

**2nd Addendum
Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 15 th August 2017	
Application ID: LA04/2016/2267/F	
Proposal: Erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works	Location: Site C, Gasworks Office Park, Cromac Place, Belfast.
Referral Route: Major Planning Application	
Recommendation: Approval	Approve - Subject to Condition and a Developer Obligations Agreement
Applicant Name and Address: Inislyn Ltd 128a Eglantine Avenue Belfast BT9 6EU	Agent Name and Address: Strategic Planning 1 Pavillions Office Park Kinnegar Drive Holywood BT18 9JQ
<u>2nd ADDENDUM REPORT</u>	
<p>Members should be aware that papers were published previously in respect of this application on March 2017 and April 2017 however, this application was not presented to either Committee, a decision to defer being taken.</p> <p>Reason for deferral:</p> <p>That the Committee, given the issues which had been raised regarding the ratification of the Gasworks Masterplan, the relationship between the proposed tower block and the impact on the surrounding housing, and consistency in the approach to major developments agrees to defer consideration of the application to enable a site visit to be undertaken to acquaint itself with the location and the proposal at first hand.</p> <p>A Committee site visit subsequently took place on the 20th May 2017.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed Officer Report and first Addendum Report attached below.</p>	

Preliminary Matters

1. In the intervening period between the Planning Committee resolution to defer the planning application in April 2017, and its return to August 2017 Committee Schedule; the adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. The Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
2. Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
3. In addition, at City, Growth and Regeneration Committee on 14 June 2017, the Committee considered a paper on Revised 'Gasworks Northern Fringe Masterplan' and agreed the following actions:
 - To note the updated position in relation to the emerging Gasworks Northern Fringe Concept Masterplan;
 - To note that a pre-planning process (PAD) is being pursued; and
 - A Proposal of Application Notice (PAN) will be served and a fully compliant pre application consultation process will be undertaken
 - Agree to submit an Outline Planning application for a comprehensive mixed use development, following the completion of the PAD process
4. This decision was subsequently ratified at Council meeting of 3 July 2017.
5. A Pre Application Notification was served on Planning Service on 4 August 2017 for a Major Mixed Use Development comprising of Social Housing, Office/Retail, Tourism/Hotel; Multi Storey Car Park and Public Realm – under reference LA04/2017/1741/PAN.
6. The preliminary proposals are also the subject of Pre Application Discussions (PAD) under reference LA04/2016/2154/PAD.

Further Consideration

7. Following the Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The

weight to be afforded is a matter of judgement for the decision maker.

8. In the BUAP the site is zoned as part of an Area of Business Development Potential. Policy IND2 of the BUAP identifies former industrial and commercial sites in the inner city as areas where urban renewal should facilitate business development. The former Gasworks site is identified as one such area. The policy goes on to state that the retention of these sites in business use will also help to locate jobs close to housing communities in the inner city. It also states that it may not be possible to retain all the land for industrial and commercial uses with the result that a mix of land uses may be more appropriate on some sites.

The Office Development Strategy within BUAP states that office development will be concentrated in the city centre with large scale office development directed to the Main Office Area.

9. In Draft BMAP (November 2004) the site is within a 'Main Office Area' (CC 009). It is also located within the city centre. Policy for the control of office development in the Main Office Area is contained in Policy OF1, Volume 1 of the draft Plan. The Policy states that planning permission will be granted for Office development in the designated Belfast City Centre Main Office Area.
10. The Public Inquiry into the draft (published 2004) ran from April 2007 – May 2008. The PAC report into the draft Plan and the adoption Statement is also publicly available. The following objections were received at draft plan stage, which either directly or indirectly affect the site and zonings relating to the site:

- a) CC 072: Cromac Street/Raphael Street

Objection 2965/34

The objector sought the extension of the zoning to include the cleared site of the former fish factory to the east of the zoning currently being used for car parking, and extensions to include land to the south and land arising from the abandonment of the road protection line. The Department conceded the extension of the Development Opportunity Site and if confirmed, find no reason to depart from this position.

Although the objector claims no knowledge of a watercourse on the site, consultation responses from Rivers Agency indicate that there is a designated watercourse located within or adjacent to the site and there is no reason to doubt this.

The PAC recommended that reference to it in the amplification section should be

removed.

Objection 427/6:

An objection from the Markets Development Association, generally sought the redesignation of this Development Opportunity Site to include housing/mixed use. Given the sustainable location of this site and conclusions regarding the significant shortfall in housing provision in the Belfast area, the PAC saw merit in the housing element of the objection. In the absence of further information about the other uses envisaged by the objectors, or the Department's conclusions on the need for a Development Opportunity Site at this location, the PAC were unable to consider the mixed-use element of the objection.

