

**Response to the MAG Report by
Coogan & Co. Architects.
16.01.19**

**Stewart Street,
Belfast**

**Planning Application LA04/2016/0559/F
Design Review Report**

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**Stewart Street, Belfast - Planning Application
LA04/2016/0559/F**

DESIGN REVIEW

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MAG Design Review Panel:

Panel Chair	Richard Partington, MAG Expert Advisor
Member 1	John FitzGerald, MAG Expert Advisor
Member 2	Terence McCaw, MAG Expert Advisor
Member 3	Alex Wright, MAG Expert Advisor

Attendees representing the Developer:

Alan Mains

Stephen Blaney Architect - Coogan and Co Architects

Attendees from the Markets Development Association:

Kathleen McCarthy

Aine Brady Margaret

Downey Fintan Hargey

Contributors via Conference Call:

Kelly Mills Belfast City Council - Planning

Emma Hanratty Belfast City Council - Planning

Observers:

Eileen McCallion

MAG Secretariat, Department for Communities

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1.00 Terms of Reference

- 1.01 In 2006, the Northern Ireland government adopted the Policy for Architecture and the Built Environment, and in 2007 established a publicly selected group of professionals - the Ministerial Advisory Group (MAG) - to advise on the implementation and development of the policy. MAG promotes the highest quality of places for all those involved in using and shaping them.
- 1.02 A central part of our work is providing direct advice on new development schemes by means of undertaking a design briefing or review. This is a method which can play an important role in creating better developments and improving people's quality of life.
- 1.03 The design review offers independent, impartial advice on the design of new buildings, landscapes and public spaces. The Planning or Design team are not bound to act on any of the recommendations made by the MAG Design Review Panel.
- 1.04 The Design Review Panel's main terms of reference are those of the Architecture and Built Environment Policy for Northern Ireland. Planning policies are not generally referenced.
- 1.05 The report on the review, which is classed as 'Restricted', will be issued to Aidan Thatcher, Director of Planning and Building Control for Belfast City Council, for distribution. The Department for Communities will consider whether disclosure should take place in response to any Freedom of Information requests, and will consult with MAG before finalising its decision on disclosure. If the Planning Team choose to bring the report into the public domain, it must be published in its entirety.

2.00 Introduction

- 2.01 This review, requested by Belfast City Council, considered the scheme drawings and documents recommended for approval under planning consent LA04/2016/0559/F and subsequently subject to a Judicial Review.
- 2.02 The panel initially met in private. The review did not follow the usual participatory pre-application procedure whereby an applicant's presentation is followed by questions and discussion and then verbal feedback and a review report. The applicant's design team were not present during the first stage of the review.

It is extremely disappointing that the panel did not follow "the usual procedure" and denied the opportunity for the applicant's design team to present the project at the first stage of the review. It not clear why the Group departed from its usual procedure, and chose not to see the design team until the end of the review process. Whatever the rationale, the consequence is that there are a series of material misstatements and errors

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throughout this document.

We are advised that MAG met with the MDA and/or local residents on site. As with the failure to engage in the “usual procedure”, this conduct also appears to be outwith the terms of reference. We had been advised that the design review would be a review of the planning file without representations.

3.00 The Review Process

3.01 Panel members had made themselves familiar with the planning application material for a substantial B1 office proposal (2167 sq m GIA), in advance of the meeting. In particular we reviewed the evolution of the design through the planning process; the quality of information and supporting technical studies; the proposed materials and details; and the broader urban design and public realm considerations.

3.02 A site visit was undertaken and the development site was viewed from several vantage points including the neighbouring residential area known as the Markets and from the established office and employment area to the north known as Lanyon Place. The panel's site visit came to the attention of members of the local community who then contacted MAG. As a consequence MAG secretariat facilitated a brief representation to the Panel by members of the Markets community and, in the interests of fairness and impartiality, also with the developer and its architect.

Regrettably, the agents for the applicant do not accept that the conduct of the investigation was fair. The Applicant's architects were contacted without preamble by Eileen McCallion of the MAG at 1.20pm on 6th November 2018. They were asked to meet with MAG at 2.00pm the same day.

The request for a meeting without prior notice followed the meeting on site with the residents. The developer's architects were not afforded the same consideration of a site meeting to discuss the proposal.

The meeting with the developer's architects was cursory and superficial. Most significantly:

1. No questions were asked around any of the misstatements and errors made in this report that are set out and explained hereafter. In the meeting the Chairman outlined the normal participatory procedure. He explained that this would simply be a review of the design before leaving to catch a flight. The Architect then outlined the concept for the project explaining how it worked with the adjacent tunnels project.

After the architect's presentation of the concept, three questions were asked and answered.

Question. Where did the office space requirement for the site originate?

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- Answer. From the commercial market place.
Question. How would the accessibility of the gardens be protected for public use?
Answer. The Section 76 is a legal document protecting this.
Question. When would be intend to start building?
Answer. 4-5 months after securing permission.

2. The chairman left the meeting after his introduction and before listening to anything we said. The full panel was in attendance for the entirety of the meeting with the residents' group. The conduct of the chairman in departing without hearing from the developer's architects is unsatisfactory and unfair in itself.
3. The inquiry was superficial and cursory.

3.03 These representations were made on the same day with the purpose of helping the Panel to understand the evolution of the proposals and the extent of engagement, particularly with regard to a community led project to the north as the site known as 'the tunnels' (Z/2012/1421/F). It was also helpful to hear, first hand, the applicant's plans for delivering the project and the evolution of their design.

