

**Development Management Officer Report
Committee Application**

| Summary | |
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| Committee Meeting Date: Tuesday 13 September 2020 | |
| Application ID: LA04/2020/0325/F | |
| Proposal: Proposed redevelopment of vacant surface level car park to facilitate the erection of a Mixed-Use building ranging from 4no. to 9no. storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above. Development includes associated public realm, landscaping and all other associated site works. | Location: Vacant lands at existing surface level car park bound by North Street Winetavern Street and Gresham Street north west and south west of 108 North Street and 1 Gresham Street and north of 23 Winetavern Street Belfast. |
| Referral Route: Major application | |
| Recommendation: | Approval |
| Applicant Name and Address: Bywater and Ashmour 46 James Street Marylebone London W1U 1EZ | Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL |
| <p>Executive Summary: This application was due to be considered at the September Planning Committee, however, it was withdrawn from the agenda before the Committee report was published because of a late consultation response from DFI Roads which identified issues that needed to be resolved.</p> <p>The application seeks full permission for the redevelopment of a vacant surface level car park to facilitate the erection of a mixed-use building ranging from four to nine storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above. The proposed development includes associated public realm, landscaping and all other associated site works.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Development Plan - Principle of Development - Impact on Built Heritage - Scale, Massing and Design - Developer Contributions and Public Real Improvements - Impact on setting of nearby Conservation Areas - Traffic and Parking - Contaminated Land - Impact on Air Quality - Impact on Amenity - Drainage and Flooding - Impact on Protected Sites | |

- Pre-application Community Consultation

The principle of the proposed uses and form of the development have already been established through a recent outline planning permission (LA04/2018/2470/O).

The site lies within the northern part of the City Centre, which is considered poorly defined in terms of land use and built form. The site is zoned as an opportunity site in the Draft Belfast Metropolitan Area Plan (Draft BMAP 2004 and 2015), and the proposal is to develop a surface level car park with a piece of high quality architecture heavily influenced by the industrial heritage of the area, creating a well-defined public space and providing a landmark building on one of the main arterial routes into the city centre (North Street).

The mix of office and retail uses will add to the diversity of the City Centre whilst bringing much needed regeneration of this area. The built form will be located on an expansive surface level car park thus introducing a landmark building, creating a sense of place and defining a vacant space within what is a previously developed part of the City Centre. The northern section of the city centre has suffered from lack of investment and dereliction, with many areas being cleared and sites being left undeveloped. The proposal should help stimulate the wider regeneration of this part of the city, which has recently been boosted with the arrival of the Ulster University's city centre campus, and proposals to redevelop the former Royal Exchange.

High quality finishes and subtleties in design are considered to pay homage to the historical context and ensure the provision of a landmark building on one of the main arterial routes into the northern part of the city centre.

Consultees & Environmental Matters

DFC Historic Environment Division – Objection

DFI Roads – No objection subject to conditions

Rivers Agency – No objection

Belfast City Airport – No objection

Environmental Health and DAERA Waste Management Unit – No objection subject to conditions

Building Control – No objection

No objections or third party representations have been received.

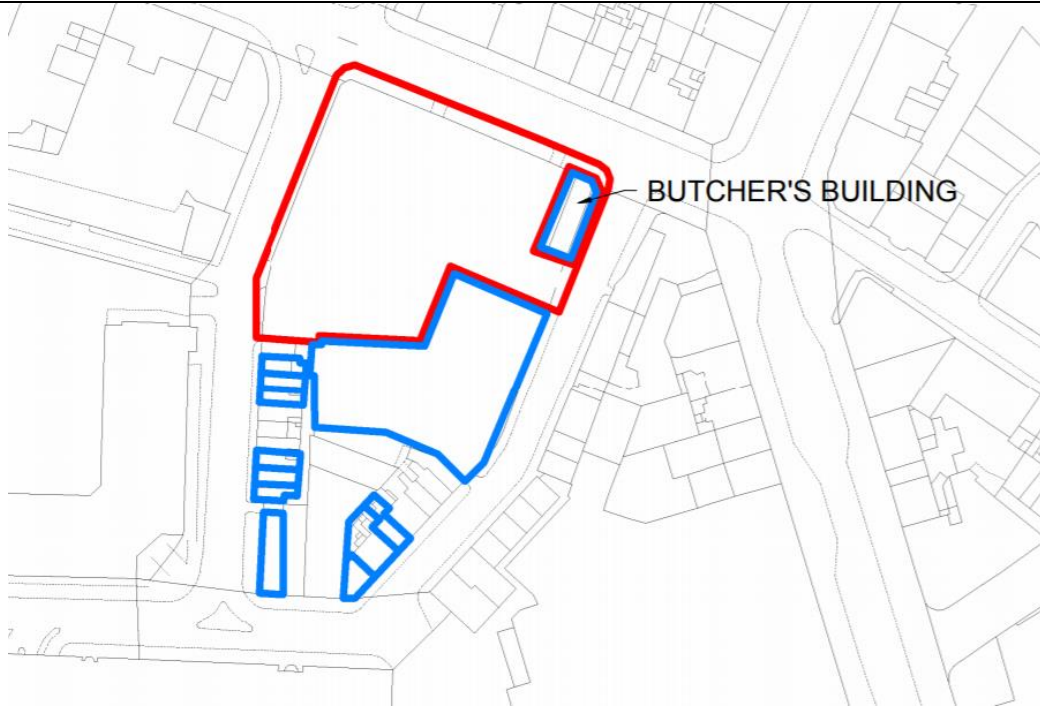
Recommendation

Having had regard to the extant development plan, the draft development plan, relevant planning policies, planning approvals in the area including the extant outline planning permission on the same site, economic benefits, regeneration and other material considerations, the proposed development is considered acceptable.

It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission, finalise the wording of conditions.

Case Officer Report

Site Location Plan and 3D visual



1.0

Description of Proposed Development

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The proposal is for redevelopment of a vacant surface level car park to facilitate the erection of a mixed-use building ranging from four to nine storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above. The proposal includes associated public realm, landscaping and other associated site works. The total floor area of the building is approximately 15,841 sqm. In

