

Development Management Officer Report Committee Application Addendum Report

Summary	
Committee Meeting Date: 17 th January 2017	Item Number:
Application ID: LA04/2016/1789/F	
Proposal: Demolition of existing building at 34-36 Chichester Street and erection of new 8No. storey mixed use development incorporating retail and office ground floor, and 1st-7th floor offices with associated external plant.	Location: 7-9 Arthur Street 20-32 Chichester Street and existing building at 34-36 Chichester Street Belfast
Referral Route: Major Development	
Recommendation: Approval	Approval
Applicant Name and Address: Orby Investment 20 Orby Link Belfast BT5 5HU	Agent Name and Address: Todd Architects 2nd Floor Titanic House 6 Queens Road
<p>Executive Summary:</p> <p>The application seeks full planning permission for the demolition of an existing building at 34-36 Chichester Street and erection of a new 8 storey mixed use development incorporating offices 1st-7th floor with retail on the ground floor and associated external plant.</p> <p>This application was presented to the Town Planning Committee on 15th November 2016 and Committee resolved to approve the application subject to an Agreement under Section 76 of the Planning Act.</p> <p>Further to the November Committee meeting it was brought to Planning Service's attention that a number of residential addresses in the adjacent Victoria Square Apartment complex had not received neighbour notification of the proposal, and thus were not given the appropriate opportunity to view the proposal and make comment.</p> <p>Therefore, members are requested to consider the application afresh, in view of the following:</p> <ul style="list-style-type: none"> • Further Information received • Representations received • Consultation responses <p>This Addendum should be read in conjunction with the Case officer Report published on 8 November 2016.</p> <p>Further Information</p> <p>The applicant submitted a range of information for clarification purposes and also submitted amendments to address concerns raised by neighbours. This information includes; a shadow</p>	

analysis, sections showing the relationship between the proposed building and the Victoria Square Apartment complex to the east. An increase in the height of the screen on the terrace adjacent to residents and an assessment of noise impact from the terrace.

Representations Received

Subsequently re-neighbour notification to adjacent apartments in the Victoria Square Residences, issued on 9 December 2016 and 25 January 2017 (upon receipt of further information). A total of 33 letters of objection have been received raising a number of points of concern, including;

Design

- Scale and height of the building;
- No contextual elevations showing Victoria Square Residences;
The need for office space given the number of empty offices in the city centre;

Amenity issues

Loss of Light;

Dominance;

Overlooking of living rooms, bedrooms and balconies;

Loss of views;

Outdoor Terrace facing existing residential properties.

- Impact on residents not a material consideration in assessment of application;
- Impact on Owner Occupation of adjacent apartments;

Nuisance issues

- Noise;
- Dirt, dust, fumes and vibration;
- Reduction in value of properties;

Neighbour Notification

- Neighbours not notified of previous application on the site;
- Inadequacies in the pre-application community consultation process;

The impact on residents in the Victoria Square Residences and their amenity was assessed in paragraphs 9.14 and 9.15 of the Development Management Report and is further considered in the Addendum Report below.

The scale and massing of the building is considered appropriate in this city centre context having taken into account of the planning history on the site and surrounding area. In terms of dominance and overbearing and/or loss of light it is noted that the windows in the lower apartments already experience an impact as a result of the existing building. In an inner city location such as this some loss of light and overshadowing is to be anticipated. The shadow analysis provided by the applicant demonstrates that there will be some over shadowing impact however, the loss of light is not deemed to be significant. In terms of potential overlooking it is acknowledged that the proposed windows on the eastern elevation are within close proximity to the residential properties, however this relationship is considered reasonable within this city centre context and will be conditioned to be obscure glazed.

In terms of the noise omitted from the proposed rooftop plant paragraph 9.15 states that 'Environmental Protection Unit have recommended that a condition is attached to ensure that the noise levels from all combined external plant shall not exceed the background sound level both daytime and night time'. A condition has also been recommended to ensure the occupiers of the proposed building do not suffer from external noise sources.

With regard to noise and nuisance experienced during the construction phase a condition of the approval is that a Construction Management plan shall be submitted prior to commencement of development. This would outline methods to minimise the noise, vibration and dust impact of the demolition of the existing building on the site. There is also legislation which provides potential enforcement tools in relation to noise and nuisance.

