## Development Management Officer Report
### Committee Application

### Summary

<table>
<thead>
<tr>
<th>Committee Meeting Date:</th>
<th>16th May 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application ID:</td>
<td>LA04/2017/0562/F</td>
</tr>
<tr>
<td>Location:</td>
<td>14 Dublin Road and Bankmore Square  Belfast BT2 7HN</td>
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<td>Proposal:</td>
<td>Demolition of existing cinema building and erection of a 12 storey Grade A office building comprising eleven floors of offices above a ground floor foyer and retail units basement parking and other ancillary works. Proposal also includes the refurbishment of Bankmore Square open space and wider public realm improvements to surrounding footpath network.</td>
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</table>
| Executive Summary:     | The application seeks full permission for a 12 storey office development with ground floor retail basement parking and refurbishment of Bankmore Square. The main issues to be considered are:  
- The acceptability of proposed office and retail use at this location  
- The acceptability of the design scale and massing  
- Impact on residential amenity  
- Impact upon setting of adjacent listed buildings  
- The impact on existing roads infrastructure  
- Flood Risk  
- Impact on open space  

The site is located within Belfast City Centre as designated in the Belfast Metropolitan Area Plan. It is also within Shaftesbury Square Character Area (CC013) and along a major road proposal. The principle of the retail unit office use and upgrade to the existing public square and public realm works are acceptable given the city centre location. The design scale and mass are considered acceptable. The site location adjacent to Bankmore Square whilst not typical in the area is ameliorated and its impact somewhat reduced by the particular setting of the large open space area of Bankmore Square which creates a space within which a building of such scale can sit more comfortably. There will be no detrimental impact on amenity. |
| Recommendation:        | Approval |
| Agent Name and Address:| Clyde Shanks Ltd  5 Oxford Street  Belfast  BT1 3LA |
| Applicant Name and Address: | Richland Belfast One Ltd  2nd Floor Berkley Square House  Berkley Square  London  W1J 6BD |

### Referral Route: Major Application
NIEA Environmental Health Belfast City Airport HED and Rivers Agency were consulted and offered no objections to the proposal standard conditions are to be applied.

TNI have no objections to the proposed upgrading of Bankmore Square.

Eight letters of objection were received issues raised included:
- Impact on residential amenity (Privacy loss of light noise)
- Out of character with the area
- Loss of green space
- Increased congestion
- Impact on Linen Quarter
- Visual impact

All issues are fully considered below.

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

The applicant has also agreed to enter into a Section 76 legal agreement in respect of developer contributions to provide an upgrade to the public open space of Bankmore Square and to provide public realm improvements to the area around the proposed building. Committee is requested to delegate to the Director of Planning and Place in consultation with the City Solicitor the terms to be agreed.
Characteristics of the Site and Area

1.0 Description of Proposed Development

Demolition of existing cinema building and erection of a 12 storey Grade A office building comprising eleven floors of offices above a ground floor foyer and retail units basement parking and other ancillary works. Proposal also includes the refurbishment of Bankmore Square open space and wider public realm improvements to surrounding footpath network.
2.0 **Description of Site**
The site is located at a prominent junction at 1 Bankmore Square and is bounded to the north by Bankmore Street to the south by Marcus Ward Street to the east by Hardcastle Street and to the west by Dublin Road. It comprises a four storey cinema building, vacant restaurant and Bankmore Square. The building is finished with red brick and darkened glass on Dublin Road frontage with a lack of articulation and fenestration on elevation overlooking Bankmore Square. The square comprises of open space with hard surfaced pathways landscaping low walls and a number of canopy trees.

