/2012/1421/F – Lands with existing archways under East Bridge Street, Belfast – Conversion of and extension to existing archways to comprise a crèche, an employment education and training club, community space, café, health and fitness facility with access to East Bridge Street and train station – Permission Granted 22.05.15.
4.0	**Policy Framework**
4.1	Belfast Metropolitan Area Plan Designation CC001 Belfast City Centre Designation CC025 Belfast City Centre Core Area of Parking Restraint

	Designation CC014 – Laganside South and The Markets Character Area Belfast City Centre – Area of Archaeological Potential BMA Office Strategy BMA Retailing Strategy
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 – Access, Movement & Parking Planning Policy Statement 4 – Planning and Economic Development Planning Policy Statement 6 – Planning, Archaeology & the Built Heritage Planning Policy Statement 13 – Transportation & Land Use Planning Policy Statement 15 (Revised) – Planning & Flood Risk
5.0	**Statutory Consultees**
	Transport NI – In principle no objection subject to PSD Drawings Rivers Agency – Further Information Requested Northern Ireland Water Ltd – No objection subject to conditions and informatives DFC – Historic Environment Division – No objection subject to conditions and informatives DAERA – Waste Management – No objection subject to conditions and informatives DAERA – Water Management Unit – No objection subject to informatives
6.0	**Non-Statutory Consultees** Environmental Health BCC – No objection subject to conditions and informatives Independent Design Advice – No objection subject to conditions Belfast City Airport – No objection subject to informatives Northern Ireland Transport Holding Company – No objection subject to informatives Health & Safety Executive for NI – No objection
7.0 7.1 7.2	**Representations** 15 letters of objection were received in total prior to the submission of amended plans. The letters were received from Mairtin O Muilleoir MLA Sinn Fein, Markets Development Association and local residents. The issues raised were as follows: 1. Concern regarding the scale of the proposal in a residential area which would dominate the residential properties in the immediate area; 2. Access to the Tunnels Project – impact of the proposal in this community project; 3. Connectively – pedestrian access through the site at different locations in order to prevent the Tunnels and the site from being severed from the Markets community; 4. Inappropriate scale, massing and design; 5. Community benefit – there must be tangible benefits for the community and to ensure the sustainability of the Tunnels project; 6. Commuter car parking – this is a serious issue in the Markets Area and it poses a health and safety hazard for all residents – does the development include sufficient car parking for potential office workers; 7. Detrimental Impact on the physical and mental wellbeing of residents – lower the quality of life for residents; 8. Overshadowing; 9. Residents will have no privacy – contrary to Article 8 of the Human Rights Act

	1998; 10. Major detrimental impact on residential property prices; 11. No mix of affordable housing included within the proposal; 12. Height of the proposal is contrary to BMAP; 13. No provision is made to improve the layout of Stewart Street which is dangerous – problem further heighted with additional traffic as a result of the proposal; 14. Vacant offices in proximity to the site that should be occupied rather than creating additional office space at this location; 15. Assessment of environmental impact – wind analysis and air quality.
7.3	Amended drawings were received to address the concerns of the local community. These were re-advertised on 22nd July 2016 and all neighbours and objectors were re-notified of the amendments on 27th July 2016. To date no further representatives have been received.
8.0	**Other Material Considerations** Living Places – An Urban Stewardship & Design Guide for Northern Ireland Belfast City Council Regeneration & Investment Strategy DCAN 15 – Vehicular Access Standards Local Government Waste Storage Guide
10.0	**Assessment**
10.1	The key issues in the assessment of this application include: - Principle of Office and Retail Use at this Location - Height, Scale, Massing and Design - Landscape and Visual - Impact on Amenity - Traffic, Movement and Parking - Other Environmental Matters - Economic Benefits - Pre Community Consultation - Consideration of Representations As the site is within the development limits of the Belfast Metropolitan Area Plan the presumption is in favour of development subject to the planning considerations detailed below.
10.2	**<u>Principle of Office and Retail Use at this Location</u>**
10.2.1	The application site is located on unzoned land within the city centre outside the primary retail core and within the city centre office area.
10.2.2	The aim of the SPPS is to support vibrant town centre across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions consistent with the RDS.
10.2.3	4No retails units are proposed at lower ground level with a total gross floorspace of approximately 553 square metres (Unit 1 – 198 square metres; Unit 2 – 109 square metres; Unit 3 – 123 square metres; and Unit 4 – 123 square metres). Either cumulatively or individually the size of the retail units proposed is not considered to be of such a significant size to impact upon the primary retail core. It will bring active

