

ADDENDUM REPORT 2	
<b>Committee Decision Date:</b> 18 <sup>th</sup> March 2025	
<b>Application ID:</b> LA04/2017/1991/F	
<b>Proposal:</b> Construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works.	<b>Location:</b> Land adjacent to Concourse Buildings Queens Road Belfast BT3 9DT.
<b>Referral Route:</b> Major development	
<b>Recommendation:</b> Approval subject to condition	
<b>Applicant Name and Address:</b> Catalyst Inc The Innovation Centre Queens Road Belfast BT3 9DT	<b>Agent Name and Address:</b> McAdam Design 1c Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<b>Background</b> <ol style="list-style-type: none"> <li>1. The application was previously approved by the Planning Committee in April 2020, then March 2024, subject to conditions and a Section 76 planning agreement.</li> <li>2. At its March 2024 meeting, the Committee agreed to approve the application, subject to conditions and a Section 76 planning agreement and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and to deal with any other issues that might arise provided that they were not substantive.</li> <li>3. The Section 76 planning agreement has still not been completed and so the application is brought back to the Committee for reconsideration.</li> <li>4. This addendum report should be read in conjunction with Addendum Report 1 to the March 2024 Committee and original Development Management Report to the April 2020 Committee, appended.</li> </ol> <b>Section 76 planning agreement</b> <ol style="list-style-type: none"> <li>5. The Section 76 planning agreement was originally required to secure the following:               <ul style="list-style-type: none"> <li>• To restrict the amount of floor space of the proposed office building that could be occupied until such time as the Eastern Access Road on Queens Island has been constructed. As reported to the Committee in March 2024, the Eastern Access Road has since been implemented and so this obligation is no longer required.</li> </ul> </li> </ol>	

- Vibration monitoring of the adjacent Scheduled Thompson dock (located outside the application site to the west) during construction to ensure that construction of the proposed development does not adversely affect the structural integrity of the Scheduled dock.
6. The applicant has pointed to the fact that DfC HED, in responding to the consultation on the planning application for 5 and 3 storey extensions to the ECIT building on the adjoining land to the south (LA04/2024/0393/F), approved by the Committee in November 2024, recommended that vibration monitoring can be dealt with by condition rather than through a Section 76 planning agreement.
  7. The draft planning agreement provides for the following in respect of the vibration monitoring of the Thompson Dock:
    - Evidence of consent from both Belfast Harbour Commissioners and Titanic Properties for the Development
    - Submission and approval by the Council of a survey of the Thompson Dock and vibration monitoring scheme
    - Actions required of the developer should there be exceedance of the vibration limits approved as part of the vibration monitoring scheme
  8. HED has been asked to confirm whether they consider the matter can be dealt with by condition but has yet to formally respond. Nevertheless, officers advise that it would be appropriate to deal with the matter by condition rather than Section 76 planning agreement, based on the following principles:
    - a) A negatively worded (Grampian) condition can be applied, even where the works or activity are to be carried out outside the application site, where there is reasonable prospect of the requirements of the condition being fulfilled. This is considered apply in this case.
    - b) Where a matter can be addressed through a condition, it should be dealt with by condition rather than a Section 76 planning agreement.
    - c) The approach is consistent with the DfC HED's advice and the Committee's decision to impose a condition to secure vibration monitoring for the neighbour ECIT planning permission (LA04/2024/0393/F).

### **Recommendation**

9. Having regard to the Development Plan and material considerations, the recommendation is to approve the application subject to conditions, including a condition to deal with the vibration monitoring requirements rather than a Section 76 planning agreement.
10. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they are not substantive.

### **DRAFT CONDITIONS:**

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. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for Class B1(c) research and development and shall not be used for any other purpose falling within Use Class B1 without express planning permission.

Reason: Alternative use requires further consideration by the Council, having regard to the Zoning BHA01 of the Belfast Metropolitan Area Plan 2015 (v2014).

3. No development or works (including clearance of the site or site preparation) shall commence on site unless a Vibration Monitoring Method Statement has been submitted to and approved in writing by the Council. The Vibration Monitoring Method Statement shall include:

- a conditions survey of the Scheduled Thompson Dock
- vibration monitoring scheme
- methodology for circumstances where the vibration limits set out in the vibration monitoring scheme are exceeded

No development or works shall be carried out unless in accordance with the Vibration Monitoring Method Statement so approved.

Reason: To protect the Scheduled Thompson Graving Dock from unacceptable levels of vibration during construction.

4. No part of the development hereby permitted shall become operational until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. 15 'Queens Road Access Sightlines', bearing the Belfast City Council Planning Office date stamp 14 May 2019 and Drawing No. 16 'Sightlines and Car Parking Dimensions', bearing the Belfast City Council Planning Office date stamp 14 May 2019, prior to the occupation of any other development hereby permitted. The area within the visibility splays and any forward sight line shall, with the exception of existing trees, 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.

5. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site.

6. A minimum of 24 No. secure cycle parking stands shall be provided and permanently retained close to the accesses to the proposed development for use by staff and visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

7. The development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan.

Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.

8. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

9. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of the porous public realm and hard surfaced areas have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of sustainable drainage of the site.

10. Prior to the commencement of development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Council. This should reflect all the mitigation and avoidance measures to be employed as detailed in the outline CEMP, Proposed Drainage Layout (May 2018), Piling Risk Assessment (March 2018) and all additional submitted information. The CEMP shall include a detailed environmental monitoring plan to include suitable groundwater and surface water monitoring to take place during and after the construction works. This should include at least three rounds of monitoring for a suitable analytical suite. Reported contaminant concentrations should be screened against Generic Acceptance Criteria (GAC) protective of the water environment and results should be submitted in writing to the Council for agreement. The development shall not be carried out unless in accordance with the approved details.

Reason: Protection of environmental receptors to ensure that the site is suitable for use, and to ensure there are no adverse impacts on European site features.

11. Prior to the commencement of development, a detailed Remediation Strategy shall be submitted to and approved in writing by the Council. The Remediation Strategy shall consider all unacceptable risk to receptors and should identify the most appropriate remedial options and how these should be implemented and verified. The development shall not be carried out unless in accordance with the approved details.

