

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



**Belfast  
City Council**

7th October, 2020

## **MEETING OF PLANNING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet remotely, via Microsoft Teams, on Tuesday, 13th October, 2020 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

## **AGENDA:**

### **1. Routine Matters**

- (a) Apologies
- (b) Minutes (Pages 1 - 32)
- (c) Declarations of Interest

### **2. Planning Appeals Notified (Pages 33 - 34)**

### **3. Planning Decisions Issued (Pages 35 - 66)**

### **4. Planning Applications**

- (a) LA04/2020/0865/RM - Mixed-Use building ranging from 3 no. to 5 no. storeys (plus roof plant) comprising ground floor retail/food and beverage/office uses, and offices above. Development includes associated public realm, landscaping and all other associated site works on Lands at existing surface level car park between Nos 108 North Street/1 Gresham Street and No. 25 Gresham Street; and adjacent to Nos. 13 - 23 Winetavern Street (Pages 67 - 88)

- (b) LA04/2020/0325/F - Redevelopment of vacant surface level car park to facilitate the erection of a Mixed-Use building ranging from 4. to 9. storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above, development includes associated public realm, landscaping and all other associated site works on vacant lands at existing surface level car park bound by North Street Winetavern Street and Gresham Street north west and south west of 108 North Street and 1 Gresham Street and north of 23 Winetavern Street (Pages 89 - 112)
- (c) LA04/2019/2387/F - Residential development comprising 151 apartments and ancillary uses including; management suite, communal space, reception area and servicing (refuse/recycling/bicycle storage) and plant equipment; and associated car parking and public realm improvements to Scrabo Street, Station Street and Middlepath Street on Land adjacent to Quay Gate House 15 Scrabo Street, footpaths and public realm at Scrabo Street, Station Street and Middlepath Street. (Pages 113 - 138)
- (d) LA04/2020/0761/F - Demolition of existing buildings and erection of 10 storey mixed use development comprising a cafe on the ground floor and 85no. serviced apartments for both short and long term occupancy on the floors above at 57-59 & 61-63 Dublin Road (Pages 139 - 164)
- (e) LA04/2020/0659/F - Refurbishment of existing four storey terrace including alteration, extension to rear, partial demolition and reinstatement. Part change of use from art galleries to two cafes at ground floor. Retention of offices within existing building at second, third and fourth floor. Erection of new 13 storey aparthotel building to rear and associated works including public realm improvements at 29-33 Bedford Street (Pages 165 - 188)
- (f) LA04/2020/1356/F - Variation of Approvals LA04/2019/1398/F and LA04/2017/0235/F for 53 residential units as follows: Condition 16 relating to remediation of contamination to include reference to the remedial measures outlined in both the Generic Quantitative Risk Assessment Report dated January 2017 and an updated Ground Gas Risk Assessment and Remedial Strategy dated May 2019 and an updated remedial strategy for the site on Lands at former Rosepark House, Upper Newtownards Road (Pages 189 - 220)

5. **Miscellaneous Items**

- (a) Finance Update (Restricted) (Pages 221 - 224)



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## Planning Committee

Wednesday, 2nd September, 2020

### SPECIAL MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Hussey (Chairperson);  
Councillors Brooks, Carson, Matt Collins,  
Garrett, Groogan, Hanvey, Hutchinson, Maskey,  
McCullough, McKeown, Murphy and O'Hara.

In attendance: Mr. A. Thatcher, Director of Planning and  
Building Control;  
Mr. E. Baker, Planning Manager  
(Development Management);  
Ms. N. Largey, Divisional Solicitor;  
Mr. J. Hanna, Democratic Services Manager; and  
Ms. E. McGoldrick, Democratic Services Officer.

### Apologies

Apologies for inability to attend were reported on behalf of Councillor Nicholl.

### Declarations of Interest

Councillors O'Hara declared an interest in relation to item 2(b) LA04/2020/0010/F, in that he was a member of the Belfast Harbour Commissioners.

### Planning Applications

**LA04/2017/2341/O - Demolition, redevelopment and part change of use to create a mixed use development comprising retail, offices, cafe/restaurant, residential, hotel, cultural/community space, parking, servicing, access and circulation arrangements, the creation of new streets, the configuration of Writers Square, public realm works, landscaping and associated site and road works including works to alter listed buildings, restoration of retained listed buildings and facades, and partial demolition of North Street Arcade, retaining its facades on land bounded by Royal Avenue, York Street and Church Street to the North; North Street to the west; Rosemary Street to the south and High Street to the south; and Donegall Street to the east. The site is located approximately 300m west of Laganside Bus Station, 300m northeast of City Hall and 900m north west of Central Train Station**

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The Committee was reminded that it had originally considered the application at its meeting on 21st January, 2020 following a Pre Determination Hearing on 16th December, 2020. The Committee had resolved to approve the application with conditions and a Section 76 planning agreement, delegated to the Director of Planning and Building Control to finalise the wording. Under the Planning (Notification of Applications) Direction 2017, it was also necessary to notify the Department for Infrastructure (DFI) because the resolution to approve the application was contrary to the views of the Department for Communities Historic Environment Division (DFC HED), a statutory consultee. The application was notified to the Department on 23rd January, 2020. DFI provided its response on 6th May, 2020, confirming that it did not consider it necessary for the application to be referred to it for determination. The application was subject to a second Pre- Determination hearing held on 28th July, 2020 and then considered by the Planning Committee later the same day.

The Senior Planning Officer reminded the Committee that, at its meeting on 28th July, it had agreed to defer consideration of the outline application so that further information could be provided on the following:

- the social housing element of the scheme, including the suitability of Academy Street;
- amenity/open space provision – with a focus on the creation of new open space;
- the economic impact and the Gross Value Added (GVA) detail;
- the car clubs; and
- the Section 76 negotiations.

She provided the Committee with an overview of the outline application for a mixed-use scheme comprising offices, 367 residential units, restaurants/cafes, a hotel, retail units on the ground floor and cultural and community space.

She informed the Committee that, after the agenda had been published, the following representations had been received from supporters and objectors, and drew Members attention to the response of the Planning Department, as set out in the Late Items Report Pack:

- Agent – confirmation of the removal of a clause in relation to an alternative Housing agreement in the Section 76 Agreement;
- Letter of Support from Retail NI; and
- Joint objection from The Belfast Cathedral Board, The Cathedral Quarter Trust, Killicrot Estates and Save CQ raising the following issues: Concerns regarding overshadowing, misrepresented facts and under played the concerns raised by civic objectors, procedure was not evident in the visual presentation at the meeting, scale and massing, disposal of land, flawed planning process, extant permission is widely considered to be commercially unrealisable and therefore poses no risk of being built, incorrect interpretation of open space and public realm, economics claims, and suggested

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further photo montages should be provided at eye level, conducted and checked by independent architects.

The Planning Manager (Development Management) advised that, in relation to the location of the social housing and relocation of Choice Facility, following the Committee Meeting on 28th July, the applicant had agreed to remove the option of providing the 10% social housing and relocated Choice facility to a site within 300m of the application site. He explained that this meant that the social housing and relocated Choice facility was proposed to be located either at the Academy Street site, or within the application site (red line). He stated that the proposal would also allow this housing to be provided across a combination of both Academy Street and the application site, thereby providing further flexibility.

It was reported that, since the last Committee meeting, Officers had met with representatives of the NIHE and they had confirmed that they were supportive of the aforementioned proposal, recognising that the current policy position on affordable housing provision was limited and that the extant permission made no affordable housing provision. Whilst the NIHE was unable to support both the relocated Choice facility and all of the 10% social housing within the Academy Street site due to concerns about management of high density social housing, it had no objection in principle to either one of the relocated Choice facility or the social housing being located at Academy Street, or a combination of both.

The Committee was advised that the NIHE had since confirmed its position in writing and its views were outlined in the report.

The Senior Planning Officer provided an overview of the Open Space and Amenity Provision, together with the public realm proposals of the revised scheme. She informed the Committee that, having regard to the considerations of the requirement for Public Open Space to support the residential element, the proposal was compliant with Policy OS 2 of PPS 8. She highlighted that the application was also considered compliant with Policy OS 1 of PPS 8. Moreover, it was advised that the proposal would have no significant detrimental impact on the amenity, character or biodiversity of the area and alternative provision was being made by the developer within the site which was more accessible to current users and an improvement in terms of size, usefulness, attractiveness, safety and quality, further in compliance with Policy OS 1.

The Planning Manager (Development Management) informed the Committee of the Economic Impact of the application. He referred to the note provided by the applicant, appended to the Committee report, which set out the calculation of the Gross Value Added (GVA) estimated at £213m per annum. He highlighted the comments, outlined in the report, which had been made from the Economic Development and City Regeneration and Development Teams in support of the application.

He explained that, as part of the Travel Plan, the applicant proposed a Car Club to provide a sustainable mode of transport for occupiers of the site and mitigate the reduction in proposed parking provision for the development. He stated that this had been the first time a car club had been negotiated through the planning process in Belfast and the developer would effectively make use of an existing Car Club operating in the city. He

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provided an overview of the obligation required by the developer to provide a Car Club Strategy which included the identification of six dedicated parking spaces within the site, solely for use by Car Club vehicles, the requirement to provide incentives for occupants of the development to encourage them to use the car park, and set out measures for publicising and promoting the car club.

The Committee was reminded that it had received a copy of the draft Section 76 agreement. The Divisional Solicitor summarised the current status of the agreement under the following themes: Intermediate Housing; Social Housing; Choice Facility; Belfast Bikes; Travel Plan; Travel Cards; Car Club; Public Realm Works; Employability and Skills; and Public Art.

The Senior Planning Officer advised that, for the reasons set out in Addendum Reports 1 and 2, and the report to the Planning Committee on 21st January, 2020, the proposed development was considered acceptable and recommended that the planning permission should be granted. It was recommended that delegated authority was given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 agreement and deal with any further issues which may arise before the decision was issued.

The Chairperson welcomed Ms. A. Martire and Mr. M. Hackett to the meeting, who were objecting to the application on behalf of Save CQ, the Cathedral Quarter Trust, the Belfast Cathedral Board and Killicrot Estates.

Ms. Martire suggested that, from their reading of Addendum Report 2, nothing had changed in the past 5 weeks and suggested that the Committee consider the following points:

- There would still be no social housing on site and the Choice block might be relocated to Academy Street, a proposal which did not have the current support of the Housing Executive;
- The lack of social housing on site was contrary to regional planning policy for housing;
- Public space was urgently needed in Belfast city centre, especially in light of the pandemic, which had radically changed how we live, work and spend our leisure time;
- The diagrams shown in Addendum Report 2 were extremely misleading, counting spaces such as footpaths as public space only when it was convenient. In reality, Writer's Square would still be reduced from about 6000 sqm to about 3000 sqm, encroaching into the space in front of the Cathedral and cutting usable open public space there by 50%, contrary to Policy OS1 - Protection of Open Space;
- The 10 storey buildings being proposed for the space would cause extremely problematic and unsightly overshadowing and loss of light throughout the year onto one of our most important historic buildings and key tourist attractions, contrary to Planning Policy Statement 16 TSM 8; and



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- The loss of built and intangible heritage was still an outstanding issue in this proposal. The proposal was in the Cathedral Quarter conservation area, and still planned to demolish about 80% of its built fabric, including the interior of the North Street Arcade and many other significant buildings. Keeping a series of facades ignored the real value of those buildings as an asset for the city and its people and contravenes the SPPS, Planning Policy Statement 6 and the Northern Ireland Planning Act 2015.

She suggested that the Committee refuse the planning application in this form and requested comprehensive improvements to the current redevelopment proposal so that a resolution could be reached.

Mr. Hackett highlighted the objection letter which had been submitted earlier in the week on behalf of The Belfast Cathedral Board, the Cathedral Quarter Trust Board, Killicrot Estates and Save CQ, together with slides illustrating overshadowing of the Cathedral, representation of the public space and its proposed reduction, and suggestions for a series of photo montages of the impact. He questioned whether the Committee had seen the slides submitted.

The Chairperson confirmed that the representation highlighted by Mr. Hackett had been considered the Planning Service Portal and referenced in the Late Items Pack.

The Director also advised that all representations had been uploaded to the Planning Portal and were accessible to the all Members and the public.

During points of clarification, Mr. Hackett raised further objections in relation to the calculations of public space as outlined in the case report and the detriment to public realm and streetscapes. He also suggested that Writer's Square would be granted to the development at the expense of the public and explained further his concerns in relation to the overshadowing the development would have on St. Anne's Cathedral.

The objectors also provided further information in regards to their interpretation of the information presented by the planning officers, in particular building heights and public realm.

The Chairperson advised the Members that representatives from the Historic Environment Division (HED) Department for Infrastructure, Northern Ireland Housing Executive and CHOICE Housing were also in attendance to answer any questions they might have in relation to the application.

In response to a Members question, in relation to the impact of the proposal on St. Anne's Cathedral, Ms. N. Golden, Historic Environment Division, explained further its position. She advised that it considered Block 2 of the development to be too high because the Cathedral should remain the most prominent building in the vicinity. She confirmed that Writer's Square was not historic. She suggested that a balance needed to be struck between the height of the new building and the Cathedral. She also suggested that the elevation could be broken down further on the North Street side of the development.

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In response to a Members question in relation to the demolition and relocation of the Shared Housing Scheme, SHAC, Mr. N. Sheridan, CHOICE Housing, explained that the re-provision of the facility to a new location had been offered by the Developer and agreed in principle to provide 50 self-contained units, however, it was in early stages and consultation with existing tenants would commence further in the process and their views taken into account. He suggested that CHOICE Housing anticipated that the new accommodation would be an improvement on the exiting units and confirmed that, at present, a site had not been offered within the application site (red line).

Ms. F. McGrath, NIHE, confirmed that the proposed location was a matter for CHOICE and they would support their preference. In regards to further questions from a Member in relation to social housing provision, she informed the Committee that there had not been any consultation regarding the onsite provision of the social housing outlined. The Divisional Solicitor stated that, once it had been established by the developer, the Planning Agreement required that a detailed plan for the Social Housing location had to be submitted to the Council for early consideration.

The Director reminded the Committee that, since the last Committee, two options were now available for the reallocation of SHAC, either at Academy St or with the application site (red line) and clarified that all parties involved were open to continue discussions in relation to suitable locations for this, and the 10% social housing provision. He reminded Members that this was an outline application and further details of the accommodation would be covered in the Reserved Matters application, or a separate application. He pointed out that the legal agreement was flexible so that discussions could continue and these provisions could be secured as part of this consent.

The Chairperson welcomed Mr. P. McErlean, MCE, Mr. C. O'Brien, Savills, and Mr. L. Hume, Destination Cathedral Quarter Business Improvement District, to the meeting.

Mr. McErlean advised the Committee that the Developer was committed to 20% social and intermediate housing for this scheme in line with the Local Development Plan and suggested that it would be the only developer to commit to this in the City Centre. He stated that Academy Street had been purchased by the applicant specifically for the re-provision as the current accommodation, as it was not fit for purpose and was chosen for its proximity to the development and was closer to Writers Sq. than Rosemary St. which was within the red line. He stated that it was also chosen, as CHOICE required that tenants be relocated to the new premises before any demolition of the existing SHAC building could commence.

In terms of the additional 10% social housing, he stated that the proposed Academy St. Site was a resolution to grant 105 private apartments, therefore, had the capacity to support more than 50 social housing which was required by CHOICE.

He suggested that NIHE had raised concern about the management of more social housing units on this site and they would continue to work with NIHE on this matter. He stated that, if agreement could not be reached with NIHE on the Academy St. site, then the committee had the legal safeguard that the social housing would be provided

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within the application site (red line) as a proportion of the onsite housing, in addition to 10% the intermediate /affordable which had already been proposed on site. He confirmed that the applicant had also agreed to remove the 300m boundary option, in direct response from the Committee's discussion, at its meeting in July.

Mr. L. Hume suggested that the development was a great opportunity for Belfast. He advised that Destination Cathedral Quarter Ltd, who were delivering the Business Improvement District (BID), represented 400 businesses' across the Cathedral Quarter and Smithfield and Union, were encouraged by the engagement and activity shown by Castlebrook for the revised proposals and welcomed the opportunity to speak in support of this application . He stated that they had also formally submitted a letter of support.

He suggested that they welcomed the doubling of residential units, additional public space, removal of car parking and the focusing of the pedestrianisation of North St, together with the re-imagined North Street Arcade and the additional connectivity throughout the scheme.

He suggested that the city centre was in need of investment of this scale and did not see another opportunity coming forward in the short or long term that could provide the range of benefits that could be secured through this application.

Mr. C. O'Brien advised that, over the last month, they had been working closely with Planning Officers and fully addressed the reasons for deferral that had been raised in the July meeting. He stated that a response had been provided to a late objection in relation to visual impact, daylight and sun light, and open space. He pointed out that the issues had also have been covered in the two previous hearings and the three committee meetings.

In relation to the North Street position, he suggested that it would be additional public realm and was currently a public highway and the footpaths were not included in either calculation. He stated that the scheme would pay for the delivery of that public realm, it would not a cost on the public purse, as suggested by objectors.

He explained further their submissions in relation to the daylight and sunlight assessment of the development on the surroundings and pointed out that they had not made submissions on just one date, they have made them in December, March and the summer to give a balanced view.

During points of clarification, the applicant's representative's explained further the reasons for the location for the re-provision of the current SHAC accommodation, details of the proposed public realm and amenity space. They highlighted the revisions that had already taken place to the scheme and that further details of the design would come back for the Committee's consideration at the Reserved Matters stage of the application process.

In response to issues raised by the objectors, the applicant's representatives stated that they had been transparent in their representation and visualisation of the open spaces.

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During discussion, the Planning Manager (Development Management) clarified that there was not a current planning policy that required any affordable housing in the development and the proposal for 20% was considered to be a significant community benefit. He reminded Members of the details of the draft section 76 agreement in relation to the Housing concerns raised. He summarised how the application adhered to the planning policy requirements in relation to public open space and PPS8, demolition of buildings within the Conservation Area and PPS6 and open space standards.

In response to a further question regarding open space, the Director and Planning Manager explained the exact area that had been included in the case officer's report and noted the differences from the extant scheme.

During further points of clarification, the Objector's reiterated their concerns in relation to the representation and quality of open space outlined in the application.

**Proposal**

Moved by Councillor Groogan,  
Seconded by Councillor Matt Collins,

That the Committee agrees to refuse the outline application for the following reasons:

- It contravenes PPS6 – particularly around BH11 (selling of a listed building) and BH12 (new development in a conservation area) and BH14 (demolition in a conservation area);
- With reference to block 37, the residential tower and block 9, on the corner of Rosemary Street and North Street, which detrimentally affects the listed building of Assembly Street when viewed from High Street, It was not in keeping with the area and did not preserve or enhance the character of the conservation area and overshadowed it;
- In relation to the redevelopment of the Arcade. The scheme did not meet the requirements of policy OS2 of PPS8 and policy QD1 of PPS7;
- The figure of the new open space was below the 15% required under policy and that the exceptions to this, had not been met;
- In relation to the accommodation - Unreasonable level of communal space; and
- A number of further concerns under BH10, OS1 of PPS8, and the clarity of figures required to reflect the actual usable open space.

On a vote by show of hands five Members voted for the proposal and eight against and it was declared lost.

**Proposal**

Moved by Councillor Hussey,

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Seconded by Councillor Brooks,

That the Committee agrees to approve the application for the reasons as set out in the case officer's report.

On a vote by show of hands eight Members voted for the proposal and five against and it was declared carried.

Accordingly, the Committee approved the application, subject to the imposing of the conditions set out in the case officer's report and delegated power to the Director of Planning and Building Control for the final wording of the conditions, and in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Building Control, in conjunction with the City Solicitor, to enter into discussions with the applicant in relation to developer contributions and to enter into such a Section 76 Planning Agreement on behalf of the Council.

**LA04/2020/0010/F - Aquarium, car parking and associated infrastructure on lands to the South East of Titanic Hotel, North East of Bell's Theorem Crescent and South West of Hamilton Road**

The Committee was reminded that, at its meeting on 18th August, it had deferred consideration of the application to allow a representative from the Department for Infrastructure (DFI), Roads to attend, in order to answer questions surrounding the number of trips associated with the application and the trigger for providing mitigating roads infrastructure.

The Planning Manager provided an overview of the application to the Committee.

He informed the Committee that, after the agenda had been published, the following representations had been received from 2 objectors, and a further objection from Ards and North Down Borough Council in addition to their earlier objection detailed in previous late items dated 25th August, 2020:

- Negative impact on Exploris, tourism and other businesses in Portaferry and Ards Peninsula;
- Contrary of Regional Planning Strategy and PPS16 as the proposal did not safeguard a tourism asset and would damage rural tourism;
- Queries in relation to the rationale of the DfI Roads request to reflect a sensitivity test to include an increase of 25% in the final trip rates, of using survey figures from similar projects which were conducted in 2005 and 2006; trips and figures quoted; whether DfI Roads had reviewed annual monitoring figures for other approvals in the area; Traffic congestion on Queen's Road; the Transport Assessment Form (TAF); whether the proposed opening of the proposal would be affected by the pandemic and lack of secure

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funding; the response of the Economic Development Officer; and  
the employment of aquarists.

The Planning Manager outlined the response of the Planning Service to the aforementioned issues raised, as set out in the Late Items Report Pack. He concluded that the proposal was acceptable having regard to the Development Plan and relevant policies, including Policy AMP10 of PPS3, given the extant use of the site as a car park, and other material considerations.

During discussion, regarding a concern raised by a Member in relation to the tone and material of the façade of the application, the Planning Manager stated that the final finish of the materials would be agreed in consultation with the HED and conservation officer.

He stated that, if the Committee approved the application, a condition to require the full implementation of the permanent landscaping and public realm works within 3 years of operation, together with a condition to ensure that the Planning Service was consulted on the tone and material of the façade, prior to construction, would be applied.

The Chairperson welcomed Mr. L. Walsh and Mr. C. Dickinson to the meeting, representing the Department for Infrastructure.

Mr. Walsh reiterated that the DfI was content with the application and that the aforementioned Late Objection did not change that recommendation. He explained the sensitivity test of 25% in trip rates was a positive, as actually meant that more robust analysis had taken place and the traffic growth surveys, which had recently taken place, had shown the traffic growth in the area had been less than predicted. In relation to the queries regarding the Queen's Rd junction, he explained that their assessment noted that the visitors to the attraction would miss the morning and peak times for traffic congestion. He clarified that, in relation to the accumulation effect of vehicle trips to the junction, this application brought it to a trigger point but not over it.

During Members' Questions, he explained further the area of which the trigger point covered, and other applications in the vicinity that lay outside of this.

The Chairperson welcomed Ms. S. Tinsley and Mr. K. Thomas, representing the applicant to the meeting.

Ms. Tinsley suggested that the application would bring significant investment to the area, together with 51 jobs once completed. She highlighted that the location was selected by the applicant due to its proximity and compatibility with the surrounding area, which would also extend the visitor experience.

She explained that the application had been designed to complement the Harland and Wolff Head Quarters and would have no detrimental impact on the area.

Mr. K. Thomas suggested that the application would have appeal across the generations and would have high-quality displays to recreate marine environment from

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around the world. He described the educational benefits that a visit to the aquarium would bring to visitors.

During discussion, Mr. Dickinson explained further the trigger points in relation to traffic in the area and confirmed that the profile of traffic predicted for this application would not have a meaningful impact on the traffic signalling system. He explained that the Catalyst development could only be fully occupied once the Eastern Access Road was in place.

After discussion, the Committee granted approval to the application, subject to the imposing of the conditions set out within the case officer's report and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

Chairperson

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# Planning Committee

Tuesday, 15th September, 2020

## MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Hussey (Chairperson);  
Councillors Brooks, Carson, Matt Collins,  
Garrett, Groogan, Hutchinson, Maskey,  
McCullough, McKeown, Murphy,  
Nicholl and O'Hara.

In attendance: Mr. A. Thatcher, Director of Planning and  
Building Control;  
Mr. E. Baker, Planning Manager  
(Development Management);  
Ms. N. Largey, Divisional Solicitor; and  
Mrs. L. McLornan, Democratic Services Officer.

### **Apologies**

An apology for inability to attend was reported from Councillor Harvey.

### **Minutes**

The minutes of the meeting of 18th August were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st September, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### **Declarations of Interest**

Councillor Groogan declared an interest in item 7a, LA04/2019/1614/F - Redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area (MUGA pitch), pitch side fencing and ball-stop nets, car parking, landscaping and associated site works on land including and adjacent to the existing all-weather sports pitch at Stranmillis University College, in that she had spoken with residents and would be speaking in objection to the application. She confirmed that she would therefore not take part in the vote on that item.

She also advised that, in relation to item 9a – Havelock House, she had previously made representation in respect of the application and had engaged with objectors and, as such, would not take part in the discussion.

Councillor Collins advised that he had spoken with an objector in respect of item 7a, LA04/2019/1614/F, but that, as he had not expressed an opinion on the application, he would take part in the discussion.

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Similarly, Councillor McKeown advised that he had facilitated a residents meeting in respect of item 7a, LA04/2019/1614/F, but that, as he had not expressed an opinion on the application, he would take part in the discussion.

**DoF Consultation on Proposed Building (Amendment)  
Regulations (NI) 2020**

The Committee considered the undernoted report:

**“1.0 Purpose of Report or Summary of Main Issues**

- 1.1 To consider a draft response to a consultation on proposed amendments to Parts A, B and C and subsequent guidance changes to technical booklets B, C and E of the Building Regulations (Northern Ireland) 2020.**

**2.0 Decision(s) required and recommendations**

- 2.1 To consider the draft response to the Department of Finance consultation and agree, subject to any amendments, a response on behalf of the Council.**
- 2.2 The closing date for responses to this consultation is 4 p.m. on Friday, 9th October 2020.**

**3.0 Main report**

**Key issues**

- 3.1 The Buildings Standards Branch of the Department of Finance (DoF) is seeking the views of the Council on their proposals to amend the Building Regulations (Northern Ireland) 2012 (as amended).**
- 3.2 Building regulations apply to most building work and are made principally to ensure the health, safety, welfare and convenience of people in and around buildings, the conservation of fuel and power, the protection and enhancement of the environment and the promotion of sustainable development.**

**Fire Safety**

- 3.3 Since the Grenfell fire there has been much debate about compliance with the Building Regulations requirement for external walls on buildings to adequately resist the spread of fire. The objective of this policy change is to provide certainty**

about materials to be used in external wall systems of certain buildings ('relevant buildings').

- 3.4 The consultation proposes an amendment to Part B (Materials and workmanship) legislation and accompanying guidance and a consequential amendment to Part A (Interpretation and general) legislation to introduce a new requirement to ban the use of combustible materials on the external walls of 'relevant buildings', mainly of a residential type. It is proposed that the ban will apply to:
- buildings with a floor 18 metres high above ground level which contain a dwelling, contain an institution or contain a room for residential purposes. This will mean flats, student accommodation, care homes, nursing homes, sheltered housing, hospitals and dormitories in boarding schools, all with a floor over 18m above ground level will be covered by the ban.
  - newly erected buildings or when there is a material change of use, alterations or extensions (as defined in building regulations) to an existing building. All elements of the external wall will be covered by the ban; including specified attachments (balconies, solar panels and sun shading devices). A list of exemptions from the ban for certain components will also be given.
- 3.5 In relation to meeting the requirements for external fire spread, there has been concern with the current approach to the use of Assessments in lieu of tests (AiLOTs) for cladding systems. Therefore the proposals include an amendment to TBE to give more explicit guidance to the use of AiLOTs. The purpose of this new guidance is to tighten up on the use of AiLOTs and ensure that they are only used where appropriate, with sufficient relevant test evidence and that they are undertaken by competent staff within appropriately certified organisations.
- 3.6 Full details of our comments on the proposals are contained within the consultation response. In summary, the proposals to review and update guidance and regulations pertaining to external fire spread is welcomed however we are concerned that the guidance concentrates on the methods to achieve adequate fire resistance in buildings containing a floor higher than 18m with potential proposals to cover 'relevant' buildings over 11m.
- 3.7 The Department, through this consultation, reaffirms the requirement for adequate resistance to fire spread to be

achieved in all buildings of any height or use however we feel that the lack of guidance in this area will lead to confusion and inconsistency across Northern Ireland with a lack of understanding of how to achieve compliance.

**Radon protection**

- 3.8 Radon is a naturally occurring radioactive colourless and odourless gas which is formed by the radioactive decay of the small amounts of uranium and radium that occur naturally in all rocks and soils. The gas can move through cracks and fissures in the subsoil and eventually to the atmosphere. Most radon disperses into the air outside, but some passes from the ground and collects in spaces under or within buildings. For residents of dwellings, exposure to high levels of radon for long periods increases the risk of developing lung cancer.
- 3.9 Radon protective measures can be included relatively easily and cost-effectively within new dwellings, extensions or alterations to existing dwellings and to buildings converted to dwellings through a material change of use. The areas on radon maps where radon-protective measures are necessary are called 'radon-affected areas'.
- 3.10 The consultation proposes an amendment to Part C (Site preparation and resistance to contaminants and moisture) to amend the definition of 'radon affected area' to make reference to a 2015 Public Health England (PHE) publication 'Radon in Northern Ireland: Indicative atlas'. This atlas gives a much more accurate radon map for Northern Ireland. The amendment will be accompanied with guidance changes in Technical Booklet C (Site preparation and resistance to contaminants and moisture) to regulation 26(2) requirements on the measures to be taken to prevent or limit the ingress of radon from the ground into any dwelling situated in a radon affected area.
- 3.11 The proposals to update Part C to the current radon guidance are welcomed.
- 3.12 The package of consultation documents can be found on the Department's website: [-https://www.finance-ni.gov.uk/consultations](https://www.finance-ni.gov.uk/consultations) and includes the following: –
- Consultation Proposals;
  - Consultation Response Form;
  - Consultation version only Technical Booklet B;
  - Consultation version only Technical Booklet C;
  - Consultation version only Technical Booklet E; and

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- **Consultation Draft Regulatory Impact Assessments for the proposed changes.**

**3.13 Financial & Resource Implications**

**None.**

**3.14 Equality or Good Relations Implications/Rural Needs Assessment**

**The proposed amendments have been screened out of equality impact assessment requirements by DoF. The equality impact screening assessment will be published separately on the Departmental Website.”**

The Committee agreed the draft response as outlined.

**Committee Site Visits**

It was noted that the Committee had undertaken site visits on 12th August in respect of the following two planning applications:

- LA04/2020/0067/F: Demolition of existing buildings and erection of 270 no. apartment building comprising 8, 5 and 3 storey elements, provision of hard and soft landscaping including communal courtyard gardens, public realm, provision of 40 no. car parking spaces, cycle parking, substation and associated works at Havelock House, Ormeau Road; and
- LA04/2019/1540/F - Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks, 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. Weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear earth bunding, 3no. Accesses to existing Giant's Park Service road infrastructure and ancillary plant/site on lands to the northwest of existing Belfast City Council Waste Transfer Station, 2a Dargan Road

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**Planning Decisions Issued**

The Committee noted a list of decisions which had been taken under the delegated authority of the Director of Planning and Building Control, together with all other planning decisions which had been issued by the Planning Department between 10th and 28th August.

**Planning Appeals Notified**

The Committee noted the receipt of correspondence in respect of a number of planning appeals which had been submitted to the Planning Appeals Commission, together with the outcomes of a range of hearings which had been considered by the Commission.

**Abandonments**

The Committee noted the receipt of correspondence from the Department for Infrastructure in respect of the Abandonment of the footpath to the rear of Albert Street, Quadrant Place and Cullingtree Road.

**Miscellaneous Items**

**Belfast Housing Land Availability Summary Report 2019-20**

The Committee considered the undernoted report:

**“1.0 Purpose of Report or Summary of Main Issues**

- 1.1 To provide an overview of the Council’s Housing Land Availability Summary Report for the 2019/20 monitoring period.**
- 1.2 The report presents the outcomes of annual housing land monitoring and helps inform the preparation of the new Local Development Plan (LDP) for the District. It provides a snapshot of the amount of land available for new residential development as of 1 April 2020, and is supported by an online map portal showing the status of all existing housing monitor sites.**

**2.0 Recommendation**

- 2.1 The Committee is asked to note the outcomes of the annual Housing Monitor report for 2019/20 contained at Appendix 1 (available on mod.gov) and the intention to publish this summary document and accompanying online map portal on the Council’s website.**

**3.0 Main Report**

**Background**

- 3.1** Members are reminded that the Planning Act (NI) 2011 requires the Council to make an annual report to the Department for Infrastructure (DfI) outlining the extent to which the objectives set out in the LDP are being achieved. As the Council are currently preparing the first new LDP for Belfast under this new legislation, the production of Annual Monitoring Reports has not yet commenced. Instead, annual Housing Land Availability Monitor reports (referred to as the 'Housing Monitor' reports) are being prepared by the Council until the new LDP is adopted.

**Housing Land Availability Reports**

- 3.2** The primary purpose of the Housing Monitor is to inform the formulation of the Council's new LDP. However, it will also help the Council identify where a shortfall in potential land supply might exist and can inform house-builders on the availability of land that may be suitable for housing.
- 3.3** The Housing Land Availability Summary Report (Appendix 1) presents the headline figures from a register of potential housing land maintained by the Council, based on current planning policy designations and planning consents. This provides a snapshot of the amount of land available for new homes and capacity for future housing units as of 1st April 2020, as well as providing detail in respect of the net gains in residential units for the 2019/20 period. This differs from the new dwelling completion statistics published routinely by central Government which only provide a total for new build homes, without accounting for units lost as a result of redevelopment. The report will be supported by the online map portal showing the status of all existing housing monitor sites, on the Development Plan and Policy part of the Council website.
- 3.4** During the 2019/20 monitoring year 698 units were completed on 18.5ha of land across the District. 378.4ha of land remains, with potential capacity for 21,692 residential units. This is based on deliverable planning approvals and land allocated within the development plan, but doesn't include other potential sites that may be suitable for residential development.
- 3.5** The total number of dwellings completed in the district has fallen by 15.9% from 830 in 2018/19 to 698 in the current

monitor year. The proportion of dwellings completed within the Urban Footprint is recorded at 76.4% and, as at 1 April 2020, 38.7% of the remaining potential available for future dwellings is on land zoned for housing or mixed use development.

- 3.6 It is emphasised that the monitor represents a register of housing land based on policy designations and planning permissions, rather than an accurate picture of all potentially viable housing land. It should also be noted that this year's report is based on data for the period largely prior to the Covid-19 lockdown, so the full implications of Coronavirus will not be reflected until next year's report.

3.7 Finance and Resource Implications

There are no resource implications associated with this report.

3.8 Asset and Other Implications

None noted.

3.9 Equality or Good Relations Implications/Rural Needs Assessment

The Housing Monitor report presents factual information and makes no recommendations relating to the future allocation of land for housing. There are therefore no relevant equality or good relations implications attached to this report."

The Committee adopted the recommendations.

Restricted Item –  
Finance Update

The information contained in the report associated with the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Resolved – That the Committee agrees to exclude the members of the Press and public from the Committee meeting during discussion of these items as, due to the nature of the items, there would be a disclosure of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (NI) 2014.

The Committee was reminded that the Strategic Policy and Resources, at its meeting on 31st July, had received an update on the impact of the Covid-19 pandemic on the Council's financial position and a strategy to address the forecast deficit and the mitigation measures, which had and would be taken as the situation evolved. It had



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agreed to continue to provide Members with a monthly update on the financial position and that the same report would be presented to the subsequent Standing Committees for noting and to provide further information on ongoing work in the following areas:

1. Updated forecasts;
2. The financial impact of recovery plans;
3. The financial impact of the member agreed decision to invoice rents for all tenants from Quarter 2; and
4. Employee savings arising from the review of vacant posts

The Committee noted the contents of the report, including the August forecast update and Quarter 1 finance report.

**Issue Raised in Advance by a Member**

**Havelock House - Councillor McKeown to raise**

(Councillor Groogan declared an interest in this item and did not take part in the discussion)

Moved by Councillor McKeown  
Seconded by Councillor Hussey and

Resolved – that, in light of the fact objectors have made representations expressing concerns that Havelock House should be a listed building, raising some issues which were allegedly not addressed when the building was considered for listing last year, the Planning Committee requests that HED provide a detailed response to those representations to inform its decision making process in respect of the Havelock House planning application.

**Planning Applications**

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT BY THE COUNCIL UNDER STANDING ORDER 37(e)**

**Withdrawn Item**

The Committee noted that the following item had been withdrawn from the agenda due to a late response which had been received from DfI Roads and which required further consideration by officers:

- LA04/2020/0325/F - redevelopment of vacant surface level car park to facilitate the erection of a Mixed-Use building ranging from 4. to 9. storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above. Development includes associated public realm, landscaping and all other associated site works on vacant lands at existing surface level car park bound by North Street Winetavern

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Street and Gresham Street north west and south west of 108 North  
Street and 1 Gresham Street and north of 23 Winetavern Street

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

The Chairperson advised the Committee that requests from two separate deputations of objectors had been received, both requesting five minutes to address the Committee. They had cited exceptional circumstances, through the most recent change in Covid-19 restrictions, whereby residents were no longer allowed to visit other people inside their homes, and no more than six persons from two households were permitted to gather in a garden, which had meant that all objectors had been unable to meet in person and discuss their concerns as one group, and had therefore had insufficient time to prepare one deputation remotely. The Chairperson explained that, if the Committee was to accede to the request from the two groups of objectors, and allow each group to speak for five minutes, it would only be fair to give the agent/applicant deputation ten minutes.

The Committee acceded to the request to receive two separate deputations from objectors, of up to five minutes, and that the agent/applicant deputation would therefore be granted up to ten minutes to speak.

The Senior Planning officer explained the main issues which had been considered in the assessment of the application, which included:

- the principle of the development of at the location;
- visual impacts of the proposal;
- impact on amenity / character of the area;
- impact on built heritage;
- impact on the natural environment;
- impact on transport and other infrastructure; and
- flood risk

He outlined that the main pitch, at the closest points would be located 29metres from the nearest dwelling at 28 Beechlands, and approximately 51.6metres from the nearest dwelling in Cleaver Park.

The Committee was advised that, whilst the proposal would result in the reduction of the playing surface area to allow for car parking facilities, those facilities were necessary and a policy requirement to support the proposal.

He advised the Members that the proposal would not adversely impact on amenity, traffic, heritage assets or flooding. He explained that the proposed scale, form, massing and materials of structures proposed were considered acceptable and would not

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adversely impact on the local character of the area. The Committee was advised that existing trees within the site and around the site periphery, in addition to new planting would filter views of the structures. The Members were advised that changing room facilities had originally been proposed but had been removed from the proposal in order to safeguard the heritage contribution of ancillary buildings. On balance, he explained that the proposal would not result in detrimental visual impacts.

He explained that a number of conditions were necessary to mitigate impacts of the development, including the hours of operation of the facility and a restriction on the use of floodlighting between the months of October and February.

The Committee was advised that 116 objections had been received, the details of which were outlined in the report.

The Senior Planning officer reported that DFI Roads, Historic Environment Division (HED), NI Water, Rivers Agency, the Conservation Officer, Natural Environment Division, Environmental Health and DEARA NED had been consulted and had no objections to the proposal.

The Committee's attention was drawn to the Late Items pack, which outlined a number of issues which had been raised by Cleaver Park residents. The Planning Department's response to the issues were provided within the pack.

The Chairperson welcomed Councillor Groogan to the meeting, where she had two minutes to address the Committee. She advised the Members that:

- the proposal was in a unique setting in the Stranmillis ATC, it was directly in the middle of the Malone and Stranmillis conservation areas and was in close proximity to a number of listed buildings, TPOs, protected flora and fauna;
- few sites attracted such a level of historic interest and, as such, it required a special level of intervention and measures to uphold the value that the area provided;
- the conditions proposed do not go far enough given the peculiarities of the site;
- the recently approved pitches at Pirrie Park included restricted use of the pitches – whereas in this proposal it was not just restricted to the college use; the hours of use were significantly longer; and protected views would be obscured by floodlights causing serious detriment to residential amenity;
- in relation to the noise assessment, it highlighted that while the development itself was acceptable, it did not properly consider the cumulative amenity impact on nearby residents due to the intensification of site usage; and
- the proposals were contrary to policies BH12 of PP6 and Policy OS4 and OS7 of PPS8.

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The Chairperson then welcomed Mr. E. Loughrey, agent, Mr. F. Bryan, Chair of Cleaver Residents' Group, and Mr. M. O'Toole MLA to the meeting, representing the first group of objectors.

Together they advised the Committee that:

- they could not hope to do justice to the strength of opposition from the residents of Cleaver but that it should be highlighted that there had been 126 letters of objection submitted in respect of the development, and zero in support;
- there was no compelling case for the development, and scarce public funds from DfE should be better used;
- the area concerned was one of the most protected environments in Belfast and was designated as an historic park and garden and was therefore different and distinguishable from all other 3G pitch applications the Committee had considered;
- the Department had failed to give special regard to the protection of two conservation areas;
- the College was already deficient in parking. It had offered to provide 100 parking spaces to address parking issues but the application only provided for 34 spaces;
- there was no visual impact assessment on the Stranmillis Conservation Area or the inter-visibility of the two conservation areas;
- there was no evidence as to the previous use of the site and the intensity of the hockey pitch use, despite repeated requests from the Environmental Health Officer, confirming that the site had been used as a car park for many years;
- the ecological assessment was out of date and did not account for the evidence of badgers found in the area recently;
- there was already a level of anti-social behaviour from students living at the College and that the proposal would impact negatively on residential amenity of Nos 36 & 38 Cleaver Park through noise, disturbance, likely anti-social behaviour, parking and lighting;
- there were concerns that the increased use of the site would create an worse parking problem in Cleaver, both during construction and when completed;
- they were concerned that the application was being pushed through during the pandemic and that the objectors did not feel they had a fair hearing given the restrictions imposed that week which prevented residents from meeting in each other's homes; and
- that the application should be refused or, failing that, its assessment should be paused until a time when the residents of Cleaver could be given a full face to face hearing in front of the Planning Committee.

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**Proposal**

Moved by Councillor Garrett  
Seconded by Councillor Hutchinson and

Resolved – that, in light of a number of technical issues which have occurred throughout the meeting to this point, including that two further objectors were unable to join the meeting to speak, the Committee agrees to defer consideration of the application to a future meeting, the date and time of which are to be agreed by the Chairperson.

**LA04/2019/2334/F - 3 apartment buildings with a total of 18 x 2 bed apartments providing off street car parking and associated groundworks at 141 & 149 Upper Newtownards Road**

The Committee was provided with an overview of the proposals. The Senior Planning officer explained that, under the adopted Belfast Urban Area Plan 2001, the site was unzoned white land and in the draft BMAP the site was also white land and that the Upper Newtownards Road was an arterial route.

She explained that the proposed land use for housing was considered acceptable in principle, the proposed layout of the development was acceptable and that it was considered that the site could accommodate the proposed number of dwelling units of the scale and mass proposed, whilst meeting the recommended requirements for prospective residents without detrimentally impacting upon the residential amenity of existing neighbours.

The Committee was advised that eight objections had been received, raising issues including parking and road safety, overdevelopment, overlooking, the impact of construction works, the impact on trees and the impact on the Cyprus Conservation Area.

She outlined that Environmental Health, DFI Roads, NI Water, Rivers Agency and the BCC Tree Officer had no objections, subject to conditions. The Members were advised that the Conservation Area Officer had raised a concern with the height of Block A, which fronted onto the Upper Newtownards Road, however, she explained that given the proposal was similar in height to existing buildings in the area, with frontage onto the arterial route, it was considered that the proposal was, on balance, acceptable and would not result in a detrimental impact on the setting of the adjacent Conservation Area.

The Senior Planning officer drew the Members' attention to the Late Items pack, whereby 2 additional objections had been received. The objections cited issues with Block C and with overlooking, privacy and amenity impact. She provided the Department's response to the issues raised.

In response to a Member's question regarding the density of the proposal in comparison with the surrounding area, she explained that a number of properties along the Upper Newtownards Road had been converted into apartments and, as the proposal was on an arterial route, the density was considered acceptable.

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In response to a further Member's question regarding the separation distances, she clarified that the distance between buildings A and B was 15metres and between buildings B and C was 20metres, which were considered acceptable.

The Chairperson welcomed Mr. D. Ferguson, architect, to the meeting. He advised the Committee that the scheme had been designed with the surrounding buildings in mind and that it included parking spaces, covered bicycle stands and a protected bin area. He added that they had worked with Planning officers to ensure that it complied with relevant policies.

The Committee granted approval to the application, subject to the imposing of the conditions set out within the case officer's report and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

**LA04/2019/1537/F - Replacement of existing dwelling with  
2 detached dwellings and new access onto Newforge Lane  
with associated landscape works at 28 Piney Lane**

The Senior Planning officer provided the Members with an overview of the proposed development, which had been referred to Committee by a Member to afford the applicant an opportunity to address issues in respect of road layout/traffic.

She advised the Committee of the main issues which had been considered, which included the principle of development and the impact on the character of the area, on amenity, on road safety and on the Lagan Valley Area of Outstanding Natural Beauty (AONB).

The Members were advised that no representations had been received in respect of the proposed development.

The Senior Planning officer highlighted that a refusal was recommended given that DFI Roads considered that the proposed access was unacceptable due to the potential impact on road safety.

The Chairperson welcomed Mr. K. McGurran, agent, and Ms. K. McShane, Transport Engineer, to the meeting. They stated that:

- the only part of the scheme which was deemed unacceptable was the proposed access, "due to the potential impact on road safety" and that all other areas of the scheme were deemed acceptable;
- the impact on road safety should be balanced against the use of an additional house, versus the benefit that could be provided in improving the visibility along the existing Newforge Lane;
- the existing bend was overgrown, which restricted visibility for all users of this junction;
- the new access proposed as part of the scheme would mean a widening of the verge to improve the visibility splay across the

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corner, offering betterment for all road users of that section of Newforge Lane;

- that the average speed of road users in that stretch of road was 19mph and that advice note DCAN 15 stipulated that the relevant sightline for that speed would be established as part of the proposal, and that it would be a betterment on the current sightline; however, DfI Roads were asking for sightlines relevant to average speeds of 25mph, and that it was not possible to create that at the location.

In response to a Member's question, Mr. G. Lawther, DfI Roads, confirmed that the speed survey which had been submitted by the applicant demonstrated average speeds of 27mph which was why DfI stated that the appropriate sightline distance was 45metres.

The Transport Engineer, in response, advised that the speed that cars were travelling at, into the bend, was in fact 19mph and that DCAN 15 allowed for mitigating measures and unusual circumstances with a sightline distance of 33metres. She also explained that the proposal also included the extension of the pavement along the front of the property, which was a betterment for pedestrian safety than the current infrastructure. They therefore contended that the proposals were admissible under the policy.

In response to a Member's question, further clarification was provided by the Transport Engineer in relation to the proposed sightline distances.

After discussion, the Committee agreed to refuse the application and delegated power to the Director of Planning and Building Control for the final wording of the refusal reasons.

**LA04/2019/1254/F - 16 Independent Living Units on lands  
at former Kings Hall and to the rear of 17-23 Harberton Park**

The Planning Manager explained that the site formed part of the wider Kings Hall complex at which Phase 1 works were already under way.

He outlined the main issues which had been considered in the assessment of the application, including the setting of a listed building, demolition and impact on a Conservation Area, the design and impact on the character and appearance of the area, trees and landscaping, impact on residential amenity, access and parking and flooding.

He explained that the site was unzoned whiteland in BUAP and, in the Draft BMAP 2004 and 2015, it was unzoned whiteland with a small portion along Balmoral Avenue having been identified as falling within the Malone Conservation Area. The proposed residential use did not conflict with the development plan or planning policy and was therefore acceptable in principle.

The Members were advised that 4 objections had been received to date, citing issues with a change from the original proposal presented at the public consultation event,

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privacy and security of properties adjoining the new Balmoral access, unsafe access, traffic congestion, separation distances and a loss of mature boundary trees.

The Planning Manager outlined that DFI Roads, Rivers Agency, HED, NI Water, DAERA, Environmental Health and the Tree officer had all offered no objection to the proposal.

He explained that the proposal had been assessed against and was considered to comply with the BUAP, Draft BMAP, PPS3, PPS6, PPS7, PPS7 Addendum, PPS12, PPS15 and the SPPS.

He drew the Committee's attention to the Late Items pack and outlined that:

- one further objection had been received, the details of which had already been addressed within the report;
- further clarification from DFI Roads was required on the wording of condition 11 to ensure the correct drawing no.;
- an amended recommendation would read "Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive issues being raised by third parties and clarification from DFI Roads on the requirements of the access condition".

In response to a question from a Member regarding flooding, the planning manager confirmed that NI Water and Rivers agency had both been consulted and had no objections.

In response to a question from another Member regarding the capacity and access onto Balmoral Avenue, he explained that DFI Roads had been consulted and were content with the proposals.

The Chairperson welcomed Ms. E. Walker, agent, to the meeting. She explained that:

- a detailed drainage design had been signed off by NI water and full article 161 consent to discharge;
- the scheme had been designed to meet the needs of older people who required some assistance but who wished to live independently, with access to emergency care, private amenity space and high quality living environment;
- on-site parking had been revised on account of feedback from officers and DFI Roads, and that garden sizes had been increased;
- separation distances, back to back from the houses on Harberton Park, were well in excess of requirements; and
- a pocket park was included.

Moved by Councillor Hussey,  
Seconded by Councillor Brooks,

That the Committee grants approval to the application, subject to the imposing of the conditions set out within the case officer's report and to no



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new substantive planning issues being raised by third parties, and delegates power to the Director of Planning and Building Control for the final wording of the conditions.

On a vote, eleven members voted for the proposal and two against and it was declared carried.

**LA04/2019/2285/F - 12 storey building to provide an extension to the purpose built management student accommodation development currently under construction at 123 York Street (Ref: Z/2015/0177/F) comprising 94 x student accommodation rooms with communal living rooms/kitchens, associated office space and all other site works on lands at the corner of Little York Street and Little Patrick Street adjacent to 123 York Street 14 Little Patrick Street and opposite 23-33 Little York Street**

The Committee was advised that the site was located within the development limit for Belfast and the City Centre boundary under the Draft BMAP 2015. The site was also located within Character Area CC 077 – Development Opportunity Site Great George Street/Nelson Street/Great Patrick Street/York Street in Draft BMAP 2004 version and Character Area CC 015 Laganside and Docks in Draft BMAP 2015 version.