### Planning Assessment of Policy and other Material Considerations

#### 3.0 Site History
- No relevant planning history

#### 4.0 Policy Framework

4.1 Regional Development Strategy (RDS); Belfast Metropolitan Area Plan (2015)
- Strategic Planning Policy Statement (SPPS)
- Planning Policy Statement 3 – Parking Access and Movement
- Planning Policy Statement 4 – Planning and Economic Development
- Planning Policy Statement 6 - Planning Archaeology and the Built Heritage
- Planning Policy Statement 8 – Open Space

#### 5.0 Statutory Consultees Responses

5.1 Transport NI – minor amendments requested
- Historic Environments Division - awaiting response
- NIEA – no objection with conditions
- Rivers – no objection
- Belfast City Airport – no objection with conditions

#### 6.0 Non Statutory Consultees Responses

6.1 Environmental Health – no objection with conditions

#### 7.0 Representations

7.1 Eight objections received

#### 8.0 Other Material Considerations

8.1 N/A

#### 9.0 Assessment

9.1 The key issues in the assessment of the proposed development include:
- The acceptability of proposed office and retail uses
- Design scale and massing
- Impact on residential amenity
- Impact upon setting of adjacent listed buildings
- The impact on existing roads infrastructure
- Flood risk
- Impact on open space

9.2 The acceptability of proposed office and retail uses
The site is located within the development limits of the Belfast Metropolitan Area Plan. The presumption is therefore in favour of development subject to the planning considerations detailed below.

9.3 The site is within a prime city centre location and proposes approximately 25,424 sqm of office space. It has been assessed against Policy OF1 of Volume 1 of Belfast Metropolitan Area Plan. The Policy States that planning permission will be granted for office development within Classes A2 and B1 of the Planning (Use Classes) Order within Belfast City Centre. The proposal therefore complies with this policy and the sequential test as set out in the SPPS given the site’s city centre location.

9.4 The proposal has been assessed under Policy PED1 and PED9 of PPS4. Policy PED1 states that a development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan). Accordingly the proposal satisfies the requirements of this policy.

9.5 In terms of the retail unit at the ground floor level approximately 762sqm of ground floor retail space is proposed. The proposal sits comfortably with policy R1 of BMAP which states that planning permission will be granted for retail development in all town and city centres. The existing building presents an uninspiring frontage to Dublin Road and Bankmore Square. The proposed ground floor retail element with large format glazing set back three metres with a continuous colonnade will provide a much more active and positive frontage which will enhance the relationship of the built form with the public realm.

9.6 Design Scale and Massing
The site is located within the Shaftesbury Square Character Area (CC013) and along a major road proposal as designated in BMAP.

9.7 The character area guidance sets out a number of urban design criteria for the area and criteria specific to Dublin Road. The criteria requires new development to take account of the height of adjoining buildings and respect the established building line. In terms of the site specific criteria there is a requirement that the part of the development which fronts onto Dublin Road shall be a minimum of height of 5 storeys and a maximum height of 7 storeys. The proposal is for a 12 storey building with the upper three floors stepped back it has a shoulder height of approximately 37.5m. The site is framed by tall buildings the adjacent Centrepoint Building and Clayton Hotel on Bedford Street comprising 10 and 9 storeys respectively. Further along Bedford Street is 13 storey Invest NI building and 22 storey Windsor House. Additionally planning permission has been granted for a 12 storey mixed use building at Bruce Street. Numerous other buildings along Dublin Road exceed the recommended 7 storeys. The site occupies a prominent corner into the city centre. The proposed 12 storey building will sit on Bankmore Square a sizable area of open space to the north of the building footprint. This will provide a setting which allows for a tall statement building which will not appear out of character with the area. It is therefore considered acceptable in what is a city centre streetscape.