Loss of views, any resultant reduction in property value or levels of owner occupancy experienced as a result of the development are not matters of general public interest and are to be balanced with the benefits of the proposed development.

The proposed development sits in what is the principal office district for the city. There is presently significant demand for Grade A office space which is not currently being met. The proposal therefore has the significant potential for job creation and will address an identified need. As referred to previously this proposal would provide office accommodation, conservatively, for 1000 people in addition to other spin off benefits and jobs that would be likely to follow.

Further Consultation

The Independent Urban Design Consultant was re-consulted in view of the objections and further information received and remains of the view that the proposal is acceptable

Environmental Protection Unit was re-consulted with the further objections and further information received. Offered no objections subject to conditions.

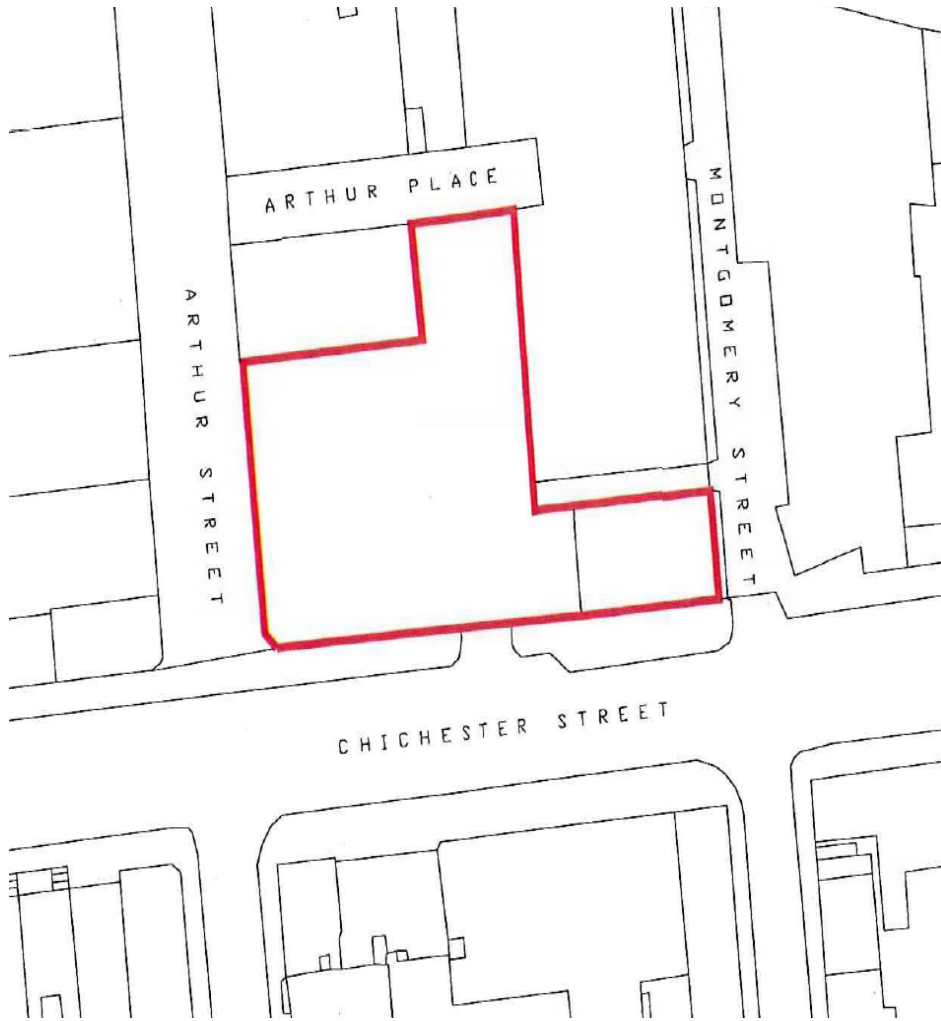
Recommendation

Approval is recommended subject to conditions and the developer entering into an Agreement under Section 76 of the Planning Act. It is requested that Committee delegate the negotiation of the terms of the Section 76 to the Director of Planning and Place in consultation with the City Solicitor