The Senior Planning officer provided the Members with an overview of the key issues which had been considered in the application, including height, scale and massing, HMO Subject plan 2015, SPG on PBMSA, traffic and parking and impact on residential amenity of neighbours.

She explained that the proposal sought to provide an extension to a built and occupied building. The Members were advised that the proposed 94 bedrooms equates to approximately a 24% increase when compared to the previous approval. She explained that the proposal site would complete the block, which was currently in use as a hard standing storage area.

The Members were advised that the proposed extension was considered to complement the existing building and is of an acceptable scale, layout and form. She added that, in terms of prospective residents, each unit had adequate outlook to the public street and external amenity areas and that there was sufficient internal separation distances between rooms to prevent overlooking. The Committee was advised that the proposal complied with all criteria set out in HMO 7 of the HMO subject plan.

She outlined that all consultees had offered no objections to the proposal, subject to conditions and no objections from third parties had been received.

The Chairperson welcomed Mr. T. Stokes, agent, to the meeting. He clarified that, when the original application was made for the existing building, the site in question was not under the control of the applicant. He confirmed that the corridors would connect through to the existing building and that no objections had been received.

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In response to a Member's question regarding the Section 76 Agreement relating to the existing building, the Divisional Solicitor confirmed to the Committee that the developer had already made its financial contribution in respect of a nearby pedestrian crossing and that the hold-up was likely due to a commitment of expenditure from the Department for Infrastructure.

In response to a further query regarding developers' contributions, the Planning Manager advised that a draft Annual Monitoring Report was being compiled by officers and would be submitted to the Committee for its consideration in autumn.

A Member queried how the proposal met the exception test of FLD1 of PPS15. The Senior Planning officer explained that one of the exceptions was "previously developed land" and, before the site was a car park, there would have been buildings present and that a Flood Risk Assessment had been prepared and reviewed by Rivers Agency.

The Committee granted approval to the application, subject to conditions as set out in the Case officer's report and to a Section 76 Agreement in respect of developer contributions and Management Plan, and delegated power to the Director of Planning and Building Control to finalise conditions.

**LA04/2019/2971/F - Demolition of the existing Avoniel leisure centre buildings and construction of a new 2 storey pavilion including ground floor changing room facilities, multipurpose rooms, and 250 seat spectator stand, relocated car parking, 1no new 90m x 55m 3G pitch, 1no new 50m x 30m pitch, 2no. 30m x 20m pitches, and 3no covered 30m x 20m pitches, fencing, landscaping and floodlighting and retention of existing linkages to the Connswater Greenway**

The Senior Planning officer outlined the key issues which had been considered in the assessment of the Belfast City Council application, including the visual impacts of the proposal, impact on amenity/character of the area, impact on built heritage and natural environment, impact on transport and flood risk.

He explained that the proposal included a spectator stand with changing facilities, a 3G pitch, a 7 a side pitch and covered and open five a side pitches, car parking, fencing and floodlighting. The Members were advised that the proposal, albeit with a change in emphasis of sporting use, was therefore considered in accordance with the requirements of Policy OS1 of PPS8.

The Committee was advised that that the scale and massing of the proposed building would be no greater than the exiting Leisure Centre building on the site and that the associated fencing and floodlights would also have no greater visual impact on the locality. The Members were advised that the floodlighting, by virtue of the level difference of the site with the school building would be filtered by these and other neighbouring buildings. The Senior Planning officer outlined that existing trees within the site and around the site periphery, in addition to new planting, would filter views of the structures.

**Meeting of Planning Committee,  
Tuesday, 15th September, 2020**

The Committee was advised that DFI Roads, Rivers Agency, DEARA, HED, SES, NI Water, and Environmental Health had no objections to the proposal, and that no representations or objections had been received.

He explained that Environmental Health had no objections to the proposal in terms of amenity impacts but that suitable conditions were necessary in accordance with Environmental Health recommendations and operating hours. He advised the Members that the operating hours suggested by Environmental Health were considered overly onerous, given the historic use and the nature of non-residential uses surrounding the site, and that officers were recommending longer hours of operation. He added that the proposal was compliant in relation to Policies OS4 and OS7 of PPS8.

The Committee granted approval to the application, subject to the imposing of the conditions set out within the case officer's report and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

Chairperson

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## PLANNING COMMITTEE – 13 OCTOBER 2020

## APPEALS NOTIFIED

**COUNCIL: BELFAST**

ITEM NO 1 PAC REF: 2020/A0062

PLANNING REF: LA04/2019/1722/F

APPLICANT: Miss Nicola Bull

LOCATION: 46 Donegall Pass, Belfast, BT7 1BX

PROPOSAL: Construction of 11 No apartments ancillary accommodation and 1 No rental unit

PROCEDURE:

ITEM NO 2 PAC REF: 2020/A0071

PLANNING REF: LA04/2020/0558/A

APPLICANT: JC Deaux

LOCATION: Gable end wall of 112 Ann Street, Belfast, BT1 3HU

PROPOSAL: Replacement of existing 48 sheet internally illuminated advertising display with LED digital display

PROCEDURE:

## APPEAL DECISIONS NOTIFIED

ITEM NO 1 PAC REF: 2019/A0122

PLANNING REF: LA04/2019/0833/A

RESULT OF APPEAL: Allowed

APPLICANT: Mr Thomas Taggart

LOCATION: 19 Boucher Crescent, Belfast, BT12 6HU

PROPOSAL: Two halo internal glow lit Mercedes brand images opening times on non-illuminated side door sign non illuminated parking sign indicator panels attached to fence

## **PLANNING COMMITTEE – 13 OCTOBER 2020**

### **APPEAL DECISIONS NOTIFIED (CONTINUED)**

ITEM NO	2	PAC REF:	2019/A0117 and 2019/A0118
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PLANNING REF: LA04/2018/2735/F and LA04/2018/2733/A

RESULT OF APPEAL: Allowed

APPLICANT: Mr Tom Fisher, Urban Innovation Company Ltd

LOCATION: Pavement outside 3-11 High Street, Belfast

PROPOSAL: A smart hub and double-sided digital display panel

ITEM NO	3	PAC REF:	2019/A0228
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PLANNING REF: LA04/2018/1817/F

RESULT OF APPEAL: Dismissed

APPLICANT: Mr Sean Matthews

LOCATION: Land at 25 Colinglen Road, Belfast

PROPOSAL: Retention of existing fuel sales to include-flood lights, fuel pipeline, fuel storage containers, fence & mobile office and proposed lean to shelter

ITEM NO	3	PAC REF:	2019/A0139
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PLANNING REF: LA04/2019/1237/F

RESULT OF APPEAL: Allowed

APPLICANT: Mr David Thompson

LOCATION: 1 Bapaume Avenue, Belfas

PROPOSAL: Remove existing timber boarded fence and replace with clay facing brick wall up to 1.7m high and stepping down to 1.2m high at pedestrian entrance gate along boundary on Montgomery Road and Bapaume Avenue.

## Planning decisions issued between 29 August and 2 October 2020 - No. 206

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2018/0022/F	MAJDEV	Rossa Park Shaw's Road Belfast BT11 9QJ	Community, cultural and sporting hub for the Upper Andersonstown area incorporating; a community hub building accommodating a multi-functional hall, handball court, fitness suite, health and well-being suite and associated ancillary accommodation. Replacement of floodlit grass pitch with floodlit synthetic pitch. Two floodlit multi-use games areas. Pre-nursery building housing 1 no.classroom and a small outdoor play area, landscaping and a new footpath link from the Shaw's Road, noise barriers and associated car parking	PERMISSION GRANTED
LA04/2018/0856/F	LOCDEV	134 Finaghy Road South Belfast BT10 0DG	Demolition of existing dwelling and construction of 8 apartments within one block and 8 associated car parking spaces (amended plans & description)	PERMISSION GRANTED
LA04/2018/1892/F	LOCDEV	The Institute of Electronics communications and Information Technology (ECIT) Queens University Belfast (QUB) Northern Ireland Science Park Queens Road Queens Island Belfast BT3 9DT.	Four storey extension to the front of existing ECIT building.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/1245/LBC	LOCDEV	Education Authority 40 Academy Street Belfast BT1 2NQ.	The work entails the refurbishment of the main reception and 1 stop shop taking in flooring, decoration, and replacement suspended ceiling. The existing side entrance aluminium doors are to be replaced with a aluminium window system matching the same profile and location with 2No. opening sashes. All staff and visitors will use the main reception doors.	PERMISSION REFUSED
LA04/2019/1371/F	LOCDEV	158 Antrim Road Belfast BT15 2AH.	Proposed change of use to include ground floor sit in cafe and 4 No.1 bed apartments with 3 storey extension to rear.	PERMISSION GRANTED
LA04/2019/1377/F	LOCDEV	98-104 Castlereagh Road Ballymacarret Belfast BT5 5FR.	Change of use, extensions & alterations to commercial premises & charity shop to create 12No. 1-bed apartments.	PERMISSION GRANTED
LA04/2019/1515/F	LOCDEV	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.	Proposed residential development for the erection of 6no. units comprising a new block of apartments along with car parking and associated development.	PERMISSION GRANTED
LA04/2019/1728/F	LOCDEV	Lands to the rear of 230 Lower Braniel Road Belfast BT5 7NJ	Erection of 2no semi-detached dwellings	PERMISSION GRANTED
LA04/2019/1784/F	LOCDEV	14 Flora Street Belfast BT5 4SN.	Demolition of existing vacant builders warehouse. Erection of new photography studio.	PERMISSION GRANTED



Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/2047/A	LOCDEV	61 Belmont Road Belfast BT4 2AA	Shop sign (retrospective)	PERMISSION REFUSED
LA04/2019/2146/F	LOCDEV	16 Norwood Gardens Belfast BT4 2DX.	2 storey rear and side extension	PERMISSION GRANTED
LA04/2019/2161/F	LOCDEV	17-24 Stokes House College Square East Belfast BT1 6DH	Five storey extension to the rear of Stokes House, Belfast, retaining ground floor car parking (six storeys in total) amended description	PERMISSION GRANTED
LA04/2019/2217/F	LOCDEV	Lands south of Albert Bridge and directly north of 5 Ravenhill Road Belfast BT6 8DN.	Public realm improvements to include; demolition and removal of the existing public toilets, landscaping works, new paving, provision of street furniture, lighting, railings, tree/hedgerow and all associated site works (temporary use for 3 years).	PERMISSION GRANTED
LA04/2019/2344/F	LOCDEV	1 Old Cavehill Road Belfast BT15	Single storey extension to rear of existing dwelling including rendering rear return walls and new garden wall at front of dwelling (Retrospective)	PERMISSION GRANTED
LA04/2019/2372/F	LOCDEV	Lands to the north of 2 26 & 35 Cairnmartin Crescent Belfast BT14 7GY.	Development of 26 no. semi-detached dwellings (10 no. complex needs bungalows and 16 no. two storey dwellings) and associated road, car parking, landscaping and site works.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/2390/F	LOCDEV	On footpath in front of No.3 Ardoyne Road Belfast BT14 7HX.	17.5m Telecommunications Column, with 6no. Antennae (3no. enclosed within a Shroud, 3no. not enclosed). Proposal includes the provision of 4no. New Equipment Cabinets and Associated Ground Works.	PERMISSION GRANTED
LA04/2019/2443/F	LOCDEV	40 Gilnahirk Park Belfast BT5 7DY.	First floor extension to side and rear of dwelling	PERMISSION GRANTED
LA04/2019/2482/F	LOCDEV	Highgrove Meadows Ballymurphy Belfast BT13 3FX.	Amendments to previously approved residential development approved under Z/2004/0905/F to include change of house types to 29 apartments, changes to overall layout, levels, cycle parking and parking layout, and addition of bin storage	PERMISSION GRANTED
LA04/2019/2543/F	LOCDEV	Opposite and north east of 6 Alexander Road Belfast.	Alterations to existing commercial building to include partial demolition, new wall and roof cladding of retained steel frame structure, provision of new access from Alexander Road, erection of new fence and gate along site frontage, erection of new party wall/fence to eastern boundary and associated site works.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/2610/F	LOCDEV	12 to 30 Wellington Place and 42-46 Upper Queen Street Belfast BT1 6FX	Internal reconfiguration (retrospective); erection of external goods lift; one floor extension to existing external stairwell to facilitate access to roof; proposed service yard works for erection of single storey security office, store, bin storage area; and reconfiguration of car parking. (amended plans)	PERMISSION GRANTED
LA04/2019/2674/LDE	LOCDEV	51 Northbrook Street Belfast BT9 7DH	House in Multiple Occupancy (HMO)	APPLICATION REQUIRED
LA04/2019/2688/F	LOCDEV	Lands bounded to the east of Heron Road and to the south of Heron Avenue Belfast BT3 9LF.	Proposed Car Park comprising 60 car parking spaces.	PERMISSION GRANTED
LA04/2019/2753/F	LOCDEV	13 15 and 15A Summerhill Avenue Belfast BT5 7HD	Change of use from food outlet to extension of physiotherapy clinic. Proposal to extend physiotherapy clinic (adjacent units 5-11), to increase treatment rooms, office and staff facilities.	PERMISSION GRANTED
LA04/2019/2761/LDE	LOCDEV	Belmont Tower 82 Belmont Church Road Belfast BT4 3FG	Restoration of Belmont Old Primary School as office and community space	PERMITTED DEVELOPMENT
LA04/2019/2873/O	LOCDEV	Lands at 13 Barrack Street Belfast BT12 4AH.	Apartment development of 14No. units comprising of 2No. blocks with associated site works.	PERMISSION REFUSED
LA04/2019/2906/F	LOCDEV	43 Erinvale Drive Finaghy Road South Belfast BT10 0GF	Single storey side extension and two storey rear extension	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/2939/F	LOCDEV	Lands situated approximately 25m West of no.25 Mill Valley Way BT14 8FX	Erection of 5no. own door apartments (change of house type from that previously approved under planning ref: Z/2010/1250/F) along with associated car-parking and siteworks.	PERMISSION GRANTED
LA04/2019/2962/F	LOCDEV	55 Cranmore Gardens Malone Lower Belfast BT9 6JL	2 storey rear and side extension to dwelling. New patio to rear. Existing detached garage is to be demolished. (Amended Plans)	PERMISSION GRANTED
LA04/2019/2971/F	MAJDEV	Avoniel Leisure Centre Avoniel Road Belfast BT5 4SF	Demolition of the existing leisure centre buildings and construction of a new 2 storey pavilion including ground floor changing room facilities, multipurpose rooms, and 250 seat spectator stand, relocated car parking, 1no new 90m x 55m 3G pitch, 1no new 50m x 30m pitch, 2no. 30m x 20m pitches, and 3no covered 30m x 20m pitches, fencing, landscaping and floodlighting and retention of existing linkages to the Connswater Greenway.	PERMISSION GRANTED
LA04/2020/0001/F	LOCDEV	12 Ballynahatty Road Belfast BT8 3LE	Single storey rear extension. New front and rear dormer windows & extended ridge line. (Amended Plans)	PERMISSION GRANTED
LA04/2020/0003/A	LOCDEV	346 Lisburn Road Belfast BT9 6GH	Facade raised lettering signage	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0010/F	MAJDEV	Lands to the South East of Titanic Hotel North East of Bell's Theorem Crescent and South West of Hamilton Road Belfast	Proposed aquarium, car parking and associated infrastructure.	PERMISSION GRANTED
LA04/2020/0022/F	LOCDEV	Land adjacent to and South of 16 Newforge Grange Belfast	Detached dwelling with basement garage	PERMISSION GRANTED
LA04/2020/0083/F	LOCDEV	"Archburn" 55 Knock Road Belfast BT5 6LB	Conversion of garage to extend existing granny flat with two storey side extension and bay window extension to front and alterations to entrance and driveway (amended description)	PERMISSION GRANTED
LA04/2020/0092/F	LOCDEV	123 The Mount Belfast BT5 4ND	Proposed demolition of existing premises and redevelopment to provide 6no. apartments with associated site works.	PERMISSION GRANTED
LA04/2020/0094/DCA	LOCDEV	55 Cranmore Gardens Malone Lower Belfast BT9 6JL	Existing timber and brickwork garage to be demolished as well as rear kitchen and sunroom extension.	PERMISSION GRANTED
LA04/2020/0098/F	LOCDEV	Lands to the rear of 62 Cherryvalley Park Belfast	Demolition of existing single garage and erection of one and a half storey dwelling to rear of exiting dwelling.	PERMISSION GRANTED
LA04/2020/0106/LDE	LOCDEV	32 Carmel Street Belfast BT7 1QE.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0116/A	LOCDEV	We are Vertigo T13 Building Queens Road Titanic Quarter Belfast BT3 9DT.	Retention of existing signage- 1No. aluminium sign with acrylic frontage (illuminated) and 3no. mesh banner signs (non-illuminated).	PERMISSION GRANTED
LA04/2020/0141/LDE	LOCDEV	33 Edinburgh Street Belfast BT9 7DS.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/0200/F	LOCDEV	267 Woodstock Road Belfast BT6 8PR.	Change of use from Doctors Surgery to 2no. apartments with minor demolition and internal/external refurbishment. Alterations to front elevation.	PERMISSION GRANTED
LA04/2020/0226/NMC	LOCDEV	2-6 Castlereagh Place Belfast BT5 4NN.	Non material Change to LA04/2018/0951/F.	NON MATERIAL CHANGE GRANTED
LA04/2020/0309/F	LOCDEV	174 Woodstock Road Belfast BT6 8AF.	Demolition of property & construction of three storey building with 3No. one bedroom apartments.	PERMISSION GRANTED
LA04/2020/0313/F	LOCDEV	29 Eastleigh Drive Belfast BT4 3DX	Single Storey Rear Extension + Bay Window to Side Elevation	PERMISSION GRANTED
LA04/2020/0318/F	LOCDEV	91 Finaghy Road South Belfast BT10 0BY	Single Storey Rear Extension with Additional Flue	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0343/LDE	LOCDEV	37 Colinglen Road Dunmurry Belfast BT17 0LP	Existing concrete manufacturing factory and ancillary offices.	PERMITTED DEVELOPMENT
LA04/2020/0345/DC	LOCDEV	Lands Northwest of 1-6 Linen Mill Grove Edenderry Village Belfast	Discharge of condition no. 19 of LA04/2018/1795/F (Remediation Strategy)	CONDITION DISCHARGED
LA04/2020/0350/F	LOCDEV	26 Lowwood Park Belfast BT15 4BB	Proposed single storey extension to rear and attic conversion	PERMISSION GRANTED
LA04/2020/0351/F	LOCDEV	EA Donegall Pass Youth Centre 72 Donegall Pass Belfast BT7 1BU	Proposed alteration to front facade with level access to front entrance and proposed garden at rear with level access and new close boarded boundary fencing	PERMISSION GRANTED
LA04/2020/0353/F	LOCDEV	71 South Parade Belfast BT7 2GN	Lowering existing public footpath for level access to allow for the provision of new paved hard- standing to accommodate 1no. off- street car parking space.	PERMISSION GRANTED
LA04/2020/0357/F	LOCDEV	41 Kincora Avenue Belfast BT4 3DW	Proposed two storey rear extension and single storey side extension. Elevation changes. (Amended Plans/ Description)	PERMISSION GRANTED
LA04/2020/0368/F	LOCDEV	60 Ballynahatty Road Belfast	Change of use from ancillary residential accommodation to dwelling	PERMISSION REFUSED
LA04/2020/0380/F	LOCDEV	3 Rosscoole Gardens Belfast BT14 8JH	Single storey extensions to rear and side of dwelling.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0432/DC	LOCDEV	Former Ballynafeigh Police Station 332 Ormeau road Belfast BT7 2GE.	Discharge of condition 8 LA04/2018/1415/F	CONDITION DISCHARGED
LA04/2020/0453/F	LOCDEV	47 Cliftondene Gardens Belfast BT14 7PF.	Two storey rear extension.	PERMISSION GRANTED
LA04/2020/0476/DCA	LOCDEV	2 Cranmore Park Belfast BT9 6JG	Removal of bricks under front kitchen window to create opening for patio doors.	PERMISSION GRANTED
LA04/2020/0485/F	LOCDEV	8 Neills Hill Park Belfast	Rear/side single storey extension	PERMISSION GRANTED
LA04/2020/0486/F	LOCDEV	49 Sandbrook Park Belfast BT4 1NL	Two storey rear extension.	PERMISSION GRANTED
LA04/2020/0515/F	LOCDEV	Unit 1A Marlborough House 348 Lisburn Road Belfast BT9 6GB	First floor change of use for commercial office suite to consultation rooms, waiting area and office for medical consultations associated with adjoining suite.	PERMISSION GRANTED
LA04/2020/0516/F	LOCDEV	22 Fitzwilliam Avenue Belfast BT7 2HJ	Single storey rear extension and elevation changes. Alterations to existing front boundary/ access. (Amended Description)	PERMISSION GRANTED
LA04/2020/0536/F	LOCDEV	88 Gilnahirk Road Belfast BT5 7DJ.	Replacement dwelling.	PERMISSION GRANTED



Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0547/F	LOCDEV	268 Ravenhill Avenue Belfast BT6 8LL.	Change of use to HMO (Retrospective).	PERMISSION GRANTED
LA04/2020/0551/F	LOCDEV	42 Dunraven Gardens Belfast BT5 5LG.	Single storey rear extension (amended plans).	PERMISSION GRANTED
LA04/2020/0555/A	LOCDEV	McDonalds Restaurant 2 Connswater Link Belfast BT5 4AF	Installation of 4 no freestanding signs and 1 no 15" digital screen to booth	PERMISSION GRANTED
LA04/2020/0560/F	LOCDEV	24 Netherleigh Park Belfast BT4 3GR	Demolition of existing single storey garage and construction of single storey side/rear extension	PERMISSION GRANTED
LA04/2020/0585/LDE	LOCDEV	147 Dunluce Avenue Belfast BT9 7AX	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2020/0590/F	LOCDEV	71a Shandon Park Belfast BT5 6NY.	Single storey rear extension.	PERMISSION GRANTED
LA04/2020/0611/F	LOCDEV	Stormont Estate Upper Newtownards Road Belfast BT4 3SH.	Re Roof toilet block, replace windows, doors and create access ramp.	PERMISSION GRANTED
LA04/2020/0617/LDE	LOCDEV	13 Ridgeway Street Belfast BT9 5FB.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0625/NMC	LOCDEV	York Street/Donegall Street/Frederick Street Belfast BT15 1ED	Minor amendments to the external envelope treatments and design development of external landscaping of the University of Ulster's Greater Belfast Development campus previously approved under planning application Z/2012/0261/f and as further amended under applications Z/2014/1245/f and LA04/2017/1763/NMC	NON MATERIAL CHANGE GRANTED
LA04/2020/0626/A	LOCDEV	Fixed to new boundary enclosure west of 122 Albertbridge Road and south-east of 116-118 Mountpottinger Road.	Erection of 1 no. 96 sheet lightbox and 1 no. 48 sheet lightbox to replace existing 5 no. 48 sheet advertising display boards.	PERMISSION REFUSED
LA04/2020/0635/F	LOCDEV	12 Brooklands Street Belfast BT9 7FZ	Proposed change of use from dwelling to self-contained self-catering holiday accommodation	PERMISSION GRANTED
LA04/2020/0647/F	LOCDEV	48 Martinez Avenue Belfast BT5 5LY.	Single storey side and rear extension.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0657/F	LOCDEV	Block A/School House Methodist House Methodist College Belfast 1 Malone Road Belfast BT9 6BY	New brick panel installations to cover existing damaged external brickwork to the existing elevations. Proposed remedial structural works to the existing roof construction. proposed installation of external wall vents and integrated window fan units. Proposed replacement of existing defective plaster lath ceilings with new Plasterboard ceilings. Proposed removal of existing pugging and timber sarking boards from the existing floor construction. Installation of helical crack stitching bars to existing internal walls for crack stabilisation	PERMISSION GRANTED
LA04/2020/0660/F	LOCDEV	761 Crumlin Road Ballysillan Lower Belfast BT14 7GF.	Single storey rear and side extension with extended raised patio.	PERMISSION GRANTED
LA04/2020/0661/LBC	LOCDEV	Block A/School House Methodist College Belfast 1 Malone Road Belfast BT9 6BY	New Brick panel installations to cover existing damaged external brickwork to the existing elevations. Proposed remedial structural works to the existing roof construction. Proposed installation of external wall vents and integrated window fan units. proposed replacement of existing defective plaster lath ceiling with new plasterboard ceilings. Proposed removal of existing plugging and timber sarking boards from the existing floor construction. Installation of helical crack stitching bars to existing internal walls for crack stabilisation.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0664/F	LOCDEV	3 Springdale Gardens Belfast.	Single Storey Rear Extension	PERMISSION GRANTED
LA04/2020/0674/F	LOCDEV	976 Crumlin Road Belfast BT14 8FH.	Retention of close board timber fence on top of existing boundary wall to side of dwelling(Retrospective).	PERMISSION GRANTED
LA04/2020/0683/LDE	LOCDEV	Flat 1 32 Cromwell Road Belfast BT7 1JW.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/0687/LDE	LOCDEV	Flat 3 32 Cromwell Road Belfast BT7 1JW.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/0690/LDE	LOCDEV	Flat 2 32 Cromwell Road Belfast BT7 1JW.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/0694/F	LOCDEV	986 Crumlin Road Belfast BT14 8FH.	Single storey rear extension.	PERMISSION GRANTED
LA04/2020/0696/F	LOCDEV	31 Downshire Road Belfast BT6 9JL	Single and two storey extension to rear and side of dwelling with raised patio. Demolition of existing rear return.	PERMISSION GRANTED
LA04/2020/0704/A	LOCDEV	1 Prince Regent Road Belfast BT5 6SA.	Rectangular box sign	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0725/F	LOCDEV	116A Upper Lisburn Road Belfast BT10 0BD	Removal of existing attached garage to the side and rear and replacement with a new free standing garage	PERMISSION GRANTED
LA04/2020/0732/F	LOCDEV	92 Disraeli Street Belfast BT13 3HX.	Single storey extension to rear.	PERMISSION GRANTED
LA04/2020/0740/F	LOCDEV	37 Merrion Park Poleglass BT17 0SE.	Single storey side extension and elevation changes. Widening of existing driveway and front ramp.	PERMISSION GRANTED
LA04/2020/0762/F	LOCDEV	22 Russell Park Gortgrib Belfast BT5 7QW	Single storey rear extension and extended decking.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0767/DCA	LOCDEV	Garage & Annexe Archburn 55 Knock Road Belfast BT5 6LB.	<p>1. 3No existing solid archways on Elevation AA knocked through to create 2No glasssliding doors and 1No bay window extension2. Existing window to side Elevation BB replaced with new larger window3. Opening to existing double entrance doors widened to be full width of existingarchway they sit within4. 2No door openings created at first floor level in gable end Elevation BB to accessnew side extension5. Ground floor store internal stud wall part removed to accommodate new living room6. 2No doorway openings created in internal structural ground floor garage wall toextend hallway and give access to kitchen/dining room and to create access to ashower under the stairs7. 1No existing small Velux window to Elevation AA removed and replaced with 3Nolarger Velux windows to match size of those on Elevation CC8. 1No small window opening created on Elevation CC. 9. Demolition of entrance pillars and walls</p>	PERMISSION GRANTED
LA04/2020/0789/F	LOCDEV	51 Balmoral Avenue Belfast BT9 6NX.	Demolition of existing garage and outbuildings with new single storey extension to side and rear with associated site works. (Retrospective)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0792/F	LOCDEV	Cabin Hill Campbel College Upper Newtownards Road Belfast	PROPOSED RETENTION OF EXISTING ACCESS (RESULTING FROM THE REALIGNMENT OF THE UPPER NEWTOWNARDS ROAD FOR THE GLIDER RAPID TRANSPORT SYSTEM) TO SERVE RESIDENTIAL DEVELOPMENT PREVIOUSLY PERMITTED (Z/2003/2938/O / Z/2007/2069/RM)	PERMISSION GRANTED
LA04/2020/0795/F	LOCDEV	81 Wynchurch Road Belfast BT6 0JJ	Demolition of single storey kitchen and porch. Erection of two storey side and rear replacement extension providing dining space and a utility room on the ground floor and a bedroom and a bathroom on the first floor.	PERMISSION GRANTED
LA04/2020/0815/LDE	LOCDEV	Flat 2 5 Lawrence Street Belfast BT7 1LE	House in multiple occupancy - HMO	PERMITTED DEVELOPMENT
LA04/2020/0816/LBC	LOCDEV	Ulster Museum Botanic Gardens Belfast BT9 5AB	Erection of signage (1No. panel sign and 2No. vinyl graphic signs)	PERMISSION GRANTED
LA04/2020/0817/LDE	LOCDEV	Flat 2 3 Lawrence Street Belfast BT7 1LE.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/0818/A	LOCDEV	Ulster Museum Botanic Gardens Belfast BT9 5AB	Erection of signage (1No. panel sign; 4No double sided mesh pennant banner signs; and 2No. vinyl graphic signs) (partial temporary for 2 years)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0823/F	LOCDEV	Kingdom Hall of Jehovah's Witnesses 2A Magdala Street Belfast BT7 1PU	First floor extension and new tiled apex roof. New external finishes and window openings. New render finish and railings to existing boundary walls.	PERMISSION GRANTED
LA04/2020/0824/DC	LOCDEV	3 Milner Street Belfast BT12 6GE.	Discharge of conditions no's. 8, 9 and 10 of Z/2014/1053/F	CONDITION NOT DISCHARGED
LA04/2020/0841/F	LOCDEV	41 University Street Belfast BT7 1FY	Change of use from offices to 3no. flats, including alterations, 2 storey rear extension and replacement dormer to rear.	PERMISSION GRANTED
LA04/2020/0842/DCA	LOCDEV	41 University Street Belfast BT7 1FY	Demolition of 2-storey rear return, rear dormer and rear boundary wall and fence; elevation changes to rear	PERMISSION GRANTED
LA04/2020/0852/F	LOCDEV	23 Ormiston Drive Belfast BT4 3JS	Side extension to form external stores. Change of use of attached garage to dwelling accommodation with rear extension and alterations to the roof. Elevation changes including the installation of new windows and doors. (Amended Plans/ Description)	PERMISSION GRANTED
LA04/2020/0855/LDP	LOCDEV	80 Old Holywood Road Belfast BT4 2HP	Alterations & extension to dwelling comprising conversion of existing kitchen to form ground floor shower room & utility including new single storey flat roof extension to rear.	PERMITTED DEVELOPMENT
LA04/2020/0864/F	LOCDEV	Land adjacent to and south east of children's play park at Sally Gardens Community Centre Sally Garden Lane Dunmurry BT17 OUJ.	Erection of community boxing club facility with associated site works.	PERMISSION GRANTED



Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0876/LDE	LOCDEV	59 Lisburn Avenue Belfast BT9 7FX	House in multiple occupancy - HMO	PERMITTED DEVELOPMENT
LA04/2020/0884/LDE	LOCDEV	28 Stranmillis Street Belfast BT9 5FE	House in multiple occupancy - HMO	PERMITTED DEVELOPMENT
LA04/2020/0885/F	LOCDEV	25 Strangford Avenue Belfast BT9 6PG	New detached garage with storage space above. (Amended Description)	PERMISSION GRANTED
LA04/2020/0889/F	LOCDEV	87 Church Road Newtownbreda BT8 7AN	Single Storey Extensions to the front and rear of the property to provide additional living and home working space as well as a loft conversion with proposed dormers.	PERMISSION GRANTED
LA04/2020/0900/LDE	LOCDEV	Flat 2 48 Eglantine Avenue Belfast BT9 7FD	House in multiple occupancy - HMO	PERMITTED DEVELOPMENT
LA04/2020/0904/A	LOCDEV	Unit 11 Weavers Court Business Park. Linfield Road Belfast BT12 5GH	Individual backlit lettering at high level on two elevations.	PERMISSION GRANTED
LA04/2020/0905/F	LOCDEV	8 Mount Coole Gardens Belfast BT14 8JY	Single and two storey rear extension to dwelling and elevation changes.	PERMISSION GRANTED
LA04/2020/0916/LDE	LOCDEV	4 Chadwick Street Belfast BT9 7FB.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0918/F	LOCDEV	1 Norwood Avenue Belfast BT4 2EE.	Single storey side extension & alteration to gable window.	PERMISSION GRANTED
LA04/2020/0924/F	LOCDEV	15 Maryville Park Belfast BT9 6LN.	Garage extension to front and side and alterations to existing utility room.	PERMISSION GRANTED
LA04/2020/0952/A	LOCDEV	Public footpath on the University Road in front of Queens University Belfast.	6 Sheet advertisement on bus shelter.	PERMISSION REFUSED
LA04/2020/0958/LDE	LOCDEV	25 Stranmillis Park Belfast BT95AH.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/0959/LDE	LOCDEV	8 Pretoria Street Belfast BT9 5AQ.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/0961/F	LOCDEV	25 Belmont Road Belfast BT4 2AA.	Change of use from gift shop to cafe/coffee bar.	PERMISSION GRANTED
LA04/2020/0962/LDE	LOCDEV	9 Ashley Avenue Belfast BT9 7BT.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/0963/DC	LOCDEV	2 Derryvolgie Avenue Belfast BT9 6FL.	Discharge of condition no. 7 of LA04/2018/0836/F (ventilation system)	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0968/LDE	LOCDEV	Flat 2 5 Fountainville Avenue Belfast BT9 6AN.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/0972/LDE	LOCDEV	Flat 2 9 Fountainville Avenue Belfast BT9 6AN.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/0976/LDE	LOCDEV	12 Prince Edward Park Belfast BT9 5FZ.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/0981/LDE	LOCDEV	27 Sandymount Street Belfast BT9 5DP	House in multiple occupancy HMO	PERMITTED DEVELOPMENT
LA04/2020/0988/DC	LOCDEV	Lands adjacent to East of 1-13 Lewis Park and 2-20 Lewis Mews Belfast BT4 1FY	Discharge of condition no. 12 of LA04/2018/0916/F (Construction Management Plan)	CONDITION DISCHARGED
LA04/2020/1000/LDE	LOCDEV	74 Stranmillis Gardens Belfast BT9 5AT.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/1002/LDE	LOCDEV	55 Stranmillis Gardens Belfast BT9 5AT.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/1012/F	LOCDEV	135 Donegall Avenue Belfast	Two storey rear extension	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1020/LDE	LOCDEV	109 Wellesley Avenue Belfast BT9 6DH	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2020/1032/LDE	LOCDEV	82 Dunluce Avenue Belfast BT9 7AZ.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/1044/LDE	LOCDEV	138 Dunluce Avenue Belfast BT9 7AZ.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/1045/LDE	LOCDEV	38 Palestine Street Belfast BT7 1QJ.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/1046/LDE	LOCDEV	1 Meadowbank Place Belfast BT9 7FE.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/1047/LDE	LOCDEV	Apartment 3 22 Wolseley Street Belfast BT7 1LG.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/1049/LDE	LOCDEV	10 Palestine Street Belfast BT7 1QJ	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2020/1052/F	LOCDEV	27 Eastleigh Drive Belfast	Rear single storey extension, replacement garage, alterations to window openings, entrance drive widened	PERMISSION GRANTED
LA04/2020/1060/LDE	LOCDEV	Apartment 1 22 Wolseley Street Belfast BT7 1LG	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1062/LDE	LOCDEV	Apartment 2 22 Wolseley Street Belfast BT7 1LG	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/1078/F	LOCDEV	46 Wandsworth Road Belfast BT4 3LT	Single Storey Extension to Rear of Dwelling.	PERMISSION GRANTED
LA04/2020/1080/LDE	LOCDEV	13 Hallidays Road Belfast BT15 2FJ	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/1090/F	LOCDEV	96-98 High Street Belfast BT1 2BE	Change of use from hotel bar and lounge to public bar and lounge involving internal alteration to a wall	PERMISSION GRANTED
LA04/2020/1091/LBC	LOCDEV	96-98 High Street Belfast BT1 2BE	Blocking up of internal doorway linking the bar and lounge to the Merchant Hotel	PERMISSION GRANTED
LA04/2020/1097/F	LOCDEV	31 Piney Lane Malone Upper Belfast BT8 5QS	Single storey rear and two storey side extension, front extensions with new glass porch, pv solar panel array installation, elevation changes to existing dwelling	PERMISSION GRANTED
LA04/2020/1098/F	LOCDEV	40 Brae Hill Park Belfast.	2 storey rear extension with single storey extension also to rear.	PERMISSION GRANTED
LA04/2020/1102/F	LOCDEV	14 Meadowhill Belfast BT11 8QR	Proposed 2 storey extension to side of dwelling and single storey extension to rear with rear dormer. (Amended plans)	PERMISSION GRANTED
LA04/2020/1104/F	LOCDEV	6 Malone Park Gardens Belfast BT9 6WH.	Single storey extension to rear and side and other associated works.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1118/F	LOCDEV	20 The Walled Garden Ballymisert Belfast BT4 2WG	Proposed single storey rear and side extension	PERMISSION GRANTED
LA04/2020/1121/F	LOCDEV	13 Rosemary Park Belfast BT9 6RF	Demolition of existing single storey attached garage and construction of single storey side and rear extension comprising garage, kitchen, playroom, study and external store. removal of structural wall cresting an open plan kitchen/dining area	PERMISSION GRANTED
LA04/2020/1132/F	LOCDEV	4 Wandsworth Drive Belfast BT4 2BJ	Proposed garage to replace existing garage structure	PERMISSION GRANTED
LA04/2020/1150/CONTPO	LOCDEV	7 Malone Park Belfast BT9 6NH.	Tree surgery.	WORKS TO TREES IN CA - AGREED
LA04/2020/1156/F	LOCDEV	16 Whinnyhill Drive Belfast BT8 8BA.	Single storey rear extension .	PERMISSION GRANTED
LA04/2020/1167/DCA	LOCDEV	Stokes House 17-24 College Square East Belfast BT1 6DH.	Partial demolition of rear elevation to facilitate five storey extension to the rear of Stokes House, Belfast. Retaining ground floor car parking.	PERMISSION GRANTED
LA04/2020/1195/DCA	LOCDEV	15 Maryville Park Belfast.	Minor demolition of utility to facilitate garage extension to front and side.	PERMISSION GRANTED
LA04/2020/1197/F	LOCDEV	Stormont Estate Upper Newtownards Road Ballymiscaw Belfast BT4 3SH.	Changing Places toilet facility and associated site works.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1204/LDE	LOCDEV	123 Agincourt Avenue Belfast BT7 1QD	House in Multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2020/1215/F	LOCDEV	33 Boundary Way Belfast BT13 1DU.	Single storey rear extension.	PERMISSION GRANTED
LA04/2020/1236/F	LOCDEV	7 Ladybrook Gardens Belfast BT11 9FD.	Single storey kitchen and first floor bathroom extension to rear of existing dwelling.	PERMISSION GRANTED
LA04/2020/1241/DC	LOCDEV	Royal Group of Hospitals 274 Grosvenor Road Belfast BT12 6BA	Discharge of condition no. 2 of LA04/2018/2157/F	CONDITION DISCHARGED
LA04/2020/1261/F	LOCDEV	165 Orby Drive Belfast BT5 6BB.	Single storey side and rear extension.	PERMISSION GRANTED
LA04/2020/1271/F	LOCDEV	6 Orpen Avenue Belfast BT10 0BS.	Single storey rear extension	PERMISSION GRANTED
LA04/2020/1272/F	LOCDEV	48 Ligoniel Road Belfast BT14 8BX	Single storey rear extension	PERMISSION GRANTED
LA04/2020/1282/F	LOCDEV	10 Norfolk Parade Belfast BT11 8DB.	Erection of two storey and single storey rear extension.	PERMISSION GRANTED
LA04/2020/1297/F	LOCDEV	31 Oldpark Road Belfast BT14 6FN	Single storey rear extension	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1299/F	LOCDEV	22 Kingsway Gardens Belfast BT5 7DQ.	Single storey rear and side extension.	PERMISSION GRANTED
LA04/2020/1311/F	LOCDEV	124 Sandown Road Belfast BT5 6GX	Proposed single storey rear extension and elevational changes	PERMISSION GRANTED
LA04/2020/1333/F	LOCDEV	37 Lucerne Parade Stranmillis Belfast.	2 storey rear extension.	PERMISSION GRANTED
LA04/2020/1334/F	LOCDEV	8 Deramore Park South Belfast BT9 5JY.	Alterations to front elevation and provisions of new rooflight	PERMISSION GRANTED
LA04/2020/1335/DCA	LOCDEV	8 Deramore Park South Belfast BT9 5JY.	The demolition works include a small portion of the external walls to accommodate a revised window and door location and an opening for anew rooflight.	PERMISSION GRANTED
LA04/2020/1346/F	LOCDEV	71 Knockeden Park Belfast BT6 0JG.	Demolition of existing rear single storey return and erection of 2 storey rear return.	PERMISSION GRANTED
LA04/2020/1389/F	LOCDEV	61 Deramore Park Belfast BT9 5JX.	Replacement garage to include ancillary accommodation at first floor level.	PERMISSION GRANTED
LA04/2020/1395/F	LOCDEV	96 Greystown Avenue Belfast BT9 6UL.	Bay window to front and single storey extension to rear (Retrospective).	PERMISSION GRANTED



Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1397/LDE	LOCDEV	107 Wellesley Avenue Malone Lower Belfast BT9 6DH.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/1401/F	LOCDEV	7 Knock Grove Belfast BT5 6GF.	Single storey side and rear extension.	PERMISSION GRANTED
LA04/2020/1402/F	LOCDEV	14 Ranfurly Drive Belfast BT4 2BE.	Single storey rear extension.	PERMISSION GRANTED
LA04/2020/1409/F	LOCDEV	116 Laurelbank Belfast BT17 0RX	Single storey rear extension to dwelling	PERMISSION GRANTED
LA04/2020/1421/F	LOCDEV	13 Glenalina Road Belfast BT12 7JF.	Single storey rear extension.	PERMISSION GRANTED
LA04/2020/1438/F	LOCDEV	1 Gortnamona Way Belfast BT11 8PJ	Single storey rear extension	PERMISSION GRANTED
LA04/2020/1439/F	LOCDEV	23 Wynchurch Terrace Belfast BT6 0HP	Demolition of existing sunroom. New single storey extension to side and rear.	PERMISSION GRANTED
LA04/2020/1451/F	LOCDEV	59 Beechgrove Avenue Belfast BT6 0ND	Retrospective planning application for 12sqm decking at rear of dwelling	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1457/F	LOCDEV	19 Brentwood Park Carnamuck Belfast BT5 7LQ	Single storey rear extension to dwelling.	PERMISSION GRANTED
LA04/2020/1458/F	LOCDEV	16 Wynchurch Avenue Belfast BT6 0JQ	2 storey rear extension and associated alterations inc reduction in length of existing garage	PERMISSION GRANTED
LA04/2020/1464/DCA	LOCDEV	2 Randal Park Belfast BT9 6JJ	Some internal walls and glass brick wall on ground floor to be demolished. Two new openings for windows on the first floor to be created in existing external walls, and existing single-storey rear extension roof and first floor rear return to be demolished.	PERMISSION GRANTED
LA04/2020/1465/F	LOCDEV	2 Randal Park Belfast BT9 6JJ	First floor extension to the side and rear with internal alterations	PERMISSION GRANTED
LA04/2020/1469/NMC	LOCDEV	50 Salisbury Avenue Belfast BT15 5EA	NMC to LA04/2019/0320/F	NON MATERIAL CHANGE GRANTED
LA04/2020/1474/DC	LOCDEV	Lands bounded by Bedford Street INI building McClintock Street and Franklin Street BT2 7GP.	Discharge of condition 18 LA04/2015/0264/F.	CONDITION DISCHARGED
LA04/2020/1476/F	LOCDEV	1 Invernook Park Belfast BT4 1RL.	Single storey rear and side extension with ramp to side of dwelling.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1487/F	LOCDEV	7 Knockcastle Drive Belfast	Single storey rear extension	PERMISSION GRANTED
LA04/2020/1508/DC	LOCDEV	Walkway Community Centre 1-9 Finroy Street Upper Newtownards Road Belfast BT5 5DH	Discharge of condition no. 4 & 6 of LA04/2019/2343/F (cycle parking)	CONDITION DISCHARGED
LA04/2020/1509/F	LOCDEV	34 Fitzroy Avenue Belfast BT71HW	New rear dormer window in main roof and internal refurbishment works	PERMISSION GRANTED
LA04/2020/1515/F	LOCDEV	238 Tates Avenue Belfast BT12 6NB.	Single storey side extension	PERMISSION GRANTED
LA04/2020/1517/F	LOCDEV	43 Onslow Parade Belfast BT6 0AS.	Single storey rear extension and ground floor side window.	PERMISSION GRANTED
LA04/2020/1519/F	LOCDEV	3 Thornhill Drive Belfast BT5 7AW	Single storey living room extension to end of kitchen extension to rear of dwelling	PERMISSION GRANTED
LA04/2020/1530/CONTPO	LOCDEV	Site to rear of 24 Osborne Gardens Belfast.	Tree surgery to 2 trees.	WORKS TO TREES IN CA - AGREED
LA04/2020/1532/DCA	LOCDEV	6 Malone Park Gardens Belfast BT9 6WH	Part demolition to allow for single storey extension to rear and side	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1544/CONTPO	LOCDEV	3rd tree on left and outside no 2 Malone Park Central and Outside No.6 and 20 Malone Park Belfast.	Fell and remove trees and grind out stumps to maintain safety.	WORKS TO TREES IN CA - AGREED
LA04/2020/1572/F	LOCDEV	Courtyard to the rear of The Dark Horse 30-34 Hill Street Belfast BT1 2LB.	Proposed change of use from courtyard area to outdoor licensed dining area to serve existing restaurant at The Dark Horse.	PERMISSION GRANTED
LA04/2020/1577/CONTPO	LOCDEV	8 Cleaver Park Malone Road Belfast BT9 5HX.	Tree surgery to 2 trees	WORKS TO TREES IN CA - AGREED
LA04/2020/1582/CONTPO	LOCDEV	21 Broomhill Park Belfast BT9 5JB.	Felling of trees on boundary	WORKS TO TREES IN CA - AGREED
LA04/2020/1599/F	LOCDEV	41 Whitecliff Crescent Belfast BT12 7JR.	Single storey rear extension.	PERMISSION GRANTED
LA04/2020/1651/DC	LOCDEV	Bank buildings (bound by Castle Street Bank Street and Royal Avenue) Royal Avenue Belfast BT1 1BL.	Discharge of Conditions 8 to 14 of LA04/2019/1903/F and Conditions 3 to 9 of LA04/2019/1905/LBC.	CONDITION DISCHARGED
LA04/2020/1653/CONTPO	LOCDEV	48 Maryville Park Belfast BT9 6LP.	Felling of 1 cherry tree	WORKS TO TREES IN CA - AGREED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1660/CONTPO	LOCDEV	31 Kings Road Belfast BT5 6JG	Fell 1 x diseased chestnut and works to 1 x lime tree	WORKS TO TREES IN CA - AGREED
LA04/2020/1756/CONTPO	LOCDEV	77 Bawnmore Road Belfast BT9 6LD	Works to 2 trees - 1 Beech and 1 Pine	WORKS TO TREES IN CA - AGREED
LA04/2020/1806/CONTPO	LOCDEV	74 Kings Road Belfast BT5 6JN	Pruning shrubs by 1-2m	WORKS TO TREES IN CA - AGREED
LA04/2020/1811/CONTPO	LOCDEV	55 Knock Road Belfast BT5 6LB	Works to 2 trees.	WORKS TO TREES IN CA - AGREED
LA04/2020/1861/CONTPO	LOCDEV	72 Kings Road Belfast BT5 6JN	Works to 2 trees	WORKS TO TREES IN CA - AGREED
LA04/2020/1862/CONTPO	LOCDEV	11 Malone Park Belfast. BT9 6NH (All trees located at back of rear garden of residential property)	Works to 5 trees - 3x Prunus trees, To reduce height by 2 metres1x Contorted Willow To reduce taller leader by 0.5 metresTo fell 1x smaller twin stemmed Holly tree which is dying	WORKS TO TREES IN CA - AGREED

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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> Tuesday 13 October 2020	
<b>Application ID:</b> LA04/2020/0865/RM	
<b>Proposal:</b> Proposed erection of a Mixed-Use building ranging from 3 no. to 5 no. storeys (plus roof plant) comprising ground floor retail/food and beverage/office uses, and offices above. Development includes associated public realm, landscaping and all other associated site works.	<b>Location:</b> Lands at existing surface level car park between Nos 108 North Street/1 Gresham Street and No. 25 Gresham Street; and adjacent to Nos. 13 - 23 Winetavern Street Belfast
<b>Referral Route:</b> Major application	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Bywater and Ashmour 46 James Street Marylebone London W1U 1EZ	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<p><b>Executive Summary:</b></p> <p>Outline planning permission was granted in February 2020 for Mixed use regeneration and development of vacant surface level car park and refurbishment of existing listed Butchers building, with erection of new fixed use buildings (heights varying between 3-9 storeys). The permission comprises basement level car parking, ground floor retail/restaurant/coffee shop/workspace uses, with Grade A and SME offices above (LA04/2018/2470/O).</p> <p>This application seeks the approval of Reserved Matters for part of the outline permission with a Mixed Use building ranging from 3 no. to 5 no. storeys (plus roof plant) comprising ground floor retail/food and beverage/office uses, and offices above. The proposed development includes associated public realm, landscaping and all other associated site works.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Impact on Built Heritage</li> <li>- Scale, Massing and Design</li> <li>- Public Real Improvements</li> </ul>	

- Impact on setting of nearby Conservation Areas
- Traffic and Parking
- Contaminated Land
- Impact on Air Quality
- Impact on Amenity
- Drainage and Flooding
- Impact on Protected Sites

The principle of the proposed uses and form of the development have already been established through the recent outline planning permission (LA04/2018/2470/O). This Reserved Matters application seeks approval for the detailed plans and elevations.

The site lies within the northern part of the city centre, which is considered poorly defined in terms of land use and built form. The site is zoned as an opportunity site in the Draft Belfast Metropolitan Area Plan (Draft BMAP 2004 and 2015), and it is considered that the proposal will develop part of a surface level car park with a piece of high quality architecture heavily influenced by the industrial heritage of the area, creating a well-defined public space and providing a landmark building on one of the main arterial routes into the city centre (North Street).

