

# Public Document Pack

**Democratic Services Section  
Chief Executive's Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**



**Belfast  
City Council**

3rd April, 2019

**Pre Determination Hearing to consider Planning Applications LA04/2017/2811/F and LA04/2017/2783/DCA**

Dear Alderman/Councillor,

The Planning Committee will meet in the Banqueting Hall - City Hall on Tuesday, 9th April, 2019 at 4.00 pm, for the transaction of the business noted below.

Please note that a decision on the aforementioned Planning Applications will not be reached at this hearing. They will be formally considered by the Planning Committee at its meeting commencing at 5p.m.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

**AGENDA:**

1. **Routine Matters**
  - (a) Apologies
  - (b) Declarations of Interest
  
2. **Pre Determination Hearing to consider Planning Applications LA04/2017/2811/F and LA04/2017/2783/DCA - Demolition of existing building and erection of 16 storey residential building comprising 90 units (30 x one bed and 60 x two bed), ancillary ground floor uses including management suite, café, servicing (refuse/recycling/cycle storage/general storage), plant room, substation and associated public realm works - 81-87 Academy Street & 2-6 Exchange Street Belfast BT1 2LS (Pages 1 - 36)**



## PRE-DETERMINATION HEARING Development Management Officer Report

| <b>Summary</b>   |  |
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| <b>Application ID:</b> LA04/2017/2811/F and LA04/2017/2783/DCA   | <b>Date of Committee:</b> 09 April 2019  |
| <b>Proposal:</b><br>Demolition of existing building and erection of 16 storey residential building comprising 90 units (30 x one bed and 60 x two bed), ancillary ground floor uses including management suite, café, servicing (refuse/recycling/cycle storage/general storage), plant room, substation and associated public realm works.  | <b>Location:</b><br>81-87 Academy Street & 2-6 Exchange Street<br>Belfast BT1 2LS                |
| <b>Referral Route: Major development</b>   |  |
| <b>Applicant Name and Address:</b><br>Lacuna Academy Street Ltd<br>74A High Street<br>Holywood<br>BT18 9AE   | <b>Agent Name and Address:</b><br>Turley<br>Hamilton House<br>3 Joy Street<br>Belfast<br>BT2 8LE |
| <p>These applications were originally considered by the Planning Committee at its meeting on 16 October 2018. The Committee resolved to approve the applications with conditions subject to clarification of the consultation response from DfI Roads, satisfactory amendments to the design of the public realm enhancements, the submission of a satisfactory travel plan, and securing travel cards for occupants of the development for five years. Under the Planning (Notification of Applications) Direction 2017, it was also necessary to notify the Department for Infrastructure because the resolution to approve the applications was contrary to the views of Department for Communities Historic Environment Division, a statutory consultee.</p> <p>On 26 March 2019, the Department for Infrastructure wrote to the Council to confirm that it does not consider it necessary for the applications to be referred to it for determination. In such circumstances, Regulation 7(1) of the Planning (Development Management) Regulations (Northern Ireland) 2015 requires the Council to hold a pre-determination hearing to give the applicant and interested parties opportunity to appear before and be heard by a committee of the Council.</p> <p>The purpose of this report is to provide information for the Planning Committee to inform the pre-determination hearing in advance of the main meeting of the Planning Committee in order for the applicant and interested parties to be heard. The hearing will follow a similar format to the Planning Committee in that the officer will give an oral presentation of the applications and key issues. The applicant and interested parties will then have an opportunity to speak. The objective of the hearing will be to focus on the material planning considerations and explore these to facilitate the Planning Committee in making its determination on the application.</p> <p>The original committee report of 16 October 2018 is appended to this report along with the Late Items report to the October committee meeting. These set out the background to the applications, consultation responses and representations, and the relevant key issues.</p> <p>Department for Communities Historic Environment Division (HED) objected to the application. Their objection is reported in detail in the original committee report, appended. In summary, HED believes</p> |  |

that the proposal will adversely affect the setting of nearby Listed Buildings. They have no issue with the modern response to the historic environment. However, they feel the proposal is out of keeping with the context and character of the setting and both the listed building's relationship with their setting and the detailed design is out of keeping with the listed building in terms of scale, form, massing and proportions. An analysis of these issues is provided in the original report.

Since the October Planning Committee meeting the Council has received the following additional objections to application LA04/2017/2811/F.

Objection from Clive Moore:

- The proposal is too tall and will detract from the Cathedral area
- The height of the Ulster University buildings is now being used as a precedent
- The height restrictions set out in BMAP should be adhered to
- The previous designs from 2007 are more in keeping with the area

Objection from the Cathedral Eye Clinic (Nos. 89-91 Academy Street):

- The application is not supported by a detailed demolition or construction method statement. It is not known how long the demolition and construction will last, the method for demolition, how the foundations will be laid, servicing of the site during construction, how waste will be removed from the site and the degree of construction vibration and its impact
- For these reasons the application is invalid and it cannot be lawfully determined
- This in turn effects the noise impact assessment which is only based on general assumptions
- Noise and vibration will adversely impact on the ability of the eye clinic to carry out sensitive operations, including laser surgery, when a quiet ambience is required
- The proposed construction hours are unacceptable
- Local buildings, including Listed Buildings, could be adversely impacted by vibration
- The proposal does not provide parking and this will place pressure on existing parking
- The proposal is out of keeping with the Conservation Area and fails to accord with the SPPS and Policy BH11 of PPS6. It would be harmful to the setting of Listed Buildings. The building would be over-dominant and would overshadow other buildings. The proposed materials are out of keeping.

Officers respond to the above objections as follows:

- The impacts of the proposal on built heritage, including the Conservation Area and setting of nearby Listed Building, are dealt with in the original committee report, appended. Similarly, the appropriateness of the buildings height and design in the context of the surrounding area, as well as overshadowing, are also dealt with in the original report.
- Matters relating to parking are dealt with in the original report and Late Items report.
- In relation to the comment that an earlier scheme for the site was more appropriate, the Planning Committee must determine the application before it on its own individual merits.
- A planning condition is recommended at par. 11.7 of the original report to require submission, approval and subsequent implementation of a Construction Environmental Management Plan. This will set out the methods to minimise noise, vibration and dust impact from demolition and construction operations having regard to best practice. In respect of the Eye Clinic's concerns about impact on their operations, officers advise that the requirement for a Construction Environmental Management Plan is as far as the Planning Authority can reasonably go in terms of how this issue can be addressed. It would not be sustainable to refuse planning permission, or require further mitigation from the applicant, in respect of this issue.
- The design of the foundations is a matter for the Building Control Service to assess in accordance with the relevant Building Regulations.
- Environmental Health has advised that the noise assessment provided with the application is acceptable.
- Historic Environment Division has not raised any concerns that nearby Listed Buildings are at risk from vibration during demolition and construction.

- A construction method statement is not a prerequisite of a valid application. The application is valid in accordance with Article 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

Following the pre-determination hearing, the planning applications will be reconsidered and determined by the Planning Committee which will follow the hearing.

At its meeting in October 2018, the Planning Committee identified a number of outstanding issues that were still to be resolved. In respect of the clarification from DfI Roads, as set out in the Late Items report, DfI Roads subsequently withdrew its earlier objection to the application. This was on the proviso that there would be an updated Travel Plan and that Travel Cards would be provided for each residential unit for the first five years of occupation. The Travel Plan and Travel Cards are to be secured by way of a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011, currently being drafted. The public realm enhancement works are to be secured by way of a planning condition to require the works to be completed prior to occupation.

# Development Management Report

## Committee Application

| <b>Summary</b>  |  |
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| <b>Committee Meeting Date:</b>  | <b>Item Number:</b>  |
| <b>Application ID:</b> LA04/2017/2811/F and LA04/2017/2783/DCA  | <b>Target Date:</b>  |
| <b>Proposal:</b><br>Demolition of existing building and erection of 16 storey residential building comprising 90 units (30 x one bed and 60 x two bed), ancillary ground floor uses including management suite, café, servicing (refuse/recycling/cycle storage/general storage), plant room, substation and associated public realm works.   | <b>Location:</b><br>81-87 Academy Street & 2-6 Exchange Street<br>Belfast BT1 2LS                |
| <b>Referral Route: Major Application</b>  |  |
| <b>Recommendation: Approval</b>   |  |
| <b>Applicant Name and Address:</b><br>Lacuna Academy Street Ltd<br>74A High Street<br>Holywood<br>BT18 9AE  | <b>Agent Name and Address:</b><br>Turley<br>Hamilton House<br>3 Joy Street<br>Belfast<br>BT2 8LE |
| <p><b>Executive Summary:</b><br/>This application seeks planning permission for demolition of existing vacant three storey building on the site (under accompanying application LA04/2017/2783/DCA) and erection of 16 storey residential building comprising 90 units (30 x one bed and 60 x two bed), ancillary ground floor uses including management suite, café, servicing (refuse/recycling/cycle storage/general storage), plant room, substation and associated public realm works.</p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> <li>- Principle of a tall building on the site</li> <li>- Design</li> <li>- Demolition within the Cathedral Quarter Conservation Area</li> <li>- Impact on Built Heritage</li> <li>- Impact on character and appearance of Cathedral Quarter Conservation Area</li> <li>- Acceptability of Residential Use at this location</li> <li>- Amenity Space Provision</li> <li>- Acceptability of Ground floor Café</li> <li>- Traffic and Parking</li> <li>- Impact on Amenity</li> <li>- Impact on Historic Monuments</li> <li>- Flooding</li> <li>- Pre-application Community Consultation</li> <li>- Waste Management</li> <li>- Air Quality</li> <li>- Economic Benefits</li> <li>- Developer Contributions</li> </ul> |  |

The site is located within the Cathedral Conservation Area as designated in the Belfast Urban Area Plan and in the Draft Belfast Metropolitan Area Plan 2014.

#### Representations

A total of 7 letters of support and 2 letters of objection have been received. Issues raised include the following:

- Lack of parking and impact on traffic flow
- 16 storey building will be overbearing and out of keeping with a 3 storey context
- Aluminium cladding out of keeping with area
- Impact on setting of listed buildings
- Proposal will prejudice development of adjacent site
- Impact of construction works on adjacent building

All matters have been fully considered in Section 7 of the attached case officer report.

The existing building does not make a positive contribution to the character of the conservation area and thus its demolition is acceptable. The proposal has been amended to address concerns in terms of height, scale and design, and is now considered to represent a positive contribution in what is an area of the Cathedral Conservation Area currently defined by surface level car parks and dereliction.

The site lies within the northern part of the city centre, which is arguably the most poorly defined in terms of land use and built form. In many ways this is an opportunity site, with the application presenting an opportunity to replace a derelict three storey building and adjoining surface level car park with a piece of high quality architecture that tips a hat to the more positive traditional elements of architecture in the area and creates a unique, landmark building.

The build-to-rent scheme will be unique to Belfast and will create a new form of residential accommodation in the city centre whereby elements of the hospitality industry such as concierges will be mixed with communal areas, cafes and a managed residential space with long term tenancies.

