

Public Document Pack

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

9th February, 2021

PLANNING COMMITTEE - PRE DETERMINATION HEARING

Dear Alderman/Councillor,

The above-named Committee will meet remotely, via Microsoft Teams, on Tuesday, 16th February, 2021 at 4.30 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Declarations of Interest

2. Pre-Determination Hearing

- (a) LA04/2020/0659/F - Refurbishment of existing four storey terrace including alteration, extension to rear, partial demolition and reinstatement. Part change of use from art galleries to two cafes at ground floor. Retention of offices within existing building at second, third and fourth floor. Erection of new 13 storey aparthotel building to rear and associated works including public realm improvements at 29-33 Bedford Street (Pages 1 - 34)

PRE-DETERMINATION HEARING REPORT

Pre Determination Hearing Date: 16 February 2021	
Application ID: LA04/2020/0659/F	
Proposal: Refurbishment of existing four storey terrace including alteration, extension to rear, partial demolition and reinstatement. Part change of use from art galleries to two cafes at ground floor. Retention of offices within existing building at second, third and fourth floor. Erection of new 13 storey aparthotel building to rear and associated works including public realm improvements.	Location: 29-33 Bedford Street Belfast BT2 7EJ
Applicant Name and Address: Andras House Ltd 60 Great Victoria Street Belfast BT2 7BB	Agent Name and Address: RPP Architects LTD 155-157 Donegall Pass Belfast BT7 1DT
<u>Background</u> This application was considered by the Planning Committee at its meeting on 13 October 2020. The Committee resolved to approve the application subject to notification to the Department for Infrastructure (DFI). Under the Planning (Notification of Applications) Direction 2017, the notification was necessary because the resolution to approve the application was contrary to the views of the Department for Communities Historic Environment Division (DFC HED), a statutory consultee. The application was notified to DfI on 14 October 2020. On 15 January 2021, DFI wrote to the Council to confirm that it does not consider it necessary for the application to be referred to it for determination. (DFI also confirmed that the associated application for Conservation Area Consent did not need to be referred). DFI advised that whilst it does not require the application to be referred to it for determination, it is important that the council satisfies itself that, before determining this planning application, it has fully assessed all required details pertaining to the listed buildings and that all necessary expert advice in relation to built heritage matters has been duly considered. Now that the application has been returned to the Council for a decision, Regulation 7(1) of the Planning (Development Management) Regulations (Northern Ireland) 2015 requires it to hold a pre-determination hearing to give the applicant and interested parties opportunity to appear before and be heard by a committee of the Council. The original Development Management (October 2020) report is appended. No decision will be made at the Pre-Determination Hearing. Rather the application for planning permission will be considered and determined by the Planning Committee later on the same day.	

Points of Clarification

The following further issues are brought to the Committee's attention.

Environmental Health final response

At the October Planning Committee, delegated authority was given to officers to resolve outstanding matters pertaining to noise and odour.

Odour

As the applicant had changed the description and layout to include cafes at ground floor, clarification was sought and subsequently provided that these cafes would not contain working kitchens. Rather the applicant proposes to provide a food heating station. As such, the Environmental Health team is content with the information provided subject to a condition prohibiting frying of food on the premises.

Noise

Members will recall that the applicant also requested a maximum stay of 90 days rather than 30 days, and officers advised that this was appropriate. However, the applicant disputed the recommended noise conditions as they viewed the conditions to be overly onerous given the use is for a hotel and not for residential. The Environmental Health team has considered the submissions from the applicant and clarified that: *'While this Service does not usually suggest the standard internal residential noise levels for hotel bedrooms, it is understood that the apartments within the proposed aparthotel will be available for leases of up to 3 months. <...> BS8233 - 2014 section 7.7.5 states that the "recommendations for ambient noise in hotel bedrooms are similar to those for living accommodation." "In hotels and other multi-occupancy premises containing rooms for residential purposes, it is desirable to avoid intrusive noise, both airborne and impact, in bedrooms, especially when occupants are sleeping (typically assumed to be at night-time).'*

Officers agree that the relevant British Standards should be applied in this instance as the use is for an aparthotel rather than a standard hotel and stays of up to 90 days are permitted. Therefore, such a condition is considered both reasonable and necessary.

Representations

Since the Planning Committee meeting on 13 October 2020, one additional objection was received from Belfast Civic Trust on 27 November 2020. The objection raised the following issues:

- The excessive height of the new build portion of the proposal
- The design of the new build portion not reflecting the redbrick vernacular of the Victorian terrace
- The proposal detracting from the streetscape of the Linen Conservation Area.

Sections 8.0 – 8.7 of the Development Management Officer report (appended) cover the consideration of these matters in detail. No additional matters have been raised which have not been considered in the report presented to Members on 13th October 2020

Draft Conditions

Since the October Planning Committee meeting, officers have reviewed and refined the proposed conditions for the application and the amended conditions are detailed in Appendix 1.

Appendix 1 – Draft Conditions

LA04/2020/0659/F

1	The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2	No shallow or deep fat frying of food shall take place on the premises at any time. Reason: To safeguard the amenities of the area.
3	Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than as hotel accommodation. The maximum stay by an occupant shall be no more than 90 days within any 12 month period, in accordance with written records which shall be made available to the Planning Authority at all reasonable times. Reason: Residential use of the building would require further consideration by the Planning Authority having regard to the Local Development Plan and relevant material considerations.
4	The development hereby permitted shall not become operational unless secure cycle parking facilities have been provided and permanently retained on site. Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.
5	The development hereby permitted shall operate permanently in accordance with the Service Management Plan published by the Council on 22 September 2020. Reason: In the interests of road safety and the convenience of road users.
6	The development hereby permitted shall operate permanently in accordance with the approved Travel Plan published by the Council on 22 September 2020. Reason: To encourage alternative modes of transport to the private car.

7	The development hereby approved shall not become operational unless a Verification Report has been submitted to and approved in writing by the Council which demonstrates that the remediation measures outlined in the RPS Ireland Ltd report entitled Andras House Ltd, Environmental site Assessment and Generic Quantitative Risk Assessment, No. 29-33 Bedford Street, Belfast' (dated 26th August 2020 and referenced 602158-R1 (03) have been implemented. The Verification Report shall demonstrate the successful completion of remediation works, it must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate: - Hard standing or building footprint across the site. and - All soils and materials used within any planting scheme and court yard planters is demonstrably suitable for the proposed end use. Reason: Protection of human health.
8	If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. 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 and environmental receptors to ensure the site is suitable for use.
9	After completing the remediation works under Condition 8 and prior to occupation of the development, a verification report must be submitted in writing and agreed with Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. The verification report must present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use