	frontage to this area of the city and combined with the Tunnels Project approved opposite will enhance the vitality and viability of the area.
10.2.4	BMAP is clear in that Belfast City Centre remains the first choice location for major office development (Policy OF 1). 26,309 square metres of gross office space is proposed in the development the applicant has highlighted that this is proposed to be Grade A office - Belfast suffers from a deficit in such space.
10.2.5	The Building Owners and Managers Association (BOMA) classifies office space into three categories: Class A, Class B and Class C. According to BOMA, Class A office buildings have the 'most prestigious buildings competing for premier office users with rents above average for the area'. BOMA state that Class A facilities have 'high quality standard finishes, state of the art systems, exceptional accessibility and a definite market presence'. In planning terms Grade A office space falls within Planning Use Class B1(a).
10.2.6	The planning system has a key role in achieving a vibrant economy. Furthermore Belfast City Centre Regeneration and Investment Strategy (Sept 2015) seeks to increase the city centres employment population. The applicant has advised that this proposal represents a £55 million investment creating 350 construction jobs during the two year build programme. Once fully operational the estimated employment generated will be around 2,500 people. The rateable value of the building is estimated to be approximately £1.5 million per annum.
10.2.7	Whilst the site is logistically well located the intensification of use at this location will have a significant impact on service provision across the city in terms of connectively for example access to public transport, access to Belfast Bikes for ease of movement, access to wifi and other facilities. Upgrades to these services cannot be provided for through conditions and will need to be mitigated through development obligations and an agreement.
10.2.8	PPS4: Planning and Economic Development sets out the planning policies for economic development uses. It recognises that the planning system has a key role to play in achieving a vibrant economy.
10.2.9	Policy PED 1 states that a development proposal for a Class B1 business use will be permitted in a city or town centre and in other locations that may be specified for such a use in a development plan. Given the city centre location the proposed uses are considered to comply with the development plan and the policies contained with the SPPS as well as PED 1 of PPS4.
10.2.10	In considering proposals for economic development the Council will seeks to minimise adverse effects on the amenities of adjacent properties - particularly dwellings. Policy PED 9 details general criteria for economic development that will be considered throughout this report.
10.2.11	Having considered the contribution to the local economy this development would bring it is considered on balance that such a proposal would not conflict with any relevant policy detailed in PPS 4.
10.3	**<u>Height, Scale, Massing and Design</u>**
10.3.1	The site is located within Laganside South and Markets Character Area (Designation CC 014). This designation provides general advice that development proposals shall take account of the height of adjoining buildings and that development shall aim to

	reflect traditional plot widths.
10.3.2	The site is situated between two very different urban forms of development, the high rise commercial development to the north and the two to three storey residential scale and form of the Markets area to the south.
10.3.3	The proposal consists of 4 separate blocks of built form. Block A fronts onto East Bridge Street and Stewart Street in the northern and north western portion of the site. The main bulk of the building fronting onto East Bridge Street has a height of 39 metres from the lower ground floor level (10 storeys with 2 metre set back) this then steps down to a height of 24 metres from the lower ground floor level (6 storeys) along East Bridge Street at the intersection with Stewart Street. The overall length of the building fronting East Bridge Street will be approximately 66 metres with a depth of approximately 30 metres. The gross office floorspace within Block A is approximately 14,205 square metres. 4No retail units are proposed within Block A at lower ground level to create active frontage to the Tunnels Project. A 10 metre separation distance between the Tunnels and Block A is proposed.
10.3.4	Block B runs from north to south along with eastern boundary of the site adjacent to Central Station. It comprises a total gross office floor space figure of 10,666 square metres. Block B steps up in height from Stewart Street at which point it is 13 metres in height from lower ground floor level (3 storeys with a depth of approximately 20 metres) to 41 metres in height from lower ground floor level (11 storeys with a depth of approximately 13 metres) along its boundary with Central Station to its highest point of 54 metres from lower ground floor level (14 storeys with a depth of approximately 34 metres). The length of the building along the eastern boundary of the site is 66 metres. Block B is set back from East Bridge Street by approximately 28 metres at its highest point. The 3 storey element of Block B is located approximately 25 metres from neighbouring residential properties.
10.3.5	Block C and Block D front onto Stewart Street with a height of 12 metres from lower ground floor (3 storeys). They are set back approximately 10 metres from Stewart Street and approximately 25 metres from the nearest residential properties on Stewart Street.
10.3.6	Consideration needs to be given to the site context and relevant planning history. High rise commercial buildings are located to the north of the site and range in height from 6 storeys to 13 storeys. Central Station which is located on the eastern boundary of the site is 4 storeys in height. To the south of the site two storey dwellings define the Markets Area. Clearly this is a site with two very different types of surrounding urban form.
10.3.7	In terms of relevant planning history 320 apartments with 230 car parking spaces was granted on the subject site. This building ranged from 6 storeys (car parking at ground level with 5 storeys above) at its boundary with Stewart Street to 12 storeys (car parking at ground level with 11 storeys above fronting onto East Bridge Street. This permission has now expired.
10.3.8	A previous refusal on the site (Z/2009/1118/F) provides guidance in defining the scale and form of what may be considered to be acceptable at this location. In this case a 12 storey building was proposed at the East Bridge Street end of the site and a 6 storey building along the Markets end. The 12 storey element onto East Bridge Street was considered an appropriate response to the high-rise buildings located to the north of the site. However, the previous refusal on the site proposed a continuous 6 No storey solid block facing the two and three storey properties on Stewart Street which was

