

# Public Document Pack

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



**Belfast  
City Council**

14th December, 2022

## **PLANNING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Monday, 19th December, 2022 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

## **AGENDA:**

- 7 (e) LA04/2021/2016/F: Demolition of existing multi-storey car park and the erection of 298no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development. 21-29 Corporation Street & 18-24 Tomb Street Belfast (Pages 1 - 36)
- 8 (b) Item referred from the People and Communities Committee - consideration to extending Tree Protection Orders (TPOs) across the City - Verbal Report



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 19 December 2022	
<b>Application ID:</b> LA04/2021/2016/F	<b>Target Date:</b>
<b>Proposal:</b> Demolition of existing multi-storey car park and the erection of 298no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development.	<b>Location:</b> 21-29 Corporation Street & 18-24 Tomb Street, Belfast.
<b>Referral Route:</b> Major Development	
<b>Recommendation:</b>	Approve subject to conditions and a Section 76 Agreement
<b>Applicant Name and Address:</b> ES Corporation Street Ltd 17-19 Dungannon Road Cookstown BT80 8TL	<b>Agent Name and Address:</b> Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast BT1 2NA
<p><b>Executive Summary:</b></p> <p>This application seeks full planning permission for the demolition of the existing (vacant) multi-storey car park and the erection of 298no. build for rent apartments within four blocks ranging from 7 to 19 storeys, an internal courtyard, ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development.</p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• The acceptability of the proposed use at this location</li> <li>• The acceptability of the design</li> <li>• Impact on surrounding context</li> <li>• Access, parking and traffic management</li> <li>• Environmental Considerations - Drainage, Contamination, Noise</li> </ul> <p>The proposed uses - residential and ground floor commercial are considered acceptable in this city centre location. The proposal was the subject of a Pre-Application Discussion (PAD). The Urban Design Officer and HED are content with the proposed scheme. The scale, height, massing and design of the proposed development are considered acceptable and appropriate to the existing context.</p> <p>NI Water has objected to the application on grounds of insufficient waste-water drainage infrastructure capacity and foul sewage network capacity. These issues are dealt with in detail in the main report.</p> <p>All other consultees have no objection to the proposed development subject to conditions. Two third party objections were received raising concerns regarding the impacts of the proposed</p>	

development on the adjacent Royal Mail Sorting Office. Environmental Health has considered the Noise Impact Assessments accompanying the application and has no objections subject to recommended conditions relating to noise mitigation controls.

Developer obligations in the form of green travel measures which comprise travel cards for each unit for 3 years, provision of 2 car club spaces within the building, provision of discounted membership of a car club (50%) for a period of 3 years and membership of a bike scheme for a period of 3 years are proposed to support the proposed development. In addition, the applicant has agreed to make a financial contribution of £400,000 towards improving public realm and connectivity to the city centre. Employability and Skills interventions for the construction stage will also be secured. The above obligations will be secured through a Section 76 planning agreement.

**Recommendation**

Having regard to the development plan, relevant policy context and other material considerations including the representations, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions and a Section 76 planning agreement.

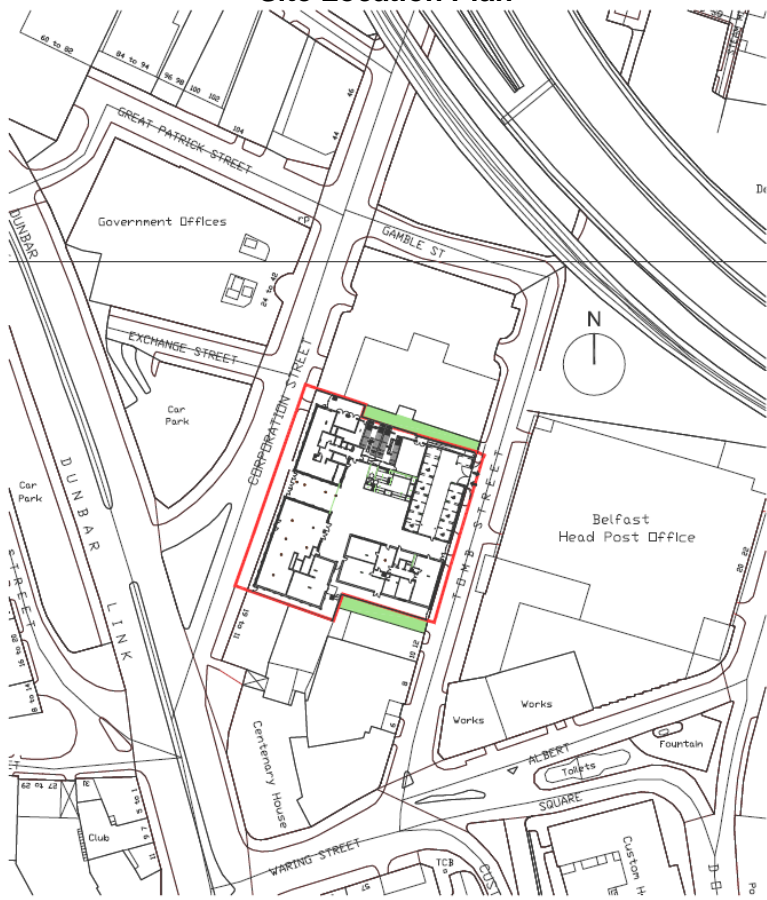
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 and to deal any other issues which might arise.

