

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA04/2016/1763/F	Target Date:
Proposal: Proposed demolition of existing building and construction of 6 storey building with ground floor retail unit with offices on upper floors.	Location: 22-24 Berry Street Town Parks Belfast
Referral Route: Major application	
Recommendation:	Approval Subject to Conditions
Applicant Name and Address: Alan Flynn 11 Lohercannon Tralee Co.Kerry	Agent Name and Address: ERES Limited Mourne House 41-43 Downshire Road Newry BT34 1EE
<p>Executive Summary: The application seeks full planning permission for the demolition of existing building and construction of 6 storey building with ground floor retail unit with offices on upper floors.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> - The acceptability of proposed office and retail uses - Scale, Massing and Design - The demolition of a building in a Conservation Area - Impact upon character and appearance of City Centre Conservation Area - Historic Monuments and Built Heritage - Traffic/ Parking <p>The site is located within the Belfast City Centre as designated in the Belfast Metropolitan Area Plan. It is also within the City Centre Conservation Area and the Old City Character Area (Designation CC0009). The principle of the retail unit and offices are acceptable given the sites location within the city centre's Primary Retail Core and the planning history on the site, with an almost identical proposal granted on 9th February 2009 under application reference Z/2008/0931/F.</p> <p>The proposal has been assessed against the following Policies – Strategic Planning Policy for Northern Ireland, Planning Policy Statement 4: Planning and Economic Development, Planning Policy Statement 3: Access Movement and Parking and Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.</p> <p>Demolition of the existing building is considered under associated application LA04/2016/1262/DCA. The demolition of the building has already been granted in principal under application Z/2008/1173/DCA, approved 9th February 2009. In light of the proposed replacement building being found acceptable, the existing building making no material contribution to the character of the conservation area, as well as the planning history on the site, the demolition is deemed acceptable.</p>	

The proposal respects the character of Berry Street and with a contemporary take on traditional proportions, will enhance the character of the City Centre Conservation Area.

NIWater, Waste Management Unit, NIEA Historic Buildings and Monuments Units and Belfast City Council's Environmental Protection Unit have offered no objections to the proposal and standard conditions are to be applied.

The Director of Planning and Place is authorised to draft any necessary amendments to/ additional conditions in respect of the Planning Applications Schedule.

Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved subject to conditions.

Signature(s):

Case Officer Report	
Site Location Plan	
1.0	Description of Proposed Development Proposed demolition of existing building and construction of 6 storey building with ground floor retail unit with offices on upper floors. The fifth floor is set back into a mansard roof. Dark Blue natural slates to roof, buff render finish to walls with dark grey window frames and doors. Natural Mourne Granite to be used for window cills.
2.0	Description of Site Established 3 storey building on corner site off narrow inner city street.
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History
3.1	Z/2008/1173/DCA - Demolition of existing derelict building. Approved 9 th February 2009.
3.2	Z/2008/0931/F - Demolition of existing derelict building and construction of new five-storey building with ground floor retail unit and offices on upper floors. Approved 9 th February 2009.
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015 Policy R1 Retailing in City and Town Centres Policy OF1 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 4 – Planning and Economic Development Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage
5.0	Statutory Consultees Transport NI – No objection subject to conditions Historic Environment Division – No objection subject to conditions WaterNI – No objections
6.0	Non-Statutory Consultees Environmental Health BCC – No objection
7.0	Representations None received
8.0	Other Material Considerations City Centre Conservation Area guidance document
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> - The acceptability of proposed office and retail uses - Scale, Massing and Design - The demolition of a building in a Conservation Area - Impact upon character and appearance of City Centre Conservation Area - Historic Monuments and Built Heritage - Traffic/ Parking

9.2	<p>The acceptability of proposed office and retail uses</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. The site is located within the Old City Character Area (CC009), the City Centre Conservation Area and the Primary Retail Core as designated in BMAP.</p>
9.3	<p>In terms of the retail unit at the ground floor level the proposal sits comfortably with policy R1 of BMAP which states that planning permission will be granted for retail development in all town and city centres. The site is also located within the Primary Retail Core.</p>
9.4	<p>The Office element of the proposal has been assessed against Policy OF1 of Volume 1 of BMAP. The Policy States that planning permission will be granted for office development within Classes A2 and B1 of the Planning (Use Classes) Order within Belfast City Centre. The proposal therefore sits comfortably with this Policy.</p>
9.5	<p>The proposal has been assessed under Policy PED1 and PED9 of PPS4. Policy PED1 states that a development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan). Accordingly the proposal satisfies the requirements of this policy.</p>
9.6	<p>Scale, Massing and Design</p> <p>The Old City Character Area sets out a number of urban design criteria for proposals within that designation. One of the general criteria relates to proposals respecting the heights of adjacent buildings. Although the proposed building at six storeys high is considerably taller than the building it is replacing (3 storeys), the shoulder height of the building is lower to that of the building to the immediate rear and almost identical to the cornice height of the main building along Berry Street (currently H&M), with the top floor stepped back to respect this. The building immediately east of and adjacent to the site is only three storeys, but as with the building on the site this is something of an anomaly in this area. For this reason and in light of the recent approval on the site for a five storey building, the proposal is acceptable and should sit comfortably within the existing streetscape, taking its lead from the predominant shoulder height along Berry Street, and reflecting the vertical emphasis of the existing traditional form.</p>
9.7	<p>The demolition of a building in a Conservation Area</p> <p>The proposal has been assessed against Policy BH14 of PPS6. The building has some aesthetic qualities however given its scale relative to the existing streetscape, and its location, it makes no real material contribution to the character of the Conservation Area. The proposed replacement is deemed acceptable and thus demolition can be consented. It is also worth noting that demolition of the existing building has already been granted in February 2009 under application Z/2008/1173/DCA. A proposal for demolition accompanies the application (LA04/2016/1775/DCA).</p>
9.8	<p>Impact upon character and appearance of 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. The built form ties in with the predominant cornice line along the upper floor of the H&M building which runs almost the entire length of Berry Street. The existing window:wall ratio has been respected in the new building with a strong vertical emphasis reflecting the traditional proportions along the street. From a conservation point of view the opportunity has been taken to enhance of the character and appearance of the area.</p>
	<p>Historic Monuments and Built Heritage</p>

