



Subject: Department for Infrastructure Consultation	Royal Exchange – Belfast Address: lands bounded by Royal Avenue, Donegal Street, (including lower North Street) Lower Garfield Street and Rosemary Street/ Lombard street/ High Street. Proposal: Application to vary conditions 2-4, 6, 8-13, 14-18, 21-22, 25, 27, 29, 30-31, 33 of planning permission Z/2010/1532/F (full description set out in 3.2.3, below) Consultation response to Department of Infrastructure Strategic Planning Division (DFI) on Section 54 Application (LA04/2016/2327/F) to Vary Conditions previously imposed by the Royal Exchange Approval
Date:	13 th December 2015
Reporting Officer:	Phil Williams, Director of Planning and Place
Contact Officer:	Ed Baker, Development Engagement Manager

Is this report restricted? <i>Please see Note 1 in Part 3</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in? <i>If 'No' please see Note 2 in Part 3</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	To advise the Planning Committee as to what Belfast City Council's response should be to application LA04/2016/2327/F, which has been submitted to vary planning conditions on planning approval Z/2010/1532/F appertaining to the redevelopment of lands known as 'Royal Exchange' at lands bounded by Royal Avenue, Donegal Street, (including lower North Street) Lower Garfield Street and Rosemary Street, Lombard street and High Street in the City Centre. The application is to be determined by the DFI and Belfast City Council has been asked to provide a consultation response.
2.0	Recommendations

<p>2.1</p>	<p>Members are asked to agree:</p> <p>That Belfast City Council offers no objection in principle to the variation of condition application which will pave the way for the commencement and implementation of planning approval Z/2010/1532/F, however, request that DFI gives consideration to;</p> <p>1. A new varied Condition 4 to read:</p> <p>No development shall commence on site until a phasing plan has been submitted to and approved in writing by the Department. No demolition or development within a particular phase shall commence until a valid contract has been agreed for the whole development of that phase in its entirety, in accordance with details that shall have first been submitted to and approved in writing by the Department.</p> <p>That in relation to the above, the response at Appendix 3 is issued to DFI Strategic Planning Division on behalf of Belfast City Council.</p> <p>That the Director of Planning & Place is given delegated authority to resolve any further or other issues arising from this consultation.</p>
<p>3.0</p>	<p>Main report</p>
<p>3.1</p> <p>3.1.1</p> <p>3.1.2</p>	<p><u>Background</u></p> <p>Planning Application Z/2010/1532/F for the redevelopment of the area known as Royal Exchange was granted Planning Permission on September 2012 by the then Minister for the Environment and remains live until the 11th of October 2017.</p> <p>The proposed development is for the Demolition, redevelopment and part change of use of existing buildings to create mixed use development comprising retail, offices, café/bar use, 2 no. retail pavilions, 205 apartments including 6 no. live/work units, with associated energy centre, service areas and above ground car parking, cultural/arts centre, hotel, 2-level basement car park and associated access and circulation, creation of new streets and public spaces, reconfiguration of Writers Square, public realm works, landscaping and associated site and road works. The permission also comprises works to restore, alter and extend listed buildings and facades and partial demolition of North Street Arcade retaining its facades, partial reconstruction of end blocks and reconstruction of rotunda on original location, and is located at lands bounded by Nos 31-101 Royal Avenue, Church Street,</p>

William Street, Writers Square, Nos 40 to 16 Donegall Street, No. 2 Waring Street, 1-21 Bridge Street, Nos 2-18 High Street, Nos 1-27 Lombard Street, Nos 33 to 55 Rosemary Street and including North Street and nos. 2-14 Lower Garfield Street (see map at Appendix 1)

3.1.3

The main considerations for the earlier planning application were;

- Capital City regeneration and potential regional economic benefit;
 - Expansion of the City's regional core;
 - Demolition of a listed building,
 - Demolition of buildings within a conservation area,
 - Impact on the setting of and works to listed buildings,
 - Impact of new buildings on the character and appearance of the conservation areas,
 - Acceptability of the proposed land uses;
- 3.1.4
- Traffic impacts and parking;
 - Environmental consideration.