Signature:

Case Officer Addendum Report

Site Location Plan





1.0 Description of Proposed Development

- 1.1 Demolition of existing building at 34-36 Chichester Street and erection of new 8No. Storey mixed use development incorporating retail and office ground floor, and 1st-7th floor offices with associated external plant.
- 1.2 The glazed sixth and seventh floors are set back by approximately 2.8m from the shoulder of the building. There is a terrace proposed at 6th floor level, which is 2.8m onto Chichester Street and 5m wide onto Montgomery Street. The terrace has a glass balustrade proposed (as amended) to 1.5m high. Roof plant is proposed both to the north rear section of the building at 6th floor and also centrally located at 8th floor level.
- 1.3 The building has a frontage of approximately 64m onto Chichester Street and is approximately 32.5m deep. The building depth reduces onto Montgomery Street and follows the shape of the site with a frontage of 12.5m.

2.0 Description of Site

- 2.1 Much of the site is occupied by an existing surface level car park and four storey red brick office block is located in the eastern part of the site abutting Chichester Street and Montgomery Street.
- The application site is located within the Belfast City Centre Conservation Area.

Planning Assessment of Policy and other Material Considerations

3.0 Site History

- 3.1 Z/2000/2986/O - Mixed Use Development - Retail and Offices. Site comprising 7-9 Arthur Place, 28-36 Arthur Street and 20-32 Chichester Street, Belfast. Approved 3rd April 2003
- Z/2001/3258/F - Mixed use development incorporating retail and offices. Site comprising 7-9 Arthur Place, 28-36 Arthur St, 20-32 Chichester St and existing buildings at 34-36

<p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p>	<p>Chichester St, Belfast. Approved 26th August 2003</p> <p>Z/2002/0042/DCA - Demolition of existing 4 storey office & retail development. Allied Dunbar Building nos. 34-36 Chichester Street (junction with Montgomery Road) Belfast. Approved 26th August 2003.</p> <p>Z/2008/1978/F - Mixed use development incorporating retail and offices to have basement car park with plant and ancillary, ground floor retail, 1st-6th floors offices plus roof plant rooms. Site comprising 7-9 Arthur Place, 28-36 Arthur Street, 20-32 Chichester Street and existing building at 34-36 Chichester Street, Belfast. Approved 21st February 2011.</p> <p>History in Surrounding Area</p> <p>LA04/15/0619/F Proposed apartment complex comprising 75 No. apartments with a 13 storey frontage to Gloucester Street and 11 storey frontage to Chichester Street. The proposal includes pedestrian access onto Chichester Street and pedestrian and vehicular access onto Gloucester Street, basement car park, ground floor car park. reception area and bicycle stands, first floor swimming pool, gym (private for residents only) and second floor courtyard area and all associated Lands at 43-47 Chichester Street - Approved February 2016</p> <p>LA04/16/0548/F Londonderry House 19 - 27 Chichester Street. Partial demolition of existing office building to provide 8 storey office building with retail space on ground floor Resolved to Approve Committee October 2016</p> <p>Z/2007/2129/F 29-31 Gloucester Street 13 storey residential development comprising 45 apartments and 1 level of car parking. Approved</p>
<p>4.0</p> <p>4.1</p> <p>4.2</p> <p>4.3</p>	<p>Assessment</p> <p>This Addendum should be read in conjunction with the Case officer Report published on 8 November 2016. Further matters for consideration are as follows:</p> <ul style="list-style-type: none"> • Additional Information received • Representations received • Consultation responses <p>Further Information</p> <p>The applicant submitted further information for clarification purposes and also submitted amendments to plans to address concerns raised by neighbours. This information includes; a shadow analysis, sections showing the relationship between the proposed building and the Victoria Square Apartment complex to the east. An increase in the height of the screen on the terrace proposed at 6th floor adjacent to residents and an assessment of noise impact from the terrace.</p> <p>Representations received</p> <p>Re-neighbour notification to adjacent apartments in the Victoria Square Residences, issued on 9 December 2016 and 25 January 2017 (upon receipt of further information). A total of 33 letters of objection have been received raising a number of points of concern, including;</p>

Design

- Scale and height of the building;
- No contextual elevations showing Victoria Square Residences;
The need for office space given the number of empty offices in the city centre;

Amenity issues

- Loss of Light;
- Dominance;
- Overlooking of living rooms, bedrooms and balconies;
- Loss of views;
- Outdoor Terrace facing existing residential properties.

