

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 14 August 2018	
Application ID: LA04/2017/1707/F	
Proposal: Erection of 11 storey office building with ground floor restaurant/café, associated works & vehicular access from tomb street.	Location: Graham House Albert Square Belfast BT1 3EQ
Referral Route: Major application	
Recommendation:	Approval (Subject to Section 76 agreement)
Applicant Name and Address: Stargime Centre D'Affirs La Boursidiere 92357 Le Plessis-Robinson Paris	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 an 11 storey office building with ground floor restaurant/café, associated works & vehicular access from Tomb street.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Acceptability of proposed uses • Design, impact on character and appearance of the Area and setting of Listed Buildings • Impact on existing roads infrastructure/ acceptability of access arrangements/ parking • Impact on amenity • Contamination • Infrastructure Capacity • Flooding • Pre-Application Community Consultation • Planning obligations <p>The site is located within Belfast City Centre as designated in the Draft Belfast Metropolitan Area Plan. The principle of the office use and restaurant/cafe unit is acceptable given the city centre location.</p> <p>It is considered that the existing building makes no material contribution to the character and appearance of the area and as such there is no objection to its demolition.</p>	

The proposal will enhance the character of the existing area, with a new modern office block which is significantly higher than the existing 3 storey buildings on the site. The new building height reflects the evolving cityscape in the area which includes tall buildings such as the Obel Tower, the boat house and the Royal Mail building.

Objections have been received from HED, Belfast Civic Trust and Royal Mail (adjacent property). Concerns raised include the design of the proposal, the impact on the amenity of the Royal Mail building and the impact on the setting of Custom House Square (Listed buildings).

These concerns have been carefully considered by Officers. However, given the city centre context of the site, taking account of the heights of nearby buildings, it is considered that the proposed height of the building would not be harmful to the street-scene and wider area. Whilst it is modern in its architectural approach, the building would respect its context with cues to the historical built form having regard to Policy BH11 of PPS6. Overall, it is considered that the proposal would help to facilitate the regeneration of the area as it would enhance the existing streetscape along Albert Square.

In terms of the setting of the Custom House Square, whilst the views across the Civic Square would change, the Custom House Square and Custom House buildings and its formal setting would remain a dominant feature in the area.

DFI Roads, NI Water, Belfast City Airport, DAERA, Rivers, Shared Environmental Services, the Council's Environmental Health Unit and the Council's Urban Design Officer were consulted and have offered no objections to the proposal subject to conditions.

On balance, and having regard to the development plan, relevant planning policies and other material considerations, the proposal would constitute an acceptable sustainable development. It would create over 11000m² of Grade A office space in a prime city centre location making a valuable contribution to the local economy and job creation.

Recommendation

Delegated authority is sought to approve the application subject to finalisation of conditions and completion of a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions.

If members are minded to approve the application it is also requested that authority is delegated to the Director of Planning and Place to agree the terms and enter into the Section 76 agreement.

Site Location Plan



like

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Project Title: Redevelopment of Graham House, Albert Square, Belfast

Working Title: Location Plan

Drawn by: RQ

Approved: MM

Date: APRIL 2017

Scale: 1:1250 @ A1

Issue No: 1

Issue Date:

Consultations:		
Consultation Type	Consultee	Response
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Hydebank	No objection
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Env Health Belfast City Council	No objection
Statutory	NIEA	No objection
Statutory	Historic Environment Division (HED)	Contrary to planning policy
Statutory	NIEA	Advice
Statutory	NI Water - Strategic Applications	Advice
Statutory	Rivers Agency	Advice
Non Statutory	Belfast City Airport	Substantive Response Received
Representations:		
Letters of Support	1	
Letters of Objection	3	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>An Objection was received from Belfast Civic Trust who commented that the development should reflect a traditional contemporary design which would be in keeping with Custom House Square.</p> <p>An objection was also received from Cushman and Wakefield on behalf of Royal Mail group who operate a building which directly adjoins Graham House. They highlighted concerns with potential noise problems, safety and security concerns during the demolition and construction phase, the lack of information within the construction management plan to mitigate against issues during the demolition and construction phase, issues surrounding access for staff and customers, traffic issues and the impact they may have on the visibility whilst accessing their own site,</p> <p>There was a letter of support from Nigel Dodd MP who highlighted the regeneration and economic benefits of the proposal.</p>		

