

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15th March 2018	
Application ID: LA04/2017/2213/F	
Proposal: Partial demolition, 5 storey rear extension and refurbishment to provide retail uses at ground floor level and office accommodation to the upper floors.	Location: 41-51 Royal Avenue Belfast BT1 1FD
Referral Route: Associated with major planning application LA04/2017/2126/F (Former Royal Exchange Scheme Phase 1B) and recommendation contrary to statutory consultee advice.	
Recommendation:	Approval subject to conditions
Applicant Name and Address: PG Ltd 49 Berkley Square London W1J5AZ	Agent Name and Address: Savills Embassy House Queens Avenue Bristol BS8 1SB
<p>Executive Summary:</p> <p>A pre-determination hearing was held on 13th February 2018. At the hearing officers presented details of the scheme in its context and provided an overview of the proposal. Committee received representations from Save CQ, Ulster Architectural Heritage Society and the First Presbyterian Church in objection to the application and from Savills and Consarc on behalf of the applicant in support of the application. The issues raised at the hearing have been considered in the assessment of this application.</p> <p>Members agreed at the pre-determination hearing to defer consideration of the application for a site visit which took place on 21st February 2018. Members viewed the building from Royal Avenue and North Street. Members also viewed the building internally.</p> <p>This application seeks partial demolition of rear extensions and removal of internal walls to a grade B2 listed building, a 5 storey rear extension and refurbishment to provide retail uses at ground floor level and office accommodation to the upper floors.</p> <p>This application is associated with the full planning application for the Former Royal Exchange Phase 1B application (LA04/2017/2126/F). A associated listed building consent application has been submitted for this proposal (LA/2017/2207/LBC).</p> <p>The main issues to be considered in the assessment of this proposal are:</p> <ul style="list-style-type: none"> • Planning History • The principle of demolition • The design, scale and massing of new development • The impact on the listed building • The impact on the setting of the listed building • The impact on the conservation area 	

Planning permission was previously granted for a comprehensive development scheme which included this site and permitted the demolition of existing rear extensions and a replacement 5 storey extension.

HED object to the scale, height and massing of the extension and its impact on the setting of the nearby listed First Presbyterian Church and consider the proposal contrary to the SPPS and PPS 6. The extant permission established the principle of a 5 storey extension to the rear of 41-51 Royal Avenue in close proximity to the listed First Presbyterian Church. HED previously objected to the scale, massing, height, detailed design of extensions and alterations to listed buildings along Royal Avenue in the consented scheme (which included 41-51 Royal Avenue) which was subsequently granted permission by the Department of the Environment (DOE). The DOE considered that *'redevelopment to the rear [of Royal avenue] will improve the current appearance of this elevation and is necessary to address CL [Church Lane] which is effectively a back alley at present.* The case officer report further states that *'I consider this will enhance the character and appearance of the BCCA [Belfast City Centre Conservation area] and is one of the aims of the BCCA Guide, seen as a means of enhancing the area'.*

Whilst there are design changes between the consented scheme and the current proposal the scale and massing is not significantly different from the consented scheme and is considered acceptable.

No representations were received regarding this application. However 5 objections were received to the associated listed building consent (LA04/2017/2207/LBC) which raised the following issues:

- Proposal contrary to the SPPS, Policies BH8 (Extension & Alteration to a Listed Building), and BH 11 (Development affecting the setting of a listed building), BH 14 (Demolition in a Conservation Area) and BH12 (New Development in a Conservation Area) of PPS 6 and the North East Quarter Masterplan
- Listed Building Consents (LBCs) must involve a complete review measured against PPS 6 and the SPPS with specific regard to the impact on each building and the context of Phase 1B
- Scale, form, height and massing of extension gives little regard to the listed building and the objectives of Policy BH 8 of PPS6
- Retention of the rear wall proposed to be internalised within an atrium does not mitigate for the adverse effect that would be caused by the scale and design of the back facing extension
- Proposals will not serve to enhance the conservation area and would significantly harm the conservation area
- Amended plans do not address concerns raised
- Piecemeal applications to alter important listed buildings
- Advice of statutory consultee ignored
- Recommend Development Management Practice Note 2 'Historic Environment' be reviewed by staff/members
- Proposal will adversely impact on the setting of significant listed buildings.
- Application significantly departs from extant approval
- Loss of historic street and public right of way reduces permeability
- Contrary to Designation CC009 in BMAP and historic building policies – enhancement to conservation area queried

All matters raised in the objections have been taken account of in assessing the proposal.

Environmental Health, NI Water and DFI Roads raised no objection to the proposal.

Recommendation

Having regard to the development plan context, relevant planning policies and other material considerations including the issues raised in the objections associated with the LBC and the extant planning permission to which significant weight is applied the proposed development is considered acceptable.

It is recommended that the proposal be approved subject to conditions set out in the case officer's report and that the application be linked to the proposals for Phase 1B (Ref: LA04/2017/2126/F) through a Section 76 Agreement.

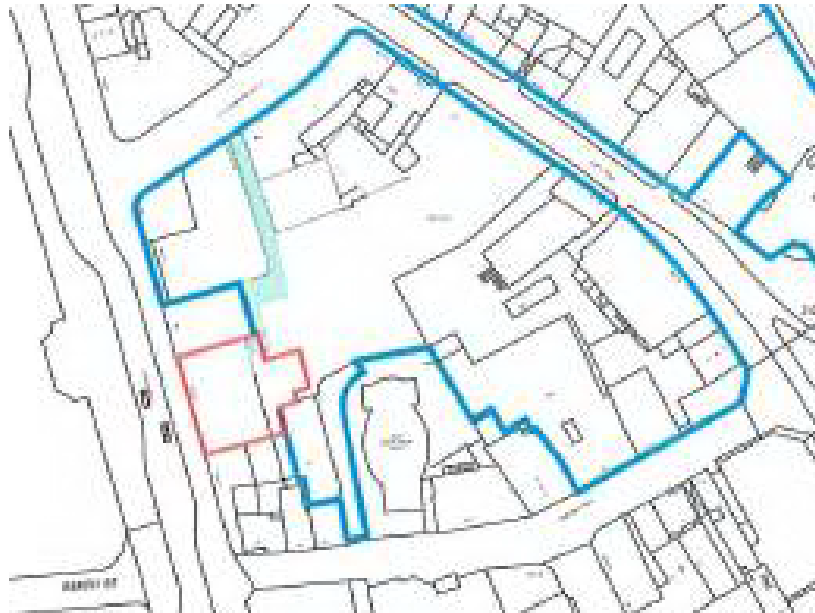
It is requested that authority is delegated to the Senior Authorised Planning Officer, in consultation with the City Solicitor, to negotiate the terms of the Agreement and to determine the final wording of conditions.

