

Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: 17 April 2018 | |
| Application ID: LA04/2016/2359/F & LA04/2016/2341/DCA | |
| Proposal: Demolition of existing buildings and erection of 7 storey office building with retail unit on ground floor. | Location: 46-52 Upper Queen Street and 11a Wellington Street Belfast BT1 6FD |
| Referral Route: Receipt of representations contrary to recommendation | |
| Recommendation: | Approval |
| Applicant Name and Address: Hegan and Company Ltd Athgarvan House Shawford Winchester SO21 2AA | Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE |
| <p>Executive Summary:</p> <p>The proposed site is located at the junction of 46-52 Upper Queen Street and 11a Wellington Street. It comprises a three storey terrace building finished in render with slate roofs. The ground floors are in use as a café, barbers, and a shop. To the rear of the building, and fronting onto Wellington Street is a return, three storeys in height and also finished in render. This element is also operating as a self-contained retail unit. The building originates from approximately 1860 and is located within a Conservation Area.</p> <p>The proposal seeks demolition of existing buildings (LA04/2016/2341/DCA) and erection of 7 storey office building (1281 sqm of offices on the upper floors) with retail unit on ground floor.</p> <p>key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> - The principle of the proposal at this location; - Demolition of a building within the Conservation Area; - Impact on amenity / character of the area and a listed building; - Impact on transport and other infrastructure. <p>The layout/siting of the building replicates the adjacent buildings and is therefore sympathetic to the existing streetscape form. The fenestration and solid to void ratios of the front elevation are considered sympathetic to the locality. The materials proposed are similar to those in the adjacent building and are therefore acceptable. There is a mix of building designs and finishes in the locality and the proposal would be similar in terms of the commercial/industrial character of the area.</p> <p>An important consideration in this case is the merits of the proposal against the contribution of the existing building to the character of the Conservation Area. Given the Conservation officer opinion that the contribution is limited to its age only, in terms of design, the proposal would make</p> | |

