

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 17 May 2016	
<b>Application ID:</b> LA04/2015/1252/F and LA04/2015/1250/DCA	
<b>Proposal:</b> Erection of purpose built managed student accommodation comprising 114 studios and 203 cluster rooms (317 units in total), retail unit (class A1) on ground floor of Queen Street, common room, management suite on ground floor of Wellington Place, reception, laundry room, cycle store, plant room and bin storage area. Retention of existing facades of 41-49 Queen Street, 24 College Street and 29 Wellington Place and demolition of buildings behind. The proposed building is 5 storeys behind Wellington Place façade, 7 storeys behind Queen Street façade with a setback floor at level 8 and 13 storey tower setback from the Queen Street frontage.	<b>Location:</b> 41-49 Queen Street 24-30 College Street and 29 Wellington Place, Belfast.
<b>Referral Route:</b>	<b>Major Application</b>
<b>Recommendation:</b>	Approval. Section 76 Agreement
<b>Applicant Name and Address:</b> Lacuna WJ Ltd Centre House 4 High Street Holywood BT18 9AZ	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p><b>Executive Summary:</b> The application seeks the retention of the facades of 41-49 Queens Street (previously the Athletic Stores), 24 College Street and 29 Wellington Places (previously Parsons and Parsons) and the demolition of the buildings behind which extends through to 26-30 College Street. The replacement buildings behind the retained facades are 5 storeys to the Wellington Place façade, 7 storeys behind the Queens Street facades with set backs at levels 5, 7 and 8 and a tower element which is set back again and extends to 13 Storeys (44.1.metres AOD).</p> <p>The main issues to be considered in this case are;</p> <ul style="list-style-type: none"> <li>- The principle of demolition in the conservation area;</li> <li>- The principle of student housing at this location;</li> <li>- The principle of retail development at this location;</li> <li>- The impact of demolition on the conservation area and on the retained facades;</li> <li>- The impact of the proposed development on the conservation area,</li> <li>- The impact of the development on the neighbouring amenity of adjoining and surrounding properties; and</li> <li>- Other matters.</li> </ul>	

The site is located within Belfast City Centre, bordering the Old City and Civic Precinct character areas, and within the city centre area of archaeological potential and the Belfast City Centre Conservation Area.

It consists of 41-49 Queens Street a four storey red brick warehouse building built between 1890 -1910 which wraps round the corner to 24-30 College Street, it also extends to include 29 Wellington Place a narrow four storey red brick building.

The site has been subject to two previous applications in 2010 and 2012 both of which proposed to fully demolish 41-49 Queens Street in full and replace it with 9 storey and 7 storey residential blocks respectively; both applications were quashed by Judicial Reviews; the details of this is set out in Paragraph 3.0 Site History.

The applicant is considered to have demonstrated that there is in this case an exceptional circumstance for the preservation of the public elevations of the buildings given the exceptional light structural frame, the condition of the building, the cost of repairing and maintaining it and considering façade retention will preserve the facades of the buildings which will continue to make a material contribution to the conservation area at this location. The demolition of the buildings behind the retained facades is therefore considered to meet the policy tests set out in BH10 and BH 14 of PPS 6. Furthermore the proposed redevelopment project is considered to meet the test sets out in Section 104 of the Planning (NI) Act 2011 and BH 12 off PPS 6 in that it on the whole the new development will not have a negative impact on the conservation area at this location.

The principle of purpose built student accommodation is considered acceptable at this location and complies with the policy tests as set out in paragraph 9.4 and 9.5 below.

This proposal has been assessed having regard to the development plan and all other material considerations, including the following policies, Strategic Planning Policy Statement, Planning Policy Statement 3 - Access, Movement and Parking, Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage, PPS 7 Quality Residential Development, Planning Policy Statement 15 (Revised) - Planning and Flood Risk and other material considerations.

Transport NI, EHO, NIEA, Rivers Agency and NIW, have no objections to the proposal subject to conditions.

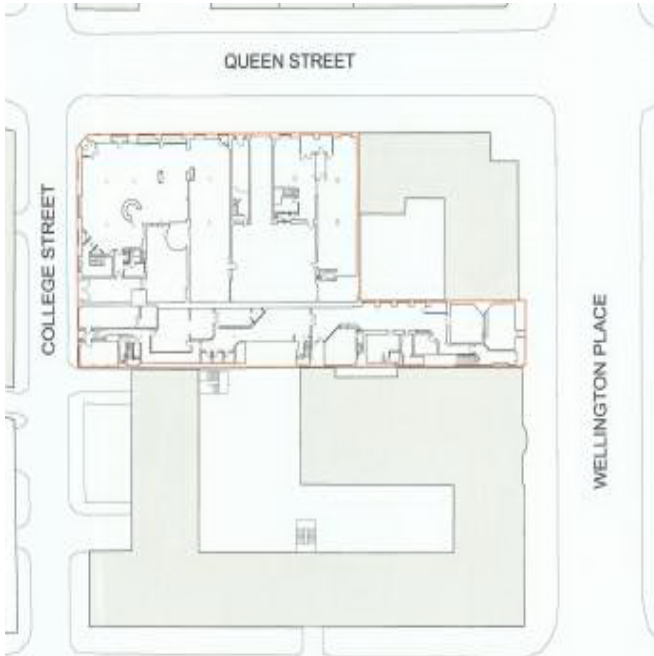
2 representations have been received. The representations include one objection from the Ulster Architectural and Heritage Society, and one representation from the Royal Society for Protection of Birds.

Having had regard to the development plan, relevant planning policies and other material considerations it is concluded that the proposal complies with the development plan and with regional planning policy in that the proposal if developed would enhance the City Centre Conservation Area as well as bringing the building back to life enhancing the material contribution that it makes to the conservation area and the wider city centre at this location.

The proposal is recommended for Approval subject to conditions and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions (see paragraph 9.11 below). If Committee is minded to agree with that recommendation, it is also requested that authority be delegated to the Director of Planning & Place, in consultation with the Town Solicitor, to negotiate and enter into the said Agreement on behalf of the Council.

## Case Officer Report

### Site Location Plan



### Characteristics of the Site and Area

<p><b>1.0</b></p> <p>1.1</p> <p>1.2</p> <p>1.3</p>	<p><b>Description of Proposed Development</b></p> <p>The proposed development is for the demolition of the buildings behind the facades of 41-49 Queens Street, 24 College Street and 28 Wellington Place and the full demolition of buildings at 26-30 College Street. The replacement buildings behind the retained facades are 5 storeys to the Wellington Place façade, 7 storey behind the Queens Street facades and an 8 storey new build element at College Street and a tower element which is set back again and extends to 13 Storeys (44.1 AOD).</p> <p>A three storey roof extension is proposed to the retained Queen Street façade is set back 2.5 metres at floor 5 and set back again 4.4 metres from the retained façade at level 7. The new infill element at 26-30 College Street is designed to reflect the fenestration and detail of the retained Queens Street façade and is proposed to be finished in a white brick; this extends to 8 storeys tying in with the roof extensions of the adjacent Queens Street and is again set back to the same extent at floor 5, 7 and 8. A three-storey roof extension is proposed at 29 Wellington Place, which is set back 1.3, 2.8 metres from the retained façade at level 5 and 6.</p> <p>The proposal consists of ground floor retail at 41 Queens Street and purpose built managed student accommodation and its associated ancillary accommodation taking over the remaining floor space.</p>
<p><b>2.0</b></p> <p>2.1</p> <p>2.2</p> <p>2.3</p> <p>2.4</p>	<p><b>Description of Site and Area</b></p> <p>The application site includes the former athletic store building, which is located within Belfast City Centre at the corner of Queen Street and College Street and extends to include 29 Wellington Place the former Parsons and Parsons Clothes Hire business.</p> <p>41-49 Queen Street and 24 College Street were built c.1890 and together form the former athletic stores building which is described in Marcus Patton's Central Belfast Historical Gazetteer as a "four storey red brick warehouse with brown sandstone quoins to windows, with conical-roofed turret rising from corbelling above main entrance at corner of College Street, and small triangular pediment over central gateway. The best feature of the building is the corner doorway..."</p> <p>29 Wellington Place was built c. 1885 and is a narrow four storey red brick building with ornamental gable set on cornice above machiolated arches over the third floor, and canted oriel at first floor set under running roof and is well preserved above the severely altered shop front at ground floor. 26-30 College Street is a modern extension to the rear of 29 Wellington Place.</p> <p>The site is located on the edge of the retail core of the city centre north west of City Hall. The area is mixed use in nature and includes retail, office, bars, restaurants and cafes. There are a number of vacant buildings and sites in Queen Street with one on the opposite side of the street being used as a surface level car park. There is a recent approval for student accommodation on the site opposite the College Street element of the proposal.</p>
<p><b>Planning Assessment of Policy and other Material Considerations</b></p>	
<p><b>3.0</b></p> <p>3.1</p>	<p><b>Site History</b></p> <p>There have been two relevant planning applications on the site both considered under planning reference Z/2008/1256/F.</p> <p>In 2009 planning permission including demolition consent was granted on the site of 41-49 Queens Street with the proposed new building being a nine-storey block comprising retail</p>

