

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 10 March 2020	
Application ID: LA04/2019/2299/F + LA04/2019/2303/DCA	
Proposal: Demolition of existing property and re-development of the site including the provision of approximately 230,730sqft gross new build floorspace comprising class B1(a) office on 6 levels over active ground floor uses including retail (A1), restaurants and cafes and undercroft carparking of 37 spaces and related access for the redevelopment.	Location: 1-7 Fountain Street 24-40 Castle Street and 6-8 Queen Street Belfast BT1 5EA.
Referral Route: Major Application	
Recommendation: Approval	
Applicant Name and Address: ES NUH Limited 17-19 Dungannon Road Cookstown BT80 8TL	Agent Name and Address: Todd Architects 6 Queens Road Belfast BT3 9DT
<p>Executive Summary: The application seeks full planning permission for demolition of existing buildings and re-development of the site including the provision of approximately 230,730sqft gross new build floorspace comprising class B1(a) office on 6 levels over active ground floor uses including retail (A1), restaurants and cafes and undercroft carparking of 37 spaces and related access for the redevelopment. The application originally proposed a hotel as part of the redevelopment proposals, however, this element has been removed from the scheme and replaced by additional office accommodation. Re-consultation has been carried out on the amended description.</p> <p>The key issues in the assessment of the proposed development are:</p> <ul style="list-style-type: none"> - Principle of redeveloping the site for office and retail uses - Demolition in a Conservation Area - Impact on the setting of Listed Buildings - Scale, Massing and Design - Traffic and Parking - Contamination - Impact on Amenity - Impact on Protected Species - Flooding and Drainage - Waste Management - Pre-application Community Consultation <p>Statutory Consultees DfI Roads – No objection subject to conditions</p>	

DAERA Waste Management Unit – No Objection
DAERA Water Management Unit – No objection
DAERA Natural Environment Division – No objection
DfI Rivers Agency – No Objection
Belfast City Airport – No Objection
Rivers Agency – Awaiting final response
HED Historic Buildings Unit – No objections
HED Historic Monuments Unit – No objection subject to conditions

Non-Statutory Consultees

Environmental Health (BCC) – Approval subject to conditions
Urban Design Officer – No objection
Conservation Officer – No objection
City Regeneration and Development (BCC) – No objection
Building Control (BCC) – No objection

The proposal would support the regeneration of the area and create modern commercial business premises which would support employment and be beneficial to the economy.

The buildings proposed to be demolished do not make a positive contribution to the character of the City Centre Conservation Area.

The proposal is considered sympathetic to the characteristic built form of the wider area, and would not be harmful to the scale, form, materials and detailing of adjoining buildings. Important views within, into and out of the area would be suitably protected, and overall it would provide a positive contribution greater than that which currently exists on site. The character and appearance of the Conservation Area would be enhanced. The setting of nearby Listed Buildings would be safeguarded.

No third party representations have been received regarding this proposal to date.