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| <p>1.2</p> <p>1.3</p> <p>1.4</p> <p>1.5</p> <p>1.6</p> | <p>addition to this the scheme proposes 890 sq.m of landscaped area. The ground floor consists predominantly of retail and cafes with the upper floors entirely office space. The main 'front' of the building will be onto North Street, with an entrance foyer located in the north-west corner of the building at the junction of Winetavern Street and North Street. Commercial units are located along North Street and onto the public realm space to the south with plant and service rooms along the Winetavern ground floor frontage.</p> <p>The proposal is a single block within a site layout equivalent to that granted outline planning permission for a wider scheme on 4th February 2020, comprising two interlocked 'L' Blocks between which a central yard space is formed. The remainder of the application site is the subject of a current reserved matters application LA04/2020/0865/RM, the details of which are provided at paragraph 3.2.</p> <p>The proposal is made up of two distinct and adjoining blocks. A 9 storey 'Mill' building at the junction of North Street and Winetavern Street, with a maximum height of 38.7m (36.2m to shoulder) dropping to 16.1m on a 10m long section on Winetavern Street, and a 6 storey 'admin' building, with a maximum height of 26m (23.85m to shoulder) along North Street. In terms of materials the lower North Street block is finished in red brick with glazing and spandrel panelling. The 9 storey block onto Winetavern Street is finished in pigmented precast concrete with perforated spandrel panels between each floor with aluminium spandrel panelling between the top two floors.</p> <p>For ease of reference building heights are as follows:</p> <ul style="list-style-type: none"> - North Street – 23.85m to shoulder of building (26m including plant) - Winetavern Street – 36.2m to shoulder of building (38.7m including plant) <p>The proposal also includes an area of proposed public realm running immediately south and east of the proposed building between Winetavern Street and Gresham Street. This area includes paving, planting and seating and will provide a pedestrian link through the site and service access.</p> <p>There are two external terraces proposed, one on the fourth floor of the 'Mill Building' and one on the sixth floor of the building on North Street.</p> |
| <p>2.0</p> <p>2.1</p> <p>2.2</p> | <p>Description of Site</p> <p>The site is an existing surface level car park. There is a three storey Listed 'Butchers Building' located in the north-east corner of site on the junction of North Street and Gresham Street (listed in April 2016 as a result of a Building Preservation Notice served by the Council).</p> <p>The following zonings apply to the site:</p> <ul style="list-style-type: none"> - Belfast Urban Area Plan – the eastern part of the site is located within the Main Office Area. - Draft Belfast Metropolitan Area Plan (2004) – all but a small section of the North Street frontage located within a Development Opportunity Site (CC035), within the Main Office Area and Primary Retail Core. The site also lies within the 'Old City' Character Area CC012. - Draft Belfast Metropolitan Area Plan (2015) – the site is located within a larger development opportunity site (CC016) and within the 'Old City' Character Area CC009. |

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| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | Planning History and current planning applications on the site |
| 3.1 | <p>LA04/2018/2470/O - Mixed use regeneration and development of vacant surface level car park and refurbishment of existing listed Butchers building, with erection of new fixed use buildings (heights varying between 3-9 storeys). Proposal to comprise basement level car parking, ground floor retail/restaurant/coffee shop/workspace uses, with Grade A and SME offices above. Provision of new pedestrian accesses from Gresham and Winetavern Street; associated public realm, landscaping, associated plant, and all site and access works.</p> <p>Decision: Approved in February 2020.</p> <p>Indicative building heights were approved as follows:</p> <ul style="list-style-type: none"> - North Street – 23.8m to shoulder of building (26m including plant) - Gresham Street – 13.3m to shoulder of building, 22.5 to roof (25m including plant) - Winetavern Street – 35.4m to shoulder of building, (38.7m including plant) |
| 3.2 | <p>LA04/2020/0865/RM - Proposed erection of a Mixed-Use building ranging from 3 no. to 5 no. storeys (plus roof plant) comprising ground floor retail/food and beverage/office uses, and offices above. Development includes associated public realm, landscaping and all other associated site works.</p> <p>Decision: Current</p> |
| 3.3 | <p>LA04/2018/2464/F – Alteration and extension of existing listed building including change of use from retail (all floors) to café/restaurant at ground floor and office at first and second floors with all associated site works.</p> <p>Decision: Approval</p> |
| 3.4 | <p>LA04/2018/2445/LBC - Internal and external alterations to existing building to facilitate a change of use and extension.</p> <p>Decision: Approval</p> |
| 4.0 | Policy Framework |
| 4.1 | <p>Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2015 Draft Belfast Local Development Plan Strategy (Draft LDP) Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area' Developer Contribution Framework (adopted January 2020)</p> |
| 4.2 | <p>Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Natural Heritage Planning Policy Statement 3 – Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development Policy Statement 6 – Planning, Archaeology and the Built Heritage Planning Policy Statement 13 – Transportation and Land-use Planning Policy Statement 15 – Planning and Flood Risk</p> |
| 5.0 | <p>Statutory Consultees Historic Environment Division - Objection</p> |

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| | <p>DFI Roads – No objection subject to conditions DAERA – No objections subject to conditions Rivers Agency – No objections Belfast City Airport – No objections Shared Environmental Services – No objections</p> |
| 6.0 | <p>Non-Statutory Consultees Environmental Health BCC – No objections subject to conditions Urban Design Officer – No objection Belfast City Council Regeneration and Development Team – No objections</p> |
| 7.0 | <p>Representations No public objections or representations have been received.</p> |
| 8.0 | <p>Other Material Considerations The Belfast Agenda Inner North-West Masterplan Belfast City Centre Regeneration and Investment Strategy (2015)</p> |
| 9.0 | Assessment |
| 9.1 | <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Development Plan - Principle of Development - Impact on Built Heritage - Scale, Massing and Design - Developer Contributions and Public Real Improvements - Impact on setting of nearby Conservation Areas - Traffic and Parking - Contaminated Land - Impact on Air Quality - Impact on Amenity - Drainage and Flooding - Impact on Protected Sites - Pre-application Community Consultation |
| 9.2 | <p>Development Plan Article 6 (4) of the Planning (Northern Ireland) 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 considerations indicate otherwise.</p> |
| 9.3 | <p>Following the Court of Appeal decision on BMAP, the extant development plan is now the BUAP. BMAP has reverted to a draft plan and both the pre-examination (dBMAP 2004) and post-examination (dBMAP 2015) versions are material considerations. However, given the stage at which dBMAP 2015 had reached pre-adoption through a period of independent examination, the policies within the version of Draft BMAP 2015 are considered to carry significant weight in the decision making process.</p> |
| 9.4 | <p>Principle of Development The principle of development has been established on the site through the granting of the recent and extant outline permission.</p> <p>Belfast Urban Area Plan (BUAP)</p> |