9.8 Impact on Residential amenity
The proposal has been assessed against paragraph 4.12 of the SPPS in terms of potential impact on amenity of adjacent properties. The proposed building is set within an inner urban context. It is acknowledged that the buildings which would arguably experience a greater impact in terms of potential dominance is the Shaftsbury Court Apartments along Marcus Ward Street. However it should be noted that the existing situation is such that the windows in this development are already overshadowed by the existing building on the site and although the proposed building will be higher the separation distance remains the same (approximately 13m). The proposed elevation on
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<td>9.9</td>
<td>Marcus Ward Street will differ from the other two main elevations to respect the relationship with the apartments. The elevation will have an increased solid to void ratio and finished in render with tall narrow window openings. These will minimise the potential for any overlooking between the offices and existing apartments. A condition is recommended to control the window treatments where necessary to include obscure glazing to avoid overlooking and the perception of overlooking from the south elevation. Additionally the building has been stepped back from Marcus Ward Street at the ground floor level and by approximately 7m on the upper three floors to minimise the impact of dominance from the larger building. To visually tie the elevations the Marcus Ward Street elevation will be bookended by glazed elements that respond to the Dublin Road approach without impacting on residential amenity. Therefore the potential loss of light/overshadowing that currently exists is not anticipated to be exacerbated by this proposal.</td>
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<td>9.10</td>
<td>The impact on the surrounding residential properties at Bankmore Street and those to the east of the site have been considered. There is a separation distance of approximately 50m between the proposed building and Park Avenue Apartments. A shadow study has been submitted which demonstrates that these apartments will be affected by autumn and winter evening shadow from the building. However this is not considered to be of such impact as to warrant a refusal reason given the city centre high density location. It is not considered that the proposed building will have a detrimental impact on the general amenity of the residents. The properties located east of the site along Maryville Street will have minimal impact due to the presence of the intervening 8 storey car park to the rear of their properties.</td>
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| 9.11    | **Impact upon setting of adjacent listed buildings**
Historic Environment Division had concerns that the corner or 'tower' element of the proposal could be dominant on Dublin Road and Bedford Street and overshadow the nearby small scale listed buildings. They requested broader contextual elevations to assess the impact from the Ormeau Baths Gallery. This information has been submitted and HED re-consulted. The upper storeys of the proposed building will be visible from Ormeau Avenue however it is considered that there is no direct impact to the listed building and there is sufficient separation distance and the proposed building is off set to the south west that will not result in significant impact to the setting of the historic asset. |
| 9.12    | **The impact on existing roads infrastructure**
The proposal has been assessed against PPS3. A Transport Assessment incorporating a Travel Plan and Service Management Plan have been submitted in support of the application. The site is detailed as being well served by transport (adjacent to Victoria Street Rail Station/Europa Bus Centre) and pedestrian walkways. The scale of development and transport implications of the proposal were assessed by Transport NI through this. Minor drawing amendments have been requested regarding surface finishes and access details. In the absence of a response the final wording of conditions shall be delegated to the director of Planning and Place. |
| 9.13    | Part of the site (Bankmore Square) has been designated in BMAP as protected for a Non-Strategic Road Scheme (CC022) to enable Transport NI to deliver the southern section of the City Centre Ring. At present there are no firm proposals for the transport corridor. Transport NI and the developer have been in discussions with the agreement that should the transport corridor go ahead the public realm elements can easily be removed to facilitate the road development. Transport NI have confirmed they have no objection to the proposal and are content for it to proceed under licence to them. |
9.14 **Flood risk**
The proposal has been considered against Policy FLD 1 of the Revised PPS15 – ‘Development in Fluvial (River) and Coastal Flood Plains’. The Flood Hazard Map (NI) indicates that the development is not within any river or coastal flood plains and have Rivers Agency no objection to the proposed development from a drainage or flood risk perspective.

9.15 **Impact on open space**
A vital element of the proposal is the regeneration of Bankmore Square. The area measures approximately 3000sqm and at present the open space is underused lacks natural surveillance and subject to antisocial activities. The redevelopment of the square will greatly enhance the public realm the active and positive ground floor frontages proposed with the building will enhance the relationship of the built form with the public realm and create a vibrant new civic space which will encourage additional investment in the area.

9.16 A landscape proposal has been submitted detailing the finishes to match Streets Ahead paving design and suggested planting and lighting. Additionally more detailed options have been put forward subject to funding. The enhancement to the existing square will be subject to a Section 76 agreement with Belfast City Council and DFI.

9.17 **Policy OS 1** – refers to the protection of open space the proposal seeks to improve and enhance the area of open space located at Bankmore Square and create a usable space with positive active frontages thus complying with policy.

