

# Development Management Officer Report Committee Application

| <b>Summary</b>   |  |
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| <b>Committee Meeting Date: 17 November 2020</b>  |  |
| <b>Application ID:</b> LA04/2020/0067/F  |  |
| <b>Proposal:</b><br>Demolition of existing buildings and erection of 270 no. apartment building comprising 8, 5 and 3 storey elements, provision of hard and soft landscaping including communal courtyard gardens, public realm, provision of 40 no. car parking spaces, cycle parking, substation and associated works.  | <b>Location:</b><br>Havelock House Ormeau Road Belfast BT7 1EB                                   |
| <b>Referral Route: Major Application</b>   |  |
| <b>Recommendation:</b>   | <b>Approval</b> subject to conditions and a Section 76 Agreement.                                |
| <b>Applicant Name and Address:</b><br>Locka Ltd<br>78 Buckingham Gate<br>London<br>SW1E 6PE  | <b>Agent Name and Address:</b><br>Turley<br>Hamilton House<br>3 Joy Street<br>Belfast<br>BT2 8LE |
| <p><b>Executive Summary:</b></p> <p>The application proposes demolition of Havelock House and the construction of a build to rent apartment block comprising 270 units. The height of the proposed building varies with maximum height of 8 storeys located in a central location along the Ormeau Road elevation with the height stepping down to 7, 6, 5 and 3 storeys to the rear. The proposal also includes internal courtyard gardens and roof terraces providing communal amenity provision and landscaping, 40 car parking spaces within the site (to the rear) accessed via Ormeau Street, cycle parking and associated works.</p> <p>The main issues to be considered in the assessment of this application are set out below:</p> <ul style="list-style-type: none"> <li>• The principle of demolition of the building</li> <li>• The principle of residential development at this location</li> <li>• Acceptability of height, scale, layout and design</li> <li>• Impact on the character of the area including built heritage</li> <li>• Impact on adjoining amenity</li> <li>• Access, Car Parking and Sustainable Transport Measures</li> <li>• Environmental Considerations - Air Quality, Noise, Dust, Contamination, Lighting, Natural Habitats</li> <li>• Drainage/Flood Risk</li> </ul> <p>In the BUAP the site is located within the city centre and is not zoned for any use. In draft BMAP 2004 and 2015 the site is located within the city centre and within Shaftsbury Square Character Area and is not zoned for any specific use.</p> <p>73 representations have been received regarding this proposal. A summary of the main issues are set out below and detailed in the report:-</p> <ul style="list-style-type: none"> <li>• Historical significance and heritage value of Havelock House which should be listed</li> </ul> |  |

- Concern regarding Department for Communities listing evaluation
- Demolition would have a significant impact on built heritage related to television on these islands
- Heritage Statement inadequate
- Proposal contrary to Policy BH 11 of PPS6 and will damage the setting of 5 listed buildings.
- Environmental Impact Assessment required to address the cumulative loss of heritage assets.
- Public consultation process did not provide sufficient information about the full impact of the development on local heritage assets.
- Limited/insufficient unallocated parking (40 spaces) will lead to parking pressures in adjoining streets
- Scale of the development will be detrimental to the neighbouring properties and the close proximity to Portland 88 in particular will result in significant loss of amenity, particularly in respect of visual intrusion, privacy, loss of natural light from the overshadowing apartment block.
- Height, density, and scale of the proposed development is not in keeping with the existing environment on the Lower Ormeau Road. Regeneration of the area is vital but it should be consistent with and complimentary to the surrounding and in scale with the environment.
- Potential to destabilise interface associated with the site given the focus on residential development and permanent closure of on-site interface barrier
- Lack of reference to interface in applicant's submission. Current interface could be reopened and extinguished right of way reinstated. Permanent closure would remove the neutral space provided by Havelock House. Proposal entails the reinforcement of an interface barrier. Contrary to BCC's Interface policy.
- No proper consultation with the local community concerning interface
- Disruption associated with noise, dust, site traffic and local disruption for a number of years from a development of this scale.
- Devaluation of properties.
- Proposed development too close to residential properties, particularly Walnut and Vernon areas. Residents will have their amenity detrimentally impacted. The separation distance proposed for such a large building is not sufficient for the residents in this area.
- Donegall Pass suffers from some of highest levels of ill health in Northern Ireland and residents believe that this current application will make residents health worse.
- Health Impact Assessment required.
- Proposal is contrary to PPS 7 i.e. the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance
- Proposal contrary to BUAP's high building policy (CC12)
- Proposal contrary to Draft BMAP Shaftesbury Square Character Area
- Portland 88 is an inappropriate precedent. Unjust if the Council uses Portland 88 as a precedent for building height in the area and would perpetuate the negative impact on planning irregularities on the areas built landscape.
- Proposal provides inadequate car parking spaces and is contrary to Policy AMP7 of PPS 3
- Proposal will have a negative impact on road safety and traffic flows and is contrary to Policy AMP 7 of PPS 3
- Concerns with Noise Impact Assessment and methodology undertaken.
- Proposal for private housing ignores the social housing need.
- Concerns regarding extent of changes since the pre-application consultation stage. Consider materially different and therefore a new consultation is required.
- Traditional family areas under threat – more apartments and HMOs will only add to existing problems including crime and anti-social behaviour. Need for family housing.
- No daylight/sunlight Vertical Sky Component (VSC) assessment carried out to assess impact of overshadowing and potential sunlight/daylight disruption – Should be properly investigated via a VSC assessment in conjunction with Building Research Establishment (BRE) Guidelines.

- Residents have a legal 'right to light'.
- The level of engagement between the Council and local community in relation to this application, particularly with respect to the challenges of COVID-19

The issues raised are considered in the report.

HED has objected to the proposal and consider that the proposed development would have an adverse impact on the setting of listed buildings, and in particular those in the Gasworks (Klondyke Building) due to the height of the proposed development and advise that the proposed development is contrary to Policy BH 11 (setting of a listed Building) of PPS 6 and paragraph 6.12 of the SPPS.

DFI Roads have no objections to the proposed development which proposed 40 on site car parking spaces including 4 spaces for the use by a car club and 4 disabled spaces. The applicant also proposes the following green travel measures to support the development which will be secured through a Section 76 agreement.

- Submission and implementation of a Residential Travel Plan;
- Travel Cards for each residential unit for 3 years;
- Provision of 4 permanent car club spaces; and
- Provision of discounted membership of a car club (50%) for a period of 3 years

Other consultees are content with the proposal subject to conditions.

The maximum height of the proposed building is comparable to that of the adjoining 8 storey apartment block at Portland 88 to the immediate north of the site. The proposed development steps down from the highest part, 8 storeys, (fronting Ormeau Road) to 7, 6, 5 and 3 storeys towards the rear of the site and the adjoining existing established residential area off Donegall Pass (Walnut Street/Court/Vernon Street). The separation distances which are detailed in the report are considered acceptable. The scale, height, massing and design of the building takes cues from the immediate vicinity and is considered, on balance, acceptable and is supported by the Urban Design officer. HED considers that the approach to the detailed design is appropriate in the setting of the listed buildings and wider streetscape. The orientation of the building and the path of the sun will ensure that there will be no adverse overshadowing from the proposed development. The relationship between the proposed development and existing development in the area including listed buildings is considered, on balance, acceptable. The proposed development will result in an increase in residential units in Belfast City Centre in line with objectives set out in the Belfast Agenda and will provide significant benefits in terms of regeneration of a brown field site located on an arterial route within the city centre.

### **Recommendation**

Having regard to the policy context and other material considerations the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement to secure the green transport measures to support the development.

It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the Section 76 planning agreement and wording of conditions subject to no new substantive planning issues being raised by third parties.

If the Planning Committee is minded to approve the application, the Council is required to notify the Department for Infrastructure (DfI) given the significant objection from HED in accordance with Section 89 of the Planning Act (Northern Ireland) 2011.



### Ormeau Road Elevation



### Southern Elevation



### Western (Rear) Elevation



### Ormeau Street (Northern) Elevation



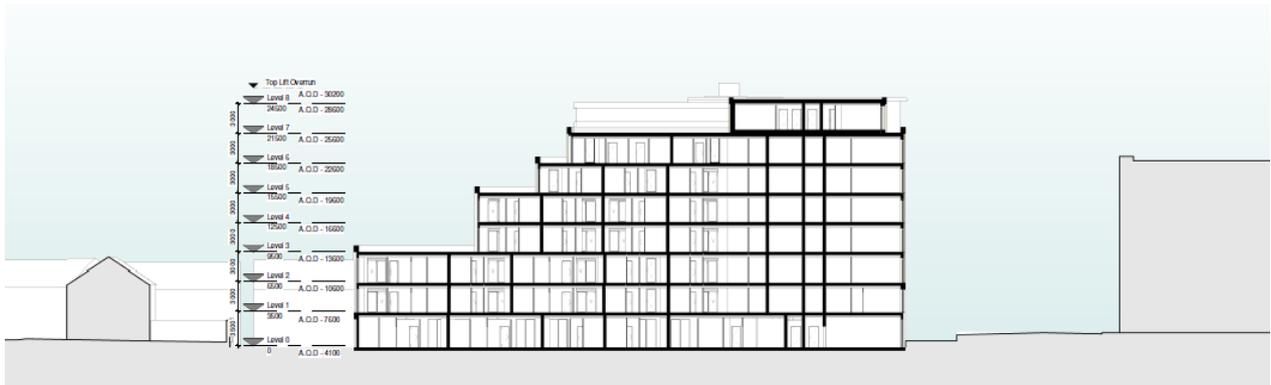
### Sections



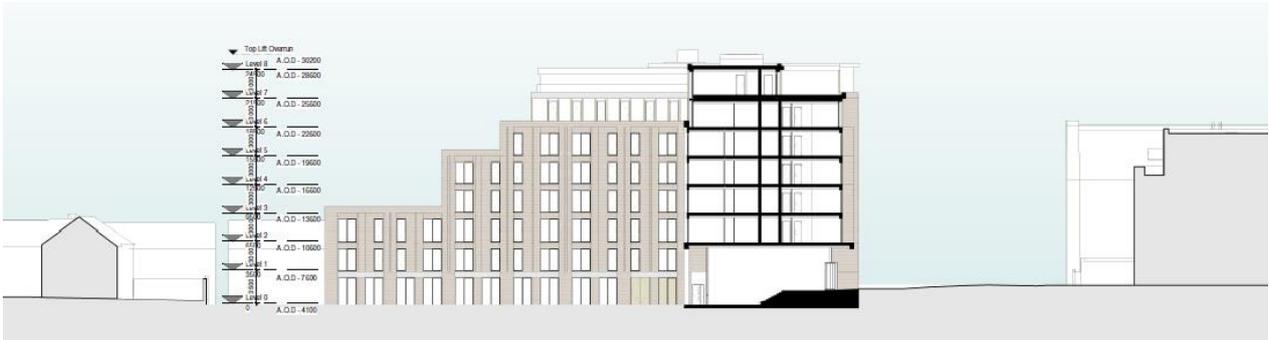
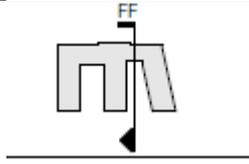
HAVELOCK HOUSE SITE



HAVELOCK HOUSE SITE



HAVELOCK HOUSE SITE



HAVELOCK HOUSE SITE

CGI Image Ormeau Road (City Bound)



CGI Image Ormeau Road (Country Bound)



CGI Image from Vernon Street



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| <p><b>2.0</b></p> | <p><b>Characteristics of the Site and Area</b></p>  |
| <p>2.1</p>        | <p>The site fronts onto Ormeau Road and currently includes a 3 storey building (previously used as the home of UTV) and associated adjacent car parks. The southern boundary of the site is bounded by the railway line and is defined by a sloping embankment. The western boundary is defined by an approximately 2 m brick wall with a paladin fence on top. An existing layby is located along the Ormeau Road frontage of the site which accommodates approximately 7 parking spaces. The Ormeau Road rises on an incline along the site frontage before falling towards the city centre. The site falls from the Ormeau Road to the west.</p> |
| <p>2.2</p>        | <p>The surrounding area is comprised of a mix of uses including residential, office, commercial and educational. Terraced and semi-detached dwellings are located to the immediate west/north west of the site on Walnut Street/Vernon Street and Walnut Court. The site is bounded to the north by Ormeau Street. An 8 storey residential block (Portland 88) sits to the immediate north fronting Ormeau Road.</p>  |
| <p>2.3</p>        | <p>The site sits immediately opposite the listed Klondyke Building and its adjoining contemporary extension (Gasworks site). Number 7 Walnut Court (Rose Cottage) is a listed building and abuts part of the northern boundary of the site.</p>   |
| <p><b>3.0</b></p> | <p><b>Description of Proposal</b></p>   |
| <p>3.1</p>        | <p>The application proposes the demolition of the existing buildings and the construction of 270 no. apartment building comprising 8, 7, 6, 5 and 3 storey elements, provision of hard and soft landscaping including communal courtyard gardens, public realm, provision of 40 no. car parking spaces, cycle parking, substation and associated works.</p>   |
| <p><b>4.0</b></p> | <p><b>Planning Assessment of Policy and Other Material Considerations</b></p>   |
| <p>4.1</p>        | <p><b>Policy Context</b></p>  |
| <p></p>           | <p><b>Regional Planning Policy</b></p> <ul style="list-style-type: none"> <li>• Regional Development Strategy 2035 (RDS)</li> </ul>   |

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|     | <ul style="list-style-type: none"> <li>• Strategic Planning Policy statement for Northern Ireland (SPPS)</li> <li>• Planning Policy Statement 2 (PPS 2) Natural Heritage</li> <li>• Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement</li> <li>• Planning Policy Statement 6 (PPS 6) - Planning, Archaeology and the Built Heritage</li> <li>• Planning Policy Statement 7 (PPS 7) - Quality Residential Environments</li> <li>• Planning Policy Statement 8 (PPS 8) - Open Space, Sport and Outdoor Recreation</li> <li>• Planning Policy Statement 12 (PPS 12) - Housing in Settlements</li> <li>• Planning Policy Statement 13 (PPS 13) - Transportation and Land Use</li> <li>• Planning Policy Statement 15 (PPS 15) - Flood Risk</li> </ul> <p><b>Local Planning Policy Context</b></p> <ul style="list-style-type: none"> <li>• Belfast Urban Area Plan (2001) BUAP</li> <li>• Draft Belfast Metropolitan Area Plan (2015)</li> <li>• Draft Belfast Metropolitan Area Plan (2004)</li> </ul> |
| 4.2 | <p><b>Other Material Considerations</b></p> <ul style="list-style-type: none"> <li>• Creating Places, Belfast Agenda Community Plan and Developer Contributions Framework (2020)</li> </ul>  |
| 4.3 | <p><b>Planning History</b></p> <p><i>On the site:-</i></p> <p><b>LA04/2018/1982/PAN</b> – Demolition of existing properties and erection of new purpose-built, multi- unit residential development for rental, C/W shared amenity spaces, all necessary ancillary/support accommodation, car parking and landscaping. PAN Acceptable 16.08.2018</p> <p><b>LA04/2018/2562/PAD</b> - Demolition of existing building and erection of a 13 storey build to rent development with associated residents’ amenity space, access, parking and landscaping.</p> <p><i>Adjacent to the Site:-</i></p> <p>LA04/2016/0967/F - Proposed erection of an eight storey residential development comprising 88 apartments with car parking, amenity space and associated site works, 55-71 Ormeau Road, Belfast, BT7 1EB. Permission granted 10.03.17</p> <p>LA04/2017/1998/NMC – Non Material Change to LA04/2016/0967/F. Granted 11.10.17</p>   |
| 4.4 | <p><b>Statutory Consultation Responses</b></p> <p>Responses from statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.</p> <p><b>DFI Roads</b> – No objection subject to conditions</p> <p><b>DFC HED</b> – Objection</p> <p><b>NI Water</b> – No objection</p> <p><b>DFI Rivers Agency</b> – No objection subject to condition</p> <p><b>DAERA (NIEA)</b> – No objection subject to conditions</p> <p><b>NIHE</b> – No objection</p> <p><b>Shared Environmental Services</b> – No objection</p>  |