Again, the sequence of the events does not support the assertions of para 3.03. It is not clear to us what the terms of reference of the MAG appointment actually are. We had been advised by the Council planners that MAG would simply review the planning application file without any representations from residents, MDA or architects.

It was plainly not the intention to hear "*first hand*" the applicant's plans because as has been made clear by the MAG Report above, the request for a meeting with the Applicant's architects was at 40 minutes notice in response to the meeting arranged with the MDA. The MAG Panel had not intended to meet the applicant's architects at all, and the resulting inquiries made were cursory and, as appears hereafter, resulted in inaccurate assumptions that undermine the process and conclusions.

As appears hereafter the MAG:

- (1) ignore Planning Policy when making re-design suggestions;
- (2) ignore the key problems of the DRD service strip and the impact of this on the tunnel's development;
- (3) ignore fundamental issues of commerciality which shaped the organisation of the built form on the site;
- (4) ignore the irregularities of the MDA planning permission;
recommend complete re-organisation of the layout to the commercial detriment of the developer. This recommendation is made without any understanding of the irregularities and problems in the tunnels project.

3.04 The panel discussion was also preceded by a conference call with planning officers, who clarified the interpretation of planning policy, particularly the designation of the site and the weight that both adopted (BUAP) and un-adopted (BMAP) and evolving policy might carry. The officers also updated the panel on the status of the application, which is in essence a 'live' application.

Whilst a matter for the City Council, this underscores the inconsistent and

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cursory approach to the inquiry and investigation. The MAG panel seem to have involved themselves in planning policy issues with the Council, and failed to express its position, and then did not discuss the same with the Applicant or its expert team.

4.00 The Site and its Context

- 4.01 The project is located on the northern and eastern edges of a roughly rectangular piece of land to the east of the junction between Stewart Street and East Bridge Street. On the southern edge of the site Stewart Street forms a gently curving boundary whose southern edge is formed by the backs of short housing terraces of the Markets area. The site constraints are complicated and these constraints are not easily appreciated from the submission material, particularly the relationships of the various levels of roads and pathways. On the northern side of the site East Bridge Street is elevated at a steady incline as it approaches Albert Bridge and rises over railway lines that run in a north-south direction across the Lagan. At the west end the level difference is approximately 2.4m and at the east it is approximately 4.9m. Under the bridge arched tunnels connect the site to Lanyon Place, though these are currently fenced and inaccessible. The tunnels project, a community-led plan to introduce a crèche, gym and small business unit in the unused archways, achieved planning approval in 2015.
- 4.02 On the eastern edge the site is flanked by the blank wall of Lanyon Place Station (formerly Belfast Central Station). The station entrance is at the street level of East Bridge Street.
- 4.03 Stewart Street also rises from the south-east to the north-west and where it meets East Street is approximately 2.0m above the site level. The site itself is flat, covered in compacted material and devoid of any natural features or trees. Two easements impose material constraints. To the east, there is an existing sewer has and easement along the boundary with the railway line. A 5m access strip is provided along the south side of the tunnels under East Bridge Street to allow for inspections and repair of the tunnel structures and their facing arches.
- 4.04 To the south of Stewart Street the Markets housing is predominantly two and three storey traditional construction typical of the schemes built by the Northern Ireland Housing Executive in the 1970s and 80s. The streets within this area, particularly Friendly Street and Friendly Place are dominated by car-parking and Stewart Street is also intensively used for parking, presumably an overspill from the office workers at Lanyon Place.

5.00 The Proposal

- 5.01 The scheme proposes two tall buildings, one on the East Bridge Street frontage and one at right angles to it running along the eastern

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railway boundary. At their highest these buildings are 12 and 14 storeys respectively, but each steps down in height at the southern and western ends. The East Bridge Street block is set some 10m from the footpath and access is gained at this level (+7.07m AOD) by a short bridging footpath. The building does not therefore make a conventional frontage to the street.

- 5.02 Entrances to both the main buildings are on the north-east corner of the site from an elevated and circular platform/podium with a single tree growing through an opening at its centre. From the podium access to the lower tunnels level is gained by a circular stair and a public lift. The ground level is some 4.9m below this access level.
- 5.03 The two main buildings are of unequal depth. The eastern building (block B) is approximately 15m deep, a conventional office plan depth. The East Bridge Street block (block A) measures 30m deep at its widest, a very deep plan, that would preclude natural ventilation and deny outward views from the centre of the space. The floor plates are drawn as conventional open plan space with the usual cores and vertical servicing (lift, escape stairs, services risers etc).
- 5.04 The southern, Stewart Street, edge is formed by two low building of three storeys following the curve of the pavement. These are broken centrally by a wide public staircase that initiates a route through the site via a podium-level, landscaped space. This leads indirectly towards the main building entrances on the north-east corner. Between the low blocks (C and D) and blocks A and B the landscaped area has a tapering shape and is approximately 20 m in width at its widest. It is described on the drawings as a public garden but no detailed information is provided for the design or management of this space.
- 5.05 The buildings are uniformly clad in a combination of curtain-walled glazing and aluminium panels with projecting horizontal shading structures ('brise soleil' to reduce solar gain) on all sides including the northern façade. The low blocks, C and D have brick framed bases with glazing above in a curiously top-heavy configuration. For the main facades no information is provided on the detailed connections, material supports, material texture, opening or spandrel areas, or the general quality of the façade assembly. The three-dimensional views included do not portray the scheme in sufficient detail to establish the design quality of the façade construction.
- 5.06 On the lower level a public area is proposed between the buildings and the tunnels. This space is 10 m wide and is unlikely to support the landscaping and tree planting indicated on the drawings. It is permanently in the shade as the applicant's own shadow analysis clearly demonstrates. This space is described as a "street" in the design and access statement, but by virtue of its sunken position does not connect with any other pavements or public spaces, except by a lift and a long flight of stairs at its western end, and by a passageway through the vaults at its eastern end. Facing on to this space at the

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base of the 12 storey office there are four retail units, each approximately 100 sq m in area, but no information is given on their servicing or viability, which would seem highly questionable given the lack of footfall or visibility from the public domain.