This mix of residential and retail uses will add to the diversity of the city centre and compliment the nearby University of Ulster whilst driving the much needed regeneration of this area and increasing the rates base that can be used for wider investment.

#### Consultees & Environmental Matters

**Environmental Health and DAERA Waste Management Unit** has no objections to the development and have provided Conditions - No unacceptable risks to human/ environmental receptors have been identified.

**DFC Historic Environment Division** – Objection

**DFI Roads** – Objection to no car parking

**Rivers Agency** – No objection

**Belfast city Airport** – No objection

**Building Control** – No objection

#### **Recommendation**

Having had regard to the extant development plan, the draft development plan, relevant planning policies, planning approvals in the area, economic benefits and other material considerations the proposed development is considered on balance acceptable.

It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission with conditions, subject to clarification of the consultation response from DfI Roads and satisfactory amendments to the design of the public realm enhancements.

**Signature(s):**

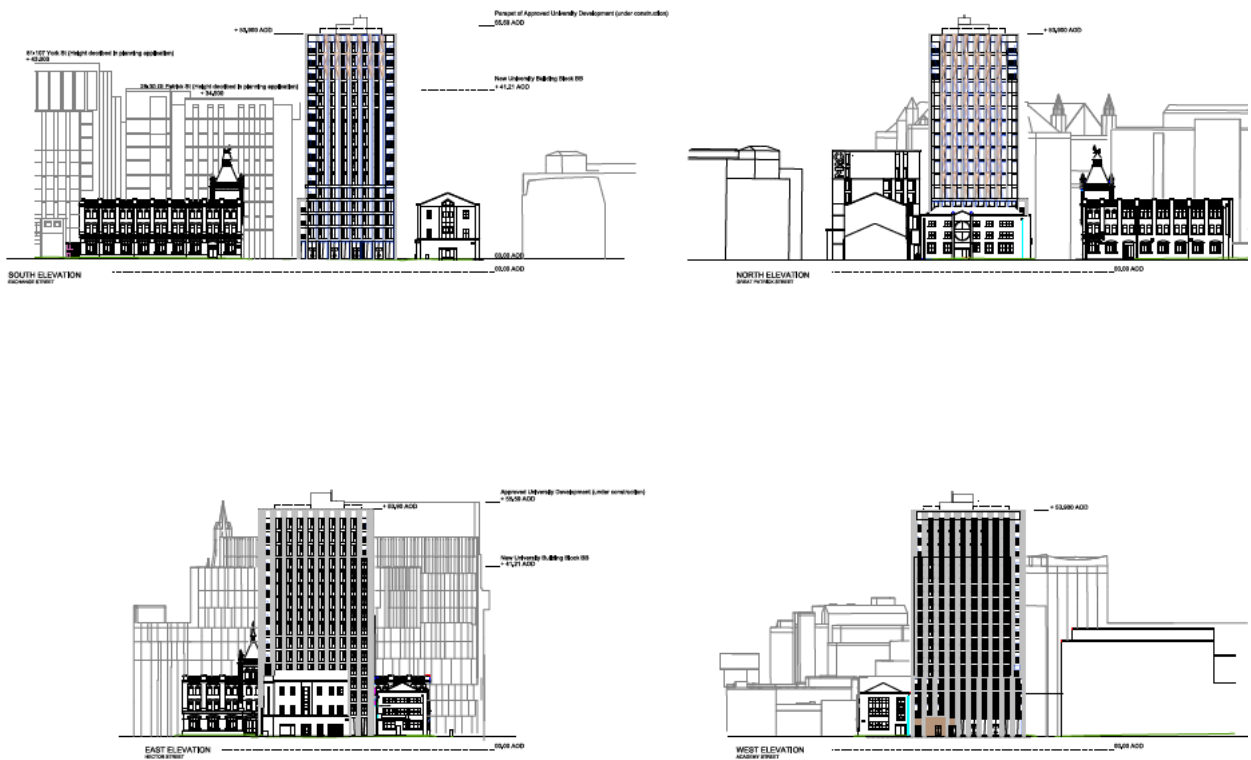


# Case Officer Report

## Site Location Plan



## Contextual Elevations



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| 1.0   | <p><b>Description of Proposed Development</b><br/> The proposal is a 16 storey building on the site of an existing 3 storey building and surface level car park. The proposed building is approximately 54m high with a 4 storey projection (approximately 16.5m high and 5m deep) onto Academy Street. The building will house a total of 90 one and two bedroom apartments located off a central stair and lift core. A café will be located to ground floor and will provide a frontage onto Academy Street and Exchange Street.</p> <p>Access to the building will be via two entrances, with the main entrance fronting onto Academy Street and the other fronting onto Hector Street. Cycle storage will be accommodated internally in the north wing of the building and accessed via Hector Street. Refuse and bicycle storage will also be accessed off Hector Street.</p> <p>No car parking is proposed. 36 secure cycle parking spaces will be accommodated on-site.</p> <p>In terms of finishes, light grey brick vertical masonry piers/ columns with glazing, and bronze aluminium horizontal strips between floors occupying the recesses, define the eastern and western elevations. The southern elevation is slightly different in that the vertical columns are narrower and a vertical bronze aluminium rainscreen panel is introduced beside the windows in each of the recesses. The northern elevation is similar in terms of the vertical brick columns but no glazing is proposed, instead the bronze aluminium rainscreen occupies the entirety of the recessed areas, apart from external balconies on each side of the top three floors.</p> |
| 2.0   | <p><b>Description of Site</b><br/> A three storey derelict building is located in the northern half of the site with the southern half occupied by a surface level car park. The existing building is faced in red brick with horizontal strip windows broken by recessed columns.</p> <p>The site currently provides approximately 600sqm of office/ showroom space within vacant building and 7 car parking spaces.</p>  |
| <p><b>Planning Assessment of Policy and other Material Considerations</b></p> |  |
| 3.0<br>3.1<br>3.2<br>3.3  | <p><b>Planning History</b><br/> LA04/2017/2783/DCA - Demolition of existing building to facilitate redevelopment of site for a residential building. Current associated application seeking consent to demolish building on site.</p> <p>Z/2004/2997/F – Erection of a five storey office building. 81-87 Academy Street. Permission granted 29 Sep 2006</p> <p>Z/2012/0361/F - New university campus in Belfast City Centre. Development of 3 no. new buildings (Block A, Block B and Block C) with total floor area (gross external) of 85736 sqm. The maximum height of the buildings is 12 storeys at corner of Frederick Street and York Street. The development will be characterised by 2 no. lantern features at the corners of York Street and Donegall Street and York Street and Great Patrick Street. Public realm improvements to York Lane and in proximity to university buildings. Demolition of existing footbridge and development of new footbridge over York Street. Minor works to the existing Block 82 external facades. York Street / Frederick Street / Great Patrick Street. Permission granted 16 May 2013.</p>   |

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| 3.4  | Z/2013/0802/O and 2013/A0124 (planning appeal) – Redevelopment of site to provide a 14-storey building comprising replacement Public House, replacement bookmakers and office above. 48 to 50 Great Victoria Street and 12-18 Amelia Street. Permission granted by Planning Appeals Commission 04 Feb 2015.   |
| 3.5  | Z/2014/1657/F – Erection of 11 storey building (34.5m high) comprising a retail unit at ground floor level, 475 managed student accommodation (with communal living rooms kitchen), associated reception/office facility, other ancillary accommodation including landscaped courtyard, plant and storage areas, car parking and cycle provision. Site at 28-30 Great Patrick Street. Permission granted 20 May 2016.   |
| 3.6  | LA04/2015/0141/O – Proposed 9 storey office building including ground floor car parking. Site adjacent to 14 Little Patrick St. and opposite 23-33 Little York Street. Permission granted 03 Oct 2016.  |
| 3.7  | Z/2015/0177/F – Demolition of the existing building and erection of a 12 storey mixed use building with a ground floor retail unit, 407 managed student accommodation rooms (with communal living rooms, kitchens), associated reception/office facility, gym other ancillary accommodation above the development also includes a landscaped courtyard, plant and storage areas, car parking, cycle provision and solar PV array. 1230137 York Street. Permission granted 11 Oct 2016.  |
| 3.8  | LA04/2015/0184/F - Belfast Streets ahead-phase 3. Public realm/ environmental improvement project to improve streetscape and create flexible public spaces through the provision of high quality natural stone paving, street furniture, trees, lighting and soft landscaping. Stopping up of a section of Library Street to create Library Square. Stopping up of a section of Academy Street to extend Cathedral Gardens. Royal Avenue, York Street (part), Frederick Street, Great Patrick Street (part), York Lane, Library Street (part), Little Donegall Street (part), Academy Street, Talbot Street, Curtis Street, Clarkes Lane, Exchange Street West & Cathedral Gardens. Permission granted 19 Nov 2015. |
| 3.9  | LA04/2016/1213/RM - Demolition of existing buildings and erection of 11 storey building comprising of 3 no. ground floor retail units, 307 studios for use as purpose built managed student accommodation with associated communal and amenity facilities, including gym and all associated site and access works. 48-52 York street. Permission granted 02 Oct 2017.   |
| 3.10 | LA04/2016/1252/F – Purpose built managed student accommodation (774 beds). Maximum height of 12 storeys. Site bounded by Little York Street Great George's Street and Nelson Street Belfast. Permission granted 23 Jan 2017.  |
| 3.11 | LA04/2016/2385/F - Amendment to planning permission Z/2015/0138/F to develop purpose built managed student accommodation comprising 717 beds with shared communal areas, 2 No. retail units at ground floor level; two landscaped courtyards; other ancillary accommodation including a reception/management suite and communal areas; plant and storage areas, and car parking and cycle provision. 81-107 York Street Belfast. Permission granted 26 Jun 2017.  |
| 3.12 | LA04/2017/0119/F - Belfast Streets Ahead-Phase 3. Public realm/environmental improvement project Provision of stone paving, street furniture, trees, lighting, and soft landscaping. Frederick Street, Great Patrick Street and Exchange Street West. Permission granted 20 Sep 2017.   |

