

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15th October 2019	
Application ID: LA04/2019/0991/F	
Proposal: Demolition of existing buildings and erection of 10 storey mixed use development comprising a restaurant on the ground and mezzanine floors and 71 No. apartments.(amended description and further information received)	Location: 57-59 & 61-63 Dublin Road, Belfast, BT2 7HE.
Referral Route: Major Application	
Recommendation:	Approve subject to conditions
Applicant Name and Address: John Smyth's Estates Ltd 192a Church Road Holywood BT18 9RN	Agent Name and Address: O'Toole and Starkey Ltd Arthur House 41 Arthur Street Belfast BT1 4GB
<p>Executive Summary:</p> <p>Planning permission is sought for the erection of a ten storey building comprising a restaurant on the ground floor and 71 apartments above on a site located within Belfast City Centre along the Dublin Road. The proposal incorporates a roof top terrace and balconies providing satisfactory amenity provision. A two storey building is currently located on the site. The adjacent development comprises a recently constructed 9 storey building with a ground floor restaurant and 66 apartments on upper floors above. The principle of development and proposed uses are considered acceptable in this city centre location. The scale, height and massing of the proposed development is comparative to the existing development on the adjacent site. The design of the building is considered acceptable.</p> <p>The main issues to be considered in the assessment of this proposal include:</p> <ul style="list-style-type: none"> - principle of use on the site - demolition - acceptability of scale height and massing - design and layout - impact on character and amenity of the area and the setting of a listed building - access, movement and parking - landscaping - other environmental matters <p>HED consider that the proposal would have an adverse impact on the nearby listed Shaftesbury Square Hospital and the proposal fails to satisfy Policy BH 11 (Development affecting the setting of a listed building) of PPS 6. However in light of the scale of existing built development (The Gallery) closer to the Shaftesbury Square listed hospital, it is considered that there would be no greater harm to the setting of this listed building with the proposed development. All other consultees are satisfied subject to conditions set out in the report.</p> <p>No third party objections have been received to this proposal.</p>	

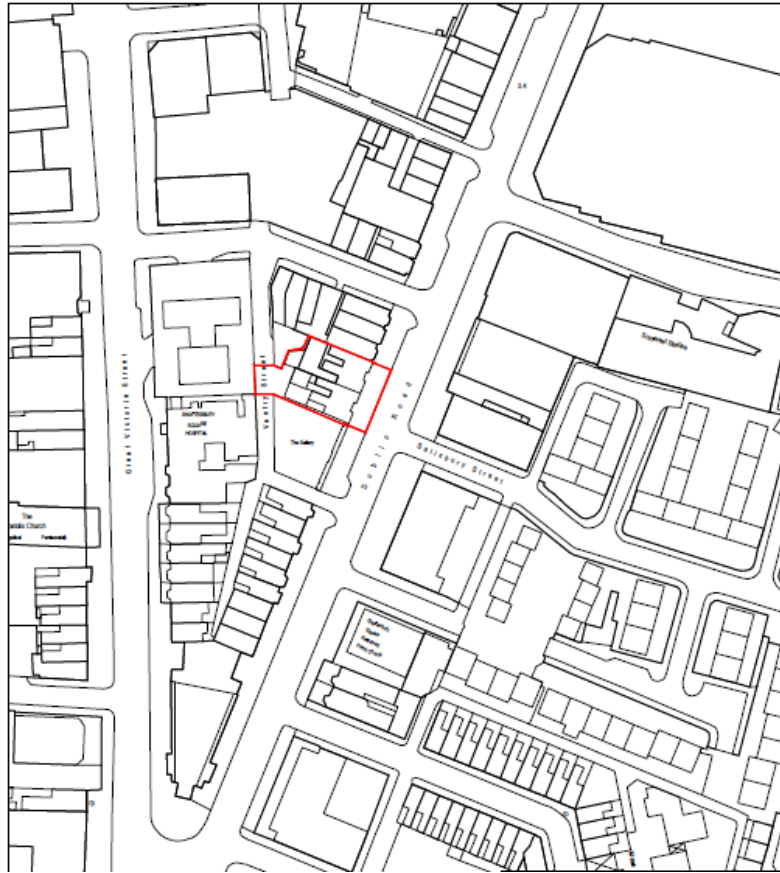
Recommendation

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

If members are minded to approve the application, the Council will be required to notify DFI given the significant objection from HED in accordance with Section 89 of the Planning Act (Northern Ireland) 2011.

Case Officer Report

Site Location Plan



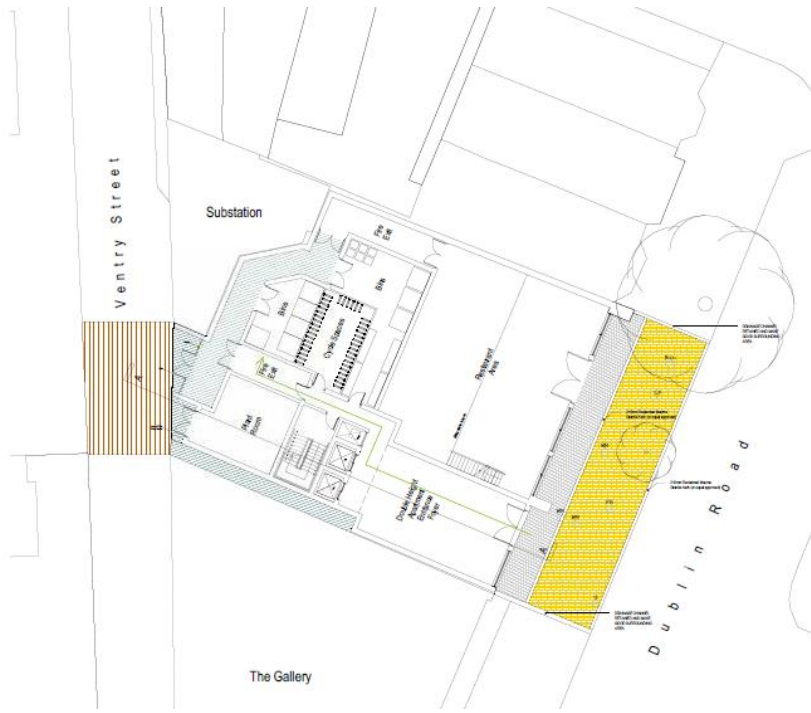
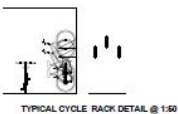
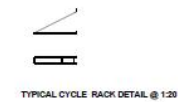
Proposed Site Layout

