

# Development Management Report

<b>Summary</b>	
<b>Committee Date:</b> 16 <sup>th</sup> April 2024	
<b>Application ID:</b> LA04/2023/4366/F	
<b>Proposal:</b> Proposed 14 storey (plus basement) purpose-Built Grade A Office premises with retail/restaurant unit at ground floor, including external landscaped terrace areas, public realm works, and all associated site works.	<b>Location:</b> 14 Dublin Road, Belfast
<b>Referral Route:</b> Application for Major development	
<b>Recommendation:</b> Approval subject to conditions and Section 76 planning agreement	
<b>Applicant Name and Address:</b>  Kainos 4-6 Upper Crescent Belfast BT7 1NT	<b>Agent Name and Address:</b>  TSA Planning 20 May Street Belfast
<p><b>Executive Summary:</b></p> <p>This application relates to the northern part of the former cinema site at 14 Dublin Road. Full planning permission is sought for the erection of a 14 storey (plus basement) purpose-built Grade A Office premises with retail/restaurant unit at ground floor, including external landscaped terrace areas, public realm works, and all associated site works. The building is to provide the headquarters for Kainos, a locally based ICT company.</p> <p>The application follows a detailed Pre-Application Discussion (PAD) process.</p> <p>The key issues for consideration of the application are set out below.</p> <ul style="list-style-type: none"> <li>• Principle of the proposed uses</li> <li>• Design and placemaking</li> <li>• Impact on heritage assets</li> <li>• Impact on amenity</li> <li>• Climate change</li> <li>• Open space</li> <li>• Access and transport</li> <li>• Health impacts</li> <li>• Environmental protection</li> <li>• Flood risk and drainage</li> <li>• Waste-water infrastructure</li> <li>• Natural heritage</li> <li>• Waste management</li> <li>• Employability and Skills</li> <li>• Section 76 planning agreement</li> <li>• Pre-Application Community Consultation</li> </ul>	

The site is within the City Centre and is a highly sustainable location for new office development. The proposal would provide office accommodation for 500 staff and would have a very positive impact in terms of investment and economic activity.

The proposed building is considered to be of a high-quality design appropriate to its location that would regenerate the land which has been cleared and currently occupied by meanwhile uses.

No objections have been received from statutory consultees other than NI Water which is concerned about waste-water capacity. However, it is considered unreasonable to withhold planning permission on those grounds for the reasons specified in the main report. The Council's Environmental Health service and Urban Design Officer raise no objections. There is an outstanding response from Shared Environmental Services, however, it is expected to offer no objection subject to conditions to mitigate potential impacts on Belfast Lough. A response is also awaited from the Council's Waste Management team following the submission of further information by the applicant.

Two objections have been received, which are detailed in the main report.

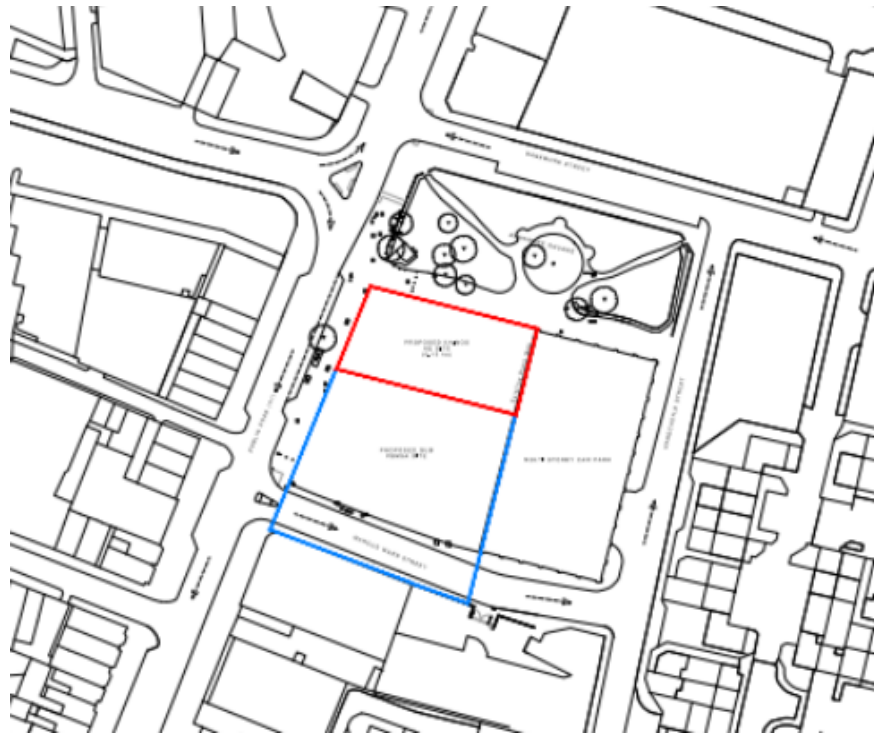
### **Recommendation**

Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.

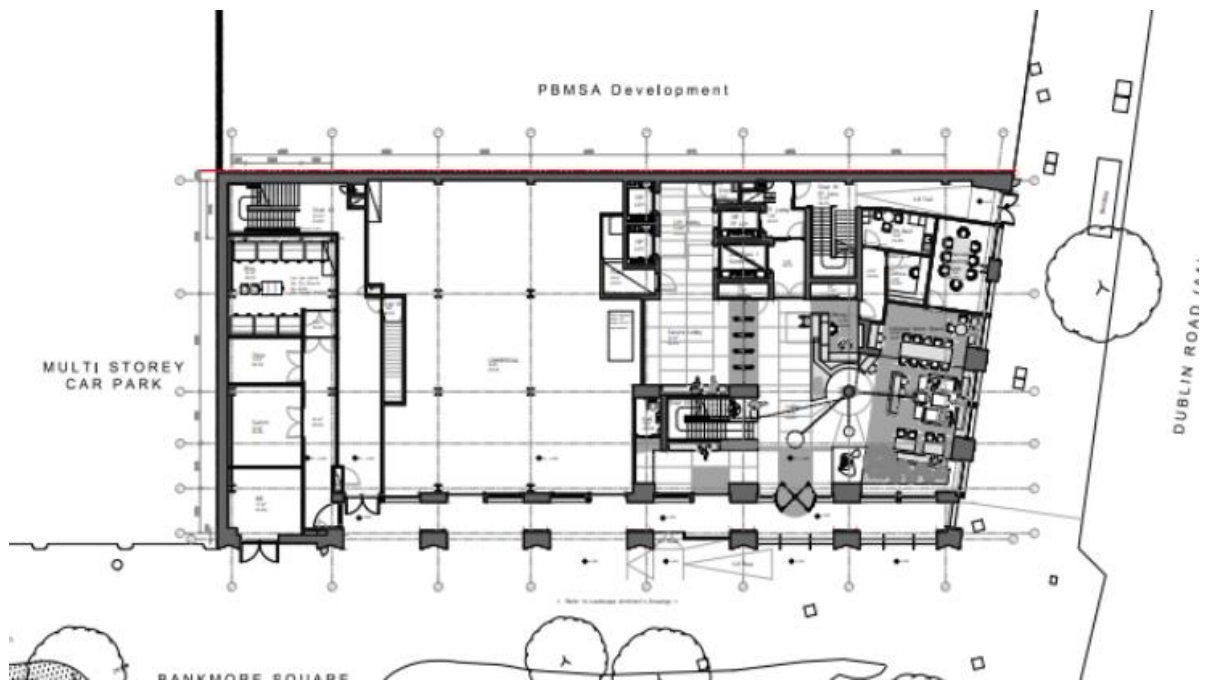
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other issues that arise, including those raised in the further consultation responses from Shared Environmental Services and Waste Management team, provided that the issues are not substantive.