The mix of office, restaurants/cafes and retail will add to the diversity of the City Centre whilst bringing much needed regeneration of this area. The built form will be located on an expansive surface level car park thus introducing a landmark building, creating a sense of place and defining a vacant space within what is a previously developed part of the City Centre. This northern section of the city centre has suffered from lack of investment and dereliction, with many areas being cleared and sites being left undeveloped. The proposal should help stimulate the wider regeneration of this part of the city, which has recently been boosted with the arrival of the Ulster University's city centre campus, and proposals to redevelop the former Royal Exchange. High quality finishes and subtleties in design are considered to pay homage to the historical context and will combine with the adjacent proposal (LA04/2020/0325/F) to create a landmark cluster, high quality public realm and a sense of place within a currently undefined part of the city centre.

#### Consultees & Representations

**DFC Historic Environment Division** – Further information requested

**Shared Environmental Services** – No objection

**DFI Roads** – No objection subject to conditions

**Rivers Agency** – No objection

**Environmental Health and DAERA Waste Management Unit** – No objection subject to conditions

**Building Control** – No objection



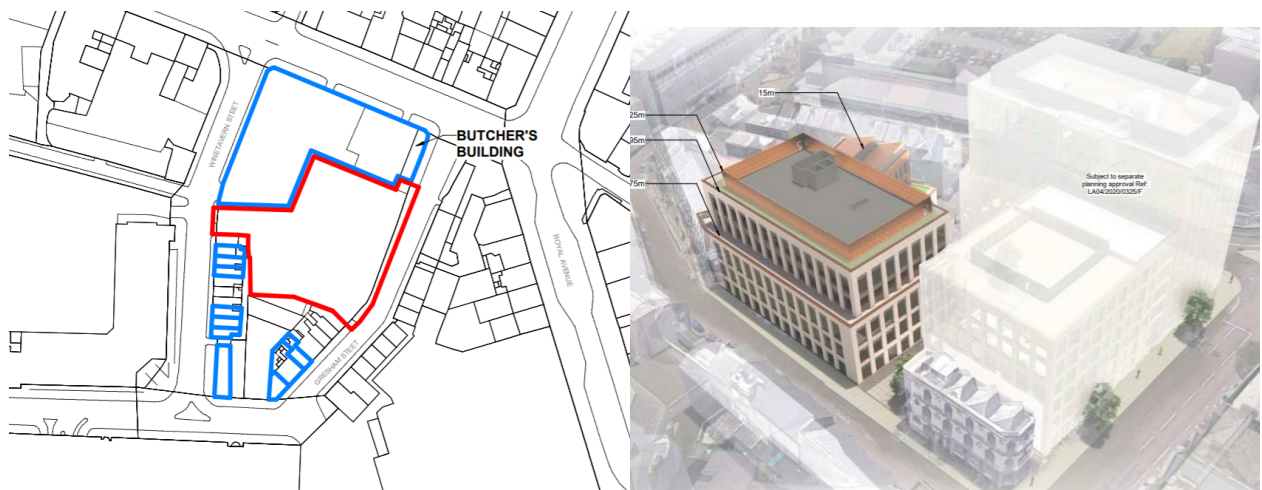
**Urban Design Officer – No objection**

No objections or third party representations have been received.

**Recommendation**

Having regard to the extant Development Plan, the draft Development Plan, relevant planning policies, planning approvals in the area including the extant outline planning permission on the same site, economic benefits, regeneration and other material considerations, the proposed development is considered acceptable.

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

**Signature(s):****Case Officer Report****Site Location Plan and 3D visual**

1.0

**Description of Proposed Development**

1.1

Outline planning permission was granted in February 2020 for Mixed use regeneration and development of vacant surface level car park and refurbishment of existing listed Butchers building, with erection of new fixed use buildings (heights varying between 3-9 storeys). The permission comprises basement level car parking, ground floor retail/restaurant/coffee shop/workspace uses, with Grade A and SME offices above (LA04/2018/2470/O).

1.2	This application seeks the approval of Reserved Matters for part of the outline permission with a Mixed Use building ranging from 3 no. to 5 no. storeys (plus roof plant) comprising ground floor retail/food and beverage/office uses, and offices above. All matters have been reserved although a planning condition on the outline permission sets the height parameters for the buildings. The wider proposal is for redevelopment of part of a vacant surface level car park to facilitate the erection of a Mixed-Use building ranging from four to nine storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above. The proposal includes associated public realm, landscaping and other associated site works. The total floor area of the building is approximately 6,160sqm. The ground floor consists predominantly of retail and cafes (400 sqm) with the upper floors entirely office space (approx. 4,000sqm).
1.3	The proposal also includes approximately 890 sqm of proposed public realm running immediately north of the proposed building between Winetavern Street and Gresham Street. An additional 295 sqm of footway and public realm improvements are proposed in a narrow strip along the east and south of the proposed building. This area includes paving, planting and seating and will provide a pedestrian link through the site and service access. A stretch of pink pearl/brown and silver grey granite blocks are proposed along the entire Gresham Street frontage of the building. A section of grey granite paving (skinnies) is proposed to the footpath north of the Gresham building, denoting the threshold and entrance point to the courtyard off Gresham Street and picks up on the silver grey reconstituted stone paving within the courtyard itself. Bands of dark grey textured reconstituted cobble setts align all building edges within the yard, within which a number of lighting columns are proposed. A second section of grey granite paving (skinnies) is also proposed at the opposite (western) end of the courtyard area at the threshold/entrance point off Winetavern Street.
1.4	The proposal is a single building with two distinctive interlocking blocks in an inverted L shape. One fronting onto Gresham Street with an annex to the rear fronting onto an internal courtyard/ public realm. The Gresham Street block is 5 storeys with the top two floors set back by approximately 3m. The building has a total height of 20.95m (excluding plant) with a shoulder height of 12.75m. Facing materials proposed include buff multi-brick (including sections of hit and miss pattern), aluminium framing to windows/doors (bronze finish), aluminium perforated spandrel panels (bronze finish), bronze finish handrail and an anodised aluminium plant enclosure (bronze).
1.5	The Annex to this building (referred to as the Sawtooth Building) is 4 storeys and has an overall height of 15m with a shoulder height of 12.75m. Apart from the buff brick finish on the ground floor the building material is predominantly bronze coloured zinc cladding.
1.6	The site layout is the same as that granted outline planning permission for a wider scheme on 4th February 2020, comprising two interlocked 'L' Blocks between which a central yard space is formed. The remainder of the application site is the subject of a full application LA04/2020/0325/F, the details of which are provided at paragraph 3.2.
1.7	Commercial and food and beverage units are located along Gresham Street and onto the public realm space to the west of the building with plant and service rooms located

1.8	internally adjacent to the Sawtooth Building. The Sawtooth building is entirely office space with a frontage to the north onto the area of public realm which links Winetavern Street and Gresham Street.  External terraces are proposed at first floor level (north west elevation) at the Sawtooth Building and at third floor level to the east elevation of the Gresham building.
2.0	<b>Description of Site</b>
2.1	The site is an existing surface level car park. There is a three storey Listed 'Butchers Building' located in the north-east corner of site on the junction of North Street and Gresham Street (listed in April 2016 as a result of a Building Preservation Notice served by the Council).
2.2	The following zonings apply to the site: <ul style="list-style-type: none"> <li>- Belfast Urban Area Plan – the eastern part of the site is located within the Main Office Area.</li> <li>- Draft Belfast Metropolitan Area Plan (2004) – all but a small section of the North Street frontage located within a Development Opportunity Site (CC035), within the Main Office Area and Primary Retail Core. The site also lies within the 'Old City' Character Area CC012.</li> <li>- Draft Belfast Metropolitan Area Plan (2015) – the site is located within a larger development opportunity site (CC016) and within the 'Old City' Character Area CC009.</li> </ul>
<b>Planning Assessment of Policy and other Material Considerations</b>	
3.0	<b>Planning History and current planning applications on the site</b>
3.1	LA04/2018/2470/O - Mixed use regeneration and development of vacant surface level car park and refurbishment of existing listed Butchers building, with erection of new fixed use buildings (heights varying between 3-9 storeys). Proposal to comprise basement level car parking, ground floor retail/restaurant/coffee shop/workspace uses, with Grade A and SME offices above. Provision of new pedestrian accesses from Gresham and Winetavern Street; associated public realm, landscaping, associated plant, and all site and access works. Decision: Approval (February 2020)  Indicative building heights were approved as follows: <ul style="list-style-type: none"> <li>- North Street – 23.8m to shoulder of building (26m including plant)</li> <li>- Gresham Street – 13.3m to shoulder of building, 22.5 to roof (25m including plant)</li> <li>- Winetavern Street – 35.4m to shoulder of building, (38.7m including plant)</li> </ul>
3.2	LA04/2020/0325/F - Proposed redevelopment of vacant surface level car park to facilitate the erection of a Mixed-Use building ranging from 4no. to 9no. storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A'

3.3	offices above. Development includes associated public realm, landscaping and all other associated site works. Decision: Current
3.4	LA04/2018/2464/F – Alteration and extension of existing listed building including change of use from retail (all floors) to café/restaurant at ground floor and office at first and second floors with all associated site works. Decision: Approval
	LA04/2018/2445/LBC - Internal and external alterations to existing building to facilitate a change of use and extension. Decision: Approval
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2015 Draft Belfast Local Development Plan Strategy (Draft LDP) Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area' Developer Contribution Framework (adopted January 2020)
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Natural Heritage Planning Policy Statement 3 – Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage Planning Policy Statement 13 – Transportation and Landuse Planning Policy Statement 15 – Planning and Flood Risk
5.0	Statutory Consultees Historic Environment Division – Further information requested DFI Roads – No objections subject to conditions DAERA – No objections subject to conditions Rivers Agency – No objections Shared Environmental Services – No objections
6.0	Non-Statutory Consultees Environmental Health BCC – No objections subject to conditions Urban Design Officer – No objections Belfast City Council Regeneration and Development Team – No objections
7.0	Representations No public objections or representations have been received.
8.0	Other Material Considerations The Belfast Agenda

	Inner North-West Masterplan Belfast City Centre Regeneration and Investment Strategy (2015)
<b>9.0</b>	<b>Assessment</b>
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Impact on Built Heritage</li> <li>- Scale, Massing and Design</li> <li>- Public Realm Improvements</li> <li>- Impact on setting of nearby Conservation Areas</li> <li>- Traffic and Parking</li> <li>- Contaminated Land</li> <li>- Impact on Air Quality</li> <li>- Impact on Amenity</li> <li>- Drainage and Flooding</li> <li>- Impact on Protected Sites</li> </ul>
9.2	<p><b>Principle of Development</b></p> <p>The principle of development has been established on the site through the granting of the recent and extant outline permission. Only the reserved matters are before the Planning Committee for consideration. The only matter determined at Outline stage was the scale and massing of the proposed buildings, with maximum heights conditioned, as above. The following matters were reserved: siting, design, external appearance of buildings, means of access and landscaping.</p>
9.3	<p><b>Draft BMAP (2004 and 2015) designations</b></p> <p>In the draft Belfast Metropolitan Area Plan 2015 (2014 version) the site lies within a Development Opportunity site (C0016) and within the Old City Character Area (CC009). In the 2004 version of Draft BMAP, the site is also located within a development opportunity site (CC035) and Old City Character Area (CC012).</p>
9.4	<p>Draft BMAP 2015 sets out a number of Urban Design Criteria for the Old City Character Area:</p> <ul style="list-style-type: none"> <li>- <b>The density of development in the area shall be maintained and increased where appropriate, through high site coverage and high plot ratio;</b>  <i>Officer response: this is a brownfield development opportunity site and thus something of a blank canvas. The concept revolves around the creation of a public space bounded by landmark buildings, as opposed to covering the site. Although not ensuring high site coverage, this promotes legibility and helps create a space, defining an area in terms of architecture and land-uses where there is currently little in the way of a strong built character or sense of place. The proposal is consistent with the indicative layout provided at the outline application stage.</i></li> <li>- <b>Development proposals shall take account of the height of adjoining buildings;</b></li> </ul>

9.5	<p><i>Officer response: this will be discussed further below under 'Scale, Massing and Design'. As stated above this is a development opportunity site. A high quality scheme as proposed, with a strong conceptual approach, with a shoulder height almost identical to the height of the adjacent listed building will re-introduce a sympathetic built form which pays homage to the industrial heritage of the area. The building steps down in scale from the main 'Mill Building' (LA04/2020/0325/F) to reflect the more domestic scale of development on Winetavern Street and Gresham Street. The scale and height have been established through the extant outline permission.</i></p> <ul style="list-style-type: none"> <li>- <b>New development shall respect the established building line;</b> <i>Officer response: the building fronts onto the footpath and respect the established building lines along Gresham Street. Moreover, the building line is consistent with the indicative layout provided at the outline application stage.</i></li> <li>- <b>Building heights shall be a minimum of 3 storeys and a maximum of 5 storeys with use of articulated roof forms reinforcing traditional character. Consistent cornice lines should be respected;</b> <i>Officer response: Taller buildings have been committed to the site through the granting of outline approval. The building has a shoulder height of three storeys onto Gresham Street rising to five storeys with a 3m setback.</i></li> <li>- <b>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;</b> <i>Officer response: the setting back of the upper two floors ensure the massing of the building is broken up to respect the three storey context along Gresham Street. The building arrangement within the proposed layout takes cognisance of the general plot widths and urban grain of the surrounding area. These principles were considered at the outline application stage.</i></li> <li>- <b>Within the area bounded by North Street, Millfield, Berry Street and Royal Avenue, comprehensive development proposals will be acceptable subject to an enhanced public realm and the creation of streets which reinstate the historic urban grain and secure east/west and north/south linkages, including links through Castlecourt.</b> <i>Officer response: the site layout includes a central yard space. This yard space is accessible from both Winetavern Street and Gresham Street, forming a continuous and permeable link through the block. It is also noted that both entrances to the yard would be flanked by one new building and one historic building, namely the three storey terrace (Nos. 5-23) in the case of Winetavern Street and the Butchers Building at Gresham Street. The proportions of both entrances pick up contextually on the old entries of Belfast with the yard space itself providing spill out space for proposed GF uses.</i></li> </ul> <p><b>Objections to Designations in Draft BMAP 2015</b> <b>Character Areas</b></p>
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	<p>There were both general and more specific objections raised in relation to the draft Character Areas. The PAC recommended no change to the Plan as a result of the general objections. In terms of the specific objections to the Old City Character Area, within which the site is located, they commented that the Department (DoE) were willing to amend the second bullet point (minimum height of 3 storeys and maximum of 5 storeys) to allow departure from specified heights in exceptional circumstances, where a design statement and visual impact assessment were submitted. The PAC recommended that under the 'Elsewhere' Key Site Requirements the following should be added:</p> <p><i>'Within the area bounded by North Street, Millfield, Berry Street and Royal Avenue, comprehensive development proposals will be acceptable subject to an enhanced public realm and the creation of streets which reinstate the historic urban grain and secure east/west and north/south linkages, including links through Castlecourt'.</i></p> <p><b>Impact on Built Heritage</b></p> <p>The proposal has been assessed against Policy BH11 of PPS6 in that the application impacts upon a listed building at 108 North Street &amp; 1 Gresham Street (Grade B1) and it is also in close proximity to and impacts on the setting of the following listed buildings, which are of special architectural and historic interest, protected by Section 80 of the Planning Act (NI) 2011:</p>
9.6	
9.7	<p>HB26/50/068 103-107 Royal Avenue &amp; 77-79 North Street, Belfast B1  HB26/50/184 76-88 Royal Avenue and 104 North Street, Belfast B1  HB26/50/186B 93-101 Royal Avenue, Belfast B2  HB26/50/317 156-164 North Street, Belfast B2  HB26/50/334 166-174 North Street, Belfast B2</p>
9.8	<p>Historic Environment Division, Historic Buildings (HED: HB) has considered the impact of the proposal on the listed buildings and sought further information including clarification of the shoulder height of the Butchers Building in relation to the proposal, including further three dimensional visuals. However, it is clear that the elevations and sections submitted with the application show the shoulder height of the proposed Gresham Street building to be virtually identical to the ridge of the Butchers Building (flat roof).</p>
9.9	<p>When considering HED's comments regard should be had to the fact that the outline application was supported by indicative elevations showing building heights of 13.3m to shoulder of building on Gresham Street and (26m including plant) 22.5m overall height, (25m including plant). Given that the proposed building is lower on Gresham Street than approved at outline stage further contextual information is not necessary.</p>
9.10	<p>Arguably the listed building affected most by the proposal is the Butchers Building immediately east of the site at the junction of North Street and Gresham Street. The shoulder height of the Gresham Street building is similar to that of the Butchers Building, and with a virtually identical building line, accompanied with a 3m setback at third and fourth floor level the building respects the scale of the listed building, particularly when viewed from Street level on Gresham Street. The potential impacts from longer views from North Street are mitigated by the 3m setback on Gresham Street and also a 2m</p>

	setback on the northern elevation onto the Butchers Building. The buff coloured finish ensures the building will not compete visually with the predominantly white listed building. A darker brick would present a dominant backdrop with a risk of the butchers building becoming overwhelmed, whereas a white render finish would mean the smaller butchers building could become lost with a larger building of the same tone as a backdrop (from North Street view).
9.11	The butchers building originally existed as part of terraced streetscapes along North Street and Gresham Street. The reintroduction of a built form alongside the listed building, with a similar shoulder height, is considered to be an improvement over its current isolated existence within the corner of a surface level car park, which does little to enhance the setting of the listed building or highlights its positive features.
9.12	Indeed, much of the area has become characterised by surface level car parks, dereliction and modern architectural interventions which have gradually undermined the setting of many of the above mentioned listed buildings. With only fragments of the historic streetscape surviving today, the introduction of a historically influenced landmark building of this nature is considered to enhance the area and the setting of these listed buildings.
9.13	On balance, it is considered that the introduction of a high quality building on this vacant site, sympathetically finished, with a shoulder height no higher than the listed building will have no adverse impact on the setting of the listed Butchers Building and as such is compliant with Policy BH11 of PPS6.
9.14	<p><b>Scale, Massing and Design</b></p> <p>The proposal has been assessed against the Strategic Planning Policy Statement for Northern Ireland. It should be noted that the scale and massing have been established in principle at outline stage, with the proposed building and shoulder heights lower than those conditioned as part of the outline approval. The upper height of the Sawtooth Building (15.00m), 2F shoulder height of the Gresham Building (12.75m), its 5F parapet height (20.95m) and upper plant height (23.25m) equate to or in cases are less than those approved as part of the previous outline approval (LA04/2018/2470/O).</p>
9.15	<p>In terms of the larger Gresham Street block the Urban Design Officer comments as follows:</p> <p><i>‘The arrangement of windows across the lower three floors of the Gresham building, the height of which generally accords with the upper height of the listed Butcher’s building at the corner of North Street/Gresham Street and existing terrace to the south, are provided as single openings at GF with pairings of windows at 1F and 2F’.</i></p> <p><i>‘The double height order at 1F and 2F places a vertical emphasis on the façade with sections of hit and miss brick between both floors. Perforated spandrel panels immediately above 2F windows together with the subtle capping at this level help to emphasise the three storey shoulder height. Again a double height order has been applied to the upper two recessed floors with aluminium perforated spandrel panels</i></p>



	<i>between floors and above 4F level. It is considered that the articulation of the lower floors of the Gresham building generally reflects that of existing three storey terraces along Gresham Street, albeit in a contemporary manner, and is welcomed with the upper two recessed floors adopting a similar language’.</i>
9.17	The more domestic scale of the Sawtooth building, which ranges from one to three storeys in height in response to existing buildings south of the site. The Urban Design Officer notes that this: <i>‘has allowed for a different approach to façade articulation..... Reminiscent of warehouse buildings once common to this area, the Sawtooth building incorporates brick at GF (consistent with that of the Gresham building) with bronze aluminium framing to doors/windows and handrails at 1F, with the notable difference being the bronze standing seam cladding to the upper two floors including its distinctive sawtooth roof profile’.</i>
9.18	The Urban Design Officer welcomes the treatment of the building, which is said to ‘reinforce local distinctiveness’. Similarly to the larger ‘Mill Building’ which is the subject of the parallel Full application (LA04/2020/0325/F) there is a nod to the city’s industrial heritage, and as the Urban Design Officer notes this includes: <i>‘...its sawtooth profile which allows for optimal light levels and increased natural ventilation to upper floors. It’s stepped profile at 1F, which sets the upper two floors behind the existing terrace along Winetavern Street, also allows the main bulk of the building to be revealed gradually to pedestrians accessing the Yard area off Winetavern Street while terminating views south through the Yard to pedestrians accessing from Gresham Street’.</i>
9.19	In terms of the proposed groundfloor uses the Urban Design Officer has noted <i>‘Non-active elements including a transformer and comms room have been limited to a short GF section (10.0m length out of a total GF length of around 42.0m), with additional service requirements such as switch room and bin store being located on the southern elevation, accessed by way of a gated service laneway off Gresham Street. Similarly the open plan GF nature of the Sawtooth building will also help to animate and provide additional levels of movement and passive surveillance to the courtyard area’.</i>
9.20	The design and layout of the scheme, with its architectural nod to the industrial heritage of the city and the area, has been developed and refined on the advice of the Council’s Urban Design Officer, is considered to comply with Paragraphs 4.23-4.27 of the SPPS Policy PED9 of PPS4 and is acceptable.
9.21	<b>Public Real Improvements</b> In accordance with the dBMAP 2015 Character Area and Developer Contribution Framework, there is an identified need for public realm improvements in the vicinity of the site. Public realm provision and improvements to the pavements and footways around the proposed buildings were previously secured through the outline permission by condition. This application also includes an area of public realm immediately north of the building (approximately 890 sqm) referred to in supporting documentation as ‘The Yard’. It serves as a public space that allows daylight to penetrate into the proposed building as well as providing a new external space accessible to the public.

9.22	The hard and soft landscaping for this area includes trees, shrubs, granite paving, dark grey cobble setts, benches and light columns. Granite sets border the yard, defining the two lanes into the courtyard from Gresham street and Winetavern Street. Trees, planters and seating are integrated into the courtyard as two fixtures to the North and South of the yard: each positioned in a way that forms a vista from Winetavern Street and Gresham Street to greenery.
9.23	It also allows access for servicing, delivery, refuse vehicles and fire tenders to the centre of the site. A central 'arcade' has been created through the building that will allow for a public route through the building from North street into the yard. Seating and planters occupy the yard to allow for dwelling spaces and provide a 'green' visual connection from both Winetavern & Gresham Street.
9.24	The provision of this high quality area of urban open space and accompanying public realm improvements, supported by the Urban Design Officer, will enhance the character of the proposed buildings (LA04/2020/0325/F and LA04/2020/0865/RM). It will also contribute to the process of urban regeneration and complies with the Strategic Policy in relation to public open space within the SPPS (paragraphs 4.24 and 6.200) and Policy PED9 of PPS4. The implementation and provision of the hard and soft landscaping within this area of open space will be secured via condition as detailed below.
9.25	<b>Impact on setting of nearby Conservation Areas</b> The proposal has been assessed against Policy BH 12 of PPS6 which states that development proposals for new buildings which impact on the setting of a conservation area, will only be permitted where important views within, into and out of the area are protected.
9.26	The north-east corner of the site is located approximately 20m from the north-western boundary of the City Centre Conservation Area and 50m from the southern boundary of the Cathedral Conservation Area, both of which meet at the end of Royal Avenue close to the landmark Bank of Ireland Building.
9.27	With the scale and massing already established through the granting of outline approval, as discussed earlier, the form, design and materials must be considered in terms of their impact upon the setting of the two conservation areas.
9.28	In terms of the approach towards both the Conservation Areas the main views in affected by the proposal would be from the north-west along North Street. These views however are limited in that the only buildings within the City Centre Conservation Area and Cathedral Conservations Areas visible from this approach are the Sinclair House Building and 103-107 Royal Avenue on Royal Avenue/ North Street junction.
9.29	Given the buildings location on the secondary Gresham Street, distance from the edge of the nearest Conservation Area, and its modest height in relation to the surrounding context, any potential impact on the adjacent Conservation Areas will be limited at best. Upon delivery of the larger building onto North Street (the subject of current application LA04/2020/0325/F), there should be no inter-visibility between the proposed building and

	the Conservation Areas from the westward approach towards the city centre. It is considered that the character and appearance of the Conservation Areas would be preserved.
9.30	<p><b>Traffic and Parking</b></p> <p>The proposal has been assessed against Planning Policy Statement 3 and Policy TRAN4 of Draft BMAP. As no parking has been proposed as part of the development any car parking requirements associated with the proposed development site will have to make use of the existing car parking provision on-street and off-street within Belfast City Centre respecting the associated restrictions and charges. It should be noted that the basement parking proposed as part of the overall outline submission was located under the adjacent block on North Street (LA04/2020/0325/F). There was no parking directly linked to the building on Gresham Street or condition requiring provision of the basement car park linked to this building.</p>
9.31	Based on the Gross Floor Area of the proposed development (6,160m <sup>2</sup> ) and the TRAN4 City Centre Core car parking standard of 1no. space per 300m <sup>2</sup> , the proposed development has a maximum car parking requirement of 21no. car parking spaces.
9.32	Policy TRAN 4 provides the following text in relation to the policy: <i>'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.'</i>
9.33	<p>The Travel Plan accompanying the Full application (LA04/2020/0325/F) sets out the range of pedestrian, cycling, public transport and private car parking available in the immediate vicinity. It also proposed a number of measures to promote alternatives to the private car, these include:</p> <ul style="list-style-type: none"> <li>• Budget allocations for Travel Plan activities</li> <li>• Appointing a Travel Plan Co-Ordinator</li> <li>• Annual review of Travel Plan and employee travel patterns</li> <li>• Promotion of cycling, public transport and park and ride services.</li> </ul>
9.34	The lack of car parking within the development is a welcome approach and demonstrates the potential for accessing existing and more sustainable travel options, but ultimately DFI Roads will advise if the alternatives proposed within the Travel Plan are considered sufficient in terms of justifying a relaxation in the parking standards.
9.35	DFI Roads had requested additional information including: demonstration that facilities exist for people with disabilities, a Travel Plan addressing parking shortfall, cycle parking close to the accesses and a Service Management Plan. The planning agent confirmed that no parking is proposed within these Buildings. A map was submitted in response to DFI Roads comments showing 10 disabled spaces on street within the vicinity of the site, four of which are located within close proximity to the points of access. This is considered sufficient to serve the development.

9.36	<p>The agent also pointed out that Condition 8 of the outline permission requires a Travel Plan to be submitted prior to occupation of the buildings, so this is not something which needs to be addressed at this stage, as is the case with the Service Management Plan. Cycle Parking is provided on the proposed ground floor, with 44 spaces indicated on the floor plans onto the Gresham Street frontage.</p>
9.37	<p>DFI Roads were re-consulted with this information and subsequently offer no objections subject to conditions relating to the provision of cycle parking and provision of hard standing prior to occupation and operation of the site respectively. Conditions were also suggested in relation to a Travel Plan and Service Management Plan, however as stated above, these were the subject of conditions at outline stage and do not need to be repeated.</p>
9.38	<p><b>Impact on amenity</b></p> <p>The introduction of a substantial built form such as that proposed will inevitably have an impact on properties within the vicinity of the site. Having said this only one of the adjacent properties, not within the applicant's control, has a residential use. The Confectionary shop, approximately 2.5m from the proposed Sawtooth building, and arguably the property most impacted by the proposal given its location and orientation in relation to the three storey building. Having said this it is clear that the building has been designed in a manner which acknowledges the proximity to this property and mitigate any potential impact. There is a notable drop in the height of the building from 12.65m to 3.5m adjacent to the Confectionary Shop. This drop, across approximately 2.5m, will ensure that the main bulk of the building is located approximately 5m from the rear of the property. Although some loss of light will be inevitable, the separation distance, accompanied with the reduction in height, should ensure that any potential overshadowing/overbearing impact is not significant, and the amenity of the property is not compromised. It should be noted that the scale parameters of the Sawtooth Building are slightly less than those approved on the indicative plans at outline stage.</p>
9.39	<p>Elsewhere, separation distances of approximately 10m from proposed built form onto street frontage properties on Gresham Street should be sufficient, given the three storey shoulder height and 3m setback to negate any potential dominance. It is important to highlight that this is a city centre location where it is common to find buildings of varying heights within close proximity of one another. Moreover, the principle of the layout, height and massing of the building has been established through the outline permission.</p>
9.40	<p><i>Odour</i></p> <p>The proposal includes food and beverage units on the ground floor. The drawings submitted include three units marked retail/food and beverage. Environmental Health has acknowledged at this stage little is known regarding the eventual tenants and/or extent of the food and beverage activity at the proposed ground floor units. As such, Environmental Health have requested that a condition is attached to ensure the appropriate extraction and odour abatement systems are installed for the proposed end uses within each unit. The condition is detailed below.</p>

9.41	<p><i>Noise</i></p> <p>It is noted that the ground floor is to be comprised mainly of food and beverage units with little detail known at this stage as to the specific end user. The remaining upper floors of the proposal will be office use.</p>
9.42	<p>Environmental Health has advised that the applicant should liaise with a competent acoustic consultant to identify appropriate structural noise insulation for the proposed units at ground floor and upper floors as well as appropriate selection and design of plant and equipment associated with the development. Although no noise impact assessment has been submitted in support of the proposal, in principle, suitable internal noise levels can be achieved so long as appropriate noise insulation measures are identified and incorporated into the proposed development.</p>
9.43	<p>Environmental Health has requested that a condition is attached to any decision requiring the applicant submits a development specific noise report, prior to construction of the development, to confirm what noise insulation measures are to be incorporated into the proposed development. This condition is detailed below.</p>
9.44	<p>As external terraces are proposed at first floor level (north west elevation) at the Sawtooth Building and at third floor level to the east elevation of the Gresham building Environmental Health has also requested that a condition is attached to limit the times of use of the proposed external areas in order to protect the amenity of neighbouring properties. The condition is detailed below.</p>
9.45	<p><b>Impact on Air Quality</b></p> <p>It is acknowledged that no gas boilers will be used for heat generation. It is stated by the consultant that cooling and heating will be provided via a variable refrigerant flow (VRF) system, with condenser units located at roof level, capable of providing heating and/or cooling as required. The report advises the potential for emissions impacting on local air quality will not be an issue as might be with individual gas boilers. It is noted that the fifth floor proposed plan has indicated that VRF units are to be located in this area. It is noted that condition 13 of the outline permission requires that 'prior to installation of combustion systems within the development details of the proposed heating system must be provided and an additional air quality report submitted to the local planning authority etc...'</p>
9.46	<p>The report also advises that a diesel generator will be supplied to provide a secondary/alternative electrical supply to safety equipment such as the sprinkler pump and firefighting lift. It is advised that this generator will be located at roof level within an acoustic enclosure. The report goes on to advise instead of using standard diesel it is intended that a biofuel will be used to power the generator which will reduce emissions and increase efficiency.</p>
9.47	<p>Although the report advises that the generator will be standby only and that a biofuel will be used to power the generator Environmental Health has requested a planning condition to ensure that both the standby generator and any other generator proposed, once</p>

9.48	selected for installation, meets with the proposed specification and will not have an adverse impact on the health of relevant receptors. This condition is detailed below. Environmental Health therefore request conditions to ensure that technical information relating to generators is submitted to ensure emissions will not impact negatively on adjacent properties. These conditions are recommended below.
9.49	<p><b>Drainage and Flooding</b></p> <p>The Strategic Flood Map (NI) indicates that the development <u>does not</u> lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.</p>
9.50	The proposal has been assessed against Policy FLD3 of PPS15. Rivers Agency has reviewed the Drainage Assessment by Doran Consulting, dated March 2020 and acknowledge the submission of correspondence from NI Water, dated 24th July 2019, consenting to the discharge of stormwater into the existing combined sewer at a maximum rate of 20l/s. On the basis of the information submitted Rivers Agency has offered no objection to the proposal.
9.51	<p><b>Impact on Protected Sites and Species</b></p> <p>This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.</p>
9.52	The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.
9.53	DAERA Natural Environment Division (NED) consider that, because of the low levels of bat activity observed on site, the limited suitability for roosting bats and minimal foraging habitat, the development is unlikely to significantly impact the local bat population.
9.54	NED has highlighted that breeding swifts ( <i>Apus apus</i> ) are a notable species in Belfast City and multiple breeding sites have been recorded within 1 kilometre of the development site. Swifts are a Northern Ireland Priority Species and an Amber listed Bird of Conservation Concern in the UK and Ireland. NED would encourage that swift bricks or nest boxes are incorporated into the building to benefit Swifts and improve the biodiversity of the site. This can be placed as an informative on the decision notice, should approval be forthcoming.
10.0 10.1	<p><b>Recommendation:</b></p> <p>Having had regard to the extant development plan, the draft development plan, relevant planning policies, planning approvals in the area and other material considerations, the proposed Reserved Matters are considered acceptable.</p>

10.2	It is recommended that delegated authority is given to the Director of Planning and Building Control to approve the Reserved Matters and finalise the wording of conditions.
<b>11.0</b>	<b>Conditions</b>
11.1	<p>Prior to installation of extraction and odour abatement systems to any of the hereby permitted food and beverage units at ground floor, the applicant shall provide in writing to the Council for approval, full specification details of the proposed kitchen extraction unit(s) and if required odour abatement strategy/system to be employed to suppress and disperse grease, smoke and odours created by cooking operations. The odour abatement system must be designed in accordance with the required level of odour control specified within EMAQ+ Guidance on the control of odour and noise from commercial kitchen exhaust system (dated 2018). Information submitted must be sufficient to demonstrate that there will be no adverse impact on the amenity of nearby premises due to odour. The approved odour extraction/ abatement technology shall be installed prior to the operation of the businesses and maintained thereafter in accordance with the manufacturer's instructions. Extraction and odour abatement systems to cafes/restaurants shall be installed as approved prior to commencement of operation of each food and beverage unit.</p> <p>Reason: Protection of amenity to neighbouring properties.</p>
11.2	<p>Prior to the installation of the hereby permitted standby generator and/or other generator, technical data must be submitted to the Council for review and approval in writing in order to demonstrate that the generators emissions' will not have an adverse impact on the nearby relevant receptors. The generators shall be installed in accordance with the approved details prior to the occupation of any part of the building hereby approved.</p> <p>Reason: Protection of human health.</p>
11.3	<p>Prior to construction of the hereby approved development, the applicant shall submit a development specific noise report to the local planning authority for review and approval. The noise report shall clearly identify what noise mitigation measures are required to mitigate noise breakout from the ground floor units and what noise insulation measures required to achieve suitable internal noise levels in the offices in line with BS8233:2014. The mitigation measures shall include a glazing/alternative ventilation specification for the ground floor uses as well as the upper office floors and recommended design targets for any proposed plant and equipment associated with the proposal (in accordance with BS4142:2014. The noise mitigation measures identified in the hereby approved noise report shall be incorporated into the proposed development and be retained thereafter.</p> <p>Reason: Protection of amenity of the future development and existing nearby premises.</p>
11.4	<p>The roof top and any other external terraces/seating areas shall not be used beyond 07:00am and 23:00hrs.</p> <p>Reason: Protection of residential amenity.</p>

11.5	<p>Prior to the operation of any restaurant/coffee shop, details of the proposed kitchen extraction unit(s) and if required odour abatement strategy/system to be employed to suppress and disperse grease, smoke and odours created by cooking operations shall be submitted to and approved in writing by the Council. The odour abatement system must be designed in accordance with the required level of odour control specified within EMAQ+ Guidance on the control of odour and noise from commercial kitchen exhaust system (dated 2018). Information submitted must be sufficient to demonstrate that there will be no adverse impact on the amenity of nearby premises due to odour. The approved odour extraction/ abatement technology shall be installed prior to the operation of the businesses and retained thereafter at all times.</p> <p>Reason: Protection of amenity to neighbouring properties.</p>
11.6	<p>All hard and soft landscaping associated with the approved public realm works, as indicated on landscape layout and landscaping details drawing Nos. 6321-L-104 and 6321-L-111 respectively, shall be completed in accordance with the approved details prior to occupation of any part of the development hereby approved.</p> <p>Reason: In the interests of visual amenity and to ensure the provision of a high quality of public realm.</p>
11.7	<p>No development shall commence until a detailed specification and samples of proposed external materials have been submitted to and approved in writing by the Council. The details shall include a sample panel of the proposed brick and concrete finishes, which will be retained on site for the duration of the construction. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the area and to ensure a high standard of finish.</p>
11.8	<p>The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. 1908-FCBS-ZG-ZG-DR-A-0101 Amendment P1 'Proposed Site Plan' published by Belfast City Council Planning Office on 03 June 2020 to provide adequate facilities for parking, servicing and circulating within the site.</p> <p>Reason: To ensure that adequate provision has been made for access and servicing.</p>
11.9	<p>Prior to occupation of any part of the development, 44 No. secure cycle parking spaces shall be provided and permanently retained within the ground floor of the building for use by staff and 6 No. cycle parking spaces shall be provided and be permanently retained close to each of the accesses of the proposed development for use by visitors to the development.</p> <p>Reason: to encourage the use of alternative modes of transport for development users.</p>



	<p><b>Informatives</b></p> <p>Artificial flood lighting design should ensure residents are not disturbed by light nuisance. All artificial lighting connected with the development should follow the recommendations within the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GNOL:2011.</p> <p>The purpose of the Conditions 11.5 and 11.6 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the Land, Soil &amp; Air forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.</p> <p>NIEA recommends that the applicant consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate discharge consent conditions. Further information can be obtained from:  <a href="https://www.daera-ni.gov.uk/articles/regulating-water-discharges">https://www.daera-ni.gov.uk/articles/regulating-water-discharges</a></p> <p>The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:  <a href="https://www.daera-ni.gov.uk/articles/waste-management-licensing">https://www.daera-ni.gov.uk/articles/waste-management-licensing</a> <a href="https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions">https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions</a> <a href="https://www.daera-ni.gov.uk/articles/regulating-water-discharges">https://www.daera-ni.gov.uk/articles/regulating-water-discharges</a></p> <p>NED would encourage that swift bricks or nest boxes are incorporated into the building to benefit Swifts and improve the biodiversity of the site.</p>
12.0	<p>Notification to Department (if relevant)</p> <p>Not required as this is a reserved matters application only and not an application for planning permission.</p>
13.0	<p>Representations from elected members: None received</p>
Neighbour Notification Checked <span style="float: right;">Yes</span>	

ANNEX	
<b>Date Valid</b>	7 <sup>th</sup> May 2020
<b>Date First Advertised</b>	5 <sup>th</sup> June 2020
<b>Date Last Advertised</b>	5 <sup>th</sup> June 2020
<b>Details of Neighbour Notification</b> (all addresses) 1 Smithfield Square North,Belfast,Antrim,BT1 1FN 10-14 ,Gresham Street,Belfast,Antrim,BT1 1JN 108 North Street,Belfast,Antrim,BT1 1LE 11 Winetavern Street,Belfast,Antrim,BT1 1JQ 110 North Street,Belfast,Antrim,BT1 1LE 112 North Street,Belfast,Antrim,BT1 1LE 12 Gresham Street,Belfast,Antrim,BT1 1JN 13 Winetavern Street,Belfast,Antrim,BT1 1JQ 13a Winetavern Street,Belfast,Antrim,BT1 1JQ 16a ,Gresham Street,Belfast,Antrim,BT1 1JN 17 Winetavern Street,Belfast,Antrim,BT1 1JQ 19 Winetavern Street,Belfast,Antrim,BT1 1JQ 2 Smithfield Square North,Belfast,Antrim,BT1 1DD 2-8 Gresham Street,Belfast,Antrim,BT1 1JN 21 Winetavern Street,Belfast,Antrim,BT1 1JQ 22 Gresham Street,Belfast,Antrim,BT1 1JN 23 Winetavern Street,Belfast,Antrim,BT1 1JQ 24 Gresham Street,Belfast,Antrim,BT1 1JN 25 Gresham Street, Belfast,Antrim,BT1 1JL 26a Gresham Street,Belfast,Antrim,BT1 1JN 27 Gresham Street,Belfast,Antrim,BT1 1JL 28 Gresham Street,Belfast,Antrim,BT1 1JN 29 Gresham Street,Belfast,Antrim,BT1 1JL 30 Gresham Street,Belfast,Antrim,BT1 1JN 31 Gresham Street,Belfast,Antrim,BT1 1JL 31 Gresham Street,Belfast,Antrim,BT1 1JL 32 Gresham Street,Belfast,Antrim,BT1 1JN 33 Gresham Street,Belfast,Antrim,BT1 1JL 4-8 Gresham Street,Belfast,Antrim,BT1 1JN 47 Winetavern Street,Belfast,Antrim,BT1 1JQ 5 Winetavern Street,Belfast,Antrim,BT1 1JQ 6-10 Winetavern Street,Belfast,Antrim,BT1 1JQ	

7 Winetavern Street,Belfast,Antrim,BT1 1JQ 8-10 Winetavern Street,Belfast,Antrim,BT1 1JQ 9 Winetavern Street,Belfast,Antrim,BT1 1JQ William Hill, Winetaven Street, Belfast,Antrim,BT1 1JQ	
<b>Date of Last Neighbour Notification</b>	9th June 2020
<b>Date of EIA Determination</b>	N/A (Determined at outline stage)
<b>ES Requested</b>	No

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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date: Tuesday 13 September 2020</b>	
<b>Application ID:</b> LA04/2020/0325/F	
<b>Proposal:</b> Proposed redevelopment of vacant surface level car park to facilitate the erection of a Mixed-Use building ranging from 4no. to 9no. storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above. Development includes associated public realm, landscaping and all other associated site works.	<b>Location:</b> Vacant lands at existing surface level car park bound by North Street Winetavern Street and Gresham Street north west and south west of 108 North Street and 1 Gresham Street and north of 23 Winetavern Street Belfast.
<b>Referral Route:</b> Major application	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Bywater and Ashmour 46 James Street Marylebone London W1U 1EZ	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<b>Executive Summary:</b> This application was due to be considered at the September Planning Committee, however, it was withdrawn from the agenda before the Committee report was published because of a late consultation response from DFI Roads which identified issues that needed to be resolved.  The application seeks full permission for the redevelopment of a vacant surface level car park to facilitate the erection of a mixed-use building ranging from four to nine storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above. The proposed development includes associated public realm, landscaping and all other associated site works.  The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> <li>- Development Plan</li> <li>- Principle of Development</li> <li>- Impact on Built Heritage</li> <li>- Scale, Massing and Design</li> <li>- Developer Contributions and Public Real Improvements</li> <li>- Impact on setting of nearby Conservation Areas</li> <li>- Traffic and Parking</li> <li>- Contaminated Land</li> <li>- Impact on Air Quality</li> <li>- Impact on Amenity</li> <li>- Drainage and Flooding</li> <li>- Impact on Protected Sites</li> </ul>	

- Pre-application Community Consultation

The principle of the proposed uses and form of the development have already been established through a recent outline planning permission (LA04/2018/2470/O).

The site lies within the northern part of the City Centre, which is considered poorly defined in terms of land use and built form. The site is zoned as an opportunity site in the Draft Belfast Metropolitan Area Plan (Draft BMAP 2004 and 2015), and the proposal is to develop a surface level car park with a piece of high quality architecture heavily influenced by the industrial heritage of the area, creating a well-defined public space and providing a landmark building on one of the main arterial routes into the city centre (North Street).

The mix of office and retail uses will add to the diversity of the City Centre whilst bringing much needed regeneration of this area. The built form will be located on an expansive surface level car park thus introducing a landmark building, creating a sense of place and defining a vacant space within what is a previously developed part of the City Centre. The northern section of the city centre has suffered from lack of investment and dereliction, with many areas being cleared and sites being left undeveloped. The proposal should help stimulate the wider regeneration of this part of the city, which has recently been boosted with the arrival of the Ulster University's city centre campus, and proposals to redevelop the former Royal Exchange.

High quality finishes and subtleties in design are considered to pay homage to the historical context and ensure the provision of a landmark building on one of the main arterial routes into the northern part of the city centre.

Consultees & Environmental Matters

**DFC Historic Environment Division** – Objection

**DFI Roads** – No objection subject to conditions

**Rivers Agency** – No objection

**Belfast City Airport** – No objection

**Environmental Health and DAERA Waste Management Unit** – No objection subject to conditions

**Building Control** – No objection

No objections or third party representations have been received.