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| 3.13 | LA04/2017/2306/F - Development of purpose built managed student accommodation comprising up to 430 beds with internal and external communal areas. 26-44 Little Patrick Street Belfast. Permission granted 29 Mar 2018.  |
| 4.0  | Policy Framework   |
| 4.1  | Belfast Urban Area Plan 2001<br>Draft Belfast Metropolitan Area Plan 2015<br>Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area'  |
| 4.2  | Regional Development Strategy<br>Strategic Planning Policy Statement for Northern Ireland<br>Planning Policy Statement 3 - Access, Movement and Parking<br>Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage<br>Planning Policy Statement 7 – Quality Residential Environments<br>Planning Policy Statement 8 – Sport and Outdoor Recreation<br>Planning Policy Statement 13 – Transportation and Land Use<br>Planning Policy Statement 15 – Planning and Flood Risk<br>Development Control Advice Note 4 – Restaurants, Cafes and Fast Food Outlets  |
| 5.0  | Statutory Consultees<br>Transport NI – Objection<br>HED Historic Buildings Unit – Objection<br>HED Historic Monuments Unit – Await comment<br>DAERA Water Management Unit – No objection<br>Rivers Agency – No objection<br>Belfast City Airport – No objection  |
| 6.0  | Non-Statutory Consultees<br>Environmental Health BCC – No objection  |
| 7.0  | Representations<br>2 letters of objection to date and 7 letters of support received<br>The following issues were raised in the letters of objection: <ul style="list-style-type: none"> <li>- No evidence that parking demand can be met within reasonable distance of the site. Proposal would prejudice road safety and inconvenience the flow of traffic.</li> <li>- <b>A Framework Travel Plan submitted in support of the application states that 'The site is well served by sustainable modes of transport, such as walking, cycling and public transport (rail, metro, coach, taxi), and is within a very short walking distance to the Great Victoria Street Transport interchange. The site is located approximately 100m walking distance to Dunbar Link &amp; York Street bus stops and 850m walking distance from York Street Rail Station.....and approximately 1.4 km from the Great Victoria Street Bus and Rail Station'. The Travel Plan points to a number of key public transport interchanges/ hubs located within 1200m walking distance of the site. Awaiting conclusive DFI Roads comments on additional supporting information highlighting accessibility of site.</b></li> <li>- The 16 storey building will be viewed in a 3 storey context and would be out of character.</li> <li>- <b>The issue of height in the built context and character shall be discussed in detail below.</b></li> <li>- Aluminium cladding does not reflect the character of the buildings in the area.</li> <li>- <b>Materials and finishes shall be discussed in detail below.</b></li> <li>- The proposal would harm the setting of the listed building (Education and Library Board building)</li> <li>- <b>The potential impact on listed buildings in the area shall be discussed in more detail below.</b></li> </ul> |

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|     | <ul style="list-style-type: none"> <li>- The proposal will prejudice the future development of adjacent site.</li> <li>- <b>There are no windows on the north facing elevation to adjacent eye clinic site. Thus the development potential should not be unduly affected in terms of impacting the amenity of perspective residents. It would limit the location of windows on any new development on the site, but there is still the potential to have an outlook on three sides.</b></li> <li>- Impact of vibrations and construction work on adjoining property.</li> <li>- <b>Environmental Health have not raised any objections in terms of the potential impact from the construction phase on adjacent properties. However a Piling Risk Assessment will be required prior to any development on the site to ensure adequate protection of all environmental receptors.</b></li> <li>- Overbearing and out of keeping with St. Anne's quarter.</li> <li>- <b>This issue will be discussed in detail below.</b></li> </ul> |
| 8.0 | <p>Other Material Considerations<br/> Cathedral Conservation Area guidance document<br/> The Belfast Agenda<br/> The City Centre Regeneration and Investment Strategy (CCRIS) (2015)</p>   |
| 9.0 | <p>Assessment</p>  |
| 9.1 | <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of a tall building on the site</li> <li>- Design</li> <li>- Demolition within the Cathedral Quarter Conservation Area</li> <li>- Impact on Built Heritage</li> <li>- Impact on character and appearance of Cathedral Quarter Conservation Area</li> <li>- Acceptability of Residential Use at this location</li> <li>- Amenity Space Provision</li> <li>- Acceptability of Ground floor Café</li> <li>- Traffic and Parking</li> <li>- Impact on Amenity</li> <li>- Impact on Historic Monuments</li> <li>- Flooding</li> <li>- Pre-application Community Consultation</li> <li>- Waste Management</li> <li>- Air Quality</li> <li>- Economic Benefits</li> <li>- Developer Contributions</li> </ul>   |
|     | <p><b>Principle of a tall building on the site</b></p>   |
| 9.2 | <p>Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan. 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. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.</p>   |
| 9.3 | <p>Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.</p>   |
| 9.4 | <p>In the Belfast Urban Area Plan 2001 the site is located on unzoned whiteland. In the earlier version of Draft Belfast Metropolitan Area Plan (2004) the southern part of the site</p>   |

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|      | <p>which fronts onto Exchange Street, is located within a development opportunity site (CC042). In the latest version of draft BMAP (2014) (the version published post Public Enquiry and purported to be adopted) the site is unzoned whiteland.</p>  |
| 9.5  | <p>The site is also within the City Centre boundary and within the Cathedral Quarter Conservation Area as designated in the BUAP and draft BMAP (both pre-enquiry and adopted versions) and within the main office area (CC009) in the earlier version of dBMAP (2004). Planning Policy Statement 6 therefore applies, and is discussed in detail later.</p>   |
| 9.6  | <p><b>BUAP</b><br/>Policy CC12 – High Buildings<br/>The Policy seeks to ensure that new high buildings:</p> <ul style="list-style-type: none"> <li>- do not mar or dominate the surrounding hills or the scale of attractive Belfast Views</li> <li>- relate sympathetically in design to the urban structure of the City</li> <li>- relates sympathetically to their immediate surroundings</li> <li>- relate sympathetically to buildings or groups of buildings of architectural and historic interest</li> </ul>   |
| 9.7  | <p>These criteria are addressed in further detail below when discussing the potential impact on listed buildings, the Cathedral Conservation Area and how the proposal sits within its context.</p>  |
| 9.8  | <p><b>Draft BMAP (2004 and 2014 versions)</b><br/>In the earlier version of draft BMAP (2004) the southern part of the site, fronting onto Exchange Street, is located within a development opportunity site (CC042).</p>  |
| 9.9  | <p>Policy SETT5 (draft BMAP 2004) relates to development proposals within development opportunity sites. This Policy refers to the Key Site Requirements for the various Development Opportunity Sites as set out below.</p>   |
| 9.10 | <p>A key site requirement is set out for the development opportunity site:<br/>'Access arrangements shall be agreed with Roads Service, DRD (now DFI Roads). Detailed consultation with Roads Service, DRD shall be required to identify any necessary improvements to the road network/ public transport/ transportation measures in the area, to facilitate development of the site. A Transport Assessment (TA) may be required to identify such improvements'. Roads and Transportation issues shall be discussed in more detail below under <i>Traffic and Parking</i>.</p>   |
| 9.11 | <p>The site is located within the Scotch and Cathedral Quarters Character Area as designated in the original version of the draft Belfast Metropolitan Area Plan (2004) and also within the latest version of BMAP (2014) (CC010 and CC013 respectively). This sets out a number of urban design criteria for the area and criteria specific to the area. There are two general criterion that affect the site:</p> <ul style="list-style-type: none"> <li>- The density of development in the area shall be maintained and increased, where appropriate, through high site coverage and high plot ratio (including residential);</li> <li>- Development proposals shall take account of the height of adjoining buildings.</li> </ul> |
| 9.12 | <p>Given the inner urban grain the density as proposed, albeit high on what is a restricted footprint, would not be unacceptable. In terms of the height of the adjoining buildings this will be discussed in more detail below under prevailing planning policy.</p>  |
| 9.13 | <p>There are no site specific criteria which affect the proposal however there are three further criteria which apply throughout the Character Area:</p>   |

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|      | <ul style="list-style-type: none"> <li>- New development shall respect the established building line. Exceptions may only be permitted where development creates significant public open space.</li> <li>- Building heights shall be a minimum of 3 storeys and a maximum of 4 storeys, or 5 storeys with use of set-back, articulated roof forms reinforcing traditional character. Consistent cornice lines should be respected;</li> <li>- Development shall be fine grain in nature, and aim to reflect traditional plot widths. The façade of larger development proposals shall be broken up visually to reflect the scale of traditional units – subdivision of block into 4 to 2 buildings.</li> </ul> |
| 9.14 | <p>The proposed building has a height of approximately 54m and is 16 storeys high. This goes well beyond the maximum 5 storeys in the dBMAP urban design criteria detailed above. There will be a more detailed discussion below about the principle of a tall building on this site (Under PPS6 and PPS7) which will take in wider factors such as buildings heights in an emerging and changing setting, with the construction of the new University Campus and adjacent student housing blocks, as well as emerging Belfast City Council objectives such as increasing levels of city centre living in line with the Belfast Agenda and The City Centre Regeneration and Investment Strategy.</p>           |
| 9.15 | <p><b>Objections to Designations and Development Opportunity Sites in Draft BMAP</b><br/> <b>Objections to Designation CC009 – Main Office Area</b><br/> In their report on the Public Local Enquiry into Objections to the BMAP 2015 The Planning Appeals Commission (PAC) concluded that there was no need for a main office area in Belfast and offices should be allowed throughout the defined City Centre in the Plan.</p>   |
| 9.16 | <p>There were a number of general objections to all Character Areas and in particular to specific design criteria. The PAC concluded that in general the design criteria were merited and basic expectations of responsive urban design within a City Centre context.</p>  |
| 9.17 | <p>5 objections were received in relation to the Scotch and Cathedral Quarters Character Area. None of these objections relate directly or indirectly to the site of the proposal.</p>   |
| 9.18 | <p>In terms of the Development Opportunity site (CC042), within which part of the proposed site is located, The PAC noted that this was one of a group of sites which had been redeveloped and as such there was no need for this zoning in the Plan (BMAP 2015).</p>  |
| 9.19 | <p><b>Prematurity to the emerging BMAP and Local Development Plan</b><br/> As a result of the aforementioned Judicial Review (para 9.2) the pre-adopted version of BMAP 2015 is an emerging plan. This has led to a scenario where Belfast now has two emerging Area Plans, the draft BMAP and the Draft Local Development Plan Strategy. In light of this any planning decision made at the moment has the potential to be premature to these two emerging plans.</p>   |
| 9.20 | <p>For example such a course of action would be appropriate where development proposals, either individually or cumulatively:</p> <ul style="list-style-type: none"> <li>- would prejudice the ability of the emerging new or replacement development plan to achieve or retain general conformity with the RDS; or</li> <li>- would prejudice the outcome of the plan process by predetermining decisions that ought properly to be taken following full consideration of the relevant issues in the context of a public inquiry.</li> </ul>  |
| 9.21 | <p>Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. It is</p>   |