**Objections**
Eight objections were received primarily from the residents at Park Avenue Apartments Bankmore street with one from Shaftesbury Court Apartments all issues have been considered below:

- **Impact on residential amenity (Privacy loss of light noise)** – shadow studies show Park Avenue apartments will only be affected in autumn and winter evening. Those properties located along Marcus Ward Street are already overshadowed by the existing cinema and car park building. The increased height is unlikely to cause an unacceptable detrimental impact. Additionally to solid to void ratio has been increased on this elevation with tall narrow window openings to minimise overlooking. There is a separation distance of approximately 50m between the proposed office and Park Avenue apartments it is considered the office will not have a detrimental impact on the resident’s privacy. Noise will not be a major consideration given the city centre location and the nature of the development it is unlikely the proposal will give rise to any disturbance due to noise.

- **Out of character with the area** – the site is framed by tall buildings with the adjacent Centrepoint Building and Clayton Hotel being 10 and 9 storeys respectively. A building of this scale is not considered to be out of character within a city centre location.

- **Loss of green space** – the proposal whilst removing some of the greenery within the square will bring an underused area back into use and create a vibrant utilised space accessible to all. The landscape proposals create a much more attractive location which will enhance the public realm.

- **Increased congestion** – the development proposes 50 car parking spaces at basement level with approximately 300 bicycle spaces. The site is well served by public transport and the promotion of non-car and more sustainable car use is outlined in the Transport Assessment.
- **Impact on Linen Quarter** - the site is located outside the Linen Quarter Conservation Area. There are already a large number of tall buildings within the Linen Quarter Conservation Area. It is unlikely the proposal will detrimentally impact on views into out of and within the Conservation Area.

- **Visual impact** – the site is located within a city centre environment a building of this scale is not considered to be out of keeping with the area. The massing is similar to the surrounding city centre buildings and as such will not have a detrimental impact on visual amenity. At present the building presents an inactive frontage complete with an underutilised square the proposal will create a more vibrant positive frontage with a connected open space which can only benefit the aesthetics of the area.

10.0 **Section 76**

10.1 The applicant has agreed to enter into a Section 76 legal agreement to provide an extensive upgrade to the open space provision of Bankmore Square. This will mitigate the impact of the scale and mass of the building on the square by bringing forward soft and hard landscape works that will provide adequate amenity provision for those future occupiers of the building. The upgrade will bring wider public benefits by making the space user friendly and more accessible. Transport NI as landowner have agreed to the works in principle. The developer at this stage estimates that works will cost in excess of £1m. However as yet the costs have not been verified and the final specification and standard is to agreed through the Director of Planning and Place and City Solicitor.

11.0 **Summary of Recommendation:** Approval


11.1 Having regard to the policy context and other material considerations set out above. The proposal is considered acceptable and planning permission is recommended subject to conditions for the following reasons.

11.2 The proposed office and retail development with refurbishment of Bankmore Square is considered acceptable in this city centre location. The scale and massing proposed whilst not typical in the area is ameliorated and its impact somewhat reduced by the particular setting of the large open space area of Bankmore Square which creates a space within which a building of such scale can sit more comfortably. There will be no detrimental impact on amenity. Statutory and non-statutory consultees have offered no objections subject to the conditions outlined below. Approval is recommended.

12.0 **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 to commencement of the development the applicant shall submit to Belfast City Council for approval a Contaminated Land Quantitative Risk Assessment in accordance
with the recommendations contained within Section 4.0 of the RSK Preliminary Risk Assessment One Bankmore Square Dublin Road Belfast Report No 601611-R1 (01) dated March 2017.

The Risk Assessment shall follow the methodology outlined in Model Procedures for the Management of Land Contamination (CLR11). This report must incorporate:


A satisfactory assessment of the risks (including a Revised Conceptual Site Model) associated with any contamination present conducted in line with current Defra and Environment Agency guidance. In addition risks associated with ground gases shall be assessed under the methodology outlined in CIRIA C665.

The ground gas characterisation must be agreed with Belfast City Council prior to the development of the Remediation Strategy.

Reason: Protection of human health

3. In the event that a Contaminated Land Remediation Strategy is required and prior to the commencement of development the applicant must submit to Belfast City Council for approval a detailed Remediation Strategy outlining the measures to be undertaken to ensure that the identified pollutant linkages are demonstrably broken and no longer pose a potential risk to human health.