Recommendation

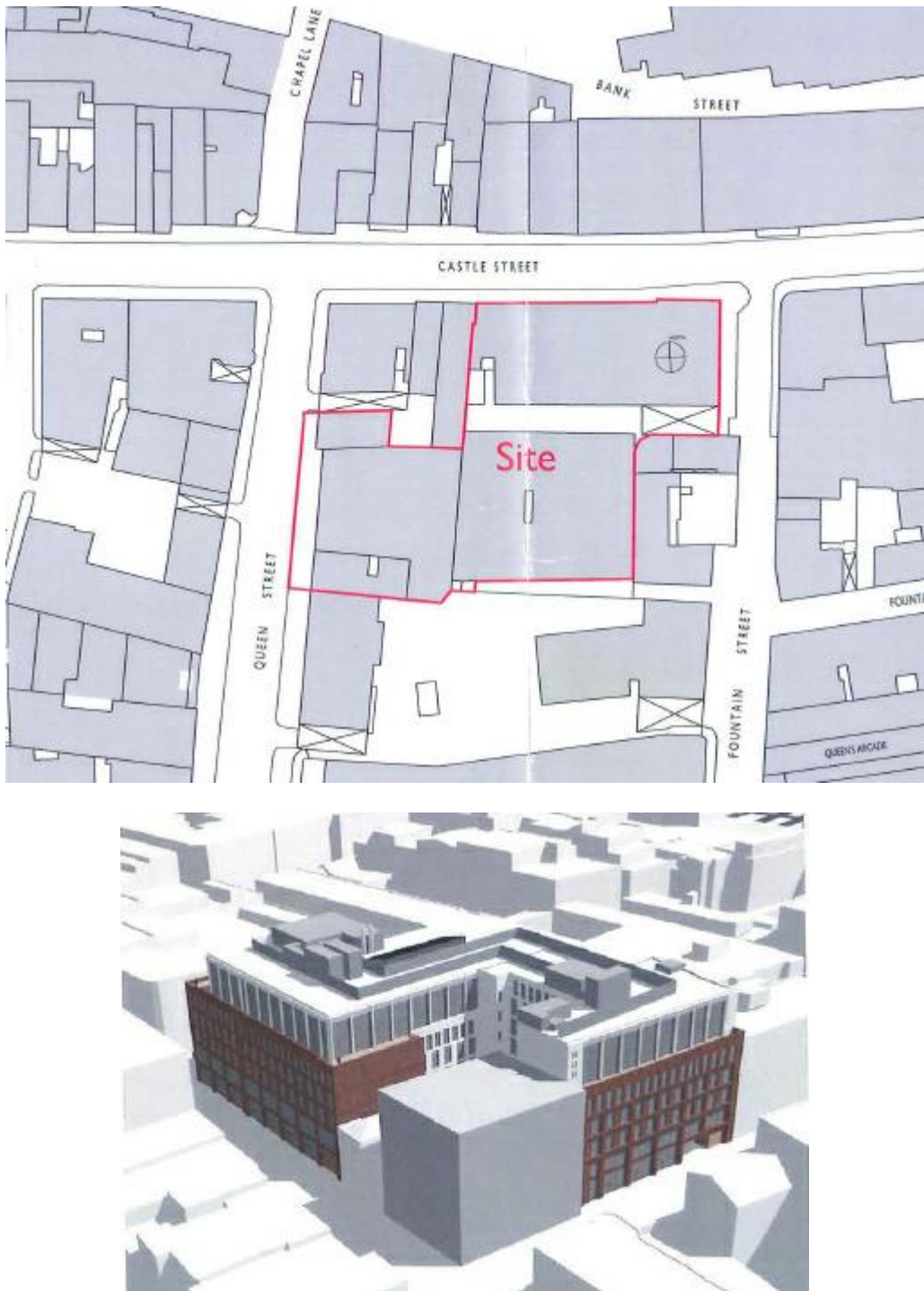
Having regard to the Development Plan and relevant material considerations, it is considered that the proposal is acceptable.

It is recommended that planning permission and Conservation Area Consent are granted with delegated authority given to the Director of Planning and Building Control to finalise conditions.

Signature(s):

Case Officer Report

Site Location Plan

**1.0 Description of Proposed Development**

1.1 The proposal is for a 7 storey building with a frontage on three city centre streets – Fountain Street, Castle Street and Queen Street. It would comprise approximately 21,435sqm gross new build floorspace including Class B1 (a) office on 6 levels over active ground floor uses including retail, restaurants and cafes and undercroft carparking of 37 spaces.

1.2	Along Fountain Street, Castle Street and Queen Street, the building comprises a uniform five storey shoulder height (21.0m) which includes an extended parapet, with a further two floors setback above which rise to around 28.0m.
1.3	Four retail Units are proposed at ground floor level along Castle Street and one along Queen Street.
1.4	37 basement car parking spaces will be provided, accessed only from Queen Street. Pedestrian access to the offices provided from Fountain Street, and for the retail units from Castle Street and Fountain Street.
2.0	Description of Site
2.1	The site consists of "Norwich Union House" fronting onto Castle Street and Fountain Street, a gap site onto Queen Street and a multi-storey car park in between.
2.2	Norwich Union House is a six storey building comprising retail units at ground floor on Castle Street and commercial/office units above. Constructed in 1962, Norwich Union House is typically of its time being clad in concrete panels and curtain walling.
2.3	The site currently provides 2,560 sqm of office space, 810 sqm of retail space and a 200 space multi-storey car park.
Planning Assessment of Policy and other Material Considerations	
3.0	Relevant Planning History
3.1	Z/2004/2278/F Proposal: Renewal of permission granted for a 6 storey building (previous planning ref: Z/1999/2151) Address: 6-8 Queen Street, Town Parks, Belfast, Northern Ireland, BT01 6ED Decision: Approval Decision Date: 28.02.2005
3.2	Z/2006/2044/F Proposal: Demolition of existing building and erection of new 7 storey building, retail on ground and first floor with offices on upper floors. Address: Olive Tree House, 23-31 Fountain Street, Belfast Decision: Approval Decision Date: 24.01.2008
3.3	Z/2008/2433/F Proposal: Amendment to previous scheme (Z/2006/2044/F) to include demolition of existing building and erection of an 8 storey building with retail on ground and first floors and offices above. Address: Olive Tree House, 23-31 Fountain Street, Belfast. Decision: Approval Decision Date: 16.04.2009
3.4	Z/2009/0622/F Proposal: Erection of 122 room budget hotel with bar/ restaurant and conference facilities, 2 No. retail units & associated car parking. Address: 6-8 Queen Street, Belfast. BT1 Decision: Approval Decision Date: 14.11.2012