	considered to be overly dominant and inappropriate in terms of scale, massing and design.
10.3.9	The height of the buildings fronting East Bridge Street relate directly to the high-rise commercial buildings to the north of the site. The 10 storey frontage of Block A drops to 6 storey at the intersection with Stewart Street. This seeks to break up the bulk of the building and address the relationship with residential properties on Stewart Street. Block B also steps down from 14 storey to 11 storey to 3 storey fronting onto Stewart Street. This drop in scale and massing reflects the transition in character from the front of the site at East Bridge Street to the rear along Stewart Street. Block C and Block D which front directly onto Stewart Street and are 3 storeys in height are considered to respond to the immediate 2 and 3 storeys (10.5 metres to 12.5 metres in height) residential properties along Stewart Street.
10.3.10	It is considered that prominence does not automatically imply harm to neighbouring buildings. The resulting regeneration must also be considered and balanced in the overall assessment of the application. Given the urban city centre context, it is considered that the height of the buildings proposed on East Bridge Street are acceptable and would not harm the character or appearance of the immediate area. The form and height of the Block A and Block B (East Bridge Street) establishes a presence that responds to the scale and massing of other commercial buildings in the immediate environment that is considered to be appropriate.
10.3.11	In terms of compatibility and the potential for dominance the scale of the proposal has been reduced to take account of the local environment namely, residential properties on Stewart Street to ensure that the character of the area and residential amenity is not compromised. The drop in scale and massing , proposed separation distances and landscaping will ensure that neighbouring occupiers should not be adversely affected in by the proposal.
10.3.12	The architectural approach is modern with a simplistic use of materials to define the base, middle and top of the building. Materials include reconstituted granite cladding, curtain walling (colour light grey), polyester powder coated cladding (colour light grey), aluminium brise soleil PCC (colour light grey), coloured glass spandrel panel (colour light grey) and rainscreen polyester powder coated cladding (colour light grey). The imposition of a materials condition is recommended – bringing an element of colour and vibrancy to the scheme.
10.3.13	The proposed materials for Block C and Block D include a solid red brick base and a lightweight top floor. These finishes reflect the red brick character of the Markets Area and the proposed building line and arrangement of the buildings present an informed frontage to the site.
10.3.14	It is accepted that there is a design imperative to create a building of significant status within this key city centre site. Independent Design Advice was sought on the proposal. Following the submission of amended plans to address concerns raised regarding scale, massing and design no further objection was offered to the scheme on design grounds. It is therefore considered that the proposed design and architectural treatment are acceptable.
10.4	**Landscape and Visual**
10.4.1	A continuous tree planting zone is proposed along the boundary of the site with Stewart Street and along the eastern boundary of the site adjacent to Central Station. This will help soften and mask the divergence of scale and form of the proposal.

10.4.2	Provision is made within the proposal for public spaces which are considered to contribute to the design quality of the development.
10.4.3	The landscape marks out the entrance on East Bridge Street with a tree that perforates the entrance platform. Trees are also proposed on the lower street level outside the tunnels and proposed retail units. The imposition of a landscaping condition is recommended to ensure landscaping and finish of public realm to be completed prior to occupation.
10.5	**Impact on Amenity of Immediate and Surrounding Properties and Area**
10.5.1	The protection of neighbouring properties from unreasonable loss of amenity is a well-established planning consideration. In a city centre location properties will be overlooked to some degree. Proposals should seek to provide reasonable space between buildings in order to minimise overlooking. Adequate separation distances (25 metres) between the proposal and the residential properties on Stewart Street combined with a buffer of tree planting will minimise the potential for overlooking. It is considered that the relationship of the proposed development with the immediate surrounding environment is acceptable as it is common to many city centre streets. On balance in a city centre context this relationship is acceptable in privacy and outlook terms.
10.5.2	Sunlight and daylight are valued elements in a good quality living and working environment. A Shadow Analysis has been submitted in support of the application which demonstrates that the development will not cause overshadowing to an unreasonable degree to the surrounding environment. There will be limited overshadowing during the winter months of the year. The set back and stepped design of the built form will reduce the perception of dominance and loss of light.
10.5.3	The proposal has the potential to bring approximately 2500 additional people to this area of the city whilst the facilities in terms of location to public transport are considered acceptable the impact on the amenity if the surrounding area has the potential to be significant. The public realm in the vicinity of the proposal is lacking and requires significant upgrading.
10.5.4	As such it is proposed that the developer should enter into a Section 76 Agreement to secure contributions to facilitate environmental and service improvements in the area. It is recommended that should this application be approved that delegated authority is given to the Director of Planning and Place, in consultation with the Town Solicitor, to negotiate and enter into that Agreement.
10.6	**Traffic, Movement and Parking**
10.6.1	The site is located within an Area of Parking Restraint (Designation CC025) in BMAP. Policy TRAN 1: Parking Standards within Areas of Parking Restraints recommends 1 space per 300 square metres for non-operational spaces and 1 space per 930 square metres for operational spaces. Reductions in these standards will be considered in appropriate circumstances where evidence of alternative arrangements can be clearly demonstrated.
10.6.2	The proposal includes a new vehicular access point replacing the existing access but remaining on Stewart Street.
10.6.3	Pedestrian access into the site is proposed directly from East Bridge Street and Stewart Street. Linkages are proposed across the site to increase overall permeability. Those