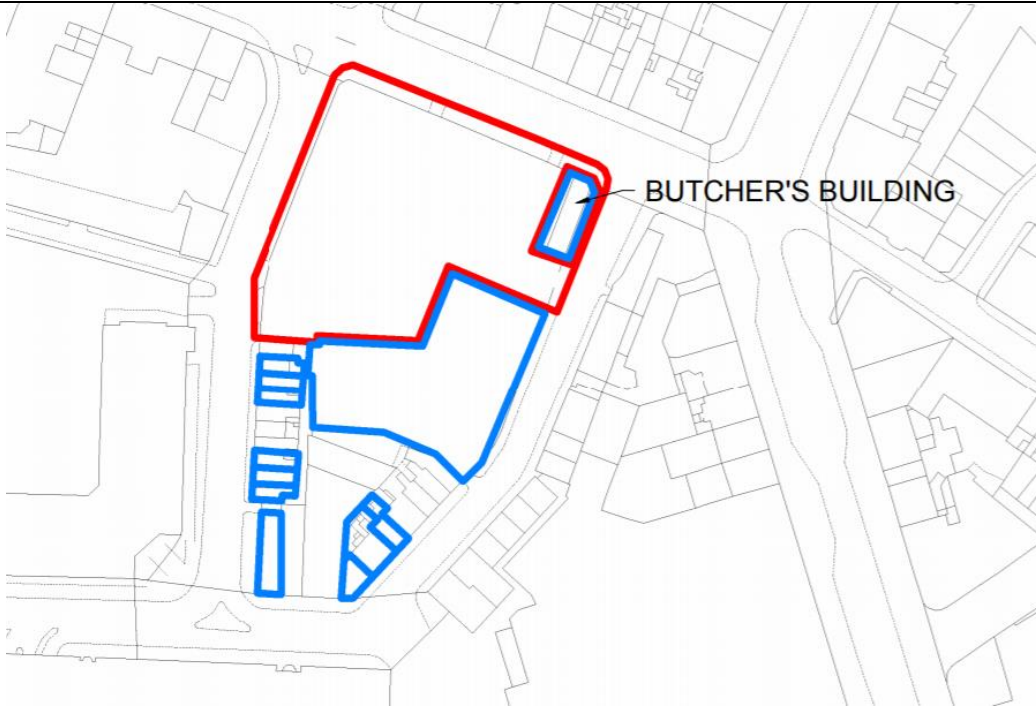
**Recommendation**

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

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

## Case Officer Report

### Site Location Plan and 3D visual



1.0

#### Description of Proposed Development

1.1

The proposal is for redevelopment of a vacant surface level car park to facilitate the erection of a mixed-use building ranging from four to nine storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above. The proposal includes associated public realm, landscaping and other associated site works. The total floor area of the building is approximately 15,841 sqm. In

	<p>addition to this the scheme proposes 890 sq.m of landscaped area. The ground floor consists predominantly of retail and cafes with the upper floors entirely office space. The main 'front' of the building will be onto North Street, with an entrance foyer located in the north-west corner of the building at the junction of Winetavern Street and North Street. Commercial units are located along North Street and onto the public realm space to the south with plant and service rooms along the Winetavern ground floor frontage.</p>
1.2	<p>The proposal is a single block within a site layout equivalent to that granted outline planning permission for a wider scheme on 4th February 2020, comprising two interlocked 'L' Blocks between which a central yard space is formed. The remainder of the application site is the subject of a current reserved matters application LA04/2020/0865/RM, the details of which are provided at paragraph 3.2.</p>
1.3	<p>The proposal is made up of two distinct and adjoining blocks. A 9 storey 'Mill' building at the junction of North Street and Winetavern Street, with a maximum height of 38.7m (36.2m to shoulder) dropping to 16.1m on a 10m long section on Winetavern Street, and a 6 storey 'admin' building, with a maximum height of 26m (23.85m to shoulder) along North Street. In terms of materials the lower North Street block is finished in red brick with glazing and spandrel panelling. The 9 storey block onto Winetavern Street is finished in pigmented precast concrete with perforated spandrel panels between each floor with aluminium spandrel panelling between the top two floors.</p>
1.4	<p>For ease of reference building heights are as follows:</p> <ul style="list-style-type: none"> <li>- North Street – 23.85m to shoulder of building (26m including plant)</li> <li>- Winetavern Street – 36.2m to shoulder of building (38.7m including plant)</li> </ul>
1.5	<p>The proposal also includes an area of proposed public realm running immediately south and east of the proposed building between Winetavern Street and Gresham Street. This area includes paving, planting and seating and will provide a pedestrian link through the site and service access.</p>
1.6	<p>There are two external terraces proposed, one on the fourth floor of the 'Mill Building' and one on the sixth floor of the building on North Street.</p>
2.0	<p><b>Description of Site</b></p>
2.1	<p>The site is an existing surface level car park. There is a three storey Listed 'Butchers Building' located in the north-east corner of site on the junction of North Street and Gresham Street (listed in April 2016 as a result of a Building Preservation Notice served by the Council).</p>
2.2	<p>The following zonings apply to the site:</p> <ul style="list-style-type: none"> <li>- Belfast Urban Area Plan – the eastern part of the site is located within the Main Office Area.</li> <li>- Draft Belfast Metropolitan Area Plan (2004) – all but a small section of the North Street frontage located within a Development Opportunity Site (CC035), within the Main Office Area and Primary Retail Core. The site also lies within the 'Old City' Character Area CC012.</li> <li>- Draft Belfast Metropolitan Area Plan (2015) – the site is located within a larger development opportunity site (CC016) and within the 'Old City' Character Area CC009.</li> </ul>



<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Planning History and current planning applications on the site</b>
3.1	<p>LA04/2018/2470/O - Mixed use regeneration and development of vacant surface level car park and refurbishment of existing listed Butchers building, with erection of new fixed use buildings (heights varying between 3-9 storeys). Proposal to comprise basement level car parking, ground floor retail/restaurant/coffee shop/workspace uses, with Grade A and SME offices above. Provision of new pedestrian accesses from Gresham and Winetavern Street; associated public realm, landscaping, associated plant, and all site and access works.</p> <p>Decision: Approved in February 2020.</p> <p>Indicative building heights were approved as follows:</p> <ul style="list-style-type: none"> <li>- North Street – 23.8m to shoulder of building (26m including plant)</li> <li>- Gresham Street – 13.3m to shoulder of building, 22.5 to roof (25m including plant)</li> <li>- Winetavern Street – 35.4m to shoulder of building, (38.7m including plant)</li> </ul>
3.2	<p>LA04/2020/0865/RM - Proposed erection of a Mixed-Use building ranging from 3 no. to 5 no. storeys (plus roof plant) comprising ground floor retail/food and beverage/office uses, and offices above. Development includes associated public realm, landscaping and all other associated site works.</p> <p>Decision: Current</p>
3.3	<p>LA04/2018/2464/F – Alteration and extension of existing listed building including change of use from retail (all floors) to café/restaurant at ground floor and office at first and second floors with all associated site works.</p> <p>Decision: Approval</p>
3.4	<p>LA04/2018/2445/LBC - Internal and external alterations to existing building to facilitate a change of use and extension.</p> <p>Decision: Approval</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	<p>Belfast Urban Area Plan 2001</p> <p>Draft Belfast Metropolitan Area Plan 2015</p> <p>Draft Belfast Local Development Plan Strategy (Draft LDP)</p> <p>Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area'</p> <p>Developer Contribution Framework (adopted January 2020)</p>
4.2	<p>Regional Development Strategy</p> <p>Strategic Planning Policy Statement for Northern Ireland</p> <p>Planning Policy Statement 2 – Natural Heritage</p> <p>Planning Policy Statement 3 – Access, Movement and Parking</p> <p>Planning Policy Statement 4 – Planning and Economic Development</p> <p>Policy Statement 6 – Planning, Archaeology and the Built Heritage</p> <p>Planning Policy Statement 13 – Transportation and Land-use</p> <p>Planning Policy Statement 15 – Planning and Flood Risk</p>
5.0	<p>Statutory Consultees</p> <p>Historic Environment Division - Objection</p>

	<p>DFI Roads – No objection subject to conditions</p> <p>DAERA – No objections subject to conditions</p> <p>Rivers Agency – No objections</p> <p>Belfast City Airport – No objections</p> <p>Shared Environmental Services – No objections</p>
6.0	<p>Non-Statutory Consultees</p> <p>Environmental Health BCC – No objections subject to conditions</p> <p>Urban Design Officer – No objection</p> <p>Belfast City Council Regeneration and Development Team – No objections</p>
7.0	<p>Representations</p> <p>No public objections or representations have been received.</p>
8.0	<p>Other Material Considerations</p> <p>The Belfast Agenda</p> <p>Inner North-West Masterplan</p> <p>Belfast City Centre Regeneration and Investment Strategy (2015)</p>
<b>9.0</b>	<b>Assessment</b>
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Development Plan</li> <li>- Principle of Development</li> <li>- Impact on Built Heritage</li> <li>- Scale, Massing and Design</li> <li>- Developer Contributions and Public Real Improvements</li> <li>- Impact on setting of nearby Conservation Areas</li> <li>- Traffic and Parking</li> <li>- Contaminated Land</li> <li>- Impact on Air Quality</li> <li>- Impact on Amenity</li> <li>- Drainage and Flooding</li> <li>- Impact on Protected Sites</li> <li>- Pre-application Community Consultation</li> </ul>
	<b>Development Plan</b>
9.2	<p>Article 6 (4) of the Planning (Northern Ireland) Act states that in making any determination under the said Act regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
9.3	<p>Following the Court of Appeal decision on BMAP, the extant development plan is now the BUAP. BMAP has reverted to a draft plan and both the pre-examination (dBMAP 2004) and post-examination (dBMAP 2015) versions are material considerations. However, given the stage at which dBMAP 2015 had reached pre-adoption through a period of independent examination, the policies within the version of Draft BMAP 2015 are considered to carry significant weight in the decision making process.</p>
	<b>Principle of Development</b>
9.4	<p>The principle of development has been established on the site through the granting of the recent and extant outline permission.</p>
	<b>Belfast Urban Area Plan (BUAP)</b>

9.5	<p>The site is located on unzoned whiteland within the development limits of Belfast. The eastern part of the site is located within the Main Office Area. The proposed development is considered acceptable having regard to the BUAP in that it will provide Grade A office spaces and active ground floor uses that will support the economy and regeneration.</p>
9.6	<p><b>Draft BMAP (2004 and 2015) designations</b></p> <p>In the draft Belfast Metropolitan Area Plan 2015 (2014 version) the site lies within a Development Opportunity site (C0016) and within the Old City Character Area (CC009). In the 2004 version of Draft BMAP, the site is also located within a development opportunity site (CC035) and Old City Character Area (CC012).</p>
9.7	<p>Although no key site requirements are set out for the development opportunity site within draft BMAP 2015, in the 2004 Plan one of the key site requirements is that ground floor uses shall only be retail. The mix of retail and cafes/restaurants at ground floor within the proposed building is considered acceptable and is generally in line with the strategic thrust of both versions of draft BMAP in terms of the aspirations for the city centre.</p>
9.8	<p>Draft BMAP 2015 sets out a number of Urban Design Criteria for the Old City Character Area:</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; <i>Officer response: this is a brownfield development opportunity site and thus something of a blank canvas. The concept revolves around the creation of a public space bounded by landmark buildings, as opposed to covering the site. Although not ensuring high site coverage, this promotes legibility and helps create a space, defining an area in terms of architecture and landuses where there is currently little in the way of a strong built character or sense of place. The layout has been established through the extant outline permission.</i></li> <li>- Development proposals shall take account of the height of adjoining buildings; <i>Officer response: this will be discussed further below under 'Scale, Massing and Design'. As stated above this is a development opportunity site. A high quality scheme as proposed, with a strong conceptual approach, in this case based on the sites industrial heritage, doesn't have to be 2/3 storeys to respect the immediate built form. Buildings step down in scale along the secondary streets to reflect the more domestic scale of development in these locations. And for reasons discussed below, subtleties in design ensure that the proposal reflects the scale of adjacent buildings. The scale and height have been established through the extant outline permission.</i></li> <li>- New development shall respect the established building line; <i>Officer response: the building fronts onto the footpath and respect the established building lines along North Street and Winetavern Street. Moreover, the building line has been established through the extant outline permission.</i></li> <li>- Building heights shall be a minimum of 3 storeys and a maximum of 5 storeys with use of articulated roof forms reinforcing traditional character. Consistent cornice lines should be respected; <i>Officer response: high rise building has been committed to the site through the granting of outline approval. The North Street block is slightly higher at 6 storeys, rising to 9 on Winetavern Street. This has been informed by a robust conceptual approach on what is a development opportunity site on a key arterial route into the city centre.</i></li> </ul>

	<ul style="list-style-type: none"> <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; <i>Officer response: during the outline application, consideration was given to breaking up the massing of the Mill Building to address the setting of the listed butchers building, which was welcomed. An attempt was also been made to break up the facades of those larger blocks through the articulation of bays to reflect the scale of surrounding traditional units and the application of soldier coursing to introduce a traditional hierarchy. The building arrangement within the proposed layout takes cognisance of the general plot widths and urban grain of the surrounding area. These principles are established through the outline permission.</i></li> <li>- Within the area bounded by North Street, Millfield, Berry Street and Royal Avenue, comprehensive development proposals will be acceptable subject to an enhanced public realm and the creation of streets which reinstate the historic urban grain and secure east/west and north/south linkages, including links through Castlecourt. <i>Officer response: the site layout includes a central yard space. This yard space is accessible from both Winetavern Street and Gresham Street, forming a continuous and permeable link through the block. It is also noted that both entrances to the yard would be flanked by one new building and one historic building, namely the three storey terrace (Nos. 5-23) in the case of Winetavern Street and the Butchers Building at Gresham Street. The proportions of both entrances pick up contextually on the old entries of Belfast with the yard space itself providing spill out space for proposed GF uses.</i></li> </ul> <p><b>Objections to Designations in Draft BMAP 2015</b></p> <p><i>Retail</i></p> <p>9.9 There were some general objections to the extent of the Primary Retail Core designation. The PAC recommended that the Retail Core be reduced accordingly. This amendment does not affect the site and should the draft Plan 2004 be adopted it would remain in the Primary Retail Core. The presumption remains in favour of retail development.</p> <p><i>Offices</i></p> <p>9.10 The PAC concluded in their report that there is no need for a Main Office Area in Belfast and that offices should be allowed throughout the defined City Centre. This does not affect the proposal in that it is located in the defined City Centre and as such the presumption remains in favour of office development at this location.</p> <p><i>Character Areas</i></p> <p>9.11 There were both general and more specific objections raised in relation to the draft Character Areas. The PAC recommended no change to the Plan as a result of the general objections. In terms of the specific objections to the Old City Character Area, within which the site is located, they commented that the Department (DoE) were willing to amend the second bullet point (minimum height of 3 storeys and maximum of 5 storeys) to allow departure from specified heights in exceptional circumstances, where a design statement and visual impact assessment were submitted. The PAC recommended that under the 'Elsewhere' Key Site Requirements the following should be added:</p> <p><i>'Within the area bounded by North Street, Millfield, Berry Street and Royal Avenue, comprehensive development proposals will be acceptable subject to an enhanced public realm and the creation of streets which reinstate the historic urban grain and secure east/west and north/south linkages, including links through Castlecourt'.</i></p>
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9.12	<p><i>Development Opportunity Sites</i></p> <p>In terms of the Development Opportunity Site designation relating to this application (CC035) the PAC recommended that Castle Court be removed on the basis of an objection. It was also recommended that the Key Site Requirement relating to retail development be removed as the site lies within the Primary Retail Core and that buildings along North Street are included within the Development Opportunity Site.</p>
9.13	<p><b>Prematurity to the emerging BMAP and Local Development Plan</b></p> <p>As a result of the aforementioned Judicial Review 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>
9.14	<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>
9.15	<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.</p>
9.16	<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>
9.17	<p><b>Inner North West Masterplan</b></p> <p>The site sits within the heart of the Inner North West (INW) Masterplan area and would serve as a catalyst for future development. The INW Masterplan seeks to create a high quality built environment to foster a mixed use neighbourhood with both residential and employment uses.</p>
9.18	<p><b>Principle of Proposed Uses</b></p> <p>The principle of the proposed uses is already established through the recent outline planning permission. Additional commentary is provided below.</p>
9.19	<p><i>Office Use</i></p> <p>The main use within the proposed buildings is offices, which apart from the ground floor, occupy the entirety of the two blocks on North Street and Winetavern Street. The thrust of the Strategic policy within the SPPS BUAP and the draft BMAPs is to direct office development towards the city centre, thus strengthening the city centre economy and ensuring accessible employment. The eastern part of the site is located within the 'Main Office Area' in the BUAP and the site lies within the defined City Centre in draft BMAP, and as such the presumption is in favour of office development at this location. The proposal is also consistent with Policy PED1 of PPS4, Planning and Economic Development.</p>
9.20	<p><i>Retail Use</i></p> <p>Similarly, the retail use in the ground floor units is very much in keeping with the SPPS and the thrust of the BUAP and Draft BMAP policies. One of the main objectives of the SPPS in terms of retail development is to 'secure a town centres first approach for the</p>

	location of future retailing and other main town centre uses'. The site is located within not only the city centre but also the primary retail core, where retail use at ground floor level is actively encouraged. This will help create an active ground floor frontage onto Winetavern Street, North Street and Gresham Street, assist in the regeneration of this area and increase the vitality and viability of Belfast's city centre. In particular North Street will benefit significantly from the creation of a retail frontage given its high level of ground floor vacancies.
9.21	<p><i>Restaurants and Cafes</i></p> <p>The ground floor plan shows a number of units labelled Retail/Restaurant/Coffee Shop. The addition of cafes/restaurants at ground floor level will enhance the diversity of the area and further ensure the active ground floor frontage. This use is obviously common within the city centre and its mix with retail units should ensure that any proliferation of cafes/hot food units should not be so significant as to become a problem in terms of potential amenity issues. In terms of any potential impact on the amenity of the offices above, Environmental Health have not raised any objections subject to conditions to ensure the appropriate odour mitigation.</p>
9.22	<p><b>Impact on Built Heritage</b></p> <p>The proposal has been assessed against Policy BH11 of PPS6 in that the application impacts upon a listed building at 108 North Street &amp; 1 Gresham Street (Grade B1) and it is also in close proximity to and impacts on the setting of the following listed buildings, which are of special architectural and historic interest, protected by Section 80 of the Planning Act (NI) 2011:</p> <p>HB26/50/068 103-107 Royal Avenue &amp; 77-79 North Street, Belfast B1  HB26/50/184 76-88 Royal Avenue and 104 North Street, Belfast B1  HB26/50/186B 93-101 Royal Avenue, Belfast B2  HB26/50/317 156-164 North Street, Belfast B2  HB26/50/334 166-174 North Street, Belfast B2</p>
9.24	Historic Environment Division, Historic Buildings (HED: HB) has reconsidered the impact of the proposal on the listed buildings and on the basis of the information submitted to date state that it fails to satisfy the requirements of paragraphs 6.12 & 6.13 of SPPS (NI) and Policies BH7, BH8 and BH11 of PPS6. HED considers that the setting of the Listed Buildings in the vicinity of the site is affected adversely by the scale and massing of the new buildings.
9.25	However, a significant material consideration when considering HED's comments is the outline approval on the site, where indicative elevations were approved showing building heights of 23.8m to shoulder of building on North Street and (26m including plant) 35.4m to shoulder of building, (38.7m including plant) on Winetavern Street. The proposed building has heights of 23.85 on North Street (26m including plant) and 36.2m on Winetavern Street (38.7m including plant). The slight increase from the heights conditioned at outline stage will unlikely be visually distinguishable.
9.26	Arguably the listed building affected most by the proposal is the Butchers Building immediately east of the site at the junction of North Street and Gresham Street. HED commented as follows on the lower North Street block: <i>'In terms of height the lower block height may be acceptable in the context and character of the immediate setting and the relationships of the listed buildings with their setting. The side elevation over the roof (east) does not recognise the altered condition (of being a secondary face) and through pattern of the large glazed areas dominates the adjacent listed building and HED considers it requires different modelling to enable it to be cohesive with its neighbour'.</i>

9.27	Through subtle design features on the upper three floors of this building and a notable string course (picking up on the historical 'datum line and eaves of the listed butchers building between second and third floor level), the proposed lower block acknowledges the presence of the butchers building and also breaks up the overall massing. This has created a traditional hierarchy of form with a notable base, middle and top (visible on the 3D image above). It is important to highlight that the butchers building originally existed as part of a terraced streetscape along North Street. Although not of the scale proposed here, the reintroduction of a built streetscape alongside the listed building is considered to outweigh any merits in its 'artificial' existence in architectural isolation within the corner of a surface level car park, which does little to enhance the setting of the building or highlights its positive features.
9.28	Indeed, much of the area has become characterised by surface level car parks, dereliction and modern architectural interventions which have gradually undermined the setting of many of the above mentioned listed buildings. With only fragments of the historic streetscape surviving today, the introduction of a historically influenced landmark building of this nature is considered to enhance the area and the setting of these listed buildings.
9.29	HED:HB note that the proposals address the historic environment around the listed building at North St/Gresham St with respect to the plot widths and recognise that the detailing and materiality as presented respond appropriately to the historic character of the area.
9.30	<b>Archaeology</b> The application site is located within the Belfast Area of Archaeological Potential (AAP), as defined within the Belfast Metropolitan Area Plan (BMAP) 2015. This AAP defines the historic core of the settlement of Belfast and aims to protect the above and belowground archaeological remains.
9.31	The proposed development site is within an area of historic Belfast that underwent significant expansion and development between the seventeenth and nineteenth centuries. Thomas Phillips' 1685 map of Belfast shows the proposed development area in the latter part of the seventeenth century and highlights street frontages along North Street with garden plots to the rear. The mid-seventeenth century town defences, which took the form of a water-filled ditch and internal bank, are also clearly indicated in the vicinity of the proposed development area.
9.32	The application site contains an area associated with clay pipe manufacture in Belfast. One of these manufactories (IHR 10794) is included in the Historic Environment Record of Northern Ireland (HERoNI), but others are noted in the 19th century commercial directories. An acceptable archaeological programme of works should provide a comprehensive history of the clay pipe workshops off Winetavern Street, and should include a specific methodology for small find recovery and identification.
9.33	Historic Environment Division (Historic Monuments) has reviewed the Archaeological and Cultural Heritage Assessment (dated 04/10/2018), and agrees with its findings that the industrial archaeology potential of the proposed development site could be dealt with through negative conditions. HED (Historic Monuments) is therefore content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. The appropriate conditions are stated below at 11.2-11.4.

	<b>Scale, Massing and Design</b>
9.34	The proposal has been assessed against the Strategic Planning Policy Statement for Northern Ireland. It should be noted that the scale and massing have in effect been established in principle at outline stage, with the proposed building and shoulder heights only marginally higher than those conditioned as part of the outline approval (5cm on North Street block and 80cm on Winetavern Street 'Mill' building). These slight increases would likely be visually indistinguishable on buildings of this scale.
9.35	The desire here is to create a strong sense of place, on what is an expanse of land which provides ample opportunity to do so, providing a landmark building which acknowledges the industrial heritage of this part of the city.
9.36	As far as the detailed design is concerned, the elevations and visuals have shown a willingness to break up the facades of the larger blocks through articulation of bays to reflect the scale of surrounding traditional units and a quality of design that provides texture and interest.
9.37	A key consideration has been the relationship of the building with the surrounding streetscape and this is particularly important on Winetavern Street where the substantial 9 storey 'Mill' building meets the established three storey terraced row. This transition has been facilitated with a significant drop in the built form with 9 storeys dropping to 4 storeys for a 10m stretch along Winetavern Street, approximately 10m north of the adjacent confectionary shop and adjoining terrace. Not only has the massing of the building been reduced to reflect the scale of the adjacent terrace, this small section of the Mill building has also seen the introduction of a grey Aluminium Cassette Cladding on the upper floor and inclusion of a slight set back to this upper (third) floor. Accompanied with a slight change in the texture of the bottom three floors, with patterned precast concrete bays and recessed spandrel panels, this change in materials and setback ensures the architecture acknowledges the eaves of the adjacent terrace (only slightly lower than the setback on the proposed building). Importantly it also breaks up the bulk of the building, mitigating the overall massing on the northward approach to the site from the Castle Court complex.
9.38	There has been a slight increase in façade height at the Mill Building in order to reduce the visual impact of the proposed rooftop plant on the 9 storey building. This slight increase in shoulder height has actually helped to create a notable 'cap' on the building and helped break up the uniformity and expanse of the Winetavern façade.
9.39	As discussed above, subtleties in the design on the North Street Block have helped create a noticeable hierarchy with the introduction of two soldier course details reflecting historic datum and acknowledging the scale of the adjoining listed butchers building. Again these subtle design features help break up the massing of the block and add texture to expansive elevations which could easily have become uniform and monotonous. It is the subtleties in design which create a high quality piece of architecture that will enhance the area and pay homage to the historic streetscape.
9.40	The subtleties on the North Street block include an angled "hit and miss" brick course between the bottom three floors with a protruding brick stringcourse introduced between second and third floors and again between fourth and fifth to create this hierarchy of form. An angled hit and miss brick course above smaller windows on the upper floor enhances this hierarchy and creates a notable 'top' to the building. It is these subtle design features which help create texture and avoid a bland monotonous façade.
9.41	It is these design features, accompanied with high quality red bricked and moulded precast concrete finishes that will ensure the provision of a landmark building a piece of



	<p>architecture that will no doubt visually enhance the area. The design and layout of the scheme, with its architectural nod to the industrial heritage of the city and the area, has been developed and refined on the advice of the Council's Urban Design Officer, complies with Paragraphs 4.23-4.27 of the SPPS Policy PED9 of PPS4 and is considered acceptable.</p>
9.42	<p><b>Developer Contributions and Public Real Improvements</b></p> <p>In accordance with the adopted Developer Contribution Framework, there is an identified need for public realm improvements in the vicinity of the site. This was previously secured through the outline permission by condition. This application also includes an area of public realm immediately south and east of the building, referred to in supporting documentation as 'The Yard'. It serves as a public space that allows daylight to penetrate into the proposed building as well as providing a new external space accessible to the public.</p>
9.43	<p>The hard and soft landscaping for this area includes trees, shrubs, granite paving, dark grey cobble setts, benches and light columns. Granite sets border the yard, defining the two lanes into the courtyard from Gresham street and Winetavern Street. Trees, planters and seating are integrated into the courtyard as two fixtures to the North and South of the yard: each positioned in a way that forms a vista from Winetavern Street and Gresham Street to greenery.</p>
9.44	<p>It also allows access for servicing, delivery, refuse vehicles and fire tenders to the centre of the site. A central 'arcade' has been created through the building that will allow for a public route through the building from North street into the yard. Seating and planters occupy the yard to allow for dwelling spaces and provide a 'green' visual connection from both Winetavern &amp; Gresham Street.</p>
9.45	<p>The provision of this high quality area of urban open space and accompanying public realm improvements, approved at outline stage and supported by the Urban Design Officer, will enhance the character of the proposed buildings (LA04/2020/0325/F and LA04/2020/0865/RM). It will also contribute to the process of urban regeneration and complies with the Strategic Policy in relation to public open space within the SPPS (paragraphs 4.24 and 6.200) and Policy PED9 of PPS4. The implementation and provision of the hard and soft landscaping within this area of open space will be secured via condition as detailed below.</p>
9.46	<p>The implementation and provision of this landscaping will be secured via condition as detailed below.</p>
9.47	<p><b>Impact on setting of nearby Conservation Areas</b></p> <p>The proposal has been assessed against Policy BH 12 of PPS6 which states that development proposals for new buildings which impact on the setting of a conservation area, will only be permitted where important views within, into and out of the area are protected.</p>
9.48	<p>The north-east corner of the site is located approximately 20m from the north-western boundary of the City Centre Conservation Area and 50m from the southern boundary of the Cathedral Conservation Area, both of which meet at the end of Royal Avenue close to the landmark Bank of Ireland Building.</p>
9.49	<p>With the scale and massing already established through the granting of outline approval for the built form, as discussed earlier, the design and materials must be considered in terms of their impact upon the setting of the two conservation areas.</p>

9.50	In terms of the approach towards both the conservation areas the main views in affected by the proposal would be from the north-west along North Street. These views however are limited in that the only buildings within the City Centre Conservation Area and Cathedral Conservations Areas visible from this approach are the Sinclair House Building and 103-107 Royal Avenue on Royal Avenue/ North Street junction.
9.51	The modern flat roof buildings along the northern side of North Street characterise the immediate approach to the conservation areas from the west/ north-west (Shankill Road). The introduction of a well finished red bricked 'mill' style building, with subtleties in design and high quality materials based on a historically influenced concept, will certainly enhance the character of the area (site currently a surface level car park), and thus enhance the approach to the conservation area and its setting.
9.52	In terms of the impact on views from within the Conservation Areas, these will be limited given the distance from the edge of the Conservation Areas and the high built from to the edge of these areas. Arguably the only views of the site will be from the junction of North Street and Royal Avenue from the edge of the City Centre Conservation Area. Given the peripheral nature of these fleeting views, accompanied with the high quality of finish and historically influenced design and sympathetic red bricked finish, the views from the conservation area will not be compromised by the proposed building. It is considered that the character and appearance of the Conservation Areas would be preserved.
	<b>Traffic and Parking</b>
9.53	The proposal has been assessed against Planning Policy Statement 3 and Policy TRAN4 of Draft BMAP. The Transport Assessment form anticipates that the main modes of transport to the site will be walking, cycling and public transport. As no parking has been proposed as part of the development any car parking requirements associated with the proposed development site will have to make use of the existing car parking provision on-street and off-street within Belfast City Centre respecting the associated restrictions and charges. The major difference between this proposal and the proposal approved at outline is the omission of the basement car park below this building, which would have accommodated 25 cars (as shown on indicative basement plan).
9.54	Based on the Gross Floor Area of the proposed development (15,902m <sup>2</sup> ) and the TRAN4 City Centre Core car parking standard of 1no. space per 300m <sup>2</sup> , the proposed development has a maximum car parking requirement of 53no. car parking spaces.
9.55	Policy TRAN 4 provides the following text in relation to the policy: ' <i>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.</i> '
9.56	The accompanying Travel Plan sets out the range of pedestrian, cycling, public transport and private car parking available in the immediate vicinity. It also proposed a number of measures to promote alternatives to the private car, these include: <ul style="list-style-type: none"> <li>• Budget allocations for Travel Plan activities</li> <li>• Appointing a Travel Plan Co-Ordinator</li> <li>• Annual review of Travel Plan and employee travel patterns</li> <li>• Promotion of cycling, public transport and park and ride services.</li> </ul>
9.57	The lack of car parking within the development is a welcome approach and demonstrates the potential for accessing existing and more sustainable travel options, but ultimately

9.58	<p>DFI Roads will advise if the alternatives proposed within the Travel Plan are considered sufficient in terms of justifying a relaxation in the parking standards.</p> <p>DFI Roads had requested additional information including: demonstration that facilities exist for people with disabilities; cycle parking close to the accesses; and a Service Management Plan. The planning agent subsequently confirmed that no parking is proposed within these Buildings, and pointed to the fact a Service Management Plan could be conditioned, as it was at outline stage (LA04/2018/2470/O). A map was also submitted in response to DFI Roads comments showing 10 disabled spaces located on streets within the vicinity of the site, four of which are located within close proximity to the points of access on Winetavern Street and Gresham Street. This is considered sufficient to serve the development. Bicycle parking is provided on the proposed ground floor with 64 spaces indicated on the floor plans.</p>
9.59	<p>DFI Roads were re-consulted with this information and have subsequently offered no further objections subject to conditions relating to the provision of cycle parking and hard standing, operation in accordance with the submitted Travel Plan and submission of Service Management Plan prior to occupation. These conditions are detailed below.</p>
9.60	<p><b>Impact on amenity</b></p> <p>The introduction of a substantial built form such as that proposed will inevitably have an impact on properties lying within the vicinity of the site. Having said this only one of the adjacent properties, not within the applicant's control, has a residential use. The Confectionary shop, approximately 10m from the proposed building on Winetavern Street, has a residential unit above.</p>
9.61	<p>Although some loss of light as a result of the buildings proximity to the property will be inevitable, the orientation and the significant drop in height on the part of the 'Mill Building' closest to the property (from 36.2m to 16.1m) will ensure that any impact on amenity will not be significant.</p>
9.62	<p>Elsewhere, separation distances of approximately 15m from proposed built form onto street frontage properties on Winetavern Street should be sufficient in terms of avoiding any unduly significant over-dominance. It is important to highlight that this is a city centre location where it is common to find buildings of varying heights within close proximity of one another. Moreover, the principle of the layout, height and massing of the building has been established through the outline permission.</p>
9.63	<p><i>Odour</i></p> <p>The proposal includes restaurant and coffee shop uses. The drawings submitted include three units marked restaurant/retail/coffee. Environmental Health has potential concerns regarding the potential impact of odours associated with this proposal on the proposed offices and existing neighbouring premises. It notes that the mechanical and electrical design allows for one full catering kitchen for a food and beverage unit at ground floor level. It also advises filtration is to be provided and a high level of discharge with fan and exhaust at roof level, to prevent impact to local surroundings.</p>
9.64	<p>However it is noted from the ground floor plans that there are three potential premises supplying hot food proposed. Whilst the submitted roof plan includes a designated area for 'allowance for a future tenant's cooking and kitchen extract' no details have been provided on the discharge location from the kitchen extraction for the remaining two potential commercial restaurants/coffee shops. Any additional external flues and filtration equipment will likely require further planning permission in their own right. It is considered that these issues can be dealt with either through recommended conditions attached to this full permission or through the consideration of further applications for planning permission, where required.</p>

9.65	<p><i>Noise</i></p> <p>A Noise and Vibration Impact Assessment and Outline Construction Environmental Management Plan (OCEMP) were submitted in support of the application.</p>
9.66	<p>Environmental Health has reviewed the Outline Construction Environmental Management Plan (OCEMP) and in particular the Noise and Vibration section 6.6 Air Quality Dust Control. The OCEMP is to be further developed by the Contractor – once appointed and before works commence on site. The contractor will set out site environmental standards to which construction activities to be monitored. These shall include but are not limited to noise, dust and vibration. An environmental action plan will be prepared for the project. The final CEMP, which will be secured via condition (11.14), and associated action plan should pay due regard to the RPS Noise Impact Assessment report.</p>
9.67	<p>Considering the information submitted in support of this application Environmental Health recommends attaching the conditions detailed below to ensure the appropriate noise mitigation is applied and the amenity of neighbouring properties is protected.</p>
9.68	<p>Environmental Health notes the ongoing community consultation process and welcomes the opening of communication with the local community.</p>
9.69	<p><b>Contamination</b></p> <p>The Contamination Assessment &amp; Remediation Strategy report produced by Doran Consulting Ltd incorporates a Preliminary Risk Assessment (PRA), Generic Quantitative Risk Assessment (GQRA) and a Remediation Strategy. Doran identify potential on-site sources of contamination as: made ground and/or reduced quality infill, the Belfast Sleafch underlying the site, the former use of the site as a bus station and the former use of part of the site as a ceramics works. Doran also identify a number of potential off-site sources of contamination however identify a site formally occupied as a bus station and prior to that a flax / weaving mill as the main potential off-site source.</p>
9.70	<p>The closest surface water body is identified by Doran as the Farset River which is located approximately 270m south of the site and flows into the River Lagan which is approximately 700m to the east.</p>
9.71	<p>The Doran GQRA is informed by site data from a total of 5 boreholes (BH1 to BH5) which were advanced to a maximum depth of 35.00m below ground level (bgl) and a total of 3 trial pits (TP1 to TP3) advanced to a maximum depth of 1.90m bgl.</p>
9.72	<p>In order to quantify potential human health pollutant linkages identified within the PRA, a site investigation was undertaken between June and August 2019. This site investigation was completed across the wider site (relevant to the outline application site boundary LA04/2018/2470/O); only the site investigation locations completed within the boundary of the current application site have been considered within the Doran Consulting reports. Soil and groundwater samples were taken and analysed for relevant contaminants of concern. The results were compared to Generic Assessment Criteria for a commercial end use with no exceedances identified. As such, no risk to human health from soils or groundwater is considered to exist on the proposed development site.</p>
9.73	<p>In terms of ground gas, four rounds of monitoring were completed during July and August 2019. The site has been classified as Characteristic Situation (CS) 2 meaning gas protection measures are required within the proposed buildings. The report proposes the following remediation measures:</p> <ul style="list-style-type: none"> <li>- Concrete floor slabs.</li> </ul>

9.74	<ul style="list-style-type: none"> <li>- A proprietary gas and hydrocarbon vapour resistant membrane.</li> <li>- A passively ventilated under-floor void.</li> </ul>
	<p>With regard to human health, the report notes that any risk associated with the potential creation of pathways to allow migration of soil gas will be fully mitigated through the installation of gas protection measures within the development. Therefore, in the event that planning permission is to be granted, DAERA and Environmental Health requests conditions. These are recommended below.</p>
9.75	<p>Regarding environmental impacts Doran conclude that despite these groundwater screening value exceedance the site does not present unacceptable risks to environmental receptors and that no remediation measures for groundwater are required.</p>
9.76	<p>The Doran Piling Risk Assessment identifies the proposed piling method for the subject site to be continuous flight auger (CFA) which will advance to or slightly into the bedrock.</p>
9.77	<p>Based on the information provided the DAERA Land &amp; Groundwater Team has no objections subject to conditions, which are recommended.</p>
9.78	<p><b>Impact on Air Quality</b></p> <p>The air quality assessment states that changes in road vehicle emissions were the most important consideration during the operational phase of the development. The assessment has demonstrated that the impact of additional transport emissions associated with the development will not be significant in terms of nitrogen dioxide and particulate matter concentrations.</p>
9.79	<p>It is acknowledged that no gas boilers will be used for heat generation. It is stated by the consultant that cooling and heating will be provided via a variable refrigerant flow (VRF) system, with condenser units located at roof level, capable of providing heating and/or cooling as required. This strategy removes the potential emissions and impact on local air quality from the alternative gas fired boilers.</p>
9.80	<p>It is noted that there are two generators proposed as part of the development but no technical details are supplied. It is noted that roof terraces are also proposed at the same level as the proposed generator. Environmental Health advises that generators (including standby generators) could have a negative impact on local air quality. Moreover, consideration should be given to the location of combustion emission points in relation to general access areas (e.g. roof terraces). Environmental Health therefore request that consideration is given to attaching conditions, ensuring that technical information relating to generators is submitted to ensure emissions will not impact negatively on adjacent properties. These conditions are recommended.</p>
9.81	<p><b>Drainage and Flooding</b></p> <p>The Strategic Flood Map (NI) indicates that the development <u>does not</u> lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.</p>
9.82	<p>The proposal has been assessed against Policy FLD3 of PPS15. Rivers Agency has reviewed the Drainage Assessment by Doran Consulting, dated November 2019 and acknowledge the submission of correspondence from NI Water, dated 24th July 2019, consenting to the discharge of stormwater into the existing combined sewer at a maximum rate of 20l/s. On the basis of the information submitted Rivers Agency has offered no objection to the proposal.</p>
	<p><b>Impact on Protected Sites</b></p>

9.83	This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.
9.84	The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.
9.85	<p><b>Pre-application Community Consultation</b></p> <p>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.</p>
9.86	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 (LA04/2019/2569/PAN) was submitted to the Council on 31/10/2019.
9.87	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.
9.88	<p>A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <ul style="list-style-type: none"> <li>- A public exhibition was also held on 12th December 2019 at 29 Gresham Street.</li> <li>- Events were advertised in the Belfast Telegraph and Irish News on 2<sup>nd</sup> December 2019.</li> <li>- On 6<sup>th</sup> December 2019, 250 leaflets were distributed to business and residential properties on 18 streets in the surrounding area.</li> <li>- In summary the pre-application community consultation process involved a large number of groups including stakeholders, community and business groups. There was no additional engagement with elected representatives during in the lead-up to this public consultation. This was due to the fact that elected representatives had already been briefed about this during a previous consultation for the outline application.</li> <li>- An estimated 10 people attended the public exhibition. All responded positively.</li> </ul>
9.89	In analysing the responses to each of the questions in the comment card it was clear that development of the site is welcomed with a significant investment in the local area. The commenter did raise some concerns about the need for better traffic flow provisions in the area around the Castle Court shopping centre behind the proposed development.
9.90	

	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>10.0</b>	<b>Recommendation:</b>
10.1	Having had regard to the extant development plan, the draft development plan, relevant planning policies, planning approvals in the area including the extant outline planning permission on the same site, economic benefits, regeneration and other material considerations, the proposed development is considered acceptable.
10.2	It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission, finalise the wording of conditions
<b>11.0</b>	<b>Conditions</b>
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.  Reason: Time Limit.
11.2	No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for: <ul style="list-style-type: none"> <li>• The identification and evaluation of archaeological remains within the site;</li> <li>• Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;</li> <li>• Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and</li> <li>• Preparation of the digital, documentary and material archive for deposition.</li> </ul> The works shall not be carried out unless in accordance with the approved details.  Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.
11.3	A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 11.2. These measures shall be implemented and a final archaeological report shall be submitted to Belfast City Council within 12 months of the completion of archaeological site works.  Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.
11.4	Prior to commencement of construction, a Detailed Remediation Strategy shall be submitted to and approved in writing by the Council. This Strategy should follow best practice and must demonstrate how the pollutant linkages identified within the Doran Consulting Ltd report entitled 'Contamination Assessment & Remediation Strategy, The Mill Building - Building Blocks, Belfast' (dated November 2019 and referenced Job No 182032) are to be demonstrably broken and no longer pose a potential risk to human

	<p>health. It must also detail how the proposed remedial works are to be verified. In particular, this Detailed Remediation Strategy must clearly detail how CS2 gas protection measures are to be provided to the proposed development and how they will operate in continuity. All construction thereafter must be in accordance with the approved Remediation Strategy.</p> <p>Reason: Protection of human health.</p>
11.5	<p>In order to demonstrate that the required remedial measures have been incorporated within the proposal, prior to occupation of the development, a Verification Report shall be submitted to and agreed in writing by the Council. The Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the approved Remediation Strategy have been implemented and have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health.</p> <p>Reason: Protection of human health.</p>
11.6	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.</p> <p>Reason: Protection of human health.</p>
11.7	<p>The hereby permitted commercial restaurants/coffee shops shall at all times include the acoustic design/façade mitigation measures as outlined in the RPS Noise and vibration Impact Assessment reference NI12178 dated 29 January 2020 (sec 4.3.3).</p> <p>Reason: Protection of residential amenity.</p>
11.8	<p>Prior to the occupation of the proposed development, a Noise Verification Report shall be submitted to and approved in writing by the Council. The Report must demonstrate that the rating level (dBLAr) from the operation of all combined external plant and equipment and plant rooms does not exceed the existing daytime and night-time background noise levels at the nearest noise sensitive premises when measured or determined in accordance with BS4142:2014:+A1:2019</p> <p>Reason: Protection of residential amenity.</p>
11.9	<p>The ground floor restaurants/café/coffee shops and retail units must not operate outside the hours 0700 to 2300.</p> <p>Reason: Protection of residential amenity.</p>
11.10	<p>No service collections from or deliveries to the proposed development are permitted outside the hours 0700 to 2300.</p> <p>Reason: Protection of residential amenity.</p>



11.11	<p>The roof top terraces shall not be used outside the hours 0700 to 2300.</p> <p>Reason: Protection of residential amenity.</p>
11.12	<p>Notwithstanding the submitted details, prior to commencement of construction works a Construction Environmental Management Plan (CEMP) and associated action plan/documentation shall be submitted to and approved in writing by the Council. The CEMP and associated documents shall include measures to control and monitor noise, dust and vibration during construction demonstrating the use of “best practicable means”. The CEMP shall include rationale for and details of the chosen piling methodology and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises. It must incorporate the noise and dust mitigation measures as outlined in the Doran Consulting – Outline Construction Environmental Management Plan (OCEMP). The Mill Building – Building Blocks, Belfast. November 2019, Job no. 182032, and must pay due regard to the mitigation measures and noise targets as recommended in the RPS Noise and vibration assessment (19th January 2020), and to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. It must include the dust management measures as outlined in the RPS Air Quality Impact Assessment (dust management measures, as detailed within the Appendix D of the RPS, Air Quality Impact Assessment, The Mill Building – Building Blocks, Belfast (January 2020) . The CEMP and associated documents and records must be made available to the Environmental Protection unit upon request.</p> <p>No works shall be carried out unless in accordance with the approved CEMP.</p> <p>Reason: Protection of residential amenity.</p>
11.13	<p>Prior to the operation of any restaurant/coffee shop, details of the proposed kitchen extraction unit(s) and if required odour abatement strategy/system to be employed to suppress and disperse grease, smoke and odours created by cooking operations shall be submitted to and approved in writing by the Council. The odour abatement system must be designed in accordance with the required level of odour control specified within EMAQ+ Guidance on the control of odour and noise from commercial kitchen exhaust system (dated 2018). Information submitted must be sufficient to demonstrate that there will be no adverse impact on the amenity of nearby premises due to odour. The approved odour extraction/ abatement technology shall be installed prior to the operation of the businesses and retained thereafter at all times.</p> <p>Reason: Protection of amenity to neighbouring properties.</p>
11.14	<p>Prior to the installation of the standby generators technical data must be submitted to and approved in writing by the Council in order to demonstrate that generators emissions will not have an adverse impact on the nearby relevant receptors. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: Protection of human health.</p>
11.15	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be submitted to and approved in writing by the Council, and subsequently implemented and verified by the Council prior to occupation. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.</p>

11.16	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>After completing the remediation works under the above condition and prior to occupation of the development, a Verification Report must be submitted to and approved in writing by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. 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>
11.17	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>All hard and soft landscaping associated with the approved public realm works, as indicated on landscape layout and landscaping details drawing Nos. 6321-L-102 and 6321-L-110 respectively, shall be completed in accordance with the approved details prior to occupation of any part of the development hereby approved.</p>
11.18	<p>Reason: In the interests of visual amenity and to ensure the provision of a high quality of public realm.</p> <p>No development shall commence until a detailed specification and samples of proposed external materials have been submitted to and approved in writing by the Council. The details shall include a sample panel of the proposed brick and concrete finishes, which will be retained on site for the duration of the construction. The development shall not be carried out unless in accordance with the approved details.</p>
11.19	<p>Reason: In the interests of the character and appearance of the Area and to ensure a high standard of finish.</p> <p>The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. 1908-FCBS-ZZ-00-DR-A-0511 Amendment P7 'Proposed Site Plan' published by Belfast City Council Planning Office on 08 September 2020 to provide adequate facilities for parking, servicing and circulating within the site.</p>
11.20	<p>Reason: To ensure that adequate provision has been made for access and servicing.</p> <p>Prior to occupation of any part of the development 64 No. secure cycle parking spaces shall be provided and permanently retained within the ground floor of the building for use by staff and 6 No. cycle parking spaces shall be provided and be permanently retained close to each of the accesses of the proposed development for use by visitors to the development.</p>
11.21	<p>Reason: to encourage the use of alternative modes of transport for development users.</p> <p>The development hereby permitted shall operate in accordance with the Travel Plan published by Belfast City Council Planning Office on 19 February 2020. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.</p> <p>The development hereby permitted shall not become operational until a Service</p>

11.22	<p>Management Plan has been submitted to and agreed by DfI Roads. The development shall not be carried out unless in accordance with the approved Service Management Plan.</p> <p>Reason: in the interests of road safety and the convenience of road users.</p> <p>Informatives</p> <p>Artificial flood lighting design should ensure residents are not disturbed by light nuisance. All artificial lighting connected with the development should follow the recommendations within the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GNOL:2011.</p> <p>The purpose of the Conditions 11.16 and 11.17 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and enduse of the site such that it would not be determined as contaminated land under the Land, Soil &amp; Air forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.</p> <p>NIEA recommends that the applicant consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate discharge consent conditions. Further information can be obtained from: <a href="https://www.daera-ni.gov.uk/articles/regulating-water-discharges">https://www.daera-ni.gov.uk/articles/regulating-water-discharges</a></p> <p>The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from: <a href="https://www.daera-ni.gov.uk/articles/waste-management-licensing">https://www.daera-ni.gov.uk/articles/waste-management-licensing</a> <a href="https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions">https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions</a> <a href="https://www.daera-ni.gov.uk/articles/regulating-water-discharges">https://www.daera-ni.gov.uk/articles/regulating-water-discharges</a></p>
12.0	<p>Notification to Department (if relevant)</p> <p>Not required. Although an objection has been received from a statutory consultee (HED: Historic Buildings) in terms of scale and massing, given the proposal is generally in keeping with the scale and massing of the building approved at outline, the objection is not considered significant.</p>
13.0	<p>Representations from elected members: None received</p>
Neighbour Notification Checked	
Yes	

ANNEX	
<b>Date Valid</b>	3rd February 2020
<b>Date First Advertised</b>	21st February 2020
<b>Date Last Advertised</b>	21st February 2020
<b>Details of Neighbour Notification</b> (all addresses) 1 Smithfield,Belfast,Antrim,BT1 1JE 10-14 ,Gresham Street,Belfast,Antrim,BT1 1JN 101 – 133 North Street,Belfast,Antrim,BT1 1ND 138 North Street,Belfast,Antrim,BT1 1LE 13a Winetavern Street,Belfast,Antrim,BT1 1JQ 140 North Street,Belfast,Antrim,BT1 1LE 150-152 ,North Street,Belfast,Antrim,BT1 1LF 16 Gresham Street,Belfast,Antrim,BT1 1JN 17 Winetavern Street,Belfast,Antrim,BT1 1JQ 19 Winetavern Street,Belfast,Antrim,BT1 1JQ 1st & 2nd Floor,131-133 ,North Street,Belfast,Antrim,BT1 1NE 21 Winetavern Street,Belfast,Antrim,BT1 1JQ 23 Winetavern Street,Belfast,Antrim,BT1 1JQ 4-8 ,Gresham Street,Belfast,Antrim,BT1 1JN 47 Winetavern Street,Belfast,Antrim,BT1 1JQ 6-10 ,Winetavern Street,Belfast,Antrim,BT1 1JQ 8-10 ,Winetavern Street,Belfast,Antrim,BT1 1JQ 93 – 99 North Street,Belfast,Antrim,BT1 1ND Salon, Ground Floor,115-119 ,North Street,Belfast,Antrim,BT1 1ND Units 1 Gresham Street,Belfast,Antrim,BT1 1JN Units 1- 37 Smithfield Market,2 Winetavern Street,Belfast,Antrim,BT1 1JE	
<b>Date of Last Neighbour Notification</b>	26th February 2020
<b>Date of EIA Determination</b>	N/A Site area less than 0.5Ha
<b>ES Requested</b>	No

## Development Management Report Committee Application

Summary	
<b>Committee Meeting Date:</b> October 2020	<b>Item Number:</b>
<b>Application ID:</b> LA04/2019/2387/F	
<b>Proposal:</b> Residential development comprising 151 apartments and ancillary uses including; management suite, communal space, reception area and servicing (refuse/recycling/bicycle storage) and plant equipment; and associated car parking and public realm improvements to Scrabo Street, Station Street and Middlepath Street.	<b>Location:</b> Land adjacent to Quay Gate House 15 Scrabo Street Belfast BT5 4D: footpaths and public realm at Scrabo Street Station Street and Middlepath Street.
<b>Referral Route: Major Application</b>	
<b>Recommendation:</b>	APPROVAL
<b>Applicant Name and Address:</b> PGD Construction Limited Ground Floor 25 Darling Street Enniskillen	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<b>Executive Summary:</b>  The application seeks full planning permission for residential development comprising 151 apartments and ancillary uses including; management suite, communal space, reception area and servicing (refuse/recycling/bicycle storage) and plant equipment; and associated car parking and public realm improvements to Scrabo Street, Station Street and Middlepath Street. The key issues in the assessment of the proposal are: <ul style="list-style-type: none"> <li>- The principle of the proposal at this location;</li> <li>- Layout, scale, form, massing, height and design;</li> <li>- Impact on amenity;</li> <li>- Impact on transport and associated infrastructure;</li> <li>- Flooding and drainage impacts;</li> <li>- Impact on natural heritage assets;</li> <li>- Contamination and remediation of the site;</li> <li>- Impact on civil aviation;</li> </ul> The application site is located at Scrabo Street within Belfast City Centre and adjacent to the junction with the M3 on-slip. It comprises a car park area associated with an adjacent office building. It is approximately 0.46 hectares in size. It includes a hard surfaced area underneath an existing elevated railway line. Boundary treatments comprise a mixture of wall and railings approximately 2-3m in height. The topography of the entire site is relatively level, however the M3 bridge is located adjacent and above the site to the North, with an elevated railway bridge to the west. There is a block of apartments further to the west of the site, beyond the railway bridge. Sites opposite and closest to the site are vacant with no ongoing uses.	

The site is located within the City Centre boundary in the BUAP and both versions of BMAP where residential development is acceptable in principle. The proposal would support the aims of the Belfast Agenda around city centre living. The locality comprises a mix of residential and non-residential uses. Residential uses are located immediately adjacent to the site. These factors establish that the proposed uses are acceptable in principle subject to acceptable detail considerations. The site is not located in a Conservation Area or Area of Townscape Character, and there are no buildings on site that are listed or of any historic interest. The site is not located in close proximity to any heritage assets.

It is considered that the scale, height, massing and materials of the building are, on balance, acceptable and appropriate to the site context and the area. The massing of the building is broken up by the design, with the upper floors located at roughly 45 degree angle from the lower block element. The layout assists in addressing the townscape of the M3 on slip and distance views from Middlepath Street, and Bridge End. This assists in provided a sculptured architectural form. The design is considered acceptable when assessed from the key public viewpoints taking account of the evolving context as discussed above.

The proposed materials are consistent with the area insofar as brick and glass are present. Corten steel is the main finish proposed, adopted to take account of the industrial architecture evident in the harbour area. The solid to void ratio of the fenestration also assists in reducing the massing of the building. A condition is necessary to agree the finer details of the materials proposed to ensure an appropriate solution is provided.

The Urban Design Officer considers the scale, massing, and design of the proposal to be acceptable. The proposed designs are therefore compliant with criteria [g] of PPS7. Accordingly, it is considered that the proposal would not adversely affect the character of the area.

The proposal will not adversely impact on the amenity of existing properties, and will provide adequate amenity arrangements including amenity space for prospective residents.

All consultees including DFI Roads, the Urban Design Officer, DEARA, HED, SES, NI Water, HED, Environmental Health, BCC Landscape Section and Belfast City Airport have no objections to the proposal.