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| 9.5 | <p>The site is located on unzoned whiteland within the development limits of Belfast. The eastern part of the site is located within the Main Office Area. The proposed development is considered acceptable having regard to the BUAP in that it will provide Grade A office spaces and active ground floor uses that will support the economy and regeneration.</p> |
| 9.6 | <p>Draft BMAP (2004 and 2015) designations In the draft Belfast Metropolitan Area Plan 2015 (2014 version) the site lies within a Development Opportunity site (C0016) and within the Old City Character Area (CC009). In the 2004 version of Draft BMAP, the site is also located within a development opportunity site (CC035) and Old City Character Area (CC012).</p> |
| 9.7 | <p>Although no key site requirements are set out for the development opportunity site within draft BMAP 2015, in the 2004 Plan one of the key site requirements is that ground floor uses shall only be retail. The mix of retail and cafes/restaurants at ground floor within the proposed building is considered acceptable and is generally in line with the strategic thrust of both versions of draft BMAP in terms of the aspirations for the city centre.</p> |
| 9.8 | <p>Draft BMAP 2015 sets out a number of Urban Design Criteria for the Old City Character Area:</p> <ul style="list-style-type: none"> - The density of development in the area shall be maintained and increased where appropriate, through high site coverage and high plot ratio; <i>Officer response: this is a brownfield development opportunity site and thus something of a blank canvas. The concept revolves around the creation of a public space bounded by landmark buildings, as opposed to covering the site. Although not ensuring high site coverage, this promotes legibility and helps create a space, defining an area in terms of architecture and landuses where there is currently little in the way of a strong built character or sense of place. The layout has been established through the extant outline permission.</i> - Development proposals shall take account of the height of adjoining buildings; <i>Officer response: this will be discussed further below under 'Scale, Massing and Design'. As stated above this is a development opportunity site. A high quality scheme as proposed, with a strong conceptual approach, in this case based on the sites industrial heritage, doesn't have to be 2/3 storeys to respect the immediate built form. Buildings step down in scale along the secondary streets to reflect the more domestic scale of development in these locations. And for reasons discussed below, subtleties in design ensure that the proposal reflects the scale of adjacent buildings. The scale and height have been established through the extant outline permission.</i> - New development shall respect the established building line; <i>Officer response: the building fronts onto the footpath and respect the established building lines along North Street and Winetavern Street. Moreover, the building line has been established through the extant outline permission.</i> - Building heights shall be a minimum of 3 storeys and a maximum of 5 storeys with use of articulated roof forms reinforcing traditional character. Consistent cornice lines should be respected; <i>Officer response: high rise building has been committed to the site through the granting of outline approval. The North Street block is slightly higher at 6 storeys, rising to 9 on Winetavern Street. This has been informed by a robust conceptual approach on what is a development opportunity site on a key arterial route into the city centre.</i> |

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| | <ul style="list-style-type: none"> - Development shall be fine grain in nature, and aim to reflect traditional plot widths. The façade of larger development proposals shall be broken up visually to reflect the scale of traditional units; <i>Officer response: during the outline application, consideration was given to breaking up the massing of the Mill Building to address the setting of the listed butchers building, which was welcomed. An attempt was also been made to break up the facades of those larger blocks through the articulation of bays to reflect the scale of surrounding traditional units and the application of soldier coursing to introduce a traditional hierarchy. The building arrangement within the proposed layout takes cognisance of the general plot widths and urban grain of the surrounding area. These principles are established through the outline permission.</i> - Within the area bounded by North Street, Millfield, Berry Street and Royal Avenue, comprehensive development proposals will be acceptable subject to an enhanced public realm and the creation of streets which reinstate the historic urban grain and secure east/west and north/south linkages, including links through Castlecourt. <i>Officer response: the site layout includes a central yard space. This yard space is accessible from both Winetavern Street and Gresham Street, forming a continuous and permeable link through the block. It is also noted that both entrances to the yard would be flanked by one new building and one historic building, namely the three storey terrace (Nos. 5-23) in the case of Winetavern Street and the Butchers Building at Gresham Street. The proportions of both entrances pick up contextually on the old entries of Belfast with the yard space itself providing spill out space for proposed GF uses.</i> <p>Objections to Designations in Draft BMAP 2015</p> <p><i>Retail</i></p> <p>9.9 There were some general objections to the extent of the Primary Retail Core designation. The PAC recommended that the Retail Core be reduced accordingly. This amendment does not affect the site and should the draft Plan 2004 be adopted it would remain in the Primary Retail Core. The presumption remains in favour of retail development.</p> <p><i>Offices</i></p> <p>9.10 The PAC concluded in their report that there is no need for a Main Office Area in Belfast and that offices should be allowed throughout the defined City Centre. This does not affect the proposal in that it is located in the defined City Centre and as such the presumption remains in favour of office development at this location.</p> <p><i>Character Areas</i></p> <p>9.11 There were both general and more specific objections raised in relation to the draft Character Areas. The PAC recommended no change to the Plan as a result of the general objections. In terms of the specific objections to the Old City Character Area, within which the site is located, they commented that the Department (DoE) were willing to amend the second bullet point (minimum height of 3 storeys and maximum of 5 storeys) to allow departure from specified heights in exceptional circumstances, where a design statement and visual impact assessment were submitted. The PAC recommended that under the 'Elsewhere' Key Site Requirements the following should be added:</p> <p><i>'Within the area bounded by North Street, Millfield, Berry Street and Royal Avenue, comprehensive development proposals will be acceptable subject to an enhanced public realm and the creation of streets which reinstate the historic urban grain and secure east/west and north/south linkages, including links through Castlecourt.'</i></p> |
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| 9.12 | <p><i>Development Opportunity Sites</i></p> <p>In terms of the Development Opportunity Site designation relating to this application (CC035) the PAC recommended that Castle Court be removed on the basis of an objection. It was also recommended that the Key Site Requirement relating to retail development be removed as the site lies within the Primary Retail Core and that buildings along North Street are included within the Development Opportunity Site.</p> |
| 9.13 | <p>Prematurity to the emerging BMAP and Local Development Plan</p> <p>As a result of the aforementioned Judicial Review the pre-adopted version of BMAP 2015 is an emerging plan. This has to led a scenario where Belfast now has two emerging Area Plans, the draft BMAP and the Draft Local Development Plan Strategy. In light of this any planning decision made at the moment has the potential to be premature to these two emerging plans.</p> |
| 9.14 | <p>For example such a course of action would be appropriate where development proposals, either individually or cumulatively:</p> <ul style="list-style-type: none"> - would prejudice the ability of the emerging new or replacement development plan to achieve or retain general conformity with the RDS; or - would prejudice the outcome of the plan process by predetermining decisions that ought properly to be taken following full consideration of the relevant issues in the context of a public inquiry. |
| 9.15 | <p>Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan.</p> |
| 9.16 | <p>In terms of the emerging Local Development Plan the argument is more straight forward. Where an LDP is at the consultation stage with no early prospect of submission for examination, then refusal on prematurity grounds would be seldom justified.</p> |
| 9.17 | <p>Inner North West Masterplan</p> <p>The site sits within the heart of the Inner North West (INW) Masterplan area and would serve as a catalyst for future development. The INW Masterplan seeks to create a high quality built environment to foster a mixed use neighbourhood with both residential and employment uses.</p> |
| 9.18 | <p>Principle of Proposed Uses</p> <p>The principle of the proposed uses is already established through the recent outline planning permission. Additional commentary is provided below.</p> |
| 9.19 | <p><i>Office Use</i></p> <p>The main use within the proposed buildings is offices, which apart from the ground floor, occupy the entirety of the two blocks on North Street and Winetavern Street. The thrust of the Strategic policy within the SPPS BUAP and the draft BMAPs is to direct office development towards the city centre, thus strengthening the city centre economy and ensuring accessible employment. The eastern part of the site is located within the 'Main Office Area' in the BUAP and the site lies within the defined City Centre in draft BMAP, and as such the presumption is in favour of office development at this location. The proposal is also consistent with Policy PED1 of PPS4, Planning and Economic Development.</p> |
| 9.20 | <p><i>Retail Use</i></p> <p>Similarly, the retail use in the ground floor units is very much in keeping with the SPPS and the thrust of the BUAP and Draft BMAP policies. One of the main objectives of the SPPS in terms of retail development is to 'secure a town centres first approach for the</p> |