**Signature(s):**

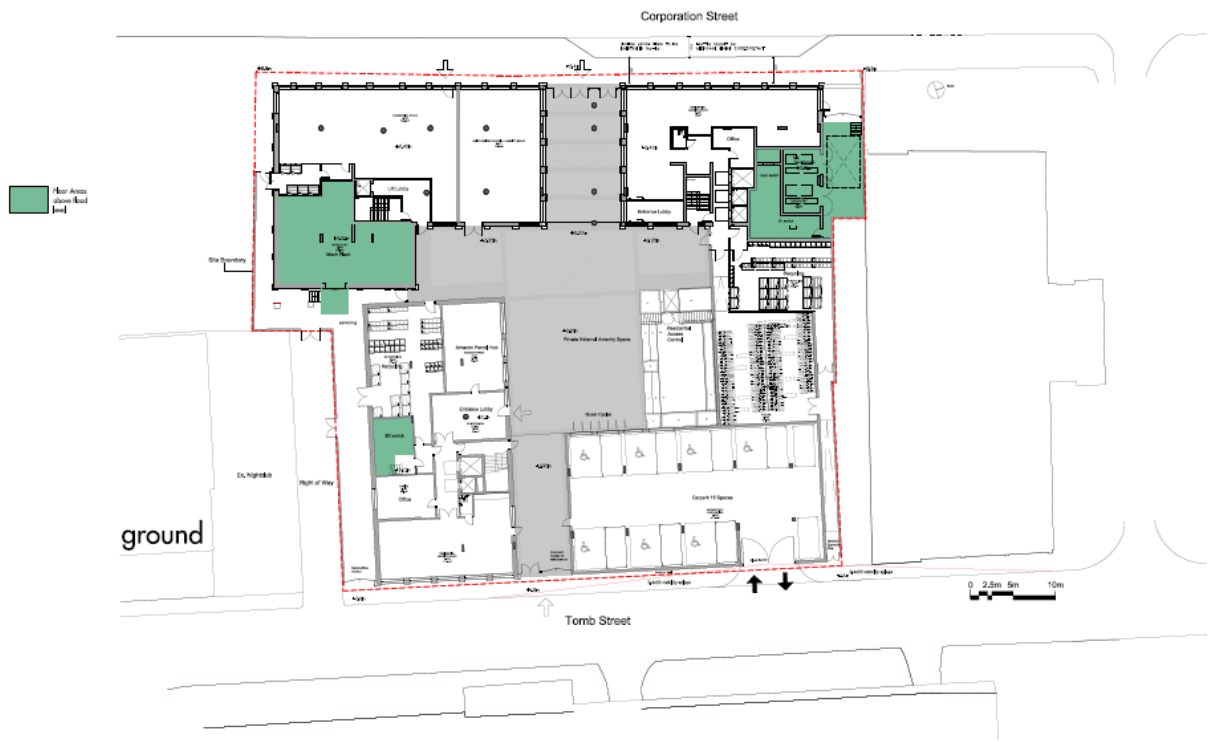
# Case Officer Report

## 1.0 Drawings

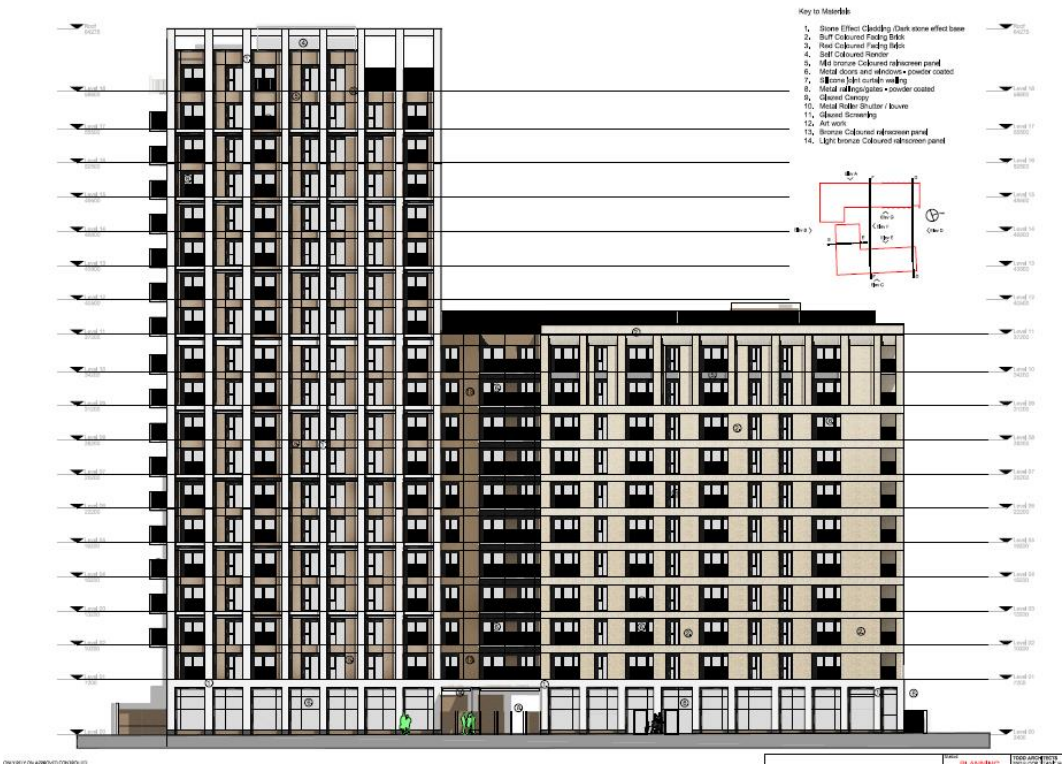
Site Location Plan



Ground floor Plan



Corporation St. Elevation

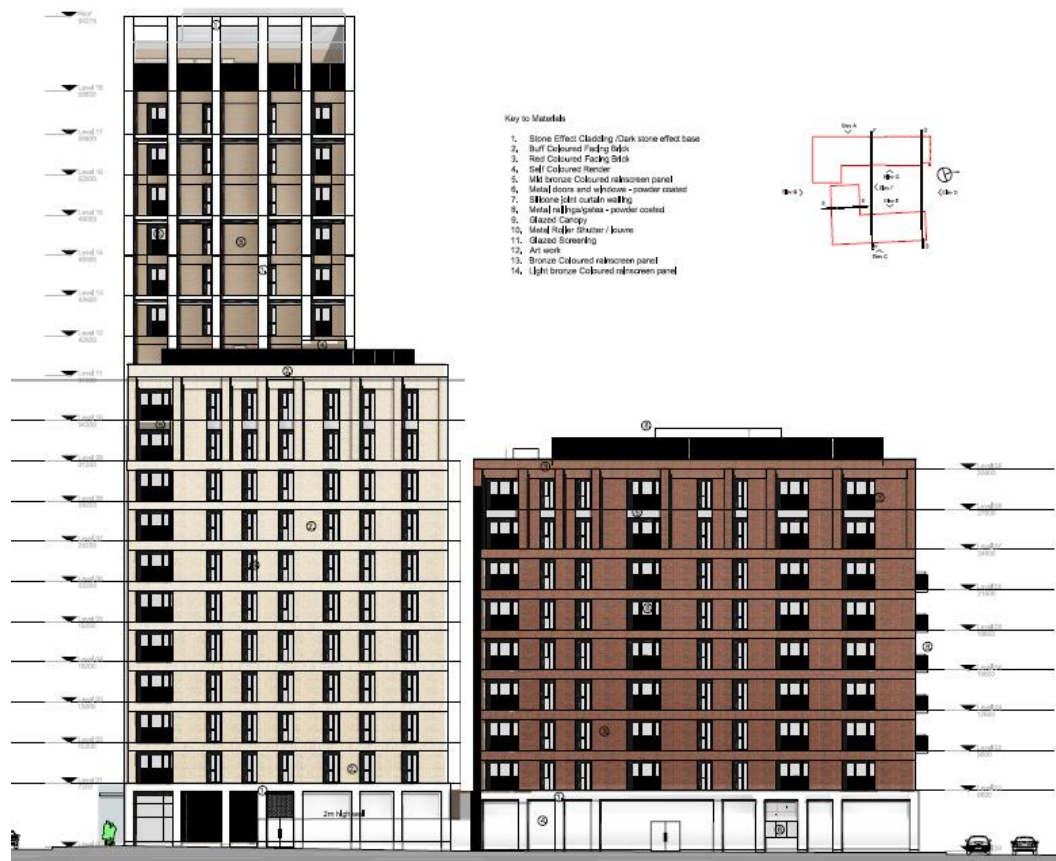


Tomb St. Elevation

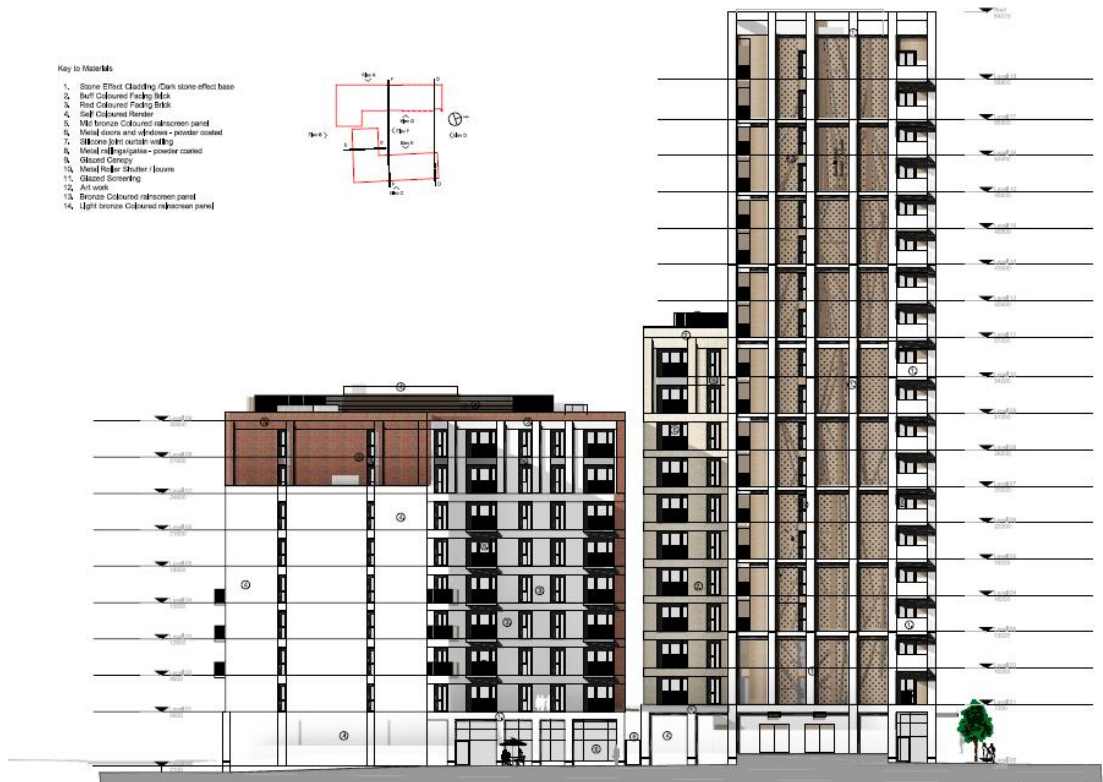




## Southern Elevation



## Northern Elevation



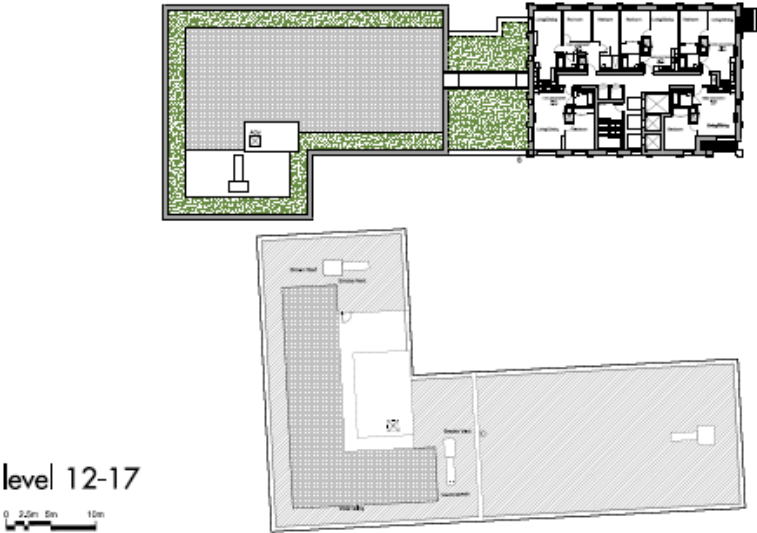




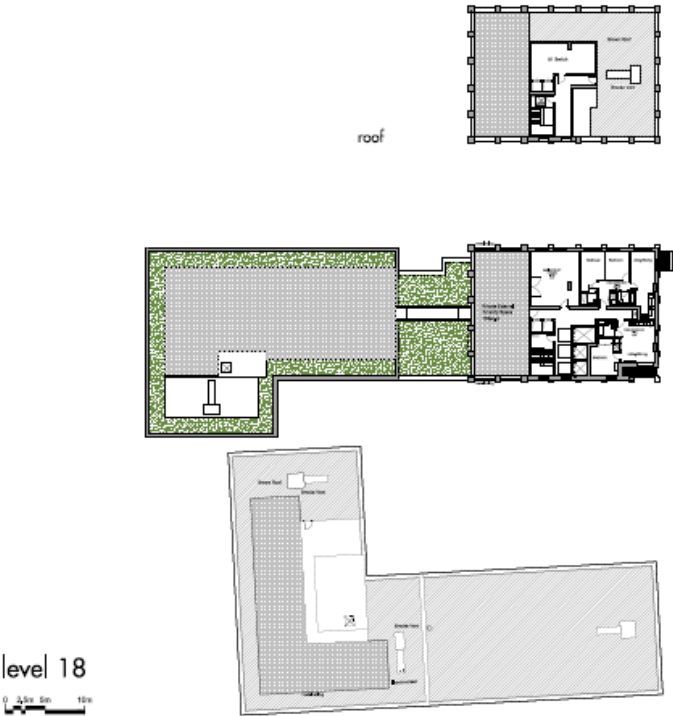
Ninth to Tenth Floor



Twelfth to Seventeenth Floor



18<sup>th</sup> Floor/Roof Plan



Ground Floor Landscape Plan



## CGIs

**CGI view along Corporation Street**



**CGI view along Dunbar Link**





**CGI view from Custom House Square****CGIs of Northern Tower at night time**

<b>2.0</b>	<b>Characteristics of the Site and Area</b>
<b>2.1</b>	<p>The site extends from Corporation Street along its western boundary to Tomb Street along its eastern boundary. An existing 5 storey government office block is located to the immediate north of the site. There is a vacant plot of land and an existing nightclub to the immediate south of the site. Within the wider area there are a mix of uses including Royal Mail sorting office on Tomb Street, a residential facility on Corporation St/Waring St/Tomb St along with residential, commercial and business uses. The application site comprises an existing multi-storey car park accessed from Tomb Street, a surface level car park and a vacant area of land which is currently overgrown.</p>

