

## Committee Application

<b>Development Management Officer Report</b>	
<b>Application ID:</b> LA04/2021/1964/F	<b>Committee Date:</b> 17 January 2023
<b>Proposal:</b> Proposed re-cladding of and front extension to existing Carlton House office building, erection of four additional floors of office accommodation and public realm enhancement works extending along site frontage and Fulton Street.	<b>Location:</b> Carlton House 1-6 Shaftesbury Square Belfast BT2 7DA.
<b>Applicant Name and Address:</b> Mr Alistair Steele C/O Charterhouse Property Management 422 Lisburn Road Belfast BT9 6GN	<b>Agent Name and Address:</b> Hamilton House 3 Joy Street Belfast BT2 8LE
<b>Reason for Referral to Committee:</b>	Objection from statutory consultee (NI Water)
<b>Officer Recommendation:</b>	Approval with conditions
<p><b>Executive Summary:</b> This application seeks full planning permission for the re-cladding of the existing office building, erection of four additional floors of office accommodation above and public realm enhancement works extending along site frontage and Fulton Street. The application site is Carlton House, Nos. 1-6 Shafesbury Square.</p> <p>The main issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> <li>• The principle of development</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on the setting of Listed Buildings</li> <li>• Impact on amenity</li> <li>• Access and parking</li> <li>• Drainage</li> <li>• Waste-water infrastructure</li> <li>• Ecology</li> </ul> <p>DfI Roads, DfC HED, Belfast Airport, Senior Urban Design Officer and Environmental Health offer no objection. NI Water object to the application on grounds of lack of waste-water capacity; this issue is dealt with in the main report and found to be acceptable. DAERA and SES have been consulted in the light of the objection from NI Water and their comments are awaited.</p> <p>No representations have been received from third parties.</p>	

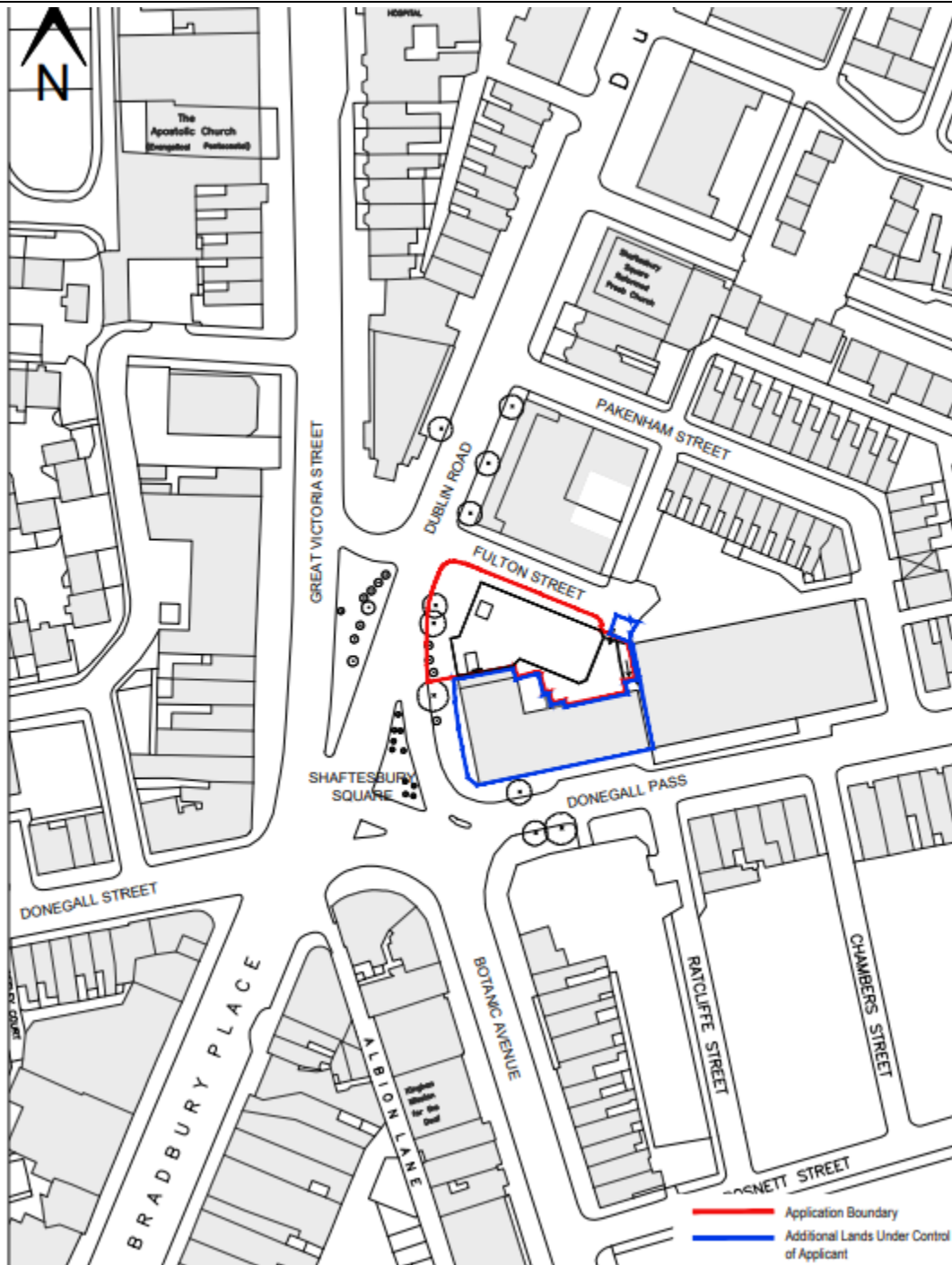
The site is within the development limit of Belfast and the principle of an office extension is considered acceptable.