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| 4.5 | <p><b>Non-Statutory Consultation Responses</b><br/>Responses from non-statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.</p> <p><b>Environmental Health</b> – No objection subject to conditions<br/> <b>BCC Urban Designer</b> – No objection subject to conditions<br/> <b>Northern Ireland Transport Holding Company</b> – No objection in principle subject to conditions<br/> <b>Belfast City Airport</b> – No objections<br/> <b>BCC Waste Management</b> – No objections<br/> <b>BCC Tree Officer</b> – No objections subject to conditions</p>   |
| 4.6 | <p><b>Representations</b><br/>A total of 73 representations have been received to this application. The issues raised in the objections include:</p> <ul style="list-style-type: none"> <li>➤ The building should not be demolished as it has historical significance and heritage value being connected to the birth of Northern Irish television/linen industry. The existing building could be adapted to fit a new purpose. The building is an important ‘gateway’ building on the Ormeau Road.</li> <li>➤ Belfast City Council should be promoting the reuse of existing building stock.</li> <li>➤ The building is a heritage asset and should be listed. Substantial irregularities in DfC decision making process – corrective action sought from DfC Minister.</li> <li>➤ Historical relevance does not appear to have carried weight in the final (listing) evaluation by DfC. Not clear what attention the Department has given to the historical significance of the building.</li> <li>➤ Building may have been easily identified by Belfast City Council as a candidate for ‘protection of non-designated heritage assets’ or local listing. No evidence of BCC’s protection of non-designated heritage assets.</li> <li>➤ Application does not contain an adequate assessment of the development’s impact on heritage assets within its vicinity and is confined to the impact of the development on listed buildings only</li> <li>➤ Omission of adequate assessment is inexplicable given that the standard framework for assessing cultural heritage resources includes provision for undesignated structures. Due to this omission, the applicant’s Heritage Statement provides an inadequate account of built heritage within the vicinity of the development and the proposal’s impact upon it through the exclusion of all non-listed heritage assets.</li> <li>➤ Documentation submitted contains inaccuracies and inconsistencies re room descriptions, site area.</li> <li>➤ Heritage Statement does not detail the development’s impact on the full range of heritage assets in the vicinity of the site. These include Havelock House, the former headquarters of Ulster Television (UTV), a nationally important heritage asset;</li> <li>➤ <i>Historical significance of Havelock House:-</i> <ul style="list-style-type: none"> <li>➤ First small commercial station opened in the UK and Ireland</li> <li>➤ First permanent television facility on the island of Ireland</li> <li>➤ First station with significant local output on the island of Ireland</li> <li>➤ Site of the first adult education television broadcasts in the UK</li> </ul> </li> <li>➤ <i>Architectural significance of Havelock House:-</i> <ul style="list-style-type: none"> <li>➤ UK’s last surviving small television station from television’s formative years</li> <li>➤ Only major piece of pre-1960s television architecture on the island of Ireland</li> <li>➤ Contains oldest surviving television studio on the island of Ireland</li> </ul> </li> </ul> |

- Havelock House is the only substantial work of pre-1960 television architecture to survive on this island. It is also the only surviving example of a small station from the formative years of television in the UK.
- Concern that the applicant's lack of awareness of the site's built heritage may have affected the drafting of the proposal and the public consultation which preceded it.
- Demolition of Havelock House seems needless, there would be avenues available to redevelop the site with limited impact on its value as a heritage asset/ retention as cultural amenity/attraction
- Demolition of the building would have a significant impact on built heritage related to television on these islands.
- Demolition goes against all heritage policies in Planning as it does not respect the importance or architecture symbolic character that provides identity and is entirely capable of being repurposed.
- Proposal contrary to Policy BH 11 of PPS6 and will damage the setting of 5 listed buildings and result in the loss of an undesignated historic building. Including the 'Klondyke' building.
- Need for an Environmental Impact Assessment to address the cumulative loss of heritage assets.
- Asserted presumption in favour of residential development contrary to Policy RG8 of the RDS 2035 which states that 'there is no presumption that brownfield land is necessarily suitable for housing development of the whole of the curtilage should be developed'.
- Proposal contrary to Policy RG 11 of the RDS
- Concern that participants in the public consultation were not provided with sufficient information about the full impact of the development on local heritage assets.
- Features of national cultural heritage - Studio 1 is a structure of national cultural heritage value in terms of the UK and the island of Ireland. It is the only surviving small studio from that time period, the only one located outside England and the only one to use a single tier layout. Studio 2 is the last remaining small regional ITV studio built during the early 1960s. The cultural heritage value of Studio 2 is lower than Studio 1 but it is still a valuable structure at national level because it is the last remaining example of its type. It also enhances the value of Studio 1 as a feature which places that structure within a broader historical context
- Concerns with limited/insufficient parking (40 spaces) – contrary to PPS 7, congestion in the area and illegal parking in adjacent streets which has obstructed access for bin lorries
- Concerns regarding unallocated parking provision which will lead to an expectation of a parking space and when one is not available will lead to parking on adjoining streets which are overcrowded which will have a detrimental impact on the neighbourhood.
- Parking pressures also cause significant and detrimental health impacts to nearby communities, which already experience some of the worst pollution in the UK and Ireland.
- Public transport used less in Belfast
- Scale of the development will be detrimental to the neighbouring properties and the close proximity to Portland 88 in particular will result in significant loss of amenity, particularly in respect of visual intrusion, privacy and obliteration of natural light from the overshadowing apartment block.
- Height, density, and scale of the proposed development is not in keeping with the existing environment on the Lower Ormeau Road. Regeneration of the area is vital but it should be consistent with and complimentary to the surrounding and in scale with the environment.
- The nearest properties will suffer dramatically as a result of obstruction and loss of visual amenity.
- Concerns regarding loss of light to adjacent properties impacting on quality of life

- Over development of the site will have significant negative impacts on the community
- Potential to destabilise interface associated with the site given the focus on residential development and permanent closure of on site interface barrier
- Lack of reference to interface in applicant's submission. Current interface could be reopened and extinguished right of way reinstated. Permanent closure would remove the neutral space provided by Havelock House. Proposal entails the reinforcement of an interface barrier.
- Support for redevelopment of the site in a manner which protects its historic fabric, respects the integrity of its historical setting and maintains its unique status as a neutral space within a contested interface area.
- Concerns that removal of neutral space would heighten community tensions.
- Proposal contrary to Belfast City Council's interface strategy
- Devaluation of adjacent properties
- There will also be a loss of privacy as the proposed new development will be looking directly into a neighbouring apartment at Portland 88.
- There will be significant disruption associated with noise, dust, site traffic and local disruption for a number of years from a development of this scale.
- Proposed development too close to residential properties, particularly, for residents living in the Walnut and Vernon areas. Residents will have their amenity detrimentally impacted. The separation distance proposed for such a large building is not sufficient for the residents in this area.
- Residents nearby will face the impact of overshadowing, overlooking and the loss of private amenity their houses particularly the Walnut and Vernon area and residents in Portland.
- Proposal for private housing ignores the social housing need. There is a need for increased social housing not private accommodation in the area. There is also no demonstrable need for private housing on the said location whereas the social housing need in the Donegal! Pass area is high. As a result, there is a strong case to say that if there was building at this location it should be made available for social tenants.
- A large apartment block is out of keeping/character with the built environment of the area.
- Havelock House is a listed building and the proposal would damage the built heritage. It is of great importance to television history, it houses the oldest television studio on the Island of Ireland. It was one of the first independent television broadcasters and is a very important landmark locally.
- The consultation did not fully capture the importance of the site and the detrimental
- Impact this proposal would have on the building and the historic setting. Consultation did not declare the existence of an interface and did not disclose the implications to residents. No engagement with residents' groups on the Lower Ormeau Road. No engagement with residents with disabilities and/or serious long-term health conditions.
- Concerns regarding extent of changes since the pre-application consultation stage. Consider materially different and therefore a new consultation is required.
- HED (Historic Buildings) has stated that they believe the proposal is contrary to paragraph 6.12 of SPPS and BH 11 (development affecting the Setting of a Listed Building). Concern that the building nor its setting has been protected or enhanced by the proposals.
- Concerns regarding the impact of the proposed development on neighbouring properties including lack of privacy and cleanliness in adjacent gardens dust, debris and sleep deprivation due to noise.
- Concerns regarding noise from cars coming and going.
- Front façade should be retained at the least
- Development could be accommodated on Cameron Street

- Concerns regarding impact on local public services and particularly traffic, at what is already a busy junction even away from peak hours, has not been adequately considered.
- Poor design and oversaturated design of the accommodation in a location that is historically not residential and is a stand-alone development with no connectivity or aspect of community enhancement.
- Intensifying a location on an arterial route that is currently overwhelmed by traffic and normal overuse of private transport.
- Public transport is poorly represented with no adjacent cycleways, train stations or linkages to those that are on the outskirts of this inappropriate development.
- Density levels are such that minimal account of well-being and health is accounted for by this design.
- The habitable rooms are not West/South facing in a number of properties and Best Practice is to design for adequate daylight to all living areas and habitable rooms.
- Not a future proofed accommodation and is limited in its design outlook and daylight provisions. It lacks sufficient quiet amenity and is intensely over reliant on car ownership needs and leaves a social legacy of non-adaptable space unlike the existing buildings.
- Concerns that the apartments would sit empty
- Belfast Local Development Plan states ' the Council will support development that maximises opportunities to improve health and well-being. Development will not be permitted where it will result in significant harm to life, human health or well-being' (Policy sp3 )
- Adjoining residents with long term/physical and mental health conditions (some housebound) will be unable to escape the noise and air pollution created during the demolition and construction - unacceptable adverse effect on residents, loss of amenity/Impact on use of gardens (quiet family spaces) in adjoining properties particularly for those with health issues during construction phase
- Concerns regarding length of tenancies – noise issues from short tenancies
- Donegall Pass suffers from some of highest levels of ill health in Northern Ireland and residents believe that this current application will make residents health worse.
- Concern regarding privacy - apartments will tower over existing two storey houses and will overlook back gardens and bedroom windows. Concerns exist over recently built apartments adjacent to Havelock House and previous extension to Havelock House.
- Health Impact Assessment required before any decision on this application is made.
- More "housing" in Belfast City Centre not on the outskirts beside residential communities
- Similar building adjacent that has failed to sell all apartments
- Proposal is contrary to PPS 7 i.e. the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance
- Noise surveys are not accurate and therefore the noise assessment needs to be revised to accurately represent a worst-case scenario to assess the impact on resident's amenity and wellbeing.
- Piling is proposed during construction phase yet no details of this have been provided to be assessed for impact which require to be addressed.
- Those with health issues/shift workers will be aggravated by noise and vibration, especially from piling. In the interest of protecting existing residents from demonstrable harm, these issues should be addressed prior to a planning decision, not prior to commencement of development.
- Proposed apartment block would visually dominate the streetscape and listed Gas works buildings directly opposite it. The building would not incorporate well into the

