

Development Management Committee Addendum Report

Summary	
Committee Meeting date: 11 September 2018	
Application ID: Z/2015/0176/F	
Proposal: Construction of basement carpark, 250 bed hotel including; bar, conference facilities and ancillary accommodation, and demolition of 2 storey structure and multi deck carpark	Location: 21-29 Corporation Street and 18-24 Tomb Street Belfast BT1 3BA
Applicant Name and Address: McAlear and Rushe Ltd 17-19 Dungannon Road Cookstown BT80 8TL	Agent Name and Address: Todd Architects 6 Queens Road Belfast BT3 9DT
Recommendation:	APPROVAL (no change of opinion)
Addendum Report	
<u>Introduction</u>	
<p>1. This is an addendum report to the report previously considered by the Planning Committee on 14 June 2016 (a copy of which is appended) in light of the judicial review (JR) decision outlined below.</p>	
<u>Background</u>	
<p>2. On 24 May 2018, the High Court quashed the Council's decision to grant planning permission for a Major office development at the junction of Stewart Street/East Bridge Street and West of Central Station (LA04/2016/0559/F).</p> <p>3. The Judicial Review was successful on two grounds. Firstly, that the Planning Committee, when it made its resolution to grant permission in September 2016, failed to consider the change in status of the Belfast Metropolitan Plan (BMAP). This meant that the Belfast Urban Area Plan (BUAP) became the statutory plan and BMAP reverted to draft plan status. Moreover, officers should have ensured the application was put in front of the Planning Committee, in accordance with the Scheme of Delegation, to reassess it in the light of the adoption of BMAP being quashed. Secondly, that the Council failed to take account of the Planning Appeal Commission's recommendation (ultimately rejected by the Ministers) that the application site should be designated for social housing.</p> <p>4. In view of the High Court's decision, the planning service has reviewed older applications which have previously been considered by the Planning Committee but where the decision has yet to be issued. The planning service has identified four applications where the report to the Planning Committee did not adequately address the issues around the correct status of the BUAP and BMAP and/or the recommendations of the PAC following the examination of</p>	

BMAP. This application is one of those identified and as such is being reported to the Planning Committee so these aspects can be reconsidered.

Re-assessment of the Planning Application

5. Following the judicial proceedings relating to the adoption of BMAP, the statutory Local Development Plan for the area is the BUAP. Both the purported to be adopted BMAP (BMAP 2015) and pre-examination draft BMAP (dBMAP) are a material consideration. Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.

6. Under the BUAP, the site is located within the city centre but has no other zonings.

7. Under the BUAP, there are a number of pertinent policies including:

CC3 Leisure and Tourism prioritises developing the city centre as a major centre for leisure and tourism by strengthening the entertainment function with new development aiming to attract tourists to Belfast.

CC12 High Buildings states that high buildings must be sympathetic in scale to the traditional height of buildings in the city centre.

IND2 Urban Renewal and Business Development encourages the provision of land for business development.

The development meets the requirements of all of the above policies in that the development will bring a hotel to the city centre, with bar and conference facilities and the height and design is considered appropriate in the context of the site and surrounding area.

8. The site is also unzoned white land in the draft BMAP and BMAP 2015. The proposal is considered to remain acceptable having regard to both draft BMAP and BMAP 2015.

Reason for the delay in issuing the decision

9. The planning application was previously considered by the Planning Committee in May 2016. It resolved to grant planning permission subject to conditions and a Section 76 planning agreement. The planning permission has not yet been issued as the Section 76 planning agreement has yet to be completed.

Recommendation

10. Having regard to the updated assessment of the policy considerations set out in this report, the assessment undertaken in the original committee report attached to this addendum report, and all other relevant material considerations, it is recommended that delegated authority is given to the Director of Planning and Building Control to grant conditional planning permission subject to the conclusion of the Section 76 planning agreement.