**DRAWINGS AND IMAGERY**

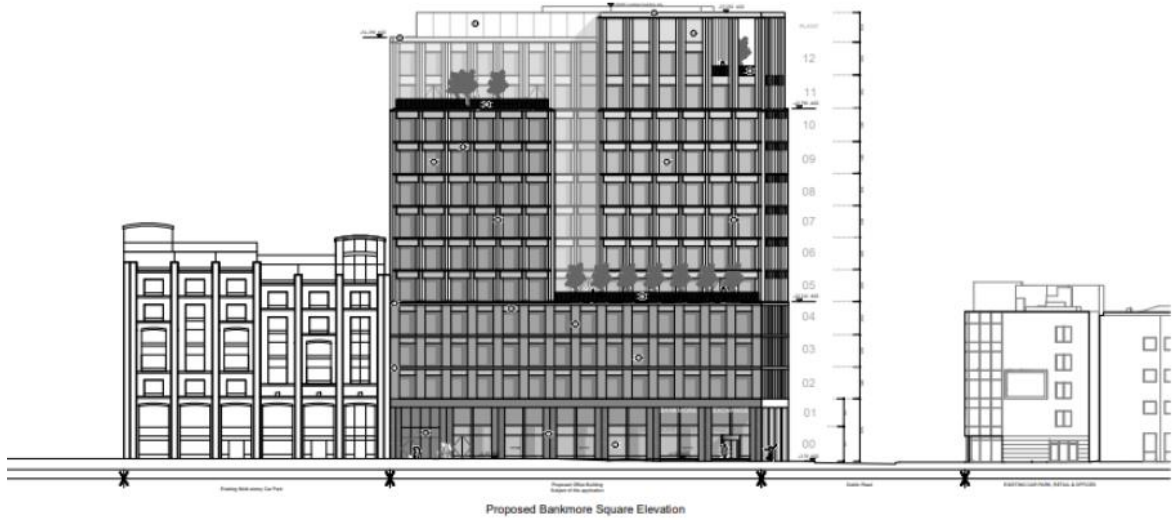
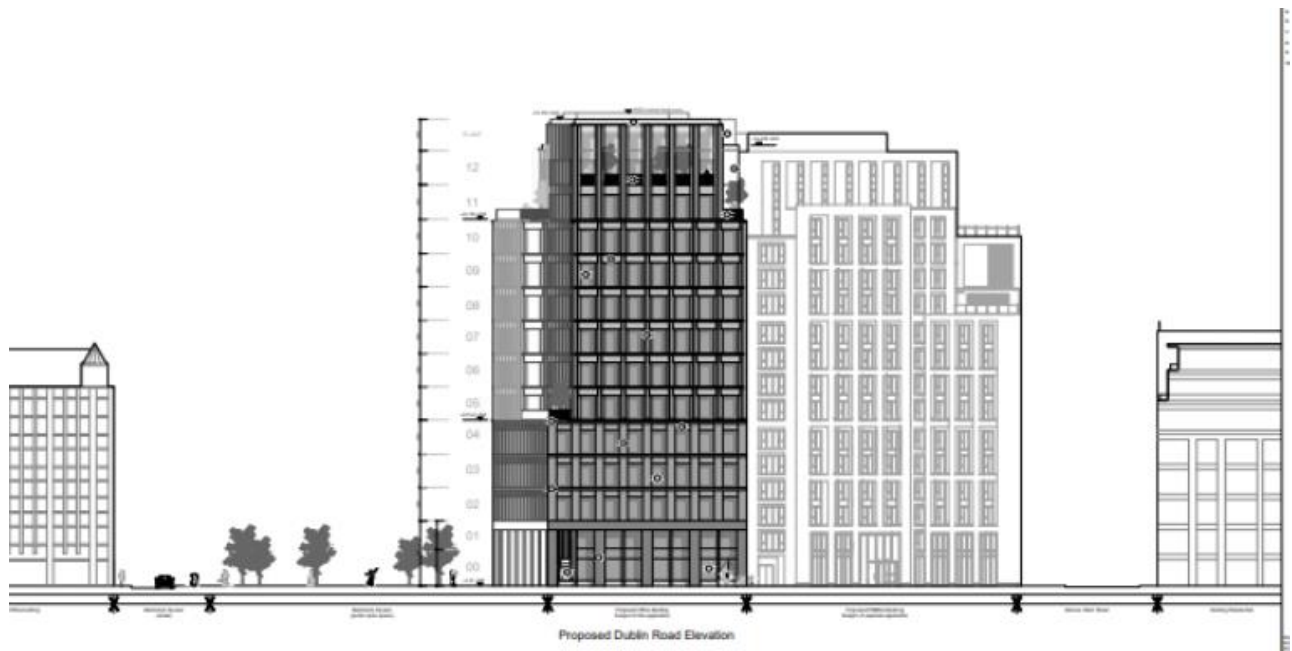
**Site Location Plan:**

