

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA04/2015/0689/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed demolition of existing buildings to facilitate extension to existing offices for additional accommodation. Re-clad of existing office building, additional car parking, landscaping and all associated site works	<b>Location:</b> Rosemount House 21-23 Sydenham Road Belfast BT3 9HA
<b>Referral Route:</b> Local - More than 200 sq metres	
<b>Recommendation:</b>	Approval Subject to Conditions
<b>Applicant Name and Address:</b> Lagan Construction Group Holdings Ltd Rosemount House 21-23 Sydenham Road Belfast BT3 9HA	<b>Agent Name and Address:</b> TSA Planning 29 Linenhall Street Belfast BT2 8AB
<p><b>Executive Summary:</b></p> <p>Full planning permission is sought for the demolition of existing buildings to facilitate an extension to existing offices for additional office accommodation. Re-clad of existing office building, additional car parking, landscaping and other associated site works</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of the extension at this location;</li> <li>• Scale, Massing and Design;</li> <li>• Traffic, Movement and Parking;</li> <li>• Flooding;</li> <li>• Contamination; and</li> <li>• Economic considerations</li> </ul> <p>The site is located within the development limits of Belfast in the Belfast Metropolitan Area Plan (BMAP) and is identified as being within Zoning BHA 06: Existing Employment Belfast Harbour and Designation BT 009 Area of Parking Restraint Belfast City Centre Fringe Area.</p> <p>Section 45 of the Planning Act (NI) 2011 provides that where an application is made for planning permission, the council in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p> <p>The proposal in contrary to Zoning BHA 06 of BMAP as the site is located outside Sydenham Business Park (the only area within the zoning where B1(a) Use is acceptable) and the threshold of 5000 sq metres of permissible office space has already been exceeded within this location.</p>	

However considering other factors including the nature of the business, the economic benefits to wider area and the lack of available Grade A Office floorspace within the City Centre that is suitable, viable and available the extension, on balance, is considered appropriate at this location.

The height, scale and massing and design of the building is considered to be acceptable given the site context and is comparable to other buildings in the area.

The proposed design and treatment of the elevations are consistent with the area, incorporating a similar fenestration, solid to void ratios and materials.

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

Consultees offered no objections to the proposal subject to conditions.

No objections have been received from third parties.

5 letters of support have been received from the following elected representatives:

Andy Allen MLA  
Sammy Douglas MLA  
Chris Lyttle MLA  
Gavin Robinson MP  
Cllr Donal Lyons

Having regard BMAP, to the policy context and other material considerations, the proposal is considered acceptable and approval is recommended.