Appendix 1: Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 June 2016	
Application ID: Z/2015/0176/F	
Proposal: construction of basement carpark, 250 bed hotel including; bar, conference facilities and ancillary accommodation, and demolition of 2 storey structure and multi deck carpark	Location: 21-29 Corporation Street and 18-24 Tomb Street Belfast BT1 3BA
Referral Route: Major Application	
Recommendation:	Approval
Applicant Name and Address: McAler and Rushe Ltd 17-19 Dungannon Road Cookstown BT80 8TL	Agent Name and Address: Todd Architects 6 Queens Road Belfast BT3 9DT
<p>Executive Summary:</p> <p>The application seeks full planning permission for the construction of basement carpark, 250 bed hotel including; bar, conference facilities and ancillary accommodation, and demolition of 2 storey structure and multi deck carpark.</p> <p>The key issues in the assessment of this application are:</p> <ul style="list-style-type: none"> • The principle of the hotel development at this location; • The impact on the character and appearance of the area • The impact on existing roads infrastructure; and <p>The site is located within the Belfast City Centre as designated in the Belfast Metropolitan Area Plan. It is also within the City Centre Conservation Area and the Laganside North and Docks Character Area (CC015). The principle of the hotel use is acceptable given the planning history on the site for an almost identical proposal, the site's city centre location. The proposal does not conflict with area plan designations.</p> <p>The proposed height of the building is 37 metres which exceeds the guidance as set out in BMAP, which states building height should be a maximum of 5 or 6 storeys. However, at this location given the scale of the adjacent buildings; and the planning history on site for a similar scale building it is considered that the proposed height, scale and mass would not result in harm to the character and appearance of the area.</p> <p>The proposed design and treatment of the elevations are consistent with the area, incorporating a similar fenestration, solid to void ratios and materials.</p> <p>In terms of amenity, there are no residential uses in the vicinity of the application site nor are there any other sensitive land uses which could be adversely impacted upon.</p>	

All Consultees have offered no objections to the proposal, subject to conditions.

No objections from third parties have been received.

The proposal is in accordance with the development plan and all other material considerations and on balance considering the lack of objection from consultees, the presence of extant planning permission for a similar scale building on the site, the development is considered acceptable.