	accessing from East Bridge Street can either directly enter the office accommodation at a higher level which takes them to the landscaped public spaces or descend into the lower ground level where a street will be created with an active frontage on both side by the proposed retail units and the Tunnels Project. A further three pedestrian access points are also located on Stewart Street. The proposal includes the improvements of the footways along Stewart Street surrounding the site.
10.6.4	The development will comprise 63 car parking spaces at lower ground. The proposal also incorporates the provision of 60 in-curtilage cycle parking spaces.
10.6.5	Significantly, Policy AMP 7 of PPS3 states that a reduction in parking provision may be accepted where it for example forms a part of a package of measures to promote alternative transport modes. The overall objective of the Travel Plan submitted in support of the application seeks to encourage a shift from car based trips to more sustainable modes of transport. It is proposed to appoint a Travel Co-ordinator – responsible for the promotion of cycling, walking and public transport for staff and visitors. This requirement will form part of the Section 76 Agreement with the Developer. Within this context a reduced car parking provision is considered in these circumstances on balance to be appropriate.
10.6.6	The site is well placed in terms of accessibility to a range of alternative and sustainable modes if transport. Central Street train station is located adjacent to the site; there are a number of bus stops located along East Bridge Street and Belfast Bikes have three bike docking stations located in close proximity to the site. A lift is proposed at lower ground level to provide direct access to central station.
10.6.7	Transport NI has verbally confirmed that they find the information submitted in support of the application to be acceptable subject to conditions and agreement of PSD Drawings for a 3 metres footway around the southern site of the site.
10.6.8	Having had regard to the above and comments from Transport NI it is considered that the scheme is acceptable and in accordance with relevant sections of PPS 3 and PPS 13. However, final comments have not been received at the time of finalising this report. It is therefore requested that Committee delegates the final wording of the conditions to the Director of Planning and Place.
10.7	**<u>Other Environmental Matters</u>**
10.7.1	Paragraph 4.11 and 4.12 of the SPPS states that there are a wide range of environmental and amenity considerations including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. Other amenity considerations arising from development that may have potential health and well-being implications include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. *Flood Risk and Drainage*
10.7.2	PPS15 seeks to minimise and manage flood risk to people, property and the environment. The site is located outside the 1 in 100 year river flood plain. Given that the proposal will create hardstanding which exceeds 1000 square metres Policy FLD3: Development and Surface Water Flood Risk Outside Flood Plains of PPS 15 is relevant. A Drainage Assessment has been submitted in support of the application.

10.7.3	Rivers Agency stated that they are unable to fully appraise the Drainage Assessment until evidence that the proposed storm water run-off from the site can be safely discharged.
10.7.4	PPS15 requires that details of how runoff from the site will be controlled and safely disposed of supported by relevant correspondence from Rivers Agency and/or Northern Ireland Water. The applicant has submitted a Schedule 6 application to Rivers Agency as it is proposed to direct storm water discharge to the River Lagan – no objections are considered likely. It is therefore requested that Committee delegate authority to the Director of Planning and Place to impose any conditions requested by the Rivers Agency.
10.7.5	Northern Ireland Water Ltd has been consulted on the proposal and confirmed that the waste water treatment works (WWTW) has available capacity to accept the additional load. Given that NIW confirmed available capacity, DAERA Water Management Unit has no objection to the proposal subject to informatives detailed below.
10.7.6	Having had regard to the above it is considered that the proposal would not have a significant impact on flood risk, drainage and the sewerage system. The proposed scheme is therefore considered acceptable in accordance with Policy FLD 3 of PPS 15 and the SPPS with respect to flood risk, drainage, sewerage and climate change.
	Contaminated Land
10.7.7	Preliminary and Generic Quantitative Risk Assessment were submitted in support of the application. Waste Management (DAERA) and Environmental Protection (BCC) raised no objection to the proposal subject to conditions and informatives.
	Archaeology and Built Heritage
10.7.8	The application site is located within Belfast Area of Archaeological Potential as identified in BMAP. The application site includes the location of a former abattoir and is also in close proximity to a number of Industrial Heritage Sites associated with the economic development of Belfast. Historic Environment Division: Historic Monuments Unit is content with the proposal in the context of BH4 of PPS6 conditional on the agreement and implementation of a developer-funded programme of archaeological works. This could take the form of the current Archaeological Impact Assessment augmented with a detailed archaeological mitigation strategy related to the proposed development.
	Noise, Air Quality and Wind Microclimate Assessment
10.7.9	A Noise and Vibration Impact Assessment and an Air Quality Impact Assessment were submitted in support of the application. A Pedestrian Level Wind Microclimate Assessment Desk Study was also submitted in support of the application.
10.7.10	Environmental Protection (BCC) raised no objection to the proposal subject to conditions and informatives.
	Loss of Light and Overshadowing
10.7.11	A shadow analysis was submitted as part of the proposal and is discussed in paragraphs 10.5.1 to 10.5.2 above.
	Waste Storage
10.7.12	Bin storage is proposed at lower ground level contained within the car parking area of

