

Committee Application

Development Management Report	
Application ID: LA04/2020/0857/F	Date of Committee: 16 March 2021
Proposal: Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15No. Residential units, office space and ancillary development.	Location: Ormeau Centre 5-11 Verner Street Belfast
Referral Route: Objection received - Proposal is for over 12 residential units	
Recommendation: APPROVAL	
Applicant Name and Address: Habinteg Housing Association Alex Moira House 22 Hibernia Street Holywood	Agent Name and Address: Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ
<p>Executive Summary:</p> <p>The proposal is for ‘Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15 No. residential units, office space and ancillary development’.</p> <p>The keys issues to consider are:</p> <ul style="list-style-type: none"> • Principle of Demolition • Impact on character of the area and nearby listed buildings • Impact on residential amenity • Impact on sewage infrastructure • Adequacy of proposed amenity space • Social Housing need in the area <p>The site is not zoned for a use within BUAP or draft BMAP, however the site is located within the draft Victoria Street / Oxford Street Area of Townscape Character (ATC), as designated within dBMAP. Due to the draft status, it is considered that the test to be applied to assess the demolition is whether the proposed development will result in unacceptable damage to the character of the draft ATC relative to the replacement scheme.</p> <p>It is considered that the proposed redevelopment of the site maintains the overall character and respects the built form of the local area. The proposal is respectful of the surrounding context and is appropriate to the character of the site in terms of layout, scale, proportions, massing and appearance. It is also noted that the proposed building incorporates some of the interesting detailed features of the existing building. It is considered that the proposed development of the site does not result in a net detriment to the character of the ATC, therefore the proposed demolition is acceptable.</p> <p>The proposed development is readily accessible and an acceptable movement pattern is provided, with the needs of pedestrians, cyclists and people with mobility issues provided for.</p> <p>Amenity space is provided and although below the threshold advised in Creating Places, the application site is located within the city centre and in close proximity to local amenities, such as City</p>	

Hall Gardens and River Lagan. On balance, it is considered that there will be no unacceptable adverse impact on residential amenity for potential residents, with appropriate mitigation offered by way of condition.

NIHE are supportive of the proposed residential scheme and advise that the proposal will help to address unmet social housing need in the catchment area.

At the date of this report, Planning is awaiting a final response from NIWater regarding sewage infrastructure. However, the Council understands that informal agreement has been reached with NIW and the applicant regarding a potential solution, an update will be provided in Late Items.

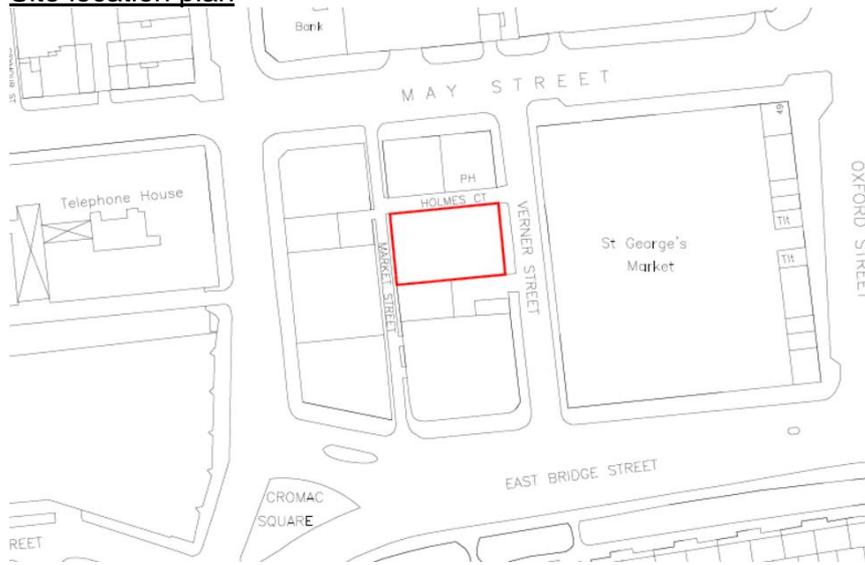
On balance, the proposed development is considered to comply with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and agreement with NI Water.

Recommendation

Having regard to the policy context and other material considerations, the proposal is considered acceptable and planning permission is recommended for the reasons set out. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording conditions subject to no new substantive planning issues being raised by third parties.