- Impact on residents not a material consideration in assessment of application;

Nuisance issues

- Noise;
- Dirt, dust, fumes and vibration;

Other matters

- Neighbours not notified of previous application on the site;
- Inadequacies in the pre-application community consultation process;
- Reduction in value of properties;
- Impact on Owner Occupation of adjacent apartments;

These issues are considered below:

4.4

Scale, Height and Dominance

Objectors raised an issue around the drawings submitted with the application in particular around contextual / section drawings showing the relationship between the Victoria Square Apartment Building and the proposed office building. Further drawings showing this relationship were received on 23 January 2017 and neighbours re-notified.

4.5

A number of specific questions were raised in respect of the details of the proposed building including

- The height of the proposed building at 32.8m is over 6m lower than the Victoria St Residences which is 39m high.
- The distance between the two buildings will be 9.2m, which is the width of Montgomery Street, which will remain unchanged.
- The floor levels will not directly correspond with floor levels of the Apartments as the floor to ceiling heights tend to be higher for commercial buildings relative to residential buildings. (4m including services for the Offices / 3.2m for the apartments)

4.6

The drawings indicate a separation distance of 11.5m between the two front corners of the buildings at Chichester Street, to 9.2m between the buildings at the nearest points on Montgomery Street. A similar relationship already exists between the rear portion of the Victoria Square Apartments and the Argos Building (LB Ross's Mineral Water Works) with a 9.2m separation. The separation increases at the upper floors with the top two floors of the Apartments sitting above the proposed office building and the two floors below of the apartment building separated by 15.3m, due to the upper floor set back. As this is a city centre site the blocks are clearly defined by existing building lines.

The relationship proposed will effectively replicate the relationship which currently exists in respect of separation and continuation of the street pattern and is considered acceptable.

4.7

Objectors have raised concerns in respect of dominance. The Victoria Square Apartments

4.8	<p>to the east of the site sit at 10 storeys and 39 metres high. The proposed office building has a maximum height of 8 storeys sitting at 32.8m high, which is 6m lower than the apartments. With the top two floors set back with a shoulder height of approximately 24.8m. Which shows a significant reduction to the top eastern corner relative to the previously granted scheme.</p>
4.9	<p>The previous approved building on the site had a height of 33m, dropping to 29m, with the top two floors set back from Chichester Street and a shoulder height of 20m.</p>
4.10	<p>The site is located within the Civic Precinct as designated in the Belfast Metropolitan Area Plan. This sets out a number of urban design criteria for the area and criteria specific to Chichester Street. There are criteria requiring new development to take account of the height of adjoining buildings and respecting the established building line. In terms of the site specific criteria there is a requirement that the part of the development which fronts onto Chichester Street shall be a minimum height of 5 storeys and a maximum height of 7 storeys, with use of set back or sloping roof forms. The proposal, at 8 storeys, is a storey higher than the maximum 7 storey criteria. However there is a previous approval for a 7 storey building on the site (Z/2008/1978/F – approved 21st February 2011). This approval, although lapsed in February 2016, remains a material consideration in the assessment of the current proposal.</p>
4.11	<p>The building heights referenced in BMAP provide guidance and not a blue print. In this respect the height of the existing apartment block still exceeds the height of the proposed office by several metres and therefore it is not considered that the proposed height is excessive. The fact that the shoulder / parapet line are broadly consistent with the neighbouring apartment block and that the top floors are set back behind the shoulder height, reduces the impact both on the sky line and within the street scene and would be in keeping with the immediate context.</p>
4.12	<p>As stated above in accordance with BMAP proposals should have regard to context and adjoining building heights. There have been a number of planning approvals as set out in Section 3 above in the locality which are also material to consideration of an appropriate height for the locality including an apartment complex comprising 75 No. apartments with a 13 storey frontage to Gloucester Street and 11 storey frontage to Chichester Street, opposite this site granted in February 2016 and an 8 storey office building resolved to grant in October 2016.</p>
4.13	<p>The overall massing of the proposed building is similar with a maximum height of approximately 33m to the previous approval Given the scale of adjacent buildings and others approved in the locality and the proportions of the previous approval, the scale and massing are considered to be acceptable in what is a high-rise city centre streetscape.</p>
4.14	<p>Amenity Issues</p> <p>In terms of overlooking and window treatment and relationship to the Victoria Square Apartment Building – windows on the east elevation of the proposed building will potentially result in overlooking. Therefore, a condition is proposed for windows on the east elevation to be obscured glazed from finished floor level to a height of 2.0m.</p> <p>In terms of the proposed 6th floor terrace the applicant proposes to affix a glazed screen to height of 1.5m to prevent overlooking. This screen will be subject to a condition, which will restrict both its height and materials to ensure it is fixed at an appropriate height and is obscure glazed.</p> <p>In terms of noise, concerns were raised in respect of both roof plant and the proposed 6th</p>

