

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15 th November 2022	
Application ID: LA04/2021/2870/F & LA04/2021/2869/DCA	
Proposal: Demolition of existing single storey building and erection of ground and four upper storeys providing new cafe/restaurant on ground floor and 12no. apartments on the upper four storeys. Provision of bin storage and cycle areas.	Location: 19-27 Lombard Street Belfast BT1 1RB
Referral Route: Approval for total demolition of a building within a Conservation Area; and because the recommendation is to approve where a statutory consultee (NIW) has objected	
Recommendation: Approval	
Applicant Name and Address: Marmont Properties Ltd c/o Frazer Kidd LLP 87-89 Victoria Street Belfast	Agent Name and Address: Insideout Architects 1 Tinamara Upper Station Road Greenisland BT38 8FE
Executive Summary: These applications seek full planning permission and Conservation Area Consent to demolish and replace a current single storey commercial building within the city centre currently operating as a coffee shop and retail store with a new five storey building with ground floor restaurant / café and twelve apartments to the upper floors. The main issues to be considered are: <ul style="list-style-type: none"> The principle of the development Impact on the character and appearance of the City Centre Conservation Area Impact on the setting of Listed Buildings Impact on amenity of prospective occupiers Access, Movement and Parking Flooding Water/ Sewage and ecological impacts The application site lies within the settlement limits of the city centre within the BUAP, Draft BMAP v2004 and v2015. In dBMAP, the site is also within the retail core and an area of parking restraint. The site falls within the City Centre Conservation Area. The proposal will replace an existing building within the Conservation Area. The existing building, which is proposed to be demolished, is not considered to make a positive contribution to the character and appearance of the Conservation Area. The existing single storey building is currently somewhat of an anomaly in the street scene and the proposed replacement building would enhance the character and appearance of the Conservation Area and setting of nearby listed buildings. This would be achieved by a new building of a scale and form more commensurate with its corner plot location, by obscuring large blank prominent gables of neighbouring buildings and providing a building of more appropriate height and presence to the street. It also reuses original internal features and replicates the curvature of the façade of the existing building. Both HED and the Council's Conservation Officer are content with the proposal.	

The proposal will provide an acceptable level of amenity for prospective occupiers. The site benefits from a city centre location with access to all its amenities and public transport. The proposal occupies an already developed site therefore will not contribute to increased flooding.

Consultees including DfI Roads, DfI Rivers and BCC Environmental Health have no objection to the proposal subject to conditions. NI Water have objected on the basis of insufficient capacity within WWTWs and the associated network. DAERA and Shared Environmental Services were consulted on possible environmental impacts follows NIW's response. DAERA and SES have advised there is no clear evidence of environmental impact however, taking a precautionary approach advised a condition required preventing commencement of works until agreement reached with NIW for wastewater disposal.

No representations have been received from third parties.

