

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 19 February 2019	
<b>Application ID:</b> LA04/2018/1991/F and LA04/2018/1968/LBC	
<b>Proposal:</b> Demolition of existing non-listed buildings and redevelopment of site to accommodate office-led mixed-use development comprising Class B1 (a) office, ancillary Class B2 industrial floorspace, active ground floor uses retail (A1), restaurants, cafes and bars (sui generis); basement parking and associated access and circulation. Proposals include the retention and restoration of the listed Seaver building comprising façade restoration, new roof and reintroduction of dormers, replacement windows and reinstatement of original entrance to southern façade.	<b>Location:</b> Belfast Telegraph Complex 122-144 Royal Avenue Belfast BT1 1DN
<b>Referral Route:</b> Belfast City Council has an interest in the land/is the Applicant	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> BelTel LLP C/O McAleer and Rushe 17-19 Dungannon Road Cookstown BT80 8LT	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<b>Executive Summary:</b>  <p>Planning permission is sought for demolition of non-listed buildings, refurbishment and retention of the listed Seaver building and the erection of a mix-use development bounding Royal Avenue, Little Donegall Street and Donegall Street at varying heights from 6-8 storeys. The predominant use on the ground floor will be commercial (cafes/bar/restaurant) including an arcade between Donegall and Little Donegall Streets. The floors above will be predominantly office use. The total floorspace created will be in the region of 31,500 square metres.</p> <p>The site is located within the development limits for Belfast. The site is unzoned whiteland within the draft BMAP 2015 and also falls within the City Centre limit, the Scotch/Cathedral character area and the city centre area of parking constraint under draft BMAP 2015. It includes a listed building which is the Belfast Telegraph building within the same block.</p> <p>The main issues to be considered are;</p> <ul style="list-style-type: none"> <li>- The principle of demolition of the non-listed buildings,</li> <li>- The principle of the height and design of the proposed new building,</li> <li>- The principle of restoration of the listed building,</li> <li>- The principle of the use of the proposal,</li> <li>- The impact on traffic and parking,</li> </ul>	

- Impact on the amenity of the area,
- Impact on human health and safety;
- The consideration of economic benefits
- The consideration of site drainage, and
- Consideration of developer contributions

The proposal has been assessed against the draft development plan (dBMAP 2015) and relevant regional planning policies. The proposal is considered to be compatible with the zoning of the site and compliant with regional policy.

No representations from the public have been received. Transport NI, Environmental Health, Historic Environment Division, Water Service, NIEA, Shared Environmental Services, Rivers Agency and Belfast City Airport were consulted and their responses are detailed in the main body of the report.

**Recommendation**

Having had regard to the development plan and other material considerations it is recommended that the application and listed building consent are approved subject to conditions. Delegated authority is requested to finalise the wording of conditions.

## Case Officer Report

### Site Location Plan / Visuals







1.0	<p><b>Description of Proposed Development</b> Demolition of existing non-listed buildings and redevelopment of site to accommodate office-led mixed-use development comprising Class B1 (a) office, ancillary Class B2 industrial floorspace, active ground floor uses retail (A1), restaurants, cafes and bars (sui generis); basement parking and associated access and circulation. Proposals include the retention and restoration of the listed Seaver building comprising façade restoration, new roof and reintroduction of dormers, replacement windows and reinstatement of original entrance to southern façade.</p>
2.0	<p><b>Description of Site and Area</b> The site is bounded by Royal Avenue, Donegall Street and Little Donegall Street and is adjacent to the Cathedral Conservation Area and proximate to the City Centre Conservation Area. At present the site comprises the Grade B2 listed Seaver Building with its associated extensions as well as the more modern building on the corner of Royal Avenue and Donegall Street. The existing buildings vary from three to six floors.</p> <p>The area is characterised by commercial, non-residential uses such as retail, office and the University of Ulster buildings. There are two notable listed buildings in the vicinity, the Frames Building and Central Library. There are a number of planning approvals in the vicinity including the University of Ulster Building and the Frames Building redevelopment.</p>
<p><b>Planning Assessment of Policy and other Material Considerations</b></p>	
3.0	<p><b>Z/2004/0303/F</b> - 124-144 Royal Avenue, Belfast - Adjustments to existing roof to facilitate the installation of a new printing press – PERMISSION GRANTED – 17.05.2004</p> <p><b>LA04/2017/2209/F</b> – Temporary change of use of former printing hall to event space for a period of 2 years including internal alterations and creation of two emergency exits onto Donegall Street. – TEMPORARY PERMISSION GRANTED – 29.11.2018</p>
4.0	<p><b>Policy Framework</b></p>
4.1	<p>Regional Development Strategy 2035;</p>
4.2	<p>Belfast Urban Area Plan 2001; Draft Belfast Metropolitan Area Plan 2004 (draft BMAP) Belfast Metropolitan Area Plan (BMAP) 2015 (purported to be adopted);</p>
4.3	<p>Strategic Planning Policy Statement for NI (SPPS); and Planning Policy Statement 3 – PPS 3 - Access, Movement and Parking Planning Policy Statement 4 – PPS 4 - Planning and Economic Development Planning Policy Statement 6 – PPS 6 - Planning, Archaeology and the Built Environment Planning Policy Statement 13 – Transportation and Land Use Planning Policy Statement 15 – Planning and Flood Risk</p>
5.0	<p><b>Representations:</b> None received.</p>