BOUNDARY TREATMENTS KEY:

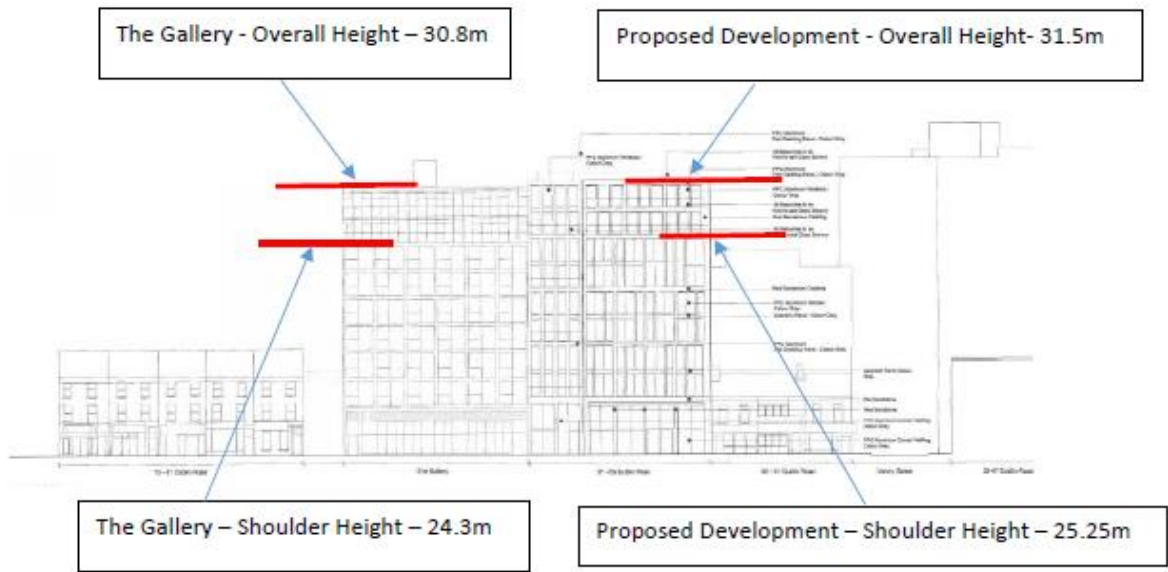
- GRANITE PAVING SETS
- NEW BITMAC SURFACING TO DRD SPEC
- NEW ASPHALT CARRIAGEWAY**
- PROPOSED CAITHNESS PAVING OR EQUAL APPROVED
- ACCESS FOR CYCLES THROUGH MAIN ACCESS CONTROLLED ENTRANCE

**NEW HOT ROLLED ASPHALT WITH COATED GRANITE CHIP WEARING COURSE. EXISTING SURFACE PLANNED TO REQUIRED LEVEL AND SURFACE REPAIRED WHERE NECESSARY TO ENSURE DURABLE CONSTRUCTION MARKUP COLOUR/FINISH BLACK WITH GRANITE CHIPS TO DR ROAD STANDARD