1.0	<p>Description of Proposed Development Erection of 11 storey office building with ground floor restaurant/café, associated works & vehicular access from tomb street.</p>
2.0	<p>Description of Site The site is located in Belfast city centre and consists of a 3-storey red brick, flat roof building. The building is currently vacant and was previously used as an antiques store. The building is located on the corner of Waring Street and Tomb street, providing frontage to both streets. There is a vehicular access point into the site via a roller shutter on Tomb Street. The site fronts on to the busy 3 lane one way Waring Street route. The area is characterised by a mixture of modern developments such as the Obel Tower, the Obel 68 Grade A office building, the Boat building and the Royal Mail building. The site sits opposite the historical Custom House building and Custom House Square to the east. Heights of buildings vary greatly from low rise to 85m (Obel Tower). The predominant use is office/commercial with a number of high density apartment schemes also in the vicinity.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
3.0	<p>Planning History</p>
3.1	<p><u>On-site</u> Z/1991/2890- Conversion of former warehouse to workshops, factory shop showroom and ancillary office uses -Granted</p> <p>LA04/2015/1058/F- Retention of existing Auction Room with own pedestrian access door on to Waring Street - Granted 14.12.2015</p>
3.2	<p>Pre Application Discussion LA04/2016/0850/PAD -The PAD relates to this application.</p>
<p>4.0 Policy Framework</p>	
4.1	<p>Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2004</p>
4.2	<p>Strategic Planning Policy Statement for N. Ireland Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access Movement and Parking Planning Policy Statement 4: Economic Development Planning Policy Statement 6: Planning, Archaeology and the Built Environment Planning Policy Statement 15: Planning and Flood Risk</p>
<p>5.0 Statutory Consultee Responses</p>	
	<p>Transport NI- No objections NI Water- No objections; HED-Response outstanding (in relation to the latest plans)-Objection to previous design Rivers Agency-No objection Belfast City Airport-No objection Shared Environmental Services-No objection NIEA NED-No objection</p>
<p>6.0 Non Statutory Consultee Responses</p>	

	Belfast City Council EHO- No objection Urban Design Officer- No objection
7.0	<p>Representations</p> <p>The application has been neighbour notified and advertised in the local press. An Objection was received from Belfast Civic Trust who commented that the development should reflect a traditional contemporary design which would be in keeping with Custom House Square.</p> <p>An objection was also received from Cushman and Wakefield on behalf of Royal Mail group who operate a building which directly adjoins Graham House. They highlighted concerns with potential noise problems, safety and security concerns during the demolition and construction phase, the lack of information within the construction management plan to mitigate against issues during the demolition and construction phase, issues surrounding access for staff and customers, traffic issues and the impact they may have on the visibility whilst accessing their own site.</p> <p>A letter of support was submitted from Nigel Dodd MP who highlighted the regeneration and economic benefits of the proposal.</p>
8.0	Other Material Considerations
8.1	N/A
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • Acceptability of proposed uses • Design, impact on character and appearance of the Area and setting of Listed Buildings • Economic Development • Impact on area of archaeological potential • Impact on existing roads infrastructure/ acceptability of access arrangements/ parking • Impact on amenity • Contamination • Infrastructure Capacity • Flooding • Pre-Application Community Consultation • Planning obligations
9.2	<p>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. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area. 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. As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.</p>
9.3	

	<p>The Strategic Planning Policy Statement (SPPS) sets out five core planning principles of the planning system, including improving health and wellbeing, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.12 require the safeguarding the protection of amenity. Paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states PPS3 and PPS7 remain applicable under 'transitional arrangements'.</p>
9.4	<p><u>Acceptability of proposed uses</u></p> <p>There is no major conflict between the BUAP, Draft BMAP and the SPPS in terms of office policy. The proposed office use and ground floor café/restaurant use is within a central city centre location which is promoted as the primary place for office development through the RDS, SPPS, Draft BMAP and PPS 4. The proposal would create approximately 11000m² of Grade A office space which would make a valuable contribution to the local economy and job creation. The applicant hasn't clarified the type of office use space in terms of the use class order. This could potentially provide the developer with greater flexibility when securing a prospective occupier.</p>
9.5	<p>157m² of restaurant/café space is located on the ground floor. The remaining space is dedicated to Grade A office space. The restaurant/café use is considered to be acceptable at this location due to its city centre location. It will help to provide active frontage to the building.</p>
	<p><u>Design, impact on character and appearance of the area and setting of Listed Buildings</u></p>
9.6	<p><i>Design</i></p> <p>It is considered that the existing building makes no material contribution to the character and appearance of the area and as such there is no objection to its demolition.</p>
9.7	<p>The proposed building occupies the entire footprint of the site, apart from at ground and first floor level where the façade is set back to provide defensible space and a buffer to the busy road front the accommodation at ground floor level includes café/restaurant use on the corner and the main entrance to the upper floors is taken from Albert Square with car parking to the rear, accessed from Tomb Street. The continuous setback along the entire building frontage also provides an opportunity for external seating in front of the café/restaurant overlooking Custom House Square and an area to provide a quality public realm.</p>
9.8	<p>The proposed building at a height of 45.5 metres would be considerable taller than the existing 3 storey buildings which occupy the site. The proposed building height reflects the evolving cityscape in the area which includes tall buildings such as the Obel Tower, the boat house and the Royal Mail building. Design advice was offered by the Council during the PAD process and it was stated that the proposed height (11 storeys) was reasonable and justifiable given the height and scale of the adjoining Royal Mail building.</p>