<b>6.0</b>	<b>Assessment</b>
<b>6.1</b>	<b>Consultations:</b>
	<p>The following bodies were consulted as part of the processing of this application:</p> <ul style="list-style-type: none"> <li>• TransportNI</li> <li>• Belfast City Council's Environment and Health Services Dept.</li> <li>• Historic Environment Division</li> <li>• Water NI</li> <li>• Rivers Agency</li> <li>• NIEA</li> <li>• Shared Environmental Services</li> </ul>
6.1.1	Many of these consultees had been consulted as part of the Pre-application Discussion that was undertaken prior to the submission of the proposals.
6.1.2	Transport NI were consulted and are content. They recommended conditions and informatives.
6.1.3	HED have stated that the recently amended scheme is compliant with policy and they have provided negative conditions.
6.1.4	Environmental Health requested clarification on matters such as noise and contamination. This information was prepared and submitted and they have since recommended conditions and informatives.
6.1.5	Water NI were consulted and referred to a pre-development enquiry received in May 2018 and the information contained in their response to same. The applicant is therefore aware of the infrastructure requirements in terms of water and waste management.
6.1.6	Rivers Agency were consulted and requested clarification from NI Water regarding a new storm sewer. Following receipt of this clarification, there are no objections.
6.1.7	NIEA were consulted and recommended conditions and informatives regarding contamination. NED required further information regarding bats which was provided. The report confirmed that there are no bats roosting in the structure.
6.1.8	Shared Environmental Services were consulted and recommended an informative regarding the Natural Habitats Regulations.
<b>6.2</b>	<b>Development Plan</b>
6.2.1	Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.
6.2.2	Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be

	attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.
6.2.3	Given the advanced stage that draft 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.
6.2.4	Draft Belfast Metropolitan Area Plan 2004 is also a material consideration.
6.2.5	The proposed development lies within the development limit for Belfast City Centre (CC001), within Scotch/Cathedral Character Area (CC010), and within the Belfast City Core Area of Parking Restraint (CC025).
<b>6.3</b>	<b>Policy Context</b>
6.3.1	Planning Policy Statement 3 – PPS 3 – Access, Movement and Parking outlines the requirements for developments. Transport NI were consulted and have no objection.
6.3.2	Planning Policy Statement 4 – PPS 4 – Planning and Economic Development contains a number of policies against which economic development proposals (including suis generis uses) can be assessed. Policy PED 9 outlines general criteria for economic development and Criteria (a), (b), (c), (e), (g), and (h) apply. Therefore the policy requires that it is compatible with surrounding land use, does not harm the amenity of nearby residents, does not adversely affect features of the natural or built heritage, and provides adequate and sustainable parking and access. There is no evidence that the proposal will contravene any of the criteria.
6.3.3	Planning Policy Statement 6 – PPS 6 – Planning, Archaeology and the Built Environment outlines policies relevant to protecting the built environment and as there is a listed building within the site, Policies BH8 and BH11 are relevant and are explored in the paragraphs below.
6.3.4	The core issues associated with the proposals were discussed in detail at Pre-Application Discussion (PAD) stage and are further outlined below.
<b>6.4</b>	<b>Principle of the proposed uses and economic benefits:</b>
6.4.1	Office uses above ground floor are appropriate to the context and given the recent residential approvals nearby and the University development, the proposal will add a large office/daytime working element to the local land-use context. Restaurants and bars in the ground floor are welcomed as they will ensure night-time vitality and will encourage local residents and workers to use the building after office hours.
6.4.2	Paragraphs 4.18 and 4.22 of the SPPS state that planning authorities should take a positive approach to appropriate economic development proposals and pro-actively support and enable growth generating activities. It further states that the environment is an asset for economic growth in its own right and planning authorities must balance the need to support job creation and economic growth with protecting and enhancing the quality of the natural and built heritage. In this case around 31,500 sq. m of office space (with some retail and restaurant uses) will contribute to job creation and economic vitality locally. The proposal would therefore have a positive impact on the economy and this is an important material consideration.



<b>6.5</b>	<b>Principle of demolition of buildings (excluding Seaver Building) on the site:</b>
6.5.1	Demolition of the non-original extensions to the listed building as well as the modern building on the corner of Royal Avenue and Donegall Street were considered and it was agreed that as the Seaver Building is the key asset on the site, demolition would be acceptable on the proviso that the replacement scheme was appropriate to the site and sensitive to the listed building.
6.5.2	The proposed demolitions remove modern buildings of minimal architectural value which do not contribute to the character of the immediate area or the value of the listed building and there is therefore no objection to their loss.
6.5.3	This is further reflected in the consultation response from Historic Environment Division (HED) dated 4 <sup>th</sup> February 2019.
<b>6.6</b>	<b>Restoration of the listed Seaver Building</b>
6.6.1	Policy BH8 of PP6 details the criteria to be met when extending or altering a listed building. The proposed building has evolved through many design iterations. The amended scheme seeks to sit alongside the Seaver building as an integral redevelopment whereby the Seaver Building will be bolstered on both sides by new-build offices and the back of the listed building will be an integral feature of the proposed arcade.
6.6.2	The proposed use of restaurant/bar on the ground floor and offices above are considered appropriate for the listed building as it will bring the currently disused building back into use.
6.6.3	Externally, the dormers were subject to much discussion throughout the PAD and planning application stage. The final solution which was agreeable to all consultees culminated in three dormers along Royal Avenue and four along Library Street with a single dormer on the chamfered corner which reflects the original number and pattern of dormers on the building. The materials are proposed to be bronze coloured PCC metal framed windows with PPS glazed caps.
6.6.4	Materials on the adjacent new build portions of the development were negotiated to ensure they were high quality, appropriate and respectful to the listed building. Detailing of these will be secured via negative condition to ensure samples can be examined on site.
6.6.5	Internally, the rear wall of the Seaver Building which abutted the new atrium was redesigned on request to incorporate the historic mullions as design feature.
6.6.6	HED have asked that conditions are placed on any approval which would ensure retention/protection of cast iron structures and piers and also that all detailing/alterations/interventions are agreed first with BCC/HED. In addition, method statements are required.
6.6.7	Officers agree that the proposal meets the criteria of Policy BH8 in that the essential qualities of the building and its setting are retained, the works use appropriate and sympathetic materials and that the detailing of doors, gutters, windows etc match or are in keeping with the building. These conditions are recommended.