If members are minded to approve the application, the Council will be required to notify DFI given the significant objection from HED in accordance with Section 29 of the Planning Act (Northern Ireland) 2011 and the Planning (Notification of Applications) Direction 2017.

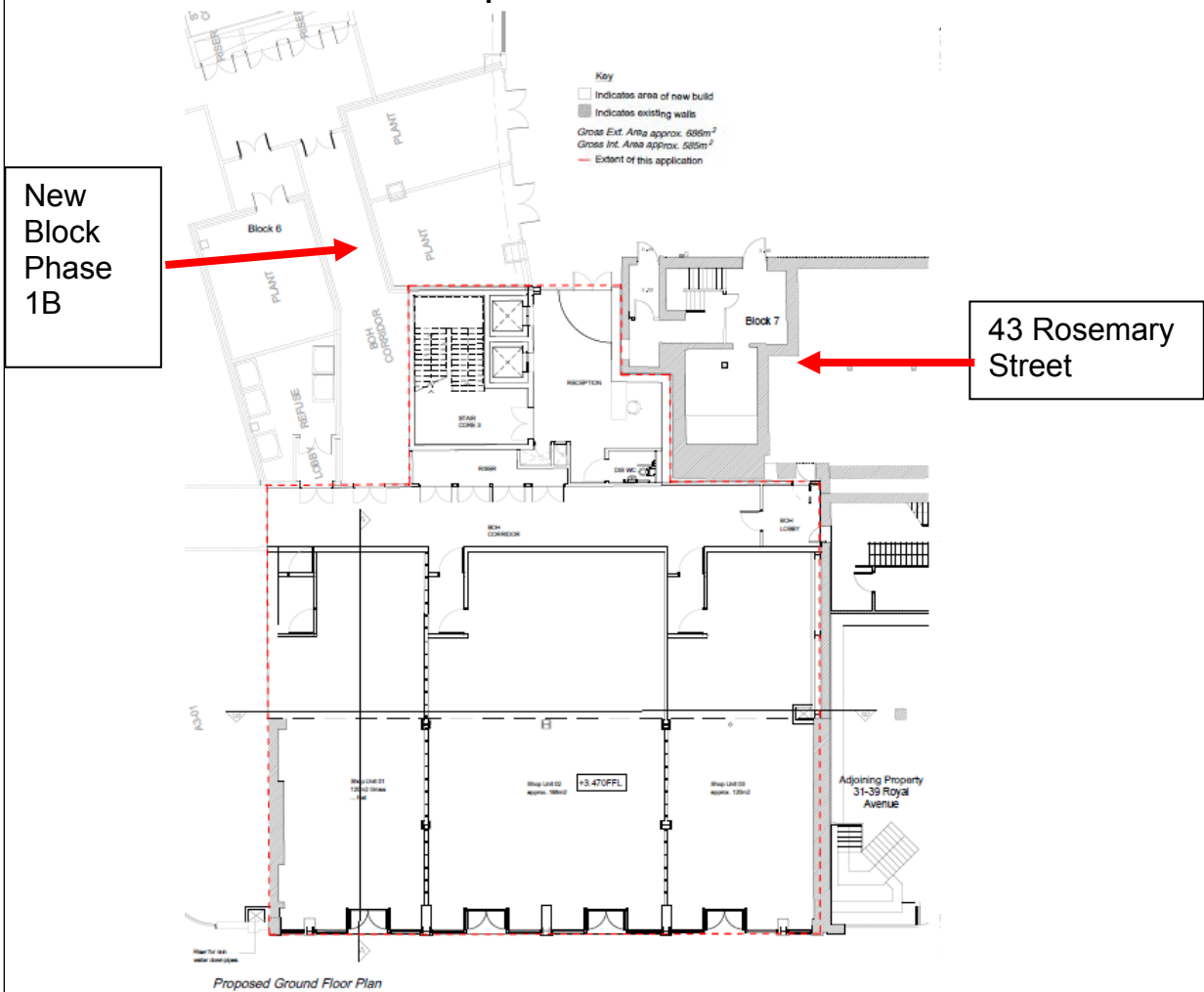
Case Officer Report

Site Location Plan