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|      | <p>therefore logical to assume that given there were no specific objections to the maximum 5 storey height criteria for the Scotch and Cathedral Quarter Character Area that it would be adopted as such, and indeed was, in the version of BMAP purported to be adopted. The Planning Appeals Commission have provided some clarity as to whether the granting of a one off building higher than the height prescribed in the Urban Design Criteria for a particular Character Area would be in any way premature or prejudice the delivery of the emerging plan objectives. On Page 9 of their report on the 'Public Local Inquiry Into Objections to BMAP 2015' they address Objection 2014/1, which sought the removal of height restrictions to 9 storeys under the 'Elsewhere' section in the Commercial District Character Area, which impacted the BIFHE site on Brunswick Street, the PAC noted that the site had received planning approval with a maximum height condition of 70m/ 17 storeys, 8 storeys higher than the design criterion. The PAC went on to acknowledge that the height restrictions cover a wider area within the Character Area and <b>did not consider that these should be removed in their entirety due to one individual planning approval</b>. With this logic in mind, it can be stated that the granting of a single building on the application site, albeit 11 storeys higher than the urban design criteria for the Scotch and Cathedral Quarter Character Area, should not result in a change to the emerging Plan.</p> |
| 9.22 | <p>In terms of the emerging Local Development Plan the argument is more straight forward. Where an LDP is at the consultation stage with no early prospect of submission for examination, then refusal on prematurity grounds would be seldom justified.</p>  |
| 9.23 | <p><b>Design</b></p> <p>The proposal has been assessed against paragraphs 4.23-4.29 of the SPPS. The design is contemporary with a modern take on the typical vertical proportions of buildings of a similar scale in the City Centre. The red bricked and bronze tone aluminium finishes reflect the tones that are common within the more established buildings in the area and also the newly constructed student accommodation to the north of the site. The design, and in particular the scale, shall be considered in more detail below. The vertical emphasis created by the strong vertical columns is reflective of the historic architecture with the introduction of the aluminium panels reducing the level of glazing yet ensuring the solid: void ratio is more reflective of the traditional built stock in the city centre, and buildings such as the listed Education and Library Board Building to the other side of Academy Street. The finishes are also similar in nature to that of the newly constructed student block to the north of the site, and similar blocks approved on in the area.</p>  |
| 9.24 | <p><b>Demolition within Cathedral Quarter Conservation Area</b></p> <p>The proposal has been assessed against Policy BH14 of PPS6. The existing building has little in the way of architectural merit and is not one of the better examples of the Cathedral Conservation Area's essential character, therefore making no material contribution to the character or appearance of the area. Demolition is therefore acceptable in principle, subject to an adequate replacement scheme. The consent to demolish has been sought separately under application LA04/2017/2783/DCA.</p>  |
| 9.25 | <p><b>Impact on Built Heritage</b></p> <p>Historic Environment Division (HED) has been consulted to consider whether the proposal affects HB26/5/067 The Cathedral Church of St Anne, Donegall Street, Belfast Grade A and HB26/50/318 Belfast Education &amp; Library Board, 40-62 Academy Street, Belfast a Grade B2 listed buildings of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.</p>  |
| 9.26 | <p>HED considers that the proposal as presented still fails to satisfy paragraph 6.12 Development proposals impacting on Setting of Listed Buildings of SPPS and with respect to Policy BH11 'Development affecting the Setting of a Listed Building' of PPS6.</p>  |



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| 9.27 | In their latest response (4 <sup>th</sup> October 2018) HED have confirmed that they have no issue with a modern response to the historic environment, nor with a larger building. However they feel the proposal is out of keeping with the context and character of the setting and both the listed building's relationship with their setting and the detailed design is out of keeping with the listed building in terms of scale, form, massing and proportions.  |
| 9.28 | The listed building that will arguably be most affected by the proposal is that of the Belfast Education and Library Board Building to the other side of Academy Street, some 12m west of the site. The proposal is approximately 37m higher than the main roofline of this three storey listed structure, and approximately 25m higher than the peak of its spire.  |
| 9.29 | However, the wider context must be considered before forming any conclusive opinions on scale, with the more recent development in the area changing how one appreciates and experiences the area and in particular the ELB building. Namely the new student accommodation buildings approximately 55m North of the site to the other side of Dunbar Link, and the University of Ulster Building approximately 100m North-West of the site. The new student block (28-30 Great Patrick Street) has a ridge height of approximately 35m, with the new University block having a ridge height of approximately 42m. With the proposed building approximately 54m high, one can see how it would add to the diversity of the built form in the area and mirror the trend for what is a more high rise group of buildings emerging in this part of the city centre.  |
| 9.30 | This brings one onto the impact that this new building will have on the setting of the two key listed buildings mentioned in paragraph 9.26 above. There is no doubt a 54m high sixteen storey building will have a material impact on the setting of any building within close proximity of the site. The key consideration in Policy BH11 is that 'the detailed design respects the listed building in terms of scale, height, massing and alignment'. The mix of old and new is what characterises this area and although the proposal is of a considerable scale its form is such that it provides an architectural acknowledgement to the nearest listed building, the ELB building, with its strong vertical emphasis and the four storey projection onto Academy Street tying in with the shoulder height of this building. This projection addresses the adjacent street, from where the listed structure is arguably experienced to a greater extent than from the more distant and fleeting views from the south in the area around St. Anne's Cathedral and the views from the north along Frederick Street and Great Patrick Street, a major through road along the edge of the city centre, and picks up on a contextual cue of a building in the local context. There is however this key issue of scale. This is where the wider context must be considered as a 'setting' of the listed buildings, both the ELB Building and St. Anne's. This will be discussed further below. |
| 9.31 | The overall 'setting' of these two listed structures has changed dramatically over recent years, and indeed months. As opposed to what would have been a traditional much lower streetscape, particularly in the more southern parts of the Cathedral Quarter closer to the city centre, the introduction of high-rise contemporary buildings has transformed the built context on what is a peripheral location (within the city centre) and one defined as much by the large contemporary buildings fronting onto the Frederick Street and Great Patrick Street to the north, as the low rise, poorer quality buildings and surface level car parks that prevail in the vicinity of the site itself.   |
| 9.32 | In terms of the overall impact of the proposal on the setting of the adjacent listed buildings it is something of a finely balanced argument based around what is essentially a more contemporary, 'high-rise' setting created by recent large scale additions (the student blocks to north and new University Buildings to the west) against the argument that any building on the proposed site should be more sympathetic to the low-rise scale of the conservation area, and the more traditional architecture of its listed buildings,  |

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|      | <p>particularly the ELB building. No matter how one looks at it, a building of this scale will undoubtedly contrast with the ELB building and to a lesser extent St. Anne's Cathedral. Therefore this recent change in the setting of these buildings must be considered in more detail as it has a significant part to play in terms of the proposal's acceptability. In many ways the area around the site can be seen as something of a transitional area, from the lower rise buildings at the edge of the city centre to the high contemporary blocks to the north and west. This juxtaposition of old and new has become the norm in this part of the city centre and will prevail whether the proposal is built or not.</p>   |
| 9.33 | <p>The recent, and indeed significant, change in the skyline in this part of Belfast shapes the overall setting of the proposed structure and that of the listed buildings. The shift in scale of the built form is evident when one refers to the Conservation Guidance Document produced for the Cathedral Conservation Area in 1990. Page 20 states that 'Beyond Edward Street the Dunbar Link defines the eastern boundary of the conservation area. The road and associated car parks form a wider expanse of unattractive open land.....the Edward Street (a short distance east of the site) area provides a number of opportunities for enhancement'. The document goes on to state that 'Edward Street is the most suitable part of the Conservation area for residential development'. Although dated, this document recognises the need for regeneration in an area with an apparent history of dereliction and brownfield sites.</p>   |
| 9.34 | <p>Although a Conservation document, it actually addresses some of the more important listed buildings in the conservation area, one of which is St. Anne's Cathedral, the curtilage of which lies approximately 80m south of the site. Page 30 of the document states that 'the siting of new development should allow vistas of the Cathedral and should have regard to its visual dominance'. Although written specifically for the Edward Street/ Dunbar Link area this is still relevant given the proximity of the site to Edward Street and Dunbar Link. The light grey finish of the vertical columns however is of similar tone to that of the granite which dominates the façade of St. Anne's Cathedral, but the introduction of the aluminium panelling should ensure the finishes don't wrestle for attention with those seen on St. Anne's. Although the proposed building is approximately 15m higher than the main ridge line of St. Anne's the finish and tones used should ensure that it doesn't act as a competing visual presence when viewed from the area around St. Anne's. This coupled with a substantial separation distance should ensure that the impact on St. Anne's is not a significant one, with the building arguably no more dominant than the existing University building, both buildings helping frame the views of St. Anne's from Donegall Street.</p>  |
| 9.35 | <p>A similar scenario was the subject of a recent planning appeal against the refusal of outline permission of a 14 storey building at the Junction of Amelia Street and Great Victoria Street (Z/2013/0802/F). In reaching their decision to allow the appeal the Planning Appeals Commission recognised that 'tall buildings dominate the character of Great Victoria Street', and the listed Crown building sits within a low rise three storey terrace within this tall buildings context. In some ways the Academy Street proposal is similar in that a three storey building occupies the site and is set within a mixed setting which has changed significantly in recent years. The PAC report actually goes on to recognise how 'the setting of the listed Terrace and The Crown Bar has been significantly transformed in recent years where historically a low scale streetscape was predominant. Recently the approval and construction of a number of high rise buildings has dramatically altered and changed the streetscape to one which is characterised by high rise contemporary architecture which sets against contrasting low scale historic buildings'. In deciding to allow the appeal the Planning Appeals Commission accepted that the recent change in the streetscape had been critical to how the listed terrace was perceived and experienced. Similarly, as discussed above, the overall setting of the listed buildings in the area around Academy Street has altered significantly in recent years with</p> |

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|      | <p>the high rise contemporary buildings now becoming the norm, as opposed to the three to four storey context and vacant sites which characterised the Cathedral Conservation Area. In light of this the scale of the proposed building suddenly becomes more acceptable.</p>  |
| 9.36 | <p>To conclude the proposal will introduce what will no doubt be a tall building within the vicinity of two key listed buildings, one very much iconic. However as discussed above the overall setting has changed significantly in recent years. As opposed to what was in many ways a mixed setting with low rise buildings of indifferent architectural value, higher contemporary buildings (the established University of Ulster building) and a number of surface level car parks and vacant sites, a recent regeneration has been brought about by the new University Buildings. With this regeneration a new built context has developed in this once peripheral location. And with this new context a new scale of building has emerged, with the 11-14 storey University Buildings and Student accommodation blocks creating something of a high rise cluster which in many ways frames the northern part of the conservation area and the proposed site. This also changes the way one reads the listed buildings from the approach along Frederick Street/ Great Patrick Street to the north. Although Dominant in the skyline and viewed to the rear of the ELB building from the NW approach again it is within the higher rise setting which ones reading of this building must be viewed. The University Building sits immediately west with the student blocks to the other side of Frederick Street to the north and the Obel building, at 85m high, clearly visible further to the east. In many ways the setting has been altered, perhaps even compromised, to an extent where a high rise building of this nature will not have a significantly negative impact.</p> |
| 9.37 | <p>The proposed design, finishes and materials are by no means a replica of the adjacent ELB listed building which has a traditional red bricked finish and window to wall ratio, and hierarchy of form. However new development should be strongly determined by context, be based on a context appraisal and pick up on the contextual cues of the surrounding built form.</p>   |
| 9.38 | <p>The tone of the materials and vertical emphasis do pick up on those displayed in the ELB listed building with the step in the building onto Academy Street paying homage to the shoulder height of this building. Again it is important to address the recent change in the setting of the listed buildings, in particular the ELB Building, and this will be discussed further below. The deliberately contemporary approach to the design of the proposed building means that its scale, massing and architectural design will contrast and complement the ELB building rather than harm it.</p>  |
| 9.39 | <p><b>Impact on character and appearance of Cathedral Quarter Conservation Area</b><br/> The proposal has been assessed against Policy BH12 of PPS6. The site is located within the Cathedral Quarter Conservation Area as designated in the BUAP and BMAP. Some of the issues around the impact on the conservation area have been touched on above, which is inevitable when the listed buildings tend to make a significant contribution in terms of a conservation area's character.</p>   |
| 9.40 | <p><b>(a) the development preserves or enhances the character and appearance of the area;</b><br/> The development draws upon the red brick/ rustic tones displayed in some of the more traditional buildings in the conservation area, including the listed ELB building, and combines this with a strong vertical emphasis. This landmark building will replace a vacant three storey building with little aesthetic or traditional value and a surface level car park. The public realm enhancements on the periphery of the site (which form part of the application) would be a welcome improvement to the Conservation Area.</p>   |