	the proposal. If the scheme was considered acceptable a condition would be necessary to ensure an adequate waste storage area and waste management strategy is implemented for the collection and disposal of waste.
10.8	**Economic Benefits**
10.8.1	The SPPS states that planning authorities should take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority.
10.8.2	There is currently a significant demand for Grade A office space within Belfast City Centre which cannot be met. The proposal therefore has a significant potential for job creation and will address an identified need. As detailed at paragraph 10.2.6 this proposal represents a £55 million investment and has the potential to create 2500 jobs.
10.9	**Pre-Community Consultation**
10.9.1	For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.
10.9.2	Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2015/1109/PAN) was submitted to the Council on 10th October 2015.
10.9.3	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.
10.9.4	A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:
10.9.5	The first Public Event took place in the Markets Community Centre on 3 November 2015. This event was advertised in the Belfast Telegraph on 23 October 2015 and a leaflet containing details of the public event was distributed in the local area as well as advertised on social media. Direct invites were also issued to all elected representatives in the South Belfast area as well as a number of local community groups.
10.9.6	This event took the form of a staffed exhibition where annotated plans for the proposed development were displayed. A copy of the exhibition boards were enclosed with the Pre Community Consultation Report.
10.9.7	A second Public Event was held in the Markets Community Centre on 18 February 2016. This event was advertised by direct invite, a leaflet drop in the area and also on social media.
10.9.8	This event was a staffed exhibition of similar format to event number one however detailed plans were displayed at this particular event. A copy of the exhibition boards were enclosed with the Pre Community Consultation Report.

10.9.9	Approximately 63 people attended across both Public Events with a total of 39 feedback forms collected.
10.9.10	A number of responses outlined their support for the scheme and the positive impact it would have. Issues of concern were also raised. These included: concerns regarding the height of the proposal and the need to tie in with the tunnels project and the local community; further consultation was necessary regarding the final design of the project; the importance of cooperation with the local community was emphasised; the need for opportunities for local employment and training was reference; and, increased car parking as a result of the development was raised as well as security issues.
10.9.11	In response to the concerns raised by the local community the agent advised that a number of amendments were made. These are as follows: - Kilmona Holdings and the MDA reached an agreement to reserve a 10 metres strip between the office accommodation and the Tunnels Project at lower ground level to allow sufficient access to the Tunnels from the East Bridge Street site. - Retail Use was introduced at lower ground level to complement the Tunnels Project. - Design of the proposal was amended to reflect the residential character of Stewart Street. - As requested by the MDA the entrances from East Bridge Street and Stewart Street have been designed to be as open as possible, ensuring connectivity between the two developments. The entrance from Stewart Street to the Tunnels is an open and accessible staircase. A smaller three storey office unit was removed to the rear to the development in order to improve access from Stewart Street to the central public space and through the site for the residents of the Markets.
10.9.12	It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
10.10	**<u>Consideration of Representations</u>**
10.10.1	*Inappropriate Scale, Massing, Design* – The form and height of the Block A and Block B (East Bridge Street) establishes a presence that responds to the scale and massing of other commercial buildings in the immediate environment that is considered to be appropriate. In terms of compatibility and the potential for dominance the scale of the proposal has been reduced to take account of the local environment namely, residential properties on Stewart Street to ensure that the character of the area and residential amenity is not compromised. The drop in scale and massing and separation distances will ensure that neighbouring occupiers should not be adversely affected by a sense of being hemmed in by the proposal. There is a design imperative to create a building of significant status within the key city centre site. It is therefore considered that the proposed design and architectural treatment are acceptable
10.10.2	*Overshadowing, Loss of Light and Privacy* - Adequate separation distances (25 metres) between the proposal and the residential properties on Stewart Street combined with a buffer of tree planting will minimise the potential for overlooking. It is considered that