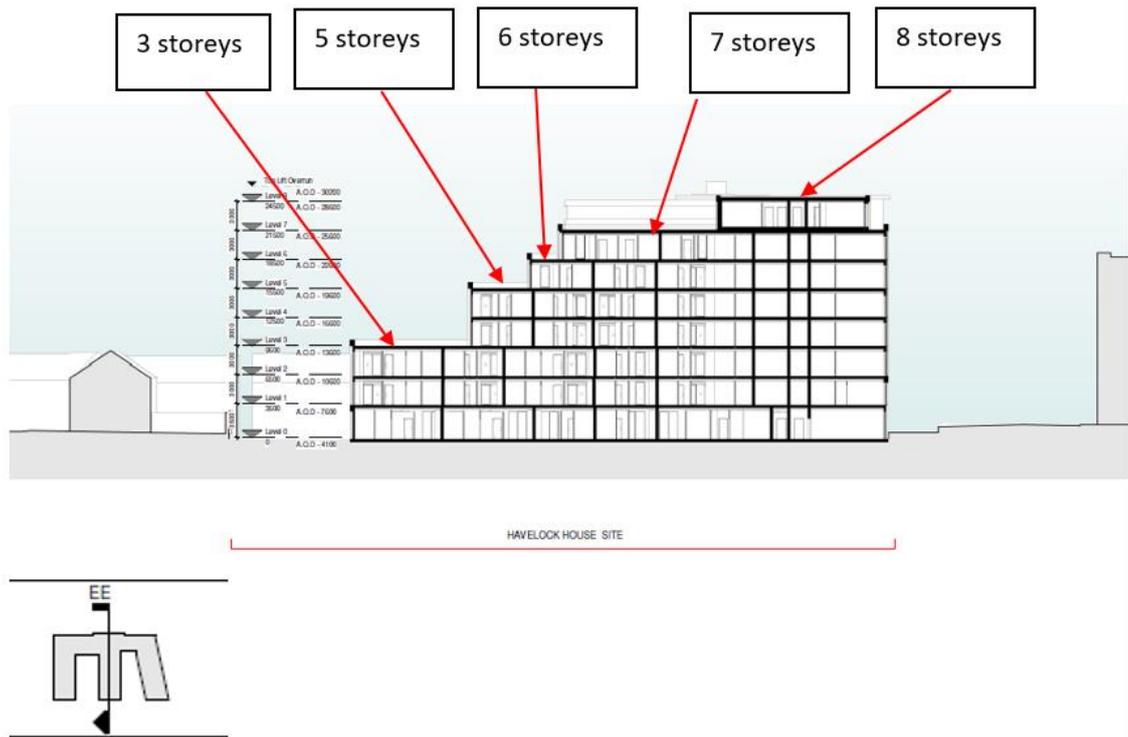
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|  | <p>character of the surrounding area. The development does not appear to be sympathetic to the characteristics and history of the site and the immediate area.</p> <ul style="list-style-type: none"> <li>➤ Proposal contrary to BUAP's high building policy (CC12)</li> <li>➤ Proposal contrary to Draft BMAP Shaftesbury Square Character Area</li> <li>➤ Portland 88 is an inappropriate precedent. Unjust if the Council uses Portland 88 as a precedent for building height in the area and would perpetuate the negative impact on planning irregularities on the areas built landscape.</li> <li>➤ Proposal provides inadequate car parking spaces and is contrary to Policy AMP7 of PPS 3</li> <li>➤ Proposal will have a negative impact on road safety and traffic flows and is contrary to Policy AMP 7 of PPS 3</li> <li>➤ Methodological Issues within the applicant's Transport Assessment</li> <li>➤ Proposal undermines the spatial focus of the City Centre Regeneration investment Strategy.</li> <li>➤ Development will have a negative social impact.</li> <li>➤ Health Impact Assessment should be conducted.</li> <li>➤ Concerns with noise monitoring – location, unrepresentative, errors and omissions</li> <li>➤ Proposal contrary to PPS 7 criterion (a), (b), (h) and (i) and the addendum to PPS 7 (Safeguarding Established Residential Areas)</li> <li>➤ Council should commission a detailed design review. Design similar to architects scheme in Newcastle which was rejected on the grounds of poor design.</li> <li>➤ Proposal is contrary to Policy QD 1 of PPS 7 and will cause unacceptable impact on 42 Walnut Street</li> <li>➤ Proposal is contrary to paragraph 4.12 of the SPPS in that it may cause demonstrable harm to a family's health throughout the construction and operational period.</li> <li>➤ Residential amenity of No. 42 Walnut St will be impacted by way of visual amenity, noise, light, intrusion, dust nuisance and privacy.</li> <li>➤ Proposed 2m high wall will not reduce the impact of noise from the development. Existing wall does not mitigate noise levels.</li> <li>➤ Concerns regarding light spill from apartments that will overlook existing dwellings</li> <li>➤ Travel Plan incentives may encourage short term renting and is not realistically enforced by planning.</li> <li>➤ Traditional family areas under threat – more apartments and HMOs will only add to existing problems including crime and anti-social behaviour</li> <li>➤ Urgent need to provide housing that will attract families to the area.</li> <li>➤ Affordable social housing</li> <li>➤ Concern that the development would reduce the amount of sunlight onto adjacent properties</li> <li>➤ Little or no community cohesion between the residents living in new developments</li> <li>➤ Resentment building in wider city centre communities that believe their areas are being earmarked for apartment developments.</li> <li>➤ Concerns regarding noise impact from proposed transformer plant – no reference in Noise Impact Assessment and Technical Note. Premature to accept Environmental Health's recommended planning conditions in relation to external noise sources.</li> <li>➤ Concern that only 1 unattended noise monitoring location and 1 vibration monitoring location selected to provide an assessment of the total noise environment at the site when there are various noise source locations both internally and externally at the site.</li> <li>➤ Not acceptable to consider secondary noise data to depict the noise environment of another site.</li> <li>➤ Revised noise assessment sought when circumstances are appropriate to do so.</li> <li>➤ No daylight/sunlight Vertical Sky Component (VSC) assessment carried out to assess impact of overshadowing and potential sunlight/daylight disruption – Should</li> </ul> |
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|            | <p>be properly investigated via a VSC assessment in conjunction with Building Research Establishment (BRE) Guidelines.</p> <ul style="list-style-type: none"> <li>➤ Residents have a legal 'right to light'.</li> <li>➤ No proper consultation with the local community concerning interface</li> <li>➤ The level of engagement between the Council and local community in relation to this application, particularly with respect to the challenges of COVID-19</li> </ul> <p>The issues raised by objectors are dealt within the assessment of the proposal below.</p>   |
| <b>4.7</b> | <b>Planning Assessment</b>   |
| 4.7.1      | <p><b>Development Plan Context</b></p> <p>Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>  |
| 4.7.2      | <p>The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area. Within the BUAP the site is unzoned land within Belfast city centre.</p>  |
| 4.7.3      | <p>Draft BMAP 2015 (dBMAP 2015), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).</p>  |
| 4.7.4      | <p>In dBMAP 2004 the site is unzoned land with Belfast City Centre and falls with the Shaftesbury Square Character Area. In dBMAP 2015 the site is also unzoned land within the City Centre and falls within the Shaftesbury Square Character Area.</p>  |
| <b>4.8</b> | <b>Background</b>  |
| 4.8.1      | <p>This proposal was the subject of PAD discussions with the agent/applicant over a period of 14 months prior to submission of the planning application which included statutory consultees (HED and DFI Roads) and BCC's Urban Design Officer. Concerns were raised by objectors that the scheme had changed significantly since the pre-application consultation which warranted further consultation with the community. The original scheme submitted included a 13 storey element which officers advised was unacceptable and the design of the scheme has evolved during the PAD process. Officers are satisfied that the pre-application community undertaken has fulfilled the legislative requirements regarding engagement with the local community and further engagement with the community prior to the submission of the planning application was not a legislative requirement.</p> |
| <b>4.9</b> | <b>Principle of Demolition and Development</b>   |
| 4.9.1      | <p>The area is characterised by a mix of uses at this location including residential, employment/offices, commercial and educational uses. The site does not fall within a Conservation Area or an Area of Townscape Character (ATC) and the building on the site is not a listed building therefore the principle of demolition falls within the remit of permitted development as set out in the Planning (General Permitted Development) Order (Northern Ireland) 2015 and is therefore considered acceptable. The historical and architectural merits of the building are further considered in the assessment to follow.</p>  |

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| 4.9.2       | The proposed residential use does not conflict with the development plan or planning policy context therefore the principle of residential use is considered acceptable in principle at this location and in accordance with the Belfast Agenda and the emerging Local Development Plan which seeks to increase the residential capacity in the city centre. Detailed assessment of the proposal is set out below.   |
| 4.9.3       | <p>Policy RG 8 of the Regional Development Strategy 2035 (RDS) seeks to 'Manage housing growth to achieve sustainable patterns of residential development' and states that;</p> <p><i>'There is no presumption that brownfield land is necessarily suitable for housing development or that the whole of the curtilage should be developed. Planning Policy Statement 7 'Quality Residential Environments' and the Addendum 'Safeguarding the Character of Established Residential Areas' set out policy for appropriate housing in settlements.'</i></p>  |
| 4.9.4       | <p>Objectors raised concerns that the asserted presumption in favour of residential development was contrary to the above statement in Policy RG 8. However, Policy RG8 seeks to promote more sustainable housing development within existing urban areas and goes on to state that in order to do so a two-pronged balanced approach of <i>'encouraging compact urban forms, and promoting more housing within existing urban areas is required. This should support urban renaissance and investment in the clusters of main towns whilst conserving town settings and saving and concentrating resources. This will also mean more urban housing by recycling land and buildings and making use of other suitable sites thereby reducing the use of greenfield land'</i>.</p> |
| 4.9.5       | Each application on a brownfield site is considered on its own merits and the statements set out in Policy RG 8 do not preclude this site from being developed for residential purposes. Detailed assessment of the proposed development is set out below.   |
| <b>4.10</b> | <b>Historical Significance of Havelock House</b>   |
| 4.10.1      | Concerns have been raised by objectors regarding the historical significance of Havelock House as an important heritage asset which should be retained. As indicated above the building is not currently afforded any protection as it is not listed and does not fall within a conservation area or ATC. During the processing of this application officers have liaised with the Department for Communities, Historic Environment Division (HED) regarding potential listing of the building. HED has advised that the building was surveyed in 2011 (See Appendix 1 for HED's Survey Report) but was not recommended for listing. This was re-evaluated again in 2017 and 2019.   |
| 4.10.2      | <p>Correspondence was also received during the processing of the application seeking temporary listing of the building by the Council. The Planning Act (Northern Ireland) 2011 gives councils the discretionary power to serve a Building Preservation Notice (BPN) on the owner and occupier of a non-listed building that they consider meets the following test:</p> <ul style="list-style-type: none"> <li>· It is of special architectural or historic interest; and</li> <li>· It is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest.</li> </ul>   |
| 4.10.3      | A BPN is a form of temporary listing which provides statutory protection to an unlisted building, for a period of 6 months, as if it were listed. In such circumstances it is common practice for the Council to engage with HED to discuss the likelihood of a  |

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|         | temporary listing becoming permanent. As stated officers have been liaising with HED who have advised that the building will not be taken forward for a full survey, having insufficient potential to meet the listing criteria. Officers have considered serving a BPN on Havelock House but given HED's recommendation not to list the building officers cannot recommend that a BPN be served in this case as there is no prospect of the building being listed by HED.   |
| 4.10.4  | At the Planning Committee Meeting of 15 September 2020 Members agreed to seek a detailed response from the Department for Communities (DfC) Historic Environment Division (HED) HED to representations to inform its decision making process in respect of the Havelock House planning application.  |
| 4.10.5  | DfC provided a response on 08 October confirming that the Department has followed due process. The response states that <i>'Havelock House was not considered for a full survey in the first survey of buildings of special architectural or historic interest which ran between 1969 and 1997, nor was it considered for a full survey during the second survey of this area in 2011.'</i>  |
| 4.10.6  | <i>Following correspondence with a third party, which included a listing request, the Department reviewed the record, visiting the building in July 2018. Following further correspondence, a presentation on the history of the building and its use a television studio by a third party was welcomed by the Department in February 2019.</i>  |
| 4.10.7  | <i>The Department assessed all evidence in relation to Havelock House and determined that the building did not merit a full survey. The building has undergone extensive extension and alterations including the loss of fixtures and fittings – equipment pertaining to its use as a television studio.'</i>  |
| 4.10.8  | <p><b>Non Designated Heritage Assets/Local Listing</b></p> <p>Objections also considered that Havelock House should be subject to 'local listing' by the Council. Listed buildings are afforded statutory protection under section 80 of the Planning Act 2011 and are distinct from historic buildings of local importance (referred to as Local Listings) which are not protected by statute. These are referenced in paragraph 6.24 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) as:</p> <p><i>'a building, structure or feature, whilst not statutory listed, has been identified by the council as an important part of their heritage, due to its local architectural or historic significance.'</i></p> |
| 4.10.9  | Whilst local councils can consider the establishment of a list of such assets there is no requirement to draw one up and councils have considerable discretion as to how these are identified and managed. The SPPS states in paragraph 6.24: 'Councils may wish to bring forward bespoke local policies for such buildings' through the Local Development Plan process.   |
| 4.10.10 | Whilst the emerging Local Development Plan and Plan Strategy mirror the objectives of the SPPS in its desire to protect built heritage, it is important to note that the transitional arrangements as set out in the SPPS states that the existing suite of Departmental policy and guidance will continue to apply until they are replaced by the Councils own adopted Plan Strategy and then in time more comprehensively by the Local Plan Policies LPP. As the Belfast Plan Strategy is yet to be adopted, the Council are unable to use mechanisms such as new policy protections or designations until we move beyond the current arrangements and achieve adopted Plan Strategy status.   |

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| <p>4.10.11</p>  | <p>With regards to Havelock House officers have been in contact with HED on a number of occasions throughout the processing of this application, HED has confirmed that they have reviewed this building and are satisfied that it does not meet their criteria for statutory protection.</p>  |
| <p>4.10.12</p>  | <p><b>Environmental Impact</b></p> <p>An objection considered that an Environmental Impact Assessment was required to address the cumulative loss of heritage assets. Upon receipt of this application an Environmental Impact determination was carried out in accordance with legislative requirements and it was determined that the proposal did not represent EIA development and an Environmental Statement was not required to be submitted.</p>  |
| <p>4.11</p> <p>4.11.1</p> <p>4.11.2</p> <p>4.11.3</p> | <p><b>Scale, Height and Massing</b></p> <p>The proposed development has been assessed against the SPPS and Policy QD1 of PPS7.</p> <p>The proposed building planform is ‘E’ shaped which allows for a strong unbroken building line edge along the Ormeau Road and three fingers extending west as shown in the ground floor plan below. The central and northern fingers are set at right angles to the block fronting the Ormeau Road whilst the southern finger is proposed at an oblique angle. Internal courtyards providing communal areas of open space are proposed at ground floor between the fingers and parking is proposed at the rear of the site, along the western boundary.</p>  <p>The building height varies from 8 storeys at the longer block fronting the Ormeau Road and steps down across all three extended fingers from 7 storeys to 3 storeys at the end of each finger, where the building is closest to existing residential development on Walnut Street/Vernon Street as shown in the section below.</p> |



4.11.4

The block fronting the Ormeau Road comprises three distinct elements, namely a seven storey six-bay wide section to the south closest to the railway line, a taller eight storey ten-bay central section and a seven storey six-bay wide section to the north at the junction with Ormeau Street. These three elements are separated by two sections of recessed glazing; the first a larger three-bay wide section to the south and the second a narrower two-bay wide section further north.



4.11.5

A lintel runs across the Ormeau Road elevation above first floor level and proposes a strong horizontal emphasis which provides visual relief to the scale and massing of the building. Cumulatively with the bay groupings, change in materiality and features such as Juliette balconies the articulation of the Ormeau Road elevation serves to break up the scale and massing of the block and provides visual relief along the Ormeau Road.

4.11.6

The central section of the Ormeau Road elevation is the highest part of the proposed block at 8 storeys and measures 24.8m (21.8m to 7 storey shoulder height and 26.1m high including lift overrun) with the top storey set back by 2m from the façade below. The central 8<sup>th</sup> storey is 34.2 m wide along the Ormeau Road frontage and widens to 41m and is 15.5m deep. Both the shoulder height and the overall height of the central section fronting the Ormeau Road are comparable to and relate to that of the adjacent Portland 88 apartment block. The height of the adjacent Portland 88 building provides

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|         | <p>a relevant contextual design cue which is carried through to the development. The 7 storey shoulder height of Portland 88 (20.7m) at the junction the Ormeau Street and Ormeau Road relates to the maximum shoulder height of the proposed building in the central section along Ormeau Road (21.8m) and the 8 storey maximum height of the Portland 88 building (23.8m) is comparable to the overall height of the proposed building. Concerns were raised that Portland 88 should not be used as reference however it is in the immediate vicinity of the site and cannot be disregarded and is an important material consideration in the assessment of the proposed development.</p>  |
| 4.11.7  | <p>The rear return elements or 'fingers' are considered subservient to the main block and the stepped form within relates sympathetically to adjacent two storey residential development at Walnut Street/Vernon Street.</p>   |
| 4.11.8  | <p>The site is located within the city centre and fronts onto an arterial route. The unbroken building edge along Ormeau Road frontage allows for the establishment of a definitive streetscape along this stretch of the arterial route which is considered appropriate. On approach to the city centre building heights increase in height and density reflecting denser urban contexts. This is evident when the site is viewed from along Ormeau Road in the direction of the city centre with the 8 storey Portland 88 being visible in short range views and the red brick 8 storey Lucas building located at the junction of Ormeau Road and Cromac Street terminating medium range views.</p>  |
| 4.11.9  | <p>The height, scale and massing of the proposed building and the Portland 88 building adjacent are similar. When viewed from the Ormeau Road in the direction of Carryduff the proposed building will be read with the adjacent Portland 88 building. The articulation of the Ormeau road elevation is of a higher quality design than Portland 88 and the stepped approach to the 'wings' of Ormeau Road elevation goes some way to breaking up the massing of the Ormeau Road frontage.</p>   |
| 4.11.10 | <p>Concerns have been raised regarding the impact of the development on residents to the west. When viewed from the existing residential streets to the west the Portland 88 is significant in terms of its scale and the proposed development would be comparable in terms of height, scale and massing. Balconies are provided on the rear elevations of Portland 88 on the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floors. The scale and massing of the proposed development is significantly greater than that found in the surrounding residential streets to the west (Walnut St, Vernon St, Walnut Court etc.) and a degree of dominance will result. It would however not be unusual in an urban context to have a hierarchical scale to such developments with taller elements fronting onto main/arterial routes and the scale, height and massing of such developments reducing towards a more domestic, subservient scale to the rear. On balance this approach is considered an appropriate design response to development on the site.</p> |
| 4.11.11 | <p>In considering the impact, there are a number of distinguishing factors which require to be taken into account. Firstly, the site depth is significantly deeper (c. 67 – 78.5m) compared to Portland 88 (c. 34-36m) which has resulted in a larger footprint than Portland 88 but has also allowed the building to incrementally step down to respond to the scale of the adjoining dwellings to the west. This has resulted in dwellings to the immediate west of the site being further away from the tallest part of the proposed 8 storey development compared with that of Portland 88. The rear of Nos. 22-50 Walnut Street are between 57 and 81m from the rear of the 8 storey element of the proposed development which is 59.5m from the Listed Rose Cottage at 7 Walnut Court and 61m from the side of No. 71 Vernon Street . The 8 storey element of Portland 88 is approximately 28-29m from the rear of Nos. 9-11 Walnut Court and between 33 and 42m from the rear of Rose Cottage.</p>  |