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| 9.41 | <p><b>(b) the development is in sympathy with the characteristic built form of the area;</b><br/> As stated above the character of the area has altered significantly in recent years. These changes have taken place within the conservation area, as well as beyond. The most significant shift in the built form of this part of the conservation area has been the introduction of the University of Ulster building at the junction of York Street and St. Patricks Street/ Frederick Street. The introduction of this 12 storey contemporary block has changed the character in and around the listed ELB building which sits across from the application site. Beyond this the MAC building to the east and the established University of Ulster building to the south-west of the site are substantial contemporary structures which offer little in the way of classic architectural form or design. Also the St. Anne's complex slightly further east is a substantial mass in itself. It is within this context that the proposed building should be considered. It is obvious that a building of this scale will be dominant but it will be viewed within what is a context of considerable contemporary built forms, with a significantly smaller footprint than all of them.</p>  |
| 9.42 | <p><b>(c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;</b><br/> The key word here is 'adjoining'. This does not necessarily mean the more traditional buildings which characterise, albeit not very significantly in this case, the built form in the conservation area. This refers to the three buildings which abut the site, two which are located to the other side of streets and one directly adjacent to the site on Academy Street. All of these buildings have a shoulder height of three storeys. As stated above the scale of the proposal is significant, but this does not necessarily mean that it will have a negative impact. It has been acknowledged that there are buildings in the vicinity of the site of considerable scale and massing, with a mix of architectural styles. However with regards to adjoining buildings there is the three storey eye clinic to the north, the three storey ELB building to the west and the three storey Education Authority building to the east. A surface level car park abuts the site to the south. In terms of this policy test the proposal obviously exceeds the scale and form of these adjoining buildings, by thirteen storeys. However the wider context should not be ignored and the fact that the projection onto Academy Street addresses the scale of the ELB building certainly helps address the streetscape views from the southern and northern approach to the site.</p> |
| 9.43 | <p>It is clear that the scale and form does not correspond with the adjoining buildings but it is important to look at these buildings and what they offer in terms of character. Arguably the only one of the three adjoining buildings with any particular architectural merit is that of the ELB building, reflected in its listed status. So with this in mind the wider context can't be ignored if there is a recognition that the nearest buildings do not offer much in terms of character and in actual fact do not reflect the norm in terms of the overall character/ context of the conservation area. A development can't simply be shaped by what is on either side, although this should be considered, it should not be the only measuring stick in terms of what is appropriate or acceptable on a site.</p>   |
| 9.44 | <p><b>(d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;</b><br/> The bin storage and cycle store have been located along Hector Street, this should limit any potential disturbance given the narrow secondary nature of the street, already characterised by a lot of 'rear of house' type features such as extraction systems, louvres, and no ground floor doors or windows on adjacent building. Environmental Health have not raised any concerns subject to conditions stated below at paragraphs 11.4-11.7 to ensure that neighbouring properties experience no loss of amenity as a result of the proposal.</p>  |

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| 9.45 | <p><b>(e) important views within, into and out of the area are protected;</b></p> <p>Given the location of the site on the northern periphery of the conservation area, arguably the main view into the site which is affected is that from the north along Frederick Street and Great Patrick Street. The site is approximately 65m east of the University of Ulster building which fronts onto Frederick Street and York Street. This sets something of a frame for the north-west corner of the conservation area and defines that edge. The ELB building will retain its primacy along this stretch of Frederick Street with the proposal being set back behind the main frontage. There is no doubt that it will draw ones eye but this is not necessarily a bad thing as the only building arguably worthy of conservation area status is that of the ELB building, which will be located in front of the proposal when viewed from the north-east and north west approach. Given the orientation of St. Anne's Cathedral, arguably the most important building in the conservation area, the building will actually help frame the views into the conservation area from the north looking directly down Academy Street. The Spire may be obscured slightly from a certain views into the conservation area on Frederick St/ St. Patrick St in but this would not have a significant impact on how St. Anne's is viewed and enjoyed on the approach into the conservation area along Academy Street.</p> |
| 9.46 | <p>In terms of the views within the conservation area the key view in terms of the character will be the northern journey through from St. Anne's to Frederick Street. It is from this view that the proposed building will arguably have its greatest visual impact with both the front and side onto Exchange Street and Academy Street clearly visible for some distance. On the approach to St. Anne's from the south the fact the building is set some 80m away from the listed buildings curtilage should ensure that it does not detract from how one reads St. Anne's within the conservation area, and it should not appear any higher than the ridge height of the established university of Ulster building located in the foreground. This will obviously change as one continues north through the conservation area but at that point one will be beside St. Anne's, where the views within the conservation area to towards the site arguably become less critical.</p>  |
| 9.47 | <p>In terms of the views out of the conservation area the proposal needs to be looked at in relation to the more contemporary university buildings to the north-east. As stated above these buildings help frame the north-east corner of the conservation area, and within this context and given the poor quality of architecture towards the edge of the conservation area to the north and north east of the site I do not feel a building such as this, on what is a vacant site, sympathetically finished and of a high quality, would negatively impact on the views out of the northern part of the conservation area onto Frederick Street/ St. Patricks Street.</p>   |
| 9.48 | <p><b>(f) trees and other landscape features contributing to the character or appearance of the area are protected; and</b></p> <p>There are no landscape features on the site.</p>   |
| 9.49 | <p><b>(g) the development conforms with the guidance set out in conservation area documents.</b></p> <p>This will be discussed further below.</p>   |
| 9.50 | <p>The site lies within a part of the Cathedral Conservation area, and indeed a part of the city centre, which is arguably the most poorly defined in terms of land use and built form. Numerous vacant sites, surface level car parks and vacant low-rise buildings contribute to a lack of character in the area. The proposal will replace a derelict 3 storey building and surface level car park, which cumulatively, and individually, make no contribution to the character of the area. The introduction of what is a landmark building in its own right,</p>   |

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|      | will help create an identity and a sense of place and in doing so enhance the character of the Cathedral Conservation Area.   |
| 9.51 | A useful starting point is perhaps looking at the site in its current form and what it gives to the conservation area. As stated above the site consists of a poor quality 3 storey building and a surface level car park. This pattern was repeated elsewhere in the area up until recent years and it is safe to say that the existing arrangement on site offers little in terms of character or architectural merit to the Cathedral Conservation Area. It is on this basis that there would be no objection to the loss of the existing building on the site subject to a satisfactory replacement scheme being proposed. This must be seen as something of an opportunity site, and this was actually reflected in the zoning of the southern part of the site as a development opportunity site in draft BMAP (2004).  |
| 9.52 | In terms of the character of the northern part of the Conservation Area there is something of a mix. The landmark building in the area is of course St. Anne's Cathedral, reflected in the conservation area's title. This is located some distance south of the site but will be inter-visible with the proposed building from quite a number of key viewpoints to the south, on the northern approach to the site from Writers Square and Buoy Park, and from the north looking into the conservation area, particularly from Great Patrick Street/ Academy Street junction. The MAC is located a short distance east of the site, with quite a large massing and a substantial red brick, monolithic façade facing onto the site. The three storey Education and Library Board building is located to the west, with a traditional red brick form and proportions offering arguably the most aesthetically pleasing building in the immediate vicinity of the site. To the immediate south of this building (south-east of the site) is the six storey University of Ulster building. This is a contemporary flat roofed form with solid sandstone mid-section flanked by heavily glazed floors above and below. These three buildings certainly dominate the character of this part of the conservation area from the southern approach towards Great Patrick Street, with the three storey Eye Clinic immediately north of the site only becoming visible when one is a short distance from the site, a flat roofed red brick building which offers little in terms of quality or character. To the east of the site is the three storey red bricked Education Authority building which is in many ways similar to the Eye Clinic, and again offers little in terms of quality. East of this again is the more substantial 5/6 storey rendered St. Anne's Square building. |
| 9.53 | So it becomes clear that although the site lies within a designated conservation area there is no dominant character as such, a uniformity in either design or architecture that signals to the onlooker that they are approaching or within an area with a prevalent built form of a particular era. It is within this mixed, and by no means exclusively traditional context, that the proposal will be located.  |
| 9.54 | New development within a conservation area should seek to reinforce character, the special architectural or historic qualities of the area that provide its legible character. Arguably the only historic quality within the part of the conservation area which encompasses the site is provided by the Education and Library Board Building and St. Anne's Cathedral. As explained above the legible character is that of a mix of built form, both in terms of massing and proportions and also in terms of finishes, with the expansive modern forms of the MAC and the University of Ulster building, and the mix of red brick and sandstone of the MAC and ELB building and the University of Ulster and St. Anne's respectively.   |
| 9.55 | The underlying objective is of ensuring that new development does not undermine the urban design objective of legibility / promotion of legible environments – i.e. the proposal should not undermine the reading of the area as an area of special architectural and historic interest. It has already been established that the existing three storey building  |

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|      | <p>and surface level car park on the site offers very little to the character of the conservation area as a whole. So a building with a high quality of architecture and finish must be viewed as a positive. The proposal will introduce a building which is much higher than the built contact within the conservation area, but in itself it will bring a unique type of accommodation to the city centre (private rented apartments) and with that will result in significant economic benefits.</p>   |
|      | <p><b>Acceptability of Residential Use</b></p>   |
| 9.56 | <p>The principle of residential development on this brownfield city centre site is considered acceptable. The scheme will go some way in delivering on some of the key ambitions of the 'Belfast Agenda', which include maximising the benefits of housing investment in the city, increasing the tenure mix, growing the population of the city centre and increasing the number of people working and investing in the city centre. It also helps deliver on some of the core principles which underpin the City Centre Regeneration and Investment Strategy which include increasing the employment population and increasing the residential population.</p>   |
| 9.57 | <p>The proposal has been assessed against Policy QD1 of Planning Policy Statement 7.</p>   |
| 9.58 | <p><b>(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;</b> Many of the issues around scale, design and massing in relation to surrounding area have been addressed in detail above.</p>   |
| 9.59 | <p><b>(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;</b> Again these issues have been discussed in detail above and below. There is nothing in the way of built heritage on the site itself. HED Monuments Unit have commented that recent excavations for the redevelopment of St Anne's Square (adjacent to application site) revealed extensive below ground archaeological remains of post-medieval Belfast. Consequently, there is high potential for associated archaeological remains to be found during construction works for this scheme.</p> |
| 9.60 | <p>Historic Environment Division: Historic Monuments (HED: HM) has reviewed the archaeological impact assessment submitted and is content that this can form the basis of any programme of works submitted with subsequent consultations should approval be issued.</p>  |
| 9.61 | <p><b>(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;</b> This is addressed below and will be discussed in relation to Planning Policy Statement 8 requirements.</p>  |
| 9.62 | <p><b>(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;</b> Given the restrictive size and location of the site this is not required. The site also has good access to local facilities and amenities.</p>  |
| 9.63 | <p><b>(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;</b> The proposals city centre location means it is highly</p>   |