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| | <p>location of future retailing and other main town centre uses'. The site is located within not only the city centre but also the primary retail core, where retail use at ground floor level is actively encouraged. This will help create an active ground floor frontage onto Winetavern Street, North Street and Gresham Street, assist in the regeneration of this area and increase the vitality and viability of Belfast's city centre. In particular North Street will benefit significantly from the creation of a retail frontage given its high level of ground floor vacancies.</p> <p><i>Restaurants and Cafes</i></p> <p>9.21 The ground floor plan shows a number of units labelled Retail/Restaurant/Coffee Shop. The addition of cafes/restaurants at ground floor level will enhance the diversity of the area and further ensure the active ground floor frontage. This use is obviously common within the city centre and its mix with retail units should ensure that any proliferation of cafes/hot food units should not be so significant as to become a problem in terms of potential amenity issues. In terms of any potential impact on the amenity of the offices above, Environmental Health have not raised any objections subject to conditions to ensure the appropriate odour mitigation.</p> <p>Impact on Built Heritage</p> <p>9.22 The proposal has been assessed against Policy BH11 of PPS6 in that the application impacts upon a listed building at 108 North Street & 1 Gresham Street (Grade B1) and it is also in close proximity to and impacts on the setting of the following listed buildings, which are of special architectural and historic interest, protected by Section 80 of the Planning Act (NI) 2011:</p> <p>HB26/50/068 103-107 Royal Avenue & 77-79 North Street, Belfast B1 HB26/50/184 76-88 Royal Avenue and 104 North Street, Belfast B1 HB26/50/186B 93-101 Royal Avenue, Belfast B2 HB26/50/317 156-164 North Street, Belfast B2 HB26/50/334 166-174 North Street, Belfast B2</p> <p>9.24 Historic Environment Division, Historic Buildings (HED: HB) has reconsidered the impact of the proposal on the listed buildings and on the basis of the information submitted to date state that it fails to satisfy the requirements of paragraphs 6.12 & 6.13 of SPPS (NI) and Policies BH7, BH8 and BH11 of PPS6. HED considers that the setting of the Listed Buildings in the vicinity of the site is affected adversely by the scale and massing of the new buildings.</p> <p>9.25 However, a significant material consideration when considering HED's comments is the outline approval on the site, where indicative elevations were approved showing building heights of 23.8m to shoulder of building on North Street and (26m including plant) 35.4m to shoulder of building, (38.7m including plant) on Winetavern Street. The proposed building has heights of 23.85 on North Street (26m including plant) and 36.2m on Winetavern Street (38.7m including plant). The slight increase from the heights conditioned at outline stage will unlikely be visually distinguishable.</p> <p>9.26 Arguably the listed building affected most by the proposal is the Butchers Building immediately east of the site at the junction of North Street and Gresham Street. HED commented as follows on the lower North Street block: <i>'In terms of height the lower block height may be acceptable in the context and character of the immediate setting and the relationships of the listed buildings with their setting. The side elevation over the roof (east) does not recognise the altered condition (of being a secondary face) and through pattern of the large glazed areas dominates the adjacent listed building and HED considers it requires different modelling to enable it to be cohesive with its neighbour'</i>.</p> |
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| 9.27 | <p>Through subtle design features on the upper three floors of this building and a notable string course (picking up on the historical 'datum line and eaves of the listed butchers building between second and third floor level), the proposed lower block acknowledges the presence of the butchers building and also breaks up the overall massing. This has created a traditional hierarchy of form with a notable base, middle and top (visible on the 3D image above). It is important to highlight that the butchers building originally existed as part of a terraced streetscape along North Street. Although not of the scale proposed here, the reintroduction of a built streetscape alongside the listed building is considered to outweigh any merits in its 'artificial' existence in architectural isolation within the corner of a surface level car park, which does little to enhance the setting of the building or highlights its positive features.</p> |
| 9.28 | <p>Indeed, much of the area has become characterised by surface level car parks, dereliction and modern architectural interventions which have gradually undermined the setting of many of the above mentioned listed buildings. With only fragments of the historic streetscape surviving today, the introduction of a historically influenced landmark building of this nature is considered to enhance the area and the setting of these listed buildings.</p> |
| 9.29 | <p>HED:HB note that the proposals address the historic environment around the listed building at North St/Gresham St with respect to the plot widths and recognise that the detailing and materiality as presented respond appropriately to the historic character of the area.</p> |
| 9.30 | <p>Archaeology The application site is located within the Belfast Area of Archaeological Potential (AAP), as defined within the Belfast Metropolitan Area Plan (BMAP) 2015. This AAP defines the historic core of the settlement of Belfast and aims to protect the above and belowground archaeological remains.</p> |
| 9.31 | <p>The proposed development site is within an area of historic Belfast that underwent significant expansion and development between the seventeenth and nineteenth centuries. Thomas Phillips' 1685 map of Belfast shows the proposed development area in the latter part of the seventeenth century and highlights street frontages along North Street with garden plots to the rear. The mid-seventeenth century town defences, which took the form of a water-filled ditch and internal bank, are also clearly indicated in the vicinity of the proposed development area.</p> |
| 9.32 | <p>The application site contains an area associated with clay pipe manufacture in Belfast. One of these manufactories (IHR 10794) is included in the Historic Environment Record of Northern Ireland (HERoNI), but others are noted in the 19th century commercial directories. An acceptable archaeological programme of works should provide a comprehensive history of the clay pipe workshops off Winetavern Street, and should include a specific methodology for small find recovery and identification.</p> |
| 9.33 | <p>Historic Environment Division (Historic Monuments) has reviewed the Archaeological and Cultural Heritage Assessment (dated 04/10/2018), and agrees with its findings that the industrial archaeology potential of the proposed development site could be dealt with through negative conditions. HED (Historic Monuments) is therefore content that the proposal satisfies PPS 6 policy requirements, subject to conditions for 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 in situ, as per Policy BH 4 of PPS 6. The appropriate conditions are stated below at 11.2-11.4.</p> |

