

## Committee Application 3<sup>rd</sup> Addendum Report

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2020/0857/F	<b>Date of Committee:</b> Tuesday 15 February 2022
<b>Proposal:</b> Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15No. Residential units, office space and ancillary development.	<b>Location:</b> Ormeau Centre 5-11 Verner Street Belfast
<b>Referral Route:</b> Objection received - Proposal is for over 12 residential units	
<b>Recommendation:</b> APPROVAL	
<b>Applicant Name and Address:</b> Habinteg Housing Association Alex Moira House 22 Hibernia Street Holywood	<b>Agent Name and Address:</b> Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ
<p><b><u>ADDENDUM REPORT</u></b></p> <p>This full application was previously listed for Planning Committee on 16<sup>th</sup> March 2021 with a recommendation to approve. The application was withdrawn from the agenda and the Committee agreed to hold a pre-emptive site visit. The site visit took place on 8<sup>th</sup> April.</p> <p>The application was presented to Planning Committee on 20<sup>th</sup> April, with a recommendation to approve. At this meeting, the Committee agreed to defer consideration of the application to allow further engagement to take place between the developer and local residents. The application was added to the agenda for the September Planning Committee meeting, however it was withdrawn to allow further engagement between the developer and local residents.</p> <p><u>Update</u></p> <p>The application was originally deferred in April 2021 to allow for further engagement between the developer and the local community. Despite considerable delays already, the agent has requested further time to complete a separate PAD process prior to the Council making a decision on this application. To date, in respect of this application, no further information or amended drawings have been received.</p> <p>The applicant has submitted a Pre-Application Discussion (PAD) in relation to alternative mixed use proposals for this site. The PAD was submitted on 19<sup>th</sup> January 2022. The proposals are fundamentally different to the scheme proposed under this application and would therefore require a fresh planning application to be made if the applicant wished to pursue this option.</p> <p>Officers consider that deferral through committee is not the forum to consider alternative schemes which in themselves would be required to follow due process.</p> <p>Having afforded an additional 10 months within the process to resolve any local issues, Officers consider that this application should be re-presented to draw it to a conclusion as nothing new has been presented in respect of this application.</p>	

**Recommendation**

As per Section 9 of the original committee report and the previous Addendum report, 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. It is requested that final wording of conditions is delegated to the Director of Planning and Building Control.

## Committee Application – Addendum report

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2020/0857/F	<b>Date of Committee:</b> 14 September 2021
<b>Proposal:</b> Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15No. Residential units, office space and ancillary development.	<b>Location:</b> Ormeau Centre 5-11 Verner Street Belfast
<b>Referral Route:</b> Objection received - Proposal is for over 12 residential units	
<b>Recommendation:</b> APPROVAL	
<b>Applicant Name and Address:</b> Habinteg Housing Association Alex Moira House 22 Hibernia Street Holywood	<b>Agent Name and Address:</b> Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ
<p><b><u>ADDENDUM REPORT</u></b></p> <p>This full application was previously listed for Planning Committee on 16<sup>th</sup> March 2021 with a recommendation to approve. The application was withdrawn from the agenda and the Committee agreed to hold a pre-emptive site visit. The site visit took place on 8<sup>th</sup> April. The application was presented to Planning Committee on 20<sup>th</sup> April, with a recommendation to approve. At this meeting, the Committee agreed to defer consideration of the application to allow further engagement to take place between the developer and local residents.</p> <p><b><u>Representations:</u></b> One additional objection has been received in relation to the proposed development. The objection is from Councillor John Gormley. The issues raised include:</p> <ul style="list-style-type: none"> <li>• Size and Density of the proposed apartments.</li> <li>• Lack of amenity space.</li> <li>• Overshadowing of lower apartments during the day.</li> <li>• Concerns raised about fire safety arrangements.</li> <li>• Inadequate local consultation on the proposal.</li> </ul> <p><b><u>Consideration of issues raised:</u></b></p> <ul style="list-style-type: none"> <li>• Size and Density of the proposed apartments: As per para 8.14 of the March 2021 Planning Committee case officer report, concerns are noted regarding the height of the proposed building (approx. 13.8 m to parapet). It is considered that the surrounding context and comments from HED in relation to nearby listed buildings deal with these concerns.</li> </ul>	

The proposed density equates to approximately 267 dwellings per Hectare. The application site is located within Belfast City Centre. As per para 6.137, the SPPS aims to promote high density housing developments in city centres.

