

## Development Management Report Committee Application

<b>Summary</b>	
<b>Committee Application Decision Date:</b> Tuesday 21 April 2020	
<b>Application ID:</b> LA04/2019/0517/F	
<b>Proposal:</b>  Residential development comprising 154 units and ground floor retail unit, including reception and management suite area, internal and external communal space, open space and environmental improvements, car parking with access of Mays Meadow, bin storage, cycle parking, plant equipment and storage. (amended plans)	<b>Location:</b> El Divino Nightclub and car park and adjacent open space Mays Meadow
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b>	APPROVAL
<b>Applicant Name and Address:</b> Benmore Property Management Services C/O Rushmere House 46 Cadogan Park Belfast BT9 6HH	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<b>Executive Summary:</b>  This application was to be considered by the Planning Committee in September 2019 with a recommendation to refuse planning permission. However, the application was withdrawn from the agenda to give the applicant opportunity to address the recommended refusal reasons. Officers have since had a number of meetings with the applicant to discuss the concerns, leading to the submission of a revised scheme which, on balance, Officers now consider addresses the reasons for refusal. The application was to be presented to Planning Committee in March but was deferred pending expiry of the consultation date for responses to neighbour notification and re-advertisement on the amended plans. The amendments were re-advertised in the press and neighbours notified of the revised scheme. 11 further representations have been received following re-notification. The consultation period for comments concluded on 13th March 2020.  The proposal has been revised from the original submission and seeks to construct a residential building of varying heights including 7 storey (23m), to 10 storey (31.4m), 12 storey (37.4m) and 18 storey (54.6m) elements. The proposed building comprises 154 units with ground floor retail unit on a narrow 0.247 hectare triangular site, with the building footprint occupying around 50% of the site. The site is located at Laganbank Road off East Bridge Street within Belfast City Centre and is immediately adjacent to the River Lagan. It currently comprises a public house and nightclub building, its associated car park and an adjacent area of public open space. The building is approximately 10.5m – 12m from the adjacent apartment buildings at St John Wharf at the closest point, and approximately 23m from the sheltered housing scheme (St Johns Close) to the south	

opposite the site. The building is approximately 18m at closest point from the existing office building opposite the site.

The principle of a retail unit and residential use here is acceptable given its City Centre location and proximity to residential uses adjacent and opposite the site. There would also be an element of environmental gain in terms of amenity of existing residents if this site was redeveloped for residential purposes and the existing licenced premises / nightclub was removed.

It is considered that the revised scale, height, massing and materials of the building are, on balance, acceptable and appropriate to the site context and the area. The height of the building has been reduced next to the existing apartments at St Johns Warf to 7 storeys – slightly higher than the adjacent building. This has reduced the dominance in relation to this building and a staggered/stepped design approach assists in mitigating the impacts to the Laganbank Road streetscape, taking account of the design and massing of existing commercial buildings adjacent to the site. The design has a tower element, which is considered acceptable when assessed from the key public viewpoints due to the surrounding built context/building heights and taking account of an extant permission to increase the height of the adjacent “Price Waterhouse Cooper” office building (ref: LA04/2018/1469/F). The internal floorplan layout has been revised to provide additional active uses along the Laganbank Road elevation in particular which will assist in animation of this elevation. The proposed materials are consistent with the area insofar as brick and glass are present. The fenestration has been revised and the resulting solid to void ratios assist in reducing the massing of the building.

The location of the tower element would have a limited impact on exiting residents due to the separation distances to St John Warf (approximately 52m at the closest point).The proposal would not therefore detrimentally impact on amenity in terms of overshadowing or overlooking/privacy.

Total communal amenity space provision equates to 770 sq.m or 5 sq.m per apartment. The amount of provision is considered acceptable, on balance, given the circumstances of the site with the open space area adjacent to the building and the improvements proposed to it, and location on the riverbank with riverside access. Landscaping is also proposed, however additional details need to be provided to ensure acceptable details including future management arrangements. This can be secured by means of a Section 76 planning agreement.