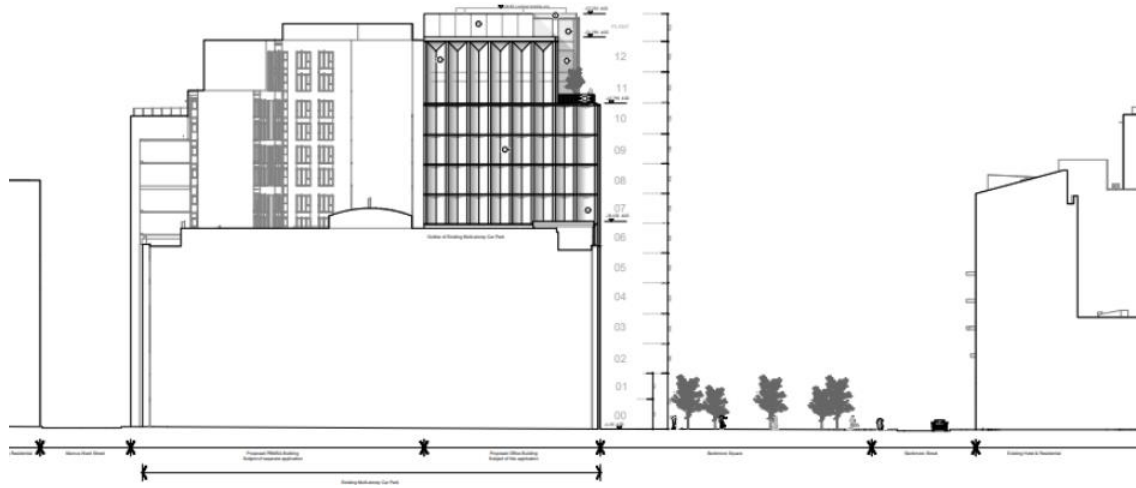
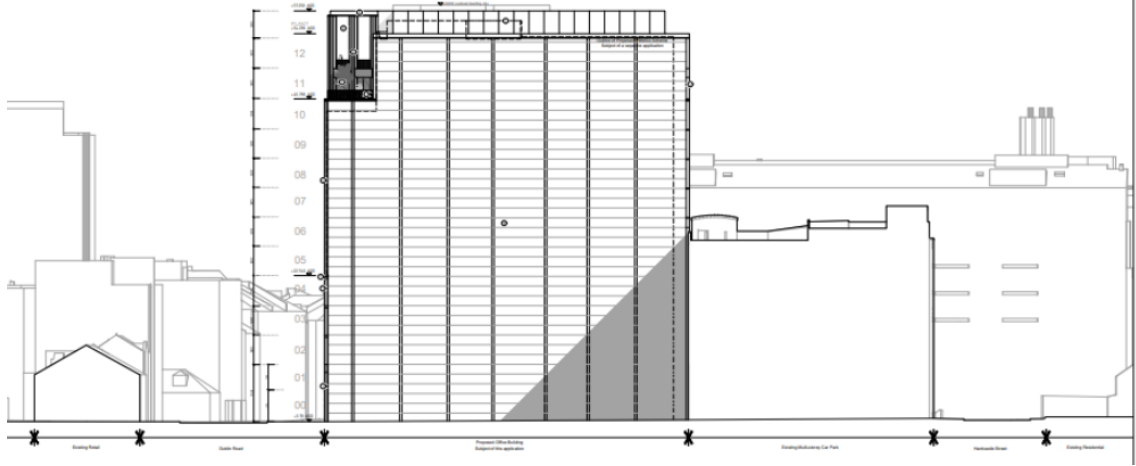


**Ground floor plan:**



**Proposed Elevations:**





**CGIs:**



<p><b>1.0</b></p> <p>1.1</p> <p>1.2</p> <p>1.4</p> <p>1.5</p> <p>1.6</p> <p>1.7</p>	<p><b>Characteristics of the Site and Area</b></p> <p>This application relates to the northern part of the former cinema site at No. 14 Dublin Road. The former cinema was demolished some years ago, the site cleared and currently occupied by mean-while uses.</p> <p>The site is approximately 0.15 hectares (ha) in size and relatively flat. It has a frontage to Dublin Road on its west side. To the north is Bankmore Square beyond which is Bankmore House and rear of the Clayton Hotel. The site backs onto a multi-storey car park to the east. The remainder of the former cinema site is located to the immediate south and is subject to a separate planning application for Purpose Built Student Managed Accommodation (PBMSA), also being considered by the Committee on the same agenda (LA04/2023/4373/F). Beyond this, further to the south, is Marcus Ward Street which comprises residential apartments.</p> <p>The site is located to the south of the Linen Conservation Area.</p> <p><b>Description of Proposed Development</b></p> <p>The application seeks full planning permission for the erection of a 14 storey (plus basement) purpose-built Grade A Office. The building is intended to provide the headquarters for Kainos, a locally based ICT company, which owns the site.</p> <p>The proposed building would be 54.3 metres in height. The building would be predominantly clad in red brick alongside anodised/metal PPC aluminium and wet cast concrete.</p> <p>The application follows a detailed Pre-Application Discussion (PAD) process.</p>
<p><b>2.0</b></p> <p>2.1</p> <p>2.2</p> <p>2.3</p>	<p><b>RELEVANT PLANNING HISTORY</b></p> <p>LA04/2021/1703/F – temporary erection (for 2 years) of shipping containers to form an outdoor public house, food and retail market with associated covered canopies, seating and boundary. Permission granted on 24<sup>th</sup> May 2022 and expires on 23<sup>rd</sup> May 2024.</p> <p>LA04/2017/0562/F – demolition of existing cinema building and erection of a 12 storey Grade A office building comprising eleven floors of offices above a ground floor foyer and retail units, basement parking and other ancillary works. Proposal also includes the refurbishment of Bankmore Square open space and wider public realm improvements to surrounding footpath network. The Planning Committee resolved to approve the application subject to a Section 76 planning agreement. However, the application was withdrawn on 11<sup>th</sup> December 2020.</p> <p>The Council is currently considering a second application on the former cinema site on the land to the immediate south. The application is being heard at the same Committee meeting. The details of the application are below.</p> <p>LA04/2023/4373/F Erection of 17 storey Purpose Built Managed Student Accommodation (PBMSA) with additional use of accommodation outside term time comprising 459 no. units with communal facilities, internal and external communal amenity space and ancillary accommodation. 14 Dublin Road, Belfast, BT2 7HN.</p>