3.5	LA04/2019/0068/F Proposal: Demolition of existing building and construction of 54 apartments with associated landscaping and a retail unit at ground floor. Address: Westgate House, 2-4 Queen Street, Belfast., Decision: Resolved to be granted permission by Planning Committee
4.0	Policy Framework
4.1	Belfast Urban Area Plan Draft Belfast Metropolitan Area Plan 2004 Draft Belfast Metropolitan Area Plan 2015 Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area' Developer Contribution Framework 2020
4.2	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 Planning 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 Development Control Advice Note 4 – Restaurants, Cafes and Fast Food Outlets
5.0	Statutory Consultees DfI Roads – No objection subject to conditions DAERA Waste Management Unit – No objection DAERA Water Management Unit – No objection DAERA Natural Environment Division – No Objection DfI Rivers Agency – No objection Belfast City Airport – No objection Rivers Agency – Awaiting final response HED Historic Buildings Unit – No objections HED Historic Monuments Unit – No objection subject to conditions
6.0	Non-Statutory Consultees Environmental Health BCC – No objection subject to conditions Urban Design Officer – No objections Conservation Officer – No objections City Regeneration and Development (BCC) – No objection Building Control (BCC) – No objections
7.0	Representations None Received
8.0	Other Material Considerations City Centre Conservation Area guidance document The Belfast Agenda The Belfast City Centre Regeneration and Investment Strategy (BCCRIS) (2015)
9.0	PLANNING ASSESSMENT
9.1	The key issues in the assessment of the proposed development are: <ul style="list-style-type: none"> - Principle of redeveloping the site for office and retail uses - Demolition in a Conservation Area - Impact on the setting of Listed Buildings - Scale, Massing and Design - Traffic and Parking - Contamination

	<ul style="list-style-type: none"> - Impact on Amenity - Impact on Protected Species - Flooding and Drainage - Waste Management - Pre-application Community Consultation
9.2	<p>Principle of redeveloping the site for office and retail uses</p> <p>Following the May 2017 Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan (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.</p>
9.3	<p>Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the only areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.</p>
9.4	<p>In the BUAP the site is located on unzoned “whiteland”. In the earlier version of Draft Belfast Metropolitan Area Plan 2004 the site is located within the Main Office Area and Primary Retail Core. In the latest version of Draft BMAP 2015 the site is within the Primary Retail Core and Old City Character Area. The proposed uses are considered acceptable in principle having regard to these designations. The proposal would support the regeneration of the area and create modern commercial business premises which would support employment and be beneficial to the economy.</p>
9.5	<p><u>Objections to Designations and Development Opportunity Sites in Draft BMAP</u></p> <p>There were a number of general objections to all Character Areas and in particular to specific design criteria. The PAC concluded that in general the design criteria were merited and basic expectations of responsive urban design within a City Centre context.</p>
9.6	<p><u>Acceptability of Ground Floor Retail Uses</u></p> <p>The retail element of the proposal has been assessed against the SPPS. The proposed ground floor retail units are located within the Primary Retail Core and in keeping with the overall thrust of the SPPS in terms of locating retail proposals in city and town centres. These ground floor units will also help the ongoing regeneration of Castle Street area, promote vibrancy and contribute to addressing issues of vacancy in the area identified within Belfast City Centre Regeneration and Investment Strategy (BCCRIS). The Inner North West Masterplan acknowledges “that retail will continue to be an important use along Castle Street with mixed-use development incorporated in the areas to the north of Castle Street, while office development is likely to the south”.</p>
9.7	<p>Demolition in a Conservation Area</p> <p>The proposal has been assessed against Policy BH14 of PPS6. The existing building is considered to have little in the way of architectural merit and does not considered to contribute to the character and appearance of the Conservation Area. The Conservation Officer has expanded on this by stating:</p> <p><i>‘It (the existing building) features a variety of massing and elements ranging from 3 to 6 storeys, with various setbacks and articulation that overall present a fractured, unattractive and uneven massing across the site and which is highly visible from both street frontages; in particular from Queen Street where direct views are afforded through the open site to the back of house, servicing and car-parking elements. It does not incorporate any redeeming features of architectural or historical interest that would be</i></p>