6.00 Panel's Observations: Preamble

- 6.01 The project has been presented to the panel as a 'finalised' design, albeit one that is not necessarily adequately drawn or described (see comments below under further information) to fully understand its relationship to the surroundings or the detail of its execution.

The project was not presented to the panel by the architect, only the concept for the project was explained by the architect. A 30 minute meeting would not suffice to present this project in detail. The panel had already examined the finalised design. The project has been drawn to the satisfactory standard required by Belfast City Council.

- 6.02 The panel's observations are therefore presented in two sections. The first describes the opportunities and alternative approaches that may have been taken had the applicant or planning service requested an earlier design review. The second section critiques the scheme as presented, assuming that the mix of uses has been settled and that the scale of development proposed is broadly acceptable in planning terms (if not the disposition and arrangement of the building mass).

The 'opportunities and the alternative approaches' described hereafter, demonstrate a lack of understanding of the problems with the tunnels project and a lack of commercial understanding.

- 6.03 A final section reviews the quality of the drawings, their faithfulness to the actual proposal and the information that we consider to be absent but necessary for a proper understanding of the project.

None of these issues were raised at the meeting. This identifies the unfairness of this process, that the applicant was deliberately denied the opportunity to address any issues the panel had.

7.00 The Panel's Observations: Section 1 - Strategic Opportunities

- 7.01 The supporting design and access statement identifies the opportunities for re-establishing historical connections to the city centre at street level and under the tunnels to the north. It notes the historical evolution and settlement of the area, its employment, culture and people. The statement also advocates the reinstatement of historic development and street patterns and the integration of community led initiatives, particularly the 'tunnels' community project. To us, however, the influence of this analysis and commentary is insufficiently manifest in the design proposal, which is essentially a self-contained office development, inward looking and giving little to the

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public frontages other than the activity and occupation of the space during office hours.

- 7.02 We recognize that the 'tunnels' proposal has been incorporated by widening the prescribed access strip along East Bridge Street to 10 metres, but by arranging a substantial building mass between the tunnels and the Markets community the design compromises the purpose of the community project and prevents direct access to the tunnels entrances. The computer generated renderings of this space suggest a well-lit and vibrant paved terrace in front of the tunnels but in reality it will always be overshadowed, with relatively poor access.

The Panel's Observations: Section 1

- A. The first point is that the observations of the MAG panel are expressions of planning judgement. Its views are undermined by significant material errors of understanding as hereafter appear. As appears hereafter, there is integration and delivery of the tunnels project in a manner that is not achievable under the tunnels planning consent. The MAG panel fail to engage with these issues.
- B. This section of the MAG report concentrates on the relationship of the proposed office development with the tunnels project, Planning ref: Z/2012/1421/F. To properly and fairly analyse this relationship, it is necessary to assess and understand the tunnels project. The approved drawings are available online and there are only 4 of them (Appendix A).

Even upon cursory examination, it is obvious that the floor plans of the tunnel project do not match the red line of the location plan.

Four fundamental elements of the tunnels project are outside the red line of the tunnels development permission:

- (1) The steps at Stewart Street;
- (2) The glass box extensions to the creche (necessary to connect one part of the plan to another)
- (3) The glass box extension to the MDA facility (necessary to connect one part of the plan to another)
- (4) The elaborate stair and lift enclosure which connects the tunnels level with East Bridge Street.

Consequently, critical elements that deliver the tunnels project and the connectivity to the Markets are outside the red line of the tunnels development application site. The delivery of those elements relies upon the land ownership and the financial input of the planning applicant on the adjacent land.

By not examining these issues, and failing to ask the planning applicant's representatives to comment and explain, this fundamental error undermines the approach, criticisms and the conclusions reached by MAG.

A brief inspection of the tunnels levels on the 'existing floor plan' (Appendix E), confirms that the tunnel closest to Stewart Street is not high enough to be used, according to the planning application drawings, it is only 1.87m at the internal apex. In the MAG report in paragraph 4.01, the level difference between East Bridge Street and the west end of the site and ground level is

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noted at 2.4m. (See photograph Appendix B which shows how the ground level rises). Because it did not assess the plans, or engage in discussion and inquiry with the Applicant's design team, the MAG panel inevitably failed to grapple with, and understand, the significance of this on site. Allowing for the substantial bridge arch structure, this restricts head height to the extent it makes some of the tunnels not fit for the purpose proposed.

It is common case that the tunnels project is an important social and economic issue for the Markets. It is plainly a material planning consideration as a matter of Law. It is an issue of weight for the planning authority. As noted above, the MAG panel failed to properly understand and have regard for it because they neither understood the issues around the tunnels project nor asked about the relationship to the development project.

The MAG panel misunderstood and/or failed to address the unresolved problems of the Tunnels development project.

Having failed to address the issues, it is be prudent to look at the drawings and application to understand the extent of that failure. This is summarised in the spreadsheet below. This spreadsheet identifies the elements of the tunnels project which do not work; describes the problems; and analyses the potential for resolving them. The final column shows how each problem has a solution provided within the current application. For convenience a larger scale copy of this spreadsheet is included in Appendix C.