In relation to apartment sizes, Policy LC1 does not apply to this proposed development as the site location is not within an 'established residential area' as defined by Annex E of PPS 7 Addendum. However, it is noted that all of the proposed apartments comply with the published space standards.

- Lack of amenity space:

As per the April 2021 Planning Committee Addendum case officer report, the proposal includes approximately 53 sq metres of external communal amenity space within the first floor courtyard. Previous objections raised the issue of the ground floor office rooflight reducing the usability of the amenity space. The rooflight covers approximately 8 sq metres, thereby reducing the available usable amenity space to 45 sq metres. As previously set out in Para 8.19 of the original committee report, it is acknowledged that 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. In addition, as previously noted, the rooflight provides an efficient buffer to the 1<sup>st</sup> floor central apartment to mitigate potential overlooking.

During the processing of the application, the Council advised the applicant and agent that additional amenity space could be provided on the roof of the building to make up the shortfall. However, this would have resulted in further built form being added at roof level to facilitate both stair and lift access to the amenity space. It was considered that the extension at roof level would have impacted detrimentally on the character of the area and potentially, the adjacent listed buildings.

- Overshadowing of lower apartments during the day:

Shadow and daylight assessments were submitted in support of the proposal. Whilst it is acknowledged that the courtyard and central apartments will be in shadow for a portion of the day, this is balanced against a number of factors; The courtyard and apartments are south facing and receive direct sunlight in the middle part of the day, with the exception of winter (this is not considered unusual, especially in the context of a city centre location). The 21<sup>st</sup> March shadow assessment shows part of the courtyard in sunlight at 9 am, whilst the 3 pm elevation shows the courtyard in full shadow. It is however noted that the length of shadow at 3pm shows that the courtyard has only just been obscured by shadow, therefore it is reasonable to conclude that at least part of the courtyard remains in sunlight for 6 hours per day at this time of year. In relation to the apartments, the 1<sup>st</sup> floor apartment is most affected by shadow. The 21<sup>st</sup> March Shadow assessment shows the apartment windows in shadow at 9 am and 3pm, however the apartment is in full sunlight at 12 pm. Based on the images, it is reasonable to conclude that the apartment will experience approximately 4-5.5 hours of sunlight per day at this time of year. The daylight assessment shows that each room in the first floor central apartment will experience adequate daylight levels at 10 am and 3 pm on the Spring and Autumn Solstice (with exception of the internal hall and bathroom assuming doors are closed). In addition to this, a daylight assessment for the winter solstice has also been provided. Although it is clear the amount of light has reduced significantly, the assessment shows that the 3 rooms with windows will experience adequate daylight levels at this time of year at 10 am and 3 pm. On balance, whilst there are slight concerns regarding shadow, the results of daylight assessment and the city centre location outweigh these concerns. Consequently, it is considered that the adverse effect created by potential overshadowing is not so significant to justify a recommendation of refusal.

- Fire safety arrangements:  
Northern Ireland Fire and Rescue Service are not listed as a statutory consultee, in accordance with the provisions of Part 1, Schedule 3 of the Planning (General Development Procedure) Order (NI) 2015. Fire safety regulations are within the remit of the Council's Building control team. In the event this planning application is granted, the applicant will have to apply for building control approval.
- Inadequate local consultation on the proposal:  
As previously noted, at the April 2021 Planning Committee meeting, the Committee agreed to defer consideration of the application to allow ongoing engagement to continue between the developer and local residents.