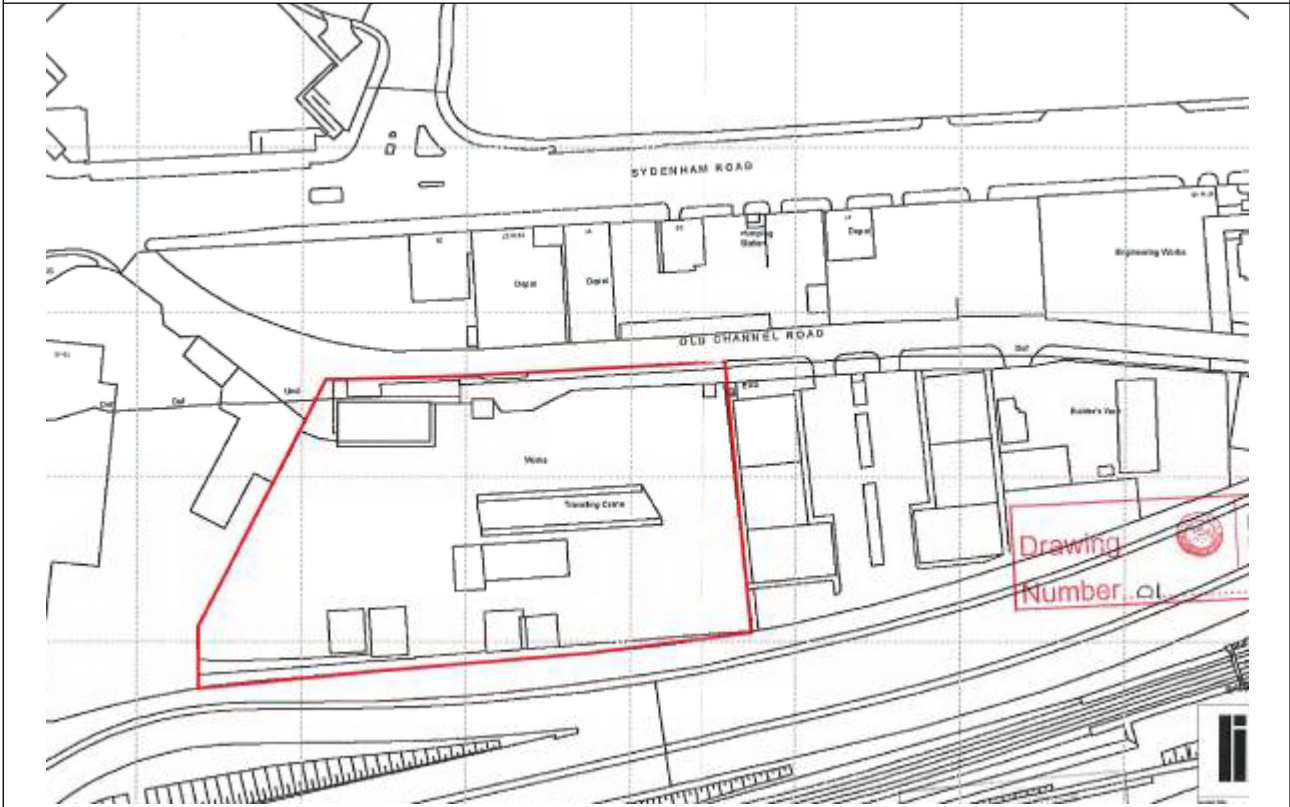
**Recommendation**

Approval subject to conditions.

**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 the demolition of existing buildings to facilitate an extension to existing offices for additional office accommodation. Re-clad of existing office building, additional car parking, landscaping and all associated site works

#### 2.0 Description of Site

The site is a two storey office block finished in red brick. The office block building consists of three elements the main block facing onto the road and two attached wings to the rear (east and west). The remainder of the site consists of hard standing car parking and industrial units.

The area is characterised by commercial use offices and industrial use. To the rear of the site beyond the boundary is the M5 motorway

### Planning Assessment of Policy and other Material Considerations

#### 3.0 Planning History

On-site

Z/2010/1082/F- Extension of existing office building to include provision of further office and storage space and associated works.

Approved : 26<sup>th</sup> May 2011

	Z/2014/1301/F-Extension to existing office building to provide additional office space, meeting rooms, staff canteen, toilets, storage and plant areas, together with associated landscaping. Approved: 12 <sup>th</sup> May 2015
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Metropolitan Area Plan 2015
4.2	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3: Access Movement and Parking Planning Policy Statement 4: Planning and Economic Development Planning Policy Statement 13: Transportation and Land Use Planning Policy Statement 15: Planning and Flood Risk
<b>5.0</b>	<b>Statutory Consultee Responses</b>
	Transport NI- No objections subject to conditions NIWater- No objections; NIEA- Waste Management- No objection subject to conditions; Rivers Agency- No objection
<b>6.0</b>	<b>Non Statutory Consultee Responses</b>
	Belfast City Council EPU- No objections subject to conditions
<b>7.0</b>	<b>Representations</b>
	The application has been neighbour notified on 5 <sup>th</sup> August 2015 and advertised in the local press on 7 <sup>th</sup> August 2015. No letters of objection have been received. However 5 letters of support have been received from the following:  Andy Allen MLA Sammy Douglas MLA Chris Lyttle MLA Gavin Robinson MP Cllr Donal Lyons
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	Department of Environment Parking Standards
<b>9.0</b>	<b>Assessment</b>
9.1	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> <li>• The principle of the extension at this location;</li> <li>• Traffic Movement and Parking;</li> <li>• Scale, Massing and Design;</li> <li>• Flooding;</li> <li>• Contamination;</li> <li>• Economic considerations;</li> </ul> <p><u>The principle of the extension at this location</u></p>
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 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 remain applicable under ‘transitional arrangements’.
9.3	The SPPS introduces new retail and other town centre uses policy under ‘town centres and retailing’ at pages 101-105, replacing previous considerations within Planning Policy Statement 5. Paragraph 6.270 states that <i>‘the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.’</i> B1 office use falls under other <i>contemporary functions</i> and therefore must be considered under this policy.
9.4	Paragraph 6.273 of the SPPS states planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP.
9.5	Paragraph 6.281 requires applications for main town centre uses to be considered in the following order of preference: <ul style="list-style-type: none"> <li>- primary retail core;</li> <li>- town centres;</li> <li>- edge of centre; and</li> <li>- out of centre locations, only where sites are accessible by a choice of good public transport modes.</li> </ul>
9.6	BMAP is the current development plan for the area. Part 9 regulation 32 and associated Schedule of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 states:
9.7	<i>‘during the transitional period a departmental development plan shall operate as the local development plan for the area for which it is made and shall be treated for the purposes of the 2011 Act and any other enactment relating to planning as being the local development plan for the area’.</i>
9.8	Paragraph 6.289 require applicants to <i>‘...identify and fully demonstrate why alternative site are not suitable, available and viable’</i> . There is no further direction or discussion within the SPPS as to the definition or interpretation of <i>suitable, available and viable</i> . To date no guidance has been published by DOE to assist in the interpretation and implementation of the sequential test and associated polices within the ‘Town Centres and Retailing’ section. Accordingly consideration of practice / guidance in England has been taken into account. The document ‘Planning for Town Centres - Guidance on need, impact, and the sequential approach’ (Department for Communities and Local Government, December 2009) sets out three criteria in the assessment of the sequential testing of sites: <ul style="list-style-type: none"> <li>(a) Suitable: When judging the suitability of a site it is necessary to have a proper understanding of scale and form of development needed, and what aspect(s) of the need are intended to be met by the site(s).</li> <li>(b) Available: A site is considered available for development, when, on the best information available, there is confidence that there are no insurmountable legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners.</li> <li>(c) Viable - whether there is a reasonable prospect that development will occur on the site at a particular point in time.</li> </ul>