9.9	The scheme has a 'base, middle and top' building composition and is designed with vertical elements to address the corner and introduces horizontal elements towards the river. The façade is predominantly glazed with horizontal projecting transoms (i.e. 250mm projections) at close vertical centres to provide solar shading. The building also consists of a natural stone cladding element, PPC Aluminium curtain walling system (grey and insulated spandrel panels.)
9.10	The design of the proposal evolved following consultation with the Council's Urban Design officer. The design refinements are welcomed. It has resulted in an increased differentiation between the horizontal framing and the vertical colonading below (both clad with natural stone). The horizontal louvres were removed from the section of the front elevation below the stone clad horizontal framing which provides a clearer delineation between the buildings base and mid-section.
9.11	The proposal respects the established building line along Albert Square and it is considered that the proposal will enhance the character of the existing area, with a new modern office block. Overall it is considered that the proposed building is of a high quality design that would be in keeping with the character and appearance of the area as required by the SPPS.
	<i>Impact on listed buildings and the setting of the listed buildings</i>
9.12	<p>Historic Environment Division (HED) has been consulted to consider whether the proposal affects HB26/50/062 Custom House, Custom House Square, a Grade B+ listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011 and will affect several other listed buildings:</p> <p>HB26/50/053 Head Line Building 10-14 Victoria Street Grade B1 HB26/50/055 Albert Clock, Queens Square Grade A HB26/50/056 Former First Trust Bank, 4 Queen's Square Grade B+</p>
9.13	HED Historic Buildings is content in principle with the development of this site. However, HED comment that the proposal will have a detrimental effect on the listed buildings in terms of scale and massing in that modern development in the immediate vicinity of this group of buildings has been limited in height to ensure that they are not dominated by inappropriate structures.
9.14	HED also add that the development would, if permitted, adversely affect the setting of the listed buildings by reason of: <i>"The proposal is out of keeping with the context and character of the setting and the listed buildings' relationship within their setting. The detailed design is out of keeping with the listed building in terms of scale, form, massing, proportions and detailing."</i>
9.15	HED highlighted that the potential for a negative impact from the cumulative effect of previous applications of this type in this locality. Further intensification of the site in terms of scale, form, massing, proportions and height is likely to have an adverse impact on the setting of the listed buildings.

9.16	<p>As a result HED Historic Buildings considers the proposal fails to satisfy SPPS 6.12/Development proposals impacting on Setting of Listed Buildings of the Strategic Planning Policy Statement for N. Ireland (SPPS): Planning for Sustainable Development and BH11/Development affecting the Setting of a Listed Building of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.</p>
9.17	<p>Following discussions at the PAD stage the Council considered at that time with the input of HED that the scale and massing of the proposal was not deemed to be unacceptable. The applicants undertook the advice from Council and the input from HED consultation responses to inform their design prior to the submission of the planning application.</p>
9.18	<p>As a result it is considered that the scale and massing are considered to be acceptable. The design has evolved since the submission of the full planning application with changes required so that the proposal would have less of an impact on the setting of Custom House Square and neighbouring listed buildings.</p>
9.19	<p>The design of the proposal introduces a sandstone 'plinth' that will run along the same line as the cornice of Custom House and therefore relates to this feature on the listed building. The horizontal string course gives it a more solid base and a better reference to the line of Custom House. It also 'caps' the entrance feature and accentuates the 'base' of the proposed building; providing further clarity around the base, middle and top sections of the building. The modern glazed appearance of the facades would give the building a more light weight feel and appropriate architectural counterpoint to the Listed Buildings.</p>
9.20	<p>Given the city centre context of the site, taking account of the heights of nearby buildings, it is considered that the proposed height of the building would not be harmful to the street scene and wider area. Whilst it is modern in its architectural approach, the building would respect its context with cues to the historical built form in line with Policy BH11 of PPS6. Overall, it is considered that the proposal would help to facilitate the regeneration of the area as it would enhance the existing streetscape along Albert Square. In terms of the setting of the Custom House Square, whilst the views across the Civic Square would change, the Custom House Square and Custom House buildings and its formal setting would remain a dominant feature in the area.</p>
9.21	<p>Whilst Officers have considered HED's comments it is considered that on balance that the proposal will not harm the setting of the listed buildings and that the impact of the proposal on listed buildings and the setting of listed buildings is acceptable. It is considered that the proposed development on this basis, the height, scale, massing and design is found to be acceptable in this city centre location and that the proposal does not represent demonstrable negative harm on the setting of Custom House Square that would warrant refusal of the scheme. As such the proposal is considered to comply with Policy BH11 of the PPS6 and the SPPS.</p>