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|      | accessible and within a short distance of transport hubs and local public transport stops. Secure cycle parking is provided in-curtillage.  |
| 9.64 | <b>(f) adequate and appropriate provision is made for parking;</b> No parking has been proposed for the development with a reliance on its city centre location and accessibility being stated as reasons for this omission. DFI Roads have raised concerns about the reliance on alternative means of transport and the fact there is no parking proposed, either on site or within the vicinity of the proposed development. Additional supporting information has been submitted by the agent to emphasise the accessibility of the site and its proximity to public transport routes. DFI Roads have yet to respond to this information.  |
| 9.65 | <b>(g) the design of the development draws upon the best local traditions of form, materials and detailing;</b> Design and finishes are discussed in detail above.  |
| 9.66 | <b>(h) the design and layout 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;</b> The potential impact the proposal will have on amenity is discussed in detail below.  |
| 9.67 | <b>(i) the development is designed to deter crime and promote personal safety.</b> The ground floor use will encourage an active ground level frontage. External balconies will add to the surveillance and should act to discourage anti-social behaviour in the area around the building.   |
| 9.68 | <b>Amenity Space Provision</b><br>PS 7 and PPS8 requires that residential developments should provide a certain level of private amenity of prospective residents. The level provision should be broadly in line with the Creating Places document. Amenity space has been provided in the form of balconies on 27 of the 90 units, as well as a rooftop terrace. The balconies each contribute 5 square metres of amenity space, approximately one third of the overall amenity provision, with a total provision of approximately 480 square metres. Given the inner urban context of the site this level of amenity is acceptable as one would not expect any form of surface level landscaped space in this environment. It is also worth noting that Buoy Park is located approximately 100m south-west of the site, which in itself offers a high quality and quite unique form of amenity within the city centre. For these reasons the level and nature of amenity space proposed is considered to be acceptable. |
| 9.69 | <b>Acceptability of Cafe at ground floor</b><br>The proposal has been assessed against the SPPS and Development Control Advice Note 4. The proposed café, which has a total floor area of approximately 170 square metres, is a city centre use and given its location within the city centre as defined in the draft BMAP, this element of the proposal is in accordance with the SPPS.  |
| 9.70 | The proposed cafe will introduce a more vibrant ground floor use which creates a more active street frontage in an area of the city centre which lacks that much needed vibrancy.   |
| 9.71 | <b>Traffic and Parking</b><br>The application site falls within the Belfast Core Parking Restraint Area as set out in the BUAP and draft BMAP. The proposal has been assessed against Policies AMP7, 8 and 9 of PPS3. DFI Roads has noted that no parking is proposed for this development and also notes that practical options for on-street parking are very limited in the immediate vicinity of this location. Policy TRAN 1 within the draft BMAP (2014) is set out below:  |



**Policy TRAN 1**

**Parking Standards within Areas of Parking Restraint**

Within designated Areas of Parking Restraint the following parking standards will be applied:-

| AREA   | Car Parking Standards                     |   |   |
|--|---|---|---|
|  | RESIDENTIAL<br>No. of spaces per dwelling | NON RESIDENTIAL<br>No. of non-operational spaces per m <sup>2</sup> of floorspace | NON RESIDENTIAL<br>No. of operational spaces per m <sup>2</sup> of floorspace |
| Belfast City Centre Core   | 1.0                                       | 1 / 300   | 1 / 930   |
| Belfast City Centre Fringe   | 1.0                                       | 1 / 100   |   |
| Lisburn City Centre, Bangor and Carrickfergus Town Centres   | 1.0                                       | 1 / 50  |   |
| Commercial Nodes on Arterial Routes [outside Belfast City Centre Areas of Parking Restraint (Core and Fringe)] | 1.0                                       | 1 / 100   |   |

Reductions in the above 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. Proposals involving car parking in excess of the standards will only be permitted in exceptional circumstances.

9.72 A Framework Travel Plan submitted in support of the application states that *‘The site is well served by sustainable modes of transport, such as walking, cycling and public transport (rail, metro, coach, taxi), and is within a very short walking distance to the Great Victoria Street Transport interchange. The site is located approximately 100m walking distance to Dunbar Link & York Street bus stops and 850m walking distance from York Street Rail Station.....and approximately 1.4 km from the Great Victoria Street Bus and Rail Station’.*

9.73 The Travel Plan points to a number of key public transport interchanges/ hubs located within either a 400m, 800m or 1200m walking distance of the site, including: Lagan Centre Bus Centre; Local Metro Bus Stops; Yorkgate Halt; Metro Hub (City Hall); and Proposed BRT CITI Route (operational 2018).

9.74 DfI Roads considers this application unacceptable as submitted. They comment that should the Planning Service be minded to progress the application towards an approval then DfI Roads require the following points to be addressed:

- DfI Roads again notes that no parking is proposed for this development. DfI Roads is guided by the requirements of Planning Policy Statement 7 ‘Quality Residential Developments’ (QD 1 Quality in New Residential Development criterion (f)) advises that residential developments are expected to provide appropriate provision for parking. Failure to make any provision and to assume that the demand will be addressed by lease conditions and/or on-street parking will have an appreciable amenity impact for local residents and businesses. This would be experienced as traffic flow and pedestrian traffic safety problems from poorly parked cars blocking footways and junction and access sightlines and narrow the usable width of the, already tight, streets around the cathedral quarter.
- A draft ‘Resident Travel Pack’ should be prepared as part of the Residential Travel Plan to promote alternative modes of transport for residents. DfI would be willing to accept what has been submitted if the Applicant accepts that occupation

of development will be conditioned of submission of a detailed, finalized, Residential Travel Plan to the satisfaction of DfI Roads.

9.75 The response from DFI Roads is somewhat ambiguous because it is unclear whether it is objecting to the application on grounds of lack of parking come what may, or whether the submission of a satisfactory 'Residents Travel Pack' and Residential Travel Plan will overcome the concerns. Officers have sought clarification from DFI Roads and this will be reported to Members via the Late items report.

9.76 In response to DFI Roads comments, the agent has pointed to the fact the site is located within the City Centre, and as such a large number of shops, services and employment opportunities (including the new Ulster University, City Quays, Titanic Quarter, Linen Quarter etc.) are located within walking and cycling distance or via existing public transport routes, thus reducing the need for private car use. The applicant's planning statement confirms the distance from the site to local facilities and amenities as follows.

|                  | <b>Facility</b>  | <b>Walking distance (from site)</b> |
|------------------|--|-------------------------------------|
| <b>Education</b> | Ulster University  | 50m (1 min)                         |
|                  | Belfast Central Library                                    | 350m (4 mins)                       |
|                  | Stanhope Street Controlled Nursery                         | 0.8km (10 mins)                     |
| <b>Leisure</b>   | Cityside Retail and Leisure Park                           | 1.0km (13 mins)                     |
|                  | Pure Gym   | 50m (1 min)                         |
|                  | Better Gym   | 500m (6 mins)                       |
|                  | The MAC Theatre  | 75m (1 min)                         |
| <b>Retail</b>    | Castle Court Shopping Centre                               | 450m (6 mins)                       |
|                  | Lidl   | 500m (6 mins)                       |
|                  | Tesco Metro  | 600m (8 mins)                       |
|                  | Cityside Retail (Tesco)                                    | 1.0km (13 mins)                     |
| <b>Health</b>    | Mater Hospital   | 1.0km (15 mins)                     |
|                  | Carrick Hill Medical Centre                                | 650m (8 mins)                       |
| <b>Transport</b> | Langanside Bus Centre                                      | 700m (7 mins)                       |
|                  | Dunbar Link & York Street bus stops (Metro links)          | 200m (3 mins)                       |
|                  | City Hall (Metro links)                                    | 1.0km (13 mins)                     |
|                  | High Street (Ulsterbus Links)                              | 500m (6 mins)                       |
|                  | Great Victoria Street Bus and Rail Station (Transport Hub) | 1.4km                               |
|                  | York Street Rail Station                                   | 0.85km (11 mins)                    |
|                  | Belfast Bikes (docking station)                            | 100m (2 mins)                       |
|                  | <b>Public car parks</b>                                    | St. Anne's Square (540 spaces)      |
|                  | Lancaster Street (53 spaces)                               |                                     |
|                  | Dunbar Street (34 spaces)                                  |                                     |
|                  | Exchange Street (46 spaces)                                |                                     |

9.77 The applicant goes on to say that this Build to Rent (BTR) model, of which there are examples through the UK and Ireland, will be marketed as city centre living with no parking spaces. They say that the development will be appealing to young professionals working in the city centre who not require a car for travel and who may not wish to have the additional expense of car ownership. The proposal includes 41 secure cycle parking spaces. These would be secured by planning condition in the event that planning permission is granted.

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| 9.78 | The site is considered a highly sustainable location where car free development should be acceptable in principle. As mentioned, DFI Roads have been asked to clarify their response. They have also been asked to comment on additional information provided by the applicant on this issue. Further information on the matter of parking and transport impacts will be provided to Members via the Late items report.  |
|      | <b>Contamination</b>   |
| 9.79 | A Phase 1 and Phase 2 Risk Assessment report has been provided by Tier Environmental Ltd in support of this application. The report includes both preliminary and generic quantitative risk assessments (PRA and GQRA). Soil contamination has been detected at the site, however no unacceptable risks have been identified to environmental receptors.   |
| 9.80 | DAERA Regulation Unit Land and Groundwater Team have no objections to the development provided conditions are placed on any Planning Decision Notice as recommended below at 11.2-11.4 requiring unforeseen contamination to be adequately dealt with and a piling risk assessment to be submitted prior to commencement of development.   |
| 9.81 | The Tier Environmental report version advises that the shallow gas monitoring installations were all hand dug and the consultant is satisfied that the data obtained is reliable. Reportedly this was the only method available due to restricted access. Some ground gas, namely carbon dioxide and traces of methane were detected. The report also states that there was no anthropogenic type gas sources in the vicinity and that the borehole logs did not report any peat or organic layers that could generate methane and this is why, as predicted, there were very low levels of gas and the site has correctly been assigned a very low risk rating of CS1. Based on this information Environmental Health Department accepts the conclusions of the report, that no ground gas precautions are necessary. |
|      | <b>Impact on amenity</b>   |
| 9.82 | The proposal has also been assessed against paragraphs 4.12 and 4.13 of the SPPS, in terms of potential impact on amenity of adjacent properties. The proposed building is set within an inner urban context where it could be argued that any building on the site would inevitably have an impact on the amenity of properties in the vicinity of the site.  |
| 9.83 | The proposal includes a plant room and substation at ground floor level as well as a café and other ancillary uses. The Envest noise report provides advice on recommended construction for floor/ceiling structure to ensure necessary sound reduction between the ground floor uses and the upper residential use.   |
| 9.84 | In relation to the other plant and equipment at the adjacent Cathedral Eye Clinic, Envest advise that there are 6 additional air handling units mounted externally at the adjacent Cathedral Eye Clinic but that they operate daytime only and any impact would be insignificant given the dominant noise evident at that location is daytime road traffic at nearby Great Patrick Street.   |
| 9.85 | Based on the findings and conclusion of the Envest noise impact assessment, it is recommended that the conditions detailed below at 11.5-11.7 are attached should planning approval be granted.  |
| 9.86 | Given that the ground floor use includes a café information was requested regarding proposals for the café ventilation and extraction and the location of any associated plant and equipment, particularly any outlet / extraction duct and times of operation.  |