	ELEMENTS OF THE TUNNELS PROJECT WHICH DO NOT WORK	IDENTIFICATION OF THE PROBLEM WITH EACH ELEMENT	ANALYSIS OF THE POTENTIAL TO RESOLVE	SOLUTION PROVIDED WITHIN THE CURRENT APPLICATION
1	Access steps from Stewart Street.	Located on third party lands. Located outside the red line of the application site. Located on the bridge service strip in contravention of the draft lease.	This problem can be resolved.	Access steps are located on Kilmona land. Steps are reconfigured outside service strip. Steps are within red line of office application.
2	Glass box extension to creche.	Located on third party lands. Located outside the red line of the application site. Located on the bridge service strip in contravention of the draft lease.	This problem cannot be resolved.	Alternative accommodation can be provided in a Victoria Square Centre style 'street' configuration.
3	Configuration of creche within tunnel closest to Stewart Street.	The ground level in this tunnel restricts the head height. The terms of the lease state that no alteration of the ground levels will be permitted.	This problem cannot be resolved.	Alternative accommodation can be provided in a Victoria Square Centre style 'street' configuration.
4	Configuration of fitness suite.	The ground level in this tunnel restricts the head height in the centre of the arch. The toilet accommodation does not work in its current configuration. A gym with restricted head height due to the nature of the arched tunnel construction is not fit for purpose.	This problem cannot be resolved.	Alternative accommodation can be provided in a Victoria Square Centre style 'street' configuration.
5	Glass box extension to MDA community facility.	Located on third party lands. Located outside the red line of the application site. Located on the bridge service strip in contravention of the draft lease. Plan configuration does not work in its current form due to arch construction.	This problem cannot be resolved.	Alternative accommodation can be provided in a Victoria Square Centre style 'street' configuration.
6	GEMS	Plan configuration will not work in its current form, due to arch construction.	It should be possible to fix this.	Reconfigure.
7	Lifts and stair arrangement to East Bridge Street.	Located on third party lands. Located outside the red line of the application site. Located on the bridge service strip in contravention of the draft lease. This is unacceptable.	This problem can be fixed.	Alternative circulation can be provided on Kilmona land. Lifts and stairs can be provided outside the service strip, within the current application.

The background to the tunnels planning application is as follows:

1. The MDA applied for the conversion of the tunnels (conversion only) (11.12.12.).

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2. The red line was drawn around the application site and notice served on the DRD. The red line did not include all the land used by the application. For convenience we have provided an overlay of the location plan on the floor plan in Appendix A. DRD were not advised in the notification that the application was for an extension. This is relevant because any extension impacts on the service strip required for bridge maintenance.
3. The description was revised to include extensions, but no revised notice was served on the DRD (07.01.13).
4. No notice was served on the previous owner of the additional land the applicant required for the application.

The drawings show a staircase at the Stewarts Street end of the row of tunnels. An elaborate glass enclosed lift and stair are located adjacent to Central Station. They also show two large glass box extensions. All these elements are outside the red line. And more importantly located on the service strip required for bridge maintenance.

5. A draft lease has been agreed with the DRD, and accompanied the application, however the tunnels project does not comply with the terms therein (Appendix D)

- In condition 2:
*"No excavation of land below the arches"
"No alteration either by raising or lowering to the level of the finished ground under the bridge".*

Also

"A right to be reserved to remove or cause to be removed any goods, materials, vehicles, buildings, structures or any other things infringing the conditions attached to the lease."

Also

"Interference with or use of the bridge structure would be prohibited and no interference with the surface thereof."

In the explanation of the development of the concept of the office application, the architect made the MAG panel aware that the glass boxes, stairs and lift are located within the service strip required for bridge maintenance. This was described as *"unacceptable"* by Roads Service when discussed as part of the current application: see Appendix F, point 3, highlighted in the DRD Roads Service consultation.

Drawing number P01.4 (existing floor plans) illustrate the arch height and ground level in each tunnel. This drawing accompanied the planning application (Appendix E).

The plan of the most western tunnel shows an arch height of 5.023m and a ground level of 3.150m. 1.873m clear in the centre of the arch. Before any ceilings or suspended floors are constructed. It is only possible to stand upright in the centre of the arch. Either side of the centre of the arch, the head height reduces further.

The adjacent tunnel has an arch height of 5.289m and a ground level of 3.108m. 2.181m clear in the centre of the arch. Again, before any ceilings or suspended floors are fitted. It is only possible to stand upright in the centre of the arch.

This means that in these two tunnels, if the ground level is not lowered, it is not possible for an adult to stand upright in much of the tunnel unless standing in the middle of the arch. Changing the ground level is prohibited by the terms of the lease.

Therefore, the floors plans as submitted for these tunnels do not work. The next two tunnels are only marginally better. Circulation and other uses are located where there is insufficient head height. The glass boxes required to link the tunnels to each other are not acceptable to Roads Service. The glass boxes appear to be necessary to link accommodation as it is not possible to make connecting doorways in the bridge structure.

6. Given the number of irregularities in the planning permission and the non-compliance with the terms of the lease, it is obvious that the tunnels permission has not been examined by the MAG panel prior to recommending the reconsideration of the arrangement of built form on the office application site. This is wrong.

Having acknowledged the importance of the Tunnels project to the local community, and having designed the current application to deliver that project, then the permission should have been examined by the MAG panel. The errors and problems are obvious. The issue was not assessed properly, if at all. The errors are so obvious and the absence of any expression of understanding of those errors suggests a lack of inquiry, and undermines the conclusions reached by MAG.