9.22	<p><u>Economic Development</u></p> <p>Paragraph 4-19 of the SPPS encourages a positive approach to appropriate development proposals supporting growth generating activities. The proposed development sits within the city centre which is suitable for office development. There is presently significant demand for Grade A office space which cannot be met. The proposal therefore has significant potential for job creation, it will make a substantial contribution to the economy of the urban area and it will address an identified need. A letter of support from Nigel Dodds MP highlighted the economic and regeneration benefits of the proposal. The proposal therefore complies with Policy PED 1 Economic Development in settlements and Policy PED 9 General Criteria for Economic Development.</p>
9.23	<p><u>Impact on area of archaeological potential</u></p> <p>The site is located within an area of archaeological potential. HED were consulted and are content that appropriate archaeological mitigation measures can be secured via conditions requiring a programme of archaeological work. As such the proposal is considered to accord with Policy BH4 of PPS6 and the SPPS.</p>
9.24	<p><u>Impact on existing roads/infrastructure/ access arrangements/ parking</u></p> <p>The planning application is supported by a Transport Assessment form and a Travel Plan. The site is located within an area of parking restraint as designated in Draft BMAP. Based on the relevant policy, the standard parking provision for this proposal is 39 No. car parking spaces (total floorspace = 11,571m², ratio of 1 space per 300m²). The total number of car parking spaces proposed is 11 No., resulting in a shortfall of 28 No. spaces.</p>
9.25	<p>Justification is provided for this level of parking due to the site's extremely sustainable location with a wide range of alternative transport modes and the operation of a Travel Plan. This approach accords with the SPPS to help reduce the reliance on the use of private car. Area Plan policy allows a further reduction in parking provision where alternative transport arrangements can be demonstrated.</p>
9.26	<p>A Travel Plan has been prepared that demonstrates how alternative transport arrangements will be put in place to justify the reduction. The restriction of available on-site car parking provision will necessitate the use of alternative modes of transport for the vast majority of site users. Site visitors can also utilise public transport modes as well as short-stay public car parks that are available on-street and in the surrounding area. The city centre location of the site makes it highly accessible for alternative modes of transport, such as public transport, walking and cycling. The Laganside Bus Centre is within 2 minutes walking distance to the site. Other Metro bus services stops are also within easy walking distance on Victoria Street and Queens Square. The Central Station railway station is located on East Bridge Street, c.850m from the site and within a 10 to 15 minute walk. The site is located close to the Lagan & Lough Cycle Way that includes a dedicated traffic-free section along the River Lagan on Donegall Quay. This route links into the Comber Greenway (to the east); to Newtownabbey (to the north) and along the River Lagan as far as Lisburn (to the south). Cycle parking has been included in the proposal to encourage the use of these excellent links. In addition, the 'Belfast Bike Scheme' has a dedicated bike station at Donegall Quay and Dunbar Street. The site is</p>

	centrally located in the city and is within 650m from City Hall, less than 10 minutes' walk. The central location means that the site is easily accessible from city centre residential areas and also within easy walking distance to other public transport links.
9.27	<p>Due to the reduced level of car parking provision and the sustainable modes of transport available, it is not considered that the development would have a significant adverse impact on the operation of the surrounding highway. DFI Roads have no objections to the proposal subject to conditions. An objection submitted on behalf of Royal Mail who occupy an adjacent building highlighted issues surrounding traffic issues with the proposal and the impact it would have on their business. DFI Roads did not highlight that the traffic associated with the proposal would be unacceptable. As a result, the proposal is therefore considered to be acceptable in terms of highway safety, capacity and car parking and would comply with Draft BMAP, PPS3 and the SPPS.</p>
9.28	<p><u>Impact on amenity</u> The surrounding area consists of commercial buildings which are not afforded the same degree of amenity as residential buildings given the nature of the way they are occupied and utilised. The proposed building will be taller than existing as such it will cause a loss of daylight / sunlight to adjoining buildings. However, given the commercial nature of the buildings and the city centre location, this is not considered so significant to warrant refusal of the scheme on this basis.</p>
9.29	<p>An objection was received from Cushman and Wakefield on behalf of Royal Mail group who operate a building which directly adjoins Graham House. They highlighted concerns with potential noise problems, safety and security concerns during the demolition and construction phase, the lack of information within the construction management plan to mitigate against issues during the demolition and construction phase.</p>
9.30	<p>Environmental Health offered no objections to the proposal nor did they flag up any concerns with the impact the proposal would have on any neighbouring properties. The proposed use does not conflict with neighbouring land uses. In light of the above, it is considered that an adequate level of amenity would be maintained in accordance with the SPPS.</p>
9.31	<p><u>Contamination</u> The application is supported by a Contaminated land risk assessment. Environmental Health have been consulted and have no objection. In light of the level of risk and the consultation responses received, it is considered any contamination issues can be appropriately addressed by conditions.</p>
9.32	<p><u>Infrastructure Capacity</u> NI Water have confirmed that there is available capacity within the WWTW and as such no objection is raised.</p>
9.33	<p><u>Flooding</u> The site is located within a fluvial or coastal flood plain. In line with the requirements of the SPPS and PPS15 the application is supported by flood risk assessment. This has been reviewed by Rivers Agency who have cited no objection. It has been</p>