The planning agent provided a summary of calls / meetings that have taken place since the April Planning Committee:

- 19<sup>th</sup> April 2021 – Zoom call with Markets Development Association (MDA)
- 2<sup>nd</sup> June 2021 – Meeting with MDA at Markets Community Centre, lasting approximately 2 hours. Planning agent / developer explained the rationale for the design and received feedback.
- 16<sup>th</sup> June 2021 - Meeting with MDA and others at Markets Community Centre, followed by site meeting with all attendees lasting approximately 2 hours. Design issues were explored in more detail. MDA and others confirmed that they could not support the current proposal and asked for radical changes.
- 23<sup>rd</sup> June 2021 – Meeting cancelled due to covid issues.
- 16<sup>th</sup> July 2021 – site meeting with developer and MDA. MDA confirmed they had appointed an architect to prepare an aspirational design solution.
- Planning agent advised that the process has not concluded formally, however a further meeting is scheduled for 7<sup>th</sup> September 2021.

Despite the protracted delay in this case, the applicant's agent seeks at least a further 3 months to allow for further discussions. Officers consider that deferral through committee is not the forum to delay consideration of an application in excess of 9 months. Having allowed an additional 5 months within the process to resolve any local issues, the Authority consider that this application should be re-presented to draw it to a conclusion.

### **Recommendation**

As per Section 9 of the original committee report and the previous Addendum report, 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. It is requested that final wording of conditions is delegated to the Director of Planning and Building Control.

## Committee Application – Addendum report

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2020/0857/F	<b>Date of Committee:</b> 20 April 2021
<b>Proposal:</b> Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15No. Residential units, office space and ancillary development.	<b>Location:</b> Ormeau Centre 5-11 Verner Street Belfast
<b>Referral Route:</b> Objection received - Proposal is for over 12 residential units	
<b>Recommendation:</b> APPROVAL	
<b>Applicant Name and Address:</b> Habinteg Housing Association Alex Moira House 22 Hibernia Street Holywood	<b>Agent Name and Address:</b> Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ
<b><u>ADDENDUM REPORT</u></b>	
<b><u>Representations</u></b>	
<p>An additional 3 objections have been received in relation to this proposal, from Markets Development Association, Ulster Architectural Heritage and Pragma Planning. The issues raised include:</p> <ul style="list-style-type: none"> <li>• Developer’s lack of consultation with the local community.</li> <li>• Proposal represents overdevelopment of the site.</li> <li>• Proposal is contrary to the Policy QD1(h) of PPS 7 as lower apartments will experience overshadowing for virtually the full year.</li> <li>• Inner 3 No. apartments will be in shade and shadow for majority of the day and year, leading to dark, inhospitable living spaces.</li> <li>• Proposal is contrary to the Policy QD1(c) of PPS 7 due to inadequate amenity space provision. Upstand of the roof glazing reduces the usability and accessibility of the amenity space.</li> <li>• Overlooking from amenity space towards adjacent living room and bedrooms.</li> <li>• Proposal does not conform with the emerging Local Development Plan.</li> <li>• Inadequate floor to ceiling heights.</li> <li>• Concern regarding the possible demolition of adjacent stable building and redevelopment of that site, resulting in further amenity impacts.</li> <li>• Proposal results in apartments that are wholly in the rear of the building. Based on this, the Council’s assessment is inconsistent in comparison with an application previously listed at the March committee meeting – LA04/2020/1022/F – No. 1 and 1a Canada Street, Belfast.</li> </ul>	

- Grenfell Tower Inquiry recommends that the Fire authority are a statutory consultee on planning applications. There appears to be insufficient space to allow fire tender to access Market Street at the rear of the site. The objection asks if the three apartments at the rear can be accessed at all for firefighting purposes and fire strategy has been prepared.
- Planning officers should have been stronger in assessment of viability assessment regarding the suggested façade retention.
- Conservation area officer should have been consulted on the proposal, as the site is located within the Victoria St / Oxford St Area of townscape character, as designated in dBMAP.
- Proposed development is contrary to Policy ATC 1 of PPS 6 Addendum as there is a presumption in favour of retaining any buildings which make a positive contribution to the character of the ATC.
- Proposed development has not been properly assessed against planning policy, specifically PPS 6 Addendum and the SPPS in relation to ATCs.
- Proposal is contrary to PPS 6 in relation to 'Development affecting the setting of a listed building'.
- Proposed building is higher than the listed building and overshadows No. 83 May Street.