4.15	<p>floor terrace. There is roof top plant proposed to the building, this is proposed to be located centrally on the roof, approximately 34m from residences in the apartments. A further noise Assessment Report was received on behalf of the applicant in respect of the use of the terrace as a potential noise source and The Environmental Protection Unit (EPU) has considered this report and all objections received. EPU has assessed the impacts and has offered no objections to the proposal subject to conditions.</p>
4.16	<p>Objections were also raised in respect of loss of light and over shadowing. In the tight urban grain of the city centre it is anticipated that buildings of any height, given the narrow streets and limited separation distances between buildings are likely to impact on each other. The applicant submitted a shadow analysis, which demonstrates that over shadowing is likely to have the greatest impact at 4pm throughout the year. The analysis demonstrates that due to the orientation of the buildings, elevations onto Chichester Street face almost due south this impact is no greater than the previous approval. The situation as it currently exists results in shadowing of the neighbouring apartment development at the lower floors, the shadowing impact will extend to some extent but not to such a significant extent that would warrant refusal of the scheme.</p>
4.17	<p>Further Consultation Re-consultation with relevant consultees was carried out following receipt of third party objections and further information.</p>
4.18	<p><u>The Independent Urban Design Consultant</u></p>
4.19	<p>The building heights referenced in BMAP are guidance and not a blue print. Proposals must however have regard to context and adjoining building heights, which is also referenced in BMAP. In this respect the height of the existing apartment block still exceeds the height of the proposed office by several metres and would therefore not consider the proposed height excessive. The fact that the shoulder / parapet line are broadly consistent with the neighbouring apartment block and that the top floors are set back behind the shoulder height, reduces the impact both on the sky line and within the street scene and would be in keeping with the immediate context.</p>
4.20	<p>The consultant agreed with the case officer assessment that the applicant had demonstrated through a shadow analysis that the impact on day light and sunlight for the neighbouring residential properties, would appear to show that the overall impact is less than that from the previous consent and therefore would not justify refusal of the proposal on these grounds.</p>
4.21	<p>The objections on loss of privacy and amenity arising from the proximity of the proposed office development is a material issue but should be considered in the context that this is a city centre site. In this respect it is important that the proposed building is in keeping with the street pattern and established building lines to the surrounding streets whilst recognising that this impacts on the privacy and amenity of the adjoining residential block. The agents have demonstrated that the key distances between the developments and that the upper floors are in fact further away from the apartments than the previous consent. Further measures have been included within the scheme to minimise the impact on privacy , namely the inclusion of vertical fins and increased height of the opaque screen and consider these reasonable steps to address this particular issue. Any consent should be conditioned to include the provision of these measures before the building is occupied and thereafter retained.</p>