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is for 'Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15 No. residential units, office space and ancillary development'.
1.2	The proposed building is 4 storeys, with a parapet height of approximately 13.8 m. The second storey is set back slightly, with the 3 rd storey set back by approximately 1.7 m.
1.3	The proposed office is located on the ground floor, with the 15 residential units on the upper floors. The ground floor footprint covers the full extent of the site, with the upper floors laid out in a 'U' shape, which creates an internal courtyard for communal amenity space.
1.4	The proposed building is finished in a mix of red brick, grey brick and render banding. The two apartments on the third floor facing Verner Street include an external amenity area which is bounded by a glass balustrade. The front of these proposed apartments are finished in aluminium framed curtain walling.
2.0	Description of Site
2.1	The application site is located within Belfast City Centre. There is an existing 2 storey red bricked building located on the site. The existing building has a distinctive parapet and green banding above the windows on each level. The building fronts directly on to Verner Street, with the rear elevation directly facing Market Street. The building is not currently in use, however it appears the last use was as a hostel. The application site is directly opposite St George's Market, a grade B1 listed building. There are a number of other listed buildings in proximity to the site, including the grade A Royal Courts of Justice.
2.2	The surrounding area is characterised by a mix of uses, mainly commercial in nature, with retail and office uses prevalent. The site is located in close proximity to a public house and bookmakers, both 'sui generis' land uses.

2.3 Site location plan



2.4 Front elevation proposed



	PPS 12 Housing in Settlements PPS 15 Planning and Flood Risk
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection, subject to conditions.
5.2	NIEA – No objection, subject to conditions.
5.3	Historic Environment Division (HED) – No objections, subject to condition.
5.4	NI Water – Awaiting response
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – No objection, subject to condition
6.2	NI Housing Executive (NIHE) – Supportive of proposal
6.3	Rivers Agency – No objection
7.0	Representations
7.1	One objection has been received in respect of the proposal. The issues raised include: <ul style="list-style-type: none"> • Proposal should retain as much built heritage as possible, rather than demolition of the building. • Size of the proposed residential units. Concern that the proposed units will not be fit for families.
8.0	Assessment
8.1	<u>Development Plan context</u> Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The application site is located within Belfast City Centre. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP remaining a material consideration.
8.2	The site is not zoned for a use within BUAP or draft BMAP, however the site is located within the draft Victoria Street / Oxford Street Area of Townscape Character (ATC), as designated within dBMAP. There was an objection to the Victoria Street section, the PAC however, did not detail the objection and made no comment as it had already commented on the overall designation of ATCs. It is anticipated that if and when BMAP is adopted this ATC will be included.
8.3	<u>SPPS</u>

8.4	<p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.</p>
8.5	<p>The SPPS states that demolition of an unlisted building within an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate redevelopment proposals. New development will only be acceptable where it will maintain or enhance the overall character of the area and respect its built form.</p>
8.6	<p>The SPPS aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. The SPPS advises that the use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings.</p>
8.7	<p>The SPPS aims to promote economic development and facilitate job creation by ensuring provision of a generous supply of land suitable for economic development. The SPPS advises that proposals for Class B1 Business uses in city centres should be permitted.</p>
8.8	<p><u>Principle of Demolition</u> The site is located within the draft Victoria Street / Oxford Street ATC, as designated within dBMAP. Similarly to the SPPS, there is a presumption against the demolition of any building which makes a positive contribution to the character of the ATC within PPS 6 Addendum. It is considered that the existing building makes a positive contribution to the character of the ATC, however it is important to note that the ATC is not adopted and reverted to a draft ATC after the quashing of BMAP. Furthermore, the application site is an attractive building but it is not specifically mentioned within the key features of this ATC in Part 4 Volume 2 of dBMAP.</p>
8.9	<p>The Planning Appeals Commission has established that PPS 6 Addendum cannot be applied to draft ATCs. Notwithstanding this, it is accepted that demolition of buildings within a draft ATC is a material consideration in the assessment of a proposal as existing buildings inform the local area's character. The impact of demolition cannot be assessed in isolation and divorced from the merits of the redevelopment scheme. Consequently, it is considered that the test to be applied is whether the proposed development will result in unacceptable damage to the character of the ATC.</p>
8.10	<p>The merits of the proposed development will be discussed later in the report. It is considered that proposed demolition would be acceptable in principle if the redevelopment does not result in a net detriment to the character of the ATC.</p>
8.10	<p><u>Façade Retention</u> As noted previously, the existing building makes a positive contribution to the character of the draft ATC and the proposed development should not result in unacceptable damage to the character of the ATC. Consequently, the Council advised that a proposal involving retention of the façade would be encouraged. Information was submitted by the applicant which showed that façade retention would compromise the proposed design and significantly increase construction costs, thereby ultimately impacting the viability of the scheme. The proposal is for 15 No. social housing units, supported by NIHE. Information in relation to housing need is contained later in the report.</p>