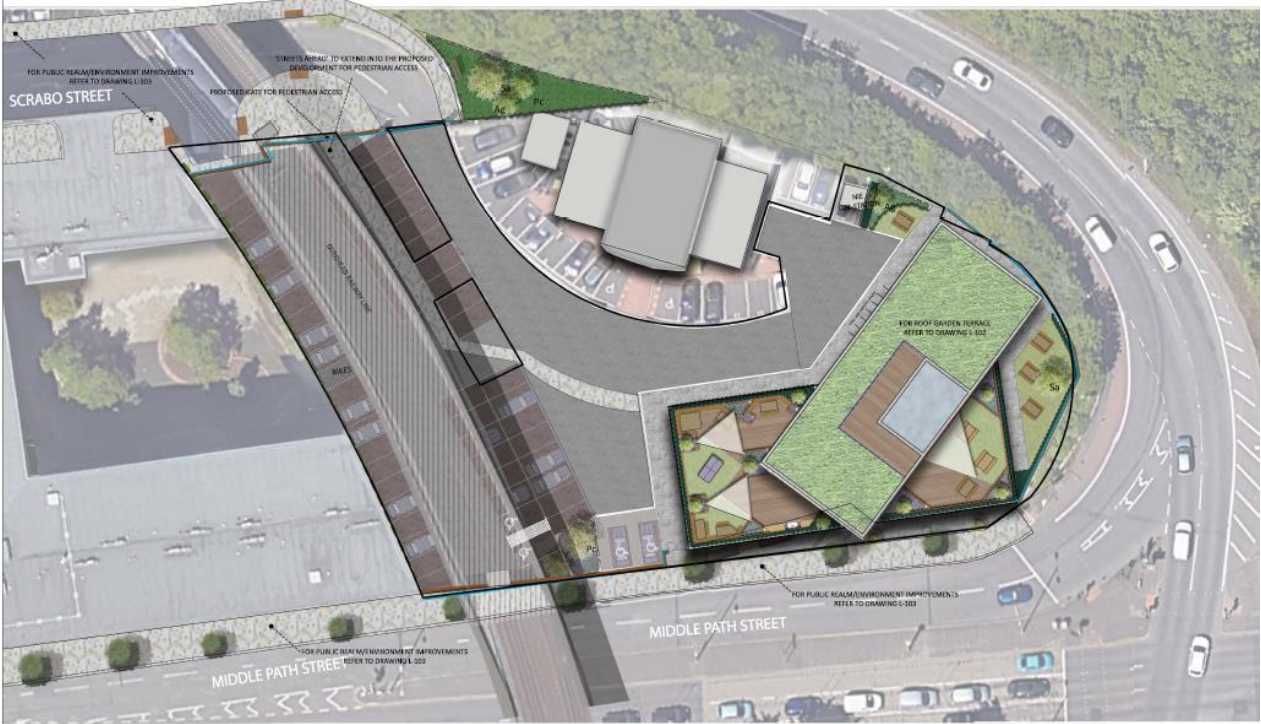
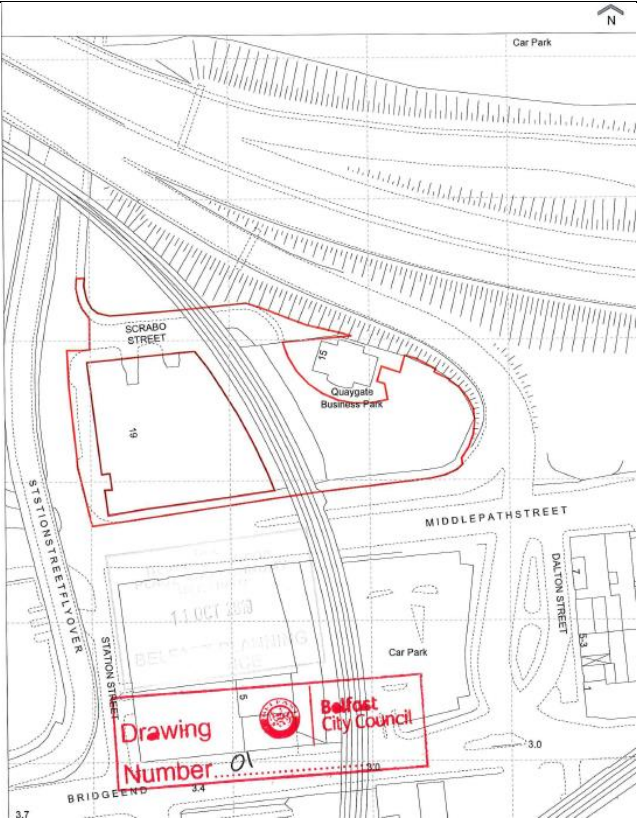
1 objection and 1 letter of support was received in relation to the application.

Having regard to the Development Plan and relevant material considerations, the proposal is considered, on balance, acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions and to enter into a Section 76 planning agreement.

**Signature(s):**

Case Officer Report

Site Location Plan










**Representations:**

Letters of Support	1
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Representatives	None received
Neighbour Notification Checked	Yes

**Planning Assessment of Policy and Other Material Considerations**
**1.0 Characteristics of the Site and Area**

The application site is located at Scrabo Street within Belfast City Centre and adjacent to the junction with the M3 on-slip. It comprises a car park area associated with an adjacent office building. It is approximately 0.46 hectares in size. It includes a hard surfaced area underneath an existing elevated railway line. Boundary treatments comprise a mixture of wall and railings approximately 2-3m in height. The topography of the entire site is relatively level, however the M3 bridge is located adjacent and above the site to the North, with an elevated railway bridge to the west.

There is a block of apartments further to the west of the site, beyond the railway bridge. Sites opposite and closest to the site are vacant with no ongoing uses.

**2.0 Proposal**

The application seeks full planning permission for residential development comprising 151 apartments and ancillary uses including; management suite, communal space, reception area and servicing (refuse/recycling/bicycle storage) and plant equipment; and associated car parking and public realm improvements to Scrabo Street, Station Street and Middlepath Street.

## Planning Assessment of Policy and Other Material Considerations

### 3.0 Site History

No relevant history.

### 4.0 Policy Framework

4.1 Belfast Urban Area Plan 2001 (BUAP), draft Belfast Metropolitan Area Plan 2004 (dBMAP 2004), draft Belfast Metropolitan Area Plan 2014 (dBMAP 2014), and Developer Contribution Framework (2020);

4.2 Strategic Planning Policy Statement (SPPS);

4.3 Planning Policy Statement 2 (PPS2) – Planning and Nature Conservation;

4.3 Planning Policy Statement 3 (PPS3) – Access, Movement and Parking;

4.4 Planning Policy Statement 13 (PPS13) – Transportation and Land Use;

4.5 Planning Policy Statement 7 (PPS7) – Residential Development;

4.6 Planning Policy Statement 12 (PPS12) – Housing in Settlements;

4.7 Planning Policy Statement 15 (PPS15) – Planning and Flood Risk;

4.8 Planning Policy Statement 8 (PPS8) – Open Space and Recreation.

4.9 Supplementary Planning Guidance including 'Creating Places', Development Control Advice Note 8 Housing in Existing Urban Areas, and Parking Standards.

### 5.0 Statutory Consultee Responses

5.1 NI Water - No objection;

5.2 DARD - Rivers Agency – No objection;

5.3 DEARA:

– Land & Groundwater Team (Contamination) - No objection subject to conditions;

- Water Management Unit - No objection subject to conditions;

- Natural Environment Division – no objection subject to conditions;

5.4 DFI Roads – No objection subject to conditions;

5.5 DFC HED – No objection subject to conditions.

### 6.0 Non - Statutory Consultee Responses

6.1 BCC Environmental Health - No objection subject to conditions;

6.2 Shared Environmental Services – No objection subject to conditions;

6.3 Urban Design Officer – no objections;

### 7.0 Representations

The application has been neighbour notified and advertised in the local press.

1 representation was received objecting to the height of the proposed building. 1 letter of support has also been received.

No representations from any elected representatives have been received.

### 8.0 Other Material Considerations

8.1 Belfast Agenda

### 9.0 Assessment

9.1	<p>Permission is sought for a residential development comprising 151 apartments and ancillary uses including; management suite, communal space, reception area and servicing (refuse/recycling/bicycle storage) and plant equipment; and associated car parking and public realm improvements to Scrabo Street, Station Street and Middlepath Street. The key issues in the assessment of the proposal are:</p> <ul style="list-style-type: none"> <li>- The principle of the proposal at this location;</li> <li>- Layout, scale, form, massing, height and design;</li> <li>- Impact on amenity;</li> <li>- Impact on transport and associated infrastructure;</li> <li>- Flooding and drainage impacts;</li> <li>- Impact on natural heritage assets;</li> <li>- Contamination and remediation of the site;</li> <li>- Impact on civil aviation;</li> </ul> <p><b>Regional Policy Context:</b></p>
9.2	<p>The Regional Development Strategy 2035 (RDS) includes a number of policies relevant to the proposal supporting Urban Renaissance (RG7), and conserve, protect and enhance where possible the built and natural heritage.</p>
9.3	<p>In relation to Belfast, the RDS includes policies to promote economic development, grow the city population, and protect and enhance the setting of the Metropolitan Area and its environmental assets. Policy SFG3 seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities.</p>
9.4	<p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making.</p>
9.5	<p>The SPPS states at paragraph 1.13 that a number of policy statements, including those listed at paragraph 4 of this report, remain relevant under the 'transitional arrangements' in advance of a council's adoption of its new Local Development Plan. Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.</p> <p><b>Development Plan Status:</b></p>
9.6	<p>Following the Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the extant Development Plan is now the Belfast Urban Area Plan 2001 (BUAP). The site is not subject to any zoning within the BUAP. Both the draft Belfast Metropolitan Area Plan 2004 (dBMAP 2004) and the version purported as adopted Belfast Metropolitan Area Plan (dBMAP 2015) are material considerations. The weight to be afforded the draft Belfast Metropolitan Area Plan is a matter of judgement for the decision maker. In dBMAP 2004 and dBMAP 2015, the site falls within the City Centre boundary, the fringe area of parking restraint, and the Laganside Character Area.</p> <p><b>Principle of development and proposed uses:</b></p>
9.7	<p>The site is located within the City Centre boundary in the BUAP and both versions of BMAP where residential development is acceptable in principle. The proposal would</p>

	support the aims of the <i>Belfast Agenda</i> around city centre living. The locality comprises a mix of residential and non-residential uses. Residential uses are located immediately adjacent to the site. These factors establish that the proposed uses are acceptable in principle subject to acceptable detail considerations.
9.8	<p>The site is not located in a Conservation Area or Area of Townscape Character, and there are no buildings on site that are listed or of any historic interest. The site is not located in close proximity to any heritage assets.</p> <p><b>Planning History</b></p>
9.9	<p>The application site is not subject to any planning history relevant to this case. However the proposals were subject to a Pre-Application Discussion process. This comprised a number of meetings with the applicant and agent, the focus of which was largely in relation to scale, height, and massing, design, and amenity issues of the proposed scheme.</p> <p><b>PPS7 – Design, Character and Appearance of Area and amenity</b></p>
9.10	<p>The proposal has been assessed against Policy QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations. PPS7 addendum safeguarding character is also a material consideration and includes three policies, namely LC1-3.</p> <p><b>Proposal</b></p>
9.11	<p>The proposal seeks to construct an 11 storey residential building for 151 apartments with the building footprint occupying the majority of the site, save for a set-back area adjacent to the M3 on slip road. Car parking areas will be retained adjacent to the building and below the adjacent railway bridge.</p> <p><b>Layout</b></p>
9.12	<p>The proposed layout of the building is roughly 'L' shaped. The building incorporates a uniform building line along its eastern and southern elevations setback from the public road.</p>
9.13	<p>The ground floor comprises a management suite/reception area, entrance and internal amenity space area (172 sqm), gym (65sqm), cycle parking, bin store, and various plant rooms. There is also an outside amenity area at ground floor between the building and the M3 on slip approximately 103 sqm in size. The upper floors comprise apartments, with 2 external amenity areas on the 11<sup>th</sup> floor (c. 182 &amp; 120 sq.m), plus an internal amenity area on the 11<sup>th</sup> floor of approximately 140 sqm. There is also an external roof terrace of approximately 58 sqm in size.</p>
9.14	<p>The building is approximately 13.7m from the adjacent office building on the opposite side of the car park (at closest point), and approximately 31m from the apartment block to west (at closest point).</p>

	<p><b>Scale, height, massing, and materials</b></p>
9.15	<p>PPS7 QD1 criterion (a) requires proposals to “<i>respect 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.</i>” Policy CC12 in the BUAP relates to high buildings and requires buildings to be sympathetic to their immediate surroundings.</p>
9.16	<p>The area is undergoing regeneration and as such the built context is evolving. There are a number of taller buildings within the vicinity, through extant planning permissions but construction works have not commenced. These include:</p> <ul style="list-style-type: none"> <li>- Redevelopment of the Odyssey Car Park site;</li> <li>- Residential and retail development at Dalton Street;</li> <li>- Redevelopment of the former Sirocco site on which approval was recently granted for outline planning permission for a masterplan which included a number of taller buildings.</li> </ul>
9.17	<p>It is considered that the scale, height, massing and materials of the building are, on balance, acceptable and appropriate to the site context and the area. The massing of the building is broken up by the design, with the upper floors located at roughly 45 degree angle from the lower block element. The layout assists in addressing the townscape of the M3 on slip and distance views from Middlepath Street, and Bridge End. This assists in provided a sculptured architectural form. The design is considered acceptable when assessed from the key public viewpoints taking account of the evolving context as discussed above.</p>
9.18	<p>The proposed materials are consistent with the area insofar as brick and glass are present. Corten steel is the main finish proposed, adopted to take account of the industrial architecture evident in the harbour area. The solid to void ratio of the fenestration also assists in reducing the massing of the building. A condition is necessary to agree the finer details of the materials proposed to ensure an appropriate solution is provided.</p>
9.19	<p>The Urban Design Officer considers the scale, massing, and design of the proposal to be acceptable. The proposed designs are therefore compliant with criteria [g] of PPS7. Accordingly, it is considered that the proposal would not adversely affect the character of the area.</p>
	<p><b>Impact on Amenity</b></p>
9.20	<p>Criteria (h) of QD1 PPS7 requires the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties. Paragraph 4.38 highlights the importance of privacy and daylight for residents, whilst 7.11 of Creating Places also highlights the importance of ‘attractive outlook’ onto existing and proposed roads.</p>
9.21	<p>The floorplan layout is broadly split longitudinally, with the majority of the apartment’s main aspect towards either the river / harbour or the adjacent roads to the south and east. On balance the outlook proposed is considered acceptable as the majority of apartments will have aspect out of the site. Some of the apartment will address the internal car park area, which though not ideal, will provide supervision of this area providing security to this area. Proposed site alterations will also go some way to improving the visual aesthetics.</p>
9.22	<p>In relation to overlooking and loss of privacy, the apartments would not impact on privacy due to their location and separation distances to existing buildings. In terms of loss of</p>

	<p>light/overshadowing, the building steps up in height in relation to the neighbouring office building which is sited due west of the application site. Accordingly the proposed building would reduce the daylighting in the morning to the adjacent offices as the sun occupies an easterly position. On balance, this is considered acceptable as it impacts on non-habitable office accommodation. Notwithstanding the height and proximity of the building, it would not unacceptably overshadow the existing adjacent apartments as they would benefit from sunlight for the majority of the day. External balcony areas of apartments on the westerly elevations include vertical fin structures, to direct the views of occupants away from adjacent properties, and also in turn filter direct views into the amenity areas of the proposed apartments from the adjacent office and apartment buildings.</p>
9.23	<p>The apartments comprise a mix of 1bed and 2 bed units and range in size from approximately 40 sq.m to 60 sq.m. The size of these apartments broadly accords with space standards set out in the Addendum to PPS7, however, Members should note that these standards only apply to “established residential areas” of medium to low density.</p>
9.24	<p>In relation to amenity space provision, Policy QD1 [c] PPS7 and Policy OS2 of PPS8 require the level of provision of private space to be appropriate to the surrounding context, be useable, with further guidance on amenity space provided in Creating Places. PPS 7 indicates that, where appropriate management arrangements are in place, private open space to serve apartment developments may be in the form of communal gardens. Guidance set out in Creating Places specifies that private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. Creating Places quantifies the level of communal private open space that should be incorporated in new flat developments with a required provision in the range of 10 sq.m to 30 sq.m per apartment (paragraph 5.20). This paragraph goes on to state that inner urban/high density locations will tend towards the lower figure.</p>
9.25	<p>Communal amenity space arrangements include an external amenity area at ground floor between the building and the M3 on slip approximately 103 sqm in size with 2 external amenity areas on the 11th floor (c. 182 &amp; 120 sq.m). Internal amenity space areas (172 sqm), gym (65sqm) are proposed at ground floor, with a further internal area on the 11<sup>th</sup> floor approximately 114sqm in size. Total communal provision equates to approximately 756sqm, or 5sqm per unit. The majority of apartments also have small outdoor balcony areas. The amount of provision is considered acceptable, on balance, given the circumstances of the site and proximity to open space along the River Lagan.</p>
9.26	<p>The site is located in close proximity to major communication road and railway links within the city. As a result it is subject to noise and amenity disturbance arising from these uses. The applicant submitted noise and air quality assessments that includes mitigation for these environmental factors. Environmental Health have reviewed these details and are satisfied that adequate mitigation can be provided. Accordingly, on balance, it is considered that these issues can be mitigated to satisfactory level that would realise a reasonable level of amenity for prospective residents. Suitable planning conditions will be necessary to ensure the delivery and retention of these measures.</p>
9.27	<p><b>Landscaping and Public Realm</b></p> <p>The proposal includes areas of landscaped communal space at ground floor and at 11<sup>th</sup> Floor and a roof terrace. The proposal also includes public realm improvements comprising hard-surfacing and tree planting.</p>
9.28	<p>Consultation has been undertaken on these details with BCC Landscape section on the proposals.</p>

In general terms, they agree that the assessment demonstrates predicted townscape and visual effects will not be significant and that the surroundings have the capacity to accommodate a development of this type and scale. They also consider the landscaping proposals to be broadly acceptable subject to provision of the following additional information:

- a. clarification on the overall amount of amenity space accessible to residents. The majority of the external space on the 20th floor includes sedum planting which may not be accessible to residents.  
BCC consider the quantum of space to residents acceptable as discussed above;
- b. We support the retention of existing trees shown on landscape proposals, however we would request a tree health and condition survey is undertaken in accordance with BS 5837:2012 to ensure that existing street trees and mature screen planting along the northern development boundary which can be retained are protected during construction works.  
This issue can be resolved through a negative planning condition;
- c. In general terms we welcome high quality public realm proposals (Dwg No. 6862-L101A) and the 11th floor and 20th floor roof terraces (Dwg No. 6862-L-102A). However we would request more detail on proposed paving materials surrounding the building and tree pit detailing associated with street trees along Middle Path Street. We would also request elevations of proposed 2.2m high vertical bar, corten fencing at site boundaries.  
This issue can be resolved by a negative planning condition. Fence elevations are included within the elevations provided, a fencing detail drawing can be secured via negative condition;
- d. We welcome the inclusion of cycle stands as outlined in the Planning and Design & Access Statements, however we would request further information on their proposed locations and access arrangements.  
This issue can be resolved by a negative planning condition.
- e. We would request confirmation that public realm design proposals around the building are inclusive and respond to Part R of NI Building Regulations.  
This is subject to control by other legislation. An informative could be added to the decision notice to cover this issue.
- f. We would recommend the inclusion of a lighting design strategy for the proposed public realm element of the scheme.  
This issue can be resolved by a negative planning condition.
- g. We support the inclusion of habitat creation as part of landscape proposals, however we would seek clarity on numbers and locations of swift boxes recommended as part of the Ecological Appraisal.  
This issue can be resolved by a negative planning condition.
- h. We would request a Landscape Management & Maintenance Plan for all landscape works including related recommendations outlined in the Ecological Appraisal.  
This issue can be resolved by a negative planning condition.
- i. Policy OS2 of PPS8 states that “for residential developments of 100 units or more, an equipped children’s play area will be required as an integral part of the development.” We feel development proposals should address the issue of play and child friendly spaces. There may be limited opportunity to deliver this within the development boundary, however a council maintained Local Equipped Area for Play (LEAP), off Rotterdam Street, is located within 300m (5-10 minute walk) of the development site. In line with the draft Developer Contributions Framework, there may be potential for a contribution to be made for improvements at the Rotterdam Street site. An enhanced facility here would continue to meet local need and additional user demand generated by a residential development of this scale.

	To be sought through the planning agreement. Applicant has agreed to provide a monetary contribution to facilitate improvement works to the play park area at Rotterdam Street, as referred to above.
9.29	<p><b>PPS15 – Flooding and drainage</b></p> <p>Rivers Agency and NI Water have been consulted on the application, and assessed the submitted flood risk assessment. Neither consultee has any objections to the proposal. Therefore, it is considered that the proposal will not result in or be impacted unacceptably by flooding. It is considered that the proposal is compliant with PPS15 requirements.</p>
9.30	<p><b>PPS3 - Traffic, Parking and associated Roads considerations</b></p> <p>Relevant policy requirements include criteria (f) of QD1 PPS7 and PPS3. DFI Roads have no objection to the proposal subject to a number of conditions, including green travel measures. These would require to be secured through a Planning Agreement under Section 76 of the Planning Act.</p>
9.31	<p><b>Impact on civil aviation:</b></p> <p>Consultation has been undertaken with the City Airport, who have assessed the proposals in terms of air safety. The proposed site falls within the Belfast City Airport (BCA) Obstacle Limitation Surface (OLS), namely the Inner Horizontal Surface (IHS), which it will infringe by over 14m. However, due to the proximity to other existing &amp; approved structures in the vicinity of similar or greater height, which have been assessed &amp; found to have no IFP (Instrument Flight Procedure) or CNS (Communications, Navigation, Surveillance) impact on flight operations from Belfast City Airport. Obstacle lighting (24/7, steady red) is required on the completed building at the highest point of all corners. Belfast City Airport have no objection to this development provided they are notified of any cranes to be used. The proposal would not therefore compromise air safety.</p> <p><b>Impact on Protected Habitats etc.</b></p>
9.32	DEARA Coastal Development, Natural Environment Division and Water Management Unit have no objections to the application and have recommended conditions.
9.33	Shared Environmental Services have assessed the details of the application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.
9.34	<p>The proposal is considered to comply with PPS2 and would not adversely impact on Natural Heritage.</p> <p><b>Other Consultee Responses</b></p>
9.35	Environmental Health has no objections to the proposal in terms of public health matters including contamination, noise, air quality and disturbance, subject to conditions. Accordingly the application is considered acceptable in relation to these issues.
9.36	DEARA Waste Management has no objections regarding land contamination issues.



	<p>DEARA Drainage and Water have no objections subject to NIW confirmation of adequate capacity of Waste Water Treatment. NIW have confirmed sufficient capacity.</p>
9.37	<p>Historic Environment Division have no objections in relation to impact on archaeological or listed building assets subject to conditions. Accordingly the proposal is considered acceptable in relation to PPS6 considerations.</p>
9.38	<p>NI Housing Executive was consulted to advise in terms of the need (if any) of the proposal to provide social and affordable housing. The Housing Executive would wish to see 20% of any residential development on this site committed to the provision of affordable housing, i.e., a combination of social rented housing (16%) and intermediate housing (4%). Based on the development proposal for 151 dwellings, this would provide for 24 units of accommodation for social renting and 6 units of accommodation for intermediate housing. The intermediate housing should be made available for purchase on a shared ownership basis. There is no current policy requirement for the developer to provide social housing and it would therefore be unreasonable to require the applicant to provide it at this time.</p>
9.39	<p><b>Pre-Community Consultation</b></p> <p>For applications that fall within the category of Major development as prescribed in the Development Management Regulations, Section 27 of the Planning Act (Northern Ireland) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p> <p>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 (LA04/2017/2671/PAN) was submitted to the Council on 29 Nov 2017.</p> <p>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.</p> <p>It is considered that the Pre-application Community Consultation Report submitted with the application has demonstrated that the applicant has carried out their duty under Section 27 of the Act to consult the community in advance of submitting an application.</p>
9.40	<p><b>Representations</b></p> <p>1 objection has been received raising concerns regarding the height of the proposed building. 1 letter supporting the application has also been received. Following the above assessment, it is considered that the proposal complies with policy in terms of scale, massing and design, taking account of the opinion of the Urban Design Officer and HED.</p>
10.0	<p><b>Summary of Recommendation</b></p>
10.1	<p>Having regard to the Development Plan and relevant material considerations, the proposal is considered, on balance, acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions and satisfactorily resolve outstanding issues, including:</p> <ul style="list-style-type: none"> <li>• The completion of a Section 76 planning agreement to secure:</li> </ul>

- green transport measures (i.e. travel plan, travel cards and car club;
- monetary contribution towards maintenance of the public realm improvements;
- monetary contribution towards nearby play space facilities to offset the policy requirement for provision of children's play space/equipment;
- provision and future maintenance of the external amenity space within the site;

### **Draft Conditions**

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

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

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

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

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

Reason: In the interests of visual amenity.

4. All windows to be finished in obscure glass shall be installed before the occupation of the building hereby permitted as indicated on the approved plans, shall be permanently retained, and in the event of breakage shall be replaced with obscure glass to the satisfaction of the Council.

Reason: In the interests of amenity.

5. All public realm improvements shall be carried out in accordance with the approved details before any part of the development hereby permitted becomes occupied and retained thereafter.

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

6. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall 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 Council in writing, and subsequently implemented and verified to its satisfaction.

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

7. After completing the remediation works under Condition 6 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

The Verification Report shall 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. The Verification Report must fully verify works to address contamination, including waste assessment and classification (in line with Technical Guidance WM3), waste transfer notes

and/or hazardous waste consignment notes and verification of appropriate waste disposal (in line with Waste Duty of Care).

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

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

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

9. Prior to the occupation of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Authority, a Verification Report. This report must demonstrate that the remediation measures outlined in the O'Sullivan Macfarlane Ltd report entitled 'PGD Construction Ltd, Proposed residential development, Lands at no. 15 Scrabo Street, Belfast, P235-2 Phase 2 Generic Quantitative Risk Assessment (GQRA) and Remediation Strategy' (dated 21st March 2018 and referenced P235-2) and the letter from O'Sullivan Macfarlane Environmental Consulting (dated 4th December 2019 and referenced P235) have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential without plant uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:

- a) A clean cover system has been installed in all areas of the site not covered with hardstanding or a building, i.e. all areas proposed for shrub planting, hedgerow planting, Green Ivy Wall, tree planting and grass areas.
- b) The clean cover system is a minimum of 600mm deep, consisting of a minimum 200mm granular layer at the base overlain with 400mm of topsoil.
- c) The material used in the clean cover system and all above ground landscaped areas has been imported to site and has been demonstrated to be suitable for use (residential without plant uptake).
- d) Testing of the material used in the clean cover system and all above ground landscaped areas has been completed at a density of 1 sample per 250m<sup>3</sup>, with a minimum of three samples from an individual source.
- e) A hydrocarbon and vapour resistant membrane and a structural barrier (reinforced concrete floor slab) have been installed in the development in order to break the identified vapour inhalation pathway. The vapour protection measures must be verified in line with CIRIA C735.

Reason: Protection of human health.

Prior to installation of the heating/hot water system to the hereby permitted development, the applicant shall submit the specification and maintenance details of the proposed heating system to the planning authority for review and approval by the planning authority. The heating/hot water system as approved shall be installed, maintained and retained thereafter.

Reason: Protection against adverse air quality impacts.

Prior to commencement of construction of the hereby approved development, the applicant must submit a Final Noise Impact Assessment report to the planning authority, for review and approval in writing. The Final Noise Impact Assessment must demonstrate that the proposed façade

insulation measures shall be sufficient to ensure the following internal noise levels are not exceeded:

- (a) 35dB LAeq,16 hr between 07.00hrs and 23.00hrs within any habitable room, with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements;
- (b) 30 dB LAeq,8hr within bedrooms between 23.00hrs and 07.00hrs, with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements;
- (c) 45dB LAFmax, by more than 10 single sound events in any proposed bedrooms, with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements.

Prior to occupation of the hereby permitted development, the approved noise insulation scheme must be installed and be retained thereafter.

Reason: Protection of residential amenity.

The noise rating level (dBLar,T) from the combined operation of all plant and equipment must not exceed a background noise level (dBLA90) of 55dB when measured or determined in accordance with BS4142:2014 at the nearest noise sensitive premises.

Reason: Protection of residential amenity.

- Prior to the operation of the gym the approved sound insulation measures shall be installed and retained thereafter.
- No amplified music shall be permitted in the gym.
- No group classes are permitted the gym.

Reason: Protection of health and residential amenity

10. No development including site clearance works, lopping, topping or felling of trees, shall take place until the following details shall be submitted to and approved in writing by the Council:  
1). A health and condition survey report, undertaken in accordance with BS 5837:2012, for all retained trees within the site which includes the following details:

- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
- b) details of the species, diameter (measured in accordance with paragraph a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs c) and d) below apply;
- c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;
- e) details of the specification and position of fencing [and of any measures to be taken] for the protection of any retained tree from damage before or during the course of development.

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

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

3) a landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, has been submitted to and approved by the Council. The landscape management plan shall also incorporate the recommendations set out in the ecological appraisal, including details on the provision and location of swift boxes. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with the Council in writing prior to implementation.

The development shall be undertaken in accordance with the approved details and no variations implemented without the prior consent of the Council in writing.

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

12. All hard and soft landscape works shall be completed in accordance with the approved drawings, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to occupation of any dwelling / part of the development hereby approved.

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

Hard surfaces close to trees shall be laid in accordance with BS5837 Trees in Relation to Construction: part 11: Hard surfaces around existing trees. Underground services shall be designed so that they do not pass through any root protection areas. If running services through root protection areas is unavoidable, they shall be constructed in accordance with the National Utilities Group guidelines for Planning, Installation and Maintenance of Utility Services in proximity to Trees: NJUG 10, April 1995.

Any excavation within tree protection areas shall be carried out using non mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998, 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed, which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and protect trees to be retained.

13. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of works).

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

The developer shall inform the Council on completing the installation of all tree protection measures so that the Council or their representative may pass such measures before allowing development to commence. Development shall not commence until these measures have been agreed by the Council in writing.

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

14. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Council gives its written consent to any request for variation.

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

15. No dwelling hereby permitted shall be occupied until all drainage mitigation measures as set out in the submitted Drainage Assessment have been constructed and installed in accordance with these details. A report verifying these measure have been installed shall be submitted to the satisfaction of the Council. The mitigation measures shall be permanently retained thereafter and not removed without the prior consent of the Local Planning Authority.

Reason: To ensure adequate flood mitigation measures are provided for the site and to protect residential amenity.

16. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

17. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 16.

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

18. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 15. These

measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

19. Before construction begins on site a final Construction Environmental Management Plan (CEMP) shall be submitted by the appointed contractor to and approved in writing by the Council. The CEMP must include all the proposed environmental mitigation as detailed in the Outline CEMP dated June 2019. It must also include the other mitigation detailed in the Preliminary Ecological Appraisal, Flood Risk Assessment and Management Plan and the draft Marine Mammal Protocol reports submitted in support of the proposal.

Reason: To negate any potential for polluting discharges entering the adjacent River Lagan that could cause adverse effects on connected features of European Sites.

20. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 21 'Proposed Site Plan (Figure 2) AECOM' published by the Belfast City Council Planning Office on 22 September 2020 to provide adequate facilities for pedestrian access to the site.

REASON: To ensure that provision has been made for safe pedestrian access.

21. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 03B 'Proposed Site Plan' Revision 'E' published by the Belfast City Council Planning Office on 22 September 2020 to provide adequate facilities for parking, servicing and circulating within the site. This shall include 4 No. dedicated disabled parking spaces, 3 No. dedicated car club spaces and 44 No. car parking spaces for general use by residents of the development.

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

22. 90 No. secure cycle parking spaces shall be provided and permanently retained within the ground floor of the building for use by staff and 6 No. cycle parking spaces shall be provided and be permanently retained close to the main accesses of the proposed development for use by visitors to the development.

REASON: to encourage the use of alternative modes of transport for development users.

24. The development hereby permitted shall operate in accordance with the Travel Plan Framework published by the Belfast City Council Planning Office on 25 October 2019. The Travel Plan will be provided to the Site Operator and any commercial tenants as a separate document. The Site Operator and any commercial tenants will provide their employees with access to the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.

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

25. The development hereby permitted shall not become operational until the 'Sustainable Travel Pack' proposed for each apartment purchaser has been submitted to and approved by DfI Roads. The Sustainable Travel Pack will be provided to the apartment purchasers as a separate document.

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

26. The development hereby permitted shall not become operational until one bicycle or agreed Public Transport alternative has been provided to each purchaser/occupier of an apartment.

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

27. Subsidised membership of a Car Club will be provided to all residents for the first three years of their occupation. Membership will include access to a choice of cars and vans, available 24/7, 365 days a year.

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

28. The development hereby permitted shall operate in accordance with the Service Management Plan published by Belfast City Council Planning Office on 25 October 2019.

REASON: in the interests of road safety and the convenience of road users.

29. The Palette of Materials used on footways, on pedestrianised road surfaces and open access pedestrianised public realm, should be in accordance with the Streets Ahead 3 Palette of Materials. All such materials must satisfy Design Manual for Roads and Bridges regarding materials performance and confirm PSV value in accordance with CS 228 Skidding Resistance.

REASON: To ensure there is a safe and convenient road system within the development.

30. The roof top terraces / amenity space and associated facilities shall be used/operational between the hours of 07:00 and 23:00 hrs only and at no other times.

The roof top amenity space and associated facilities shall be for residents' use only and shall not be hired/available to non-residents at any times.

Reason: Protection of residential amenity

31. No development hereby permitted shall commence until a detailed lighting design strategy for the outdoor areas of the site, including the public realm, has been submitted to and agreed with the Council. The strategy shall include design, location, layout, and maintenance details of all lighting structures and associated equipment, including hours of operation. The strategy shall be implemented in accordance with the agreed arrangements, and retained thereafter and no variations to the strategy shall be implemented without the prior consent of the Council in writing.

Reasons; in the interests of amenity and public safety.

32. A clearly defined buffer of at least 10 m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and any surface water drains within or adjacent to the red line boundary until the occupation of the development hereby permitted.

Reason: To prevent polluting discharges entering the surface water system and impacting indirectly on the site integrity of Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA and East Coast Marine proposed SPA.

33. Storm drainage of the site, during construction must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water



indirectly on the water environment. Construction of SuDS shall comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753. Construction of SuDS shall adhere to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems for brownfield sites or contaminated land.

Reason: To prevent polluting discharges entering the water environment and impacting on the site integrity of Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA and East Coast Marine proposed SPA.

Signature(s)

Date:

<b>ANNEX</b>	
<b>Date Valid</b>	24th October 2019
<b>Date First Advertised</b>	8th November 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 126, Eglantine Avenue, Belfast, Antrim, Northern Ireland, BT9 6EU The Owner/Occupier, 16 Scrabo Street,Belfast,Down,BT5 4BD The Owner/Occupier, 19a Quaygate,Station Street,Belfast,Down, The Owner/Occupier, 19b Quaygate,Station Street,Belfast,Down, The Owner/Occupier, 19b Quaygate,Station Street,Belfast,Down,BT3 9DA The Owner/Occupier, 19c ,Station Street,Belfast,Down, The Owner/Occupier, 19c ,Station Street,Belfast,Down,BT3 9DA The Owner/Occupier, 19d Quaygate,Station Street,Belfast,Down, The Owner/Occupier, 19d Quaygate,Station Street,Belfast,Down,BT3 9DA The Owner/Occupier, 29 Middlepath Street,Belfast,Down,BT5 4BG The Owner/Occupier, 3-5 ,Dalton Street,Belfast,Down,BT5 4BA The Owner/Occupier, 48-58 ,Bridge End,Belfast,Down,BT5 4AE The Owner/Occupier, 5 Station Street,Ballymacarret,Belfast,Down,BT3 9DA The Owner/Occupier, 7 Dalton Street,Belfast,Down,BT5 4BA The Owner/Occupier, 9a ,Station Street,Belfast,Down, The Owner/Occupier, 9b ,Station Street,Belfast,Down, The Owner/Occupier, 9c ,Station Street,Belfast,Down, The Owner/Occupier, 9d ,Station Street,Belfast,Down, The Owner/Occupier, Apartment 1,Quaygate,19 Station Street,Belfast,Down,BT3 9DA The Owner/Occupier, Apartment 10,Quaygate,19 Station Street,Belfast,Down,BT3 9DA The Owner/Occupier, Apartment 100,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 101,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 102,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 103,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 104,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 105,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 106,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 107,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 108,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 109,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 11,Quaygate,19 Station Street,Belfast,Down,BT3 9DA The Owner/Occupier, Apartment 110,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 111,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 112,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 113,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 114,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 115,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 116,Quaygate,19 Station Street,Belfast,Down,BT3 9DB The Owner/Occupier, Apartment 117,Quaygate,19 Station Street,Belfast,Down,BT3 9DB	

[illegible]

[illegible]

The Owner/Occupier, Office 1 Ground Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD  
 The Owner/Occupier, Office 1 Third Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD  
 The Owner/Occupier, Office 2 Fifth Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD  
 The Owner/Occupier, Office 2 Ground Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD  
 The Owner/Occupier, Office 2 Third Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD  
 The Owner/Occupier, Office First Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD  
 The Owner/Occupier, Office Fourth Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD  
 The Owner/Occupier, Office Second Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD  
 The Owner/Occupier, Office Sixth Floor,Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD  
 The Owner/Occupier, Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD  
 The Owner/Occupier, Quay Gate House,15 Scrabo Street,Belfast,Down,BT5 4BD  
 The Owner/Occupier, Quaygate,5 Scrabo Street,Belfast,Down,BT5 4BD  
 The Owner/Occupier, Unit 1,19a Quaygate,Station Street,Belfast,Down,BT3 9DA  
 The Owner/Occupier, Unit 1a,19a Quaygate,Station Street,Belfast,Down,BT3 9DA

**Date of Last Neighbour Notification**

30th October 2019

**Date of EIA Determination****N/A****ES Requested**

No

**Planning History**

Ref ID: LA04/2017/2671/PAN

Proposal: The development of a 17 storey building to provide 188 residential units and ancillary uses including: management suite, communal space, reception area and servicing (refuse/recycling/bike storage/general storage) and plant equipment.

Address: Land adjacent, Quay Gate House, 15 Scrabo Street, Belfast, BT5 4BD,

Decision: PANACC

Decision Date:

Ref ID: Z/1996/0358

Proposal: Erection of Arena, Ice Rink, Entertainment Facilities, Retail Units, Restaurant, Offices, car parking and landscaping (Outline Permission)

Address: QUEENS QUAY BELFAST BT3

Decision:

Decision Date:

Ref ID: Z/1999/0180

Proposal: Erection of 118 apartments with semi basement car parking

Address: LANDS AT JUNCTION OF MIDDLEPATH STREET AND STATION STREET  
BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/1999/7008/F

Proposal: Minor amendments to previously approved scheme for 118 apartments with  
semi basement car parking

Address: Lands at Middlepath Street, Belfast

Decision:

Decision Date: 29.03.2000

Ref ID: Z/2002/2675

Proposal: Proposal to use 42 car parking spaces to provide 4no. retail units (leaving 129  
car parking spaces for 118 apartments)

Address: Quay Gate Apartments, Middlepath Street, Belfast.

Decision:

Decision Date: 06.12.2002

Ref ID: Z/2007/1659/F

Proposal: Change of use from retail to office including classes A2 and B1.

Address: Unit 1, Quaygate, 19-23 Station Street, Belfast, BT03 9DA

Decision:

Decision Date: 02.10.2007

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:

## Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date: 13 October 2020</b>	
<b>Application ID:</b> LA04/2020/0761/F	
<b>Proposal:</b> Demolition of existing buildings and erection of 10 storey mixed use development comprising a cafe on the ground floor and 85no. serviced apartments for both short and long term occupancy on the floors above.	<b>Location:</b> 57-59 & 61-63 Dublin Road Belfast BT2 7HE
<b>Referral Route: Major Application</b>	
<b>Recommendation:</b>	<b>Approval subject to conditions and a Section 76 Agreement.</b>
<b>Applicant Name and Address:</b> John Smyth's Estates Ltd 192a Church Road Holywood BT18 9RN	<b>Agent Name and Address:</b> O'Toole & Starkey Ltd Arthur House 41 Arthur Street Belfast BT1 4GB
<p><b>Executive Summary:</b></p> <p>Planning permission is sought for the erection of a ten storey building comprising a café and ancillary uses on the ground floor and 85 serviced apartments above for both short and long term occupancy. The site is located within Belfast City Centre between the Dublin Road and Ventry Street. The proposal incorporates a roof top terrace, a gym and balconies providing satisfactory amenity provision. A two storey building is currently located on the site. Planning permission was granted in February 2020 (Ref: LA04/2019/0991/F) for a ten storey building on the site with a ground floor restaurant and 71 apartments above. The scale, height and massing of the proposed development is the same as the approved development with minor changes proposed to the design (fenestrations), internal layout and materials (finishes).</p> <p>The adjacent development comprises a recently constructed 9 storey building with a ground floor restaurant and 66 apartments on upper floors above. The principle of development and proposed uses are considered acceptable in this city centre location. The scale, height and massing of the proposed development is the same as the approved development on the site and comparable to existing development on the adjacent site. The design of the building is considered acceptable.</p> <p>The main issues to be considered in the assessment of this proposal include:</p> <ul style="list-style-type: none"> <li>- Principle of use on the site</li> <li>- Demolition</li> <li>- Scale, height and massing</li> <li>- Design and layout</li> <li>- Impact on character and amenity of the area and the setting of a listed building</li> <li>- Access, movement and parking</li> <li>- Landscaping</li> <li>- Environmental matters - Contamination, Air Quality, noise, Odour</li> </ul>	

HED consider that the proposal would have an adverse impact on the nearby listed Shaftesbury Square Hospital and the proposal fails to satisfy Policy BH 11 (Development affecting the setting of a listed building) of PPS 6. However, given the existing permission, the principle of a 10 storey building has been established on the site and taking account of the scale of existing built development (The Gallery) closer to the Shaftesbury Square listed hospital, it is considered that there would be no greater harm to the setting of this listed building with the proposed development

All other consultees are satisfied subject to conditions set out in the report.

No third party objections have been received to this proposal.

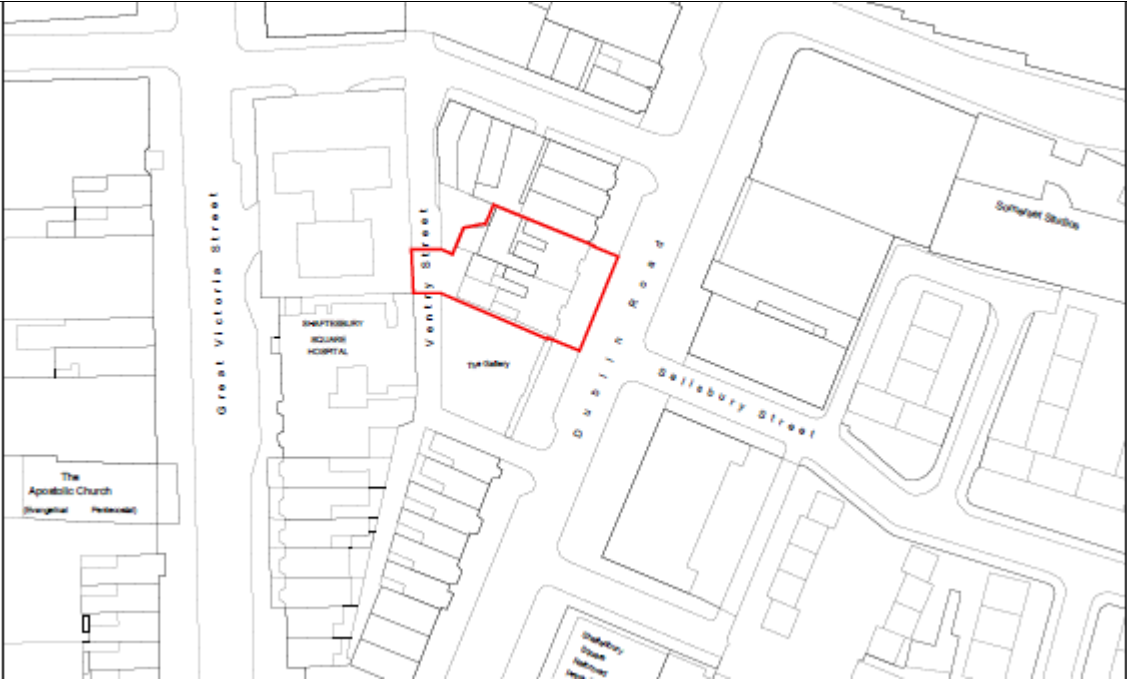
#### Recommendation

It is recommended that outline planning permission is granted subject to conditions and a Section 76 planning agreement to secure Green Travel measures. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and enter into a Section 76 Agreement.

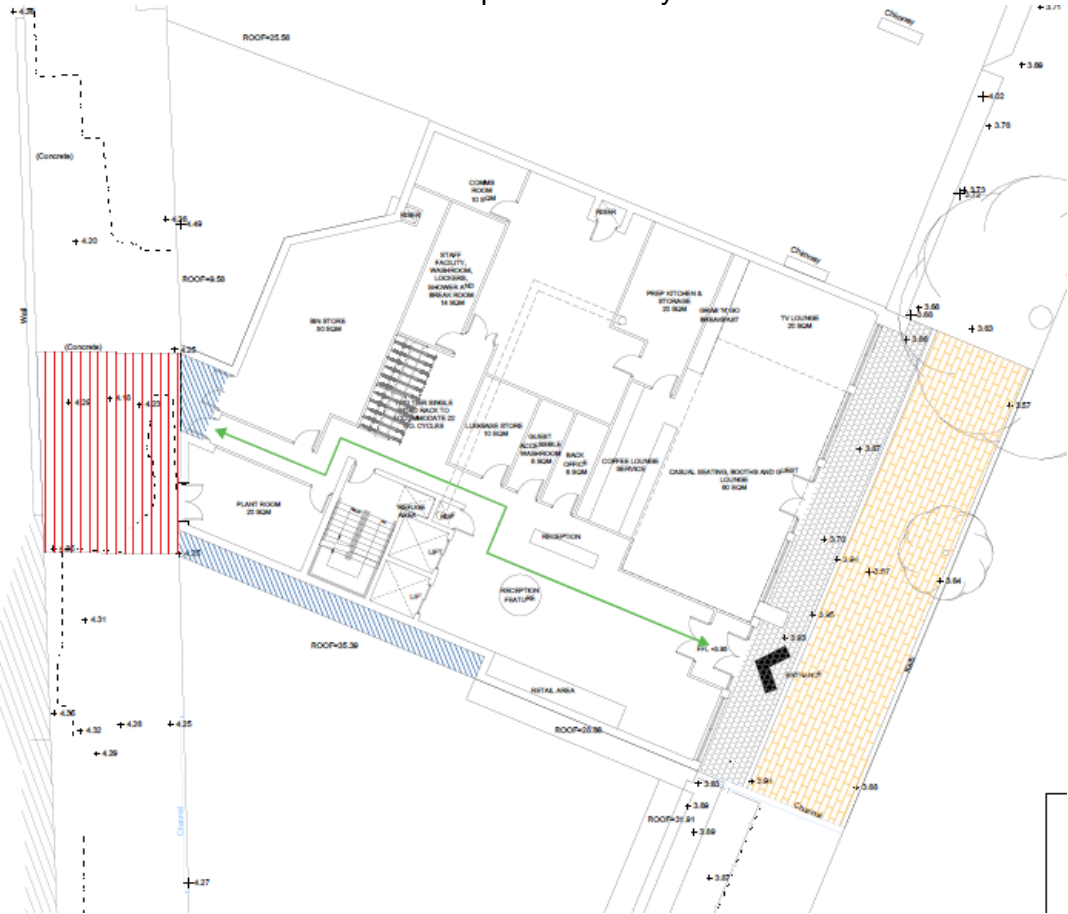


Case Officer Report

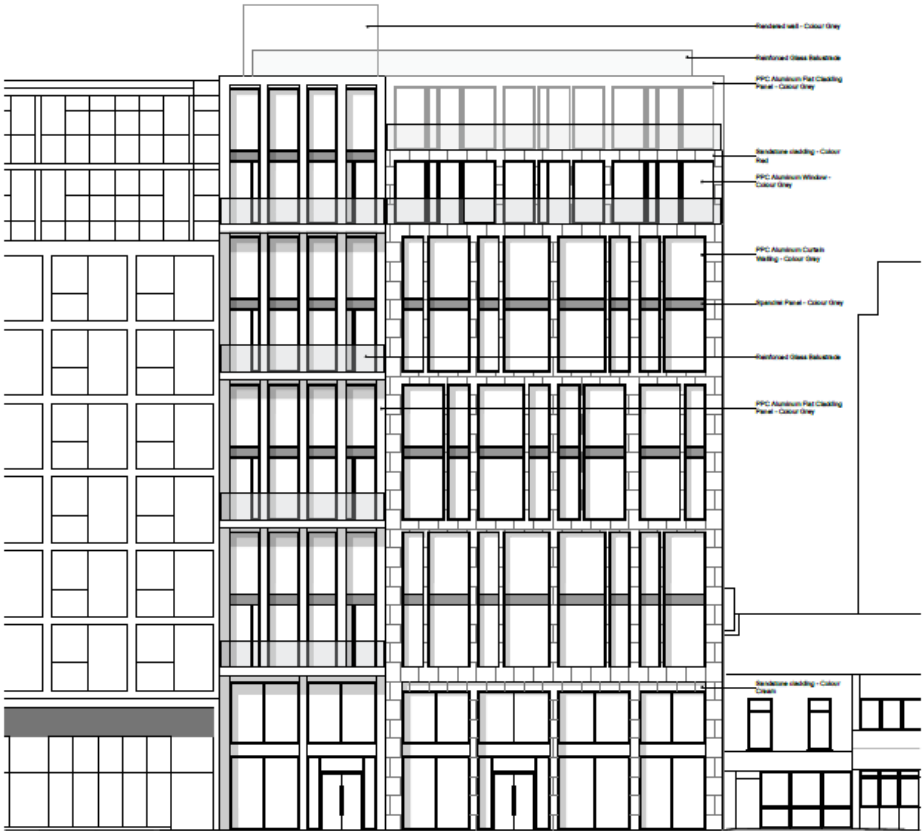
Site Location Plan



Proposed Site Layout



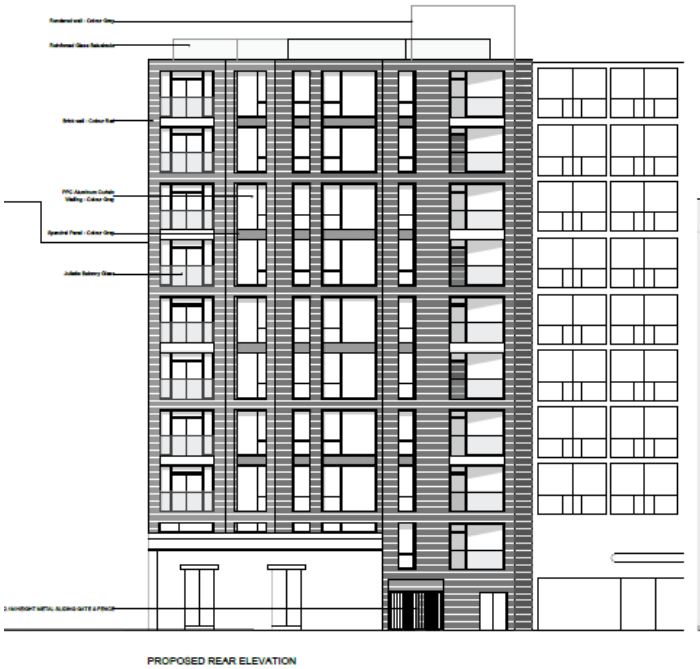
Dublin Road Elevation



Dublin Road Contextual Elevation



Rear Elevation (Ventry Street)



Great Victoria Street Contextual Elevation



CGIs



CGI View from Dublin Road



CGI View from Great Victoria Street



<b>1.0</b>	<b>Characteristics of the Site and Area</b>
<b>1.1</b>	The site fronts onto Dublin Road and comprises 2 two storey buildings with rear extensions and ancillary structures. The buildings are of a traditional form with slate pitched roofs and chimneys on the ridge. The curtilage of the buildings extends to Ventry Lane to the rear. The buildings are in commercial use with the ground floor of Nos. 59-61 Dublin Road currently occupied by a restaurant.
<b>1.2</b>	A single storey NIE Substation is located to the rear (south) accessed off Ventry Street which will be retained.
<b>1.3</b>	Adjacent to the site is a recently constructed 9 storey mixed use development comprising a ground floor cafe unit and 58 apartments above (The Gallery).
<b>1.4</b>	Shaftesbury Square Hospital is a Grade B1 listed building fronting Great Victoria Street which sits to the immediate west of the application site. In the vicinity of the site buildings exhibit a variety of heights ranging from 2 to 12 storeys. There are a number of existing taller buildings in the immediate context including the ETAP Hotel, 35 Dublin Road (7 storeys), The Gallery adjacent (9 storeys), 4-6 Ventry Street (7 storeys), Fanum House, Great Victoria Street (12 storeys) Botanic Studios, Dublin Road (8 storeys), Equality House, Dublin Road (8 Storeys), the Salvation Army Building, 38-42 Dublin Road (7 storeys), Nos. 32-36 Dublin Road (8 storeys), Somerset Studios, Marcus Ward Street (max. 8 storeys).
<b>2.0</b>	<b>Description of Proposal</b>
<b>2.1</b>	The proposal seeks the demolition of existing buildings and erection of 10 storey mixed use development comprising a cafe on the ground floor and 85 serviced apartments for both short and long term occupancy on the floors above.

