

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA04/2016/0581/F	Target Date:
Proposal: Proposed extension of existing office building to provide additional office floorspace and single retail unit, including the demolition of existing 3 storey office building 9 Gloucester Street.	Location: Centre House 69-87 Chichester Street Belfast
Referral Route: Major Application – threshold 5000 square metres Part of the site within the ownership of Belfast City Council	
Recommendation:	Approval Subject to Conditions
Applicant Name and Address: Kilmona Property Ltd Adelaide House 1 Falcon Road Belfast BT12 6SJ	Agent Name and Address: Coogan & Co Architects Ltd 144 Upper Lisburn Road Finaghy Belfast BT10 0BG
<p>Executive Summary:</p> <p>Full planning permission is sought for the proposed extension of an existing office building to provide additional office floorspace and a single retail unit, including the demolition of existing 3 storey office building 9 Gloucester Street.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of the office extension at this location; • Impact on Victoria Street / Oxford Street Area of Townscape Character; • Traffic Movement and Parking; • Impact on the setting of adjacent listed buildings; • Impact on area of archaeological potential; and • Pre- Community Consultation <p>The site is located within the development limits of Belfast in the Belfast Metropolitan Area Plan (BMAP) and is identified as being within the City Centre, Victoria Street/ Oxford Street Area of Townscape Character (ATC) and within Civic Precinct Character Area (CC 008).</p> <p>The principle of development is considered acceptable as it consists of an extension to existing offices in a city centre location and is compatible with surrounding land uses.</p> <p>The height, scale and massing of the building is considered acceptable given the site context within the ATC and is comparable to other buildings in the area. The proposed design and treatment of the elevations contrasts successfully with the existing building.</p>	

In terms of amenity, there are no existing residential uses immediately adjacent to the application site.

Consultees offered no objection subject to conditions and no objections from third parties have been received.

Part of the site is within the ownership of Belfast City Council. The applicant was informed and a revised Certificate of land ownership was submitted serving notice on Belfast City Council.

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.

Having regard to the development plan, relevant planning policies and all other matters raised by consultees it is concluded that the proposal would constitute an acceptable development at this location.