	the relationship of the proposed development with the immediate surrounding environment is common to many city centre streets. On balance in a city centre context this relationship is acceptable in privacy and outlook terms. Sunlight and daylight are valued elements in a good quality living and working environment. A Shadow Analysis has been submitted in support of the application which demonstrates that the development will not cause overshadowing to an unreasonable degree to the surrounding environment. There will be limited overshadowing during the winter months of the year. The set back and stepped design of the built form will reduce the perception of dominance and loss of light.
10.10.3	*Access to the Tunnels Project* – A 10 metre separation distance is proposed between the Tunnels Project Block A. Retail Units are also proposed at lower ground level to enhance the vitality and viability of this level of the development. The Tunnels Project can be accessed from East Bridge Street and Stewart Street.
10.10.4	*Connectivity to the Markets Area* – Pedestrian access into the site is proposed directly from East Bridge Street and Stewart Street. Linkages are proposed across the site to increase overall permeability. Those accessing from East Bridge Street can either directly enter the office accommodation at a higher level which takes them to the landscaped public spaces or descend into the lower ground level where a street will be created with an active frontage on both sides by the proposed retail units and the Tunnels Project. A further three pedestrian access points are also located on Stewart Street. The proposal includes the improvements of the footways along Stewart Street surrounding the site.
10.10.5	*Social Housing should be provided on the site* – The site is unzoned whiteland in BMAP. The application does not include social housing and the Planning Department has to assess the application as submitted. There is no policy requirement to provide social housing at this location.
10.10.6	*Commuter Car Parking* – The application include a provision of 63 car parking spaces. Policy AMP 7 of PPS3 states that a reduction in parking provision may be accepted where it for example forms a part of a package of measures to promote alternative transport modes. The overall objective of the Travel Plan submitted in support of the application seeks to encourage a shift from car based trips to more sustainable modes of transport. The Travel Plan and Service Management Plan submitted in support of the application proposes the appointment of a Travel Co-ordinator to maintain and monitor staff and customer travel patterns and encourage the development and use of sustainable transport modes at this site.
10.10.7	*Community Benefit of the Proposal* – A Memorandum of Understanding (MoU) is currently being formulated between Kilmona Holdings and the MDA.
10.10.8	*Assessment of environmental impact* – A Noise and Vibration Impact Assessment and an Air Quality Impact Assessment were submitted in support of the application. A Pedestrian Level Wind Microclimate Assessment Desk Study was also submitted in support of the application. Environmental Protection (BCC) raised no objection to the proposal subject to conditions and informatives.
10.10.9	*Devalue Property in the Area* – This is not a planning matter.
10.10.10	*Detrimental Impact on the physical and mental wellbeing of* residents – It is recognised that well designed buildings and the patterns of movement in the space around the buildings impact on the health and well-being of people. It is considered that proposed pattern of movement in the public spaces around the built form will encourage access to

	the development and the Tunnels Project. The design is considered to be a sustainable solution to the transitional nature of the site and will trigger the wider regeneration of the area.
10.10.11	*No provision is made to improve the layout of Stewart Road* – Transport NI offered no objection to the proposal. Improvements are proposed along a section of the footpath on Stewart Street.
10.10.12	*Vacant offices in proximity to the site that should be occupied rather than creating additional office space at this location* – BMAP is clear in that Belfast City Centre remains the first choice location for major office development (Policy OF 1).
10.10.13	Neighbours and objectors were re-consulted on the 27th July 2016 with the amended proposals and to date not further representations have been received. If anything further is received prior to the application being considered by Committee this will be fully considered and presented as a late item.
10.11	**Developer Contributions**
10.11.1	In this case it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement with Belfast City Council. The developer has offered a financial contribution of £225,000 to provide contributions to environmental improvements to the city and to mitigate impacts from the development as set out in this report.
10.11.2	The developer has also expressed a willingness to ensure that apprentices will be offered during the proposed 2 year construction period. The developer is also prepared to offer a reduction in rent of the proposed retail units for the Market community.
10.11.3	There is a Memorandum of Understanding (MoU) between the Markets Development Association (MDA) and Kilmona Holdings. This agreement includes capacity for training, job opportunities and other associated community benefits. The land required by the MDA for the Tunnels Project and access to the Tunnels is also included in the MoU.
11.0	**Summary of Recommendation**
11.1	The above matters are considered to be the main planning issues. All other matters raised by consulted and third parties have been assessed and are not considered to outweigh the conclusion that on balance, the proposal is considered on balance to comply with the development plan and other relevant planning policy and would constitute an acceptable development at this location. The proposal would deliver the regeneration of a brownfield site in the City Centre.
11.2	As such the application is recommended for approval with conditions as set out below. If Committee is minded to agree with that recommendation, it is also recommended that delegated authority is granted to the Director of Planning and Place, in consultation with the Town Solicitor to negotiate and enter into a Section 76 planning agreement.

12.0	**Conditions & Informatives**

Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

2. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf.

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

3. If during the development works, new contamination or risks are encountered which have 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 and verified to its satisfaction.

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

4. After completing the remediation works under Condition 2; and prior to occupation of the development, a verification report must 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.

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

5. Prior to any development commencing, the applicant must submit a detailed Remediation Strategy outlining the measures to be undertaken to ensure that on-site land and water contamination does not pose a potential risk to human health and that all identified pollution linkages will be demonstrably broken. This Remediation Strategy must be submitted to Belfast City Council prior to any commencement of development for this site. This Remediation Strategy must:

   a. Be site and development-specific and be in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

   b. Address the asbestos and PAH compounds (Benzo (a) anthracene and Dibenzo(ah)anthracene) in shallow soil on site.

   c. Detail how all remedial measures are to be verified and determined to be sufficient for the protection of human health.

Reason: Protection of human health

6. On completion of the development and prior to its occupation, the applicant shall provide to Planning Service, for approval, a Verification Report. This report must demonstrate that all remedial measures identified in pursuit of Condition 1 above have been implemented. This report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (Commercial Use). It must demonstrate that the identified pollutant linkages have been broken. The Verification Report must be in accordance with current best practice and guidance as outlined by the Environment Agency.

Reason: Protection of human health

7. In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. The investigation, risk assessment and if necessary remediation work, must be undertaken and verified in accordance with current best practice.

Reason: Protection of human health

8. No site works of any nature or development shall take place until a programme of archaeological work has been fully implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

9. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department of Communities to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition or agreement is satisfactorily completed.