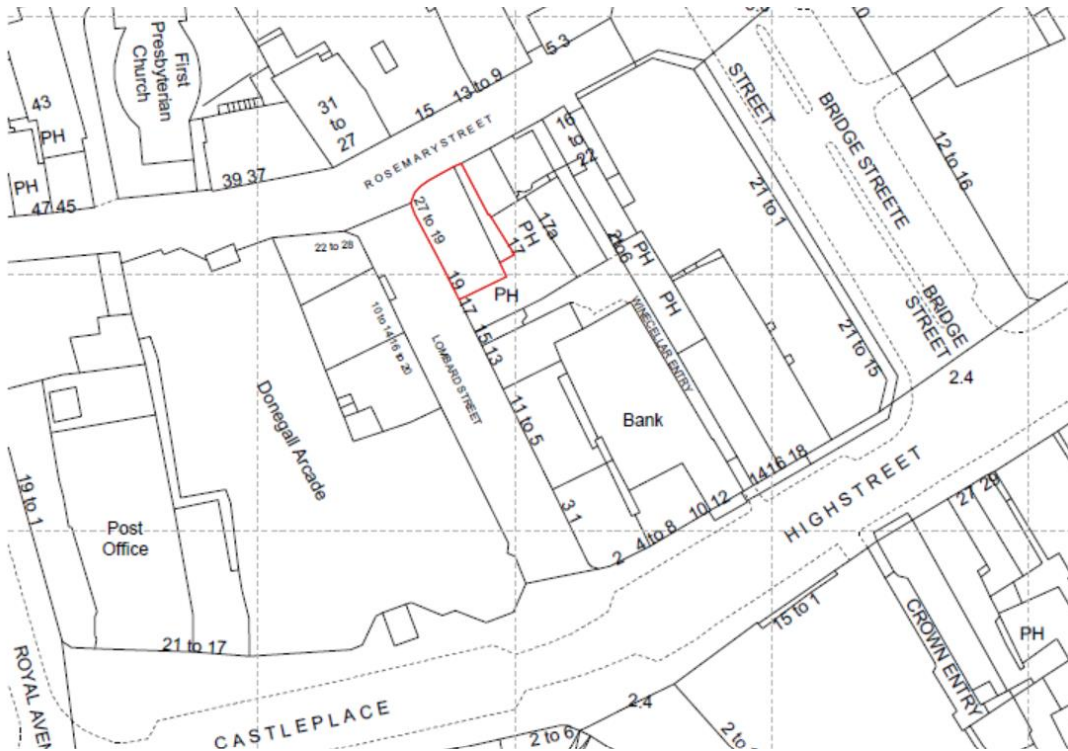
Having regard to the Development Plan, and other material considerations, the proposed development is considered to be acceptable. Approval is recommended for the reasons set out in detail on the main report below.

Recommendation

Subject to the notification of the application for Conservation Area Consent (LA04/2021/2869/DCA) for demolition to the Department for Infrastructure under Section 29 of the Planning Act (Northern Ireland) 2011, it is recommended that both applications are approved with conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