<b>3.0</b>	<b>Description of Proposal</b>
<b>3.1</b>	The development proposes the demolition of the existing multi-storey car park on the site and the erection of 298no. build for rent apartments in four blocks from 7 to 19 storeys. The proposal also includes a ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development.
<b>4.0</b>	<b>Planning Assessment of Policy and Other Material Considerations</b>
<b>4.1</b>	<p><b>Policy Context</b></p> <p><b>Regional Planning Policy</b></p> <ul style="list-style-type: none"> <li>• Regional Development Strategy 2035 (RDS)</li> <li>• Strategic Planning Policy Statement for Northern Ireland (SPPS)</li> <li>• Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement</li> <li>• Planning Policy Statement 7 (PPS 7) – Quality Residential Environments</li> <li>• Planning Policy Statement 8 (PPS 8) – Open Space, Sport and Outdoor Recreation</li> <li>• Planning Policy Statement 15 (PPS 15) - Flood Risk</li> </ul> <p><b>Local Planning Policy Context</b></p> <ul style="list-style-type: none"> <li>• Belfast Urban Area Plan (2001) BUAP</li> <li>• Draft Belfast Metropolitan Area Plan 2015(v2004)</li> <li>• Draft Belfast Metropolitan Area Plan 2015(v2014)</li> <li>• Belfast Local Development Plan Draft Plan Strategy 2035</li> </ul> <p><b>Other Material Considerations</b></p> <ul style="list-style-type: none"> <li>• Creating Places</li> <li>• Developer Contribution Framework</li> </ul>
<b>4.2</b>	<p><b>Planning History</b></p> <p><b>LA04/2018/2433/PAN</b> - Construction of 347 build for rent apartments over 9 to 19 storeys, retail unit at ground floor level and semi-basement carpark consisting of c.84 spaces, 21-29 Corporation Street and 18-24 Tomb Street, Belfast. PAN Acceptable 22.10.2018</p> <p><b>LA04/2018/2419/PAD</b> - Construction of 347 build for rent apartments over 9 to 19 storeys, retail unit at ground floor level and semi-basement carpark consisting of c.84 spaces, 21-29 Corporation Street and 18-24 Tomb Street.</p> <p><b>Z/2015/0176/F</b> - construction of basement carpark, 250 bed hotel including; bar, conference facilities and ancillary accommodation, and demolition of 2 storey structure and multi deck carpark, 21-29 Corporation Street and 18-24 Tomb Street, Belfast, BT1 3BA. Permission granted 12.02.2019</p> <p><b>Z/2008/2396/F</b> - Construction of basement car park, 250 bed hotel including bar, conference facilities and ancillary accommodation and demolition of 2 storey structure and multi-deck car park, 21-29 Corporation Street and 18 - 24 Tomb Street, Belfast, BT1. Permission granted 14.01.2010</p>
<b>4.3</b>	<b>Consultations</b>
<b>4.3.1</b>	<b>Statutory Consultations</b>

	<p><b>DFI Roads</b> – No objection subject to conditions.  <b>DFI Rivers Agency</b> – No objection.  <b>NI Water</b> – Objection.  <b>NIEA</b> – No objection subject to condition.  <b>HED</b> – No objection.</p> <p><b>4.3.2 Non-Statutory Consultations</b></p> <p><b>Environmental Health</b> – No objection subject to conditions.  <b>Shared Environmental Services</b> – No objection subject to a condition. SES advises that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to mitigation measure proposed as a condition.  <b>Economic Development Unit</b> - No objection. Employability and skills related Developer Contributions Section 76 clauses will be required for the construction phase of the development.  <b>BCC Urban Design Officer</b> – No objection subject to conditions.  <b>BCC Waste Management Team</b> – No objection.  <b>BCC Landscape Planning and Development Team</b> – No objection.  <b>BCC City Regeneration and Development Team</b> – No objection.  <b>BCC Plans and Policy Team</b> – No objection.</p> <p><b>4.4 Representations</b></p> <p><b>4.4.1</b> The application has been advertised and neighbours notified. Two third party objections have been received which raised the following issues.</p> <p><i>Initial objection on behalf of Royal Mail received on 27<sup>th</sup> September 2021</i></p> <ul style="list-style-type: none"> <li>• The SPSS is clear that the applicant should provide noise mitigation and existing businesses should not be unduly affected by a new noise-sensitive use. Noise from existing Royal Mail use is likely to affect residential amenity and these mitigation measures are essential.</li> <li>• Bedrooms and windows are proposed overlooking Royal Mail. The impact of Royal Mail existing use, importantly the noise impacts on the proposed development have not been appropriately tested.</li> <li>• The noise survey should be updated to capture early morning movements to/from the Royal Mail site. A detailed scheme of noise mitigation measures should be provided to secure appropriate mitigation.</li> <li>• The Construction Management Plan should be updated to confirm no impact on Royal Mail.</li> <li>• Whilst Royal Mail acknowledge the need for residential development in Belfast, the proposed development will introduce a new residential use immediately adjacent to an established noise-generating use and appropriate mitigation should be secured by condition.</li> </ul> <p><i>Further objection on behalf of Royal Mail received 05/12/22</i></p> <ul style="list-style-type: none"> <li>• The updated Noise Impact Assessment from the 31/10/22 confirms impact of Royal Mail existing operation on the proposed development and provides proposed mitigations to deal with the noise impact. Royal Mail asks that if the planning permission is recommended for approval the planning conditions are recommended to protect future occupiers to avoid any future complaints and protect Royal Mail operations i.e. noise insulation measures for the development to be been submitted to and approved in writing by the Council and submission of noise mitigation</li> </ul>
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	<p>measures as set out in Noise Impact Assessment should be installed and agreed in writing with the Council and be implemented and permanently retained thereafter.</p> <p>The matters raised in the objection are considered in the report below.</p>
<b>5.0</b>	<b>Planning Assessment</b>
<b>5.1</b>	<b>Key Issues</b> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• The acceptability of the proposed use at this location</li> <li>• The acceptability of the design</li> <li>• Impact on surrounding context</li> <li>• Access, parking and traffic management</li> <li>• Environmental Considerations - Drainage, Contamination, Noise, Habitats Regulation Assessment</li> </ul>
<b>5.2</b>	<b>Development Plan Context</b>
<b>5.2.1</b>	Section 6(4) of the Planning Act (Northern Ireland) 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.
<b>5.2.2</b>	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
<b>5.2.3</b>	Draft BMAP 2015 (dBMAP v2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
<b>5.2.4</b>	In dBMAP (v2004) the site is unzoned land within the city centre and falls within the main office area, Victoria Street/Oxford Street draft Area of Townscape Character (Ref CC 106), Laganside North and Docks Character Area (Ref CC 017), Belfast Core Area of Parking Restraint and within the Belfast Metropolitan/Settlement Development Limit. Part of the site also falls within a Development Opportunity site (Ref CC 081). In dBMAP (v2014) the site is also unzoned land within the city and within the Belfast Metropolitan/Settlement Development Limit. The site also falls with the Laganside North and Docks Character Area (Ref CC015) and Belfast City Core Area of Parking Restraint (CC 025). Within the BUAP and the site is unzoned land within the City Centre and within the main office area.
<b>5.2.5</b>	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until

	such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
<b>5.3</b>	<b>Background</b>
<b>5.3.1</b>	This proposal was the subject of extensive PAD discussions with the agent/applicant prior to submission of the planning application. Advice was provided from the Urban Design Officer, HED, DFI Roads and Planning Service during the PAD process.
<b>5.4</b>	<b>Principle of Development/Proposed Use</b>
<b>5.4.1</b>	The site is located within Belfast City Centre and the proposal includes residential and commercial uses (A1: Shops /A2: Financial, Professional and Other Services). The proposed development is considered to meet the core principles of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and objectives of the Belfast Agenda. The proposed uses do not conflict with the development plan context. The proposed uses are considered acceptable in principle and compatible with surrounding uses. Further assessment of the proposed development is set out below.
<b>5.5</b>	<b>Scale, Height, Massing, Design and Layout</b>
<b>5.5.1</b>	The proposed development comprises 4 blocks laid out around a central courtyard which is accessed at street level from Corporation Street and Tomb Street. The site is bounded to the west by Corporation Street and to the east by Tomb Street. The blocks vary in height, design and materials across the development. Two blocks front onto Tomb Street which are 7 storeys (max. height c.24.5m including roof plant/lift overrun) and 9 storeys (max. height c.31.8m including roof plant/lift overrun) high and two blocks front onto Corporation Street which are 11 storeys (max. height c.37.6m including roof plant/lift overrun) and 19 storeys (max. height c.62.2m including roof plant/lift overrun).
<b>5.5.2</b>	The tallest 19 storey block is located at the north-western portion of the site fronting onto Corporation Street. The development steps down along Corporation Street to 11 storeys. Along Tomb Street the development is 9 storeys at the south-eastern corner stepping down to 7 storeys. The proposed internal courtyard allows for pedestrian flow from Corporation Street and Tomb Street and incorporates both public and private amenity space (the latter at first floor level).
<b>5.5.3</b>	The proposed building is taller than its immediate neighbours to the north and south which include the adjacent 5 storey office block, 4-6 storey residential development to the south and 1 -3 storey nightclub to the immediate south. A vacant site is located immediately to the south of the site on Corporation Street which is currently used as a surface level car park. Within the wider area building heights vary and include taller buildings to the east including the Royal Mail building on Tomb Street which extends from 6-10 storeys high and the Obel building which is 27 storeys (85m high). The Obel building provides a backdrop of a tall building to the proposed development when viewed from Dunbar Link as shown in the VUCITY image below. Planning permission was previously granted on part of the site for a 12 storey hotel (37m high) which established the principle of a taller building on the site.