9.9	<p>The site is located within the development limits of Belfast in BMAP and is identified as being within Zoning BHA 06 – ‘Existing Employment Belfast Harbour’. The key site requirements state that Class B1 (a) offices shall be restricted to lands at Sydenham Business Park and the total amount of floorspace for Class B1 (a) offices shall not exceed 5000m<sup>2</sup> in total. Planning permission was granted under reference number Z/2009/1089/F for 26 no. business units to include 8no. for B1(a) use (gross floor space 4800sqm) and 18 no. for Class B1(c) use, new accesses and associated site works at lands adjacent to and south of 189A Airport Road West and opposite site 19 Herron View, Sydenham Business Park, Belfast on 17<sup>th</sup> October 2014. Having regard to the total amount permissible under the key site requirements this planning approval left a residual amount of floorspace (200 sq metres) available within the zoning for B1(a) office use. The proposal is therefore contrary to BMAP, the statutory development plan for the area as the site is located outside Sydenham Business Park, notwithstanding the 5,000 sq metres threshold.</p>
9.10	<p>Section 6(4) states that Section 6(1) of the Planning Act (NI) 2011 states that ‘where in making any determination under this act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
9.11	<p>Section 45 of the Planning Act (NI) 2011 provides that where an application is made for planning permission, the council in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations</p>
9.12	<p>The proposal consists of an extension totalling an additional 3,375 sq metres. The rationale of the extension is that Lagan Construction acquired H &amp; J Martin in April 2015. This application has therefore been submitted to meet the resulting business needs of Lagan Construction Group, as they seek to bring H &amp; J Martin staff into a central headquarters operation to accommodate the additional 250 staff that are currently sited at Ladas Drive and Ormeau Road in offices, that are largely obsolete and not fit for purpose. It is considered that there is clear rationale to depart from the provisions of the plan when one assesses the particular circumstances surrounding the proposal. As stated in the preamble above under paragraphs 9.4, the SPPS operates a town centre first approach in relation to main town centre uses, which includes the use class Class B1(a). A thorough review of vacant sites within the city centre using the rationale of suitable, available and viable has demonstrated that there are no sites that meet the applicant’s requirements.</p>
9.13	<p>In terms of the applicant’s floor space requirements there are only four sites within the City Centre and these all have been discounted for a variety of reasons. Firstly, Millennium House on Great Victoria Street has been discounted as the office accommodation is dispersed across a number of floors with other business operating between; City Quays 2 development on the northern fringe of the City Centre because it is not currently available, being under construction at this juncture. The other two include Lincoln Buildings on Great Victoria Street which is excluded as the first 5 floors are in the process of being let to two companies, leaving a residual amount of floorspace which does not meet the applicants requirements and lastly is the Soloist building at 1 Lanyon Place, Belfast which has been discounted as there is significant interest in this space from 3 blue chip companies, and all 3 parties cannot be accommodated.</p>
9.14	<p>With locations within the City Centre discounted, consideration must be given to edge of centre locations. The site is located within an edge of centre location, a mere 250 metres from the city centre boundary. Considering all factors it is accepted that the proposal on balance is a sequentially preferable local as it is apparent that no suitable sites are available within the city centre.</p>

	<u>Planning Policy Statement 4: Planning and Economic Development</u>
9.15	Planning Policy Statement 4: Planning and Economic Development is a material consideration in the assessment of this proposal. Policy PED 1 states that <i>'A development proposal to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED9'</i> .
9.16	Policy PED 9 General Criteria for Economic Development sets out 13 criteria which must be met in order for proposals to be considered acceptable. The proposal is compatible with surrounding land uses in that it is located within an existing employment zoning BHA 06- Existing Employment Belfast Harbour. There are no residential properties in the vicinity of the site and it considered that the proposal does not affect any natural or built heritage features. It is not located within the flood plain and it will not create a noise nuisance. It is further considered that the existing road network can safely handle any extra vehicular traffic the proposal will generate and there are adequate access arrangements, parking and manoeuvring areas are provided. The site layout, building design and landscaping arrangements are of high quality. It is therefore considered that the proposal complies with PED 9.
	<u>Parking</u>
9.17	The site is located in an area of parking restraint – Belfast City Fringe Area Designation BT009. Policy TRAN 1 Parking Standards within Areas of Parking Restraint is a material consideration. Under TRAN1, the ratio is for parking in the 'Fringe' is 1/100 m2 for non operational spaces and 1/930 m2 for operational spaces. A revised site layout was submitted indicating 146 spaces based upon a parking calculation of: <ul style="list-style-type: none"> <li>• Baseline of existing car parking of 109 spaces for 2,918 sq metres of floorspace as approved under Z/2010/1082/F; and</li> <li>• Car parking for 3,375 sq metres of new accommodation based upon Area of Parking restraint requirements.</li> </ul> <p>This now fully complies with Policy TRAN 1, a view shared by Transport NI.</p>
	<u>Scale, Massing and Design</u>
9.18	The height, scale and massing of the building is considered acceptable given the site context and is comparable to other buildings in the area. The proposed design and treatment of the elevations are consistent with the area, incorporating a similar fenestration, solid to void ratios and materials.
	<u>Flooding</u>
9.19	The flood map (NI) indicates that the proposed site does not lie within the 1 in 100 fluvial flood plain. The site, however, is affected by surface water flooding. A drainage assessment was submitted that adequately demonstrate that the surface water can be disposed off successfully.
	<u>Contaminated Land</u>
9.20	A letter report has been provided by RSK providing additional detailed quantitative risk assessment (DQRA) of the environmental risks associated with hydrocarbon contamination of the ground and groundwater at the site. Potentially unacceptable risks to the River Lagan and Belfast Lough are assessed and shown to be unlikely provided biodegradation is occurring in groundwater to attenuate the plume. No evidence of

<p>9.21</p>	<p>biodegradation has been provided from the monitoring undertaken. Waste Management (Land and Groundwater Team) have no objections to the development provided negative Conditions are placed on any Planning Decision Notice.</p> <p><u>Other Material Considerations</u></p> <p><u>Economic considerations</u></p> <p>The subject extension will accommodate up to 400 additional employees and enable the company to grow further. Lagan Construction Group is a major economic player in the construction industry and they have plans to increase turnover over the coming years. The proposal has been brought forward as a result of their continued expansion. The overall investment is in the region of £6.5 million.</p>
<p><b>10.0</b></p>	<p><b>Summary of Recommendation:</b> Approval</p> <p>The above matters are considered to be the main planning issues. All other matters raised by consultees have been assessed and are not considered to outweigh the conclusion that on balance, the proposal is considered to constitute an acceptable extension to an existing facility at this location.</p>
<p><b>11.0</b></p>	<p><b>Conditions</b></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. The development hereby permitted shall not become operational until the vehicular access, including visibility splays and any forward sight distance, has been constructed in accordance with the approved layout Drawing No. 03A 'Proposed Site Plan, 1447-01 100-03 Rev. B' bearing the Belfast City Council Planning Office date stamp 16 May 2016. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</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>3. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 03A 'Proposed Site Plan, 1447-01 100-03 Rev. B' bearing the Belfast City Council Planning Office date stamp 16 May 2016 to provide adequate facilities for servicing and parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for parking, cycle storage and servicing.</p> <p>Reason: To ensure that adequate provision has been made for cycle storage and servicing.</p> <p>4. A minimum of 24 No. cycle parking stands shall be provided and permanently retained within the sites for use by residents, staff and visitors to the development.</p>



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

5. The development hereby permitted shall operate in accordance with the approved Travel Plan bearing the Belfast City Council Planning Office date stamp 16 May 2016. This will include provision of the Translink Corporate Commuter Initiative, the Translink TaxSmart Initiative and the Bike2Work Initiative or equivalent measures agreed by TransportNI.

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

6. A two year groundwater monitoring scheme is required to be provided, to be designed in accordance with the Environment Agency's Guidance on the Assessment and Monitoring of Natural Attenuation of Contaminants in Groundwater (R&D Publication 95). The monitoring scheme shall be agreed in writing with the Planning Authority and implemented before, during and post development.

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

7. If during the development works, or as a result of the groundwater monitoring required by Condition 1, 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). 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 groundwater monitoring scheme required under Condition 6, any remediation works under Conditions 7; and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Department. This report should include a review of the groundwater monitoring data and if necessary revised detailed quantitative risk assessment. The report must be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

9. Evidence must be presented in the Verification Report that all fuel storage tanks (and associated infra-structure) have been fully 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, Condition 7 will apply.

	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>10. Prior to the occupation of the development, the applicant shall provide to Planning Service, for approval, a Verification Report. This report must demonstrate that the remedial measures outlined in Section 10 of the RSK report entitled '<i>Environmental Site Assessment and Quantitative Risk Assessment; Lagan Construction Headquarter Office Extension, Rosemount House, 21-23 Sydenham Road, Belfast</i>' Report No.601252-R1 (00), dated August 2015, have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (Commercial). 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.</p> <p>In particular, this Verification Report must demonstrate that:</p> <p>a) gas protection measures in accordance with CIRIA C665 Characteristic Situation 2 have been installed throughout the building footprint of the proposed development.</p> <p>b) all soft landscaped areas are made up of soils demonstrably suitable for the Commercial end-use scenario.</p> <ul style="list-style-type: none"> <li>• In the event that contamination not previously considered is encountered during the approved development of this site the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. This investigation, risk assessment and (if required) remediation strategy/verification must be undertaken in accordance with current best practice</li> </ul> <p>Reason: The protection of human health.</p> <p>11. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the development.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p>
<p><b>12.0</b></p>	<p><b>Notification to Department (if relevant)</b></p> <p>N/A</p>



<b>ANNEX</b>	
<b>Date Valid</b>	26th June 2015
<b>Date First Advertised</b>	7th August 2015
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses)	
<p>The Owner/Occupier, 11 Sydenham Road,Ballymacarret Intake,Belfast,Down,BT3 9DH, The Owner/Occupier, 13 Sydenham Road Ballymacarret Belfast The Owner/Occupier, 15-19,Sydenham Road,Ballymacarret,Belfast,Down,BT3 9DH, The Owner/Occupier, 19A Sydenham Road,Ballymacarret Intake,Belfast,Down,BT3 9DH, The Owner/Occupier, 21 Old Channel Road,Ballymacarret,Belfast,Down,, The Owner/Occupier, 21 Old Channel Road,Ballymacarret,Belfast,Down,, The Owner/Occupier, 21 Old Channel Road,Ballymacarret,Belfast,Down,, The Owner/Occupier, 25-29 Fuel House Sydenham Road Ballymacarret Intake The Owner/Occupier, 31 Sydenham Road Ballymacarret Intake Belfast The Owner/Occupier, 33 Sydenham Road,Ballymacarret Intake,Belfast,Down,BT3 9DH, The Owner/Occupier, 4 Sydenham Road,Ballymacarret Intake,Belfast,Down,BT3 9DH, The Owner/Occupier, 5 Sydenham Road,Ballymacarret Intake,Belfast,Down,BT3 9DH, The Owner/Occupier, Unit 1,21 Old Channel Road,Ballymacarret,Belfast,Down,BT3 9DE, The Owner/Occupier, Unit 2,21 Old Channel Road,Ballymacarret,Belfast,Down,BT3 9DE, The Owner/Occupier, Unit 3,21 Old Channel Road,Ballymacarret,Belfast,Down,BT3 9DE,</p>	
<b>Date of Last Neighbour Notification</b>	12th August 2015
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No

**Drawing Numbers and Title**

01, 03A, 04, 05A, 06A, 07, 08A