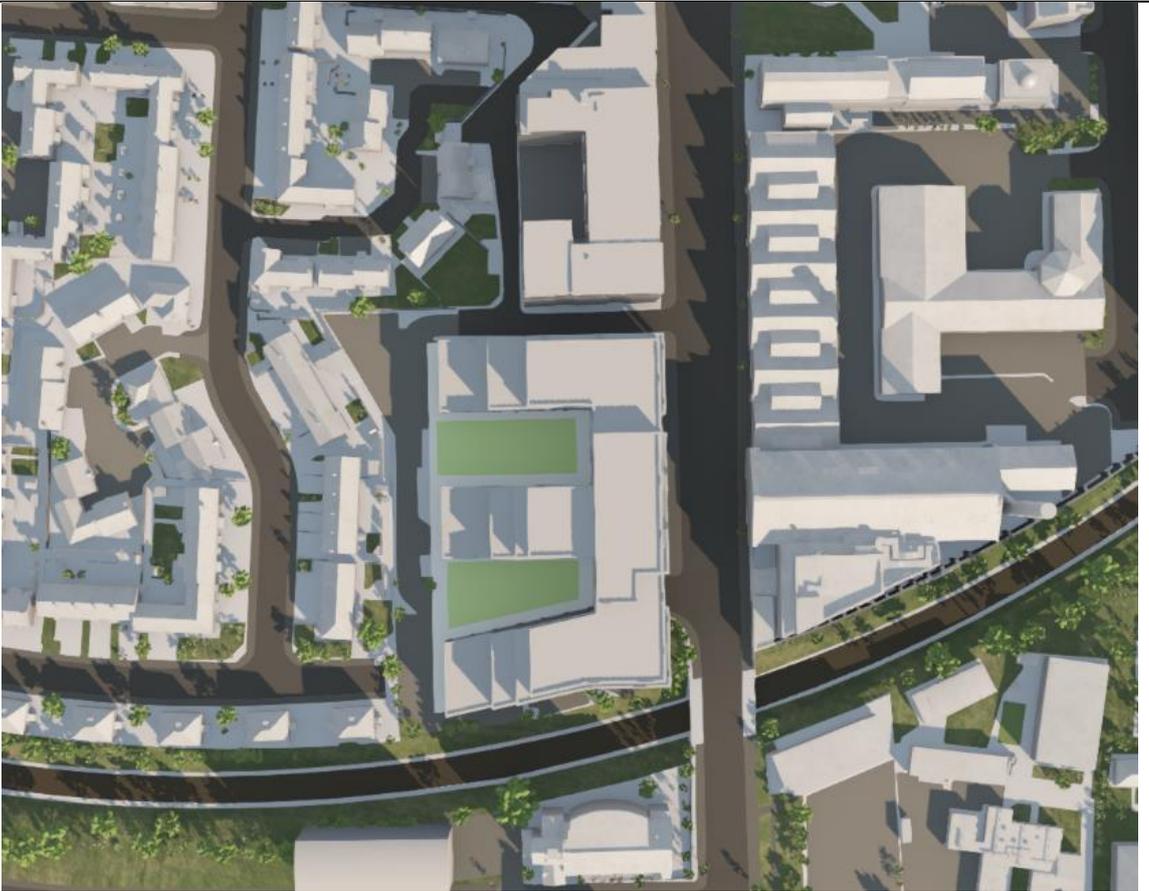
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| 4.11.12 | <p>The 7 storey elements of the proposed development are between 41.5m and 55m from the rear of Nos. 22-50 Walnut Street, 38m from the side of No. 71 Vernon Street and 32.5m from the rear of the listed Rose Cottage. Seven storey elements of Portland 88 are between 15.5 and 17m from the rear of Nos. 9-11 Walnut Court and between 18 and 27m from the rear of Rose Cottage. The separation distances between the tallest elements (8<sup>th</sup> and 7<sup>th</sup> storeys) of the proposed development and the nearest residential dwellings is significantly greater when compared with the separation distances between the 7<sup>th</sup> and 8<sup>th</sup> storeys in Portland 88 and adjacent dwellings as set out above and are considered acceptable.</p>   |
| 4.11.13 | <p><b>Shaftesbury Square Character Area Urban Design Criteria</b></p> <p>The site falls within Shaftesbury Square Character Area and Draft BMAP 2015 sets out the following design criteria to be applied within the area:</p> <ol style="list-style-type: none"> <li>1. Development proposals shall take account of the height of adjoining buildings; Street Frontages</li> <li>2. That part of any development which fronts Dublin Road or Bradbury Place shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7 storeys;</li> <li>3. Shopfronts shall be of high quality materials consistent with Conservation Area policy (where applicable);</li> <li>4. New development shall respect the established building line;</li> <li>5. Building heights shall be a minimum of 2 storeys and a maximum of 3 storeys; and</li> <li>6. 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.</li> </ol>                          |
| 4.11.14 | <p>The proposed development takes account of the height of surrounding buildings and meets the first criteria set out above. The second criterion does not apply given the location of the site. The third criterion also does not apply as there is no retail proposed within the development and therefore no shop frontages. Whilst the fourth criterion states that building heights shall be a minimum of 2 storeys and a maximum of 3 storeys the first criterion is also relevant. Building heights within the area vary from 2 storeys to 8 storeys. The height of the proposed development varies from 3 storeys to 8 storeys reflecting building heights in the area. Since the publication of draft BMAP 2014 the adjacent 8 storey residential development (Portland 88) has been approved which exceeds the maximum height set out in the urban design criteria above and is an important material consideration in the assessment of the proposed development. 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> |
| 4.11.15 | <p>BUAP Tall Buildings Policy CC 12 states that high buildings must be sympathetic in scale to the traditional height of buildings in the City Centre. The policy seeks to ensure that high buildings :-</p> <ul style="list-style-type: none"> <li>• Do not mar or dominate the surrounding hills or the scale of attractive Belfast views;</li> <li>• Relate sympathetically in design to the urban structure of the city;</li> <li>• Relate sympathetically to their immediate surroundings;</li> <li>• Relate sympathetically to buildings or groups of buildings of architectural and historic interest</li> </ul>  |
| 4.11.16 | <p>The BUAP states that <i>'Belfast does not have the tradition of high point or slab blocks, commercial or residential, normally associated with large urban areas. The centre has been built to a traditional height of mainly 4 to 6 storeys. The City has a unique hill</i></p>  |

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| <p>4.11.17</p> <p>4.11.18</p>                                | <p><i>setting and consequently tall buildings can be incongruous as well as blocking out sections of the hills, particularly as viewed from the approaches to the City Centre’.</i></p> <p>The BUAP was published in 1990 and over the intervening three decades buildings higher than 6 storeys have been approved and built in the city centre. As a result the urban context is quite different to that at the time when the statutory BUAP was published. Notwithstanding, it is considered that the proposed development is sufficiently removed from the surrounding hills so as not to mar or dominate them. Views into the site will be short to medium range and will not adversely impact on attractive views of Belfast. The height, scale and massing of the proposed development has been assessed above and it considered that the proposed development relates to the immediate context and the urban structure of the city. In conclusion it is considered on balance the proposed development does not conflict with Policy CC 12 of the BUAP.</p> <p>The Urban Design officer considers that the proposed scale, height and massing is acceptable given the heights of existing buildings along the Ormeau Road and that the spread of heights across the building respond positively to surrounding context. On balance the scale, proportions, height and massing of the proposed development is considered acceptable taking account of the factors set out above and the proposed development is considered to be in compliance with the SPPS and criterion (a) of Policy QD1 of PPS 7.</p>  |
| <p><b>4.12</b></p> <p>4.12.1</p> <p>4.12.2</p> <p>4.12.3</p> | <p><b>Design, Layout and Materials</b></p> <p>The proposal seeks to provide ancillary uses on the ground floor including a gym, two receptions area, plant rooms, bin stores and an ancillary office. Two double height glazed entrances are proposed from the Ormeau Road, a primary entrance to the south and a smaller secondary entrance to the north. The primary entrance will benefit from direct level access, however due to the sloping nature of the Ormeau Road at this location the entrance sites around half a storey above ground level. The secondary entrance at the north east corner also proposes direct level access. The 1.5m level change between both entrances is addressed by the existing sloping pavement gradient with a similar level change along the southern elevation of the building (parallel to the railway line) being addressed by an external stair and controlled access gate.</p> <p>Ancillary uses are primarily located along the Ormeau Road with a bin store located within each ‘finger’ ensuring they are easily accessible for residents. The residential units at ground floor are proposed primarily within the fingers with access off central corridors within each. A residential unit is located on the ground floor at the corner of Ormeau Avenue and Ormeau Street and will contribute to an active frontage at ground floor level. This unit is set back from the Ormeau Road footpath and behind the proposed colonnades at ground and first floor level. Low hedgerow is proposed between the columns which will provide a degree of defensible space and separation between users on the public footpath and residential units which is appropriate.</p> <p>The treatment of the frontage onto Ormeau Road has been reviewed throughout the processing of this application to ensure that appropriate materials and finishes are secured providing animation at street level. It is considered that the degree of activation proposed along the primary frontage is adequate and more recent changes to relocate one of the plant rooms to the side elevation and replace it with an apartment helps in this regard and is welcomed. Both receptions are to be located within setback recessed glazed sections along the front elevation and avail of direct visual links to the two courtyards to the rear, which will help improve the buildings legibility, permeability and welcome experience.</p> |

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| 4.12.4  | Finishes within the recessed glazed bays included glazing openings (entrance doors and windows) and glazed panels with manifestation artwork and champagne coloured aluminium louvres which are considered acceptable.  |
| 4.12.5  | The Urban Design officer acknowledges that cognisance has been given to the surrounding context in the articulation of facades across the proposed scheme, which includes picking up on the seven storey shoulder height of the adjacent Portland 88 scheme within the central section of the building.   |
| 4.12.6  | At upper levels there is a strong vertical emphasis emanating from the primary red brick frame along with the rhythm of window patterns and bays.   |
| 4.12.7  | The bays on either end of the Ormeau Road central section step down and have a shoulder height of 6 storeys. At the northern end this is lower than the shoulder height of the adjacent Portland 88 building and provides visual relief to the massing. The set back of upper floors from the northern (Ormeau Street), eastern (Ormeau Road) and southern elevations at 6 <sup>th</sup> and 7 <sup>th</sup> floor levels and the use of a lighter coloured material affords a degree of sub-ordinance to these upper floors.   |
| 4.12.8  | The southern elevation is proposed to be finished in red brick to shoulder height with the top 6 <sup>th</sup> floor set back from the southern façade by 1.7m and finished in a lighter white powder coated metal cladding which goes some way to minimising the visual impact of the top floors.  |
| 4.12.9  | <i>The material palette proposed includes white powder coated metal cladding, red brick, champagne coloured powder coated aluminium frames and fins and louvres along with glass balustrades. The Urban Design officer considers that the 'primary material of the building is red brick which is considered to be in keeping with both the wider surrounding area and immediate context reflecting that of the listed Gasworks directly opposite. Setback upper floors have been deliberately clad in white metal panelling so as to accentuate the strong shoulder heights of the respective building components and in an effort to make them visually subservient to those lower floors. A number of precast banding details have also been incorporated within the lower brick clad floors as horizontal forms which help define a strong base to the building. Elsewhere sections of powder coated aluminium cladding (champagne colour) have been employed within window openings across all facades'.</i> |
| 4.12.10 | The variety in external finishes is reflective of those typically found in the area and is considered acceptable.   |
| 4.12.11 | The central portion of the Ormeau Road elevation sits forward of the recessed bays on either side and this design feature draws cues from the listed Klondyke building opposite where the Gasworks Retort House building sits forward of the adjoining elements of the building. HED (Historic Buildings) consider the approach to the detailed design appropriate in the setting of the listed buildings and the wider streetscape. The Urban Design officer acknowledges that <i>'contextual analysis work has also been undertaken in relation to the Gasworks Retort House and Klondyke building opposite, where a clear rhythm of bays and setback lines are present. Conclusions garnered from this analysis work has helped to define a human scale to the base of the building, assisted in shaping the contextual bay language and form of the building, introduced a rhythm to the elevation composition and defined appropriate material break lines.</i>  |