Proposed View along Dunbar Link extracted from VUCITY



- 5.5.4** The proposal comprises 298 apartments on floors 1 to 19. A commercial unit (393 sqm GFA) is proposed at ground floor level fronting onto Corporation Street. Ancillary facilities including bike/bin storage, an Amazon Parcel Hub and utility services are also provided at ground floor level. Two residential amenity lounges are proposed along Corporation Street and along Tomb Street frontage. These uses provide welcome active frontage at street level.
- 5.5.5** The primary (western) elevation fronting Corporation Street comprises two distinct elements;- i.e. the 19 storey tower proposed to be finished in mid bronze coloured panels and an adjacent 11 storey block which is proposed to be finished in buff coloured facing brick. A recessed link setback by three bays, incorporates a darker bronze-coloured panel finish between these blocks helps break up the massing of the development and adds visual interest. The Urban Design Officer considers that the materials will result in a contrasting element between the tower and the buff facing brick of its 11 storey neighbour giving the tower a slender appearance. The recessed link allows for the provision of projecting balconies. The upper two floors of the 11 storey buff brick element includes a degree of chamfering to the brick detailing which helps define a two storey 'top' element which is a welcomed design detail.
- 5.5.6** A ground floor uniform base with continuous strong horizontal banding above ground floor level brings cohesion to the development along Corporation Street. The predominant finish at ground floor level along Corporation Street is stone effect cladding with a dark stone effect base. The stone effect cladding continues on the vertical piers on the 19 storey tower elevation which provides a primary frame with mid bronze coloured panels proposed between the piers surrounding window frames.
- 5.5.7** The northern elevation of the 19 storey element proposes artwork in the form of fret cut panelling which is also proposed along part of the Tomb Street ground floor frontage and along part of the southern elevation ground floor.
- 5.5.8** A variety of Juliette, recessed and projecting balconies are proposed along Corporation Street which will add visual interest whilst also providing private amenity space to individual apartments. The applicant has advised that window reveal depths will be determined following detailed engagement with the Mechanical Engineer and the

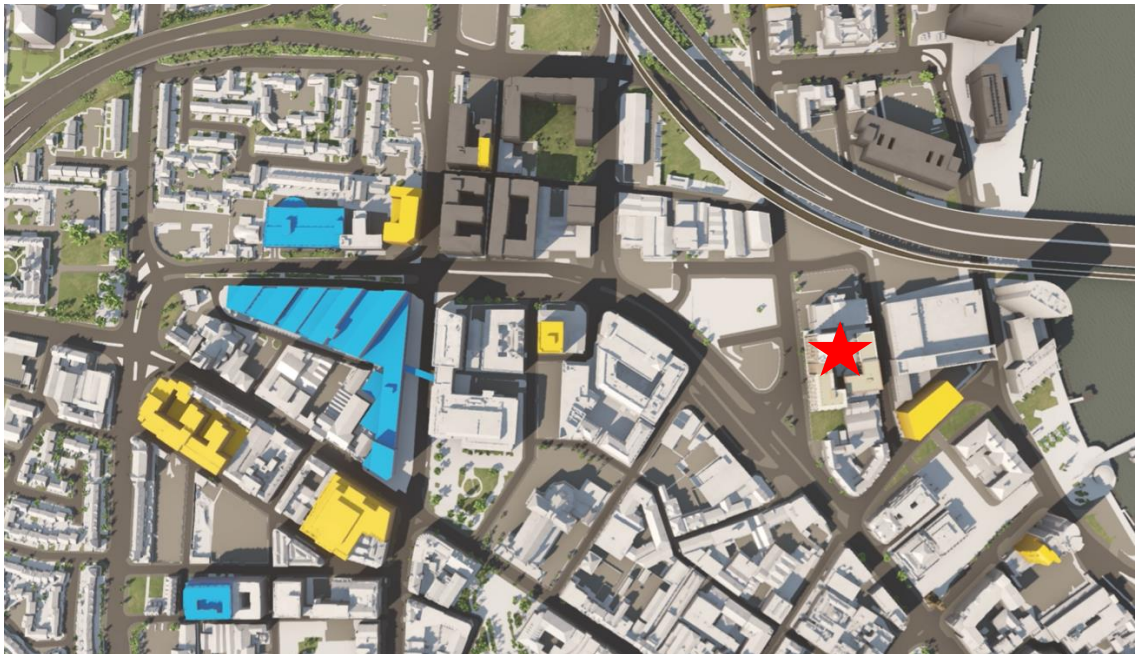
	vent/window/curtain walling contractors later in the construction process. A planning condition is recommended to ensure that such details are submitted to and agreed by the Council prior to commencement of the development.
<b>5.5.9</b>	Along Tomb Street the proposed 9 storey block is to be predominantly finished in red coloured facing brick and the 7 storey block to be finished in self-coloured render. The red brick picks up on the finished of existing buildings on the lower end of Tomb Street whilst contrasting with the 7 and 11 storey lighter coloured finishes. The 9 storey block also includes detailing of the upper floors which provides a smoother transition to the height of the lower 7 storey element and is welcomed by the Urban Design Officer. As with the Corporation Street elevation stone effect banding at ground level and vertical piers brings cohesion to the base of the building.
<b>5.5.10</b>	The Urban Design Officer considers that the proposed development has the potential to positively contribute to the skyline particularly when viewed from Queen's Quay and the Lagan footbridge. The Urban Design Officer welcomes the concentration of building height to the northern portion of the site which will create a taller focal point within the cityscape at this location which is emphasised by the notable drop from 19 storeys to the 7-11 storeys height of the remaining three component and allows for a more slender and elegant form to be applied to the tower element that begins to cluster with adjacent buildings and positively to the legibility of the city, assisting with long distance orientation.
<b>5.5.11</b>	The Urban Design Officer also considers that the drop in height enables the building to step down to respect the scale of existing development to the south, along the lower end of Tomb Street/Waring Street.
<b>5.5.12</b>	The Urban Design Officer advises that consideration has been made across the scheme in the detailing and application of materials to relate these elements to the scale, height and massing in a meaningful way.
<b>5.5.13</b>	Parking is proposed at ground floor level with access from Tomb Street. Part of the Tomb Street ground floor frontage is proposed to be finished in a perforated metal screen (along with the Northern elevation of the 19 storey block and part of the southern elevation (ground floor)). The applicant has proposed that the perforated metal screening be linked to the historical Sailortown context, playing a role both during the day and night and mitigating against the visual impact of ground floor parking. The historic references to the area are considered appropriate. Details of the artwork will require to be submitted prior to commencement and a condition is set out below. The backlit copper screen along the front elevation of the proposed car park will screen the car parking and provide visual interest particularly at night-time.
<b>5.5.14</b>	BCC Landscape Planning and Development Team has assessed the Landscape and Visual Impact Assessment (LVIA) accompanying the application and consider that currently the site would be categorised as a landscape of low sensitivity, quality and value and therefore capable of accommodating change in landscape and visual terms. They also consider that the visual setting demonstrates a capability to accommodate a notable change based on the existing site character and nature of adjacent landscape character. Furthermore, they advise that the LVIA demonstrates predicted landscape and visual effects that will not be significant and can be successfully absorbed into the character and views of this part of Belfast.
	<b>Laganside North and Docks Character Area Urban Design Criteria</b>
<b>5.5.15</b>	The site falls within Laganside North and Docks Character Area as set out in Draft BMAP 2015 which states that the following design criteria be applied within the area:

5.5.16	<p>1. The density of development in the area shall be maintained and increased where appropriate, including around the transport nodes, through high site coverage and high plot ratio;</p> <p>2. Development proposals shall take account of the height of adjoining buildings;</p> <p><b>Street Frontages</b></p> <p>3. That part of any development which fronts onto York Street shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7 storeys;</p> <p>4. That part of any development which fronts onto Frederick Street, Great Patrick Street or Dunbar Link shall be a minimum building height of 4 storeys, or 12 metres to building shoulder height, and a maximum height of 6 storeys;</p> <p>5. Development which fronts onto Frederick Street, Great Patrick Street or Dunbar Link shall be set back 1.5 metres from the footway to allow for a privacy zone for residential development;</p> <p>6. That part of any development which fronts onto Victoria Street shall be a minimum building height of 6 storeys, or 18 metres to building shoulder height, and a maximum height of 7 storeys;</p> <p><b>Intersections</b></p> <p>7. On the key gateway site at the intersection of Corporation Street and Dunbar Link, as identified on Map No. 2/001- Belfast City Centre, building height shall be a minimum of 6 storeys and a maximum of 8 storeys;</p> <p>8. On the key gateway site at the intersection of Albertbridge Road / Albert Bridge with Short Strand, as identified on Map No. 2/001- Belfast City Centre, building height shall be a minimum of 4 storeys and a maximum of 5 storeys;</p> <p>9. On the key gateway site at the intersection of Newtownards Road / Bridge End and Short Strand, as identified on Map No. 2/001 - Belfast City Centre, building height shall be a minimum of 4 storeys and a maximum of 6 storeys;</p> <p>10. On the key gateway site at the intersection of Queen's Bridge / Ann Street and Oxford Street, as identified on Map No. 2/001 - Belfast City Centre, building height shall be a minimum of 6 storeys and a maximum of 8 storeys;</p> <p><b>Elsewhere</b></p> <p>11. New development shall respect the established building line. Exceptions may only be permitted where development creates significant public open space;</p> <p>12. In the area bounded by York Street, M3 Bridge, Queen's Square and Dunbar Link, building heights shall be a minimum of 3 storeys and a maximum of 5 or 6 storeys with a setback upper floor. Development proposals shall provide for a landmark building up to 10 storeys in height on the north of Great Patrick Street, east of Nelson Street. New development shall be positioned with development of quarter to half block scale;</p> <p>13. In the area east of the River Lagan (including the Sirocco Works / Bridge End / Short Strand Development Opportunity Ref. CC 020) building height shall be a minimum of 3 storeys and a maximum of 5 storeys or 6 storeys with setback upper floors. Development proposals shall provide for a landmark building, up to 12 storeys in height, between Queen Elizabeth and Queen's Bridges. New development shall be positioned with development of quarter to half block scale; and</p> <p>14. Large block coarse grain shall be permitted along the river. In other locations, development shall be fine grain in nature, and aim to reflect traditional plot widths</p> <p>The density of the proposed development equates to 596 per hectare which is high density and is considered to comply with criterion 1 set out above. The proposed development takes account of the height of surrounding buildings and meets the second criterion. Criterion 3 – 10 do not apply given the location of the site. The site</p>
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respects the established building line along Corporation Street and Tomb Street and complies with criterion 11. Criterion 12 sets a minimum (3 storeys) and maximum building height (5/6 storeys). Since the publication of BMAP planning permission was also granted on part of the site for a 12 storey hotel (37m high) on 12.02.2019 and this permission remains live which exceeds the maximum height set out in the urban design criteria above and is an important material consideration in the assessment of the proposed development. In addition, building heights within the area vary with a number of taller buildings (The Obel and recent development around the re-located University of Ulster including Student accommodation) in close proximity to the site i.e. the northern edge of the city centre. The aerial image below shows the changing landscape in the vicinity of the site. As a result the height of the proposed development is considered appropriate at this location given the existing and emerging urban context. Criterion 13 does not apply.