<b>6.7</b>	<b>Height and design of the proposed new build:</b>
6.7.1	Policy BH11 of PPS deals with development affecting the setting of a listed building and provides criteria against which proposals can be assessed. Of key importance are the requirement for traditional and sympathetic materials and techniques which respect those found on the building. It also requires the detailed design of any proposal to respect the listed building in terms of scale, height, massing and alignment. The design of the new-build elements has required a collaborative relationship between the applicant and their architects and agent, key input from Historic Environment Division and planning officers including the Urban Design Officer. Amendments have been submitted which have dealt with areas of initial concern.
6.7.2	The height and massing has taken its lead from key neighbouring and listed buildings such as the existing extension on Little Donegall Street, the Seaver Building, Frames Building, the Central Library and the new university building. The design and layout of the new-build elements are crucial in creating an exciting and vibrant scheme whilst enhancing the primacy of the listed building in its immediate context. The outcome has created a dynamic layout and elevational treatment which has the opportunity to become a city-centre exemplar. The development as a whole will have three main elevations and each will be discussed in turn.
	<u>Royal Avenue</u>
6.7.3	The Royal Avenue elevation is key to the success of the development as it is the main thoroughfare to the adjacent conservation area, and the source of primary visibility of the listed building. In addition it is this elevation that most noticeably must achieve coherence between its modern new-build and existing listed elements and contains the longest views.
6.7.4	Different design proposals were developed for this portion of the site with height, massing and materiality being the key considerations. BCC in conjunction with HED had concerns that the new building was overpowering the listed building and that the height and massing as proposed created a monolithic presence. It was suggested that the façade be broken up and a step down to the listed building. As a result, the design was revisited and the frontage broken into two design elements: one of 6 no storeys/4 bays with more muted materials, and one of 8 storeys/6 bays with more vibrant spandrel panels and a double height window feature on the 7 <sup>th</sup> and 8 <sup>th</sup> storeys. A Level 06 setback adjacent to the listed building allows the listed building to take primacy and the height of this section of the new building sits around 8.0m below the taller eight storey corner section of the building and only around 2.0m above the height of the new dormers proposed on the listed building.
6.7.5	The proposed Royal Avenue elevation now respects the scale and setting of the listed building while reflecting two distinctive plot widths, a lower (23m high / 12m wide / 2 bay) six storey section and a taller (31m high / 17m wide / 3 bay) eight storey section, which marks and turns the corner of Royal Avenue and Donegall Street. The total of five bays contained in both sections of the new façade is also a nod historically towards the five bay arrangement contained within the former Victorian building that once stood on this site.
6.7.6	HED state that the “revised views supplied show the changed massing has mitigated the size of the new build beside the listed building” as well as the impacts on the Central Library and Frames Building.

<p>6.7.7</p>	<p><u>Little Donegal Street/Library Street</u> The Library Street/Little Donegall Street elevation also contains a meeting of old and new with the listed building abutting the new build element. Immediately adjacent to the listed building on this frontage is the entrance to the arcade. HED and BCC initially expressed similar concerns to those regarding the Royal Avenue elevation in that the new build element was overpowering the listed building and floor to ceiling heights were not being reflected. Some changes were made to the visual horizontal cues, the height was reduced to 5 no storeys with setbacks on the 6<sup>th</sup> and 7<sup>th</sup> storeys. The use of red brick spandrels along Library Street/Little Donegall Street is considered an appropriate alternative design intervention in lieu of a cornice detail along this elevation.</p>
<p>6.7.8</p>	<p>The existing, modern structures on the site are of considerable height and massing. Given the existing buildings on the site as well as the nearby University of Ulster building, the proposed height and massing is considered comparable and appropriate in the context.</p>
<p>6.7.9</p>	<p><u>Donegall Street</u> The Donegall Street elevation is the only one of the three which does not have an immediate context to the listed building. The design comprises of four distinct elements of varying heights but uniform horizontal cues and fenestration treatments. The bay widths are 4, 4, 6 and 6. The second element contains the corresponding arcade entrance to that of the Little Donegall Street entrance. Design amendments addressed initial concerns regarding the number of planes on upper levels and has sought to rationalise the setbacks.</p>
<p>6.7.10</p>	<p>While the proposed shoulder heights along Donegall Avenue represent a marginal increase on existing, particularly at the junction with Royal Avenue, it is considered that the resultant elevation is a marked improvement over the existing arrangement and more reflective of historic plot widths in this area.</p>
<p>6.7.11</p>	<p>The increase in height at this busy junction is justified from an urban design viewpoint, given that historically streetscapes increased in height at corners with buildings forming corner marker statements. The proposed height is below that of the new University building on the opposite corner of Donegall Street and will provide a good quality backdrop building to Cathedral Gardens diagonally opposite.</p>
<p>6.7.12</p>	<p>Officers initially expressed concern with regards to the proposed L08 plant which was further reduced in response. The northern edge is now fully setback from the front elevation of the building by around 16m (with some relocated to the basement area), this will assist in mitigating the visual impact at this level particularly in relation to public views from Cathedral Gardens diagonally opposite. A running track is also proposed around the full extent of the plant enclosure (circuit of around 130m), which is a welcomed.</p>
<p>6.7.13</p>	<p>The proposal meets the requirements of Policy BH11 in that the height and massing have been amended to take cognisance of the listed building and the requirement for it to retain primacy in its setting. The nature of the proposal respects the setting of the listed building and the nature of the use is appropriate.</p>
<p><b>6.8</b></p>	<p><b>Materials</b></p>
<p>6.8.1</p>	<p>The new build is to be primarily faced in brick. Multiple bonds of facing brick are proposed along alternative bays and also for setbacks. This approach is welcomed as it helps to accentuate the vertical break-up of the street elevations whilst retaining</p>