10	The development hereby approved shall not become operational unless mitigation measures detailed within the approved Noise Impact Assessment, Bedford Yard, Bedford Street, Belfast Rp001 2018104 (Bedford Yard), prepared by Irwin Carr Consultants Dated 18/09/2020 have been incorporated into the build of the proposed mixed use development and permanently retained thereafter. Reason: To protect human health and the amenity of nearby premises.
11	The ground floor plant room shall be constructed so as to ensure that the resulting noise level does not exceed 65dB at 1metre from the ground floor plant room. The combined noise from the plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (LAr) no greater than 58 dB LAr daytime and 57dB LAr night time when measured or determined at the nearest noise sensitive premises (existing or permitted) in line with BS4142:2014+A1:2019 The façade to the lounge area of the aparthotel shall consist of 4/12/12/mm sealed glazing and suitably silenced ventilation. Specification as outlined in Table 33 of Noise Impact Assessment, Bedford Yard, Bedford Street, Belfast. Rp001 2018104 Prepared by Irwin Carr Consultants Dated 18/09/2020. Reason: To protect human health and the amenity of nearby premises.
12	Amplified music shall not be played within the Court Yard Area between 23:00 hrs and 07:00 hrs. Reason: To protect human health and the amenity of nearby premises.
13	The hereby permitted residential units shall be so designed and constructed as to ensure that the internal noise levels shall: - Not exceed 35 dB LAeq, 16hrs between 07:00hrs and 23:00hrs within any habitable room, if necessary, with the windows closed and an alternative means of acoustic ventilation provided in accordance with current building control requirements; - Not exceed 30 dB LAeq, 8hr between the hours of 23:00hrs and 07:00hrs within any bedroom, if necessary, with the windows closed and an alternative means of acoustic ventilation provided in accordance with current building control requirements; and - Not exceed 45 dB LAmax more than 10 times between 23:00hrs and 07:00hrs within any proposed bedrooms, if necessary with the windows closed and an alternative means of ventilation provided in accordance with current building control requirements. Reason: To protect human health.

14	No operation of the development hereby permitted shall commence unless a noise Verification Report (VR) has been submitted to and agreed in writing by the Council. The VR must demonstrate that the internal noise levels must: - Not exceed 35 dB LAeq, 16hrs at any time between 07:00hrs and 23:00hrs within any aparthotel room; - Not exceed 30 dB LAeq, 1hr at any time between the hours of 23:00hrs and 07:00hrs within any bedroom, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements; and - Not exceed 45 dB LMax more than 10-15 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements. Reason: To protect human health.
15	No construction of the development hereby permitted shall commence unless a Final Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by Council. The CEMP shall include measures to control noise, dust and vibration during the demolition / construction phase, demonstrating the use of 'best practicable means'. The CEMP shall include rationale for and details of the chosen piling methodology and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises. The CEMP must incorporate the dust mitigation measures as detailed in Chapter 6.2.6 of the Air Quality Impact Assessment, dated February 2020. The CEMP must also have due 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, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit of Belfast City Council at any time upon request. All construction thereafter must be in accordance with the approved Final CEMP. Reason: Protection against adverse construction impacts.
15	No construction of the development hereby permitted shall commence unless a Piling Risk Assessment has been submitted to and agreed in writing by the Council. Piling risk assessments must be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf All development thereafter must be in accordance with the approved details. Reason: Protection of environmental receptors to ensure the site is suitable for use.

16	Notwithstanding the submitted details, no development shall commence on site unless full details of the public realm improvements to the footway bounding the site in the areas shown on Drawing Courtyard Landscaping Plan received on 22 September 2020 have been submitted to and approved in writing by the Council. The details shall include: 1. Surface materials; and 2. The design and provision of underground ducting. The development shall not be occupied unless the public realm improvements have been carried out in accordance with the approved details. Reason: In the interests of the character and appearance of the Conservation Area, the setting of Listed Buildings, and to enhance connectivity to and from the development.
17	Notwithstanding the submitted details, no construction of the development hereby permitted shall take place unless in accordance with a schedule of external materials and sample panels, which shall first have been constructed on site and agreed in writing by the Council. The sample panels shall show the make, type, size, colour, tone, bond, pointing, coursing, jointing, profile and texture of all external materials including bronze metal panels, bronze perforated panels, glazed window panels, back painted glazed panels as well as any other external materials. Where pertaining to glazing, details should include the colour, texture of the actual glazing material and panes and finish. The approved sample panels shall be retained on site and made available for inspection by the Council for the duration of the construction works. The works must be implemented and permanently retained in accordance with the details so approved. Reason: To ensure the material finish and detailing is sympathetic to the setting of the nearby listed buildings.

18	Notwithstanding the submitted details, no works to 29-33 Bedford Street shall take place unless in accordance with a schedule of external materials and sample panels, which shall first have been constructed on site and agreed in writing by the Council. The sample panels and submitted details must include: -Detailed window schedules, including cross sections, elevations, sill detail/materials, the actual glazing material and panes, colour and finish. New windows shall be timber (hardwood) to match the design, mouldings and glazing bar pattern of the original windows. - Sample panels of all replacement brickwork showing the proposed sizes, colour, texture face-bond; pointing mortar mix, joint thickness and finish profile. -Details of new doors – samples shall be provided on site showing the colour and texture. New doors at ground floor level shall be timber, aluminium or bronze. - Details of all string courses. Horizontal banding at cill level and window/door head details shall be retained where possible. Where new details are required they shall match the design of the original. - Details of rainwater goods which shall be heavy duty cast aluminium or cast iron. Please note that any materials used e.g natural welsh roof slates/brickwork shall be made good to match the adjacent work with regard to the methods used and to material, colour, texture, size and profile. The works must be implemented and permanently retained in accordance with the details so approved. Reason: To ensure the material finish and detailing is sympathetic to the setting of the nearby listed buildings.
19	All hard and soft landscaping works shall be carried out in accordance with the approved Landscaping Proposals published by the Council on 22 September 2020. The works shall be carried out prior to the operation of the development and permanently retained unless otherwise agreed in writing by the Council. Reason: In the interests of the character and appearance of the area.

Appendix 2 – Late Items Report 13th October 2020

Late Items – Tuesday 13 October 2020

Agenda Item	Application	Issues Raised	Action
5 e	LA04/2020/0659/F and LA04/2020/0669/DCA - Refurbishment of existing four storey terrace including alteration and part change of use. Erection of new 13 storey aparthotel building to rear and associated works including public realm improvements.	Condition 11.12 currently states: <i>Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than as hotel accommodation. The maximum stay by an occupant shall be no more than consecutive 30 days with no return by the same occupant within a period of 30 days from the date of the last occupancy, in accordance with written records which shall be made available to the Planning Authority at all reasonable times.</i> <i>Reason: Residential use of the building would require further consideration by the Planning Authority having regard to the Local Development Plan and relevant material considerations.</i> The applicant has advised that their business model includes stays longer than 30 days and has requested that the condition simply precludes residential use.	The applicant was advised that as the aparthotel rooms do not meet residential standards a condition is required to ensure they are not used for residential purposes. Following discussion with the applicant, it is recommended that the condition is amended so the maximum duration is 90 days (previously 30 days) within any 12 month period, as follows: <i>Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than as hotel accommodation. The maximum stay by an occupant shall be no more than 90 days within any 12 month period, in accordance with written records which shall be made available to the Planning Authority at all reasonable times.</i>

Agenda Item	Application	Issues Raised	Action
			<i>Reason: Residential use of the building would require further consideration by the Planning Authority having regard to the Local Development Plan and relevant material considerations.</i> Members are to note the amended wording of the above condition.
		Condition 11.8 currently states: <i>The development hereby approved shall be so designed and constructed as to ensure that the internal noise levels shall:</i> - <i>Not exceed 35 dB LAeq, 16hrs between 07:00hrs and 23:00hrs within any habitable room, if necessary, with the windows closed and an alternative means of acoustic ventilation provided in accordance with current building control requirements;</i> - <i>Not exceed 30 dB LAeq, 8hr between the hours of 23:00hrs and 07:00hrs within any bedroom, if necessary, with the windows closed and an alternative means of acoustic ventilation provided in accordance with current building control requirements; and</i> - <i>Not exceed 45 dB LAmax more than 10 times between 23:00hrs and 07:00hrs within any proposed bedrooms, if necessary with the windows closed and an alternative means of ventilation provided in accordance with current building control requirements.</i>	Delegated authority is sought for officers to agree the final wording of this condition following further discussion with the Council's Environmental Health team. Members to note.