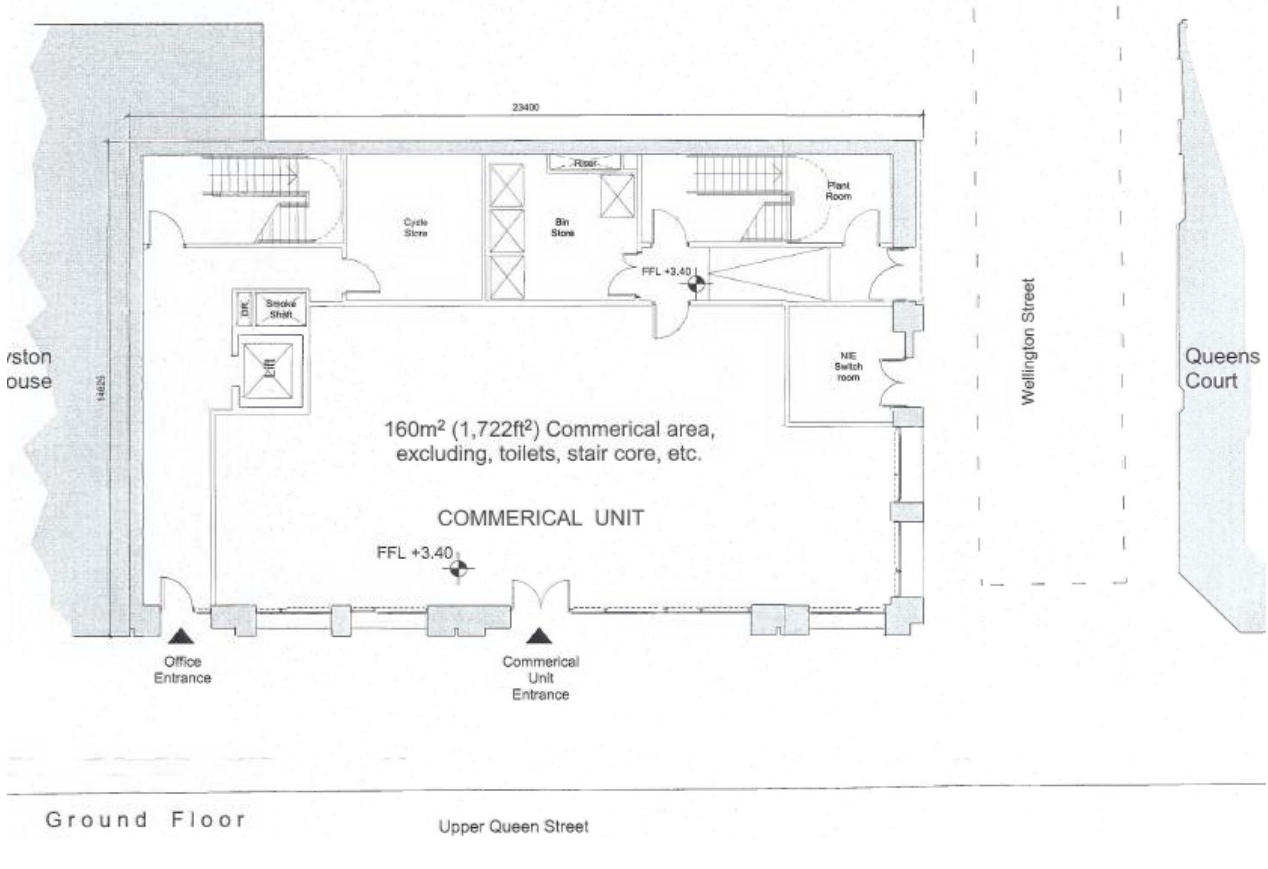
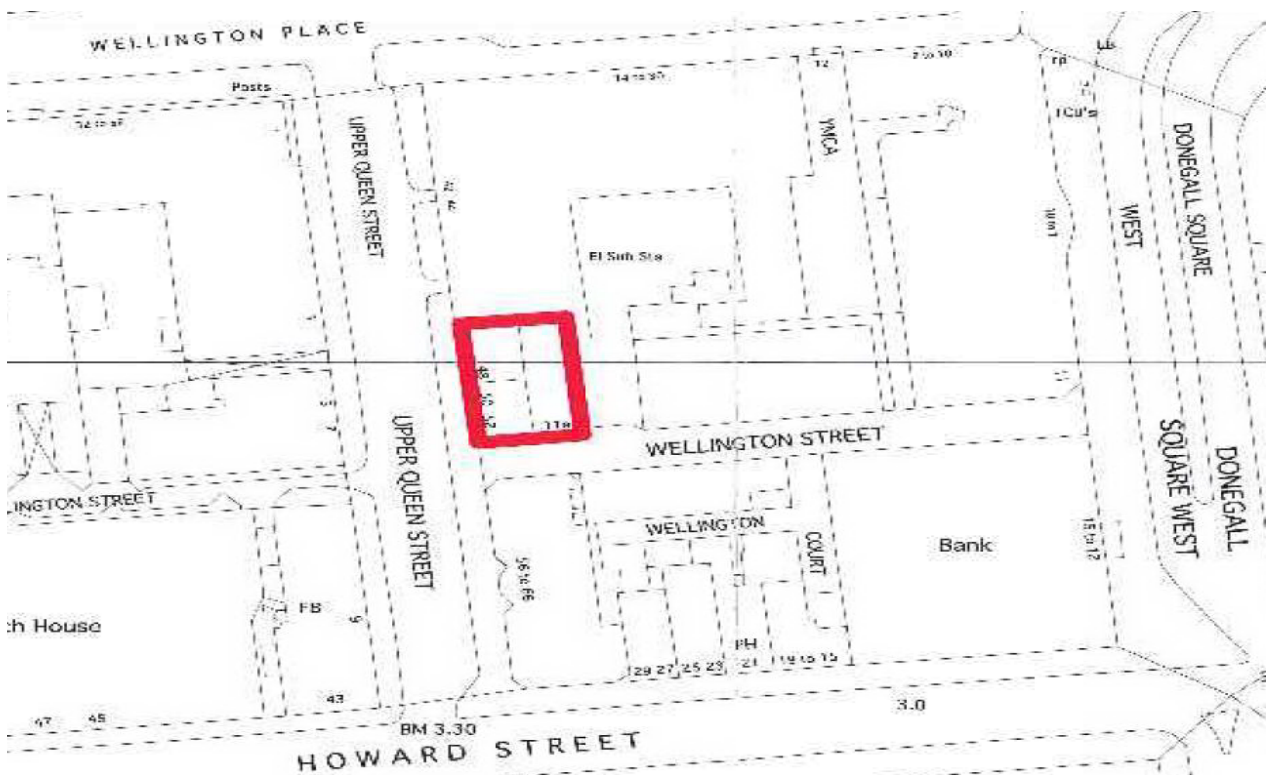
an equal or greater contribution to the character of the Conservation Area. It is considered on balance, that the economic benefits and compliance with the majority of policies as discussed in the report outweigh the loss of this building.