### **Consideration of issues raised**

- **Community Consultation**  
The proposed development is classified as a 'Local' development, in accordance with Regulation 2(2) of the Planning (Development Management) Regulations (NI) 2015. It is considered that prior engagement with the public and local communities adds value to the planning process, however in the case of a 'local' development, there is no legal requirement on the applicant to engage with the public prior to submission of a planning application.
- **Residential Amenity**  
Paras 8.20 – 8.25 of the original committee report provided context and further assessment of residential amenity issues. The objection letters raised issue of shadow, natural light and overlooking.

#### **Shadow / Natural light**

There were concerns regarding shadow and daylight, particularly the impact on the 3 central apartments. Shadow and daylight assessments were submitted in support of the proposal. Whilst it is acknowledged that the courtyard and central apartments will be in shadow for a portion of the day, this is balanced against a number of factors. The courtyard and apartments are south facing and receive direct sunlight in the middle part of the day, with the exception of winter (this is not considered unusual, especially in the context of a city centre location). The 21<sup>st</sup> March shadow assessment shows part of the courtyard in sunlight at 9 am, whilst the 3 pm elevation shows the courtyard in full shadow. It is however noted that the length of shadow at 3pm shows that the courtyard has only just been obscured by shadow, therefore it reasonable to conclude that at least part of the courtyard remains in sunlight for 6 hours at this time of year. In relation to the apartments, the 1<sup>st</sup> floor apartment is most affected by shadow. The 21<sup>st</sup> March Shadow assessment shows the apartment windows in shadow at 9 am and 3pm, however the apartment is in full sunlight at 12 pm. Based on the images, it is reasonable to conclude that the apartment will experience approximately 4-5.5 hours of sunlight per day at this time of year. The daylight assessment shows that each room in the first floor central apartment will experience adequate daylight levels at 10 am and 3 pm on the Spring and Autumn Solstice (with exception of the internal hall and bathroom assuming doors are closed). In addition to this, a daylight assessment for the winter solstice has also been provided. Although it is clear the amount of light has reduced significantly, the assessment shows that the 3 rooms with windows will experience adequate daylight levels at this time of year at 10 am and 3 pm. On balance, whilst there are slight concerns regarding shadow, the results of daylight assessment and the city centre location outweigh these

concerns. Consequently, it is considered that the adverse effect created by potential overshadowing is not so significant to justify a recommendation of refusal.

#### Overlooking

It is acknowledged that there is potential for overlooking into 3 apartments on the 1<sup>st</sup> floor from the amenity area, 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. It is considered that the adverse effect created by overlooking is not so significant to justify a recommendation of refusal.

- Amenity Space

The proposal includes approximately 53 sq metres of external communal amenity space within the first floor courtyard. The objection letters raise the issue of the ground floor office rooflight reducing the usability of the amenity space. The rooflight covers approximately 8 sq metres, thereby reducing the available usable amenity space to 45 sq metres. As previously set out in Para 8.19 of the original committee report, it is acknowledged that 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. In addition, as previously noted, the rooflight provides an efficient buffer to the 1<sup>st</sup> floor central apartment to mitigate potential overlooking.

During the processing of the application, the Council advised the applicant and agent that additional amenity space could be provided on the roof of the building to make up the shortfall. However, this would have resulted in further built form being added at roof level to facilitate both stair and lift access to the amenity space. It was considered that the extension at roof level would have impacted detrimentally on the character of the area and potentially, the adjacent listed buildings.

- Apartments wholly in rear

Whilst the proposal does include apartments at the rear of the proposed building, this is not unacceptable development. These apartments are accessed via the building entrance at Verner Street.

Policy LC 2 of PPS 7 Addendum states that Planning permission for conversion of existing buildings to apartments / flats will only be permitted where the development does not contain any flat or apartment which is wholly in the rear of the property and without access to the public street. This policy is not applicable to this proposed development, however it is noted that all apartments have access to the public street.

- Façade Retention / ATC

The Council considers that the building makes a material contribution to the distinctive character of the area. Consequently, the Council advised the applicant 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 site is located within the 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. As noted previously, it is considered that the existing building makes a positive contribution to the character of the ATC. However, the Victoria Street / Oxford Street ATC is not adopted and reverted to a draft ATC after the quashing of BMAP. During the BMAP PAC Inquiry, there

was one objection to the designation of this ATC. The PAC recommended that the strategic policy on ATCs (Policy UE3) should be deleted and a detailed character analysis undertaken and design guide produced for each individual ATC. The objection 811/2 specifically related to policy UE3 and how it affects the draft Victoria Street / Oxford Street ATC, therefore the PAC were unable to assess the objection further at this stage. It is noted that the Victoria Street / Oxford Street ATC was included within the subsequently adopted version of BMAP. It is also noted that the application site / building is not specifically mentioned within the key features of this ATC in Part 4 Volume 2 of dBMAP.

The Planning Appeals Commission has established that PPS 6 Addendum cannot be applied to draft ATCs (See appeal ref. 2017/A0126). As it is not known how any lawfully adopted BMAP will describe the overall character of the area to be designated, it is therefore not possible to assess the impact of the proposed development on that character.

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.

- Listed building  
The application site is located in proximity to a number of listed buildings. The Council consulted with HED, who advised that they are content with the proposal in accordance with the SPPS and PPS 6, subject to a condition relating to the proposed materials.
- Fire Authority  
Northern Ireland Fire and Rescue Service are not listed as a statutory consultee, in accordance with the provisions of Part 1, Schedule 3 of the Planning (General Development Procedure) Order (NI) 2015. Fire safety regulations are within the remit of the Council's Building control team. In the event this planning application is granted, the applicant will have to apply for building control approval.
- Local Development Plan  
The Belfast Local Development Plan (LDP) Plan Strategy has been launched, with the PAC's Independent examination hearing sessions having recently concluded. The PAC has not yet finalised its report to DFI, therefore the process is still ongoing. In light of this, it is not considered that any weight can be attributed to the LDP at this stage.
- Adjacent site  
All planning applications are dealt with on their own merits. At present, no planning application has been submitted in relation to the adjacent site.

### **Consultations**

NI Water have responded to the consultation request, advising of no objections to the proposed development, subject to the following conditions:

- Commencement of the construction of the proposed development would not proceed beyond sub floor level until a solution to the lack of foul and storm drainage capacity has been proposed by the developer and agreed by NI Water.
- The occupation of the development cannot occur until the agreed solution has been implemented by the developer.

**Recommendation**

As per Section 9 of the original committee report, 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. It is requested that final wording of conditions is delegated to the Director of Planning and Building Control.

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2020/0857/F	<b>Date of Committee:</b> 16 March 2021
<b>Proposal:</b> Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15No. Residential units, office space and ancillary development.	<b>Location:</b> Ormeau Centre 5-11 Verner Street Belfast
<b>Referral Route:</b> Objection received - Proposal is for over 12 residential units	
<b>Recommendation:</b> APPROVAL	
<b>Applicant Name and Address:</b> Habinteg Housing Association Alex Moira House 22 Hibernia Street Holywood	<b>Agent Name and Address:</b> Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ
<p><b>Executive Summary:</b></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"> <li>• Principle of Demolition</li> <li>• Impact on character of the area and nearby listed buildings</li> <li>• Impact on residential amenity</li> <li>• Impact on sewage infrastructure</li> <li>• Adequacy of proposed amenity space</li> <li>• Social Housing need in the area</li> </ul> <p>The site is not zoned for a use within BUAP or draft BMAP, however the site is located within the Victoria Street / Oxford Street Area of Townscape Character (ATC), as designated within dBMAP.</p> <p>As the application site lies within a draft ATC, it is considered that the test to be applied to assess demolition is whether the proposed development will result in unacceptable damage to the character of the ATC.</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 and topography 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 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>	

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.

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. 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.