	<p>and residential use. This permission was quashed on judicial review in January 2010 and DoE Planning Service asked to reconsider its original decision to allow the scheme on the grounds that the Department had ignored the in-house conservation area officers advise that the loss of its building and its replacement would cause harm, that the Department ignored its own protocol and did not engage the services of a Conservation Area Architect and that no costings were provided or independently assessed.</p> <p>In July 2010 a revised development proposal was submitted which proposed demolition plus replacement by a seven storey building with ground floor retail units, basement car parking and 58 residential apartments. On the 27 July 2011 Ulster Architectural and Heritage Society ('UAHS') submitted a report to DoE Planning, the then planning authority, proposing a façade retention option. The application was subsequently approved for the demolition and redevelopment proposal in May 2012. The UAHS judicially reviewed that decision. In his Judgement, Mr Justice Tracey said, "where there is a presumption in the policy the Department are obliged to have regard to that and cannot in their decision undermine it." The judge considered that the Department had not applied the planning and conservation policy lawfully as it failed to take into account a very relevant consideration of facade retention. He allowed the application.</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Metropolitan Area Plan 2015
4.2	<p>Regional Development Strategy  Strategic Planning Policy Statement for Northern Ireland  Planning Policy Statement 3 - Access, Movement and Parking  Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage  Planning Policy Statement 15 (Revised) - Planning and Flood Risk</p>
5.0	<p><b>Statutory Consultees</b>  Transport NI – No objection subject to conditions  Rivers Agency – No objection  NIEA Historic Monuments Unit – No objection subject to Conditions  NIEA Water Management Unit – No objection  NIEA Land, Soil, and Air. – No objections subject to Conditions.  NIW – No objections.</p>
6.0	<p><b>Non-Statutory Consultees</b>  Environmental Health BCC – No objection subject to conditions  Independent Urban Design Advice – Colin Haylock, Haylock Planning and Design  Independent Structural Engineer Report – Pauline Warde Associates  Land and Property Services.</p>
<b>7.0</b>	<b>Representations</b>
7.1	2 Representations have been received in total to the application. 1 letter of objection from the UAHS and 1 from the RSPB.
7.2	The letter of objection from the RSPB is a standard letter, which has been received on a number of applications across the city highlighting biodiversity protection and enhancement within the Belfast Area. This is in particular relation to the decline of the common swift and the RSPB are requesting that developers consider the additional of swift nest brick in new build developments. This issue has been highlighted with the applicant for consideration during any construction phase of the proposal.
7.3	The UAHS are objecting to the alteration and extension of 41-49 Queens Street and 29 Wellington Place; their main reasons for objection are summarised below:

	<ul style="list-style-type: none"> <li>- The current proposal is not compliant with PPS 6, BH 14 in particular paragraph 7.20 and BH 12 in particular item 7.8.</li> <li>- Façade retention while previously mooted by the UAHS as an example to demonstrate a last resort should only be consented to if the proposal complies with policy BH14 which states this decision should be based on a structural assessment and in exceptional circumstances.</li> <li>- Any approval would be detrimental to the areas character in terms of scale, particularly the design of setback and height.</li> <li>- Setbacks should be increased along the College Street and Queen Street facades and that the roof extension is limited to one storey.</li> <li>- Extension of height to Wellington Place should also be placed further to the rear of the façade.</li> <li>- Council exemplar contained in Belfast City Council Regeneration and Investment Strategy.</li> <li>- The tower element of the proposal is unacceptably high for approval within the conservation area; concern is also raised with the metal cladding choice of material.</li> </ul>
<b>8.0</b>	<p><b>Other Material Considerations</b>  Belfast City Council Regeneration and Investment Strategy  Creating Places  DoE Living Spaces Document.  Planning and Place Advice Note: Purpose Built Managed Student Accommodation  BELFAST: A LEARNING CITY A framework for student housing and purpose built student accommodation</p>
<b>9.0</b>	<p><b>Assessment</b></p> <p>9.1 Article 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.</p> <p>9.1.1 The proposed development lies within the development limit for Belfast City Centre, the city centre area of archaeological potential, the Civic Precinct (CC009) Character Area and within the City Centre Conservation Area.</p> <p>9.1.2 <i>Belfast Metropolitan Area Plan 2015</i> (BMAP) identifies for information the extent of the Conservation Area and notes that it comprises much of the late Victorian architecture of a bustling, self-confident town, which expanded rapidly in the nineteenth century from small beginnings to achieve city status in 1888. 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 policy provisions relevant to the city centre conservation area.</p> <p>9.1.3 The application site lies within both the Civic Precinct Character Area (CC008) and the Old City Character Area (CC009). The Character Area Designations specify urban design criteria related to the massing, alignment and scale of buildings.</p> <p>9.1.4 29 Wellington Place is located within the Civic Precinct Character Area the general criteria of which states that development proposals should take account of the height of adjoining buildings. It further states that part of any development that fronts onto Wellington Place shall be a minimum building height of 5 storey and a maximum height of 7 storeys, with use of setback or sloping roof forms or both as well as respecting consistent cornice lines.</p> <p>The Wellington Place façade is proposed to be retained with a 3 storey roof extension set back 1.3 and 2.8 metres from the façade, the overall height therefore fronting onto</p>

	Wellington Place is proposed at 7Storey (26.9 metres AOD) this element of the proposal is considered to comply with the policy CC008 and UE 1 of BMAP.
9.1.5	<p>The Queen Street and College Street elements of the application site fall within the Old City Character Area the general criteria of which states that the density of development in the area shall be maintained and increased where appropriate, through high site coverage and high plot ratio and that development proposals should take account of the height of adjoining buildings. Neither Queens Street or College Street are specifically mentioned in the urban design criteria therefore the relevant context is “elsewhere” – which states that new development should respect the established building line, should be a minimum of 3 storeys and a maximum of 5 storeys with the use of articulated roof forms reinforcing traditional character, consistent cornice lines should be respected; development should be fine grain in nature and should reflect the traditional plot widths and be broken up to visually reflect the scale of traditional units.</p> <p>The new build element fronting onto College Street follows the building line of 41-49 queen Street. The 3 storey and 4 storey roof extensions proposed along the Queens Street Façade and College Street facades respectively are set back by 2.5 metres. They are of comparable height to the adjacent Lesley Building on the corner of Queen street and Wellington Place which abuts the site. The tower element proposed is 5.8 metres taller than the adjacent tower element of 31 Wellington Place which sits at 38.3 metres. The development proposal in this context is considered on balance to comply with the urban design criteria as set out in CC09 and UE 1 of BMAP.</p>
9.1.6	The proposed uses of purpose built managed student accommodation and retail are also considered to comply with the development plan in that the site is whiteland located within the development limits of the Belfast Metropolitan Area Plan.
9.1.7	The presumption is therefore in favour of development at this location subject to the planning considerations detailed below.
	<p>The main issues, therefore, arising from this proposal are:</p> <ul style="list-style-type: none"> <li>- The contribution of the buildings to the city centre conservation area;</li> <li>- The principle of the demolition and facade retention of the buildings;</li> <li>- The height, scale and massing of the proposed development and its impact on the conservation area and amenity of adjoining and surrounding properties;</li> <li>- The principle of student housing at this location;</li> <li>- The principle of retail development at this location;</li> <li>- And other matters.</li> </ul>
9.2	<b>The contribution of the buildings to the city centre conservation area and the principle of demolition and facade retention of the buildings;</b>
	<u>Policy Context</u>
9.2.1	Section 104 of the <i>Planning (NI) Act 2011</i> 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) <i>preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;</i> or (b) <i>enhancing the character or appearance of that area in cases where an opportunity to do so does arise.</i>
9.2.2	The <i>Strategic Planning Policy Statement for Northern Ireland 2015</i> (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