	<p>demonstrated that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and from development elsewhere. As such the proposed would comply with Policy FLD1 and 5 of PPS 15 and the SPPS.</p> <p><u>Impact on Natura 2000 sites</u></p> <p>9.34 The Proposal site is not within or subject to any statutory nature conservation designations made under international legislation. The site is indirectly hydrologically and ecologically connected to a variety of Natura 2000 sites. Where such connections exist, assessment must be made of potential indirect impacts upon receptor sites. Designated sites have been screened for potential impacts (beyond de minimis) against relevant standards where they are located within the following set distances from the proposed development:</p> <p>9.35 Natura 2000 Sites ((Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar sites)) within 10km of the installation; Interrogation of the NIEA (Protected Areas) website yielded the following information regarding Natura 2000 sites situated within a 10km buffer (determined by generation of a 10km buffer surrounding the boundary of the maximum extent of exploration) of the site and thus potentially implicated in terms of adverse impacts resulting from the proposal:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Belfast Lough SPA/Ramsar Site: JNCC Site Code UK9020101; Ramsar Site Code UK12002 <input type="checkbox"/> Belfast Lough Open Water SPA: JNCC Site Code UK9020290 <p>9.36 Shared Environmental Services carried out the Habitat Regulation Assessment and concluded that the, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.</p> <p><u>Planning obligations</u></p> <p>9.37 Owing to the scale of the development proposed for a Major office development in the city centre, which will increase the use of public spaces surrounding the site, it is considered appropriate that any planning approval should be subject to the developer entering into a legal agreement with Belfast City Council to provide contributions towards local environmental improvement works including enhancement to public realm. The developer has expressed a commitment to provide contributions with the final sum of monies / works to be undertaken to be delegated to the Director of Planning and Building Control.</p> <p><u>Pre application community consultation</u></p> <p>9.38 For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application.</p>
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<p>9.39</p> <p>9.40</p> <p>9.41</p> <p>9.42</p> <p>9.43</p> <p>9.44</p> <p>9.45</p>	<p>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 (LA04/2016/0851/PAN) was submitted to the Council on 29th April 2016.</p> <p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.</p> <p>A Pre Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <p>A Public Information Event was held at Malmaison Hotel on the 22nd September 2016. This event was publicly advertised in the local press. The advert was also advertised through a mail drop/ invites to local business, residents and Councillors.</p> <p>The event took the form of a staffed exhibition where annotated plans of the proposed development were displayed. Feedback forms were provided for comments to be made. The event was attended by 6 people.</p> <p>Overall the feedback from the public consultation event was positive with the potential employment and economic benefits welcomed.</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>10.0</p>	<p>Summary of Recommendation: Approval Having regard to the development plan, relevant planning policies, and other material considerations, it is considered that the development is acceptable. Approval is therefore recommended subject to conditions and the completion of a Section 76 Agreement. Delegated authority is requested for the Director of Planning and Building Control to finalise the wording of conditions and, on behalf of the Council in consultation with Legal Services, to enter into the Section 76 Agreement.</p>
<p>11.0</p>	<p>Conditions</p> <ol style="list-style-type: none"> 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. 2. The development hereby permitted shall not commence until details and samples and a written specification of the materials to be used in the external elevations, have been submitted to an approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.

Reason: To protect the visual amenities of the area including the setting of the Custom House Square and Custom House listed building.

3. The development hereby permitted shall operate in accordance with the Travel Plan stamp received by Belfast City Council Planning Office on 07 September 2017.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with sustainable transportation Principles.

4. The development hereby permitted shall not become operational until the vehicular access, across a lowered kerb, has been constructed and provided in accordance with the approved plans.

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

5. The development hereby permitted shall not become operational until visibility splays in accordance with the approved Drawing No. 04A 'Proposed Ground Floor Plan' bearing the Belfast City Council Planning Office date stamp 14th June 2018 have been provided. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. Prior to the occupation of the development hereby permitted, a minimum 15 cycle parking stands and any associated facilities shown on the approved plans shall be fully implemented and made available for use. The cycle parking and any associated facilities shall thereafter be retained for use by the occupants of and visitors to the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

7. The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. 04A 'Proposed Ground Floor Plan' bearing the Belfast City Council Planning Office date stamp 14 June 2018 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.