8.11	<p><u>Proposed use</u></p> <p>The proposal includes office accommodation at ground floor level in addition to 15 No. residential units on the upper floors. Both proposed uses are acceptable in principle in this city centre location.</p>
8.12	<p><u>Character, Design and Built Heritage</u></p> <p>The proposed application site is located on Verner Street, with the rear of the site directly facing Market Street. St. George's Market, a grade B1 listed building, is located immediately to the east of the site, on the opposite side of Verner Street. Immediately to the north of the site is another listed building, Ucatt House (grade B2). This building is an existing public house and is two storeys in height, similar to the application building. There is a 4 storey building located beside Ucatt House, which is also immediately to the north of the application site. To the south of the application site is a 4 storey building on the corner of Verner Street and East Bridge Street. Similarly to the proposal, this building is set back at 2nd and 3rd floor level. At the rear of the site (on the opposite side Market Street) is a large building six storeys in height. The front of this building faces on to Victoria Street.</p>
8.13	<p>HED have been consulted due to the close proximity of listed buildings. In addition to St. George's Market, Ucatt House and the Royal Courts of Justice, the site is in proximity to Mays Chambers (73 May Street) and Former Northern Bank (108-110 Victoria Street). HED advise that they are content with the proposal in accordance with the SPPS and PPS 6, subject to a condition relating to the proposed materials.</p>
8.14	<p>There is some concern regarding the height of the proposed building (approx. 13.8 m to parapet). The parapet height of St. George's Market is approx. 6.4 m, however there is an archway directly opposite the application site, approx. 8.3 m in height. Furthermore, the neighbouring listed building Ucatt House is 2 storey in height (Approx. 8.4 m parapet height, 10.5 m overall height). However, as per the above description of the surrounding buildings, there is quite a diversity in terms of height within the local area. The building located to the south of the site (and also directly adjacent St. George's Market) is approximately 17.1 m in height, whilst the 6 storey building immediately to the west of the site is considerably taller again. As noted previously, the building located beside Ucatt House on May Street is a 4 storey building. Furthermore, the comments from HED assist in alleviating concerns regarding the proposed height.</p>
8.15	<p>The proposed building is set back by approx. 0.35 m at second floor level and approx. 1.8 m at third floor level. In addition to this, the proposed building is finished in red brick for the two lower levels. The second floor is finished in grey brick, with the third floor finished in aluminium framed curtain walling on the Verner Street side and grey brick on the remaining elevations. In addition to the red brick at ground and first floor levels, the proposed front elevation replicates the four existing red brick columns and the render banding of the existing building. Furthermore, the proposed set back of the second floor results in a parapet at similar height to the existing building. Whilst the proposal is undoubtedly modern in design and appearance, many of the details take their cues from the existing building.</p>
8.16	<p>On balance, it is considered that the proposed redevelopment of the site maintains the overall character and respects the built form of the local area. The proposal is respectful of the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.</p>
8.17	<p><u>Access / Parking</u></p>

8.18	<p>The proposal relies primarily on on-street parking, however there is one car parking space accessible from Market Street. Covered cycle parking is also accessible from Market Street. Two separate pedestrian accesses are located on the Verner St elevation, one for the office on the ground floor and one for the apartments. DFI Roads have no objection to the proposal in terms of access or parking, subject to conditions.</p>
8.19	<p><u>Movement Pattern / local facilities</u> An acceptable movement pattern is provided supporting walking, cycling and access to public transport. Internal lifts are provided, therefore meeting the needs of people with impaired mobility. As previously noted, the site is located within the city centre therefore access to local facilities is convenient.</p>
8.20	<p><u>Amenity space / Landscaping</u> The proposal includes approximately 53 sq metres of external communal amenity space within the first floor courtyard. Furthermore, 2 of the proposed apartments on the 3rd floor have private balconies. The amenity space provision does not comply fully with the standards as set out in 'Creating Places', however it is considered that the city centre location and relative proximity to the River Lagan towpath (approx. 300 m) and City Hall gardens (approx. 450 m) offset these concerns.</p>
8.21	<p><u>Residential amenity</u> The proposed development is located within the city centre in close proximity to a public house and St George's Market, therefore potentially giving rise to detrimental amenity impacts. Additional information was submitted in support of the proposed development, including a Noise impact assessment, Odour impact assessment and Air quality impact assessment.</p>
8.22	<p>8.21 BCC Environmental Health (EHO) provided comment on the proposal. With regard to noise, EHO have no objections to the proposal, subject to conditions. However, they note that the 3rd floor balconies will give rise to high daytime noise levels, which at times are expected to be in excess of the upper guideline noise limit. British Standard BS8233:2014 guidance advises that 'guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited'. Although noise levels on the external balconies will occasionally be excessive, potential occupiers will also have access to the communal amenity area. On balance, given the city centre location of the proposal in addition to the option of a communal amenity area, this arrangement is considered acceptable.</p>
8.23	<p>8.22 Further additional information was submitted in relation to odour control from the neighbouring public house / restaurant. EHO were content with the submitted information, subject to conditions.</p>
8.24	<p>8.23 With regard to air quality, there will be no centralised heating system, therefore each apartment and the office will have their own individual condensing boiler. EHO have no objection to this arrangement, subject to condition.</p>
8.24	<p>8.24 The proposed building is a 'U' shape, with the courtyard orientated in a southerly direction, thereby benefiting from enhanced sunlight. However, due to the proposed building footprint and design, there were some concerns regarding light and shadow on the 3 central apartments. These 3 apartments are the only proposed apartments within the overall development to only have windows on one wall (living room and two bedrooms each have one window), although it is acknowledged that these windows</p>