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| 4.12.12 | <i>The analysis work has been explored in further detail by way of a series of bay development studies and accompanying precedent images, which demonstrate how various elements such as vertical and horizontal shifts in the façade relate to each other, appropriate setback depths and how emphasis can be placed on these elements by way of material changes’.</i>  |
| 4.12.13 | The Urban Design officer advises that the façade principles that have been applied to the proposed scheme have resulted in a considered and positive composition that subtly picks up on surrounding cues in a fresh and contemporary manner.   |
| 4.12.14 | It is considered that the design of the proposed development draws upon the form, materials and detailing found in the area and meets criterion (g) of Policy QD 1 of PPS 7.  |
| 4.12.15 | No designated archaeological features exist within the site. The merits of the heritage value of the building are considered above. There are existing trees on the site which are proposed to be replaced. The proposed development is considered to meet criterion (b) of Policy QD 1.  |
| 4.12.16 | The applicant has given consideration to the impact of the proposed development on adjoining residents and no rear facing balconies are proposed as exist on the Portland 88 development. The main outlook from the proposed apartments in the ‘fingers’ of the development have been intentionally orientated to look onto the communal internal courtyards, Ormeau Street or the railway embankment to the south. No windows are proposed at ground level at the end on the ‘fingers’. At first and second floor levels at the end of the ‘fingers’ there are no apartment windows on the rear elevations. Windows serving stairwells on the rear first and second floors are to be fitted with frosted (opaque) glazing to ensure that overlooking does not occur into neighbouring properties. It is recommended that a condition is attached to the decision to ensure that opaque glazing is permanently retained in these windows. |
| 4.12.17 | The separation distances between the 3 storey elements of the ‘fingers’ and the rear/side of adjacent dwellings on Walnut Street/Vernon Street ranges from 15.9 m to the side of Number 71 Vernon Street to between 20m and 33m to the rear of Numbers 22-50 Walnut Street, 19m to the rear of the listed Rose Cottage, 7 Walnut Court and 18.3 to the rear of No. 5 Walnut Court.  |
| 4.12.18 | At the 3 <sup>rd</sup> /4 <sup>th</sup> Floor the fingers are set back and the separation distance increases to 28m to the side of 71 Vernon Street, 32 - 45m to the rear of Nos. 22-50 Walnut Street, 24.5 m to the rear of Rose Cottage and 27.5m to No. 5 Walnut Court.  |
| 4.12.19 | At 5 <sup>th</sup> floor level the fingers are set back again with the northern finger set back further than the central and southern fingers to take account of the setting of the listed Rose Cottage adjacent. The separation distance between the 5 <sup>th</sup> and 6 <sup>th</sup> floors to the rear and Rose Cottage is 31m. At the 5 <sup>th</sup> floor level the southern finger is 33.8m to the side of 71 Vernon Street and 40m to the rear of Nos. 48-50 Walnut Street. The central finger is between 38 – 39m to the rear of Nos. 34- 42 Walnut Street and the northern finger which is set further back than the central and southern fingers is between 43.6 m and 54.6m from Nos 22 - 32 Walnut Street and 35.8m from the rear of No. 5 Walnut Court.  |
| 4.12.20 | At 6 <sup>th</sup> floor a further setback is proposed increasing the separation distance to 38m to the side of 71 Vernon Street and between 41.5 -55m to the rear of Nos. 22-50 Walnut Street. The 6 <sup>th</sup> floor northern finger is 32.5m from the listed Rose Cottage and 37m from No. 7 Walnut Court.  |

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| 4.12.21 | The 7 <sup>th</sup> floor is situated centrally along the Ormeau Road block and is 61m from 71 Vernon Street, between 57-81 m from the rear of Nos. 22-50 Walnut Street 59.5m from the Listed Rose Cottage and 61m from No. 7 Walnut Court.   |
| 4.12.22 | Creating Places Guidance recommends that ' <i>where the development abuts the private garden of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking with a minimum of around 10m between the rear of new houses and the common boundary</i> '. Creating Places further states that great care will be needed in designs where residential schemes, such as apartments, included living rooms or balconies on upper floors and recommends in such circumstances a minimum distance of around 15m to be provided between the rear of the apartments and the common boundary. In this case the separation distance between the three storey rear element of the development and the common boundary ranges from 11.7m to the side of No. 71 Vernon Street and between 11.8m and 24.6 m to the rear of Nos. 22-50 Walnut Street. The separation distances between the common boundary and upper floors (4-8) increase with the setbacks proposed. Whilst in some instances the distance is lower than the recommended guidance it would not be unusual in a city centre urban context where densities are higher than greenfield sites and there are many examples of separation distance of less than 15m. In this context the proposed separation distances are on balance considered acceptable. |
| 4.12.23 | Windows on the 3 <sup>rd</sup> to 7 <sup>th</sup> floors on the rear (western) elevation are considered to be a sufficient distance away (as detailed above) from properties to the west along Walnut Street and Vernon Street to ensure that no adverse impact will arise from overlooking or loss of privacy.   |
| 4.12.24 | To the immediate north of the site is the existing 8 storey residential development of Portland 88. Apartments within this block have windows looking onto Ormeau Street which separates the Portland 88 development from the site. It is considered that the proximity of the buildings is not unusual in an urban context and the juxtaposition of the existing Portland and the proposed building is on balance considered acceptable.   |
| 4.12.25 | Residential units fronting the Ormeau Road will have an aspect looking onto this arterial route which will not cause an adverse impact on neighbouring amenity and is considered acceptable.  |
| 4.12.26 | Along the southern elevation residential units will look onto an area of public realm within the site and the railway embankment which runs along the southern boundary. The proposed outlook for all apartments has been given due consideration taking account of neighbouring amenity and is on balance considered acceptable.   |
| 4.12.27 | Concerns have been raised that no daylight/sunlight Vertical Sky Component (VSC) assessment has been carried out to assess the impact of overshadowing and potential sunlight/daylight disruption. The impact of the development on surrounding residential amenity in terms of shadowing has been assessed using VU.CITY 3D modelling software. The 'Site Layout Planning for Daylight and Sunlight' guidance produced by BRE indicates that the equinox of March 21 <sup>st</sup> is considered the best date for which to prepare shadow plots as it gives an average level of shadowing. Images of the 3D model are set out below and illustrate shadowing at 9.00am, 12.00pm, 3.00pm and 6.00pm on 21 <sup>st</sup> March. An analysis demonstrates that there will be no adverse overshadowing impact on neighbouring residential amenity by way of overshadowing from the proposed development and it is considered that the proposed development would not result in an unacceptable loss of sunlight/daylight to neighbouring properties.  |



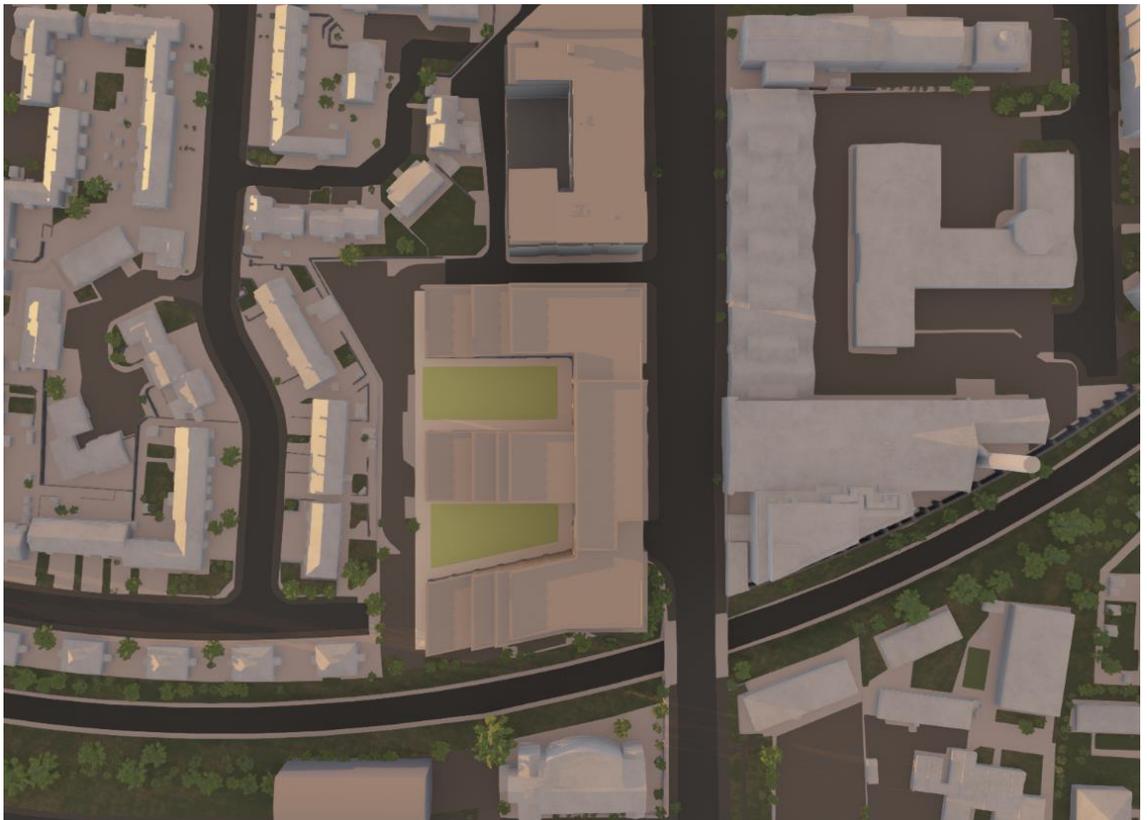
9.00am 21<sup>st</sup> March



12.00pm 21<sup>st</sup> March



3.00 pm 21<sup>st</sup> March



6.00 pm 21<sup>st</sup> March

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The design and layout of the building proposes two entrances from Ormeau Road both leading to reception facilities thereby promoting personal safety of prospective occupiers. Gates are proposed along the Ormeau Street entrance restricting access to

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| 4.12.29     | vehicles and at the south eastern pedestrian entry point from Ormeau Road. The gates are designed to secure access to the site and in doing so will act as a deterrent for crime. The proposed development does not raise unsatisfactory concerns regarding the deterrent of crime and personal safety and it is considered that the development satisfies criterion (i) of Policy QD 1.   |
| 4.12.30     | On balance taking account of the relevant factors set out in the assessment above the layout, design and appearance of the proposed development is considered acceptable and in compliance with the SPPS and criteria criterion (a) (g) and (h) of Policy QD 1.  |
| <b>4.13</b> | <b>Impact on the surrounding area and amenity of neighbouring properties</b>   |
| 4.13.1      | HED considers that the proposal is contrary to the policy requirements of paragraphs 6.12 of the SPPS and Policy BH 11 (Development affecting the Setting of a Listed Building as set out in PPS 6.  |
| 4.13.2      | <p>Policy BH 11 states that the Council will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:</p> <ul style="list-style-type: none"> <li>(a) The detailed design respects the listed building in terms of scale, height, massing and alignment</li> <li>(b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and</li> <li>(c) The nature of use proposed respects the character of the setting of the building.</li> </ul>                  |
| 4.13.3      | <p>HED advise that the proposed development is in close proximity to the following listed buildings:-</p> <ul style="list-style-type: none"> <li>• Rose Cottage, 2A Coyles Place</li> <li>• Former Presbyterian Church, 159-161 Donegall Pass</li> <li>• Meter House, Belfast Gasworks</li> <li>• The Klondyke Building, Gasworks</li> <li>• The Gas Office, 4-14 Cromac Quay</li> </ul>   |
| 4.13.4      | HED consider that the height of the proposed development is too tall and continues to dominate the listed buildings, in particular those on the Gas Works site. It is considered that the Former Presbyterian Church, 159-161 Donegall Pass, The Meter House and the Gas Office in the Gasworks are sufficiently removed from the site to ensure no adverse impact from the proposed development on their settings.  |
| 4.13.5      | The recently constructed 8 storey Portland 88 apartment development apartment fronting the Ormeau Road sits adjacent to the site. On its northern boundary. The gasworks is located opposite the site with the listed Klondyke building directly opposite the site.  |
| 4.13.6      | As indicated above the design of the building has taken cues from the Klondyke opposite the site. It is considered that the 4 lane carriageway which separates the proposed building from the listed Klondyke building opposite provides adequate separation to ensure a continued appreciation of the listed Klondyke building without adversely impacting on its setting and the use of red brick as the primary external finish complements the listed Klondyke building opposite and ties in with surrounding context including the former church building at 85 Ormeau Road to the south of the site. The Klondyke building itself has been the subject of an extension incorporating a |

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| 4.13.7 | <p>contemporary glazed development. The proposed building also draws cues from the existing Klondyke extension through the use of glazed curtain walling on the Ormeau Road frontage.</p> <p>It is the view of officers that the relationship that the proposed development would create with the listed Rose Cottage to the north west would have no greater impact on the listed Rose Cottage than which exists at present with the existing 8 storey Portland 88 development and the existing Havelock House which is 3 storeys to the rear both providing a backdrop of taller buildings when viewed from Walnut Street/Court. The separation distances as set out above between the proposed development and Rose Cottage are on balance considered acceptable. Currently views of the existing listed Rose Cottage are not obtained from the Ormeau Road or Donegall Pass. Views are localised from Ormeau Street, Coyle's Place and the Walnut Street/Court housing area and it is considered that the proposed development will not impact negatively on existing short range views of Rose Cottage. The proposed development will provide a taller backdrop than exists at present but this is not considered detrimental to the setting of the listed Rose Cottage particularly given the relationship that exists currently, and on balance it is considered that the proposed development will not have a detrimental adverse impact on the setting of the listed Rose Cottage and the Klondyke building.</p> |
| 4.14   | <p><b>Amenity/Open Space Provision</b></p>  |
|        | <p><b>Amenity Provision</b></p>   |
| 4.14.1 | <p>Residential amenity space is provided in the form of private terraces at ground floor level, communal landscaped external courtyards, roof terraces and an area of open space to the south of the building. All ground floor apartments fronting onto the two courtyards, as well as a number along the southern elevation, benefit from a degree of private amenity space which is welcomed. Cumulatively this equates to an average of 9.75m per apartment. Whilst this is marginally below the recommended guidelines it is comparable and in some cases higher than other approved city centre developments and is supported by the BCC Landscape Planning and Development Team and is on balance considered acceptable.</p>   |
| 4.14.2 | <p>Policy OS 2 of PPS 8 requires proposals for larger residential schemes to be supported by new public open space. Policy OS 2 requires states that a normal expectation will be at least 10% of the total site area. Policy OS 2 further states that provision at a rate less than 10% of the total site area may be acceptable where the residential development is located in a city centre or is close to and would benefit from ease of access to areas of existing public open space. The application site is located within reasonable walking distance of a number of areas of open space in the vicinity including McClure Street (0.1 miles and c.3 minutes walk), Ormeau Park (0.5 miles and 10 minutes walk), Botanic Gardens, (0.7 miles c. 14 minutes walk) and City Hall, (0.6 miles c. 13 minutes walk).</p>   |
| 4.14.3 | <p>Moreover Policy OS 2 states 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 being provided. In this case it is considered that a reasonable level of private communal open space is being provided.</p>   |
| 4.14.4 | <p>Policy OS2 of PPS8 further states that <i>“for residential developments of 100 units or more, an equipped children’s play area will be required as an integral part of the development.”</i> An exception to this requirement is permitted where an equipped children’s play area exists within reasonable walking distance (generally around 400</p>  |

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|         | metres) of the majority of the units within the development scheme. In this case there are two council maintained Local Equipped Areas for Play (LEAPS), at McClure Street and Balfour Avenue which are located within 400m (5-10 minute walk) of the development site. The McClure Street area of open space is in very close proximity to the application site and includes an equipped children's play area which was refurbished in March 2020.  |
| 4.14.5  | Having regard to the above considerations, it is advised that the proposal is compliant with Policy OS 2 of PPS 8 and criterion (c) of Policy QD 1 of PPS 7.   |
|         | <b>Unit Sizes/Space Standards</b>  |
| 4.14.6  | Whilst the space standards set out in the addendum to PPS 7 do not apply as this area is a mixed use area and not considered an established residential area they are nevertheless a useful guide.   |
| 4.14.7  | The Space standards referred to above set out that the design standards for a Studio apartment ranges from 30/35 sqm for a 1 bedroom bedsit. The studio apartments proposed range from 31-42 sqm and fall within the recommended design standards.   |
| 4.14.8  | The Space 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. The 1 bedroom apartments proposed range from 44sqm to 66 sqm and fall within the recommended design standards.   |
| 4.14.9  | The Space 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. The 2 bedroom apartments proposed fall within the recommended design standards   |
|         | <b>Provision of Social/Affordable units within the Development</b>   |
| 4.14.10 | Objectors raised concerns that the proposed development should include social housing. The Northern Ireland Housing Executive (NIHE) response advised that there is no need to recommend further for social housing provision given current commitments as set out below.<br><br><i>'The site is located within the Donegall Pass Common Landlord Area (CLA) in South Belfast. CLAs are defined as areas where social housing is located and where applicants can choose to be housed. The current social housing waiting list for Donegall Pass shows 71 applicants of whom 55 are deemed to be housing stress. Annual allocations amounted to 27 in the year to March 2019. This indicates a shortfall in provision.</i><br><br><i>The Housing Executive produces a three year Social Housing Development Programme (SHDP) each year, on a rolling basis. The current SHDP includes two schemes on public land within Donegall Pass which will meet the shortfall in the short/medium term. There is therefore no need to recommend further social provision within the Planning regime. Those sites will also deliver an element of affordable housing for purchase'.</i> |
| 4.14.11 | NIHE response recommends that 20% of the development, which is earmarked for the private rental market, be designated for affordable intermediate rent. Currently there is however no planning policy requirement to secure 20% of the units as affordable intermediate rental units and in the absence of such a policy requirement the proposed tenure of units is considered acceptable.  |