If the objection was to be confirmed, the PAC recommended that the boundary of zoning CC 072 should be extended as shown on the plan submitted with objection 2965/34 and consideration should be given to appropriate land uses in the context of the objection submitted.

b) CC017: Laganside South and Markets Character Area

Objection 2241/2

Intersections: That in the event that planning consent has been granted for a building in excess of 5 storeys, the 2nd bullet point of Designation CC 017, under 'Intersections', should be amended to reflect the height of the approved building. Should no such approval exist, the bullet point should be retained. The PAC advised that unless planning consent has been granted for a building in excess of 5 storeys on the southern portion of the land within CC 017, the height criterion in the draft Plan relating to that land should be confirmed.

None of the specific Urban Design Criteria set out in CC017 in the Draft BMAP apply to this site. In terms of the general criteria that proposals shall take account the height of adjoining buildings, the proposal complies with this, as discussed in more detail in the body of the main planning report.

Objection 3219/4:

An objector disagreed with the last paragraph of text in CC 017 – 'Development shall aim to reflect traditional plot widths'. The PAC accepted that it did not add anything to the Plan and recommended that it be deleted.

11. In general the weight that should be given to draft policy increases as it approaches the date of final publication. It is the view that the draft BMAP, in its most recent, post-examination form continues to exist. As the decision to adopt the BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted. The Executive could if it wished take further steps to adopt the BMAP, but until it does so the draft BMAP remains the most advanced and up to date collection of development management policies for the City Council's area, albeit that those policies do not carry the statutory force conferred upon an adopted statutory development plan by the 2011 Act.
12. The policies in the version of draft BMAP which was purported to be adopted and not the one published in 2004 should be given considerable weight because of its advanced stage, following its examination. The draft BMAP is at the furthest possible stage that any draft development plan could have reached without being formally adopted.
13. The version of draft BMAP which was purported to be adopted and not the one published in 2004 should be given substantial weight. Having said this, this area is something of an anomaly as in the draft BMAP (the 2004 version) the site fell within the Main Office Area designation, whereas in the version purported to be adopted the site falls within a Social Housing Zoning. As stated in the planning officer report previously published, Planning Service were of the opinion that granting an office building on this site would not undermine the overall objective of the zoning as there was ample opportunity in the remainder of the zoning to supply the necessary level of housing to meet Housing Executive need for the area.
14. Another emerging material consideration, albeit at an early stage in the planning process, is that a Pre Application Notification (PAN) has now been served to the Planning Service for a Masterplan on the lands at the former Gasworks site (submitted 4th August 2017), for a mixed use scheme, which includes the application site. The red line application site covers an area from Cromac Street to the west stretching to the railway line to the east of the site. The description of the proposed development is 'Redevelopment of lands at former gasworks site with a mixed use scheme to include: Social Housing, Office/ Retail, Tourism/ Hotel, Multi-Storey Car Park, Public Realm'. As stated this proposal is at pre-application stage, and would carry minimal material weight, but it does reflect a commitment from the landowner to submit an application for a mixed use scheme, which includes an element of social housing. Notwithstanding any future planning applications or decisions to approve or refuse any landuse on lands for development/ redevelopment, and as stated previously, there is an opportunity elsewhere within the social housing zoning, to meet housing need.

15. Of note is that the objection (Objection 427/6) which appeared to inform the social housing zoning, related specifically to the Development Opportunity Site Designation CC 072: Cromac Street/Raphael Street. This site forms only a part of what became the overall zoning. The area which was subject to this objection was approximately 1 hectare.

The extent of the area zoned for social housing, in the context of the PAC's recommendation on the Development Opportunity Site, does appear somewhat excessive, relative to the scale of the area which was subject of the objection.

16. The thrust of the BUAP and draft BMAP was that office development, and indeed large scale office development, was desirable in the gasworks area. In light of the PAC recommendations post public enquiry Report as published in June 2012, that social housing would be acceptable/ desirable in the area, this must be given weight in the assessment of the proposal, as the most recent expression of land use planning for the area, and this site.

17. On balance, given the mix of uses that exist in the area, the city centre location, the thrust of the Belfast Urban Area Plan, the advanced stage of the Draft BMAP and in light of emerging material considerations, namely the submission of a PAN for a Gasworks Masterplan and on-going PAD process, this proposal for an Office Development on part of the area of the overall zoning is considered acceptable.

18. Notwithstanding and without prejudice to any future planning applications for development or re-development in the wider area, there is considered to be sufficient opportunity on sites with development potential within the vicinity of this particular site to provide a level of social housing that will contribute to meeting the need specified by the NI Housing Executive.