	<p>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.</p>
9.2.3	<p>This SPPS policy direction requires a broadly similar approach to that set out in Policy BH14 of PPS6 - <i>Demolition in a Conservation Area</i> when read in the context of Section 104. Policy BH14 advises that demolition of an unlisted building in a conservation area should normally only be permitted where the building makes no material contribution to the character or appearance of the area. Paragraph 7.17 of PPS6 advises that in assessing such proposals regard will be had to the same broad criteria outlined for the demolition of listed buildings in PPS6's paragraph 6.5 (essentially the merits of the existing building and the benefits of the proposed works) and Policy BH10 (the building's condition, the adequacy of efforts to retain the building in use and the merits of the alternative proposals).</p>
9.2.4	<p><u>Contribution of the buildings to the City Centre Conservation Area</u> Section 104 of the 2011 Act and the SPPS take precedence over Criterion (a) of PPS6 Policy BH12 so there is no requirement upon development to preserve or enhance the character and appearance of a conservation area. The remaining Policy BH12 criteria however remain. Those relevant to this application are Criteria (b) and (c) which broadly seek development that is in sympathy with the characteristic built form of the area, (d) that the development does not result in environmental problems, (e) that important views within, into and out of the area are protected, and (g) seeks for development to conform with the guidance set out in conservation area documents.</p>
9.2.5	<p>The proposals for demolition and the proposed replacement development must be considered together when concluding upon the requirements of Section 104 of the 2011 Act. Also, any conclusions based on the proposed demolition based on PPS6 Policy BH14 would have to be weighed against the provisions of Policy BH12 relating to the contribution of the new build elements of the proposal. This approach is endorsed in recent PAC decisions where complete demolition has been proposed.</p>
9.2.6	<p>The starting point in ascertaining the contribution of the buildings must be the conservation area guidance and any local policies and guidance it contains as relevant to the application site. The City Centre Conservation Area Guide was published in 1998 and makes reference to the part the linen industry played in the development of Belfast and to the massive building programme that went on in the city between 1870-1900. The guide further acknowledges that the city centre retains a substantial number of its original Victorian buildings and these have served to give character and style to the commercial image the city now projects. Whilst the important architecture and listed buildings of Queens Street, College Street and Wellington Place are mentioned in the guide the buildings subject to this planning application are not cited specifically. 29 Wellington Place is referenced in terms of the shopfront alterations that have been carried out and the unity in the fenestration and proportions are highlighted. The guide states that emphasis in Wellington Place should be on the retention of architectural detail but there is no highlighted enhancement guidance relevant to the rest of the application site.</p>
9.2.7	<p>As the site is made up of three distinct buildings. 41-49 Queen Street and 24 College Street (the former athletic Stores building), 29 Wellington Place (the former parsons and parsons building) and 26-30 College Street (the rear extension of parsons and parsons) they should be assessed individually as to the contribution made.</p>



9.2.8	<p>There is little doubt that in the context of PPS 6, 41-49 Queen Street, 24 College Street and 29 Wellington Place make a positive contribution to the Conservation Area at this location. Especially when read with neighbouring properties of equal architectural style. The applicant themselves acknowledges this in their conservation appraisal. However given the current decay and alterations that have taken place to the properties over the years and in the immediate vicinity of the application site there also exists an opportunity to enhance the character and appearance of the city centre conservation area. The same cannot be said of the modern extension at 26-30 College Street and as such, subject to a satisfactory replacement scheme which would comply with BH 12 of PPS 6, there is no issue with its full demolition.</p>
9.2.9	<p>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 and in assessing proposals the Council will have regard to the same broad criteria outlined for the demolition of a listed building under Para 6.5 of PPS 6 and Policy BH10. It further states that the preservation of the public elevations alone of a listed building in a conservation area which makes a material contribution to its appearance or character will only be acceptable in exceptional circumstances, provided the scale of the overall development proposal will not be detrimental to the areas character.</p>
9.2.10	<p>With regard to the general criteria of paragraph 6.5; (a) the importance of the building to the city is recognisable given its association to the linen industry and the city's Victorian heritage in that it was built for Swanston's Linen Company; (b) furthermore the physical features of particular note on 41-49 Queen Street are the cornet turret, facades and corner doorway as noted in the historical gazetteer of central Belfast. The facade of 29 Wellington Place has been significantly altered; however the upper floors retain many architectural features. (c) The applicant in their conservation appraisal highlights the strong visual relationship of 41-49 with 35-39 Queens Street, which sits on the opposite College Street corner and the combined contribution both buildings make to the area. The Conservation Area Officer in his consultation response refers to the cast iron beams, columns, floor joists, timber floorboards, roof trusses and internal courtyards as elements essential to the character of the building. The staircase of 29 Wellington Place is considered to be in good condition and of some architectural interest. (d) the substantial benefits in this case relate to the impact the proposal could have on the economic regeneration of the area and the enhancement of its environment; there can be little argument that this area of the city has become neglected and the buildings themselves have lain empty since 2008.</p>
9.2.11	<p>The presumption test set out in BH10 and referred to in Justice Tracey's 2014 High Court decision on the Athletic Store building states that demolition should only be permitted in exceptional circumstances and where the facts as set out at paragraphs 6.25 and 9.7.2 are addressed.</p>
9.2.12	<p><b>Option 1: Full Retention and Use</b></p> <p>As the presumption is in favour of the buildings' retention what this means must be considered further. If the buildings were to remain in their current form and current state they could continue to make a material contribution to the conservation area. However, the applicant has submitted supporting evidence to address paragraphs 6.25 of BH 10 which has resulted in their conclusion that the building cannot be used in its current form for its current use i.e. retail and storage, due to a number of factors;</p> <p>a) Building Condition – to bring the buildings back to its “past life” structural intervention is required; the report highlights that due to subsidence across the building footprint it would require to be underpinned; also the current building is not capable of loadings of what would be expected of a historic Victorian warehouse building and given the presence of a small goods lift it is unlikely that the building ever had any “heavy operations” above ground floor, the structural arrangement of</p>

	<p>the building is such that only moderate capacities can be considered and this would fall short of what would be expected of a commercial building in a city centre location;</p> <p>b) Market viability -there is limited current demand for such sized retail development at this location given the Victoria Square development and the pull of retail away from this area of the city. The buildings have both been marketed continuously since they came to the market in 2008 (Athletic Stores) and 2014 (Parson and Parsons).</p> <p>c) Economic/ Commercial Viability - If the buildings were to be refurbished Savilles have reported that the building would result in a financial loss of 28.61% thus making any proposal financial unviable. Long term rental costs would need to significantly increase at this location to allow a refurbished building to compete with modern retail premises in the city.</p>
9.2.13	<p>The Council has verified this information by carrying out its own independent structural appraisal of the building and by seeking verification on the scenarios and assumptions made in the Savilles and McKibbons report from Land and Property Services (LPS). It is considered that, on balance, given the building condition and structural limitations, alongside the lack of market demand, the pull of retail away from this area of the city and the lack of commercial viability that the buildings are not capable of being used for its last or historic use without intervention.</p>
9.2.14	<p><b>Option 2: Minimal Intervention and Alternative Uses, with vertical extension.</b></p> <p>Given that the building is not capable of being retained in its current use the next option to be considered is that of minimal intervention, and what works would be required to bring the building back to an alternative use. The Tier Structural Appraisal Report assesses a number of proposed uses for the buildings the lightest of the options being residential development, similar to the student accommodation proposed.</p> <p>To bring the buildings up to modern day standards with minimal intervention means strengthening of the structures and the following works required to take place;</p> <p>a) All of the existing foundations require to be underpinned because of the subsidence mentioned above;</p> <p>b) Timber beams would need to be strengthened;</p> <p>c) Steel beams would need to be load tested to conclude on assumption being made.</p>
9.2.15	<p>The structural appraisal report commissioned by the Council concludes that floor members would need to be strengthened/ doubled to give the required redevelopment capacity and that with the necessary required fire protection and acoustic isolation... this would require the existing structure and its historic appeal, to be concealed. For other city centre uses such as general or institutional offices the entire internal structure would need to be replaced, and as such this goes beyond the minimal intervention option.</p>
9.2.16	<p>In terms of structural capacity the Tier report concludes that minimal intervention is only possible for a residential or student accommodation use on the existing structural alone and that if any vertical extension were to be added the internal columns and structure would need replacing to accommodate this. It further states that costs for rehabilitation of the buildings would be considerable and need to be compared against the commercial value of the property. The commercial viability of changing the use of the building and adding an additional two floor is explored in the Saville report and results in a similar loss on cost 28.61%.</p>
9.2.17	<p>It is clear from the reports that have been submitted that exceptional circumstances exist in this case for the façade retention proposed to be considered for the following reasons;</p> <p>a) That the buildings in their current unaltered states can only sustain moderate capacities ;;</p>