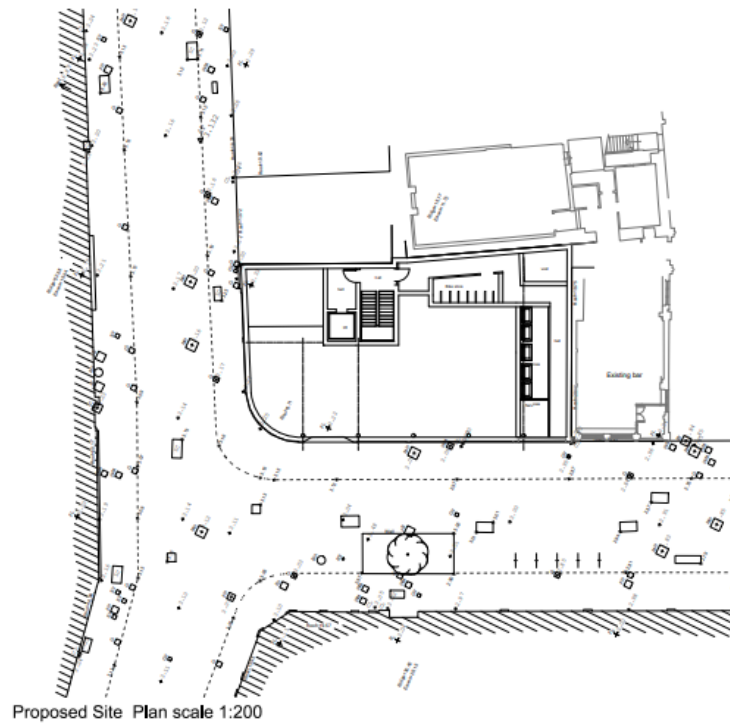
Site Location Plan



Current building on site to be demolished



Proposed site plan



Lombard Street Contextual Elevations



Rosemary Street Contextual Elevations





Indicative Visual of Proposal

Characteristics of the Site and Area

1.0	Description of Proposed Development
1.1	<p>The applications seek full planning permission and conservation area consent for demolition of the existing single storey commercial building and erection of five storey building with cafe/restaurant at ground floor level and twelve apartments above.</p> <p>Amended plans were secured during the processing of the applications to address:</p> <ul style="list-style-type: none"> • Design alterations to roof overhang, balustrade replaced with glass, inclusion of vertical louvres to curved portion of building. • Balcony amenity space for units not provided for in original plans. • Location of extractor flue to respond to Environmental Health consideration.
2.0	Description of Site and Area
2.1	<p>The application site is a corner plot at the junction of Rosemary Street and Lombard Street within Belfast City Centre. The site is within the City Centre Conservation Area and the retail core. The existing buildings are single storey in height, the main building being used as a coffee shop and the adjacent a small retail shop unit. The units do not exhibit history fabric in their construction unlike the neighbouring buildings on Lombard Street which have ornate sandstone facades. The neighbouring buildings also have a distinct different scale being four storeys and some with additional roof space provided</p>

2.2	<p>by dormer lofts. In this regard, the existing building is something of an anomaly in the Conservation Area. The adjacent building on Rosemary Street is also of modern construction and is three storeys in height with a retail unit on ground floor with commercial uses on the upper floors and next to this is a four-storey commercial building. The surrounding streetscape is a pedestrian zone with limited vehicle access.</p> <p>The site is also close to the recent planning approval for regeneration of this part of the city centre ("Tribeca"). The proposal will sit comfortably beside this regeneration scheme and adjacent existing uses, offering a mix of commercial and residential uses within the city centre.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Z/2007/2527/F Erection of 7 storey building with ground and first floor as restaurant/catering use and associated facilities with 14 apartments above and a ground floor entrance lobby. PERMISSION GRANTED 18/05/09</p> <p>Z/2007/2526/DCA Demolition of single-storey restaurant and retail units. PERMISSION GRANTED 19/05/09</p> <p>Z/1979/1201 Change of use to licensed restaurant. PERMISSION GRANTED</p> <p><u>Surrounding area</u></p> <p>LA04/2017/02126/F (Tribeca scheme) Redevelopment including the construction of a new six storey building on the existing surface level car park and part change of use to create a mixed use development comprising retail units, restaurants and cafes, residential units, offices, church and related community floor space, new streets and public realm works. Demolition of 53 Royal Avenue and 27-31 Rosemary Street and restoration of Central Halls (37-39 Rosemary Street), Masonic Hall (15 Rosemary Street), 43/43a Rosemary Street and retention of 30-34 North Street (Amended plans and further information received). PERMISSION GRANTED 11/03/19.</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	Draft Belfast Metropolitan Area Plan 2015 v2004
4.3	<p>Draft Belfast Metropolitan Area Plan 2015 v2014</p> <p>The extant Development Plan is the BUAP. Both versions of Draft BMAP 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. Given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within Draft BMAP 2015 (v2014) are considered to hold significant weight, save for policies relating to Sprucefield, Lisburn which remain contentious.</p>
4.4	<p>Belfast Local Development Plan Draft Plan Strategy 2035</p> <p>The Belfast Local Development Plan Draft Plan Strategy 2035 will Guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with</p>

	a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
4.5	Regional Development Strategy (RDS) 2035
4.6	Strategic Planning Policy Statement 2015 (SPPS)
4.7	Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 6: Planning Archaeology and the Built Heritage Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 12: Housing in Settlements Planning Policy Statement 15: Planning and Flood Risk
4.8	Section 91 of the Planning Act (Northern Ireland) 2011: 'In considering whether to grant planning permission for development which affects a listed building or its setting, a Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
4.9	Section 104(11) of the Planning Act (Northern Ireland) 2011: '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; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.'
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection with conditions
5.2	Northern Ireland Water (NIW) – Objection due to insufficient waste-water capacity
5.3	DFI Rivers – No objection
5.4	DFC Historic Environment Division – No objection
5.5	Shared Environmental Services – No objection
5.6	DAERA Water Management Unit – No objection Drinking Water Inspectorate – No objection
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection
6.2	BCC Conservation Officer – No objection
7.0	Representations