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

12. Any piling work undertaken at the site should use a continuous flight auger piling method. Should the applicant wish to change piling methods a revised piling risk assessment will need to be submitted to and approved in writing by the Council before such works are carried out. No piling works shall be carried out unless in accordance with the approved details.

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

13. If during the development works, new contamination and risks are encountered which has 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 to and approved in writing by the Council.

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

14. After completing all remediation works required by the above conditions, and prior to occupation of the development, a Verification Report shall be submitted to and approved in writing by 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.

This report must demonstrate that all remedial measures outlined in the MCL Consulting Ltd report titled Phase 2 Generic Quantitative Risk Assessment (GQRA) Pierpont Office Development Queens Road, Belfast Harbour, dated March 2018, Project Number:P1509-1 have been implemented.

The verification report shall demonstrate the successful completion of remediation works and that the site is now fit for the intended end-use (Commercial). It must demonstrate that the identified potential pollutant linkages are effectively broken.

The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate:

- All Commercial Buildings have gas protection measures in line with CIRIA C665 Characteristic Situation 2.
- For those areas not covered in hardstanding, the report must demonstrate that these areas have been encapsulated in a clean cover fill of at least 600mm. This fill material must be demonstrably suitable for end use (commercial).

Reason: Protection of environmental receptors to ensure the site is suitable for use, and the protection of human health.

15. In the event that contamination not previously considered 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. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health.

16. A buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and Belfast Lough.

Reason: to ensure there are no adverse impacts on European site features.

17. No external facing or roofing materials shall be applied unless in accordance with a written specification of the materials, which shall have first been submitted to and approved in writing by the Council.

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

18. The building shall be constructed to BREEAM Excellent standard (or equivalent) and shall not be occupied until evidence and verification of such has been first submitted to and approved in writing by the Council.

Reason: To mitigate and adapt to climate change.

19. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of a Public Art Scheme have been submitted to and approved in writing by the Council. The scheme shall include details of individual public art installations, proposals for future management and maintenance, and a programme for implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of place making and the amenities of the area. Approval is required upfront because public art may be integral to the design and layout of the scheme.

#### **Informatives:**

##### **NOT03 Compliance with planning permission**

Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at [planning@belfastcity.gov.uk](mailto:planning@belfastcity.gov.uk).

##### **NOT04 Discharge of condition(s)**

This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

##### **NOT06 Non-planning requirements**

The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

## ADDENDUM REPORT 1

**Committee Decision Date:** 19<sup>th</sup> March 2024

**Application ID:** LA04/2017/1991/F

**Proposal:**

Construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works.

**Location:**

Land adjacent to Concourse Buildings  
Queens Road Belfast BT3 9DT.

**Referral Route:** Major development

**Recommendation:** Approval subject to Section 76 planning agreement

**Applicant Name and Address:**

Catalyst Inc  
The Innovation Centre  
Queens Road  
Belfast BT3 9DT

**Agent Name and Address:**

McAdam Design  
1c Montgomery House  
478 Castlereagh Road  
Belfast BT5 6BQ

### Background

11. This application relates to a proposed 5 storey office building off Queens Road, Queens Island. The application was previously approved by the Planning Committee in April 2020, subject to conditions and a Section 76 planning agreement.
12. Delegated authority was given to the Director of Planning and Building Control to finalise the wording of conditions. The Section 76 planning agreement required the completion of the Eastern Access Road prior to occupation of more than 40% of the floor space of the proposed office building; and submission and implementation of a vibration monitoring and condition survey of the Thompson Dock. The Committee's decision was subject to no new substantive issues being raised by third parties by close of consultation. In the event such issues are raised a decision will be taken following consideration of any responses with members being consulted.
13. The Section 76 planning agreement has yet to be completed and so the decision is still to issue. The application is reported back to the Committee for re-assessment against the Belfast Local Development Plan: Plan Strategy 2035.
14. The Plan Strategy was adopted in May 2023. This provides a new policy framework for decision-making. In accordance with the advice given to Members at the April 2023 Committee, the application is required to be re-assessed having regard to the policies in the Plan Strategy.
15. This report should be read in conjunction with the original case officer report to the April 2020 Committee, appended.

### Updated consultations

16. DfI Roads provided a final consultation response on the day before the April 2020 Planning Committee, advising no objection subject to conditions. These include limiting occupancy of no more than 40% of the floor space until the Eastern Access Road has been constructed; provision of the access and visibility splays; provision of the parking and servicing areas; securing 24 cycle parking stands; travel plan; and

removing any necessary street furniture or landscaping that interferes with the visibility splays or access.

### **Updated Policy Context**

17. Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
18. Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
19. The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan ("Departmental Development Plan") until the Local Policies Plan is adopted.
20. **Operational policies** – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of the report. The Plan Strategy replaces the operational policies previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).
21. **Proposals Maps** – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
22. The site is un-zoned "white land" in the Belfast Urban Area Plan 2001 (BUAP). It is within the Titanic Quarter in both version of draft Belfast Metropolitan Area Plan 2015 (dBMAP). It is within "Zone F" in dBMAP v2004.

### **Relevant Planning Policies**

#### **Plan Strategy**

23. The following policies in the Plan Strategy are relevant to consideration of the Section 54 application.

Policy SP1 – growth strategy

Policy SP1a – managing growth and supporting infrastructure delivery

Policy SP2 – sustainable development

Policy SP3 – health and wellbeing

Policy SP5 – positive placemaking



Policy SP6 – environmental resilience  
 Policy SP7 – connectivity  
 Policy DES1 – principles of urban design  
 Policy DES2 – masterplanning approach for major development  
 Policy BH1 – listed buildings  
 Policy BH4 – works to grounds affecting built heritage assets  
 Policy BH5 – archaeology  
 Policy HC1 – promoting healthy communities  
 Policy EC1 – delivering inclusive economic growth  
 Policy EC3 – major employment and strategic employment locations  
 Policy TRAN1 – active travel – walking and cycling  
 Policy TRAN 2 – creating an accessible environment  
 Policy TRAN3 – transport assessment  
 Policy TRAN4 – travel plan  
 Policy TRAN6 – access to public roads  
 Policy TRAN8 – car parking and servicing arrangements  
 Policy TRAN10 – design of car parking  
 Policy ENV1 – environmental quality  
 Policy ENV2 – mitigating environmental change  
 Policy ENV3 – adapting to environmental change  
 Policy ENV4 – flood risk  
 Policy ENV5 – SuDS  
 Policy OS3 – Ancillary open space  
 Policy NH1 – protection of natural heritage resources  
 Policy TRE1 – Trees

#### Supplementary Planning Guidance

Placemaking and Urban Design  
 Masterplanning Approach for Major Development  
 Transportation  
 Planning and Flood Risk

### **Updated Assessment**

24. The adoption of the Plan Strategy requires the following updated assessment.

### **Consultation responses**

25. Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy.