C. Delivery of the Tunnel permission within the Kilmona Planning Application

The Kilmona development delivers the Tunnels development. It delivers third party lands and access that are otherwise unavailable. This is set out below.

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1. the office development design expressly provides for the lift and stair arrangements on Kilmona land close to locations where the MDA wanted them, but significantly, outside the service strip.

There is public space arranged at the vertical circulation core adjacent to Central Station so that the buildings can be entered from East Bridge Street at this location. This means that the vertical circulation required for the tunnels project and the entrance to the office buildings are given equal importance.

The applicant has arranged and organised his scheme around both the vertical circulation and the lateral circulation required in front of the tunnels project, whilst respecting the DRD service strip

2. The lateral circulation proposed is designed to be a sheltered street across the frontage of the tunnels linking the two locations of vertical circulation. This is appropriate. This is to provide a 'Victoria Square Centre style' pedestrian street, sheltered by the office building. The Victoria Square Centre was used as the inspiration for a semi enclosed public street. The Victoria Square Centre 'street' follows the same east west axis as our proposal. The sunlight/shadow will therefore be the same. Artificial lighting supports daylight in the Victoria Square Centre. Artificial lighting will support daylight in this project also.

The proposed vertical circulation is located close to where the MDA want it to be, but outside the service strip.

3. It is difficult to understand how MAG could look at the permission for these glass boxes, which are proposed to be built on third party land on a DRD service strip, and arrive at the conclusion that this permission should define the reorganisation of the Applicant's project. Further, by failing to address the problems with the Tunnels permission, and the delivery of solutions to those issues with the current application, the MAG panel could not possibly have applied proper planning judgement to the issue. That is of course a matter for the planning authority.
4. MAG have further criticised *"the computer renderings of this space suggest a well-lit and vibrant patio terrace in front of the tunnels but in reality, it will always be overshadowed with relatively poor access."*

The lighting, and aesthetics will be similar to the Victoria Square Centre. This is again a matter of planning judgement. Even if it were accepted that there was *"relatively poor access"* (which is not accepted) by failing to understand the Tunnels project, the MAG panel has failed to make any proper planning judgement or weighting of the issues.

5. MAG criticise the handling of substantial level changes, suggesting public space should be at Stewart Street level rather than elevated on a podium structure. The levels of Stewart Street constantly change, as the street gradually rises up to East Bridge Street. Selecting an intermediate level is a perfectly reasonable design solution. This intermediate level makes a transition level with the levels of Stewart Street as it slopes up to East Bridge Street.

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The Victoria Square Centre designers were able to handle levels very simply. We are proposing something similar. The MDA need connection to East Bridge Street. So does this application. To provide further connectivity, an access is provided to Stewart Street. The garden is set at an intermediate level to make the transitions between East Bridge Street and Stewart Street gradual. The route through the garden from Stewart Street to the vertical circulation location required by the MDA follows a diagonal desire line. This is sensible.

The MAG panel fails to acknowledge that there is no requirement in planning policy for a commercial office development to provide open space at, much less additionally providing open public access to the Tunnel permission the way this application has done. Whilst the MAG panel may see its role free from planning policy and judgements relating to that policy, the planning authority cannot ignore planning policy in this unsatisfactory manner.

6. In section 5.06 MAG criticise four retail units, "*they seem highly questionable given the lack of footfall or visibility from public domain.*" However, MAG miss the point of these units. These units are also proposed by the developer to be for community use. So that the tunnels project does not just look into office space, but a Victoria Square Centre style mall of community use is created. The MAG panel has failed to understand this. These four units are intended to provide alternative space where the tunnels project (with its restricted head height and glass extensions), does not work. Speculative retail development at this location would not make commercial sense, and the proposal provides choice and opportunity for the community.

- 7.03 Similarly the south to north route through the site over the parking area, with substantial level changes, will discourage connectivity and public enjoyment of the limited landscape space. For this space to be truly 'public' and accessible from the Markets it should be at the Stewart Street level rather than elevated on a podium structure. The panel had concerns that although the stated intention of the applicant is to allow full public access to all open areas within the site at all times, this may in time be altered by a future owner. If this was the case there could be severe limitations placed on the pedestrian connectivity through the site at certain times of day.

There will be no limitations placed on pedestrian connectivity through the site as this is dealt with in the Section 76 Agreement.

- 7.04 The token bridge and 'plaza' space at the north-east entrance is similarly misconceived, and too mean in proportion to accommodate any activity other than an elevated crossing from street to building entrance. The space below this at the level of the tunnels project is likely to become a dark and forbidding 'undercroft'.

The MAG panel has referred to the bridge as a 'token'.

East Bridge Street transverses the tunnels. The arches underneath are structural. MAG was advised that a service strip is required for maintenance.

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Increasing the size of this bridge impedes this maintenance. The lack of understanding that the MAG panel exhibits on this issue is disappointing.

The Applicant's design team explained to the MAG panel those specific elements in the Tunnels planning application that have been placed on the strip of land the DRD requires for maintenance: see point 3, highlighted on DRD Roads consultation in Appendix F. This again reflects the lack of understanding and failure by the MAG panel to balance these design issues.