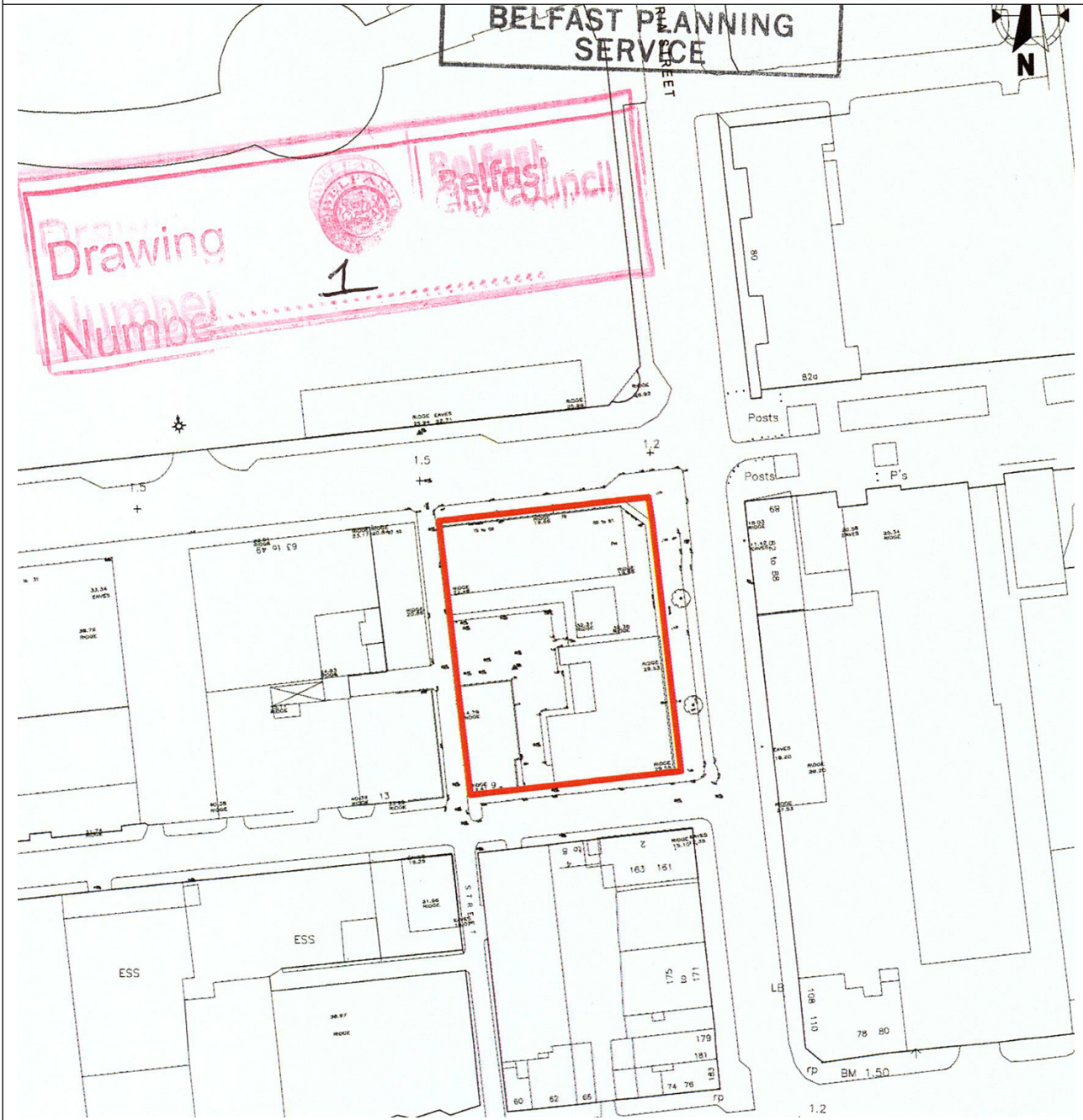
Recommendation

Approval with conditions as set out in case officer report below.

Signature(s):

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0 Description of Proposed Development

Full planning permission is sought for an extension to an existing office building to provide additional office floorspace and a single retail unit. The proposal includes the demolition of an existing 3 storey office building at 9 Gloucester Street. The proposal will provide a gross floorspace of 5330 sq metres.

2.0 Description of Site

The site occupies the corner of Victoria Street and Chichester Street and consists of a flat

	roof part 8 storey, part 5 storey building, finished in red brick. The ground floor consists of a mixture of uses including A1 retail, sui-generis and other uses. The remaining floors are all in office use.
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History
	<p>Opposite the Site</p> <p>Z/2011/0380/F- Demolition of existing building and construction of new building-ground floor retail and 1st-6th floor office at 88 Victoria St Belfast- Approved 13th August 2015.</p> <p>Z/2015/0024/F – Redevelopment of existing site to form ground floor office/showroom at 165-169 Victoria Street, Belfast- Appeal pending</p>
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015 Policy UE 1 - Urban Design Policy OF 1 – Belfast City Centre, Lisburn City Centre and other Town Centres
4.2	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3: Access Movement and Parking Planning Policy Statement 6: Planning, Archaeology and the Built Environment Planning Policy Statement 13:Transportation and Land Use Planning Policy Statement 15 (Revised) – Planning & Flood Risk
5.0	Statutory Consultee Responses
	<p>Transport NI- No objections subject to conditions</p> <p>NIWater- No objections;</p> <p>Historic Environment Division- No Objections</p> <p>NIEA- No objections subject to conditions</p>
6.0	Non Statutory Consultee Responses
	Belfast City Council EPU- No Objections subject to conditions
7.0	Representations
	The application has been neighbour notified 12 th August 2016 and advertised in the local press on 15 th April 2015. No letters of objection have been received.
8.0	Other Material Considerations
8.1	Belfast City Centre Regeneration and Investment Strategy
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposed development include</p> <ul style="list-style-type: none"> • The principle of the office extension at this location; • The principle of the retail element; • Impact on Victoria Street / Oxford Street Area of Townscape Character; • Impact on the setting of adjacent listed buildings; • Impact on area of archaeological potential; • Traffic Movement and Parking; and • Pre- Community Consultation
9.2	The Strategic Planning Policy Statement (SPPS) sets out five core planning principles of the planning system, including improving health and well being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.11 and 4.12 require the safeguarding of residential and work

	<p>environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paras 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states PPS3 remains applicable under transitional arrangements.</p>
9.3	<p>Article 6 (4) of the Planning (Northern Ireland) Act states that in making any determination under the said act regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.</p>
9.4	<p>The site is identified as being within the City Centre, the Civic Precinct Character Area CC008 and is within an Area of Townscape Character (ATC) city centre of Belfast in the Belfast Metropolitan Area Plan (BMAP) 2015.</p> <p><u>Principle of Extension and Office Use</u></p>
9.5	<p>Given the city centre location the presumption is therefore in favour of development subject to the planning considerations detailed below.</p>
9.6	<p>Policy OF 1 of BMAP states that in Belfast City Centre, Lisburn City Centre and other Town Centres planning permission will be granted for Office development within Classes A2 and B1. Moreover the building is currently in office use. The proposal therefore complies with this policy. Furthermore, given the city centre location the proposed uses are considered to comply with the policies contained within the Strategic Planning Statement as well as PED 1 of Planning Policy Statement 4.</p> <p><u>Retail Element</u></p>
9.7	<p>Retail policy considerations are set out in the SPPS and BMAP. The site is located within the city centre but outside the primary retail core. The retail unit is 142 sq metres. As the site is located within the City Centre boundary in BMAP and the retail unit is located on the ground floor there is no objection in principle to this use. Unrestricted retailing is appropriate within this City Centre location.</p> <p><u>Assessment against Urban Design Criteria in BMAP</u></p>
9.8	<p>Centre House has a maximum ridge height of 30.3 metres on the Victoria Street elevation (excluding the roof plant) and steps down to 18.5 metres on Chichester Street. The total gross floorspace of the proposal including the car parking is 5332 sq metres.</p>
9.9	<p>The general criteria of Civic Precinct Character Area (Designation CC008) states <i>that the part of any development which front onto Wellington place, Donegall Square North, and Chichester Street shall be a minimum height of 5 storeys and maximum height of 7 storeys, with use of set back or sloping roof form or a combination of both and that part of any development which fronts onto Victoria Street shall be a minimum building height of 6 storeys a, or 18 metres to shoulder height, and a maximum of height of 7 storeys.</i></p>
9.10	<p>Centre House is an existing 8 storey mixed use building with retail and other uses on the ground floor and offices above. The proposal involves the extension to Centre House 69-87 Chichester Street, a non descript 1980s style building on a prominent corner location. The addition of a extra storey to the existing 8 storey element with setback, whilst contrary to the UDCs is acceptable for the following reasons:</p>
9.11	<p>Victoria Street has a relatively uneven height along its frontage and it is therefore considered that this section can accommodate an increase in the overall height by one</p>

	<p>storey without impacting adversely on the overall character and appearance of the ATC. The set back and articulated roof form, use of recessive materials (polyester powder coated aluminium windows) against the more accentuated brick facade works successfully reducing the overall massing of the proposal and will not detract from the area when seen from critical views along Chichester Street or indeed Victoria Street. In regard to the site which is the subject to a planning appeal at 165-169 Victoria Street, it is considered that proposed application is not directly comparable. Centre House is a corner site with considerable bulk and massing. It does not directly abut any listed buildings. In addition, the nature of the works do not introduce a significant increase in height along Victoria Street or in relation to the building and its neighbours. It is therefore considered that the height scale and massing is therefore considered acceptable.</p> <p><u>Impact on Victoria Street / Oxford Street ATC</u></p>
9.12	The site falls within Designation CC026 Area of Townscape Character Victoria Street / Oxford Street and consequently has been assessed against ATC 1 and ATC2 of the Addendum to PPS 6: Areas of Townscape Character.
9.13	Victoria Street / Oxford Street ATC lies to the eastern edge of the city centre and runs south to north between East Bridge Street and Waring Street and west east between the river and Oxford Street and Victoria Street. A section of townscape to the west of the latter is also included.
9.14	An area of archaeological significance, the area contains numerous civic and commercial buildings of eclectic styles architecturally, mainly from the late Victorian and Edwardian period, with some from the interwar period.
9.15	The character of the area is ascribed by important historic civic and institutional buildings contributing to the fabric and character of the city and the historic buildings that provide their contextual setting.
9.16	Policy ATC 1 states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character.
9.17	The proposal involves the demolition of number 9 Gloucester Street, a 3 storey flat roof building that makes no material contribution to the character and appearance of the ATC. It is therefore considered that the demolition of this building is acceptable.
9.18	Policy ATC 2 New Development in an Area of Townscape Character states that the Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area.
9.19	The Conservation Area Officer (CAO) states that the proposed building height (seven storeys) to Chichester Street is broadly acceptable in the context of Chichester Street, and respects the above historic built pattern. However the CAO further states that the 8 and 9 storeys to Victoria Street are not acceptable and that it would be, through excessive height, unsympathetic to the characteristic built form of the ATC.
9.20	It is considered that prominence does not automatically imply harm to neighbouring buildings and the character of the ATC. The resulting regeneration and the surrounding planning history must also be considered and balanced in the assessment of this application. Given the urban city centre context and the presence of extant planning permissions, most notably directly opposite the site for a building of a similar height approved under Z/2011/ 0380/F, it is considered that, on balance, the form and height of

	the extension establishes a presence that it considered appropriate.
9.21	Annex A of Addendum to PPS 6 acknowledged that development of new buildings should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, rather than they should be designed with respect for their context. Paragraph 4.29 of SPPS states that planning authorities should not attempt to impose a particular architecture taste or style.
9.22	It is conceded that the southern side of Chichester Street does not exhibit any significant visual cohesion with various facade treatments (form / materials) to buildings addressing this prominent frontage. The proposed alterations involve building up the current voids in curtain walling with grey aluminium frames – a section to the rear along Seymour Street would appear to be in red brick - with horizontal bands of windows as per the existing. The architectural approach is modern with recessive polyester powder coated aluminium windows. The glass protrusions on the Chichester Street elevation successfully adds variety and articulation to an otherwise mundane building and ultimately assists in revamping a prominent corner location within the city centre. It is considered that the proposed design and architectural treatment and materials are acceptable.
	<u>Impact on Listed Buildings</u>
9.23	The proposal has been assessed against Policy BH11 of Planning Policy Statement 6. The Historic Environment Division (HED) has been consulted to consider whether the application affects 161-163 Victoria Street & 2 Gloucester Street, Belfast and Old Town Hall, 80 Victoria Street, Belfast, Grade B1 listed buildings of special architectural and historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. HED has considered the effects of the proposal on the listed building and on the basis of the information provided is content without conditions.
	<u>Area of Archaeological Potential</u>
9.24	The application site is located within the Belfast Area of Archaeological Potential (AAP) designated in the Belfast Metropolitan Area Plan (BMAP) 2015 to protect the aboveground and below-ground archaeological remains associated with the early development of the settlement. It is also across the road from Victoria Square, which was the subject of a major archaeological investigation in 2008 that uncovered the eighteenth- and early nineteenth-century docks. Historic Environment Division: Historic Monuments (HED:HM) has considered the impacts of the proposal and is content with the proposal, conditional on the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation <i>in situ</i> , as per Policy BH 4 of PPS 6.
	<u>Access and Parking</u>
9.25	The proposal has been assessed against PPS3: Access, Movement and Parking. Given the sites location within the city centre (highly accessible location in close proximity to services and amenities) it is considered that the proposal is acceptable with 15 spaces and 1 disabled space, a view shared by Transport NI.
	<u>Contaminated Land</u>
9.26	Waste Management Unit has assessed a Preliminary and Generic Quantitative Risk Assessment (PRA and GQRA) report provided by WYG Environment in support of this application. Intrusive site investigations have been undertaken in support of the GQRA. No

	<p>unacceptable risks to environmental receptors have been identified. NIEA has no objections to the development provided conditions are placed on any Planning Decision Notice as recommended.</p> <p><u>Pre-Community Consultation</u></p> <p>9.27 For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p> <p>9.28 Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2015/1061/PAN) was submitted to the Council on 3rd November 2015.</p> <p>9.29 Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.</p> <p>9.30 A Pre Application Community Consultation Report has been submitted in support of this application and is considered to meet the statutory requirements.</p> <p><u>Land Ownership</u></p> <p>9.31 Part of the site is within the ownership of Belfast City Council. The applicant has submitted a revised P2 Certificate of Land ownership form serving notice on BCC. Any planning permission does not confer title. It is the responsibilities of the developer /owner to ensure that they control the land necessary for the development.</p>
10.0	<p>Summary of Recommendation: Approval</p> <p>Having regard to the development plan, relevant planning policies, and other material considerations, it is determined that the development will not cause demonstrable harm to the interests of acknowledged importance. Approval is therefore recommended.</p>
11.0	<p>Conditions</p> <p>1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: Time Limit.</p> <p>2. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use</p> <p>3. . If during the development works, new contamination or new risks of contamination</p>

are encountered which have not previously been identified, works should cease and the Council shall be notified within 5 working days. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). A report on the outcome of that investigation must be submitted to the Council in writing. In the event of an unacceptable risk of contamination being identified in that report, a remediation strategy shall be submitted and agreed with the Council in writing. The remediation and monitoring works recommended in that report must be implemented and verified to the satisfaction of the Council prior to occupation of the development.

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

4. Any fuel storage tanks (and associated infra-structure) to be removed or replaced as a result of the development must be decommissioned and removed in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Conditions 3 and 4 will apply.

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

5. 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.

6. 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.

7. Prior to the occupation of the proposed development, the applicant shall provide to Planning Service, for approval, a Verification Report. This report must demonstrate that the remediation measures outlined in Section 4.1 of the Preliminary and Generic Risk Assessment, Reference A096183, February 2016 have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (commercial office use). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate:

- Gas protection measures in accordance with CIRIA C665 Characteristic

	<p>Situation 2 has been installed throughout the buildings of the proposed development. The gas protection membrane shall also act as a vapour protection membrane.</p> <p>Reason: Reason: Protection of human health.</p> <p>8. The vehicular access shall be constructed in accordance with Drawing No.11 bearing the date stamp 14th March 2016.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>9. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with Drawing No.11 bearing the date stamp 14th March 2016 to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.</p> <p>Reason: To ensure adequate provision has been made for parking and traffic circulation within the site.</p> <p>10. Doors shall not open out over adopted footways.</p> <p>Reason: In the interests of pedestrian safety.</p> <p>11. The development hereby permitted shall operate in accordance with the Travel Plan contained within the Travel Plan & Service Management Plan document dated February 2016.</p> <p>Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</p> <p>12. The development hereby permitted shall operate in accordance with the Service Management Plan contained within the Travel Plan & Service Management Plan document dated February 2016.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p> <p>13. Notwithstanding the details of roof plants as indicated on the approved drawings, no development shall commence until full planning details including particulars of plants on the development hereby approved shall be submitted in writing to the Council.</p> <p>Reason: To protect the Character of the Area of Townscape Character.</p> <p>14. Prior to the commencement of development details of the external finishes, including samples of materials to be used shall be submitted to the Council for agreement in writing, the development shall be constructed in accordance with those exemplars agreed and noted on the approved drawings.</p> <p>Reason: To ensure a quality standard of finish in the interests of visual amenity and the character and appearance of the area.</p>
12.0	Notification to Department (if relevant)

	N/A
13.0	Representations from Elected members: None

ANNEX	
Date Valid	24th March 2016
Date First Advertised	15th April 2016
Date Last Advertised	15 th April 2016
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 13 Gloucester Street, Town Parks, Belfast, Antrim, BT1 4QU, The Owner/Occupier, 143-147, Victoria Street, Town Parks, Belfast, Antrim, BT1 4PE, The Owner/Occupier, 149-151, Victoria Street, Town Parks, Belfast, Antrim, BT1 4PE, The Owner/Occupier, 153-155, Victoria Street, Town Parks, Belfast, Antrim, BT1 4PE, The Owner/Occupier, 16-18 Northern Court, Gloucester Street, Town Parks, Belfast, Antrim, BT1 4AB, The Owner/Occupier, 161-163, Victoria Street, Town Parks, Belfast, Antrim, BT1 4PE, The Owner/Occupier, 65-67 Scottish Legal Building, Chichester Street, Town Parks, Belfast, Antrim, BT1 4JD, The Owner/Occupier, 9 Gloucester Street, Town Parks, Belfast, Antrim, BT1 4LS, The Owner/Occupier, 9-11, Seymour Street, Town Parks, Belfast, Antrim,, The Owner/Occupier, 92 Victoria Street, Town Parks, Belfast, Antrim, BT1 3GN, The Owner/Occupier, 94 Victoria Street, Town Parks, Belfast, Antrim, BT1 3GN, The Owner/Occupier, 96 Victoria Street, Town Parks, Belfast, Antrim, BT1 3GN, The Owner/Occupier, 98 Victoria Street, Town Parks, Belfast, Antrim, BT1 3GN, The Owner/Occupier, Bank Chambers, 2 Gloucester Street, Town Parks, Belfast, Antrim, BT1 4LS, The Owner/Occupier, Chancery House, 82 Victoria Street, Town Parks, Belfast, Antrim, BT1 3GN,</p>	
Date of Last Neighbour Notification	12 th August 2016
Date of EIA Determination	N/A
ES Requested	No

Drawing Numbers and Title

1, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20