Agenda Item	Application	Issues Raised	Action
		<i>Reason: To protect human health.</i> The applicant has advised that this condition sets the noise limits in habitable rooms to the standards normally applied to residential dwellings which they considered to be inappropriate in a commercial context. They note that this condition was not used in another apart-hotel approved by the Council in 2019.	

Development Management Officer Report

Committee Application

Summary	
Committee Meeting Date: Tuesday 13 October 2020	
Application ID: LA04/2020/0659/F and LA04/2020/0669/DCA	
Proposal: Refurbishment of existing four storey terrace including alteration, extension to rear, partial demolition and reinstatement. Part change of use from art galleries to two cafes at ground floor. Retention of offices within existing building at second, third and fourth floor. Erection of new 13 storey aparthotel building to rear and associated works including public realm improvements.	Location: 29-33 Bedford Street Belfast BT2 7EJ
Referral Route: Major Application	
Recommendation:	Approval
Applicant Name and Address: Andras House Ltd 60 Great Victoria Street Belfast BT2 7BB	Agent Name and Address: RPP Architects LTD 155-157 Donegall Pass Belfast BT7 1DT
Executive Summary: This application seeks the demolition of portions of the terrace of 29-33 Bedford Street in order to create an entrance and thoroughfare to the backland site wherein a 13 storey aparthotel is proposed. The application also seeks change of use from art galleries to two cafes at the ground floor. The offices within the existing buildings at second, third and fourth floor are to be retained. Public realm enhancements are proposed on the pavements outside 29-33 Bedford Street The main issues to be considered in this case are; - The principle of hotel and café use at this location - The consideration of economic benefits - The impact on built heritage and the principle of demolition in the conservation area - The scale, height, massing and design - The impact on traffic and parking - The impact on amenity - The consideration of site drainage - The consideration of waste management - The impact on human health - The impact on the amenity of adjacent land users	

- The consideration of developer contributions

The site is located within Belfast City Centre, the Commercial Character Area and the Linen Conservation Area.

DfI Roads, EHO, NIEA, Rivers Agency, HED and NIW were all consulted in addition to the Urban Design Officer, Conservation Officer, Economic Development Team and the City Regeneration and Development Team within BCC. Both HED and the Conservation Officer are now content with the design and proposed interventions to the front terrace however they maintain an objection to the 13-storey element on the basis of height. Their responses are detailed in the main body of the report.

No objections have been received and one letter of support from Christopher Stalford, MLA, has been received.

The proposal will generate an estimated 216 direct construction jobs, 129 indirect construction jobs and an economic output (GVA) of £27.6m throughout the construction period. In addition, the proposal will generate an estimated 116 full-time equivalent jobs once operational.

Having regard to the Development Plan, prevailing policy, all of the submitted information and reports, consultee responses and representations, it is considered that the proposed scheme, on balance, is acceptable.

It is recommended that planning permission is granted subject to conditions, as set out in the report, and that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and to resolve any issues arising from consultation responses from NIEA and Environmental Health with regards to the updated GQRA relating to contaminated land matters.

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.

Case Officer Report

Site Location Plan/Site Layout



vation

Hotel proposal now aligns with height of existing neighbouring hotel.



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	This application seeks the demolition of portions of the terrace of 29-33 Bedford Street in order to create an entrance and thoroughfare to the rear of the site where a 13-storey aparthotel is proposed. The application also seeks part change of use from art galleries to two cafes at ground floor. The offices within the existing buildings at second, third and fourth floor are to be retained.
1.2	There are proposed alterations and demolitions to the existing terrace which have been substantially reduced in this amended scheme. The proposals will remove previous unsympathetic interventions to the terrace which will improve its external appearance by utilising restored brick and a commonality of finish.
1.3	The current proposed aparthotel to the rear comprises 13 storeys which along with the 1.5m extended parapet (to assist in screening rooftop plant) rises to a total of 41.5m in height. The overall height aligns with the upper height of the plant enclosure on the adjacent Park Inn hotel building.
1.4	The façade of the hotel building has been designed with an offset rhythm of fenestration with horizontal banding. Large expansive glazing has been applied to corner units. There is a consistent bronze tone to metal and back painted glass panelling across the façade as well as perforated panelling on the upper two floors. This is further reflected in bronze panelling reinstatement works in the front terrace.
2.0	Description of Site and Area
2.1	There are three existing terraced buildings on the site comprising 4 storeys each. The terrace was constructed in approximately 1875.
2.2	The site is located within the City Centre as defined by BUAP and draft BMAP and is within the Linen Conservation Area. The area is characterised by distinct warehouse architecture. Whilst there are varying heights within the locality, the area is notable for its rhythm of bays, fine facades, vertical expression to bays and openings, a high solid to void ratio and a broken roof silhouette.
2.3	Bedford Street comprises a diverse set of uses ranging from offices to retail, restaurants and pubs as well as hotels and the Ulster Hall.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Ref ID: Z/2005/0692/F Proposal: Demolition of existing 10 pin bowling alley and erection of new mixed use development, comprising of a hotel and office use. (Amended P1 Form) Address: 4 Clarence Street West, Town Parks, Belfast, Northern Ireland, BT02 7GP Decision: Permission Granted Decision Date: 31.10.2006 Ref ID: Z/2005/0848/DCA Proposal: Demolition of existing 10 pin bowling alley to facilitate erection of new mixed-use development Address: 4 Clarence Street West, Town Parks, Belfast, Northern Ireland, BT02 7GP

	Decision: Permission Granted Decision Date: 31.10.2006 Ref ID: Z/2006/2729/F Proposal: Demolition of existing 10 pin bowling alley and erection of new mixed use development, comprising hotel and office use. Amendment to previous approval Z/2005/0692/F Address: Superbowl, 4 Clarence Street West, Town Parks, Belfast, BT02 7GP Decision: Permission Granted Decision Date: 23.03.2007
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015) Draft Belfast Metropolitan Plan 2004 Developer Contribution Framework (2020)
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage Planning Policy Statement 15 (Revised) - Planning and Flood Risk Planning Policy Statement 16 - Tourism Linen Conservation Area document
5.0	Statutory Consultees DfI Roads – no objection subject to conditions and informatives Rivers Agency – no objection NIEA Historic Buildings Unit – content with the proposed interventions on the terrace but object to the overall height of the proposal NIEA Historic Monuments Unit – no objection NIEA Natural Environment Division – no objection conditions and informatives NIEA Water Management Unit – requested further detail in the outline construction environmental management plan and are now content – standing advice also provided NIEA Land, Soil, and Air – no objection subject to conditions and informatives NIW – No objections.
6.0	Non-Statutory Consultees Environmental Health BCC – no objection subject to conditions and informatives Conservation Officer BCC – no objections to the alterations to the proposed alterations to the terrace, objection to the height and massing of the new build element BCC Urban Design Officer – content that the redesign now addresses the appropriate cues in the immediate environment City Regeneration and Development Team BCC – no objection Economic Unit – No objections
7.0	Representations
7.1	No objections have been received.
7.2	One letter of support has been received from Christopher Stalford, MLA which outlined the positive economic and regenerative impacts of the proposal. This includes the contribution to the tourism sector and job creation.