<p><b>3.0</b></p> <p>3.1</p>	<p><b>PLANNING POLICY</b></p> <p><b>Development Plan – operational policies</b></p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p>Policy SP1A – managing growth and supporting infrastructure delivery  Policy SP2 – sustainable development  Policy SP3 – improving health and wellbeing  Policy SP5 – positive placemaking  Policy SP6 – environmental resilience  Policy SP7 – connectivity</p> <p>Policy SD2 – Settlement Areas</p> <p>Policy DES1 – Principles of urban design  Policy DES2 – Masterplanning approach for major development  Policy DES3 – Tall buildings  Policy BH1 – Listed Buildings  Policy BH2 – Conservation Areas  Policy BH5 – Archaeology</p> <p>Policy EC1 – Delivering inclusive economic growth  Policy EC6 – Office development  Policy RET1 – Establishing a centre hierarchy</p> <p>Policy TRAN1 – Active travel – walking and cycling  Policy TRAN2 – Creating an accessible environment  Policy TRAN4 – Travel plan  Policy TRAN6 – Access to public roads  Policy TRAN8 – Car parking and servicing arrangements  Policy TRAN9 – Parking standards within areas of parking restraint</p> <p>Policy ENV1 – Environmental quality  Policy ENV2 – Mitigating environmental change  Policy ENV3 – Adapting to environmental change  Policy ENV4 – Flood Risk  Policy ENV5 – Sustainable drainage systems (SuDS)</p> <p>Policy HC1 – Promoting healthy communities  Policy GB1 – Green and blue infrastructure network  Policy OS3 - Ancillary open space  Policy TRE1 – Trees  Policy NH1 – Protection of natural heritage resources</p> <p><u>Supplementary Planning Guidance</u></p> <p>Placemaking and Urban Design  Tall Buildings  Masterplanning approach for Major developments  Sustainable Urban Drainage Systems  Transportation</p>
------------------------------	--

	<p><b>Development Plan – zoning, designations and proposals maps</b>  Belfast Urban Area Plan (2001) BUAP  Draft Belfast Metropolitan Area Plan 2015 (v2004)  Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p><b>Regional Planning Policy</b>  Regional Development Strategy 2035 (RDS)  Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p><b>Other Material Considerations</b>  Developer Contribution Framework (2020)  <i>Belfast Agenda</i> (Community Plan)</p>
<p><b>4.0</b></p> <p>4.1</p> <p>4.2</p>	<p><b>CONSULTATIONS AND REPRESENTATIONS</b></p> <p><u>Statutory Consultees</u></p> <p><b>DfI Roads</b> – no objection, recommends conditions.</p> <p><b>DfC HED</b> – no objection.</p> <p><b>DfI Rivers</b> – no objection, the proposal is not within a flood plain.</p> <p><b>DAERA</b> – no objection, recommends conditions.</p> <p><b>NI Water</b> – objection due to network capacity concerns. The applicant should liaise directly with NI Water and submit a Waste-water Impact Assessment.</p> <p><u>Non-Statutory Consultees</u></p> <p><b>Planning Service Urban Design Officer</b> – no objection, recommends conditions.</p> <p><b>Environmental Health</b> – no objection, recommends conditions.</p> <p><b>BCC Landscape and Development</b> – no objection, no significant adverse impact on the townscape and the proposal will likely assimilate within its surroundings.</p> <p><b>BCC Tree Officer</b> – no objection, recommends conditions.</p> <p><b>BCC Economic Development Unit</b> – advises that a Construction Employability and Skills Plan is required.</p> <p><b>BCC Waste Management team</b> – advises that the proposal does not comply with the supplementary waste storage guidance for commercial developments in Belfast. Additional information provided and re-consultation taken place.</p> <p><b>Shared Environmental Services (SES)</b> – advises that it should be re-consulted once a substantive response is received from DAERA Water management unit; Natural Environment Division and Land and Groundwater team. DAERA offers no objection and SES has been re-consulted.</p>



<p>4.3</p> <p>4.4</p> <p>4.5</p>	<p><u>Representations</u></p> <p>The application has been advertised in the newspaper and neighbours notified.</p> <p>Two objections have been received from a local resident, raising the following concerns.</p> <ul style="list-style-type: none"> <li>• Parking and traffic. Cars already parked on the footways. Cars obstructing the cycle lanes</li> <li>• Current infrastructure will not support the proposal</li> <li>• Local streets are a dumping ground for rubbish and anti-social behaviour</li> <li>• Deterioration of the quality of their life.</li> <li>• The height of the building is not in line with the building heights in this historic area of Belfast. The proposed building should be reduced in height.</li> <li>• The current traders on the site add a lot more to the area than any office block could do.</li> </ul> <p>Matters relating to transport, parking, traffic and infrastructure are addressed in the main report. Littering and anti-social behaviour are matters for other services within the council and the police. There is no evidence that the proposal would adversely affect the amenity of local people in land-use planning terms.</p>
<p>5.0</p> <p>5.1</p> <p>5.2</p>	<p><b>PLANNING ASSESSMENT</b></p> <p><b>Main Issues</b></p> <p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> <li>• Principle of the proposed uses</li> <li>• Design and placemaking</li> <li>• Impact on heritage assets</li> <li>• Impact on amenity</li> <li>• Climate change</li> <li>• Open space</li> <li>• Access and transport</li> <li>• Health impacts</li> <li>• Environmental protection</li> <li>• Flood risk and drainage</li> <li>• Waste-water infrastructure</li> <li>• Natural heritage</li> <li>• Waste management</li> <li>• Employability and Skills</li> <li>• Section 76 planning agreement</li> <li>• Pre-Application Community Consultation</li> </ul> <p><b>Development Plan Context</b></p> <p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>

