

Committee Report

Development Management Report	
Application ID: LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	Date of Committee: 18 th April 2023
Proposal: Replacement facade to active facade to facilitate the display of internally illuminated moving images.	Location: 1-3 Arthur Street Belfast BT1 4GA
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Alterity Investments Limited 4 Annadale Avenue BT7 3JH	Agent Name and Address: Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
Executive Summary: This report relates to three separate, but related applications described as follows. LA04/2022/1861/F: application for planning permission for replacement facade to active facade to facilitate the display of internally illuminated moving images (temporary permission for 5 years). LA04/2022/1860/A: application for Advertisement Consent for active façade to facilitate the display of LED internally illuminated moving images (temporary consent for 5 years). LA04/2022/1867/DCA: application for Conservation Area Consent for part demolition of façade to facilitate replacement façade. The key issues are: <ul style="list-style-type: none"> • Impact on the character and appearance of the City Centre Conservation Area • Impact on the setting of Listed Buildings • Suitability of the demolition • Impact on amenity • Impact on public safety <p>The site is located at Nos. 1-3 Arthur Street. It is within the City Centre Conservation Area. Of the buildings which face onto Arthur Square, the host building is the only building that is not listed.</p> <p>The Conservation Officer and DfC Historic Environment Division were consulted and both object to the proposal in that the proposal would neither preserve or enhance the Conservation Area and would provide a competing focus to the surrounding listed buildings, to the detriment of their setting. It is recommended that the permission and consents are refused for these reasons.</p> <p>No objections were received from third parties.</p>	

The applications are brought before the Committee under paragraph 3.8.1 of the Scheme of Delegation at the request of Councillor Dorrian. The planning grounds for the request to refer the application to the Planning Committee are:

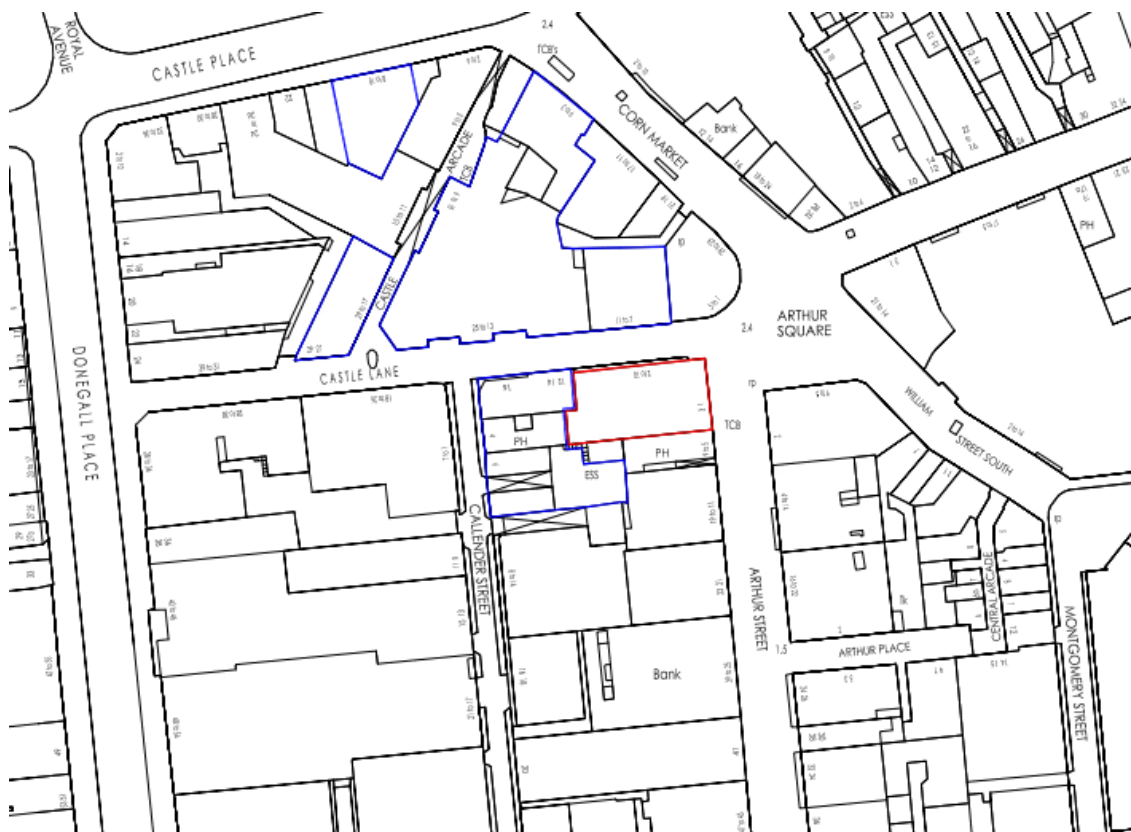
- Need for traditional and modern infrastructure to co-exist with the historic environment;
- Impact on the setting of the listed buildings should be considered acceptable given the precedents already established in the city, e.g. Shaftesbury Square and the advertising sign next to the orange hall on the Albertbridge Road.