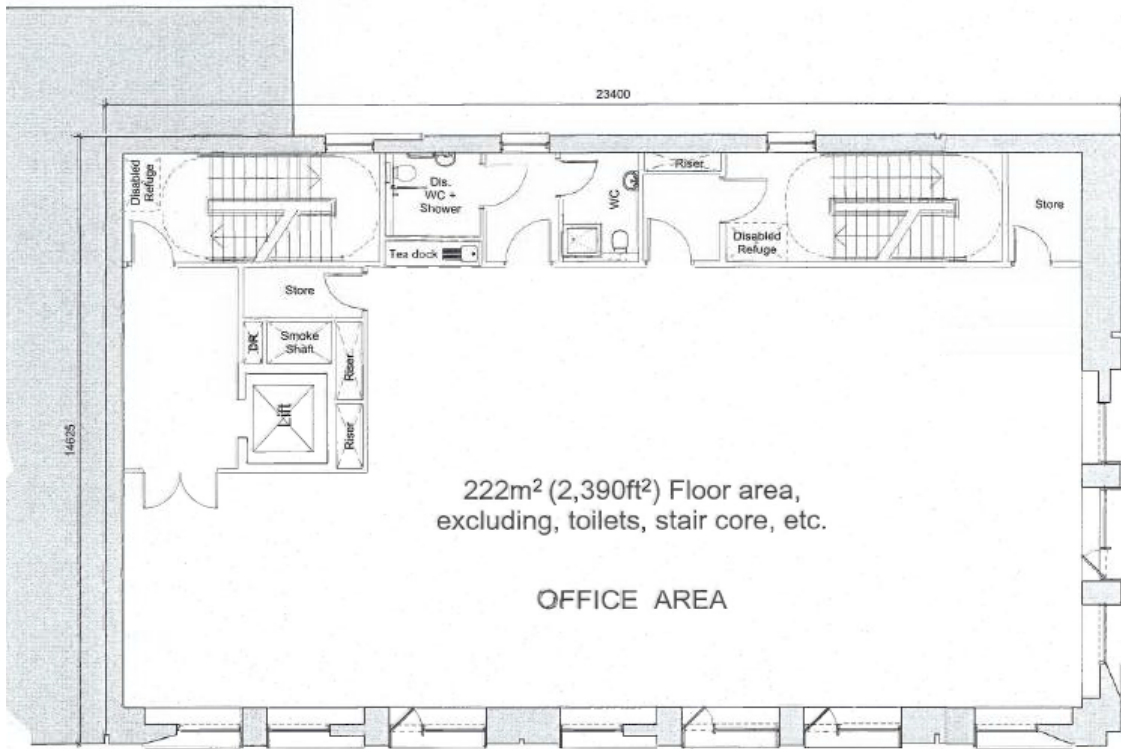
No objections have been received from any consultees including TNI Roads, Environmental Health, DEARA, and Historic Environment Division.

Representations have been fully considered, however having regard to the policy context and other material considerations above is considered acceptable and compliant with relevant policies. Approval is recommended with delegated authority requested for senior officers to finalise the wording of conditions.

