

## Development Management Officer Report Committee Application

### Summary

<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA04/2016/1482/F	<b>Target Date:</b>
<b>Proposal:</b> Temporary inflatable exhibition structure with associated surface car parking.	<b>Location:</b> Site adjacent to 7 Queens Road Belfast BT3 9DT (Opposite 2 Queens Road Belfast)
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Continuum (Entertainment) Ltd St Edmunds House Margaret Street York YO104UX	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE

**Executive Summary:** The application seeks full planning permission for a temporary inflatable exhibition structure with associated surface car parking.

The main issues to be considered in this case are:

- The acceptability of the exhibition centre at this location;
- Impact upon setting of the listed building;
- Contaminated Land;
- Impact on Belfast Lough Special Protection Area and Area of Special Scientific Interest
- Impact on Built and Archaeological Heritage
- Flooding

The site is located within the development limits of Belfast as designated in BMAP 2015 and within an area zoned as a mixed-use site (BHA01). Given the temporary nature of the proposal it will not conflict with the zoning or prejudice the future redevelopment of the site in line with the planned development of Titanic Quarter. The principle of an exhibition centre is considered acceptable in this case for a temporary period.

The proposal has been assessed against the following Policies - Planning Policy Statement 1: General Principles, Planning Policy Statement 2: Natural Heritage, Planning Policy Statement 3: Access Movement and Parking, Planning Policy Statement 6: Planning, Archaeology and the Built Environment and Planning Policy Statement 15: Planning and Flood Risk.

Transport NI was consulted, and although a final response has yet to be provided, it is considered that there will be no negative impact on traffic movement and parking considering that the peak flow of traffic associated with the use will be at weekends and will not therefore conflict with the normal Monday to Friday peak flows associated with the various other land uses presently operating within Titanic Quarter.

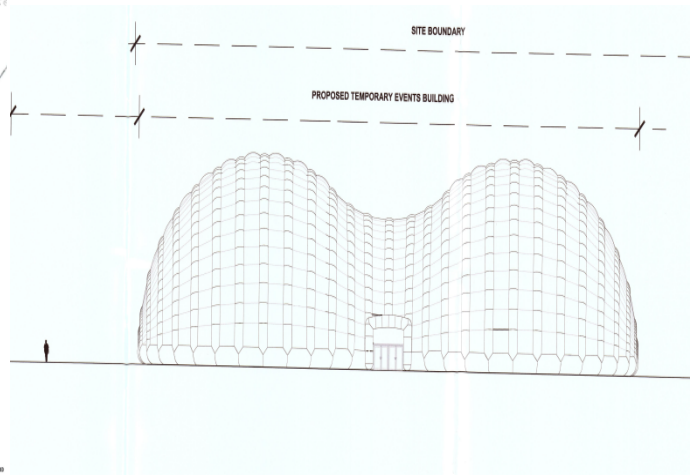
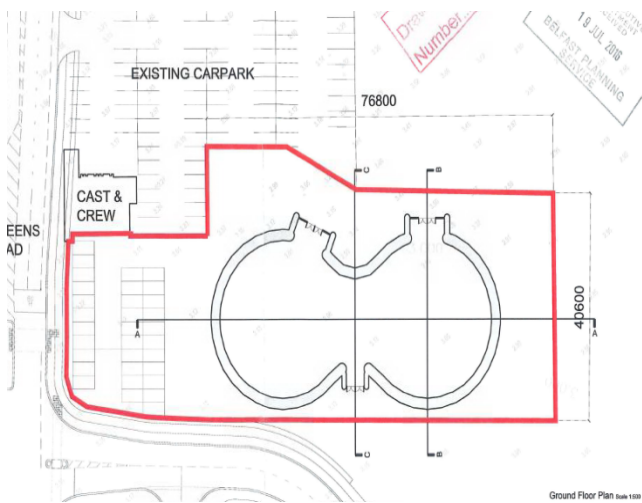
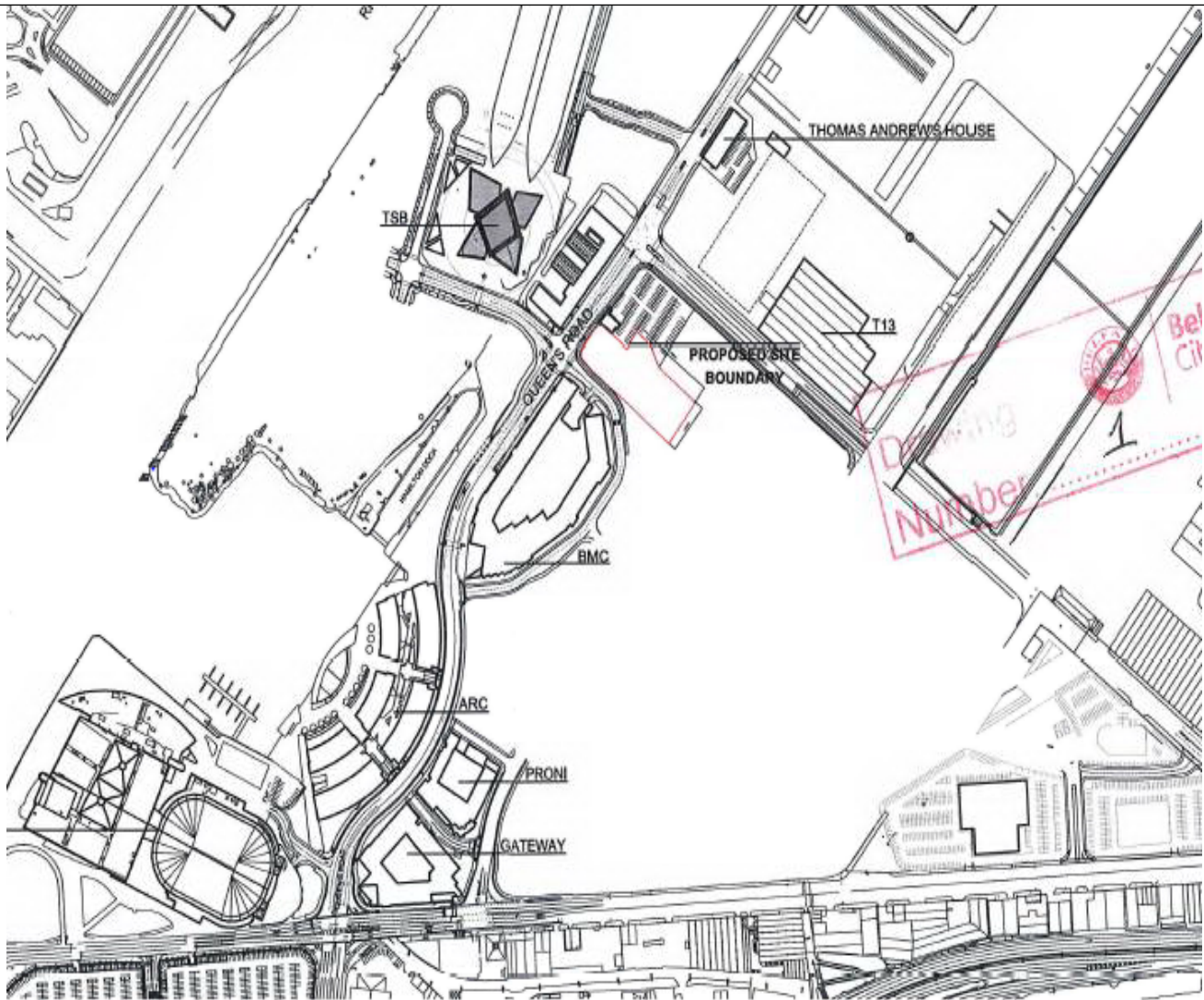
It is recommended that the application is approved subject to conditions and that Committee agrees the Director of Planning and Place is authorised to draft any necessary amendments and / or additional conditions.

#### **Recommendation**

Approval is recommended for a 6 month period.

# Case Officer Report

## Site Location Plan



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> Temporary inflatable exhibition structure with associated surface car parking. The exhibition is proposed to operate daily between 9am and 6pm. Each event will accommodate 30 visitors with 6 events proposed per hour. This will attract 1,620 visitors per day.
<b>2.0</b>	<b>Description of Site</b> Disused carpark, partly overgrown. 3m fencing to southern, eastern and western boundaries, 0.25m wall along northern boundary. This wall separates site from adjacent car park.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Planning History</b>
<b>3.1</b>	Z/2014/0409/F - Temporary outdoor sports complex including support facilities, use of existing car parking spaces and other ancillary site works at Land east of Queen's Road, North East of Belfast Metropolitan College and south of Hamilton Road, Queen's Island . Approved 15.10.2014
<b>3.2</b>	LA04/2015/0057/F - Temporary exhibition centre, access arrangements, service and surface car parking and associated works at Land Opposite Titanic Studios (The 'Paint Hall') and East of Queens Road, Belfast. Approved 30.06.2015
<b>4.0</b>	<b>Policy Framework</b>
<b>4.1</b>	Belfast Metropolitan Area Plan 2015 Policy TRAN 1 Parking Standards with Areas of Parking Restraint.
<b>4.2</b>	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage
<b>5.0</b>	<b>Statutory Consultees</b> Transport NI – No objection NIEA Historic Buildings Unit – No objection NIEA Historic Monuments Unit – No objection NIEA Water Management Unit – No objection NIEA Historic Environment Division – No objection
<b>6.0</b>	<b>Non-Statutory Consultees</b> Environmental Health BCC – No objection
<b>7.0</b>	<b>Representations</b> None received
<b>8.0</b>	<b>Other Material Considerations</b> N/A
<b>9.0</b>	<b>Assessment</b> The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> <li>- The acceptability of the exhibition centre at this location;</li> <li>- Impact upon setting of the listed building;</li> <li>- Contaminated Land;</li> <li>- Impact on Belfast Lough Special Protection Area and Area of Special Scientific Interest;</li> <li>- Impact on Built and Archaeological Heritage;</li> </ul>

	<ul style="list-style-type: none"> <li>- Flooding and</li> <li>- Impact on amenity</li> </ul>
<b>9.1</b>	<p><b>Principle of Redeveloping the Site</b></p> <p>The site is located within the development limits of the Belfast Metropolitan Area Plan and within the Titanic Quarter zoning. The presumption is therefore in favour of development subject to the planning considerations detailed below.</p>
<b>9.2</b>	<p>A number of key site requirements are set out for development in the zoning BHA01. One of these requirements is that development of the site shall only be permitted in accordance with an overall development framework.</p>
<b>9.3</b>	<p>A development framework was prepared for the entire Titanic Quarter in 2003 and agreed by the Department of the Environment in 2008 and later amended in 2010. This provided an overall planning context for the phased development of the area. This framework is supported by a Transport Masterplan which stipulates infrastructure required at each phase of the development.</p>
<b>9.4</b>	<p>Each development must be consistent with the overarching framework. This approach has already been applied in the approval of the Financial Service Campus, the Public Records Office of Northern Ireland and the Titanic Film Studios.</p>
<b>9.5</b>	<p>The site is located within Phase 3, as part of a 4 phased approach to the long term development of the Titanic Quarter.</p>
<b>9.6</b>	<p>Given the temporary nature of the proposal, it will not conflict with the zoning or prejudice the future development of Phase 4, in line with the Local Development Framework. The principle of an exhibition centre is therefore considered acceptable.</p>
<b>9.7</b>	<p>A number of uses are identified in BMAP as being acceptable in the Titanic quarter. These include cultural/ heritage and recreation/ leisure uses. An exhibition hall falls within Use Class DI Community and Cultural Uses. The proposed use is therefore acceptable.</p>
<b>9.8</b>	<p>The proposal has been assessed against paragraphs 4.23-4.29 of the SPPS. The contemporary structure is sympathetic to the character of the area in terms of scale, massing and design.</p>
	<p><b>Principle of Exhibition Centre at this location</b></p>
<b>9.9</b>	<p>The proposal has been assessed against Policies PED1 and PED7 of PPS4. The site is located within the City Centre as defined in the Belfast Metropolitan Area Plan and thus the proposed office use complies with Policy PED1.</p>
<b>9.10</b>	<p>A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:</p> <ul style="list-style-type: none"> <li>(a) it is compatible with surrounding land uses; The proposal is within an established industrial/ office area within the Titanic Quarter. NIEA are satisfied that the building would not adversely affect the setting of the adjacent listed H&amp;W drawing offices.</li> <li>(b) it does not harm the amenities of nearby residents; There are no residential properties within the vicinity of the site.</li> <li>(c) it does not adversely affect features of the natural or built heritage; NIEA are satisfied that the proposal will not be detrimental to the setting of the adjacent listed H&amp;W drawing offices.</li> </ul>

- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;  
The area is not within a designated flood plain or an area that has been identified as being prone to flooding.
- (e) it does not create a noise nuisance;  
The proposed use is not likely to cause significant noise levels that would impact on amenity of nearby properties.
- (f) it is capable of dealing satisfactorily with any emission or effluent;  
No emissions would be associated with the proposed use.
- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;  
TransportNi have offered no objections to the proposal. A parking statement points to the location of the site, the provision of cycle facilities and the access to various forms of public transport.
- (h) adequate access arrangements, parking and manoeuvring areas are provided;  
Whilst details have been submitted in a parking statement which details the additional parking provision of 30 spaces, with the removal of the existing 48 spaces and the proposed 78 spaces. The details will be dealt with at reserved matters stage should approval be forthcoming
- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;  
The proposed access road and parking tie in with the existing access road and road infrastructure with an indicative floor plan showing provision of cycle parking.
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;  
The application is for outline planning permission, design and general details can be considered further at reserved matters stage should approval be forthcoming.
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;  
As above landscaping can be considered at detailed design stage.
- (l) is designed to deter crime and promote personal safety; and  
As stated above such design matters can be considered fully on submission of detailed plans at reserved matters stage.

### **Contaminated Land**

**9.11** A Preliminary Risk Assessment (PRA) has been provided by RPS Group Plc in support of the application. No potentially unacceptable risks to environmental receptors have been identified. Waste Management (WM) (Land and Groundwater Team) have no objections to the development provided the recommended Conditions at 11.2 and 11.3 are placed on any Planning Decision Notice.

**9.12** The Preliminary Risk Assessment has identified potential risks to the development from ground gas. However due to the design of the building the potential pathway may be broken and thus not pose a risk.

**9.13** The report, submitted plans and drawings have failed to demonstrate that the Potential pathway is broken/ does not exist. The report states that "there will be a void space between the floor and the ground which will allow the free circulation of air". The drawings submitted do not

	demonstrate this.
9.14	The PRA report and drawings do not mention how any service penetrations into the building through the floor (if they exist) will be remediated to ensure that no pathway is introduced.
9.15	Further to a telephone conversation with the agent a larger copy of the submitted section plan was sent via email. The agent further stated that additional detail in respect of the proposed Cuplok system will be submitted to Belfast Planning and this information may detail how the potential pathway will be broken. No breaking of ground will occur as a result of the proposal and therefore no significant impacts are foreseen.
9.16	<b>Impact on Belfast Lough Special Protection Area and Area of Special Scientific Interest</b> The proposal has been assessed against Policy NH 3 - Sites of Nature Conservation Importance – National.
9.17	The application site is 1.8km from Belfast Lough SPA/Ramsar/Inner Belfast Lough ASSI and 2.8km from Belfast Lough Open Water SPA/East Coast (NI) Marine Proposed SPA (hereafter referred to as designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.
9.18	NIEA Natural Environment Division (NED) has considered the impacts of the proposal on the designated sites and on the basis of the information provided to date (05/08/2016), is content that the proposal will not have any adverse impact on the ASSI and N2K sites provided that the proposal is carried out as described in the planning application. However, the competent authority, Belfast City Council should undertake a Habitats Regulations Assessment on Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA and East Coast (NI) Marine Proposed SPA to ensure compliance with the requirements of the Habitats Directive.
9.19	Potential impacts include release of polluting discharges during the construction phase of the development causing degradation of the aquatic environment and disturbance of SPA features during construction works.
9.20	However, the application site is 1.8km from Belfast Lough SPA/Ramsar/Inner Belfast Lough ASSI and 2.8km from Belfast Lough Open Water SPA/East Coast (NI) Marine SPA. There are no hydrological connections or contamination pathways (Preliminary Risk Assessment, July 2016) and due to the small scale and temporary nature of the proposal, NED support the HRA Screening Report which concludes no significant impacts on SPA/ASSI/Ramsar selection features.
9.21	This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry City, Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.
9.22	Regulation 47 of the Habitats Regulations allows that, if there are two Competent Authorities issuing licences/consents for a project, it is not necessary to assess any implications of a plan or project which would be more appropriately assessed under that provision by another competent authority. One competent Authority may adopt the reasoning or conclusions of another competent authority if content. Shared Environmental Service has reviewed the Habitats Regulations Assessment carried out by RPS on behalf of Belfast City Council on 10/07/2016.
9.23	Shared Environmental Service recommends that Belfast City Council adopts the RPS Habitats Regulations Assessment completed for this project. As such and in line with the conclusions of that Habitats Regulations Assessment further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any

<p>9.24</p> <p>9.25</p> <p>9.26</p> <p>9.27</p> <p>9.28</p> <p>9.29</p> <p>9.30</p> <p>9.31</p>	<p>European site.</p> <p><b>Traffic and Parking</b> The proposal has been assessed against PPS3, TRAN 1 and policy CC025 of BMAP and is considered acceptable. The peak flow of traffic associated with the use will be at the weekends and will not conflict with the normal Monday to Friday peak flows associated with the various other land uses presently operating with Titanic Quarter. Whilst Transport NI's comments are still outstanding, it was accepted through the pre-application process that the proposal was unlikely to prejudice the safety and convenience of Road users. The proposal therefore complies with the broad thrust of Planning Policy Statement 3.</p> <p>Existing car parking is provided adjacent to the proposed exhibition centre and car parking for the proposed building will be accommodated within the existing surrounding car parking. The proposed building requires 18 car parking spaces as per Policy TRAN1 of BAMP, the transport statement indicates that there is available capacity within the two surface level car parks to fulfil this requirement. Access will be provided via the existing access point.</p> <p>It is stated in the event management plan submitted with the application that as exhibitions occur over a long period of the day and visitors come and go at their leisure it is unlikely that a mass exodus of visitors will occur at any one time that may result in queues along Queens Road.</p> <p><b>Impact on Listed Building</b> The proposal has been assessed against Policy BH11 of PPS6. The application site is located opposite the former Titanic Administration and Drawing Office Block, a Grade B+ listed building. Any development within the setting of this listed building, is required to respect the scale, massing, form, height of the listed building with appropriate alignment and materials.</p> <p>Upon consideration of the submission drawings and exhibition centre event management plan, it is understood that the proposed inflatable structure will be erected on a temporary basis, for a total of 6 no. months, operational from 9am to 6pm each day. On the understanding that the structure will be removed after six months of operation, HED:HB is content the proposal will not have an adverse impact on the setting of the listed building under Policy BH11, PPS6 subject to the conditions at 11.4-11.6 below.</p> <p><b>Flooding</b> There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record.</p> <p>The proposal has been assessed against Policy <i>FLD1 - Development in Fluvial and coastal Flood Plains</i> - Rivers Agency, while not being responsible for the preparation of the Flood Risk Assessment by RPS, dated July 2016, accepts its logic and has no reason to disagree with its conclusions. Consequently, Rivers Agency cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.</p> <p><b>Impact on amenity</b> The agent has informed Environmental Health that the noise report discussed at the Pre-Application Discussion meeting will be submitted. Given the fact there are no residential properties in close proximity to the site there are unlikely to be any significant impacts on amenity.</p>
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<p><b>10.0</b></p> <p><b>10.1</b></p> <p><b>10.2</b></p>	<p><b>Summary of Recommendation: Approval</b></p> <p>Temporary exhibition centre in mixed use Titanic zoning. Temporary nature of structure will ensure that there are no significant impacts on the planned redevelopment of the Titanic Quarter or on existing infrastructure. No adverse impact on setting of adjacent listed building.</p> <p>Having regard to the policy context and other material considerations above, including planning history on the site, the proposal is considered acceptable and planning permission should be approved.</p>
<p><b>11.0</b></p> <p><b>11.1</b></p> <p><b>11.2</b></p> <p><b>11.3</b></p> <p><b>11.4</b></p> <p><b>11.5</b></p> <p><b>11.6</b></p>	<p><b>Conditions</b></p> <p>The structure shall be removed and the use hereby permitted shall be discontinued and the land restored to its former condition within 1 year from the date of this permission.</p> <p>Reason: In the interests of visual amenity.</p> <p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>After completing any remediation works under Condition 2; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). 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: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>The structure shall be of a light grey colour.</p> <p>Reason: In the interests of visual amenity.</p> <p>Details of any lighting proposals shall be submitted to the District Council for approval and consultation with HED, prior to commencement of construction works onsite.</p> <p>Reason: In the interests of visual amenity.</p> <p><b>Informatives</b></p> <p>The purpose of the Conditions 2 &amp; 3 is to ensure that any site risk assessment and</p>



	<p>remediation work is undertaken to a standard that enables safe development and enduse of the site such that it would not be determined as contaminated land under the 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> <p>It is currently intended that the existing Belfast Lough Open Water SPA will be subsumed by the proposed East Coast (NI) Marine SPA. Selection features of the new SPA will be: wintering Great Crested Grebe, wintering Eider, Red-throated Diver, foraging terns and rafting Manx Shearwater.</p> <p>The applicant should refer and adhere to the precepts contained in DOE Standing advice Note 4. Pollution Prevention Guidance, 11. Discharges to the Water Environment. Standing advice notes are available at:  <a href="http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm">http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm</a></p> <p>Any proposed signage or advertisements associated with the proposed temporary structure should be subject to a separate advertisement consent application.</p> <p>Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.</p> <p>Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.</p> <p>If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.</p>
<b>12.0</b>	Notification to Department (if relevant) N/A
<b>13.0</b>	Representation from elected member  None
Neighbour Notification Checked <span style="float: right;">Yes</span>	

<b>ANNEX</b>	
<b>Date Valid</b>	19th July 2016
<b>Date First Advertised</b>	5th August 2016
<b>Date Last Advertised</b>	5 <sup>th</sup> August 2016
<b>Details of Neighbour Notification</b> (all addresses) Belfast Metropolitan College 7 Queen's Road Belfast BT3 9DT Cast & Crew Queen's Road Belfast BT3 9DT Titanic House 2 Queen's Road Belfast BT3 9DT USA NI, Unit 7, Arc Buildings, Queens Road, Belfast, BT3 9DT	
<b>Date of Last Neighbour Notification</b>	25th July 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	