Recommendation

It is recommended that permission and consents are refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

Case Officer Report

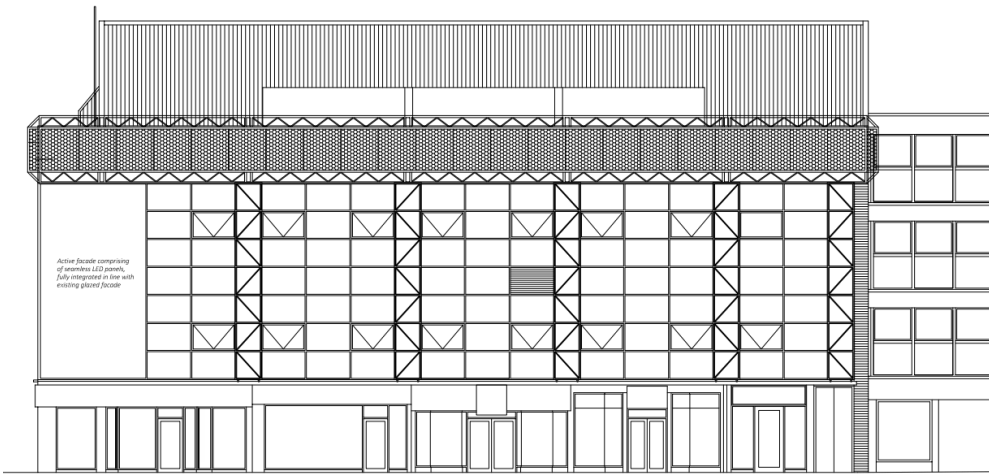
Site Location Plan



Proposed Elevations



Proposed Elevations



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>This report relates to three separate, but related applications described as follows.</p> <p>LA04/2022/1861/F: application for planning permission for replacement facade to active facade to facilitate the display of internally illuminated moving images (temporary permission for 5 years).</p> <p>LA04/2022/1860/A: application for Advertisement Consent for active façade to facilitate the display of LED internally illuminated moving images (temporary consent for 5 years).</p> <p>LA04/2022/1867/DCA: application for Conservation Area Consent for part demolition of façade to facilitate replacement façade.</p>
2.0	<p>Description of Site</p> <p>The site is located at Nos. 1-3 Arthur Street. The building is located in a prominent location fronting onto Arthur Square which is a pedestrianised area forming the junction of five streets. The square contains a centrepiece of modern art and the site is a prominent building between Arthur Street and Castle Lane. The building itself is a 3 storey non-historic glass curtain wall building.</p> <p>The proposal is located within the City Centre Conservation Area and of the buildings which face onto Arthur Square, the host building is the only building to not be listed.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>LA04/2016/1284/F, Proposed relocated electronic big screen, to replace existing screen (currently at roof level) and reposition it at 1st floor level on Arthur Street facade. PERMISSION REFUSED. 07.09.2016.</p> <p>LA04/2016/0223/A, Proposed advertising screen 5 x 3m, PERMISSION REFUSED, 07.09.2016.</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	<p>Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014)</p> <p>Following the Court of Appeal decision on BMAP, the extant development plan is the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. It is considered that significant weight should be afforded to the latest version of Draft BMAP (v2014) given its advanced stage in the Development Plan process, save for retail policies relating to Sprucefield, which remain contentious.</p>
4.3	<p>Belfast Local Development Plan Draft Plan Strategy 2035</p> <p>The LDP 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</p>