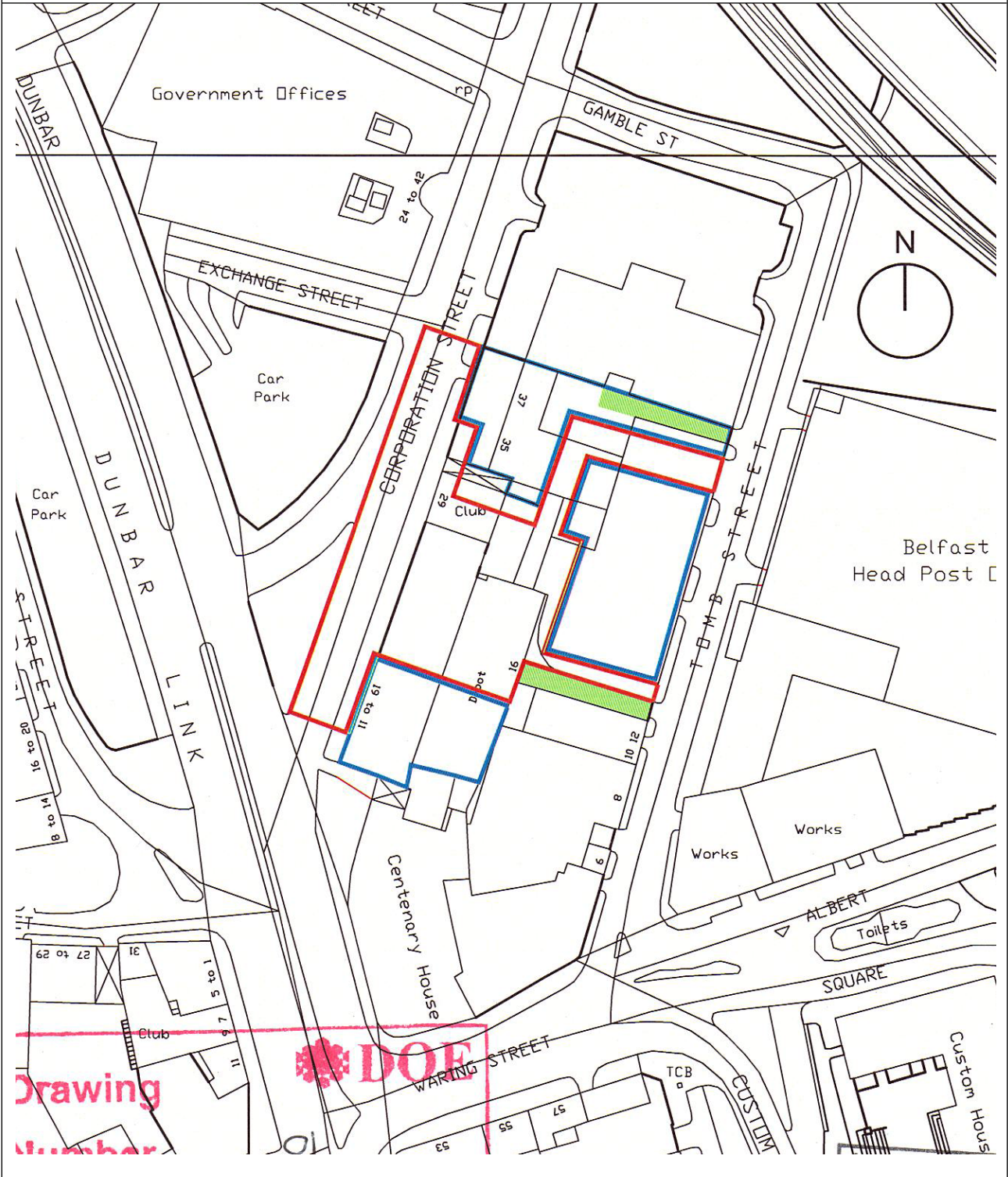
Recommendation

Approve subject to conditions set out in the case officer report and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions.

If members are minded to approve the application it is also requested that authority is delegated to the Director of Planning and Place, on behalf of the Council in consultation with Legal Services, to enter into the Section 76 agreement.

Case Officer Report

Site Location Plan



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	Construction of 250 bed hotel including; bar, conference facilities and ancillary accommodation and demolition of 2 storey structure and multi deck car park
2.0	Description of Site
	The proposed site is located at 21-27 Corporation Street. It is occupied by a 2 storey building, a 4 storey car park and a surface level car park.
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History
	Z/2008/2396/F Proposal: Construction of basement car park, 250 bed hotel including bar, conference facilities and ancillary accommodation and demolition of 2 storey structure and multi-deck car park at 21-29 Corporation Street and 18 - 24 Tomb Street, Belfast, BT1 Decision: Approved Decision Date: 14.01.2010
	Z/2004/0227/F Proposal: Office development including ancillary car parking on ground floor (renewal of planning permission Z/1998/2816) at 21 27, Corporation Street, Town Parks, Belfast Decision: Approved Decision Date: 10.06.2004
	Z/1998/2816/F Proposal: Office development including ancillary car parking on ground floor at 21 27, Corporation Street, Town Parks, Belfast. Decision: Approved Decision Date: 06.05.1999
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015
4.2	Relevant Policy includes: 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 Planning Policy Statement 15: Planning and Flood Risk Planning Policy Statement 16: Tourism
5.0	Statutory Consultees
	Transport NI – Preliminary clearing response NIEA Historic Monuments Unit – No objections subject to conditions