	<p>worthy of retention, and its removal would not have a negative impact on its surroundings or the wider area as a whole'. Demolition is therefore acceptable, subject to an adequate replacement scheme. The consent to demolish has been sought separately under application LA04/2019/2303/DCA.</p>
9.8	<p>Impact on the setting of Listed Buildings</p> <p>The proposal has been assessed against Policy BH11 of PPS6. Historic Environment Division (HED) has considered the potential impacts of the proposal on the following listed buildings:</p> <ul style="list-style-type: none"> • HB26/50/027 Former Children's Hospital (RUC Barracks) Queen Street (Grade B1) • HB26/50/032 Anderson and McCauley, 1-9 Donegall Place, 2-16 Castle Street (Grade B1) • HB26/50/153 Bank Buildings Castle Place (Grade B1)
9.9	<p>To improve the impact of the proposed development on the setting of Nos. 1-9 Donegall Place/2-16 Castle Street to the south (Zara - Anderson & McAuley building), and on the advice of HED, the upper two floors incorporate a deep setback of 6.5m along Fountain Street, whereas a shallower setback of 2.5m is proposed along Castle Street.</p>
9.10	<p>HED (Historic Buildings) has no objection. It is considered that the scale, form and design of the proposal would not harm the setting of the nearby Listed Buildings.</p>
9.11	<p>Impact on Historic Monuments</p> <p>The application site is in close proximity to the 17th Century town ditch of Belfast (ANT 061:022). The recorded archaeological sites and monuments nearby are indicators of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site, with particular focus on 17th Century settlement and the later industrial development of Belfast.</p>
9.12	<p>Historic Environment Division (Historic Monuments) has considered the impacts of the proposal and is 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 <i>in situ</i>, as per Policy BH 4 of PPS 6. These conditions (6, 7 and 8) are detailed below in Section 11.</p>
9.13	<p>Impact on the character and appearance of the City Centre Conservation Area</p> <p>The proposal has been assessed against Policy BH12 of PPS6. The site is located within the City Centre Conservation Area. Section 104 of the Planning (NI) Act 2011 places a statutory duty on the Planning Authority to pay special desirability to the preservation or enhancement of the character or appearance of the conservation area.</p>
9.14	<p>New buildings should be designed with respect for their context, and should be sympathetic and complimentary to the existing character and appearance of the area as a whole. There is a varied and eclectic mix of individual height, scale and massing in the area, with the building line of Castle Street diminishing in height as you move west on Castle Junction from 5 to 7 storeys to smaller units of 2 to 3 storey. On Queen Street the massing is more unified at 4 to 6 storeys, however the open nature of the application site on Queen Street directly contradicts this and allows direct and unattractive views of the back of house car-parking and servicing.</p>

9.15	<p>The Conservation Officer notes that:</p> <p><i>'The combination of this gap (on Queen Street) in the streetscape and high visibility of the unattractive rear elements significantly detracts from the character and appearance of the conservation area.'</i></p>
9.16	<p>Due cognisance has been given to the Conservation Area context, with the Conservation Officer makes the following comment:</p> <p><i>'.....shoulder heights and design cues generally correspond to other taller buildings including those that are listed, whilst additional massing above would be set back to reduce the risk of over-dominance or competing focus. Its built form would complement the higher scale and massing of both streets (Castle Street and Queen Street)....'</i></p>
9.17	<p>In terms of the smaller units adjacent to the site on Castle Street, the Conservation Officer notes that:</p> <p><i>'the existing building is already higher than both, as is Westgate House to the other side; therefore whilst the proposed scheme would increase this height differential further, it would not necessarily introduce a new impact. Neither of the buildings in question are considered to hold any heritage, architectural or historical value....'</i></p>
9.18	<p>The architectural appearance of the proposed building is considered to be a significant improvement over Norwich Union House in terms of form, design and materials. It is considered that it would be in keeping with the local vernacular and surrounding buildings. To conclude it is considered that the proposal would provide a stronger contribution to the character and appearance conservation area than the existing circumstances, ensuring an overall enhancement the City Centre Conservation Area, particularly in relation to the existing gap site along Queen Street.</p>
9.19	<p>Scale, Massing and Design</p> <p>The proposal has been assessed against paragraphs 4.23-4.29 of the SPPS and Policy PED9 of PPS4.</p>
9.20	<p>Policy CC12 of the BUAP applies. This seeks to ensure that new high buildings:</p> <ul style="list-style-type: none"> • do not mar or dominate the surrounding hills or the scale of attractive Belfast Views • relate sympathetically in design to the urban structure of the City • relates sympathetically to their immediate surroundings • relate sympathetically to buildings or groups of buildings of architectural and historic interest
9.21	<p>The site is located within the Old City Character Area as designated in the original version of the draft Belfast Metropolitan Area Plan (2004) and also within the latest version of draft BMAP (2014) (CC009). This sets out a number of urban design criteria for the area and criteria specific to the area. There is a general criterion that affects the site:</p>
9.22	<p><i>'That part of any development which fronts onto Donegall Place, Royal Avenue, Castle Street, Castle Place, or High Street shall be a minimum height of 5 storeys, or 17 metres to building shoulder height, and a maximum of 7 storeys with use of setback, articulated roof forms reinforcing traditional character.'</i></p>