The design of the cladding proposals and extension is considered acceptable. HED offers no objection and there would be no harmful impact on the setting of Listed Buildings. There would be no adverse transportation impacts.

It is considered that the proposal is acceptable having regard to the Development Plan and relevant material considerations. It is recommended that planning permission is granted with delegated authority sought for the Director of Planning and Building Control to finalise the wording of conditions, subject to no objections and advice from DAERA NIEA and SES.

# Site Visit Report

## Site Location Plan:



CGIs (VU.CITY model)





### **Characteristics of the Site and Area**

1. The site is a five-storey office building that has been damaged, due to a bomb explosion, the result being the building has been vacant from the late 1980s. The building is currently surrounded with scaffolding, netting, and hoarding, given the previous damage. The site is designated, within the BMAP, as a Gateway site into the city centre. The surroundings to the site are generally commercial in character with other office buildings adjacent and locally as well as retail outlets/restaurants. There is also a recently constructed student accommodation building adjacent. To the rear of the site is a Police Station and residential dwellings forming part of the Donegall Pass community. The newer buildings within the vicinity of the site are mostly five to eight storeys whereas the older, more traditional buildings, have a three storeys common height. The site fronts onto a busy road junction that provides access from the city centre to south and east Belfast as well as a main access point to the Motorway.

### **Description of Proposal**

2. The application seeks full planning permission for the re-cladding of and front extension to existing Carlton House office building, erection of four additional floors of office accommodation and public realm enhancement works extending along site frontage and Fulton Street. Amended plans have been received that reduce the height of the proposed upper floor extension from an 11 storey building to 9 storeys.

### **Planning Assessment of Policy and Other Material Considerations**

#### **Site History**

Z/1998/2392 – permission granted for change of use from offices to hotel including retention of car park, small extension to front of building and provision of roof over existing plant room accommodation.

Z/1998/2401 – permission granted for retention of existing parking areas and commercial uses on basement, ground, 1st and 2nd floors; conversion of existing 3rd & 4th floors and construction of new 5th floor to form 21 self-contained apartments including formation of new stairways, ground floor entrance foyer and new elevation treatment to existing building facades

Z/1999/2374 – permission granted for change of use from offices to hotel; small extension to front of building and provision of screen/roof to plantroom accommodation.

Z/1999/2919/F – permission granted for alterations and change of use to part ground floor and two storey extension and re-cladding existing façade.

Z/1999/3062/F – permission granted for change of use of ground and first floor offices to licensed bar and restaurant.

Z/2000/2443/F – permission granted for amendment of existing approval to include rooftop plant room accommodation.

Z/2003/0444/F – permission granted for erection of two additional storeys on office building, including extension to front elevation, external alterations and use of ground and first floors for retail or offices.