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

8. The rating level (dB LAr) of all combined building plant/services shall not exceed the background sound level (for both day time and night time) as

measured at the nearest residential premises with all sound measurements made in accordance with BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound.

Reason: Protection of residential amenity.

9. All plant and equipment used in connection with the restaurant/cafe shall be so situated, operated and maintained as to prevent the transmission of noise to nearby commercial and residential premises.

Reason: Protection of residential amenity.

10. A proprietary odour abatement system shall be installed to suppress and disperse odours created from cooking operations within the premises. The outlet from any extract ventilation ducting shall terminate at a height not less than 1 metre above the eaves height of the main building and it should be directed away from nearby premises. The extraction and ventilation system must be cleaned and maintained in accordance with Manufacturer's instructions to ensure compliance. The odour abatement system shall be provided prior to occupation of the café/restaurant and retained at all times.

Reason: In the interest of amenity.

11. Prior to occupation of the development, a verification report must be submitted in writing and agreed with the Planning Authority. This verification report must demonstrate that all the remediation measures and monitoring works outlined in section 7.3 of Contaminated Land Risk Assessment/Remediation Strategy, Graham House 1-5 Albert Square, have been implemented and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives. The remediation verification report must to be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

Reason: Protection of human health.

12. In the event that contamination not previously considered is encountered during the approved development of this site, all development works shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health.

13. 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 Local Planning Authority. 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.

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

14. 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.

15. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed by 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>. The development shall be carried out in accordance with the approved details.

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

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

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

17. After completing any remediation works under Condition 16; 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.

	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>18. A suitable buffer of at least 10 m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and all surface water drains or areas where flooding occurs.</p> <p>Reason: To prevent polluting discharges entering the River Lagan and impacting on the site integrity of Belfast Lough SPA, Belfast Lough Open Water SPA, Belfast Lough Ramsar and the East Coast Marine proposed SPA.</p> <p>19. Storm drainage of the site, during the construction phase, must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on Belfast Lough SPA, Belfast Lough Open Water SPA, Belfast Lough Ramsar and the East Coast Marine proposed SPA. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753.</p> <p>Reason: To prevent polluting discharges entering the River Lagan and impacting on the site integrity of Belfast Lough SPA, Belfast Lough Open Water SPA, Belfast Lough Ramsar and the East Coast Marine proposed SPA.</p> <p>20. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a practical solution to sewage disposal is possible at this site.</p>
12.0	Notification to Department (if relevant) N/A
13.0	Representations from Elected Members - N/A

ANNEX	
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Date Valid	17th August 2017
Date First Advertised	8th September 2017
Date Last Advertised	

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
01,18a ,Tomb Street,Belfast,Antrim,BT1 3AS,
The Owner/Occupier,
10-14 ,Tomb Street,Belfast,Antrim,BT1 3AS,
The Owner/Occupier,
22-26 ,Victoria Street,Belfast,Antrim,BT1 3GG,
The Owner/Occupier,
26-36 ,Tomb Street,Belfast,Antrim,BT1 3AS,
The Owner/Occupier,
4 Ulster Street,Belfast,Antrim,BT1 3EY,
The Owner/Occupier,
57 Waring Street,Belfast,Antrim,BT1 3EN,
The Owner/Occupier,
59 Waring Street,Belfast,Antrim,BT1 3EN,
The Owner/Occupier,
6 Tomb Street,Belfast,Antrim,BT1 3AS,
The Owner/Occupier,
7-11 ,Tomb Street,Belfast,Antrim,BT1 3AS,
The Owner/Occupier,
7th, 8th & 9th Floor Offices,7-11 ,Tomb Street,Belfast,Antrim,BT1 3AS,
The Owner/Occupier,
8 Albert Square,Belfast,Antrim,BT1 3EQ,
The Owner/Occupier,
8th Floor,7-11 ,Tomb Street,Belfast,Antrim,BT1 3AS,
The Owner/Occupier,
Almira Investments Ltd,28-32 Marlborough House,Victoria Street,Belfast,Antrim,BT1 3GG,
The Owner/Occupier,
Almira Investments Ltd,Marlborough House,30 Victoria Street,Belfast,Antrim,BT1 3GG,
The Owner/Occupier,
Anglia & General Developments Ltd,28-32 Marlborough House,Victoria Street,Belfast,Antrim,BT1 3GG,
The Owner/Occupier,
Anglia & General Developments Ltd,Marlborough House,30 Victoria Street,Belfast,Antrim,BT1 3GG,
The Owner/Occupier,
Apartment 1-83,2 Ulster Street,Belfast,Antrim,BT1 3ES,
The Owner/Occupier,
Apartment 9,2 Ulster Street,Belfast,Antrim,BT1 3ES,
W D Flinn
Belfast Civic Trust Limited,A&L Goodbody,6th Floor,42/46 Fountain Street,Belfast,BT1 5EF
W D M Flinn
Belfast Civic Trust Limited,A&L Goodbody,6th Floor,42/46 Fountain Street,Belfast,BT1 5EF
Nigel Dodds OBE MP
C/O: Westminster Constituency Office,Rt Hon. Nigel Dodds OBE MP,39 Shore Road,Belfast,BT15 3PG
The Owner/Occupier,