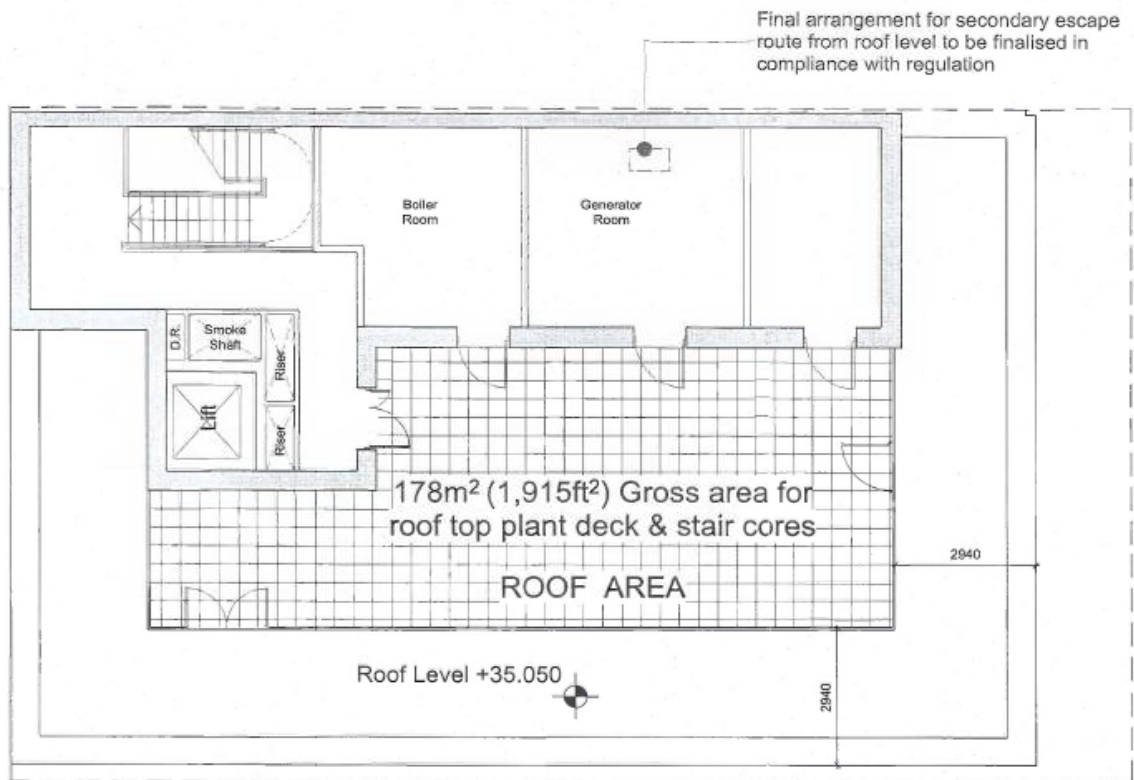
Case Officer Report

Site Location Plan

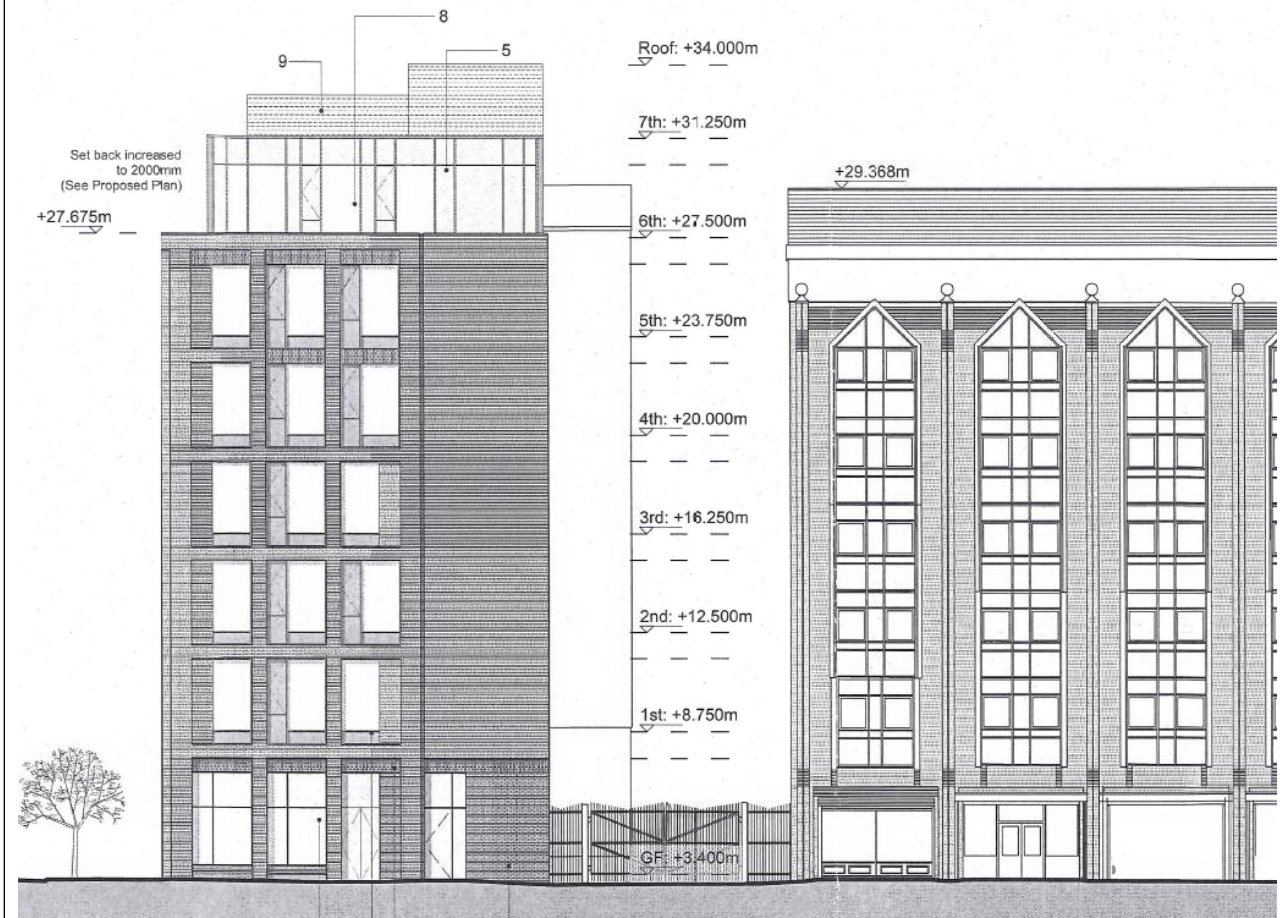




1st - 5th Floor



Roof Level



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| Representations: | |
| Letters of Support | None Received |
| Letters of Objection | 4 |
| Number of Support Petitions and signatures | No Petitions Received |
| Number of Petitions of Objection and signatures | No Petitions Received |
| Representations from Elected Representatives | None received |
| 1.0 Characteristics of the Site and Area | |
| <p>1.1 The proposed site is located at the junction of 46-52 Upper Queen Street and 11a Wellington Street. It comprises a three storey terrace building finished in render with slate roofs. The ground floors are in use as a café, barbers, and a shop. To the rear of the building, and fronting onto Wellington Street is a return, three storeys in height and also finished in render. This element is also operating as a self-contained retail unit. The building dates from approximately 1860.</p> <p>1.2 The site is located within the City Centre Conservation area. Neighbouring buildings consist of Royston house seven storeys in height, to the north, with Queens Court to the south which is 5 and a half storeys in height. A car park access road runs adjacent to the rear site boundary of Wellington Street which in turn is abutted by a modern office building in brick 6 storeys in height.</p> | |
| 2.0 Description of Proposal | |