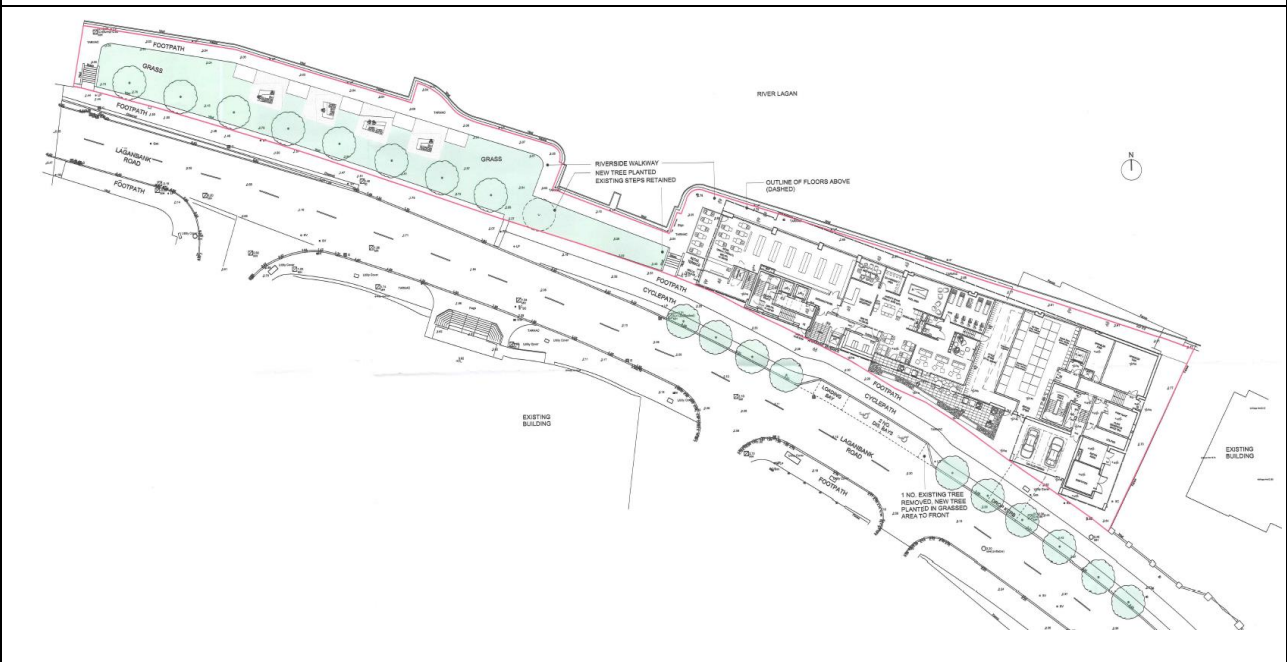
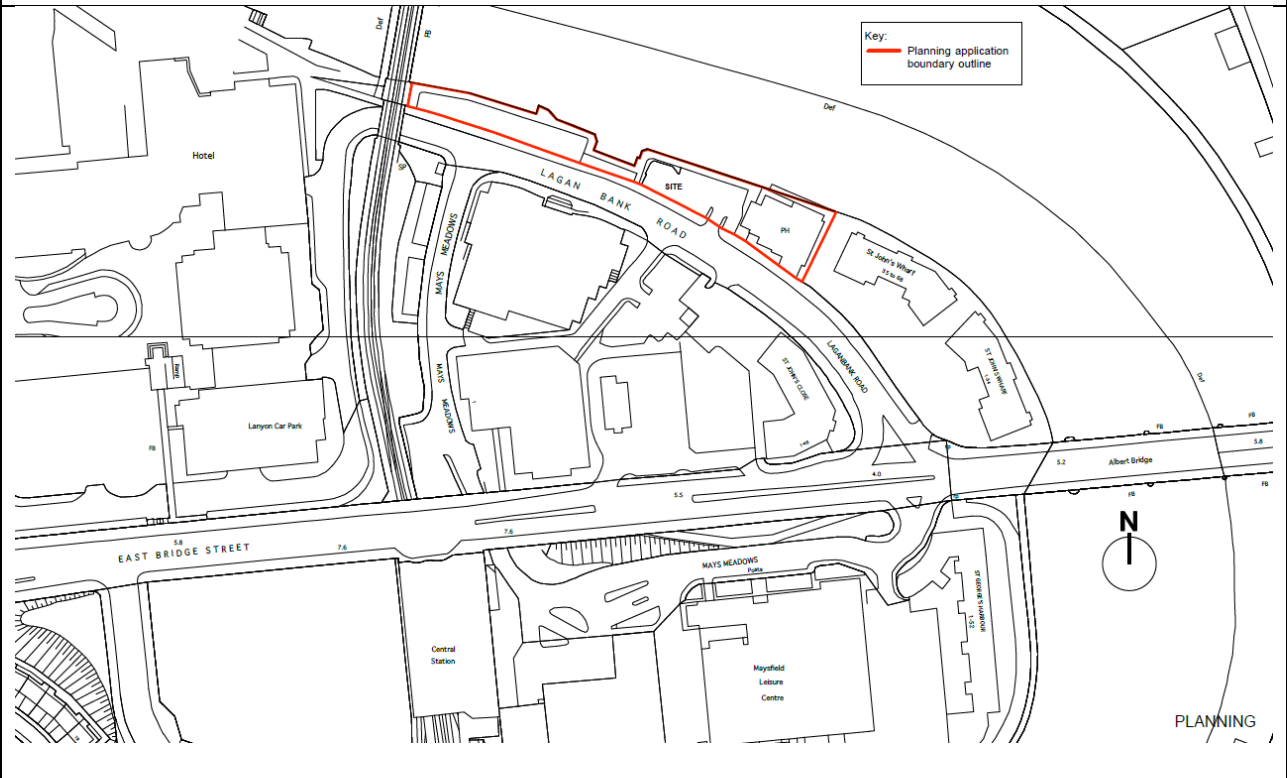
All consultees including DFI Roads, the Urban Design Officer, DEARA, HED, SES, NI Water, HED, Environmental Health and Belfast City Airport have no objections to the proposal.

18 representations comprising 15 objections and 3 letters of support were received in relation to the application.

Having regard to the Development Plan and relevant material considerations, the proposal is considered, on balance, acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions and to enter into a Section 76 planning agreement to secure green transport measures (i.e. travel plan, travel cards and car club) and the provision and future maintenance of the public open space and external amenity space within the site–subject to no new substantive planning issues being raised by third parties.

# Case Officer Report

## Site Location Plan



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REVISION HISTORY		
REV	DESCRIPTION	DATE
8	Revised masonry to line with updated GA plans. Revisions to window locations & sizes. Planning issue.	18/02/20