5.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
5.4	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 (“Departmental Development Plan”) remain part of the statutory local development plan until the Local Policies Plan is adopted.</p> <p><u>Operational Polices</u></p>
5.5	<p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed above.</p> <p><u>Proposals Maps</u></p>
5.6	<p>Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
5.7	<p><b>Belfast Urban Area Plan 2001</b> – the site is un-zoned “white land” within the Development Limit. A Proposed Strategic Road Scheme is located to the north. A Housing zoning (C7) is located to the east of Hardcastle Street to the east.</p>
5.8	<p><b>Belfast Metropolitan Area Plan 2015 (2004)</b> – the site is un-zoned “white land” within the Development Limit. A Road Proposal runs along an east-west axis through Bankmore Square to the north (CC 098). A Housing zoning (CC 02/04) is located to the south side of Marcus Ward Street to the south. A Protected City Centre Housing Area is located to the east and south of Hardcastle Street to the east, south and south west (CC 097/05). The site is located to the south of the Linen Conservation Area. The site is within the Shaftesbury Square Character Area (CC 016) where development proposals shall take account of the height of adjoining buildings. Development fronting Dublin Road shall be a minimum height of 5 storeys (17 metres to shoulder height) and a maximum height of 7 storeys.</p>
5.9	<p><b>Belfast Metropolitan Area Plan 2015 (v2014)</b> – the site is un-zoned “white land” within the Development Limit. A Road Proposal runs along an east-west axis through Bankmore Square to the north (CC 022/01). A Housing zoning (CC 02/04) is located to the south side of Marcus Ward Street to the south. A Protected City Centre Housing Area is located to the east and south of Hardcastle Street to the east, south and south west (CC 021/05). The site is located to the south of the Linen Conservation Area. The site is within the Shaftesbury Square Character Area (CC 013) where development shall take account of the height of adjoining buildings. Development fronting Dublin Road shall be a minimum height of 5 storeys (17 metres to shoulder height) and a maximum height of 7 storeys.</p>

	<p><b><u>Principle of the proposed uses</u></b></p>
5.10	<p>The site is located within the urban development limit in the BUAP 2001 and both versions of dBMAP 2015. It is within the City Centre in both versions of dBMAP 2015.</p> <p><i>Office use:</i></p>
5.11	<p>Policy EC6 states that planning permission will be granted for new office development within the City Centre. Policy EC1 supports business sectors with strong growth potential in Belfast including ICT. The proposal is consistent with these policies.</p>
5.12	<p>This is a sustainable location for office development with excellent access to public transport, shops and services, providing opportunity to reduce the need to travel by the private car. The proposal would make effective use of previously developed land and would regenerate the site, which has been cleared and currently occupied by meanwhile uses, planning permission for which expires in May 2024.</p> <p><i>Retail/restaurant uses:</i></p>
5.13	<p>In terms of the proposed ground floor retail/restaurant unit, Policy RET1 directs such town centre uses to the City Centre first. The site is located within the City Centre where retail, food and drink are acceptable in principle. The proposed ground floor commercial unit onto Bankmore Square would help activate the building at ground floor onto a public space and add to the vibrancy of the scheme.</p> <p><i>Economic development:</i></p>
5.14	<p>The proposed building is intended to provide the headquarters for Kainos, a locally based ICT company, providing office accommodation for around 500 staff. The proposal would have a Gross Value Added (GVA) to the economy of £35 million and is projected to support 810 jobs during construction and operation. It would increase footfall and spend in the City Centre. In these regards, the proposal would have a very positive economic impact.</p>
5.15	<p>Having regard to the above factors, the proposed uses are welcomed in principle. The proposal accords with Policies EC1, EC6 and RET6 of the Plan Strategy, and relevant provisions of the SPPS.</p> <p><b><u>Design and placemaking</u></b></p>
5.16	<p>The proposal has been assessed against the SPPS, Creating Places and Policies SP5, DES1, DES2 and DES3 of the Plan Strategy. Policies SP5 and DES1 promote good placemaking, high quality design and the importance of proposals responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials avoiding any negative impact at street level. Policy DES2 advocates adopting a holistic approach to site layout that is mindful of adjacent development, while Policy DES3 relates to the assessment of tall buildings including any impact on the setting, character and appearance of listed buildings, conservation areas, ATCs, and historic monuments/gardens.</p>
5.17	<p>The application follows a Pre-Application Discussion (PAD) process when issues relating to scale, height, massing and architectural treatment were discussed in detail.</p>

*Scale, height and massing:*

5.18

The proposed building would occupy a prominent corner at the junction of Dublin Road, Bankmore Square and Bruce Street. A large cinema previously occupied the site and adjacent plot. The height of the proposed building would be approximately 54 metres. In comparison, the heights of other buildings in the vicinity include the Clayton Hotel (37 metres) and Bankmore House (29 metres) to the north; multi storey car park (26 metres) to the east; and Shaftesbury Court (31 metres) and Somerset Studio (34 metres) to the south. The height of the original cinema on the site was 19 metres. The height of the proposed PBMSA building on the adjacent plot would be 57 metres.

5.19

Whilst taller than surrounding buildings, it is considered that this prominent corner site can accommodate a building of the height proposed. The Urban Design Officer notes that the height of the proposed building is only 1 metre higher than the previous withdrawn application (LA04/2017/0562/F), which the Committee had resolved to approve. A comparison of the current application (also showing the proposed PBMSA building on the adjacent plot) with the previous application is shown in the image below. The previous Committee decision is a material consideration.



View towards focal corner of site from Bruce Street. ----- Massing approved at Committee

5.20

The Urban Design Officer offers no objection to the scale, height or massing of the proposed building, or its design overall. The Urban Design Officer advises that the lower podium onto Bankmore Square nods to the shoulder height of surrounding buildings on Bruce Street, also shown in the image above. Vertical shifts in the design of the building help to break up its massing. Neither does the Council's Landscape and development team object to the proposal in terms of its impact on the wider townscape.

5.21

Whilst dBMAP 2015 specifies heights of buildings on Dublin Road to be between 5 and 7 storeys, the height and scale of the proposed building are considered appropriate for the reasons stated. The scheme also ensures that more effective use is made of the site, desirable given the finite availability of land.