| Demolition of existing buildings and erection of 7 storey office building with retail unit on ground floor. | |
| 3.0 | Planning History |
| 3.1 | LA04/2017/0461/F - Extensions / Alterations to Oyster House and Royston House comprising of extensions to the 7th floor and 1 additional floor above for offices, an 9 storey lift core extension within the courtyard, creation of roof terrace, alterations to existing elevations and reconfiguration of ground floor to form to 2 new retail units and new entrance lobby on Wellington Place. Approved 17 th August 2017. |
| 3.2 | LA04/2017/2333/F - Extension to Oyster and Royston House comprising two additional floors of office accommodation (floors 8 and 9), reconfiguration of lift core (on nine floors) at courtyard to rear, modifications to courtyard elevations, removal of existing facades on Wellington Place and Upper Queen Street and replacement with glass and steel façade. Approved 30 th March 2018. |
| 4.0 | Policy Framework |
| 4.1 | Belfast Urban Area Plan 2001 Belfast Metropolitan Area Plan 2015 |
| 4.2 | Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS); Planning Policy Statement 3 (PPS3) - Access, Movement and Parking Planning Policy Statement 13 (PPS13) - Transportation and Land Use Planning Policy Statement 4 (PPS4) – Planning and Economic Development Planning Policy Statement 15 (PPS15) - Planning and Flood Risk Planning Policy Statement 6 (PPS6) – Planning Archaeology and the Built Environment Belfast City Centre Conservation Area Booklet |