The permission is for the redevelopment and replacement of 4 to 5 storey buildings throughout the site area including demolition and part demolition of listed buildings and buildings within the conservation areas. The Department in determining the application reached the below conclusions;

- The mixed use scheme will regenerate and revitalise a significant area within Belfast City Centre that is in great need of modernisation, and will assist in reinforcing the role of Belfast as the primary retail location in the province;
- The development will provide significant employment with 1,000 jobs estimated during construction and 2,000 jobs in retail and leisure when completed;
- The proposal will not cause harm to either the Belfast City Centre Conservation Area or the Cathedral Conservation Area as a whole and large aspects of the proposal will result in enhancement to the conservation areas;
- The redevelopment and regeneration of what was historically the commercial centre of Belfast will... benefit the region as a whole. The development will signify a further step in establishing Northern Ireland capital as a major European regional city providing retail, arts and leisure facilities that will attract more visitors, further develop the evening economy and provide city centre living; and
- The Ulster University campus just north of the site will complement development and further contribute to the economic, social and cultural vitality of this part of the

3.1.5	city.
	The then Department for Social Development supported the scheme and in its consultation response stated that; “the Royal Exchange scheme is the catalyst to present
3.1.6	Belfast City Centre as the number one retail destination in Northern Ireland”.
	In 2012 Belfast City Council agreed with the Department’s recommendation to issue a
3.2	Notice of Opinion to Approve.
	<p><u>Current Application</u></p>
3.2.1	Planning application LA04/2016/2327/F/ is being dealt with by DFI as it seeks to vary permission Z/2010/1532/F a previous “Article 31 application” and as such is required to be dealt with by DFI by law under Section 54 (3) of the 2011 Act and Article 7 of the Planning (2011) Act) (Commencement No. 3) and (Transitional Provisions) Order (Northern Ireland) 2015,
3.2.2	As required by the Planning (NI) Act 2011, DFI has consulted Belfast City Council on the proposed application.
3.2.3	The description of development reads as “Application to vary conditions 2-4, 6, 8-13, 14-18, 21-22, 25, 27, 29, 30-31, 33 of planning permission Z/2010/1532/F for the demolition, redevelopment and part change of use of existing buildings to create mixed use development known as Royal Exchange, comprising retail, offices, café/bar use, apartments, car parking, cultural/arts centre, hotel and associated access and circulation and public realm works, including restoration, alteration and extension of listed buildings” on Lands bounded by Nos. 31-101 Royal Avenue Church Street William Street Writers Square Nos. 40 to 16 Donegall Street No. 2 Waring Street 1-21 Bridge Street Nos. 2-18 High Street Nos. 1-27 Lombard Street Nos. 33 to 55 Rosemary Street North Street and Nos. 2-14 Lower Garfield Street Belfast.
3.2.4	The variation of condition application will not alter what was previously approved on the site which is for a high quality retail-led, mixed use scheme comprising retail uses, offices, cafe and bar uses, a hotel, apartments and live-work units as well car parking and improvement of community facilities, set within a significantly enhanced public realm which recognised the historic importance of this area of the city.

	<p>The purpose of this application is: ‘...to vary the conditions that require site-wide investigations and / or information to discharge them. The application seeks to vary these conditions so that they can be discharged on a more discreet basis, by ‘parcel’ of land or ‘phase.’</p>
<p>3.3</p>	<p><u>Description of Site</u></p>
<p>3.3.1</p>	<p>This variation of condition application relates to the area known as Royal Exchange, which lies within the northern portion of Belfast city centre and is bounded by Royal Avenue, Donegal Street, Lower Garfield Street and Rosemary Street/ Lombard street/ High Street. The site lies within two conservation area Belfast City Centre Conservation Area (BCCA) and the Cathedral Conservation Area (CCA). There are a number of listed buildings both within and around the boundary of the site. (See Site Context Appendix 3)</p>
<p>3.3.2</p>	<p>The site is comprised of a number of buildings containing various uses at both ground and upper floor levels. There are also vacant buildings within the site and a large surface car park on North Street. Buildings range in height from 2 to 5 Storeys.</p>
<p>3.4</p>	<p><u>Consideration of Proposal</u></p>
<p>3.4.1</p>	<p>The main issues for consideration are;</p> <ol style="list-style-type: none"> 1. The impact on phasing and the phased discharge of conditions on parking and traffic as imposed under conditions 6-13 of Z/2010/1532/F; 2. The impact of phasing and the phased discharge of conditions on contaminated land imposed under conditions 14-18 of Z/2010/1532/F; 3. The impact of phasing and the phased discharge of conditions on landscaping imposed under conditions 21-29 of Z/2010/1532/F; 4. The impact of phasing and the phased discharge of conditions on the historic environment imposed under conditions 30-32 of Z/2010/1532/F; 5. The impact of phasing and the phased discharge of conditions on environmental designations imposed under condition 33 of Z/2010/1532/F; and 6. The impact of introducing linkages between newly varied conditions and Condition 4.
<p>3.4.2</p>	<p>The responses from Statutory Consultees will form the main basis for consideration of those conditions to be varied as per points 1-5 above. Therefore, BCC should offer no objection in principle to these conditions being altered as proposed, providing consultees</p>
<p>3.4.3</p>	<p>offer no objection.</p>

	<p>However, if the Department are minded to grant approval for the variations as set out above, the Council should raise concerns and advocate that DFI takes a cautious approach in respect of increased importance now being placed through the varied conditions onto Condition 4 of the approval, which relates to Phasing. Which currently reads;</p>
3.4.4	<p>“Unless otherwise agreed in writing with the Department no development shall take until a phasing programme for the development has been submitted to the Department. Reason: In the interests of the orderly development of the site.”</p>
3.4.5	<p>The existing permission, including condition 4, sits alongside a separate Developer Agreement between the Department for Social Development and then applicant, Leaside Development Limited and conditions were drafted in this context.</p>
3.4.6	<p>As this Developer Agreement is no longer in place and landownership has now changed, a mechanism is required to ensure mass demolition and piecemeal construction does not take place and that vast areas of the City Centre are not left vacant to the detriment of the city as a whole. A phasing agreement is therefore required.</p>
3.4.7	<p>The applicant seeks to amend Condition 4 to read; Unless otherwise agreed in writing with the Department no demolition or construction development shall take place until a phasing programme for the development has been submitted to the Department. Reason: In the interests of the orderly development of the site.</p>
3.5	<p>Given the increased risk posed by the altering of all conditions to link into condition 4 and the current requirement of the condition being to submit a phasing programme – and not to actually implement the phasing programme thereafter – it will be necessary for DFI to secure implementation of the phasing. .</p> <p>Members are advised that Condition 4 should therefore be amended to read;</p> <p><i>No development shall commence on site until a phasing plan has been submitted to and approved in writing by the Department. No demolition or development within a particular phase shall commence until a valid contract has</i></p>

3.5.1	<p><i>been agreed for the whole development of that phase in its entirety, in accordance with details that shall have first been submitted to and approved in writing by the Department.</i></p>
	<p>Reason: In the interests of the comprehensive and orderly development of the site.</p>
3.5.2	<p><u>Summary of Response to DFI</u></p>
3.5.3	<p>That Belfast City Council welcomes this positive step towards commencing the Royal Exchange Planning Approval in regenerating the northeast quarter of the city in line with the Belfast Metropolitan Area Plan (BMAP) and Belfast City Council's Regeneration Strategy.</p>
3.5.4	<p>To highlight to DFI that it is critical that condition 4 of Z/2010/1532/F should also be amended. As subsequent to any approval of the variations could potentially allow for significant piecemeal demolition of an area which makes up 20% of Belfast's primary retail core as defined in the Local Development Plan. The impact of this could be of significant detriment to a number of listed buildings as well as the City Centre's historic integrity and the ability to attract long term investment to this area of the city.</p>
3.6	<p>That Belfast City Council would also raise concerns on the implementation of any proposed phasing without the authority retaining some level of control.</p> <p>That condition 4 should be amended to ensure through phasing that no demolition or construction works take place until a phasing and implementation programme has been submitted and agreed with the Department and the construction contract is entered into under each phase which has been agreed under condition 4 and that there are assurances and commitment to construction on the new building(s) to be developed prior to any demolition.</p>
3.7	<p><u>Finance and Resource Implications</u></p> <p>There are no additional resource implications arising from this report.</p> <p><u>Asset and Other Implications</u></p>

	None.
	<i>Appendix 1: Site Location Plan</i> <i>Appendix 2: Site Context Plan</i> <i>Appendix 3: Proposed Consultation Response Letter to the Department for Infrastructure.</i>

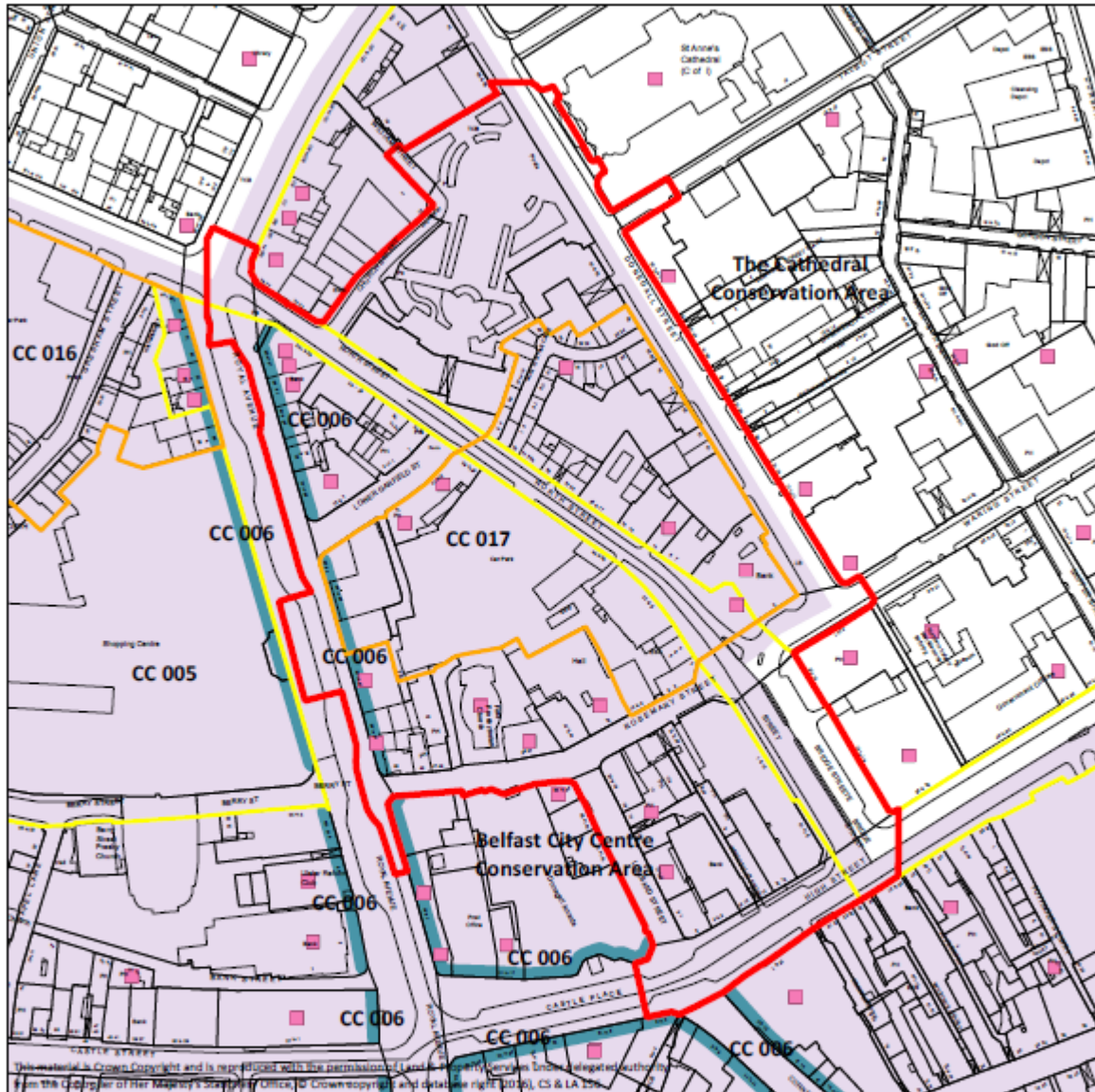
APPENDIX 1: Z/2010/1532/F - Approved Site Location Plan

APPENDIX 2: Royal Exchange Site Context.



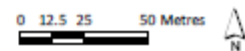
Belfast
City Council

Royal Exchange
- City Centre context



- Application site
- Primary Retail Core
- Primary Retail Frontage
- Development Opportunity Site
- Conservation Area
- Listed Building
(Source: Department for Communities)

(Source: Belfast Metropolitan Area Plan 2015 (Adopted September 2014))



Appendix 3: Proposed Consultation Response Letter to DFI.



**Belfast
City Council**

Ms N Thompson
Department For Infrastructure
Strategic Planning Division
Clarence Court
Adelaide Street
Belfast

Belfast Planning Service
Belfast City Council
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

Date: XX December 2016
Your Ref: LA04/2016/2367/F
Our Ref: (Please quote at all times)
Please Contact: Ed Baker
Contact Number 0300 200 7830

Dear Ms Thompson,

Location: Lands bounded by Nos. 31-101 Royal Avenue Church Street William Street Writers Square Nos. 40 to 16 Donegall Street No. 2 Waring Street 1-21 Bridge Street Nos. 2-18 High Street Nos. 1-27 Lombard Street Nos. 33 to 55 Rosemary Street North Street and Nos. 2-14 Lower Garfield Street Belfast.

Proposal: Application to vary conditions 2-4, 6, 8-13, 14-18, 21-22, 25, 27, 29, 30-31, 33 of planning permission Z/2010/1532/F for the demolition, redevelopment and part change of use of existing buildings to create mixed use development known as Royal Exchange, comprising retail, offices, café/bar use, apartments, car parking, cultural/arts centre, hotel and associated access and circulation and public realm works, including restoration, alteration and extension of listed buildings.

I refer to the Consultation request received on the above mentioned planning application. A report was presented to and agreed with BCC Planning Committee on December 13th 2016 and is appended to this letter. Belfast City Council responds as follows;

1. Belfast City Council welcomes this positive step towards commencing the Royal Exchange Planning Approval which will act as a catalyst for regenerating the northeast quarter of the city in line with the Belfast Metropolitan Area Plan (BMAP) and Belfast City Council's City Centre Regeneration Strategy.

Condition 4 should be varied in line with Section 54(3)(A) of the Planning (NI) Act 2011 to read;

No development shall commence on site until a phasing plan has been submitted to and approved in writing by the Department. No demolition or development within a particular phase shall commence until a valid contract has been agreed for the whole development of that phase in its entirety, in accordance with details that shall have first been submitted to and approved in writing by the Department.

To ensure that;

Significant piecemeal demolition does not occur in an area which makes up 20% of the Belfast's primary retail core as defined in the local development plan. The impact of this could be of significant detriment to a number of listed buildings as well as the City Centre's historic integrity and the ability to attract long term investment to this area of the city and that no demolition works takes place until the construction contract is entered into under that phase which has been agreed under condition 4 and assurance is received in terms of commitment to the construction on the new building(s) to be developed.

The Council would advise that it would be content to engage further should your Department consider necessary and would thank you in advance for your full consideration of the comments contained in this response.

Yours sincerely,

Director of Planning and Place