19. Given the entire zoning cc 04/08 of the purported to be adopted BMAP is lands which are within the ownership and control of the Belfast City Council and members have expressed a commitment, as of Council Meeting of 3 July 2017 to move forward with an Outline Planning application for a comprehensive mixed use development for the lands, and a PAN has now been served to that affect, it is recommended that this application is granted.

Recommendation

Approval subject to conditions set out in the case officer report and a legal agreement for appropriate developer contributions. The terms of which are requested to be delegated to the Director of Planning and Place and City Solicitor.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 13 th April 2017	Item Number:
Application ID: LA04/2016/2267/F	
Proposal: Erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works	Location: Site C, Gasworks Office Park, Cromac Place, Belfast.
Referral Route: Major Planning Application	
Recommendation: Approval	Approve - Subject to Condition and a Section 76 Agreement
Applicant Name and Address: Inislyn Ltd 128a Eglantine Avenue Belfast BT9 6EU	Agent Name and Address: Strategic Planning 1 Pavillions Office Park Kinnegar Drive Holywood BT18 9JQ
<p><u>ADDENDUM REPORT</u></p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p>Since the initial report was completed a total of 46 letters of objection and one letter of support have been received.</p> <p>The objection letters raise the following points of concern:</p> <ol style="list-style-type: none"> 1. <i>Inadequacies in the level of pre-application community consultation;</i> Given the level of consultation stated in the Pre-application Community Consultation Report it is considered that the applicant has carried out their duty under Section 27 of the Planning Act. 2. <i>No Masterplan adopted for Gasworks Northern Fringe. The approval of this application will set a precedent for the remainder of the Northern Fringe and how it will be developed;</i> To date a masterplan has not been adopted for the wider Gasworks area. Any subsequent planning application received in the vicinity of the application site must be assessed on its individual merits. 3. <i>More weight should be attached to the Social Housing Zoning in the Belfast Metropolitan Area Plan;</i> Capacity exists within the remainder of the Social Housing zoning, on what are arguably more suitable sites, to accommodate the housing need in the area. 4. <i>Scale, massing and design is a concern particularly in relation to potential impact on residential properties on McAuley Street and Stewart Street, exacerbated by level change between site and adjacent properties;</i> 	

The scale, massing and design of the proposed building are in keeping with the mixed use Gasworks area. The design and finishes reflect the industrial heritage of the area with strong vertical emphasis and a predominantly red-bricked finish. The building steps down towards the existing dwellings to the north with a separation distance of approximately 26m. The rear garden of the existing dwellings is approximately 1.5m lower than the site. An existing wall of approximately 3m in height (on the side of the existing dwellings) already has an impact in terms of loss of light and dominance, as it is located a short distance (4.5m) from the rear of these dwellings. Given the separation distance of 26m there should be no significant difference from the current situation in terms of impact on amenity to the rear of the existing dwellings.

Obscure glazing is proposed on the first to third floor windows on the rear elevation of the building. A 2m high obscure panel can be conditioned to ensure that there will be no unacceptable level of overlooking onto the rear of the adjacent dwellings, if the Committee are minded to approve.

5. The proposed access road is not 'future proofed' for the high levels of traffic that will be using it in the future;

TransportNI have been consulted on the proposal and are satisfied that the proposed road will adequately serve the development. As stated previously any further application on lands within the vicinity of the site must be assessed on their individual merits.

Summary

The late objections received have been fully taken into account.

In conclusion the recommendation remains as set out in the case officer's report and this addendum. The proposal is recommended for Approval subject to conditions and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions. If Committee is minded to agree with that recommendation, it is requested that authority be delegated to the Director of Planning & Place, in consultation with the Town Solicitor, to negotiate and enter into the said Agreement on behalf of the Council.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 March 2017	
Application ID:	LA04/2016/2267/F
Proposal: Erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works	Location: Site C Gasworks Office Park, Cromac Place Belfast.
Referral Route: Major Application	
Recommendation: Approval	
Applicant Name and Address: Inislyn Ltd 128a Eglantine Avenue Belfast BT9 6EU	Agent Name and Address: Strategic Planning 1 Pavillions Office Park Kinnegar Drive Holywood BT18 9JQ
<p>Executive Summary: The application seeks full planning permission for the erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - The acceptability of proposed office use - Scale, Massing and Design - Impact on amenity - Archaeological and Built Heritage - The impact on existing roads infrastructure/ acceptability of access arrangements - Contamination - Developer Contribution - Pre-Application Community Consultation <p>The site is located within the Belfast City Centre as designated in the Belfast Metropolitan Area Plan. It is also within a social housing zoning as designated in BMAP. The proposal is in keeping with the office/ commercial context of this part of the gasworks site and given the scale of the zoning and the level of identified housing need there is ample opportunity elsewhere in the zoning to cater for the local social housing need.</p> <p>In terms of height, scale, mass and design the proposal is considered acceptable in the context subject to conditions in respect of obscure glazing on north elevation. Historic Environment Division has considered the impacts of the proposal on the adjoining listed Former Ross Mineral Water Works Building, and on the Gas Office at 4-14 Cromac Quay buildings, and has offered no objection.</p>	

Transport NI, NIWater, HED Historic Monuments Unit and Belfast City Council's Environmental Protection Unit have offered no objections to the proposal and standard conditions are to be applied.

Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved subject to conditions.

Committee is requested to delegate the consideration of the final wording of the conditions to the Director of Planning and Place.

Recommendation

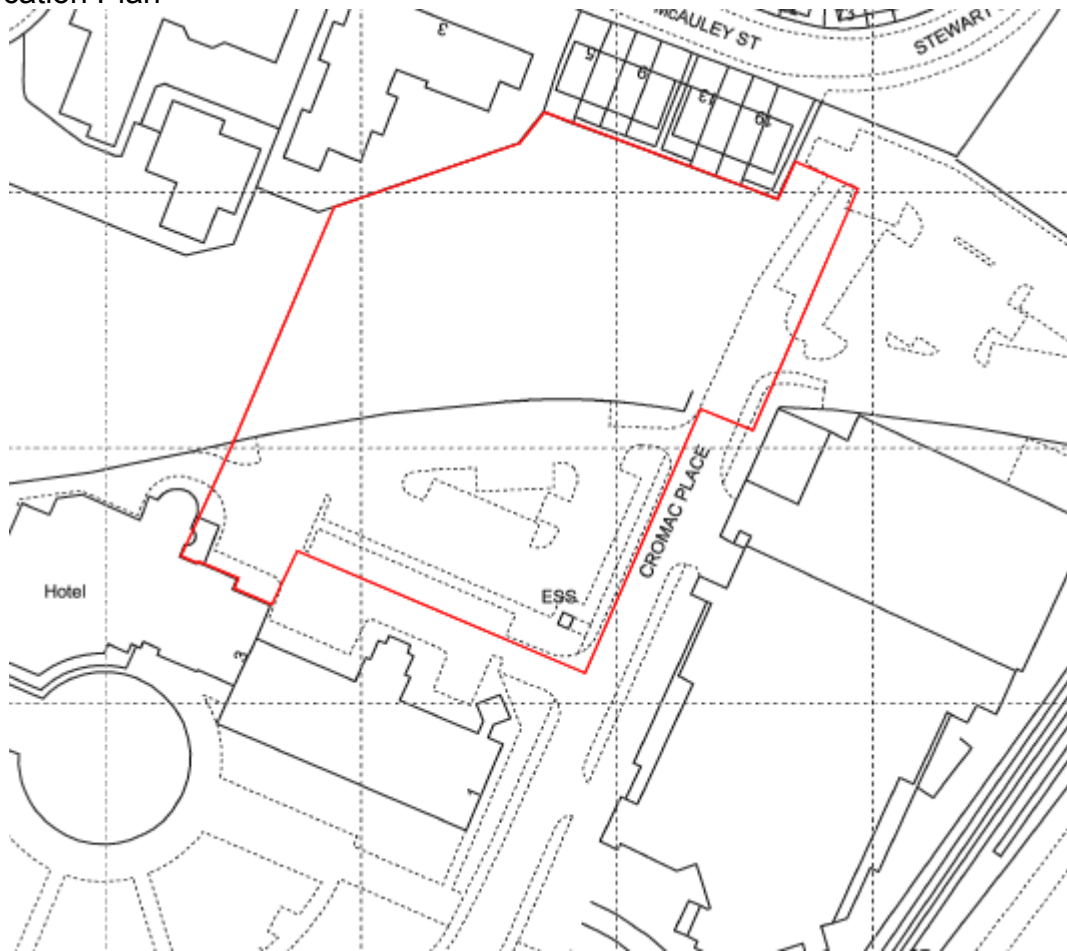
Approve subject to conditions set out in the case officer report and subject to the completion of an Agreement in respect of developer contributions. Contributions will help enhance connectivity between the city centre and the wider gasworks area, and promote connectivity with the surrounding residential streets.

If members are minded to approve the application it is also requested that authority is delegated to the Director of Planning and Place, on behalf of the Council in consultation with Legal Services, to agree the terms of the Agreement.