### **Principle of development**

26. The site is previously developed land (car park supporting the adjacent office uses) within the development limit in Titanic Quarter. The site is a sustainable location with good access to public transport including the Glider.
27. The site forms part of zoning BHA 01 in dBMAP v2014. Policy BHA01 zones the site and wider lands for mixed use development including employment. Acceptable uses include business uses Classes B1(a), (b) and (c). There is a limit on Class B1(a)

offices of 15,000 sqm, however, the proposal falls under Class B1(c) research and development and would be restricted as such by condition.

28. Policy BHA01 is subject to a number of Key Site Requirements (KSRs) including, amongst others, the restriction on Class B1(a) floor space. Other relevant KSRs include:

- Development shall accord with an overall Development Framework for the area – a Development Framework was adopted by the former Department of Environment in 2008 and assigns the site and lands around it as the Northern Ireland Science Park. It is considered that the proposal is consistent with the Framework including use and provision of high quality landmark buildings. DfI Roads is satisfied that appropriate transport infrastructure is in place;
- The Development Framework shall be accompanied by a Transport Masterplan – the Transport Masterplan is also in place;
- The overall design concept shall have particular regard to the maritime heritage of the site, tourism potential and the need for connectivity with the rest of the City Centre – the architectural approach to the design of the building is considered bold, innovative and an appropriate reference to the industrial heritage of Titanic Quarter. The site has good connectivity to the City Centre and wider city;
- Provision for appropriate public transport to the site – the site benefits from regular public transport services including the Glider;
- Provision shall be made for appropriate pedestrian/cycle routes and facilities – there is a cycle lane as well as pedestrian pavement on Queens Road to the site. Provision is to be made for secure cycle parking.

29. The proposal is considered consistent with the relevant KSRs and would not undermine their objectives.

30. The proposed office building will be used for science and IT related businesses, which are supported by Policy EC1.

31. The site is within an existing employment area and therefore the proposal accords with Policy EC3.

32. The proposal would provide R&D employment for around 1,400 people and would support economic activity and the economy.

33. Having regard to these factors, the proposed development is considered to remain acceptable in principle.

### **Design and placemaking**

34. The design and layout of the building and car park are considered to remain acceptable for the reasons set out in the original report. The architectural approach to the building is considered bold and innovative, being of appropriate high quality design, and a reference to the industrial heritage of the Titanic Quarter. There would be large areas of new public realm, providing an appropriate setting to the building and good connectivity. The design of the car parking is considered acceptable. The proposal is considered compliant with Policies DES1 and TRAN10.

35. In terms of masterplanning, the proposal is mindful of adjacent sites and has been designed to integrate with the existing concourse buildings. The proposal would help

enhance the waterside character and setting of the River Lagan. The building is to be constructed to BREEAM Excellent (or equivalent) standards. A public art scheme can be secured by condition. The proposal is considered to accord with the key objectives of Policy DES3.

#### **Impact on adjacent uses**

36. The proposal is considered compatible with the adjacent commercial uses and would not result in conflict in terms of noise, overlooking, loss of light or outlook. The proposal is considered compliant with Policies DES1 and ENV1, and relevant provisions of the SPPS.

#### **Heritage impacts**

37. The site is adjacent the Thompson Dock, a Scheduled Monument, beyond which is the Listed former pump house, converted into a distillery. DfC HED was consulted on the application and offers no objection to the proposal. It is considered that the proposal would respect the setting of the Scheduled Monument and setting of Listed Building, compliant with Policy BH1 and relevant provisions of the SPPS.
38. In relation to archaeology, as set out in the original Committee report, in view of the piling construction, monitoring of vibration levels is required to protect the structural integrity of the Scheduled Thompson Dock. As the vibration monitoring is to take place outside the application site, it should be secured by a Section 76 planning agreement. Subject to this provision, it is considered that the proposal would have an acceptable impact on archaeology, compliant with Policy BH5 and relevant provisions of the SPPS.

#### **Access, parking and transportation**

39. DfI Roads offers no objection to the proposal subject to conditions, which are recommended.
40. Due to concerns about capacity of the road network, it was originally required that only 40% of the floor space of the building could be occupied until such time as the Eastern Access relief road onto Sydenham Road was constructed. This has since been built out with the road having been certified as substantially complete. Accordingly, there is no longer a requirement to restrict the occupancy of the building and therefore this obligation in the Section 76 planning agreement can be removed.
41. The proposed building has previously been committed through the Committee's previous resolution to grant planning permission and the road network capacity is considered to remain acceptable. DfI Roads has confirmed that it has no technical objections to the proposal subject to conditions, including completion of the Eastern Access Road.
42. In terms of parking, the proposal would provide 716 car parking spaces to support the proposed and existing commercial buildings. DfI Roads has no objection to the level of parking, which is considered acceptable.
43. The site is a sustainable location with good access to public transport services including the Glider and cycle path. Provision will be made for cycle parking.

44. The proposal is considered compliant with Policies TRAN1, TRAN2, TRAN3, TRAN4, TRAN6, TRAN8 and TRAN10.

#### **Climate change**

45. The layout of the scheme will allow the building to benefit from solar gain. The building would be constructed to BREEAM Excellent standard (or equivalent), which is welcomed and should be secured by a planning condition. The proposal is considered compliant with Policy ENV2.
46. In terms of adapting to climate change, the Flood Risk Assessment and Drainage Strategy indicate that flood risk and surface water will be appropriately managed. There is no objection from DfI Rivers. The proposal complies with Policy ENV3.
47. SuDS measures are proposed via tree planting and permeable paving, and the approach is considered proportionate. The proposal complies with Policy ENV5.

#### **Open space**

48. Policy OS3 requires that all new development proposals include appropriate provision for open space. The precise amount, location, type and design of such provision will take account of the specific characteristics of the development, the site and its context. A normal expectation will be at least 10% of the total site area. The proposal would provide a significant area of public realm and around 30% of the site would be open space. The proposal is considered to satisfy Policy OS3.