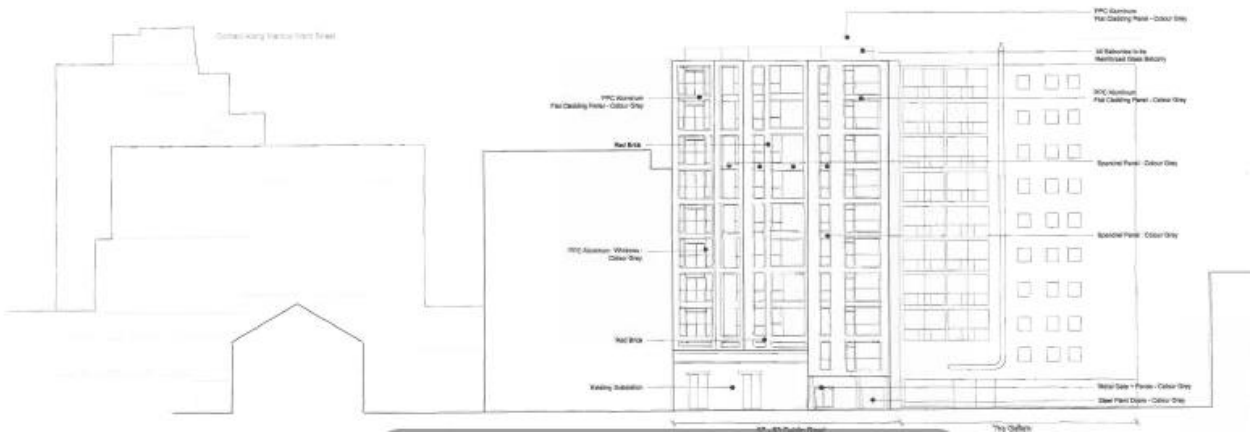
TOTAL NO. CYCLE SPACES: 35



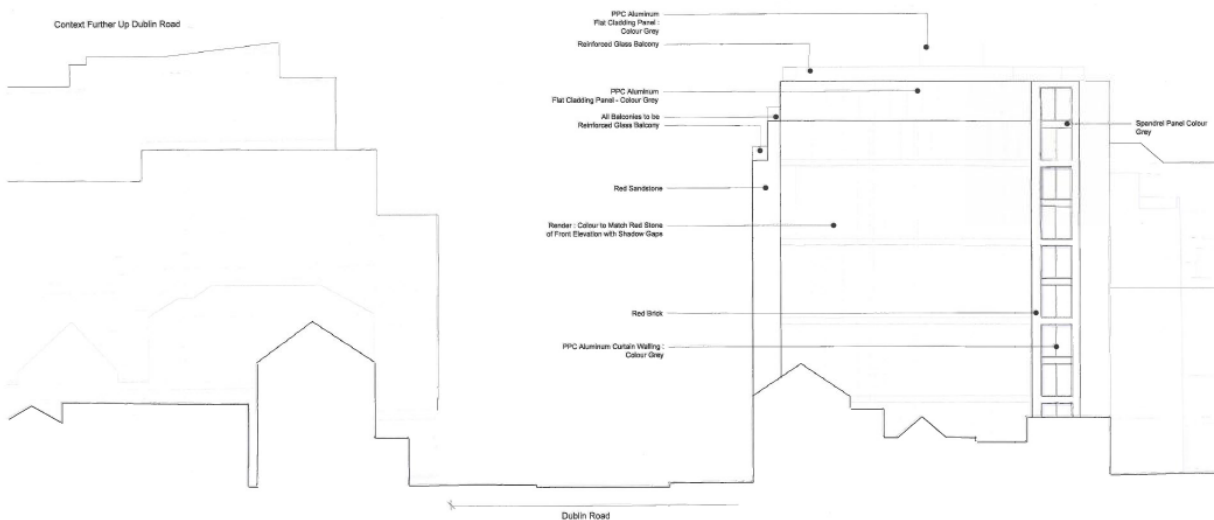
Contextual Elevations - Dublin Road Elevation



Ventry Street (rear) Elevation



Ventry Street Elevation



Characteristics of the Site and Area	
1.0	<p>The site fronts onto Dublin Road and comprises 2 two storey buildings with rear extensions and ancillary structures. The buildings are of a traditional form with slate pitched roofs and chimneys on the ridge. The curtilage of the buildings extends to Ventry Lane to the rear. The buildings are in commercial use with the ground floor of Nos. 59-61 Dublin Road currently occupied by a restaurant.</p> <p>A single storey NIE Substation is located to the rear (south) accessed off Ventry Street which will be retained.</p> <p>Adjacent to the site is a recently constructed 9 storey mixed use development comprising a ground floor cafe unit (currently vacant) and 58 apartments above (The Gallery).</p> <p>Shaftesbury Square Hospital is a Grade B1 listed building fronting Great Victoria Street which sits to the immediate west of the application site. In the vicinity of the site buildings exhibit a variety of heights ranging from 2 to 12 storeys. There are a number of taller buildings in the immediate context including the ETAP Hotel, 35 Dublin Road (7 storeys), The Gallery adjacent (9 storeys), 4-6 Ventry Street (7 storeys), Fanum House, Great Victoria Street (12 storeys) Botanic Studios, Dublin Road (8 storeys), Equality House, Dublin Road (8 Storeys), the Salvation Army Building, 38-42 Dublin Road (7 storeys), Nos. 32-36 Dublin Road (8 storeys), Somerset Studios, Marcus Ward Street (max. 8 storeys).</p>
Description of Proposal	
2.0	The proposal seeks the erection of a 10 storey mixed use development comprising a ground floor restaurant and 71No. apartments.
Planning Assessment of Policy and Other Material Considerations	
3.0	<p>Policy Context</p> <p>Regional Planning Policy</p> <ul style="list-style-type: none"> • Strategic Planning Policy statement for Northern Ireland (SPPS) • PPS 3 Access, Parking and Movement • PPS 6 Planning, Archaeology and the Built Heritage • PPS 7 Quality Residential Environments • PPS 8 Open Space, Sport and Outdoor Recreation • PPS 12 Housing in Settlements • PPS 15 Flood Risk <p>Local Planning Policy</p> <ul style="list-style-type: none"> • Belfast Urban Area Plan (BUAP) • Draft Belfast Metropolitan Area Plan (BMAP) • Draft Belfast Local Development Plan (draft LDP) • Belfast Local Development Plan – Draft Plan Strategy 2035
3.1	<p>Other Materials Considerations</p> <p>The Belfast Agenda (Community Plan) and Belfast City Council City Centre Regeneration and Investment Strategy.</p>

3.2	<p>Relevant Planning History No relevant history on the site.</p> <p>On the adjoining site: Z/2013/1518/F - Erection of 9 storey building comprising ground floor cafe with mezzanine level and apartments above with ancillary space including basement, servicing and lobby areas, 65-71 Dublin Road, Belfast, BT2 7HE. Permission granted 20.06.2014.</p>
3.3	<p>Statutory Consultation Responses</p> <p>DFI Roads – No objection subject to conditions NI Water – No objection. NI Water response confirm that the receiving Waste Water Treatment facility (Belfast WwTW) has sufficient capacity to serve this proposal. DFI Rivers Agency – No objection Belfast City Airport – No objection DFC Historic Environment Division – HED considers that the proposal fails to satisfy Policy BH 11 of PPS 6 and the development would have an adverse impact on the setting of the nearby Shaftesbury Square listed building. DAERA – Regulation Unit Land and Groundwater Team – No objections Water Management Unit raised concern regarding the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to Belfast Waste Water Treatment Works (WWTW) and recommended consultation with Northern Ireland Water Limited (NIW) to determine if the WWTW will be able to cope with the additional load or whether the existing WWTW would need to be upgraded. WMU advised that if NIW indicate that the WWTW is able to accept the additional load, with no adverse effect on the operation of the WWTW or its ability to comply with its consent to discharge, then Water Management Unit would have no objection to this aspect of the proposal. As stated above NI Water has confirmed that the WWTW has sufficient capacity to serve this proposal.</p>
3.4	<p>Non-Statutory Consultation Responses</p> <p>BCC Environmental Health – No objection subject to conditions BCC Urban Design Officer – No objections subject to conditions BCC City Regeneration and Development Division – No objection Northern Ireland Electricity – No objection subject to condition</p>
3.5	<p>Representations No representations have been received to date. Any representations received will be reported to Members via the Late Items report.</p>
3.6	<p>Planning Assessment</p> <p><u>Legislative requirements</u> Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that the City Council, when making any determination, does so in accordance with the Local Development Plan unless material considerations indicate otherwise.</p> <p><u>Development Plan Context</u> Following the recent Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the version of BMAP purported to be adopted still carry weight and are a material consideration in the determination of planning</p>