	<i>Architectural treatment:</i>
5.22	The proposed building would be predominantly clad in red brick traditional to the city. Cladding would also be in red hues. This is deliberately in contrast with the lighter, grey materials used to clad the PBMSA scheme on the adjacent plot, successfully breaking up the overall massing of the block.
5.23	A ground floor colonnade would provide an attractive base to the building as well as shelter, with generous lobby area wrapping around the corner.
5.24	The large exposed east gable of the building has been articulated to provide visual interest and relief.
	<i>Active frontage:</i>
5.25	The proposed building would be activated on both its north and west frontages onto Bankmore Square and Dublin Road respectively, which is welcomed.
	<i>Public realm:</i>
5.26	The proposal originally included public realm enhancements on Bankmore Square and Dublin Road, consistent with the requirements of the Council's <i>Developer Contribution Framework</i> . However, the public realm proposals onto Bankmore Square were removed to ensure no conflict with the Road Proposal in dBAMP 2015 (now planned as a Glider route). The public realm enhancements on Dublin Road have also been removed because of concerns raised by DfI Roads about licensing and future maintenance.
	<i>Masterplanning:</i>
5.27	As mentioned, the Council is currently considering two applications on the former cinema site – the application subject to this report and the second application by QUB on the adjacent plot. Both applications have been developed in close association with one another and the buildings have been designed to create a cohesive block. As mentioned, the predominant materials for each building are deliberately contrasting but complementary to avoid the scale and massing of both buildings combined being overwhelming in the street scene. Both buildings would be finished in brick and cladding with the Grade A office building being in a red tone finish and the PBMSA scheme in a lighter grey tone. It is considered that the scale, height, massing and design of the two buildings would complement one another.
5.28	In terms of masterplanning, one of the key concerns is if only one of the two proposed buildings is constructed – this would leave only half of the block completed with the sole constructed building presenting a significant blank gable onto Dublin Road. This would have a damaging impact on the street scene. This was a key discussion point raised by officers during the PAD process.
5.29	In order to give the Council assurances that such circumstances would not arise, the applicants for both applications advise that the contract between the respective applicant's contains a reciprocal commitment/penalty with regards the obligations to each party in terms of the build out of the respective party's development site. The contract contains an obligation to the effect that, in circumstances where works on either development site have not been finished to an extent where their core and shell have not been completed and the envelope of the building is not fully weather tight on or before a date, which is 24 months from the commencement of the development works authorised by the planning consent, and such a delay is a result of acts or delays

	<p>on the part of either party (or its retained contractors), then the offending party shall pay the other by way of compensation until the core and shell of the relevant site have been completed and the building envelope is fully weather tight.</p>
5.30	<p>Officers are satisfied that this gives appropriate assurances that both buildings will be constructed.</p> <p><i>Impact on the adjacent Linen Conservation Area:</i></p>
5.31	<p>The site is located to the south of the Linen Conservation Area. However, for the reasons stated, the scale, height and design of the proposed building are considered appropriate. It is considered that the proposal, which would develop a significant gap site, would enhance the character and appearance of the adjacent Conservation Area.</p>
5.32	<p>Having regard to the above assessment, the proposal is considered to accord with Policies DES1, DES2, DES3 and BH2, and relevant provisions of the SPPS.</p> <p><b><u>Impact on the heritage assets</u></b></p>
5.33	<p>A number of Listed Buildings are located further to the north close to the junction of Bedford Street with Linenhall Street and Ormeau Avenue. The closest Listed Building is Nos. 35 to 37 Bedford Street (Wetherspoons), Grade B2, to the north.</p>
5.34	<p>However, given the appropriateness of the scale, form and design of the building and that it would complement its surrounding context, it is considered that the setting of this and other Listed Buildings would not be harmed.</p>
5.35	<p>DfC HED offers no objection to the proposal in terms of potential impact on historic buildings and archaeology. It is considered that the proposal accords with Policies BH1 and BH5, and relevant provisions of the SPPS.</p> <p><b><u>Impact on amenity</u></b></p>
5.36	<p>The proposed building is sufficiently far from occupied neighbouring buildings so as not to result in harmful loss of amenity. There would be no harmful overlooking, loss of outlook, daylight or sunlight to nearby properties. In these regards, the proposal is considered to satisfy Policy DES1.</p> <p><b><u>Climate change</u></b></p>
5.37	<p>Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. The proposed building is targeting BREEAM Excellent rating as a minimum, which is considered to satisfy both policies. A condition to ensure that this standard or equivalent is met is recommended accordingly.</p>
5.38	<p>Policy ENV5 states that all built development shall include, where appropriate, SuDs measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere. The scheme proposes the use of hard SUDs in the form of a geocellular underground storage tank. The space constraints on the site are the primary reason for the lack of soft SUDs solutions. The existing site is completely impermeable and through the provision of attenuation and</p>

	<p>separation of surface water runoff from foul flows this new proposal provides betterment. These measures will be required to be implemented by condition.</p> <p><b><u>Open space</u></b></p>
5.39	<p>Policy OS3 requires that all new development proposals make appropriate provision for open space, including hard and soft landscaped areas and outdoor amenity areas, to serve the needs of the development. The precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to a) the normal expectation will be at least 10% of the total site area; and b) complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupiers, should be incorporated into the design of the development.</p>
5.40	<p>The proposed building incorporates open space in the form of external terracing (280.7 sqm / 19% of the site) and ground floor colonnade recess (96.4 sqm / 6%), providing a total of 377 sqm / 25% of the site as open space. This exceeds the 10% policy requirement and the proposal accords with Policy OS3.</p> <p><b><u>Access and transport</u></b></p> <p><i>Accessibility and parking:</i></p>
5.41	<p>The site is a highly accessible location in the City Centre, within short walking and cycling distance of the city centre and its shops, services and leisure. The site has very good public transport links and is very close to the new Grand Central Station (Transport Hub). Whilst no dedicated on-site parking is proposed, this is considered acceptable in view of the sustainable location of the site, the applicant's commitment to a green travel plan and provision of secure sheltered bicycle parking within the building.</p>
5.42	<p>The applicant has provided details of disabled parking in the vicinity of the site. The multi-storey car park next to the site to the east has five dedicated disabled parking spaces with no restriction on the length of stay. The Little Victoria Street car park, approximately 55 metres from the site entrance, contains four disabled parking bays. Pay and display parking is available on Dublin Road itself with Blue Badge concessions available for people with mobility issues. Satisfactory parking provision is therefore in place for disabled car users.</p>
5.43	<p>Provision is made for sheltered and secure cycle parking for 66 bicycles within the building. Locker facilities and showers are included to encourage cyclists and walkers. These facilities will be required to be implemented by planning condition.</p> <p><i>Road Proposal:</i></p>
5.44	<p>In both versions of dBMAP 2015, a "Road Proposal" runs along an east-west axis through Bankmore Square to the north (CC 098 and CC 022/01). DBMAP 2015 (v2014) describes this as a non-strategic road scheme and southern section of a new City Centre Ring. The wider Road Proposal includes the construction of a new carriageway (Bankmore Link) between the existing Dublin Road/Bruce Street/Bankmore Street junction and the existing Cromac Street/Ormeau Avenue/Lower Ormeau Road junction.</p>
5.45	<p>DBMAP 2015 cross references relevant regional planning policy for the protection of the non-strategic road scheme as the former Planning Policy Statement 3: Access, Movement and Parking. This has been superseded by Policy TRAN 7 (Access to</p>