<b>Planning Assessment of Policy and Other Material Considerations</b>	
<b>3.0</b>	<p><b>Policy Context</b></p> <p><b>Regional Planning Policy</b></p> <ul style="list-style-type: none"> <li>• Strategic Planning Policy statement for Northern Ireland (SPPS)</li> <li>• Planning Policy Statement 2 Natural Heritage (PPS 2)</li> <li>• Planning Policy Statement Access, Parking and Movement (PPS 3)</li> <li>• Planning Policy Statement Planning, Archaeology and the Built Heritage (PPS 6)</li> <li>• Planning Policy Statement Quality Residential Environments (PPS 7)</li> <li>• Planning Policy Statement Open Space, Sport and Outdoor Recreation (PPS 8)</li> <li>• Planning Policy Statement Housing in Settlements (PPS 12)</li> <li>• Planning Policy Statement Flood Risk (PPS 15)</li> </ul> <p><b>Local Planning Policy</b></p> <ul style="list-style-type: none"> <li>• Belfast Urban Area Plan 2001 (BUAP)</li> <li>• Draft Belfast Metropolitan Area Plan 2004 (dBMAP 2004)</li> <li>• Draft Belfast Metropolitan Area Plan (BMAP) 2014</li> <li>• Draft Belfast Local Development Plan (draft LDP)</li> </ul>
<b>3.1</b>	<p><b>Other Materials Considerations</b></p> <ul style="list-style-type: none"> <li>• The Belfast Agenda (Community Plan)</li> <li>• Developer Contribution Framework (adopted January 2020)</li> <li>• Belfast City Council City Centre Regeneration and Investment Strategy</li> <li>• Living Places</li> </ul>
<b>3.2</b>	<p><b>Relevant Planning History</b></p> <p><i>On the application site:-</i> LA04/2019/0991F - Demolition of existing buildings and erection of 10 storey mixed use development comprising a restaurant on the ground and mezzanine floors and 71 No. apartments, 57-59 &amp; 61-63 Dublin Road, Belfast, BT2 7HE. Permission granted 03.02.20.</p> <p><i>On the adjoining site:</i> Z/2013/1518/F - Erection of 9 storey building comprising ground floor cafe with mezzanine level and apartments above with ancillary space including basement, servicing and lobby areas, 65-71 Dublin Road, Belfast, BT2 7HE. Permission granted 20.06.2014.</p>
<b>3.3</b>	<p><b>Statutory Consultation Responses</b></p> <p><b>DFI Roads</b> – No objection subject to conditions</p> <p><b>NI Water</b> – No objection. NI Water response confirm that the receiving Waste Water Treatment facility (Belfast WwTW) has sufficient capacity to serve this proposal.</p> <p><b>DFI Rivers Agency</b> – No objection subject to condition</p> <p><b>Belfast City Airport</b> – No objection</p> <p><b>DFC Historic Environment Division</b> – HED (Historic Buildings) considers that the proposal is contrary to the SPPS and Policy BH 11 of PPS 6 and the development would have an adverse impact on the setting of the nearby Shaftesbury Square listed building. HED (Historic Monuments) – No objections.</p>



	<p><b>DAERA – Regulation Unit Land and Groundwater Team – No objections</b>  <i>Water Management Unit</i> raised concern regarding the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to Belfast Waste Water Treatment Works (WWTW) and recommended consultation with Northern Ireland Water Limited (NIW) to determine if the WWTW will be able to cope with the additional load or whether the existing WWTW would need to be upgraded. WMU advised that if NIW indicate that the WWTW is able to accept the additional load, with no adverse effect on the operation of the WWTW or its ability to comply with its consent to discharge, then Water Management Unit would have no objection to this aspect of the proposal. As stated above NI Water has confirmed that the WWTW has sufficient capacity to serve this proposal. <i>Natural Environment Division – No objection.</i>  <b>Shared Environmental Services – No objection</b>  <b>NIHE – No objection.</b> NIHE do not consider affordable housing appropriate within this context of the proposed development (i.e. serviced apartments).</p>
<b>3.4</b>	<p><b>Non-Statutory Consultation Responses</b></p> <p><b>BCC Environmental Health – No objection</b> subject to conditions  <b>BCC Urban Design Officer – No objections</b> subject to conditions  <b>BCC City Regeneration and Development Division – No objection</b>  <b>Northern Ireland Electricity – No objection</b> subject to condition  <b>BCC Economic Development Unit – No objection.</b> Developer contributions with regard to economic uses/employability and skills will not be required for this site.  <b>BCC Waste Management – Awaiting final response.</b></p>
<b>3.5</b>	<b>Representations</b>
<b>3.5.1</b>	No representations have been received to date. Any representations received will be reported to Members via the Late Items report.
<b>3.6</b>	<b>Planning Assessment</b>
<b>3.6.1</b>	<p><u>Legislative requirements</u>  Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that the City Council, when making any determination, does so in accordance with the Local Development Plan unless material considerations indicate otherwise.</p>
<b>3.6.2</b>	<p><u>Development Plan Context</u>  Following the recent Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the version of BMAP purported to be adopted still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded to Draft BMAP is a matter of judgement for the decision maker.</p>
<b>3.6.3</b>	<p>In BUAP the site is unzoned land within Belfast City Centre Boundary. In the Draft BMAP 2004 the site is also unzoned and falls within Belfast City Centre Boundary and within the core Area of Parking Restraint. In Draft BMAP 2014 the site is also unzoned and falls within Belfast City Centre Boundary and the core Area of Parking Restraint. In both versions of BMAP the site falls within the Shaftesbury Square Character Area. The site is also within the Dublin Road/Great Victoria Street HMO Development Node (HMO 4/14) as designated in the House in Multiple Occupation Subject Plan for Belfast City Council Area 2015.</p>

<b>3.7</b>	<b>Principle of Development</b>
<b>3.7.1</b>	The area is characterised by a mix of uses at this location including, retail, cafes/restaurants/bars, hotels, residential, student accommodation and offices. The proposed mixed use development comprising a cafe at ground floor level with serviced apartments located on upper floors is considered acceptable and in keeping with mix of existing uses. The café and entrance to the apartments on the ground floor will ensure animation at street level. The residential nature of the proposed development within the city centre is considered acceptable in principle. Detailed assessment of the proposal is set out below.
<b>3.8</b>	<b>Demolition</b>
	The development proposes the demolition of two, two storey buildings. The buildings are of no architectural or historic interest and are not listed or located in an Area of Townscape Character/Conservation Area. The proposed demolition is considered acceptable in principle.
<b>3.9</b>	<b>Scale, Height and Massing</b>
<b>3.9.1</b>	The proposed development has been assessed against the SPPS and Policy QD1 of PPS7.
<b>3.9.2</b>	<p>The existing permission on the site for a 10 storey building which is the same scale, height and massing of the proposed development establishes the principle of the acceptability of the scale, height and massing of the proposed development. Notwithstanding, detailed consideration of the proposed development in the context of existing built development in the area is set out below. The changes between the proposed development and the previous application primarily relate to design and layout changes as a result of an increase in the number of apartments proposed and include the following:-</p> <ul style="list-style-type: none"> <li>• Proposal now comprises serviced apartments for both short and long term occupancy;</li> <li>• Total apartment numbers have increased from 71 to 85 with seven apartments at first floor, 10 apartments per floor from second to the 7<sup>th</sup> floor and nine apartments on both the eighth and ninth floors;</li> <li>• A café is now proposed at ground floor (previous approval proposed a restaurant at ground and first floors);</li> <li>• A total of seven new apartments, gym, guest laundry and store room now occupy the space vacated by the previously proposed restaurant at first floor level;</li> <li>• Relocation of entrance to ground floor café unit;</li> <li>• Window arrangements on the front elevation at eighth and ninth floor levels have changed marginally from four double groupings to three treble groupings reflecting internal reconfiguration of apartments on these levels;</li> <li>• Grey PPC aluminium cladding to lift overrun and roof stair access now changed to grey render;</li> <li>• Minor changes to openings at ground floor level on rear elevation relating to bin store, plant room and fire exit arrangement;</li> <li>• Reduction in internal cycle spaces at ground floor level from 39 to 22;</li> <li>• Removal of the double height lobby (now reduced to single storey);</li> </ul>



	<ul style="list-style-type: none"> <li>• Provision of communal bin store rather than separate bins stores; and</li> <li>• Change in materials on eighth level setback floor to red sandstone (8<sup>th</sup> level setback floor finished in aluminium grey cladding in previous approval.</li> </ul>
3.9.3	<p>The development is proposed to sit immediately adjacent to the existing 9 storey development (The Gallery). The top two floors of the Gallery are setback with an overall height of 30.8m. The shoulder height of the Gallery is 24.3m. The shoulder height of the proposed development varies between 25.25m and 31.5m. The overall height of the proposed development is 0.7m taller than the adjacent Gallery development. The applicant has stated in the D&amp;AS that this deliberate juxtaposition emphasises the portrait proportions of the main façade in direct contrast to the rectilinear proportions of the adjoining building. The variation in design between the Gallery and the proposed building provides visual interest in the streetscape and is considered acceptable.</p>
3.9.4	<p>The development proposes a variation in shoulder height with a taller element on the southern edge providing visual interest and articulating the front elevation to distinguish from the adjoining Gallery development. The overall height is proposed at 31.5m (34.5m including lift overrun), 0.7m above the overall height of the Gallery.</p>
3.9.5	<p>The visual impact of the increased height of the proposed development compared with the adjoining Gallery development when viewed from key viewpoints along the Dublin Road is minimal and considered acceptable in the context of existing developments in the immediate area which exhibit a variety in terms of building heights and designs.</p>
3.9.6	<p>The Urban design criteria in BMAP sets out the following design criteria:</p> <ul style="list-style-type: none"> <li>• Development proposals shall take account of the height of adjoining buildings;</li> <li>• New development shall respect the established building line;</li> <li>• Building heights shall be a minimum of 2 storeys and a maximum of 3 storeys; and</li> <li>• Development shall be fine grain in nature, and aim to reflect traditional plot widths.</li> </ul> <p>The façade of larger development proposals shall be broken up visually to reflect the scale of traditional units.</p>
3.9.7	<p>Whilst the third criterion states that building heights should be a maximum of 3 storeys, the first criterion requires that buildings take account of the height of adjoining buildings. In the Dublin Road context existing building heights and the adjoining buildings range from 2 storey to 9 storey. The Dublin Road has been subject to significant change in both building height and scale in recent years. In the vicinity of the site existing buildings exhibit a variety of heights ranging from 2 to 12 storeys. There are a number of tall buildings in the immediate context including the ETAP Hotel, 35 Dublin Road (7 storeys), The Gallery adjacent (9 storeys), 4-6 Ventry Street (7 storeys), Fanum House, Great Victoria Street (12 storeys) Botanic Studios, Dublin Road (8 storeys), Equality House, Dublin Road (8 Storeys), the Salvation Army Building, 44-48 Dublin Road (6 storeys), Nos. 32-36 Dublin Road (8 storeys), Somerset Studios, Marcus Ward Street (max. 8 storeys). The Planning Committee has also accepted a recommendation to approve a 12 storey building on the site of the Dublin Road cinema (LA04/2017/0562/F – permission pending) and planning permission was granted for a ten storey building on the application site in February 2020, the scale, height and massing of which are the same as the proposed development. It is considered that the height of the proposed development is on balance acceptable given the planning approval on the site and the variety of building heights adjacent and in the immediate area.</p>
3.10	<p><b>Design, Layout, Materials</b></p>

<b>3.10.1</b>	The proposed development has been assessed against the SPPS and Policy QD1 of PPS7.
<b>3.10.2</b>	The design, layout and materials of the existing permission on the site for a ten storey building are very similar to the proposed development with very minor external changes to the Dublin Road elevation compared with the approved scheme. It is considered that the changes as highlighted under para 3.9.2 do not significantly impact on the overall design of the building and are considered negligible by the Urban Design Officer. Detailed consideration of the design, layout and materials is set out below.
<b>3.10.3</b>	The proposal seeks a cafe at ground floor level which would occupy part of the ground floor. Contrasting materials are proposed to distinguish the entrance to the residential units and the cafe at ground floor level. This proposed contrast in materials will continue at upper levels.
<b>3.10.4</b>	In design terms the front elevation onto Dublin Road comprises two distinct elements. The first is a narrow link section (6.3m wide) adjacent but marginally setback from the 'Gallery' and a wider (14.9m wide) primary building façade which sits forward from the link element and incorporates an 8 storey frame to shoulder height with an additional two setback upper floors above.
<b>3.10.5</b>	The adjacent Gallery development incorporates a seventh floor shoulder height with two setback floors above. The uniform shoulder height of the wider section of the proposed development at eighth floor level (25.2m) generally accords with and continues the seventh floor shoulder height already established by the Gallery (24.3m). The two upper floors of the wider section of the proposed development are setback from the front elevation by 1.25m and 1.0m respectively. The setback helps to visually connect the shoulder heights of both buildings along this stretch of Dublin Road, whilst affording a degree of sub-ordinance to the upper two floors.
<b>3.10.6</b>	A stair core/lift overrun extends 2.6m above roof level and is setback 12.m from the Dublin Road elevation ensuring views will be limited. The upper height of the proposed development (31.5m) generally accords with the upper height of the Gallery at 30.8m.
<b>3.10.7</b>	The link (narrow) section on the Dublin Road elevation extends on a uniform vertical plane to the upper 10 storey height (31.5m) and sits behind the main facades of the wider section and the Gallery on either side. This element of the building is proposed to be finished primarily in grey aluminium cladding. The link section provides visual interest and variation in the Dublin Road elevation a view supported by the Urban Design officer who noted that 'whilst creating a modest variance in the roofline and represents a welcomed break in what could have been a very uniform volumetric form when viewed in conjunction with its neighbour'
<b>3.10.8</b>	The rear elevation does not incorporate setbacks but extends on a vertical plane to the upper 10 storey height. It is considered that the rear elevation provides a satisfactory elevation and adequately addresses Ventry Street and Great Victoria Street.
<b>3.10.9</b>	The wider section of the Dublin Road elevation incorporates a double height (6.7m) base finished in curtain glazing within which the café will be accommodated on the ground floor and apartments at first floor level. This wider part of the building is proposed to be finished primarily in red sandstone cladding. The Urban Design officer has commented that 'The double height base places a vertical emphasis on this component and its articulation with a red sandstone frame/surround, which protrudes beyond the curtain walling helps the building to confidently ground at street level'.

<p><b>3.10.10</b></p> <p><b>3.10.11</b></p> <p><b>3.10.12</b></p> <p><b>3.10.13</b></p> <p><b>3.10.14</b></p>	<p>A vertical emphasis is continued above the base to the shoulder height at the 8th floor with floors grouped in bands of two. The primary finish proposed within the wider section is red sandstone cladding which picks up on the red brick in surrounding buildings. The design of the Dublin Road elevation includes the use of horizontal and vertical banding with generous reveals defining double height window openings. The double height floor arrangement is also proposed in the link section which incorporates balconies at alternate floor levels. The top two floors are setback from the Dublin Road. The top floor is to be finished in aluminium grey cladding panels which is also proposed on the link element.</p> <p>The northern gable will be prominent when viewed from along the Dublin Road and Planning Service seeks the introduction of a three dimensional form to provide relief and visual interest. Planning Service are of the view that that further refinement of the design is required to ensure an appropriate high quality finish. In this regard Urban Design advice has been provided to the applicant to assist in achieving a high quality finish and a condition is recommended to ensure that further details are submitted prior to commencement of development to safeguard the delivery of a high quality treatment of this gable.</p> <p>Ancillary development including service areas/bin and cycle storage are proposed at ground floor level to the rear of the residential entrance and restaurant. Access to cycle storage for residential occupiers can be accessed via both the Dublin Road and Ventry Street. Servicing is via Dublin Road and Ventry Lane.</p> <p>The internal apartments are accessed from a central corridor. Apartments to the front have their main outlook onto the Dublin Road and apartments to the rear have their main outlook onto Ventry Street.</p> <p>The primary finishes proposed along the Dublin Road elevation are grey aluminium cladding and red sandstone cladding along with grey curtain walling, grey spandrel panels and glass balustrades. The rear elevation is proposed to be finished in red brick with grey curtain walling, grey spandrel panels and glass balustrades. The treatment of the northern gable will be subject to a negative condition with details to be submitted for agreement by the Council prior to development commencement. The red sandstone picks up contextually on red brick buildings in the area and the materials palette proposed reflects finishes found in the area and is considered acceptable.</p>
<p><b>3.11</b></p> <p><b>3.11.1</b></p> <p><b>3.11.2</b></p>	<p><b>Impact on the character and amenity of the area and the setting of a listed building</b></p> <p><b>HED Consideration</b> HED response states that '<i>HED (Historic Buildings) is cognisant of approved application LA04/2019/0991/F, relating to this application site and consider the proposal remains contrary to Policy BH11, in terms, of scale, height and massing and would have an adverse impact on the setting of the listed building</i>'.</p> <p>HED response also states that:</p>

3.11.3	<p><i>If however, Belfast City Council are minded to approve this application then HED (Historic Buildings) request that the detailed design, in particular for the rear elevation, should be designed and crispy detailed so as to read as a building with dual frontage and avoid being a 'rear elevation' as the backdrop to the listed building. HED (Historic Buildings) consider the use of sympathetic and high quality material finishes and detailing will also be key in helping to ameliorate the impact of such a large structure on this site and request that the Council condition the use and type of materials, appropriate for use in the setting of a listed building.</i></p>
3.11.4	<p>It is considered that the rear elevation as shown on the drawings provides a satisfactory elevation and adequately addresses Ventry Street and Great Victoria Street with a variety in terms of the articulation of the façade and proposed materials. It is worthy to note that there currently exists a backdrop of taller buildings to the rear of the listed Shaftesbury Square Hospital i.e. the 9 storey Gallery development, adjacent to the application site which sits closer to Shaftesbury Square Hospital listed building than the proposed development.</p>
3.11.5	<p>The previous permission on the site which allowed a 10 storey building of the same height, scale and massing to the proposed development is also material to the consideration of this issue. It is considered that the impact of the proposed development on the setting of the listed hospital would be no greater than the impact of the extant permission and the existing Gallery development and would not compromise the setting of the listed building. On balance the impact of the proposed development on the setting of the listed hospital is considered acceptable.</p>
3.11.6	<p>A condition is recommended seeking sample panels of external finishes to be provided on site prior to completion of the proposed development. This will ensure that the finishes are sympathetic and of a high quality.</p> <p>The proposed relationship with the existing two storey buildings adjacent on the Dublin Road will be similar to that which exists at present with the Gallery and existing two storey development on the application site. The building will be adjacent to a two storey development on Ventry Street which operates as a car repair workshop and abuts the northern boundary. It is considered that the proposed development will not have a detrimental impact on the amenity of this use. An existing 7 storey residential development is located to the immediate north west. There are no windows on the elevation of the existing residential development on 4-6 Ventry Street facing the development and there is adequate separation between the existing and proposed buildings to ensure no adverse impact on the existing and prospective residents. The relationship with the adjoining development is considered acceptable and complies with Policy QD 1 of PPS 7.</p>
3.12	<p><b>Provision of Open Space/Space Standards</b></p> <p>3.12.1 The proposed development has been assessed against the SPPS, Policy QD 1 of PPS7, Policy OS 2 of PPS 8 (Open Space, Sport and Recreation) and Creating Places. Balconies are provided on the Dublin Road elevation for 14 of the proposed apartments. Nine balconies are also provided on the rear elevation along Ventry Street. A communal area of open space is proposed on the rooftop terrace (approx. 350sqm) along with a gym on the first floor for residents use only. Overall an average of 5.59 sqm of amenity provision per unit has been proposed which, whilst below the recommended minimum standard of 10 sqm it is comparable to other developments within the city centre and on balance it is considered satisfactory.</p>

3.12.2	<p>Policy OS 2 of PPS 8 states that proposals for new residential development of 25 or more units will only be permitted where public open space is provided as an integral part of the development. No public open space has been proposed as part of the proposal. Policy OS 2 of PPS 8 goes on to state that an exception to the requirement of providing public open space will be permitted in the case of apartment developments where a reasonable level of private communal open space is provided. As indicated above the level of private open space is commensurate with other developments in the area. The site is also in close proximity to existing areas of open space including Bankmore Square (approx. 130m to the north – 2 minute walk), Upper Crescent (approx. 480m to the south - 6 minute walk) and Botanic Gardens (approx. 925 m to the south – 12 minute walk). Taking account of the level of private amenity space proposed and accessibility to a number of existing areas of open space within reasonable walking distance the proposal is on balance considered acceptable.</p>
3.12.3	<p>Whilst the space standards set out in PPS 7 Addendum Safeguarding the Characteristics of Established urban Area do not apply to this proposal as the site is not located in an established residential area they are nevertheless a useful guide to determining whether proposed unit sizes are of a sufficient size to ensure a quality living environment for prospective occupiers.</p>
3.12.4	<p>The proposed breakdown of units is set out as follows:</p> <ul style="list-style-type: none"> <li>• 84 No. 1 bed apartments</li> <li>• 1 No. 2 bed apartments</li> </ul>
3.12.5	<p>The Space standards referred to above set out that the design standards for a 1 bedroom apartment ranges from 35/40 sqm for a 1 bedroom 1 person apartment to 50/55 sqm for a 1 bedroom 2 person apartment.</p>
3.12.6	<p>The 1 bedroom apartments proposed range from 35sqm to 44 sqm and fall within the recommended design standards.</p>
3.12.7	<p>The Space standards referred to above set out that the design standards for a 2 bedroom apartment ranges from 60/65 sqm for a 2 bedroom 3 person apartment to 70/75 sqm for a 2 bedroom 4 person apartment.</p>
3.12.8	<p>The one 2 bedroom apartment proposes a floorspace area of 50 sqm which falls below the 2 bedroom recommended range. Given that this applies to only 1 apartment and the remaining 84 are within the 1 bedroom recommended ranges this is on balance considered acceptable.</p>
3.13	<p><b>Access, Movement and Parking</b></p>
3.13.1	<p>The proposed development does not include car park provision. The site is located on an arterial route and within the city centre and is well served by public transport with good access to the bus and railway stations/stops. The lack of parking is acceptable in this context. The applicant has also agreed to provide 22 cycle parking spaces internally at ground floor level for the proposed residents.</p>
3.13.2	<p>A Parking Survey Report was submitted in support of the proposal which concluded that:</p> <ul style="list-style-type: none"> <li>• During the residential period under consideration (7pm – 7am), parking provision is available on-street during typical weekday evenings. That provision could</li> </ul>

	<p>accommodate those returning from a place of employment by private motor vehicle after 6-6.30pm.</p> <ul style="list-style-type: none"> <li>• On a Saturday evening, parking availability close to the proposed development was noticeably reduced. However, parking could be accommodated on the eastern side of Dublin Road, notably in Hartington Court and on Salisbury Street.</li> <li>• Bin storage on Ventry Street to the rear of the proposed development currently occupies road space that could be utilised for on-street parking at off-peak times.</li> <li>• It is anticipated that parking provision for 3 vehicles during residential parking periods would be available post development in close proximity to the development.</li> </ul>
<b>3.13.3</b>	<p>A Framework Travel Plan has been provided for the Residential and Commercial development proposed. The Travel Plan states that <i>'the location of the site in Belfast's City Centre, surrounded by numerous local amenities and public transport facilities, offers a genuine opportunity to encourage sustainable living for potential residents. By providing no car parking, outside of that required for servicing, the aim is to achieve more sustainable travel patterns from the outset, rather than cutting car use incrementally once the residents are in occupation.'</i></p>
<b>3.13.4</b>	<p>The Framework Travel Plan proposes the appointment of a Travel Plan Co-ordinator responsible for implementing measures set out in the Travel Plan such as the provision of cycle parking and initiating and managing a Bicycle User Group. The Travel Plan states that <i>'the deliberate absence of parking provision for the proposed development is considered to be balanced with a number of quality alternative transport opportunities afforded the site by its prime location.'</i></p>
<b>3.13.5</b>	<p>In addition to the above measures proposed in the Travel Plan officers have negotiated a number of additional green transport measures which the applicant has agreed to provide to support the development. These additional measures include:-</p> <ul style="list-style-type: none"> <li>• Travel Cards for a 3 year period at the rate of 1 per apartment;</li> <li>• 3 years annual membership of a cycle user group such as Belfast Bikes to be provided;</li> <li>• Discounted membership (50%) of a car club for a period of 3 years for each residential unit.</li> </ul>
<b>3.13.6</b>	<p>It is considered that the above measures which are additional to those secured by the previous permission on the site will have significant benefits in terms of supporting the travel needs of user/occupiers of the building and will provide realistic sustainable alternatives to parking.</p>
<b>3.13.7</b>	<p>An agreed Travel Plan will be secured through a Section 76 Planning Agreement and will include the above green transport measures to promote alternatives to car use. Servicing of the restaurant is proposed via the rear from Ventry Street. Access will also be available for servicing via the Dublin Road for both the café and apartments.</p>
<b>3.13.8</b>	<p>DFI Roads has no objections to the development proposal on road safety and traffic progression grounds subject to conditions set out below and endorse the supporting green travel measures. The proposal is considered compliant with PPS 3.</p>
<b>3.14</b>	<b>Drainage</b>
<b>3.14.1</b>	<p>A Drainage Assessment was submitted with the application. The site is not affected by the 1 in 100 year fluvial floodplain, the 1 in 200 year coastal floodplain nor are there any watercourses within the site. Pluvial floodplain extends onto Dublin Road but does not</p>

<p><b>3.14.2</b></p> <p><b>3.14.3</b></p>	<p>encroach onto the site. To mitigate against any areas of known and unknown pluvial flooding within the site the DA states that the proposed development should be re-profiled to remove any isolated low lying areas and/or have surface water drainage infrastructure installed to remove any standing water. Finished floor levels will be at least 150mm above adjacent ground levels. No increase in hardstanding is proposed. Surface water is proposed to be discharged to the local NI Water infrastructure at full bore rates (maximum rate of 7.37litres per second).</p> <p>NI Water advises in their consultation response that there is a watermain on the Dublin Road which will be capable of supplying the development. There is also an existing public sewer on Ventry Lane which can serve the proposal and there is a public foul sewer exists within the Dublin Road which can serve the proposal based on a storm discharge of 7.37 l/s. The NI Water response also confirms that the Belfast Waste Water Treatment Works has sufficient capacity to serve this proposal.</p> <p>Rivers Agency response notes that the applicant has received consent from NI Water to discharge 7.37 l/s of surface water into an existing combined sewer. Whilst Rivers Agency raise no objection to the proposed development they recommend a condition seeking a final drainage assessment setting out detailed drainage network designs to safeguard against flood risk. The proposal is considered compliant with PPS 15.</p>
<p><b>3.15</b></p> <p><b>3.15.1</b></p> <p><b>3.15.2</b></p> <p><b>3.15.3</b></p> <p><b>3.15.4</b></p> <p><b>3.15.5</b></p> <p><b>3.15.6</b></p>	<p><b>Contamination, Noise, Air Quality</b></p> <p>A Preliminary Risk Assessment was been submitted with the application and concluded that the site was considered to pose a low risk to future site users. DAERA Land Regulation Unit has considered the Preliminary Risk Assessment and has no objections to the proposed development subject to conditions set out below. Environmental Health consider that further site investigations and risk assessment are necessary and recommend a condition requiring the submission of an updated site and development specific Contaminated Land Risk Assessment prior to construction of the building.</p> <p>A Noise Impact Assessment (NIA) accompanied the application and set out mitigation measures including acoustically enhanced facades, upgraded double glazing and upgrading of the uppermost ceiling and background acoustic ventilation system to all the proposed apartments. Environmental Health recommend that the mitigation measures proposed are carried out in accordance with the NIA submitted.</p> <p>An Air Quality Impact Assessment (AQIA) was also submitted which considered the impact from road transport emissions. Environmental Health are satisfied with the information provided.</p> <p>Environmental Health recommend that all demolition and construction activities are undertaken in line with best practice guidance due to the proximity of residential and commercial uses and recommend a condition seeking the submission of a Construction Environmental Management Plan prior to development commencing.</p> <p>An Odour Impact Assessment (OIA) has been submitted which sets out proposals to install an odour abatement system to serve the ground floor cafe.</p> <p>Environmental Health recommend a number of conditions to ensure that the proposed odour abatement system is installed in accordance with details prior to operation of the building set out in the OIA and cleaned and maintained thereafter.</p>

<b>3.16</b>	<b>Waste Management</b>
<b>3.16.1</b>	The proposal provides a communal bin storage area to the rear of the building with access from the rear off Ventry Street. Bin storage calculations have also been provided and are under consideration by BCC Waste Management Unit. An update on this issue will be provided to Members via the Late Items Report.
<b>3.17</b>	<b>Developer Contributions and Obligations</b>
<b>3.17.1</b>	The applicant has agreed to incorporate environmental improvements along the frontage of the site on Dublin Road and to the rear along Ventry Street. The existing footpath will be replaced with granite paving sett and Caithness paving (or equivalent). The applicant also proposed the laying of new asphalt along the rear boundary on Ventry Street.
<b>3.17.2</b>	The proposed environmental improvements will enhance the setting of the building and will be secured through a condition as set out below.
<b>3.17.3</b>	<p>The following developer obligations will also be secured via either a Section 76 Planning Agreement or a condition. These measures are directly related to the development and considered necessary to make it acceptable.</p> <ul style="list-style-type: none"> <li>• Travel Cards for a 3 year period at the rate of 1 per apartment;</li> <li>• 3 years annual membership of a cycle user group such as Belfast Bikes to be provided;</li> <li>• Provision of a minimum 21 number secure internal bike storage spaces for residents own bikes;</li> <li>• Discounted membership (50%) of a car club for a period of 3 years for each residential unit;</li> <li>• Appointment of a Travel Co-ordinator to promote, implement and disseminate all individual green travel initiatives and measures contained within the Framework Travel Plan.</li> </ul>
<b>3.18</b>	<b>Pre-Application Community Consultation</b>
<b>3.18.1</b>	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 18 November 2019 (LA04/2019/2710/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable subject to additional consultation with the South Belfast Partnership Board. The Pre-Application Community Consultation (PACC) public engagement event for this proposal took place on 15 January 2020.
<b>3.18.2</b>	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements and has taken account of the Council's comments during the PAN process. The report has confirmed advertising for the public event and that the public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that the South Belfast Partnership Board was consulted along with the Inner South Neighbourhood Renewal Partnership.
<b>3.18.3</b>	



<p><b>3.18.4</b></p> <p><b>3.18.5</b></p> <p><b>3.18.6</b></p>	<p>The report also set out details of consultations with elected members and summarises the issues raised at the public events and during the consultation periods along with applicants response to the issues raised.</p> <p>The report states that all of the attendees were supportive of the development and the comments received were summarised by the applicant as follows:-</p> <ul style="list-style-type: none"> <li>• The architectural design and quality of the finish is attractive;</li> <li>• The building is in keeping with the surrounding area;</li> <li>• The proposal will help increase visitors and tourism;</li> <li>• City centre accommodation that is not for students and not build to rent is welcomed;</li> <li>• Job creation will be good for the area;</li> <li>• An electric car share scheme would be of benefit.</li> </ul> <p>The report states that <i>'Given the feedback was all positive, no changes to the proposal are necessary, The proposal to deliver an electric car scheme has been noted and will be given further consideration in the implementation of the proposal, outside of this planning process'</i>.</p> <p>The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.</p>
<p><b>Neighbour Notification Checked</b> <b>Yes</b></p>	
<p><b>Summary of Recommendation:</b></p> <p>Having regard to the policy context and other material considerations including the extant permission on the site for a similar proposal the proposed development is considered acceptable. It is recommended that full planning permission is granted subject to conditions and a Section 76 planning agreement to secure Green Travel measures. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions the Section 76 Agreement.</p>	
<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</li> <li>2. Prior the commencement of development samples of hard landscaping shall be made available for on-site inspection by the Council and detailed written specifications of all hard landscaping materials shall be submitted and agreed in writing with the Council. The works shall be carried out in accordance with the agreed details.  Reason: To ensure high quality hard landscaping and in the interests of the character and appearance of the area.</li> </ol>	

3. All hard landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

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

4. Following demolition of the existing buildings on site and prior to commencement of construction of new buildings, the applicant shall submit to and have approved in writing by the Planning Service, an updated site and development specific Contaminated Land Risk Assessment. The report should be cognisant of the RSK Ireland report entitled 'Salisbury Street Capital Ltd, Preliminary Risk Assessment, No. 57-63 Dublin Road, Belfast' (dated February 2020 and referenced 602452-R2(00)) and should follow best practice. The Quantitative Risk Assessment must incorporate:

- A detailed site investigation in line with BS 10175:2011+A2:2017. Any ground gas investigations should be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019.
- A satisfactory assessment of the risks (including a Revised Conceptual Site Model), conducted in line with current Environment Agency guidance. In addition, risks associated with ground gases should be assessed under the methodology outlined in CIRIA C665.

Based on the outcome of this risk assessment, a Remediation Strategy may be required. If necessary, this Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and that they no longer pose a potential risk to human health. It must detail how the proposed remedial works are to be verified. The Remediation Strategy must be submitted to the Planning Authority for approval in writing.

All construction thereafter must be in accordance with the approved Remediation Strategy.

Reason: Protection of human health

5. In the event that a Remediation Strategy is required, prior to occupation or operation of the development, the applicant shall submit to and have approved in writing by the Planning Service, a Verification Report. The Verification Report must be in accordance with Environment Agency Guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant pollutant linkages, and that the site no longer poses a potential risk to human health.

Reason: Protection of human health

6. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied. If required, the Verification Report shall be completed by

competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health

7. The odour abatement system detailed within the approved odour impact assessment: Odour Impact Assessment. Dublin Road Aparthotel, Belfast. Report Ref: 003 2019010 Dated 2nd March 2020. Prepared by Irwin Carr Consulting shall be employed to suppress and disperse odours created by cooking operations on the premises. The discharge point shall be positioned as detailed in submitted drawing 200-08 revision 6.

Reason: To protect human health.

8. The approved odour abatement technology shall be installed prior to the occupation of the operation of the business.

Reason: To protect human health.

9. Extraction and ventilation systems must be cleaned and maintained in accordance with Manufacturer's instructions to ensure compliance.

Reason: To protect human health.

10. The mitigation measures detailed within the approved Noise Impact Assessment, *Noise Impact Assessment, Dublin Road Apartments, Belfast, Dated 2nd March 2020 and referenced: RP001 2019010 and additional information letters dated 12/08/2019 and 02/07/2020, Prepared by Irwin Carr Acoustics* shall be incorporated into the proposed residential development.

Reason: To protect human health.

11. Prior to occupation of the proposed development, the applicant must submit, to the Council for approval, a noise Verification Report (VR) which demonstrates that;

- The window system (including frames, seals etc.) attenuated ventilation systems and enhanced ceilings and floors have been installed in line with the approved Noise Impact Assessment, *Noise Impact Assessment, Dublin Road Apartments, Belfast, Dated 14th February 2019 and referenced: RP001 2019010* so as to ensure that internal noise levels within any proposed residential unit shall:
- Not exceed 35 dB LAeq, 16hrs at any time between 07:00hrs and 23:00hrs within any habitable room, if necessary, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements
- Not exceed 30 dB LAeq, 8 hr between the hours of 23:00hrs and 07:00hrs within any bedroom, if necessary with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements; and
- Not exceed 45 dB L<sub>Amax</sub> more than 10 times between 23:00hrs and 07:00hrs within any proposed bedrooms, if necessary with the windows closed and an alternative means of ventilation provided in accordance with current building control requirements.

Reason: To protect human health.

12. The plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (LAR) no greater than 60 dB LAR daytime

and 50dB LAR night time when determined or measured at the nearest noise sensitive premises (existing or proposed).

Reason: To protect human health and the amenity of nearby premises.

13. Prior to commencement of development on site, including demolition, site clearance or site preparation, a Construction Environmental Management Plan (CEMP) shall be produced by the appointed contractor. The CEMP shall include measures to control noise, dust and vibration during the demolition / construction phase, demonstrating the use of 'best practicable means'. The CEMP shall include rationale for and details of the chosen piling methodology and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises. The CEMP must have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1 dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit of Belfast City Council at any time upon request.

Reason: Protection against adverse construction and Demolition impacts.

14. Following demolition and prior to construction, no development shall commence until the Planning Authority has received in writing and agreed that suitable risk assessments and supporting data have been provided. These should identify all unacceptable risks to health and the water environment. The investigations should include, but not be restricted to:

- Identifying all potential contaminant sources within the planning boundary.
- Site investigations and groundwater monitoring designed and implemented in accordance with British Standard BS BS10175:2011+A2:2017 'Investigation of potentially contaminated sites' to identify the contamination risks associated with the potentially contaminating activities which took place at this site or in the surrounding area.
- Provision of risk assessment(s) in accordance with the guidance on Land Contamination: Risk Management (LCRM) to identify all unacceptable risks to health and the water environment and provision of remedial criteria to be met through a remedial strategy.

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>

These works are required to ensure that the land will be in a condition suitable for the development.

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

15. Following demolition and prior to construction, development works shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified at Condition 1 has been submitted in writing and agreed with the Planning Authority. This should identify all unacceptable risks, the remedial objectives / criteria and the measures which are proposed to mitigate them (including maps / plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program etc.).

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

16. Should unacceptable risk to the water environment be identified, no piling work should commence until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", available at:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf>

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

17. As part of site clearance works, all remaining fuel storage tanks and associated infrastructure shall be fully decommissioned in line with Guidance on Pollution Prevention No. 2 (GPP2) and Pollution Prevention Guidance No. 27 (PPG27). Soil and groundwater sampling shall be undertaken for a suitable analytical suite. Should contamination be identified the requirements of Condition 18 will apply.

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

18. If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works within the immediate area of the find should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

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

19. After completing any remediation works required under Conditions 14 - 18, 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 Land Contamination: Risk Management (LCRM) guidance. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

20. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.

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

21. The development hereby permitted shall not be occupied until the associated secure and accessible cycle parking facilities have been provided in accordance with proposed site layout plan Drawing No. 100-03 Rev B received by Belfast Planning Service on 01 October 2020 and proposed ground floor layout Drawing No.200-01 Rev E received by Belfast Planning Service on 01 October 2020, also referred to in Section 5.3, page 13 of approved Travel Plan received by Belfast Planning Service on 30<sup>th</sup> April 2020 to provide adequate facilities for cycle parking.

Reason: To ensure that adequate provision has been made for cycle parking within the site.

22. The development hereby permitted shall operate in accordance with the approved Service Management Plan received by Belfast Planning Service on 30<sup>th</sup> April 2020.

Reason: To ensure appropriate servicing provision and in the interests of road safety and the convenience of road users.

23. Prior to commencement of development a lighting strategy shall be submitted and approved in writing by the Council. The lighting strategy shall set out proposed lighting along the Dublin Road and Ventry Street. The works shall be carried out in accordance with the agreed details.

Reason: To ensure appropriate lighting in the vicinity of the building.

24. Prior to commencement of development a method statement for the proposed piling required to NIE Networks shall be submitted and approved in writing by the Council. The works shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory arrangements with adjacent NIE facilities.

25. Prior the commencement of development sample panels (minimum 1m x 1m) of all external finishes shall be made available for onsite inspection by the Council and detailed written specifications of all external finishes shall be submitted and agreed in writing with the Council. The works shall be carried out in accordance with the agreed details.

Reason: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

26. Prior to commencement of development design details of the northern elevation shall be submitted and agreed in writing by the Council. The works shall be carried out in accordance with the agreed details.

Reason: To ensure a high quality treatment of this prominent gable wall.

**Notification to Department:**

No. Although an objection has been received from a statutory consultee (HED: Historic Buildings) the proposal is the same in terms of the scale, height and massing (with minor design changes) as the previously approved building on the site approved in February 2020, therefore the objection is not considered significant.

**Representations from Elected members:**

None

ANNEX	
<b>Date Valid</b>	15th April 2020
<b>Date First Advertised</b>	8th May 2020
<b>Date Last Advertised</b>	24th July 2020
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 112-120 Great Victoria Street, Belfast The Owner/Occupier, 2a ,Ventry Street,Belfast,Antrim,BT2 7JP The Owner/Occupier, 4 Ventry Street,Belfast,Antrim,BT2 7JP The Owner/Occupier, 4-6 Alison House,Ventry Street,Belfast,Antrim,BT2 7JP The Owner/Occupier, 50 – 71 Dublin Road, Belfast, Co. Antrim The Owner/Occupier, 6a ,Ventry Lane,Belfast,Antrim,BT2 7JS The Owner/Occupier, 9 Ventry Street, Belfast, Co. Antrim The Owner/Occupier, Apartment 1 -58, The Gallery, 65-71 Dublin Road, Belfast, BT2 7HG The Owner/Occupier, Ground Floor Unit, The Gallery, 65-71 Dublin Road, Belfast, BT2 7HG	
<b>Date of Last Neighbour Notification</b>	20th July 2020
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No

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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> Tuesday 13 October 2020	
<b>Application ID:</b> LA04/2020/0659/F and LA04/2020/0669/DCA	
<b>Proposal:</b> Refurbishment of existing four storey terrace including alteration, extension to rear, partial demolition and reinstatement. Part change of use from art galleries to two cafes at ground floor. Retention of offices within existing building at second, third and fourth floor. Erection of new 13 storey aparthotel building to rear and associated works including public realm improvements.	<b>Location:</b> 29-33 Bedford Street Belfast BT2 7EJ
<b>Referral Route: Major Application</b>	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Andras House Ltd 60 Great Victoria Street Belfast BT2 7BB	<b>Agent Name and Address:</b> RPP Architects LTD 155-157 Donegall Pass Belfast BT7 1DT
<b>Executive Summary:</b>  This application seeks the demolition of portions of the terrace of 29-33 Bedford Street in order to create an entrance and thoroughfare to the backland site wherein a 13 storey aparthotel is proposed. The application also seeks change of use from art galleries to two cafes at the ground floor. The offices within the existing buildings at second, third and fourth floor are to be retained. Public realm enhancements are proposed on the pavements outside 29-33 Bedford Street  The main issues to be considered in this case are; <ul style="list-style-type: none"> <li>• The principle of hotel and café use at this location</li> <li>• The consideration of economic benefits</li> <li>• The impact on built heritage and the principle of demolition in the conservation area</li> <li>• The scale, height, massing and design</li> <li>• The impact on traffic and parking</li> <li>• The impact on amenity</li> <li>• The consideration of site drainage</li> <li>• The consideration of waste management</li> <li>• The impact on human health</li> <li>• The impact on the amenity of adjacent land users</li> <li>• The consideration of developer contributions</li> </ul> The site is located within Belfast City Centre, the Commercial Character Area and the Linen Conservation Area.	

DfI Roads, EHO, NIEA, Rivers Agency, HED and NIW were all consulted in addition to the Urban Design Officer, Conservation Officer, Economic Development Team and the City Regeneration and Development Team within BCC. Both HED and the Conservation Officer are now content with the design and proposed interventions to the front terrace however they maintain an objection to the 13-storey element on the basis of height. Their responses are detailed in the main body of the report.

No objections have been received and one letter of support from Christopher Stalford, MLA, has been received.

The proposal will generate an estimated 216 direct construction jobs, 129 indirect construction jobs and an economic output (GVA) of £27.6m throughout the construction period. In addition, the proposal will generate an estimated 116 full-time equivalent jobs once operational.

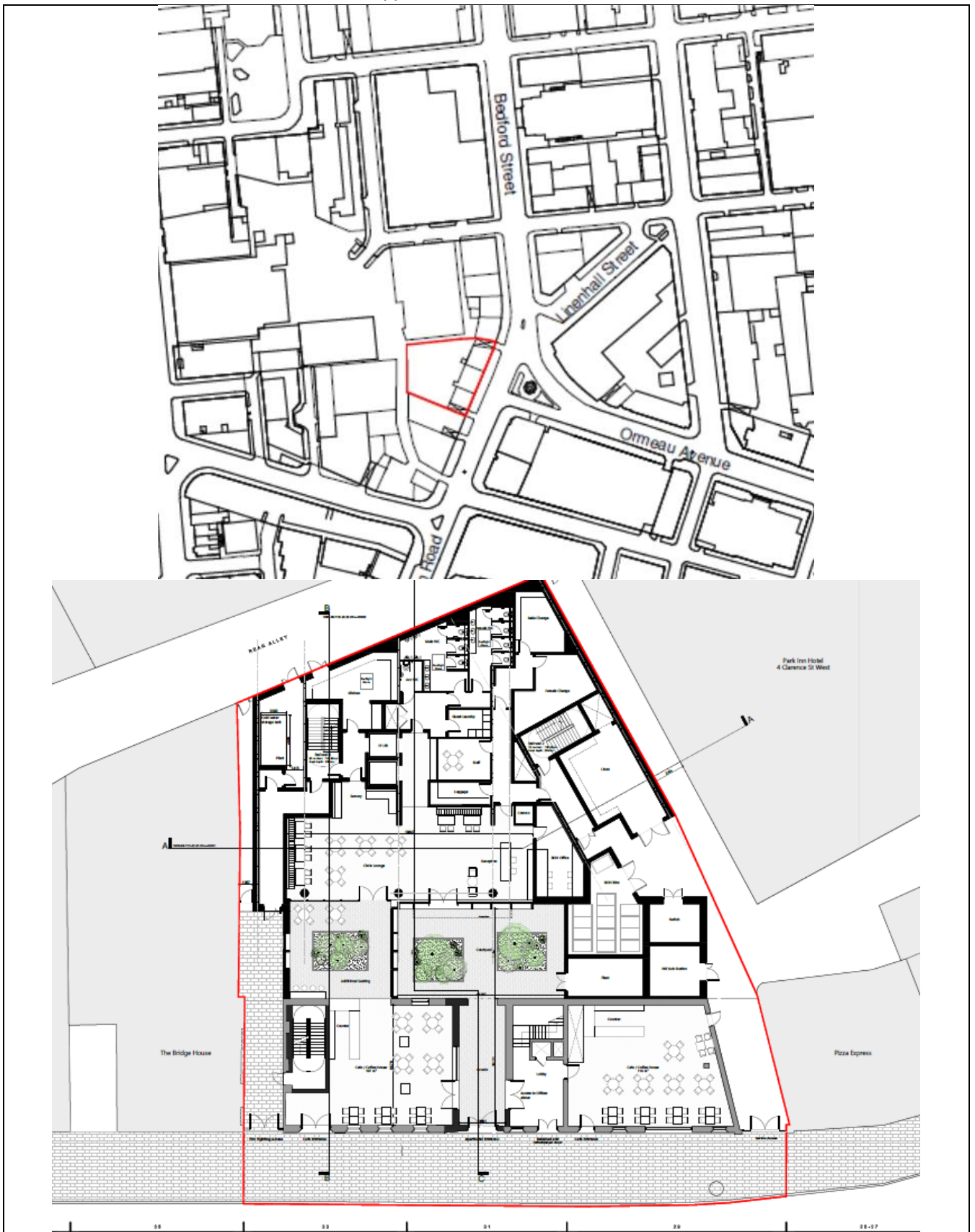
Having regard to the Development Plan, prevailing policy, all of the submitted information and reports, consultee responses and representations, it is considered that the proposed scheme, on balance, is acceptable.

It is recommended that planning permission is granted subject to conditions, as set out in the report, and that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and to resolve any issues arising from consultation responses from NIEA and Environmental Health with regards to the updated GQRA relating to contaminated land matters.

If the Planning Committee is minded to approve the application, the Council is required to notify the Department for Infrastructure (DfI) given the objection from HED in accordance with Section 89 of the Planning Act (Northern Ireland) 2011.