	has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the 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 the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
4.6	Planning Policy Statement 17: Outdoor Advertisements
5.0	Statutory Consultees Responses DfC Historic Environment Division – objection (see main report)
6.0	Non Statutory Consultees Responses Conservation Officer – objection (see main report)
7.0	Representations The full application was advertised on the 21 st October 2022 and neighbour notified on 12 October 2022. The demolition consent was advertised on the 21 st October 2022. No publicity is required for applications for Advertisement Consent. No representations have been received from third parties.
8.0	Other Material Considerations Belfast City Centre Conservation Area Guide
9.0	Assessment
9.1	The proposal is considered to be contrary to the development plan.
9.2	Assessment The key issues to be considered are: <ul style="list-style-type: none"> • Impact on the character and appearance of the City Centre Conservation Area • Impact on the setting of Listed Buildings • Suitability of the demolition • Impact on amenity • Impact on public safety
9.3	Impact on the character and appearance of the City Centre Conservation Area With regards to development in Conservation Areas, Section 104(11) of the Planning Act (Northern Ireland) 2011 states that special regard must be had to the desirability of; <ol style="list-style-type: none"> (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise
9.4	In relation to the application for full planning permission, paragraph 6.18 of the SPPS states that: <i>'In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or</i>

	<p><i>conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained.'</i></p>
9.5	<p>Policy BH 12 of PPS 6 provides criteria for assessing proposals for new development in a Conservation Area.</p>
9.6	<p>The proposal contains essentially two active, digital advertisements measuring 3.84m x 7.46m on the east and north façades of the host building.</p>
9.7	<p>The proposed active façade would be located in a very prominent location within the Conservation Area facing onto Arthur Square. As described within the Conservation Area Guide: <i>'Arthur Square provides a central node to the pedestrian environment, and is contained by a variety of different styled buildings of architectural quality.'</i></p>
9.8	<p>The scale of the proposal is considered excessive and would neither preserve or enhance the character and appearance of the area. The active facade/advertisement would not be of a scale that is not in sympathy with the characteristic built form of the area, neither do the scale, form, materials and detailing of the proposal respect the characteristics of the listed adjoining buildings in the area. The active, digital nature of the proposal would accentuate its impact. It is considered that the scale of the façade/advertisement would fail to protect important views into/out of the Conservation Area. The proposal would be prominent and dominating when viewed from Arthur Square, negatively impacting an important node within the Conservation Area as well as detracting from neighbouring listed buildings.</p>
9.9	<p>The host building itself forms one side of Arthur Square and while the building itself is non-historic and of limited architectural value the scale of the advert itself would dominate views of the building and surrounding area. The proposal would be viewable on the approach to Arthur Square, most notably on the approach from Ann Street from which the building visually terminates the vista. Obscure views of the proposal would be from Castle Lane and Arthur Street and, although less direct, would still place an emphasis onto an unsympathetic façade and advertisement.</p>
9.10	<p>Paragraph 7.15 of PPS 6 states that signage on upper floors or buildings and the internal illumination of signs will not normally be acceptable. Similarly, the <i>Belfast City Centre Conservation Area Design Guide</i> states that only in exceptional circumstances where they are essential to the use of the upper floor, will advertising signs be permitted above ground floor fascia level. Furthermore, the Design Guide states that advertising panels have a particularly detrimental effect on visual character and only in exceptional circumstances will they be permitted. The proposal occupies the first to second storey of the building contrary to the Design Guide and would not relate to the building itself.</p>
9.11	<p>The Conservation Officer was consulted and objects to the proposal stating that the proposed sign would have a harmful effect on the character and appearance and visual amenity of the Conservation area. Such signage is not historic / traditional to the Conservation Area. Furthermore, the Conservation Officer states that the proposal would have the visual appearance of a large sheet/advertising hoarding attached to the building and occupying a substantial proportion of the façade.</p>
9.12	<p>It is considered that the proposal fails to accord with Section 104(11) of the Planning Act (Northern Ireland) 2011, paragraph 6.18 of the SPPS and Policy BH 12 of PPS 6 in that</p>