7.1	<p>LA04/2021/2870/F The application was neighbour notified on the 26th of January 2022. It was advertised in the local press on the 7th of January 2022.</p> <p>LA04/2021/2869/DCA The application was advertised in the local press on the 7th of January 2022.</p> <p>No representations have been received in respect of both applications.</p>
8.0	Other Material Considerations
8.1	<p>DCAN 4 Restaurants, Cafes and Fast Food Outlets</p> <p>DCAN 8 Housing in Urban Areas</p> <p>Belfast City Centre Conservation Guide</p> <p>Creating Places – Achieving quality in residential developments</p> <p>Parking Standards</p> <p>BCC Developer Contribution Framework</p>
9.0	Assessment
9.1	<p><u>Principle of Development</u> The SPPS states that planning permission ought to be granted for sustainable development that accords with the area plan and causes no demonstrable harm to interests of acknowledged importance.</p>
9.2	<p>The site is located within the existing settlement limits of the city as defined in the BUAP 2002 and Draft BMAP 2015 (both v2004 and v2014). The site is shown in the BUAP as “white-land” (i.e., no land use designation). Within the dBMAs, the site is annotated as within the city centre retail core. The proposal is designed to supply a café/ restaurant at ground floor level and four floors of apartment accommodation above.</p>
9.3	<p>The existing buildings on site, to be replaced, are currently a restaurant use which has been operating for over thirty years, and a small retail unit. Regarding the loss of the small retail unit, Policy R1 of the dBMAP states that no more than 25% of retail ground floor shall be given over to non-retail use. The current make-up of Lombard Street and Rosemary Street has an equal mix of retail and non-retail that includes the Masonic Hall and Presbyterian Church. Although, the loss of the retail unit is counter to Policy R1 it should be viewed in the context of the overall redevelopment that, as will be explained later, would enhance the character and appearance of the Conservation Area, provide much needed residential accommodation within the city centre as well as valuable investment. Furthermore, the loss of retail floorspace is minimal. The proposed restaurant use is already long established on the site. For these reasons, the loss of retail is considered acceptable.</p>
9.4	<p>The use of the upper floors for apartments will increase housing stock in the city centre bringing vitality to the area, in line with planning policy and guidance and <i>Belfast Agenda</i> community plan. PPS 12 seeks to increase housing density, in line with the RDS 2035, Principle 1 of the document states increase density should be promoted in town and city centres as these areas benefit from high accessibility to public transport and other facilities. The policy also supports Living Over the Shop (LOTS) so long as it provides a suitable living environment and adequate refuse space is provided.</p>
9.5	<p><u>Impact on the character and appearance of the City Centre Conservation Area</u> There is a statutory requirement under Section 104(11) of the Planning (NI) Act 2011 to have special regard to the desirability of;</p>

	<ul style="list-style-type: none"> 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.
9.6	<p>Paragraph 6.18 of the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) contains a policy direction reflecting Section 104 of the 2011 Act. It states 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. A similar approach is taken under Policies BH12 and BH14 of PPS 6.</p>
9.7	<p><i>Demolition:</i></p> <p>Policy BH 14 of PPS 6 advises that permission will normally only be granted for the demolition of an unlisted building in a Conservation Area where the building makes no material contribution to the character and appearance of the area.</p>
9.8	<p>Furthermore, paragraph 7.17 of Policy BH 14 states:</p> <p><i>'The Department will operate a presumption in favour retaining any building which makes a positive contribution to the character and appearance of a Conservation Area. In determining proposals for demolition of unlisted buildings, the Department will therefore take account of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation areas as a whole. In assessing proposals, the Department will have regard to the same broad criteria outlined for the demolition of listed buildings (see para 6.5 and policy BH 10).'</i></p>
9.9	<p>In determining the contribution of any building, consideration must be given to the four listed criteria in paragraph 6.5 of PPS 6,</p> <p><i>'(a) the importance of the building, its intrinsic architectural and historic interest and rarity, in the context of Northern Ireland and in local terms;</i></p> <p><i>(b) the particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion on the list; list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (e.g. interiors) may come to light after the building's inclusion on the list;</i></p> <p><i>(c) the building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby; and</i></p> <p><i>(d) the extent to which the proposed works work bring substantial benefits to the community, in particular to contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).'</i></p>
9.10	<p>The Council's Conservation Officer was consulted and advises that the existing building makes a material contribution to the City Centre Conservation Area through its historically inspired shopfront, internal cast iron columns and beams dating back to 1910, along with its historic/ cultural interest associated with the former Delaney's Restaurant. Despite this, the Conservation Officer, although accepting the contribution the existing building makes to the Conservation Area, considers the replacement to offer an enhancement, with the associated demolition considered to be acceptable.</p>