- 7.05 If one of the guiding aims of the project is to improve connectivity and purposefully include the tunnels within the project the proposal must be re-organized in a way that will allow direct and visible access to the tunnels themselves and allow them to open onto a properly functioning public space. We recommend that the arrangement of buildings on the site is reconsidered.
- 7.06 Two possibilities for improving public accessibility to the tunnels occur to us. The first would be to concentrate the building mass along the eastern side of the site with the creation of a new public space to the west. If this space was nearer to the level of Stewart Street it would be visible from the Markets and the resulting space would provide a public transition from the residential community to the office district in this part of the city. The second possibility would be to arrange buildings to the eastern and western edges of the site enclosing a space in the centre. The northern edge would form a third side of this south facing space and the route through to Lanyon Place, proposed to be in one of the east most tunnels, would be accessible.

The design of the planning proposal is a matter for the planning authority. Significantly, the MAG panel fails to point to any failure of planning policy. This is unsurprising as there is no such failure. The MAG panel may prefer a different design, but that is not the planning policy presumption. There remains a presumption in favour of development unless there is demonstrable harm to interests of acknowledged planning importance. Not only is there no such harm, but as explained above the application delivers the Tunnels project, despite the manifest difficulties with that Tunnels planning permission.

When the two office elements were proposed to be placed close together, there was the inherent potential that they could be linked at an upper level if necessary, without destroying the design or having an unacceptable adverse impact on residential amenity (subject to planning obviously). It is important for a speculative office development to build as much flexibility into the design as possible. In this way, different floor space configurations were possible. Frontage to East Bridge Street was also important. It is plainly sensible that the office development relates to Lanyon Place as much as possible. It does not make commercial sense for a building of this nature to front Stewart Street. No multinational with a substantial office floor space requirement would prefer to have the entrance on Stewart Street when it could be located on East Bridge Street beside Central Station. Similarly, splitting the accommodation by a large area of open space removes any possibility of linking the accommodation.

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- 7.07 Either of these options would require the reduction of parking or the introduction of parking at a basement level to ensure that the public space is accessible.

This is a commercial venture that applies and balances planning policy and secures the locally important Tunnel project.

This comment underscores the fact that MAG has not considered planning policy as outlined above, and instead considers itself free to design a proposal free from such considerations of planning policy, finance and marketability.

- 7.08 As to the height of the building, we recognize that the scheme has had regard to the height of neighbouring buildings and the precedent set by previously approved schemes. However, building height alone is not an adequate measure of a building's impact on either the skyline or its immediate neighbourhood. The depth of the building, its size in plan and the articulation of form and material will influence its mass and presence.

The architectural concept was to form a gateway into the City along East Bridge Street. That the built form of our proposal would relate to the scale of Lanyon before stepping down to The Markets.

Belfast City Council planners and the urban design architect welcomed this concept. MAG do not. MAG suggests a scale which relates neither to Lanyon Place or The Markets; an intermediate scale. It is difficult to understand how it is possible to make a gateway into a City where one 'gatepost' is substantially different in height to another. Once again this is a matter for planning judgement wherein the MAG panel appears to be working on the basis that it may make such "recommendations" without reference to planning policy.

- 7.09 We also challenge the view that the office building should be comparable in height to Lanyon Place because of the affinity of use. In reality Lanyon Place is separated from the site by the elevated East Bridge Street and by the service road that is Lanyon Place itself. These two edges could easily be viewed as significant boundaries that contain the office district and define its area. We believe that the site should be viewed as an important transition between the two established areas of business and living. As such, it could make a better contribution to the overall regeneration of the area if it was treated as a mixed-use opportunity rather than a mono-cultural extension of the office / employment district.

Yet again MAG demonstrate that it has had no regard for planning policy. This undermines the reliability and weight of the report. There is no requirement in planning policy for housing on this site. The MAG approach engages in re-design this project to a new brief without reference to planning policy or the other material considerations discussed above.

- 7.10 The buildings are substantial in height and plan form, and will become a bulky and very prominent presence when viewed from the south.

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Although the stepping of the main building forms to the south and the east attempts to mitigate this bulk, we do not think that the architectural treatments are sufficiently accomplished to overcome this concern.

This is a subjective criticism. The independent urban design architect advised on architectural treatments and his advice was encompassed in the revisions. Once again planning judgement is at the heart of this issue.

8.00 The Panel's Observations: Section 2 - Detailed Comments

8.01 The elevation and section drawings give very little detailed information regarding the construction (how the façade is made) and services (how air and heat or cooling is distributed). An office building of this size will have a substantial heating and cooling load, which in turn requires large areas of air-handling and heating and cooling equipment. Some plant space is indicated at basement level but this an impractical location for cooling or air handling. There is no indication of any plant enclosure on the roof and there will surely need to be a substantial area and a significant height of plant enclosure. We advise that any future planning conditions specifically ask for details of plant space and a roof plan with suitably written additional conditions to ensure that the height of the building as consented is not exceeded to accommodate services areas.

- A. There are two substantial plant rooms at ground floor level with very substantial floor to ceiling heights. There are also rooftop plant areas. The overall floor to ceiling heights in the top floors are also overly generous so that rooftop plant can be located in a well over the cores: see the elevation drawings 15-184-12A and 15-184-13A. The plant is indicated on the elevations. Rooftop plant is also indicated on drawing 15-184-11A (Appendix M).
- B. Attached is a copy of a contemporaneous planning application, planning ref: LA04/2016/1789/F, drawn by Todd Architects (Appendix G). We have shown plant illustrated in a similar manner and have no issue with the Council conditioning our decision notice in a similar manner (refer to decision notice in Appendix H). This was approved a few months before our scheme.

Condition 2 states;

"Notwithstanding the details shown on the drawings hereby approved. Full particulars of the following should be submitted to and approved by the Council in writing prior to their installation:

1. 1:1 mock up panels
2. Sample board for all external materials
3. Details of enclosure to roof plants

The development shall not be carried out unless in accordance with the approved details."