| | Scale, Massing and Design |
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| 9.34 | The proposal has been assessed against the Strategic Planning Policy Statement for Northern Ireland. It should be noted that the scale and massing have in effect been established in principle at outline stage, with the proposed building and shoulder heights only marginally higher than those conditioned as part of the outline approval (5cm on North Street block and 80cm on Winetavern Street 'Mill' building). These slight increases would likely be visually indistinguishable on buildings of this scale. |
| 9.35 | The desire here is to create a strong sense of place, on what is an expanse of land which provides ample opportunity to do so, providing a landmark building which acknowledges the industrial heritage of this part of the city. |
| 9.36 | As far as the detailed design is concerned, the elevations and visuals have shown a willingness to break up the facades of the larger blocks through articulation of bays to reflect the scale of surrounding traditional units and a quality of design that provides texture and interest. |
| 9.37 | A key consideration has been the relationship of the building with the surrounding streetscape and this is particularly important on Winetavern Street where the substantial 9 storey 'Mill' building meets the established three storey terraced row. This transition has been facilitated with a significant drop in the built form with 9 storeys dropping to 4 storeys for a 10m stretch along Winetavern Street, approximately 10m north of the adjacent confectionary shop and adjoining terrace. Not only has the massing of the building been reduced to reflect the scale of the adjacent terrace, this small section of the Mill building has also seen the introduction of a grey Aluminium Cassette Cladding on the upper floor and inclusion of a slight set back to this upper (third) floor. Accompanied with a slight change in the texture of the bottom three floors, with patterned precast concrete bays and recessed spandrel panels, this change in materials and setback ensures the architecture acknowledges the eaves of the adjacent terrace (only slightly lower than the setback on the proposed building). Importantly it also breaks up the bulk of the building, mitigating the overall massing on the northward approach to the site from the Castle Court complex. |
| 9.38 | There has been a slight increase in façade height at the Mill Building in order to reduce the visual impact of the proposed rooftop plant on the 9 storey building. This slight increase in shoulder height has actually helped to create a notable 'cap' on the building and helped break up the uniformity and expanse of the Winetavern façade. |
| 9.39 | As discussed above, subtleties in the design on the North Street Block have helped create a noticeable hierarchy with the introduction of two soldier course details reflecting historic datum and acknowledging the scale of the adjoining listed butchers building. Again these subtle design features help break up the massing of the block and add texture to expansive elevations which could easily have become uniform and monotonous. It is the subtleties in design which create a high quality piece of architecture that will enhance the area and pay homage to the historic streetscape. |
| 9.40 | The subtleties on the North Street block include an angled "hit and miss" brick course between the bottom three floors with a protruding brick stringcourse introduced between second and third floors and again between fourth and fifth to create this hierarchy of form. An angled hit and miss brick course above smaller windows on the upper floor enhances this hierarchy and creates a notable 'top' to the building. It is these subtle design features which help create texture and avoid a bland monotonous façade. |
| 9.41 | It is these design features, accompanied with high quality red bricked and moulded precast concrete finishes that will ensure the provision of a landmark building a piece of |

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| | <p>architecture that will no doubt visually enhance the area. The design and layout of the scheme, with its architectural nod to the industrial heritage of the city and the area, has been developed and refined on the advice of the Council's Urban Design Officer, complies with Paragraphs 4.23-4.27 of the SPPS Policy PED9 of PPS4 and is considered acceptable.</p> |
| 9.42 | <p>Developer Contributions and Public Real Improvements</p> <p>In accordance with the adopted Developer Contribution Framework, there is an identified need for public realm improvements in the vicinity of the site. This was previously secured through the outline permission by condition. This application also includes an area of public realm immediately south and east of the building, referred to in supporting documentation as 'The Yard'. It serves as a public space that allows daylight to penetrate into the proposed building as well as providing a new external space accessible to the public.</p> |
| 9.43 | <p>The hard and soft landscaping for this area includes trees, shrubs, granite paving, dark grey cobble setts, benches and light columns. Granite sets border the yard, defining the two lanes into the courtyard from Gresham street and Winetavern Street. Trees, planters and seating are integrated into the courtyard as two fixtures to the North and South of the yard: each positioned in a way that forms a vista from Winetavern Street and Gresham Street to greenery.</p> |
| 9.44 | <p>It also allows access for servicing, delivery, refuse vehicles and fire tenders to the centre of the site. A central 'arcade' has been created through the building that will allow for a public route through the building from North street into the yard. Seating and planters occupy the yard to allow for dwelling spaces and provide a 'green' visual connection from both Winetavern & Gresham Street.</p> |
| 9.45 | <p>The provision of this high quality area of urban open space and accompanying public realm improvements, approved at outline stage and supported by the Urban Design Officer, will enhance the character of the proposed buildings (LA04/2020/0325/F and LA04/2020/0865/RM). It will also contribute to the process of urban regeneration and complies with the Strategic Policy in relation to public open space within the SPPS (paragraphs 4.24 and 6.200) and Policy PED9 of PPS4. The implementation and provision of the hard and soft landscaping within this area of open space will be secured via condition as detailed below.</p> |
| 9.46 | <p>The implementation and provision of this landscaping will be secured via condition as detailed below.</p> |
| 9.47 | <p>Impact on setting of nearby Conservation Areas</p> <p>The proposal has been assessed against Policy BH 12 of PPS6 which states that development proposals for new buildings which impact on the setting of a conservation area, will only be permitted where important views within, into and out of the area are protected.</p> |
| 9.48 | <p>The north-east corner of the site is located approximately 20m from the north-western boundary of the City Centre Conservation Area and 50m from the southern boundary of the Cathedral Conservation Area, both of which meet at the end of Royal Avenue close to the landmark Bank of Ireland Building.</p> |
| 9.49 | <p>With the scale and massing already established through the granting of outline approval for the built form, as discussed earlier, the design and materials must be considered in terms of their impact upon the setting of the two conservation areas.</p> |

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| 9.50 | In terms of the approach towards both the conservation areas the main views in affected by the proposal would be from the north-west along North Street. These views however are limited in that the only buildings within the City Centre Conservation Area and Cathedral Conservations Areas visible from this approach are the Sinclair House Building and 103-107 Royal Avenue on Royal Avenue/ North Street junction. |
| 9.51 | The modern flat roof buildings along the northern side of North Street characterise the immediate approach to the conservation areas from the west/ north-west (Shankill Road). The introduction of a well finished red bricked 'mill' style building, with subtleties in design and high quality materials based on a historically influenced concept, will certainly enhance the character of the area (site currently a surface level car park), and thus enhance the approach to the conservation area and its setting. |
| 9.52 | In terms of the impact on views from within the Conservation Areas, these will be limited given the distance from the edge of the Conservation Areas and the high built form to the edge of these areas. Arguably the only views of the site will be from the junction of North Street and Royal Avenue from the edge of the City Centre Conservation Area. Given the peripheral nature of these fleeting views, accompanied with the high quality of finish and historically influenced design and sympathetic red bricked finish, the views from the conservation area will not be compromised by the proposed building. It is considered that the character and appearance of the Conservation Areas would be preserved. |
| 9.53 | <p>Traffic and Parking</p> <p>The proposal has been assessed against Planning Policy Statement 3 and Policy TRAN4 of Draft BMAP. The Transport Assessment form anticipates that the main modes of transport to the site will be walking, cycling and public transport. As no parking has been proposed as part of the development any car parking requirements associated with the proposed development site will have to make use of the existing car parking provision on-street and off-street within Belfast City Centre respecting the associated restrictions and charges. The major difference between this proposal and the proposal approved at outline is the omission of the basement car park below this building, which would have accommodated 25 cars (as shown on indicative basement plan).</p> |
| 9.54 | Based on the Gross Floor Area of the proposed development (15,902m ²) and the TRAN4 City Centre Core car parking standard of 1no. space per 300m ² , the proposed development has a maximum car parking requirement of 53no. car parking spaces. |
| 9.55 | Policy TRAN 4 provides the following text in relation to the policy: ' <i>Reductions in the above standards will be considered in appropriate circumstances where evidence of alternative transport arrangements can be clearly demonstrated, or other material considerations exist that justify an exception to the policy. Proposals involving car parking in excess of the standards will only be permitted in exceptional circumstances.</i> ' |
| 9.56 | <p>The accompanying Travel Plan sets out the range of pedestrian, cycling, public transport and private car parking available in the immediate vicinity. It also proposed a number of measures to promote alternatives to the private car, these include:</p> <ul style="list-style-type: none"> • Budget allocations for Travel Plan activities • Appointing a Travel Plan Co-Ordinator • Annual review of Travel Plan and employee travel patterns • Promotion of cycling, public transport and park and ride services. |
| 9.57 | The lack of car parking within the development is a welcome approach and demonstrates the potential for accessing existing and more sustainable travel options, but ultimately |