#### **Health impacts**

49. The site has good connectivity and the travel plan will promote walking and cycling to encourage active travel, exercise and wellbeing. Hard and soft landscaping, as well as the general design quality of the building, will provide a pleasant working environment for employees. The proposal complies with Policy HC1.

#### **Environmental impacts**

50. Environmental Health offers no objection to the proposal and advises conditions in relation to contaminated land, which are recommended. No unacceptable impacts have been identified in respect of noise and air quality. The proposal is considered compliant with Policy ENV1.

#### **Drainage and flood risk**

51. DfI Rivers offers no objection and the proposal is considered to remain acceptable in relation to drainage and flood risk. The proposal complies with Policy ENV4.

#### **Waste-water infrastructure**

52. NI Water offers no objection and the proposal is considered acceptable in terms of waste-water infrastructure. The proposal accords with Policy SP1a.

#### **Natural heritage**

53. For the reasons set out in the original Committee report, the proposal is considered to remain acceptable in relation to natural heritage. The proposal complies with Policy NH1.

### **Section 76 planning agreement**

54. For the reasons set out previously, it is considered necessary to secure a vibration monitoring scheme in order to protect the structural integrity of the Scheduled Thompson Dock. As the monitoring would take place outside the application site, this would need to be secured by means of a Section 76 planning agreement.

### **Other considerations**

55. Regard is had to the longevity of the application which was submitted in 2017 and which was originally approved by the Council in April 2020.
56. Other aspects of the proposal acceptable, having regard to the policies in the Plan Strategy and SPPS.

### **Recommendation**

57. Having regard to the Development Plan and material considerations, the recommendation remains to approve the application subject to conditions and a Section 76 planning agreement.
58. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise provided that they are not substantive.

### **DRAFT CONDITIONS:**

20. 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.

21. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for Class B1(c) research and development and shall not be used for any other purpose falling within Use Class B1 without express planning permission.

Reason: Alternative use requires further consideration by the Council, having regard to the Zoning BHA01 of the Belfast Metropolitan Area Plan 2015 (v2014).

22. No part of the development hereby permitted shall become operational until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. 15 'Queens Road Access Sightlines', bearing the Belfast City Council Planning Office date stamp 14 May 2019 and Drawing No. 16 'Sightlines and Car Parking Dimensions', bearing the Belfast City Council Planning Office date stamp 14 May 2019, prior to the occupation of any other development hereby permitted. The area within the visibility splays and any forward sight line shall, with the exception of existing trees, 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.

23. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site.

Reason: To ensure that adequate provision has been made for parking and servicing.

24. A minimum of 24 No. secure cycle parking stands shall be provided and permanently retained close to the accesses to the proposed development for use by staff and visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

25. The development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan.

Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.

26. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

27. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of the porous public realm and hard surfaced areas have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of sustainable drainage of the site.

28. Prior to the commencement of development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Council. This should reflect all the mitigation and avoidance measures to be employed as detailed in the outline CEMP, Proposed Drainage Layout (May 2018), Piling Risk Assessment (March 2018) and all additional submitted information. The CEMP shall include a detailed environmental monitoring plan to include suitable groundwater and surface water monitoring to take place during and after the construction works. This should include at least three rounds of monitoring for a suitable analytical suite. Reported contaminant concentrations should be screened

against Generic Acceptance Criteria (GAC) protective of the water environment and results should be submitted in writing to the Council for agreement. The development shall not be carried out unless in accordance with the approved details.

Reason: Protection of environmental receptors to ensure that the site is suitable for use, and to ensure there are no adverse impacts on European site features.

29. Prior to the commencement of development, a detailed Remediation Strategy shall be submitted to and approved in writing by the Council. The Remediation Strategy shall consider all unacceptable risk to receptors and should identify the most appropriate remedial options and how these should be implemented and verified. The development shall not be carried out unless in accordance with the approved details.

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

30. Any piling work undertaken at the site should use a continuous flight auger piling method. Should the applicant wish to change piling methods a revised piling risk assessment will need to be submitted to and approved in writing by the Council before such works are carried out. No piling works shall be carried out unless in accordance with the approved details.

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

31. If during the development works, new contamination and risks are encountered which has 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 to and approved in writing by the Council.

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

32. After completing all remediation works required by the above conditions, and prior to occupation of the development, a Verification Report shall be submitted to and approved in writing by 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.

This report must demonstrate that all remedial measures outlined in the MCL Consulting Ltd report titled Phase 2 Generic Quantitative Risk Assessment (GQRA) Pierpont Office Development Queens Road, Belfast Harbour, dated March 2018, Project Number:P1509-1 have been implemented.

The verification report shall demonstrate the successful completion of remediation works and that the site is now fit for the intended end-use (Commercial). It must demonstrate that the identified potential pollutant linkages are effectively broken.

The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate:

- All Commercial Buildings have gas protection measures in line with CIRIA C665 Characteristic Situation 2.
- For those areas not covered in hardstanding, the report must demonstrate that these areas have been encapsulated in a clean cover fill of at least 600mm. This fill material must be demonstrably suitable for end use (commercial).

Reason: Protection of environmental receptors to ensure the site is suitable for use, and the protection of human health.

33. In the event that contamination not previously considered 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. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health.

34. A buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and Belfast Lough.

Reason: to ensure there are no adverse impacts on European site features.

35. No external facing or roofing materials shall be applied unless in accordance with a written specification of the materials, which shall have first been submitted to and approved in writing by the Council.

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

36. The building shall be constructed to BREEAM Excellent standard (or equivalent) and shall not be occupied until evidence and verification of such has been first submitted to and approved in writing by the Council.

Reason: To mitigate and adapt to climate change.

37. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of a Public Art Scheme have been submitted to and approved in writing by the Council. The scheme shall include details of individual public art installations, proposals for future management and maintenance, and a programme for implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of place making and the amenities of the area. Approval is required upfront because public art may be integral to the design and layout of the scheme.

#### **Informatives:**

#### **NOT02          Drawing Numbers**

This decision relates to the following approved drawing numbers: [to be confirmed]

#### **NOT03          Compliance with planning permission**

Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If



you would like advice about how to comply with the planning permission, you are advised to contact the Planning Service at Belfast City Council at [planning@belfastcity.gov.uk](mailto:planning@belfastcity.gov.uk).