	<p>applications. The weight to be afforded to Draft BMAP is a matter of judgement for the decision maker.</p> <p>In BUAP the site is unzoned land within Belfast City Centre Boundary. In the Draft BMAP the site is also unzoned and falls within Belfast City Centre Boundary and within the core Area of Parking Restraint. In the version of BMAP purported to be adopted the site is also unzoned and falls within Belfast City Centre Boundary and the core Area of Parking Restraint. In both versions of BMAP the site falls within the Shaftesbury Square Character Area. The site is also within the Dublin Road/Great Victoria Street HMO Development Node (HMO 4/14) as designated in the House in Multiple Occupation Subject Plan for Belfast City Council Area 2015.</p>
<p>3.7</p>	<p>Principle of Development</p> <p>The area is characterised by a mix of uses at this location including, retail, cafes/restaurants/bars, hotels, residential, student accommodation, offices and cinema. The proposed mixed use development comprising a restaurant at ground floor level with apartments located on upper floors is considered acceptable and in keeping with mix of existing uses. The restaurant on the ground floor will ensure an appropriate active use along the Dublin Road frontage. The principle of apartment development within the city centre is acceptable and in accordance with the Belfast Agenda and the draft LDP which seeks to increase the residential capacity in the city centre. Detailed assessment of the proposal is set out below.</p>
<p>3.8</p>	<p>Demolition</p> <p>The development proposes the demolition of two, two storey buildings. The buildings are of no architectural or historic interest and are not listed or located in an Area of Townscape Character/Conservation Area. The proposed demolition is considered acceptable in principle.</p>
<p>3.9</p>	<p>Scale, Height and Massing</p> <p>The proposed development has been assessed against the SPPS and Policy QD1 of PPS7. The development is proposed to sit immediately adjacent to an existing 9 storey development (The Gallery). The top two floors of the Gallery are setback with an overall height of 30.8m. The shoulder height of the Gallery is 24.3m. The shoulder height of the proposed development varies between 25.25m and 31.5m. The overall height of the proposed development is 0.7m taller than the adjacent Gallery development. The applicant has stated in the D&AS that this deliberate juxtaposition emphasises the portrait proportions of the main façade in direct contrast to the rectilinear proportions of the adjoining building. The variation in design between the Gallery and the proposed building provides visual interest in the streetscape and is considered acceptable.</p> <p>The development proposes a variation in shoulder height with a taller element on the southern edge providing visual interest and articulating the front elevation to distinguish from the adjoining Gallery development. The overall height is proposed at 31.5m, 0.7m above the overall height of the Gallery.</p> <p>The visual impact of the increased height of the proposed development compared with the adjoining Gallery development when viewed from key viewpoints along the Dublin Road is minimal and considered acceptable in the context of existing developments in the immediate area which exhibit a variety in terms of building heights and designs.</p> <p>The Urban design criteria in BMAP sets out the following design criteria:</p> <ul style="list-style-type: none"> • Development proposals shall take account of the height of adjoining buildings; • New development shall respect the established building line;

	<ul style="list-style-type: none"> • Building heights shall be a minimum of 2 storeys and a maximum of 3 storeys; and • Development shall be fine grain in nature, and aim to reflect traditional plot widths. The façade of larger development proposals shall be broken up visually to reflect the scale of traditional units. <p>Whilst the third criterion states that building heights should be a maximum of 3 storeys, the first criterion requires that buildings take account of the height of adjoining buildings. In the Dublin Road context building heights and the adjoining buildings range from 2 storey to 9 storey. The Dublin Road has been subject to significant change in both building height and scale in recent years. In the vicinity of the site existing buildings exhibit a variety of heights ranging from 2 to 12 storeys. There are a number of taller buildings in the immediate context including the ETAP Hotel, 35 Dublin Road (7 storeys), The Gallery adjacent (9 storeys), 4-6 Ventry Street (7 storeys), Fanum House, Great Victoria Street (12 storeys) Botanic Studios, Dublin Road (8 storeys), Equality House, Dublin Road (8 Storeys), the Salvation Army Building, 44-48 Dublin Road (6 storeys), Nos. 32-36 Dublin Road (8 storeys), Somerset Studios, Marcus Ward Street (max. 8 storeys). The Planning Committee has also accepted a recommendation to approve a 12 storey building on the site of the Dublin Road cinema (LA04/2017/0562/F – permission pending). It is considered that the height of the proposed development is on balance acceptable given the variety of building heights adjacent and in the immediate area.</p>
3.10	<p>Design, Layout, Materials</p> <p>The proposed development has been assessed against the SPPS and Policy QD1 of PPS7. The proposal seeks a restaurant at ground floor level which would occupy part of the ground floor. Contrasting materials are proposed to distinguish the entrance to the residential units and the restaurant at ground floor level. This proposed contrast in materials will continue at upper levels.</p> <p>In design terms the front elevation onto Dublin Road comprises two distinct elements. The first is a narrow link section (6.3m wide) adjacent but marginally setback from the ‘Gallery’ and a wider (14.9m wide) primary building façade which sits forward from the link element and incorporates an 8 storey (Shoulder height) with an additional two setback upper floors above.</p> <p>The adjacent Gallery development incorporates a seventh floor shoulder height with two setback floors above. The uniform shoulder height of the wider section of the proposed development at eighth floor level (25.2m) generally accords with and continues the seventh floor shoulder height already established by the Gallery (24.3m). The two upper floors of the wider section of the proposed development are setback from the front elevation by 1.25m and 1.0m respectively. The setback helps to visually connect the shoulder heights of both buildings along this stretch of Dublin Road, whilst affording a degree of sub-ordinance to the upper two floors.</p> <p>A stair core/lift overrun extends 2.6m above roof level and is setback 12.m from the Dublin Road elevation ensuring views will be limited. The upper height of the proposed development (31.5m) generally accords with the upper height of the Gallery at 30.8m.</p> <p>The link section extends on a uniform vertical plane to the upper 10 storey height (31.5m) and sits behind the main facades of the wider section and the Gallery on either side. The link section provides visual interest and variation in the Dublin Road elevation a view supported by the Urban Design officer who noted that <i>‘whilst creating a modest variance in the roofline and represents a welcomed break in what could have been a very uniform volumetric form when viewed in conjunction with its neighbour’</i></p>