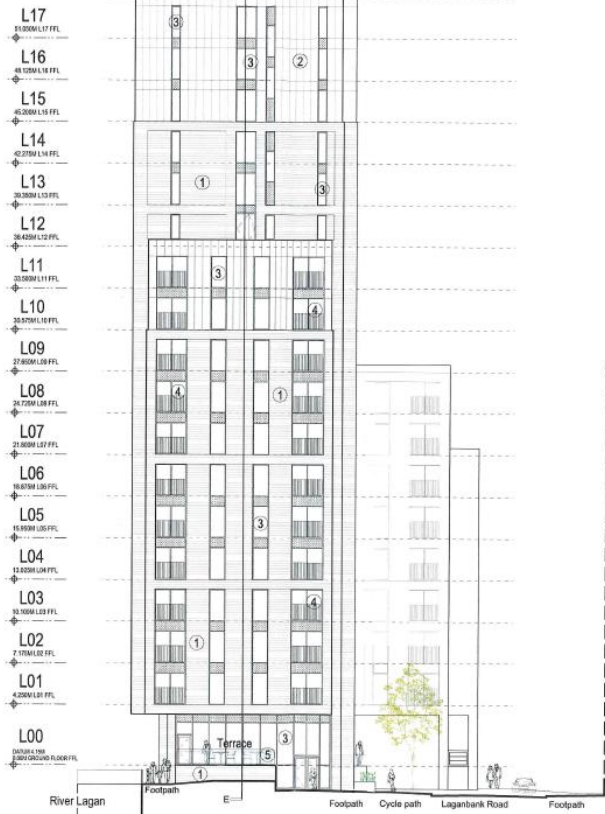


(1) South Elevation  
Scale: 1:250



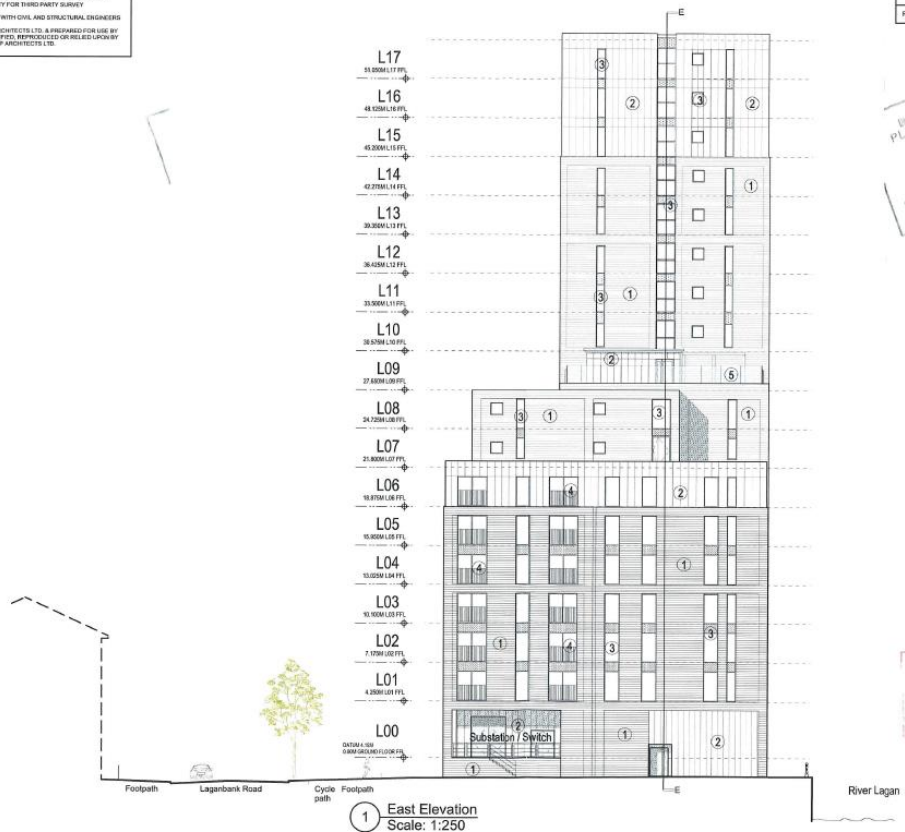
Approximate outline of St John's Wharf apartments

Approximate outline of 8 Laganbank Rd Offices beyond on Laganbank Road



1 West Elevation

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1 East Elevation  
 Scale: 1:250

REV	
6	

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1	







**Representations:**

Letters of Support	3
Letters of Objection	15
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Representatives	None received

**Neighbour Notification Checked** **Yes**

**Planning Assessment of Policy and Other Material Considerations**

**1.0 Characteristics of the Site and Area**

The application site is located at Laganbank Road off East Bridge Street within Belfast City Centre and is immediately adjacent to the river Lagan. It comprises a public house and nightclub building, its associated car park and an adjacent area of public open space. It is approximately 0.25 hectares in size (building and nightclub c. 0.15 hectares and c 0.09 hectares open space area) Boundary treatments comprise a mixture of wall and railings approximately 2-3m in height. The topography of the entire site is relatively level, however the topography of Laganbank Road falls to the west, therefore the open space area sits at a higher level than Laganbank Road.

There is a block of apartments to the southeast of the site, with an office building to the south. There is a sheltered housing scheme further to the south at the junction of Laganbank Road and East Bridge Street.



## **2.0 Proposal**

This application was to be considered by the Planning Committee in September 2019 with a recommendation to refuse planning permission. However, the application was withdrawn from the agenda to give the applicant opportunity to address the recommended refusal reasons. Officers have since had a number of meetings with the applicant to discuss the concerns, leading to the submission of a revised scheme. The application has been re-advertised in the press and neighbours notified of the revised scheme. The application was presented to Planning Committee in March and was deferred pending expiry of the consultation date for responses to neighbour notification and re-advertisement on the amended plans.

The application seeks full planning permission for residential development comprising 154 units and ground floor retail unit, including reception and management suite area, internal and external communal space, open space and environmental improvements, car parking with access of Mays Meadow, bin storage, cycle parking, plant equipment and storage.

The proposal has been revised from the original submission and seeks to construct a residential building of varying heights including 7 storey (23m), to 10 storey (31.4m), 12 storey (37.4m) and 18 storey (54.6m) elements. The proposed building comprises 154 units with ground floor retail unit on a narrow 0.247 hectare triangular site, with the building footprint occupying around 50% of the site. The site is located at Laganbank Road off East Bridge Street within Belfast City Centre and is immediately adjacent to the River Lagan. It currently comprises a public house and nightclub building, its associated car park and an adjacent area of public open space. The building is approximately 10.5m – 12m from the adjacent apartment buildings at St John Wharf at the closest point, and approximately 23m from the sheltered housing scheme (St Johns Close) to the south opposite the site. The building is approximately 18m at closest point from the existing office building opposite the site.

## **Planning Assessment of Policy and Other Material Considerations**

### **3.0 Site History**

No relevant history.

### **4.0 Policy Framework**

4.1 Belfast Urban Area Plan 2001 (BUAP), draft Belfast Metropolitan Area Plan 2004 (dBMAP 2004), draft Belfast Metropolitan Area Plan 2014 (dBMAP 2014), and Developer Contribution Framework (2020);

4.2 Strategic Planning Policy Statement (SPPS);

4.3 Planning Policy Statement 2 (PPS2) – Planning and Nature Conservation;

4.3 Planning Policy Statement 3 (PPS3) – Access, Movement and Parking;

4.4 Planning Policy Statement 13 (PPS13) – Transportation and Land Use;

4.5 Planning Policy Statement 7 (PPS7) – Residential Development;

4.6 Planning Policy Statement 12 (PPS12) – Housing in Settlements;

4.7 Planning Policy Statement 15 (PPS15) – Planning and Flood Risk;

4.8 Planning Policy Statement 8 (PPS8) – Open Space and Recreation.

4.9 Supplementary Planning Guidance including ‘Creating Places’, Development Control Advice Note 8 Housing in Existing Urban Areas, and Parking Standards.