4.22	<p>He would suggest that a condition in respect of excluding any amplified music being played on the terrace, should be placed on an approval. However, EPU are the consultee in respect of noise nuisance and have not recommended this condition but</p>
	<p>He remained of the view that the proposal subject to appropriate conditions is acceptable</p>
4.23	<p><u>Environmental Protection Unit</u></p>
4.24	<p>Further to our previous response EPU reviewed additional drawings and noise report submitted considered the letters of objection.</p>
	<p><u>Noise</u></p>
4.25	<p>Roof Terrace</p> <p>The Environmental Health Service reviewed the Lester Acoustics report titled “ Proposed Erskine House Office Development, Chichester Street, Belfast; Outward Sound level Impact Assessment of Roof Terrace” dated 21st January 2017, reference MRL/1094/L02. The report has predicted that based on 10 people talking on the balcony area of concern , and that the standard reduction of sound level with distance of 6db per doubling of distance this relates to a noise level at the apartments of 50dbA. The report has demonstrated that during daytime hours the balcony area should not impact on the amenity of the neighbouring apartments with respect to noise,</p> <p>Plant Noise</p>
4.26	<p>As per EPU previous letter they have also reviewed the Lester Acoustics report submitted in support of this application titled “Proposed Erskine House Office Development, Chichester Street, Belfast: Inward and Outward Sound Level Impact Assessment” dated 9th August 2016 Ref: MRL/1094/L01 and in view of objectors concerns regarding plant noise have made the following comments:</p> <p>It is noted that this report concludes that “ it is necessary that the sound from the services plant shall create a Rating Level of no more than 57dBLa daytime nor 46dBLa night time at the location of the nearest neighbouring residential”. The report also provides advice on the individual rating level of each of the 88 roof top condenser units located at the 6th floor and based on a separation distance of 42m from the Victoria Square complex apartments. However, it is noted:</p> <ul style="list-style-type: none"> • From the drawings submitted the separation distance from the notional arrangement of the plant appears to be less than 42m furthermore it is noted that additional roof top plant is present on drawing stamped 09. • The background levels for this site are based on levels recorded with respect to application LA04/2015/0619/F at a nearby site measured at 5m above ground level. Whilst this is a similar location, the background levels may vary as the height increases. • EPU suggest that the applicant consults with the acoustic consultant prior to selection and installation of the plant to ensure that the rating level of the plant is appropriate with respect to distance from the nearby apartments and with respect to the actual background levels at the various apartment elevations. <p>EPU have amended their requested conditions and have requested a verification report as follows:</p>
4.27	

1. The noise mitigation measures and recommendations with respect to the window system and mechanical ventilation as outlined in the submitted Lester Acoustics report '*Proposed Erskine House Office Development, Chichester Street, Belfast: Inward and Outward Sound Level Impact Assessment*' dated 9th August 2016, ref:MRL/1094/L01 shall be fully implemented within the specified areas of the development.
2. Prior to and during occupation of the proposal the rating level (dBLar) of noise from all combined external building plant services shall not exceed the background sound level (for both daytime and night time) at the nearest noise sensitive apartments when measured in accordance with the assessment methodology outlined in BS4142:2014-Methods for rating sound and assessing industrial and commercial sound.
3. Prior to commencement of occupation of the proposal a verification report shall be submitted confirming the plant and equipment installed complies with condition 2 above.
4. No commercial collections or deliveries shall take place between 11pm to 7am.
5. The external roof terrace shall not be used between 11pm and 7am.

Construction Phase

4.28 EPU note the nearby residents' concerns regarding noise and dust associated with the demolition and construction stage of this proposal. EPU have amended their previous recommended condition to incorporate a dust management plan and request the following conditions.

6. Prior to commencement of development, a construction noise and dust management plan shall be developed and submitted for review and approval by Belfast City Council. This plan should outline the methods to be employed to minimise any noise and vibration and dust impact of demolition and construction operations demonstrating 'best practicable means. The plan should pay due regard to BS5228:2009 Noise and Vibration Control on Construction and open sites and include a detailed programme for the demolition/construction phase, the proposed noise and vibration monitoring methods, noise and dust mitigation methods and evidence of neighbour liaison.
7. The demolition and construction phase must be carried out in line with the approved construction noise and dust management plan.

5.0 On the basis of the above re-consultation, consultees are satisfied with the proposal subject to conditions, as set out below.