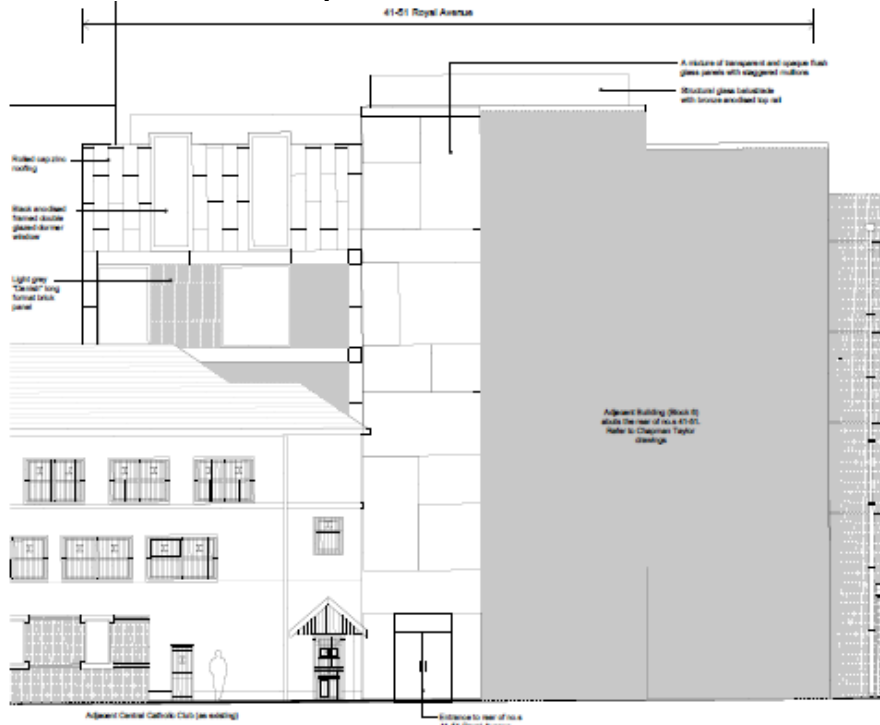
Site Location



Proposed Ground Floor Plan

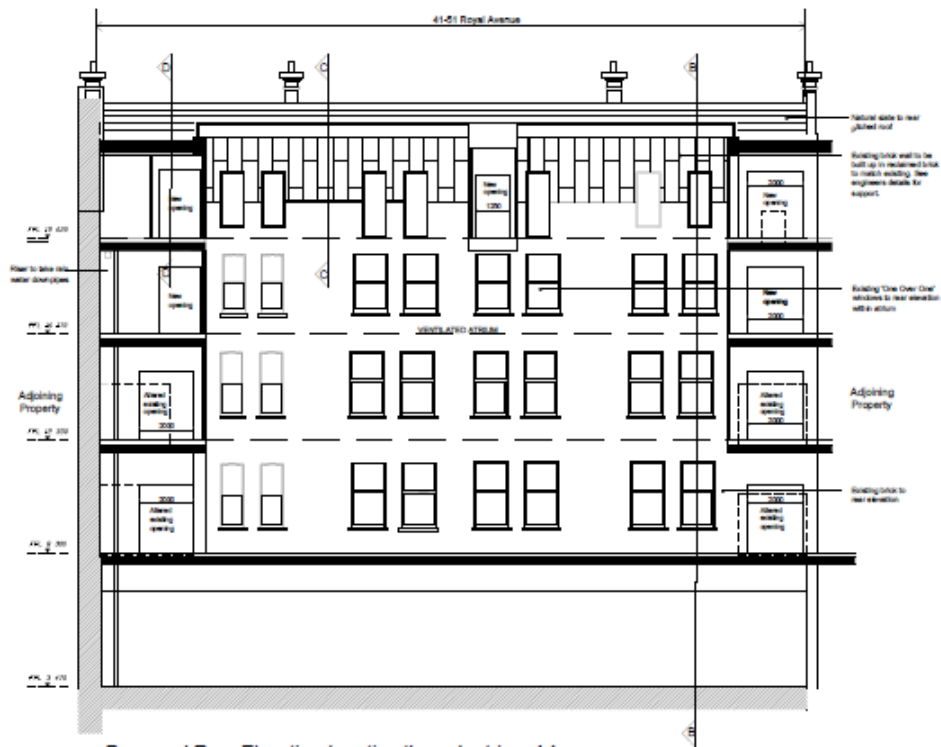


Proposed Rear Elevation



Proposed Rear Elevation

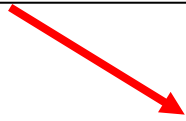
Proposed Rear Elevation/Section through atrium



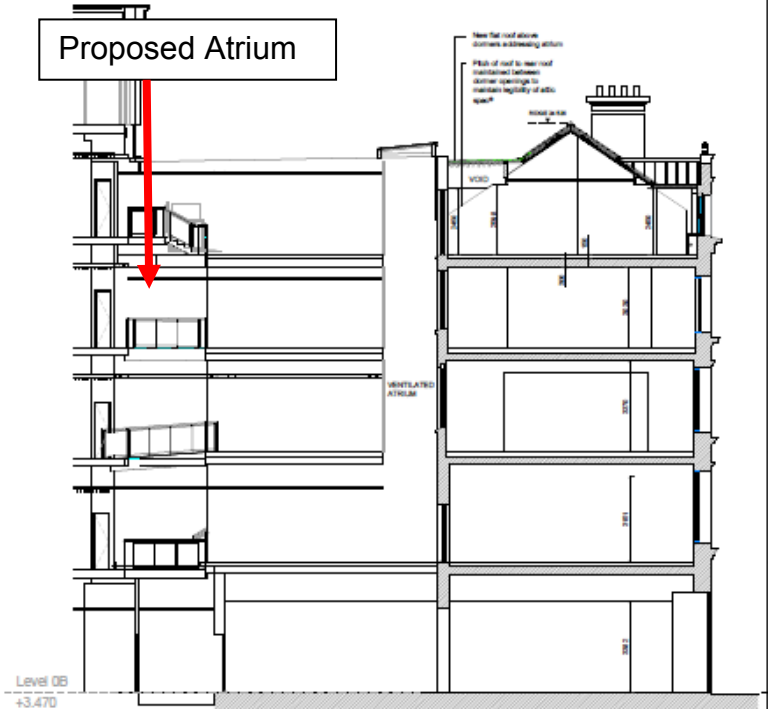
Proposed Rear Elevation / section through atrium AA