**NOT04            Discharge of condition(s)**

This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

**NOT05            Section 76 planning agreement**

This planning permission is subject to a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. This decision should be read in conjunction with the planning agreement.

**NOT06            Non-planning requirements**

The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

## Development Management Officer Report

Committee Application	
<b>Committee Decision Date:</b> Tuesday 21 April 2020	
<b>Application ID:</b> LA04/2017/1991/F	
<b>Proposal:</b> Construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works.	<b>Location:</b> Land adjacent to Concourse Buildings Queens Road Belfast BT3 9DT.
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Catalyst Inc The Innovation Centre Queens Road Belfast BT3 9DT	<b>Agent Name and Address:</b> McAdam Design 1c Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<b>Executive Summary:</b>  <p>The application seeks full permission for the construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>- Principle of use on the site</li> <li>- Access, movement, parking and transportation, including road safety</li> <li>- Design</li> <li>- Impact on natural environment</li> <li>- Impact on built heritage</li> <li>- Landscaping</li> <li>- Flood Risk</li> <li>- other environmental matters</li> <li>- Legal Agreement</li> </ul> <p>The site is located on land adjacent to Concourse Buildings, Queens Road, Belfast. The 3.18 ha site is located on both sides of Queens Road (to the front and rear of the Legacy Building) within the existing grounds of Catalyst Inc, formerly known as the Northern Ireland Science Park. The area is currently used for car parking on both sides of the road. Both areas are defined by a mix of hedging and fencing. The site is in proximity to a number of National, European and International designated areas, Thompson Dry Dock (archaeological site) as well as the Pump House (listed building). The site is sited within Belfast Harbour and is identified as whiteland in the BUAP 2001. The site is located within the development limits of Belfast in dBMAP and is identified as being within Zoning BHA 01 Titanic Quarter, a site zoned for mixed use development in the draft plan.</p> <p>The proposal has been assessed against and is considered to comply with the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Belfast Metropolitan Area Plan 2015 (dBMAP), PPS 2, PPS 3, PPS 4, PPS 6 and PPS 15.</p>	

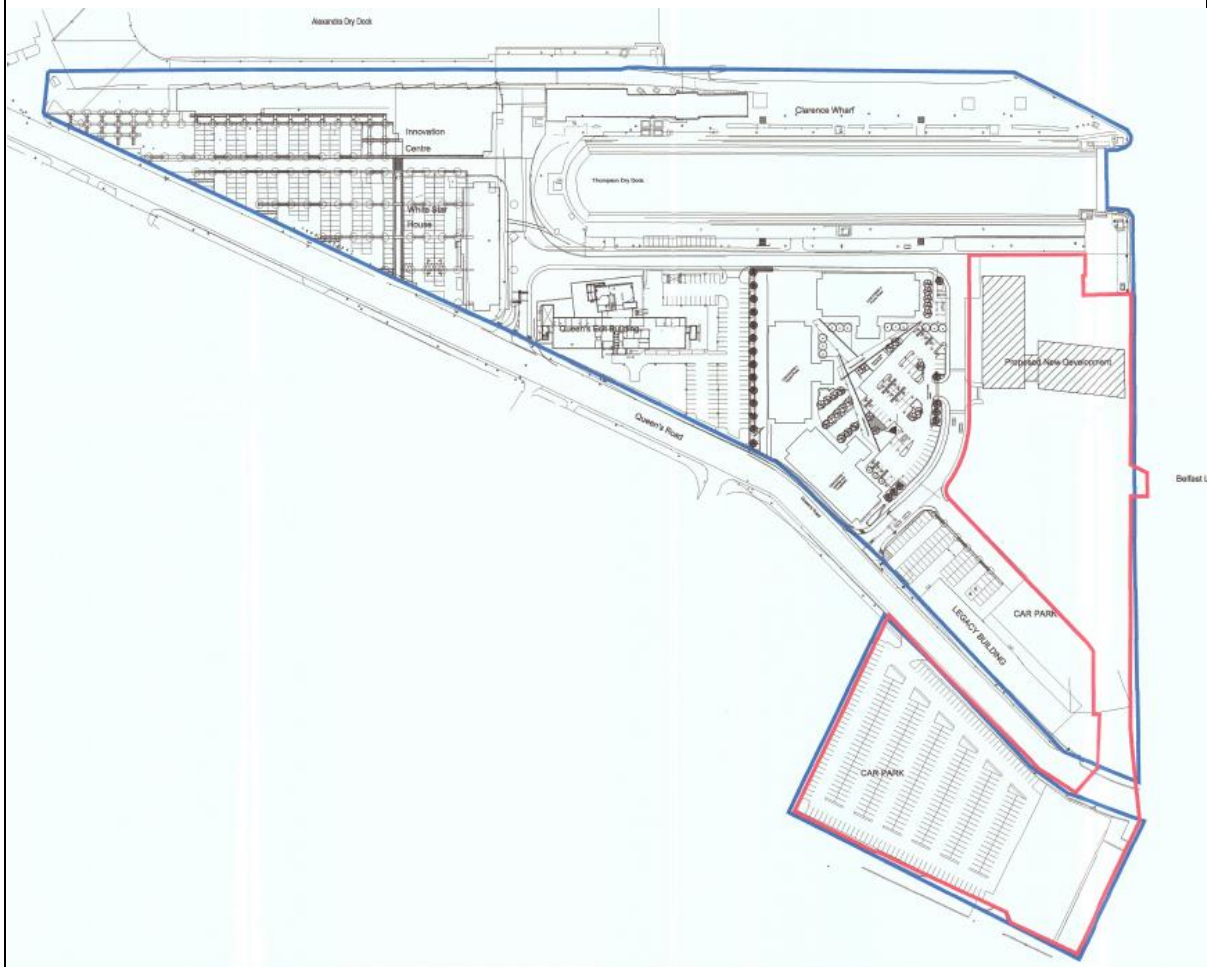
All statutory and non-statutory consultees responded with no objections subject to conditions.