5.1

Pre-application Community Consultation

Neighbours from the adjacent Apartments have raised issues in respect of pre application community consultation in that they have advised that they did not receive notification of the proposal in advance of the application submission through the 'Proposal of Application Notice' (PAN)

5.2

The Planning Service is satisfied that the applicant undertook the exercise as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 in that correct notice was given, the application proposal and public event were advertised in the press and the public event took place.

5.3

<p>6.0</p> <p>6.1</p> <p>6.2</p> <p>6.3</p>	<p>It is understandably disappointing for neighbours not to have been involved through the PAN and PACC process. However, it is considered that neighbours have had an opportunity to make representations to the application, which has resulted in the receipt of further information and a number of changes to address amenity issues they have raised. Given the nature of the site and its location, the type of development and prior permissions, it is not considered that any significant prejudice has accrued in any event. Objections have been considered and mitigating measures incorporated by way of design and conditions.</p> <p>Economic Development</p> <p>Paragraph 4-19 of the SPPS encourages a positive approach to appropriate development proposals supporting growth generating activities.</p> <p>The proposed development sits in what is the principal office district for the city. There is presently significant demand for Grade A office space which is not currently being met. The proposal therefore has the significant potential for job creation and will address an identified need. As referred to previously this proposal would provide office accommodation, conservatively, for 1000 people in addition to other spin off benefits and jobs that would be likely to follow.</p> <p>Developer Contributions</p> <p>In this case it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement with Belfast City Council to provide contributions to local environmental improvements, open space provision and connectivity to mitigate against the impacts of increased foot fall at this location and the amenity of occupiers of the building.</p> <p>In this case it is considered that this should primarily take the form of public realm improvements to the streetscape / open space provision within the locality. The obligations to be undertaken are to be agreed with the developer / landowner and the developer has expressed a willingness and commitment to provide satisfactory contributions.</p>
<p>7.0</p> <p>7.1</p> <p>7.2</p> <p>7.3</p> <p>7.4</p>	<p>Summary of Recommendation:</p> <p>Mixed Use retail and office proposal in a highly accessible city centre location is considered acceptable. Previous planning approval on the site including an approval for a 7 storey office building. The existing building on site does not make a positive contribution to the character of the conservation area and thus its demolition is acceptable. The proposal has been amended to address concerns in terms of height, scale and design, and is now considered to be more sympathetic to the character of the City Centre Conservation Area.</p> <p>Objectors have raised a range of concerns as set out above, a number of restrictive conditions are recommended in the interests of residential amenity.</p> <p>Statutory and non-statutory consultees have offered no objections subject to the imposition of conditions as set out below</p> <p>The conditions as set out in the previously published case officer report should be set aside and substituted for the amended conditions as set out below.</p> <p>Recommendation</p> <p>Approval is recommended subject to conditions and the developer entering into an Agreement under Section 76 of the Planning Act. It is requested that Committee</p>

	delegate the negotiation of the terms of the Section 76 to the Director of Planning and Place in consultation with the City Solicitor.
8.0	Conditions
8.1	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.
18.2	Notwithstanding the details shown on the drawings hereby approved, full particulars of the following shall be submitted to and approved by the Council in writing prior to commencement <ul style="list-style-type: none"> 1. 1:1 mock up panels 2. Sample board for all external materials 3. Details of enclosure to roof plants. 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.
8.3	Notwithstanding details shown on drawing no.s 16 & 17 date stamped 23 January 2017, the screen proposed at the 6 th floor terrace will be permanently fixed to a height 1.8m along the eastern boundary of the site and obscure glazed. Reason: In the interests of residential amenity
8.4	Notwithstanding details shown on drawing no.s 16 & 17 date stamped 23 January 2017 Windows on all floors on the east elevation from second floor level inclusive and above at Montgomery street shall be obscure glazed to a height of 2metres from finished floor level. Sample panels shall be submitted for the approval of Council prior to occupation of the building and shall be permanently retained as approved. Reason: In the interests of residential amenity
8.5	If during the development works, new contamination and risks are encountered which has 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 to its satisfaction. Reason: Protection of environmental receptors to ensure the site is suitable for use.
8.6	After completing any remediation works required under Condition 3, 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. Prior to and during occupation of the proposal the rating level (dBLar) of noise from all