9.11	<p>Notwithstanding the opinion of the Conservation Officer, officers are of the clear opinion that the existing building does not make a positive contribution to the character and appearance of the City Centre Conservation Area as a whole having regard to the Policies BH10 and BH14 of PPS6 and the criteria listed. The existing single storey building is an anomaly in the street screen and surrounding context, which is characterised by taller buildings, generally of four storeys or higher. Normally, taller buildings are expected on corner plots such as this and the existing building lacks physical presence and dilutes the street scene. Its lower scale also exposes the end gables of the adjacent buildings, which is visually discordant. Moreover, whilst the existing building may reflect some historic features, it is more contemporary in design and does not reflect the historic fabric or character of the more important buildings in this part of the Conservation Area.</p>
9.12	<p>HED have been consulted on the application and have welcomed the proposed demolition and redevelopment of the site. A site inspection has confirmed, whilst the shopfront is traditional in appearance, it has been substantially altered through the years resulting in the addition of non-original fabric. It is considered that the building itself is of limited architectural merit, when compared to the quality and detailing of the listed building which dominate the surrounding street scene. The proposed replacement scheme includes retention of the internal cast iron columns which allows for the cultural / historic interest of the past to be maintained through the new scheme.</p>
9.13	<p>When considering its setting, corner buildings will usually have height and presence as a maker of the junction between the two streets. The existing single storey building does not offer a presence on this street corner which is exaggerated by the heights of neighbouring buildings. The single storey height allows views of the blank gables of neighbouring properties that detract from the period buildings that make up the surrounding area and the conservation area. The Conservation Officer accepts that the proposal will be an enhancement to the area. Officers agree with this opinion that the proposal will enhance the Conservation Area by creating a building more appropriate in scale and presence. It will screen the existing blank gables, enhancing views into Lombard Street and the setting of nearby listed buildings. An acceptable redevelopment scheme is also in place as described below.</p>
9.14	<p>On this basis, the proposed demolition is considered acceptable in compliance with Policy BH14 of PPS6 and the SPPS and a suitable replacement scheme can be secured.</p>
9.15	<p><i>Impact on the character and appearance of the City Centre Conservation Area:</i> The scale, form, materials and detailing of the proposed replacement building are acceptable at this location, with the proposal designed to replicate the current curved facade of the existing building whilst also incorporating a contextually appropriate façade sympathetic to the City Centre Conservation Area. The Conservation Officer and HED was consulted on the new building's design and its potential to conflict with the surrounding character and nearby listed buildings. The advice of both is that the design is compatible for the surrounding character, with a mixed palette of materials used in a contemporary manner. The curvature of the existing facade is carried up over all four upper floors with significant glazing that gives the building a strong presence on the street corner providing a robust link between Lombard Street and Rosemary Street. The horizontal alignment of the new building also follows the line of adjacent historic buildings.</p>
9.16	<p>Overall, it is considered that the character and appearance of the City Centre Conservation Area would be enhanced with a building much more suited to this</p>