### **5.0 Statutory Consultee Responses**

5.1 NI Water - No objection;

5.2 DARD - Rivers Agency – No objection;

<p>5.3 DEARA:</p> <ul style="list-style-type: none"> <li>- Marine and Fisheries Division - No objection subject to conditions;</li> <li>- Land &amp; Groundwater Team (Contamination) - No objection subject to conditions;</li> <li>- Water Management Unit - No objection subject to conditions;</li> <li>- Natural Environment Division – Considering additional information received;</li> </ul> <p>5.4 DFI Roads – No objection subject to conditions;</p> <p>5.5 DFC HED – No objection subject to conditions.</p> <p><b>6.0 Non - Statutory Consultee Responses</b></p> <p>6.1 BCC Environmental Health - No objection subject to conditions;</p> <p>6.2 Shared Environmental Services – No objection subject to conditions;</p> <p>6.3 Urban Design Officer – no objections;</p>	
<b>7.0</b>	<p><b>Representations</b></p> <p>The application has been neighbour notified and advertised in the local press.</p> <p>7 representations were received in relation to the original proposal comprising 5 objections and 2 letters of support.</p> <p>Neighbours were re-notified on 26<sup>th</sup> February 2020 in relation to the revised scheme. The application was also re-advertised in the press on 28<sup>th</sup> February 2020. A further 11 representations were received, of which 10 are objections.</p> <p>18 representations have been received in total, comprising 3 letters of support and 15 objections. These representations are set out in more detail later in the report.</p> <p>No representations from any elected representatives have been received.</p>
<b>8.0 Other Material Considerations</b>	
8.1	None
<b>9.0 Assessment</b>	
9.1	<p>Permission is sought for a residential development comprising 154 units and ground floor retail unit, including reception and management suite area, internal and external communal space, open space and environmental improvements, car parking with access of Mays Meadow, bin storage, cycle parking, plant equipment and storage. The key issues in the assessment of the proposal are:</p> <ul style="list-style-type: none"> <li>- The principle of the proposal at this location;</li> <li>- Layout, scale, form, massing and design;</li> <li>- Impact on amenity;</li> <li>- Impact on transport and associated infrastructure;</li> <li>- Flooding and drainage impacts;</li> <li>- Impact on natural heritage assets;</li> <li>- Contamination and remediation of the site;</li> <li>- Impact on civil aviation;</li> </ul> <p><b>Regional Policy Context:</b></p>
9.2	<p>The Regional Development Strategy 2035 (RDS) includes a number of policies relevant to the proposal supporting Urban Renaissance (RG7), and conserve, protect and enhance where possible the built and natural heritage.</p>

9.3	<p>In relation to Belfast, the RDS includes policies to promote economic development, grow the city population, and protect and enhance the setting of the Metropolitan Area and its environmental assets. Policy SFG3 seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities.</p>
9.4	<p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making.</p>
9.5	<p>The SPPS states at paragraph 1.13 that a number of policy statements, including those listed at paragraph 4 of this report, remain relevant under the 'transitional arrangements' in advance of a council's adoption of its new Local Development Plan. Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.</p> <p><b>Development Plan Status:</b></p>
9.6	<p>Following the Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the extant Development Plan is now the Belfast Urban Area Plan 2001 (BUAP). The site is not subject to any zoning within the BUAP. Both the draft Belfast Metropolitan Area Plan 2004 (dBMAP 2004) and the version purported as adopted Belfast Metropolitan Area Plan (dBMAP 2015) are material considerations. The weight to be afforded the draft Belfast Metropolitan Area Plan is a matter of judgement for the decision maker. In dBMAP 2004 and dBMAP 2015, the site falls within the City Centre boundary, the fringe area of parking restraint, and the Laganside Character Area.</p> <p><b>Principle of development and proposed uses:</b></p>
9.7	<p>The SPPS requires a sequential test to be applied to 'town centre uses' including retail shops, directing them to the city centre in the first instance, then edge of city centre and lastly out of centre. The site is located within the City Centre boundary in the BUAP and both versions of BMAP where residential development is acceptable in principle. The proposal would support the aims of the <i>Belfast Agenda</i> around city centre living. Laganbank Road comprises a mix of residential and non-residential uses. Residential uses are located immediately adjacent to the site. The site is not located within the retail core, but within the city centre boundary. A retail unit is considered acceptable in this location due to the limited provision in close proximity to the site. These factors establish that the proposed uses are acceptable in principle.</p>
9.8	<p>In relation to the demolition of the existing building and structures, the site is not located in a Conservation Area or Area of Townscape Character, and the buildings are not listed or of any historic interest. Accordingly the demolition of the existing structures does not require planning permission and is acceptable in principle.</p> <p><b>Planning History</b></p>
9.9	<p>The application site is not subject to any planning history relevant to this case. However the proposals were subject to a Pre-Application Discussion process. This comprised a number of meetings with the applicant and agent, the focus of which was largely in relation to scale, height, and massing, design, and amenity issues of the proposed</p>