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| <p><b>4.15</b></p> <p>4.15.1</p>   | <p><b>Landscaping</b></p> <p>Thirty trees are being proposed to be planted including 3 along the Ormeau Road frontage. Officers had requested additional tree planting along the Ormeau Road frontage to soften the impact of the development at street level however the applicant has advised that due to constraints i.e. services located under the Ormeau Road frontage this is not possible. The Tree Officer and the Landscape Planning and Development Team have no objections subject to conditions. The Urban Design officer welcomes the use of 'stone paving' along the front of the building, part of Ormeau Street and along the southern boundary. However, the Urban Design Officer seeks further detail on the type, finish, size and colour tone of the proposed paving. It is recommended that a condition be attached to ensure that such details are submitted in advance of works being carried out. The proposed development is considered to meet criterion (c) of Policy QD 1.</p>  |
| <p><b>4.16</b></p> <p>4.16.1</p> <p>4.16.2</p> <p>4.16.3</p> <p>4.16.4</p> <p>4.16.5</p> | <p><b>Access, Servicing and Parking</b></p> <p>Forty incurtilage parking spaces are proposed on site and include 4 permanent spaces dedicated to the use of a car club and at least 4 spaces for disabled parking. The amount of parking is below the required parking standards however the applicant has agreed to provide additional green travel measures to support the development including travel cards for each residential units for a period of 3 years, 4 car club spaces, discounted membership of a car club for a period of 3 years and the appointment of a travel co-ordinator to promote alternative and sustainable modes of transport and implementation of a residential travel plan. The reduction in parking is in line with recent city centre developments approved by the Planning Committee and will have environmental benefits in terms of improving air quality. The location of the site on an arterial route means it is accessible and well served by public transport.</p> <p>Concerns have been raised regarding the limited parking available and the current congestion and illegal parking. DFI Roads are satisfied with the level of parking provided and the supporting green travel measures to support the reduced parking level. DFI Roads has not raised any concerns regarding parking outside the site. Enforcement of illegal parking on public roads is a matter for the PSNI.</p> <p>Concerns were also raised about unallocated parking on the site. The development is a build to rent scheme and will be managed by one operator who will have control over the use of the parking spaces.</p> <p>Concerns were raised that public transport is used less frequently in Belfast than other cities and therefore residential occupiers would be less likely to use. Green Travel measures including the provision of Travel Cards for 3 years and the provision of a Car Club scheme on site aim to incentivise residential occupiers to use other forms of transport rather than the car thereby reducing the dependency on car usage. The addition green travel measures set out above to support a reduced level of parking will be promoted through an appointed Travel Co-ordinator whose role will also include monitoring of the measures proposed. It is officers' view that adequate provision has been made to provide appropriate measures to support the reduced level of parking proposed and these measures have been endorsed by DFI Roads.</p> <p>Concerns were raised that a previous through route/right of way from Ormeau Road through to the existing residential development to the west (Vernon St/Walnut St) would be lost. No through access has been available for a number of decades. In the 1980s the area was redeveloped and streets including were Lake Street and Outram Street were extinguished/abandoned. Since this time the site has been occupied by</p> |

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| <p>4.16.6</p> <p>4.16.7</p> <p>4.16.8</p> <p>4.16.9</p> | <p>Havelock House and an associated car park. An existing 2m high wall is being retained along the western boundary which is in the ownership of NIHE. NIHE were consulted and did not raise any issues with the retention of the wall at Vernon Street.</p> <p>The applicant has stated that the design team were aware of the interface issue from the pre-application community consultation and formally recorded it. The applicant has advised that the pre-application community consultation did not raise any desire to reopen the interface and therefore did not propose it as part of the planning application. The submitted plans therefore show the development being accessed from the Ormeau Road only and the existing established boundary with the adjacent residential area being retained. Within the Belfast Agenda, the Council has committed to developing an Interfaces Programme which has yet to be delivered. BCC Good Relations Unit were consulted and their provisional comments did not raise any specific concerns regarding the proposed development. The proposed development is on private land and rights of way across the site were extinguished/abandoned in the 1980s/1990s. The development will result in the regeneration of a brownfield site and an increase in the number of residential units in the City Centre in line with the Belfast Agenda which is to be welcomed.</p> <p>The site is located on the Ormeau Road, an arterial route which is well served by public transport. The proposed development incorporates internal cycle storage and a Belfast Bike docking station is located in close proximity at the Gasworks.</p> <p>Direct access is available from the Ormeau Road for those using the building with impaired mobility and the proposed development will be required to meet disability standards in order to satisfy Building Control Regulations.</p> <p>DFI Roads are satisfied with the access arrangements, the level of level of parking proposed for vehicles and bicycles and support the green travel measures proposed. The proposed development is considered to meet criterion (e) and (f) of Policy QD 1 and complies with Policy AMP 3 of PPS 3.</p> |
| <p>4.17</p> <p>4.17.1</p> <p>4.17.2</p> <p>4.17.3</p>   | <p><b>Environmental Considerations - Air Quality, Noise, Dust, Contamination, Lighting and Natural Habitats.</b></p> <p><b>Air Quality</b></p> <p>An Air Quality Assessment was submitted with the application. Environmental Health has advised that the assessment has sufficiently demonstrated that exceedances of Air Quality Objectives are not expected at the modelled receptor locations and predicted changes in traffic flows as a result of the proposed development, are considered to have a 'negligible' impact on nitrogen dioxide and particulate matter concentrations in the local area. As a result Environmental Health has no concerns regarding the air quality impacts of the operational phase of the development proposal.</p> <p>However, a condition is recommended regarding the installation of centralised heating/hot water systems to ensure no adverse impact on air quality as a result of such facilities. A further condition is recommended regarding the construction phase which is set out under the 'Dust' section below.</p> <p><b>Noise</b></p> <p>A Noise Impact Assessment and additional supporting information has been submitted in support of the application. Environmental Health (EH) acknowledge that due to Covid-19 restrictions that it is not feasible for a noise survey to be undertaken which could be considered representative of the normal noise climate at this site. EH consider that alternative methodologies may be used to represent baseline noise</p>   |

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|        | <p>conditions to adequately assess the impact of the nearby noise sources on the proposal. EH advise that additional survey work may result in an underestimation of traffic noise impacts in the locality of the development site due to a general reduction in daily traffic movements as a result of homeworking. EH deem the data presented to be appropriate given the circumstances.</p>   |
| 4.17.4 | <p>EH note that 40 car parking spaces are provided to the rear of the development and advise that a negative impact on the amenity of neighbouring properties as a result of noise from traffic movements is unlikely given the limited number of car parking spaces and the existing noise climate in the area. Environmental Health note that the 2m high masonry wall is close to the car parking bay and will perform as an acoustic screen and therefore mitigate noise from traffic movements.</p>   |
| 4.17.5 | <p>Environmental Health recommend a number of conditions relating to the submission of a Construction Noise and Vibration Management Plan (CNVMP), a Verification Report demonstrating appropriate noise levels for plant and equipment and façade glazing specification and internal building services plant and equipment. These conditions are considered acceptable.</p>   |
| 4.17.6 | <p>Concerns were raised regarding potential noise impact from the proposed transformer plant which will sit in the north west corner portion of the site. Objectors stated that there is no reference in the Noise Impact Assessment and Technical Note to the transformer and considered it premature to accept EH's recommended planning conditions in relation to external noise sources.</p>   |
| 4.17.7 | <p>Environmental Health has considered the objection and advised that residential developments are not inherently noise producing developments, in general the main amenity concern would be in regard to the noise environment to which the future occupants will be exposed to e.g. urban transport noise, as is the case with this proposal. Environmental Health also advise that at the planning application stage it is commonplace that the exact design particulars of development associated plant/equipment have not been confirmed. The exact design specifications are usually established at the detailed design stage following the granting of planning approval. This is referred to in Section 6.1 of the AWN Consulting report dated 29th May 2020. As the specific plant/equipment design (make/model/acoustic data) cannot be confirmed until the detailed design stage, EH has recommended a condition requiring that future assessment is conducted in accordance with BS4142:2014+A1:2019 - Methods for rating and assessing industrial and commercial sound prior to the occupation of the development. The methodology outlined within BS4142 is the industry standard when assessing plant/equipment impact at noise sensitive premises for the purposes of planning. The condition proposed is regularly recommended for similar developments where plant/equipment is required to be carefully selected and designed so that the combined sound levels result in 'low adverse impact' in accordance with the above standard.</p> |
| 4.17.8 | <p>Environmental Health note that plant associated with this development is internally located, except for the substation. The proposed substation located to the rear of the development has not been explicitly mentioned in the Noise Impact Assessment submissions, it nevertheless will be considered by EH during the course of condition compliance. Substations are commonly included in residential developments of over 200 units and operational noise from a substation is unlikely to cause noise disturbance to surrounding residents.</p>   |
| 4.17.9 | <p>Compliance with the recommended condition is necessary before the development can be operational and occupied. It is envisaged that the Verification Report will be</p>   |

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|         | submitted once the exact specification of suitable plant/equipment (including the substation) has been confirmed and following a representative period of background sound monitoring close to sound sensitive receptors. For the purposes of clarity 'sound sensitive residential premises' includes established residential premises, such as premises on Walnut Street, and the proposed apartment building  |
| 4.17.10 | Concerns have been raised by objectors regarding the noise impact of the development and the methodology used in the submitted Noise Impact Assessment. EH has confirmed that they are satisfied with the data presented as set out above. EH have considered the issues raised in objections regarding noise and advise that the potential for demolition/construction noise impacts has been considered and a planning condition requesting that a Construction Noise and Vibration Management Plan (CNVMP) is submitted for written approval prior to commencement of development has been recommended. A planning condition has been recommended which requires the applicant to demonstrate that externally located plant/equipment does not result in an adverse impact at noise sensitive receptors. |
| 4.17.11 | Environmental Health advise that with regard to the background sound level (LA90), the methodology outlined within British Standard BS4142 stipulates how this level is determined. The background sound level is established following a representative noise survey during day and night-time periods. More than one (LA90) value may be determined for each night/day period depending on the size of the development and the locations of sensitive receptors. In the case of this proposal, background monitoring of the noise climate close to Walnut Street would be expected. The Standard states 'In using the background sound level...it is important to ensure that values are reliable and suitably represent both the particular circumstances and periods of interest'.                      |
| 4.17.12 | Where the 'rating level' of plant noise does not exceed the background sound level, no adverse impact from plant noise should result at sound sensitive residential premises, BS4142 states 'The lower the rating level is relative to the background sound level, the less likely it is that the specific sound source will have an adverse impact or significant adverse impact'.   |
| 4.17.13 | The rating level is the level of the 'specific sound sources' including, where appropriate, the addition of a penalty or noise character correction which accounts for acoustic features of the particular sound source such as intermittency and tonality.   |
| 4.17.14 | These decibel corrections are added to the specific sound level and the final rating level is established. This method of adding decibels to the specific sound source builds a degree of conservatism into the assessment.   |
| 4.17.15 | The onus will be on the applicant to ensure that the rating level of the all-encompassing sound from the chosen plant/equipment, including the substation, complies with BS4142 in ensuring no adverse impact. For clarity Environmental Health advise that consideration of the inclusion of specific reference to the substation within the recommended condition. It is considered that inclusion of reference to the substation is appropriate to ensure that the noise levels generated from this infrastructure are properly considered.  |
| 4.17.16 | Concerns were also raised that only 1 unattended noise monitoring location and 1 vibration monitoring location had been selected to provide an assessment of the total noise environment at the site when there are various noise source locations both internally and externally at the site. Concerns were raised regarding the acceptability of considering secondary noise data to depict the noise environment of another site.  |

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| 4.17.17 | <p>Environmental Health has considered these issues and acknowledge, due to current Covid-19 restrictions, that it is not feasible for a noise survey to be undertaken which would be considered representative of the normal noise climate at this site. As such, they advise that alternative methodologies may be used to represent baseline noise conditions to adequately assess the impact of nearby noise sources on the proposal. EH also advise that additional survey work may result in an underestimation of traffic noise impacts in the locality of the development site due to a general reduction in daily traffic movements as a result of homeworking practices.</p>  |
| 4.17.18 | <p>Environmental Health advise that the use of DAERA Noise Map data is not normally accepted within noise impact assessments and consider that the DAERA Noise Map data used with the AWN Consulting assessment has been compared with previously submitted noise assessments conducted in similar locations within the city (pre Covid-19) and the baseline data presented compares favourably with similar development sites subjected to comparable road traffic activity.</p>   |
| 4.17.19 | <p>Due to the COVID-19 pandemic situation and the difficulty in proceeding with representative environmental noise assessments, the Association of Noise Consultants (ANC) and the Institute of Acoustics (IOA) have produced joint guidance, dated 21st April 2020, titled 'Joint Guidance on the Impact of COVID-19 on the Practicality and Reliability of Baseline Sound Level Surveying and the Provision of Sound &amp; Noise Impact Assessments'.</p>   |
| 4.17.20 | <p>The relevant section of the ANC/IOA guidance is provided below:</p> <p><i>Baseline Sound Level Characterisation</i><br/> <i>Before the most recent restrictions, the COVID-19 outbreak presented new challenges in obtaining representative baseline sound levels because typical road, air and rail transport usage have been reduced by travel restrictions and social distancing measures. Other sound sources may also have been affected – for example, due to changes in operating patterns at industrial and commercial premises. However, now that site visits cannot routinely occur, other approaches may have to be taken to establish an appropriate robust estimate of baseline conditions, such as using existing data (for example, from previous local surveys and noise maps) or undertaking baseline sound predictions. These approaches can be supplemented by additional limited on-site sound level measurements, where permitted. The most appropriate option to use must be determined on a case-by-case basis, assessing the level of uncertainty and including this information in the reporting. Most importantly at this time, before progressing with any methodology, there should be discussion of the intended approach with the relevant regulating authority.</i></p> |
| 4.17.21 | <p>Environmental Health consider the data presented to be appropriate given the current circumstances and have no objections subject to conditions.</p>   |
| 4.17.22 | <p><b>Dust</b></p> <p>Concerns have been raised both at the pre-application consultation stage and during the processing of the application regarding dust during the construction phase. An Outline Construction Environmental Management Plan and an Air Quality Assessment were submitted with the application by the applicant and set out an extensive range of mitigation measure to control dust throughout the construction period. These measures include the implementation of best practice measures including:</p> <ul style="list-style-type: none"> <li>• Principal contractor on the site will develop a best practice management scheme for the control of dust on the site.</li> </ul>   |