	protected routes) of the Plan Strategy. However, since the proposal does not involve direct vehicular access onto the Road Proposal, Policy TRAN7 does not apply.
5.46	The Department for Infrastructure (DfI) is reserving the Road Proposal for a new Glider route through Bankmore Square, linking Ormeau Road with Dublin Road. The proposed office building is in the most part on the same building line as the former cinema, save for a small area of land along the north-west boundary. However, it is clear that the proposal would not comprise the Road Proposal and delivery of the new Glider route and that has been confirmed by DfI Roads.
5.47	DfI Roads offers no objection to the proposal, which is considered acceptable in terms of accessibility, parking and highway safety. DfI Roads advises conditions, which are recommended as appropriate.
5.48	The proposal is considered acceptable having regard to Policies TRAN1, TRAN2, TRAN4, TRAN6, TRAN 8 and TRAN 9, and relevant provisions of the SPPS.
	<b><u>Health impacts</u></b>
5.49	Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.
5.50	The site is highly accessible and provides excellent opportunities for active travel, including walking and cycling, through excellent linkages with the city centre. Active travel will be further encouraged through the applicant's green travel plan.
5.51	Good levels of open space/amenity space are proposed including outdoor terraces.
5.52	In terms of place making, the proposed building is considered to be of a high-quality design which would provide a pleasant working environment for employees and visitors, and well as enhancing the character and appearance of the area.
5.53	The proposal is considered to satisfy the requirements of Policy HC1.
	<b><u>Environmental protection</u></b>
5.54	Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of contaminated land, air quality, noise and odour impacts.
	<b><u>Contaminated land</u></b>
5.55	The contaminated land reports provided with the application conclude that no remediation is required. Environmental Health therefore advises that only an informative is required on the decision notice. The proposal is considered to accord with Policy ENV1.



	<u>Air quality</u>
5.56	The application is accompanied by an Air Quality Assessment, which concludes that the relevant thresholds would not be exceeded. Environmental Health notes that a range of plant rooms and a generator are proposed as part of the scheme. It therefore advises a condition to require a further Air Quality Assessment should centralised combustion sources be proposed. Subject to this condition, it is considered that the proposal accords with Policy ENV1.
	<u>Noise and vibration</u>
5.57	In relation to noise, Environmental Health notes that the main current sources of noise are traffic, buses and pedestrian activity. It advises conditions in relation noise levels from plant and equipment as well as limiting the hours for deliveries.
5.58	In relation to construction noise, Environmental Health advises that a Construction Environmental Management Plan (CEMP) should be required by condition. These conditions are recommended.
5.59	It is considered that the proposal accords with Policy ENV1.
	<u>Odour</u>
5.60	Environmental Health is concerned that the proposed ground floor restaurant could have an adverse odour impact on existing and future sensitive receptors. Further details of kitchen extraction and odour abatement are therefore required, and these can be secured by condition. Subject to this condition, the proposal complies with Policy ENV1.
	<b><u>Flood risk and drainage</u></b>
5.61	DfI Rivers advises that the site is not within a present day or climate change flood plain. Nor are there any watercourses within the site. It is satisfied with the proposed geocellular tank and drainage proposals. Accordingly, it offers no objection to the proposal. The proposal is considered to satisfy Policy ENV5.
	<b><u>Waste-water infrastructure</u></b>
5.62	Policy SP1a requires that necessary infrastructure is in place to support new development. NI Water has objected to the proposal on grounds of insufficient network capacity. It states that there are significant risks to the environment and detrimental impact on existing properties. NI Water advises that the applicant consult directly with NI Water on this issue.
5.63	NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all. Moreover, NI Water has not provided direct evidence of expected harm that would result from the development. For these reasons, it would be unreasonable to refuse planning permission on these grounds and the proposal is considered acceptable having regard to Policy SP1A of the Plan Strategy.
	<b><u>Natural heritage</u></b>
5.64	Policy NH1 relates to the protection of natural heritage resources.

5.65	NI Water has objected to the application on grounds of insufficient network capacity and has cited concerns about environmental pollution. Particular regard should be had to potential pollution of Belfast Lough – an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC) – should the site and lough be hydrologically linked.
5.66	Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough. Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.
5.67	Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NI Water to provide evidence of likely actual impacts, rather than hypothetical impacts. As the Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a significant effect on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.
5.68	In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult DAERA and SES. DAERA Water Management Unit has advised that in view of the objection from NI Water, the proposal has the potential to adversely affect the surface water environment. However, it advises mitigation in the form of a condition to require submission and approval of details of sewage disposal. SES has been reconsulted following DAERA's response and its further consultation response is currently awaited. However, based on SES's positive response to the application for the PBMSA scheme on the adjacent plot which presents similar issues, it is considered unlikely that it will object to the proposal and it is anticipated that they will recommend a condition requiring details of drainage to be agreed prior to commencement of development. The recommendation is therefore subject to the receipt of SES's consultation response and Appropriate Assessment.
5.69	DAERA has advised that it has no further concerns about the proposal, advising conditions in relation to piling, decommissioning of boreholes and requirements should future contamination be found. These conditions are recommended as appropriate.
5.70	Subject to a satisfactory further response from SES, the proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the SPPS.
	<b><u>Waste management</u></b>
5.71	The application is supported by a waste management plan. However, the Council's Waste Management team advises that the proposals do not comply with the Supplementary Waste Storage guidance for commercial developments in Belfast. For example, the proposal for the breakdown of general waste/recycling is out of date and insufficient detail is provided in relation to the full range of wastes to be accommodated. An updated Waste Management Plan has been provided and the Waste Management team re-consulted. The recommendation is therefore subject to the receipt of the Waste Management team's further consultation response.