9.23	<p>There are no site specific criteria which affect the proposal however there are three further criteria which apply throughout the Character Area:</p> <ul style="list-style-type: none"> • New development shall respect the established building line. Exceptions may only be permitted where development creates significant public open space. • Building heights shall be a minimum of 3 storeys and a maximum of 4 storeys, or 5 storeys with use of set-back, articulated roof forms reinforcing traditional character. Consistent cornice lines should be respected; • 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 – subdivision of block into 4 to 2 buildings.
9.24	<p>The proposed building has a predominant ridge height of approximately 28m (21m to shoulder height on Castle Street and Queen Street) and is 7 storeys high. This meets the design criteria in terms of number of storeys. It is higher than the shoulder height specified by the policy, however, this is considered to be outweighed by the fact the building will enhance the character of this part of the city centre conservation area, will safeguard the setting of adjacent Listed Buildings and is similar in terms of scale to the existing Norwich Union House. This increase beyond the recommended shoulder height is not considered significant, particularly given the conclusions of HED and the Conservation Officer, with neither objecting to the application.</p>
9.24	<p>Moreover, the Urban Design Officer advises that:</p> <p><i>'It is considered that a building of increased height at the corner of Castle Street and Fountain Street would help place emphasis on this junction and provide visual interest, aiding in orientation and legibility. While it does rise above the height of neighbouring two storey building along Fountain Street, this relationship exists as present with the six storey Norwich Union House. The relationship with the adjacent three storey property along Castle Street will change, in that the shoulder height of the new replacement building will rise an additional 8.5m above this building (with the upper two setback floors rising a further 7.0m). However it is acknowledged that the townscape in this area is changing as witnessed at the corner of Castle Street at Queen Street (Westgate House) where a seven storey residential scheme was recently considered, which may place future development pressure on the two remaining lower scale buildings between (Nos. 42-48 Castle Street).'</i></p>
9.25	<p>In terms of the Queen Street façade, the shoulder height has been dropped by a storey in order to reflect the shoulder heights of the existing and proposed buildings at either side. An amendment acknowledged by the Urban Design Officer:</p> <p><i>'The five storey shoulder height, which in earlier iterations was a storey higher, now sits more comfortably with neighbouring buildings in relation to both to the six/seven storey Westgate House scheme to the north and the existing six storey Queens House to the south.'</i></p>
9.26	<p>In relation to detailing and materials the Urban Design Officer has provided the following comments:</p> <p><i>'.....key facades pick up contextually on the horizontal and vertical rhythms provided by façade details on surrounding buildings, most notably 1-9 Donegall Place (Zara - Anderson & McAuley building), the Bank Buildings, 18-22 Castle Street and the former RUC Barracks along Queen Street. These include the strong horizontal rhythm of mouldings/cornices along the upper portions of buildings, vertical rhythm of bays and a</i></p>

	<i>strong horizontal rhythm of mouldings above GF level. The predominant use of red brick throughout is considered contextually appropriate as are those subservient upper floors which by contrast are framed in off-white reconstituted stone’.</i>
9.27	In relation to the proposed materials, the Conservation Officer has noted that although the proposed composition and material palette is considered acceptable, given the site is within the conservation area and close to listed buildings, appropriate samples of materials and finishes should be secured through condition for agreement prior to any development on site, as per condition No. 12, Section 11.
9.28	The Council’s City’s Regeneration and Development team have commented on the wider permeability of the area: <i>‘The development proposal currently does not include the extension of Fountain Mews from Fountain Lane / Fountain Street through to Queen Street, as identified within the 2009 Westside Masterplan and 2018 Inner North West Masterplan’.</i>
9.29	Although the aspiration for such a link has been included within a number of masterplans relating to the wider area, including the Westside Masterplan (DfC, 2009) and the Inner North West Masterplan (BCC, 2018), there is no strong planning policy basis to require such a link and in terms of permeability there is considered to be sufficient east to west pedestrian linkages in the vicinity, with Castle Street to the north and Fountain Lane to the south. There would be no reasonable grounds to refuse permission on this issue. The Regeneration and Development Team have went on to say in their most recent response:
9.30	<i>‘While this potential new link which would enhance east-west connectivity has not been realised, CRD recognises the wider regeneration benefits arising from redevelopment of the NUH building and development of the Queen Street surface car park’.</i>
	Traffic and Parking
9.31	The application site falls within the Belfast Core Parking Restraint Area as set out in the BUAP and draft BMAP. The proposal has been assessed against Policies AMP7, 8 and 9 of PPS3. DFI Roads have offered no objections to the proposal subject to Condition Nos. 16-19, detailed in Section 11.
9.32	37 basement car parking spaces are proposed, accessed solely from Queen Street.
9.33	The Travel Plan, submitted in support of the application, points to the sites proximity to the Europa bus/train centre and Laganside bus centre. There are also Belfast Bike docking stations close to the site at Great Victoria Street, College Square East and Blackstaff Square.
9.34	The Travel Plan also states that a Travel Co-Ordinator will be employed to promote car sharing, encourage staff to review their business and work travel and introduce a ride home scheme. These measures will reduce the reliance on the private car. 150 cycle parking spaces will also be provided to encourage staff to cycle to work, with the employer participating in the Bike2Work Initiative. These measures, including the cycle parking, will be secured by condition (Condition Nos. 17 and 18, Section 11).
	Contamination
9.35	An Environmental Site Assessment and Generic Quantitative Risk Assessment (GQRA) has been provided in support of the application.
9.36	The GQRA is informed by site investigations and environmental monitoring data to

	<p>assess the potential risks from ground and groundwater contaminants to human health and environmental receptors for the development. No unacceptable risks have been identified to environmental receptors.</p>
9.37	<p>DAERA Regulation Unit Land and Groundwater Team have no objections to the development provided condition Nos. 11 and 12 are attached as detailed below in Section 11. In addition, there is no objection from Environmental Health.</p>
	<p>Impact on amenity</p>
9.38	<p>The proposal has also been assessed against paragraphs 4.12 and 4.13 of the SPPS in terms of potential impact on amenity of adjacent properties. The building is set within a busy city centre context, and there are no existing residential properties in close proximity to the site.</p>
9.39	<p><u>Noise, dust and vibration</u> Given the built-up location of the development site, as well as the size and nature of development proposed (which includes demolition), Environmental Health recommends that a Construction Environmental Management Plan is required via condition (No. 6 Section 11) to agree measures to control noise, dust and vibration during the demolition / construction phase, demonstrating the use of 'best practicable means'. This will be submitted before commencement of any works on the site, including demolition.</p>
9.40	<p><u>Noise - office internal noise levels</u> Supporting information advises that the office accommodation will be fitted with double glazing which should achieve a sound reduction performance of 30dBRw which will be sufficient to achieve a suitable internal noise level for open plan offices of 45-50dBL_{Aeq} as recommended in British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. Environmental Health do not object on noise grounds.</p>
9.41	<p><u>Air Quality</u> In view of the lack of known detail at this stage regarding the proposed combustion processes for heating and hot water provision, Environmental Health has requested that full specifications for the proposed heating systems are submitted to and agreed by the Council prior to commencement of development. These details will be secured via condition as detailed in Condition No. 4 in Section 11 of the report.</p>
9.42	<p><u>Odour</u> Environmental Health notes the final design and location of kitchen extraction discharge outlets or the proposed processes for heating and hot water provision has not been confirmed at this early stage. In view of the lack of detail available at this stage in relation to the eventual tenants of the ground floor, in relation to the type of foods to be cooked, Environmental Health recommends the details of proposed odour abatement systems are submitted for approval prior to their installation, as required under Condition Nos. 10 and 11, Section 11 below.</p>
	<p>Impact on Protected Species</p>
9.43	<p>Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns. NED is content that the buildings to be demolished are unlikely to support roosting bats or breeding swifts.</p>
	<p>Flooding and Drainage</p>
9.44	<p>A watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the 'Farset River' is located in proximity to the</p>

	northern boundary of the site. The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.
9.45	There is no objection from DFI Rivers, they have however sought confirmation of stormwater discharge arrangements. This information was included in an updated Drainage Assessment. DFI Rivers were consulted and a response remains outstanding.
	Waste Management
9.46	Building Control has stated that the applicant has sufficient development opportunity to comply with the Building Regulations (NI) 2012.
	Pre-application Community Consultation
9.50	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.
9.51	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 Proposal of Application Notice (PAN) LA04/2019/0447/PAN was submitted to the Council on 25 th February 2019.
9.52	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.
9.53	A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:
9.54	The Public Consultation Event took place in the Linen Hall Library Library, 17 Donegall Sq. North on 11 th April 2019. This event was advertised in the News Letter, Irish News and Belfast Telegraph on 3 rd April 2019.
9.55	Information leaflets were issued to properties in the vicinity of the site on 4 th April 2019.
9.56	The PAN was circulated to a number of local Councillors and MLAs on 25 th February 2019. In addition it was circulated to Councillors and Aldermen in the adjacent Court DEA and MLAs and MPs for South and West Belfast.
9.57	Around 30 people took part in the public exhibition with 14 providing feedback. Approximately one third were supportive of the scheme with the remainder undecided. Support was particularly strong with regard to the ground floor retail units.
9.58	Specific comments included potential disruption on Castle Street during construction, impact on parking, potential for a pedestrian link between Fountain Lane and Queen Street and the need for the proposed uses. In response the planning agent has pointed to the long term regeneration of this part of the city centre, provision of parking spaces on site, employment opportunities, lack of active frontage/ safety issues with a pedestrian link and provision of accessible, high quality office space, in line with the ambitions of the Belfast Agenda.

9.59	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 10.1 10.2	<p>Summary of Recommendation:</p> <p>Having regard to the Development Plan and relevant material considerations, it is considered that the proposal is acceptable.</p> <p>It is recommended that planning permission and Conservation Area Consent are granted with delegated authority given to the Director of Planning and Building Control to finalise conditions.</p>
11.0	<p>Draft Conditions (transport conditions to be added following receipt of DFI's comments):</p> <ol style="list-style-type: none"> 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. 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, Department for Communities. 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. Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded. 3. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 2. Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded. 4. 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 2. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council. 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. 5. Prior to commencement of the hereby permitted development, the applicant must submit an updated air quality impact assessment providing full specification details, including emission rates and flue termination heights, of the proposed combustion

systems for heating and hot water. The updated assessment must demonstrate that there will be no significant adverse air quality impacts associated with operation of the proposed combustion plant and with the overall development.

Reason: Protection of human health.

6. Prior to commencement of development on site, including demolition, site clearance or site preparation, a Construction Environmental Management Plan (CEMP) shall be produced by the appointed contractor. The CEMP shall include measures to control noise, dust and vibration during the demolition / construction phase, 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. The CEMP must incorporate the dust mitigation measures as detailed in Chapter 5 the AONA Air Quality Impact Assessment, dated March 2019. The CEMP must also have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: Protection against adverse construction impacts.

7. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination:

Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

8. After completing the remediation works under Condition 7; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination:

Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

9. Prior to installation of proposed plant and equipment to serve the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, a noise assessment of the impact of proposed plant and

equipment, conducted in line with British Standard BS4142:2014 +A1:2019 'Methods for rating and assessing industrial and commercial sound'. The noise assessment shall demonstrate that the noise rating level of the combined operation of all plant will be at least 3dB below the existing background sound level (dBL_{A90}) for daytime and night time when determined in line with BS4142 at the nearest residential premises.

Plant and equipment at the hereby permitted development shall be installed as approved and retained thereafter.

Reason: Protection of residential amenity.

10. Prior to installation of any kitchen extraction and odour abatement system to serve the hereby permitted development, the applicant must submit to the Council, for approval in writing, full specification details of the extraction and odour abatement system including: the location and height of the discharge duct, the discharge velocity and details of all stages of grease, smoke and odour control. The submitted specification shall demonstrate that it has been selected in line with the risk based approach as presented in relevant industry guidance: 'Control of odour and Noise from Commercial Kitchen Exhaust Systems' produced by DEFRA and updated by EMAQ+ in 2018.

The approved kitchen extraction and odour abatement system must be installed prior to the operation of any proposed café or restaurant within the development. The approved system must be retained thereafter and be cleaned and maintained in accordance with manufacturer's instructions.

Reason: Protection of amenity against adverse odour impact.

11. Prior to commencement of the hereby permitted development, the applicant must submit an updated air quality impact assessment providing full specification details, including emission rates and flue termination heights, of the proposed combustion systems for heating and hot water. The updated assessment must demonstrate that there will be no significant adverse air quality impacts associated with operation of the proposed combustion plant and with the overall development.

Reason: Protection of human health.

12. No development shall commence until a detailed specification and samples of the external materials have been submitted to and approved in writing by the Council. The details shall include a sample panel of the proposed brick 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.

Reason: In the interests of the character and appearance of the Conservation Area and setting of nearby Listed Buildings.

13. No development shall commence until details of external windows and doors have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of the character and appearance of the Conservation Area and setting of nearby Listed Buildings.

14. No development shall commence until details of rainwater goods including downpipes and gutters have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of the character and appearance of the Conservation Area and setting of nearby Listed Buildings.

15. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 04A 'Ground Floor Plan' bearing the Belfast City Council Planning Office date stamp 05 February 2020 to provide adequate facilities for parking, servicing and circulating within the site.

Reason: To ensure that adequate provision has been made for parking and servicing.

16. The development hereby permitted shall not become operational until visibility splays of 4.0 m x 45.0 m have been provided. The area within the visibility splays shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

17. 150 No. secure cycle parking spaces shall be provided and permanently retained within the ground floor of the building for use by staff and hotel residents and 4 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.

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

18. The development hereby permitted shall operate in accordance with the approved Travel Plan published by Belfast City Council Planning Office on 14 February 2020. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative 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.

19. The development hereby permitted shall operate in accordance with the approved Service Management Plan published by Belfast City Council Planning Office on 14 February 2020.

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

Informatives:

1. In the event that unexpected contamination is encountered during the approved development of this site, the development should cease and the applicant should contact the Planning Authority. Investigation of the contamination, risk assessment and, if necessary, remediation work, should be undertaken and verified in accordance with current best practice.

2. The applicant is further advised that 'Medium Combustion Plant' may require authorisation as a consequence of the transposition of the Medium Combustion

Plant Directive into Northern Ireland legislation via the Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2018. This Legislation is enforced by the Northern Ireland Environment Agency and Local Authorities. The relevant statutory body for this plant will contact the applicant with details of the authorisation process in due course.

3. Notwithstanding the terms and conditions of the Belfast City Council approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Office whose address is Belfast North Section Office, 1a Airport Road, Belfast BT3 9DY (ph. 028 9025 4600), Email: TNI.BelfastNorth@infrastructure-ni.gov.uk, for advice or to arrange an appointment. A monetary deposit will be required to cover works on the public road.
4. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
5. All construction plant and materials shall be stored off the adopted road.
6. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
7. Pedestrian Crossing Points across the proposed entrances are to be provided in accordance with the DTER/Scottish Office publication 'Guidance on the use of Tactile Paving'.