	<ul style="list-style-type: none"> <li>b) That minimal intervention would require significant works which would result in the loss of the historic fabric which are considered to contribute to the character of the building and that these are also commercially unviable;</li> <li>c) That minimal intervention with vertical extension would result in un financial viable project;</li> <li>d) That adequate efforts have been made to the retain the buildings in current or compatible use;</li> <li>e) That market conditions in the retail sector make it unlikely that the buildings would be viable for this use in the short or medium term; and</li> <li>f) The proposal would bring substantial benefits to the local community through its redevelopment for student accommodation.</li> </ul>
9.2.18	<p><b>Option 3 Façade Retention and Vertical Extension.</b></p> <p>BH 14 of PPS 6 states that even in exceptional circumstances there are other issues which require to be addressed where the preservation of public elevations alone are proposed namely;</p> <ul style="list-style-type: none"> <li>a) the scale of the overall development proposal will not be detrimental to the areas character or appearance; and</li> <li>b) whether the scheme can be implemented without serious risk to the retained structure.</li> </ul> <p>The applicant's structural appraisal report details a suitable system for façade retention showing an example of a similar scheme used by the applicants in London; the same designers have generated a design for this scheme and have proposed an external cantilever retention frame. The Council's structural expert has considered this proposal and has concluded that the main facades are generally in good condition and retaining them on the outside as proposed is achievable.</p>
9.2.19	<p>On balance the applicant is considered to have demonstrated that there is in this case an exceptional circumstance for the preservation of the public elevations of the buildings given the exceptional light structural frame, the condition of the building, the cost of repairing and maintaining it and given that façade retention will preserve the facades of the buildings which will continue to make a material contribution to the conservation area at this location. The demolition of the buildings behind the retained facades are therefore considered to meet the policy tests set out in BH10 and BH 14 of PPS 6 subject to an acceptable overall redevelopment proposal which will not cause harm to the areas overall character or appearance. Given the exceptional circumstances, and in order to ensure adequate and appropriate structural methods are taken to protect the facade, it is suggested that the applicant is required to enter into an s.76 Agreement with detailed provisions to ensure facade retention.</p>
9.3	<p><b>The height, scale and massing of the proposed development and its impact on the conservation area and amenity of adjoining and surrounding properties;</b></p>
9.3.1	<p>The proposed re-development consists of three main components;</p> <ul style="list-style-type: none"> <li>1) New buildings behind the retained facades;</li> <li>2) Roof extensions of 3-5 storeys at 29 Wellington Place and 41-49 Queen Street;</li> <li>3) 7 Storey development at College Street; and</li> <li>4) 13 Storey tower element located in the centre of the proposal.</li> </ul>
9.3.2	<p>In considering the application proposals the Council sought independent urban design advice from Haylock Planning and Design. Initial concerns were raised with regard to the following issues;</p> <ul style="list-style-type: none"> <li>- the impact of the roof extension on the turret and retained facades;</li> </ul>

	<ul style="list-style-type: none"> <li>- the design of the infill element at College Street and its lack of integration with the Queen Street/ College Street Façade;</li> <li>- and the overall height of tower element in the skyline.</li> </ul>
9.3.3	These concerns are similar to the UAHS concerns which were raised in their objection letter of the 3 <sup>rd</sup> December 2015. These issues were put to the applicant. Further concerns raised by Colin Haylock on the 14 <sup>th</sup> April 2016 resulted in the submission of final amendments on the 27 <sup>th</sup> April 2016.
9.3.4	The Council's Conservation Officer was also consulted on the proposal and has offered objections relating to the loss of historic fabric. Whilst the conservation officer has not commented further on the impact of the amendments on the proposal and area independent urban design advice sought has and this has allowed for a detailed considered of the impact of the specific elements of the proposal.
9.3.5	<p><b>Vertical Extensions and Impact on retained Facades</b></p> <p>In terms of massing the final amendments are considered to address those concerns initially raised by the Council. The vertical extension along College Street and Queen Street has been set back further thus allowing the turrets to remain a key element of the street scene. The impact of the glazed detail at roof level will further enhance the visual prominence of the retained facades and the turret.</p> <p>The roof extensions have also been set back further which helps to retain the facades importance in the conservation area</p>
9.3.6	<p>The key views of this vertical roof extension are not considered to detract from the retained façade.</p> <p>This vertical extension will also be viewed in the context of the recently approved Student Accommodation proposal at College Avenue especially on approach from Fountain Street and from College Square East. Further reducing its impact on the retained facade when viewed from Fountain Street.</p>
9.3.7	The proposed roof extension to 29 Wellington Place is of a comparable height to adjacent properties and the proposed setbacks allow the architectural features of the façade to be retained and enhanced. Especially as the proposal at street level will remove the existing shopfront and install a reinstated original shopfront with bay window above.
9.3.8	The new buildings behind the retained facades have been designed to reflect the historic context of elements to be demolished; namely internal court yards and cast iron columns are to be put back to reflect the historic use of the site. This approach is welcomed and will ensure the historic importance of the building is referred to. Furthermore the proposed name of Swanton Hall will reflect the original use of the building. The retained retail use at ground floor and the continued use of the corner doorway as the main entrance to the development will ensure active frontage with a view of the internal courtyard adding additional interest to the street scene.
9.3.9	<p><b>Infill Element College Street</b></p> <p>The redevelopment proposed at 26-30 College Street is now considered to integrate with the retained façade. It is a proposed to be set back from the retained façade with the fenestration and proposed white brick to tie in with both adjacent buildings but allowing the retained facades to stand out. It further represents an enhancement to the conservation area at this location and therefore complies with policy BH 12 of PPS 6.</p>
9.3.10	<p><b>Tower Proposal</b></p> <p>The proposed "tower" element sits approximately 11 metres from the Queens Street</p>