	NIEA Waste Mgmt Unit- No objections subject to conditions NIWater- No objection River Agency- No Objection
6.0	Non-Statutory Consultees Environmental Health BCC – No objection subject to conditions
7.0	Representations None received
8.0	Other Material Considerations Belfast City Centre Regeneration and Investment Strategy 2015
9.0	Assessment
9.1	The key issues in the assessment of the proposed development are: <ul style="list-style-type: none"> - The acceptability of proposed hotel use at this location - Impact upon character and appearance of the area - The impact on existing roads infrastructure <p><u>Principle of development</u></p>
9.2	The site is located within the development limits and within the Laganside North and Docks Character Area (CC015) as designated in BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations detailed below. <p><u>Hotel Use</u></p>
9.3	In terms of the proposed hotel use, the site is located in an area within the city centre which has suffered from substantial urban decay over the last quarter of a century. Belfast City Council's Regeneration and Investment Strategy, which identifies the locality in which the site sits as an 'Underdeveloped Area'. One objective of the Strategy is to expand the growth of the City Centre into these underdeveloped areas, which are sited around the periphery of the centre. In line with Belfast City Council's objective, the area is currently undergoing a process of transformation and indeed the application site is located within close proximity to a number of significant redevelopment sites, including the new University campus. It would be anticipated that a hotel use will bring increased vitality and viability to this area of the City Centre and is a typical use found in such a location. <p><u>Assessment Against Urban Design Criteria in BMAP 2015</u></p>
9.4	The site is located within Laganside North and Docks Character Area (CC015) as designated in the BMAP 2015. This sets out a number of Urban Design Criteria (UDCs) for the area and makes specific reference to the area where the site is location- <i>'in the areas bounded by York Street, M3 Bridge, Queens Square and Dunbar link building heights shall be a minimum of 3 storey and a maximum of 5 or 6 storeys with a setback upper floor.</i> Whilst the proposal is much higher at 12 storeys it benefits from planning history for an almost identical proposal which remained extant at the time of submission. In any case, given the scale of the buildings and the existing infrastructure in the vicinity of the application site it is reasonable to conclude that the key site requirements can be set aside with more weight being attached to the existing context and the planning history. <p><u>Impact on the Character of the Area</u></p>

9.5	<p>The existing environment context is considered of poor quality, consisting of surface level car parks and buildings which have fallen into dilapidation and disrepair. The proposal whilst not noteworthy in terms of design will undoubtedly assist in re-invigorating the area providing a better sense of place.</p> <p><u>Tourism</u></p>
9.6	<p>Planning Policy Statement 16: Tourism is a material consideration in the assessment of the proposal. Policy TSM 1, Tourism Development in Settlements and TSM 7 Criteria for Tourism Development apply. The proposed development will help to contribute to the growth of the economy, by facilitating more accommodation for tourists at a time when hotel occupancy rates are at an all-time high. In terms of the specific criteria set out under TSM 7 the proposal fully complies.</p> <p><u>Impact on Area of Archaeological Potential</u></p>
9.7	<p>The proposal has been assessed against Policy BH4 of PPS6. NIEA Historic Monuments Unit has considered the impact of the proposal and is content, conditional on the agreement and implementation of a developer-funded programme of archaeological works to identify and record any archaeological remains in advance of construction or to provide for their preservation in situ. Conditions are detailed below.</p> <p><u>Traffic and Parking</u></p>
9.8	<p>Whilst formal consultation from Transport NI has yet to be received, they have, however, furnished Belfast City Council with an email advising that they are content for the application to be taken forward to Council. TNI has also advised that they contacted the applicant directly to seek a revised PSD to bring the outstanding transport matters to a conclusion.</p> <p><u>Flooding</u></p>
9.9	<p>The proposal has also been assessed against Policies FLD 1 of PPS15. The proposal is affected by the 1 in 200 coastal flood plain of Belfast Lough which encloses the entire site. The proposal is considered to be an exception to this policy in that there is planning history for an almost identical scheme which remained extant at the time of submission of the current application. Rivers Agency requested a Flood Risk Assessment in accordance with this policy. Rivers Agency having considered the report is now content. The proposal therefore complies with PPS 15.</p> <p><u>Other Matters</u></p>
9.10	<p>Belfast City Council's Environmental Protection Unit and NIEA Waste Management have offered no objections to the proposal provided that conditions are attached to any planning approval to ensure that any contamination that is found on site is suitably mitigated against.</p> <p><u>Developer Contributions</u></p>
9.11	<p>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 to provide contributions to local environmental improvements, open space, accessibility and movement of visitors.</p>