Proposed Section

New block Phase 1B



Proposed Atrium



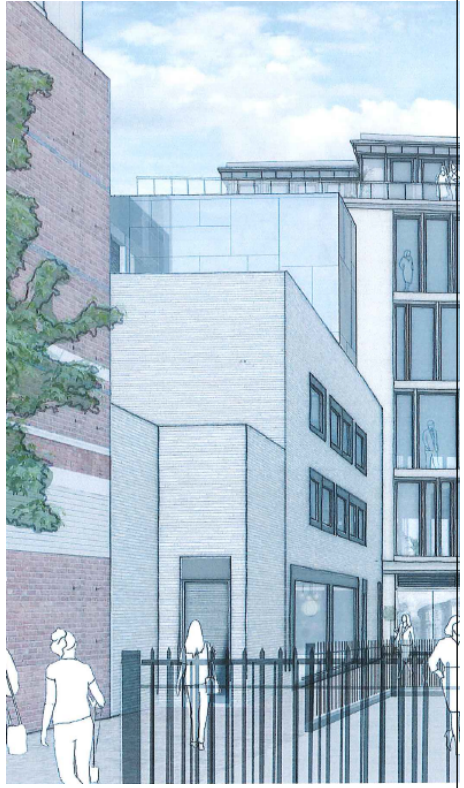
41-51 Royal Avenue - Proposed Section BB

Illustrative view from Rosemary Street

Proposed rear extension to 41-51 Royal Avenue



Proposed new mixed use block Phase 1B



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Env Health Belfast City Council	No objections subject to conditions

Statutory	Historic Environment Division (HED)	Objection
Statutory	NI Water - Strategic Applications	No objection
Statutory	DFI Roads - Hydebank	No objection subject to conditions
Non Statutory	Conservation Officer	Issues raised
Non Statutory	Urban Design Officer	No objection
Non Statutory	Waste Management Team	No objection
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
1.0 Summary of Issues		
1.1 The main issues to be considered in this application are set out as follows:		
<ul style="list-style-type: none"> • Planning History • The principle of demolition • The design, scale and massing of new development • The impact on the listed building • The impact on the setting of the listed building • The impact on the conservation area 		
2.0 Characteristics of the Site and Area		
2.1 The site comprises an existing 5 storey Grade B2 listed building fronting onto Royal Avenue with 2 and 3 rear extensions. The frontage along Royal Avenue is finished in brick and stucco render. The rear of the building is finished in red brick. The building backs onto a former car park which is no longer in use and is proposed to be developed under an associated application LA04/2017/2126/F which seeks approval for a mixed use block which would sit adjacent to and be physically linked to the proposed rear extension of 41-51 Royal Avenue.		
2.2 No. 41-51 Royal Avenue currently has 3 retail units at ground floor level with retail floor space including ancillary storage/offices at second floor level. The third and fourth floors are currently vacant.		
2.3 The building has a 2 storey rear extension with 3 storey rear returns. The application site extends to the rear encompassing part of a former surface level car park and partly overlaps with the application for Phase 1B of the Former Royal Exchange site (LA04/2017/2126/F).		
2.4 The site is located within Belfast City Centre and within Belfast City Centre Conservation Area.		
2.4 The surrounding area comprises a mix of uses primarily retail along Royal Avenue. There are a number of listed buildings to the rear of the site including the First Presbyterian Church, Central Halls and the Masonic Hall located on Rosemary Street.		

3.0 Description of Proposal

3.1 The proposal seeks partial demolition of existing rear extensions and construction of a 5 storey rear extension and refurbishment of the existing building to provide retail uses at ground floor level and office accommodation to the upper floors. It is proposed to access the offices from the rear extension via 'Church Lane'. The total office floorspace proposed is 2677sqm, the total retail floorspace proposed is 686 sqm.

3.2 The refurbishment of the building includes the reinstatement of chimneys, awnings along the front elevation at fascia level, replacement of pediments above the front dormer windows, upgrading of shopfronts with new shopfront entrances. Other external works include improvements also include stone and brickwork repairs, cleaning and repointing, replacement or rainwater goods and replacement and refurbishment of timber sliding sash windows. Internal works include removal of stairwells and partition (stud) walls.

4.0 Planning Assessment of Policy and Other Material Considerations

4.1 Policy Context

Strategic Planning Policy Statement for Northern Ireland (SPPS)
Regional Development Strategy 2035
Belfast Metropolitan Area Plan 2015
Belfast Urban Area Plan 2001
PPS 3 – Access, Movement and Parking
PPS 4 – Planning and Economic Development
PPS 6 – Planning, Archaeology and the Built Heritage
PPS 11 – Planning and Waste Management

Other Material Considerations

Belfast City Centre Conservation Area Guide
Parking Standards
Preferred Options Paper Local Development Plan 2020-2035

4.2 Planning History

Z/2009/1482/F - Refurbishment of and extension to existing premises to provide for additional retail space, and change of use from office to retail on upper floors, 41-51 Royal Avenue, Belfast BT1 1FB. Permission granted 25.02.2011.

Z/2009/1473/LB - Refurbishment of and extension to existing premises to provide for additional retail space, and change of use from office to retail on upper floors, 41-51 Royal Avenue, Belfast BT1 1FB. Consent granted 25.02.2011.

Z/2010/1532/F – Demolition, redevelopment and part change of use of existing buildings to create mixed use development comprising retail, offices, café/bar use, 2no. retail pavilions, 205 apartments including 6 no. live/work units, with associated energy centre, service areas and above ground car parking, cultural/arts centre, hotel, 2-level basement car park and associated access and circulation, creation of new streets and public spaces, reconfiguration of Writers Square, public realm works, landscaping and associated site and road works. Application also comprises works to restore, alter and extend listed buildings and facades and partial demolition of North Street Arcade retaining its facades, partial reconstruction of end blocks and reconstruction of rotunda on original location. Proposed development at lands bounded by nos. 31-101 Royal Avenue, Church Street, William Street, Writers Square Nos 40 to 16 Donegall Street, No.2 Waring Street, 1-21 Bridge Street, Nos 2-18 High Street, Nos 1-27 Lombard Street, Nos 33 to 55 Rosemary Street and including North Street and Nos 2-14 Lower Garfield Street. Permission granted 11 October 2012.

Z/2010/1507/LBC - Renovation of buildings to provide retail units on ground and first floors and office space on upper floors; shop fronts to be rationalised and upgraded; elements of structure to the rear to be removed to allow through access to courtyard and new build extension to rear; extension to the rear of the block separated by an atrium and a shared covered space from second floor upwards; previously removed chimneys to be reinstated; and addition of substantial dormer to rear of existing roof to the stores, 31-51 Royal Avenue, Belfast, BT1 1FD. Consent granted 11 October 2012

LA04/2016/2327/F – Application to Vary conditions 2-4 (demolition and construction), 6, 8-13 (traffic and parking), 14-18 (contaminated land), 21-22, 25, 27, 29 (landscaping), 30-31 (archaeology) and 33 (environmental designations) of planning permission Z/2010/1532/F for the demolition, redevelopment and part change of use of existing buildings to create mixed use development known as Royal Exchange, comprising retail, offices, café/bar use, apartments, car parking, cultural/arts centre, hotel and associated access and circulation and public realm works, including restoration, alteration and extension of listed buildings. Lands bounded by Nos. 31-101 Royal Avenue, Church Street, William Street, Writers Square, Nos. 40 to 16 Donegall Street, No. 2 Waring Street, 1-21 Bridge Street, Nos. 2-18 High Street, Nos 1-27 Lombard Street and Nos. 2-14 Lower Garfield Street, Belfast. Permission granted 23 Jan 2017

LA04/2017/2126/F - Redevelopment including the construction of a new six storey building on the existing surface level car park and part change of use to create a mixed use development comprising retail units, restaurants and cafes, residential units, offices, church and related community floor space, new streets and public realm works. Demolition of 53 Royal Avenue and 27-31 Rosemary Street and restoration of Central Halls (37-39 Rosemary Street), Masonic Hall (15 Rosemary Street), 43/43a Rosemary Street and retention of 30-34 North Street, Lands bound by North Street, Royal Avenue, Rosemary Street and building south of Lower Garfield Street located approximately 400m west of Laganside bus station 300m northeast of City Hall and 1km northwest of Central Train Station. Application under consideration.

LA04/2017/2207/LBC - Partial demolition, 5 storey rear extension and refurbishment to provide retail uses at ground floor level and office accommodation to the upper floors, 41-51 Royal Avenue Belfast, BT1 1FD. Application under consideration.

LA04/2017/2341/O - Application for outline planning permission for demolition, redevelopment to create a mixed use development comprising retail, offices, café/restaurant uses, residential apartments, including private rented sector units, hotel use, community uses, car parking, associated access, servicing and circulation arrangements, an energy centre, the creation of new streets, the reconfiguration of Writers Square, public realm works, landscaping and associated site and road works. The application also proposes works to alter listed buildings, restoration of retained listed buildings and facades, and partial demolition of North Street Arcade, retaining its facades. Details of proposed access arrangements are also provided, Land Bounded by Royal Avenue, York Street and Church Street to the North, Royal Avenue to the west Rosemary Street and High Street to the south and Donegall Street to the east. The site is located approximately 300m west of Laganside Bus Station 300m northeast of city hall and 900m northwest of Central Train Station. A triangle of land bounded by Royal Avenue Lower Garfield Street and North Street lies outside the application site boundary. Application under consideration.

LA04/2017/2349/LBC - Partial demolition, 5 storey rear extension and refurbishment to provide retail uses at ground floor level and office accommodation to the upper floors, 41-51 Royal Avenue Belfast, BT1 1FD. Application under consideration.

4.30 Development Plan Context

4.31 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through

a period of independent examination, the policies within the Draft BMAP 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.

4.32 In BMAP the site is located within Belfast City Centre, the primary retail core, primary retail frontage and within the Old City Character Area and Belfast City Centre Conservation Area. The site is not zoned in BMAP for a specific use.

4.33 In the BUAP the site is located within Belfast City Centre and the Main Office Area. Royal Avenue is designated as a main City Centre Shopping and a Pedestrian Precinct. The site is not zoned in the BUAP for a specific use. The BUAP acknowledged the decline in the northern side of the city centre (within which the application site sits) and set out a commitment to the physical and economic regeneration of this part of the city centre which materialised in the form of a planning application supported by the former Department for Social Development for the wider Royal Exchange scheme (Ref: Z/2010/1532/F).

4.4 Statutory Consultees

DFI Roads – No objection subject to conditions.
DFC Historic Environment Division – Objection
NI Water – No objections

4.5 Non- Statutory Consultees

Environmental Health – No objection subject to conditions.
Urban Design Officer – No objection
BCC Waste Management Team – No objection
Conservation Officer – Issues raised

4.60 Representations

4.61 No representations were received to this application however 5 objections were received to the associated Listed Building Consent (Ref: LA04/207/2213/F). The issues raised in relation to the associated Listed Building Consent are as follows:

- Proposal contrary to the SPPS, Policies BH8 (Extension & Alteration to a Listed Building), and BH 11 (Development affecting the setting of a listed building), BH 14 (Demolition in a Conservation Area) and BH12 (New Development in a Conservation Area) of PPS 6 and North East Quarter Masterplan
- LBCs must involve a complete review measured against PPS 6 and the SPPS with specific regard to the impact on each building and the context of Phase 1B
- Scale, form, height and massing of extension gives little regard to the listed building and the objectives of Policy BH 8 of PPS6
- Retention of the rear wall proposed to be internalised within an atrium does not mitigate for the adverse effect that would be caused by the scale and design of the back facing extension
- Proposals will not serve to enhance the conservation area and would significantly harm the conservation area
- Amended plans do not address concerns raised
- Piecemeal applications to alter important listed buildings
- Advice of statutory consultee ignored
- Recommend Development Management Practice Note 2 ‘ Historic Environment’ be reviewed by staff/members
- Proposal will adversely impact on the setting of significant listed buildings.
- Application significantly departs from extant approval
- Loss of historic street and public right of way reduces permeability

- Contrary to Designation CC009 in BMAP and historic building policies – enhancement to conservation area queried

All matters raised in the objections have been taken account of in the assessment of the planning proposal.

4.62 Overview

4.63 This full planning application partly overlaps with the application site for Phase 1B (Ref: LA04/2017/2126/F) and is linked to it. No. 41-51 Royal Avenue is a listed building and this application is accompanied by a listed building consent (Ref: LA04/2017/2207/LBC) for the works proposed.

4.64 Concerns were raised regarding the complexity of applications associated with the Phase 1B development. A separate listed building consent for 41-51 is required under statute to accompany the full planning application.

4.70 Principle of Development

4.71 Planning History

4.72 The Department for the Environment granted planning permission on 11 October 2012 (Ref: Z/2010/1532/F) for a comprehensive redevelopment scheme known as 'Royal Exchange' extending from Lower Garfield Street to Rosemary Street and from Royal Avenue to Donegall Street incorporating lands along both sides of North Street. The application site included 41-51 Royal Avenue. In association with the full application Listed Building Consent was also granted for works to No. 41-51 Royal Avenue to provide retail units on ground and first floors and office space on upper floors; shop fronts to be rationalised and upgraded; elements of structure to the rear to be removed to allow through access to courtyard and a new build extension to rear; extension to the rear of the block separated by an atrium and a shared covered space from second floor upwards; previously removed chimneys to be reinstated; and addition of substantial dormer to rear of existing roof to the stores.

4.73 Subsequently the Department for Infrastructure granted planning permission on 23 Jan 2017 (Ref: LA04/2016/2327/F) *'to Vary conditions 2-4 (demolition and construction), 6, 8-13 (traffic and parking), 14-18 (contaminated land), 21-22, 25, 27, 29 (landscaping), 30-31 (archaeology) and 33 (environmental designations) of planning permission Z/2010/1532/F for the demolition, redevelopment and part change of use of existing buildings to create mixed use development known as Royal Exchange, comprising retail, offices, café/bar use, apartments, car parking, cultural/arts centre, hotel and associated access and circulation and public realm works, including restoration, alteration and extension of listed buildings'*.

4.74 For clarity the development approved under application reference Z/2012/1532/F and the subsequent related approval LA04/2016/2327/F are hereafter referred to as the 'consented scheme'. Details of relevant planning history are set out at paragraph 4.23 above. The subsequent permissions enable the approved development to be constructed on a phased basis.

4.75 The first phase of the consented scheme referred to as Phase 1A has commenced on site and includes the restoration of the former Garfield Bar Building (2-14 Lower Garfield Street), a new a 5/6 storey building to the immediate south of the former Garfield bar building, the demolition of Nos 55 - 63 Royal Avenue and 16 Lower Garfield Street to make way for a new 5 storey building. The first phase of the consented scheme has commenced which in effect means that the planning permission for the consented scheme remains live and therefore could theoretically be developed in phases. The extant permission has established the principle of a 5 storey rear extension to 41-51 Royal Avenue.

4.80 Assessment of Proposals

4.81 The main issues to be considered in the assessment of this application are as follows:

- The principle of development/proposed uses
- The principle of demolition
- The design, scale and massing of new development
- The impact on the listed building
- The impact on the setting of the listed building
- The impact on the conservation area

4.82 Proposed demolition

4.83 The proposal seeks the demolition of an existing 2 storey rear extension and two 3 storey rear returns. Other works include removal of part of the roof to the rear, internal stairwells and partition (stud) walls. The extensions are relatively modern and the two rear returns have been altered. The principle of demolition has been established through the previous consent and is considered acceptable and in accordance with the SPPS and PPS 6. HED consider that the principle of demolition acceptable.

4.84 Proposed Uses

4.85 The proposal seeks to retain the existing 3 retail units on the ground floor and proposes office use on the upper floors and within the proposed 5 storey rear extension. The SPPS, BMAP and the BUAP seek to promote Belfast City Centre as the primary location for retail and office development. Royal Avenue is designated in BMAP as a primary retail frontage within the retail core and the retail uses on the ground floor are in accordance with these designations. The retail and office uses proposed are in accordance with prevailing planning policy.

4.86 Design, scale and massing of new development and the impact on the conservation area, listed buildings and the setting of the listed building.

4.87 The proposal seeks to erect a 5 storey extension to the rear to replace the extensions to be demolished. At ground floor level the extension will comprise retail floorspace, a service corridor and access, and a reception area and circulation space serving the offices above. The service corridor will link with 43 Rosemary Street and the new 6 storey block within Phase 1B facilitating access to communal waste storage arrangements located with the new block in Phase 1B. The first, second, third and fourth floors will accommodate office floorspace. The extension will also incorporate the circulation core for the proposed offices and the access to the offices at ground floor level from the proposed Church Lane. That part of the extension which contains the access/circulation space will sit between No. 43 Rosemary Street and the new block however it is set back from the building line established by 43 Rosemary Street. Links to the adjoining new block are proposed on each floor. An atrium is proposed between the original building and the new extension (refer to section drawing) and a large roof light is proposed facilitating a light well and allowing natural daylight into the mid-section of the building. The height of the rear circulation core has been reduced by 1.3m during the processing of the application to mitigate the visual impact of the proposal when viewed from the proposed 'Church Lane' and 'Upper Lombard Street'. The overall height of the extension measures 19.75m and sits below the existing ridge height of 41-51 Royal Avenue which measures 21.05m (see proposed section drawing page 4). The proposed extension will not be visible from Royal Avenue.

4.89 HED considers that the scale of the proposed extension is incongruous within the immediate setting of the nearby listed First Presbyterian Church and that the proposal should respect the setting of the listed church in terms of its scale, massing, height and materials. HED stated in their consultation response that they had not taken into account the proposals for the new block

adjoining (i.e. in Phase 1B) the extension or any way in which it may mitigate the effect of the extension on the setting of the church. The Conservation Officer also raised concerns with the scale and design of the extension. Whilst this proposal is separate from the Phase 1B planning application (LA04/2017/2126/F) it is intrinsically linked and will physically link to the new 6 storey block proposed within Phase 1B. Given the connections between the proposed rear extension and the new block adjoining it is appropriate that both applications be linked through a section 76 agreement to ensure a comprehensive approach to the development of this area. It is therefore appropriate that the proposals be considered in their proposed context.

4.90 The urban design criteria set out in BMAP for the Old City Character Area (Designation CC009) states that the density of development shall be maintained and increased where appropriate and that development proposals shall take account of the height of adjoining buildings. The criteria also states that building heights elsewhere shall be a maximum of 5 storeys and of a fine grain in nature with facades shall be broken up. The density and building height proposed adhere to the urban design criteria. The detail and treatment of the rear extension provides sufficient variation and differentiation which breaks up the massing along the elevations providing suitable elevation treatments which will enhance the character and appearance of the conservation area.

5.0 The consented scheme established the principle of a taller element (5 storeys) to the rear of 41-41 Royal Avenue in close proximity to the listed First Presbyterian Church. The new block proposed in Phase 1B is 6 storeys and the proposed extension is 5 storeys. The 5 storey extension sits below the ridge line of 41-51 Royal Avenue and will be visually subservient to the existing building and the proposed new 6 storey block (which will sit adjacent) when viewed from Rosemary Street as demonstrated in the illustrative view submitted (see page 5). The Urban Design officer concurs with this assessment. The principle of the scale and massing and impact on the setting of the listed church has been established through the previous permission/consent. The scale and massing of the proposal are not significantly different from the consented scheme. HED indicated that whilst they had been assessing the previous proposals for the consented scheme permission was granted by DOE. The case officer report for application Z/2010/1532/F states that *'redevelopment to the rear [of Royal Avenue] will improve the current appearance of this elevation and is necessary to address CL [Church Lane] which is effectively a back alley at present.* The case officer report further states that *'I consider this will enhance the character and appearance of the BCCA [Belfast City Centre Conservation area] and is one of the aims of the BCCA Guide, seen as a means of enhancing the area'.*

5.1 HED raised concerns that the proposal may set a precedent in terms of height for potential surrounding development i.e. no. 43 Rosemary Street which would further impact on the setting of the listed church. The consented scheme granted permission for the demolition of No 43 Rosemary Street and established the principle of 4 storey development at that location which would be considered as material in the assessment of any future proposals for that site along with all other relevant material considerations.

5.2 HED also raised concerns regarding the reduction in the width of the proposed atrium from that previously approved under the consented scheme. HED considers that the width of the atrium as proposed will not permit the full appreciation of the rear wall and does not give sufficient separation distance between the old and the new. The applicant has indicated that a reduction in the width of the atrium is proposed as the depth of the extension has been reduced from that previously approved under the consented scheme. The applicant has also stated that any reduction of the proposed office floorspace would negatively impact on the ability of the applicant to deliver viable, lettable space suitable for Foreign Direct Investment occupiers. The depth of the atrium measures 2.3m by 19.7m wide and will allow appreciation of the existing rear wall internally within the extension and is considered acceptable.

5.3 The proposal seeks to reinstate chimneys and pediments over the dormer windows to the front,

repairs to the roof, install awnings along upgraded shop fronts on Royal Avenue. External improvements also include stone and brickwork repairs, cleaning and repointing, replacement or rainwater goods and replacement and refurbishment of timber sliding sash windows. Previous approval was granted for similar works. HED has not raised objections to these elements of the proposal and is content that further details on design and finishes be secured through conditions.

5.4 External finishes to the proposed rear extension comprise of light grey brick panels, black anodised dormer windows, rolled cap zinc roofing and a mixture of transparent and opaque glass panels with staggered mullions to the southern and eastern external facades of the circulation tower. The palette of materials proposed will complement existing and proposed buildings and will enhance the character and appearance of the conservation area and are considered acceptable. It is appropriate that mock up panels be provided to ensure that the Council has a further opportunity to assess the finishes prior to operation of the building which will be secured through a condition.

5.5 Concerns raised by consultees and objectors are outweighed by the extant permission which is considering determining in this matter. The proposal will enhance the character area and appearance of the conservation area and will provide frontage onto a former car park which is considered to be an unattractive area as set out in the Belfast City Centre Conservation Guide.

5.6 Concerns were raised regarding the loss of the right of way within the site. At present land to the rear of 41-51 Royal Avenue is accessed via an alley from Lower Garfield Street, part of which is gated and inaccessible to the general public. It is proposed to abandon the public right of way to the rear of 41-51 Royal Avenue and a separate process/consent will be required from the Department for Infrastructure to implement. Given the current restricted access and the proposed new linkages throughout the site (Church Place, Upper Lombard Street, New Street) offering better quality alternative linkages and connectivity to the wider area it is considered that the loss of the public right of way will not have a detrimental impact on public access and is on balance acceptable.

6.0 Environmental Impacts/Contamination

6.1 A Phase 1 Environmental assessment was submitted in support of this application. The report concluded that current and former uses of the application site indicate a low potential for significant or widespread soil and groundwater contamination and that further assessment should be undertaken to verify the absence of gross contamination and potential risks to sensitive receptors. Environmental Health has no objections to the proposal subject to further groundwater investigations and monitoring and appropriate remediation/mitigation measures which will be secured through conditions.

7.0 Parking, Access and Servicing Arrangements

7.1 The development will be serviced via Lower Garfield Street and the proposed 'New Street' approved under the consented scheme. The Service Management Plan submitted demonstrates that the units can be satisfactorily accessed and serviced.

7.2 No car parking is proposed within the development which is located in the heart of the city centre and is therefore accessible to a number of alternative modes of transport.

7.3 A travel plan was submitted for the proposal which promotes the use of public transport, cycling and walking to and from the site. Cycle parking will be promoted as part of the development. Existing cycle parking bays are available along Royal Avenue and it is proposed that additional cycle parking bays are made available fronting the site. The travel plan proposes the appointment of a travel co-ordinator to maintain and monitor staff and customer travel patterns and ensure that travel information is publicly available and regularly reviewed and updated.

7.4 DFI Roads has indicated that they are satisfied with the proposal subject to conditions.

8.0 Archaeology

8.1 The site lies within an area of archaeological potential. Recent archaeological excavations for the adjacent site (Phase 1A to the north-east of the application site) uncovered extensive below ground archaeological remains of 17th and 18th century Belfast. It is therefore expected that further sub surface archaeological remains are likely within the application site. Conditions are recommended to ensure the appropriate investigations are carried out and findings recorded. In addition a licence from the Department of Communities will be required prior to any site investigations.

9.0 Other Issues

9.1 Objections raised concerns that the proposals were contrary to the North East Quarter Masterplan (2005) produced by the former Department for Social Development (DSD). Whilst this masterplan is a material consideration which has been taken into account in the assessment of this proposal it is not a statutory plan and does not therefore have significant weight in the determination of this application. In weighing up all the material considerations relevant to this application the extant permission is considered to be determining.

9.2 Review of the 'Development Management Practice Note 5 – Historic Environment' produced by DFI was recommended in objections. This guide which provides advice and deals primarily with procedures as well as good practice associated with proposals affecting listed buildings, conservations area and other designations relating to the historic environment. This application has been assessed in compliance with this Practice Note.

Neighbour Notification Checked

Yes

Summary of Recommendation:

In summary the proposal has been assessed taking account of all the material considerations. The site benefits from planning permission for a proposal which is not significantly different in terms of its scale, massing and impact on the conservation area and listed buildings the current application complies with the development plan context and planning policy and is recommended for approval subject to conditions set out below and a Section 76 agreement.

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

This recommendation is in conflict with HED's opinion and as such it is considered that if the recommendation is accepted this will necessitate notification to DFI as required under Section 29 of the Planning Act (Northern Ireland) 2011 and The Planning (Notification of Applications) Direction 2017.

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011

2. No work shall commence on site until details of the new chimneys and pediments over the existing dormers have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed

details.

Reason: To ensure the implementation of satisfactory works to a listed building and in the interests of the Belfast City Centre Conservation Area

3. No work shall commence on site until details of the awnings have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed details. The information must include the specific make and model of the proposed awnings, the fixing details and detailed elevations and cross sections showing the exact location of the awnings in relation to the existing historic fabric and the proposed shop fronts.

Reason: To ensure the implementation of satisfactory works to a listed building and in the interests of the Belfast City Centre Conservation Area

4. No work shall commence on site until a demolition method statement, detailing how the demolitions (including the demolition of the neighbouring buildings) will be carried out to, and around, the listed building without adversely affecting the structural stability of the remaining historic fabric and without damaging the historic fabric proposed for retention, has been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed method statement.

Reason: To ensure the implementation of satisfactory works to a listed building and in the interests of the Belfast City Centre Conservation Area

5. No work shall commence on site until samples of all finish materials for the walls, windows, doors and roofs have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed samples.

Reason: To ensure the implementation of satisfactory works to a listed building and in the interests of the Belfast City Centre Conservation Area

6. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

7. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

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.

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

Assessment must incorporate:

- A detailed site investigation in line with British Standards BS10175:2011. Any ground gas investigations should be conducted in line with BS8485:2015;
- A satisfactory assessment of the risks (including a Revised Conceptual Site Model) associated with any contamination present, conducted in line with current Defra and Environment Agency guidance. In addition, risks associated with ground gases should be assessed under the methodology outlined in CIRIA C665.

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

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

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

10. In order to demonstrate that any identified remedial measures have been incorporated into the proposed development, a Verification Report will be required.

- This Verification Report must be in accordance with current Environment Agency guidance and demonstrate that the mitigation measures have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health. Failure to provide a satisfactory Verification Report on completion of the works may lead to the assumption that the site remains a risk to human health.

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

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

Reason: To protect the amenity of occupiers and nearby residents.

12. A minimum of 6 No. cycle parking stands shall be provided prior to operation of the development hereby approved and permanently retained outside development buildings for use by visitors to the development.

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

13. The development hereby permitted shall operate in accordance with the approved Travel Plan submitted to Belfast City Council Planning Office on 20 December 2017. This includes provision of the Translink iLink Initiative and the Bike2Work Initiative and measures to encourage sustainable travel by staff and visitors or equivalent measures agreed by DfI Roads.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

14. The development hereby permitted shall operate in accordance with the approved Service Management Plan submitted to Belfast City Council Planning Office on 20 December 2017.

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

Notification to Department (if relevant)

Required

Date of Notification to Department:

Response of Department:

ANNEX	
Date Valid	27th September 2017
Date First Advertised	13th October 2017
Date Last Advertised	12th January 2018
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 33-39 ,Royal Avenue,Belfast,Antrim,BT1 1FD, The Owner/Occupier, 43 Rosemary Street,Belfast,Antrim,BT1 1QB, The Owner/Occupier, Belmont Poto Centre,33a ,Royal Avenue,Belfast,Antrim,BT1 1FD, The Owner/Occupier, Central Catholic Club,43a ,Rosemary Street,Belfast,Antrim,BT1 1QB, The Owner/Occupier, Centre Manager, Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Gressi Bakery,35-39 ,Royal Avenue,Belfast,Antrim,BT1 1FD, The Owner/Occupier, Nationwide Bldg Soc,53 Royal Avenue,Belfast,Antrim,BT1 1LX, The Owner/Occupier, Phone Medics,33a ,Royal Avenue,Belfast,Antrim,BT1 1FD, The Owner/Occupier, Talk 4 All,33a ,Royal Avenue,Belfast,Antrim,BT1 1FD, The Owner/Occupier, Unit 1A, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 1B, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 1C, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 28, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 29, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 2A, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 2B, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 3, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 30, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 31, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 32, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 33, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 34, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 34, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 35, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 36, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 37A, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 37B, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 38, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 4, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 5, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 55, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 56, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 57, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 58A, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 58B, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 59, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 6, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 60, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 60A, First Floor Castlecourt, Royal Avenue, Belfast</p>	

The Owner/Occupier, Unit 61, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 61B, First Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 6A, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit 6B, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit K15 Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit K6, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit K8, Ground Floor Castlecourt, Royal Avenue, Belfast The Owner/Occupier, Unit K9, First Floor Castlecourt, Royal Avenue, Belfast	
Date of Last Neighbour Notification	9th January 2018
Date of EIA Determination	
ES Requested	No