	<p>the proposal does not preserve or enhance the character and appearance of the Conservation Area.</p> <p>Impact on the setting of Listed Buildings</p>
9.13	<p>Section 91 (2) of the Planning Act (Northern Ireland) 2011 states that ‘the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’</p>
9.14	<p>Paragraph 6.12 of the SPPS states Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.</p>
9.15	<p>Policy BH 11 of PPS 6 provides criteria for assessing proposals that affect the setting of a Listed Building.</p>
9.16	<p>The proposal faces onto Arthur Square which contains the following Listed Buildings:</p> <ul style="list-style-type: none"> • HB26/50/039 - Masonic Building 13-14 Arthur Square Belfast County Antrim BT1 4FF – Grade B+ • HB26/50/096 - Mayfair Building Arthur Square Belfast County Antrim BT1 4FE – Grade B1 • HB26/50/178 - Arthur Chambers 4-14 Arthur Street Belfast Co Antrim BT1 4GD – Grade B2 • HB 26/50/304 - 1- 5 Castle Lane & 23-29 Cornmarket Belfast Co Antrim BT1 4FB – Grade B2
9.17	<p>DfC Historic Environment Division has been consulted and objects to the proposal, stating that the illuminated and moving signage would create a competing focus to the listed buildings which form the attractive historic perimeter of Arthur Square.</p>
9.18	<p>Having regard to HED's advice, officers advise that the proposal fails to respect the surrounding listed buildings by reason of its location, scale and design. The scale of the proposal would detract from setting of the listed buildings by dominating Arthur Square and detracting from views of the surrounding listed buildings. The host building appears pinched between two listed buildings when viewed from Ann Street, William Street South and Castle Lane. The proposal would bring undue prominence to the building which is of less architectural merit than those surrounding and will detract from the adjacent listed buildings. The proposal is of a modern and untraditional design with internal illumination and would dominate the surrounding listed buildings. The nature of the use of an advertisement on the façade fails to respect the character of the setting of the listed buildings which do not contain advertisements on the upper floors. The proposal is considered to fail to accord with the Strategic Planning Policy Statement and Policy BH 11 of PPS 6 and is unacceptable.</p> <p>Other considerations</p>
9.19	<p>The applicant has submitted supporting documents including a Planning Summary, Conservation Impact Assessment and a letter responding to the consultation responses from DfC HED and the Conservation Officer.</p>
9.20	<p>It is noted that the proposal is for temporary permission for a period of 5 years. As per the Planning Summary this is to allow an assessment of the benefits and actual impact. However, officers advise that the impacts of the proposal on the Conservation Area and</p>