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| 9.87 | With any tall building located in the city centre there will be an inevitable impact on nearby properties in what is a tight urban environment. A Daylight and Sunlight report has been submitted in support of the application, last updated 17 <sup>th</sup> August 2018 in light of amended scheme. This report concluded that adequate levels of amenity will continue to be achieved.   |
| 9.88 | Another potential impact of introducing a building of this scale into what is a tight urban grain is that of dominance and overbearing on adjacent properties. The building which will arguably suffer the greatest loss of amenity as a result of the proposal will be the three storey Education Board building to the immediate east of the site on Hector Street. However there are no ground floor windows on the eastern elevation of this building facing towards the site, however there are six windows on the first floor and second floor facing the site. There is no doubt that these windows will experience a loss of light and amenity as a result of the development however they would already be impacted by the existing 2/3 storey building on the site and the three storey eye clinic building which stretch almost the entire length of Hector Street. Although the additional floors will have a greater impact than the existing building the structure will be set approximately 1.2-1.8m off Hector Street, whereas the exiting building fronts directly onto the street. Although this will not reduce the loss of light to a great extent it will help minimise the dominance by increasing the separation distance to the built form. In what is a tightly knit urban grain the resultant loss of amenity experienced by the Education Authority offices would not be considered significant given the existing situation along Hector Street, and the increased separation distance afforded by the proposed building. |
| 9.89 | The closest residential properties are located in St. Anne's Square approximately 30m east of the proposed building. It should be noted there are no residential units on either the ground or first floors. There will no doubt be some loss of light from these properties but given the 30m separation distance it should not be significant. Similarly in terms of potential overlooking, particularly from external balconies on the proposed eastern elevation, the separation distance should ensure that the upper floors that will have views across to St. Anne's Square will not be able to have a clear view into the residential units along the western side of St. Anne's. It is also worth noting that a three storey building is located between the site and these properties.   |
| 9.90 | <p><b>Impact on Historic Monuments</b></p> <p>The application site is located within the Belfast Area of Archaeological Potential, defined within Belfast Metropolitan Area Plan 2015. This is the area in which we would expect to uncover below ground archaeological remains associated with the origins of the historic settlement. The proposed development is also in close proximity to a number of Industrial Heritage Sites associated with the economic development of Belfast.</p>  |
| 9.91 | Recent excavations for the redevelopment of St Anne's Square (adjacent to application site) revealed extensive below ground archaeological remains of post-medieval Belfast. Consequently, there is high potential for associated archaeological remains to be found during construction works for this scheme.  |
| 9.92 | Historic Environment Division: Historic Monuments (HED: HM) has reviewed the archaeological impact assessment submitted and is content that this can form the basis of any programme of works submitted with subsequent consultations should approval be issued.   |
| 9.93 | HED: Historic Monuments has considered the impacts of the proposal and is content, conditional on the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in   |

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|       | <p>advance of new construction, or to provide for their preservation <i>in situ</i>, as per Policy BH 4 of PPS 6. Conditions are detailed below at 11.8 and 11.9.</p>   |
|       | <p><b>Flooding</b></p>  |
| 9.94  | <p>FloodMap NI Rivers and Sea indicates that a small portion of the site lies within the 1 in 200 year coastal floodplain of Belfast Lough.</p>   |
| 9.95  | <p>The proposal has been assessed against Policy <i>FLD1 - Development in Fluvial and coastal Flood Plains</i> - DfI Rivers has reviewed the Flood Risk Assessment by McCloy Consulting, dated December 2017 and while not being responsible for the preparation of the Assessment accepts its logic and has no reason to disagree with its conclusions.</p>  |
|       | <p><b>Waste Management</b></p>  |
| 9.96  | <p>In consultation with Belfast City Councils Waste Management section it has been estimated that the residential aspect of this development will generate the following quantities of waste on a weekly basis.</p> <ul style="list-style-type: none"> <li>- Recyclable waste – 8,200.5 litres (Weekly collection)</li> <li>- Residual waste – 5,218.5 litres (Fortnightly collection, 10437 litres)</li> <li>- Organic waste – 1,491 Litres (Weekly collection)</li> </ul> |
| 9.97  | <p>In the city centre recyclable and organic waste are collected on a weekly basis and residual waste is collected fortnightly therefore capacity is needed to store two weeks quantity of residual waste i.e. 10437 litres with a weekly capacity required for recyclable and organic waste.</p>   |
| 9.98  | <p>A Waste Management Strategy was submitted in March 2018. This has provided a breakdown of the 50 square metre bin storage area:</p> <ul style="list-style-type: none"> <li>- General Waste (6x 1,100L euro bins = 6,600L capacity)</li> <li>- Glass Recycling (3 x 1,100L euro bins = 3,300L capacity)</li> <li>- Food Waste (6 x 240L = 1,440L capacity)</li> </ul>   |
| 9.99  | <p>The following waste collections are proposed:</p> <ul style="list-style-type: none"> <li>- General Waste – 6 times a week (capacity for 39,000L)</li> <li>- Food Waste – 3 times a week (capacity for 4,320L)</li> <li>- Glass – Twice a week (capacity for 6,600L)</li> </ul>   |
| 9.100 | <p>The Waste Management Strategy concludes that based on the above figures there is no requirement for fortnightly storage provision, as suggested by Building Control (9.92). Belfast City Council's Building Control team have been consulted with regards to waste management and have raised no concerns with what has been proposed.</p>   |
|       | <p><b>Air Quality</b></p>   |
| 9.101 | <p>The Environmental health Department has reviewed the Air Quality Impact Assessment Report submitted within the application. The consultant has undertaken a detailed dispersion model using CERC ADMS Roads to assess the existing air quality situation in the vicinity of the site and to assess the impact of local air quality on the proposed development in relation to relevant receptors.</p>  |
| 9.102 | <p>The consultant has assessed the predicted impact of the proposed development on human health in terms of nitrogen dioxide and particulate matter using Defra air quality background data. The consultant has considered the cumulative impact of both the transport and CHP sources on the nearest relevant receptors.</p>   |

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| 9.103 | The assessment has demonstrated that future occupants will not be exposed to air quality concentrations exceeding AQ objectives and that the proposed development will not have a significant impact on air quality in the local area.  |
| 9.104 | As a result, Environmental Health has no concerns regarding the air quality impacts of the development proposal.  |
|       | <b>Economic Benefits</b>  |
| 9.105 | A supporting document has been submitted outlining a series of economic benefits that would come about as a result of this city centre build to rent scheme. According to the document the £15m investment will create 110 jobs, both directly and indirectly, during the construction phase and 25 during the operational phase. It also states that with the extra 145 residents living in the city centre an additional £1.8m will be spent on retail and leisure goods and services in the city.  |
|       | <b>Pre-application Community Consultation</b>   |
| 9.106 | For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.   |
| 9.107 | Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2017/1347/PAN) was submitted to the Council on 14 <sup>th</sup> June 2016.  |
| 9.108 | Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.  |
| 9.109 | A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:  |
| 9.110 | The first Public Event took place in the Arc (Arts Resource Centre) 7 Donegall Street Place, Donegall Street, Belfast, on 1 <sup>st</sup> August 2017. This event was advertised in the Belfast Telegraph on 24 <sup>th</sup> July 2017. Leaflets were distributed to 1,000 properties in the vicinity of the site. The PAN notice was circulated to a number of elected representatives in Oldpark and Castle DEA's and also to a number of additional elected representatives. Invites were also sent to a number of stakeholders including The Mac, University of Ulster, The Education Authority and the Cathedral Quarter Trust. |
| 9.111 | A total of six feedback forms were completed. Overall the design was welcomed, as well as the contribution to the Cathedral Quarter. Concerns were raised about disturbance during the construction phase and the potential for block booking by corporate tenants.   |
| 9.112 | It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.   |
|       | <b><u>Developer Contributions</u></b>   |
| 9.113 | The proposal includes enhancements to the public realm on Academy Street, Exchange Street and Hector Street immediately surrounding the proposed building.  |

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|      | Department for Communities has commented on the proposed works and requested that they should be in line with the approved 'Streets Ahead' public realm improvement scheme and have sought further amendments to the scheme. The agent is aware of this request and amended plans are to be submitted addressing DFC points.  |
| 10.0 | <b>Summary of Recommendation:</b>   |
| 10.1 | This predominantly residential 16 storey proposal, with ground floor cafes, in a highly accessible city centre location is considered acceptable, after a finely balanced consideration of the potential impacts on the Cathedral Conservation Area and listed buildings, against the provision of a landmark piece of architecture on the site of a vacant building and surface level car park, which will bring over 100 residents to the city centre, and with that a considerable level of investment.  |
| 10.2 | The existing building does not make a positive contribution to the character of the conservation area and thus its demolition is acceptable. The proposal has been amended to address concerns in terms of height, scale and design, and is now considered to represent a positive contribution in what is an area of the Cathedral Conservation Area currently defined by surface level car parks and dereliction.   |
| 10.3 | The site lies within the northern part of the city centre, which is arguably the most poorly defined in terms of land use and built form. In many ways this is an opportunity site, with the application presenting an opportunity to replace a derelict three storey building and adjoining surface level car park with a piece of high quality architecture that tips a hat to the more positive traditional elements of architecture in the area and creates a unique, landmark building.  |
| 10.4 | The build-to-rent scheme will be unique to Belfast and will create a new form of residential accommodation in the city centre whereby elements of the hospitality industry such as concierges will be mixed with communal areas, cafes and a managed residential space with long term tenancies.  |
| 10.5 | This mix of residential and retail uses will add to the diversity of the city centre and compliment the nearby University of Ulster whilst driving the much needed regeneration of this area and increasing the rates base that can be used for wider investment.   |
| 10.6 | It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission with conditions, subject to clarification of the consultation response from DfI Roads and satisfactory amendments to the design of the public realm enhancements.   |
| 11.0 | Conditions (final wording to be delegated to the Director of Planning and Building Control)   |
| 11.1 | As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.<br><br>Reason: Time Limit.  |
| 11.2 | If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. |