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| | Supplementary Planning Guidance including Development Control Advice Note 15 Vehicular Access Standards and Parking Standards |
| 5.0 | Statutory Consultee Responses |
| | Transport NI – no objections NIEA – no objections subject to revised design and condition and/or informatives; NI Water – no objections; |
| 6.0 | Non Statutory Consultee Responses |
| | Environmental Health - no objections subject to conditions and/or informatives. Conservation Officer – contribution to Conservation Area due to building age. Limited architectural merit. Urban Design Officer – no objections. |
| 7.0 | Representations |
| | The application has been neighbour notified and advertised in the local press. 5 representations (including an email received 5/4/2018) raising concerns including building height, loss of historic fabric/buildings and their associated contribution, impact on character, inappropriate design and loss of retailing. No further representations were received following advertisement/notification of revisions to the proposal. |
| 8.0 | Other Material Considerations |
| | None |
| 9.0 | Assessment |
| 9.1 | The key issues in the assessment of the proposal are as follows: <ul style="list-style-type: none"> - The principle of the proposal at this location; - Demolition of a building within the Conservation Area; - Impact on amenity / character of the area and a listed building; - Impact on transport and other infrastructure; and - Loss of retailing. <p>Policy Considerations:</p> |
| 9.2 | Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities. This policy states <i>'Belfast City Centre has developed its regional shopping offer. A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area'</i> . |
| 9.3 | The 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. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3, remain applicable under 'transitional arrangements'. |

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| 9.4 | <p>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 paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.</p> |
| 9.5 | <p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the version of BMAP purported to be adopted still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Within the Draft BMAP the site is identified as falling within a Conservation Area, and also within the primary Retail Core. In the version of BMAP purported to be adopted, Upper Queen Street is excluded from the Primary Retail Core in acknowledgement of limited retail use within the area. It is predominantly a commercial area characterised by offices and non-retail use including restaurant / cafe use. PPS6 is a relevant consideration due to the Conservation Area designation and proximity to Listed Buildings. The site itself is not subject to any zonings.</p> <p><u>Consideration</u></p> |
| 9.6 | <p>The primary policy considerations are set out in BH12 – new development in a Conservation Area. BH12 sets out 7 general criteria for proposals. Section 104 of the 2011 Act and the related policy direction of the SPPS take precedence over criterion (a) of PPS6 Policy BH12 New Development in a Conservation Area, which requires the development to preserve or enhance the character of the area. The remaining criteria of this policy however remain. (b) and (c) broadly seek development that is in sympathy with the characteristic built form, scale material and detailing of the area; (d) that proposal will not result in environmental problems such as noise, nuisance and disturbance; (e) that important views within, into and out of the area are protected, and (f) that trees and other landscape features are protected. Criterion (g) seeks redevelopment that conforms with the guidance set out in conservation area documents.</p> |
| 9.7 | <p>Given the site context, which consists entirely of non-residential uses, the proposed ground floor retail and upper floor office uses are considered acceptable in principle subject to other satisfactory design and character issues. One representation raises concerns about loss of retailing but the proposal includes a retail unit at the ground floor.</p> <p>Principle of Demolition</p> |
| 9.8 | <p>The Conservation Officer advises that the existing building is of limited architectural merit, and it is evident that a significant number of alterations have been undertaken over the years. Internal site visits confirmed that no architectural features remain. Accordingly, and taking account of the Conservation assessment submitted in support of the application, the Conservation Officer considers the contribution to the Conservation Area to be limited to the historic / age of the building, given that it was constructed in approximately 1860 and constitutes the last of buildings of this age within this section of Upper Queen Street. Demolition therefore must be weighed against other material considerations.</p> <p>Design and character of the Area;</p> |
| 9.9 | <p>The proposal is seven storeys in height, with the seventh floor set back from the front elevation and has a glazed finished with a flat roof with a taller element for plant (31m to</p> |