	<p>The rear elevation does not incorporate setbacks but extends on a vertical plane to the upper 10 storey height. It is considered that the rear elevation provides a satisfactory elevation and adequately addresses Ventry Street and Great Victoria Street.</p> <p>The wider section of the Dublin Road elevation incorporates a double height (6.7m) base finished in curtain glazing within which a restaurant will be accommodated on the ground and mezzanine floors. The Urban Design officer has commented that <i>'The double height nature of the base places a vertical emphasis on this component and its articulation with a red sandstone frame/surround, which projects 1.2m beyond the curtain walling, also helps the building to confidently ground at street level'</i>.</p> <p>A vertical emphasis is continued above the base to the shoulder height at the 8th floor with floors grouped in bands of two. The primary finish proposed within the wider section is red sandstone cladding which picks up on the red brick in surrounding buildings. The design of the Dublin Road elevation includes the use of horizontal and vertical banding with generous reveals defining double height window openings. The double height floor arrangement is also proposed in the link section which incorporates balconies at alternate floor levels. The top two floors setback are proposed to be finished in aluminium grey cladding panels which is also proposed on the link element.</p> <p>The northern gable will be prominent when viewed from along the Dublin Road and Planning Service sought the introduction of a three dimensional form to provide relief and visual interest. The applicant's response is considered unsatisfactory and Planning Service are of the view that consider that further design is required on this element. Therefore a condition is recommended to ensure that further details are submitted prior to commencement of development to safeguard the delivery of a high quality treatment of this gable.</p> <p>Ancillary development including service areas/bin and cycle storage are proposed at ground floor level to the rear of the residential entrance and restaurant. Access to cycle storage for residential occupiers can be accessed via both the Dublin Road and Ventry Street. Servicing is via the rear from Ventry Lane.</p> <p>The internal apartments are laid out accessed from a central corridor which provides access to the apartments. Apartments to the front have their main outlook onto the Dublin Road and apartments to the rear have their main outlook onto Ventry Street.</p>
3.11	<p>Impact on the character and amenity of the area and the setting of a listed building</p> <p>HED Consideration</p> <p>HED response states that the proposal fails to satisfy Policy BH 11 in terms of scale, height and massing and would have an adverse impact on the listed Shaftesbury Square Hospital which is in close proximity.</p> <p>HED response also states that:</p> <p><i>'If however, Belfast City Council are minded to approve this application then (HED (Historic Buildings) request that the detailed design, in particular for the rear elevation, should be designed and crispy detailed so as to read as a building with a dual frontage and avoid being the 'rear elevation' as the backdrop to the listed building. HED (Historic Buildings) consider the use of sympathetic and high quality material finishes and detailing will also be key to helping to ameliorate the impact of such a large structure on this site and request that the Council condition the use and type of materials, appropriate for use in the setting of a listed building.'</i></p>

	<p>It is considered that the rear elevation as shown on the drawings provides a satisfactory elevation and adequately addresses Ventry Street and Great Victoria Street. It is worthy to note that there exists a backdrop of taller buildings to the rear of the listed Shaftesbury Square Hospital i.e. the 9 storey Gallery development, adjacent to the application site which sits closer to Shaftesbury Square Hospital listed building than the proposed development. It is considered that the impact of the proposed development on the setting of the listed hospital would be no greater and would not compromise the setting of the listed building. On balance the impact of the proposed development on the setting of the listed hospital is considered acceptable.</p> <p>A condition is recommended seeking sample panels of external finishes to be provided on site prior to completion of the proposed development. This will ensure that the finishes are sympathetic and of a high quality.</p> <p>The proposed relationship with the existing two storey buildings adjacent on the Dublin Road will be similar to that which exists at present with the Gallery and existing two storey development on the application site. The building will be adjacent to a two storey development on Ventry Street which operates as a car repair workshop and abuts the northern boundary. It is considered that the proposed development will not have a detrimental impact on the amenity of this use. An existing 7 storey residential development is located to the immediate north west. There are no windows on the elevation of the existing residential development on 4-6 Ventry Street facing the development and there is adequate separation between the existing and proposed buildings to ensure no adverse impact on the existing and prospective residents. The relationship will adjoin development is considered acceptable and complies with Policy QD 1 of PPS 7.</p>
3.12	<p>Provision of Open Space/Space Standards</p> <p>The proposed development has been assessed against the SPPS, Policy QD 1 of PPS7, Policy OS 2 of PPS 8 (Open Space, Sport and Recreation) and Creating Places. Balconies are provided on the Dublin Road elevation for 10 of the proposed apartments. 9 balconies are also provided on the rear elevation along Ventry Street. A communal area of open space is proposed on the rooftop terrace (approx. 350sqm). Overall an average of 7.4 sqm of amenity provision per unit has been proposed which, whilst below the recommended minimum standard of 10 sqm it is comparable to other developments within the city centre and on balance it is considered satisfactory.</p> <p>Policy OS 2 of PPS 8 states that proposals for new residential development of 25 or more units will only be permitted where public open space is provided as an integral part of the development. No public open space has been proposed as part of the proposal. Policy OS 2 of PPS 8 goes on to state that an exception to the requirement of providing public open space will be permitted in the case of apartment developments where a reasonable level of private communal open space is provided. As indicated above the level of private open space is commensurate with other developments in the area. The site is also in close proximity to existing areas of open space including Bankmore Square (approx. 130m to the north – 2 minute walk), Upper Crescent (approx. 480m to the south - 6 minute walk) and Botanic Gardens (approx. 925 m to the south – 12 minute walk). Taking account of the level of private amenity space proposed and accessibility to a number of existing areas of open space within reasonable walking distance the proposal is on balance considered acceptable.</p> <p>Whilst the space standards set out in PPS 7 Addendum Safeguarding the Characteristics of Established urban Area do not apply to this proposal as the site is not located in an established residential area they are nevertheless a useful guide to determining whether proposed unit sizes are of a sufficient size to ensure a quality living environment for prospective occupiers.</p>