**5.5.17**

The proposed design of the development has four distinct blocks. The variation in heights, materials and fenestration/elevation detail across the development seeks to respect the traditional plot widths/urban grain and the development is considered to comply with criterion 14.



This aerial view extracted from the VUCITY model demonstrates approvals in yellow, development under construction in blue and recently completed development in dark grey. The coloured developments include taller buildings e.g. Graham House, Albert Square, 35-41 Queen's Square, Student accommodation at York Street/Great Patrick Street/Little Patrick Street/Nelson Street, residential development at Academy Street, Ulster University, York Street/Frederick Street, Student accommodation at Little Donegall Street, Kent Street/North Street. The application site is identified by the red star.

**5.5.18**

BUAP Tall Buildings Policy CC 12 states that high buildings must be sympathetic in scale to the traditional height of buildings in the City Centre. The policy seeks to ensure that high buildings:-

- Do not mar or dominate the surrounding hills or the scale of attractive Belfast views;
- Relate sympathetically in design to the urban structure of the city;
- Relate sympathetically to their immediate surroundings;



	<ul style="list-style-type: none"> <li>Relate sympathetically to buildings or groups of buildings of architectural and historic interest</li> </ul>
<b>5.5.19</b>	The BUAP states that <i>'Belfast does not have the tradition of high point or slab blocks, commercial or residential, normally associated with large urban areas. The centre has been built to a traditional height of mainly 4 to 6 storeys. The City has a unique hill setting and consequently tall buildings can be incongruous as well as blocking out sections of the hills, particularly as viewed from the approaches to the City Centre'</i> .
<b>5.5.20</b>	The BUAP was published in 1990 and over the intervening three decades buildings higher than 6 storeys have been approved and built in the city centre. As indicated above in recent years in the vicinity of the site a number of student blocks have been constructed which are 11/12 storeys high and a 16 storey development has been granted approval on Academy Street. The Obel building at 27 storeys (85m high) sits to the north east of the site. When viewed from north/north west the Obel building provides an existing backdrop of a taller building to the proposed development. The development of the University of Ulster site on York Street has resulted in a grouping of taller buildings in the vicinity of the site.
<b>5.5.21</b>	As a result the urban context is quite different to that at the time when the statutory BUAP was published. Notwithstanding, it is considered that the proposed development is sufficiently removed from the surrounding hills so as not to mar or dominate them. Views into the site will be short to medium range and will not adversely impact on attractive views of Belfast. BCC Landscape Planning and Development Team having assessed the Landscape Visual Impact Assessment, agree that the baseline and visual setting demonstrates a capability to accommodate a notable change based on the existing site character and nature of adjacent landscape character and agree that the assessment demonstrates predicted landscape and visual effects that will not be significant and can be successfully absorbed into the character and views of this part of Belfast.
<b>5.5.22</b>	The height, scale and massing of the proposed development has been assessed above and it considered that the proposed development satisfactorily relates to the immediate context and the urban structure of the city. In conclusion it is considered on balance the proposed development does not conflict with Policy CC 12 of the BUAP.
<b>5.5.23</b>	The Urban Design officer considers that the proposed scale, height and massing is acceptable given the existing context and has a considered approach to the distribution of scale, height and massing across the site. On balance the scale, proportions, height and massing of the proposed development are considered acceptable taking account of the factors set out above and the proposed development is considered to be in compliance with the SPPS and criterion (a) (g), (h) and (i) of Policy QD1 of PPS 7.
<b>5.6</b>	<b>Materials</b>
<b>5.6.1</b>	The development proposes a variety of materials including include buff coloured facing brick (on the exterior of the lower block on Corporation Street) stone effect cladding on horizontal banding and vertical piers along with mid-bronze coloured panels on the 19 storey element and dark bronze panels on the recessed element. On Tomb Street primary materials include red coloured facing brick on the 9 storey element and self-coloured render on the 7 storey element with stone effect cladding at ground level. Artwork within the development is proposed to be finished in copper and will be backlit. The Urban Design Officer considers that the palette of materials is appropriate to the context and reflects the industrial character of the neighbouring Sailortown/Docklands.

5.6.2	During the processing of the application, the materials on elevations fronting onto the internal courtyard have been amended to include a lighter palette of materials (i.e. from red brick to self – coloured render). These changes will help increase light levels and in combination with the buff brick and metallic panels also proposed will assist in optimising reflective light within the courtyard. Officers have assessed the proposal in VUCITY and are satisfied that adequate levels of natural light will be achieved in the internal courtyard and within apartments facing onto the courtyard.
5.6.3	The external finishes of the block vary across the site bringing individuality and distinctiveness to the four blocks creating variety in the development and are found in the locality and are considered acceptable and compliant with the SPPS and criterion (g) of Policy QD 1 of PPs 7.
5.7	<b>Amenity/Open Space Provision</b>
5.7.1	The proposed development has been assessed against the SPPS, Policy QD 1 of PPS7, Policy OS 2 of PPS 8 (Open Space, Sport and Recreation) and Creating Places. Communal and private amenity space solely for the use of residents is provided throughout the development at a number of locations including ground floor residential lounges, raised amenity space in the internal courtyard, rooftop terraces and private balconies.
5.7.2	The internal courtyard proposes an external amenity area. At ground floor level public access is available. Access to the upper (first floor) level is controlled by a gate on the stair and access is restricted to residents only. A water feature (water cascading over a textured wall) is proposed between the ground and first floor amenity areas which will provide visual interest within the courtyard. Defensible/buffer planting is located around the perimeter of the first floor amenity area. This is welcomed by the Urban Design Officer and will assist in protecting the amenity/privacy of first floor apartments fronting onto the external amenity area.
5.7.3	Balconies are provided for 123 of the 298 apartments. Overall an average of 10 sqm of amenity provision per apartment has been proposed which accords with the lower limit (10 and 30 sqm) as recommended in Creating Places guidance. The level of amenity provision is considered satisfactory for an inner city location and is commensurate with other recent development proposals.
5.7.4	Environmental Health response advises that the Noise consultant has stated that residents have access to external communal areas within the range of 50-55db LAeq16hr.
5.7.5	Acoustic barriers are proposed around the 9 <sup>th</sup> and 11 <sup>th</sup> Floor communal roof terraces and comprise Environmental Health recommend a condition securing the installation of acoustic barriers around the 9 <sup>th</sup> and 11 <sup>th</sup> Floor roof terraces. These barriers comprise of a 0.7m high parapet wall and a 1.2 m glazed acoustic barrier. These measures are required to mitigate external noise which is predicted to exceed the World Health Organisation (WHO) recommended external noise thresholds (50-55dB LAeq16hr). A condition is recommended requiring details of the acoustic barriers to be submitted for approval prior to commencement of the development. The Urban Design Officer considers that the inclusion of these measures will not result in a material difference from a visual impact perspective.

5.7.6	The 18 <sup>th</sup> floor roof terrace does not include an acoustic barrier. The Noise information submitted confirms that predicted noise levels within the 18 <sup>th</sup> Floor and Ground floor terrace are within the WHO recommended external noise thresholds.
5.7.7	The Noise Information submitted advises that the primary noise sources impacting the external areas are associated with the adjacent night club beer garden and patron dispersal which will have the most impact at night when residential occupiers are not using the external amenity areas.
5.7.8	Environmental Health has referred officers to the British Standard BS8233:2014 guidance which states the following: <i>'the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBL<sub>Aeq,16hr</sub>.'</i> The standard continues... <i>"these guideline values may not be achievable in all circumstances where development might be desirable. In such a situation development should be designed to achieve the lowest practicable noise levels in these external amenity spaces <b>but should not be prohibited.</b>"</i> The Noise report submitted by the applicant states that individual balcony areas are not considered an intrinsic feature of the development and no mitigation has been recommended and that typically barriers at balcony areas provide minimal mitigation.
5.7.9	Officers acknowledge the guidance as set out above and consider that the proposed mitigation measures on the 9 <sup>th</sup> and 11 <sup>th</sup> floor will seek to achieve the lowest practicable noise levels in these external amenity areas. Officers also consider that in this urban context close to existing businesses and roads infrastructure a degree of external noise is unavoidable. Furthermore, officers are of the view that there are a number of external communal amenity areas on the 18 <sup>th</sup> and ground/first floor level which are within the WHO thresholds. In addition, there are several internal amenity areas providing amenity space for residents in the form of residential lounges. In summary, there are a number of communal amenity areas within the development providing prospective occupiers with a variety of useable amenity spaces which are within the WHO noise thresholds and this is on balance considered acceptable.
5.7.10	Policy OS 2 of PPS 8 states that proposals for new residential development of 25 or more units will only be permitted where public open space is provided as an integral part of the development. Policy OS 2 of PPS 8 goes on to state that an exception to the requirement of providing public open space will be permitted in the case of apartment developments where a reasonable level of private communal open space is provided. In this case a reasonable level of amenity space has been provided and it is considered that the exemption test is met.
5.7.11	The proposal is considered to comply with criterion (c) of Policy QD1 of PPS 7 and Policy OS 2 of PPS 8.
5.8	<b>Space Standards/Living Standards</b>
5.8.1	The development proposes 298 apartments in total which comprise of the following:- <ul style="list-style-type: none"> <li>• 8 studio apartments,</li> <li>• 160 1 bed apartments 1 person apartments,</li> <li>• 10 - 1 bed, 2 person apartments,</li> <li>• 90 - 2 person, 3 bed apartments,</li> <li>• 12 - 2 bed, 4 person apartments and</li> <li>• 18 - 3 bed, 6 person apartments.</li> </ul>