8.0	<u>ASSESSMENT</u>
8.1	<u>Development Plan</u>
8.1.1	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.
8.1.2	Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.
8.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.
8.1.4	The proposed development lies within the development limit for Belfast City Centre (CC001), within the Linen Conservation Area (CC105), within the Belfast City Core Area of Parking Restraint (CC025) and within the Commercial District Character Area (CC007).
8.1.5	The draft BMAP 2015 identifies for information the extent of the Linen Conservation Area (CC105) and notes that it is based on a formal grid pattern which originated as a Georgian residential area and contains a number of Victorian buildings associated with the Linen Industry. The Plan further advises that development proposals within the City Centre Conservation Areas are to be assessed in accordance with Planning Policy Statement 6 Planning, Archaeology and the Built Heritage; however it does not contain any specific policy provisions relevant to these conservation areas.
8.1.6	The application site lies within the Commercial District Character Area (CC007). The Character Area Designations specify urban design criteria related to the massing, alignment and scale of buildings. In their report on the Public Local Enquiry into Objections to the BMAP 2015 the Planning Appeals Commission (PAC) explored a number of general objections to all Character Areas and in particular to specific design criteria. The PAC concluded that in general the design criteria were merited and basic expectations of responsive urban design within a City Centre context.
8.1.7	The Urban Design Criteria relating to this character area states that it includes the Linen Conservation Area and highlights appropriate building heights namely a minimum of 5 storeys and a maximum of 7 storeys for buildings facing directly onto Bedford Street. The proposed site can be considered to fall under the “elsewhere” category as it is a backland site and the criterion for this cites 9 storeys as the upper height.
8.1.8	In addition, the criteria state that new developments should respect existing building lines. The amplification notes that “the area’s street pattern and most of its building stock was

	developed in the nineteenth century to accommodate new businesses, especially in the linen industry. The area has a distinctive unity of character due to the generous grid street pattern, combined with the relatively large scale of the buildings. Although there is a range of plot sizes, medium to large plots predominate. Development in the area is generally of fairly high density with high site coverage and, for the most part, relatively high buildings. Buildings are almost without exception build to the perimeter of the block. The tightly configured streets and buildings leave little room for public open space so that the public realm consists almost entirely of pavement.”
8.1.9	Whilst the proposed building is 13 storeys and exceeds the 9 storey maximum referred to in the dBMAP Urban Design criteria, on balance this height is considered acceptable given the nature of the ‘backland’ site whereby the taller element is set back to the rear of the terrace. It is also located immediately adjacent to the Park Inn Hotel which is of a similar height and also set back behind development fronting Bedford Street.
8.2	<u>The principle of an aparthotel/retained offices/cafes at this location</u>
8.2.1	The site is located within the settlement limits of draft BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations discussed below.
8.2.2	The original scheme contained offices only at ground floor level. Officers communicated that more vibrant and linked uses to the hotel would create a better environment with the ground floor on Bedford Street drawing the user in to the hotel behind. The applicant amended the scheme to include cafes, one of which leads through to the courtyard of the hotel.
8.2.3	The proposed hotel use sits comfortably with the site’s prime city centre location and it is considered that a hotel and associated cafes would contribute to the vibrancy of the street scene and local economy. Given the city centre location the proposed uses are considered to comply with the development plan and the policies contained within the Strategic Planning Statement as well as PED 1 of Planning Policy Statement 4.
8.2.4	A planning condition (see Para 11.12) is recommended to ensure that the apart-hotel cannot be used as long-term residential accommodation as the proposal has not been assessed against the relevant policies for residential accommodation and may be inappropriate for such use.
8.3	<u>The impact of the proposal on the built heritage and archaeology</u>
8.3.1	Section 104 of the Planning (NI) Act 2011 advises that where any area is for the time being designated as a conservation area, special regard must be had to the desirability of (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.
8.3.2	The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) is a material consideration. It advises that until councils have adopted a new Plan Strategy any conflicts between the SPPS and existing specified retained Planning Policy Statements (including PPS6) are to be resolved in favour of the SPPS. The SPPS contains a policy direction reflecting Section 104 of the 2011 Act. Paragraph 6.18 of the SPPS advises that in managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. It goes on to say that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of

	unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest.
8.3.3	This SPPS policy direction requires a broadly similar approach to that set out in Policy BH14 of PPS6 (Demolition in a Conservation Area) when read in the context of Section 104.
8.4	Demolition in the Conservation Area
8.4.1	In assessing the contribution of the existing buildings to the character or appearance of the Conservation Area, regard is had to the conservation area guidance. The Linen Conservation Area Guide was published in 1992 and makes reference to the part the linen industry played in the development of Belfast. It states that redevelopment is not precluded but that refurbishment and conversion of existing properties will be particularly encouraged in the case of characteristic buildings which are important in the street-scene. It also states an aim to bring derelict or under-used buildings back into economic use.
8.4.2	Policy BH 14 states that where a building makes a positive contribution to the character or appearance of a conservation area there will be a presumption in favour of retaining it. The proposal seeks to retain and reuse the terraced buildings which front onto Bedford Street however the initial scheme proposed extensive demolition within the terrace especially at ground floor. The Conservation Officer raised objections to the extent of demolition in the initial scheme. These concerns were shared by officers. The Conservation Officer response notes that the initial scheme “would have resulted in the loss of remaining value and historical features; whilst the style, features, proportions and materials for the replacement works would not sufficiently reflect those of the existing, or make an equal or higher contribution to the character or appearance of the conservation area”..
8.4.3	In the amended scheme the extent of demolition proposed has been substantially reduced. It proposes to retain the majority of the existing brickwork and to remedy earlier unsympathetic works to the terrace. There are three new doors proposed and there is proposed refurbishment to windows, doors and gates along the terrace. The Conservation Officer notes that “these revisions are sufficient to address my previous concerns. The interventions at ground floor level would be considered minimal with the majority of the façade being retained and/or refurbished, thereby maintaining its value and positive contribution to the character and appearance of the conservation area. On this basis the proposed demolition would be considered acceptable under Policy BH14, subject to an acceptable redevelopment scheme and appropriate conditions to ensure new details such as doors, glazing, materials and finishes are of suitable quality for the conservation area”.
8.4.4	The most notable intervention is the introduction of a “punch through” entrance to the hotel, creating a new entry. The possibility of using either of the existing entries on the terrace were explored however there are right of way and emergency access issues that would prevent these being used safely for pedestrian access to the hotel. The Urban Design Officer describes this additional entrance as a “The connection between the café and the hotel lobby will form a glazed ‘box’ that will be designed to feel like a covered extension of the courtyard. This will be achieved with mirroring the palette of materials used in the courtyard throughout the glazed element”. He goes on to say that “the existing entry at No. 29, which is considered an attractive feature of the historic terrace, is to be retained in its current form as an original feature” and that “while a degree of demolition work is required to both improve the historic terrace as well as for the purposes of accessing the site to the rear during construction, the DAS confirms that <i>“The area of demolition at first floor will be faithfully reinstated at the end of the construction process and the ground floor will be restored around the proposed new central entry/arcade”</i>”.