### **Relevant Planning Policy**

Belfast Urban Area Plan (BUAP)

Draft Belfast Metropolitan Area Plan 2015 (dBMAP) (v2004 and v2014)

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 4 Planning and Economic Development

Planning Policy Statement 6 Archaeology & Built Heritage

Planning Policy Statement 15 Planning and Flood Risk

Developer Contribution Framework (adopted January 2020)

### **Statutory Consultees**

DfI Roads Service – no objection subject to conditions

Historic Environment Division – no objection

NI Water – objection on grounds of insufficient waste-water infrastructure capacity

DAERA – awaited

Belfast City Airport – no objection and advice for developer regarding crane heights and light glare

### **Non-statutory Consultees**

BCC Environmental Health – no objection subject to informatives and condition

BCC Senior Urban Design Officer – no objection subject to materials condition

Shared Environmental Services – awaited

## **Representations**

3. The application has been advertised in the press and neighbours have been notified. No third-party representations of objection have been received. One letter of support was received from local public representatives.

## **ASSESSMENT**

### **Development Plan Context**

4. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires planning decisions to be made in accordance with the Development Plan, unless material considerations indicate otherwise.
5. Following the Court of Appeal decision on dBMAP, the extant Development Plan is the BUAP. Both versions of dBMAP are a material considerations. The latest version of dBMAP (v2014) is considered to carry significant weight given its advanced stage in the adoption process (save for retail policies relating to Sprucefield, which remain contentious).
6. The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.

### **Key Issues**

7. The main issues relevant to consideration of the application are:
  - The principle of development
  - Impact on the character and appearance of the area
  - Impact on the setting of Listed Buildings
  - Impact on amenity
  - Access and parking
  - Drainage
  - Waste-water infrastructure
  - Ecology

## **Preamble**

8. The proposal in the original form was for additional six storeys to be added to create an office building of eleven storeys. Following in house discussions that included the Senior Urban Design Officer, it was considered that eleven storeys was too high for the character of the surrounding area which is generally a mix of two to five storeys buildings; although it was accepted that on approach the city centre there is a variety of buildings that exceed these heights. Following negotiations with the applicant, a revised scheme was submitted to reduce the number of additional floors to four storeys creating an office building of nine storeys.

## **Principle of Development**

9. The site is located within the existing settlement limits for Belfast and within the designated City Centre as defined within the BUAP and the dBMAP, the presumption is therefore in favour of development. The use of office accommodation is acceptable within this area, and has already been established on this particular site, the existing building being a former Government office block. The dBMAP and the SPPS both advocate a City Centre first approach for commercial office development of this scale.
10. Policy OF 1 of dBMAP states that Belfast City Centre should remain the first-choice location for major office development the policy seeking to ensure that the City Centre remains the primary location for office development. The proposal is to extend the existing office accommodation by adding four additional floors of office space. The proposal offers a sustainable approach to development in that it will provide an increase in floor space on an existing established footprint, making effective use of land. The proposal would also involve welcome investment and regeneration of a particularly rundown and un-attractive building. Officers are content that the principle of increase office accommodation at this site is acceptable.

## **Impact on the character and appearance of the area**

11. The surrounding area character, as has been set out and clearly detailed within the Senior Urban Design team comments, is mainly three to five storey buildings, some of which date from the late Victorian/Edwardian period together with some more modern buildings a few of which are of a greater height. The site location, together with the neighbouring site (Equality House), have been identified as a gateway site into the city centre within dBMAP and carry a suggested height restriction of 5 to 8 storeys. The proposal in its original form was for an additional six storeys to the existing building to create an eleven-storey office block.
12. Following detailed assessment of the scheme using the VU.CITY model, officers were concerned that the height of the proposal was not just contrary to the restricted height requirements in dBMAP, but also was out of character for the surrounding area. Following negotiations with the applicant, amended plans with accompanying VU.CITY model were submitted showing an overall height of nine storeys for the building. Assessment of the amended scheme concluded that the amended proposal sat more comfortably with neighbouring buildings, Equality House and Botanic Studios notwithstanding an overall height that exceeds, by one storey, the dBMAP restriction.



13. The design for the extension and remodelling of the existing element of the building will involve the use of a gold-coloured steel cladding, glazed curtain walling and glazed spandrels. Officers consider that the materials proposed and architectural design of the building are acceptable at this location. In arriving at this view, consideration was given to the mixed palette of materials to be found in the area and an acceptance that the modernised building will help rejuvenate the surrounding area due to the strong distinctive appearance the finished building will project. It is proposed that a condition is placed on the approval to ensure that sample materials are submitted to Council, for approval, to ensure that these replicate the submitted material information that was considered acceptable.
14. Overall, the proposal would have a very positive impact in enhancing the site as the existing building is especially rundown and unattractive on this important gateway. The character and appearance of the area would be enhanced.

### **Impact on the setting of Listed Buildings**

15. In close proximity to the site are listed buildings, the closest being the former Donegall Pass Police Station a Grade B2 listed building that occupies a neighbouring site. The opinion of DfC HED was sought on the potential impact the proposal may have on listed assets. HED advised the Council that it is satisfied that there were no significant impacts on the listed assets. The proposal is considered compliant with PPS 6.

### **Impact on amenity**

16. Officers have considered the potential of impacts on nearby residential units and other commercial units. Given separation distances and heights of other adjacent buildings, there would be no significant additional impacts on these properties.

### **Access and Parking**

17. DfI Roads was consulted on the proposal and have indicated that there are no concerns regarding the development. The proposal would decrease the number of on-site parking spaces from 13 spaces to 7 spaces. This is acceptable as the site is within a highly sustainable city centre location, enjoying the benefits of access to high level of public transport and negating the need for reliance on the private car. The application is also accompanied by a green travel plan to further promote modal shift away from car use, which should be secured by condition. The proposal will also provide 12 covered cycle parking bays. The proposal is considered acceptable having regard to the SPPS and PPS 3.

### **Waste-water Infrastructure**

18. NI Water has objected to the proposal on grounds of insufficient waste-water capacity. NI Water has advised that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no supporting data or information to evidence NIW's concern has been provided particular to this application. Clearly the objection is a material consideration. It is however a matter for the decision maker to determine the weight to be attached to it and all other material considerations.

19. It is also noted that NI Water has a duty to connect significant committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all.
20. For these reasons' officers are of the view that it would be unreasonable to give determining weight to the NI Water objection.

## **Ecology**

21. Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also "in combination" impacts with other development.
22. Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NI Water to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a "significant effect" on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.
23. In this case, it is considered that the additional four storeys would intensify use of the site. Both SES and DAERA have been consulted and their comments are awaited. Neither are expected to object to the application and may recommend a condition requiring that appropriate waste-water infrastructure is in place prior to the commencement of development. The recommendation of this report is subject to no objection from SES and DAERA. If either object to the application, it will be reported back to the Committee.

## **Drainage**

24. The proposal would not increase the footprint of the existing building and it is considered that there would be no significant drainage impacts. The proposal is considered acceptable having regard to PPS 15.

## **Recommendation**

25. It is considered that the proposal is acceptable having regard to the Development Plan and relevant material considerations. It is recommended that planning permission is granted with delegated authority sought for the Director of Planning and Building Control to finalise the wording of conditions, subject to no objections and advice from DAERA NIEA and SES.

**DRAFT CONDITIONS:**

1. The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. No external facing materials shall be applied unless in accordance with a written specification of the materials, which shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of the character and appearance of the area.

3. The development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan dated July 2021 and uploaded to the Planning Portal on 26th November 2022.

Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.

4. The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan dated July 2021 uploaded to the Planning Portal on 26th November 2022.

Reason: In the interests of road safety and convenience of road users.

5. The development hereby permitted shall not be occupied or operate until hard surfaced areas have been constructed within the site in accordance with the approved plan 29 uploaded to the planning portal 26th November 2022. 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.

Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.

6. The development hereby approved shall not be occupied or operated unless covered bicycle storage has been provided in accordance with the approved plan as uploaded to the planning portal 26th November 2022. The covered bicycle storage shall be retained in accordance with the approved plans at all times.

Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel.

7. In the event that any centralised combustion sources (boilers/CHP, biomass), where the single or combined NO<sub>x</sub> emission rate is more than 5mg/sec are proposed as part of this development, an Air Quality Impact Assessment shall be submitted to the Planning Authority for approval. The Assessment must demonstrate that there will be no adverse impact on human health from emissions.

Reason: In the interests of human health.