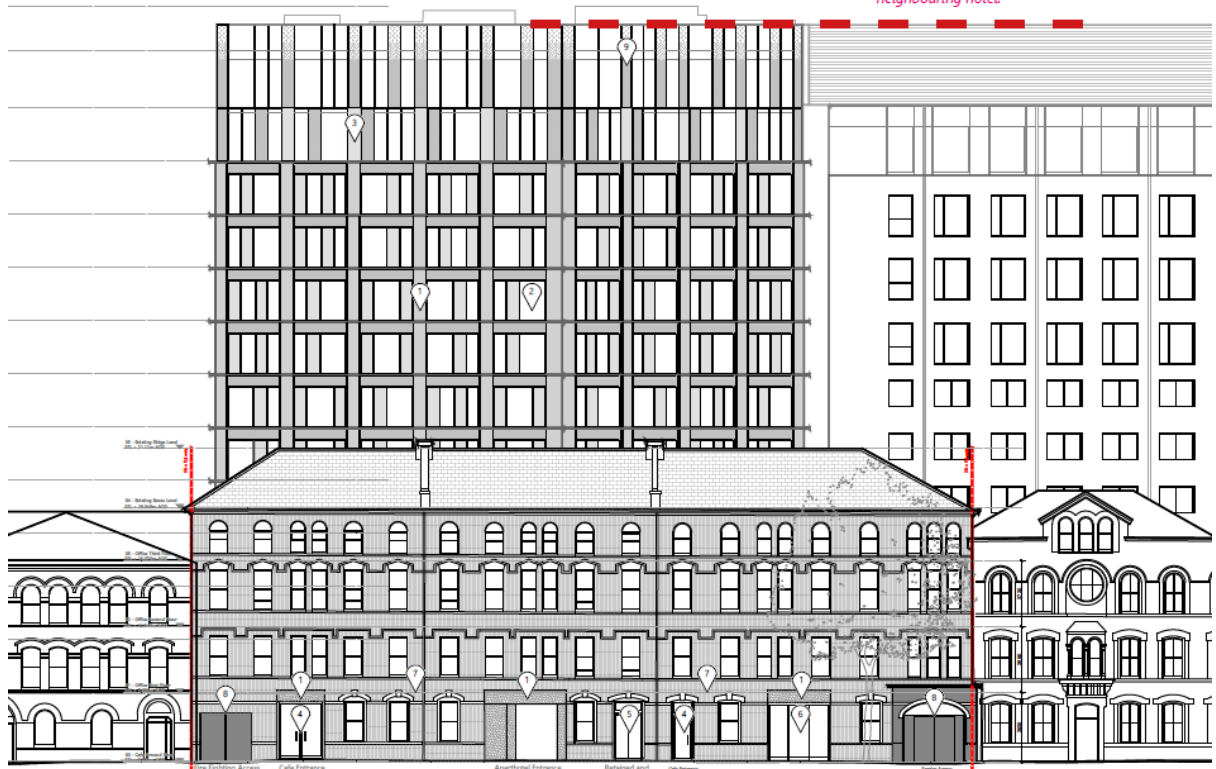
Case Officer Report
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Site Location Plan/Site Layout



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*Hotel proposal now aligns with height of existing neighbouring hotel.*



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	This application seeks the demolition of portions of the terrace of 29-33 Bedford Street in order to create an entrance and thoroughfare to the rear of the site where a 13-storey aparthotel is proposed. The application also seeks part change of use from art galleries to two cafes at ground floor. The offices within the existing buildings at second, third and fourth floor are to be retained.
1.2	There are proposed alterations and demolitions to the existing terrace which have been substantially reduced in this amended scheme. The proposals will remove previous unsympathetic interventions to the terrace which will improve its external appearance by utilising restored brick and a commonality of finish.
1.3	The current proposed aparthotel to the rear comprises 13 storeys which along with the 1.5m extended parapet (to assist in screening rooftop plant) rises to a total of 41.5m in height. The overall height aligns with the upper height of the plant enclosure on the adjacent Park Inn hotel building.
1.4	The façade of the hotel building has been designed with an offset rhythm of fenestration with horizontal banding. Large expansive glazing has been applied to corner units. There is a consistent bronze tone to metal and back painted glass panelling across the façade as well as perforated panelling on the upper two floors. This is further reflected in bronze panelling reinstatement works in the front terrace.
<b>2.0</b>	<b>Description of Site and Area</b>
2.1	There are three existing terraced buildings on the site comprising 4 storeys each. The terrace was constructed in approximately 1875.
2.2	The site is located within the City Centre as defined by BUAP and draft BMAP and is within the Linen Conservation Area. The area is characterised by distinct warehouse architecture. Whilst there are varying heights within the locality, the area is notable for its rhythm of bays, fine facades, vertical expression to bays and openings, a high solid to void ratio and a broken roof silhouette.
2.3	Bedford Street comprises a diverse set of uses ranging from offices to retail, restaurants and pubs as well as hotels and the Ulster Hall.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	<p>Ref ID: Z/2005/0692/F  Proposal: Demolition of existing 10 pin bowling alley and erection of new mixed use development, comprising of a hotel and office use. (Amended P1 Form)  Address: 4 Clarence Street West, Town Parks, Belfast, Northern Ireland, BT02 7GP  Decision: Permission Granted  Decision Date: 31.10.2006</p> <p>Ref ID: Z/2005/0848/DCA  Proposal: Demolition of existing 10 pin bowling alley to facilitate erection of new mixed-use development  Address: 4 Clarence Street West, Town Parks, Belfast, Northern Ireland, BT02 7GP  Decision: Permission Granted</p>

	<p>Decision Date: 31.10.2006  Ref ID: Z/2006/2729/F  Proposal: Demolition of existing 10 pin bowling alley and erection of new mixed use development, comprising hotel and office use. Amendment to previous approval Z/2005/0692/F  Address: Superbowl, 4 Clarence Street West, Town Parks, Belfast, BT02 7GP  Decision: Permission Granted  Decision Date: 23.03.2007</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	<p>Belfast Urban Area Plan 2001 (BUAP)  Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015)  Draft Belfast Metropolitan Plan 2004  Developer Contribution Framework (2020)</p>
4.2	<p>Regional Development Strategy  Strategic Planning Policy Statement for Northern Ireland  Planning Policy Statement 3 - Access, Movement and Parking  Planning Policy Statement 4 – Planning and Economic Development  Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage  Planning Policy Statement 15 (Revised) - Planning and Flood Risk  Planning Policy Statement 16 - Tourism  Linen Conservation Area document</p>
<b>5.0</b>	<p><b>Statutory Consultees</b>  <b>DfI Roads</b> – no objection subject to conditions and informatives  <b>Rivers Agency</b> – no objection  <b>NIEA Historic Buildings Unit</b> – content with the proposed interventions on the terrace but object to the overall height of the proposal  <b>NIEA Historic Monuments Unit</b> – no objection  <b>NIEA Natural Environment Division</b> – no objection conditions and informatives  <b>NIEA Water Management Unit</b> – requested further detail in the outline construction environmental management plan and are now content – standing advice also provided  <b>NIEA Land, Soil, and Air</b> – no objection subject to conditions and informatives  <b>NIW</b> – No objections.</p>
<b>6.0</b>	<p><b>Non-Statutory Consultees</b>  <b>Environmental Health BCC</b> – no objection subject to conditions and informatives  <b>Conservation Officer BCC</b> – no objections to the alterations to the proposed alterations to the terrace, objection to the height and massing of the new build element  <b>BCC Urban Design Officer</b> – content that the redesign now addresses the appropriate cues in the immediate environment  <b>City Regeneration and Development Team BCC</b> – no objection  <b>Economic Unit</b> – No objections</p>
<b>7.0</b>	<b>Representations</b>
7.1	No objections have been received.
7.2	One letter of support has been received from Christopher Stalford, MLA which outlined the positive economic and regenerative impacts of the proposal. This includes the contribution to the tourism sector and job creation.

<b>8.0</b>	<b><u>ASSESSMENT</u></b>
<b>8.1</b>	<b><u>Development Plan</u></b>
8.1.1	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.
8.1.2	Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it 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.
8.1.3	Given the advanced stage that draft 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.
8.1.4	The proposed development lies within the development limit for Belfast City Centre (CC001), within the Linen Conservation Area (CC105), within the Belfast City Core Area of Parking Restraint (CC025) and within the Commercial District Character Area (CC007).
8.1.5	The draft BMAP 2015 identifies for information the extent of the Linen Conservation Area (CC105) and notes that it is based on a formal grid pattern which originated as a Georgian residential area and contains a number of Victorian buildings associated with the Linen Industry. The Plan further advises that development proposals within the City Centre Conservation Areas are to be assessed in accordance with Planning Policy Statement 6 Planning, Archaeology and the Built Heritage; however it does not contain any specific policy provisions relevant to these conservation areas.
8.1.6	The application site lies within the Commercial District Character Area (CC007). The Character Area Designations specify urban design criteria related to the massing, alignment and scale of buildings. In their report on the Public Local Enquiry into Objections to the BMAP 2015 the Planning Appeals Commission (PAC) explored 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.
8.1.7	The Urban Design Criteria relating to this character area states that it includes the Linen Conservation Area and highlights appropriate building heights namely a minimum of 5 storeys and a maximum of 7 storeys for buildings facing directly onto Bedford Street. The proposed site can be considered to fall under the “elsewhere” category as it is a backland site and the criterion for this cites 9 storeys as the upper height.
8.1.8	In addition, the criteria state that new developments should respect existing building lines. The amplification notes that “the area’s street pattern and most of its building stock was developed in the nineteenth century to accommodate new businesses, especially in the linen industry. The area has a distinctive unity of character due to the generous grid street pattern, combined with the relatively large scale of the buildings. Although there is a range of plot sizes, medium to large plots predominate. Development in the area is generally of



	fairly high density with high site coverage and, for the most part, relatively high buildings. Buildings are almost without exception build to the perimeter of the block. The tightly configured streets and buildings leave little room for public open space so that the public realm consists almost entirely of pavement.”
8.1.9	Whilst the proposed building is 13 storeys and exceeds the 9 storey maximum referred to in the dBMAP Urban Design criteria, on balance this height is considered acceptable given the nature of the ‘backland’ site whereby the taller element is set back to the rear of the terrace. It is also located immediately adjacent to the Park Inn Hotel which is of a similar height and also set back behind development fronting Bedford Street.
<b>8.2</b>	<b><u>The principle of an aparthotel/retained offices/cafes at this location</u></b>
8.2.1	The site is located within the settlement limits of draft BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations discussed below.
8.2.2	The original scheme contained offices only at ground floor level. Officers communicated that more vibrant and linked uses to the hotel would create a better environment with the ground floor on Bedford Street drawing the user in to the hotel behind. The applicant amended the scheme to include cafes, one of which leads through to the courtyard of the hotel.
8.2.3	The proposed hotel use sits comfortably with the site’s prime city centre location and it is considered that a hotel and associated cafes would contribute to the vibrancy of the street scene and local economy. Given the city centre location the proposed uses are considered to comply with the development plan and the policies contained within the Strategic Planning Statement as well as PED 1 of Planning Policy Statement 4.
8.2.4	A planning condition (see Para 11.12) is recommended to ensure that the apart-hotel cannot be used as long-term residential accommodation as the proposal has not been assessed against the relevant policies for residential accommodation and may be inappropriate for such use.
<b>8.3</b>	<b><u>The impact of the proposal on the built heritage and archaeology</u></b>
8.3.1	Section 104 of the Planning (NI) Act 2011 advises that where any area is for the time being designated as a conservation area, special regard must be had to the desirability of (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.
8.3.2	The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) is a material consideration. It advises that until councils have adopted a new Plan Strategy any conflicts between the SPPS and existing specified retained Planning Policy Statements (including PPS6) are to be resolved in favour of the SPPS. The SPPS contains a policy direction reflecting Section 104 of the 2011 Act. Paragraph 6.18 of the SPPS advises that in managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. It goes on to say that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest.
8.3.3	This SPPS policy direction requires a broadly similar approach to that set out in Policy BH14

	of PPS6 (Demolition in a Conservation Area) when read in the context of Section 104.
<b>8.4</b>	<b>Demolition in the Conservation Area</b>
8.4.1	In assessing the contribution of the existing buildings to the character or appearance of the Conservation Area, regard is had to the conservation area guidance. The Linen Conservation Area Guide was published in 1992 and makes reference to the part the linen industry played in the development of Belfast. It states that redevelopment is not precluded but that refurbishment and conversion of existing properties will be particularly encouraged in the case of characteristic buildings which are important in the street-scene. It also states an aim to bring derelict or under-used buildings back into economic use.
8.4.2	Policy BH 14 states that where a building makes a positive contribution to the character or appearance of a conservation area there will be a presumption in favour of retaining it. The proposal seeks to retain and reuse the terraced buildings which front onto Bedford Street however the initial scheme proposed extensive demolition within the terrace especially at ground floor. The Conservation Officer raised objections to the extent of demolition in the initial scheme. These concerns were shared by officers. The Conservation Officer response notes that the initial scheme “would have resulted in the loss of remaining value and historical features; whilst the style, features, proportions and materials for the replacement works would not sufficiently reflect those of the existing, or make an equal or higher contribution to the character or appearance of the conservation area”..
8.4.3	In the amended scheme the extent of demolition proposed has been substantially reduced. It proposes to retain the majority of the existing brickwork and to remedy earlier unsympathetic works to the terrace. There are three new doors proposed and there is proposed refurbishment to windows, doors and gates along the terrace. The Conservation Officer notes that “these revisions are sufficient to address my previous concerns. The interventions at ground floor level would be considered minimal with the majority of the façade being retained and/or refurbished, thereby maintaining its value and positive contribution to the character and appearance of the conservation area. On this basis the proposed demolition would be considered acceptable under Policy BH14, subject to an acceptable redevelopment scheme and appropriate conditions to ensure new details such as doors, glazing, materials and finishes are of suitable quality for the conservation area”.
8.4.4	The most notable intervention is the introduction of a “punch through” entrance to the hotel, creating a new entry. The possibility of using either of the existing entries on the terrace were explored however there are right of way and emergency access issues that would prevent these being used safely for pedestrian access to the hotel. The Urban Design Officer describes this additional entrance as a “The connection between the café and the hotel lobby will form a glazed ‘box’ that will be designed to feel like a covered extension of the courtyard. This will be achieved with mirroring the palette of materials used in the courtyard throughout the glazed element”. He goes on to say that “the existing entry at No. 29, which is considered an attractive feature of the historic terrace, is to be retained in its current form as an original feature” and that “while a degree of demolition work is required to both improve the historic terrace as well as for the purposes of accessing the site to the rear during construction, the DAS confirms that <i>“The area of demolition at first floor will be faithfully reinstated at the end of the construction process and the ground floor will be restored around the proposed new central entry/arcade”</i> ”.
8.4.5	It is considered that the proposals affecting the existing four storey historic terrace are sensitive and considered in nature and result in an understated yet contextually appropriate reinstatement that will result in a good neighbour to both listed buildings that bookend the application site.” Having considered the views of the Conservation Officer and the Urban Design Officer as well as the policy requirements, it is considered that the demolition amended scheme is compliant with Policy BH14.

<b>8.5</b>	<b>The impact of the proposed building on the Conservation Area</b>
8.5.1	The House of Lords in the <i>South Lakeland</i> case decided that the “statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.”
8.5.2	The proposed building should be considered having regard to the SPPS and Policy BH12 of PPS 6. Policy BH12 requires new development to preserve or enhance character and appearance, and be sympathetic to characteristic built form. The site is located within the Linen Conservation Area as designated in the BUAP and BMAP.
8.5.3	Policy BH12 of Planning Policy Statement 6 (PPS6) details criteria for new development in the conservation area. This policy contains a number of criteria which are applied to proposals in the conservation area. For ease of reference, the works to the terrace and new build will be considered in turn under each criterion.
8.5.4	<p><b>(a) the development preserves or enhances the character and appearance of the area;</b></p> <p><b>(b) the development is in sympathy with the characteristic built form of the area</b></p> <p><b>(c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area</b></p>
8.5.5	<b>The refurbishment of the existing terrace</b> – as detailed in para 8.4.3 and 8.4.4, the demolition, interventions and proposed changes to the terrace are considered to be appropriate. Given the current unsympathetic interventions of earlier times, the proposed scheme will bring a commonality of brick finish to the terrace, a more vibrant land-use and retention of the traditional entries. It is therefore considered that these proposals will enhance the conservation area.
8.5.6	The previous scheme was amended to ensure minimal demolition and the materials and interventions were redesigned to include sympathetic materials. The Conservation Officer states that “On balance, I consider these revisions are sufficient to address my previous concerns. The interventions at ground floor level would be considered minimal with the majority of the façade being retained and/or refurbished, thereby maintaining its value and positive contribution to the character and appearance of the conservation area”.
8.5.7	The Linen Conservation Area guidance document states that “new development should maintain or restore the Bedford Street frontage in terms of building height, massing and scale”, as the four storey terrace is being retained and refurbished, this will maintain the frontage.
8.5.8	<b>The new build aparthotel</b> – The Urban Design Officer notes that the “proposed aparthotel to the rear comprises 13 storeys which along with the 1.5m extended parapet (to assist in screening rooftop plant) rises to a total of 41.5m in height. It is noted that this overall height aligns with the upper height of the plant enclosure on the adjacent hotel building”. The description of the materials are covered under Para 1.4.
8.5.9	The Conservation Officer notes that the current “scheme has undergone a number of revisions, in particular to address concerns relating to the set-back / building line, scale and height, and palette of materials and finishes. Nonetheless my primary concerns remain, in that the principle of introducing a building of such height, scale and mass in this specific location could cause harm to the character and appearance of the conservation area”. He further states that “changes have also been made to articulation and finishes, however these do not go far enough to prevent an overall form that remains visually solid with a strong, physical presence. It would still present a heavy, competing focus within the

	streetscape that would draw the eye disproportionately from the existing historic and listed assets”.
8.5.10	<p>The Urban Design Officer observes that “when viewed in elevation, the new build to the rear rises approximately seven storeys above the ridge line of the existing four storey terrace, however in reality this would only be discernible from selected long range views such as west along Ormeau Avenue. For those mid and short range views along Bedford Street and Dublin Road the number of storeys visible would be less given the extent of screening afforded by the existing four storey terrace coupled with the depth of setback/offset from the rear of the terrace itself (an area utilised as a courtyard)”.</p> <p>The Conservation Officer’s opinion of the new build is that “notwithstanding the changes that have been made, my position remains as before in that the introduction of a large building to the rear of this terrace would unsympathetic, alien to, and out of keeping with the characteristic built form that typifies the Linen Conservation Area. In my opinion the proposal would be unsuitable and inappropriate for its context, and remains contrary to PPS6 Policy BH12 and the Linen Conservation Area Guide”.</p>
8.5.11	<p>The Conservation Officer notes the adjacent Park Inn hotel as being an undesirable introduction into the streetscape. Notwithstanding the CA officer’s comments, this is an existing feature of the site context and part of the character and appearance of the conservation area and it provides a backdrop of the terrace in this location especially when viewed from Ormeau Avenue. In this context it is considered that the proposed building is acceptable and would on balance preserve the character and appearance of the conservation area and would comply with policy BH12 of PPS6.</p>
8.5.12	<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></p> <p>Environmental Health have not raised any concerns subject to conditions regarding contamination and noise. NIEA similarly have no concerns.</p>
8.5.13	<p><b>(e) important views within, into and out of the area are protected;</b></p> <p><b>The refurbishment of the existing terrace</b> – the works to the terrace will improve the legibility of the conservation area at a pedestrian scale. At present the modern interventions to the terrace at ground floor are particularly noticeable and the land use as offices contributes little in the way of vibrancy at the ground floor which is of marked contrast to the adjacent Wetherspoon’s pub and Pizza Express restaurant on each side.</p>
8.5.14	<p><b>The new build aparthotel</b> – there are four key views including Ormeau Avenue, Bruce Street, Dublin Road and Bedford Street. The building will be visible from Bruce Street (outside the conservation area) however this view will be screened by the recent approval for student accommodation at Bruce Street and the proposal will not be visible from this location if that permission is implemented. From within Bedford Street there are short and long views. Short views are prevented due to the four storey terrace. Long views are prevented in part from the adjacent hotel building and the elbow joint nature of the façade. Bedford Street is characterised by many differing building heights ranging from the likes of the subject terrace to the Grand Central Hotel with intermediate heights such as the adjacent hotel and the invest NI building. The building is however particularly visible from the opposite side of Bedford Street and indeed Ormeau Avenue. In these two key views the existing Park Inn hotel is already a prominent feature and the proposed development will abut it and read with it.</p>
8.5.15	<p><b>(f) trees and other landscape features contributing to the character or appearance of the area are protected;</b></p> <p>There are no landscape features on the site.</p>

8.5.16	<b>(g) the development conforms with the guidance set out in conservation area documents.</b>
8.5.17	The Linen Conservation Area document contains development guidelines which state that: -new development should relate sympathetically to the immediate surroundings. The Linen Conservation Area document makes reference to opportunities for public realm enhancement (new paving, seating, lighting and planting etc.) and the proposal includes new public realm improvements around the building including new paving and landscaping. It is considered that the proposals are consistent with the guidance.
8.5.18	In conclusion, criteria (a) to (g) of Policy BH 12 have been assessed with input from the Conservation Officer, Urban Design Officer and HED. When considered in conjunction with the existing site conditions, the proposed works to the front terrace, the public realm improvements and the site context, including the specific backdrop of the adjacent hotel, officers consider that the proposal would, on balance, preserve the character of the conservation area by introducing a building of high design quality which will remove the focus of the adjacent hotel from the key view of Ormeau Avenue in particular whilst regenerating the terrace in a sympathetic manner.
<b>8.6</b>	<b><u>The impact of the proposal on nearby Listed Buildings</u></b>
8.6.1	Policy BH11 of Planning Policy Statement 6 (PPS6) relates to development affecting the setting of a listed building. There are a number of listed buildings/structures of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011 in the immediate vicinity These are: <ul style="list-style-type: none"> <li>• HB26/30/015 A - Morrison's Lounge Bar 21 Bedford Street – Grade B2</li> <li>• HB26/30/015 B - 23 Bedford Street Belfast – Grade B2</li> <li>• HB26/30/015 C - Pizza Express 25 Bedford Street – Grade B2</li> <li>• HB26/30/060 - Wetherspoons, The Bridge House, 35 – 37 Bedford Street – Grade B2</li> <li>• HB26/30/106 - BBC Broadcasting House Ormeau Avenue Belfast – Grade B1</li> <li>• HB26/30/014 - The Thompson Memorial Fountain Ormeau Avenue Belfast – Grade B1</li> </ul>
8.6.2	The proposal is assessed against Policy BH11 as follows. <b>(a) The detailed design respects the listed building in terms of scale, height, massing and alignment;</b> <b>The refurbishment of the existing terrace</b> – HED state in their most recent consultation response that they “consider the proposals for the existing 4 storey terrace are sympathetic and in keeping with the historic character of the area and consider this element of the proposal satisfies BH11 of PPS6 subject to requested conditions”.
8.6.3	<b>The new build aparthotel</b> - HED state that they have “considered the additional and revised information and acknowledge that positive progress that has been made from the original proposals, in respect of the revised design”. The response goes on to say that “HED welcomes the revised alignment and the increased separation distance between the historic terrace and the tall element of the design. Whilst efforts to address issues raised in previous advice are recognised, it is our view the proposed 13 storey tower element remains too tall. HED (Historic Buildings) considers this building would dominate the terrace and compromise the setting of the listed buildings by becoming a competing focus”.
8.6.4	<b>(b)The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and</b>

	<p>HED state that they consider that “materials in-keeping with the surrounding context would be more appropriate on this site and suggest that brick is considered for use on the tall building with a lightweight/permeable design for the upper 2/3 levels; which may help the development to integrate better with the historic character of the area” and suggest that if the Council is minded to approve the application that the following conditions be included:</p> <ol style="list-style-type: none"> <li>1. Material finishes to the new build development shall be non-reflective, such as brick. Samples shall be provided on site showing alternative options indicating colour, texture face-bond; pointing mortar mix, joint thickness and finish profile, and agreed in writing with council and HED prior to works commencing on site.</li> <li>2. Window materials shall be aluminium or bronze. A full size sample shall be provided on site indicating the colour, texture the actual glazing material and panes, colour and finish shall be submitted to and agreed in writing with council and HED prior to works commencing on site.</li> <li>3. The mechanical and ventilation plant equipment shall be incorporated into the overall design of the façade and screened from view.</li> </ol>
8.6.5	<p>Officers have reviewed the conditions and view that it is not possible to condition that the material be brick as this has not been proposed by the applicant. The design concept of the scheme is that it should be a lightweight, permeable presence as a backland design. It is however intended that conditions (see Paras 11.14 and 11.15) be included which require full sample panels of all proposed materials to be agreed with HED in advance. It is considered that the proposed palette of materials is acceptable and will provide for a building that is not dominant relative to the listed buildings and will contrast positively with the existing terrace.</p>
8.6.6	<p><b>(c)The nature of the use proposed respects the character of the setting of the building</b>  The current listed buildings are in use as public houses, restaurants and offices. It is considered that there is no conflict between the existing and proposed uses that would harm the setting of the Listed Buildings.</p>
8.6.7	<p><b>Archaeology</b>  Historic Environment Division: Historic Monuments Unit (HMU) have been consulted and considered the impacts of the proposal. HMU is content that the proposal is satisfactory to SPPS and PPS 6 requirements.</p>
8.7	<p><b><u>Scale, Massing, Height and Design</u></b></p>
8.7.1	<p>There was a previous Pre-Application Discussion (PAD) for an alternative office scheme on this site. The subject application however did not benefit from PAD advice. Written feedback was provided regarding key aspects of the scheme and amendments were requested and the current scheme follows extensive negotiations with officers.</p>
8.7.2	<p>The amended scheme has resolved all design issues with the front terrace, reduced the height of the hotel, incorporated the plant and machinery into the design and increased the separation distance between the proposed hotel and the historic terrace. The Urban Design Officer notes that he considers “that this overall approach, whereby the massing of the aparthotel has been informed contextually by surrounding buildings, has addressed a number of previously highlighted concerns in a positive manner. The resultant form of the aparthotel maintains a consistent edge to established built form along the rear of the Bedford Street terrace and by way of a dynamic splay which kicks the façade to run parallel with the Dublin Road terrace, offers new and interesting views north towards the City Hall, east along Ormeau Avenue and south along the Dublin Road.”</p>

<b>8.8</b>	<b><u>Traffic, Movement and Parking</u></b>
8.8.1	The proposal has been assessed against PPS 3 and PPS13. In assessing the proposal DfI Roads considered the Transport Assessment Form and a Travel Plan.
8.8.2	The submitted Travel Plan outlines the sustainable location of the proposal within an area of parking restraint and discusses the opportunities for public transport, access by bicycle and on foot as well as the strategic aim of reducing private car use.
8.8.3	DFI Roads have no objections subject to conditions regarding cycle parking and compliance with the Service Management Plan.
<b>8.9</b>	<b><u>Contaminated Land</u></b>
8.9.1	The application is supported by a Generic Quantitative Risk Assessment (GQRA) which was found to be acceptable by Environmental Health and NIEA. Conditions were provided by both in response to the GQRA. When the amended scheme was submitted, an updated GQRA was also submitted. Both Environmental Health and NIEA were consulted and it is expected that they will respond with updated conditions. Delegated authority is requested to allow the Director of Planning and Place finalise the final wording of these conditions.
<b>8.10</b>	<b><u>Noise and Vibration</u></b>
8.10.1	The Environmental Health Service did not raise concerns regarding noise and recommends that potential noise impacts can be dealt with by way of condition. An Outline Construction Environmental Management Plan (oCEMP) was submitted in support of the application. Further information was requested by BCC: EH with regards to air quality. Following submission of this information, BCC: EH has confirmed that a full Construction Environmental Management Plan will be required by way of condition.
<b>8.11</b>	<b><u>Site Drainage and Flooding</u></b>
8.11.1	The proposal has been considered against Policy FLD 1 of the Revised PPS15 – ‘Development in Fluvial (River) and Coastal Flood Plains’. The Flood Hazard Map (NI) indicates that the development is not within any river or coastal flood plains Rivers Agency advises no objection to the proposed development. A Schedule 6 consent was provided and there were no objections raised by NIEA or NI Water.
<b>8.12</b>	<b><u>The impact on the amenity of adjacent land users</u></b>
8.12.1	It is considered that the proposal would not result in any unacceptable overlooking, loss of light, overshadowing, loss of outlook or other harmful impacts on adjacent land users.
<b>8.13</b>	<b><u>Air Quality</u></b>
8.13.1	An Outline Construction Environmental Management Plan (oCEMP) was submitted in support of the application. Further information was requested by BCC: EH with regards to air quality. Following submission of this information, BCC: EH has confirmed that a full Construction Environmental Management Plan will be required by way of condition.
<b>8.14</b>	<b><u>Pre-Community Consultation</u></b>
8.14.1	For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application.

8.14.2	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. LA04/2019/2128/PAN was submitted to the Council on 10 <sup>th</sup> September 2019 and was deemed to be acceptable on 20 <sup>th</sup> September 2019.
8.14.3	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which includes details of the public event, newspaper advertising and leaflets. No responses were received and there was no attendance at the public event.
<b>8.15</b>	<b><u>Developer Contributions</u></b>
8.15.1	Para 5.69 of the SPPS states that "Planning authorities can require developers to bear the costs of work required to facilitate their development proposals".
8.15.2	The Developer Contributions Framework published by Belfast City Council in January 2020 sets out the circumstances whereby mitigation or management of the impacts of new development is required.
8.15.3	In this case the applicant is providing a developer contribution in the form of public realm improvements along the site frontage on Bedford Street. These will be dealt with by planning condition. The Economic Unit assessed the information provided by the applicant and are content that the job creation through construction and operation will support local people and operate without the requirement for a Section 76 agreement regarding employability and skills.
8.15.4	The City Regeneration and Development Team welcome the proposal and noted that public realm proposals would be welcomed. These have been agreed with the applicant and a condition for further details is provided at Para 11.13
<b>8.16</b>	<b><u>Economic Benefits</u></b>
8.16.1	<b><u>Economic Principles and impacts of the Proposal</u></b> Paragraphs 4.18 and 4.22 of the SPPS state that planning authorities should take a positive approach to appropriate economic development proposals and pro-actively support and enable growth generating activities.
8.16.2	The application was supported by an Employability and Skills Assessment (ESA) which was considered by the Council's Economic Development team. The ESA estimates that the proposal will generate 216 direct construction jobs, 129 indirect construction jobs and an economic output (GVA) of £27.6m throughout the construction period. Once operational, it is anticipated that the proposal will generate 116 new jobs (FTE).
8.16.3	Given the uncertain economic climate, the Economic Development Team view that it is unlikely that the development will give rise to skills or labour shortages within this sector. Therefore no Employability and skills related Developer Contributions Section 76 clauses were be required for this phase of the development.
8.16.4	In terms of the operational phase of the development, it is unlikely that skills shortages will be experienced in the retail or hospitality industries, the job creation is not of a scale that would impact on skills shortages in existing sectors or the labour market. Therefore no Employability and skills related Developer Contributions Section 76 clauses was required for this phase of the development.



<b>8.17</b>	<b><u>Conclusion</u></b>
8.17.1	The proposal would have an acceptable impact on the landscape, traffic, surrounding land-uses and wider environment. It is considered that the proposal would result in wider economic benefit and job creation opportunities.
8.17.2	Having regard to the Development Plan and relevant material considerations, the proposal is considered acceptable and planning permission is recommended.
<b>10.0</b>	<b>Summary of Recommendation:</b>
10.1	It is recommended that delegated authority is given to the Director of Planning and Building Control to grant conditional planning permission and demolition consent, subject to clarification of the consultation response from Environmental Health and NIEA regarding the updated GQRA. If the Planning Committee resolves to grant planning permission then the application will need to be referred to the Department for Infrastructure in view of the comments from Historic Environment Division.
<b>11.0</b>	<b>Conditions (final wording to be delegated to the Director of Planning and Building Control)</b>
11.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
11.2	<p>The development hereby permitted shall not become operational unless secure cycle parking facilities have been provided and permanently retained on site.</p> <p>Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.</p>
11.3	<p>The development hereby permitted shall operate permanently in accordance with the Service Management Plan published by the Council on 22 September 2020.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p>
11.4	<p>The development hereby permitted shall operate permanently in accordance with the approved Travel Plan published by the Council on 22 September 2020.</p> <p>Reason: To encourage alternative modes of transport to the private car.</p>
11.5	<p>The development hereby approved shall not become operational unless a Verification Report has been submitted to and approved in writing by the Council which demonstrates that the remediation measures outlined in the RPS Ireland Ltd report entitled Andras House Ltd, Environmental site Assessment and Generic Quantitative Risk Assessment, No. 29-33 Bedford Street, Belfast' (dated 30th January 2020 and referenced 602158-R1 (02)) have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works, the provision of hard standing or building footprint across the site and that the site is now fit for end-use. It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that the development has been provided with gas protection measures commensurate with the Characteristic Situation 2 classification of the</p>

	<p>site in line with BS 8485:2015+A1:2019. Gas protection measures must be verified in line with the requirements of CIRIA C735.</p> <p>Reason: Protection of human health.</p>
11.6	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.</p> <p>Reason: Protection of human health.</p>
11.7	<p>The development hereby approved shall not become operational unless the mitigation measures detailed within the approved Noise Impact Assessment, Bedford Yard, Bedford Street, Belfast Rp001 2018104 (Bedford Yard) prepared by Irwin Carr Consultants dated 10 February 2020 and published by the Council on 16 April 2020 have been incorporated into the build of the proposed mixed use development and permanently retained thereafter. The ground floor plant room shall be constructed so as to ensure that the resulting noise level does not exceed 65dB at 1metre from the ground floor plant room. The façade to the lounge area of the aparthotel shall consist of 4/12/12/mm sealed glazing and suitably silenced ventilation. Specification as outlined in Table 33 of Noise Impact Assessment referenced above.</p> <p>The combined noise from the plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (LAr) no greater than 58 dB LAr daytime and 57dB LAr night time when measured or determined at the nearest noise sensitive premises (existing or permitted) in line with BS4142:2014+A1:2019.</p> <p>Reason: To protect human health and the amenity of nearby premises</p>
11.8	<p>The development hereby approved shall be so designed and constructed as to ensure that the internal noise levels shall:</p> <ul style="list-style-type: none"> <li>- Not exceed 35 dB LAeq, 16hrs between 07:00hrs and 23:00hrs within any habitable room, if necessary, with the windows closed and an alternative means of acoustic ventilation provided in accordance with current building control requirements;</li> <li>- Not exceed 30 dB LAeq, 8hr between the hours of 23:00hrs and 07:00hrs within any bedroom, if necessary, with the windows closed and an alternative means of acoustic ventilation provided in accordance with current building control requirements; and</li> <li>- Not exceed 45 dB LAmx more than 10 times between 23:00hrs and 07:00hrs within any proposed bedrooms, if necessary with the windows closed and an alternative means of ventilation provided in accordance with current building control requirements.</li> </ul> <p>Reason: To protect human health.</p>
11.9	<p>No construction of the development hereby permitted shall commence unless a Final Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by Council. The CEMP shall include measures to control noise, dust and vibration during the demolition / construction phase, demonstrating the use of 'best practicable means'. The CEMP shall include rationale for and details of the chosen piling methodology and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises. The CEMP must incorporate the dust mitigation measures as</p>

	<p>detailed in Chapter 6.2.6 of the Air Quality Impact Assessment, dated February 2020 and published by the Council on 16 April 2020. The CEMP must also have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit of Belfast City Council at any time upon request. All construction thereafter must be in accordance with the approved Final CEMP.</p> <p>Reason: Protection against adverse construction impacts.</p>
11.10	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>, as applicable. 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.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.11	<p>After completing the remediation works under Condition 11.10; and prior to occupation of the development, a verification report must be submitted in writing and agreed with Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>, as applicable. The verification report must present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use</p>
11.12	<p>Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than as hotel accommodation. The maximum stay by an occupant shall be no more than consecutive 30 days with no return by the same occupant within a period of 30 days from the date of the last occupancy, in accordance with written records which shall be made available to the Planning Authority at all reasonable times.</p> <p>Reason: Residential use of the building would require further consideration by the Planning Authority having regard to the Local Development Plan and relevant material considerations.</p>
11.13	<p>Notwithstanding the submitted details, no development shall commence on site unless full details of the public realm improvements to the footway bounding the site in the areas shown on Drawing Courtyard Landscaping Plan received on 22 September 2020 have been submitted to and approved in writing by the Council. The details shall include:</p> <ol style="list-style-type: none"> <li>1. Surface materials; and</li> <li>2. The design and provision of underground ducting.</li> </ol> <p>The development shall not be occupied unless the public realm improvements have been carried out in accordance with the approved details.</p>

11.14	<p>Reason: In the interests of the character and appearance of the Conservation Area, the setting of Listed Buildings, and to enhance connectivity to and from the development.</p> <p>Notwithstanding the submitted details, no construction of the development hereby permitted shall take place unless in accordance with a schedule of external materials and sample panels, which shall first have been constructed on site and agreed in writing by the Council.</p> <p>The sample panels shall show the make, type, size, colour, tone, bond, pointing, coursing, jointing, profile and texture of all external materials including bronze metal panels, bronze perforated panels, glazed window panels, back painted glazed panels as well as any other external materials. Where pertaining to glazing, details should include the colour, texture of the actual glazing material and panes and finish.</p> <p>The approved sample panels shall be retained on site and made available for inspection by the Council for the duration of the construction works.</p> <p>The works must be implemented and permanently retained in accordance with the details so approved.</p> <p>Reason: To ensure the material finish and detailing is sympathetic to the setting of the nearby listed buildings.</p>
11.15	<p>Notwithstanding the submitted details, no works to 29-33 Bedford Street shall take place unless in accordance with a schedule of external materials and sample panels, which shall first have been constructed on site and agreed in writing by the Council.</p> <p>The sample panels and submitted details must include:</p> <ul style="list-style-type: none"> <li>-Detailed window schedules, including cross sections, elevations, sill detail/materials, the actual glazing material and panes, colour and finish. New windows shall be timber (hardwood) to match the design, mouldings and glazing bar pattern of the original windows.</li> <li>- Sample panels of all replacement brickwork showing the proposed sizes, colour, texture face-bond; pointing mortar mix, joint thickness and finish profile.</li> <li>-Details of new doors – samples shall be provided on site showing the colour and texture. New doors at ground floor level shall be timber, aluminium or bronze.</li> <li>- Details of all string courses. Horizontal banding at cill level and window/door head details shall be retained where possible. Where new details are required they shall match the design of the original.</li> <li>- Details of rainwater goods which shall be heavy duty cast aluminium or cast iron.</li> </ul> <p>Please note that any materials used e.g natural welsh roof slates/brickwork shall be made good to match the adjacent work with regard to the methods used and to material, colour, texture, size and profile.</p> <p>The works must be implemented and permanently retained in accordance with the details so approved.</p> <p>Reason: To ensure the material finish and detailing is sympathetic to the setting of the nearby listed buildings.</p>
11.16	<p>All hard and soft landscaping works shall be carried out in accordance with the approved Landscaping Proposals published by the Council on 22 September 2020. The works shall be carried out prior to the operation of the development and permanently retained unless otherwise agreed in writing by the Council.</p> <p>Reason: In the interests of the character and appearance of the area.</p>

<b>ANNEX</b>	
<b>Date Valid</b>	7 <sup>th</sup> March 2020
<b>Date First Advertised</b>	20 <sup>th</sup> April 2020
<b>Date Last Advertised</b>	25 <sup>th</sup> September 2020
<b>Details of Neighbour Notification</b> (all addresses) Christopher Stalford MLA 127-143, UNIT 1, SANDY ROW, BELFAST, ANTRIM, Northern Ireland, BT12 5ET The Owner/Occupier, 1st Floor,29 Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 1st Floor,The Centrepont Building,24 Ormeau Avenue,Belfast,Antrim,BT2 8HS The Owner/Occupier, 1st, 2nd And 3rd Floors,39-43 Stockman House,Bedford Street,Belfast,Antrim,BT2 7EE The Owner/Occupier, 23 Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 25-27 ,Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 25-27 ,Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 25-27 ,Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 2nd Floor,29 Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 2nd Floor,The Centrepont Building,24 Ormeau Avenue,Belfast,Antrim,BT2 8HS The Owner/Occupier, 31 Bedford Street,Belfast,Antrim,BT2 7FP The Owner/Occupier, 31-33 ,Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 35 Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 39a,39-43 Stockman House,Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 39b,39-43 Stockman House,Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 39c,39-43 Stockman House,Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 3rd And 4th Floors,The Centrepont Building,24 Ormeau Avenue,Belfast,Antrim,BT2 8HS The Owner/Occupier, 3rd Floor,29 Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 4 Clarence Street West,Belfast,Antrim,BT2 7GP The Owner/Occupier,	

4th Floor, The Centrepont Building, 24 Ormeau Avenue, Belfast, Antrim, BT2 8HS  
 The Owner/Occupier,  
 5th Floor, The Centrepont Building, 24 Ormeau Avenue, Belfast, Antrim, BT2 8HS  
 The Owner/Occupier,  
 62-66 Bankmore House, Bedford Street, Belfast, Antrim, BT2 7FH  
 The Owner/Occupier,  
 6th Floor, The Centrepont Building, 24 Ormeau Avenue, Belfast, Antrim, BT2 8HS  
 The Owner/Occupier,  
 7th Floor, The Centrepont Building, 24 Ormeau Avenue, Belfast, Antrim, BT2 8HS  
 The Owner/Occupier,  
 8th & 9th Floors, The Centrepont Building, 24 Ormeau Avenue, Belfast, Antrim, BT2 8HS  
 The Owner/Occupier,  
 Broadcasting House, 25 Ormeau Avenue, Belfast, Antrim,  
 The Owner/Occupier,  
 Gd Floor, 29 Bedford Street, Belfast, Antrim, BT2 7EJ  
 The Owner/Occupier,  
 Ground Floor, The Centrepont Building, 24 Ormeau Avenue, Belfast, Antrim, BT2 8HS  
 The Owner/Occupier,  
 Holmes Street, Belfast, Antrim, BT2 7JH  
 The Owner/Occupier,  
 Office 3rd Floor, 39-43 Stockman House, Bedford Street, Belfast, Antrim, BT2 7EH  
 The Owner/Occupier,  
 Office 4th Floor, 39-43 Stockman House, Bedford Street, Belfast, Antrim, BT2 7EE

**Date of Last Neighbour Notification**

23rd September 2020

**Date of EIA Determination**

N/A

**ES Requested**

No

**Planning History**

Ref ID: LA04/2016/0369/F

Proposal: Construction of beer garden to rear of existing pub house; works to include erection of 3no. awnings and new fencing.

Address: The Bridge House Public House, 35-43 Bedford Street, Belfast, BT2 7EJ,

Decision: Permission Granted

Decision Date: 09.01.2017

Ref ID: LA04/2016/0414/LBC

Proposal: Construction of beer garden to rear of existing pub house; works to include erection of 3no. awnings and new fencing.

Address: The Bridge House, Public House, Town Parks, 35-43 Bedford Street, Belfast, BT2 7EJ,

Decision: Consent Granted

Decision Date: 09.01.2017

Ref ID: LA04/2016/0423/LBC

Proposal: General decorative refurbishment of the interior of the restaurant

Address: Pizza Express, 25-27 Bedford Street, Belfast, BT2 7EJ,

Decision: Consent Granted

Decision Date: 03.06.2016

Ref ID: Z/2005/0692/F

Proposal: Demolition of existing 10 pin bowling alley and erection of new mixed use development, comprising of a hotel and office use. (Amended P1 Form)

Address: 4 Clarence Street West, Town Parks, Belfast, Northern Ireland, BT02 7GP

Decision: Permission Granted

Decision Date: 31.10.2006

Ref ID: Z/2005/0848/DCA

Proposal: Demolition of existing 10 pin bowling alley to facilitate erection of new mixed-use development

Address: 4 Clarence Street West, Town Parks, Belfast, Northern Ireland, BT02 7GP

Decision: Permission Granted

Decision Date: 31.10.2006

Ref ID: Z/2006/2729/F

Proposal: Demolition of existing 10 pin bowling alley and erection of new mixed use development, comprising hotel and office use. Amendment to previous approval

Z/2005/0692/F

Address: Superbowl, 4 Clarence Street West, Town Parks, Belfast, BT02 7GP

Decision: Permission Granted

Decision Date: 23.03.2007

Ref ID: Z/2008/1623/F

Proposal: External alterations to mixed-use hotel and office building, addition of chiller plant/gantry to south elevation (first floor level) and extended roof level louvre screening to additional external plant.

Address: 4 Clarence Street West, Belfast, BT2 7GP

Decision: Permission Granted

Decision Date: 14.11.2008

### **Drawing Numbers and Title**

### **Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:

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## Development Management Report Committee Application

Summary	
<b>Committee Meeting Date: 13 October 2020</b>	
<b>Application ID:</b> LA04/2020/1356/F	
<b>Proposal:</b> Variation of Approvals LA04/2019/1398/F and LA04/2017/0235/F for 53 residential units as follows: Condition 16 relating to remediation of contamination to include reference to the remedial measures outlined in both the Generic Quantitative Risk Assessment Report dated January 2017 and an updated Ground Gas Risk Assessment and Remedial Strategy dated May 2019 and an updated remedial strategy for the site.	<b>Location:</b> Lands at former Rosepark House Upper Newtownards Road Belfast BT4 3NR
<b>Referral Route: Committee (variation to a major application)</b>	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Lesley Developments Ltd c/o Osborne King The Metro Building 6-9 Donegall Square North Belfast BT1 5JA	<b>Agent Name and Address:</b> Coogan & Co Architects Ltd 122 Upper Lisburn Road Finaghy Belfast Bt10 0BD
<b>Executive Summary:</b>  <p>The proposal seeks permission under Section 54 of the Planning Act to vary condition 16 of LA04/2017/0235/F, which has previously been varied under application LA04/2019/1398/F following further testing / sampling of site material. The WYG report includes new soil investigation and assessment and an updated conceptual site model and remedial strategy for Zone B following a reduction in levels across the application site. WYG conclude that the previously conditioned requirement for a capillary break layer is not required in the clean cover system in Zone B. WYG recommend that an updated remediation strategy for the site should be included in a variation to Condition 16.</p> <p>The submitted documentation notes that a capillary break layer is not required in the clean cover system in Zone B of the site. This has been concluded as a result of a number of factors including the locations of the exceedances identified within the 2015/2016 testing, the low mobility of the contaminants identified and the lack of contamination within groundwater.</p> <p>It is noted within the supporting information that all material to be used in the capping layer should be demonstrably clean and suitable for use; this is to be determined by sampling (at a density of one sample per 250m<sup>3</sup>) and analysis of the material for the contaminants considered within the WYG Generic Quantitative Risk Assessment (2017).</p>	

Environmental Health and DEARA Waste and Contamination have been consulted on the updated information and have no objections to the proposed variation of condition 16 based on the information presented.

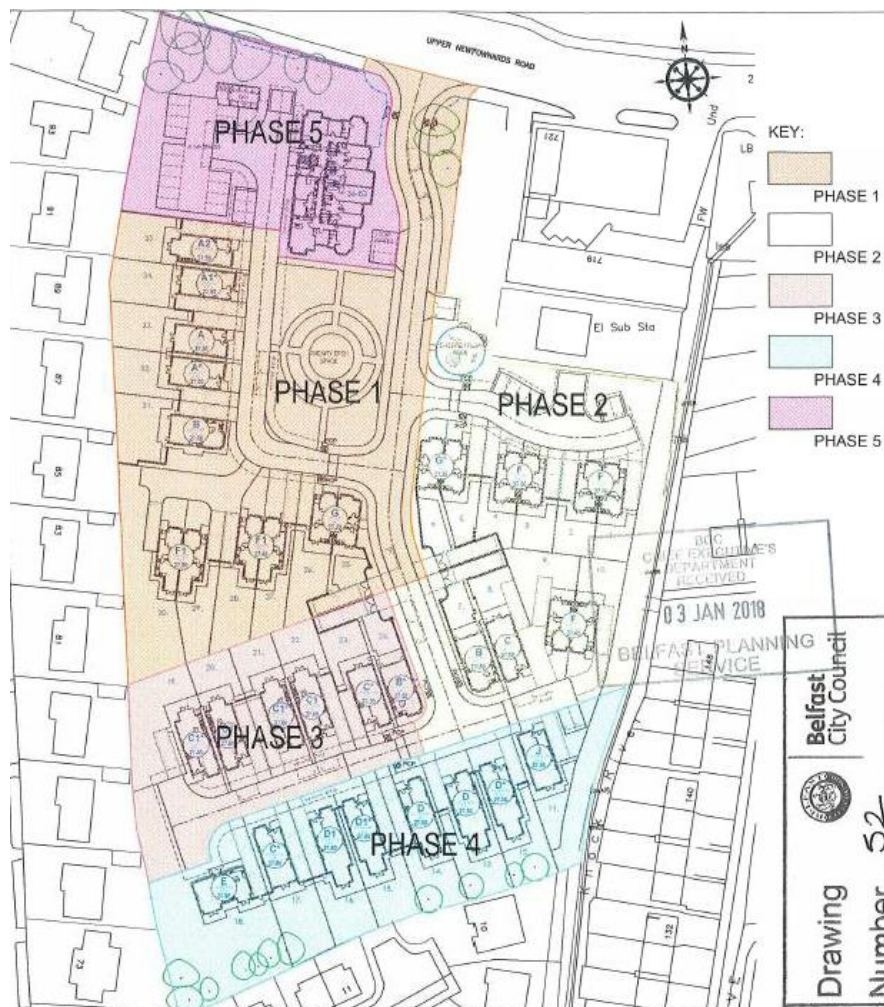
The scope of the application relates to the variation of condition 16 only, and accordingly all other aspects of the application including layout, design etc. will remain as previously approved.

The proposal will not adversely impact on amenity or public health and is therefore compliant with all relevant policy considerations as set out in the original report (appended). Policy considerations also remain as set out in that report.

Approval is therefore recommended subject to delegated authority to the Director of Planning & Place to finalise the wording of the condition.