8.25	<p>are orientated in a southerly direction. A Shadow and daylight assessment was submitted in support of the proposal. Following analysis of same, it is considered that there will be no unacceptable adverse impact in terms of loss of light or overshadowing.</p>
8.25	<p>The proposed communal amenity space in the courtyard benefits from passive surveillance from the surrounding apartments. It is considered that there is potential for overlooking into apartments, particularly the central apartment. This potential overlooking issue is informally mitigated by the existence of the proposed office atrium window on the ground, which creates separation between users of the space and the windows of this apartment. One of the apartments has been designed specifically for a wheel chair user, and this apartment benefits from direct access to the amenity space.</p>
8.26	<p><u>Boundary treatments</u> The proposed building covers the full extent of the application site, therefore no walls, fences etc. are required. The building is fully secured from the public street, therefore enhancing safety and discouraging crime.</p>
8.27	<p><u>Drainage / Sewage infrastructure</u> NI Water (NIW) confirmed in their response dated 29th January 2021 that 'Waste water treatment capacity is not available at present for the proposed development'. NIW advised that the applicant should contact NIW to discuss alternative interim options. The agent has confirmed that the applicant's team has recently met with NIW to discuss potential solutions for the site. The agent advised that both parties have informally agreed to a negative condition relating to storm water and sewage infrastructure, in the event of permission being granted. The Council re-consulted with NI Water on 25th February 2021 for formal confirmation of this agreement. At the time of publication, no response has yet been received. Members will be updated through the Late Items Report.</p>
8.28	<p><u>Ecology</u> A preliminary ecological appraisal was submitted in support of the proposed development. NIEA considered the impact of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, offered no objection.</p>
8.29	<p><u>Contamination</u> A Generic Quantitative risk assessment was submitted in support of the proposed development. The assessment concluded that the site does not pose a risk to human health and that no special gas protection measures are required, therefore EHO and NIEA did not offer any objection.</p>
8.30	<p><u>Housing Need</u> Northern Ireland Housing Executive (NIHE) have confirmed that they support the proposed housing mix. 12 No. of the 15 No. proposed apartments have 2 bedrooms, with the remaining 3 No. units single bedroom apartments. NIHE have confirmed there were no allocations to families in the year to March 2020 in this area and the proposal will help to address unmet social housing need in the catchment area.</p>
9.0	<p>Summary of Recommendation: APPROVAL with Conditions</p>
9.1	<p>With regard to the proposed demolition, as noted in Para 8.7, it is considered that the test to be applied is whether the proposed development will result in unacceptable damage to the character of the ATC. Para 8.8 indicated that</p>