5.8.2	<p>Whilst the space standards set out in the Addendum to PPS 7 do not apply to this proposal the recommended space standards are nevertheless a useful guide in ensuring the provision of good quality residential accommodation. The proposed units comply with the space standards as set out in the Addendum to PPS 7. The majority of units are 1 bed, 1 person apartments thereby limiting occupation to a single person. During the processing of the application the applicant was encouraged to amend the unit sizes to provide a better balance of unit sizes and, in particular, to increase the number of 1 bed, 2 person units as smaller units are considered inflexible. As a result the applicant submitted a viability report which assessed an alternative mix which included 18 studio apartments, 215 - 1 bed, 2 person apartments and 65 - 2 bed 4person apartments. The Viability Report concluded that an alternative mix of units as set out above would not be financially viable whereas the scheme as submitted is considered financially viable. The Viability Report indicated that market testing of the proposed scheme had taken place which had attracted both operator and investor interest in the scheme and neither raised any issues regarding the developers proposed unit mix. The Viability Report further states that one of the interested operator investors has a completely contrary view to Belfast City Council planners in that they are seeking a weighting towards 1 bed, 1 person units which provide for a more efficient scheme in terms of both occupier interest and financial viability.</p>
5.8.3	<p>The Plans and Policy team has assessed the Viability Report and advises that the <i>'assumptions used within the viability report submitted by the applicant look reasonable and they have no reason to question the conclusions drawn, as they align with the emerging conclusions from the Council's own viability work'</i>. The Plans and Policy team advise that it should however be possible for the applicant to design a scheme that provides a more sustainable mix of unit sizes than the original proposal that is viable to deliver and we would recommend further discussion with the applicant in relation to this.'</p>
5.8.4	<p>Following assessment of the Viability Report and receipt of the Plans and Policy team response the applicant's team was provided with the opportunity to make amendments to adjust the scheme to create a more balanced development given the comments set out in the Plans and Policy team response. No further amendments have been received.</p>
5.8.5	<p>Restricting occupancy of individual apartments via condition would not be appropriate in enforcement terms as it would be difficult to monitor and would require an excessive degree of supervision. The predominance of 1 bed 1 person apartments does not of itself justify a refusal of the proposal and there is no policy basis on which to do so. On balance the mix of unit sizes is considered acceptable.</p>
5.8.6	<p>The applicant has also voluntarily submitted an Addendum to the initial Viability Assessment which considers the financial viability of Social and Affordable Housing if incorporated into the proposed scheme and amended scheme considering a differing unit mix based on the Belfast City Council Local Development Plan 2035 (Draft Plan Strategy). Policy HOU 5 of the Draft Plan Strategy states that 'Planning permission will be granted for residential development on sites greater than 0.1 hectares and/or containing 5 or more dwelling units where a minimum of 20% of units are provided as affordable housing.' As set out at paragraph 5.25 above the Draft Plan Strategy is a material consideration but has limited weight until it is adopted. Until such times as the Plan is adopted existing policies will be applied including the SPPS and relevant PPSs. The response from NIHE advises that they would support a 10% social housing scheme on this site however the existing policy context does not require the provision</p>

	of social and/or affordable housing and therefore it is not being sought for this development. The proposal remains for private, build-to-rent accommodation.
<b>5.8.7</b>	The Plans and Policy team has assessed the Addendum Viability Assessment and agree with the conclusion that tested schemes at 20% Social/Affordable Housing are considered unviable.
<b>5.9</b>	<b>Impact on the surrounding context</b>
<b>5.9.1</b>	The site is located in close proximity to a number of listed buildings of special architectural or historic interest as protected under Section 80 of the Planning Act (NI) 2011, including: the Head Line Building, 10-14 Victoria Street Belfast (HB26/50/053 - Grade B1), the Former First Trust Bank, 4 Queen's Square, Belfast (HB26/50/056 - Grade B+) and Custom House Custom House Square Belfast (HB26/50/062 - Grade A).
<b>5.9.2</b>	HED notes that the Townscape and Visual Impact Assessment information shows the visual impact of the proposal from significant nodes around the city and advises that whilst the tower element of the design is largely visible across the Belfast skyline, the proposal does not appear to detract from designated views of or from listed buildings in the vicinity. HED considers the proposal complies with paragraph 6.12 of the SPPS 6.12 (Development proposals impacting on Setting of Listed Buildings) and Policy BH11 (Development affecting the Setting of a Listed Building).
<b>5.9.3</b>	The proposed development will sit adjacent to a 5 storey office block to the immediate north. The southern elevation of the office block comprises large areas of blank gable along with centrally located windows. The proposed 19 storey block fronting onto Corporation Street will be juxtaposed next to blank sections of the adjacent office building's southern elevation and surface level car parking. The 7 storey block fronting onto Tomb Street will also be juxtaposed next to a large section of blank gable. A right of way is located between the 7 storey block and the adjacent office building creating a separation buffer. Above first level there is gap of c. 22m between the 19 storey and 7 storey blocks which will allow light to penetrate into the centrally located windows located on the southern elevation of the office block. The primary outlook from the office block is towards Corporation Street, Tomb Street and Gamble Street. It is considered that the proposed development will have minimal impact on the existing office block and the proposed relationship is considered acceptable.
<b>5.9.4</b>	A nightclub is located to the immediate south of the site and there is a right of way along part of the southern boundary between the site and the nightclub creating a degree of separation. Environmental Health has assessed the proposed relationship with the nightclub and are satisfied that the glazing specifications (containing an element of laminated glass which is superior to standard glass in terms of acoustic performance) presented in the accompanying Noise Information supporting the application demonstrate that the proposed glazing will meet required glazing sound reduction requirements. The Noise Information supporting the application also confirms that the proposed glazing will ensure night time noise on Tomb Street is adequately mitigated.
<b>5.9.5</b>	Tomb Street Post Office is located directly across from the site on Tomb Street. Concerns have been raised regarding the impact of the proposed development on the existing operations of the Post Office. The most recent objection on behalf of Royal Mail requests that if an approval of planning permission is recommended, that planning conditions are included to protect future occupiers to avoid any future complaints and

	<p>protect Royal Mail operations. Environmental Health has considered the objections received on behalf of Royal Mail and advise in their response that the Noise Information supporting the application advises that the assessment carried out captures the worst case noise levels from all sources in the locality and applied these to demonstrate the worst case impact on the development and that noise levels measured at the Tomb Street façade represents the highest levels measured from all sources through the survey including the operation of the post office premises. Environmental Health advise that the assessment carried out presents mitigation incorporated to ensure internal noise target levels will be met and will ensure that noise levels are significantly lower than any levels identified in the industry standard BS 4142 (Methods for Rating and Assessing Industrial and Commercial Sound). Environmental Health recommend a number of noise related conditions to ensure that proposed noise mitigation measures such as glazing, alternative means of ventilation, acoustic specification of each façade, and acoustic barriers are carried out in accordance with the Noise Information submitted and that prior to installation, further details of e.g. glazing, alternative means of ventilation and acoustic specification of facades are submitted for approval by the Council. Furthermore, Environmental Health also recommend such mitigation measures (glazing, alternative means of ventilation) are verified prior to occupation. The proposed conditions are considered appropriate and address the issues raised by Royal Mail, as set out in their most recent objection letter.</p>
<b>5.9.6</b>	<p>Centenary House and Calder Fountain Lifehouse supported housing development is located to the south of the site. It is considered that there is adequate separation between these existing buildings and the proposed development to ensure no adverse impact on existing residential amenity.</p>
<b>5.9.7</b>	<p>It is considered that the design and layout of the proposed development will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The proposal is considered compliant with the SPPS and PPS 7.</p>
<b>5.10</b>	<p><b>Access Parking and Traffic Management</b></p>
<b>5.10.1</b>	<p>The development proposes a car park accessed from Tomb Street to serve the development. The car park at ground floor level proposes 14 car parking spaces and 2 spaces for motor cycles. The car parking spaces comprise comprising 7 disabled spaces, 2 car clubs space and 5 standard car parking spaces. In addition, 216 Bicycle racks are proposed within the development. The site is located in Belfast City Core Area of Parking Restraint as set out in dBMAP (v 2014). Policy TRAN 1 states that reductions in standards will be considered in appropriate circumstances where evidence of alternative transport arrangements can be clearly demonstrated, or other material considerations exist that justify an exception to the policy. In this case the reduction in parking is proposed to be supported by the following green travel measures which will be secured through a Section 76 Planning Agreement.</p> <ul style="list-style-type: none"> <li>• Travel cards for each apartment for 3 years/Travel Plan Fund</li> <li>• Discounted membership of a car club for a period of 3 years</li> <li>• Discounted membership of Belfast Bike Scheme for 3 years</li> </ul>
<b>5.10.2</b>	<p>Pedestrian access to the building will be provided from Corporation Street and Tomb Street and from within the internal courtyard which will provide a movement pattern that supports walking and cycling. The proposed commercial unit fronting Corporation Street will be accessed and serviced from Corporation Street.</p>