Cedaroak Investments Ltd,28-32 Marlborough House,Victoria Street,Belfast,Antrim,BT1 3GG,

The Owner/Occupier,

Cedaroak Investments Ltd,Marlborough House,30 Victoria Street,Belfast,Antrim,BT1 3GG,

Claire Biddle

Cushman & Wakefield,1 Colmore Square,Birmingham,B4 6AJ

The Owner/Occupier,

Dundas Properties Ltd,28-32 Marlborough House,Victoria Street,Belfast,Antrim,BT1 3GG,

The Owner/Occupier,

Dundas Properties Ltd,Marlborough House,30 Victoria Street,Belfast,Antrim,BT1 3GG,

The Owner/Occupier,

Extern Organisation,1-5 Graham House,Albert Square,Belfast,Antrim,BT1 3EQ,

The Owner/Occupier,

Ground To 6th Floor Offices,7-11 ,Tomb Street,Belfast,Antrim,BT1 3AS,

The Owner/Occupier,

H M Customs & Excise,Custom House,Custom House Square,Belfast,Antrim,BT1 3ET,

The Owner/Occupier,

H M Immigration Office,Custom House,Custom House Square,Belfast,Antrim,BT1 3ET,

The Owner/Occupier,

Investors Overseas Services Uk Ltd,28-32 Marlborough House,Victoria Street,Belfast,Antrim,BT1 3GG,

The Owner/Occupier,

Investors Overseas Services Uk Ltd,Marlborough House,30 Victoria Street,Belfast,Antrim,BT1 3GG,

The Owner/Occupier,

John Wilson (Household Fashions) Ltd,28-32 Marlborough House,Victoria Street,Belfast,Antrim,BT1 3GG,

The Owner/Occupier,

John Wilson (Household Fashions) Ltd,Marlborough House,30 Victoria Street,Belfast,Antrim,BT1 3GG,

The Owner/Occupier,

Marine Safety Agency,Custom House,Custom House Square,Belfast,Antrim,BT1 3ET,

The Owner/Occupier,

Marlborough Holdings Ltd,28-32 Marlborough House,Victoria Street,Belfast,Antrim,BT1 3GG,

The Owner/Occupier,

Marlborough Holdings Ltd,Marlborough House,30 Victoria Street,Belfast,Antrim,BT1 3GG,

The Owner/Occupier,

Marlin Investments Ltd,28-32 Marlborough House,Victoria Street,Belfast,Antrim,BT1 3GG,

The Owner/Occupier,

Marlin Investments Ltd,Marlborough House,30 Victoria Street,Belfast,Antrim,BT1 3GG,

The Owner/Occupier,

Mercantile Marine Office,Custom House,Custom House Square,Belfast,Antrim,BT1 3ET,

The Owner/Occupier,

Mulderg Ltd,28-32 Marlborough House,Victoria Street,Belfast,Antrim,BT1 3GG,

The Owner/Occupier,

Mulderg Ltd,Marlborough House,30 Victoria Street,Belfast,Antrim,BT1 3GG,
 The Owner/Occupier,
 Rain,10-14 ,Tomb Street,Belfast,Antrim,BT1 3AS,
 The Owner/Occupier,
 Ralborough Securities Ltd,Marlborough House,30 Victoria Street,Belfast,Antrim,BT1 3GG,
 The Owner/Occupier,
 Royal Mail,20 Donegall Quay,Belfast,Antrim,BT1 1AA,
 The Owner/Occupier,
 The Salvation Army,Graham House,1 Albert Square,Belfast,Antrim,BT1 3EQ,
 The Owner/Occupier,
 Tughan & Co,28-32 Marlborough House,Victoria Street,Belfast,Antrim,BT1 3GG,
 The Owner/Occupier,
 Tughan & Co,Marlborough House,30 Victoria Street,Belfast,Antrim,BT1 3GG,
 The Owner/Occupier,
 Urwin Mortlock & Co Ltd,Marlborough House,30 Victoria Street,Belfast,Antrim,BT1 3GB,

Date of Last Neighbour Notification	15th September 2017
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA04/2017/1707/F

Proposal: Erection of 11 storey office building with ground floor restaurant/café, associated works & vehicular access from tomb street.