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| 11.3 | <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>After completing the remediation works under Condition 2; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).<br/>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.</p>  |
| 11.4 | <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention” available at <a href="http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf">http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf</a>.</p>   |
| 11.5 | <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>Prior to occupation of the proposed development, the applicant must submit evidence to demonstrate that all recommended mitigation measures as outlined in the ENVEST noise report referenced ENV-2051- Updated report August 2018, must be incorporated into the proposed development, specifically:</p> <ul style="list-style-type: none"> <li>- Glazing that meets the recommended specification of 32 dB<sub>Rw +Ctra</sub> as presented in table 6, page 17 of the ENVEST – 2051 updated report dated August 2018;</li> <li>- Recommended passive ventilation system to the specification of 34 D<sub>n,e,w</sub> and 57 D<sub>n,e,w</sub> when in the open and closed position respectively as outlined in table 7, page 18 of the ENVEST 2051 updated report, dated August 2018.</li> <li>- The floor/ceiling between the ground floor and first floor is constructed as recommended in section 4.1.3 ‘Noise Impact on Future Residents from Ground Floor Services’ to provide sound insulation of at least 60dB D<sub>w</sub>.</li> </ul> |
| 11.6 | <p>Reason: In the interests of amenity.</p> <p>Prior to occupation of the proposed development, the applicant must submit a noise verification report carried out by a competent acoustic consultant to demonstrate the following :</p> <p>that internal noise levels within any proposed residential unit shall:</p> <ul style="list-style-type: none"> <li>- Not exceed 35 dB L<sub>Aeq,16hrs</sub> at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</li> <li>- Not exceed 30 dB L<sub>Aeq,8hr</sub> at any time between the hours of 23:00hrs and 07:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</li> </ul>   |



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|      | <p>- Not exceed 45 dB L<sub>Amax</sub> more than 15 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.</p> <p>Reason: In the interests of amenity.</p>  |
| 11.7 | <p>Prior to commencement of development, a Construction Environmental Management Plan must be developed and submitted for review and approval by Belfast City Council. This Plan should outline the methods to be employed to minimise noise, vibration and dust impact from demolition and construction operations demonstrating 'best practicable means. The Plan should pay due regard to <i>BS 5228:2009 Noise and Vibration Control on Construction and Open Sites</i> and include a detailed programme for the demolition/construction phase, the proposed noise and vibration monitoring methods, noise mitigation methods and evidence of neighbour liaison.</p> <p>Reason: In the interests of amenity.</p>  |
| 11.8 | <p>No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>   |
| 11.9 | <p>Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.</p> <p>Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.</p> <p><b>Informatives</b></p> <p>However, as the proposed building is overshadowed by existing &amp; planned taller structures / buildings which have been assessed, BCA does not require either an Instrument Flight Procedure (IFP) nor a CNS (Communication, Navigation &amp; Surveillance) assessment to be carried out for this development. In the unlikely event that the completed building affects BCA radar coverage, BCA request that the developer agree to funding related investigatory &amp; radar optimisation works.</p> <p>Due to the height, BCA require that the <b>completed building be lit by steady red obstacle lights</b> at the highest point on all corners.</p> <p>Any <b>cranes</b> etc. extending upwards beyond 42.45m AGL which are to be used in the construction require the contractor to complete a BCA Crane Permit application form (BCA/F/020 – available from <a href="mailto:safeguarding@bca.aero">safeguarding@bca.aero</a>) a minimum of 6 weeks prior to commencement of works to allow time for assessment &amp; notification to pilots, etc. An IFP for a crane may also be required (at a cost to the crane operator / developer), depending on height &amp; extent required, and can take up to 3 months to process.</p> |

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|   | <p>Other areas to consider in respect of aerodrome safeguarding include <b>bird attractants</b> (drainage systems to prevent pooling of water, landscaping including trees, risks associated with 'green' roofs, open skips, etc.); <b>Lighting</b> to minimise vertical light leakage thereby avoiding glare to aircraft; Limited use of <b>reflective surfaces</b> (glass, solar panels, etc.) to reduce glint &amp; glare to aircraft; etc.</p> <p>In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. The investigation, risk assessment and if necessary remediation work, must be undertaken and verified in accordance with current best practice.</p> |
| 12.0  | Notification to Department (if relevant) N/A   |
| 13.0  | <p>Representations from elected members:</p> <p>None</p>   |
| Neighbour Notification Checked <span style="float: right;">Yes</span> |  |
| Signature(s)  |  |
| Date:   |  |

| <b>ANNEX</b>  |                                 |
|---|---------------------------------|
| <b>Date Valid</b>   | 18th December 2017              |
| <b>Date First Advertised</b>  | 5th January 2018                |
| <b>Date Last Advertised</b>   | 24 <sup>th</sup> August 2018    |
| <b>Details of Neighbour Notification</b> (all addresses)  |                                 |
| <p>Niamh Lamond<br/>1-51, York Street, Belfast, Antrim, Northern Ireland, BT15 1ED</p> <p>Niamh Lamond<br/>1-51, York Street, Belfast, Antrim, Northern Ireland, BT15 1ED</p> <p>81 Academy Street, Belfast, Antrim, BT1 2LS,<br/>B E L B, 8 Exchange Street, Belfast, Antrim, BT1 2LJ,<br/>James Sinton<br/>Beannchor, 42 Waring Street, Belfast, BT1 2ED<br/>Belfast Education &amp; Library Board, 40 Academy Street, Belfast, Antrim, BT1 2NQ,<br/>C.S.V Media, First Floor, 81-87 ,Academy Street, Belfast, Antrim, BT1 2LS,<br/>Cathedral Eye Clinic, 89-91 Academy Street, Belfast, Antrim, BT1 2LS,<br/>Brian Murphy FCA<br/>Chartered Accountants, Lindsay House, 10 Callender Street, Belfast, BT1 5BN<br/>Colin Mc Carthy, Second Floor, 81-87 Academy Street, Belfast, Antrim, BT1 2LS,<br/>Crowe Underwriting Services Ltd, 2nd Floor Office, 89-91 Academy Street, Belfast, Antrim, BT1 2LS,<br/>Europa General Underwriters Ltd, 1st Floor Office, 89-91 Academy Street, Belfast, Antrim, BT1 2LS,<br/>The MAC, 10 Exchange Street West, Belfast BT1 2NJ</p> |                                 |
| <b>Date of Last Neighbour Notification</b>  | 20 <sup>th</sup> August 2018    |
| <b>Date of EIA Determination</b>  | N/A (site area less than 0.5Ha) |
| <b>ES Requested</b>   | N/A                             |
| <b>Drawing Numbers and Title</b>  |                                 |
| 01/A, 02/A, 03/A, 04/A, 05/A, 06/A, 07/A, 08/A, 09/A, 10/A, 11/A, 12/A, 13, 14, 15  |                                 |
| <b>Notification to Department (if relevant)</b>   |                                 |
| <b>DCA application and contrary to HED and DFI Roads opinion</b>  |                                 |
| Date of Notification to Department:   |                                 |
| Response of Department:   |                                 |

## Late Items

| Agenda Item | Ref                             | Details                            | Issues Raised  | Action   |
|-------------|---------------------------------|------------------------------------|--|--|
| 7i          | LA04/2017/2811/F Academy Street | Objection from Belfast Civic Trust | <ul style="list-style-type: none"> <li>• 19 storey building in a conservation area.</li> <li>• Impact on setting of St. Anne's Cathedral and Library Service HQ (listed buildings).</li> <li>• Height will set a precedent for tall buildings in city centre.</li> </ul> | <ul style="list-style-type: none"> <li>• Proposal now 16 storeys. Impact on Cathedral Conservation Area addressed in Development Management report.</li> <li>• Impact on both listed buildings fully considered in Development Management report to committee.</li> <li>• Each application for a tall building in the city centre will be considered on a site specific basis. Every proposal falls to be assessed on its own merits within its particular context and directly comparable applications are rare.</li> </ul> |
|             |                                 | Objection from Eamon McMahon       | <ul style="list-style-type: none"> <li>• Contrary to Planning Policy Statement 6. Will not respect 3 storey height of adjoining buildings.</li> <li>• Has consultation been carried out with other environment and heritage bodies.</li> </ul>                           | <ul style="list-style-type: none"> <li>• The proposal has been assessed against PPS6 and has been found acceptable given the wider context of taller buildings.</li> <li>• Historic Environment Division were consulted and objected to the proposal raising concerns about the impact on two listed buildings in the vicinity.</li> </ul>   |

| Agenda Item | Ref | Details                                       | Issues Raised   | Action  |
|-------------|-----|---|---|---|
|             |     |   | <ul style="list-style-type: none"> <li>• What have the conservation officer and urban design officer said about the proposal. Their responses are not contained in the Development Management Report.</li> </ul>  | <ul style="list-style-type: none"> <li>• The conservation officer and urban design officer have both raised objections to the height of the building. Their comments have not been included specifically in the report but have been considered in the round.</li> </ul>  |
|             |     | Objection from Ulster Architectural Heritage  | <ul style="list-style-type: none"> <li>• Demolition of a building sympathetic to height and scale of conservation area, and replacement with a 16 storey building is contrary to policy.</li> <li>• UAH suggest there are other sites within/ near city centre, outwith conservation areas and away from listed buildings that are more suited to high-rise development.</li> </ul> | <ul style="list-style-type: none"> <li>• The demolition of the existing building and the merits of the replacement scheme have been assessed in the development management report.</li> <li>• The merits of alternative sites can not be considered under this planning application.</li> </ul>                       |
|             |     | Objection from Ian Knox (Hon. Member of RSUA) | <ul style="list-style-type: none"> <li>• The proposed building would be inappropriate to the genius loci of the surrounding area</li> </ul>   | <ul style="list-style-type: none"> <li>• The appropriateness of the building to the area has been discussed in detail in the development management report. The site is located within an area where the built form is experiencing a significant transition in recent years in terms of scale and design.</li> </ul> |

| Agenda Item | Ref | Details   | Issues Raised   | Action   |
|-------------|-----|---|---|--|
|             |     | Consultation response from DFI Roads (received 10 <sup>th</sup> October 2018) | <ul style="list-style-type: none"> <li>• DFI Roads do not accept zero parking. 25-45 spaces needed.</li> <li>• Subsequent impact on amenity of local residents and businesses.</li> </ul> | <ul style="list-style-type: none"> <li>• Meeting held with DFI Roads 15<sup>th</sup> October 2018, planning agent present.</li> <li>• Travel Card solution accepted by DFI Roads whereby a Travel card is provided with every residential unit for a 5 year period, with a minimal rental period of 12 months.</li> <li>• Framework Travel Plan updated accordingly, and will be the subject of a planning condition.</li> </ul> |
|             |     | 'Members Briefing' received from the planning agent Turley                    | No new issues raised. All information previously included within supporting documents submitted to BCC during the processing of the planning application.                                 | No action necessary.   |
|             |     | Condition regarding the proposed Public Realm Works                           | Condition omitted from development management officers report   | Condition to be applied requiring proposed public realm improvement works in vicinity of the site to be completed prior to occupation of the first residential unit.   |