5.10.3	<p>Servicing of the site is proposed from Corporation Street and Tomb Street. The Service Management Plan states that <i>'A representative from the development management company will be responsible for setting up the initial delivery times of any regular vehicle deliveries to the premises'</i> and that <i>'In keeping with other city centre sites and the existing behaviours of other developments on Tomb Street, servicing for the proposed development will take place on-street. For any servicing needs along Corporation Street, the development site benefits from an extant planning approval (Z/20115/0176/F) for the provision of a lay-by, which will allow service vehicles to stop clear of the carriageway without causing any delay to traffic flow. This lay-by includes the extension of existing double yellow lines to ensure the area is not abused as parking. All efforts will be made to co-ordinate and confirm initial delivery times to avoid any detrimental effects on the public roads, this includes clashes with other deliveries or peak traffic times.'</i></p>
5.10.4	<p>It is proposed that waste including recycling will be stored in dedicated bin areas on the ground floor. The Service Management plan advises that <i>'Bins will be provided in the bin store of the apartment block and the management company will organise that these are brought on-street (Tomb Street) and returned to the bin storage area on bin collection days.'</i></p>
5.10.5	<p>A number of the apartments fall outside the recommended 30m travel distance from bin storage to apartments which is set out in Building Control Regulations. During the processing of the application discussions took place with the applicant, Waste Management Unit (WMU) and Building Control (BC). The applicant presented mitigating measures and both WMU and BC are satisfied with the proposed arrangements.</p>
5.10.6	<p>DFI Roads has no objections to the proposed development subject to conditions which are set out below. The proposal is considered to comply with the SPPS, Policy AMP 7 of PPS 3 Criteria (e) and (f) of Policy QD 1 of PPS 7 and Policy TRAN 1 of dBMAP.</p>
5.11	<p><b>Environmental Considerations - Drainage, Contamination, Noise, Air Quality</b></p> <p><b>Drainage</b></p>
5.11.1	<p>The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under FLD 1, 2, 3, 4 and 5, subject to a condition requiring a final drainage assessment to be submitted prior to commencement.</p>
5.11.2	<p>NI Water has objected to the proposal on the basis that there is insufficient waste water treatment capacity available to service the proposed development. They have also advised that the foul sewer network cannot presently serve this development proposal without significant risk of environmental harm and detrimental impact on existing properties. Importantly, NI Water makes allowance for existing significant committed development across the city including extant planning permissions such as the extant hotel approval on the site. Such development, which includes un-implemented permissions across the city, will not all come forward at once.</p>
5.11.3	<p>In practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city including the extant permission on part of the site. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental</p>

	<p>impact on waste-water infrastructure or environment, particularly in the context of impacts over and above what has already been committed across the city. NI Water confirms that it has a programme for WWTW improvements which will increase capacity over the coming years. Whilst NI Water advises that it cannot support the proposal at this time, some additional capacity will be available from July 2023 as a result of the completion of initial upgrade work, subject to an Impact Assessment. NI Water therefore recommends negative planning conditions to permit the proposed development to be constructed but not occupied until 01 July 2023 and until such times as an extension to the existing surface water network to serve the development is provided.</p>
<b>5.11.4</b>	<p>Shared Environmental Service (SES) has carried out a Habitats Regulation Assessment (see reference below) on behalf of the Council and advise that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects subject to mitigation measures which are recommended as conditions and would require consent for surface water and foul sewage connections to be secured prior to occupation. On this basis, this condition is considered appropriate and necessary in this particular case.</p>
<b>5.11.5</b>	<p><b>Noise</b></p> <p>The application is supported by a Noise Impact Assessment and accompanying addendums. Environmental Health has considered the proposal along with the objections received (as referred to above) and have recommended appropriate conditions.</p>
<b>5.11.6</b>	<p><b>Contamination</b></p> <p>The application is supported by a Preliminary Risk Assessment which has been considered by both DAERA: NIEA and Environmental Health. Neither has raised objections and both have provided conditions/informatives if permission is granted.</p>
<b>5.11.7</b>	<p><b>Air Quality</b></p> <p>Environmental Health has reviewed the proposal and has advised that they have no concerns regarding air quality.</p>
<b>5.12</b>	<p><b>Habitats Regulation Assessment</b></p>
<b>5.12.1</b>	<p>In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) Shared Environmental Services (SES) on behalf of the Council has carried out an appropriate assessment and having considered the nature, scale, timing, duration and location of the project, SES advises that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including mitigation measures. This conclusion is subject to mitigation measures being conditioned in any approval which require consent for surface water and foul sewage connections to be secured prior to occupation. The recommended condition is set out in full below.</p>
<b>5.12.2</b>	<p>Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 02/11/2021. This found that the project would not have an adverse effect on the integrity of any European site.</p>

<b>5.13</b>	<b>Developer Obligations</b>
<b>5.13.1</b>	Para 5.69 of the SPPS states that ' <i>Planning authorities can require developers to bear the costs of work required to facilitate their development proposals.</i> ' Relevant further guidance is provided by the Council's Developer Contribution Framework, adopted in 2020.
<b>5.13.2</b>	Green Travel Measures in the form of a travel card for each apartment for a period of 3 years, provision of 2 car club spaces within the building, provision of discounted membership of a car club (50%) for a period of 3 years and membership of a bike scheme for a period of 3 years are proposed to support the proposed development. In addition, the developer has agreed to provide a financial contribution of £400k towards improving public realm and connectivity to the city centre which will include a contribution towards the pedestrian junction on Corporation Street/Dunbar Link.
<b>5.13.3</b>	BCC Economic Development Unit has advised that given the scale of the employment to be created, the high rates of unemployment, current sectoral growth and reported shortages in specific skilled trades, it is likely that the development will give rise to skills or labour shortages within the construction sector and conclude that Employability and skills related Developer Contributions Section 76 clauses will be required for the construction phase of the development.
<b>5.13.4</b>	BCC CRD highlight that the significance of the immediate and wider setting of the proposal is reflected in the suite of DfC documents, regarding the ongoing regeneration of Greater Clarendon and Sailortown and consider that the scheme should contribute to the improvement of the public realm to both integrate the proposed development and enhance local streetscape quality/character, and to enable safe and sustainable movement within this part of the city centre.
<b>5.13.5</b>	CRD advise that in order to ensure a fully integrated approach to the design and delivery of public realm within the streets immediately adjacent to the proposed development and within the wider area as set out in existing regeneration strategy and guidance, it is considered that a developer contribution in the form of a commuted sum paid to the council is appropriate in this instance. This approach would enable the delivery of necessary improvements associated with the proposal as part of a strategic programme of public realm investment that reflects the joint Council, DfC and DfI ambition set out in 'A Bolder Vision'.
<b>5.13.6</b>	Furthermore, CRD consider that the proposal should also contribute to (and benefit from) enhanced pedestrian and cycle links to/from the city centre. Such improvements should be designed alongside the development of public realm proposals, and contribute to permeability and ease of movement by providing enhanced crossings to address the severance caused by Corporation St / Dunbar Link. A contribution towards enhanced pedestrian crossings is considered appropriate.
<b>5.13.7</b>	Officers consider that public realm works are necessary to mitigate the impacts of this major development. In addition, the site's location, somewhat disconnected from the city centre due to the surrounding dominant roads infrastructure necessitates the requirement for improved connectivity to the city centre. The applicant has agreed to provide a financial contribution of £400,000 towards public realm improvements/improved connectivity to the city centre. Such improvements will include pedestrian crossing improvements at Corporation Street and Dunbar Link and upgrades to the walking/cycling environment surrounding the site.

5.13.8	The planning obligations will be included as part of the planning permission by means of a Section 76 planning agreement and comply with the adopted Developer Contributions Framework and the SPPS. Delegated authority is requested to finalise the S76.
5.14	<b>Pre-Application Community Consultation</b>
5.14.1	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 09 October 2018 (LA04/2018/2433/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable subject to additional consultation with Inner North Belfast Neighbourhood Partnership. The response also advised that a leaflet drop should take place with businesses and residents which directly abut the proposed full application site.
5.14.2	Given the passage of time between the initial public consultation events and submission of the planning application officers recommended during the PAD process that the applicant undertake an updated public consultation exercise. Whilst there is no legislative requirement to undertake additional public consultation events it is considered good practice and the applicant undertook an updated consultation exercise. Furthermore, during the period between the initial community consultation exercise and the updated consultation exercise the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 was enacted in response to COVID19 restrictions. This Regulation temporarily suspended the requirement for a public event and facilitated alternative consultation measures such as web based engagement, use of social media, community surveys and use of information sheets and newsletters in place of public events.
5.14.3	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and that the initial public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that an online community consultation magazine was available on the Clyde Shanks Ltd website on the 1 <sup>st</sup> July 2021 until the 15 <sup>th</sup> July 2021. The report also confirmed that a leaflet drop to businesses and residents which directly abut the application site took place in 2018.
5.14.4	The report states that 2 feedback forms were returned during the initial public consultation event and that <i>'The majority of the comments received at the public event were positive and supportive of the project, with particular emphasis on the quality of design and articulation of the elevations.'</i> No feedback was received during the most recent round of consultation.
5.14.5	The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<p><b>Summary of Recommendation:</b></p> <p>Having regard to the development plan, relevant policy context and other material considerations including the representation, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions and a Section 76 to secure an Employability and Skills Plan, green travel measures and a financial contribution towards improving public realm and connectivity to the city centre.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 and to deal any other issues which might arise.</p>	
<p><b>Draft Conditions:</b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No external finishes shall applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.</p> <p>The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external finishes.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>3. Notwithstanding the submitted details, no development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless the detailed design of the recesses to the windows and external doors have been submitted to and approved in writing by the Council. The details shall include detailed scaled section drawings. The development shall not be carried out unless in accordance with the details so approved.</p> <p>Reason: In the interests of the character and appearance of the area. Approval is required in advance because the design of the recesses is fundamental to the overall design of the building.</p> <p>4. Prior to installation details of the Artwork to be erected along the Tomb Street elevation (ground floor), Northern Elevation of the 19 storey block and the Southern Elevation (ground floor) shall be submitted to and agreed in writing by the Council. The development shall be carried out in accordance with the agreed details and retained thereafter.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>5. The development shall not be occupied unless the visibility splays and any forward sight distance have been provided in accordance with the Private Streets Determination drawing No.19-059-P-101 Rev.P01 uploaded to the Planning Portal 15th February 2022. The access and visibility splays shall be retained in accordance with the approved plans at all times.</p> <p>Reason: To ensure safe and convenient access to the development.</p>	

6. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied 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.

7. The vehicular access hereby permitted shall be formed by lowered kerbs at the carriageway edge and associated re-grading of the footway to the satisfaction of the Council.

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

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

The Department 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.19-059-P-101 Rev.P01 bearing the Department for Infrastructure Determination date stamp 10th June 2022.