Signature(s):

Case Officer Report

Site Location Plan



1.0	<p>Description of Proposed Development Erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works.</p> <p>The building is a flat roof structure with a maximum height of 27.5m (including rooftop plant) dropping to 16m to the four storey element to the north. The building has a red bricked frontage with vertically emphasised windows.</p>
2.0	<p>Description of Site 0.5 ha site largely dominated by car parking. Bollards define eastern boundary along Cromac Place with a 2.5m wall along Northern boundary with adjacent residential development.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History No recent planning history on site</p>
4.0	<p>Policy Framework</p>
4.1	<p>Belfast Metropolitan Area Plan 2015</p>
4.2	<p>SPPS Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Natural Heritage</p>

	<p>Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development Planning Policy statement 6 – Planning, Archaeology and the Built Heritage</p>
5.0	<p>Statutory Consultees Transport NI – No objection subject to conditions NI Water – No objection NIEA Waste Management Unit – No objection subject to conditions NIEA Water Management Unit - No objection Historic Environment Division – No objection subject to conditions</p>
6.0	<p>Non-Statutory Consultees Environmental Health BCC – No objection subject to conditions</p>
7.0	<p>Representations One letter of objection have been received. The following points of concerns have been raised:</p> <ul style="list-style-type: none"> - Scale, Massing and Design - Inappropriate level of community consultation with local groups - Inadequacies in the pre-application community consultation process - Impact on residential amenity - The proposal will impact upon the way the wider area is developed
8.0	<p>Other Material Considerations DCAN 15 – Vehicular Access Standards</p>
9.0	<p>Assessment</p>
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - The acceptability of proposed use - Scale, Massing and Design - Impact on amenity - Archaeological and Built Heritage - The impact on existing roads infrastructure/ acceptability of access arrangements - Contamination - Developer Contribution - Pre-Application Community Consultation
9.2	<p>The Acceptability of proposed office use The site is located within a social housing zoning (CC04/08) as designated in the Belfast Metropolitan Area Plan and within the Laganside South and the Markets Character Area (CC0014). It is worth noting that the application site forms only a small part of the wider social housing zoning, measuring 2.76 Ha. There is ample opportunity within the area covered by this zoning to cater of the social housing needs of the local area (74 applicants in housing stress as of March 2016). Without prejudice and without pre-determining the outcome of any future planning application, arguably a more suitable location for housing would be the car park sites at the western area of the zoned lands as this is located along the established housing development at the junction of Ormeau road and Raphael Street. It would form a natural continuation to the two storey red-bricked terraced housing fronting onto the Ormeau Road, with the opportunity to maintain the area of roadside planting. If a similar density is applied to the vacant site to the south of this housing there is scope to provide for the social housing need as defined by the Housing Executive. Part of this site is also set aside as a 'City Centre Gateway'. This would provide the opportunity to create something of a landmark building of a larger scale, appropriately designed.</p>
9.3	<p>The site is also within close proximity to the gasworks, an area affected by high levels of contamination. The Housing Executive in their letter dated 9th June 2016 (initially submitted as part of Pre-application discussions) have acknowledged that a number of adjacent social housing schemes have experienced substantial remediation costs which</p>

	<p>can lead to difficulties in delivering social housing. The site's location within an area where there are a number of large scale office/ commercial buildings would favour a similar use or mixed use as opposed to entirely housing in terms of viability.</p>
9.4	<p>Given that the wider social housing zoning is controlled by Belfast City Council, there is opportunity to provide a viable mixed use scheme within the Gasworks area, including this proposal, which will ensure the provision of social housing alongside employment, with linkages to the wider area.</p>
9.5	<p>Policy OF1 of the Belfast Metropolitan Area Plan states that Belfast City Centre is the first choice location for major office development. Whilst the site is zoned for social housing, given its city centre location the proposed office use in principle is also an acceptable land use.</p>
9.6	<p>In terms of the Urban Design Criteria set out in BMAP for the Laganside South and Markets Character Area there is a general requirement that development proposals shall take account of the height of adjoining buildings. As discussed below the scale of the building is on a par with the adjacent office / commercial buildings and steps down to four storey whilst providing an ample separation distance to the two and a half storey dwellings on McAuley Street.</p>
	<p>Scale, Massing and Design</p>
9.7	<p>The building's six storey flat roof form reflects the scale and massing of the existing office buildings and Radisson hotel within the vicinity of the site. The main six storey element of the building is located just over 30m north of the existing six storey Lighthouse Building, with its red-bricked finish and vertically emphasised glazing reflecting the character of this building. The scale is also on a par with the Lloyds Bank Building with a staggered height between six and eight storeys. The proposal will 'round off' a group of large office/ commercial buildings that define the character of this part of the Gasworks site, with the red-bricked warehouse style building with a strong vertical emphasis on the fenestration being something of an architectural nod to the industrial heritage of the area.</p>
	<p>Impact on Amenity</p>
9.8	<p>An existing Housing development abuts the North and North-west boundaries of the site. An impact will be experienced within the two and a half storey terraced dwellings to the north of the building on McAuley Street given the proximity of not only the building to the rear boundary but also the proposed access road. In terms of the building itself it should be noted that it drops to four storeys to the north towards these dwellings. The four storey section of the building is located 20-22m from the rear boundary of these properties and 25-27m from the rear wall of the dwellings. It is worth noting at this point that a wall, approximately 2.5m high, is located along the rear of the dwellings, and the dwellings sit slightly lower than the site. This effectively means that the rear of the dwellings are completely enclosed with the ground floor windows having little in the way of an outlook. Given the separation distances involved and the fact that a high wall is located approximately 4.5m from the rear wall of the dwellings there should be no significant exacerbation in terms of overshadowing/ loss of light experienced in the private amenity area to the rear. With a building of this scale there will undoubtedly be some loss of amenity in the rooms on the upper floors but given the 25-27m separation distance this impact should not be significant.</p>
9.9	<p>Given the number of windows on the north facing elevation of the proposed office block, the separation distances may minimise any potential overlooking, but the perceived level of overlooking must also be considered. To address any potential concerns, it is proposed to condition 2m high obscured glazing from finished floor level to the north elevation</p>