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| | <p>highest part of roof, 24.2m to shoulder height). The building is to be finished in brick with and metal framed windows, with aluminium louvers to screen the roof plant area.</p> |
| 9.10 | <p>The layout/siting of the building replicates the adjacent buildings and is therefore sympathetic to the existing streetscape form. The fenestration and solid to void ratios of the front elevation are considered sympathetic to the locality. The materials proposed are similar to those in the adjacent buildings and are therefore acceptable. There is a mix of building designs and finishes in the locality and the proposal would be similar in terms of the commercial character of the area. Urban design advice indicated the elevation treatment to be acceptable.</p> |
| 9.11 | <p>The proposal would not appear as visually discordant within the various streetscapes given the scale and massing of neighbouring buildings. A building of similar height has been approved on the adjacent site (LA04/2017/0461/F) on 17th August 2017. The height of this approved building is illustrated above on the proposed elevation. Vistas of and from the City Hall and Spires buildings would not be adversely impacted, and HED have no objections regarding the setting of any listed buildings.</p> <p>Economic Considerations</p> |
| 9.12 | <p>The proposal includes retail space at ground floor, which essentially replicates the exiting uses and accords with the BMAP retail strategy and location within the Primary Retail Core.</p> |
| 9.13 | <p>The proposal also includes 1281 sqm of offices on the upper floors. This accords with broader economic policies in terms of facilitating new office space within the city centre as discussed within BUAP, BMAP, and regional policy.</p> <p>Impact on Amenity</p> |
| 9.14 | <p>Criteria (d) of BH12 requires development that does not result in environmental problems. Given the commercial nature of adjoining land uses and their associated site characteristics, it is considered that the proposal will not adversely impact on existing properties in terms of noise, nuisance, privacy, overshadowing or dominance.</p> <p>Access, Parking and Transport:</p> |
| 9.15 | <p>In relation to traffic, access, and parking issues, Transport NI was consulted and is satisfied with the traffic, parking and access arrangements. Accordingly, the proposal is considered compliant with requirements in PPS3 and associated guidance.</p> <p>Other Considerations:</p> |
| 9.16 | <p>Environmental Health has no objection subject to conditions and/or informatives, and the proposal will not result in an unacceptable impact in terms of noise, air quality, or related issues. NIEA have no objections in terms of contamination subject to conditions. NI Water has no objection in relation to sewerage or flooding.</p> |
| 10.0 | <p>Summary of recommendation: Approval</p> <p>The critical consideration in this case is the merits of the proposal against the contribution of the existing building to the character of the Conservation Area. Given the Conservation opinion that the contribution is limited to its age only, it is considered on balance, that the economic benefits and compliance with the majority of policies as discussed above outweigh the loss of this building. In terms of design, the proposal</p> |

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| 10.1 | <p>would make an equal or greater contribution to the Conservation Area.</p> <p>Representations have been fully considered, however, having regard to the policy context and other material considerations above, it is considered acceptable and compliant with relevant policies. Approval is recommended and delegated authority is requested for senior officers to finalise conditions.</p> |
| Neighbour Notification Checked Yes | |
| <p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No development shall take place until samples of all external finishes has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample details.</p> <p>Reason: In the interests of visual amenity and the character and appearance of the area.</p> <p>3. All services (including those for water supply, drainage, heating, and gas supplies) shall be laid underground or housed internally within the building hereby approved.</p> <p>Reason: In the interests of visual amenity.</p> <p>4. No development shall commence until the Planning Authority has received in writing and agreed that suitable risk assessments and supporting data have been provided which identify all unacceptable risks to health and the water environment. The investigations should include, but not be restricted to:</p> <ul style="list-style-type: none"> - identifying all potential contaminant sources within the planning boundary. - Site investigations and groundwater monitoring designed and implemented in accordance with British Standard BS 10175:2011 + A1:2013 'Code of practice for investigation of potentially contaminated land sites' to identify the contamination risks associated with the potentially contaminating activities which took place at this site. - Provision of risk assessment(s) in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11) to identify all unacceptable risks to health and the water environment and provision of remedial criteria to be met through a remedial strategy. These works are required to ensure that the land will be in a condition suitable for the development. <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p> <p>5. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified at Condition 1 has been submitted in writing and agreed with the Planning Authority. This should identify all unacceptable risks on site, the remedial objectives / criteria and the measures which are proposed to mitigate them (including maps / plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program etc.).</p> <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p> | |

6. The development hereby permitted shall not be occupied until the remedial measures as described in the remediation strategy submitted under Condition 2 have been fully implemented to the satisfaction of the Planning Authority. The Planning Authority must be given two weeks written notification prior to the commencement of remediation work.

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

7. No 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://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf>

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 that the site is suitable for use.

8. As part of site clearance works, all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Pollution Prevention Guidance No. 2 (PPG2) and No. 27 (PPG27). Soil and groundwater sampling shall be undertaken for a suitable analytical suite. Should contamination be identified the requirements of Condition 6 will apply.

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

9. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Department 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 Department in writing, and subsequently implemented and verified to its satisfaction.

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

10. After completing any remediation works required under Conditions 1 – 6 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Department. This report should 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.

11. 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.

12. 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.