## Case Officer Report

## Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	NIEA	Content
Non Statutory	Env Health Belfast City Council	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Representations from Elected Representatives	None Received	
<p>Characteristics of the Site and Area</p> <p>The application site is located off the Upper Newtownards Road in East Belfast. It is approximately 2 hectares in size and comprises former Government offices and large areas of hardstanding/car parking. There landscaped areas around the site periphery, including a number of mature trees along the Upper Newtownards frontage and the rear of the application site. There is a landscaped bank that runs along the western site boundary for the majority of its length. Accordingly the western boundary is elevated by approximately 2m higher than the site. The site is elevated above properties to the south by approximately 1.5 metres. Notwithstanding the level differences to the boundaries, the application site is generally level in terms of topography. The Knock River is adjacent to the eastern site boundary, with an electricity sub-station, funeral home, and petrol station to the north east. Boundary treatments largely comprise metal mesh fencing approximately 2.5m in height, with timber rail fencing along the site frontage.</p> <p>There are detached dwellings adjacent to the to the western site boundary, with a mixture of detached and semi-detached to the south. Terraced dwellings are located to the east of the site opposite the river. Dwellings are a mix of single storey and two storey heights, designs and finishes.</p> <p>There is a substation to the Northeast of the site, and an access laneway to this building. A NIW wayleave 30m wide is located adjacent to the eastern site boundary. There is low density housing to the south, west, and north of the site.</p> <p>Construction works on the site is underway.</p>		
Description of Proposal		
<p>Variation of Approvals LA04/2019/1398/F and LA04/2017/0235/F for 53 residential units as follows: Condition 16 relating to remediation of contamination to include reference to the remedial measures outlined in both the Generic Quantitative Risk Assessment Report dated January 2017 and an updated Ground Gas Risk Assessment and Remedial Strategy dated May 2019 and an updated remedial strategy for the site.</p>		
Planning Assessment of Policy and Other Material Considerations		

The policy considerations remain as set out in the original report (appended below), and include the following:

Belfast Urban Area Plan & draft Belfast Metropolitan Area Plan 2015  
 Strategic Planning Policy Statement (SPPS)  
 Planning Policy Statement 2 (PPS2) – Planning and Nature Conservation  
 Planning Policy Statement 3 (PPS3) - Access, Movement and Parking  
 Planning Policy Statement 13 (PPS13) - Transportation and Land Use  
 Planning Policy Statement 7 (PPS7) – Residential Development  
 Planning Policy Statement 12 (PPS12) – Housing in Settlements  
 Planning Policy Statement 15 (PPS15) - Planning and Flood Risk  
 Planning Policy Statement 2 (PPS2) – Planning and Nature Conservation

Supplementary Planning Guidance including 'Creating Places', Development Control Advice Note 8 Housing in Existing Urban Areas, and Parking Standards.

The proposal seeks permission under Section 54 of the Planning Act to vary condition 16 of LA04/2017/0235/F, which has previously been varied under application LA04/2019/1398/F following further testing / sampling of site material. The WYG report includes new soil investigation and assessment and an updated conceptual site model and remedial strategy for Zone B following a reduction in levels across the application site. WYG conclude that the previously conditioned requirement for a capillary break layer is not required in the clean cover system in Zone B. WYG recommend that an updated remediation strategy for the site should be included in a variation to Condition 16.

Condition 16 of LA04/2017/0235/F, which has previously been varied under application LA04/2019/1398/F, and is approved as follows:

*16. Prior to the occupation of each phase of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Service, a Verification Report. This report must demonstrate that the remedial measures outlined in the WYG Environment and Planning (Northern Ireland) Ltd reports entitled 'Rosepark House, Generic Quantitative Risk Assessment, Coogan & Co' (dated January 2017 and referenced A097056) and as updated by 'Lands at Rosepark House, Updated Ground Gas Risk Assessment and Remedial Strategy, Client: Coogan & Co. Architects Ltd' (dated May 2019 and referenced A109374) have been implemented.*

*The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for end use (residential with plant uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and be in accordance with current guidance as outlined by the Environment Agency, British Standards and CIRIA industry guidance. In particular the Verification report must demonstrate that:*

*a. Gas protection measures commensurate with Gas Characteristic Situation 2 have been designed and installed in Zone A (Phases 1 and 5) in accordance with BS 8485:2015+A1:2019 and their installation has been verified in line with CIRIA C735. The membrane installed shall be gas and vapour resistant.*

*b. A clean capping layer of minimum depth 800mm, which includes 200mm capillary break, of demonstrably suitable material (for residential with plant uptake), has been installed in all proposed private gardens (both zones and all phases).*

*c. A clean capping layer of minimum depth 500mm, of demonstrably suitable material (for residential with plant uptake), has been installed in all landscaped and communal areas (both zones and all phases).*

*All mitigation measures shall be permanently retained in accordance with the approved details.*

*Reason: Protection of human health.*

The submitted documentation notes that a capillary break layer is not required in the clean cover system in Zone B of the site. This has been concluded as a result of a number of factors including the locations of the exceedances identified within the 2015/2016 testing, the low mobility of the contaminants identified and the lack of contamination within groundwater.

It is noted within the letter that all material to be used in the capping layer should be demonstrably clean and suitable for use; this is to be determined by sampling (at a density of one sample per 250m<sup>3</sup>) and analysis of the material for the contaminants considered within the WYG Generic Quantitative Risk Assessment (2017). Environmental Health note that this chemical testing will need to be compared to the most up to date Generic Assessment Criteria for a residential with plant uptake end use. The supporting information also notes that the material should be free of any asbestos fibres and asbestos containing materials.

On the basis of the information submitted and the authoritative statements contained therein, it is therefore recommended that condition 16 of LA04/2019/1398/F be varied to state:

*Prior to the occupation of each phase of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Service, a Verification Report. This report must demonstrate that the remedial measures outlined in the WYG Environment and Planning (Northern Ireland) Ltd report entitled 'Rosepark House, Generic Quantitative Risk Assessment, Coogan & Co' (dated January 2017 and referenced A097056), and as amended by the WYG report entitled 'Lands at Rosepark House, Updated Ground Gas Risk Assessment and Remedial Strategy, Client: Coogan & Co. Architects Ltd' (dated May 2019 and referenced A109374) and the WYG letters dated 6th July 2020 and 9th August 2020, have been implemented.*

*The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for end use (residential with plant uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be completed by competent persons and be in accordance with current guidance as outlined by the Environment Agency, British Standards and CIRIA industry guidance. In particular the Verification report must demonstrate that:*

*a. Gas protection measures commensurate with Gas Characteristic Situation 2 have been designed and installed in Zone A (Phases 1 and 5) in accordance with BS 8485:2015+A1:2019 and their installation has been verified in line with CIRIA C735. The membrane installed shall be gas and vapour resistant.*

*b. In Zone A (Phases 1 and 5), a clean capping layer of demonstrably suitable material (for residential with plant uptake), which includes a 200mm capillary break, has been installed in all private gardens to a depth of 800mm and in all landscaped and communal areas to a depth of 500mm.*

*c. In Zone B (Phases 2, 3 and 4), a clean capping layer of demonstrably suitable material (for residential with plant uptake) has been installed in all private gardens to a depth of 800mm and in all landscaped and communal areas to a depth of 500mm.*

*All mitigation measures shall be permanently retained in accordance with the approved details.*

*Reason: Protection of human health.*

No other alterations to the permission are proposed and accordingly the layout and design details will remain as previously approved.

No objections have been received from Environmental Health or DEARA Waste & Land Contamination section.

No objections have been received from the public.

Approval is therefore recommended subject to the updated condition and repeating of the conditions previously applied to the original and varied permissions.

Delegated authority to the Director of Planning & Building Control to finalise the wording of conditions

Neighbour Notification Checked

Yes

#### Conditions

1. The development hereby permitted shall be begun before the 11th April 2023.

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

2. Notwithstanding the provisions of Article 3 and Parts 1, 2 and 3 Class A and B of the Schedule of the Planning (General Permitted Development) Order (NI) 2015 (or any legislation revoking that Order and re-enacting those provisions) no development shall take place within the curtilage of the dwellings hereby approved, including the formation of vehicular / pedestrian accesses, without the written permission of the Council.

Reason: To preserve the integrity of the design and layout of the development, mitigate flood risk, and in the interests of residential amenity.

3. Prior to the occupation of each dwelling hereby approved, boundary walls and fencing in association with each dwelling shall be erected in accordance with the approved plans and shall be permanently retained thereafter.

Reason: In the interest of privacy and amenity.

4. All windows to be finished in obscure glass shall be installed before the occupation of the dwellings hereby permitted as indicated on the approved plans, shall be permanently retained, and in the event of breakage shall be replaced with obscure glass to the satisfaction of the Belfast City Council Local Planning Authority.

Reason: In the interests of amenity.

5. All hard and soft landscape works shall be completed in accordance with the approved drawing 03B date stamped received 01 November 2017 (as approved under LA04/2017/0235/F), the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to occupation of any dwelling hereby approved.

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

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

6. Trees and vegetation to be retained within the site and proposed planting as indicated on drawing number 03B date stamped received 01 November 2017 (as approved under LA04/2017/0235/F), shall not be cut down, uprooted or destroyed, or have their roots damaged

within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree, without the prior written approval of the Belfast City Council Planning Authority. All arboricultural work shall be carried out in accordance with the approved details, BS 3998, 2010 'Recommendations for Tree Work' (or equivalent British Standard current at time of works).

Reason: To ensure the continuity of amenity afforded by existing trees and vegetation.

7.No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of works).

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

The developer shall inform the Local Planning Authority on completing the installation of all tree protection measures so that the Local Planning Authority or their representative may pass such measures before allowing development to commence. Development shall not commence until these measures have been agreed by the Local Planning Authority in writing.

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

8.Any excavation within tree protection areas shall be carried out using non-mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed, which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity.

Reason: To respect the topography of the site and to ensure the protection of existing landscape features.

9. No development hereby permitted shall commence until a landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, has been submitted to and approved in writing by Belfast City Council Local Planning Authority. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and no changes implemented without the consent of Belfast City Council Local Planning Authority.

Reason: To ensure the sustainability of the tree cover on the site through the successful long term proactive maintenance.

10.Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Belfast City Council Planning Authority seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Council gives its written consent to any request for variation.



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

11. Prior to the occupation of any apartment hereby permitted the bin store area and associated screen landscaping shall be constructed in accordance with the approved drawings 02B and 50 date stamped received 01 November 2015 (as approved under LA04/2017/0235/F), and permanently retained thereafter. Access to the bin storage area shall be available to residents of the apartments hereby permitted at all times.

Reason: In the interests of residential and visual amenity.

12. No dwelling or apartment hereby permitted shall be occupied until all drainage mitigation measures as set out in the submitted Flood Risk Assessment (as approved under LA04/2017/0235/F) have been constructed and installed in accordance with these details. A report verifying these measures have been installed shall be submitted to the satisfaction of the Local Planning Authority. The mitigation measures shall be permanently retained thereafter and not removed without the prior consent of the Local Planning Authority.

Reason: To ensure adequate flood mitigation measures are provided for the site and to protect residential amenity.

13. A detailed Construction Method Statement(s) for in / near water works must be submitted to the Belfast City Council Planning Authority prior to the commencement of any construction works hereby permitted. This shall include detailed drawing plans, demonstrating buffer zones to the watercourse as well as the storm drainage proposed. Details of all pollution prevention measures to be employed during the works, this must include details of the safe use of wet concrete on the site, the erection of a suitable barrier to prevent the egress of contaminated surface water runoff from the construction site into the watercourse, the refuelling of construction machinery and the storage of fuel/ spoil shall be undertaken at least 10 metres from the boundary of all watercourses.

Reason to ensure no impacts on any European Designated Sites.

14. There shall be no direct discharge of contaminated surface water from the site to the any watercourse during construction.

Reason: to ensure no impacts on any European Designated Sites.

15. Prior to the occupation of the proposed apartments and dwellings the applicant shall provide to Planning Service, for approval, a Noise Verification Report which demonstrates that:

a) The construction/design measures and noise mitigation measures recommended in the RPS additional report titled "Response Letter to Queries in Belfast City Council Letter ST/AM/394617 dated 11th April 2017 ref: NI1729/N/EHRL/03 (submitted under LA04/2017/0235/F) have been implemented to ensure recognised standards are met in relation to satisfactory internal noise levels within habitable rooms in all proposed apartments and dwellings.

b) That the entire window system (including frames, seals etc.) and ventilator units to the residential apartments and dwellings have been so installed so as to ensure that internal noise levels within any proposed residential apartment or dwellings shall:

- Not exceed 35 dB LAeq,16hrs 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;

- Not exceed 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any proposed bedrooms, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
- Not exceed 45 dB LAmax more than 10-15 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;

All noise mitigation measures shall be permanently retained following installation.

Reason: Protection of human health and residential amenity.

16. Prior to the occupation of each phase of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Service, a Verification Report. This report must demonstrate that the remedial measures outlined in the WYG Environment and Planning (Northern Ireland) Ltd report entitled 'Rosepark House, Generic Quantitative Risk Assessment, Coogan & Co' (dated January 2017 and referenced A097056), and as amended by the WYG report entitled 'Lands at Rosepark House, Updated Ground Gas Risk Assessment and Remedial Strategy, Client: Coogan & Co. Architects Ltd' (dated May 2019 and referenced A109374) and the WYG letters dated 6th July 2020 and 9th August 2020, have been implemented.

The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for end use (residential with plant uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be completed by competent persons and be in accordance with current guidance as outlined by the Environment Agency, British Standards and CIRIA industry guidance. In particular the Verification report must demonstrate that:

- a. Gas protection measures commensurate with Gas Characteristic Situation 2 have been designed and installed in Zone A (Phases 1 and 5) in accordance with BS 8485:2015+A1:2019 and their installation has been verified in line with CIRIA C735. The membrane installed shall be gas and vapour resistant.
- b. In Zone A (Phases 1 and 5), a clean capping layer of demonstrably suitable material (for residential with plant uptake), which includes a 200mm capillary break, has been installed in all private gardens to a depth of 800mm and in all landscaped and communal areas to a depth of 500mm.
- c. In Zone B (Phases 2, 3 and 4), a clean capping layer of demonstrably suitable material (for residential with plant uptake) has been installed in all private gardens to a depth of 800mm and in all landscaped and communal areas to a depth of 500mm.

All mitigation measures shall be permanently retained in accordance with the approved details.

Reason: Protection of human health.

17. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing

No.15-234-PSD01 Rev.B bearing the Department for Infrastructure Determination date stamp 28th November 2017 (as approved under LA04/2017/0235/F).

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

19.No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course. The final wearing course shall be applied on the completion of each phase of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

20.The areas allocated for vehicle parking, loading and unloading, circulation and manoeuvring on the approved plans shall only be used for the said purpose and not for any other purposes.

Reason: To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development.

21. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown in service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage to or obstruction of services within the service strip.

22. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 2015, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 0.5m shall be carried out in service strips determined for adoption.

Reason: To prevent damage to or obstruction of services within the service strip.

23.The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.15-234-PSD01 Rev.B bearing the date stamp 01st November 2017 (as approved under LA04/2017/0235/F) to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure adequate provision has been made for parking within the site.

24.The vehicular accesses, including visibility splays, shall be provided in accordance with the approved plan, prior to the commencement of any other works or other development hereby permitted.

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

25.No apartment hereby permitted shall be occupied until secure and covered cycle parking facilities have been provided on the site in accordance with the approved details and shall be permanently retained thereafter.

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

26. The development shall be constructed in accordance with the agreed phasing plan drawing 52A date stamped received 12th September 2019 by Belfast Planning Service and any subsequent phase shall not be occupied before the works comprised in all previous phases are completed in accordance with the approved plans to the satisfaction of the Local Planning Authority.

Reason: To secure the programming and phasing of, and an orderly pattern to the development.

Signature(s)

Date:

<b>ANNEX</b>	
<b>Date Valid</b>	21st July 2020
<b>Date First Advertised</b>	24th July 2020
<b>Date Last Advertised</b>	31st July 2020
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 - 15 Rosepark Meadows,Belfast,Down,BT5 7TL The Owner/Occupier, 9– 15 Ardcarl Way,Belfast,Down,BT5 7RP The Owner/Occupier, 134 – 148 Ardcarl Drive,Belfast,Down,BT5 7RT The Owner/Occupier, 15 Ardcarl Way,Belfast,Down,BT5 7RP The Owner/Occupier, 15 Rosepark Meadows,Belfast,Down,BT5 7TL The Owner/Occupier, 150 Ardcarl Drive,Belfast,Down,BT5 7RT The Owner/Occupier, 717 Upper Newtownards Road,Belfast,Down,BT4 3NR The Owner/Occupier, 719 Upper Newtownards Road,Belfast,Down,BT4 3NU The Owner/Occupier, 73 - 93 Rosepark,Belfast,Down,BT5 7RH The Owner/Occupier, Annex B, C & D Dundonald House,Upper Newtownards Road,Belfast,Down,BT4 3TB The Owner/Occupier, Apartment 1 – 6 ,Rosepark Lodge,Rosepark,Belfast,Down,BT5 7RH The Owner/Occupier, Dundonald House,Upper Newtownards Road,Belfast,Down,BT4 3UA	
<b>Date of Last Neighbour Notification</b>	28th July 2020
<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA04/2017/0235/F Proposal: Demolition of existing office building and construction of residential development comprising of 53 No. units (18 apartments, 21 detached, 14 semi-detached, with associated car parking and landscaping. Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR., Decision: PG Decision Date: 17.04.2018  Ref ID: LA04/2019/0135/DC Proposal: Discharge of Condition 9 of planning approval La04/2017/0235/f Address: Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR, Decision: AL Decision Date:  Ref ID: LA04/2019/2871/F	

Proposal: Variation of conditions 12 \_ 15 of approval LA04/2017/0235/F. Variation of condition 12 to include reference to submitted drainage assessment report and variation of condition 15 to provide noise verification report prior to occupation of each phase of development.  
Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,  
Decision: PG  
Decision Date: 19.03.2020

Ref ID: LA04/2019/2625/DC  
Proposal: Discharge of condition 16 (part A) of planning approval LA04/2017/0235/F relating to ground gas protection measures  
Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,  
Decision: AL  
Decision Date:

Ref ID: LA04/2019/1216/F  
Proposal: Change of house types (32no. units) at plots 16, 17, 18, 20, 21, 22, 26, 28, 29, 31, 32, 33, 34 & 35 to include 2 no. detached garages, 10no. semi-detached garages and 2 no. internal garage and elevational changes to apartment block (plots 36-53) to that previously approved under LA04/2017/0235/F  
Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,  
Decision: PG  
Decision Date: 22.05.2020

Ref ID: LA04/2019/1398/F  
Proposal: Variation of conditions of Approval LA04/2017/0235/F for 53 residential units as follows: Condition 16 relating to remediation of contamination to include reference to the remedial measures outlined in both the Generic Quantitative Risk Assessment Report dated January 2017 and an updated Ground Gas Risk Assessment and Remedial Strategy dated May 2019; and variation of condition 26 relating to phasing of development to allow construction in accordance with an updated construction programme.  
Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,  
Decision: PG  
Decision Date: 23.09.2019

Ref ID: LA04/2020/1356/F  
Proposal: LA04/2017/0235/F - Demolition of existing office building and construction of residential development comprising of 53. No. units (18 apartments, 21 detached, 14 semi-detached, with associated car parking and landscaping

and

LA04/2019/1398/F - Variation of conditions of Approval LA04/2017/0235/F for 53 residential units as follows: Condition 16 relating to remediation of contamination to include reference to the remedial measures outlined in both the Generic Quantitative Risk Assessment Report dated January 2017 and an updated Ground Gas Risk Assessment and Remedial Strategy dated May 2019; and variation of condition 26 relating to phasing of development to allow construction in accordance with an updated construction programme.  
Address: Lands at former Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,  
Decision:  
Decision Date:

Ref ID: LA04/2018/2851/DC

Proposal: Discharge of condition no 13 relating to construction management plan of LA04/2017/0235/F

Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,

Decision: AL

Decision Date:

Ref ID: LA04/2020/0862/DC

Proposal: Discharge of condition 16 B \_ C of approval LA04/2017/0235/F relating to contamination.

Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,

Decision:

Decision Date:

Ref ID: LA04/2018/1704/A

Proposal: 2No. temporary freestanding aluminium advertisement signs for a new housing development (for a period of 28 months).

Address: Lands at former, Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,

Decision: CG

Decision Date: 18.09.2018

Ref ID: LA04/2020/0863/DC

Proposal: Discharge of condition no 15 of LA04/2017/0235/F (varied under LA04/2019/2871/F) relating to noise verification.

Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,

Decision:

Decision Date:

Ref ID: LA04/2020/0406/DC

Proposal: Discharge of condition 12 LA04/2017/0235/F.

Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,

Decision: AL

Decision Date:

Ref ID: LA04/2016/1010/PAN

Proposal: Development of 53 residential units (22 detached houses, 16 semi-detached houses, 3 townhouses, 12 apartments)

Address: Rose Park, Upper Newtownards Road, Belfast, BT5 7RH,

Decision: PANACC

Decision Date:

#### **Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:





## Development Management Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 12 December 2017	
<b>Application ID:</b> LA04/2017/0235/F	
<b>Proposal:</b> Demolition of existing office building and construction of residential development comprising of 53 No. units (18 apartments, 21 detached, 14 semi-detached), with associated car parking and landscaping.	<b>Location:</b> Lands at Rosepark House Upper Newtownards Road Belfast BT4 3NR.
<b>Referral Route:</b> Planning Committee – major application (exceeds 50 dwellings)	
<b>Recommendation:</b>	APPROVAL
<b>Applicant Name and Address:</b> Kirk Bryson & Co. Ltd Lesley House 605 Lisburn Road Belfast BT9 7GS	<b>Agent Name and Address:</b> Coogan & Co. Architects Ltd 144 Upper Lisburn Road Belfast BT10 0BG
<b>Executive Summary:</b>  <p>The proposal comprises demolition of existing office building and construction of residential development comprising of 53 No. units (18 apartments, 21 detached, 14 semi-detached, with associated car parking and landscaping.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• The principle of the development at this location;</li> <li>• Impact on the Character of the Area;</li> <li>• Impact on amenity; and</li> <li>• Traffic Movement and Parking</li> </ul> <p>The site is located within the development limits of Belfast in the BUAP and dBMAP 2015 and is identified as ‘whiteland’ and therefore not subject to any particular zonings. The last use of the site comprised Government Offices, the majority of which have now been demolished. Given the thrust of regional policy to encourage redevelopment of brownfield sites, and the surrounding context of predominantly housing use, the principle of housing at this site is acceptable subject to detailed considerations.</p> <p>The proposed layout has been largely informed by constraints within the site, including mature trees along the site frontage and southern (rear) boundary, an earth bank along the western site boundary, and the Knock River which traverses the eastern site boundary. The layout accords with supplementary guidance in terms of separation distances between proposed and neighbouring existing buildings – approximately 15m min between front elevations, with separation distances between rear elevations generally in excess of 20m. The apartment block (3.5 storeys) is located 47m approximately from the nearest existing dwelling (36m to boundary at closest). Residential amenity of existing and prospective residents will not be adversely affected</p>	

due to sufficient separation distances. The layout broadly accords with the suburban character of the locality in terms of built form.

Amenity space provision for both dwellings and apartments are generally in excess of minimum standards discussed in supplementary guidance, with lowest provision of private amenity space being approximately 73sqm in several dwelling units, increasing to approximately 150sqm. Outdoor communal garden areas are proposed for the apartments, which includes seating and landscaped areas. Communal open space comprises a main area roughly centrally within the site (950sqm approximately), with further amenity areas around the site periphery, including a playground area (approximately 150 sqm). Within this suburban context, the level of provision is considered acceptable, also taking account of the proximity of public open space within Stormont Estate.

Consultees including Environmental Health, Transport NI, Rivers Agency, NIEA, NI Water, Natural Heritage, Shared Environmental Services, have no objection to the proposal subject to conditions.

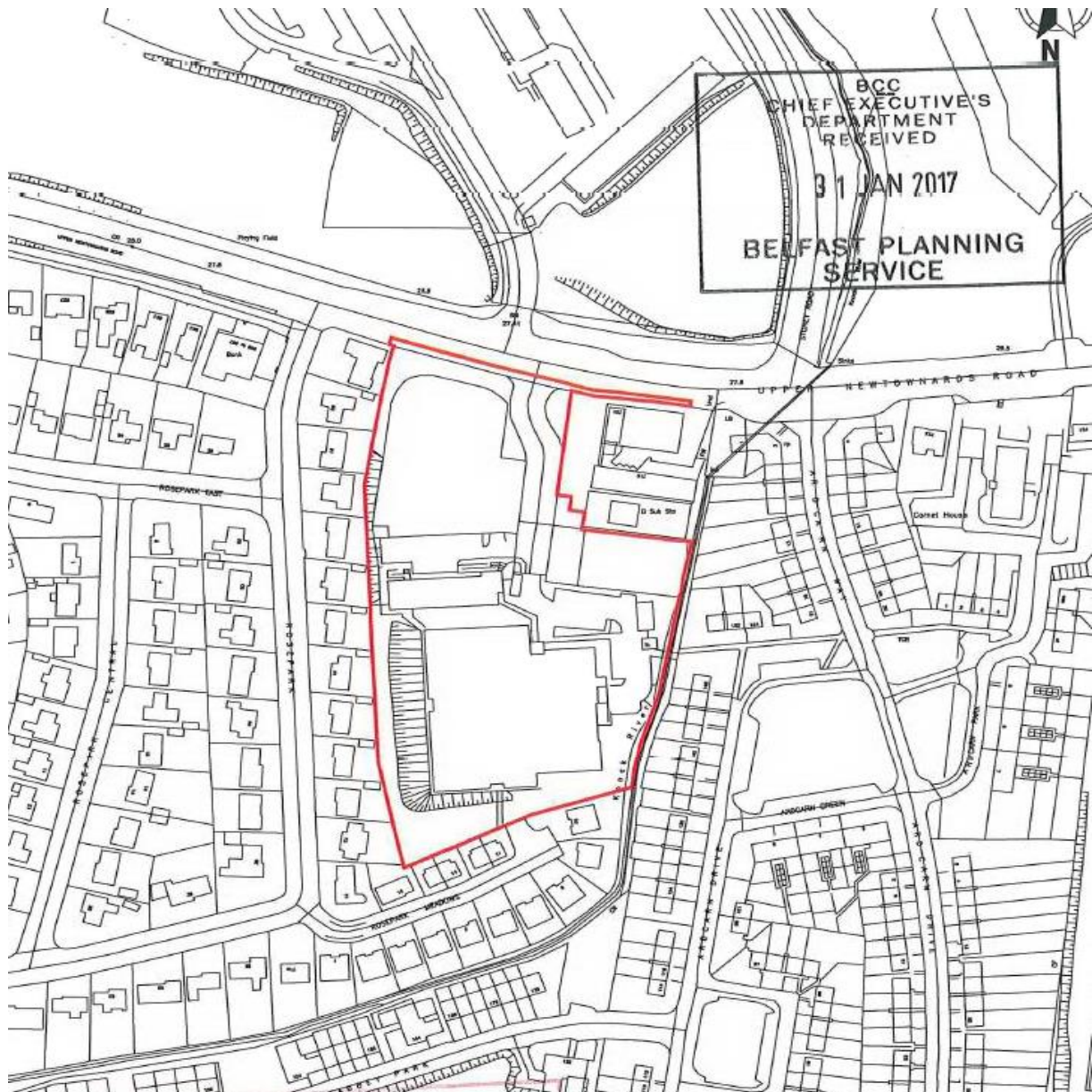
No representations from any elected representatives or the public have been received.

Having had regard to the development plan, relevant planning policies and other material considerations it is concluded that the proposal complies with the development plan, regional planning policy and other material considerations, it is recommended that the proposal should be approved subject to conditions.

It is therefore requested Committee delegate authority to the Director of Planning and Place to grant planning permission subject to the final wording of conditions to be agreed and to agree the terms of a legal agreement under Section 76.

## Case Officer Report

### Site Location Plan







Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Representatives	None Received
Neighbour Notification Checked	Yes

## 1.0 Characteristics of the Site and Area

The application site is located off the Upper Newtownards Road in East Belfast. It is approximately 2 hectares in size and comprises former Government offices and large areas of hardstanding/car parking. There are landscaped areas around the site periphery, including a number of mature trees along the Upper Newtownards frontage and the rear of the application site. There is a landscaped bank that runs along the western site boundary for the majority of its length. Accordingly, the western boundary is elevated by approximately 2m higher than the site. The site is elevated above properties to the south by approximately 1.5 metres. Notwithstanding the level differences to the boundaries, the application site is generally level in terms of topography. The Knock River is adjacent to the eastern site boundary, with an electricity sub-station, funeral home, and petrol station to the north east. Boundary treatments largely comprise metal mesh fencing approximately 2.5m in height, with timber rail fencing along the site frontage.

There are detached dwellings adjacent to the western site boundary, with a mixture of detached and semi-detached to the south. Terraced dwellings are located to the east of the site opposite the river. Dwellings are a mix of single storey and two storey heights, designs and finishes.

There is a substation to the Northeast of the site, and an access laneway to this building. A NIW wayleave 30m wide is located adjacent to the eastern site boundary. There is low density housing to the south, west, and north of the site.

## 2.0 Proposal

53 No. units (18 apartments, 21 detached, 14 semi-detached), with associated car parking and landscaping.

## Planning Assessment of Policy and Other Material Considerations

### 3.0 Site History

No relevant history

### 4.0 Policy Framework

- 4.1 Belfast Urban Area Plan & draft Belfast Metropolitan Area Plan 2015
- 4.2 Strategic Planning Policy Statement (SPPS)
- 4.3 Planning Policy Statement 2 (PPS2) – Planning and Nature Conservation
- 4.4 Planning Policy Statement 3 (PPS3) - Access, Movement and Parking
- 4.5 Planning Policy Statement 13 (PPS13) - Transportation and Land Use
- 4.6 Planning Policy Statement 7 (PPS7) – Residential Development
- 4.7 Planning Policy Statement 12 (PPS12) – Housing in Settlements
- 4.8 Planning Policy Statement 15 (PPS15) - Planning and Flood Risk
- 4.9 Planning Policy Statement 8 (PPS8) – Open Space

4.10 Supplementary Planning Guidance including ‘Creating Places’, Development Control Advice Note 8 Housing in Existing Urban Areas, and Parking Standards.

### 5.0 Statutory Consultee Responses

- 5.1 NI Water - No objection
- 5.2 DARD - Rivers Agency - No objection
- 5.3 NIEA - Waste Management - No objection subject to conditions
- 5.4 DFI - Transport NI - No objection subject to conditions

5.5 DFC – Natural Heritage – no objections subject to conditions	
5.6 DEARA Fisheries – no objections	
<b>6.0 Non - Statutory Consultee Responses</b>	
6.1 BCC Environmental Health - No objection subject to conditions	
6.2 Shared Environmental Services – no objections subject to conditions;	
<b>7.0</b>	<b>Representations</b> <p>The application has been neighbour notified and advertised in the local press and no representations have been received.</p> <p>No representations from any elected representatives have been received.</p>
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	None
<b>9.0</b>	<b>Assessment</b>
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• The principle of the development at this location;</li> <li>• Impact on the Character of the Area;</li> <li>• Impact on amenity; and</li> <li>• Traffic Movement and Parking</li> </ul>
9.2	<p>Permission is sought for 53 dwellings comprising 35 dwellings (12 semi-detached dwellings, 23 detached, and 18 apartments (3 1 bed and 15 2-bed), in addition to open space, landscaping, and associated access infrastructure. Due to the nature of the proposal, the BUAP, dBMAP and regional housing policies are significant policy considerations.</p>
9.3	<p>The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states the majority of PPS's remain applicable under 'transitional arrangements' including PPS3 and PPS7.</p> <p><b>Principle of proposed development Use</b></p>
9.4	<p>The site is located within the development limits of Belfast in the dBMAP 2015 and is identified as 'whiteland' and therefore not subject to any particular zonings. Nor is it subject to any zonings within the last adopted plan BUAP. Its last use comprised Government Offices, the majority of which have now been demolished on site. The site is therefore brownfield. As the respective plans are silent on the site, the main considerations are set out in regional housing policies including PPS7, and the addendum to PPS 7. Given the thrust of regional policy to encourage redevelopment of brownfield sites, and the surrounding context of predominantly housing use, the principle of housing at this site is acceptable subject to detailed considerations. A mix of housing types is proposed including apartments, semi-detached and detached dwellings. A mix of dwelling types is encouraged in regional policy to assist with social</p>

	<p>inclusion and other benefits. These types are evident in the locality historically and through redevelopment schemes. Accordingly, the dwelling types are acceptable in principle.</p> <p><b>PPS7 – Design, Character and Appearance of Area and amenity</b></p>
9.5	<p>The proposal has been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations. PPS7 addendum safeguarding character is also a material consideration and includes three policies LC1-3.</p> <p><b>Layout</b></p>
9.6	<p>The proposed layout has been largely informed by constraints within the site, including mature trees along the site frontage and southern (rear) boundary, an earth bank along the western site boundary, and the Knock River which traverses the eastern site boundary. The layout accords with supplementary guidance in terms of separation distances between proposed and neighbouring existing buildings – approximately 15m min between front elevations, with separation distances between rear elevations generally in excess of 20m. The apartment block is located 47m approximately from the nearest existing dwelling (36m to boundary at closest). The layout broadly accords with the suburban character of the locality in terms of built form.</p> <p><b>Amenity and Open Space</b></p>
9.7	<p>Amenity space provision for both dwellings and apartments are generally well in excess of minimum standards discussed in supplementary guidance, with lowest provision of private amenity space being approximately 73sqm in several dwelling units, increasing to approximately 150sqm. Outdoor communal garden areas are proposed for the apartments, which includes seating and landscaped areas. Communal open space comprises a main area roughly centrally within the site (950sqm approximately), with further amenity areas around the site periphery, including a playground area (approximately 150 sqm). Within this suburban context, the level of provision is considered acceptable, also taking account of the proximity of public open space within Stormont Estate. In addition, adequate public open space and management arrangements are provided as part of the development, and related requirements under PPS7 and PPS8 are therefore satisfied. Conditions are necessary to secure provision and adequate maintenance arrangements.</p> <p><b>Design &amp; Materials</b></p>
9.8	<p>The proposed materials, design and fenestration are consistent with the area, incorporating a similar, fenestration, and solid to void ratios, and having regard to the previous permissions in the locality. Dwellings are generally 6m to eaves with ridge heights varying between 9 and 10m depending on house type. The apartment block is 3.5 storeys in height, with eaves height of 10m and ridge height of generally 12.3m and 12.8m to the highest section. The proposed designs are therefore compliant with</p>

	<p>criteria [g] of PPS7. Accordingly, it is considered that the proposal would not adversely affect the character of the area, which is a wide mix of building designs and finishes.</p> <p><b>Impact on Residential Amenity</b></p>
9.9	<p>There are existing residential uses immediately adjacent to the east, west, and south of the application site. The layout/aspect of all buildings within the site is such that there will be not overlooking of neighbouring properties. In addition, there is sufficient separation distances to existing neighbouring properties that dominance and overshadowing will not occur to an unacceptable degree – 17m at closest point to dwellings to the west, 20m at closest to the east, and 15m at closest to dwellings to the south (gable elevation). The apartment block is located 47m approximately from the nearest existing dwelling (36m to boundary at closest). Accordingly, the proposal will not adversely impact on the amenity of existing residents. In terms of prospective residents, each unit has adequate outlook to the public street and external amenity areas. The accommodation proposed is in accordance / generally exceeds standards set out in the addendum to PPS7.</p> <p><b>Landscaping</b></p>
9.10	<p>The layout includes a landscaping scheme for the areas of open space, within the curtilage of new buildings, and around the site boundaries. It includes the retention of approximately 22 trees, and new planting of approximately 92 trees, in addition to hedge, shrub and screen planting. The planting scheme has been reviewed by the Tree Officer and is acceptable in terms of species proposed. Conditions are necessary to secure provision, maintenance and management of the landscaping proposed.</p> <p><b>PPS15 – Flooding</b></p>
9.11	<p>Rivers Agency and NI Water have been consulted on the application, and assessed the submitted drainage assessment. A 5m maintenance wayleave adjacent to the riverbank has been facilitated within the layout. The site level and finished floor levels of buildings exceed the 1 in 100 year flood levels of the adjacent watercourse and attenuation of run off to green field rates is proposed. Neither consultee has any objections to the proposal therefore it is considered that the proposal will not result in or be impacted unacceptably by flooding. Given the positive consultee responses, it is considered that the proposal is compliant with PPS15 requirements. A condition is necessary to ensure delivery of the mitigation measures proposed, including storm water attenuation measures.</p> <p><b>Traffic, Parking and associated Roads considerations</b></p>
9.12	<p>Transport NI were consulted and are satisfied that there is sufficient vehicle and bicycle parking provision proposed, the access arrangements are adequate, and that the proposal will not result in a significant impact on traffic or road safety. The proposal includes 126 parking spaces. In curtilage parking provision for the proposed dwellings is provided in accordance with the parking standards. A parking court is proposed for the apartments, including cycle parking and sufficient spaces are provided for prospective residents. Overall, however, the development will provide a shortfall of 8 spaces. However, it is considered that, the shortfall is acceptable in this case due to benefits of increased amenity space and taking account of the proximity to public transport links on Upper Newtownards Road, including a proposed Rapid Transit halt at the site frontage. The proposal provides a balanced solution to parking needs at the site, and will not compromise the amenity of existing residents in this regard as the layout is not linked to existing residential streets. The majority of spaces are in curtilage</p>



	and dedicated internal cycle parking is provided adjacent to the apartment block. This aspect is therefore considered acceptable and compliant with PPS3, associated guidance, and criteria [f] of QD1.
9.13	<p><b>Bin Storage</b></p> <p>The applicant has shown a bin storage area for the apartments. It is located sufficient distance from neighbouring properties that amenity of residents will not be impacted. Therefore, this aspect is acceptable. A condition is necessary to ensure delivery and retention of this facility.</p> <p><b>Consultation Responses</b></p>
9.14	<p>Environmental Health has no objections to the proposal in terms of public health matters including noise, disturbance and associated matters subject to conditions. NIEA Waste Management has no objections regarding land contamination issues. Natural Heritage are satisfied that the proposal will not adversely impact on flora and fauna. Archaeology and Built Heritage have no objections. Shared Environmental Services have deemed the proposals acceptable in relation to the Habitats Directive and accordingly have no objection subject to conditions.</p> <p><b>Pre-Application Community Consultation</b></p>
9.15	For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application.
9.16	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2016/1010/PAN) was submitted to the Council on 20 May 2016. 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.
9.17	A Pre Community Consultation Report has been submitted in support of this application. 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.
9.18	<p>No objections have been received following the advertisement and notification process.</p> <p><b>Developer Obligations</b></p>
9.19	In this case, it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement under Section 76 of the Planning Act with Belfast City Council in order to mitigate to some extent against the impact of the development. The works to be undertaken / and or sum of monies are to be agreed with the developer / landowner and the developer has expressed a willingness and commitment to meet these obligations and provide satisfactory contributions.

10.0	<b>Recommendation</b>
	<p>Having regard to the policy context and other material considerations above including the planning history, the proposal is considered acceptable and approval of planning permission is recommended subject to conditions and a legal agreement under Section 76 of the Planning Act.</p>
<p><b>Draft Conditions (Delegation of final conditions to Director of Planning &amp; Place Requested):</b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Notwithstanding the provisions of Article 3 and Parts 1, 2 and 3 Class A and B of the Schedule of the Planning (General Permitted Development) Order (NI) 2015 (or any legislation revoking that Order and re-enacting those provisions) no development shall take place within the curtilage of the dwellings hereby approved, including the formation of vehicular / pedestrian accesses, without the written permission of the Council.</p> <p>Reason: To preserve the integrity of the design and layout of the development, mitigate flood risk, and in the interests of residential amenity.</p> <p>3. Prior to the occupation of each dwelling hereby approved, boundary walls and fencing in association with each dwelling shall be erected in accordance with the approved plans and shall be permanently retained thereafter.</p> <p>Reason: In the interest of privacy and amenity</p> <p>4. All hard and soft landscape works shall be completed in accordance with the approved drawing no date stamped received the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to occupation of any dwelling / part of the development hereby approved.</p> <p>All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>5. Trees and vegetation to be retained within the site and proposed planting as indicated on drawing number TBC date stamped received TBC, shall not be cut down, uprooted or destroyed, or have their roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree, without the prior written approval of the Belfast City Council Planning Authority. All arboricultural work shall be carried out in accordance with the approved details, BS 3998, 2010 'Recommendations for Tree Work' (or equivalent British Standard current at time of works).</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees and vegetation.</p>	

6. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of works).

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

The developer shall inform the Local Planning Authority on completing the installation of all tree protection measures so that the Local Planning Authority or their representative may pass such measures before allowing development to commence. Development shall not commence until these measures have been agreed by the Local Planning Authority in writing.

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

7. Any excavation within tree protection areas shall be carried out using non-mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed, which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity.

Reason: To respect the topography of the site and to ensure the protection of existing landscape features.

8. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any changes shall not be implemented without the prior consent of Belfast City Council Planning Authority.

Reason: To ensure the sustainability of the tree cover on the site through the successful long term proactive maintenance.

9. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Belfast City Council Planning Authority seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Council gives its written consent to any request for variation.

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

10. Prior to the occupation of any apartment hereby permitted the bin store area and associated screen landscaping shall be constructed in accordance with the approved drawings, and permanently retained thereafter. Access to the bin storage area shall be available to residents of the apartments hereby permitted at all times.

Reason: In the interests of residential and visual amenity.

11. No part of the development hereby permitted shall commence until a phasing plan for the development of the site has been submitted to and approved by the Local Planning Authority.

The communal open space and children play area shall be constructed in accordance with the approved details prior to the commencement of any part of the final phase of development.

Reason: In the interests of amenity and to ensure the orderly development of the site.

12. No dwelling or apartment hereby permitted shall be occupied until all drainage mitigation measures as set out in the submitted Flood Risk Assessment have been constructed and installed in accordance with these details. A report verifying these measures have been installed shall be submitted to the satisfaction of the Local Planning Authority. The mitigation measures shall be permanently retained thereafter and not removed without the prior consent of the Local Planning Authority.

Reason: to ensure adequate flood mitigation measures are provided for the site and to protect residential amenity.

13. A detailed Construction Method Statement(s) for in / near water works must be submitted to the Belfast City Council Planning Authority prior to the commencement of any construction works hereby permitted. This shall include detailed drawing plans, demonstrating buffer zones to the watercourse as well as the storm drainage proposed. Details of all pollution prevention measures to be employed during the works, this must include details of the safe use of wet concrete on the site, the erection of a suitable barrier to prevent the egress of contaminated surface water runoff from the construction site into the watercourse, the refuelling of construction machinery and the storage of fuel/ spoil shall be undertaken at least 10 metres from the boundary of all watercourses.

Reason To ensure no impacts on any European Designated Sites.

14. There shall be no direct discharge of contaminated surface water from the site to the any watercourse during construction.

Reason To ensure no impacts on any European Designated Sites.

15. Prior to the occupation of the proposed apartments and dwellings the applicant shall provide to Planning Service, for approval, a Noise Verification Report which demonstrates that:

a) The construction/design measures and noise mitigation measures recommended in the RPS additional report titled "Response Letter to Queries in Belfast City Council Letter ST/AM/394617 dated 11th April 2017 ref: NI1729/N/EHRL/03 have been implemented to ensure recognised standards are met in relation to satisfactory internal noise levels within habitable rooms in all proposed apartments and dwellings.

b) That the entire window system (including frames, seals etc) and ventilator units to the residential apartments and dwellings have been so installed so as to ensure that internal noise levels within any proposed residential apartment or dwellings shall:

- Not exceed 35 dB LAeq,16hrs 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;
- Not exceed 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any proposed bedrooms, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
- Not exceed 45 dB L<sub>Amax</sub> more than 10-15 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;

Reason: Protection of human health and residential amenity

16. The applicant, on completion of the works and prior to the occupation of the proposed development, shall provide to the Belfast Planning Service, for approval, a Verification Report. This report must demonstrate that the remedial measures outlined in the WYG report titled “Rosepark House Generic Quantitative Risk Assessment A097056” dated January 2017 job number A09705 have been implemented.

The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for end use. It must demonstrate that the identified contaminant-pathway-target linkages as outlined in the WYG report are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular the Verification report must demonstrate that:

- a. Gas protection measures commensurate with Gas Characteristic Situation 2 have been designed and installed in accordance with BS 8485 and their installation has been verified in line with Ciria C735. The membrane installed shall be gas and vapour resistant.
- b. That a minimum of 800mm clean capping layer which includes 200mm capillary break, of demonstrably suitable material (for residential with plant uptake) has been installed in the proposed private gardens
- c. That a minimum of 500mm capping layer of demonstrably suitable material has been installed in the landscaped and communal areas.

Reason: in the interests of public health and amenity.

17. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

18. After completing the remediation works under Condition 17; 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). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No.15-234-PSD01 Rev.B bearing the Department for Infrastructure Determination date stamp 28th November 2017.

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

20. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course. The final wearing course shall be applied on the completion of each phase of the development.

REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

21. The areas allocated for vehicle parking, loading and unloading, circulation and manoeuvring on the approved plans shall only be used for the said purpose and not for any other purposes.

Reason: To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development.

22. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown in service strips determined for adoption.

REASON: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage to or obstruction of services within the service strip.

23. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 0.5m shall be carried out in service strips determined for adoption.

REASON: To prevent damage to or obstruction of services within the service strip.

24. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.15-234-PSD01 Rev.B bearing the date stamp 01st November 2017 to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

REASON: To ensure adequate provision has been made for parking within the site.

25. The vehicular accesses, including visibility splays, shall be provided in accordance with the approved plan, prior to the commencement of any other works or other development hereby permitted.

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

26. No apartment hereby permitted shall be occupied until secure and covered cycle parking facilities have been provided on the site in accordance with the approved details and shall be permanently retained thereafter.

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

<b>ANNEX</b>	
<b>Date Valid</b>	31st January 2017
<b>Date First Advertised</b>	17th February 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Ardcarney Way, Tullycarnet, Belfast, Down, BT5 7RP, The Owner/Occupier, 10 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL, The Owner/Occupier, 11 Ardcarney Way, Tullycarnet, Belfast, Down, BT5 7RP, The Owner/Occupier, 11 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL, The Owner/Occupier, 12 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL, The Owner/Occupier, 13 Ardcarney Way, Tullycarnet, Belfast, Down, BT5 7RP, The Owner/Occupier, 13 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL, The Owner/Occupier, 132 Ardcarney Drive, Tullycarnet, Belfast, Down, BT5 7RT, The Owner/Occupier, 134 Ardcarney Drive, Tullycarnet, Belfast, Down, BT5 7RT, The Owner/Occupier, 136 Ardcarney Drive, Tullycarnet, Belfast, Down, BT5 7RT, The Owner/Occupier, 138 Ardcarney Drive, Tullycarnet, Belfast, Down, BT5 7RT, The Owner/Occupier, 14 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL, The Owner/Occupier, 140 Ardcarney Drive, Tullycarnet, Belfast, Down, BT5 7RT, The Owner/Occupier, 142 Ardcarney Drive, Tullycarnet, Belfast, Down, BT5 7RT, The Owner/Occupier, 144 Ardcarney Drive, Tullycarnet, Belfast, Down, BT5 7RT, The Owner/Occupier, 146 Ardcarney Drive, Tullycarnet, Belfast, Down, BT5 7RT, The Owner/Occupier, 148 Ardcarney Drive, Tullycarnet, Belfast, Down, BT5 7RT, The Owner/Occupier, 15 Ardcarney Way, Tullycarnet, Belfast, Down, BT5 7RP, The Owner/Occupier, 15 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL, The Owner/Occupier, 150 Ardcarney Drive, Tullycarnet, Belfast, Down, BT5 7RT, The Owner/Occupier, 7 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL, The Owner/Occupier, 71 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH, The Owner/Occupier, 719 Upper Newtownards Road, Ballymiscaw, Dundonald, Down, BT4 3NU, The Owner/Occupier, 719 Upper Newtownards Road, Ballymiscaw, Dundonald, Down, BT4 3NU, The Owner/Occupier, 73 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH, The Owner/Occupier, 75 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH, The Owner/Occupier, 77 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH, The Owner/Occupier, 79 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH, The Owner/Occupier, 8 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL, The Owner/Occupier, 81 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH, The Owner/Occupier, 83 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH, The Owner/Occupier, 85 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH, The Owner/Occupier, 87 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH, The Owner/Occupier, 89 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH, The Owner/Occupier, 9 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL, The Owner/Occupier, 91 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH, The Owner/Occupier, 93 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,	

The Owner/Occupier, Apartment 1,Rosepark Lodge,Rosepark,Ballymiscaw,Belfast,Down,BT5 7RH,  
 The Owner/Occupier, Apartment 2,Rosepark Lodge,Rosepark,Ballymiscaw,Belfast,Down,BT5 7RH,  
 The Owner/Occupier, Apartment 3,Rosepark Lodge,Rosepark,Ballymiscaw,Belfast,Down,BT5 7RH,  
 The Owner/Occupier, Apartment 4,Rosepark Lodge,Rosepark,Ballymiscaw,Belfast,Down,BT5 7RH,  
 The Owner/Occupier, Apartment 5,Rosepark Lodge,Rosepark,Ballymiscaw,Belfast,Down,BT5 7RH,  
 The Owner/Occupier, Apartment 6,Rosepark Lodge,Rosepark,Ballymiscaw,Belfast,Down,BT5 7RH,  
 The Owner/Occupier, Rosepark House,717 Upper Newtownards Road,Ballymiscaw,Dundonald,Down,BT4 3NR,  
 The Owner/Occupier, Rosepark House,717 Upper Newtownards Road,Ballymiscaw,Dundonald,Down,BT4 3NR,  
 The Owner/Occupier, Rosepark House,717 Upper Newtownards Road,Ballymiscaw,Dundonald,Down,BT4 3NR,

<b>Date of Last Neighbour Notification</b>	21st November 2017
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<b>Date of EIA Determination</b>	10.03.2017
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<b>ES Requested</b>	No
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#### **Planning History**

Ref ID: Z/2001/3059/CD

Proposal: Provision of additional office accommodation

Address: Rosepark House, Upper Newtownards Road, Dundonald, Belfast, BT4 3NR

Decision:

Decision Date: 28.01.2002

Ref ID: Z/2014/1106/O

Proposal: Residential development with associated roadworks and landscaping. 8No. 4 bed detached, 24No. 3 bed semi-detached, 4No. 2 bed apartments, 8No. 3 bed townhouses (44 dwellings) (additional information \_ revised description).

Address: Site at Rosepark, Upper Newtownards Road, Belfast, BT4 3NR,

Decision: WITHDRAWN

Decision Date: 09.08.2016

#### **Notification to Department (if relevant): N/A**

Date of Notification to Department:

Response of Department:



By virtue of paragraph(s) 3 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

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