	<p>scheme. The Council provided feedback to the applicant at the Pre Application Discussion stage, expressing concerns in relation to these issues.</p> <p><b>PPS7 – Design, Character and Appearance of Area and amenity</b></p>
9.10	<p>The proposal has been assessed against Policy QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations. PPS7 addendum safeguarding character is also a material consideration and includes three policies, namely LC1-3.</p> <p><b>Proposal</b></p>
9.11	<p>The proposal seeks to construct a 7 to 18 storey residential building with ground floor retail unit on a narrow 0.247 hectare triangular site along Laganbank Road, with the building footprint occupying around 50% of the site. The longer southern and northern frontages of the site face onto Laganbank Road and the River Lagan respectively, while the southern edge sits immediately adjacent to St John’s Wharf an existing residential apartment complex. To the north the narrowest section of the triangular site abuts the railway bridge over the River Lagan.</p> <p><b>Layout</b></p>
9.12	<p>The proposed layout of the building is roughly ‘L’ shaped and broadly replicates the siting and layout of the existing building on site in terms of setback/relationship with the river and Laganbank Road, however the building will extend across approximately half of the application site. The building incorporates a uniform building line along its northern elevation, being setback around 2.6m from the river’s edge. This would enable extended public access along the river when compared to the existing nightclub arrangement, which is welcomed. Along Laganbank Road the building incorporates a series of steps in its form to deal with the slight curvature of the street. Key challenges are presented here concerning the level change between the finished ground floor level of the building proper and the street (1.85m difference). These issues are considered further below.</p>
9.13	<p>The ground floor comprises a retail unit (approximately 159 sq.m internally in size), entrance and amenity space area, cycle parking, bin store, and various plant rooms. The upper floors (1-18) comprise apartments, with an external amenity area on the 10<sup>th</sup> floor (c. 469 sq.m).</p>
9.14	<p>The building is approximately 10.5m from the adjacent apartment buildings at St John Wharf at the closest point, and approximately 23m from the sheltered housing scheme (St Johns Close) to the south opposite the site. The building is approximately 18m at closest point from the existing Price Waterhouse office building also opposite the site.</p> <p><b>Scale, height, massing, and materials</b></p>
9.15	<p>PPS7 QD1 criterion (a) requires proposals to “<i>respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard</i></p>

	<p><i>surfaced areas.</i>” Policy CC12 in the BUAP relates to high buildings and requires buildings to be sympathetic to their immediate surroundings.</p>
9.16	<p>It is acknowledged that there were a number of taller buildings within the vicinity. These include;</p> <ul style="list-style-type: none"> <li>- Price Waterhouse Cooper HQ (PWC) to the south of the site. It is noted that planning permission was also recently approved for additional storeys being added to this building;</li> <li>- The BT Tower and Hilton Hotel to the west of the site on the other side of the railway bridge;</li> <li>- The site also sits across the river from the former Sirocco Engineering Works site on which approval was recently granted for outline planning permission for a masterplan which included a number of taller buildings.</li> </ul>
9.17	<p>However, these buildings are for the most part located to the west of the site on the city centre side of the railway bridge in an area which is predominantly commercial/office in nature. While the PWC building was due south of the site on the eastern side of the railway bridge, officers noted it was located some distance from existing residential developments in the area. It is critical that any development of the site respects the adjacent residential buildings and scale of development within this section of Laganbank Road.</p>
9.18	<p>It is considered that the revised scale, height, massing and materials of the building are, on balance, acceptable and appropriate to the site context and the area. The height of the building has been reduced next to the existing apartments at St Johns Warf to 7 storeys – slightly higher than the St John’s Warf building. This has reduced the dominance in relation to this building and a staggered/stepped design approach assists in mitigating the impacts to the Laganbank Road streetscape, taking account of the design and massing of existing commercial buildings adjacent to the site. The design has a tower element, which is considered acceptable when assessed from the key public viewpoints due to the surrounding built context/building heights and taking account of an extant permission to increase the height of the adjacent “Price Waterhouse Cooper” office building (ref: LA04/2018/1469/F).</p>
9.19	<p>The design also addresses existing level changes within the building albeit in a stepped approach. The internal floorplan layout has been revised to provide additional active uses along the Laganbank Road elevation in particular, which will assist in animation of this elevation. On balance the design solution is considered acceptable.</p>
9.20	<p>The proposed materials are consistent with the area insofar as brick and glass are present. The fenestration has been revised and the resulting solid to void ratio assists in reducing the massing of the building. Whilst additional glazing areas would further assist and improve the elevations, the proposal is considered, on balance, acceptable. A condition is necessary to agree the finer details of the materials proposed to ensure an appropriate solution is provided.</p>
9.21	<p>The Urban Design Officer considers the scale, massing, and design of the proposal to be acceptable. The proposed designs are therefore compliant with criteria [g] of PPS7. Accordingly, it is considered that the proposal would not adversely affect the character of the area.</p>
	<p><b>Impact on Amenity</b></p>
9.22	<p>Criteria (h) of QD1 PPS7 requires the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed</p>

	<p>properties. Paragraph 4.38 highlights the importance of privacy and daylight for residents, whilst 7.11 of Creating Places also highlights the importance of 'attractive outlook' onto existing and proposed roads.</p>
9.23	<p>The floorplan layout is broadly split longitudinally, with the majority of the apartment's main aspect towards either the river or Laganbank Road. The layout includes apartments within the middle section of the eastern section of the building, adjacent to the boundary with the neighbouring apartment building. The internal layout places the living area at the Laganbank Road end of the apartment, with the associated window positioned at this end of the apartment. Whilst outlook to the public street would not be provided, views would be available over the car park of the adjacent apartment building and distance views to East Bridge Street. Floors 5 and above would benefit from additional views/aspect as the front section of the adjacent St Johns Wharf section is 4 storeys in height. On balance the outlook proposed is considered acceptable.</p>
9.24	<p>In relation to overlooking and loss of privacy, the majority of apartments would not impact on privacy due to their location and separation distances to existing buildings. However, the apartments on the eastern gable of the building include gable window openings. The adjacent St Johns Wharf building also include gable windows, however these, as with the proposal, are predominately secondary with the main windows for outlook located on either the Riverfront or Laganbank road elevations, and are sufficiently 'staggered' to ensure no direct overlooking or loss of privacy will result.</p>
9.25	<p>In terms of loss of light/overshadowing, the building steps up in height in relation to the neighbouring apartment building St Johns Wharf, which is sited due east of the application site. Accordingly the building would reduce the daylighting in the evening as the sun occupies a westerly position. Notwithstanding the height and proximity of the building, it would not unacceptably overshadow the existing adjacent apartments building as it would benefit from sunlight for the majority of the day.</p>
9.26	<p>The location of the tower element would have a limited impact on exiting residents due to the separation distances to St John Wharf (approximately 52m at the closest point). The proposal would not detrimentally impact on amenity in terms of overshadowing or overlooking/privacy.</p>
9.27	<p>The proposal would not adversely impact on the amenity of commercial premises due to separation distances and layout/aspect of these properties.</p>
9.28	<p>The apartments comprise a mix of 1bed and 2 bed units and range in size from approximately 43 sq.m to 65 sq.m. The size of these apartments would fall slightly below space standards set out in the Addendum to PPS7 (1P1B 35/40 sq.m, 2P1B 50/55 sq.m, 3P2B 60/65 sq.m, 4P2B 70/75 sq.m), however, Members should note that these standards only apply to "established residential areas" of medium to low density.</p>
9.29	<p>In relation to amenity space provision, Policy QD1 [c] PPS7 and Policy OS2 of PPS8 require the level of provision of private space to be appropriate to the surrounding context, be useable, with further guidance on amenity space provided in Creating Places. PPS 7 indicates that, where appropriate management arrangements are in place, private open space to serve apartment developments may be in the form of communal gardens. Guidance set out in Creating Places specifies that private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. Creating Places quantifies the level of communal private open space that should be incorporated in new flat developments with a required provision in the range of 10 sq.m to 30 sq.m per apartment (paragraph 5.20). This paragraph goes on to state that inner urban/high density locations will tend towards the lower figure.</p>