	<p>a uniform approach at ground floor. The various brick tones and bonds reflect the materials of the listed building and there are common design elements throughout.</p>
6.8.2	<p>The Urban Design Officer expressed some concern with the introduction of 700mm high bronze coloured PPC metal extract louvres below ground floor windows where previously full glazing was proposed. He suggests that these need to be examined in further detail to fully explore the impact of and need for these panels.</p>
6.8.3	<p>He further suggests that appropriate conditions be attached that seek approval of all materials, requiring sample panels of proposed facing brick, red glazed brick, bronze coloured PPC window framing, bronze PPC spandrel panels, buff coloured concrete spandrel panels, PPC steel handrails, PPC metal panels to plant enclosure, bronze coloured PPC metal gates, bronze coloured PPC horizontal metal extract louvres and weather steel clad on-wall dormers (including PPC glazing caps) should be submitted and assessed on site where appropriate. As these finer details are key to achieving the overall vision for the scheme as presented in the drawings, it is considered that conditioning these matters is essential.</p>
<b>6.9</b>	<p><b>Arcade</b></p>
6.9.1	<p>Throughout the formal planning application this design ethos around the arcade has diluted considerably and despite requests from officers and consultees, the applicant has expressed that while an arcade remained integral to the proposal, it is now of a more domestic scale, will be closed at night and will be more ancillary to the building rather than a feature in its own right.</p>
6.9.2	<p>HED in their response of 4<sup>th</sup> February 2019 similarly state that the arcade has not been expressed as a new street and that the previous concerns regarding this issue had not been addressed. The reduced concept of the arcade is a missed opportunity but on balance it is considered to be acceptable.</p>
6.9.3	<p>Discussion regarding the design of the entrance elements to the arcade has centred on high quality signage, lighting and glazing as well as detailing of any security enclosures. It was advised on a number of occasions that PSNI have communicated to BCC that recessed entrances should be avoided as these cause security issues for both landowners and law enforcement. The applicant was encouraged to ensure that any such enclosures should be of appropriate material and should not create recessed enclosures.</p>
6.9.4	<p>The final submission has however submitted proposals for recessed enclosures on both elevations. The Urban Design Officer states: "While I would have no objection in principle to the proposed bronze coloured PPC steel hinges security gates, I would have concerns regarding the 2.2m recesses along both elevations which may prove difficult to manage in relation to potential anti-social behaviour. This issue has been raised with the applicant on a number of occasions in an effort to design out such spaces from the off-set so as to avoid any future 'defensive architecture' solutions being utilised as an afterthought."</p>
6.9.5	<p>The prevention of anti-social behaviour via design can be a material planning consideration and it is recommended that this design issue can be resolved by means of a planning condition to require submission of an alternative design solution.</p>

<b>6.10</b>	<b>Impact on traffic and travel:</b>
6.10.1	A detailed Transport Statement was submitted which outlines the various transport options for end-users including rail and bus links, Belfast Bike hubs, nearby on-street car parking and pedestrian routes. A total of 28 no parking spaces and 128 no cycle parking spaces are proposed in the basement of the proposal. It is vital that all new developments in the city accommodate minimal car parking spaces whilst promoting sustainable methods of transportation.
6.10.2	DFI Roads were consulted and have no objections, and have provided conditions and informatives.
<b>6.11</b>	<b>Impact on residential amenity:</b>
6.11.1	In respect of potential noise, nuisance and disturbance from the intended use, following the submission of further reports regarding noise, the Environmental Health team are now content and advise conditions and informatives. These are recommended.
<b>6.12</b>	<b>Impact on human health and safety:</b>
6.12.1	Additional information regarding contamination was required and submitted to the Environmental Health team and NIEA. Both have advised that the information is acceptable and have advised conditions and informatives. These are recommended.
<b>6.13</b>	<b>Archaeology</b>
6.13.1	The application site is located within the Belfast Area of Archaeological Potential, designated to protect the above-ground and below-ground archaeological remains associated with early development of the settlement. Historic Environment Division: Historic Monuments Unit (HMU) have been consulted and considered the impacts of the proposal. HMU is content with the proposal, conditional on the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation <i>in situ</i> , as per Policy BH4 of PPS 6. Conditions are recommended accordingly.
<b>6.14</b>	<b>Site Drainage</b>
6.14.1	The proposal has been considered against Policy FLD 1 of the Revised PPS15 – ‘Development in Fluvial (River) and Coastal Flood Plains’. The Flood Hazard Map (NI) indicates that the development is not within any river or coastal flood plains Rivers Agency advises no objection to the proposed development. The proposal is therefore considered acceptable in terms of flood risk.
<b>6.15</b>	<b>Public realm and connectivity</b>
6.15.1	Public realm improvement works are proposed as part of this scheme. This includes enhancement of the footways bounding the site. This will help enhance the setting of the building and improve connectivity. Whilst the plans show indicative information with regards to public realm, it is recommended that a negatively worded “Grampian” condition is placed on any approval to ensure the finer details are agreed prior to commencement.