Accordingly, it is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions and to enter into a Section 76 planning agreement to provide a mechanism to linking the occupation of the proposed office building to the completion of the Eastern Access Road and to secure a vibration monitoring regime extending beyond the application site and a condition survey of the Thompson Dock subject to no new substantive planning issues being raised by third parties.

Page Break

## Case Officer Report

### Site Location Plan



### Representations:

Letters of Support	None received
Letters of Objection	1 received, then withdrawn
Number of Support Petitions and signatures	No petitions received
Number of Petitions of Objection and signatures	No petitions received

### Characteristics of the Site and Area

#### 1.0 Description of Proposed Development

The application seeks full planning permission for the construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works.

#### 2.0 Description of Site

The site is located on land adjacent to Concourse Buildings, Queens Road, Belfast. The 3.18 ha site is located on both sides of Queens Road (to the front and rear of the Legacy

Building) within the existing grounds of Catalyst Inc, formerly known as the Northern Ireland Science Park. The area is currently used for car parking on both sides of the road. Both areas are defined by a mix of hedging and fencing. The site is in proximity to a number of national, European and international designated areas, Thompson Dry Dock (archaeological site) as well as the Pump House (listed building). The site is sited within Belfast Harbour and is identified as whiteland in the BUAP. The site is located within the development limits of Belfast in dBMAP and is identified as being within Zoning BHA 01 Titanic Quarter, a site zoned for mixed use development.

## **Planning Assessment of Policy and Other Material Considerations**

### **3.0 Site History**

The most recent planning history on the site relates to a small portion of the overall site on the opposite side of the road from the Legacy Building under Z/2013/1511/F. This was for an "Existing building to be extended to the south-east and south to create additional 2330 sq metres of lettable work space and 98 car parking spaces remotely located 300 metres north east of the NISP building", and permission was granted on 26th November 2015. The proposal falls under the category of Major Development and Pre Application Community Consultation was carried out under the planning reference LA04/LA04/2017/0751/PAN.

### **4.0 Policy Framework**

- 4.1 Belfast Urban Area Plan 2001 (BUAP)
- 4.2 (Draft) Belfast Metropolitan Area Plan (BMAP) 2004
- 4.3 (Draft) Belfast Metropolitan Area Plan (BMAP) 2015
- 4.4 Developer Contribution Framework 2020
- 4.5 Strategic Planning Policy Statement (SPPS)
- 4.6 Planning Policy Statement (PPS) 2: Natural Heritage
- 4.7 Planning Policy Statement (PPS) 3: Access, Movement and Parking
- 4.8 Planning Policy Statement (PPS) 4: Planning and Economic Development
- 4.9 Planning Policy Statement (PPS) 6: Planning, Archaeology and the Built Heritage
- 4.10 Planning Policy Statement (PPS) 15: Planning and Flood Risk

### **5.0 Statutory Consultees Responses**

- 5.1 DfI Roads Service – No objection subject to conditions
- 5.2 DfC Historic Environment Division (Historic Monuments) – No objection subject to conditions
- 5.3 DfC Historic Environment Division (Historic Buildings) – No objection
- 5.4 NI Water – No objection
- 5.5 DAERA Regulation Unit – No objection subject to conditions
- 5.6 DAERA Natural Environment Division – No objection subject to conditions
- 5.7 DAERA Marine and Fisheries Division – No objection
- 5.8 DAERA Coastal Management – No objection
- 5.9 DAERA Water Management – No objection subject to conditions
- 5.10 DFI Rivers Agency – No objection

### **6.0 Non Statutory Consultees Responses**

- 6.1 Belfast City Council (BCC) Environmental Health - No objection subject to conditions
- 6.2 Belfast City Council (BCC) Local Development Plan Team – No objection subject to conditions
- 6.3 Belfast City Council (BCC) Tree Officer – No objection subject to conditions
- 6.4 Belfast City Airport – No objection
- 6.5 Shared Environmental Services – No objection subject to conditions

## **7.0 Representations**

7.1 The application has been neighbour notified and advertised in the local press. An objection was received from Strategic Planning dated 3<sup>rd</sup> July 2018, on behalf of IBM who occupy the Legacy Building. The issues raised were construction noise, discrepancy within the parking layout, parking provision already at full capacity, and discrepancy relating to the public walkway. Following direct dialogue between the Applicant and Objector this representation was withdrawn on 14<sup>th</sup> September 2018.

## **8.0 Other Material Considerations**

8.1 Parking Standards (supplementary planning guidance)

## **9.0 Assessment**

9.1 Following the Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage at which Draft BMAP had reached it is considered to hold significant weight (save for policies around Sprucefield which remained contentious). The site is located inside the development limits of Belfast as shown in the draft Belfast Metropolitan Area Plan 2015 and within Zoning BHA 01, Titanic Quarter.

9.2 The proposal will develop the existing site by erecting a five storey office building for science and I.T. based business, with associated car parking and public realm works. The proposed building will be located to the rear of the site adjacent to Thompson Dry Dock with car parking to the front (to the rear of the Legacy building), with further proposed car parking on the opposite side of the road. The proposed building is an 'L shape' with two main elements and a link between. Each section features a small projection for stairs, lift and WCs. The plans show the two main sections of the building on each floor as open plan office space with the link areas showing lifts, stairs, as well as showering facilities and two conference rooms on each floor, with the exception of the ground floor. This area is characterised by the entrance foyer, café and reception area.

9.3 The key issues are:

- Principle of use on the site
- Access, movement, parking and transportation, including road safety
- Design
- Impact on natural environment
- Impact on built heritage
- Landscaping
- Flood Risk
- other environmental matters
- Section 76 Planning Agreement

### **9.4 Principle of use on the site**

The site is located within the settlement limits of draft BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations discussed below. As stated the proposal is sited within dBMAP zoning BHA 01, and there are a number of key site requirements (KSRs) for the zoning which outline the acceptable uses in Titanic Quarter. These include business uses (as currently specified in Class B1 (a), (b) or (c) of the Planning (Use Classes) Order (Northern Ireland) 2004), now superseded by the 2015 Order. The KSRs go on to state that 'the total amount of floorspace for Use Class B1 (a) Offices shall not exceed 15,000m<sup>2</sup> and that consideration may be given to office proposals above

15,000m<sup>2</sup> where it can be demonstrated that the proposal cannot be accommodated within Belfast City Centre and which would otherwise result in a loss of significant inward investment'. The agent has confirmed the proposed use as B1(c) Research and Development. Under the KSRs for zoning BHA01 there is no floorspace restriction of B1(c). Following consultation with the BCC Local Development Plan Team they had no objection to the proposal and suggested a condition be included, should approval be granted, restricting the office use to B1(c). The site is within a commercial area and compatible with surrounding uses. The proposal, subject to planning considerations, is considered to make a positive contribution to the area.