8.4.5	It is considered that the proposals affecting the existing four storey historic terrace are sensitive and considered in nature and result in an understated yet contextually appropriate reinstatement that will result in a good neighbour to both listed buildings that bookend the application site.” Having considered the views of the Conservation Officer and the Urban Design Officer as well as the policy requirements, it is considered that the demolition amended scheme is compliant with Policy BH14.
8.5	The impact of the proposed building on the Conservation Area
8.5.1	The House of Lords in the <i>South Lakeland</i> case decided that the “statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.”
8.5.2	The proposed building should be considered having regard to the SPPS and Policy BH12 of PPS 6. Policy BH12 requires new development to preserve or enhance character and appearance, and be sympathetic to characteristic built form. The site is located within the Linen Conservation Area as designated in the BUAP and BMAP.
8.5.3	Policy BH12 of Planning Policy Statement 6 (PPS6) details criteria for new development in the conservation area. This policy contains a number of criteria which are applied to proposals in the conservation area. For ease of reference, the works to the terrace and new build will be considered in turn under each criterion.
8.5.4	(a) the development preserves or enhances the character and appearance of the area; (b) the development is in sympathy with the characteristic built form of the area (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area
8.5.5	The refurbishment of the existing terrace – as detailed in para 8.4.3 and 8.4.4, the demolition, interventions and proposed changes to the terrace are considered to be appropriate. Given the current unsympathetic interventions of earlier times, the proposed scheme will bring a commonality of brick finish to the terrace, a more vibrant land-use and retention of the traditional entries. It is therefore considered that these proposals will enhance the conservation area.
8.5.6	The previous scheme was amended to ensure minimal demolition and the materials and interventions were redesigned to include sympathetic materials. The Conservation Officer states that “On balance, I consider these revisions are sufficient to address my previous concerns. The interventions at ground floor level would be considered minimal with the majority of the façade being retained and/or refurbished, thereby maintaining its value and positive contribution to the character and appearance of the conservation area”.
8.5.7	The Linen Conservation Area guidance document states that “new development should maintain or restore the Bedford Street frontage in terms of building height, massing and scale”, as the four storey terrace is being retained and refurbished, this will maintain the frontage.
8.5.8	The new build aparthotel – The Urban Design Officer notes that the “proposed aparthotel to the rear comprises 13 storeys which along with the 1.5m extended parapet (to assist in screening rooftop plant) rises to a total of 41.5m in height. It is noted that this overall height aligns with the upper height of the plant enclosure on the adjacent hotel building”. The description of the materials are covered under Para 1.4.

8.5.9	The Conservation Officer notes that the current “scheme has undergone a number of revisions, in particular to address concerns relating to the set-back / building line, scale and height, and palette of materials and finishes. Nonetheless my primary concerns remain, in that the principle of introducing a building of such height, scale and mass in this specific location could cause harm to the character and appearance of the conservation area”. He further states that “changes have also been made to articulation and finishes, however these do not go far enough to prevent an overall form that remains visually solid with a strong, physical presence. It would still present a heavy, competing focus within the streetscape that would draw the eye disproportionately from the existing historic and listed assets”.
8.5.10	The Urban Design Officer observes that “when viewed in elevation, the new build to the rear rises approximately seven storeys above the ridge line of the existing four storey terrace, however in reality this would only be discernible from selected long range views such as west along Ormeau Avenue. For those mid and short range views along Bedford Street and Dublin Road the number of storeys visible would be less given the extent of screening afforded by the existing four storey terrace coupled with the depth of setback/offset from the rear of the terrace itself (an area utilised as a courtyard)”. The Conservation Officer’s opinion of the new build is that “notwithstanding the changes that have been made, my position remains as before in that the introduction of a large building to the rear of this terrace would unsympathetic, alien to, and out of keeping with the characteristic built form that typifies the Linen Conservation Area. In my opinion the proposal would be unsuitable and inappropriate for its context, and remains contrary to PPS6 Policy BH12 and the Linen Conservation Area Guide”.
8.5.11	The Conservation Officer notes the adjacent Park Inn hotel as being an undesirable introduction into the streetscape. Notwithstanding the CA officer’s comments, this is an existing feature of the site context and part of the character and appearance of the conservation area and it provides a backdrop of the terrace in this location especially when viewed from Ormeau Avenue. In this context it is considered that the proposed building is acceptable and would on balance preserve the character and appearance of the conservation area and would comply with policy BH12 of PPS6.
8.5.12	(d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area; Environmental Health have not raised any concerns subject to conditions regarding contamination and noise. NIEA similarly have no concerns.
8.5.13	(e) important views within, into and out of the area are protected; The refurbishment of the existing terrace – the works to the terrace will improve the legibility of the conservation area at a pedestrian scale. At present the modern interventions to the terrace at ground floor are particularly noticeable and the land use as offices contributes little in the way of vibrancy at the ground floor which is of marked contrast to the adjacent Wetherspoon’s pub and Pizza Express restaurant on each side.
8.5.14	The new build aparthotel – there are four key views including Ormeau Avenue, Bruce Street, Dublin Road and Bedford Street. The building will be visible from Bruce Street (outside the conservation area) however this view will be screened by the recent approval for student accommodation at Bruce Street and the proposal will not be visible from this location if that permission is implemented. From within Bedford Street there are short and long views. Short views are prevented due to the four storey terrace. Long views are prevented in part from the adjacent hotel building and the elbow joint nature of the façade. Bedford Street is characterised by many differing building heights ranging from the likes of the subject terrace to the Grand Central Hotel with intermediate heights such as the

	adjacent hotel and the invest NI building. The building is however particularly visible from the opposite side of Bedford Street and indeed Ormeau Avenue. In these two key views the existing Park Inn hotel is already a prominent feature and the proposed development will abut it and read with it.
8.5.15	(f) trees and other landscape features contributing to the character or appearance of the area are protected; There are no landscape features on the site.
8.5.16	(g) the development conforms with the guidance set out in conservation area documents.
8.5.17	The Linen Conservation Area document contains development guidelines which state that: -new development should relate sympathetically to the immediate surroundings. The Linen Conservation Area document makes reference to opportunities for public realm enhancement (new paving, seating, lighting and planting etc.) and the proposal includes new public realm improvements around the building including new paving and landscaping. It is considered that the proposals are consistent with the guidance.
8.5.18	In conclusion, criteria (a) to (g) of Policy BH 12 have been assessed with input from the Conservation Officer, Urban Design Officer and HED. When considered in conjunction with the existing site conditions, the proposed works to the front terrace, the public realm improvements and the site context, including the specific backdrop of the adjacent hotel, officers consider that the proposal would, on balance, preserve the character of the conservation area by introducing a building of high design quality which will remove the focus of the adjacent hotel from the key view of Ormeau Avenue in particular whilst regenerating the terrace in a sympathetic manner.
8.6	<u>The impact of the proposal on nearby Listed Buildings</u>
8.6.1	Policy BH11 of Planning Policy Statement 6 (PPS6) relates to development affecting the setting of a listed building. There are a number of listed buildings/structures of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011 in the immediate vicinity These are: • HB26/30/015 A - Morrison's Lounge Bar 21 Bedford Street – Grade B2 • HB26/30/015 B - 23 Bedford Street Belfast – Grade B2 • HB26/30/015 C - Pizza Express 25 Bedford Street – Grade B2 • HB26/30/060 - Wetherspoons, The Bridge House, 35 – 37 Bedford Street – Grade B2 • HB26/30/106 - BBC Broadcasting House Ormeau Avenue Belfast – Grade B1 • HB26/30/014 - The Thompson Memorial Fountain Ormeau Avenue Belfast – Grade B1
8.6.2	The proposal is assessed against Policy BH11 as follows. (a) The detailed design respects the listed building in terms of scale, height, massing and alignment; The refurbishment of the existing terrace – HED state in their most recent consultation response that they “consider the proposals for the existing 4 storey terrace are sympathetic and in keeping with the historic character of the area and consider this element of the proposal satisfies BH11 of PPS6 subject to requested conditions”.
8.6.3	The new build aparthotel - HED state that they have “considered the additional and revised information and acknowledge that positive progress that has been made from the original proposals, in respect of the revised design”. The response goes on to say that