	<p>The proposed breakdown of units is set out as follows:</p> <ul style="list-style-type: none"> • 63 No. 1 bed apartments • 8 No. 2 bed apartments <p>The Space standards referred to above set out that the design standards for a 1 bedroom apartment ranges from 35/40 sqm for a 1 bedroom 1 person apartment to 50/55 sqm for a 1 bedroom 2 person apartment.</p> <p>The 1 bedroom apartments proposed range from 36.7sqm to 53sqm and fall within the recommended design standards.</p> <p>The Space standards referred to above set out that the design standards for a 2 bedroom apartment ranges from 60/65 sqm for a 2 bedroom 3 person apartment to 70/75 sqm for a 2 bedroom 4 person apartment.</p> <p>The eight 2 bedroom apartments propose a floorspace area of 60 sqm falling within the 2 bedroom recommended range.</p>
3.13	<p>Access, Movement and Parking</p> <p>The proposed development does not include car park provision. Cycle parking (35 spaces) has been provided internally at ground floor level for the proposed residents. DFI Roads has sought the applicant to demonstrate the availability of 3 No. on-street parking spaces for disabled residents within a 50m radius of the proposed development. A Parking Survey Report was submitted in support of the proposal which concluded that:</p> <ul style="list-style-type: none"> • During the residential period under consideration (7pm – 7am), parking provision is available on-street during typical weekday evenings. That provision could accommodate those returning from a place of employment by private motor vehicle after 6-6.30pm. • On a Saturday evening, parking availability close to the proposed development was noticeably reduced. However, parking could be accommodated on the eastern side of Dublin Road, notably in Hartington Court and on Salisbury Street. • Bin storage on Ventry Street to the rear of the proposed development currently occupies road space that could be utilised for on-street parking at off-peak times. • It is anticipated that parking provision for 3 vehicles during residential parking periods would be available post development in close proximity to the development. <p>A Framework Travel Plan has been provided for the Residential and Commercial development proposed. The Travel Plan states that <i>'the location of the site in Belfast's City Centres, surrounded by numerous local amenities and public transport facilities, offers a genuine opportunity to encourage sustainable living for potential residents, By providing no car parking, outside of that required for servicing, the aim is to achieve more sustainable travel patterns from the outset, rather than cutting car use incrementally once the residents are in occupation.'</i></p> <p>The Framework Travel Plan proposes the appointment of a Travel Plan Co-ordinator responsible for implementing measures set out in the Travel Plan such as the provision of cycle parking and initiating and managing a Bicycle User Group. The Travel Plan states that <i>'the deliberate absence of parking provision for the proposed development is considered to be balanced with a number of quality alternative transport opportunities afforded the site by its prime location.'</i></p> <p>An agreed Travel Plan will be secured through a Section 76 Planning Agreement and will include Green transport measures to promote alternatives to car use.</p>

	<p>Servicing of the restaurant is proposed via the rear from Ventry Street. Access will also be available for servicing via the Dublin Road for both the restaurant and residential units.</p> <p>DFI Roads has no objections to the development proposal on road safety and traffic progression grounds subject to conditions set out below. The proposal is considered compliant with PPS 3.</p>
3.14	<p>Drainage</p> <p>A Drainage Assessment was submitted with the application. The site is not affected by the 1 in 100 year fluvial floodplain, the 1 in 200 year coastal floodplain nor are there any watercourses within the site. Pluvial floodplain extends onto Dublin Road but does not encroach onto the site. To mitigate against any areas of known and unknown pluvial flooding within the site the DA states that the proposed development should be re-profiled to remove any low lying areas and/or have surface water drainage infrastructure installed to remove any standing water. Finished floor levels will be at least 150mm above adjacent ground levels. No increase in hardstanding is proposed. Surface water is proposed to be discharged to the local NI Water infrastructure at full bore rates (maximum rate of 7.37litres per second.</p> <p>NI Water stated in their consultation response that there is no public storm sewer available which can serve this proposal and advised that the applicant may wish to requisition NI Water to provide a suitable storm outfall sewer. The applicant subsequently applied To Requisition a Storm Sewer and NI Water confirmed that the storm water can be discharged into the existing combined sewer subject to conditions including that the rate of storm discharge should not exceed 7.37 litres per second.</p> <p>Rivers Agency has considered the Drainage Assessment and stated that there are no designated watercourses within the site and has not raised any objections to the proposed development. The proposal is considered compliant with PPS 15.</p>
3.15	<p>Contamination, Noise, Air Quality</p> <p>A Preliminary Risk Assessment was been submitted with the application and concluded that the site was considered to pose a low risk to future site users and the water environment and recommended that no further site investigation necessary.</p> <p>DAERA Land Regulation Unit has considered the Preliminary Risk Assessment and has no objections to the proposed development subject to conditions set out below. Environmental Health consider that further site investigations and risk assessment are necessary and recommend a condition requiring the submission of an updated sit and development specific Contaminated Lank Risk Assessment prior to construction of the building.</p> <p>A Noise Impact Assessment (NIA) accompanied the application and identified that background noise levels to the front and rear of the proposed development are high due to pedestrian and road traffic. Mitigation measures proposed include acoustically enhanced facades, upgraded double glazing and upgrading of the uppermost ceiling. Environmental Health recommend that the mitigation measures proposed are carried out in accordance with the NIA submitted.</p> <p>An Air Quality Impact Assessment (AQIA) was also submitted which considered the impact from road transport emissions. Environmental Health has advised that the AQIA has not considered the cumulative impact from both road transport and the development's boiler plant emissions and recommend a condition seeking the submission of an updated AQIA prior to commencement of the development.</p>

	<p>Environmental Health consider that the sound pressure level of any plant shall be at least 5dB below the existing background level and recommend a condition to ensure an appropriate plant noise level.</p> <p>Environmental Health recommend that all demolition and construction activities are undertaken in line with best practice guidance due to the proximity of residential and commercial uses.</p> <p>An Odour Impact Assessment (OIA) has been submitted which sets out proposals to install an odour abatement system to serve the ground floor restaurant. Environmental Health recommend a number of conditions to ensure that the proposed odour abatement system is installed in accordance with details prior to operation of the building set out in the OIA and cleaned and maintained thereafter.</p>
3.16	<p>Waste Management</p> <p>The proposal provides for separate commercial and waste storage arrangements at ground floor. The proposed layout sets out defined waste arrangements for dry and food recycling as well as general waste for the residential units and general waste for the proposed restaurant. The waste areas are accessible to residential occupiers with two access points. BCC Waste Management Unit have advised that they are satisfied with the waste storage arrangements.</p>
3.17	<p>Developer Contributions and Obligations</p> <p>The applicant has agreed to incorporate environmental improvements along the frontage of the site on Dublin Road and to the rear along Ventry Street. The existing footpath will be replaced with granite paving setts, reclaimed Mourne granite kerbs and Caithness paving (or equivalent). The applicant also proposed the laying of new asphalt along the rear boundary on Ventry Street.</p> <p>The proposed environmental improvements will enhance the setting of the building and will be secured through a condition as set out below.</p> <p>The following planning obligation should be included as part of the planning permission by means of a Section 76 planning agreement. This is directly related to the development and considered necessary to make it acceptable.</p> <ul style="list-style-type: none"> • Green transport measures to promote alternatives to car use as set out in the agreed Travel Plan.
3.18	<p>Pre-Application Community Consultation</p> <p>In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 21st December 2018 (LA04/2019/0052/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable. The Council advised that consultation with the Inner South Neighbourhood Renewal Partnership. The Pre-Application Community Consultation (PACC) public engagement event for this proposal took place on 12 February 2019.</p> <p>A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has</p>

	<p>taken place in line with statutory minimum requirements and has taken account of the Council's comments during the PAN process. The report has confirmed advertising for the public event and that the public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that the Inner South Neighbourhood Renewal Partnership was consulted along with the Donegall Pass Community Forum and Markets Community Group.</p> <p>The report also set out details of consultations with elected members and summarises the issues raised at the public events and during the consultation periods along with applicants response to the issues raised. The report states that most of the attendees were supportive of the development and commented that the architectural design is attractive, quality finishes, restaurant will provide additional vitality, location is appropriate, proposal will help meet the need for additional apartments, development will result in job creation. Comments also included that the development would obscure potential advertisement on the side of the Gallery building. The gallery building has windows on its northern elevation and the proposal would result in loss of light and impede opening in the event of a fire and separation is required between the buildings. Car ownership should be discouraged, potential occupants should be made aware of neighbouring occupiers and measures to promote tourism should be incorporated.</p> <p>The responses to the queries raised are set out below:</p> <ul style="list-style-type: none"> • Proposal has been modified to provide a suitable separation with the adjoining Gallery. • Travel plan submitted to prevent parking issues • Tourism information will be discussed with the operator • Prospective occupiers will be made aware of occupants of neighbouring buildings • Apartment unit sizes are adequate • Natural light to bedrooms will be achieved through glazed in internal walls • Proposal will not prejudice future development fronting onto Great Victoria Street • There is no planning approval for advertisements on the gable end of the Gallery building and no planning policy to restrict development on the application site to allow for such advertising • Windows on the northern elevation are covered in grilles that significantly reduce light. These windows serve communal hallways rather than habitable rooms and these hallways are lit by natural light coming through from the gable window on the southern side of the building. No harm to residential amenity will occur as a result of the proposed building reducing light to these windows. No rights of light issues arise. <p>The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.</p>
Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <p>Having regard to the policy context and other material considerations the proposal is considered acceptable. It is recommended that outline planning permission is granted subject to conditions and a Section 76 planning agreement to secure Green Travel measures. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions the Section 76 Agreement.</p>	

Conditions:

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

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

2. Prior the commencement of development samples of hard landscaping shall be made available for onsite inspection by the Council and detailed written specifications of all hard landscaping materials shall be submitted and agreed in writing with the Council. The works shall be carried out in accordance with the agreed details.

Reason: To ensure high quality hard landscaping and in the interests of the character and appearance of the area.