<p><b>6.16</b></p> <p>6.16.1</p> <p>6.16.2</p> <p>6.16.3</p> <p>6.16.4</p>	<p><b>Pre-Community Consultation</b></p> <p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application.</p> <p>Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2018/0585/PAN) was submitted to the Council on 13<sup>th</sup> March 2018. Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.</p> <p>A Pre Community Consultation Report has been submitted in support of this application. It outlined the consultations undertaken and detailed the 35 responses and how these were taken into account. Members of the public were in support of the redevelopment including restoration of the Seaver Building. Finer details such as the number of dormer windows and level of roof plant were reduced in response to feedback.</p> <p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>
<p><b>7.0</b></p> <p>7.1</p>	<p><b>Summary of recommendation</b></p> <p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable. Delegated authority is sought for the Director of Planning and Building Control to grant planning permission and finalise the wording of the conditions.</p>
<p><b>8.0</b></p> <p>8.1.1</p> <p>8.1.2</p>	<p><b>Conditions (final wording to be delegated to the Director of Planning and Building Control)</b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The development hereby approved shall not be occupied unless a detailed Noise Mitigation Strategy has been submitted to and approved in writing by the Council. The Noise Mitigation Strategy shall including the following information:</p> <ul style="list-style-type: none"> <li>-Façade noise insulation specification including the noise reduction specification of glazing and alternative ventilation to be installed to the facades of all ground floor commercial premises;</li> <li>-Façade noise insulation specification including the noise reduction specification of glazing and alternative ventilation to be installed in upper floors;</li> <li>-Noise reduction specification of any proposed entrance doors to bars/restaurants on the ground floor;</li> </ul>

	<p>-Measures to be incorporated to the ground floor units to minimise music noise breakout from access / egress points;          -Confirmation of the location of any proposed ground floor external smoking areas and measures for managing noise in these external areas.</p> <p>-The strategy must demonstrate how the design, layout and structural insulation of the proposed ground floor uses will mitigate against noise breakout from patrons and music.</p> <p>The development shall not be occupied unless the measures identified in the approved Noise Mitigation Strategy have been implemented in full.</p> <p>Reason: In the interest of human health and safety.</p>
8.1.3	<p>3. The development hereby approved shall not be occupied unless a Noise Verification Report which demonstrates the following has been submitted to and approved in writing by the Council:</p> <p>-Confirmation that structural façade and design mitigation measures as presented in the Noise Mitigation Strategy have been incorporated into the proposed development;          -That the rating level (dBLAr) from the operation of all combined rooftop plant does not exceed the existing daytime and night- time background noise level of 50dBLA90 and 45dBLA90 respectively when measured or determined in accordance with BS4142:2014;          -That the rating level (dBLAr) from the operation of all combined basement and ground floor plant does exceed the existing daytime and night time background noise level of 50 dBLA90 and 45 dBLA90 when measured or determined in accordance with BS4142:2014.</p> <p>Reason: In the interest of human health and amenity.</p>
8.1.4	<p>4. The development hereby approved shall not be commenced until details of the heating system specification and confirmation that any combustion appliances meet a minimum emission standard of &lt;40mg NOx/kWh as prescribed in the Envest July 2018 Air Quality Impact Assessment Report has been submitted to and approved in writing by the Council:</p> <p>Reason: Prevention of adverse air quality impacts</p>
8.1.5	<p>5. The development hereby approved shall not be commenced unless a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The CEMP shall include a programme of works and must clearly demonstrate the mitigation measures to be put in place to minimise adverse impacts from vibration, noise and dust on nearby premises. All demolition and construction must thereafter be implemented in accordance with the approved CEMP.</p> <p>Reason: Prevention of adverse impacts on nearby premises.</p>
8.1.6	<p>6. Throughout any demolition and construction phase, the dust mitigation measures outlined in the September 2018 Envest Construction Dust Impact Assessment Report must be implemented.</p> <p>Reason: Prevention of adverse impacts on nearby premises</p>