8.02 The elevation drawings do not show the detail of the materials proposed: the fixings of the cladding system, brise-soleil, external

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projections; the joints between cladding panels, the types of glazing, the mullion caps, cills and flashings. Any condition regarding materials should require further detail to be submitted including detailed construction or design intent drawings. For a building of such prominence, and a major application, it would also be reasonable to require full-height sample areas of construction rather than sample materials for approval.

Again, we refer to the Todd Architects approval. The detail on our drawing is every bit as detailed as their drawings. We do not understand how the Council could entertain criticism of this nature. Again, we would have no issue with the Council conditioning any decision notice in a similar manner to the Todd approval.

8.03 The design of the solar shading devices within the elevational treatment does not appear to respond to the orientation of the elevations. This could significantly reduce their effectiveness in limiting unwanted solar gain. On the north elevation their adoption appears vulnerable to potential removal during any value engineering exercise, as they serve no legitimate solar control function. The façade facing east onto the train station is close to the boundary, and the choice of materials and the amount of glazing will be limited by fire safety considerations. It is extremely unlikely that a fully glazed façade as drawn would meet Building Regulations requirements, and fire brigade access is potentially restricted.

- A. The MAG panel does not understand (because it did not ask about) the reason for the louvres. These are not for solar shading.
- B. The louvres are positioned at the floor level of the windows of the floor above, rather than at window head height, to reduce the vertical field of views from deeper within the office floor plate so that views of the occupants are directed across the rooftops of the neighbouring Markets housing (or across East Bridge Street to Lanyon Place in the case of the north facing elevation). On the north elevation, the louvres restrict views down to the street in front of the tunnels. Views into the creche were an issue for the MDA at consultation stage. Refer to section drawing 15-184-14 B, Appendix M.
- C. The louvres are an embellishment to the facade but for different reasons to which MAG have presumed. Incidentally we note that Studio Partington, the Architectural Practice of Richard Partington, the panel chair, used metal screens to control views in the Putney Plaza Scheme (Appendix I). It seems acceptable for this practice to use metal screens to control views laterally, but not acceptable for Coogan & Co to control views vertically.

The MAG panel did not test these assumptions.

With respect to glass/building control, Belfast has numerous glass facaded office buildings. Refer to the recently completed Grimshaw project, Planning ref: Z/2013/1508/F (Appendix J). Note the proximity of the two glazed elevations. Technical advancements in glazing systems make this possible.

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- 8.04 The entrance to the tunnels and the relationship with the building should be reconsidered. The tunnels proposal should be incorporated within the drawing set so that the relationships and spaces around both can be clearly understood by potential occupiers of the units; by the community that will use it; and any public organisations that will potentially be funding the tunnels project.

The tunnels are indicated on drawing 15-184-02 C. This comment is perhaps inevitable given the manifest failure of the MAG panel to understand the Tunnels planning permission, its limitations and constraints, and how the current planning application delivers that project set out above.

- 8.05 There is insufficient landscape design information to illustrate how trees and landscaping will be incorporated. How, for instance, are trees grown in the podium level above the car parking? The section drawings show none of the tree pits and planting depth that would be expected. Trees are shown all around the perimeter of the building, including the east side where we understand there is a services easement. These observations, and the comments regarding landscaping in heavily overshadowed areas, suggest that the landscape and public realm design has not been thoroughly considered.

The landscape drawing indicates planters (Drawing 15-184-04 C). Trees on easements or at the tunnels would also be in planters.

The MAG panel has not considered the drawings or even the condition on the green form. Which states "*the 4no. trees shown on the granite cobbles street within the 5 metres bridge service strip shall be moveable at all times.*" All trees within easements shall be in planters.

9.00 Conclusions

- 9.01 This project occupies an important position on a strategic route close to the city centre. By virtue of its proximity to the rail station it will strongly influence the first visual impression of the city for some visitors. Further it straddles an important transition from one city area to an established residential community of entirely different scale. The physical relationships are further complicated by level changes and easements.

A gateway building was designed as the importance of the location of this site was appreciated. The entrance to the buildings is arranged by virtue of their proximity to the rail station.

- 9.02 The proposals do not adequately address these considerations or the more detailed integration of the existing project proposed for the 'tunnels'.

This report did not examine the tunnel project adequately or properly. There is clear evidence that the panel failed to consider the Tunnel project plans;

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and if it did it failed to understand the design problems. As a result, the MAG panel fails to understand, or give any weight to, how these proposals solve the tunnels project problems.

- 9.03 Further, the information provided does not adequately describe the relationship with surrounding physical context or the neighbouring community. There is a single extended section drawing, but otherwise no scale drawings which adequately show the surrounding context. There is similarly a lack of material that adequately represents the buildings as they would be seen from the south, or as they would be seen at the approach to the station, or as one emerges from it. The treatment of the public realm is considered to be either difficult to access, in the case of the sunken 'street', or inappropriate in the case of the podium garden.

The Victoria Square Centre sheltered street concept has not been understood by MAG. Numerous views were provided to represent the building as it would be seen. Refer to Appendix K.

- 9.04 The buildings are bulky and unrefined and will probably be overbearing when viewed from the south. The architectural treatments, as described, are not sufficiently refined or accomplished to overcome this concern.

Appendix L illustrates some Coogan & Co. Architects Ltd experience in this type of development. Please note all these office developments were built speculatively (with no lease agreements in place) because of client confidence in the office development design proposals.