Address: Graham House, Albert Square, Belfast, BT1 3EQ,

Decision:

Decision Date:

Ref ID: Z/1979/1895

Proposal: NEW WALL AND GLASS SCREEN

Address: P O HQ, TOMB STREET

Decision:

Decision Date:

Ref ID: Z/1982/1438

Proposal: ERECTION OF 12' PALISADE FENCE AND GATE

Address: HEAD POST OFFICE, 20-22 DONEGALL QUAY, BELFAST

Decision:

Decision Date:

Ref ID: Z/1987/0550

Proposal: Recladding of east and west elevations of tower block

Address: HEAD POST OFFICE 22/25 DONEGALL QUAY BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/1988/2066

Proposal: Projecting sign
Address: HEAD POST OFFICE TOMB STREET BT1
Decision:
Decision Date:

Ref ID: Z/1988/2620
Proposal: Erection of permanent screens to sorting office ground floor, erection of gatehouse and widening of two entrances/exits
Address: HEAD P.O. 20/22 DONEGALL QUAY BELFAST BT1
Decision:
Decision Date:

Ref ID: Z/1989/0949
Proposal: Extension to dwelling
Address: 200 BELMONT ROAD BELFAST BT4
Decision:
Decision Date:

Ref ID: Z/1991/2890
Proposal: Conversion of former warehouse to workshops, factory shop showroom and ancillary office uses
Address: GRAHAM HOUSE, 1-5 ALBERT SQUARE, BELFAST BT1
Decision:
Decision Date:

Ref ID: Z/1992/2995
Proposal: Erection of palisade fence
Address: HEAD POST OFFICE ALBERT SQUARE BELFAST BT1
Decision:
Decision Date:

Ref ID: LA04/2015/1058/F
Proposal: Retention of existing Auction Room with own pedestrian access door on to Waring Street
Address: 5 Albert Square, Belfast, BT1 3AS,
Decision: PG
Decision Date: 14.12.2015

Ref ID: LA04/2015/1200/A
Proposal: Retention of outdoor shop signs and painted wall decals
Address: Graham House, 1-5 Albert Square, Belfast, BT1 3EQ,
Decision: CG
Decision Date: 13.04.2016

Ref ID: LA04/2016/0850/PAD
Proposal: Demolition of existing buildings and redevelopment of site to provide new office accommodation
Address: Graham House, 1-5 Albert Square, Belfast, BT1 3EQ,
Decision:

Decision Date:

Ref ID: LA04/2016/0851/PAN

Proposal: Demolition of existing buildings and redevelopment of site to provide new office accommodation

Address: Graham House, 1-5 Albert Square, Belfast, BT1 3EQ,

Decision: PANACC

Decision Date:

Ref ID: Z/1994/2361

Proposal: Alterations to existing building including re-cladding and replacement windows

Address: 20-22 DONEGALL QUAY BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/1994/2557

Proposal: Provision of ancillary car parking for Royal Mail depot

Address: 23-38 DONEGALL QUAY BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/1995/2808

Proposal: Erection of illuminated signage.

Address: ROYAL MAIL HOUSE, TOMB STREET, BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/1996/2252

Proposal: Alterations including over cladding of existing west and south elevations and provision of lay-by on Tomb Street

Address: 20-22 DONEGALL QUAY/TOMB STREET BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/1997/2047

Proposal: Change of use of part of existing display area to cafe served from existing canteen facility

Address: 1-5 ALBERT SQUARE, BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/2002/2747/F

Proposal: Creation of an area of public realm including environmental improvements.

Address: Area bounded by Donegall Quay, Queens Square, Victoria Street, Waring Street, Albert Square including Custom House Square, Ulster Street and part of Princes Street, Belfast, BT1

Decision:

Decision Date: 10.12.2003

Ref ID: Z/2010/1174/F

Proposal: External alteration to building consisting of new door opening.

Address: 20 Donegal Quay, Tomb Street, Belfast, BT1 1AA,

Decision:

Decision Date: 20.01.2011

Ref ID: Z/2010/1569/F

Proposal: Extension to existing modular building within rear yard.

Address: 20 Donegal Quay, Tomb Street, Belfast, BT1 1AA.,

Decision:

Decision Date: 10.02.2011

Ref ID: Z/2014/1259/A

Proposal: Projecting sign

Address: Royal Mail Group, Tomb Street DO, 20 Donegal Quay, BT1 1AA,

Decision: CG

Decision Date: 29.06.2015

Ref ID: Z/2014/1456/A

Proposal: Outdoor IP rated video display

Address: Graham House, 1-5 Albert Square, Belfast, BT1 3EO,

Decision: CR

Decision Date: 06.01.2016

Drawing No's: 01, 02, 03A, 04A, 05, 06A, 07, 08, 09, 10A, 11

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department: