

**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date: 18 October 2016</b>	
<b>Application ID:</b> LA04/2016/0548/F	
<b>Proposal:</b> Demolition of existing building and erection of 8 storey mixed use office/retail building providing retail to ground and offices on upper floors	<b>Location:</b> Londonderry House 19 - 27 Chichester Street Belfast BT1 4JB
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b> Approval subject to Conditions and Completion of an Agreement under Section 76	
<b>Applicant Name and Address:</b> Kilmona Property LTD Adelaide House 1 Falcon Road Belfast BT12 6SJ	<b>Agent Name and Address:</b> Coogan and Co Architects Ltd 144 Upper Lisburn Road Finaghy Belfast BT10 0BG
<p><b>Executive Summary:</b> : The application seeks full planning permission for partial demolition of the existing building and construction of a new 8 storey office and retail building with roof level plant area.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• The acceptability of the proposed uses at this location</li> <li>• Demolition within the City Centre Conservation Area</li> <li>• Impact upon character and appearance of City Centre Conservation Area</li> <li>• Impact upon setting of nearby listed buildings</li> <li>• The impact on existing roads infrastructure and flood risk</li> </ul> <p>The site is located within the Belfast City Centre as designated in the Belfast Metropolitan Area Plan. It is also within the Belfast City Centre Conservation Area and borders the Linen Conservation Area and is within the Commercial District Character Area (Designation CC0007). The principle of the office use and retail unit is acceptable given the city centre location.</p> <p>The partial demolition of the existing building has been assessed against Policy BH14 of PPS6. It is considered that the building makes no material contribution to the character or appearance of the area, the frame of the building is to be retained, the partial demolition is found to be acceptable, subject to an adequate replacement. Demolition of the existing 6 storey building on the site is sought under accompanying application LA04/2015/0796/DCA. The proposal will not harm the character of the conservation area, with a shoulder height which respects the height of the adjoining building and will ensure the development will be in keeping with the streetscape.</p> <p>NIEA Heritage Development &amp; Change Branch has considered the impacts of the proposal on the listed Fisherwick Buildings and has offered no objection.</p> <p>Transport NI, NIWater, NIEA Historic Monuments Unit, NIEA Heritage Development &amp; Change Branch and Belfast City Council's Environmental Protection Unit have offered no objections to the proposal and standard conditions are to be applied.</p> <p>Having had regard to the development plan, relevant planning policies, and other material</p>	

considerations, it is determined that the proposal should be approved subject to conditions.

Committee is requested to delegate the consideration of the final wording of the conditions to the Director of Planning and Place.

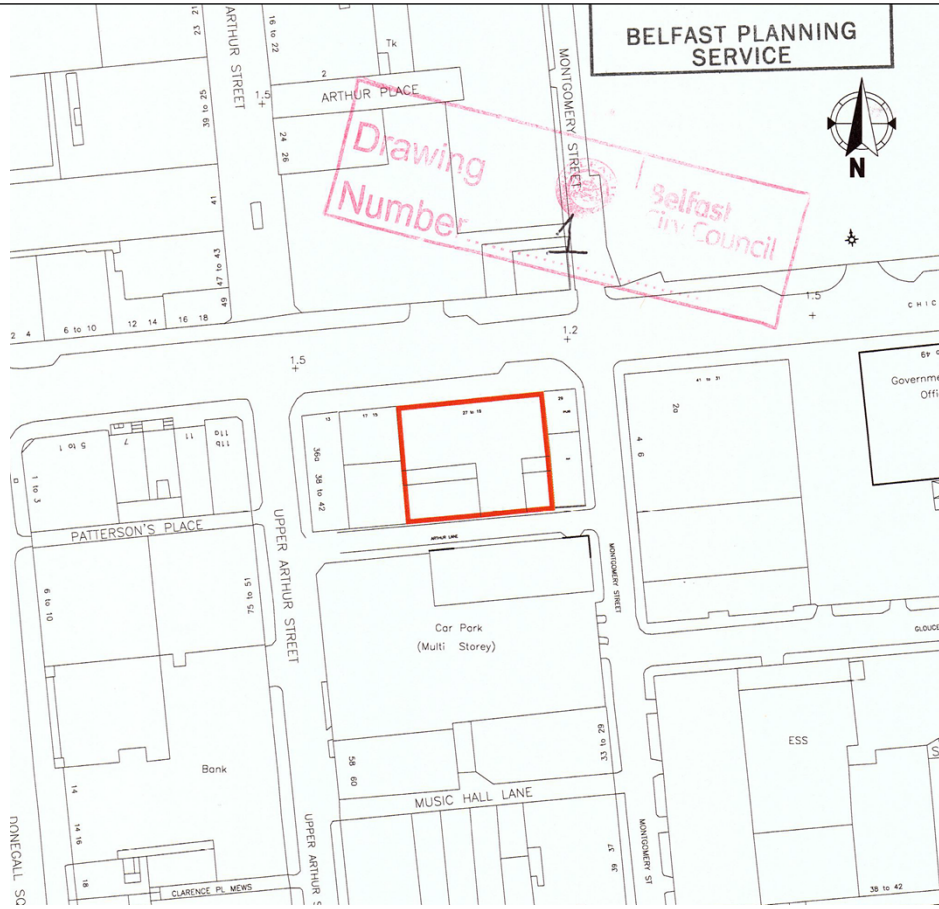
**Recommendation**

Approve subject to conditions set out in the case officer report and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions.

If members are minded to approve the application it is also requested that authority is delegated to the Director of Planning and Place, on behalf of the Council in consultation with Legal Services, to agree the terms and enter into the Section 76 agreement.

**Case Officer Report**

**Site Location Plan**



1.0

**Description of Proposed Development**

8 storey office/ retail building with top two floors set back by approximately 1.5m from the main building line on Chichester Street. The retail use is proposed at ground floor with

	<p>356 sq. metres of net retail floorspace proposed and a total of 4843 sq. metres of net office space proposed over the remaining 7 floors. The building has a total height of approximately 28.8m and a shoulder height of approximately 20.5m.</p> <p>The proposed building is constructed on a mid street elevation situation to Chichester Street.</p> <p>The glazed sixth and seventh floors are set back by approximately 1.5m from the shoulder of the building.</p>
2.0	<p>Description of Site</p> <p>Predominantly derelict 6 storey office building on the site at present, dating from 1965.</p> <p>The building reflects its era of construction in terms of materials and form – flat roofed, strong horizontal emphasis, revealed/ expressed frame in concrete, with precast/ exposed spandrels set in Portland stone clad frames.</p> <p>The ground floor retail frontage is defined by beige polished granite pilasters.</p> <p>The application site is located within the Belfast City Centre Conservation area.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/2003/0834/F Proposal: Demolition of existing building and construction of a 5 storey building for retail and office accommodation. Decision Date: 18.08.2003
3.2	Z/2003/0838/DCA Proposal: Complete demolition of existing building and redevelopment Decision Date: 20.08.2003
3.3	Z/2004/1115/F Change of use from retail unit to coffee shop/restaurant on the ground floor only. Address: Unit 1, Londonderry House, 21/27 Chichester Street, Belfast Decision Date: 13.09.2004
3.4	Z/2006/1653/F Proposal: Demolition of existing office building and erection of 10 storey office building. Address: 19-27, Chichester Street, Town Parks, Belfast, BT01 4JB Decision: Decision Date: 04.01.2007
3.5	Z/2006/1669/CA: Demolish existing building and erect 10-storey office building. Address: Londonderry House, 19-27, Chichester Street, Town Parks, Belfast, Northern Ireland, BT01 4JB Decision Date: 04.01.2007
3.6	Z/2003/2350/F Change of use of ground floor from retail units (2No) to 1No sandwich bar. Offices above to remain. Address: 15 17, Chichester Street, Town Parks, Belfast, Northern Ireland, BT01 4JB Decision Date: 21.11.2003
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015
4.2	<p>SPPS</p> <p>Regional Development Strategy</p> <p>Strategic Planning Policy Statement for Northern Ireland</p>

	<p>Planning Policy Statement 3 - Access, Movement and Parking</p> <p>Planning policy statement 5 – Retailing and Town Centres</p> <p>Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage</p> <p>Planning Policy Statement 15 – Planning and Flood Risk</p>
5.0	<p>Statutory Consultees</p> <p>Transport NI – Await comment</p> <p>NIEA Historic Buildings Unit – No objection</p> <p>NIEA Historic Monuments Unit – No objection</p> <p>NIEA Water Management Unit – No objection</p>
6.0	<p>Non-Statutory Consultees</p> <p>Environmental Health BCC – No objection</p> <p>Conservation Area Officer – No objection</p>
7.0	<p>Representations</p> <p>None received</p>
8.0	<p>Other Material Considerations</p> <p>City Centre Conservation Area guidance document</p>
9.0	<p>Assessment</p>
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- The acceptability of proposed office use at this location</li> <li>- The acceptability of the proposed retail use at ground floor</li> <li>- Demolition within the City Centre Conservation Area</li> <li>- Impact upon character and appearance of City Centre Conservation Area</li> <li>- Impact upon setting of adjacent listed buildings</li> <li>- The impact on existing roads infrastructure</li> <li>- Flooding</li> </ul>
9.2	<p><b>Principle of Redeveloping the Site &amp; Height, Scale and Mass</b></p> <p>The site is located within the development limits of the Belfast Metropolitan Area Plan. The presumption is therefore in favour of development subject to the planning considerations detailed below.</p> <p>The site is located within the Civic Precinct (CC008) and within the City Centre Conservation Area as designated in BMAP.</p>
9.3	<p>The proposal is an 8 storey building on the site of an existing 6 storey building. A significant material consideration in this instance is the planning history on the site, which includes a 10 storey office building, approved on 4<sup>th</sup> January 2007.</p>
9.4	<p>The site is located within the Civic Precinct as designated in the Belfast Metropolitan Area Plan. This sets out a number of urban design criteria for the area and criteria specific to Chichester Street. There are criteria requiring new development to take account of the height of adjoining buildings and respecting the established building line. In terms of the site specific criteria there is a requirement that the part of the development which fronts onto Chichester Street shall be a minimum of height of 5 storeys and a maximum height of 7 storeys, with use of set back or sloping roof forms. The proposal, at 8 storeys, is a storey higher than the maximum 7 storey criteria. However there is a previous approval for a 10 storey building on the site (Z/2006/1653/F). The approved building has an overall height of approximately 40m with the top two floors set back. The shoulder height of the approved building is approximately 30m. There is therefore a significant reduction in terms of scale and massing from the live approval on the site than this current proposal. Given this reduction in scale from the previous approval, it is only one storey higher than the recommended 7 storey maximum height set out in BMAP, and the fact the shoulder height of the proposal respects the height of the adjoining building, the scale and massing are found to be acceptable in what is a high-rise city centre streetscape.</p>
9.5	<p>The proposed building has a height of approximately 28.8m. With the top two floors set</p>

	<p>back the shoulder height sits at approximately 20.5m. This is only 0.7m higher than the shoulder height of the adjoining building on the right hand side and 8.8m higher than the eaves of the Garrick to the left hand side. In terms of the proposed building line the front of the front of the building has an almost identical building line to the buildings along Chichester Street and therefore complies with this criterion.</p>
9.6	<p>The proposal has been assessed against paragraphs 4.23-4.29 of the SPPS. The design is contemporary with a modern take on the typical vertical proportions of buildings of a similar scale in the City Centre. The design shall be considered in more detail below. 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 proposed building is set within a high density, high-rise inner urban context. Although the footprint of the proposed building is greater than that of the existing building in this high density inner urban context where high rise buildings sit cheek by jowl a level of overshadowing is to be expected within the enclosed area to the rear of the adjacent properties. Any impact should not be unduly significant.</p>
9.7	<p><b>Acceptability of Office Use</b></p> <p>In terms of the proposed office use, the site is within a prime city centre location. The proposal has been assessed against Policy OF1 of the Plan Strategy and Framework (Pat1-3 Volume 1) of the Belfast Metropolitan Area Plan. The Policy States that Planning permission will be granted for office development in the designated Belfast City Centre. The proposal therefore complies with this Policy given the site's city centre location.</p>
9.8	<p><b>Acceptability of the Retail Units at ground floor</b></p> <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 units have a total floor area of approximately 546 square metres. This represents a reduction in the gross retail floorspace of approximately 113 square metres.</p>
9.9	<p>As the site is located within the City Centre boundary in BMAP, bordering the primary retail core there is no objection in principle of this modest additional retail space.</p>
9.10	<p><b>Demolition and development within City Centre Conservation Area</b></p> <p>The proposal has been assessed against Policy BH14 of PPS6. The existing building falls outside the essential character of the area and is considered to make no material contribution to the character or appearance of the area. Demolition is therefore acceptable, subject to an adequate replacement. It should be noted that demolition of the building has already been granted under Z/2003/0838/DCA and Z/2006/1669/CA, detailed above under Site History.</p>
9.11	<p>The site is located within the City Centre Conservation Area as designated in the Belfast metropolitan Area Plan and the proposal has been assessed against Policy BH12 of PPS6. The initial proposal, dominated by a high level of glazing, was found to be inappropriate. The design was subsequently amended. The proposed buildings shoulder height sits sympathetically with adjacent buildings in the area and is similar to the shoulder height of the building immediately adjacent. The set-back on the upper two floors should ensure that the overall massing is reduced from a streetscape point of view, with the upper floor set back being partially obscured when viewed from the street below. The massing of the two upper floors is subservient to the main part of the building and is of a light weight construction. This helps provide a clear, base, middle and top to the overall composition. A strong vertical emphasis has been created with the proposed curtain walling on the front elevation with a hierarchy introduced in the solid: void ratio. Heed is paid to the neoclassical / horizontal paradigm of subdivision of facades into base, middle and attic. Given the quality of the proposed scheme and the character of the existing building the proposal will not have an adverse impact on the character of the conservation area.</p>

9.12	<p><b>Contamination</b> Environmental Protection Unit (EPU) of Belfast City Council has reviewed the WYG Environment report for Coogan&amp;Co titled “<i>Londonderry House, 19-27 Chichester Street, Belfast Preliminary and Generic Quantitative Risk Assessment</i>” dated February 2016.” Job No A095976.</p>
9.13	<p>The report concludes that “<i>The Generic Quantitative Risk Assessment (GQRA) has not identified any pollutant linkages at the site that have the potential to cause a risk to future users, construction workers or environmental receptors in light of the assessment that has been undertaken in line with commercial development</i>”</p>
9.14	<p>Based on the information submitted NIEA Waste Management Unit and EPU of Belfast City Council have requested that a condition is attached to the planning permission if granted to ensure that any previously unidentified contamination that may be found during the construction phase is appropriately dealt with. The condition is detailed below at 11.2</p>
9.15	<p><b>Impact on amenity</b> The proposal has been assessed against paragraphs 4.11 and 4.12 of the SPPS. Environmental Services Department have offered no objections to the proposal. EPU have reviewed the submitted RPS report for Coogan &amp; Co Architects Ltd titled “Noise &amp;Vibration Assessment” document no NI663/N/01/01</p>
9.16	<p>It is noted that a plant room is located on the roof top and smaller plant rooms are located within the building on the ground floor and first floor. The acoustic report was prepared without confirmation of the location and exact specification of plant/equipment. The noise report has set a noise threshold limit to be adhered to at the alleged nearest noise sensitive receptor on Joy Street which is approximately 130m from the site. There are significantly closer residential apartments located on Chichester Street, within the Victoria Square Complex which has not been considered in the report. The noise limits were derived from the guidance for determination of likelihood of complaints as outlined in BS4142:2014.</p>
9.17	<p>To ensure neighbouring residents are not adversely impacted by noise from the plant and equipment associated with the proposal EPU have requested that consideration is given to attaching a condition should planning permission be granted. This condition is detailed below at 11.3. Environmental Health has confirmed that their comments on the amended proposal remain the same as on the original.</p>
9.18	<p><b>Construction Phase</b> EPU note the worst case predicted construction noise levels at nearest noise sensitive properties has not considered the most proximate residential properties at the Victoria Square Apartments. The report recommends mitigation measures, including the erection of a noise barrier. The report should be revised to take into account the apartments at Victoria Square, and the findings/recommendations should inform the Construction Noise Management Plan. EPU have subsequently requested that consideration is given to attaching the condition, detailed below at 11.4.</p>
9.19	<p><b>Traffic and Parking</b> The proposal has been assessed against Policies AMP7, 8 and 9 of PPS3. Transport NI (TNI) had requested that a Transport assessment form and a Travel Plan are submitted. These documents were submitted on 22<sup>nd</sup> September 2016. 4 car parking spaces have been proposed to the rear onto Arthur Lane. The Transport Assessment form has indicated an increase of 28 car journeys is expected per day to the site. However it goes on to state that there will be no demonstrable harm over that which would have been created by the previous approval or existing use. It is stated that the pedestrian, cycling</p>

	<p>and public transport facilities as well as the highway network will be considered acceptable to support the predicted trips for the proposed development. No cycle parking has been shown. A multi-storey car park is located close to the site and can be accessed via Arthur Lane to the rear. The high prices have been noted however, and the fact that this may deter workers using it on a daily basis. TransportNI has been consulted with The Travel and Service Management Plan and Transport Assessment Form. A response remains outstanding, however given the small increase in expected car journeys to the site, the availability of on-street parking and the proximity to the Transport Hub at Great Victoria Street it is not anticipated that the proposal will have a detrimental impact on roads infrastructure.</p>
9.20	<p><b>Listed Buildings and Historic Monuments</b>  The proposal has been assessed against Policy BH11 of PPS6. Historic Environment Division(HED) has whether the application for Londonderry House, 19 - 27 Chichester Street, Belfast affects HB26/50/292  A-C 7-11 Chichester Street, Belfast Grade B+ listed buildings of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. The proposal is also in the vicinity of HB26/50/016 Ocean Buildings, 1-3 Donegall Square East/1-5 Chichester Street, Belfast  HED has considered the impacts of the proposal on listed building and on the basis of the information provided is content with the proposal without conditions.</p>
9.21	<p>This is development of an existing site that is at a distance from the listed structures within the city centre. The proposals do not represent a demonstrable negative impact on the listed structure.</p>
9.22	<p>The proposal has been assessed against Policy BH4 of PPS6. The application site is located within the Belfast Area of Archaeological Potential, designated under the Belfast Metropolitan Area Plan (BMAP) 2015 to protect the above ground and below-ground archaeological remains associated with early development of the settlement. The application site is also in close proximity to a number of Industrial Heritage Sites associated with the economic development of Belfast. Archaeological investigations at 15-17 Chichester Street in 2003 revealed evidence for two Georgian era properties on site.</p>
9.23	<p>Historic Environment Division: Historic Monuments Unit (HED:HM) has considered the impacts of the proposal. HED:HM 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. The attached conditions would be appropriate in this case (11.5 and 11.6).</p>
9.24	<p><b>Flooding</b>  On the basis that Planning Service is deeming this application to be an Exception to Revised PPS 15, Rivers Agency has reviewed the Flood Risk Assessment. It is noted further information is required (see FLD3 below).  The proposal has been considered against Policy FLD 1 of the Revised PPS15 – ‘Development in Fluvial (River) and Coastal Flood Plains’.  The Flood Hazard Map (NI) indicates that the development is within the 1 in 200 year coastal flood plain. Rivers Agency, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Hence Rivers Agency has no specific reason to object to the proposed development from a drainage or flood risk perspective.</p>
9.25	<p><b><u>Developer Contributions</u></b>  In this case it is considered appropriate that any planning approval should be subject to</p>



	<p>the developer entering a legal agreement with Belfast City Council to provide contributions to local environmental improvements.</p> <p>In this case it is considered that this should primarily take the form of a contribution to public realm / infrastructure and connectivity improvements within the locality. The obligations to be undertaken are to be agreed with the developer / landowner and the developer has expressed a willingness and commitment to provide satisfactory contributions.</p>
10.0	<p><b>Summary of Recommendation:</b></p>
10.1	<p>Mixed Use retail and office proposal in a highly accessible city centre location is considered acceptable. Previous planning approval on the site including an approval for a 10 storey office building. The existing building does not make a positive contribution to the character of the conservation area and thus its demolition is acceptable. The proposal has been amended to address concerns in terms of height, scale and design, and is now considered to be more sympathetic to the character of the City Centre Conservation Area.</p>
10.2	<p>Statutory and non-statutory consultees have offered no objections to the proposal, whilst a TA Form and Travel Plan have been submitted to address issues raised by TransportNI.</p>
11.0	<p>Conditions</p>
11.1	<p>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>
11.2	<p>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). 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.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.3	<p>The rating level(dB Lar) of sound from all combined building services plant associated with the proposal does not exceed the background sound level (for both daytime and night time) at the nearest sound sensitive premises when measured in accordance with assessment methodology outlined in BS4142:2014-Methods for rating sound and assessing industrial and commercial sound.</p> <p>Reason: Protection of residential amenity.</p>
11.4	<p>Prior to development commencing, a Construction Noise Management Plan should be developed and submitted for review and approval by Belfast City Council. This Plan should outline the methods to be employed to minimise any noise and vibration impact of demolition and construction operations demonstrating 'best practicable means'. The Plan should pay due regard to <i>BS 5228:2009 Noise and Vibration Control on Construction and Open Sites</i> and include a detailed programme for the demolition/construction phase, the proposed noise and vibration monitoring methods, noise mitigation methods and evidence of neighbour liaison.</p> <p>Reason: Protection of residential amenity.</p>

<p>11.5</p>	<p>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.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>
<p>11.6</p>	<p>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.</p> <p>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.</p> <p><b>Informatives</b>          For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact: Historic Environment Division – Historic Monuments          Causeway Exchange          1–7 Bedford St          Belfast,          BT2 7EG          Tel: 02890 823100          Quote reference: SM11/1 ANT 061:017</p> <p>Application for the excavation licence, required under the <i>Historic Monuments and Archaeological Objects (NI) Order 1995</i>, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to:          Historic Environment Division – Historic Monuments          Causeway Exchange          1–7 Bedford St          Belfast,          BT2 7EG</p>
<p>12.0</p>	<p>Notification to Department (if relevant) N/A</p>
<p>13.0</p>	<p>Representations from elected members:  None</p>
<p>Neighbour Notification Checked <span style="float: right;">Yes</span></p>	

<b>ANNEX</b>	
<b>Date Valid</b>	14th March 2016
<b>Date First Advertised</b>	8th April 2016
<b>Date Last Advertised</b>	30 <sup>th</sup> September 2016
<b>Details of Neighbour Notification</b> (all addresses) 11 Montgomery Street, Town Parks, Belfast, Antrim, BT1 4NX, 17, 15-19, Chichester Street, Town Parks, Belfast, Antrim, BT1 4ND, 29 Chichester Street, Town Parks, Belfast, Antrim, BT1 4JB, 34-36, Chichester Street, Town Parks, Belfast, Antrim, BT1 4LD, 38-42, Upper Arthur Street, Town Parks, Belfast, Antrim, BT1 4GH, 44 , 48, 50, 52, 54, 56 Upper Arthur Street, Town Parks, Belfast, Antrim, BT1 4GJ,	
<b>Date of Last Neighbour Notification</b>	4th April 2016
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b> 01, 03/A, 04/A, 05/A, 06/A, 07/A, 08/A, 09/A, 10/A, 11/A, 12/A, 13/A, 14/A, 15/A, 16/A, 17/A, 18/A, 19/A	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	