	<p>facade and 30 metres from the Wellington Place facade in the centre of the application site; because of this it reads alongside the backdrop of the site rather than in the historic context of the conservation area. Both the conservation officer and the UAHS raised concerns about its height; with the Council's Conservation Officer stating that it was contextually inappropriate to its site/ location and would not respect the characteristics of adjoining buildings in the area.</p>
9.3.11	<p>However, as highlighted by the independent urban design advice, there is a precedent for taller buildings in this core block with the adjacent 10 storey building sitting deep behind the Wellington Place frontage. This was approved in the early 1990s (prior to the city centre conservation area designation) but it does however show that in the relatively tight street spaces around the site taller buildings set back from the frontage can have limited impact on the street scene. CGIs of the proposal were requested and show that the proposed tower when viewed from a distance does not compete with important listed buildings on the skyline; especially the former tech building at College Square East. Those CGIs will be available for Committee.</p>
9.3.12	<p>The metal cladding proposed is considered to add an element of modern architecture to the skyline and allow for a notable contrast to the retained brick facades, to the white brick of the infill elements and to the varying materials in the backdrop.</p>
9.3.13	<p>Having considered each of the individual elements of the proposal it is considered that the development proposals comply with the SPSS in that the character of the conservation area is enhanced and that the relevant criteria of BH 12 of PPS 6: New Development in the Conservation Area are met for the following reasons;</p> <ul style="list-style-type: none"> <li>- the development is in sympathy with the characteristic built form of the area;</li> <li>- the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;</li> <li>- the development should not result in environmental problems;</li> <li>- important views within, into and out of the area are protected; and</li> <li>- the development confirms with the guidance set out in conservation area documents.</li> </ul>
<b>9.4</b>	<b>The principle of student housing at this location;</b>
9.4.1	<p><u>HMO Subject Plan 2015</u> The proposal has been assessed against Policy HMO 7 of the HMO Subject Plan. This policy sets out 5 criteria which must be met in order to be acceptable. All criteria are considered met. The scheme is in excess of 50 units. All units are self contained, the proposal is not located in a primarily residential area; provision is made for the management and there is ample landscaping and amenity space provided. The proposal therefore complies with HMO 7.</p>
9.4.2	<p><u>Assessment against Planning &amp; Place Guidance Document on PBMSA</u> Planning and Place's advice note document titled 'Purpose Built Managed Student Accommodation' is Belfast City Council's first step as a planning authority to respond to the SPSS stated objective that the planning system should secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. Whilst guidance and not planning policy it is a material consideration. The document sets out six criteria which all applications for PBMSA proposals should adhere to.</p>
9.4.3	<p>Criteria (a) In regards to the first criterion the development is 800 metres from the new University of Ulster campus, 300 metres from the Belfast Metropolitan College Millfield and 1,300 metres from Queens University. Bus stops are located metres away from the development</p>

	with buses operating every 10 metres during peak times and every 20 minutes off peak. As the proposal is likely to be for students that will attend either the Ulster University or Queens University it is suitably located between both campuses and therefore complies with criterion (a).
9.4.4	<p>Criteria (b)</p> <p>This criterion requires the proposal to be assessed in relation to policy designations specific to the City Centre. The proposal is located 100 metres away a Protected Housing Area at Barrack Street/ Durham Street. Whilst PBSMA could be considered a form of residential accommodation the scale and impact of PBSMA is likely to be incompatible with existing residential communities. However the proposed development is considered sufficiently removed from this area.</p>
9.4.5	In regards to other policy designations in the city centre the site is located within the city centre conservation area and adjacent to the Primary Retail Core. The conservation area considerations have been addressed above and the retail element of the proposal is considered at para 9.5 below. The nearest listed building is the former police station on Queen Street and was considered of sufficient distance for HED not to comment. The development is therefore adequately removed so as not to have an impact on its setting. The proposal complies with criterion (b).
9.4.6	<p>Criteria (c)</p> <p>In regards to criterion (c) it is considered that the layout, design and facilities provided within the development are insufficient. There is sufficient break out spaces and communal areas for the number of studios in the building. The entrance to the PBSMA is located on the corner of Queen Street and College Street. This leads into a reception and common area with a landscaped courtyard also provided at ground floor level. All of the bedrooms are considered to have sufficient outlook either over the street or courtyard areas.</p>
9.4.7	In terms of open space provision, it is acknowledged that 'Creating Places- Achieving Quality in New Residential Developments' suggests that adequate provision would range from 10-30 sq metres, with inner urban areas tending towards the lower end figure. The outdoor landscape courtyards provide around 368sq metres, the ground floor common area is 240 square metres and this combined with the adequate common room / break out areas on each level is considered sufficient to meet the basic requirements of 317 students.
9.4.8	The development proposes no car parking spaces which are considerably below the 1 to 1 amount required according to the DOE Parking Standards which accompany PPS3 parking standards. However the applicant has provided a detailed Transport Assessment seeking to justify a relaxation of the standard based on alternative transport arrangements. Factoring this with the lack of objection from Transport NI on this issue it is considered that the applicant has adequately addressed the lack of parking provision.
9.4.9	The accommodation proposed is in accordance / generally exceeds the standards set out in NI Housing Executive HMO standards –there 114 studio and 203 cluster bedrooms proposed in the building which range in size from 15-19 sq metres per room (9sqm NIHE standard). The proposal is considered compliant with Criteria C.
9.4.10	<p>Criteria (d)</p> <p>Criterion (d) states that development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area. The development is bounded by office buildings of comparable heights.</p> <p>Belfast City Council EPU was consulted on the application and considers the student management plan acceptable.</p>

9.4.11	The guidance document makes reference to the cumulative impact and how an overconcentration relative to the wider community can lead to an imbalance ultimately resulting in harm to residential amenity. Given the city centre location and distance from established residential areas it is accepted that the proposal will not cause unacceptable damage to the residential amenity of nearby dwellings.
9.4.12	Criteria (e) Requires that the development has appropriate management in place to create a positive and safe living environment or students whilst minimising any potential negative impact from occupants. A management plan has been received and this is dealt with further at paragraph 9.6.2 below.
9.4.13	Criteria (f) Planning applications should be accompanied by evidence supporting the need for the type and quantum of PBSMA proposed. Turley in their planning statement have highlighted the assumed needs of student accommodation given the relocation of the Ulster University to the city and the published requirements of Queens University.
<b>9.5</b>	<b>PPS 7 Quality Residential Development</b>
9.5.1	The proposal has been further assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet. Please see paragraph 9.3 for assessment in relation to height, scale and massing.
9.5.2	The proposed design is consistent with the area, incorporating a similar, fenestration, and solid to void ratios. A palette of materials has been specified and includes mahogany red terracotta cladding with gazed curtain walling and grey panel cladding. No samples have been provided to ensure acceptable materials, however a condition could be attached to any approval requesting details of the external finishes to be submitted to Belfast City Council for agreement. The proposed design is in principle therefore compliant with criteria [g] of PPS7.
9.5.3	Accordingly it is not considered that the proposal would adversely impact on the character of the area, which is a wide mix of non residential uses, building designs and finishes.
<b>9.6</b>	<b>The principle of retail development at this location;</b>
9.6.1	The site is located within the city centre but outside the primary retail core. Retail policy considerations are set out in the SPPS and BMAP. The retail unit is proposed at 195 square metres and fronts onto Queen Street.
	As the site is located within the City Centre boundary in BMAP and the retail unit is located on the ground floor there is no objection in principle to this use. Unrestricted retailing is appropriate within this City Centre location.
<b>9.7</b>	<b>Traffic, Movement and Parking.</b>
9.7.1	The proposal has been assessed against Policy AMP 7 of PPS 3: Access, Movement and parking. Following the receipt of further information on the Transport NI were re-consulted. TNI are now satisfied that the proposal will not prejudice road safety or inconvenience the flow of traffic and that the lack of car parking has been satisfied through the submission of a

	Travel Plan subject to conditions. As such the proposal is considered to comply with PPS 3 and in particular AMP 1 and sufficient information has been provided to address the concerns of Transport NI.
<b>9.8</b>	<b><u>Others Matters including impact on amenity, the environment and traffic and parking.</u></b>
9.8.1	Paragraphs 4.11 and 4.12 of the SPPS states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development. The planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process.
9.8.2	Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.
9.8.3	<b><u>Archaeology</u></b> The application site is located within the Belfast Area of Archaeological Potential, designated to protect the above-ground and below-ground archaeological remains associated with early development of the settlement. The application site is also in close proximity to a number of Industrial Heritage Sites associated with the economic development of Belfast. Historic Environment Division: Historic Monuments Unit (HMU) have been consulted and considered the impacts of the proposal. HMU is content with the proposal, conditional on the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation <i>in situ</i> , as per Policy BH 4 of PPS 6. They therefore have no objection subject to conditions which are set out in paragraph 11.0 below.
9.8.9	<b><u>Contaminated Land</u></b> The Environmental Health Service and NIEA Air, Land and Soil have reviewed the Phase 1 and Phase 2 risk assessment report provided by Tier Environmental Ltd in support of this application. The risk assessment report includes both preliminary and generic quantitative risk assessments (PRA and GQRA) and a remedial strategy for the development. Intrusive site investigations have been undertaken in support of the GQRA. NIEA Waste Management has no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.
9.8.10	<b><u>Noise</u></b> The Environmental Health Service has proposed conditions in relation to noise should any permission be granted to minimise noise breakout from the proposed ground ancillary facilities and any future plant. These are included in paragraph 11.0.
9.8.11	<b><u>Site Drainage</u></b> The proposal has also been assessed against Policy FLD1 of the revised PPS15. Rivers Agency has reviewed the Drainage Assessment and additional information supplied by Tier Consult and has no reason to disagree with its conclusions. Consequently, Rivers



	Agency cannot sustain a reason to object to the proposed development from flood risk perspective. The proposal is therefore considered to comply with PPS 15.
9.9	<b><u>Economic Benefits</u></b>
9.9.1	Paragraphs 4.18 and 4.22 of the SPPS states that planning authorities should take a positive approach to appropriate economic development proposals and pro-actively support and enable growth generating activities. It further states that the environment is an asset for economic growth in its own right and planning authorities must balance the need to support job creation and economic growth with protecting and enhancing the quality of the natural and built heritage.
9.9.2	The applicant in their planning statement has highlighted the significant economic benefits student accommodation can bring to an area. A 2013 report in associations with the National Union of Students identified that each student spends £9,204 annually on items and service within their area of study; this could represent the generation of approximately £2.8 million to this area of Belfast from this scheme alone.
9.9.3	In terms of job creation it is noted that the proposal will mean 6 full time jobs once completed. No information has been provided on the level of employment the proposal would bring to the local construction industry.
9.10	<b><u>Pre-Community Consultation</u></b>
9.10.1	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.
9.10.2	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. A PAN (LA04/2015/0459/PAN) was submitted to the Council on 01 June 2015.
9.10.3	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 report') to accompany the planning application.
9.10.4	A PACCN Report has been submitted in support of this application. The Report has confirmed that a Public Event took place on 22 June 2015 on site. A further Public Event took place on 15 November 2015 again on site.
9.10.5	A notice was placed in three local newspapers to advertise both events. An information leaflet to advertise the two public events was distributed to residential and commercial properties in the local area to coincide with the two public events.
9.10.6	In addition, the event was advertised by Turley on twitter and copies of the PAN were provided to the following interested parties: <ul style="list-style-type: none"> <li>- Ulster Architectural Heritage Society;</li> <li>- Forum for Alternative Belfast; and</li> <li>- Belfast Civic Trust.</li> </ul>
9.10.7	Both Public Information Events took the form of public exhibitions with pop-up boards displaying the key elements of the proposals including site plans, site photographs and CGI imagery of the proposed development. A copy of the exhibition boards were enclosed with the Pre Community Consultation Report.

9.10.8	Approximately 36 people attended across both Public Exhibition Events. With a total of 2 comment cards collected. The majority of comments on the cards were positive. These included: the welcoming of the heritage led approach, the integration of key internal features and that extension/ new builds should be kept away from the facade and appear subservient to the existing building.
9.10.9	The report states that the applicant has had regard to the UAHS concerns, which have had a significant influence on the design proposals and the Design and Access Statement demonstrates how the proposal is heritage led.
9.10.10	It is considered that the Pre-Application Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to the consult the community in advance of submitting an application.
<b>9.11</b>	<b><u>Developer Contributions</u></b>
9.11.1	In this case it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement with Belfast City Council both to provide certainty around the management of the accommodation and to provide contributions to local environmental improvements.
9.11.2	In this case it is considered that this should primarily take the form of public realm improvements to the streetscape around the building and in particular to landscaping and street-lighting scheme to the side of the site at College Street to ensure that the level of antisocial behaviour is reduced at this location. The area currently does not provide a quality environment and is poor in respect of hard and soft landscaping.
9.11.3	The sum of monies / works to be undertaken are to be agreed with the developer / landowner and the developer has expressed a willingness and commitment to provide satisfactory contributions.
<b>9.12</b>	<b><u>Objections</u></b>
9.12.1	The concerns of the UAHS in their initial objection letter of 3 <sup>rd</sup> December 2016 were responded to by the applicant's agent on the submission of the final revised scheme on 27 <sup>th</sup> April 2016.
9.12.2	<p>The Agent has stated that:</p> <ul style="list-style-type: none"> <li>- Following consultation with the Council the proposed scheme as amended for 213 cluster beds and 114 studio rooms takes account of the objections submitted by UAHS in respect of the demolition of the buildings behind the retained façade.</li> <li>- LPS acknowledge that the option for conversion of the buildings is not a viable economic proposition and that the buildings have been marketed without any success. The Council's independent structural engineer agrees with the assumptions of the applicant's structural engineers report are valid and that the building cannot be converted and extended using an existing conservation approach.</li> <li>- -Façade retention is proven as an exception to the policy and is an option that the UAHS is prepared to accept.</li> <li>- There has also been significant movement on the part of the applicant in relation to the design and layout of the new development.</li> <li>- The two floors proposed behind the College Street and Queen Street façade's are set back by three metres (as suggested) and the floors above by a further two and a half metres.</li> <li>- As a consequence the new building behind does not dominate the retained historic fabric and there is sufficient room to maximise the benefit of the impact of the retained façade in its local setting within the Conservation Area.</li> <li>- The proposed building is also stepped back from the retained turret on the corner of</li> </ul>

9.12.3	<p>Queen Street and College Street to allow clear daylight on all sides of the retained feature. The use of reflective panels in the backdrop will also give further emphasis on the corner by playing on light and shade.</p> <ul style="list-style-type: none"> <li>- The height of the tower has also been reduced by approximately four metres and this means that it does not compete with the historic features prominent in the roof scape of this part of the Conservation Area and is equivalent in height and scale with other buildings found in the immediate local context.</li> <li>- The materials are also altered and the finish muted so the tower appears less obtrusive in the roof scape.</li> <li>- The proposed design of the tower does not harm important views into and out of the city centre conservation area.</li> </ul> <p>Neighbours and UAHS were re-consulted on the 28<sup>th</sup> of April with the amended proposals and to date no further representations have been received. If anything further is received prior to the application being considered by Committee this will fully considered and presented as a late item.</p>
10.0	<p><b>Summary of Recommendation:</b></p> <p>10.1 The proposal is considered on balance to comply with BMAP and other material considerations in particular to the core panning principles contained in the SPSS and the PPS 6 in that the proposal would not cause significant harm to the built heritage of Belfast City Centre and to the amenity of neighbours.</p> <p>10.2 As such the application is recommended for approval with conditions as set out below.</p> <p>10.3 If Committee is minded to agree with that recommendation, it is also recommended that delegated authority is granted to the Director of Planning Place, in consultation with the Town Solicitor to negotiate and enter into a Section 76 planning agreement.</p>
11.0	<p><b>Conditions</b></p> <p>11.1 As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: Time Limit.</p> <p>11.2 Notwithstanding the details shown on the drawings hereby approved, full particulars of the following shall be submitted to and approved by the Council in writing prior to commencement</p> <ol style="list-style-type: none"> <li>a. 1:1 mock up panels</li> <li>b. Sample board for all external materials</li> <li>c. Details of enclosure to roof plants.</li> </ol> <p>Reason: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.</p> <p>11.3 No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council in advance of any such works or development. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p> <p>Reason: to ensure that archaeological remains within the application site are properly</p>

	identified, and protected or appropriately recorded.
11.4	<p>Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council to observe the operations and to monitor the implementation of archaeological requirements.</p> <p>Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.</p>
11.5	<p>The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy provided in Tier Environmental Ltd, Report No. T/15/1615/GIR, Issue 1.3, dated 04 December 2015, have been implemented to the satisfaction of the Council, said satisfaction to confirmed in writing prior to occupation. The Council must be given 2 weeks written notification prior to the commencement of remediation work.</p> <p>Reason: To ensure protection of environmental receptors through the implementation of the remedial strategy.</p>
11.6	<p>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 must be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) before works are resumed unless otherwise agreed by the Council in writing. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: To ensure protection of environmental receptors through the implementation of the remedial strategy.</p>
11.7	<p>In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.</p> <p>Reason: Protection of human health</p>
11.8	<p>After completing the remediation works under Conditions 6 and 7; a Verification Report shall be submitted in writing and agreed with the Council prior to occupation of the development. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).</p> <p>Reason: Protection of human health</p>
11.9	<p>The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: To ensure protection of environmental receptors through the implementation of the remedial strategy.</p>
11.10	<p>The applicant, on completion of the works and prior to the occupation of the proposed development, shall provide to the Council, for approval, a Verification Report. This report must demonstrate that the remedial measures outlined in the Tier Environmental Ltd report titled "A Phase 1 Preliminary Risk Assessment and Phase 2 Generic Quantitative Risk</p>

11.11	<p>Assessment Report for Land at Queen Street, Belfast" issue 1.3 dated 4<sup>th</sup> December 2015, report no T/15/1615/GIR have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end use (residential without plant uptake). It must demonstrate that the identified contaminant-pathway-target linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Northern Ireland Environment Agency. In particular the Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> <li>(a) Gas protection measures commensurate with Gas Characteristic Situation 2 have been designed and installed in accordance with BS 8485 and their installation has been verified in line with Ciria C735; and</li> <li>(b) That a 600mm clean capping layer has been installed in the proposed landscaped area. This will consist of 300mm of aggregate layer which overlies 150mm subsoil and 150mm topsoil. The imported material shall be demonstrably suitable for residential without plant uptake land use.</li> </ul> <p>Reason: Protection of human health.</p>
11.12	<p>Prior to commencement of operation of the development, the applicant must submit, to the Council, a <i>Final Management Plan</i> to be agreed and approved in writing by the Council.</p> <p>At the detailed design stage and prior to commencement of development the applicant must provide a report to be agreed and approved by the Council in writing outlining noise mitigation measures identified by a competent acoustic consultant to be incorporated into the proposed building to minimise noise breakout from the proposed ground ancillary facilities (including plant room, laundry room, commons room, and retail/bar restaurant unit).</p> <p>Reason: In the interests of public amenity.</p>
11.13	<p>Prior to occupation of the proposed development, the applicant must submit, to the Council for approval, a noise Verification Report (VR) which demonstrates evidence that:</p> <ul style="list-style-type: none"> <li>(a) The noise mitigation measures outlined in section 6, in the October 2015 PDA Noise Impact Assessment report (referenced CL/8613/1265/02) by way of glazing and ventilator specifications have been incorporated into the proposed building;</li> <li>(b) The entire window system (including frames, seals etc) and ventilator units have been so installed so as to ensure that internal noise levels within any proposed residential unit shall: <ul style="list-style-type: none"> <li>• Not exceed 35 dB <math>L_{Aeq,16hrs}</math> at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</li> <li>• Not exceed 30 dB <math>L_{Aeq,8hr}</math> at any time between the hours of 23:00hrs and 07:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</li> <li>• Not exceed 45 dB <math>L_{Amax}</math> for any single sound event between 23:00hrs and 07:00hrs within any proposed bedrooms with</li> </ul> </li> </ul>

	<p>the windows closed and alternative means of ventilation provided in accordance with current building control requirements.</p> <p>Reason: In the interests of public amenity.</p>
11.14	<p>No deliveries to or collections from the retail unit shall take place between the following hours 23:00hrs and 7am unless it can be demonstrated by the applicant that such activities will not result in noise disturbance at the residential units within the proposal.</p> <p>Reason: In the interests of public amenity.</p>
11.15	<p>The retail unit shall not operate between the hours 23:00hrs and 7am unless it can be demonstrated by the applicant that there will be no negative impact on residential amenity as a result of the retail unit/bar restaurant operating during these hours.</p> <p>Reason: In the interests of public amenity.</p>
11.16	<p>The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 15A '2142_320 Rev. B, Proposed Ground Floor Plan' bearing the Belfast City Council Planning Office date stamp 23 December 2015 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.</p> <p>REASON: To ensure that adequate provision has been made for parking.</p>
11.17	<p>A minimum of 40 No. cycle parking spaces and stands shall be provided and permanently retained close to the accesses to the proposed development for use by residents, staff and visitors to the development.</p> <p>REASON: to encourage the use of alternative modes of transport for development users.</p>
11.18	<p>The development hereby permitted shall operate in accordance with the approved Management Plan bearing the Belfast City Council Planning Office date stamp 19 October 2015.</p> <p>REASON: in the interests of road safety and the convenience of road users.</p>
11.19	<p>The development hereby permitted shall operate in accordance with the approved Framework Travel Plan bearing the Belfast City Council Planning Office date stamp 04 December 2015. This includes provision of the Translink Corporate Commuter Initiative, the Translink TaxSmart Initiative and the Bike2Work Initiative or equivalent measures agreed by TransportNI.</p> <p>REASON: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles of the Regional Development Strategy. .</p>
<b>12.0</b>	<b>Informatives</b>
12.1	<p>The purpose of the Conditions 5 – 7 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the</p>

	<p>forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.</p> <p>The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999.</p>
12.2	<p>It is recommended that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.</p>
12.3	<p>The applicant is advised that the proposed commencement of Part III of the Waste and Contaminated Land (NI) Order 1997 may introduce retrospective environmental liabilities to the applicant following the development of this site. The comments provided by Belfast City Council are without prejudice to any future statutory control which may be required under Part III or any other future environmental legislation.</p>
12.4	<p>In order to reduce the impact of possible odours and noise generated by any proposed extraction and ventilation system, the applicant should consult relevant industry guidance, such as: 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA in January 2005. (DEFRA/NETCEN Guidance <a href="http://www.defra.gov.uk/environment/noise/research/kitchenexhaust.pdf">http://www.defra.gov.uk/environment/noise/research/kitchenexhaust.pdf</a>)</p>
12.5	<p>The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise and odour to nearby commercial and office premises.</p>
12.6	<p>The applicant is advised to refer to Belfast City Council's Noise Control Advice Note for Construction and Demolition Sites (available at <a href="http://www.belfastcity.gov.uk/buildingcontrol-environment/noisecontrol/typesofnoise.aspx">http://www.belfastcity.gov.uk/buildingcontrol-environment/noisecontrol/typesofnoise.aspx</a>.) and British Standard 5228-1:2009 – Code of practice for noise and vibration control on construction and open sites – Part 1:Noise.</p>
12.7	<p>The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Regional Development for which separate permissions and arrangements are required.</p>
12.8	<p>Notwithstanding the terms and conditions of the approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Transport NI Section Engineer whose address is 148- 158 Corporation Street, Belfast. A monetary deposit will be required to cover works on the public road.</p>
12.9	<p>The design of any street lighting schemes will require the approval of Transport NI Street Lighting Central design Unit, Transport NI, Hydebank. 4 Hospital Road, Belfast BT8 8JL, Tel. 02890253256. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.</p>

12.10	All construction plant and materials shall be stored within the curtilage of the site. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
12.11	Pedestrian Crossing Points across the proposed entrances are to be provided in accordance with the DTER/Scottish Office publication 'Guidance on the use of Tactile Paving'.



<b>ANNEX</b>	
<b>Date Valid</b>	26th October 2015
<b>Date First Advertised</b>	13th November 2015
<b>Date Last Advertised</b>	1st April 2016
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner/Occupier, 1,35 College Street,Town Parks,Belfast,Antrim,BT1 6BU, The Owner/Occupier, 13B,Fountain Centre,College Street,Town Parks,Belfast,Antrim,BT1 6ET, The Owner/Occupier, 25-27 Mckelvey House,Wellington Place,Town Parks,Belfast,Antrim,BT1 6GD, The Owner/Occupier, 25-27 Mckelvey House,Wellington Place,Town Parks,Belfast,Antrim,BT1 6GD, The Owner/Occupier, 25-27,Wellington Place,Town Parks,Belfast,Antrim,BT1 6GD, The Owner/Occupier, 29 Wellington Place,Town Parks,Belfast,Antrim,BT1 6GS, The Owner/Occupier, 29A Wellington Place,Town Parks,Belfast,Antrim,BT1 6GD, The Owner/Occupier, 32 College Street,Town Parks,Belfast,Antrim,BT1 6BQ, The Owner/Occupier, 34 College Street,Town Parks,Belfast,Antrim,BT1 6DR, The Owner/Occupier, 35 College Street,Town Parks,Belfast,Antrim,BT1 6BU, The Owner/Occupier, 35 Queen Street,Town Parks,Belfast,Antrim,BT1 6EA, The Owner/Occupier, 36 Wellington Place,Town Parks,Belfast,Antrim,BT1 6GF, The Owner/Occupier, 37 College Street,Town Parks,Belfast,Antrim,BT1 6BU, The Owner/Occupier, 37 Queen Street,Town Parks,Belfast,Antrim,BT1 6EA, The Owner/Occupier, 37-39,Queen Street,Town Parks,Belfast,Antrim,BT1 6EA, The Owner/Occupier, 37-39,Queen Street,Town Parks,Belfast,Antrim,BT1 6EA, The Owner/Occupier, 38 Queen Street,Town Parks,Belfast,Antrim,BT1 6EF, The Owner/Occupier, 3a,Fountain Centre,College Street,Town Parks,Belfast,Antrim,BT1 6ET, The Owner/Occupier, 41 Queen Street,Town Parks,Belfast,Antrim,BT1 6EB, The Owner/Occupier, 45 Queen Street,Town Parks,Belfast,Antrim,BT1 6EB, The Owner/Occupier,</p>	

45 Queen Street, Town Parks, Belfast, Antrim, BT1 6EB,  
 The Owner/Occupier,  
 47-49, Queen Street, Town Parks, Belfast, Antrim, BT1 6HP,  
 The Owner/Occupier,  
 49 Queen Street, Town Parks, Belfast, Antrim, BT1 6EB,  
 The Owner/Occupier,  
 4a, Fountain Centre, College Street, Town Parks, Belfast, Antrim, BT1 6ET,  
 Johnsons  
 50-56 Wellington Place  
 Ulster Architectural Heritage Society  
 66, Donegall Pass, Belfast, Antrim, Northern Ireland, BT7 1BU  
 The Owner/Occupier,  
 Beaufort House, 31 Wellington Place, Town Parks, Belfast, Antrim, BT1 6BH,  
 The Owner/Occupier,  
 Beaufort House, 31 Wellington Place, Town Parks, Belfast, Antrim, BT1 6ZF,  
 The Owner/Occupier,  
 Beaufort House, 31 Wellington Place, Town Parks, Belfast, Antrim, BT1 6ZF,  
 The Owner/Occupier,  
 Beaufort House, 31 Wellington Place, Town Parks, Belfast, Antrim, BT1 6ZG,  
 The Owner/Occupier,  
 Fountain Centre, College Street, Town Parks, Belfast, Antrim, BT1 6ET,  
 The Owner/Occupier,  
 Fountain Centre, College Street, Town Parks, Belfast, Antrim, BT1 6ET,  
 The Owner/Occupier,  
 Fountain Centre, College Street, Town Parks, Belfast, Antrim, BT1 6ET,  
 The Owner/Occupier,  
 Fountain Centre, Fountain Street, Town Parks, Belfast, Antrim, BT1 6ET,  
 The Owner/Occupier,  
 Lyndon Court, 30 Queen Street, Town Parks, Belfast, Antrim, BT1 6EF,  
 The Owner/Occupier,  
 Lyndon Court, 30 Queen Street, Town Parks, Belfast, Antrim, BT1 6EF,  
 The Owner/Occupier,  
 Lyndon Court, 34 Queen Street, Town Parks, Belfast, Antrim, BT1 6EF,  
 The Owner/Occupier,  
 Lyndon Court, 40 Queen Street, Town Parks, Belfast, Antrim, BT1 6EF,  
 The Owner/Occupier,  
 Mckelvey House, 25 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GD,  
 The Owner/Occupier,  
 Northern Ireland HQ, Belvoir Park Forest, Belvoir Drive, BT8 7QT  
 The Owner/Occupier,  
 Suite 3, Fountain Centre, College Street, Town Parks, Belfast, Antrim, BT1 6BT,  
 The Owner/Occupier,  
 UNIT 7, Fountain Centre, College Street, Town Parks, Belfast, Antrim, BT1 6ES,  
 The Owner/Occupier,  
 UNIT B8, Fountain Centre, College Street, Town Parks, Belfast, Antrim, BT1 6ET,  
 The Owner/Occupier,  
 Unit 10, Fountain Centre, College Street, Town Parks, Belfast, Antrim, BT1 6ET,  
 The Owner/Occupier,  
 Unit 14a, Fountain Centre, Queen Street, Town Parks, Belfast, Antrim, BT1 6EE,  
 The Owner/Occupier,  
 Unit 3, 32-38 Lyndon Court, Queen Street, Town Parks, Belfast, Antrim, BT1 6EF,

The Owner/Occupier,  
 Unit 4b, Fountain Centre, College Street, Town Parks, Belfast, Antrim, BT1 6ET,  
 The Owner/Occupier,  
 Unit 5, Lyndon Court, Queen Street, Town Parks, Belfast, Antrim, BT1 6EF,  
 The Owner/Occupier,  
 Unit 6, Lyndon Court, Queen Street, Town Parks, Belfast, Antrim, BT1 6EF,  
 The Owner/Occupier,  
 Unit 6a, Fountain Centre, College Street, Town Parks, Belfast, Antrim, BT1 6ET,  
 The Owner/Occupier,  
 Unit A, Lyndon Court, 30 Queen Street, Town Parks, Belfast, Antrim, BT1 6EF,  
 The Owner/Occupier,  
 Unit C, Lyndon Court, 30 Queen Street, Town Parks, Belfast, Antrim, BT1 6BY,  
 The Owner/Occupier,  
 Unit E, Lyndon Court, 30 Queen Street, Town Parks, Belfast, Antrim, BT1 6EF,

<b>Date of Last Neighbour Notification</b>	27 <sup>th</sup> April 2016
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<b>Date of EIA Determination</b>	N/a
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<b>ES Requested</b>	No
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### Planning History

Ref ID: Z/2014/0634/F

Proposal: Infill extension to rear of existing building to provide additional office space from first to fifth floor

Address: 25-27 Wellington Place, Belfast, BT1 6GD,

Decision: PG

Decision Date: 10.11.2014

Ref ID: Z/2008/1837/F

Proposal: Extension to provide rear infill, two additional floors of office space and new facade to Wellington Place and Queen Street.

Address: Lesley House, 25-27 Wellington Place, Belfast

Decision:

Decision Date: 18.01.2010

Ref ID: LA04/2015/1250/DCA

Proposal: Part demolition of 41-49 Queen Street, 29 Wellington Place and 24 College Street. Full demolition of 28-30 College Street

Address: 41-49 Queen Street, 24-30 College Street and 29 Wellington Place, Belfast,

Decision:

Decision Date:

Ref ID: Z/2008/1256/F

Proposal: 7 storey residential/retail development including 58 apartments, ground floor retail units, basement car park and landscaped court (amended scheme revised)

Address: 41-49 Queen Street, 24 College Street, Belfast, BT1

Decision: PG

Decision Date: 03.05.2012

Ref ID: Z/1996/6163  
Proposal: 41 Queen Street  
Address: 41 Queen Street  
Decision:  
Decision Date:

Ref ID: Z/1996/6121  
Proposal: The Athletic Stores Queen Street  
Address: The Athletic Stores  
Decision:  
Decision Date:

Ref ID: Z/2008/1258/DCA  
Proposal: Complete demolition of four storey building  
Address: 41-49 Queen Street + 24 College Street, Belfast, BT1  
Decision:  
Decision Date: 03.05.2012

Ref ID: Z/1997/2954  
Proposal: Construction of new 8 storey office/retail development  
Address: 41 QUEEN STREET, BELFAST BT1  
Decision:  
Decision Date:

Ref ID: Z/2001/0817/DCA  
Proposal: Demolition of Wellington Place facade, ground & first floor external wall plus some internal partitions to open up floor plan.  
Address: 29 Wellington Place, Town Parks, Belfast, Northern Ireland, BT01 6GD  
Decision:  
Decision Date: 23.01.2003

Ref ID: Z/2001/0717/F  
Proposal: New shop front and first floor extension (with provision of small cafeteria on first floor facing Wellington Place)  
Address: 29 Wellington Place, Town Parks, Belfast, Northern Ireland, BT01 6GD  
Decision:  
Decision Date: 10.12.2002

**Notification to Department:**

If minded to approve the DCA application will be required to be notified to DoE.