<p>8.1.7</p>	<p>7. Following demolition of necessary structures and prior to construction commencing, the applicant must submit to the Council an updated Generic Quantitative Risk Assessment (GQRA) and if required, an updated Remediation Strategy, for review and approval in writing. The area available for access following demolition of the necessary structures and tank removal must be considered via an updated risk assessment within the updated GQRA. Should unacceptable human health pollutant linkages be identified within the updated GQRA, an updated Remedial Strategy will be required which must outline the measures to be undertaken to ensure that on-site land and water contamination does not pose a potential risk to human health and that all identified pollution linkages will be demonstrably broken. This updated GQRA (and Remediation Strategy if required) must be submitted to and agreed in writing by the Council prior to further construction commencing on site. The updated GQRA must:</p> <ul style="list-style-type: none"> <li>-Be site and development-specific and be in accordance with the Model Procedures for the Management of Land Contamination (CLR11).</li> <li>-Provide an updated risk assessment for the site based on the additional investigation undertaken following demolition of necessary structures.</li> <li>-Detail any other relevant site-specific issues such as USTs, ASTs and potable water supplies.</li> </ul> <p>If required, the updated Remediation Strategy must:</p> <ul style="list-style-type: none"> <li>-Be site and development-specific and be in accordance with the Model Procedures for the Management of Land Contamination (CLR11).</li> <li>-Detail all on and off-site human health pollutant linkages e.g. degraded soils, degraded perched groundwaters, ground-gas, etc.</li> <li>-Detail how all remedial measures are to be verified and determined to be sufficient for the protection of human health.</li> </ul> <p>All construction thereafter must be in accordance with the approved updated GQRA (and approved updated Remediation Strategy if required).</p> <p>Reason: Protection of human health.</p>
<p>8.1.8</p>	<p>8. The development hereby approved shall not be occupied unless an Environmental Verification Report has been submitted to and approved in writing by the Council. This report must demonstrate that all remedial measures outlined within the final Remediation Strategy have been implemented and that the site is now fit for its proposed end-use (commercial). It must also demonstrate that the identified pollutant linkages have been broken. The Verification Report must be in accordance with current best practice and guidance as outlined by the Environment Agency.</p> <p>Reason: Protection of human health.</p>
<p>8.1.9</p>	<p>9. The development hereby permitted shall not be occupied or become operational until the vehicular access across lowered kerbs, including visibility splays of 2.4 m x 43 m, has been constructed. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway. Such splays shall be retained and kept clear thereafter at all times.</p> <p>Reason: To ensure that adequate provision has been made for access.</p>



8.1.10	<p>10. The development hereby permitted shall not become operational until the basement parking areas has been constructed in accordance with the approved layout Drawing No. (00)_P099, PROPOSED BASEMENT (B01) FLOOR PLAN published by the Belfast City Council Planning Office on 07 August 2018. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.</p> <p>Reason: To ensure that adequate provision has been made for parking and servicing.</p>
8.1.11	<p>11. Prior to occupation of the development hereby approved, a minimum of 128 No. cycle parking spaces and stands shall be provided and permanently retained for use by residents, staff and visitors to the development in accordance with Drawing No. (00)_P099, PROPOSED BASEMENT (B01) FLOOR PLAN published by the Belfast City Council Planning Office on 07 August 2018.</p> <p>Reason: to encourage the use of alternative modes of transport for development users.</p>
8.1.12	<p>12. The development hereby permitted shall operate in accordance with the approved ARUP Service Management Plan uploaded by the Belfast City Council Planning Office on 09 August 2018.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p>
8.1.13	<p>13. The development hereby permitted shall operate in accordance with the approved Framework Travel Plan published by the Belfast City Council Planning Office on 09 August 2018. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.</p>
8.1.14	<p>14. Notwithstanding the submitted details, no development shall commence on site unless full details of the public realm improvements to the footway bounding the site in the areas shown on Drawing Number 11B received on 24 January 2019 have been submitted to and approved in writing by the Council. The details shall include:</p> <ol style="list-style-type: none"> <li>1. Surface materials; and</li> <li>2. The design and provision of underground ducting.</li> </ol> <p>The development shall not be occupied unless the public realm improvements have been carried out in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the Conservation Area, the setting of the Listed Building, and to enhance connectivity to and from the development.</p>
8.1.15	<p>15. No development, works, site clearance, site preparation or demolition shall commence on site (other than that required to fulfil this conditions) unless the implementation of a programme of archaeological work has been secured in accordance with a Written Scheme of Investigation which has been submitted</p>

	<p>to and approved in writing by the City Council. No development, works, site clearance, site preparation or demolition shall be carried out unless in accordance with the approved details.</p> <p>Reason: To ensure that archaeological remains and features are preserved in situ. Approval is required upfront because archaeological remains and features could be damaged or permanently lost.</p>
<p>8.1.16</p>	<p>16. 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.</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>8.1.17</p>	<p>17. The works to the Listed Building hereby approved shall not be commenced unless a Method Statement and accompanying detailing has been submitted to and approved in writing by the Council. The submission must include:</p> <ul style="list-style-type: none"> <li>- detailing of all interventions and alterations related to the Listed Building</li> <li>- detailing of junctions, internal and external, between the Listed Building and all new structures</li> <li>- detailing of all new structures and fabric introduced to the Listed Building</li> <li>- detailing of cleaning, repairs and fire protection to ensure all surviving original cast iron structure is preserved, restored and retained</li> <li>- detailing of cleaning, repairs and fire protection to ensure all surviving piers are left where any and all original walls have been removed</li> <li>- sample panels where required</li> </ul> <p>The works shall not be carried out unless in accordance with the approved details.</p> <p>Reason: To preserve the historic fabric, form and character of the Listed Building.</p>
<p>8.1.18</p>	<p>18. Notwithstanding the submitted details, no external brick facing shall be constructed or applied unless in accordance with a schedule of external materials, details and sample panels, which shall have first been constructed on site and approved in writing by the City Council.</p> <p>The sample panels shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick facing materials.</p> <p>The approved sample panels shall be retained on site and made available for inspection by the City Council for the duration of the construction works.</p> <p>The works must be implemented and permanently retained in accordance with the details so approved.</p> <p>Reason: In the interests of the special architectural and historic qualities of the Listed Building.</p>