9.30	<p>Communal amenity space arrangements have been increased to include an external amenity area at the front of the building of approximately 56.6 sq.m in size (excluding the planted area). The communal amenity area at the 10th floor has also been increased to 469 sq.m (including internal hire area of 107 sq.m approx.) (previous total c. 266 sq.m). There is also an internal area at ground floor (c. 244 sq.m). The total communal amenity space provision equates to 770 sq.m or 5 sq.m per apartment. The amount of provision is considered acceptable, on balance, given the circumstances of the site with the open space area adjacent to the building and the improvements proposed to it, and location on the riverbank with riverside access. Landscaping is also proposed, however additional details need to be provided to ensure acceptable details including management arrangements are secured. These arrangements can be secured by a Section 76 planning agreement.</p> <p>A condition is necessary to restrict the hours of opening (07:00 to 23:00) of the amenity area at 10<sup>th</sup> floor to ensure amenity of existing residents is not adversely affected, in line with advice from Environmental Health.</p> <p><b>PPS15 – Flooding and drainage</b></p>
9.31	<p>Rivers Agency and NI Water have been consulted on the application, and assessed the submitted flood risk assessment.</p>
9.32	<p>The intensification of use of the site as discussed under FLD1 is considered acceptable in principle, subject to adequate flood management arrangement being proposed and taking account of wider policy aims of regeneration and increased residential uses within the city centre. The Flood Risk Assessment by Albert Fry Associates dated May 2018 has included mitigation and taken into account DfI Rivers recent updated Technical Flood Risk Guidance in relation to Allowances for Climate Change in Northern Ireland on 25th February 2019. The habitable locations and plant rooms (containing essential infrastructure) including amenity spaces are to have finished floor levels (4.15m O.D.). They are designed to have greater than the 600mm freeboard above the future currently revised Q200 climate change level (3.43m O.D.) and have been raised to a sufficient level to avoid being affected by flood risk.</p>
9.33	<p>Neither consultee has any objections to the proposal. Therefore, it is considered that the proposal will not result in or be impacted unacceptably by flooding. It is considered that the proposal is compliant with PPS15 requirements.</p>
9.34	<p><b>PPS3 - Traffic, Parking and associated Roads considerations</b></p> <p>Relevant policy requirements include criteria (f) of QD1 PPS7 and PPS3. Roads have considered the revised information submitted in February 2020, including parking and access arrangements and green travel measures including car club provision (2 vehicles) and travel cards for a period of 3 years. They have no objection to the proposal subject to a number of conditions, including green travel measures. These would require to be secured through a Planning Agreement under Section 76 of the Planning Act.</p>
9.35	<p><b>Impact on civil aviation:</b></p> <p>Consultation has been undertaken with the City Airport, who have assessed the proposals in terms of air safety. The site falls within the Belfast City Airport (BCA) Obstacle Limitation Surface (OLS), namely the Inner Horizontal Surface (IHS). The maximum height of a building within this surface, at this location, which would NOT infringe the OLS would be 48.7m AMSL. At 51.9m AGL the proposed building will therefore infringe the</p>

	<p>Inner Horizontal Surface by 2.2m. However, given the close proximity to existing high buildings nearby, and recent assessment of other proposed building in the vicinity, Belfast City Airport have no objection to this development provided we are notified of any cranes to be used. The proposal would not therefore compromise air safety.</p> <p><b>9.36 Impact on Protected Habitats etc.</b></p> <p>DEARA Coastal Development, Natural Environment Division and Water Management Unit have no objections to the application and have recommended conditions.</p> <p>Shared Environmental Services have assessed the details of the application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it is concluded that, 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>The proposal is considered to comply with PPS2 and would not adversely impact on Natural Heritage.</p> <p><b>Other Consultee Responses</b></p> <p><b>9.37</b> Environmental Health has no objections to the proposal in terms of public health matters including contamination, noise, air quality and disturbance, subject to conditions, including a restriction on the hours of use of the roof-top external amenity area. This is included in the draft conditions attached to this report.</p> <p><b>9.38</b> DEARA Waste Management has no objections regarding land contamination issues. DEARA Drainage and Water have no objections subject to NIW confirmation of adequate capacity of Waste Water Treatment. NIW have confirmed sufficient capacity.</p> <p><b>9.39</b> Historic Environment Division have no objections in relation to impact on archaeological or listed building assets subject to conditions. Accordingly the proposal is considered acceptable in relation to PPS6 considerations.</p> <p><b>9.40</b> NI Housing Executive was consulted to advise in terms of the need (if any) of the proposal to provide social and affordable housing. They have indicated that NIHE would wish to see 20% of residential development on this site committed to social and affordable housing, accessible dwellings and wheelchair housing units. However, the proposal is for private residential only (no social / affordable). There is no current policy requirement for the developer to provide social housing and it would therefore be unreasonable to require the applicant to provide it at this time.</p> <p><b>Pre-Community Consultation</b></p> <p><b>9.41</b> For applications that fall within the category of Major development as prescribed in the Development Management Regulations, Section 27 of the Planning Act (Northern Ireland) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p> <p><b>9.42</b> Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an</p>
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<p>9.43</p> <p>9.44</p> <p>9.45</p> <p>9.46</p> <p>9.47</p>	<p>application for planning permission for the development is to be submitted. A PAN (LA04/2017/2771/PAN) was submitted to the Council on 8th December 2017.</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>It is considered that the Pre-application Community Consultation Report submitted with the application has demonstrated that the applicant has carried out their duty under Section 27 of the Act to consult the community in advance of submitting an application.</p> <p><b>Representations</b></p> <p>15 objections have been received raising the following issues (summarised):</p> <ul style="list-style-type: none"> <li>- Greater scale than existing buildings/ inappropriate height;</li> <li>- Inappropriate/out of character design and would impact on area;</li> <li>- Impact of traffic/associated congestion;</li> <li>- Questionable if any demand for proposal;</li> </ul> <p>3 Comments supporting the proposal include:</p> <ul style="list-style-type: none"> <li>- Removal of the nightclub would benefit the residential area;</li> <li>- Space for a local shop welcomed;</li> </ul> <p>Following the above assessment, it is considered that the proposal complies with policy in terms of scale, massing and design. Roads Service have not raised any concerns regarding access, traffic, or parking impacts of the proposal. Accordingly, it is not considered that the development will adversely impact on road infrastructure in the locality. It is not a policy requirement in this case for the developer to demonstrate demand or need for the proposal. Accordingly the planning authority is unable to withhold permission on this basis.</p>
<p>10.0</p> <p>10.1</p>	<p><b>Summary of Recommendation</b></p> <p>Having regard to the Development Plan and relevant material considerations, the proposal is considered, on balance, acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions and satisfactorily resolve outstanding issues, including:</p> <ul style="list-style-type: none"> <li>• Consideration of any additional representations received prior to issuing the decision;</li> <li>• The completion of a Section 76 planning agreement to secure green transport measures (i.e. travel plan, travel cards and car club; the provision and future maintenance of the public open space and external amenity space within the site;</li> </ul>
<p><b>Draft Conditions</b></p>	
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>	

2. No development shall take place until samples of all external finishes has been submitted to and been approved in writing by the Council. The development shall be carried out in accordance with the approved sample details.

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

3. All services (including those for water supply, drainage, heating, and gas supplies) shall be laid underground or housed internally within the building hereby approved.

Reason: In the interests of visual amenity.

4. All windows to be finished in obscure glass shall be installed before the occupation of the building hereby permitted as indicated on the approved plans, shall be permanently retained, and in the event of breakage shall be replaced with obscure glass to the satisfaction of the Council.

Reason: In the interests of amenity.

5. No development shall take place until full details of all public realm improvements have been submitted to and been approved in writing by the Council. The development shall be carried out in accordance with the approved details before any part of the development hereby permitted becomes operations.

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

6. 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 Council in writing, and subsequently implemented and verified to its satisfaction.

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

7. After completing the remediation works under Condition 6 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

The Verification Report shall 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. The Verification Report must fully verify works to address contamination, including waste assessment and classification (in line with Technical Guidance WM3), waste transfer notes and/or hazardous waste consignment notes and verification of appropriate waste disposal (in line with Waste Duty of Care).

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

8. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Council. 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>.

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

9. Prior to the fit-out of the gym, full details of the proposed sound mitigation measures to ensure the residential units are not adversely impacted by structure borne or airborne noise shall be submitted to Council for review and approval in writing.

- Prior to the operation of the gym the approved sound insulation measures shall be installed and retained thereafter.

- No amplified music shall be permitted in the gym.

- No group classes are permitted the gym.

- The residential units of the hereby permitted development shall not be occupied unless a Noise Verification Report (VR) is submitted for review and approval in writing by the Council. The VR shall demonstrate that the noise mitigation measures and alternative means of ventilation have been implemented as outlined in the Irwin Carr Consulting Noise Impact Assessment, Laganbank Apartments, Belfast, report no. Rp001 2018073 (EI Divino), dated 13th June 2018 and as summarised in appendix B 'Acoustic Design Statement' so as to ensure suitable internal noise targets in line with current recognised standards and guidance are not exceeded.

- Service deliveries and collections to the retail units shall not take place between 11pm and 7am.

- The combined sound rating level from all external plant and equipment and from internal plant rooms of the hereby permitted development shall not exceed the background sound level (LA90 daytime and night time) when determined at the façade of the nearest residential premises with all measurements/calculations carried out in line with BS4142:2014.

Reason: Protection of health and residential amenity

10. Prior to the commencement of the demolition and construction of the hereby permitted development, a Construction Noise vibration and dust Management Plan shall be submitted for review and to be approved in writing by the Council. It must outline the methods to be employed to minimise any noise vibration and dust impact of demolition/construction operations demonstrating 'best practicable means'. The plan should pay due regard to current guidance and British standards. Construction works must be carried out in line with the approved plan.

Reason: Protection of Residential and office Amenity

11. No development including site clearance works, lopping, topping or felling of trees, shall take place until a landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, has been submitted to and approved by the Council. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with the Council in writing prior to implementation.

Reason: To ensure the provision of amenity afforded by an appropriate landscape.

12. All hard and soft landscape works shall be completed in accordance with the approved drawings, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to occupation of any dwelling / part of the development hereby approved.

All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

13. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Council gives its written consent to any request for variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

14. No dwelling hereby permitted shall be occupied until all drainage mitigation measures as set out in the submitted Drainage Assessment have been constructed and installed in accordance with these details. A report verifying these measure have been installed shall be submitted to the satisfaction of the Council. The mitigation measures shall be permanently retained thereafter and not removed without the prior consent of the Local Planning Authority.