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|         | <ul style="list-style-type: none"> <li>• Nominate a person(s) accountable for air quality and dust issues on the site boundary.</li> <li>• Develop and implement a Dust Management Plan (DMP), which may include measures to control other emissions, approved by the Local Authority. And carry out regular inspections to monitor compliance.</li> <li>• Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken.</li> <li>• Undertake daily on-site and off-site inspection, where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked. This should include regular dust soiling checks of surfaces such as street furniture, cars and windowsills within 100 m of site boundary, with cleaning to be provided if necessary.</li> <li>• Plan site layout - machinery and dust causing activities should be located away from sensitive receptors.</li> <li>• Erect solid screens or barriers around dusty activities or the site boundary that are at least as high as any stockpiles on site.</li> <li>• Fully enclose site or specific operations where there is a high potential for dust production and the site is active for an extensive period.</li> <li>• Avoid site runoff of water or mud.</li> <li>• Remove materials that have a potential to produce dust from site as soon as possible, unless being reused on site. If they are being re-used on-site cover as described below.</li> <li>• All site roads will be swept and sprayed with water in prolonged spells of dry weather to prevent dust causing a nuisance off-site.</li> <li>• Minimise movement of construction traffic around site.</li> <li>• Site construction vehicles will be retained on site during the construction period. To minimise noise and emissions, all construction machinery will be switched off when not in use and speed limits imposed on internal roads and across the site.</li> <li>• Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is required for a particular process, in which case ensure that appropriate additional control measures are in place.</li> <li>• Use water-assisted dust sweeper(s) on the access and local roads, to remove, as necessary, any material tracked out of the site. This may require the sweeper being continuously in use.</li> <li>• Avoid dry sweeping of large areas.</li> <li>• Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport.</li> <li>• Implement a wheel washing system (with rumble grids to dislodge accumulated dust and mud prior to leaving the site where reasonably practicable).</li> </ul> |
| 4.17.23 | <p>Environmental Health considers that with implementation of proposed mitigation measures there will be no significant adverse dust effects from the construction phase of the proposed development. Environmental Health recommends a condition seeking the submission of a Dust Management Plan prior to construction which will require to be agreed by the Council which is considered acceptable.</p>   |
| 4.17.24 | <p>The proposed development is considered to comply with criterion (h) of Policy QD 1 in that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of noise or other disturbance.</p>   |

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|  | <p><b>Contamination</b></p> <p>4.17.25 A Environmental Site Assessment and Generic Quantitative Risk Assessment (GQRA) has been submitted identified potential risks to site users and adjacent site associated with potentially reduced quality made ground and contamination associated with historic/current on and off site activities.</p> <p>4.17.26 Environmental Health (EH) was consulted and having considered the contaminated land reports, EH has no objection subject to a condition seeking the submission of a detailed remediation strategy prior to commencement of construction</p> <p><b>Lighting</b></p> <p>4.17.27 EH advise that in regard to light spill, an artificial lighting impact assessments are usually only requested in the event that floodlighting is proposed to be installed within a development. As the lighting scheme is expected to include boundary/security lighting, a planning informative with regard to development lighting is recommended.</p> <p>4.17.28 The Urban Design Officer considers that consideration should be given to providing a degree of lighting to the secondary entrance along the Ormeau Road. A condition is proposed to agree the lighting details prior to occupation.</p> <p><b>Natural Habitats</b></p> <p>4.17.29 This planning application was considered 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 (SES) on behalf of Belfast City Council.</p> <p>4.17.30 Having considered the nature, scale, timing, duration and location of the project SES concluded that the proposed development could not have any conceivable effect on the selection features, conservation objectives or status of any European site.</p> <p>4.17.31 SES advise that the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.</p> |
| <p><b>4.18</b></p> <p>4.18.1</p> <p>4.18.2</p> | <p><b>Drainage/Flood Risk</b></p> <p>A Flood Risk Assessment and Drainage Assessment was submitted with the application seeking out the proposed drainage details for the site. The site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain nor are there any designated watercourses running through the site and is therefore considered to be at low risk from flooding.</p> <p>NI Water response advises that a network capacity check is required for the Watermain and the public foul sewer and that there is no public sewer to serve the development. The applicant has applied to NI Water to requisition a sewer extension to serve the development. NI water has indicated that if significant betterment can be achieved (which would be confirmed by calculations) then it (NI Water) would forgo the requirement for a foul sewerage Network Capacity Check. Discussions are ongoing with the applicant's team and NI Water to agree a mutually acceptable water and drainage solution to serve this development.</p>   |

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| 4.18.3      | NI Water has confirmed that the receiving Waste Water Treatment facility (Belfast WwTW) has sufficient capacity to serve this development.   |
| 4.18.4      | Rivers Agency recommend a condition seeking the submission of a final drainage assessment containing a detailed drainage network design prior to commencement of development which is considered acceptable.   |
| 4.18.5      | NI Water or Rivers Agency do not raise objections to the proposed development which is considered to be in compliance with PPS 15.   |
| <b>4.19</b> | <b>Waste Management</b>  |
| 4.19.1      | Three bin storage areas are proposed at ground floor level ensuring accessibility by all occupants. BCC Waste Management Unit are satisfied with the proposed waste arrangements.  |
| <b>5.0</b>  | <b>Other Issues</b>  |
| 5.1         | Concerns have been raised regarding the level of engagement between the Council and the local community, particularly with respect to the challenges of COVID-19. Whilst acknowledging the impact of COVID-19, officers are satisfied that local residents have had significant opportunity to engage with the Council's Planning Service on this application including several rounds of consultation, a meeting with residents and representatives for the local community and submission of numerous queries about the Listing issue, and the application more generally which officers have responded to. The local community also has the opportunity to make oral representations to the Planning Committee when this application comes before it. |
| 5.2         | Concerns were raised that the proposed development would devalue adjacent properties. The Impact of the development on the value of neighbouring properties is not a planning matter.  |
| 5.3         | Objections have sought that a Health Impact Assessment should be carried out for the development prior to determination given concerns regarding the impact of the development on the health and wellbeing of the local residents. There is no current policy requirement to provide a Health Impact Assessment. Whilst the emerging Local Development Plan seeks to include provision as a requirement of major planning application this plan carries no weight given its draft status.  |
| 5.4         | <b>Right to Light</b><br>Rights to light is a matter between the developer and interested parties and not a material consideration for the assessment of this application.   |
| <b>6.0</b>  | <b>Developer Contributions and Obligations</b>   |
| 6.1         | The applicant has agreed to provide green travel measures to support the reduced parking proposed. These measures will include: <ul style="list-style-type: none"> <li>• Submission and implementation of a Residential Travel Plan;</li> <li>• Travel Cards for each residential unit for 3 years;</li> <li>• Provision of 4 permanent car club spaces; and</li> <li>• Provision of discounted membership of a car club (50%) for a period of 3 years</li> </ul>  |

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| 6.2        | The above planning obligations will be included as part of the planning permission by means of a Section 76 planning agreement. This is directly related to the development and will mitigate the reduced parking proposed and is considered necessary to make the development acceptable.   |
| <b>7.0</b> | <b>Pre-Application Community Consultation</b>  |
| 7.1        | 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 3 <sup>rd</sup> August 2018 (LA04/2018/1982/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 recommended that the Inner South Neighbourhood Renewal Partnership should be notified of the development. The Pre-Application Community Consultation (PACC) public engagement event for this proposal took place on 27th September 2018.   |
| 7.2        | Concerns were raised that the Lower Ormeau Road residents were not consulted at the pre-application consultation process. The Pre-Application Community Consultation Report confirms that community groups in the area were consulted including the South Belfast Alternatives who serve the communities of South Belfast. Officers are satisfied that adequate consultation has been carried out.   |
| 7.3        | <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 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 500 flyers had been distributed to homes and businesses within 200m of the site. The flyers were distributed to residential properties on the following streets:-</p> <ul style="list-style-type: none"> <li>• Walnut Street</li> <li>• Walnut Court</li> <li>• Vernon Street</li> <li>• Elm Street</li> <li>• Pine Way</li> <li>• Oak Street</li> <li>• Oak Way</li> <li>• Vernon Court</li> <li>• Virginia Way</li> <li>• Powerscourt Place</li> <li>• McClure Street</li> <li>• Ormeau Road</li> <li>• Coyles Place</li> <li>• Donegall Pass</li> </ul> |
| 7.4        | The PACC also confirms that the applicant's team contacted local stakeholders including the Donegall Pass Community Forum and South Belfast Alternatives. The report confirms that the development team informed all local elected representatives in Botanic DEA, and the South Belfast MLAs and Member of Parliament of the community exhibition event and invited elected representatives to the consultation and provided them with details of the proposed development.   |

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| 7.5  | The report advises that 10 comments were received at the consultation event and that issues were raised in relation to reopening of an interface area, through route for traffic, local housing waiting list, height of the proposed development and assurances were sought that when the demolition of the existing building takes place that noise and dust would be kept to a minimum.   |                                       |            |
| 7.6  | The report states that: <i>The proposed development has been subject to a detailed design process since the community consultation event in response to feedback. This has seen the scheme evolve to respond sympathetically to its surrounding context with a reduction in building height with an improved relationship to the neighbouring residential properties and listed buildings in the area. Access to the building will be from the Ormeau Road and there is no intention to open access to neighbouring residential areas. The proposed development offers the chance to regenerate a vacant site at the entrance to Belfast City Centre.</i> |                                       |            |
| 7.7  | Concerns were raised regarding the level of information provided at the pre-application consultation stage. Officers are satisfied that 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.   |                                       |            |
| <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;"><b>Neighbour Notification Checked</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> </table>  |   | <b>Neighbour Notification Checked</b> | <b>Yes</b> |
| <b>Neighbour Notification Checked</b>  | <b>Yes</b>  |                                       |            |
| <p><b>Summary of Recommendation:</b></p> <p>Having regard to the policy context and other material considerations the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement to secure the green transport measures to support the development. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Agreement subject to no new substantive planning issues being raised by third parties.</p> <p>If the Planning Committee is minded to approve the application, the Council is required to notify the Department for Infrastructure (DfI) given the objection from HED in accordance with Section 89 of the Planning Act (Northern Ireland) 2011.</p>   |   |                                       |            |
| <p><b>Draft Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.<br/><br/>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</li> <li>2. Prior to commencement of development a detailed specification and samples shall be submitted and sample panels of all external finishes shall be made available on site for inspection by the Council and shall be approved in writing. The samples shall be retained on site until completion of the development. The development shall be carried out in accordance with the agreed details.<br/><br/>Reason: To ensure a high quality development.</li> <li>3. Prior to commencement of development a detailed specification and samples shall be submitted and sample panels of all hard landscaping finishes shall be made available on site for inspection</li> </ol> |   |                                       |            |

by the Council and shall be approved in writing. The samples shall be retained on site until completion of the development. The development shall be carried out in accordance with the agreed details.

Reason: To ensure a high quality development.

4. Prior to commencement of development a detailed specification of lighting to the secondary entrance along the Ormeau Road shall be submitted and be approved in writing by the Council.. The development shall be carried out in accordance with the agreed details.

Reason: To ensure a high quality development.

5. All hard and soft landscaping works shall be carried out in accordance with the details set out in Drawing Nos. 26B – Hard Landscaping Plan Rev D and 27B– Planting Plan RevD published by Belfast City Council 25 August 2020 except in accordance with the details submitted and agreed under conditions 3 and 6. The hard landscaping works shall be carried out prior to the occupation of the development hereby approved. The soft landscaping works shall be carried out prior to the occupation of the development hereby approved or before the end of the first planting season after occupation, whatever is sooner, and shall be permanently retained thereafter. Any trees or plants indicated on the approved scheme 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 similar species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

6. Notwithstanding the details set out on Drawing Nos. 26B – Hard Landscaping Plan RevD and 28A – Landscape Proposal RevD published by Belfast City Council on 25 August 2020 details of a permeable surfacing material for the car parking area to the rear of the building shall be submitted to and agreed in writing by the Council prior to commencement of the development hereby approved.

Reason: In the interests of visual amenity and to facilitate run-off from the site.

7. The open space and amenity areas indicated on Drawing No. 28A – Landscape Proposal Rev D published by Belfast City Council on 25 August 2020 shall be managed and maintained in accordance with the Park Hood Landscape Management Plan, February 2020, bearing the Belfast City Council date received stamp of 28 February 2020. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual amenity.

8. Any excavation and or construction within the RPA of any existing tree shall carried out in accordance with recommendations at outlined in BS587:2012 'Trees in relation to design, demolition and construction – Recommendations'.

Reason: To ensure the protection of existing trees.

9. If tree roots are accidentally damaged the Council must be notified and given the opportunity to inspect the damage before it is covered over.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.

10. Prior to the commencement of development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15, shall be submitted to and agreed in writing by the Council. The development shall be carried out in accordance with the approved details.

Reason: To safeguard against flood risk to the development and elsewhere.

11. Prior to commencement of construction, a Detailed Remediation Strategy shall be submitted to and agreed in writing by the Council. This Strategy should follow best practice and must demonstrate how the pollutant linkages identified within the RSK Ireland report entitled 'Ground Check Ltd, Environmental Site Assessment and Generic Quantitative Risk Assessment, Havelock House, Ormeau Road, Belfast' (dated April 2019 and referenced 602438-R1(00)), are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified.
  - In particular, this Detailed Remediation Strategy must detail the gas protection measures to be provided to the development in line with its Characteristic Situation (CS) 2 classification.
  - All construction thereafter must be in accordance with the approved Remediation Strategy.

Reason: Protection of human health.

12. Prior to occupation of the development, a Verification Report shall be submitted to and agreed in writing by Council. The Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Detailed Remediation Strategy have been implemented, have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health.

Reason: Protection of human health.

13. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health.

14. Prior to commencement of the demolition and construction phases of the development, the appointed contractor shall submit to the Planning Authority, a Construction Noise and Vibration Management Plan (CNVMP) for written approval. The CNVMP shall specify measures to control and minimise noise and vibration impacts during the demolition and construction phases. The CNVMP shall include rationale for and details of the chosen piling methodology and must pay regard to Parts 1 and 2 of BS 5228:2009+A1:2014 *Code of practice for noise and vibration control on construction and open sites* and demonstrate the use of 'best practicable means'. The CNVMP must be implemented as agreed and the

associated records shall be made available to the Planning Authority at any time upon request.

Reason: Protection of residential amenity against adverse construction impacts.