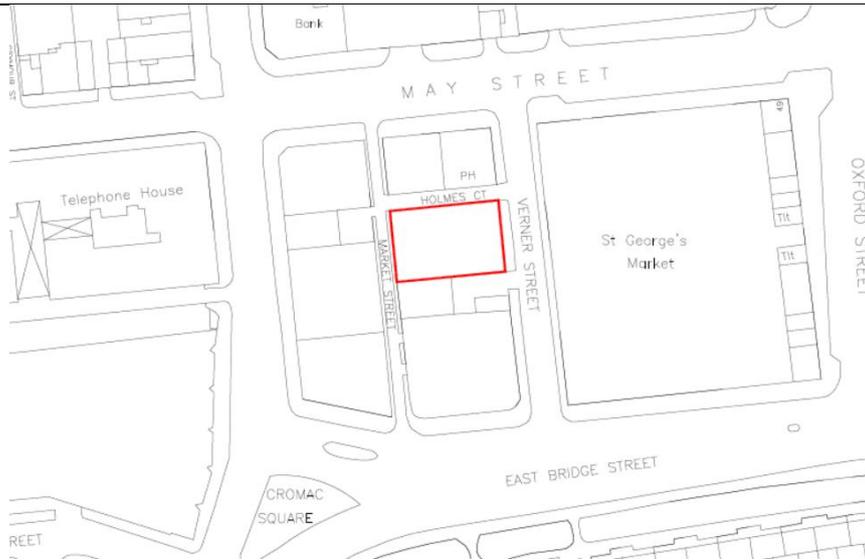
NIHE are supportive of the proposed residential scheme and advise that the proposal will help to address unmet social housing need in the catchment area.

There are still outstanding issues to be addressed regarding sewage infrastructure. The Council is currently awaiting further comments from NIW, however the agent advises that informal agreement has been reached with NIW regarding a potential solution.

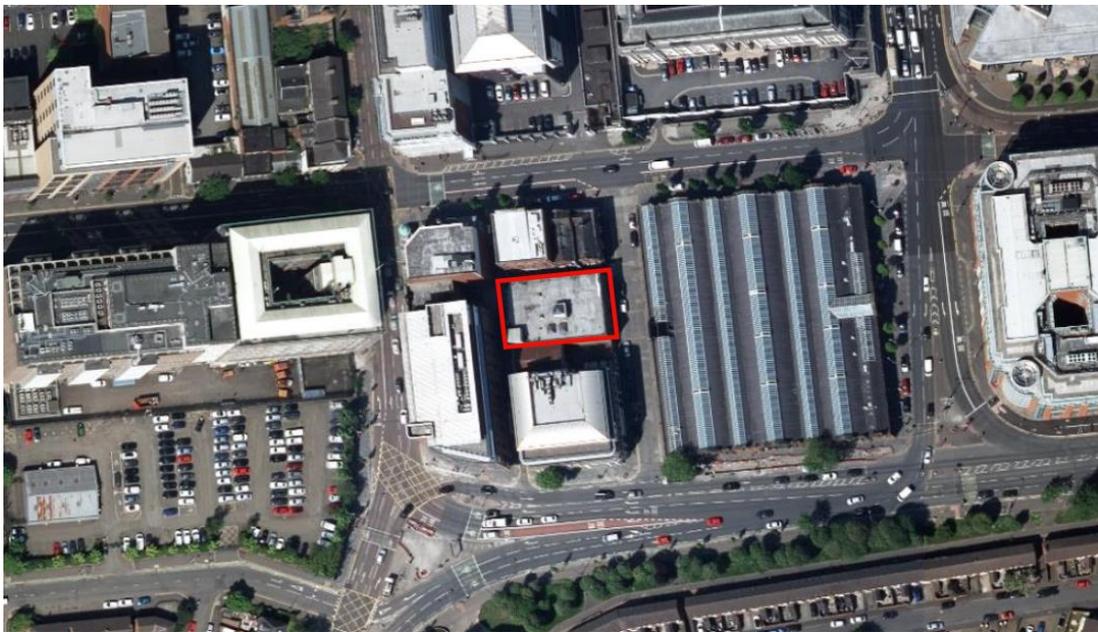
On balance, the proposed development is considered to comply with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and agreement with NI Water.

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
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 <sup>rd</sup> 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.
<b>2.0</b>	<b>Description of Site</b>
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	<u>Site location plan</u>

2.4



Aerial Photograph of site



**Planning Assessment of Policy and other Material Considerations**

**3.0 Site History**

- 3.1 Z/1993/2775 - Change of use to a shelter for the homeless of existing 2 storey building – Permission Granted
- 3.2 Z/1988/3156 - Change of use to office premises – Permission Granted
- 3.3 There have been a number of recent Pre-Application Discussions in relation to the application site:  
  
 LA04/2019/2580/PAD - Redevelopment of site for social housing units  
 LA04/2016/0646/PAD - Retention of existing facade on Verner Street and construction of a new 4 storey purpose built centre for homeless people

	LA04/2015/0426/PAD - Demolition of existing two storey building and construction of a new purpose built 4 storey centre for homeless people.
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (dBMAP)
4.3	Strategic Planning Policy Statement (SPPS) PPS 3 Access, Movement and Parking PPS 6 Planning, Archaeology and the Built Heritage PPS 6 Addendum Areas of Townscape Character PPS 7 Quality Residential Environments PPS 7 Addendum - Safeguarding the character of established residential areas PPS 12 Housing in Settlements PPS 15 Planning and Flood Risk
<b>5.0</b>	<b>Statutory Consultees Responses</b>
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
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
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
<b>7.0</b>	<b>Representations</b>
7.1	One objection has been received in respect of the proposal. The issues raised include: <ul style="list-style-type: none"> <li>• Proposal should retain as much built heritage as possible, rather than demolition of the building.</li> <li>• Size of the proposed residential units. Concern that the proposed units will not be fit for families.</li> </ul>
<b>8.0</b>	<b>Assessment</b>
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

	<p>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.</p>
8.2	<p>The site is not zoned for a use within BUAP or draft BMAP, however the site is located within the Victoria Street / Oxford Street Area of Townscape Character (ATC), as designated within dBMAP.</p>
8.3	<p><u>SPPS</u> 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>
8.4	<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>
8.5	<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>
8.6	<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>
8.7	<p><u>Principle of Demolition</u> The site is located within the 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 / building is not specifically mentioned within the key features of this ATC in Part 4 Volume 2 of dBMAP.</p>
8.8	<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>

8.9	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.
8.10	<p><u>Façade Retention</u></p> <p>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 2<sup>nd</sup> and 3<sup>rd</sup> 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	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.
8.14	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.
8.15	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

	<p>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>
	<p><u>Access / Parking</u></p>
8.17	<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>
	<p><u>Movement Pattern / local facilities</u></p>
8.18	<p>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>
	<p><u>Amenity space / Landscaping</u></p>
8.19	<p>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 3<sup>rd</sup> 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>
	<p><u>Residential amenity</u></p>
8.20	<p>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>
8.21	<p>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 3<sup>rd</sup> 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>

8.22	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.
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.
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 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 on terms of loss of light or overshadowing.
8.25	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.
8.26	<p><u>Boundary treatments</u></p> <p>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></p> <p>NI Water (NIW) confirmed in their response dated 29<sup>th</sup> 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 25<sup>th</sup> February 2021 for formal confirmation of this agreement. At the time of publication, no response has yet been received.</p>
8.28	<p><u>Ecology</u></p> <p>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></p> <p>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</p>

8.30	<p>human health and that no special gas protection measures are required, therefore EHO and NIEA did not offer any objection.</p> <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><b>Summary of Recommendation: APPROVAL</b></p> <p>9.1 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 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, there are still outstanding issues to be addressed regarding sewage infrastructure.</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>
10.0	<p><b>Conditions</b></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>

10.2	<p>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>
10.3	<p>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 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 Nuair 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"> <li>- 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;</li> <li>- 30 dB LAeq,8hr within bedrooms between 23.00hrs and 07.00hrs, with the windows closed and the alternative means of ventilation operating;</li> <li>- 45dB LAFmax, by more than 10 single sound events in any proposed bedrooms with the windows closed and alternative means of ventilation operating.</li> </ul> <ul style="list-style-type: none"> <li>- No passive or trickle vents are to be incorporated into the window system/s of the hereby permitted development.</li> <li>- Air inlet and outlet points shall be located as per the indicative drawing no: 1997- ISD-ZZ-01 -DR-M-5702 provided by ISD;</li> <li>- No air intake points are to be located on the Holmes Court facade.</li> </ul> <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 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	