	"HED welcomes the revised alignment and the increased separation distance between the historic terrace and the tall element of the design. Whilst efforts to address issues raised in previous advice are recognised, it is our view the proposed 13 storey tower element remains too tall. HED (Historic Buildings) considers this building would dominate the terrace and compromise the setting of the listed buildings by becoming a competing focus".
8.6.4	(b)The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and HED state that they consider that "materials in-keeping with the surrounding context would be more appropriate on this site and suggest that brick is considered for use on the tall building with a lightweight/permeable design for the upper 2/3 levels; which may help the development to integrate better with the historic character of the area" and suggest that if the Council is minded to approve the application that the following conditions be included: 1. Material finishes to the new build development shall be non-reflective, such as brick. Samples shall be provided on site showing alternative options indicating colour, texture face-bond; pointing mortar mix, joint thickness and finish profile, and agreed in writing with council and HED prior to works commencing on site. 2. Window materials shall be aluminium or bronze. A full size sample shall be provided on site indicating the colour, texture the actual glazing material and panes, colour and finish shall be submitted to and agreed in writing with council and HED prior to works commencing on site. 3. The mechanical and ventilation plant equipment shall be incorporated into the overall design of the façade and screened from view.
8.6.5	Officers have reviewed the conditions and view that it is not possible to condition that the material be brick as this has not been proposed by the applicant. The design concept of the scheme is that it should be a lightweight, permeable presence as a backland design. It is however intended that conditions (see Paras 11.14 and 11.15) be included which require full sample panels of all proposed materials to be agreed with HED in advance. It is considered that the proposed palette of materials is acceptable and will provide for a building that is not dominant relative to the listed buildings and will contrast positively with the existing terrace.
8.6.6	(c)The nature of the use proposed respects the character of the setting of the building The current listed buildings are in use as public houses, restaurants and offices. It is considered that there is no conflict between the existing and proposed uses that would harm the setting of the Listed Buildings.
8.6.7	Archaeology Historic Environment Division: Historic Monuments Unit (HMU) have been consulted and considered the impacts of the proposal. HMU is content that the proposal is satisfactory to SPPS and PPS 6 requirements.
8.7	<u>Scale, Massing, Height and Design</u>
8.7.1	There was a previous Pre-Application Discussion (PAD) for an alternative office scheme on this site. The subject application however did not benefit from PAD advice. Written feedback was provided regarding key aspects of the scheme and amendments were requested and the current scheme follows extensive negotiations with officers.
8.7.2	The amended scheme has resolved all design issues with the front terrace, reduced the height of the hotel, incorporated the plant and machinery into the design and increased the

	separation distance between the proposed hotel and the historic terrace. The Urban Design Officer notes that he considers “that this overall approach, whereby the massing of the aparthotel has been informed contextually by surrounding buildings, has addressed a number of previously highlighted concerns in a positive manner. The resultant form of the aparthotel maintains a consistent edge to established built form along the rear of the Bedford Street terrace and by way of a dynamic splay which kicks the façade to run parallel with the Dublin Road terrace, offers new and interesting views north towards the City Hall, east along Ormeau Avenue and south along the Dublin Road.”
8.8	<u>Traffic, Movement and Parking</u>
8.8.1	The proposal has been assessed against PPS 3 and PPS13. In assessing the proposal DfI Roads considered the Transport Assessment Form and a Travel Plan.
8.8.2	The submitted Travel Plan outlines the sustainable location of the proposal within an area of parking restraint and discusses the opportunities for public transport, access by bicycle and on foot as well as the strategic aim of reducing private car use.
8.8.3	DFI Roads have no objections subject to conditions regarding cycle parking and compliance with the Service Management Plan.
8.9	<u>Contaminated Land</u>
8.9.1	The application is supported by a Generic Quantitative Risk Assessment (GQRA) which was found to be acceptable by Environmental Health and NIEA. Conditions were provided by both in response to the GQRA. When the amended scheme was submitted, an updated GQRA was also submitted. Both Environmental Health and NIEA were consulted and it is expected that they will respond with updated conditions. Delegated authority is requested to allow the Director of Planning and Place finalise the final wording of these conditions.
8.10	<u>Noise and Vibration</u>
8.10.1	The Environmental Health Service did not raise concerns regarding noise and recommends that potential noise impacts can be dealt with by way of condition. An Outline Construction Environmental Management Plan (oCEMP) was submitted in support of the application. Further information was requested by BCC: EH with regards to air quality. Following submission of this information, BCC: EH has confirmed that a full Construction Environmental Management Plan will be required by way of condition.
8.11	<u>Site Drainage and Flooding</u>
8.11.1	The proposal has been considered against Policy FLD 1 of the Revised PPS15 – ‘Development in Fluvial (River) and Coastal Flood Plains’. The Flood Hazard Map (NI) indicates that the development is not within any river or coastal flood plains Rivers Agency advises no objection to the proposed development. A Schedule 6 consent was provided and there were no objections raised by NIEA or NI Water.
8.12	<u>The impact on the amenity of adjacent land users</u>
8.12.1	It is considered that the proposal would not result in any unacceptable overlooking, loss of light, overshadowing, loss of outlook or other harmful impacts on adjacent land users.

8.13	<u>Air Quality</u>
8.13.1	An Outline Construction Environmental Management Plan (oCEMP) was submitted in support of the application. Further information was requested by BCC: EH with regards to air quality. Following submission of this information, BCC: EH has confirmed that a full Construction Environmental Management Plan will be required by way of condition.
8.14	<u>Pre-Community Consultation</u>
8.14.1	For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application.
8.14.2	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. LA04/2019/2128/PAN was submitted to the Council on 10 th September 2019 and was deemed to be acceptable on 20 th September 2019.
8.14.3	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which includes details of the public event, newspaper advertising and leaflets. No responses were received and there was no attendance at the public event.
8.15	<u>Developer Contributions</u>
8.15.1	Para 5.69 of the SPPS states that "Planning authorities can require developers to bear the costs of work required to facilitate their development proposals".
8.15.2	The Developer Contributions Framework published by Belfast City Council in January 2020 sets out the circumstances whereby mitigation or management of the impacts of new development is required.
8.15.3	In this case the applicant is providing a developer contribution in the form of public realm improvements along the site frontage on Bedford Street. These will be dealt with by planning condition. The Economic Unit assessed the information provided by the applicant and are content that the job creation through construction and operation will support local people and operate without the requirement for a Section 76 agreement regarding employability and skills.
8.15.4	The City Regeneration and Development Team welcome the proposal and noted that public realm proposals would be welcomed. These have been agreed with the applicant and a condition for further details is provided at Para 11.13
8.16	<u>Economic Benefits</u>
8.16.1	<u>Economic Principles and impacts of the Proposal</u> Paragraphs 4.18 and 4.22 of the SPPS state that planning authorities should take a positive approach to appropriate economic development proposals and pro-actively support and enable growth generating activities.
8.16.2	The application was supported by an Employability and Skills Assessment (ESA) which was considered by the Council's Economic Development team. The ESA estimates that the