10. Final Transport NI Conditions to be added as per Paragraph 10.6.8.

11. No development shall take place until samples of all external finishes has been submitted to and been approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved sample details.

Reason: In the interests of visual amenity and the character and appearance of the area.

12. All services (including those for water supply, drainage, heating, and gas supplies) shall be laid underground or housed internally within the building hereby approved.

Reason: In the interests of visual amenity.

13. No development including site clearance works, shall take place until full details of both the hard and soft landscape works have been submitted to and approved in writing by the

Planning Authority.

The details shall include a detailed layout together with existing and proposed levels, cross sections, hard surface materials and other hard details including street furniture.

The details shall also include detailed planting plans with written planting specification including site preparation and planting methods and detailed plant schedules including the species, the size at time of planting, presentation, location, spacings and numbers.

A landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with the Local Planning Authority in writing prior to implementation.

Reason: To ensure the provision of amenity afforded by an appropriate landscape design.

14. All hard and soft landscape works shall be completed in accordance with these agreed details, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS before the expiration of the first planting season following the commencement of trading from the development hereby permitted.

    All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the land necessary to carry out the proposed development.

2. Final Rivers Agency Informatives to be added as per Paragraph 10.7.4

3. The purpose of the Conditions X – X 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.

4. The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Regulatory Unit Regulations (NI) 2006 and/or the Water Order (NI) 1999.

5. Waste Management recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should

meet appropriate discharge consent Conditions.

WASTE AND CONTAMINATED LAND (NORTHERN IRELAND) ORDER 1997

6. The applicant is advised that the proposed commencement of Part III of the Waste and Contaminated Land (NI) Order 1997 may introduce retrospective environmental liabilities to the applicant following the development of this site. The comments provided by Belfast City Council are without prejudice to any future statutory control which may be required under Part III or any other future environmental legislation. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks. Failure to provide a satisfactory Verification Report may lead to the assumption that the site still poses a risk to human health and it may be subject to further action under forthcoming legislation.

Noise

7. The applicant is advised to ensure that all plant and equipment used in connection with the office is so situated, operated and maintained as to prevent the transmission of noise to nearby commercial units and residential accommodation.

CLEAN AIR (NORTHERN IRELAND) ORDER 1981

8. The planning application has details of a new boiler plant is to be installed and an application for the determination of a suitable chimney height should be submitted to the Belfast City Council.

9. The applicant should ensure that the mitigation measures detailed in the RWDI Consulting Engineers & Scientists Final Report Pedestrian Level Wind Microclimate Assessment Desk Study for East Bridge Street, Belfast, RWDI 1603211 Dated 4 July 2016 are incorporated into the development to mitigate the risk to pedestrians by reducing wind speed to conditions suitable for the intended pedestrian use.

10. For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact:
    Historic Environment Division – Historic Monuments Unit
    Causeway Exchange
    1–7 Bedford St
    Belfast,
    BT2 7EG
    Quote reference: SM11/1 IHR 10751

11. The developer is advised that an application for the excavation licence, required under the *Historic Monuments and Archaeological Objects (NI) Order* 1995, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to:
    Historic Environment Division – Historic Monuments Unit
    Causeway Exchange
    1–7 Bedford St
    Belfast,
    BT2 7EG

12. The applicant should refer to DOE Standing Advice Note No. 5 – Sustainable Drainage Systems (April 2015) for advice on the use of Sustainable Drainage Systems on

contaminated land or brownfield sites. The applicant should note that since the publication of this standing advice the SuDS Manual has been updated and is now CIRIA C753 (2015) The SuDS Manual.

13. Water Management Unit notes the development includes excavation of a basement structure. Depending on the geological setting, the potential exists for the water table to be encountered during these works. If water is encountered, an appropriate abstraction/impoundment licence under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 and consent to discharge under the Water (Northern Ireland) Order 1999 may be required from Water Management Unit.

14. The applicant should refer to DOE Standing Advice Note No. 18 – Abstraction and Impoundment (May 2015) and Standing Advice Note No. 11 – Discharges to the Water Environment (April 2015).

15. Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications.

16. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

17. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

18. The developer is advised that NIR should be given the opportunity to consider the impact of the proposed lighting design on the railways signalling sighting. We would therefore request the developer to provide NIR with a lighting specification and layout details for consideration by our signalling department (Signal Sighting Committee) for information, comment and/or approval.

19. The developer is advised that a 5m easement from the nearest building to the railway line is maintained.

20. Depending on the piling operations the developer provides vibration monitoring stations along the common boundary at Central Station to ensure that any settlement can be identified during construction.

21. During construction and following completion, no storm or foul water is permitted to be discharged on to NIR property. Please supply NIR with proposed drainage design details prior to works commencing for our comment.

22. No encroachment takes place onto NIR / NITHC property. All works to NIR boundaries must be carried out under the conditions of the NIR Rule Book with regard to safety of workers and railway passengers. If necessary, NIR will provide safety critical staff to ensure that a safe method of work is established and maintained. Costs incurred by NIR must be borne by the developer.