	windows. This will minimise any opportunity to look out onto the rear of the existing dwellings and will reduce the level of perceived overlooking.
	Archaeological and Built Heritage
9.10	The application is in close proximity to Gas Office at 4-14 Cromac Quay (Grade A) which is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011. Historic Environment Division, Historic Buildings (HED:HB) has considered the impacts of the proposal on the building and on the basis of the information provided, advise the proposal satisfies Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.
9.11	The proposed development site contains lands formerly occupied in the mid-19 th century by sites of industrial heritage interest including the Belfast Abattoir on MacAuley Street and the Cromac Steam Saw Mill to the west, both sites of industrial heritage interest protected under the provisions of Policy BH 2 of PPS 6. The development site is also located close to the 18 th century 'Cromack Dock' a short distance to the south.
9.12	Consequently, the application site has potential to contain below ground archaeological remains associated with 18 th & 19 th century industrial heritage activity in the vicinity. Historic Environment Division: Historic Monuments (HED: HM) has considered the impacts of the proposal. HED: HM is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation <i>in situ</i> , as per Policy BH 4 of PPS 6. HED have requested that the attached conditions at 11.10 and 11.11 are attached to any planning approval, should approval be forthcoming.
	Impact on existing roads infrastructure/ acceptability of access arrangements
9.13	TransportNI initially requested a parking survey demonstrating parking appropriate to its use class under 'Belfast City Centre Core' Areas of Parking Restraint TRAN1. A statement was provided, stating that 100 parking spaces are located within the existing car park, these serve the Radisson Hotel and the Lighthouse Office Building. 44 of these spaces are to be retained in situ and 56 spaces are to be relocated in a reconfigured car park, therefore no loss of existing spaces. As per the BMAP parking requirement (TRAN1) 23 spaces are needed to serve the proposal (1/300 square metres), and these are provided in the reconfigured car park.
	Contamination
9.14	A letter report has been provided by RPS Ireland Ltd in support of this application. The letter includes additional discussion and interpretation of the available soils and groundwater contamination data from on and off site. NIEA Waste Management Land and Groundwater Team are satisfied that a detailed conceptual site model (CSM) has been presented.
9.15	Following an intrusive site investigation involving soil/water sampling along with ground gas monitoring and assessment of all data, one pollutant linkage has been identified which requires remediation. The reports have classified the on-site gassing regime as 'Characteristic Situation 2', thereby requiring gas protection measures to be installed within specified areas of the proposed building footprint in accordance with the recommended guidance.
9.16	Waste Management Land and Groundwater Team and Environmental Services Department of BCC have no objections to the development provided conditions are

placed on any Planning Decision Notice as recommended below at 11.4 – 11.9.

Developer Contribution

9.17

In this case it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement with the Council to provide contributions to local environmental improvements.

9.18

In this case it is considered that this should primarily take the form of public realm improvements to the streetscape around the building and enhance pedestrian linkages and improve connectivity to the heart of the city and the residential areas to the north and west, and should specifically include contributions towards a pedestrian access between Cromac Place and Stewart Street/ McAuley Street to facilitate future access to the river front and potentially the new Lagan Bridge.

Pre-application Community Consultation

9.19

For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.

9.20

Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2016/0627/PAN) was submitted to the Council on 4th April 2016.

9.21

Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.