8.16.3 8.16.4 8.17 8.17.1 8.17.2	proposal will generate 216 direct construction jobs, 129 indirect construction jobs and an economic output (GVA) of £27.6m throughout the construction period. Once operational, it is anticipated that the proposal will generate 116 new jobs (FTE). Given the uncertain economic climate, the Economic Development Team view that it is unlikely that the development will give rise to skills or labour shortages within this sector. Therefore no Employability and skills related Developer Contributions Section 76 clauses were be required for this phase of the development. In terms of the operational phase of the development, it is unlikely that skills shortages will be experienced in the retail or hospitality industries, the job creation is not of a scale that would impact on skills shortages in existing sectors or the labour market. Therefore no Employability and skills related Developer Contributions Section 76 clauses was required for this phase of the development. <u>Conclusion</u> The proposal would have an acceptable impact on the landscape, traffic, surrounding land-uses and wider environment. It is considered that the proposal would result in wider economic benefit and job creation opportunities. Having regard to the Development Plan and relevant material considerations, the proposal is considered acceptable and planning permission is recommended.
10.0 10.1	Summary of Recommendation: It is recommended that delegated authority is given to the Director of Planning and Building Control to grant conditional planning permission and demolition consent, subject to clarification of the consultation response from Environmental Health and NIEA regarding the updated GQRA. If the Planning Committee resolves to grant planning permission then the application will need to be referred to the Department for Infrastructure in view of the comments from Historic Environment Division.
11.0 11.1 11.2 11.3 11.4	Conditions (final wording to be delegated to the Director of Planning and Building Control) The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. The development hereby permitted shall not become operational unless secure cycle parking facilities have been provided and permanently retained on site. Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car. The development hereby permitted shall operate permanently in accordance with the Service Management Plan published by the Council on 22 September 2020. Reason: In the interests of road safety and the convenience of road users. The development hereby permitted shall operate permanently in accordance with the approved Travel Plan published by the Council on 22 September 2020. Reason: To encourage alternative modes of transport to the private car.

11.5	The development hereby approved shall not become operational unless a Verification Report has been submitted to and approved in writing by the Council which demonstrates that the remediation measures outlined in the RPS Ireland Ltd report entitled Andras House Ltd, Environmental site Assessment and Generic Quantitative Risk Assessment, No. 29-33 Bedford Street, Belfast' (dated 30th January 2020 and referenced 602158-R1 (02)) have been implemented. The Verification Report shall demonstrate the successful completion of remediation works, the provision of hard standing or building footprint across the site and that the site is now fit for end-use. It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that the development has been provided with gas protection measures commensurate with the Characteristic Situation 2 classification of the site in line with BS 8485:2015+A1:2019. Gas protection measures must be verified in line with the requirements of CIRIA C735. Reason: Protection of human health.
11.6	If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council 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.
11.7	The development hereby approved shall not become operational unless the mitigation measures detailed within the approved Noise Impact Assessment, Bedford Yard, Bedford Street, Belfast Rp001 2018104 (Bedford Yard) prepared by Irwin Carr Consultants dated 10 February 2020 and published by the Council on 16 April 2020 have been incorporated into the build of the proposed mixed use development and permanently retained thereafter. The ground floor plant room shall be constructed so as to ensure that the resulting noise level does not exceed 65dB at 1metre from the ground floor plant room. The façade to the lounge area of the aparthotel shall consist of 4/12/12/mm sealed glazing and suitably silenced ventilation. Specification as outlined in Table 33 of Noise Impact Assessment referenced above. The combined noise from the plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (LAr) no greater than 58 dB LAr daytime and 57dB LAr night time when measured or determined at the nearest noise sensitive premises (existing or permitted) in line with BS4142:2014+A1:2019. Reason: To protect human health and the amenity of nearby premises
11.8	The development hereby approved shall be so designed and constructed as to ensure that the internal noise levels shall: - Not exceed 35 dB LAeq, 16hrs between 07:00hrs and 23:00hrs within any habitable room, if necessary, with the windows closed and an alternative means of acoustic ventilation provided in accordance with current building control requirements;

	- Not exceed 30 dB LAeq, 8hr between the hours of 23:00hrs and 07:00hrs within any bedroom, if necessary, with the windows closed and an alternative means of acoustic ventilation provided in accordance with current building control requirements; and - Not exceed 45 dB L_{Amax} more than 10 times between 23:00hrs and 07:00hrs within any proposed bedrooms, if necessary with the windows closed and an alternative means of ventilation provided in accordance with current building control requirements. Reason: To protect human health.
11.9	No construction of the development hereby permitted shall commence unless a Final Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by Council. The CEMP shall include measures to control noise, dust and vibration during the demolition / construction phase, demonstrating the use of 'best practicable means'. The CEMP shall include rationale for and details of the chosen piling methodology and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises. The CEMP must incorporate the dust mitigation measures as detailed in Chapter 6.2.6 of the Air Quality Impact Assessment, dated February 2020 and published by the Council on 16 April 2020. The CEMP must also have due 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, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit of Belfast City Council at any time upon request. All construction thereafter must be in accordance with the approved Final CEMP. Reason: Protection against adverse construction impacts.
11.10	If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. Reason: Protection of environmental receptors to ensure the site is suitable for use.
11.11	After completing the remediation works under Condition 11.10; and prior to occupation of the development, a verification report must be submitted in writing and agreed with Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. The verification report must present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use
11.12	Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than as hotel accommodation. The maximum stay by an occupant shall be no