23. Construction plant or equipment must not be allowed to slew over NIR property at any time. Any works involving cranes must have control measures in place in accordance with CPA

1402– Requirements for Tower Cranes Alongside Railways to prevent movement of loads into the path of trains and avoid any unforeseen collapse on or near the line. NIR will need to be informed if it is proposed that a crane will be erected during construction. All crane / lifting certificates must be forwarded to NIR for comment/approval. Entry into a formal 'oversailing agreement' might be considered by NIR/NITHC.

24. The developer provides NIR with details for the landscape and planting proposals prior to works commencing. NIR would request that no trees are planted at the boundary with NITHC land and the operational railway. NIR request that only evergreen shrubs are planted and would suggest that they should be planted a minimum distance from the NIR boundary that is equal to the expected mature growth height. NIR to approve landscaping plans.

25. The developer to provide information on how the East side of the building will be maintained without impacting Central Station.

26. The contractor provides NIR with their insurance details / provision that will be in place for the duration of the project.

27. The contractor gives NIR prior notice (at least 12 weeks) for any works commencing on or near NIR property, coupled with an agreed Method Statement and Risk Assessment.

28. Northern Ireland Railways Co. Ltd. reserve the right to carry out any works to the company's property by any machinery at any time of the day or night as deemed necessary by NIR CO. Ltd Engineers.

29. Provision for NITHC access to maintain/carry out repairs to the boundary wall between NIR & the new development.

30. Public water and foul sewer within 20 metres of your proposal, consultation with NIW is required to determine how your proposal can be served.

31. No surface water sewer within 20 metres of your proposal, you may wish to apply to NIW to requisition a surface water sewer to serve your proposal if it will serve more than 1 property to discharge roof drainage.

32. The developer is advised to consult NIW at an early design stage by means of a Predevelopment Enquiry to determine how this proposal may be served.

33. If during the course of development the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002/.

13.0	**Notification to Department (if Relevant)** N/A
14.0	**Representation From Elected Member**
14.1	A letter was received from Mairtin O Muilleoir MLA raising concern regarding the scale of the proposal in a residential area which would totally dominate the residential properties in the immediate area.

ANNEX	
Date Valid	4th March 2016
Date First Advertised	8th April 2016
Date Last Advertised	22nd July 2016

Details of Neighbour Notification (all addresses)
The Owner/Occupier,
1 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
M Downey
1 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
John Stitt
10 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
The Owner/Occupier,
11 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
M Power
11 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
12 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
The Owner/Occupier,
13 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
E Conlon
13 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
14 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
The Owner/Occupier,
15 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
Susan Mullan
15 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
16 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
Mairtin O'Muilleoir
178, Ormeau Road, Belfast, Ormeau, Down, Northern Ireland, BT7 2ED
The Owner/Occupier,
17A Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
17B Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
17C Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
17D Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
17E Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
17F Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
19 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,

The Owner/Occupier,
2 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
The Owner/Occupier,
2 Friendly Street Town Parks Belfast
The Owner/Occupier,
21 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
23 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
25 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
27 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
29 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
3 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
Shirley McCartan
3 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
3 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
31 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
33 Friendly Street Belfast
The Owner/Occupier,
33 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
35 Friendly Street, Belfast
The Owner/Occupier,
37 Friendly Street Belfast
The Owner/Occupier,
39 Friendly Street Belfast
The Owner/Occupier,
4 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
The Owner/Occupier,
41 Friendly Street Belfast
Stephen Larkin
5 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
Anne Campbell
5 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
6 East Bridge Street,Town Parks,Belfast,Antrim,,
The Owner/Occupier,
6 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
The Owner/Occupier,
6 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
E M Coogan
7 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
The Owner/Occupier,
7 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,

The Owner/Occupier,
7 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
7A Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
8 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
Florence McCartan
8 Friendly Street Town Parks Belfast
The Owner/Occupier,
9 Friendly Place,Town Parks,Belfast,Antrim,BT7 2DS,
Christopher Hart
9 Friendly Street,Town Parks,Belfast,Antrim,BT7 2HP,
The Owner/Occupier,
9 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 1,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 10,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 100,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 101,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 102,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 11,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 12,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 13,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 14,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 15,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 16,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 17,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
Apartment 18,8 Lanyon Place,Town Parks,Belfast,Antrim,BT1 3LP,
The Owner/Occupier,
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Date of Last Neighbour Notification	27th July 2016
Date of EIA Determination	7th April 2016
ES Requested	No

Drawing Numbers and Title
01 – Site Location Plan
02b – Proposed Site Layout – Lower Ground Floor Level
03b – Proposed Site Layout – Ground Floor Level
04b – Local Ground Floor Plan
05b – Ground Floor Plan
06a – First Floor Plan
07a – Second Floor Plan
08a – 3rd & 4th Floor Plans
09a – 5th to 8th Floor Plans
10a – 9th to 12th Floor Plans
11a- Site Elevations 1 – North Elevation
12a – Site Elevations 2 – South Elevation & East Elevation
13a – Block A and C – Elevations
14a –Block B and D – Elevations
15b – Site Section 1
16b – Landscape Proposal
17a – Site Sections 2
18 – 6th and 7th Floor Plans
19 – Site Elevations 1 with Planting
20 – Site Elevations 1 with Planting