15. Prior to occupation of the development, a Verification Report shall be submitted to the Planning Authority, for review and approval in writing, which demonstrates that the Rating Level (dB LAr) of sound from all combined plant and equipment associated with the development, including the substation, does not exceed the background sound level (for both daytime and night time hours) at sound sensitive residential premises when determined in accordance with the assessment methodology outlined in *BS4142:2014+A1:2019 - Methods for rating and assessing industrial and commercial sound*, and in accordance with Section 3.4 of the AWN Consulting report – *Inward noise impact assessment for a residential and amenity development at Havelock House, Ormeau Road, Belfast*, Reference MS/18/10456NR01b, dated 29th May 2020. The approved Rating Level (dB LAr) shall be maintained at that level, or below, thereafter.

Reason: Protection of residential amenity

16. Prior to construction of the development, internal building services plant and equipment shall be so selected to ensure that noise levels within proposed residential apartments do not exceed internal noise criteria detailed within Section 5.2.1 of the AWN Consulting report – *Inward noise impact assessment for a residential and amenity development at Havelock House, Ormeau Road, Belfast*, Reference MS/18/10456NR01b, dated 29th May 2020.

Reason: Protection of residential amenity.

17. Prior to occupation of the development, a Verification Report shall be submitted to the Planning Authority for approval in writing. This Verification Report must demonstrate that the façade glazing specification, as installed, is in accordance with or higher than the glazing specification recommended within Section 2.6 of the AWN Consulting – Technical Note - Clarification on Noise Report MS/18/10546NR01b, Ref. MS/18/10546NT01, dated 22nd September 2020 and is installed in accordance with Figure 2 of the AWN Consulting Technical Note. The report shall demonstrate that alternative means of acoustically attenuated ventilation has been installed and also demonstrate that the internal noise levels within habitable rooms:
- Do not exceed 35dB LAeq,16 hr between 07.00hrs and 23.00hrs within any habitable room, with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements.
  - Do not exceed 30 dB LAeq, 8hr within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements.
  - Do not exceed 45dB LAFmax, by more than 10 single sound events in any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements.

Reason: Protection of residential amenity.

18. Prior to operation of the development gym, the noise mitigation measures detailed within Section 6.2 of the AWN Consulting report – *Inward noise impact assessment for a residential and amenity development at Havelock House, Ormeau Road, Belfast*, Reference MS/18/10456NR01b, dated 29th May 2020 shall be installed and retained thereafter.

Reason: Protection of residential amenity

19. Prior to commencement of the demolition and construction phases of the development a Dust Management Plan shall be produced and shall include the mitigation measures detailed within Chapter 5 of the Redmore Environmental report, *Air Quality Assessment, Ormeau Road, Belfast*, dated 15th January 2020 and as Section 5.29 of the outline CEMP. The mitigation measures shall be implemented throughout the duration of the construction phase of the development.

Reason: Protection of residential amenity.

20. Prior to the installation of any centralised heating/hot water system, the technical specification and emissions output of the plant and details of the location and height of termination points of the associated flue(s) shall be provided to the Planning Authority for approval and, if required, a revised Air Quality Assessment shall also be submitted for review and approval in writing.

Reason: Protection of human health.

21. Prior to commencement of development, a Final Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Council. The final CEMP shall be in accordance with the Outline Construction Environmental Management Plan dated January 2020 and shall also include details regarding the storage, containment or mitigation of silts or sediment run off from the site.

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

22. The development shall operate using hard surfaced areas constructed generally in accordance with the approved layout Drawing No. 02D 'Proposed Ground Floor Plan' published by Belfast City Council Planning Office on 07 September 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.

23. 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.

24. Prior to occupation, the development shall provide 40 car parking spaces within the site. A minimum of 4 spaces shall be reserved for use by a car club scheme. A minimum of 4 spaces shall be reserved for disabled users.

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

25. Prior to occupation, the development shall provide a minimum of 54 bike stands of which 4 shall be provided externally for the use of visitors to the site.

Reason: To ensure that adequate provision has been made for cycle parking and to encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

26. The commercial and staff elements of the development hereby permitted shall operate generally in accordance with the approved Travel Plan published by Belfast City Council Planning Office on 30 January 2020.

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

27. The development hereby permitted shall operate in accordance with the Servicing Management Plan within the approved Travel Plan published by Belfast City Council Planning Office on 30 January 2020.

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

28. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order), the windows on the first and second floors outlined in red on Drawing No. 13a - Elevation C (Western) published by Belfast City Council on 16 June 2020 shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the privacy of adjacent properties.

**Notification to Department (if relevant):**

If the Planning Committee is minded to approve the application, the Council is required to notify the Department for Infrastructure (DfI) given the significant objection from HED in accordance with Section 89 of the Planning Act (Northern Ireland) 2011.

**Representations from Elected members:**

Christopher Stafford MLA  
Paula Bradshaw MLA  
Matthew O'Toole MLA

| <b>ANNEX</b>   |                            |
|--|----------------------------|
| <b>Date Valid</b>  | 14th January 2020          |
| <b>Date First Advertised</b>   | 7th February 2020          |
| <b>Date Last Advertised</b>  | 26th June 2020             |
| <b>Details of Neighbour Notification</b> (all addresses)   |                            |
| The Owner/Occupier, 1 Walnut Court,Belfast,Antrim,BT7 1EP  |                            |
| The Owner/Occupier, 20 – 50 Walnut Street,Belfast,Antrim,BT7 1EN   |                            |
| The Owner/Occupier, 3 - 7 Walnut Court,Belfast,Antrim,BT7 1EP  |                            |
| The Owner/Occupier, 55 - 59 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1DY  |                            |
| The Owner/Occupier, 69 - 71 Vernon Street,Belfast,Antrim,BT7 1EW   |                            |
| The Owner/Occupier, 8 Ormeau Road,Ormeau,Antrim,   |                            |
| The Owner/Occupier, Apartment 2.04,55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1FD                                    |                            |
| The Owner/Occupier, Apartment 2.10,55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1FD                                    |                            |
| The Owner/Occupier, Apartment 3.08,55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1FD                                    |                            |
| The Owner/Occupier, Apartment 3.11,55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1FD                                    |                            |
| The Owner/Occupier, Apartment 3.14,55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1FD                                    |                            |
| The Owner/Occupier, Apartment 4.03,55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1FD                                    |                            |
| The Owner/Occupier, Apartment 4.10,55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1FD                                    |                            |
| The Owner/Occupier, Apartment 4.11,55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1FD                                    |                            |
| The Owner/Occupier, Apartment 5.11,55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1FE                                    |                            |
| The Owner/Occupier, Apartment 5.12,55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1FE                                    |                            |
| The Owner/Occupier, Apartment 6.03,55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1FE                                    |                            |
| The Owner/Occupier, Apartment 6.06,55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1FE                                    |                            |
| The Owner/Occupier, Havelock House,1 Havelock Place,Ormeau,Belfast,Antrim,BT7 1ED                                  |                            |
| The Owner/Occupier, Office 1 <sup>st</sup> – 4th Floor,The Arena Building,85 Ormeau Road, Belfast, Antrim, BT7 1SH |                            |
| The Owner/Occupier, The Klondyke Building,Cromac Avenue,Gasworks Business  |                            |
| <b>Date of Last Neighbour Notification</b>   | 23 <sup>rd</sup> June 2020 |
| <b>Date of EIA Determination</b>   | 4th February 2020          |
| <b>ES Requested</b>  | No                         |

## Appendix 1 – HED Survey Report – Havelock House

### NI Environment Agency – Protecting Historic Buildings Historic Building Details

HB26/30/037

|   |  |
|---|--|
| <b>Address</b><br>Havelock House<br>1 Havelock Street<br>Ormeau<br>Malone Lower<br>BELFAST<br>BT7 1EB | <b>HB Ref No</b> HB26/30/037   |
| <b>**See General comments**</b>   | <br>There is no picture of this building currently available on the database<br> |
| <b>Extent of Listing</b><br>Not Listed  |  |
| <b>Date of Construction</b>   |  |
| <b>Townland</b>   |  |
| <b>Current Building Use</b><br>Office   |  |
| <b>Principal Former Use</b><br>Office   |  |

|  |                          |              |                  |            |
|--|--------------------------|--------------|------------------|------------|
| <b>Conservation Area</b><br>Industrial Archaeology<br>Vernacular<br>Thatched<br>Monument<br>Area of Townscape Character<br>Local Landscape Policy Area<br>Historic Gardens Inventory<br>Derelict | <b>Current Grade</b>     | Record Only  | <b>OS Map No</b> | 147/1 NE   |
|  |                          |              | <b>IG Ref</b>    | J3419 7316 |
|  | <b>Date of Listing</b>   |              | <b>IHR No</b>    |            |
|  | <b>Date of Delisting</b> |              | <b>SMR No</b>    |            |
|  | <b>Delisted/Relisted</b> | Not Required | <b>HGI Ref</b>   | _____      |
|  |                          |              |                  | _____      |
|  |                          |              |                  |            |

**Owner Category** Private

### Building Information

#### Exterior Description and Setting

## NI Environment Agency – Protecting Historic Buildings Historic Building Details

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A multi-bay three-storey rendered commercial building, now housing the headquarters of Ulster Television. Rendered walling and replacement windows; interior substantially refurbished. This building was surveyed in the First Survey but not listed. A partial record only was taken during the Second Survey as the building is not worthy of a full survey.

### Architects

#### Historical Information

The original – Victorian - section of Havelock House was built in two distinct phases. The western portion (as demarcated by the westernmost chimneystack), originally 1 Havelock Street, was constructed as a linen warehouse for James Thompson & Sons, linen and cambric manufacturers, and is first recorded in the valuation book in 1871 and shown on the OS town plan of 1873. Thompson (d.1875) lived at a large, pre-1839, double-fronted house to the northeast of this (formerly no.83 Ormeau Road), and the new warehouse appears to have been built as an adjunct to existing ones he possessed to the rear of his home. In 1883 the firm leased out the dwelling and but retained the warehouses, which from this point began to be valued as a single property with that in Havelock Street. In 1896 the large L-shaped section at the intersection of Havelock Place and Ormeau Road was added, with the newly-expanded premises now abutting James Thompson's former abode of no.83 to the north. The identity of the architects responsible for both sections of the building are not known.

James Thompson & Sons went into liquidation in 1933 and the property ('brick built with cut-stone dressings...3 storeys in height and containing approximately 14,153 superficial feet floor space, with covered gateway and two open yards') was put up for sale or rent. From 1935 it was occupied by Batty Bros., tea importers. In January 1937 the building suffered serious fire damage with an estimated 'one-third' of the structure, mainly on the first and second floors, 'gutted'; a contemporary photo shows quite a fierce blaze which at very least must have destroyed much, if not all of the roof and a substantial portion of the upper levels. Batty's were able to carry on trading from part of the site quickly afterwards, but seem to have vacated the premises within the following few months. In mid-1939 it was advertised for rent once again; there is no mention in the advert of any damage, so presumably repairs had been carried out by this stage.

During WWII the building was commandeered by the government and used to billet troops. Post-1945 it was brought back into private commercial use once again, with J.H. Fenner & Co. Ltd. - 'Belting Manufacturers' and J.M. Ritchie and Co. Ltd. - 'Tennis wear, ladies frocks and overalls', based here in 1951. In 1958 it was put up for sale, the sale notice describing it as a 'as a substantial factory building...of about 13,000 sq.ft' with 'good natural lighting'.

The property was subsequently acquired by Ulster Television (UTV), the company that had taken on the Independent Television (ITV) franchise for the Northern Ireland region, who converted the premises to serve as their new headquarters. The £50,000 conversion work was undertaken by architect Brian Hewitt (a native of Portadown and partner in the Belfast firm of Anthony F. Lucy) with technical design by Howard Steele, an Englishman, who had previously worked as a senior engineer on the conversion of Teddington Studios for ABC Television (one of the four major ITV companies). Hewitt retained the 19th century framework and façade, albeit with the original brick finish now rendered, whilst internally new spaces were created, including a small (and as such, seemingly, innovative) all-purpose studio - later 'Studio 1', the architect describing the revamped structure as retaining 'the Victorian character' but with an 'attractive modern air in keeping with the new and exciting entertainment medium'. Broadcasts at the re-christened 'Havelock House' began on 31 October 1959, with Sir Laurence Olivier (who was also one of the directors of the company) introducing the new station.

In November 1962 UTV completed a £100,000 extension to the north side of the building which included a new 1,600sqft studio ('Studio 2'), as well as make-up, scenery and office facilities. This scheme was again undertaken by Brian Hewitt, who the year previously had designed Channel Television's new studio in Jersey, once again in conjunction with Howard Steele, (the pair commissioned, it would seem,

**NI Environment Agency – Protecting Historic Buildings**  
**Historic Building Details**

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on the back of their pioneering 'small-scale' work at UTV.) The new addition (which appears to have practically doubled the footprint of the building) was contrastingly modern, with the frontage on to Ormeau Road containing a stairwell housed in a glass curtain wall. Map evidence indicates that further alterations and additions were made to this side in subsequent years (certainly before 1984), with formerly separate properties along Ormeau Road to the north and Havelock Place to the west demolished in the process.

The last major phase of works occurred in 1992-93 when a large extension was built to the west and north to house a larger studio, (assuming the title 'Studio 1'), along with other production facilities and offices. This entailed the building over what had been Havelock Place, which, by this point had (along with the rest of Havelock Street) been divested of its remaining - largely 19th century – buildings and was being used as car-parking space. Upon completion of this section the original 1959 Studio 1 was taken out of use.

UTV continued to broadcast from Havelock House until June 2018, when the station moved to a new premises at City Quays on the off Clarendon Road.

**References – Primary sources**

- 1 Belfast Street directories (various publishers), 1839-1996
- 2 OS maps / town plans - 1843, 1858, 1873, 1902, 1938, 1959, 1963, 1988
- 3 PRONI VAL2B/7/1D Second valuation, ~~Cromac~~ Ward, 1859
- 4 PRONI VAL12B/43A/3, 13 Annual valuation revision books, ~~Cromac~~ Ward, 1863-81, 1882-97
- 5 'Belfast Telegraph', 1 April 1871, 28 May 1875, 21 January 1937, 16 March 1959, 5 September 1961, 9 and 26 November 1962
- 6 'Northern Whig', 30 May 1933
- 7 'Belfast News-Letter', 20 October 1933, 20 January 1937
- 8 'Ballymena Weekly Telegraph', 23 January 1937
- 9 'Irish Builder' 103, 30 September 1961

**Secondary sources**

- 1 Information supplied by Dr. Ken Griffin, 2018-19

**Criteria for Listing**

**Architectural Interest**

Not listed

**Historical Interest**

Not listed

**Evaluation**

A multi-bay three-~~storey~~ rendered commercial building, now housing the headquarters of Ulster Television. Rendered walling and replacement windows; interior substantially refurbished. This building was surveyed in the First Survey but not listed. A partial record only was taken during the Second Survey as the building is not worthy of a full survey.

**General Comments**

A multi-bay three-~~storey~~ rendered commercial building, now housing the headquarters of Ulster Television. Rendered walling and replacement windows; interior substantially refurbished. This building was surveyed in the First Survey but not listed. A partial record only was taken during the Second Survey as the building is not worthy of a full survey.

**Monitoring Notes – since Date of Survey**

Historical information updated. PS 2019.05.10

**Date of Survey**

25/05/2011