ANNEX	
Date Valid	18th September 2019
Date First Advertised	11th October 2019
Date Last Advertised	14th February 2020
<p>Details of Neighbour Notification (all addresses)</p> <p>10 – 19 Queen Street,Belfast,Antrim,BT1 6ED 15 - 29 Fountain Street,Belfast,Antrim,BT1 5EA 1st Floor, 42 Castle Street,Belfast,Antrim,BT1 1HB 1st Floor, 44 Castle Street,Belfast,Antrim,BT1 1HB 1st Floor, 55a Castle Street,Belfast,Antrim,BT1 1GH 1st Floor, West Gate House,4 Queen Street,Belfast,Antrim,BT1 6ED 2a Queen Street,Belfast,Antrim,BT1 6ED 2nd Floor, 44 Castle Street,Belfast,Antrim,BT1 1HB 2nd Floor, 55a ,Castle Street,Belfast,Antrim,BT1 1GH 2nd Floor, 7 Queen Street,Belfast,Antrim,BT1 6EA 2nd Floor, West Gate House,4 Queen Street,Belfast,Antrim,BT1 6ED 3rd Floor, 5-7 Queen Street,Belfast,Antrim,BT1 6ED 3rd Floor,West Gate House,4 Queen Street,Belfast,Antrim,BT1 6ED 4 Queen Street,Belfast,Antrim,BT1 6ED 51 Castle Street,Belfast,Antrim,BT1 1GH 55 Castle Street,Belfast,Antrim,BT1 1GH 6 Castle Street,Belfast,Antrim,BT1 1HB 6 Fountain Street, Belfast,Antrim,BT1 5ED 7 Fountain Lane, Belfast,Antrim,BT1 5FB 71 Castle Street,Belfast,Antrim,BT1 1GH 9 Queen Street,Belfast,Antrim,BT1 6EA 9-11 Fountain Street,Belfast,Antrim,BT1 5EA City Life, 44 Castle Street,Belfast,Antrim,BT1 1HB Concentrix House, 23 Fountain Street,Belfast,Antrim,BT1 5EP Executive Barbers, 44 Castle Street,Belfast,Antrim,BT1 1HB Floor 1, Concentrix House, 23 Fountain Street,Belfast,Antrim,BT1 5ES Floor 4, Concentrix House,23 Fountain Street,Belfast,Antrim,BT1 5EP Fountain News And Sandwich, Fountain Street,Belfast,Antrim,BT1 5EP Gordons Chemits, 57 Castle Street,Belfast,Antrim,BT1 1GH Greenhouse Cafe, Ground Floor, 9-15 Queen Street,Belfast,Antrim,BT1 6EA Harte Coyle Collins Solicitors Office, 9-15 Queen Street,Belfast,Antrim,BT1 6EA KRW Law Advocates Ltd, 9-15 Queen Street,Belfast,Antrim,BT1 6EA MSM Law Solicitors Office, 9-15 Queen Street,Belfast,Antrim,BT1 6EA Morgan And Murphy Solicitors Office, 9-15 Queen Street,Belfast,Antrim,BT1 6EA Office 1 1st Floor, Queens House,14 Queen Street,Belfast,Antrim,BT1 6ED Pic And Mix Body Jewellery, 17 Fountain Street,Belfast,Antrim,BT1 5EP Sally Salon Supplies, Queens House,14 Queen Street,Belfast,Antrim, Tattoo Studio, 44 Castle Street,Belfast,Antrim,BT1 1HB The Beringer, Fountain Street,Belfast,Antrim,BT1 5EP The Faith Mission Bookshop, 5-7 Queen Street,Belfast,Antrim,BT1 6EA</p>	

<p>The Fountain Bar And Restaurant, Fountain Street,Belfast,Antrim,BT1 5EP The Pieces Project, 5-7 Queen Street,Belfast,Antrim,BT1 6EA The Spinning Wheel, 21 Fountain Street, Belfast,Antrim,BT1 5EA Utility Regulator, 1st Floor,Queens House,14 Queen Street,Belfast,Antrim,BT1 6ED Utility Regulator, 2nd-5th Floor, Queens House, 14 Queen Street,Belfast,Antrim, Voodoo, 11a Fountain Street,Belfast,Antrim,BT1 5EP West Gate House,4 Queen Street,Belfast,Antrim,BT1 6ED White Dragon Tattoo, Fountain Street,Belfast,Antrim,BT1 5EP</p>	
Date of Last Neighbour Notification	7th February 2020
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title (to be added)	
BO2c, B03A-B08A, B10A – Site location plan, block plan, floor plans, elevations and sections	
Notification to Department (if relevant)	
Date of Notification to Department:	
Response of Department:	