	important corner plot. The proposal is considered to comply with Policy BH12 and BH 14 of PPS 6, paragraphs 6.18 and 6.19 of the SPPS, Policy QD1 of PPS7, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act.
9.17	<p><u>Impact on the setting of Listed Buildings</u></p> <p>The proposal falls within the setting of a number of listed buildings including HB26 50 282 13-17 Lombard Street, Grade B2, HB26 50 281 5-7 Lombard Street, Grade B2, HB26 50 035 Gordon House, 22-24 Lombard Street & 26-28 Rosemary Street. Grade B1, HB26 50 054 First Presbyterian Church, 41 Rosemary Street, Grade A, HB26 50 300 Central Hall, 37-39 Rosemary Street, Grade B1 and HB26 50 196 Masonic Hall, 15 Rosemary Street, Grade B+.</p>
9.18	<p>Paragraph 6.12 of the SPPS states:</p> <p><i>'Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.'</i></p>
9.19	<p>Policy BH 11 of PPS 6 relates to development affecting the setting of a Listed Building. It states:</p> <p><i>The Department 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:</i></p> <ul style="list-style-type: none"> <i>a) the detailed design respects the listed building in terms of scale, height, massing and alignment;</i> <i>b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and</i> <i>c) the nature of the use proposed respects the character of the setting of the building.</i>
9.20	<p>HED has considered the effects of the proposal on this listed building and have advised that it satisfies the policy tests of paragraph 6.12 of the SPPS and Policy BH11 of PPS 6 subject to conditions to ensure the use of high quality materials and submission of connection details with adjoining side façade of the listed building. Having regard to HED's advice, it is considered that the proposal would not adversely affect the setting of the listed building. Indeed, it is considered that the setting of the listed buildings would be enhanced with a new building more appropriate to this important corner location. Paragraph 6.12 of the SPPS, Policy BH 11 of PPS 6 and Section 91 of the Planning Act (NI) 2011 are satisfied.</p>
9.21	<p><u>Impact on amenity of prospective occupiers</u></p> <p>The apartments generally comply with the space standards as set out in the Addendum to PPS 7: eight units will be one bedroom ranging from the 56sqm to 76sqm, the standard being 50/55sqm. The remaining four units have two bedrooms with one unit marginally failing the space standard by 4 sqm (space standard 60 sqm). However, the space standards within the Addendum relate to Policy LC1 are not applicable to city centre development. Given that the policy does not apply and that all but one unit meets or exceeds the space recommendations and the city centre location, it is considered that the internal space provision is acceptable. Each unit will have their own private outdoor amenity in the form of balconies, which equates to an average of 6 sqm per apartment.</p>

	Given the sensitive city centre location, there is no further scope to provide any other form of outdoor amenity space.
9.22	Environmental Health assessed a submitted Noise impact assessment (NIA) which considered the impact of existing external plant, structure borne noise from neighbouring commercial premises, including ground floor café, delivery noise and external patron and entertainment noise from the neighbouring bar. The NIA confirmed that noise level control can be controlled and mitigated. Environmental Health has therefore recommended a planning condition relating to the control of noise impact on the proposed apartments. Likewise, an odour abatement report was submitted regarding the control of odours. Environmental Health has recommended conditions for the control of odours emanating from the ground floor café/restaurant.
9.23	On balance, the proposal is considered acceptable having regard to Policy QD1 of PPS7 and the SPPS, in providing adequate amenity for prospective occupiers of the proposed apartments.
	<u>Access, Movement and Parking</u>
9.24	The proposal is for a “car free” development located within an area of parking restraint in the city centre. The application site is within a highly sustainable location which is availing of the opportunities for public transport, foot and cycle access which supports the strategic aim of reducing private car use. DfI have offered no objection to the proposal subject to a travel plan requiring the future occupants to be offered a public transport travel card free of charge for a period of three years and free membership of the Belfast Bike scheme for a three-year period. The applicant has agreed to these range of measures, which in this case can be appropriately secured by condition.
9.25	It is considered the proposals comply with the relevant policy provision of the SPPS, PPS7 and PPS3.
	<u>Flooding</u>
9.26	DFI Rivers was consulted on the submitted drainage assessment for the proposal and offer no objection. The proposal is considered acceptable having regard to Policy FLD3 of PPS15.
	<u>Waste-water Infrastructure</u>
9.27	NI Water has objected to the proposal on grounds of insufficient capacity at the local wastewater treatment plant and insufficient network capacity.
9.28	NI Water has advised that existing public wastewater infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no supporting data or information to evidence NI Water’s concerns have been provided.
9.29	There are a significant number of extant and un-implemented planning permissions across the city for housing, commercial and other uses including over 20,000 new homes. This development represents something is a s strategic fall-back and will not come forward all at once, if at all. Given NI Water’s duty to connect to those developments and that it has not provided detailed evidence to support its objection to this particular application, it would be unreasonable for the Council to refuse planning permission on these grounds.
	<u>Ecological impacts</u>
9.30	Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an

	Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.
9.31	Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a significant effect on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.
9.32	In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult SES and DAERA. SES has advised following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, that the proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. This conclusion is subject to mitigation in the form of a planning condition to prevent commencement of development until the method of sewage disposal has been agreed with NI Water.
9.33	DAERA Water Management Unit has advised they have no objection in principle however the proposal has the potential to have an adverse impact effect on the aquatic environment. They have recommended a similar condition to SES requiring method of sewage disposal to be agreed prior to commencement.
9.34	Having regard to this advice, it is considered necessary to impose a condition to require details of foul drainage to be agreed prior to commencement of development. Subject to this condition, the proposal is considered compliant with PPS 2 Natural Heritage and the relevant provisions of the Strategic Planning Policy Statement.
9.35	Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, should adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 21 st October 2022. This found that the project would not have an adverse effect on the integrity of any European site subject to imposition of the foul drainage condition.
10.0 10.1	Summary of Recommendation: Subject to the notification of the application for Conservation Area Consent (LA04/2021/2869/DCA) for demolition to the Department for Infrastructure under Section 29 of the Planning Act (Northern Ireland) 2011, it is recommended that both applications are approved with conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.
11.0	LA04/2021/2870/F 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

	<p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Prior to installation of any windows and alternative means of ventilation, a report detailing the final window schedule and alternative means of ventilation shall be submitted to and approved in writing by the Council. This schedule must demonstrate that the windows and alternative means of ventilation meet the following minimum sound reduction values of 33dB Rw +Ctr, as presented in Section 11 of Layde Consulting, Noise and Odour Impact Assessment for 'Proposed Redevelopment of existing single storey café to a 5-storey building comprising of ground floor café and residential apartments with associated Services', No.21-27 Lombard Street, Belfast, P523-1, dated October 2021. The windows shall not be installed unless in accordance with the approved details and shall be retained in accordance with that specification at all times.</p> <p>Reason: The protection of residential amenity.</p> <p>3. Prior to occupation of the development hereby approved, a verification report which verifies that the windows have been installed in accordance with the requirements of condition 2 shall be submitted to and approved in writing by the Council. This should be in the form of a written declaration from the contractor confirming such installation.</p> <p>Reason: The protection of residential amenity.</p> <p>4. The Rating Level (dBLAr,T) from the operation of all combined plant and equipment shall not exceed the existing daytime and night-time background sound level of 55 dBLA90 and 43 dBLA90 respectively at any openable window on the facade of the development, when measured or determined in accordance with BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.</p> <p>Reason: The protection of residential amenity.</p> <p>5. The proposed café/restaurant shall not operate outside the hours of 07:00-23:00hrs on any day.</p> <p>Reason: The protection of residential amenity.</p> <p>6. Service deliveries and collections to the café/restaurant shall not take place outside the hours of 07:00-23:00hrs on any day.</p> <p>Reason: The protection of residential amenity.</p> <p>7. The development hereby permitted shall not operate unless in accordance, at all times, with the approved Lisbane Consultants Travel Plan published to the Planning Portal 17th May 2022.</p> <p>Reason: To encourage alternative modes of transport to the private car in the absence of parking provided on site.</p> <p>8. Prior to occupation of each apartment on the upper floors, the occupier of the apartment shall be provided with an annual Travel Card which provides free and fully subsidised travel on public transport throughout Greater Belfast. Such Travel Cards shall thereafter be provided to each apartment on the first and second anniversaries of the occupation of the apartment. Written evidence of the provision of the Travel Cards to</p>
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each apartment shall be provided to the Council within 28 days of it having been provided.

Reason: To encourage alternative modes of transport to the private car in the absence of parking provided on site.

9. Prior to occupation of each apartment on the upper floors, the occupier of the apartment shall be provided with an annual Belfast Bikes Membership which provides free and fully use of Belfast Bikes. Belfast Bikes Membership shall thereafter be provided to each apartment on the first and second anniversaries of the occupation of the apartment. Written evidence of the provision of the Belfast Bikes Membership to each apartment shall be provided to the Council within 28 days of it having been provided.

Reason: To encourage alternative modes of transport to the private car in the absence of parking provided on site.

10. The development hereby approved shall not be occupied or operated unless covered bicycle storage has been provided in accordance with the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times.

Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel.

11. Prior to the construction of the hereby approved building, a written specification and samples of the external facing and roof materials (including external walls, balconies, rainwater goods, shopfront and roof detail) shall be submitted to and approved in writing by the Council. The building shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the character and appearance of the Conservation Area and setting of listed buildings.

11. Prior to commencement of development, a methodology for connection of the new building hereby approved with the adjacent listed building side facade shall be submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

12. No development or works shall commence on site (other than that required to fulfil this condition) unless a programme of archaeological work has been implemented in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Council.

Reason: To ensure that archaeological remains and features are preserved in situ. Approval is required upfront because archaeological remains and features could be damaged or permanently lost.

13. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under

	<p>condition 12. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological programme of works.</p> <p>Reason: To ensure that the archaeological remains and features are properly analysed and recorded.</p> <p>14. No development shall commence on site unless details of foul water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.</p> <p>Reason: To ensure appropriate foul drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.</p> <p>LA04/2021/2869/DCA</p> <p>1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.</p> <p>Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No demolition shall commence on site unless a contract has been secured for the redevelopment of the site in accordance with planning permission LA04/2021/2870/F and evidence of that contract has been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with planning permission LA04/2021/2870/F.</p> <p>Reason: As required by Sections 91(6) and 105 of the Planning Act (Northern Ireland) 2011, to preserve or enhance the character or appearance of the Conservation Area. Approval is required upfront because if redevelopment of the site does not take place it could leave the vacant site unsightly and harmful to the Conservation Area.</p>
Notification to Department (if relevant): Yes – referral of DCA application	
Representations from Elected members: None	

<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1,12a ,Rosemary Street,Belfast,Antrim,BT1 1QD</p> <p>The Owner/Occupier, 12 Rosemary Street,Belfast,Antrim,BT1 1QD</p> <p>The Owner/Occupier, 15 Lombard Street,Belfast,Antrim,BT1 1RB</p> <p>The Owner/Occupier, 15 Lombard Street,Belfast,Antrim,BT1 1RB</p> <p>The Owner/Occupier, 15 Rosemary Street,Belfast,Antrim,BT1 1QA</p> <p>The Owner/Occupier, 17 Lombard Street,Belfast,Antrim,BT1 1RB</p> <p>The Owner/Occupier,</p>

18 Rosemary Street,Belfast,Antrim,BT1 1QD
 The Owner/Occupier,
 1st Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1BH
 The Owner/Occupier,
 1st Floor,13 Lombard Street,Belfast,Antrim,BT1 1RH
 The Owner/Occupier,
 1st Floor,22 Rosemary Street,Belfast,Antrim,BT1 1QD
 The Owner/Occupier,
 2-8 ,Rosemary Street,Belfast,Antrim,BT1 1QD
 The Owner/Occupier,
 20 Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 22 Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 22-24 Gordon House,Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 24 Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 24 Rosemary Street,Belfast,Antrim,BT1 1QD
 The Owner/Occupier,
 27 Rosemary Street,Belfast,Antrim,BT1 1QB
 The Owner/Occupier,
 27 Rosemary Street,Belfast,Antrim,BT1 1QB
 The Owner/Occupier,
 2nd Floor Front,13 Lombard Street,Belfast,Antrim,BT1 1RB
 The Owner/Occupier,
 2nd Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 2nd Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 2nd Floor,13 Lombard Street,Belfast,Antrim,BT1 1RB
 The Owner/Occupier,
 2nd Floor,22 Rosemary Street,Belfast,Antrim,BT1 1QD
 The Owner/Occupier,
 3rd Floor 7,13 Lombard Street,Belfast,Antrim,BT1 1RB
 The Owner/Occupier,
 3rd Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 3rd Floor,13 Lombard Street,Belfast,Antrim,BT1 1RB
 The Owner/Occupier,
 4th Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 5th Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 6th Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1BW
 The Owner/Occupier,
 7th Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1RB
 The Owner/Occupier,
 Horwath House,20 Rosemary Street,Belfast,Antrim,BT1 1QD