	<p>demolition would be acceptable in principle if the redevelopment does not result in a net detriment to the character of the ATC.</p> <p>On balance, it is considered that the proposed redevelopment of the site maintains the overall character and respects the built form of the local area. The proposal is respectful of the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance. It is considered that the proposed development of the site does not result in a net detriment to the character of the ATC, therefore the proposed demolition is acceptable.</p> <p>The proposed development is readily accessible and an acceptable movement pattern is provided, with the needs of pedestrians, cyclists and people with mobility issues taken account of.</p> <p>Although the proposed amenity space is below the threshold advised in Creating Places, the application site is located within the city centre and in close proximity to local amenities, such as City Hall Gardens and River Lagan.</p> <p>On balance, it is considered that there will be no unacceptable adverse impact on residential amenity for potential residents, with appropriate mitigation offered by way of condition.</p> <p>NIHE are supportive of the proposed residential scheme and advise that the proposal will help to address unmet social housing need in the catchment area.</p> <p>As noted in Para 8.27, confirmation from NIW is awaited that sewage infrastructure has been satisfactorily dealt with.</p> <p>On balance, the proposed development is considered to comply with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and agreement with NI Water.</p>
<p>10.0</p>	<p>Conditions</p> <p>10.1 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>10.2 The individual or combined NOx emission rate for the proposed gas boilers installed at the hereby permitted development shall not exceed 5mg/sec unless the applicant submits an Air Quality Impact Assessment to the Planning Authority for approval in writing.</p> <p>Reason: Protection of human health.</p> <p>10.3 Prior to occupation of the hereby permitted development, the applicant shall submit a Noise Verification Report to the planning authority for review and approval writing. The Verification Report shall demonstrate the following:</p> <p>(a) that the external masonry walls of the hereby permitted building have been constructed in line with the recommendation on page 7 of the Acoustic Designs report entitled 'Environmental Noise Assessment. Mixed Commercial and</p>

	<p>Residential Development. 5-11 Verner Street, Belfast', (dated August 2020) to provide an overall minimum rated sound reduction performance of 59 dB RW;</p> <p>(b) that the roof to the hereby permitted development has been constructed as per the recommendation outlined on page 8 of the Acoustic Designs report entitled 'Environmental Noise Assessment. Mixed Commercial and Residential Development. 5-11 Verner Street, Belfast', and dated August 2020;</p> <p>(c) that all glazing installed within the hereby permitted residential element of the development meets a minimum rated sound reduction performance of 49 dBRW (with a minimum overall thickness of 44mm being achieved), as per the recommendation on page 8 of the Acoustic Designs report entitled 'Environmental Noise Assessment. Mixed Commercial and Residential Development. 5-11 Verner Street, Belfast', dated August 2020;</p> <p>(d) that the proposed Nuaire Mechanical Ventilation and Heat Recovery System (MRXBOXECO2) has been installed throughout the development along with the acoustic attenuation measures to the system (Q-Aire) and associated ducting (Domus) installed in the manner referenced in the letter from RMI architects dated 10th December 2020 to deliver adequate ventilation and thermal comfort with windows shut and ensuring control of noise from the system itself;</p> <p>(e) that the internal noise level in habitable rooms does not exceed the following targets:</p> <ul style="list-style-type: none"> - 35dB LAeq,16 hr between 07.00hrs and 23.00hrs within any habitable room, with the windows closed and the alternative means of ventilation operating; - 30 dB LAeq,8hr within bedrooms between 23.00hrs and 07.00hrs, with the windows closed and the alternative means of ventilation operating; - 45dB LAFmax, by more than 10 single sound events in any proposed bedrooms with the windows closed and alternative means of ventilation operating. <ul style="list-style-type: none"> - No passive or trickle vents are to be incorporated into the window system/s of the hereby permitted development. - Air inlet and outlet points shall be located as per the indicative drawing no: 1997- ISD-ZZ-01 -DR-M-5702 provided by ISD; - No air intake points are to be located on the Holmes Court facade. <p>Reason: Protection of residential amenity.</p>
10.4	<p>If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.5	<p>After completing any remediation works required under Condition 4, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The verification report should present all the remediation and monitoring</p>

	<p>works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.6	<p>The development hereby permitted shall not commence until all fuel storage tanks (and associated infrastructure) are fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) as necessary. The quality of surrounding soils and groundwater should be verified and if any additional contamination be identified during this process, Conditions 4 and 5 will apply.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.7	<p>The external materials shall be constructed in accordance with the approved Drawing No's 07A and 08A uploaded to the Planning Portal on 25th November 2020.</p> <p>Reason: To ensure the use of the sympathetic and high quality materials in the setting of a listed building and in the interests of the character and appearance of the area.</p>
10.8	<p>No development shall take place until samples of all materials to be used in the construction of the external surfaces of the building hereby permitted, have been submitted to and approved, in writing, by the Council. The development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of visual amenity and to allow the Council to control the external appearance.</p>
10.9	<p>The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved drawings. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.</p> <p>Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.</p>
10.10	<p>The vehicular access shall be provided in accordance with the approved plan, prior to the commencement of any other works or other development hereby permitted.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
10.11	<p>The development shall not be occupied until secure and covered cycle parking facilities have been provided on the site. These facilities shall be permanently retained on the site.</p> <p>Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.</p>

Notification to Department (if relevant)

Representations from Elected members:

N/A