	<p>setting of nearby Listed Buildings would be obvious and harmful and do not need to be tested. The proposal fails the legislative requirements and relevant planning policies by failing to preserve the character or appearance of the Conservation Area and harming the setting of surrounding listed buildings, it is therefore not necessary for temporary approval to be granted to test the impact the proposal will have.</p>
9.21	<p>The applicant proposes through a Section 76 planning agreement that a proportion of airtime would be made available to Belfast City Council as well as providing interpretative information on the Conservation Area and listed buildings to mitigate any conflict created by the screen with these buildings. However, officers advise that the content of the advertising screen would not mitigate the impact of the screen itself, which would remain harmful to the historic environment. Providing content and information on the Conservation Area and listed buildings would in itself attract attention to the advertising screen impacting the listed buildings which should remain the main focus.</p>
9.22	<p>The Planning Summary refers to previous refusals on the site and states that they are not comparable to a temporary application nor to this application which is to incorporate the screen into the façade of the building. The application LA04/2016/0223/A was for an advertisement screen on the upper floors of the building, while not incorporated into the façade the policy considerations remains similar to this application. The current proposal is for a larger scale screen on two facades of the building and would have an even greater harmful impact. The Planning Statement also refers to planning application LA04/2020/0558/A for an advertising screen at 112 Ann Street. However, the application is not comparable to this proposal as it is not within a Conservation Area and is not surrounded by listed buildings to the extent of this proposal.</p>
9.23	<p>A Conservation Impact Assessment has been submitted and has been addressed by the Conservation Officer. The Conservation Officer agrees with the visibility analysis but considers that the proposed signage would be visually obtrusive in a key civic set piece with high pedestrian footfall, drawing the eye from listed heritage assets. The Conservation Officer disagrees with the analysis at paragraph 7.09.1 in that the LED active façade element would introduce a more visually diverse element between two listed structures. The opinion of the Conservation Officer is that visual prominence/ perceptual significance should remain with the heritage assets and non-historic elements not given emphasis. The Conservation Officer disagrees with the commentary on 1-5 Castle Lane/ 1-3 Arthur Lane in that the proposal would cause visual competition and with the assessment at paragraph 7.09.2 as the proposal frames a vista along Castle Lane terminated by the Masonic Building from which the proposed signage would set up visual competition. In relation to paragraph 7.10, the Conservation Officer considers the proposal to be detrimental to the setting of a number of listed buildings and the appreciation/ perception/ experience of the place as an historic node.</p>
9.24	<p>A letter from the applicant with a response to the consultees was submitted on the 14th February 2023. The applicant refers to the airtime to be provided to the Council to highlight the surrounding listed buildings. As previously stated, this by its nature will attract attention to the advertising screen rather than the listed buildings. It does not mitigate the harmful impacts of the proposal on the setting of the Listed Buildings. The applicant refers to Policy BH 11 and use of the word 'normally' which allows the Council to make a balanced planning judgement. The applicant states that the airtime and digital content should carry significant determinative weight. While the word 'normally' does allow a degree of flexibility, officers are clear that the proposal would be harmful and contrary to planning policy. The content of the screen does not have significant weight as the screen itself is contrary to policy regardless of the content. The applicant states that the Conservation Officer is incorrect and there are no vistas terminated by listed buildings in which the proposed active façade is visible. However, on the approach to Arthur Square from Ann Street the vista is terminated by both the</p>

	neighbouring building at 1- 5 Castle Lane/23-29 Cornmarket and the host building, the proposed active façade will be particularly viewable and appear to dominate the neighbouring listed building.
9.25	The applicant states that <i>'it is hard to see how the proposed alteration to the façade of a building deemed as having low significance in terms of architectural or historic merit can detract from the prominence of Listed Buildings which are facing it across from or obliquely to it.'</i> While the building itself is of low significance in terms of architectural or historic merit, the active façade would bring prominence to the building. The proposal would dominate Arthur Square detracting from both the Conservation Area and the Listed Buildings. As described when viewing the host building from towards Ann Street and William Street South, it appears pinched between two listed buildings, the proposal would detract from views of these listed buildings.
9.26	The applicant states that the existing corner feature within the building protrudes from the façade and is therefore more obtrusive than the proposed active façade. While the existing structure protrudes it does not impact on views of the building. The proposed active façade with its proposed illuminated screen would impact views of the host building as well as impact views of the Conservation Area and surrounding listed buildings. The statement sets out that the active façade can have a positive impact by giving life and interest to a building of limited/low heritage significance. It states the introduction of the active façade would encourage visitors to look up and draw the eye to appreciate the historic facades which complete Arthur Square, the active façade would to some degree illuminate the surrounding facades and highlight them. However, officers consider that the proposal would bring prominence to the building and detract from the surrounding character and setting of the listed buildings. An active façade/advertisement by its very nature is designed to attract attention and this would detract from the surrounding area and listed buildings regardless of the content of the advertisement. The argument that the active façade would illuminate the surrounding listed buildings demonstrates the potential detrimental impact the proposal will have.
9.27	<p>Suitability of the Demolition</p> <p>An application for Conservation Area Consent has been submitted for demolition of the section of the façade to be replaced under the reference LA04/2022/1867/DCA. The proposed demolition is considered under paragraph 6.15 of the SPPS and Policy BH 14 of PPS 6. The host building itself makes no material contribution to the character and appearance of the Conservation Area. While the proposed demolition would not in itself impact on the Conservation Area, it has been considered that the proposed active façade/advertisement is contrary to policy. Policy BH 14 states that where Conservation Area Consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site. The proposed development is not acceptable and therefore demolition consent cannot be granted due to the unsuitability of what is proposed to be put back following the demolition. The proposed demolition is therefore contrary to Policy BH 14 of PPS 6 and is unacceptable.</p>
9.28	<p>Impact of the Advertisement on Amenity</p> <p>Paragraph 6.57 of the SPPS states that Advertisement Consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality.</p>
9.29	Paragraph 6.59 further states that care must be taken to ensure that all proposals will not detract from the place where advertising is to be displayed or its surroundings. In particular, it is important to prevent clutter, to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising.

9.30	Paragraph 6.14 of the SPPS states ' <i>Consent for the display of advertisements or signs on a listed building should only be forthcoming where these are carefully designed and located to respect the architectural form and detailing of the building, and meet the requirements of strategic policy on the Control of Outdoor Advertisements.</i> '
9.31	Policy AD1 (i) of PPS 17 echoes that of paragraph 6.57 of the SPPS and states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality. Amenity in relation to advertisements is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views.
9.32	The proposal is considered to be contrary to the SPPS and Policy AD1 of PPS 17. With respect to Part (i) Amenity it is considered that the proposed advert is of a size, scale and design which would appear unduly prominent. The site is within a sensitive location surrounded by a number of listed buildings and within the City Centre Conservation Area. Given the sensitive location the advertisement would be overly dominant. As per the SPPS, it is important to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising. The scale of the advertising fails to protect the listed buildings and conservation area. Guidance within PPS 17 states that high level signs will generally only be appropriate where they relate to the scale and primary use of the host building, the advertisement in this case would not. Furthermore, the guidance states that only the lettering should be illuminated, the level and type of illumination display in this case will further make the advertisement prominent and unduly dominant.
9.33	It is also considered that the proposed advertisement would result in clutter. The surrounding area contains signage which in the main relates to the retail uses at ground floor level, there is also an LED screen at ground floor level. The area contains low level signage or higher level signage of a modest scale. The proposal would be at a scale which would dominate the surrounding area and is located on the upper floors of the building giving concerns that this would lead to the appearance of clutter in a conservation area.
9.34	The proposal fails to accord with the Strategic Planning Policy Statement, Policy AD 1 of PPS 17 and Policy BH 13 of PPS 6, and is unacceptable.
	<p>Impact of the Advertisement on Public Safety</p>
9.35	Arthur Square is not routinely used by vehicle traffic and it is considered that the proposal would not have an adverse impact on highway or public safety.
10.0	<p>Summary of Recommendation:</p> <p>It is recommended that permission and consents are refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.</p>

11.0	<p>Draft Refusal Reasons</p> <p>LA04/2022/1861/F</p> <ol style="list-style-type: none"> 1. The proposal is contrary to paragraph 6.18 of the SPPS and Policy BH 12 criterion (a) (b) (c) (e) (g) of PPS 6: Planning, Archaeology and The Built Heritage in that the scale, form and design of the proposal would fail to preserve or enhance the character of the City Centre Conservation Area. 2. The proposal is contrary to paragraph 6.12 of the SPPS and Policy BH 11 criterion (a) and (c) of PPS 6: Planning, Archaeology and The Built Heritage in that the scale, height, massing, design and nature of the proposed active signage would visually compete with and adversely affect the setting of surrounding Listed Buildings. <p>LA04/2022/1867/DCA</p> <ol style="list-style-type: none"> 1. The proposal is contrary to paragraph 6.12 of the SPPS and Policy BH 14 of Planning Policy Statement 6: Planning, Archaeology and Built Heritage in that an acceptable scheme has not been achieved through the full planning application under reference LA04/2022/1861/F. The proposed demolition would therefore fail to preserve to enhance the character or appearance of the Conservation Area. <p>LA04/2022/1860/A</p> <ol style="list-style-type: none"> 1. The proposal is contrary to paragraphs 6.57 to 6.59 of the SPPS, Policy AD1 criterion (i) of PPS 17: Control of Outdoor Advertisements and Policy BH 13 of Planning Policy Statement 6: Planning, Archaeology and The Built Heritage in that the proposed advertisement, by reason of its unsympathetic design, location and excessive scale, would fail to respect amenity and would adversely affect the character of the Conservation Area.
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Notification to Department (if relevant)

The application for Conservation Area Consent would have to be notified to the Department for Infrastructure were the Planning Committee to resolve to grant consent.