<p>8.1.19</p>	<p>19. Notwithstanding the details submitted, the following elements of the approved scheme shall not be installed, implemented or carried out unless in accordance with further details which shall have been submitted to and approved in writing by the City Council:</p> <ol style="list-style-type: none"> <li>1. Design and position of security grilles, gates or enclosures</li> <li>2. Window louvres</li> </ol> <p>The works shall not be carried out unless in accordance with the details so approved.</p> <p>Reason: In the interests of the special architectural and historic qualities of the Listed Building.</p>
<p>8.1.20</p>	<p>20. No external facing, roofing or rainwater goods materials shall be applied unless in accordance with a) a written specification of the materials; and b) physical sample/s of the materials, details of which shall have been submitted to and approved in writing by the City Council.</p> <p>The approved samples shall be retained on site and made available for inspection by the City Council for the duration of the construction works.</p> <p>Reason: In the interests of the special architectural and historic qualities of the Listed Building.</p>
<p><b>8.2</b></p>	<p><b>Informatives</b></p>
<p>8.2.1</p>	<p>1. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011 In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to the Planning Service for approval. The investigation, risk assessment and, if necessary, remediation work, must be undertaken and verified in accordance with current best practice.</p>
<p>8.2.2</p>	<p>2. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended)</p>
<p>8.2.3</p>	<p>3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.</p>
<p>8.2.4</p>	<p>4. Notwithstanding the terms and conditions of the Department for Infrastructure's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Belfast North Section Office, 148-158 Corporation</p>

<p>8.2.5</p> <p>8.2.6</p> <p>8.2.7</p>	<p>Street, Belfast, BT1 3DH. Email: TNI.BelfastNorth@infrastructure-ni.gov.uk. A monetary deposit will be required to cover works on the public road.</p> <p>5. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.</p> <p>All construction plant and materials shall be stored off the adopted road.</p> <p>6. Pedestrian Crossing Points across the proposed entrances are to be provided in accordance with the DTER/Scottish Office publication 'Guidance on the use of Tactile Paving'.</p> <p>7. Any cranes / equipment to be used in the construction will require the contractor to complete a BCA Crane Permit application form (BCA/F/020 – available from safeguarding@bca.aero) a minimum of 6 weeks prior to commencement of works to allow time for assessment &amp; notification to pilots etc.</p>
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**ANNEX**

<b>Date Valid</b>	30th July 2018
<b>Date First Advertised</b>	17th August 2018
<b>Date Last Advertised</b>	23rd November 2018

**Details of Neighbour Notification** (all addresses)

The Owner/Occupier,  
 10 Union Street, Belfast, Antrim, BT1 2JF,  
 The Owner/Occupier,  
 10a , Union Street, Belfast, Antrim, BT1 2JF,  
 The Owner/Occupier,  
 12-14 , Union Street, Belfast, Antrim, BT1 2JF,  
 The Owner/Occupier,

129 Royal Avenue,Belfast,Antrim,BT1 1FG,  
 The Owner/Occupier,  
 139-141 ,Royal Avenue,Belfast,Antrim,BT1 1FH,  
 The Owner/Occupier,  
 1st Floor,133 Royal Avenue,Belfast,Antrim,BT1 1FG,  
 The Owner/Occupier,  
 2-10 Metropol House,York Street,Belfast,Antrim,BT15 1AQ,  
 Martin McCullough  
 31a, Little Donegall Street, Belfast, Antrim, Northern Ireland, BT1 2JD  
 The Owner/Occupier,  
 35 Little Donegall Street,Belfast,Antrim,BT1 2JD,  
 The Owner/Occupier,  
 3rd Floor Left,133 Royal Avenue,Belfast,Antrim,BT1 1FG,  
 The Owner/Occupier,  
 3rd Floor Right,133 Royal Avenue,Belfast,Antrim,BT1 1FG,  
 The Owner/Occupier,  
 4 Union Street,Belfast,Antrim,BT1 2JF,  
 Matthew Reilly  
 51 Whitehall Parade Belfast Down  
 The Owner/Occupier,  
 6-8 ,Union Street,Belfast,Antrim,BT1 2JF,  
 The Owner/Occupier,  
 76-78 ,Donegall Street,Belfast,Antrim,BT1 2GU,  
 The Owner/Occupier,  
 96 Donegall Street,Belfast,Antrim,BT1 2GW,  
 The Owner/Occupier,  
 Belfast Central Library,Kent Street,Belfast,Antrim,BT1 2JA,  
 The Owner/Occupier,  
 Belfast Central Training Ltd,98-102 ,Donegall Street,Belfast,Antrim,BT1 2GW,  
 The Owner/Occupier,  
 Belfast Education & Library Board,Central Library,Royal Avenue,Belfast,Antrim,BT1  
 1EA,  
 The Owner/Occupier,  
 City Hibernian Club,31a ,Little Donegall Street,Belfast,Antrim,BT1 2JD,  
 The Owner/Occupier,  
 Datura Enterprises,Office 4th Floor,141-143 ,Royal Avenue,Belfast,Antrim,BT1 1FH,  
 The Owner/Occupier,  
 Dcg Marketing,2nd Floor,98-102 ,Donegall Street,Belfast,Antrim,BT1 2GW,  
 The Owner/Occupier,  
 Donegall Street,Belfast,Antrim,,  
 The Owner/Occupier,  
 Federation Of Small Business,Office 1st Floor,141-143 ,Royal  
 Avenue,Belfast,Antrim,BT1 1FH,  
 The Owner/Occupier,  
 Frames Complex,Offices 1st And Part 2nd Floor,2-14 ,Little Donegall  
 Street,Belfast,Antrim,BT1 2JD,  
 The Owner/Occupier,  
 Ground & 1st Floors,95-97 ,Donegall Street,Belfast,Antrim,BT1 2AH,  
 The Owner/Occupier,  
 John Neil Partnership,Ground Floor,133 Royal Avenue,Belfast,Antrim,BT1 1FG,

The Owner/Occupier,  
 Kremlin Associates,96 Donegall Street,Belfast,Antrim,BT1 2GW,  
 The Owner/Occupier,  
 L Stanley Ltd,33 Little Donegall Street,Belfast,Antrim,BT1 2JD,  
 The Owner/Occupier,  
 Mcconnell Martin,95-97 ,Donegall Street,Belfast,Antrim,BT1 2AH,  
 The Owner/Occupier,  
 Office 3rd Floor,141-143 ,Royal Avenue,Belfast,Antrim,BT1 1FH,  
 The Owner/Occupier,  
 P J Mcneill & Co,2nd Floor,133 Royal Avenue,Belfast,Antrim,BT1 1FG,  
 The Owner/Occupier,  
 Paschal J O'Hare Solicitors,1stfloor,98-102 ,Donegall Street,Belfast,Antrim,BT1 2GW,  
 The Owner/Occupier,  
 Pipeworks,2-6 ,Union Street,Belfast,Antrim,BT1 2JF,  
 The Owner/Occupier,  
 Royal Mail,20 Donegall Quay,Belfast,Antrim,BT1 1AA,  
 The Owner/Occupier,  
 Stannifer Developments Ltd,95-97 ,Donegall Street,Belfast,Antrim,BT1 2FJ,  
 The Owner/Occupier,  
 University Of Ulster, 25-51 York Street, Belfast BT1 2NR

**Date of Last Neighbour Notification**

23rd November 2018

**Date of EIA Determination**

N/A

**ES Requested**

No

**Planning History**

Ref ID: Z/2012/0361/F

Proposal: New university campus in Belfast City Centre. Development of 3 no. new buildings (Block A, Block B and Block C) with total floor area (gross external) of 85736 sqm. The maximum height of the buildings is 12 storeys at corner of Frederick Street and York Street. The development will be characterised by 2 no. lantern features at the corners of York Street and Donegall Street and York Street and Great Patrick Street. Public realm improvements to York Lane and in proximity to university buildings. Demolition of existing footbridge and development of new footbridge over York Street. Minor works to the existing Block 82 external facades. (Further Environmental Information received)

Address: Metropole, Orpheus, Interpoint, York House, Playboard and Block 82, York Street / Frederick Street / Great Patrick Street, Belfast, BT15 1ED,

Decision: PG Decision Date: 20.05.2013

Ref ID: LA04/2017/2209/F

Proposal: Temporary change of use of former printing hall to event space for a period of 2 years including internal alterations and creation of two emergency exits onto Donegall Street.

Address: Ground floor print hall, 122-144 Royal Avenue, Belfast, BT1 1DN,

Decision: PG Decision Date: 30.11.2017

Ref ID: LA04/2018/0585/PAN

Proposal: Demolition and re-development of the site. Including offices, restaurants, cafés, bars, basement parking and related access

Address: Former Belfast Telegraph complex, 124-144 Royal Avenue, and 1-29 Donegall Street, Belfast, BT1 1DN,

Decision: PANACC

Ref ID: LA04/2017/2802/A

Proposal: Proposed mesh banner signage (19.1M X 9.84m) - temporary for 2 years

Address: Former Belfast Telegraph Printworks, 124-132 Royal Avenue, Belfast, BT1 1DN,

Decision: CG            Decision Date: 15.03.2018

Ref ID: LA04/2015/0184/F

Proposal: Belfast Streets ahead-phase 3. Public realm/ environmental improvement project to improve streetscape and create flexible public spaces through the provision of high quality natural stone paving, street furniture, trees, lighting and soft landscaping.

Stopping up of a section of Library Street to create Library Square. Stopping up of a section of Academy Street to extend Cathedral Gardens

Address: Royal Avenue, York Street (part), Frederick Street, Great Patrick Street (part), York Lane, Library Street (part), Little Donegall Street (part), Academy Street, Talbot Street, Curtis Street, Clarkes Lane, Exchange Street West & Cathedral G

Decision: PG            Decision Date: 26.11.2015

**Drawing No.s**

01A, 11B, 12, 13B, 14A, 15A, 16A, 17A, 19A, 20A, 21A, 22A, 23A, 24A, 25A, 26A, 27A, 28A, 29A, 30A, 31A, 32A, 33, 34, 35, 36

**Notification to Department (if relevant)**

N/A