9.22

A Pre Application Community Consultation Report (September 2016) has been submitted in support of this application. The Report has confirmed the following:

9.23

The Public Event took place at The Radisson Blu Hotel on 23rd June 2016. This event was advertised in the Belfast Telegraph on 14th June 2016. A leaflet containing details of the event was delivered to residents in the Markets Area (including McAuley Street and Raphael Street) with copies placed in the local shop. Direct invites were issued to a number of Councillors, MLA's and an MP and Alderman, as well as a number of community groups.

9.25

A meeting was also held with the Markets Development on 24th May 2016 to introduce the proposal and seek community feedback

9.26

A total of approximately 20 people attended the event with a general view that the area was in need of regeneration.

9.27

A number of issues were raised during the course of the community consultation exercise:

- Housing Need and the fact the site is on a social housing zoning
- Importance of connectivity, between the Markets and the Gasworks and beyond to Lagan Bridge
- Proximity to dwellings on McAuley Street
- Need for developer contributions
- Support for Grade A office space and job creation
- Community Needs to be kept informed
- Pressure on local car parking

<p>9.28</p>	<p>In response to these points the planning agent has made the following comments:</p> <ul style="list-style-type: none"> - Advanced negotiations with potential tenants in order to create jobs - The site is considered unsuitable for Social Housing given lack of vehicular access from the Markets and contamination. Other sites in vicinity more suitable for social housing - The development allows for pedestrian and cycle connections between Gasworks and the Markets - Building steps down towards adjacent houses with significant separation distance - Developer willing to provide contributions - Community consultation has included residents, community groups, businesses and elected representatives - Parking schemes outside applicant's control. Area already at capacity.
<p>9.29</p>	<p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>
<p>9.30</p>	<p>Consideration of Issues</p> <ul style="list-style-type: none"> - Scale, Massing and Design - Scale, massing and design in keeping with the mixed use Gasworks area with the size of the building similar to that of buildings on adjacent sites. Design reflects industrial heritage of area with strong vertical emphasis and red-bricked finishes. - Inappropriate level of community consultation with local groups - Given the level of consultation stated in the Pre-application Community Consultation Report it would appear that the applicant has carried out their duty under Section 27 of the Planning Act. - Inadequacies in the pre-application community consultation process - As stated above based on the information contained within the Pre-application Community Consultation Report it would appear that the applicant has carried out their duty under Section 27 of the Planning Act in terms of the level and nature of community involvement - Impact on residential amenity - The building steps down towards the existing dwellings to the north with a separation distance of approximately 26m to the dwellings. Obscure glazing is proposed on the first to third floor windows on the rear elevation of the building. A 2m high obscure panel can be conditioned to ensure that there will be no unacceptable level of overlooking onto the rear of the adjacent dwellings. - The proposal will impact upon the way the wider area is developed - To date a masterplan has not been adopted for the wider Gasworks area. Each application must therefore be assessed on its individual merits.
<p>10.0 10.1</p>	<p>Summary of Recommendation:</p> <p>Office development located within an area defined by large scale office/ commercial buildings. Scale, massing and design appropriate to this context and reflective of the industrial heritage of the gasworks area. Although the site is located on a social housing zoning it occupies only a small portion of this zoning. There is scope within the zoning to accommodate for the housing need. The proposal should not have a significant impact on the amenity of the adjacent dwellings on McAuley Street subject to conditions.</p> <p>No objections have been offered from Statutory and non-statutory consultees.</p>
<p>10.2 11.0 11.1</p>	<p>Conditions</p> <p>As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p>

<p>11.2</p>	<p>Reason: Time Limit.</p> <p>The development hereby permitted shall not become operational until no more than 123 car parking spaces and associated hard surfaced areas for manoeuvring have been constructed in accordance with the approved layout Drawing No. 02 'Proposed Site Plan' bearing the Belfast City Council Planning Office date stamp 20 October 2016 to provide adequate facilities for parking, servicing and circulating within the site. 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>
<p>11.3</p>	<p>Reason: To ensure that adequate provision has been made for parking.</p> <p>The development hereby permitted shall operate in accordance with the Travel Plan & Service Management Plan bearing the Belfast City Council Planning Office date stamp 20 October 2016.</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>
<p>11.4</p>	<p>Prior to occupation the windows on the northern elevation will be obscure glazed to a height of 2m from finished floor level on each floor.</p> <p>Reason: In the interests of residential amenity.</p>
<p>11.5</p>	<p>No development shall commence until the applicant has submitted a groundwater quality monitoring scheme to verify the groundwater quality pre, during and post development. This should include:</p> <ul style="list-style-type: none"> - Groundwater monitoring points (existing and proposed), - Suites of contaminants to be monitored for and, - The schedule for monitoring proposed. <p>If unacceptable risks to receptors are identified a remediation strategy will be required to address those risks.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
<p>11.6</p>	<p>The development hereby permitted shall not be occupied until the remediation measures as described in the RPS, Remedial Strategy Report, Site C. Former Belfast Gasworks. November 2016; have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
<p>11.7</p>	<p>After completing the groundwater monitoring and remediation works under Conditions 4, 5 and 9; 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).</p> <p>The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p>