- 9.05 Although the proposed office use may be acceptable in planning policy, we consider that the potential benefits of a mixed-use proposal, including employment space; private and affordable homes; and street facing shops and facilities, should be considered. A mixed-use proposal could improve activity (and security) throughout the day and beyond 'office hours' and would create the potential for a finer grained approach to the architectural design and massing. It would be more appropriate for the site, and would suit the regeneration aspirations of the area better, as well as the rejuvenation of the city as a whole.

Richard Partington , Chair of the Design Review Panel, MAG Expert Advisor
15 | 11 | 18

- Fundamental errors were made by MAG in failing to examine the tunnels project. MAG did not appreciate the number of issues resolved in the current application because they did not examine the tunnels project in sufficient depth to understand that these issues were not resolved in the tunnel's approval.
- The tunnels project is a material consideration; however, MAG has failed to understand the relationship proposed.
- MAG has demonstrated that they had no regard whatsoever for planning

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policy.

These basic errors undermine the reliability and weight to be given of the report.

APPENDIX

This section outlines the information that could have been provided or updated during the period of the application's consideration, either to explain the relationship with the proposals surroundings and context, or so that consultees and the general public could have had a better understanding of the changes made after the application was first submitted.

Roof drawings

- A1 Roof plans including details of roof plant enclosures, projections above the roof line (for instance lift overruns), air-handling equipment and chilling/cooling equipment. The maximum height of the building indicated on drawings should make proper provision for roof build-ups, plant enclosures and equipment.

Refer to elevation drawings 15-184-12A and 15-184-13A, compare to Todd elevations (Appendix M). Refer to roof plant on drawing 15-184-11A.

Context

- A2 Visual or graphical analysis of the wider site, the space around the buildings and the changes in level in a way that can easily be interpreted by planning officers and the general public.

Planning officers and the general public understood this scheme very well. Regrettably the MAG panel did not for the reasons set out above.

Cross sections

- A3 Accurate sectional drawings that show the make up of floor constructions, the roof build up, including insulation, upstands etc and the maximum height of roof plant and enclosures above any parapets or copings. The sections that are produced provide limited information and do not necessarily indicate the worst case.

Construction sections are not a requirement of a planning application, MAG panel members should know this. The maximum height of plant is indicated.

Detailed descriptions of materials

- A4 Specifications and drawings at a sufficient level of detail and large enough scale to show joints, panel subdivisions and setting out, glazing details, cappings and general construction. The quality of the proposal, clad as it is in glass and metal panels, will depend very much on the quality and detail of its design and construction. An assessment of the design quality is not possible from the diagrammatic information provided on the elevation drawings.

Detail of this nature is usually dealt with by a condition. That is not acknowledged by the MAG panel.

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- Street context drawings
- A5 Extended drawings that show the scheme in relation to the surroundings, for instance an elevation to East Bridge Street showing the relationship with the station.
- This was illustrated using contextual renderings of a computer-generated model that were provided. Uploaded to Epic on 04.08.16 (Appendix K) Titled views around scheme.
- Neighbouring uses
- A6 Plan drawings that show the detail of the 'tunnels' project in relation to the lower ground floor plan and extend northwards to show the connections with Lanyon Place.
- The tunnels are shown on drawing 15-184-02 C (Appendix M).
- Information to describe the changes made post submission
- A7 Updated views and an updated design and access statement that show how the proposal was amended after consultation.
- Updated drawings were provided showing 'original' and 'revised' comparisons. (Appendix N)
- A8 The planning service's design consultee appears to have accepted alterations made after design advice had been sought, but the wider consultees including neighbouring residents would not have been able to assess the differences without a document such as the design and access (D+A) statement being updated.
- This is nonsense. Updated drawings were provided (Appendix N), uploaded to Epic 04.08.16, these quite clearly show, 'original scheme' and 'revised scheme'.
- A9 The D+A is the record of the evolution of the design, and is intended to be the illustrative document that explains the design intent to the wider public. For major applications, it is good practice to request this to be updated as the design develops.
- The design and access statement illustrates the evolution of the design up until lodging, then the planning file illustrates all the changes. A summary of the revisions was submitted and uploaded to EPIC on 04.08.18. A community consultation meeting was held where these revisions were discussed.
- Contextual views from critical positions
- A10 Given the level of interest and subsequent objections from the Markets community to the south, it is regrettable that views from various vantage points south of the site were not produced to illustrate the impact on this area. The shadow studies demonstrate that homes will not be overshadowed by the development, but this study does not provide any sort of visual analysis (how much of the

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building will be seen), nor does it consider other objective measures such as the change to the 'no-sky line'.

Specific views were requested by the Council and provided (Appendix O), uploaded on EPIC 09.08.16 and 30.08.16.

Whilst a relatively minor point in the assessment of the failures of the MAG panel report, the site address chosen by MAG on the cover of its report demonstrates a lack of the commercial understanding needed to make a commercial office development work. The MAG panel has changed the address to '*Stewart Street*' Belfast'. The correct address for the site of the proposed development is '*Site at the junction of Stewart Street/East Bridge Street and west of Central Station, East Bridge Street, Belfast.*' Regrettably this, coupled with the inadequate approach to the inquiry process that departed from the usual procedure; a meeting requested with the Applicant's design team at 40 minutes notice where the panel chair failed to remain; the repeated departures from, or ignoring of, planning policy; the failure to assess the Tunnels permission adequately if at all and the errors that flow from that; all suggest an approach to the assessment that leant heavily towards Stewart Street as the focus for that assessment, and the interests that supported such an approach.