11.13 11.14 11.15	more than consecutive 30 days with no return by the same occupant within a period of 30 days from the date of the last occupancy, in accordance with written records which shall be made available to the Planning Authority at all reasonable times. Reason: Residential use of the building would require further consideration by the Planning Authority having regard to the Local Development Plan and relevant material considerations. Notwithstanding the submitted details, no development shall commence on site unless full details of the public realm improvements to the footway bounding the site in the areas shown on Drawing Courtyard Landscaping Plan received on 22 September 2020 have been submitted to and approved in writing by the Council. The details shall include: 1. Surface materials; and 2. The design and provision of underground ducting. The development shall not be occupied unless the public realm improvements have been carried out in accordance with the approved details. Reason: In the interests of the character and appearance of the Conservation Area, the setting of Listed Buildings, and to enhance connectivity to and from the development. Notwithstanding the submitted details, no construction of the development hereby permitted shall take place unless in accordance with a schedule of external materials and sample panels, which shall first have been constructed on site and agreed in writing by the Council. The sample panels shall show the make, type, size, colour, tone, bond, pointing, coursing, jointing, profile and texture of all external materials including bronze metal panels, bronze perforated panels, glazed window panels, back painted glazed panels as well as any other external materials. Where pertaining to glazing, details should include the colour, texture of the actual glazing material and panes and finish. The approved sample panels shall be retained on site and made available for inspection by the Council for the duration of the construction works. The works must be implemented and permanently retained in accordance with the details so approved. Reason: To ensure the material finish and detailing is sympathetic to the setting of the nearby listed buildings. Notwithstanding the submitted details, no works to 29-33 Bedford Street shall take place unless in accordance with a schedule of external materials and sample panels, which shall first have been constructed on site and agreed in writing by the Council. The sample panels and submitted details must include: -Detailed window schedules, including cross sections, elevations, sill detail/materials, the actual glazing material and panes, colour and finish. New windows shall be timber (hardwood) to match the design, mouldings and glazing bar pattern of the original windows. - Sample panels of all replacement brickwork showing the proposed sizes, colour, texture face-bond; pointing mortar mix, joint thickness and finish profile. -Details of new doors – samples shall be provided on site showing the colour and texture. New doors at ground floor level shall be timber, aluminium or bronze. - Details of all string courses. Horizontal banding at cill level and window/door head details shall be retained where possible. Where new details are required they shall match the design of the original.
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11.16	- Details of rainwater goods which shall be heavy duty cast aluminium or cast iron. Please note that any materials used e.g natural welsh roof slates/brickwork shall be made good to match the adjacent work with regard to the methods used and to material, colour, texture, size and profile. The works must be implemented and permanently retained in accordance with the details so approved. Reason: To ensure the material finish and detailing is sympathetic to the setting of the nearby listed buildings. All hard and soft landscaping works shall be carried out in accordance with the approved Landscaping Proposals published by the Council on 22 September 2020. The works shall be carried out prior to the operation of the development and permanently retained unless otherwise agreed in writing by the Council. Reason: In the interests of the character and appearance of the area.
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ANNEX	
Date Valid	7 th March 2020
Date First Advertised	20 th April 2020
Date Last Advertised	25 th September 2020
Details of Neighbour Notification (all addresses) Christopher Stalford MLA 127-143, UNIT 1, SANDY ROW, BELFAST, ANTRIM, Northern Ireland, BT12 5ET The Owner/Occupier, 1st Floor,29 Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 1st Floor,The Centrepont Building,24 Ormeau Avenue,Belfast,Antrim,BT2 8HS The Owner/Occupier, 1st, 2nd And 3rd Floors,39-43 Stockman House,Bedford Street,Belfast,Antrim,BT2 7EE The Owner/Occupier, 23 Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 25-27 ,Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 25-27 ,Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 25-27 ,Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 2nd Floor,29 Bedford Street,Belfast,Antrim,BT2 7EJ The Owner/Occupier, 2nd Floor,The Centrepont Building,24 Ormeau Avenue,Belfast,Antrim,BT2 8HS The Owner/Occupier, 31 Bedford Street,Belfast,Antrim,BT2 7FP	

The Owner/Occupier,
 31-33 ,Bedford Street,Belfast,Antrim,BT2 7EJ
 The Owner/Occupier,
 35 Bedford Street,Belfast,Antrim,BT2 7EJ
 The Owner/Occupier,
 39a,39-43 Stockman House,Bedford Street,Belfast,Antrim,BT2 7EJ
 The Owner/Occupier,
 39b,39-43 Stockman House,Bedford Street,Belfast,Antrim,BT2 7EJ
 The Owner/Occupier,
 39c,39-43 Stockman House,Bedford Street,Belfast,Antrim,BT2 7EJ
 The Owner/Occupier,
 3rd And 4th Floors,The Centrepont Building,24 Ormeau Avenue,Belfast,Antrim,BT2 8HS
 The Owner/Occupier,
 3rd Floor,29 Bedford Street,Belfast,Antrim,BT2 7EJ
 The Owner/Occupier,
 4 Clarence Street West,Belfast,Antrim,BT2 7GP
 The Owner/Occupier,
 4th Floor,The Centrepont Building,24 Ormeau Avenue,Belfast,Antrim,BT2 8HS
 The Owner/Occupier,
 5th Floor,The Centrepont Building,24 Ormeau Avenue,Belfast,Antrim,BT2 8HS
 The Owner/Occupier,
 62-66 Bankmore House,Bedford Street,Belfast,Antrim,BT2 7FH
 The Owner/Occupier,
 6th Floor,The Centrepont Building,24 Ormeau Avenue,Belfast,Antrim,BT2 8HS
 The Owner/Occupier,
 7th Floor,The Centrepont Building,24 Ormeau Avenue,Belfast,Antrim,BT2 8HS
 The Owner/Occupier,
 8th & 9th Floors,The Centrepont Building,24 Ormeau Avenue,Belfast,Antrim,BT2 8HS
 The Owner/Occupier,
 Broadcasting House,25 Ormeau Avenue,Belfast,Antrim,
 The Owner/Occupier,
 Gd Floor,29 Bedford Street,Belfast,Antrim,BT2 7EJ
 The Owner/Occupier,
 Ground Floor,The Centrepont Building,24 Ormeau Avenue,Belfast,Antrim,BT2 8HS
 The Owner/Occupier,
 Holmes Street,Belfast,Antrim,BT2 7JH
 The Owner/Occupier,
 Office 3rd Floor,39-43 Stockman House,Bedford Street,Belfast,Antrim,BT2 7EH
 The Owner/Occupier,
 Office 4th Floor,39-43 Stockman House,Bedford Street,Belfast,Antrim,BT2 7EE

Date of Last Neighbour Notification	23rd September 2020
Date of EIA Determination	N/A
ES Requested	No

Planning History

Ref ID: LA04/2016/0369/F

Proposal: Construction of beer garden to rear of existing pub house; works to include erection of 3no. awnings and new fencing.

Address: The Bridge House Public House, 35-43 Bedford Street, Belfast, BT2 7EJ,

Decision: Permission Granted

Decision Date: 09.01.2017

Ref ID: LA04/2016/0414/LBC

Proposal: Construction of beer garden to rear of existing pub house; works to include erection of 3no. awnings and new fencing.

Address: The Bridge House, Public House, Town Parks, 35-43 Bedford Street, Belfast, BT2 7EJ,

Decision: Consent Granted

Decision Date: 09.01.2017

Ref ID: LA04/2016/0423/LBC

Proposal: General decorative refurbishment of the interior of the restaurant

Address: Pizza Express, 25-27 Bedford Street, Belfast, BT2 7EJ,

Decision: Consent Granted

Decision Date: 03.06.2016

Ref ID: Z/2005/0692/F

Proposal: Demolition of existing 10 pin bowling alley and erection of new mixed use development, comprising of a hotel and office use. (Amended P1 Form)

Address: 4 Clarence Street West, Town Parks, Belfast, Northern Ireland, BT02 7GP

Decision: Permission Granted

Decision Date: 31.10.2006

Ref ID: Z/2005/0848/DCA

Proposal: Demolition of existing 10 pin bowling alley to facilitate erection of new mixed-use development

Address: 4 Clarence Street West, Town Parks, Belfast, Northern Ireland, BT02 7GP

Decision: Permission Granted

Decision Date: 31.10.2006

Ref ID: Z/2006/2729/F

Proposal: Demolition of existing 10 pin bowling alley and erection of new mixed use development, comprising hotel and office use. Amendment to previous approval Z/2005/0692/F

Address: Superbowl, 4 Clarence Street West, Town Parks, Belfast, BT02 7GP

Decision: Permission Granted

Decision Date: 23.03.2007

Ref ID: Z/2008/1623/F

Proposal: External alterations to mixed-use hotel and office building, addition of chiller plant/gantry to south elevation (first floor level) and extended roof level louvre screening to additional external plant.

Address: 4 Clarence Street West, Belfast, BT2 7GP

Decision: Permission Granted

Decision Date: 14.11.2008

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