11.8	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention” available at http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf.</p>
11.9	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>Prior to the operation of the proposed development, the applicant shall provide to Belfast City Council, for approval, a Verification Report. This report must demonstrate that the remediation measures outlined in Section 6.0 of the RPS Ireland Limited, Remedial Strategy Report IBR0944/November 2016 Site C Former Belfast have been implemented. This verification report shall specifically address the following ;-</p> <ul style="list-style-type: none"> • The structural barrier of the floor slab. • Ventilation measures. • Vapour and Gas resistant membrane. • Verification of depth of capping system in landscape areas and suitability of topsoil material.
11.10	<p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that gas protection measures in accordance with CIRIA C665 Characteristic Situation 2 have been installed throughout the building footprint of the proposed development. Furthermore verification or integrity testing shall be in accordance with the provisions of CIRIA C735.</p>
11.11	<p>Reason: The protection of human health</p> <p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p>
11.12	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use</p> <p>No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>

11:13

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.

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.

Informatives

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 Regional Development for which separate permissions and arrangements are required.

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.

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.

Pedestrian Crossing Points across the proposed entrances are to be provided in accordance with the DTER/Scottish Office publication 'Guidance on the use of Tactile Paving'.

The applicant is advised that the proposed commencement of Part III of the Waste and Contaminated Land (NI) Order 1997 may introduce retrospective environmental liabilities to the applicant following the development of this site.

The comments provided by Belfast City Council are without prejudice to any future statutory control which may be required under Part III or any other future environmental legislation. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

Failure to provide a satisfactory Verification Report may lead to the assumption that the site still poses a risk to human health and it may be subject to further action under forthcoming legislation.

The applicant is advised to ensure that all plant and equipment used in connection with the offices is so situated, operated and maintained as to prevent the transmission of noise to nearby properties.

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 IHR 10010

Application for the excavation licence, required under the *Historic Monuments and Archaeological Objects (NI) Order 1995*, 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 Unit
 Causeway Exchange
 1–7 Bedford St
 Belfast,
 BT2 7EG

Neighbour Notification Checked

Yes

ANNEX

Date Valid	20th October 2016
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Date First Advertised	4th November 2016
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Date Last Advertised	25th November 2016
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Details of Neighbour Notification (all addresses)

1, 19 Raphael Street, Town Parks, Belfast, Antrim, BT7 2DD,
 11, 13, 15, 17, 19 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BU,
 2, 19 Raphael Street, Town Parks, Belfast, Antrim, BT7 2DD,
 2-6 Unit 6, Raphael Street, Town Parks, Belfast, Antrim, BT7 2DD,
 24 Cromac Place, Town Parks, Belfast, Antrim, BT7 2JB,
 3 Cromac Place, Town Parks, Belfast, Antrim, BT7 2JB,
 3 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BW,
 42-54, Raphael Street, Town Parks, Belfast, Antrim, BT7 2DD,
 5 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BU,
 7 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BU,
 9 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BU,
 Apartment 1, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Apartment 10, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Apartment 11, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Apartment 12, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Apartment 13, 1A Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BN,
 Apartment 14, 1A Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BN,
 Apartment 15, 1 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Apartment 16, - 19 1 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Apartment 2, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Apartment 20 – 29 1 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Apartment 3, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Apartment 30 – 39 ,1 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Apartment 4, 1A Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BN,

Apartment 40 - 45, 1 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Apartment 5, 6, 7, 8, 9, 1, 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Apartment 6, 1 – 1a Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 CRI Building, 2nd Floor, 165-169 Donegall Pass, Belfast, N Ireland, BT7 1DT
 Flat 1, - 45 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Flat 5, -9 1, 3 Mcauley Street, Town Parks, Belfast, Antrim, BT7 2BP,
 Lloyds Banking Group, 14 Cromac Place, Town Parks, Belfast, Antrim, BT7 2JB,
 Markets Community Centre, 1 Market Street, Belfast, BT1 3JD
 The Lighthouse, 1 Cromac Place, Town Parks, Belfast, Antrim, BT7 2JB,
 Unit 1, Raphael Street, Town Parks, Belfast, Antrim, BT7 2DD,
 Unit 2-6, Raphael Street, Town Parks, Belfast, Antrim, BT7 2DD,

Date of Last Neighbour Notification	11 th November 2016
Date of EIA Determination	8 th November 2016
ES Requested	No
Drawing Numbers and Title 01, 02, 03, 04, 05, 06, 07	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	