13. Works for demolition to facilitate the development hereby permitted shall not commence before a valid contract for the carrying out and completion of works of redevelopment of the site for which planning permission has been granted has been entered into, and evidence of that contract submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the demolition is followed by immediate rebuilding and to maintain the character and appearance of the Conservation Area.

| ANNEX | |
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| Date Valid | 8th November 2016 |
| Date First Advertised | 2nd December 2016 |
| Date Last Advertised | 23rd February 2018 |
| <p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 16 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GE, The Owner/Occupier, 16 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GE, The Owner/Occupier, 18 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GE, The Owner/Occupier, 2, Wellington Buildings, 1 Wellington Street, Town Parks, Belfast, Antrim,, The Owner/Occupier, 2-4 Wellington Buildings, Wellington Street, Town Parks, Belfast, Antrim, BT1 6HT, The Owner/Occupier, 2-4 Wellington Buildings, Wellington Street, Town Parks, Belfast, Antrim, BT1 6HT, The Owner/Occupier, 2-4 Wellington Buildings, Wellington Street, Town Parks, Belfast, Antrim, BT1 6HT, The Owner/Occupier, 2-4 Wellington Buildings, Wellington Street, Town Parks, Belfast, Antrim, BT1 6HT, The Owner/Occupier, 22 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GE, Wallace Mount, 23, Chimera Wood, Helen'S Bay, Down, Northern Ireland, BT19 1XX The Owner/Occupier, 26 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GE, The Owner/Occupier, 27 Howard Street, Town Parks, Belfast, Antrim, BT1 6NB, The Owner/Occupier, 27-29, Howard Street, Town Parks, Belfast, Antrim, BT1 6NB, The Owner/Occupier, 28-30, Wellington Place, Town Parks, Belfast, Antrim, BT1 6GE, The Owner/Occupier, 34 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GF, The Owner/Occupier, 38 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GF, The Owner/Occupier, 5 Wellington Street, Town Parks, Belfast, Antrim, BT1 6HT, The Owner/Occupier, 5-7 Eagle Star House, Upper Queen Street, Town Parks, Belfast, Antrim, BT1 6FB, The Owner/Occupier, 5-7 Eagle Star House, Upper Queen Street, Town Parks, Belfast, Antrim, BT1 6FS, The Owner/Occupier, 50-56 Johnson House, Wellington Place, Town Parks, Belfast, Antrim, BT1 6GF, The Owner/Occupier, 50-56 Johnson House, Wellington Place, Town Parks, Belfast, Antrim, BT1 6GF, The Owner/Occupier, 6 Wellington Court, Town Parks, Belfast, Antrim, BT1 6HW, The Owner/Occupier, 9 Upper Queen Street, Town Parks, Belfast, Antrim, BT1 6FB, David Flinn, Belfast Civic Trust Limited, Goodbody, 6th Floor, 42/46 Fountain Street, Belfast, BT1 5EF David Flinn, Belfast Civic Trust Limited, Goodbody, 6th Floor, 42/46 Fountain Street, Belfast, BT1 5EF The Owner/Occupier, Bradley House, 23 Howard Street, Town Parks, Belfast, Antrim, BT1 6NB, The Owner/Occupier, Bradley House, 25 Howard Street, Town Parks, Belfast, Antrim, BT1 6NB,</p> | |

The Owner/Occupier, Bradley House,25 Howard Street,Town Parks,Belfast,Antrim,BT1 6NB,
 The Owner/Occupier, Capital House,3 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FB,
 The Owner/Occupier, Capital House,3 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FB,
 The Owner/Occupier, Capital House,3 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6PU,
 The Owner/Occupier, Capital House,3 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6PU,
 John Graham Claremont Court, Flat 28, Claremont Street, Belfast, Antrim, Northern Ireland, BT9 6UA
 The Owner/Occupier, Fisherwick Building,9 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FB,
 The Owner/Occupier, Floor 6,Capital House,3 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FB,
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FA,
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,
 The Owner/Occupier, Unit 6,Ferguson/royston House,Wellington Place,Town Parks,Belfast,Antrim,BT1 6GE,
 David Flynn

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| Date of Last Neighbour Notification | 19/02/2018 |
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| Date of EIA Determination | N/A |
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| ES Requested | No |
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| Drawing Numbers and Title |
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| Drawing No. 01, 03B, 04B |
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| Notification to Department (if relevant) |
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If members are minded to approve the application, the Council will be required to notify DFI under Section 105(6) of the Planning Act (Northern Ireland) 2011.

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| Representations from Elected Members: |
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| None |
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