Reason: Protection of human health

4. Prior to the operation of the development the applicant shall provide to Belfast City Council for approval a Contaminated Land Verification Report. This report must demonstrate that the remediation measures outlined in the contaminated land Remediation Strategy have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for the proposed end-use. It must demonstrate that any identified significant pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.

Reason: Protection of human health

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

Reason: Protection of human health

6. Prior to commencement of groundworks a noise barrier extending along the site boundary shall be erected during the construction phase in accordance with the recommendation contained within the Irwin Carr Consulting ‘Air Quality and Noise Impact Assessment; One Bankmore Square Dublin Road Belfast’ dated 24th April 2017.
Reason: In the interests of residential amenity

7. The Rating Level (dBLAr) of noise from all combined building plant services associated with the development shall not exceed the background sound level (for both daytime and night time) at the nearest sound sensitive premises when measured in accordance with assessment methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound. A Rating Level indicative of 'no adverse impact' shall be maintained thereafter.

Reason: In the interests of residential amenity

8. Deliveries and collections by commercial vehicles to and from the development shall only be made between the hours of 07.00 and 23.00hrs.

Reason: In the interest of residential amenity

9. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention”.

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

10. The top of the finished building is fitted with 2000 candela obstacle lights on all corners.

Reason: In the interest of aviation safety

11. Prior to any occupation of the building approved windows on the southern elevation will be obscure glazed to a height of 2 metres from finished floor level.

Reason: In the interests of residential amenity.

Notification to Department (if relevant)

N/A

Representations from Elected members:

N/A
**ANNEX**

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**Details of Neighbour Notification (all addresses)**

1 Dublin Road
Malone LowerBelfastAntrimBT2 7HB
1 Maryville Street
Malone LowerBelfastAntrimBT7 1AD
1 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
1 Somerset Studios
Marcus Ward Street
Malone LowerBelfastAntrimBT7 1RP
10 Hardcastle Street
Malone LowerBelfastAntrimBT7 1GG
10 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
11 Maryville Street
Malone LowerBelfastAntrimBT7 1AD
11 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
Phil and Amanda Mannus
12 Park Avenue Apartment
503 Bankmore Street
Belfast Antrim
Amanda and Philip Mannus
12 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
13 Maryville Street
Malone LowerBelfastAntrimBT7 1AD
13 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
14 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
15 Maryville Street
Malone LowerBelfastAntrimBT7 1AD
15 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
16 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
17 Maryville Street
Malone LowerBelfastAntrimBT7 1AD
17 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
17-21 Dublin Road
Malone LowerBelfastAntrimBT2 7HB
18 Dublin Road
LowerBelfastAntrimBT2 7HN
18 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
19 Maryville Street
Malone LowerBelfastAntrimBT7 1AD
Glenn McClements
19 Shaftesbury Court 3
Marcus Ward Street
Belfast
2 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
2 Somerset Studios
Marcus Ward Street
Malone LowerMalone
20 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
21 Maryville Street
Malone LowerBelfastAntrimBT7 1AD
21A Dublin Road
Malone LowerBelfastAntrimBT2 7HB
23 Maryville Street
Malone LowerBelfastAntrimBT7 1AD
25-27 Dublin Road
Malone LowerBelfastAntrimBT2 7HB
25-33 Willis House
Dublin Road
LowerBelfastAntrimBT2 7HB
3 Maryville Street
Malone LowerBelfastAntrimBT7 1AD
3 Shaftesbury Court 3
Marcus Ward Street
Belfast BT7 1RY
301 - 307 Park Avenue
Apartments 12
Bankmore Street
Belfast BT71AQ
### Planning History

Ref ID: LA04/2016/2444/PAN  
Proposal: Proposed grade A office building comprising approximately 350000 square feet of gross floor space to include offices, ground floor retail units, car parking, and associated works. Proposal also includes the transformation of Bankmore Square into a focal public space.  
Address: 14 Dublin Road Belfast BT2 7HN  
Decision: PANACC  
Decision Date:  

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<td>Basement floor plan</td>
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<td>ground floor plan</td>
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