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| <p>9.58</p> | <p>DFI Roads will advise if the alternatives proposed within the Travel Plan are considered sufficient in terms of justifying a relaxation in the parking standards. DFI Roads had requested additional information including: demonstration that facilities exist for people with disabilities; cycle parking close to the accesses; and a Service Management Plan. The planning agent subsequently confirmed that no parking is proposed within these Buildings, and pointed to the fact a Service Management Plan could be conditioned, as it was at outline stage (LA04/2018/2470/O). A map was also submitted in response to DFI Roads comments showing 10 disabled spaces located on streets within the vicinity of the site, four of which are located within close proximity to the points of access on Winetavern Street and Gresham Street. This is considered sufficient to serve the development. Bicycle parking is provided on the proposed ground floor with 64 spaces indicated on the floor plans.</p> |
| <p>9.59</p> | <p>DFI Roads were re-consulted with this information and have subsequently offered no further objections subject to conditions relating to the provision of cycle parking and hard standing, operation in accordance with the submitted Travel Plan and submission of Service Management Plan prior to occupation. These conditions are detailed below.</p> |
| <p>9.60</p> | <p>Impact on amenity The introduction of a substantial built form such as that proposed will inevitably have an impact on properties lying within the vicinity of the site. Having said this only one of the adjacent properties, not within the applicant's control, has a residential use. The Confectionary shop, approximately 10m from the proposed building on Winetavern Street, has a residential unit above.</p> |
| <p>9.61</p> | <p>Although some loss of light as a result of the buildings proximity to the property will be inevitable, the orientation and the significant drop in height on the part of the 'Mill Building' closest to the property (from 36.2m to 16.1m) will ensure that any impact on amenity will not be significant.</p> |
| <p>9.62</p> | <p>Elsewhere, separation distances of approximately 15m from proposed built form onto street frontage properties on Winetavern Street should be sufficient in terms of avoiding any unduly significant over-dominance. It is important to highlight that this is a city centre location where it is common to find buildings of varying heights within close proximity of one another. Moreover, the principle of the layout, height and massing of the building has been established through the outline permission.</p> |
| <p>9.63</p> | <p><i>Odour</i> The proposal includes restaurant and coffee shop uses. The drawings submitted include three units marked restaurant/retail/coffee. Environmental Health has potential concerns regarding the potential impact of odours associated with this proposal on the proposed offices and existing neighbouring premises. It notes that the mechanical and electrical design allows for one full catering kitchen for a food and beverage unit at ground floor level. It also advises filtration is to be provided and a high level of discharge with fan and exhaust at roof level, to prevent impact to local surroundings.</p> |
| <p>9.64</p> | <p>However it is noted from the ground floor plans that there are three potential premises supplying hot food proposed. Whilst the submitted roof plan includes a designated area for 'allowance for a future tenant's cooking and kitchen extract' no details have been provided on the discharge location from the kitchen extraction for the remaining two potential commercial restaurants/coffee shops. Any additional external flues and filtration equipment will likely require further planning permission in their own right. It is considered that these issues can be dealt with either through recommended conditions attached to this full permission or through the consideration of further applications for planning permission, where required.</p> |

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| 9.65 | <p><i>Noise</i></p> <p>A Noise and Vibration Impact Assessment and Outline Construction Environmental Management Plan (OCEMP) were submitted in support of the application.</p> |
| 9.66 | <p>Environmental Health has reviewed the Outline Construction Environmental Management Plan (OCEMP) and in particular the Noise and Vibration section 6.6 Air Quality Dust Control. The OCEMP is to be further developed by the Contractor – once appointed and before works commence on site. The contractor will set out site environmental standards to which construction activities to be monitored. These shall include but are not limited to noise, dust and vibration. An environmental action plan will be prepared for the project. The final CEMP, which will be secured via condition (11.14), and associated action plan should pay due regard to the RPS Noise Impact Assessment report.</p> |
| 9.67 | <p>Considering the information submitted in support of this application Environmental Health recommends attaching the conditions detailed below to ensure the appropriate noise mitigation is applied and the amenity of neighbouring properties is protected.</p> |
| 9.68 | <p>Environmental Health notes the ongoing community consultation process and welcomes the opening of communication with the local community.</p> |
| 9.69 | <p>Contamination</p> <p>The Contamination Assessment & Remediation Strategy report produced by Doran Consulting Ltd incorporates a Preliminary Risk Assessment (PRA), Generic Quantitative Risk Assessment (GQRA) and a Remediation Strategy. Doran identify potential on-site sources of contamination as: made ground and/or reduced quality infill, the Belfast Sleech underlying the site, the former use of the site as a bus station and the former use of part of the site as a ceramics works. Doran also identify a number of potential off-site sources of contamination however identify a site formally occupied as a bus station and prior to that a flax / weaving mill as the main potential off-site source.</p> |
| 9.70 | <p>The closest surface water body is identified by Doran as the Farget River which is located approximately 270m south of the site and flows into the River Lagan which is approximately 700m to the east.</p> |
| 9.71 | <p>The Doran GQRA is informed by site data from a total of 5 boreholes (BH1 to BH5) which were advanced to a maximum depth of 35.00m below ground level (bgl) and a total of 3 trial pits (TP1 to TP3) advanced to a maximum depth of 1.90m bgl.</p> |
| 9.72 | <p>In order to quantify potential human health pollutant linkages identified within the PRA, a site investigation was undertaken between June and August 2019. This site investigation was completed across the wider site (relevant to the outline application site boundary LA04/2018/2470/O); only the site investigation locations completed within the boundary of the current application site have been considered within the Doran Consulting reports. Soil and groundwater samples were taken and analysed for relevant contaminants of concern. The results were compared to Generic Assessment Criteria for a commercial end use with no exceedances identified. As such, no risk to human health from soils or groundwater is considered to exist on the proposed development site.</p> |
| 9.73 | <p>In terms of ground gas, four rounds of monitoring were completed during July and August 2019. The site has been classified as Characteristic Situation (CS) 2 meaning gas protection measures are required within the proposed buildings. The report proposes the following remediation measures:</p> <ul style="list-style-type: none"> - Concrete floor slabs. |

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| 9.74 | <p>- A proprietary gas and hydrocarbon vapour resistant membrane. - A passively ventilated under-floor void.</p> <p>With regard to human health, the report notes that any risk associated with the potential creation of pathways to allow migration of soil gas will be fully mitigated through the installation of gas protection measures within the development. Therefore, in the event that planning permission is to be granted, DAERA and Environmental Health requests conditions. These are recommended below.</p> |
| 9.75 | <p>Regarding environmental impacts Doran conclude that despite these groundwater screening value exceedance the site does not present unacceptable risks to environmental receptors and that no remediation measures for groundwater are required.</p> |
| 9.76 | <p>The Doran Piling Risk Assessment identifies the proposed piling method for the subject site to be continuous flight auger (CFA) which will advance to or slightly into the bedrock.</p> |
| 9.77 | <p>Based on the information provided the DAERA Land & Groundwater Team has no objections subject to conditions, which are recommended.</p> |
| 9.78 | <p>Impact on Air Quality</p> <p>The air quality assessment states that changes in road vehicle emissions were the most important consideration during the operational phase of the development. The assessment has demonstrated that the impact of additional transport emissions associated with the development will not be significant in terms of nitrogen dioxide and particulate matter concentrations.</p> |
| 9.79 | <p>It is acknowledged that no gas boilers will be used for heat generation. It is stated by the consultant that cooling and heating will be provided via a variable refrigerant flow (VRF) system, with condenser units located at roof level, capable of providing heating and/or cooling as required. This strategy removes the potential emissions and impact on local air quality from the alternative gas fired boilers.</p> |
| 9.80 | <p>It is noted that there are two generators proposed as part of the development but no technical details are supplied. It is noted that roof terraces are also proposed at the same level as the proposed generator. Environmental Health advises that generators (including standby generators) could have a negative impact on local air quality. Moreover, consideration should be given to the location of combustion emission points in relation to general access areas (e.g. roof terraces). Environmental Health therefore request that consideration is given to attaching conditions, ensuring that technical information relating to generators is submitted to ensure emissions will not impact negatively on adjacent properties. These conditions are recommended.</p> |
| 9.81 | <p>Drainage and Flooding</p> <p>The Strategic Flood Map (NI) indicates that the development <u>does not</u> lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.</p> |
| 9.82 | <p>The proposal has been assessed against Policy FLD3 of PPS15. Rivers Agency has reviewed the Drainage Assessment by Doran Consulting, dated November 2019 and acknowledge the submission of correspondence from NI Water, dated 24th July 2019, consenting to the discharge of stormwater into the existing combined sewer at a maximum rate of 20l/s. On the basis of the information submitted Rivers Agency has offered no objection to the proposal.</p> |
| | <p>Impact on Protected Sites</p> |

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| 9.83 | This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. |
| 9.84 | The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. |
| 9.85 | <p>Pre-application Community Consultation</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 applicant for planning permission to consult the community in advance of submitting an application.</p> |
| 9.86 | Section 27 also requires that a prospective applicant, prior to submitting a major applications 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 (LA04/2019/2569/PAN) was submitted to the Council on 31/10/2019. |
| 9.87 | 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. |
| 9.88 | <p>A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <ul style="list-style-type: none"> - A public exhibition was also held on 12th December 2019 at 29 Gresham Street. - Events were advertised in the Belfast Telegraph and Irish News on 2nd December 2019. - On 6th December 2019, 250 leaflets were distributed to business and residential properties on 18 streets in the surrounding area. - In summary the pre-application community consultation process involved a large number of groups including stakeholders, community and business groups. There was no additional engagement with elected representatives during in the lead-up to this public consultation. This was due to the fact that elected representatives had already been briefed about this during a previous consultation for the outline application. - An estimated 10 people attended the public exhibition. All responded positively. |
| 9.89 | In analysing the responses to each of the questions in the comment card it was clear that development of the site is welcomed with a significant investment in the local area. The commenter did raise some concerns about the need for better traffic flow provisions in the area around the Castle Court shopping centre behind the proposed development. |
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| | 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. |
| 10.0 | Recommendation: |
| 10.1 | Having had regard to the extant development plan, the draft development plan, relevant planning policies, planning approvals in the area including the extant outline planning permission on the same site, economic benefits, regeneration and other material considerations, the proposed development is considered acceptable. |
| 10.2 | It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission, finalise the wording of conditions |
| 11.0 | Conditions |
| 11.1 | 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. Reason: Time Limit. |
| 11.2 | No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for: <ul style="list-style-type: none"> • The identification and evaluation of archaeological remains within the site; • Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ; • Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and • Preparation of the digital, documentary and material archive for deposition. The works shall not be carried out unless in accordance with the approved details. Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded. |
| 11.3 | A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 11.2. These measures shall be implemented and a final archaeological report shall be submitted to Belfast City Council within 12 months of the completion of archaeological site works. Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition. |
| 11.4 | Prior to commencement of construction, a Detailed Remediation Strategy shall be submitted to and approved in writing by the Council. This Strategy should follow best practice and must demonstrate how the pollutant linkages identified within the Doran Consulting Ltd report entitled 'Contamination Assessment & Remediation Strategy, The Mill Building - Building Blocks, Belfast' (dated November 2019 and referenced Job No 182032) are to be demonstrably broken and no longer pose a potential risk to human |

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| | <p>health. It must also detail how the proposed remedial works are to be verified. In particular, this Detailed Remediation Strategy must clearly detail how CS2 gas protection measures are to be provided to the proposed development and how they will operate in continuity. All construction thereafter must be in accordance with the approved Remediation Strategy.</p> <p>Reason: Protection of human health.</p> |
| 11.5 | <p>In order to demonstrate that the required remedial measures have been incorporated within the proposal, prior to occupation of the development, a Verification Report shall be submitted to and agreed in writing by the Council. The Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the approved Remediation Strategy have been implemented and have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health.</p> <p>Reason: Protection of human health.</p> |
| 11.6 | <p>If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.</p> <p>Reason: Protection of human health.</p> |
| 11.7 | <p>The hereby permitted commercial restaurants/coffee shops shall at all times include the acoustic design/façade mitigation measures as outlined in the RPS Noise and vibration Impact Assessment reference NI12178 dated 29 January 2020 (sec 4.3.3).</p> <p>Reason: Protection of residential amenity.</p> |
| 11.8 | <p>Prior to the occupation of the proposed development, a Noise Verification Report shall be submitted to and approved in writing by the Council. The Report must demonstrate that the rating level (dBLAr) from the operation of all combined external plant and equipment and plant rooms does not exceed the existing daytime and night-time background noise levels at the nearest noise sensitive premises when measured or determined in accordance with BS4142:2014:+A1:2019</p> <p>Reason: Protection of residential amenity.</p> |
| 11.9 | <p>The ground floor restaurants/café/coffee shops and retail units must not operate outside the hours 0700 to 2300.</p> <p>Reason: Protection of residential amenity.</p> |
| 11.10 | <p>No service collections from or deliveries to the proposed development are permitted outside the hours 0700 to 2300.</p> <p>Reason: Protection of residential amenity.</p> |

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| 11.11 | <p>The roof top terraces shall not be used outside the hours 0700 to 2300.</p> <p>Reason: Protection of residential amenity.</p> |
| 11.12 | <p>Notwithstanding the submitted details, prior to commencement of construction works a Construction Environmental Management Plan (CEMP) and associated action plan/documentation shall be submitted to and approved in writing by the Council. The CEMP and associated documents shall include measures to control and monitor noise, dust and vibration during construction demonstrating the use of “best practicable means”. The CEMP shall include rationale for and details of the chosen piling methodology and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises. It must incorporate the noise and dust mitigation measures as outlined in the Doran Consulting – Outline Construction Environmental Management Plan (OCEMP). The Mill Building – Building Blocks, Belfast. November 2019, Job no. 182032, and must pay due regard to the mitigation measures and noise targets as recommended in the RPS Noise and vibration assessment (19th January 2020), and to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. It must include the dust management measures as outlined in the RPS Air Quality Impact Assessment (dust management measures, as detailed within the Appendix D of the RPS, Air Quality Impact Assessment, The Mill Building – Building Blocks, Belfast (January 2020) . The CEMP and associated documents and records must be made available to the Environmental Protection unit upon request.</p> <p>No works shall be carried out unless in accordance with the approved CEMP.</p> <p>Reason: Protection of residential amenity.</p> |
| 11.13 | <p>Prior to the operation of any restaurant/coffee shop, details of the proposed kitchen extraction unit(s) and if required odour abatement strategy/system to be employed to suppress and disperse grease, smoke and odours created by cooking operations shall be submitted to and approved in writing by the Council. The odour abatement system must be designed in accordance with the required level of odour control specified within EMAQ+ Guidance on the control of odour and noise from commercial kitchen exhaust system (dated 2018). Information submitted must be sufficient to demonstrate that there will be no adverse impact on the amenity of nearby premises due to odour. The approved odour extraction/ abatement technology shall be installed prior to the operation of the businesses and retained thereafter at all times.</p> <p>Reason: Protection of amenity to neighbouring properties.</p> |
| 11.14 | <p>Prior to the installation of the standby generators technical data must be submitted to and approved in writing by the Council in order to demonstrate that generators emissions will not have an adverse impact on the nearby relevant receptors. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: Protection of human health.</p> |
| 11.15 | <p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be submitted to and approved in writing by the Council, and subsequently implemented and verified by the Council prior to occupation. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.</p> |

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| 11.16 | <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>After completing the remediation works under the above condition and prior to occupation of the development, a Verification Report must be submitted to and approved in writing by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> |
| 11.17 | <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>All hard and soft landscaping associated with the approved public realm works, as indicated on landscape layout and landscaping details drawing Nos. 6321-L-102 and 6321-L-110 respectively, shall be completed in accordance with the approved details prior to occupation of any part of the development hereby approved.</p> |
| 11.18 | <p>Reason: In the interests of visual amenity and to ensure the provision of a high quality of public realm.</p> <p>No development shall commence until a detailed specification and samples of proposed external materials have been submitted to and approved in writing by the Council. The details shall include a sample panel of the proposed brick and concrete finishes, which will be retained on site for the duration of the construction. The development shall not be carried out unless in accordance with the approved details.</p> |
| 11.19 | <p>Reason: In the interests of the character and appearance of the Area and to ensure a high standard of finish.</p> <p>The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. 1908-FCBS-ZZ-00-DR-A-0511 Amendment P7 'Proposed Site Plan' published by Belfast City Council Planning Office on 08 September 2020 to provide adequate facilities for parking, servicing and circulating within the site.</p> |
| 11.20 | <p>Reason: To ensure that adequate provision has been made for access and servicing.</p> <p>Prior to occupation of any part of the development 64 No. secure cycle parking spaces shall be provided and permanently retained within the ground floor of the building for use by staff and 6 No. cycle parking spaces shall be provided and be permanently retained close to each of the accesses of the proposed development for use by visitors to the development.</p> |
| 11.21 | <p>Reason: to encourage the use of alternative modes of transport for development users.</p> <p>The development hereby permitted shall operate in accordance with the Travel Plan published by Belfast City Council Planning Office on 19 February 2020. 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> <p>The development hereby permitted shall not become operational until a Service</p> |

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| 11.22 | <p>Management Plan has been submitted to and agreed by DfI Roads. The development shall not be carried out unless in accordance with the approved Service Management Plan.</p> <p>Reason: in the interests of road safety and the convenience of road users.</p> <p>Informatives Artificial flood lighting design should ensure residents are not disturbed by light nuisance. All artificial lighting connected with the development should follow the recommendations within the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GNOL:2011.</p> <p>The purpose of the Conditions 11.16 and 11.17 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and enduse of the site such that it would not be determined as contaminated land under the Land, Soil & Air forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.</p> <p>NIEA recommends that the applicant consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate discharge consent conditions. Further information can be obtained from: https://www.daera-ni.gov.uk/articles/regulating-water-discharges</p> <p>The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from: https://www.daera-ni.gov.uk/articles/waste-management-licensing https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions https://www.daera-ni.gov.uk/articles/regulating-water-discharges</p> |
| 12.0 | Notification to Department (if relevant) Not required. Although an objection has been received from a statutory consultee (HED: Historic Buildings) in terms of scale and massing, given the proposal is generally in keeping with the scale and massing of the building approved at outline, the objection is not considered significant. |
| 13.0 | Representations from elected members: None received |
| Neighbour Notification Checked Yes | |

| ANNEX | |
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| Date Valid | 3rd February 2020 |
| Date First Advertised | 21st February 2020 |
| Date Last Advertised | 21st February 2020 |
| Details of Neighbour Notification (all addresses) | |
| 1 Smithfield,Belfast,Antrim,BT1 1JE 10-14 ,Gresham Street,Belfast,Antrim,BT1 1JN 101 – 133 North Street,Belfast,Antrim,BT1 1ND 138 North Street,Belfast,Antrim,BT1 1LE 13a Winetavern Street,Belfast,Antrim,BT1 1JQ 140 North Street,Belfast,Antrim,BT1 1LE 150-152 ,North Street,Belfast,Antrim,BT1 1LF 16 Gresham Street,Belfast,Antrim,BT1 1JN 17 Winetavern Street,Belfast,Antrim,BT1 1JQ 19 Winetavern Street,Belfast,Antrim,BT1 1JQ 1st & 2nd Floor,131-133 ,North Street,Belfast,Antrim,BT1 1NE 21 Winetavern Street,Belfast,Antrim,BT1 1JQ 23 Winetavern Street,Belfast,Antrim,BT1 1JQ 4-8 ,Gresham Street,Belfast,Antrim,BT1 1JN 47 Winetavern Street,Belfast,Antrim,BT1 1JQ 6-10 ,Winetavern Street,Belfast,Antrim,BT1 1JQ 8-10 ,Winetavern Street,Belfast,Antrim,BT1 1JQ 93 – 99 North Street,Belfast,Antrim,BT1 1ND Salon, Ground Floor,115-119 ,North Street,Belfast,Antrim,BT1 1ND Units 1 Gresham Street,Belfast,Antrim,BT1 1JN Units 1- 37 Smithfield Market,2 Winetavern Street,Belfast,Antrim,BT1 1JE | |
| Date of Last Neighbour Notification | 26th February 2020 |
| Date of EIA Determination | N/A Site area less than 0.5Ha |
| ES Requested | No |