#### **9.5 Access, Movement, Parking and Transportation**

The proposed car parking has been located to the front of the proposed building, as well as on the opposite side of the road (directly opposite the Legacy Building). A Transport Assessment Form, Transport Assessment, Travel Plan, and Service Management Plan were submitted with the application. DfI Roads were consulted and they raised a number of concerns regarding traffic and road safety.

9.6 After extended engagement and discussions between Planning, DfI Roads Service and the applicant's agent and roads consultant, an updated Travel Plan, traffic calculations as well as other supporting information was submitted and forwarded to DfI Roads for comment. They responded on 9<sup>th</sup> April 2020 stating no objection subject to a number of conditions, including a restriction on the occupation of the proposed office building. It is considered necessary to allow no more than 40% of the floor area of the proposed development to be occupied or otherwise operational until the 'Titanic Quarter Eastern Access Road', recommended for approval by the Planning Committee in March 2020 under planning reference LA04/2019/2810/F, has been constructed to the satisfaction of DfI Roads and become operational. The condition is considered necessary because if the building was wholly occupied in advance of the new road it would have an adverse impact on the existing road infrastructure.

#### **9.7 Design**

The proposed building is 5 storeys high, and consists of 2 main elements linked by a circulation core to form a general "L shaped" block. Plant is proposed to the roof and will be screened by parapet walls. The proposal is sited approximately 105m from the Legacy building to the front and 30m to the nearest of the three Concourse buildings adjacent to the East, also 5 storeys. The proposed height, massing and design are acceptable for the site and its surroundings. The Agent states that the design and materials been carefully considered in relation to the industrial history of the site.

9.8 The building is of a modern design with large areas of glazing. The external materials are a mix of grey curtain wall cladding; rainscreen cladding and grey brick (to the ground floor). The proposed mix of materials are similar to that of a number of buildings in the immediate area, which overall is characterised by a variety of building types and elevation treatment. Should approval be granted a condition shall be attached stating development shall not commence under materials have been submitted to and agreed in writing with the Council.

#### **9.9 Impact on natural environment**

The site is in proximity to a number of national, European and international designated areas, Belfast Lough Open Water ASSI, Belfast Lough Ramsar/SPA, The Maidens SAC, East Coast Marine Proposed SPA and North Channel SAC, as well as the Outer Belfast ASSI.

9.10 A Habitats Regulation Assessment (HRA) was submitted demonstrating the potential impacts on the above European Sites. This assessment determines if there could be any

significant effects on the features and conservation objectives, and hence integrity, of any European sites to meet the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). This information was forwarded to Shared Environmental Services for comment, along with an Outline Construction Environmental Management Plan (CEMP), Piling Risk Assessment as well as the proposed drainage layout. They responded with no objections to the proposal subject to a condition relating to the submission of a final CEMP. They also placed emphasis on the importance of Conditions which had been suggested by DAERA's Regulation Unit.

9.11 DAERA Natural Environment Division assessed the same information as Shared Environmental Services, as well as the submitted GQRA. They are content the proposal is unlikely to significantly impact protected and/or priority species and habitats subject to conditions. They have also requested the submission of a final CEMP for agreement prior to works commencing. They also stated that a buffer of at least 10m must be maintained between the location of all construction works etc and Belfast Lough. This shall be conditioned should approval be granted.

9.12 DAERA Marine and Fisheries Division were content with the conclusions of the HRA and consider that provided the proposal is confined to the red line boundary and there is no significant noise disturbance associated with construction works there should be no impact on the natural environment. In conclusion the proposal is in keeping with PPS 2, Natural Heritage.

### **9.13 Impact on built heritage**

The proposal is within the vicinity of archaeological sites (including Thompson Dock) and a listed building (Pump House) and therefore the policies in PPS 6 are a material consideration in this case. HED Historic Buildings assessed the application in relation to the setting of the listed Pump House. On the basis of the information provided, HED is content that the proposal is satisfactory and complies with the policies in the SPPS and Policy BH11 of PPS 6.

9.14 HED Historic Monuments (HM) was consulted given the site's proximity to a scheduled monument (Thomson Dock). HED HM raised concerns relating to any potential physical impacts of construction works upon the structural integrity and fabric of adjacent maritime sites. A structural engineer's report, piling methodology details, as well as details of a vibration monitoring scheme were forwarded to HED HM for consideration. In their response dated 8<sup>th</sup> April 2019 they made a number of recommendations. They stated in view of the proposed piling works it is essential that a robust monitoring regime is agreed and implemented. The regime will however require the monitoring of vibration levels outside the red line of the boundary of the application site and a condition survey of Thompson Dock. They suggested that any approval for the scheme should be conditional on the agreement and implementation of a piling and monitoring methodology that provides for the requirements described within their response. As the requirements for the monitoring of vibration levels relate and the condition survey of the dock relate to land beyond the red line of the application site, it is necessary that these requirements are secured as part of a Section 76 Planning Agreement. These measures will ensure the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

### **9.15 Landscaping**

The site exhibits a small number of trees which the BCC Tree Officer has confirmed as more than likely the result of natural regeneration or self-seeded. These should be retained, where it is reasonably possible to do so. The proposed landscaping plan shows 50 semi mature trees of mixed species. These will soften the visual aspect of the proposed site.



The BCC Tree Officer responded to consultation with no objection subject to a number of standard conditions.

#### **9.16 Flood Risk**

A flood risk and drainage assessment was submitted for consideration, and consultation undertaken with Rivers Agency in relation to these matters. They responded on 23<sup>rd</sup> November 2017 with no objection to the proposal, and it is therefore considered that the proposal complies with the policy requirements set out in PPS15 as acceptable drainage and flood risk protection measures are proposed. On reviewing the updated Flood Risk Assessment on 19<sup>th</sup> February 2019 their previous comments remained the same.

#### **9.17 Other Environmental Matters**

A Preliminary Risk Assessment and Generic Quantitative Risk Assessment were submitted and comments were invited from both BCC Environmental Health and DEARA. BCC and DEARA both responded suggesting conditions to be included should approval be granted. These are included below as part of this report.

#### **9.18 Section 76 Planning Agreement**

A current application, under LA04/2019/2810/F, for “Titanic Quarter eastern access road including new signalised junction on Sydenham Road and associated works.” was recommended for approval at the BCC Planning Committee meeting on 10th March 2020 with powers delegated to the Director of Planning and Building Control to finalise the wording of conditions and resolve any outstanding matters. DfI Roads Service have recommended by condition that no more than 40% of the floor area of the proposed development shall be occupied or otherwise become operational until the ‘Titanic Quarter Eastern Access Road’ has been constructed to the satisfaction of DfI Roads and become operational. This will be generally in accordance with the approval LA04/2019/2810/F ‘Titanic Quarter eastern access road including new signalised junction on Sydenham Road and associated works’. The condition is considered necessary because if more than 40% of the building was occupied in advance of the new road it would adversely impact on the existing roads infrastructure.

9.19 As the new road is outside the red line for the office development, and subject to a separate planning permission, it is considered that should planning permission be granted for the new office development, the developer will be required to enter into a Section 76 planning agreement with the Council to provide a mechanism to link the occupation of the proposed office development, if granted, under LA04/2017/1991/F to the completion of the Eastern Access Road (LA04/2019/2810/F).

9.20 In addition the planning agreement should include the HED HM requirements for monitoring of vibration levels outside the red line boundary of the application site and a condition survey of the scheduled dock. The developer has expressed a willingness and commitment to enter into such a legal agreement.

#### **9.21 Economic Benefit**

The Planning Design and Access Statement submitted in support of the proposal states the development will provide accommodation for 1400 people approximately with of course a number of short term construction jobs and will bring an injection of vitality to this area of Chichester Street. The increased footfall to the area will also boost trade for local restaurants and retailers.

### **10.0 Conclusion**

10.1 Having regard to the policy context and other material considerations above, the proposal is considered acceptable and it is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to

finalise the wording of conditions and to enter into a Section 76 planning agreement to provide a mechanism to linking the occupation of the proposed office building to the completion of the Eastern Access Road and to secure a vibration monitoring regime extending beyond the application site and a condition survey of the Thompson Dock subject to no new substantive planning issues being raised by third parties.

**Neighbour Notification Checked:** Yes

**Summary of Recommendation:** Approval subject to conditions and a Section 76 Planning Agreement

**Conditions:**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. No part of the development hereby permitted shall become operational until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. 15 'Queens Road Access Sightlines', bearing the Belfast City Council Planning Office date stamp 14 May 2019 and Drawing No. 16 'Sightlines and Car Parking Dimensions', bearing the Belfast City Council Planning Office date stamp 14 May 2019, prior to the occupation of any other development hereby permitted. The area within the visibility splays and any forward sight line shall, with the exception of existing trees, 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 development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 16 'Sightlines and Car Parking Dimensions', bearing the Belfast City Council Planning Office date stamp 14 May 2019 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 and servicing.

4. A minimum of 24 No. secure cycle parking stands shall be provided and permanently retained close to the accesses to the proposed development for use by staff and visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

5. The development hereby permitted shall operate in accordance with the approved Travel Plan published by the Belfast City Council Planning Office on 22 January 2020. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads. This Travel Plan will be issued as a standalone document and the measures contained within will be monitored and assessed from the inception of the Plan on a minimum of an annual basis to ensure the Plan's effectiveness.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

6. Prior to the commencement of development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing by the Council. This should reflect all the mitigation and avoidance measures to be employed as detailed in the outline CEMP, Proposed Drainage Layout (May 2018), Piling Risk Assessment (March 2018) and all additional submitted information. The CEMP shall include a detailed environmental monitoring plan to include suitable groundwater and surface water monitoring to take place during and after the construction works. This should include at least three rounds of monitoring for a suitable analytical suite. Reported contaminant concentrations should be screened against Generic Acceptance Criteria (GAC) protective of the water environment and results should be submitted in writing to the Council for agreement. In the event of unacceptable risk to receptors being identified, works shall cease and the requirements of Condition 11 will apply.

Reason: Protection of environmental receptors to ensure that the site is suitable for use, and to ensure there are no adverse impacts on European site features.

7. Prior to the development proceeding, a detailed remediation strategy shall be presented to the planning authority for agreement. The remediation strategy should consider all unacceptable risk to receptors and should identify the most appropriate remedial options and how these should be implemented and verified. The remediation strategy should be completed in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

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

8. Any piling work undertaken at the site should use a continuous flight auger piling method. Should the applicant wish to change piling methods a revised piling risk assessment will need to be submitted to the planning authority for agreement.

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

9. If during the development works, new contamination and risks are encountered which has not previously been identified, works should cease and the Council 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.

11. After completing all remediation works required under Conditions 7-10, and prior to occupation of the development, a Verification Report shall be submitted and agreed in writing with 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.

This report must demonstrate that all remedial measures outlined in the MCL Consulting Ltd report titled Phase 2 Generic Quantitative Risk Assessment (GQRA) Pierpont Office

Development Queens Road, Belfast Harbour, dated March 2018, Project Number:P1509-1 have been implemented.

The verification report shall demonstrate the successful completion of remediation works and that the site is now fit for the intended end-use (Commercial). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.

In particular, this Verification Report must demonstrate:

- All Commercial Buildings have gas protection measures in line with CIRIA C665 Characteristic Situation 2.
- For those areas not covered in hardstanding, the report must demonstrate that these areas have been encapsulated in a clean cover fill of at least 600mm. This fill material must be demonstrably suitable for end use (commercial).

Reason: Protection of environmental receptors to ensure the site is suitable for use, and the protection of human health.

12. In the event that contamination not previously considered 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 the Council for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health

13. A buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and Belfast Lough.

Reason: to ensure there are no adverse impacts on European site features.

14. The development hereby approved shall be used only for B1(c) Research and Development, as described within The Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To control the use at this location and to secure a satisfactory mix of land uses.

15. The development hereby permitted shall not commence until details and samples and a written specification of the materials to be used in the external elevations, have been submitted to and have been approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: To protect the visual amenities of the area.