9.9	The proposal has been assessed against policy BH11 of PPS6. Historic Environment Division (HED) were consulted to consider whether the application affects HB26/50/107 Ulster Reform Club, 4-6, Royal Avenue, Belfast a Grade B+ listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.
9.10	HED Historic Buildings have noted that the development site is separated from the listed Ulster Reform Club by a tall building. The proposal also faces onto a different street and on the basis of the information provided HED has no comment to make, as the listed building is sufficiently distant to remain unaffected by this application.
9.11	The proposal has been assessed against Policy BH2 and BH4 of PPS6. The application site is within the Belfast Area of Archaeological Potential (AAP) designated under the Belfast Metropolitan Area Plan (BMAP) to protect the aboveground and below-ground archaeological remains associated with the early development of the settlement. It is also in close proximity to a number of archaeological monuments and Industrial Heritage sites of local importance; and is also within the supposed area of the 1649 Battle of Belfast.
9.12	Historic Environment Division: Historic Monuments (HED: HM) has considered the impacts of the proposal. 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 condition is detailed below at 11.4.
9.13	Traffic/ Parking The proposal has been assessed against PPS3. Transport NI have considered the Transport Assessment, Travel Plan and Service Management Plan submitted in support of the application and found the proposal acceptable based on the provision of sustainable alternatives, recommending approval subject to conditions detailed at 11.2 and 11.3.
10.0	Summary of Recommendation: Approval
10.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions for the following reasons.
10.2	The proposed demolition is deemed acceptable in that the existing building makes no material contribution to the character of the City Centre Conservation Area and demolition of the building has already been allowed under a previous consent. The proposed replacement building respects the main cornice height along Berry Street and although a storey higher than the previous approval on the site the top floor is set back which will ensure the cornice height of the H&M building is followed through on the streetscape. The proposal, with a contemporary take on traditional proportions and fenestration, will enhance the character of the Conservation Area.
11.0	Conditions
11.1	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
11.2	The development hereby permitted shall operate in accordance with the approved Travel Plan and Service Management Plan within the Transport Assessment Form bearing the

	<p>Belfast City Council Planning Office date stamp 09 November 2016. This includes provision of the Translink TaxSmart Initiative and the Bike2Work Initiative and measures to encourage sustainable travel by staff and visitors agreed with TransportNI.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles and servicing arrangements in the interests of road safety and the convenience of road users.</p> <p>11.3 A minimum of 2 No. cycle parking spaces and showers facilities shall be provided and permanently retained within the development for use by staff and visitors in accordance with the approved Travel Plan within the Transport Assessment Form bearing the Belfast City Council Planning Office date stamp 09 November 2016.</p> <p>Reason: to encourage the use of alternative modes of transport for development users.</p> <p>11.4 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>11.5 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>Informatives: The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Regional Development for which separate permissions and arrangements are required.</p> <p>Notwithstanding the terms and conditions of the Department of Environment's 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 Regional Development'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 Transport NI Section Engineer through the relevant Section Office (Belfast North, 148-158 Corporation Street, BT1 3DH, Belfast). A monetary deposit will be required to cover works on the public road.</p> <p>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.</p>
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	<p>All construction plant and materials shall be stored within the curtilage of the site. Eastern Division Hydebank 4 Hospital Road BELFAST BT8 8JL</p> <p>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.</p> <p>The applicant is advised to ensure that all plant and equipment used in connection with the retail unit is so situated, operated and maintained as to prevent the transmission of noise to nearby commercial premises.</p> <p>In the event that unexpected contamination 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 should be submitted to Belfast City Council for approval. The site investigation, risk assessment and (if necessary) remediation strategy and verification report, must be undertaken in accordance with current best practice.</p> <p>In the event that unexpected contamination 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 should be submitted to Belfast City Council for approval. The site investigation, risk assessment and (if necessary) remediation strategy and verification report, must be undertaken in accordance with current best practice.</p> <p>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 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 Unit Causeway Exchange 1–7 Bedford St Belfast, BT2 7EG</p>
12.0	Notification to Department (if relevant) N/A
13.0	Representation from elected member

Neighbour Notification Checked	Yes
ANNEX	
Date Valid	12th August 2016
Date First Advertised	2nd September 2016
Date Last Advertised	2nd September 2016
Details of Neighbour Notification (all addresses) 2-10 Berry Street, Town Parks, Belfast, Antrim, BT1 1FJ, 8-10 Berry Street, Town Parks, Belfast, Antrim, BT1 1FJ, Berry Street Presbyterian Church, Berry Street, Town Parks, Belfast, Antrim, BT1 1FJ,	
Date of Last Neighbour Notification	31st August 2016
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers: 01/A, 02/A, 04/C, 05/A	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	