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

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

4. Following demolition of the existing buildings on site and prior to commencement of construction of new buildings, the applicant shall submit to and have approved in writing by the Planning Service, an updated site and development specific Contaminated Land Risk Assessment. The report should follow the methodology outlined in *Model Procedures for the Management of Land Contamination* (CLR11). The Quantitative Risk Assessment must incorporate:

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

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

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

Reason: Protection of human health.

5. In the event that a Remediation Strategy is required, in order to demonstrate that any required remedial measures have been incorporated within the proposal, prior to occupation or operation of the development a Verification Report shall be submitted to and agreed in writing by the Planning Service. The Verification Report must be in accordance with current Environment Agency, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have

broken the relevant pollutant linkages, and that the site no longer poses a potential risk to human health.

Reason: Protection of human health.

6. Prior to the commencement of the development, the applicant shall submit in writing to the Planning Authority and have agreed, an updated Air Quality Impact Assessment for the proposed development. This updated Air Quality Impact Assessment shall evaluate the overall air quality impact of the proposed development at relevant human health receptor locations, to include transport and combustion plant emissions. The Air Quality Impact Assessment shall be conducted in line with industry best practice and the provisions of the government's Local Air Quality Management Technical Guidance LAQM.TG(16).

Reason: Protection of human health.

7. In the event that the Air Quality Impact Assessment identifies any exceedences of national or European human health based standards or objectives, the applicant is required to provide mitigation measures as part of the Air Quality Impact Assessment to be integrated into the development, together with an assessment demonstrating when the human health based standards or objectives are to be achieved.

Reason: Protection of human health.

8. The mitigation measures detailed within the approved Noise Impact Assessment, *Noise Impact Assessment, Dublin Road Apartments, Belfast, Dated 14th February 2019 and referenced: RP001 2019010 Prepared by Irwin Carr Acoustics* shall be incorporated into the proposed residential development.

Reason: Protection of human health.

9. Prior to occupation of the proposed development, the applicant must submit, to the Council for approval, a noise Verification Report (VR) which demonstrates that;
- The window system (including frames, seals etc.) attenuated ventilation systems and enhanced ceilings and floors have been installed in line with the approved Noise Impact Assessment, *Noise Impact Assessment, Dublin Road Apartments, Belfast, Dated 14th February 2019 and referenced: RP001 2019010* so as to ensure that internal noise levels within any proposed residential unit shall:
 - Not exceed 35 dB LAeq, 16hrs at any time between 07:00hrs and 23:00hrs within any habitable room.
 - Not exceed 30 dB LAeq, 1hr at any time between the hours of 23:00hrs and 07:00hrs within any bedroom, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements; and
 - Not exceed 45 dB L_{Amax} more than 10-15 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and an alternative means of ventilation provided in accordance with current building control requirements.

Reason: To protect human health.

10. The plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (L_{AR}) no greater than 60 dB L_{AR} daytime and 50dB L_{AR} night time when measured at the nearest noise sensitive premises (existing or proposed).

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

11. All demolition and construction activities shall be undertaken in line with best practice guidance. Demolition and construction activities shall pay due regard to the current standards; BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 A2: Noise and Vibration Control on Construction and Open Sites.

Reason: To protect human health.

12. The odour abatement system detailed within the approved odour impact assessment: *Odour Impact Assessment. Dublin Road Apartments, Belfast. Report Ref: 003 2019010 Dated 4 February 2019. Prepared by Irwin Carr Consulting* shall be employed to suppress and disperse odours created by cooking operations on the premises.

Reason: To protect the amenity of nearby premises.

13. The approved odour abatement technology shall be installed prior to the commencement of the operation of the approved restaurant.

Reason: To protect the amenity of nearby premises.

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

Reason: To protect the amenity of nearby premises.

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

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

16. After completing any remediation works required 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.

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

17. The development hereby permitted shall not be occupied until the associated secure and accessible cycle parking facilities have been provided in accordance with proposed site layout plan Drawing No.05b received by Belfast Planning Service on 22nd July 2019 and proposed ground floor layout Drawing No.07b bearing Belfast Planning Service date stamp 15th August 2019, also referred to in Section 5.3, page 13 of approved Travel Plan received by Belfast Planning Service on 24th May 2019 to provide adequate facilities for cycle parking.

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

18. A minimum of 35 No. cycle parking spaces shall be provided and permanently retained within the development for use by staff and visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

19. The development hereby permitted shall operate in accordance with the approved Service Management Plan bearing Belfast Planning Service dated stamp 9th April 2019.

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

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

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

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

Reason: To ensure satisfactory arrangements with adjacent NIE facilities.

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

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

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

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

Notification to Department:

If members are minded to approve the application, the Council will be required to notify DFI given the significant objection from HED in accordance with Section 89 of the Planning Act (Northern Ireland) 2011.

Representations from Elected members:

None

ANNEX	
Date Valid	19th April 2019
Date First Advertised	7th June 2019
Date Last Advertised	19th July 2019
Details of Neighbour Notification (all addresses) 112-114 Great Victoria Street, Belfast 116-120 Great Victoria Street, Belfast 2 Ventry Street, Belfast 2a Ventry Street, Belfast 4 Ventry Street, Belfast 50 Dublin Road, Belfast, Antrim, BT2 7HN 52-54 Dublin Road, Belfast, Antrim, BT2 7HN 55 Dublin Road, Belfast 56-58 Dublin Road, Belfast 60-66 Dublin Road, Belfast, BT2 7HG 65-69 , Dublin Road,Belfast, BT2 7HG 9 Ventry Street, Belfast Apartment 1- 58 The Gallery, 65-71 Dublin Road, Belfast, BT2 7HG 7HG Restaurant At The Gallery, 65-71 Dublin Road, Belfast, BT2 7HG	
Date of Last Neighbour Notification	24th July 2019
Date of EIA Determination	N/A
ES Requested	No