8.7	<p>combined external building plant services shall not exceed the background sound level (for both daytime and night time) at the nearest noise sensitive apartments when measured in accordance with the assessment methodology outlined in BS4142:2014- Methods for rating sound and assessing industrial and commercial sound.</p> <p>Reason: Protection of residential amenity.</p>
8.8	<p>Prior to commencement of occupation of the proposal a verification report shall be submitted confirming the plant and equipment installed complies with condition 5 above.</p> <p>Reason: Protection of residential amenity.</p>
8.9	<p>Prior to commencement of development, a construction noise and dust management plan shall be developed and submitted for review and approval by Belfast City Council. This plan should outline the methods to be employed to minimise any noise and vibration and dust impact of demolition and construction operations demonstrating 'best practicable means. The plan should pay due regard to BS5228:2009 Noise and Vibration Control on Construction and open sites and include a detailed programme for the demolition/construction phase, the proposed noise and vibration monitoring methods, noise and dust mitigation methods and evidence of neighbour liaison.</p> <p>Reason: Protection of residential amenity.</p>
8.10	<p>The demolition and construction phase must be carried out in line with the approved construction noise and dust management plan.</p> <p>Reason: Protection of residential amenity.</p>
8.11	<p>No commercial collections or deliveries shall take place between 11pm to 7am.</p> <p>Reason: Protection of residential amenity.</p>
8.12	<p>The external roof terrace shall not be used between 11pm and 7am.</p> <p>Reason: Protection of residential amenity.</p>
8.13	<p>No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>
8.14	<p>Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.</p>

8.15	<p>Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.</p> <p>The development hereby permitted shall not be occupied until the associated hard surfaced area have been constructed in accordance with the approved layout Drawing No. 03 'Ground Floor Plan' and bearing Belfast City Council Planning Office date stamp 18 August 2016 to provide adequate facilities for cycle parking and for servicing. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.</p>
8.16	<p>Reason: To ensure that adequate provision has been made for cycle parking and servicing.</p> <p>The development hereby permitted shall operate in accordance with the approved Travel Plan bearing Belfast City Council Planning Office date stamp 18 August 2016. This includes provision of the Translink Corporate Commuter Initiative, the Translink TaxSmart Initiative and the Bike2Work Initiative or equivalent measures agreed by TransportNI.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles and in the interests of road safety and the convenience of road users.</p>
9.0	<p>Informatives</p> <p>Archaeology For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact: Historic Environment Division – Historic Monuments Causeway Exchange 1–7 Bedford St Belfast, BT2 7EG Tel: 02890 823100 Quote reference: SM11/1 ANT 061:017</p> <p>Application for the excavation licence, required under the <i>Historic Monuments and Archaeological Objects (NI) Order 1995</i>, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to: Historic Environment Division – Historic Monuments Causeway Exchange 1–7 Bedford St Belfast, BT2 7EG</p> <p>Transport / Traffic The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.</p> <p>Notwithstanding the terms and conditions of the Department for Infrastructure's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any</p>

work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Transport NI Section Engineer whose address is 148-158 Corporation Street, Belfast, BT1 3DH

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

Eastern Division
Hydebank
4 Hospital Road
BELFAST
BT8 8JL

Construction

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

- The applicant is advised to ensure that all plant and equipment associated with the proposal is so situated, operated and maintained as to prevent the transmission of noise to nearby residential properties.

Contaminated Land

In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. The investigation, risk assessment and if necessary remediation work, must be undertaken and verified in accordance with current best practice.

The purpose of the above relevant Conditions is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and endues of the site such that it would not be determined as contaminated land under the 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.

The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999.

Clean Air Order 1981

Dependant on the method of heating to be used on the premises it may be necessary to provide a chimney for a boiler, the height of which should be approved by Belfast City Council. Guidance on chimney height calculation is given in the third edition of the 1956 Clean Air Act Memorandum on Chimney Heights. Further advice may be sought from the Environmental Protection, Public Health & Housing Unit, Belfast City Council, 4-10 Linenhall Street, Belfast, BT2 8BP.

12.0	Notification to Department (if relevant) N/A
13.0	Representations from elected members: None
Neighbour Notification Checked	
Yes	