Reason: To ensure adequate flood mitigation measures are provided for the site and to protect residential amenity.

15. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

16. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 15.

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

17. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 15. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

18. Before construction begins on site a final Construction Environmental Management Plan (CEMP) shall be submitted by the appointed contractor to and approved in writing by the Council. The CEMP must include all the proposed environmental mitigation as detailed in the Outline CEMP dated June 2019. It must also include the other mitigation detailed in the Preliminary Ecological Appraisal, Flood Risk Assessment and Management Plan and the draft Marine Mammal Protocol reports submitted in support of the proposal.

Reason: To negate any potential for polluting discharges entering the adjacent River Lagan that could cause adverse effects on connected features of European Sites.

19. The development shall operate using hard surfaced areas constructed generally in accordance with the approved layout Drawing No. 05B 'Ground Floor GA Plan' bearing the Council date stamp 20 February 2020 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 servicing.

20. The development hereby permitted shall not become operational until the vehicular access to the car club spaces, including visibility splays of 2.0 m x 45 m, has been constructed. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter. The sole exception will be slim trees provided for landscaping purposes and at least 8.0 m from the centreline of the access.

REASON: To ensure that adequate provision has been made for access.

21. The vehicular access to the car club spaces shall be across a lowered kerb access a minimum of 6.0m across. The access gradients to the parking shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

22. The Palette of Materials used on footways, on pedestrianised road surfaces and open access pedestrianised public realm, should be in accordance with the Streets Ahead 3 Palette of Materials. All such materials must satisfy Design Manual for Roads and Bridges regarding materials performance and confirm PSV value in accordance with CS 228 Skidding Resistance.

REASON: To ensure there is a safe and convenient road system within the development.

23. The development shall provide 2 car parking spaces reserved for use by the car club scheme. The development shall provide a minimum of 50 bike stands of which 8 shall be provided externally for the use of visitors to the site.

REASON: To ensure that adequate provision has been made for parking.

24. The development hereby permitted shall operate in accordance with the approved Travel Plan published by the Council on 12 March 2019. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.

REASON: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

25. Prior to occupation a separate, finalised, Residential Travel Plan and Travel Pack will be submitted for approval by the Council. This will include provision of travel cards for all apartments for an agreed period and permanent support of the car club.

REASON: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

26. The development hereby permitted shall operate in accordance with the Servicing Management Plan published by the Council on 12 March 2019.

REASON: In the interests of road safety and the convenience of road users.

27. Prior to demolition and construction phases commencing, a dust management plan shall be submitted to and agreed in writing with the Council. The Plan shall incorporate the mitigation measures outlined in section 5.2 of the Irwin Carr Air Quality Impact Assessment report number Rp 003 2018073, dated 2 October 2019. The plan shall be implemented in accordance with the agreed arrangements.

Reason: Protection of residential amenity.

28. The roof top terraces / amenity space and associated facilities shall be used/operational between the hours of 07:00 and 23:00 hrs only and at no other times.

The roof top amenity space and associated entertaining facilities shall be for residents' use only and shall not be hired/available to non-residents at any times.

Reason: Protection of residential amenity

## ANNEX

<b>Date Valid</b>	5th March 2019
<b>Date First Advertised</b>	22nd March 2019
<b>Date Last Advertised</b>	28th February 2020
<b>Details of Neighbour Notification</b> (all addresses) 1 Mays Meadow, Belfast, Antrim, BT1 3DB 19 Laganview Court Belfast Down 3rd Floor, Lesley Exchange 2, 22 East Bridge Street, Belfast, Antrim, BT1 3NR 4 Lanyon Place, Belfast, Antrim, BT1 3LP 47 Marguerite Ave Dundrum Newcastle 5 Laganbank Road, Belfast, Antrim, BT1 3PH 5 Lanyon Place, Belfast, Antrim, BT1 3BT 9 Laganview Court Belfast Down Apartment 1 – 68, St. Johns Wharf 1-3 Laganbank Road, Belfast, Antrim, BT1 3LT Lesley Exchange, Mays Meadow, Belfast, Antrim, BT1 3BL Office 1 Ground Floor, Waterfront Plaza, 8 Laganbank Road, Belfast, Antrim, BT1 3LY Office 1st Floor, Waterfront Plaza, 8 Laganbank Road, Belfast, Antrim, BT1 3BS Office 2 Ground Floor, Waterfront Plaza, 8 Laganbank Road, Belfast, Antrim, BT1 3LX Office 2nd Floor, Waterfront Plaza, 8 Laganbank Road, Belfast, Antrim, BT1 3BN Office 3rd - 6th, Waterfront Plaza, 8 Laganbank Road, Belfast, Antrim, BT1 3LR Office 6th Floor, Waterfront Plaza, 8 Laganbank Road, Belfast, Antrim, BT1 3LY Offices (4th Floor) & Car Spaces, Leslie Exchange, 24 East Bridge Street, Belfast, Antrim, BT1 3NR Offices (Ground - 3rd Floor) & Car Spaces, Leslie Exchange, 24 East Bridge Street, Belfast, Antrim, BT1 3NR	
<b>Date of Last Neighbour Notification</b>	26th February 2020
<b>Date of EIA Determination</b>	N/A – site below threshold for Schedule 2 in EIA Regs
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: Z/1992/2275 Proposal: Office accommodation, multi-storey car parks, retail and hotel development, multiplex cinema, restaurants and disco club, food court and drive-in takeaway, youth hostel, sports bar together with associated road network Address: LAGANBANK SITE BOUNDED BY EAST BRIDGE ST/OXFORD ST/RIVER Decision: Permission Granted Decision Date: 21.12.1993  Ref ID: Z/1997/2351 Proposal: Public house/licensed restaurant Address: SITE 2, MAYS MEADOW EAST BRIDGE STREET, BELFAST BT1 Decision: Permission Granted	

Decision Date: 23.09.1997

**Notification to Department (if relevant) N/A**

Date of Notification to Department:

Response of Department: