

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15th March 2018	
Application ID: LA04/2018/0007/F	
Proposal: Demolition of building and development of flexible retail, restaurant and café uses for a period of up to 5 years within re-purposed shipping containers up to 2 storey in height, together with ancillary access and circulation	Location: 30-34 North Street Belfast BT1 1LA
Referral Route: Associated with major planning application LA04/2017/2126/F (Former Royal Exchange Scheme Phase 1B)	
Recommendation:	Approval subject to conditions
Applicant Name and Address: PG Ltd. 49 Berkeley Square London W1J5AZ	Agent Name and Address: Savills Embassy House Queens Avenue Bristol BS8 1SB
<p>Executive Summary:</p> <p>A pre-determination hearing was held on 13th February 2018. At the hearing officers presented details of the scheme in its context and provided an overview of the proposal. Committee received representations from Save CQ, Ulster Architectural Heritage Society and the First Presbyterian Church in objection to the application and from Savills and Consarc on behalf of the applicant in support of the application. The issues raised at the hearing have been considered in the assessment of this application.</p> <p>Members agreed at the pre-determination hearing to defer consideration of the application for a site visit which took place on 21st February 2018. Members viewed the building to be demolished from North Street and from within the site.</p> <p>Planning permission is sought for the demolition of the building and development of flexible retail, restaurant and café uses for a period of up to 5 years within re-purposed shipping containers up to 2 storey in height, together with ancillary access and circulation.</p> <p>The site is located within Belfast City Centre Primary Retail Core in a zoned Development Opportunity Site (CC 017). It falls within Belfast City Centre Conservation Area and is adjacent to the listed Masonic Hall.</p> <p>No representations have been received. Consultees have raised no objections.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • Principle of demolition/development • Impact on the Conservation Area • Impact on the setting of listed buildings 	

The proposal is related to application LA04/2017/2572/DCA which seeks the demolition of No. 30-34 North Street. The proposal has been assessed against relevant planning policy and complies with policy.

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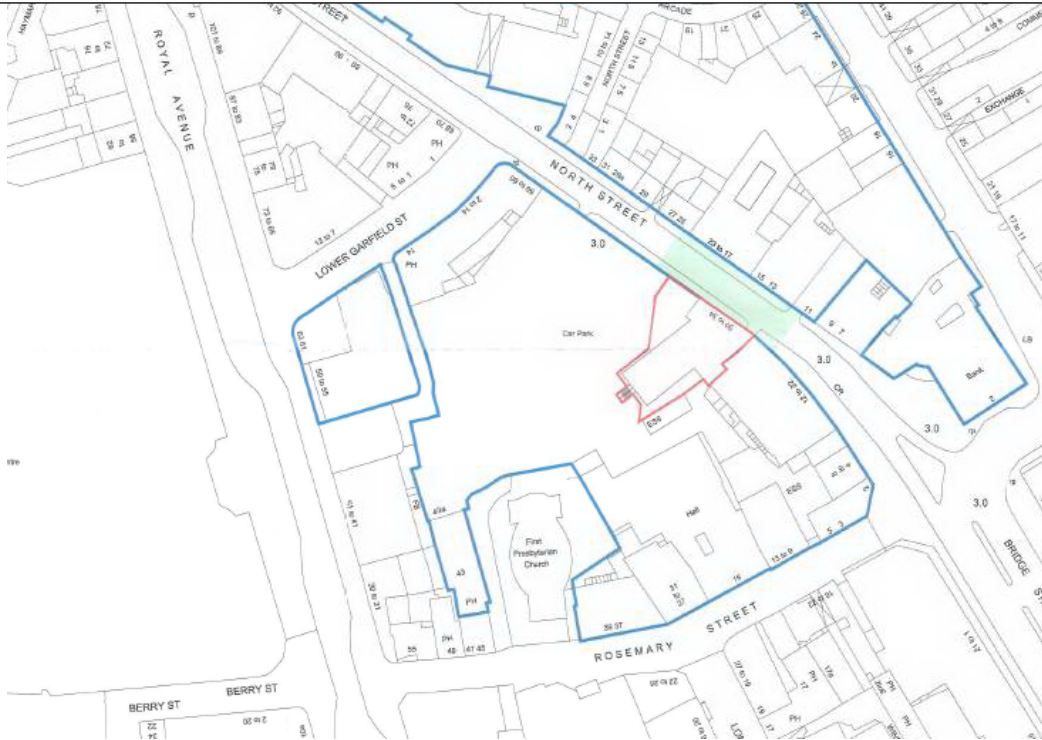
Recommendation

Having regard to the policy context and other material considerations, the proposal is considered acceptable. It is recommended that consent be granted subject to conditions and that the consent be linked to the proposals for Phase 1B (Ref: LA04/2017/2126/F) through a Section 76 Agreement.

It is requested that authority is delegated to the Senior Authorised Planning Officer, in consultation with the City Solicitor, to negotiate the terms of the Agreement and to determine the final wording of conditions.

Case Officer Report

Site Location Plan



Proposed Site Layout



Proposed North Street Elevation



Proposed Elevation of Block B – view from within Site



Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

1.0	<p>Description of Proposed Development The proposal is for the demolition of building and development of flexible retail, restaurant and café uses for a period of up to 5 years within re-purposed shipping containers up to two storey in height, together with ancillary access and circulation space.</p>
2.0	<p>Description of Site The site, identified as Nos. 30-34 North Street, Belfast, comprises a stepped property finished in brick. The front of the property faces onto North Street and is five-storey. The rear of the property adjoins an adjacent former car park and the height increases to seven storeys with an additional eight storey. The property is a former office building with a ground floor retail unit and is in a state of disrepair.</p> <p>The site is located within Belfast City Centre Primary Retail Core and in a zoned Development Opportunity Site (CC 017). It falls within Belfast City Centre Conservation Area and is adjacent to the Masonic Hall.</p>

Planning Assessment of Policy and other Material Considerations

3.0	<p>Planning History Z/2010/1532/F - Demolition, redevelopment and part change of use of existing buildings to create mixed use development comprising retail, offices, café/bar use, 2no. retail pavilions, 205 apartments including 6 no. live/work units, with associated energy centre,</p>
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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. Application 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. Proposed development at 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 and including North Street and Nos 2-14 Lower Garfield Street. Permission granted 11 October 2012.

Z/2010/1495/DCA - Demolition of buildings, Nos. 3-5 9-13 and 27-31 Rosemary Street (BT1 1QA) and 2-22 and 30-34 North Street Belfast (BT1 1LA). Consent granted 11 October 2012.

LA04/2016/2327/F - Application to Vary conditions 2-4 (demolition and construction), 6, 8-13 (traffic and parking), 14-18 (contaminated land), 21-22, 25, 27, 29 (landscaping), 30-31 (archaeology) and 33 (environmental designations) 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. 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 and Nos. 2-14 Lower Garfield Street, Belfast. Permission granted 23 Jan 2017.

LA04/2016/1622/DCA - Variation of condition 1 (contract for carrying out works approved under planning application ref. Z/2010/1532/F) of demolition within a conservation area consent Z/2010/1495/DCA for the demolition of buildings, Nos. 3-5 9-13 and 27-31 Rosemary Street (BT1 1QA) and 2-22 and 30-34 North Street Belfast (BT1 1LA). Permission granted 23 Jan 2017.

LA04/2017/2126/F - Redevelopment including the construction of a new six storey building on the existing surface level car park and part change of use to create a mixed use development comprising retail units, restaurants and cafes, residential units, offices, church and related community floor space, new streets and public realm works. Demolition of 53 Royal Avenue and 27-31 Rosemary Street and restoration of Central Halls (37-39 Rosemary Street), Masonic Hall (15 Rosemary Street), 43/43a Rosemary Street and retention of 30-34 North Street (Amended plans and further information received). Decision Pending.

LA04/2017/2597/F - Demolition of building and development of temporary hard landscaping. Decision Pending.

LA04/2017/2575/DCA - Demolition of building, 30-34 North Street, Belfast, BT1 1LA. Decision Pending.

LA04/2017/2341/O - Application for outline planning permission for demolition, redevelopment to create a mixed use development comprising retail, offices, café/restaurant uses, residential apartments, including private rented sector units, hotel use, community uses, car parking, associated access, servicing and circulation arrangements, an energy centre, the creation of new streets, the reconfiguration of Writers Square, public realm works, landscaping and associated site and road works. The

	<p>application also proposes works to alter listed buildings, restoration of retained listed buildings and facades, and partial demolition of North Street Arcade, retaining its facades. Details of proposed access arrangements are also provided, Land Bounded by Royal Avenue, York Street and Church Street to the North, Royal Avenue to the west Rosemary Street and High Street to the south and Donegall Street to the east. The site is located approximately 300m west of Laganside Bus Station 300m northeast of city hall and 900m northwest of Central Train Station. A triangle of land bounded by Royal Avenue Lower Garfield Street and North Street lies outside the application site boundary. Application under consideration.</p> <p>LA04/2017/2345/DCA - Demolition of buildings, 3-5 and 9-13 Rosemary Street (BT1 1QA) and 2-22 and 30-34 North Street (BT1 1LA), Belfast. Application under consideration.</p>
4.0	Policy Framework
4.1	<p>Regional Development Strategy (RDS) 2035 Belfast Urban Area Plan (BUAP) 2001 Draft Belfast Metropolitan Area Plan (dBMAP) 2015</p> <ul style="list-style-type: none"> • Policy SETT 2: Development with the Metropolitan Development Limit and Settlement Development Limits
4.2	<p>Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <ul style="list-style-type: none"> • Conservation Areas Paras. 6.18 – 6.19 • Town Centres and Retailing Paras. 6.267 – 6.292 <p>Planning Policy Statement 6 (PPS 6): Planning, Archaeology and the Built Heritage</p> <ul style="list-style-type: none"> • Policy BH 11: Development affecting the Setting of a Listed Building • Policy BH 12: New Development in a Conservation Area • Policy BH 14: Demolition in a Conservation Area
5.0	Assessment
5.1	<p>Statutory Consultees Responses</p> <ul style="list-style-type: none"> • Historic Environment Division (HED) – No objection • Transport NI – No objection subject to conditions. • NI Water – Awaiting response <p>Non Statutory Consultees Responses</p> <ul style="list-style-type: none"> • Council’s Conservation Officer – No objection • Council’s Urban Design Officer – No objection • Council’s Environmental Health Service – No objection • Council’s City Centre Team – Issues raised <p>Representations</p> <p>The application has been neighbour notified and advertised in the local press. No representations have been received.</p> <p>Other Material Considerations</p> <ul style="list-style-type: none"> • Belfast City Centre Conservation Area Guide • Development Control Advice Note 4 – Restaurants, Cafes and Fast Food Outlets (DCAN 4)

HED Consideration

HED was consulted due to the proximity of listed buildings and provided a response from its Historic Buildings and Historic Monuments sections. HED Historic Buildings advised it is content that the proposal satisfies relevant policies of the SPPS and PPS 6 provided it is on a temporary basis and stated that the building does not make a positive contribution to the setting of listed buildings in the vicinity. It requested inclusion of a condition limiting the permission to 5 years if the application is to be approved. HED Historic Monuments confirmed it is content that the proposal satisfies PPS 6 policy requirements and recommended conditions if the application is to be approved.

Conservation Area Consideration

The Council's Conservation Officer was consulted in relation to the proposal and offered no objection to the demolition of the property, on condition of a contract to redevelop being submitted. The application scheme corresponds with this condition and it is proposed that consent for the demolition of No's. 30-34 North Street and the temporary redevelopment scheme under consideration would be secured through a Section 76 Agreement. This would provide surety that the demolition and temporary redevelopment are carried out in a timely manner to ensure no adverse impact on the conservation area.

The Conservation Officer has also suggested that it would be preferable if any pop-up use were two storey where it addresses North Street. The proposed scheme corresponds with this suggestion.

Urban Design Consideration

The Council's Urban Design Officer welcomed clarification of the proposed line of hoarding which is to be located along the new Upper Lombard Street and queried the location of the future link to provide a through route to North Street.

City Centre Development Consideration

The Council's City Centre Development Team was consulted in relation to the proposal and provided a number of comments relating to design, access and commercial considerations. The comments in relation to each are summarised as follows:

Design:

- in terms of the size and configuration of the units the applicant will need to ensure the permission is flexible enough to accommodate the differing needs of potential tenants.
- the ground-first floor connection of some of the container units might present difficulties due to the lack of internal circulation between the floors.
- consideration will be required in relation to services including extractor systems and utilities and also for storage needs of tenants.
- the hoarding separating the scheme from the construction site will need to be sufficient to mitigate the effects of dust and noise.

Access:

- there is no lift provision to the first floor or ramped access to the ground floor.
- there is no indication of service/delivery arrangements for the units.

Commercial considerations:

- targeted tenant mix/type and scale of tenant sought/how the scheme sits within the city centre retail and food and beverage offer.
- detail required if scheme is to be used to accommodate traders in the area who are being displaced by the wider development proposal
- detail required regarding management/operation of scheme

Associated Applications

The proposed scheme is set within the context of a wider development scheme submitted under planning reference LA04/2017/2126/F. It is in advance of its long-term proposals for the redevelopment of lands occupied by No's. 30-34 North Street.

The proposal is linked to planning application reference LA04/2017/2575/DCA for the demolition of the existing building at 30-34 North Street.

Principle of Demolition

The building to be demolished has been the subject of previous demolition consents under planning references Z/2010/1532/F, Z/2010/1495/DCA, LA04/2016/2327/F and LA04/2016/1622/DCA. It is in a state of disrepair and is of no architectural merit or design significance. It is considered that the building does not make a material contribution to the character or appearance of the Conservation Area. The demolition is considered acceptable in principle and complies with Policy BH14 of PPS6.

Impact on the Conservation Area and Listed Building Setting

The proposed temporary shipping containers are to be located in two blocks; one fronting onto North Street and the other located along the southern boundary. It is proposed that the containers will offer retail and café/restaurant uses across six units, with four of the units extending to first floor level, and accessible by external stairways and decked terraces. The units will have glazed shopfronts at both levels and the scheme will include ancillary blocks for toilet provision and waste and recycling located within the site. The containers located along the southern boundary will face into the site and overlook feature seating with integrated planting which is to be set within a pedestrian landscaped space of resin bound hard surfacing treatment. The application site overlaps the proposed 'Upper Lombard Street' at which point the finishes are changed to matching those of the new street. The pedestrian entrance along North Street will be formed by new tactile paving and boundary treatments in the form of bollards onto the street, permeable secure boundary fencing is proposed along the southern boundary. Hoarding is proposed along Upper Lombard Street as development of the proposal will take place during construction works however there is an opportunity to create a pedestrian link from the proposed 'Upper Lombard Street' during the lifetime of the scheme as work progresses on the wider site.

It is considered that the demolition of the property and temporary development proposed will enhance the quality and attractiveness of the conservation area and the opportunity to do so would not transpire the retention of the existing property. The proposed scheme and associated landscaping works will improve the appearance of the area and accord with existing and proposed uses in the city centre location. The finishes that are proposed will be sympathetic to the surrounding properties and the development will respect the characteristics of adjoining properties as well as the listed building setting.

Operational Issues

It is not considered that the proposal will result in environmental problems which would be detrimental to the character of the area. A condition is proposed to ensure that a Construction and Demolition Environmental Management Plan (CDEMP) is submitted prior to commencement of the development which will identify the controls and mitigation measures proposed to deal with issues including dust and noise associated with the construction works. In terms of the proposed retail and café/restaurant uses, it is not considered that the proposal will cause an unacceptable level of disturbance to other nearby businesses. The units benefit from a waste and recycling block that is sufficient for the storage of refuse and litter so as not to present nuisance other premises. A condition is recommended to secure appropriate extractor systems for businesses using the premises.

	<p>Access/service/deliveries are proposed from North Street with potential for a future pedestrian link from Upper Lombard Street upon its completion/part completion to allow a linkage through the site to North Street. Provision for parking 10 cycles is laid out within the site. The requirement for a lift/ ramped access points and appropriateness of external stairway to the first floor will require a separate building control application to determine suitability which could result in amendments to the scheme requiring a further planning application. The range of differing sized units provides for a variety of accommodation for prospective tenants/businesses. The design of the units allows flexibility for changes of use during the lifetime of the development. 7 permanent units are also proposed within the overall development of Phase 1B and together with the proposed development provides sufficient opportunity for accommodating existing businesses relocating in the area.</p> <p>It is appropriate that a management plan be submitted to and agreed with the Council prior to commencement of the scheme to ensure the comprehensive management of the units and the site.</p> <p>It is proposed that the demolition of 30-34 North Street and its temporary redevelopment will be secured through a Section 76 Agreement which will link the respective applications to planning application LA04/2017/2126/F for the overall development of Phase 1B.</p>
<p>5.2</p>	<p>In summary the proposal has been assessed taking account of all the material considerations and it is considered that the proposal will secure an enhancement to the conservation area until long term development proposals are forthcoming. The proposal complies with the development plan context and planning policy and it is recommended that the application is approved subject to conditions set out below and a Section 76 Agreement.</p> <p>It is requested that authority is delegated to the Senior Authorised Planning Officer, in consultation with the City Solicitor, to negotiate the terms of the Agreement and to determine the final wording of conditions.</p>
<p>6.0</p>	<p>Summary of Recommendation: Approval</p>
<p>7.0</p>	<p>Conditions</p> <ol style="list-style-type: none"> 1. The permission hereby granted shall be for a limited period of 5 years only and shall expire on XX 2023 <i>[Date to be inserted - 5 years from date of permission]</i>. Reason: To enable the Council to consider the development in the light of circumstances then prevailing and in the interests of Belfast City Centre Conservation Area. 2. A management plan for the operational management of the scheme including waste storage/collection arrangements, service management and, landscape/public realm shall be submitted to and approved by the Council prior to commencement of the development. The plan shall include long term design objectives, performance indicators, management responsibilities and maintenance schedules for all privately owned public realm areas. The operational management plan shall be carried out as approved. Reason: To ensure the comprehensive operational management of the scheme.

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 Department. 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.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

4. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

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.

5. Following the necessary demolition works and prior to the commencement of any construction works, the applicant shall submit to the Council for approval in writing, a Quantitative Risk Assessment (often referred to as a Phase II). This Quantitative Risk Assessment must incorporate:

A detailed site investigation in line with British Standards BS10175:2011. Any ground gas investigations should be conducted in line with BS8485:2015;

A satisfactory assessment of the risks (including a Revised Conceptual Site Model) associated with any contamination present, conducted in line with current Defra and Environment Agency guidance. In addition, risks associated with ground gases should be assessed under the methodology outlined in CIRIA C665.

Reason: To protect human health and environmental receptors and to ensure the site is suitable for the proposed end use.

6. Based on the outcome of this risk assessment, a Remedial Strategy (often referred to as a Phase III) may be required. If found to be necessary, this Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and no longer pose potential risks to human health.

Reason: To protect human health and environmental receptors and to ensure the site is suitable for the proposed end use.

7. In order to demonstrate that any identified remedial measures have been incorporated into the proposed development, a Verification Report will be required. This Verification Report must be in accordance with current Environment Agency guidance and demonstrate that the mitigation measures have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health. Failure to provide a satisfactory Verification Report on completion of the works may lead to the assumption that the site remains a risk to human health.

Reason: To protect human health and environmental receptors and to ensure the site is suitable for the proposed end use.

8. The plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

Reason: To protect human health and the amenity of nearby premises.

9. Prior to any phase of the development commencing, a Noise Management Plan shall be submitted to Belfast City Council for review and approval. The plan should outline the methods to be employed to minimise any noise and vibration impact from demolition and construction operations and demonstrate 'best practicable means'. The Plan should pay due regard to the current BS 5228: Noise and Vibration Control on Construction and Open Sites and include a detailed programme for the demolition/construction phase, the proposed noise and vibration monitoring methods, noise mitigation methods and evidence of community liaison.

Reason: To protect human health and the amenity of nearby premises

10. Prior to the operation of each food business, details of all odour abatement technology to be employed to suppress and disperse odours created by cooking operations on the premises shall be submitted, for approval, to Belfast City Council and agreed in writing before installation. Information submitted must be sufficient to demonstrate there will be no adverse impact on amenity of nearby premises due to odour or noise.

Reason: To protect the amenity of nearby premises

11. The approved odour abatement technology shall be installed prior to the operation of the business.

Reason: To protect the amenity of nearby premises.

12. Extraction and ventilation systems must be cleaned and maintained in accordance with Manufacturer's instructions to ensure compliance.

Reason: To protect the amenity of nearby premises.

13. Prior to the commencement of demolition or construction works the applicant shall submit to Belfast City Council for approval a Construction and Demolition Environmental Management Plan (CDEMP).

The Construction Demolition Environmental Management Plan shall identify the proposed controls/mitigation and demonstrate how the implementation of appropriate measures will mitigate the anticipated slight adverse effect at sensitive receptors.

Reason: To protect human health and the amenity of nearby premises.

14. A minimum of 5 No. cycle parking stands (10 cycle parking spaces) shall be provided and retained outside development units for use by visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

15. Any redundant accesses, lowered kerbs or similar features will be reinstated to the satisfaction of Belfast City Council. Details shall be submitted for approval and works shall be carried out in accordance with approved details.

Reason: In the interests of road safety and the convenience of road users.

	<p>16. No development hereby permitted shall commence operations until a Service Management Plan has been submitted to and agreed with Belfast City Council.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p>
8.0	<p>Notification to Department (if relevant) None</p>
9.0	<p>Representations from Elected members: None</p>

ANNEX	
Date Valid	02nd January 2018
Date First Advertised	19th January 2018
Date of Last Neighbour Notification	10th January 2018
Planning History See section 3.0	
Drawing Numbers: 01, 02A, 03A, 04, 05A, 06A, 07, 08, 09.	