	<p><b><u>Employability and Skills</u></b></p>
5.72	The <i>Developer Contribution Framework</i> requires proposals for Major development to contribute towards Employability and Skills where necessary.
5.73	The Economic Development Unit advises that given the scale of the construction employment required to implement the proposal, together with current skills shortages, employability and skills related Developer Contributions are required in relation to the construction phase.
5.74	Accordingly, officers advise that a Construction Employability and Skills Plan is required to be submitted and implemented, and that this should be secured by way of a Section 76 planning agreement.
5.75	<p>Typical interventions in the Employability and Skills Plan may include:</p> <ul style="list-style-type: none"> <li>• creating access to employment opportunities</li> <li>• delivering training to upskill people</li> <li>• creation and delivery of apprenticeship opportunities</li> <li>• ring-fencing opportunities for under-represented groups</li> <li>• delivery of employability interventions</li> <li>• addressing barriers to employment and skills development</li> <li>• delivery of youth interventions</li> </ul>
	<p><b><u>Section 76 planning agreement</u></b></p>
5.76	<p>Should the application be approved, the following planning obligation should be secured by way of a Section 76 planning agreement. This is considered necessary to make the proposed development acceptable.</p> <ul style="list-style-type: none"> <li>• <b>Employability and Skills</b> – requirement for the submission and implementation of a Construction Employability and Skills Plan.</li> </ul>
5.77	A draft Section 76 planning agreement is currently being drafted without prejudice and will need to be finalised before planning permission is granted.
	<p><b><u>Pre-Application Community Consultation</u></b></p>
5.78	For applications for Major development, there is a legislative requirement for applicants to consult the community in advance of submitting the application.
5.79	Applicants are required to submit to the council a 'Proposal of Application Notice' (PAN) in advance of making the application, which sets out the proposals for the pre-community consultation. A PAN was submitted in July 2023 (LA04/2023/3621/PAN) and confirmed by the Council to be acceptable.
5.80	The applicant is further required to prepare a Pre-Application Community Consultation report (PACC) to accompany the planning application. A PACC Report was submitted with the application, which describes the engagement process and feedback received. A public event was held and dedicated community consultation website setup. A total of seven feedback forms were completed. Feedback was provided in relation to design, regeneration, sustainability, need, active travel, public accessibility, relocation of the trade market.

5.81	The PACC report is considered compliant with the legislative requirements.
<b>6.0</b>  6.1  6.2	<b>Recommendation</b>  Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.  Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other issues that arise, including those raised in the further consultation responses from Shared Environmental Services and Waste Management team, provided that the issues are not substantive.
<b>7.0</b>	<b>DRAFT CONDITIONS</b>  <ol style="list-style-type: none"> <li>1. The development hereby permitted must be begun within five years from the date of this permission.  Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</li> <li>2. No external brickwork or external cladding panels shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.  The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.  The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick materials and panelling.  Reason: In the interests of the character and appearance of the area.</li> <li>3. Within one year of the occupation, evidence that the building has been constructed to at least BREEAM Excellent standard, or equivalent, shall be submitted in writing to the Council.  Reason: To ensure that the development mitigates and adapts to climate change.</li> <li>4. The development hereby approved shall not be occupied until the external terraces have been provided in accordance with the approved plans. The amenity areas shall be retained as such at all times.  Reason: To ensure that a quality residential environment is provided for occupants of the approved development.</li> <li>5. The SuDS measures shall be implemented as specified in the application and the building shall not be occupied until verification and evidence of such has been submitted to and approved in writing by the Council.  Reason: In order that the development provides sustainable drainage</li> </ol>

	<p>6. The development hereby permitted shall not be occupied until the waste storage areas have been provided in accordance with the approved plans and shall be permanently retained as such at all times.</p> <p>Reason: To ensure that appropriate provision is made for storage and disposal of waste.</p> <p>7. The development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan (Issued 27 October 2023 and authored by Ove Arup &amp; Partners Ltd).</p> <p>Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.</p> <p>8. The development hereby permitted shall not be occupied until the secure cycle storage area, lockers and shower facilities have been provided in accordance with the approved plans and shall be permanently retained as such at all times.</p> <p>Reason: To promote active travel and to mitigate the absence of dedicated parking within the development.</p> <p>9. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.</p> <p>Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.</p> <p>10. The development hereby approved shall not be commenced until a final Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The CEMP must clearly demonstrate the mitigation measures to be put in place to minimise adverse impacts from vibration, noise and dust on nearby premises during the construction phases in line with BS 5228:2009 <i>Code of practice for noise and vibration control on construction and open sites</i>. All construction must be carried out in accordance with the approved CEMP.</p> <p>Reason: Protection of residential amenity.</p> <p>11. All plant and equipment associated with the development hereby permitted shall be designed so as to achieve a rating level (LAr) no greater than the Background Sound Level, LA90, both during the daytime and during night-time when measured or determined at the nearest noise sensitive premises. All measurements and calculations must be conducted in line with the methodology outlined in BS4142:2014+A1 2019 Methods for rating and assessing industrial and commercial sound.</p> <p>Reason: In the interests of local amenity.</p> <p>12. Deliveries and collections to and from the development hereby permitted development shall not take place outside the hours of 0700 to 2300.</p> <p>Reason: In the interests of local amenity.</p>
--	---

13. No development or piling shall be carried out unless a piling risk assessment, undertaken in full 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”, has been submitted to and approved in writing by the Council. No piling shall be carried out unless in accordance with the approved details.

Reason: To protect the groundwater environment.

14. Should new contamination or risks be encountered during the construction phase 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 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. After completing any required remediation works, and prior to occupation of the development, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the development wastes and risks and achieving the remedial objectives.

Reason: To protect the groundwater environment.

15. No development or works shall commence until protective barriers (fencing) and ground protection (geocell membrane) erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site are in place. The protective fencing must remain in place until all work is completed, and all associated materials and equipment are removed from site.

Reason: To protect trees of amenity value.

16. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices, or fires shall take place within the Root Protection Area of trees within the site and adjacent lands during the construction period.

Reason: To protect trees of amenity value.

#### **DRAFT INFORMATIVES**

##### **NOT04 Section 76 planning agreement**

This planning permission is subject to a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. This decision should be read in conjunction with the planning agreement, which requires the submission, approval and implementation of a Construction Employability and Skills Plan.

##### **NOT02 Compliance with planning permission**

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

	<p><b>NOT03 Discharge of condition(s)</b> This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.</p> <p><b>NOT05 Non-planning requirements</b> The grant of planning permission does not dispense with the need to obtain licenses, authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer, consents or permissions under other legislation or protocols.</p>
--	--