9.12	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.
10.0	Summary of Recommendation: Approval
10.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval is recommended subject to conditions.
11.0	Conditions
11.1	<p>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.</p> <p>Reason: Time Limit.</p> <p>2. 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.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p> <p>3. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department 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> <p>4. No development shall commence until the applicant has submitted evidence in writing to the Planning Authority for its agreement demonstrating that the risks to groundwater and other environmental receptors due to on-site contamination of the ground and groundwater have been effectively assessed. This evidence should include:</p> <ul style="list-style-type: none"> • Groundwater quality monitoring data and a quantitative risk assessment to investigate the risks to groundwater from soil and shallow groundwater contamination identified at the site, • If unacceptable risks to groundwater are identified provision of remedial criteria as soil and groundwater concentrations that would not pose a risk to receptors. The remedial criteria are required to be derived through quantitative risk assessment based on the conceptual site model. If unacceptable risks to receptors are identified a remediation strategy will be required to address those risks. <p>Reason: Protection of human and environmental health.</p>

5. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified from Condition 1. This strategy must be submitted in writing and agreed with the Planning Authority and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

Reason: Protection of human and environmental health.

6. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under Condition 2 have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

Reason: Protection of human and environmental health.

7. After completing the remediation works under Conditions 4, 5 and 6; 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.

Reason: Protection of human and environmental health.

8. All fuel storage tanks (and associated infra-structure) must be fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater has been verified.

Reason: Protection of human and environmental health.

9. Prior to development boreholes BH1 and BH4 must be fully decommissioned and in line with SEPA guidance document Good practice for decommissioning redundant boreholes and wells (UK Groundwater Forum). Evidence for the decommissioning will be provided in the verification report required for Condition 7.

Reason: Protection of human and environmental health.

10. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at

<http://publications.environmentagency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

Reason: Protection of human and environmental health.

11. The development must comprise a full cover of hardstanding effectively breaking

the pollutant linkage from the identified elevated concentrations of nickel present on the site. Any imported soil for soft landscaping purposes must be demonstrably suitable for commercial end use.

Reason: Protection of human and environmental health.

12. The applicant, on completion of the works and prior to the occupation of the proposed development, shall provide to the Belfast Planning Service, for approval, a Verification Report. This report must demonstrate that the remedial measures outlined in the RPS Group Ltd contaminated land risk assessment titled: *McAleer and Rush LTD. proposed hotel development corporation street, Belfast. phase ii Ground Contamination Assessment Report (dated April 2009 and referenced IBP0113/Reports)* have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end use (commercial). 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 Environment Agency.

Reason: Protection of human and environmental health.

13. The Verification Report must confirm that all above ground fuel storage tanks and associated pipe works present on the site have been removed and decommissioned in accordance with Pollution Prevention Guidelines *Above Ground Oil Storage Tanks: PPG2*. Verification samples of the soil beneath the decommissioned tank will be analysed to assess any potential impact from Hydrocarbon contamination.

Reason: Protection of human and environmental health.

14. The Verification Report must demonstrate that 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. This is to include:
- a. A fully tanked basement car park to include ventilation extraction systems. This ventilation must be designed in accordance with Building Regulations 2012 Guidance Technical Booklet K and the Institute of Structural Engineers, *Design recommendations for multi-storey and underground car parks*.
 - b. For all parts of the building not overlaying the basement car park
 - 1) An appropriate gas and hydrocarbon vapour resistant membrane must be installed and certified by a specialist contractor. All service entrance points, joints and penetrations within this membrane must be demonstrably sealed and certified as being sound.
 - 2) Passive sub floor ventilation
 - 3) Reinforced concrete ground bearing floor.

Reason: Protection of human and environmental health.