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

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

No part of the development hereby permitted shall be occupied until the works necessary for the improvement of the public road have been completed in accordance with the details outlined in blue on drawing No.19-059-P-101 Rev.P01 bearing the Department for Infrastructure Determination date stamp 10th June 2022. The Department hereby attaches to the determination a requirement under Article 3(4)A of the above Order that such works shall be carried out in Accordance with an agreement under Article 3(4)C.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

10. The development hereby approved shall not be occupied or operated until the hard surfaced areas have been provided in accordance with the Private Streets Determination drawing No.19-059-P-101 Rev.P01 uploaded to the Planning Portal 15th February 2022. Such areas shall not be used for any purpose other than the parking and movement 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

11. The development hereby approved shall not be occupied or operated unless covered bicycle storage has been provided in accordance with the with Private Streets Determination drawing No.19-059-P-101 Rev.P01 uploaded to the Planning Portal 15th February 2022. The covered bicycle storage shall be retained in accordance with the approved plans at all times.

Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel.



12. The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan Rev.B uploaded to the Planning Portal 2nd September 2021.

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

13. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval.

Reason: To safeguard against flood risk to the development and from the development to elsewhere.

14. 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 is in place for the operational phase of the proposal that will ensure no impacts to European Sites. Approval is required upfront because the design of drainage is an integral part of the development and its acceptability.

15. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RSK Environment Ltd report entitled 'ES Corporation Street, Remedial Strategy, Lands at 21 to 29 Corporation Street, Belfast' (referenced 603571\_R2(01) and dated July 2021) have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that the identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:

- a) Gas protection measures commensurate with the site's Characteristic Situation 2 classification have been provided to the buildings in accordance with BS 8485:2015+A1:2019 (minimum gas protection score of 3.5). Gas protection measures must be verified in line with the requirements of CIRIA C735.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

16. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed

in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health and of environmental receptors to ensure the site is suitable for use.

17. Prior to the installation of the glazing units to the façade of the habitable rooms of the hereby permitted development a noise report detailing the proposed glazing unit to the habitable rooms on each floor and on each façade, shall be submitted to and approved in writing by the Council. The report shall include the glazing units acoustic data sheets and shall demonstrate that the proposed glazing units acoustic performance meet the required glazing sound reduction as detailed in table 12 of the Irwin Carr Consulting Additional Information entitled "21-29 Corporation Street Belfast & 18-24 Tomb Street" dated 30<sup>th</sup> November 2022 report reference LT001N 2022077. The development shall be carried out in accordance with the approved details.

Reason: Protection of residential amenity.

18. Prior to the construction of the hereby approved development the acoustic specification of the walls of each façade of the residential units shall be submitted to and approved in writing by the Council. The entire façade structure must meet as a minimum the acoustic specification as detailed in table 12 of the Irwin Carr Consulting Additional Information entitled "21-29 Corporation Street Belfast & 18-24 Tomb Street" dated 30<sup>th</sup> November 2022 report reference LT001N2022077. The approved façade wall structure shall be constructed as approved.

Reason: Protection of residential amenity.

19. Prior to the construction of the hereby approved development, the applicant shall submit a noise report shall be submitted to and approved in writing by the Council. The noise report shall confirm the final specification of the mechanical Ventilation Heat Recovery system (MVHR) proposed to the residential units including the operation noise levels, and details of any necessary acoustic mitigation measures. The report shall demonstrate that the operation noise associated with the MVHR system shall not exceed the night time internal noise guidelines of 30dB LAeq British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' in line with section 3.2.4 of the Irwin Carr Additional Information dated 30<sup>th</sup> November, letter reference LT001N 2022077.

The noise report shall confirm the location of the external inlet and outlet vents serving the MVHR system. The report shall provide details of the proposed acoustic mitigation measures and shall demonstrate by way of calculation that noise break in via the externally located inlet and outlet vents and the façade shall not exceed the BS8233 internal noise targets and the Irwin Carr Consulting design target of NR 20 over each octave band. The development shall be carried out in accordance with the approved details.

Reason: Protection of residential amenity

20. Prior to occupation of the hereby approved residential units, the window schedule and alternative means of ventilation, as approved, shall be installed so as to achieve suitable

internal noise levels in all habitable rooms in accordance with British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings', and so that the residential units are not impacted by music break in from entertainment venues and can achieve NR 20 over each octave band, with the windows closed and the alternative ventilation provided in accordance with building control regulations. The approved windows and alternative means of ventilation shall be retained within the development thereafter.

Reason: Protection of residential amenity

21. Prior to occupation of any residential unit hereby permitted, a report verifying that the window schedule and alternative means of ventilation as approved have been installed shall be submitted to and approved in writing by the Council. The report shall comprise a written declaration from the suppliers and installers of the glazing and alternative means of ventilation confirming that the scheme of windows and alternative means of ventilation have been installed as approved.

Reason: Protection of residential amenity

22. Prior to commencement details of the proposed 0.7m parapet wall and 1.2m glazed acoustic barrier shall be submitted to and approved in writing by the Council. The glazed acoustic barrier shall be at least 1.2m in height, with no gaps and a mass of at least 15kg/m<sup>2</sup> and prior to occupation shall be installed in the external roof terraces to the 9<sup>th</sup> and 11<sup>th</sup> as detailed in appendix B of the Irwin Carr Consulting Additional Information entitled '21-29 Corporation Street Belfast & 18-24 Tomb Street' dated 30<sup>th</sup> November 2022 report reference LT001N2022077' and agreed details. The parapet wall and acoustic barrier shall be retained thereafter.

Reason: Protection of residential amenity

23. No development shall commence on site (including demolition, site clearance and site preparation) unless a Final Environmental Construction Management Plan has been submitted to and approved in writing by the Council. The Final Environmental Construction Management Plan shall include measures to control noise, dust, vibration and other nuisance during the demolition/construction phase and ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Final Environmental Construction Management Plan.

Reason: To safeguard the amenities of the area and to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment. Approval is required upfront because construction works have the potential to harm the amenities of the area.

**Notification to Department (if relevant) – Not Required**

Date of Notification to Department: N/A

Response of Department: N/A

**Representations from Elected Members:** None

<b>ANNEX</b>	
<b>Date Valid</b>	26th August 2021
<b>Date First Advertised</b>	10th September 2021
<b>Date Last Advertised</b>	17th December 2021
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 10-14 ,Tomb Street,Belfast,Antrim,BT1 3AS The Owner/Occupier, 11-17 ,Corporation Street,Belfast,Antrim,BT1 3BA The Owner/Occupier, 18a ,Tomb Street,Belfast,Antrim,BT1 3AS The Owner/Occupier, 19 Corporation Street,Belfast,Antrim,BT1 3BA The Owner/Occupier, 2 Victoria Street,Belfast,Antrim,BT1 3GE The Owner/Occupier, 24-42 Corporation Street, Belfast, BT13DP The Owner/Occupier, 26-36 ,Tomb Street,Belfast,Antrim,BT1 3AS The Owner/Occupier, 6 Tomb Street, Belfast, BT1 3AS Clare Lucey Cushman & Wakefield,1 Colmore Square,Birmingham,B4 6AJ The Owner/Occupier, Design Centre, 39 Corporation Street, Belfast, BT1 3BA The Owner/Occupier, Graham House, 1 Albert Square, Belfast, BT1 3EQ The Owner/Occupier, Royal Mail Delivery Office, 7-13 Tomb Street, Belfast, BT1 1AA	
<b>Date of Last Neighbour Notification</b>	6th December 2022
<b>Date of EIA Determination</b>	6th September 2021
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	

Drawing Nos.

- 01 – Site Location Plan – Published 02.09.21
- 02A– Block Plan – Published 13.10.22
- 03B - Ground Floor Plan – Published 07.12.21
- 04a - First Floor Plan – Published 25.11.21
- 05a - Second to Fourth Floor Plan – Published 25.11.21
- 26 - Fifth and Sixth Floor Plan – Published 25.11.21
- 06a - Seventh to Eighth Floor Plan – Published 25.11.21
- 07a - Ninth to Tenth Floor Plan – Published 25.11.21
- 08a - Eleventh Floor Plan – Published 25.11.21
- 09a - Twelfth to Seventeenth Floor Plan – Published 25.11.21
- 10a - Eighteenth Floor and Roof Plan – Published 25.11.21
- 11a - Context Elevations – Published 25.11.21
- 12a - Elevation A Rev A (Corporation St) – Published 25.11.21
- 13a - Elevation B Rev A (Southern Elevation) – Published 25.11.21
- 14a - Elevation C Rev A (Tomb St) – Published 25.11.21
- 15b - Elevation D Rev B (Northern Elevation) – Published 20.06.22
- 16a - Elevation E Rev A – Published 25.11.21
- 17a - Elevation F Rev A – Published 25.11.21
- 18b - Elevation G Rev C (Courtyard Elevation) – Published 30.06.22
- 19a - Landscape Proposals Ground Floor Rev B – Published 26.11.21
- 20A - Landscape Proposals Level 11 - Roof Terrace – Published 09.11.21
- 21A - Landscape Proposals Level 18 - Roof Terrace – Published 09.11.21
- 22 - Landscape Details-Planters, Benches – Published 02.09.21
- 23 - Landscape Proposals-Concept – 02.09.21
- 24 - Landscape Details-Paving Published 02.09.21
- 25 - Section DD – Published 02.09.21
- 27 - Landscape Proposals – Level 9 Roof Terrace – Published 26.11.21
- 28 - General Arrangement Plan – Published 07.12.21
- 30 - Construction Details – Published 07.12.21
- 19-059-P-101 - Private Streets Determination – Stamped Drawing Published 22/06/22
- 31 – Coloured Elevation A (Corporation Street) Published 07.07.22
- 32 – Coloured Elevation B (Southern Elevation) Published 07.07.22
- 33 – Coloured Elevation C (Tomb Street) Published 07.07.22
- 34 – Coloured Elevation D (Northern Elevation) Published 07.07.22
- 35 – Coloured Elevation E (Internal Courtyard) Published 07.07.22
- 36 – Coloured Elevation F (Internal Courtyard) Published 08.07.22
- 37 – Coloured Elevation G (Internal Courtyard) Published 08.07.22

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