ANNEX	
Date Valid	12th January 2015
Date First Advertised	22nd May 2015
Date Last Advertised	22nd May 2015
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 01,18A Tomb Street,Town Parks,Belfast,Antrim,BT1 3AS, The Owner/Occupier, 10-14,Tomb Street,Town Parks,Belfast,Antrim,BT1 3AS, The Owner/Occupier, 10-14,Tomb Street,Town Parks,Belfast,Antrim,BT1 3AS, The Owner/Occupier, 11-17,Corporation Street,Town Parks,Belfast,Antrim,BT1 3BA, The Owner/Occupier, 11-17,Corporation Street,Town Parks,Belfast,Antrim,BT1 3BA, The Owner/Occupier, 11-17,Corporation Street,Town Parks,Belfast,Antrim,BT1 3BA, The Owner/Occupier, 11-17,Corporation Street,Town Parks,Belfast,Antrim,BT1 3BA, The Owner/Occupier, 19 Corporation Street,Town Parks,Belfast,Antrim,BT1 3BA, The Owner/Occupier, 24-42,Corporation Street,Town Parks,Belfast,Antrim,BT1 3DR, The Owner/Occupier, 26-36,Tomb Street,Town Parks,Belfast,Antrim,BT1 3AS, The Owner/Occupier, 29 Corporation Street,Town Parks,Belfast,Antrim,BT1 3BA, The Owner/Occupier, 39 Corporation Street,Town Parks,Belfast,Antrim,BT1 3BA, The Owner/Occupier, 39 Corporation Street,Town Parks,Belfast,Antrim,BT1 3BA, The Owner/Occupier, 5,11-17,Corporation Street,Town Parks,Belfast,Antrim,BT1 3BA, The Owner/Occupier, 8 Tomb Street,Town Parks,Belfast,Antrim,BT1 3AS, The Owner/Occupier, Car Park,27 Corporation Street,Town Parks,Belfast,Antrim,BT1 3BA, The Owner/Occupier, Graham House,Albert Square,Town Parks,Belfast,Antrim,BT1 3EQ, The Owner/Occupier, Muti Storey Car Park,16 Tomb Street,Town Parks,Belfast,Antrim,BT1 3AS, The Owner/Occupier,</p>	
Date of Last Neighbour Notification	14 th May 2015

Date of EIA Determination	N/A
ES Requested	No
Planning History	
<p>Ref ID: Z/1998/2816 Proposal: Office development including ancillary car parking on ground floor Address: 21-27 CORPORATION STREET BELFAST BT1 Decision: Decision Date:</p>	
<p>Ref ID: Z/2004/0227/F Proposal: Office development including ancillary car parking on ground floor (renewal of planning permission Z/1998/2816) Address: 21 27, Corporation Street, Town Parks, Belfast, Northern Ireland, BT01 3BA Decision: Decision Date: 16.06.2004</p>	
<p>Ref ID: Z/2002/0222/F Proposal: Construction of 9 storey office block with integral car parking at lower ground floor and mezzanine levels (Amended Scheme). Address: 35-37 Corporation Street/ 18-24 Tomb Street Decision: Decision Date: 03.04.2003</p>	
<p>Ref ID: Z/1999/2644 Proposal: Six storey office development with 17 car parking spaces at ground level. Address: 35-37 CORPORATION STREET, BELFAST BT1 Decision: Decision Date:</p>	
<p>Ref ID: Z/2001/2329/O Proposal: Demolition of existing retail/office buildings. Construction of 6 storey office buildings with car parking Address: 11/19 Corporation Street, Belfast Decision: Decision Date: 28.12.2001</p>	
<p>Ref ID: Z/2002/2693/F Proposal: Scheme 2, Mixed use development comprising retail, hotel, apartments, offices and ancillary Address: Lands at Donegall Quay, Belfast, Decision: Decision Date: 28.11.2003</p>	
<p>Ref ID: Z/2008/2396/F</p>	

Proposal: Construction of basement car park, 250 bed hotel including bar, conference facilities and ancillary accommodation and demolition of 2 storey structure and multi-deck car park
Address: 21-29 Corporation Street and 18 - 24 Tomb Street, Belfast, BT1
Decision:
Decision Date: 14.01.2010

Drawing Numbers and Title

01, 02, 03B, 04A, 05B, 06A, 07A, 08B, 09A, 10A

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department: