

## ADDENDUM REPORT 4 (JUNE 2023)

Development Management Officer

<b>Application ID:</b> LA04/2019/2653/F	<b>Committee Date:</b> 29 June 2023
<b>Proposal:</b> Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of Grade A office accommodation. (Amended plans and updated technical information)	<b>Location:</b> Chancery House 88 Victoria Street Belfast BT1 3GN
<b>Applicant Name and Address:</b> Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast
<b>Referral Route:</b> Recommendation to approve contrary to advice from a statutory consultee (DfC HED). Application previously considered by the Committee in June 2021 and March 2023.	
<b>Recommendation:</b> Approve with conditions subject to a Section 76 planning agreement	

### Background

This application was considered at the March 2023 meeting of the Planning Committee. The Committee resolved to grant planning permission, subject to conditions and a Section 76 planning agreement. The Committee gave delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and planning agreement.

A revised draft of the Section 76 planning agreement was recently sent to the applicant for consideration.

This addendum report should be read in conjunction with the previous reports to the Planning Committee, appended.

### Updated Policy Context

Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the

Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.

**Operational policies** – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies currently provided by the Departmental Planning Policy Statements (PPSs). Those policies will no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).

**Proposals Maps** – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.

## **Relevant Planning Policies**

### Plan Strategy

The following policies in the Plan Strategy are relevant to consideration of the application.

Policy SP1A – managing growth and supporting infrastructure delivery

Policy SP2 – sustainable development

Policy SP3 – improving health and wellbeing

Policy SP5 – positive placemaking

Policy SP6 – environmental resilience

Policy SP7 – connectivity

Policy SD1 – Settlement hierarchy

Policy SD2 – Settlement Areas

Policy SD3 – City Centre

Policy DES1 – Principles of urban design

Policy DES3 – Tall buildings

Policies BH1 – Listed Buildings

Policy BH3 – Areas of Townscape Character

Policy BH5 – Archaeology

Policy HC1 – Promoting healthy communities

Policy EC1 – Delivery inclusive economic growth

Policy EC6 – Office development

Policy RT1 – Establishing a centre hierarchy

Policy TRAN1 – Active travel (cycling and walking)

Policy TRAN2 – Creating an accessible environment

Policy TRAN4 – Travel Plans

Policy TRAN6 – Access to public roads

Policy TRAN8 – Car parking and service arrangements

Policy TRAN9 – Parking standards within areas of parking restraint

Policy ENV1 – Environmental quality

Policy ENV2 – Mitigating environmental change  
Policy ENV3 – Adapting to environmental change  
Policy ENV4 – Flood risk  
Policy ENV5 – Sustainable Urban Drainage Systems

Policy OS3 – Ancillary open space

#### Supplementary Planning Guidance

Placemaking and Urban Design

Tall Buildings

#### **Updated Assessment**

The adoption of the Plan Strategy requires the following updated assessment. This should be read in conjunction with the original Committee reports, appended.

#### Additional Information

Officers requested that the applicant provides a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal.

The applicant has subsequently provided a Plan Strategy Statement and considers that the proposal complies with the policy tests in the adopted Plan Strategy.

#### Consultation responses

No additional consultations have been considered necessary following adoption of the Plan Strategy.

Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy.

#### Principle of development

The application site is located within the City Centre. The proposal is for ground floor retail with offices on the upper floors. Policies EC6 and RT1 of the Plan Strategy direct office and retail development to the City Centre. There is extant planning permission for a 7-storey office building on the site. The principle of development remains acceptable.

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

Policies DES1 and DES3 of the Plan Strategy apply. In terms of Policy DES1, for the reasons set out in the previous Committee reports, the proposal is considered to respond positively to local context and character through architecture and urban form that addresses matters such as height, scale, massing, proportion, plot width, building lines, rhythm, roofscape, materials, compliant with criterion a) of Policy DES1. Impacts on heritage are considered below. The proposal would integrate well with existing public realm. Active frontages would be provided with ground floor retail and main foyer to the upper office floors. The site is a sustainable location, accessible by walking, cycling and public transport. The proposal would make effective use of land. The building would be constructed to BREEAM Excellent rating in terms of energy efficiency, which is welcomed. There

would be no undue impact on neighbour amenity for the reasons set out in the previous Committee reports. The proposal is considered acceptable having regard to Policy DES1.

Regarding Policy DES3 (tall buildings), for the reasons set out in the previous Committee reports, the proposed building would be of height and scale sensitive to its context and surroundings and proportionate to its location. Impacts on heritage are discussed in the next section of the report. Key views and vistas would be respected, again for the reasons previously reported. The proposal would contribute to an interesting skyline when considered in the context of other tall buildings in the immediate locality. The site is located on a major traffic node (Victoria Street) and adjacent the civic space and public realm on Lower Chichester Street. The proposal would integrate with the existing public realm and provide active frontage. There would be no harmful overshadowing and overlooking of adjacent properties, having regard to the extant permission and requirement to obscure glaze the upper floors. There would be no conflict with civil aviation requirements. Whilst a specific Tall Buildings Statement has not been provided, it is considered that the height and scale of the proposed building is acceptable for the reasons stated.

#### Impact on heritage

The proposal would respect the setting of the Listed Building for the reasons set out in the previous Committee reports. The criteria in Policy BH1 of the Plan Strategy are considered to be satisfied.

The site is located within a draft Area of Townscape Character (ATC). For the reasons set out in the previous Committee reports, it is considered that the ATC's overall character would be maintained and that the built form is respected by way of height, scale, form, materials and detailing. There would be no detrimental impact on the setting of the area and there is no significant loss of key views within, into and out of the ATC.

There is no evidence of harm to archaeological interest, having regard to Policy BH5.

#### Climate Change

Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals (including changes of use) will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction and operation. The applicant confirms that the building would be constructed to BREEAM Excellent rating, which is welcomed. This should be secured by means of planning condition.

Policy ENV3 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. In order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates. The proposal would be resilient to flood risk and is considered acceptable having regard to Policy ENV4. Regard is had to the extant permission, which does not include specific measures to adapt to environmental change. The proposal is considered acceptable having regard to Policy ENV3.

Policy ENV5 of the Plan Strategy states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere. The footprint of the proposed building takes up the site and there are no realistic options to provide SuDS. Regard is also had to the extant permission, which does not provide SuDS measures. The proposal is considered acceptable having regard to Policy ENV5.

### Demolition

Policy ENV2 of the Plan Strategy states that development proposals should, where feasible, seek to avoid demolition and should consider how existing buildings or their main structures could be reused. Development proposals that include the demolition of existing buildings should demonstrate that reuse is not appropriate or feasible. Where demolition is proposed, measures should be included to minimise any waste through the reuse of as much building material as possible. The original building on the site was lawfully demolished under the terms of the extant planning permission (as explained in the previous Committee reports).

### Promoting healthy communities

Policy HC1 of the Plan Strategy states that the council will seek to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. The site is a sustainable location for offices, providing opportunities for active travel including walking and cycling. The proposal is considered acceptable having regard to Policy HC1.

### Transport

The proposal is a sustainable location, accessible by foot, bicycle and public transport. There are ample car parks available within the City Centre and it is unnecessary to provide dedicated parking for the proposed building. A Travel Plan has been provided to further encourage sustainable travel. The proposal is considered compliant with Policies TRAN2, TRAN4, TRAN6, TRAN8 and TRAN9 of the Plan Strategy.

### Other considerations

Other aspects of the proposal are considered to remain acceptable, having regard to the policies in the Plan Strategy.

### **Conclusion and Recommendation**

Having regard to the assessment in this addendum report and the previous reports to the Committee, it is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement. An additional condition is recommended to ensure that the building is constructed to BREEAM Excellent level.

**ADDENDUM REPORT 3 (MARCH 2023)****Development Management Officer**

<b>Application ID:</b> LA04/2019/2653/F	<b>Committee Date:</b> 14 <sup>th</sup> March 2023
<b>Proposal:</b> Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of Grade A office accommodation. (Amended plans and updated technical information)	<b>Location:</b> Chancery House 88 Victoria Street Belfast BT1 3GN
<b>Applicant Name and Address:</b> Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast
<b>Referral Route:</b> Recommendation to approve contrary to advice from a statutory consultee. Application previously considered by the Committee in June 2021.	
<b>Recommendation:</b> Approve with conditions and a Section 76 planning agreement	

	<b>Background</b>
1.1	This application was previously considered by the Planning Committee on 24 June 2021. Prior to that, the application had been deferred at the April 2021 Committee and withdrawn from the agenda from the May 2021 Committee.
1.2	At the June 2021 Planning Committee, the Committee recommended that the Chief Executive be minded to approve the application, subject to the following: <ol style="list-style-type: none"> <li>1. that formal consultation be undertaken with objectors in relation to the restricted matters;</li> <li>2. that the proposed Section 76 Planning Agreement be drafted in consultation with those who spoke in relation to the restricted report; and</li> <li>3. that the application would be brought back to the Members of the Planning Committee for final agreement, to include the outcome of the formal consultation referenced above and presentation of the draft Section 76 Planning Agreement before a final decision is taken.</li> </ol>
1.3	The Chief Executive subsequently resolved that she was minded to approve the application in line with the Committee's recommendation.
1.4	The restricted matters referenced above are subject to a separate restricted report.
1.5	This Addendum Report 3 should be read in conjunction with Addendum Reports 1 and 2 and the report to the April 2021 Planning Committee, appended.
	<b>Belfast Local Development Plan Draft Plan Strategy</b>
1.6	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

	<p>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.</p>
1.7	<p>Notwithstanding the limited weight that can be given to the Draft Plan Strategy at this time, the proposal is considered to accord with Policies EC6 (office development), BH1 (setting of Listed Buildings), BH3 (Areas of Townscape Character), Policy TRAN 1 (active travel), TRAN 2 (creating an accessible environment) and TRAN 8 (car parking).</p> <p><b>Conclusion</b></p>
1.8	<p>There have been no changes to the design and layout of the proposed office building since the June 2021 Committee and the proposal is considered to remain acceptable in relation to the issues set out in this and the appended reports.</p>
1.9	<p>It is considered that the proposal accords with the Industrial and Commercial Strategy, Conservation Strategy, Policies C3 and C4 of the BUAP, draft BMAP, relevant provisions of the draft Plan Strategy, Policy AMP 7 of PPS 3, Policies PED 1 and PED 9 of PPS 4 Policy BH 11 of PPS 6, Policy ATC 2 of the PPS 6 Addendum and relevant provisions of the SPPS.</p>
2.0	<b>Recommendation</b>
2.1	<p>For the reasons set out in this and the appended reports, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.</p>
2.2	<p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement.</p>

<b>ADDENDUM REPORT 2 (JUNE 2021)</b>	
<b>Development Management Officer</b>	
<b>Committee Meeting Date:</b> 24 June 2021	<b>Item Number:</b>
<b>Application ID:</b> LA04/2019/2653/F	
<b>Proposal:</b> Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation. (amended plans & updated technical information)	<b>Location:</b> Chancery House 88 Victoria Street Belfast BT1 3GN
<b>Referral Route:</b> Recommendation to approve contrary to advice from a statutory consultee	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast

1.0	<b>Background</b>
1.1	This application was due to be considered by the Planning Committee in April 2021. However, the Committee deferred the application because Members had been unable to access all the relevant documents through the Planning Portal. The application was then scheduled to be considered by the Committee in May 2021, however, it was withdrawn from the agenda in the light of further information from the applicant.
1.2	This Addendum Report 2 should be read in conjunction with Addendum Report 1 to the May Planning Committee and the report to the April Planning Committee, appended.
2.0	<b>Recommendation</b>
2.1	It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to resolve that she is minded to grant planning permission.

<b>ADDENDUM REPORT 1 (MAY 2021)</b> <b>Development Management Officer</b>	
<b>Committee Meeting Date:</b> 20 May 2021	<b>Item Number:</b>
<b>Application ID:</b> LA04/2019/2653/F	
<b>Proposal:</b> Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation. (amended plans & updated technical information)	<b>Location:</b> Chancery House 88 Victoria Street Belfast BT1 3GN
<b>Referral Route:</b> Recommendation to approve contrary to advice from a statutory consultee	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast

1.0	<b>Background</b>
1.1	This application was due to be considered by the Planning Committee in April 2021. However, the Committee deferred the application because Members had been unable to access all the relevant documents through the Planning Portal.
1.2	This addendum report should be read in conjunction with the report to the April Planning Committee, attached.
2.0	<b>Recommendation</b>
2.1	It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to grant conditional planning permission and to finalise the wording of conditions.

## Development Management Officer Report (April 2021) Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 20 April 2021	<b>Item Number:</b>
<b>Application ID:</b> LA04/2019/2653/F	
<b>Proposal:</b> Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation. (amended plans & updated technical information)	<b>Location:</b> Chancery House 88 Victoria Street Belfast BT1 3GN
<b>Referral Route:</b> Recommendation to approve contrary to advice from a statutory consultee	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast
<p><b>Executive Summary:</b></p> <p><u>Background</u> The application seeks full planning permission for the demolition of the existing building and construction of new 9 storey (37m tall) building comprising of ground floor retail and 8 floors of office space. The existing building has since been demolished under the terms of a previous planning permission. The application follows Pre-Application Discussions with officers.</p> <p>The application was received in November 2019. Amended plans and further supporting documentation were submitted in January and March 2020. A technical note on servicing arrangements was submitted in March 2020.</p> <p><u>Assessment</u></p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of office and retail uses in this location</li> <li>• Demolition of the existing building</li> <li>• Impact on the character and appearance of the area and ATC</li> <li>• Impact upon the setting of nearby listed buildings</li> <li>• Impact on amenity</li> <li>• Water infrastructure and flood risk</li> <li>• Access and parking</li> </ul> <p>There are also additional confidential issues to consider which are set out in the Appendix to this report. The site is located within the development limits for the city as designated within the BUAP, dBMAP 2004 and 2015 and is within the proposed (i.e. draft) Victoria &amp; Oxford Street Area of Townscape Character (ATC).</p>	

The site already benefits from an extant planning permission for the erection of a seven storey office building (Z/2011/0380/F) with retail use on ground floor and offices above. The principle of retail and office development has already been established and is in any event acceptable within this city centre location. The proposal would support jobs and contribute to the economy.

The demolition of the existing building has been assessed having regard to Policy ATC 1 of addendum to PPS 6. It is considered that the original building makes no material contribution to the distinctive character and appearance of the ATC. In any event it has since been demolished under the terms of a previous planning permission

In terms of relationship with neighbouring buildings, it is considered that the impacts on outlook and natural light would not be significantly greater than those arising from the extant permission.

DfC Historic Environment Division (HED) has advised that the scale and design of the proposal has the potential to adversely impact on the setting of listed buildings in proximity to site. However, officers consider that the scale and design of the building to be appropriate to its context, which includes several substantial buildings in the area, and that the setting of listed buildings would not be harmed.

The proposed development has been assessed against the following policies: Strategic Planning Policy for Northern Ireland; Planning Policy Statement 3: Access, Movement and Parking; Planning Policy Statement 4: Planning and Economic Development; Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Addendum, Areas of Townscape Character; Planning Policy Statement 15 Planning and Flood Risk.

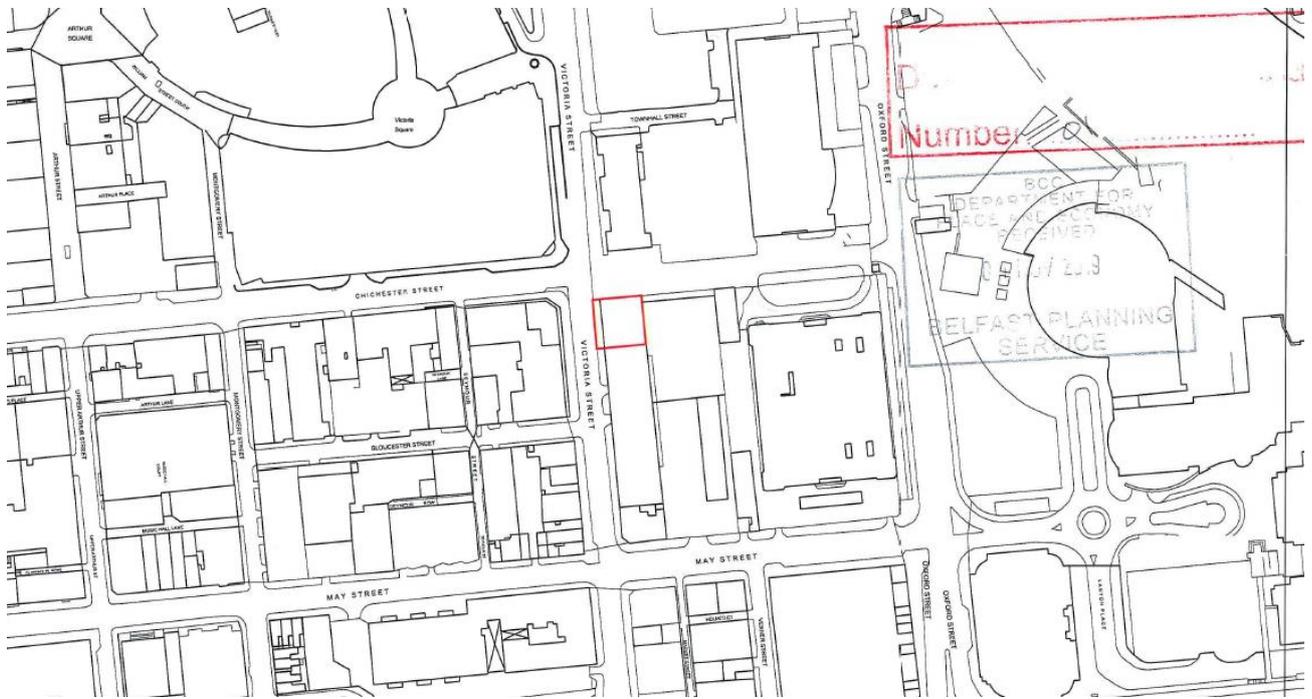
The Council has received objections to the application from third parties. Concerns include excessive scale of the building, adverse impact on surrounding buildings and site access. The issues raised are set out and addressed in the main report.

Having regard to the development plan, relevant planning policies and other material considerations, it is considered that the proposal should be approved subject to conditions.

It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan



VU.CITY IMAGES AND CGI'S



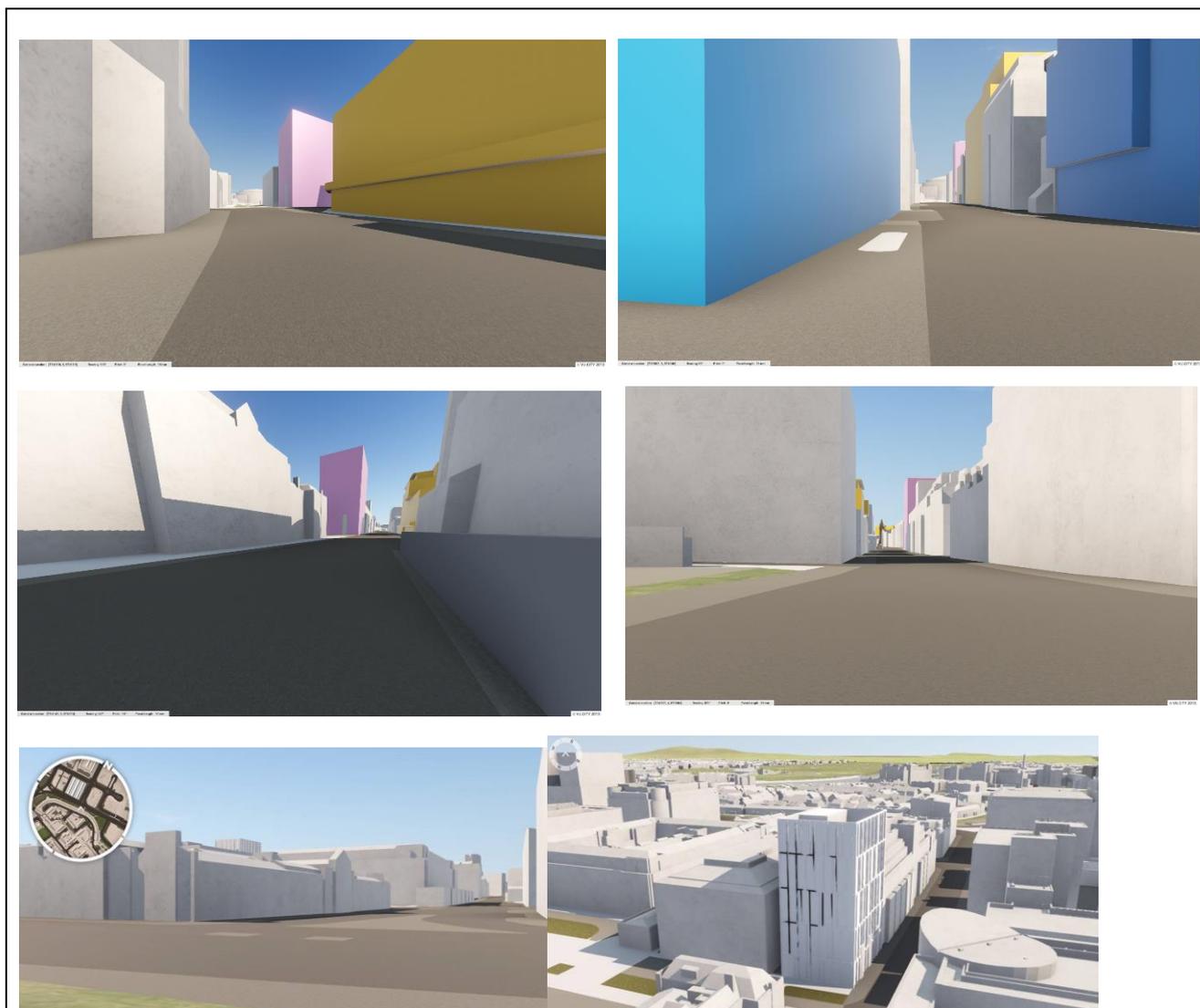
Above: View southwards on Victoria Street



Above: View from Oxford Street

Below: View from Victoria Street





Views along Victoria Street both ways: proposal purple / approved yellow / under construction blue

<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	The proposal is for the demolition of the original building and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas, and 8 floors of Grade A office accommodation. The existing building has subsequently been demolished under the terms of a previous planning permission.
1.2	The application follows Pre-Application Discussions with officers.
<b>2.0</b>	<b>Description of Site.</b>
2.1	The site occupies a corner plot at the junction of Victoria Street and Chichester Street and previously contained a non-descriptive three storey office building of late 20 <sup>th</sup> Century origin finished in red facing brick and designed with peak parapet walls.
2.2	The adjacent building, to the east, is the Bar Library. Beyond this is the Crown Solicitors building and Royal Courts of Justice (RCJ). The Law Society is located to the south. Opposite the site, to the west and other side of Victoria Street, is Centre House, a large retail and office building and in close proximity is Victoria Centre retail and leisure complex. To the north of the site is the Old Town Hall building which is separated from the site by a mainly pedestrian precinct. To the south is the Law Society building.

2.3	The surrounding character is defined by commercial office and retail uses. The Victoria Street / Chichester Street road junction is a dominating feature of the area. Lower Chichester is pedestrianised with limited vehicular access.
2.2	The following Listed Buildings are close or in proximity to the site: <ul style="list-style-type: none"> <li>• Old Town Hall (Grade B1)</li> <li>• Royal Courts of Justice (Grade A)</li> <li>• Nos. 161 – 163 Victoria Street and No. 2 Gloucester Street (Grade B1)</li> <li>• Former Northern Bank 108 – 110 Victoria Street (Grade B2)</li> <li>• Albert Clock Queen’s Square (Grade A)</li> </ul>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Planning History</b> Z/2011/0380/F – Demolition of existing building and construction of new building: ground floor retail and 1st-6th floor office permission, granted 14 <sup>th</sup> August 2015. The original building was demolished prior to 13 <sup>th</sup> August 2020, which means that development has commenced and the permission is extant in perpetuity.
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan (BUAP) 2001 Draft Belfast Metropolitan Plan 2015 (published 2004) (dBMAP 2004) Draft Belfast Metropolitan Area Plan 2015 (published 2014) (dBMAP 2015) Developer Contribution Framework (2020)
4.2	Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking Planning Policy Statement 4 (PPS 4) - Planning and Economic Development Planning Policy Statement 6 (PPS 6) – Planning Archaeology & the Built Heritage Addendum to PPS 6 Areas of Townscape Character (PPS 6 Addendum)
<b>5.0</b>	<b>Statutory Consultee Responses</b>
	DfI Roads (DfI) – no objection NI Water (NIW) – no objection Historic Environment Division (HED) – objection (see assessment below) Rivers Agency – no objection NI Environment Agency (NIEA) – no objection
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
	BCC Environmental Health Service (EHS) – no objection BCC Urban Design Officer (UDO) – no objection BCC Conservation Area Officer (CAO) – objection (see assessment below)
<b>7.0</b>	<b>Representations</b>
7.1	<u>The Bar Library Services</u> Objects to the scale/height of proposal and the potential impacts on neighbouring buildings, both listed and non-listed buildings. Concern with respect to loss of light/privacy and proposed glazing on party boundary wall
7.2	<u>The Law Society of Northern Ireland</u> Objects on heritage grounds. A report has been provided by Stelfox Conservation Consultants on behalf of the Law Society. The objection indicates that the proposal is in breach of planning policies for ATCs, concerns regarding excessive size and height and

7.3	<p>that the proposal would have an adverse impact on surrounding buildings. The report sets out the background to the historic context to the surrounding area. It refers to relevant planning policies set out in PPS 6 and that the proposal fails to satisfy policy. The report also refers to the draft designation of the Victoria Street/Oxford Street ATC and adverse impact of the proposal on the ATC. It also assesses the potential impacts the proposal will have on the surrounding area and neighbouring listed buildings. The Law Society also has concerns about the impact of construction traffic and service deliveries on objectors' properties. Impact of construction works on surrounding buildings.</p> <p><u>Northern Ireland Courts &amp; Tribunal Service</u> Concerned that the proposal is in breach of planning policies for ATCs; excessive size and height and will have an adverse impact on surrounding buildings. Impact of construction works on the structural stability of the Old Town Hall. NI Courts reiterates objections to the previous application for the 7 storey building (Z/2011/0380/F) in that the proposal breaches planning policy relating to impacts on listed buildings, that the proposal is excessive in size and will have an adverse impact on surrounding buildings.</p> <p><u>Belfast Civic Trust</u> Objects to the height of building and choice of construction materials. They believe the proposal is too high and wanted red brick to be used within the construction.</p> <p>7.4</p> <p>7.5 Further consideration of these issues is examined in detail in the Assessment below.</p>
<b>8.0</b>	<b>Assessment</b>
8.1	<p>The key issues in the assessment of the proposed development are:</p> <ul style="list-style-type: none"> <li>• The principle of office and retail uses in this location</li> <li>• Demolition of the existing building</li> <li>• Impact on the character and appearance of the area and ATC</li> <li>• Impact upon the setting of nearby listed buildings</li> <li>• Impact on amenity</li> <li>• Access and parking</li> <li>• Water infrastructure and flood risk</li> </ul> <p><b>Background</b></p> <p>8.2 The application was received in November 2019. Amended plans and further supporting documentation were submitted in January and March 2020. A technical note on servicing arrangements was submitted in March 2020.</p> <p>8.3 The application follows Pre Application Discussions with officers.</p> <p><b>The principle of office and retail uses in this location</b></p> <p>8.4 The site is located within the City Centre where retail and office uses are acceptable in principle. Moreover, the site already benefits from an extant permission for an office building with ground floor retail. The principle of development is therefore already established.</p> <p>8.5 The proposal will support economic activity and employment and add to the vitality of this part of Victoria Street, consistent with the aims of the SPPS and PPS 4. The activation of the ground floor with retail use is welcomed.</p> <p><b>Demolition of the existing building</b></p> <p>8.6 The site falls within the proposed (i.e. draft) Victoria Street and Oxford Street ATC. The Planning Appeals Commission (PAC) considered objections to the proposed ATC</p>

	designations in its report on the BMAP public inquiry. The Commission recommended no change to the Plan. It is therefore considered likely that the proposed ATC designation would remain, if BMAP were to be adopted. The proposed ATC designation is therefore a material consideration.
8.7	It is considered that the original building makes no material contribution to the distinctive character and appearance of the ATC. In any event, the existing building has since been demolished under the terms of a previous planning permission.
	<b>Impact on the character and appearance of the area and Area of Townscape Character</b>
8.8	The proposal is for the erection of a 9 storey commercial building at a total height of 37m to the roof parapet. The site already benefits from extant planning permission for the erection of a 7 storey building including setback of the upper two floors. The maximum height of the extant permission is 31.5m (with plant/overrun), the top of the seventh floor is 28.7m and a shoulder height of 20.7m.
8.9	The site is located within the proposed Victoria/Oxford Street Area of Townscape Character and the impact of the proposal on the character of the ATC is a material consideration. The Conservation Officer is content that the original building is demolished subject to a suitable replacement scheme and considers that the proposed stone finish is acceptable given that it is sympathetic to its neighbouring buildings and does not interfere/compete with the finishes of those listed buildings nearby. However, the Conservation Officer objects to the proposal on the basis that they consider the proposed building would undermine the character of the area and surrounding historic buildings in terms of its scale, massing and form, including insufficient solid to void ratio. The Conservation Officer is of the opinion that the scale and massing of the proposed building could result in an over-elaborate corner marker feature, which would be harmful to legibility with respect to the hierarchical status of the node.
8.10	Officers have considered the consultation response from the Conservation Officer and are satisfied that the impact of the proposed development on the character of the area is acceptable for the detailed reasons set out in this report. The area contains numerous civic and commercial buildings of differing architectural styles and varying degrees of height. Moreover, it is considered that that the objection from the Conservation Area should be given less weight given that the site is situated within a draft ATC, which has less status than an adopted ATC and less importance than a Conservation Area. It is considered, on balance, when taking into account key viewpoints that the scale, massing and form of the proposed development would be appropriate.
8.11	A key material consideration is the extant planning approval, Z/2011/0380/F, for the erection of a 7 storey building comprising retail ground floor and offices above. This represents a fall-back position for the applicant should permission not be granted.
8.12	The site is located within character area CC 008 as designated within the 2004 dBMAP (CC011 in dBMAP 2014) which sets out urban design criteria and states that part of any development that fronts onto Victoria Street shall have a minimum building height of 6 storeys to the shoulder height and maximum of 7 storeys.
8.13	The proposal fails to match the design criteria set out within dBMAP. However, the proposed building has been modelled within VU.CITY to assess potential impacts of the proposal on the streetscape and the interaction with existing neighbouring and extant approvals. The modelling indicates that a building height of 37m would interact positively with the neighbouring buildings and would not be over-dominant from key views. The building would be seen in the context of Victoria Centre at this point having a ridge height

	of approximately 29m and the new extension to Centre House having a ridge height 33m. The visual reading of the buildings allows an appreciation of a logical step in height in relation to surrounding buildings when read from a distance.
8.14	The policy designation requires a shoulder height of six storeys and a set back above this height to a maximum of seven storeys. It is noted that the previous planning permission related to a building comprising five storeys with a further two additional storeys setback above. That scheme incorporated a shoulder height of 20.7m with the two additional setback floors and plant area above resulting in an upper building height of 31.5m. Therefore in terms of overall height, this proposal will extend a total of 5.5m above the upper height of the previously approved scheme. However, it is considered that the proposed building would have a stronger and more appropriate visual presence at this important corner plot location and in this regard is an improvement over the extant permission. It is also considered that the rationale for a setback at upper floors is lost on a building that occupies a prominent corner site and that a building of this height is appropriate within its context at the intersection of two city centre arterial routes and a highly trafficked pedestrianised route, reflecting the hierarchy of its nodal location.
8.15	The architectural design of the building is considered restrained but of high quality. In this regard it would not appear strident or over-dominant. Good use would be made of stone facing panels of an off-white colour which would complement the Bar Library and Law Society buildings either side of it. It is recommended that a condition is imposed that requires samples of materials to be agreed by the Council prior to construction. In summary, it is considered that this is an appropriately designed building for this site and its built context. The design has been subject to detailed Pre Application Discussions with officers and the Urban Design Officer offers no objection. The character and appearance of the area would be preserved.
8.16	<p><b>Impact upon the setting of nearby listed buildings</b></p> <p>HED have been consulted as the site is in proximity to a number of Listed Buildings as described previously. The proposal has been assessed against paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6. Paragraph 6.12 advises that Listed Buildings are key elements of our built heritage and are important for their intrinsic value and the contribution to the character of their location.</p>
8.17	The proposal is located at the junction of Victoria Street and mainly pedestrian section of Chichester Street. Both streets contain Listed Buildings, the closest of which are the Old Town Hall Building, directly opposite the site across Chichester Street and the Royal Courts of Justice which are separated from the site by the Bar Library and Crown Solicitors. A number of other Listed Buildings are located at a greater distance from the site: Nos. 161-163 Victoria Street and the former Northern Bank at Nos. 108-110 Victoria Street.
8.18	HED, whilst accepting the principle of redevelopment of the site, have advised that the proposal has the potential to adversely impact on the listed buildings and surrounding built environment. They consider that the height and design of the building do not employ a consistent shoulder height that respects the scale, height and massing of the listed buildings.
8.19	HED advises that the proposal would have a major impact on the Old Town Hall due to its 'overbearing monolithic form', which it believes represents a comprehensive change to the setting. Also the proposal would have a moderate impact on the Royal Courts of Justice, the setting of which considered to be significantly modified and; and a minor impact on the setting of the Albert Clock.

8.20	As mentioned, the proposal has been modelled using VU.CITY. CGIs have also been provided and assist the Council in assessing the impacts of the proposal on the setting of the Listed Buildings. It is contended that the proposed building's contrasting lighter colour materials, together with its modern but simple design, mean that when viewed from medium to long distances north along Victoria Street it will allow the Old Town Hall building to be better framed than the existing red brick building. When viewed from the south the model indicates the Old Town Hall building is already obscured from certain viewpoints – this would not be improved by a building of less height. When viewed from the west on Chichester Street, much of the Old Town Hall is obscured from view by the Victoria Centre. The impact of the proposed building on the Listed Building would be mitigated by its restrained design and the separation distance between the buildings.
8.21	The impact of the proposal on the Royal Courts of Justice is considered to be acceptable. The neighbouring Bar Library acts as a buffer between the proposal and the Courts. The proposal is at a height that allows views of the upper floor and roof level above the Bar Library when viewed from Oxford Street and will be read in context of other large buildings in the area, including the new Centre House. Officers consider that the substantial presence of the Courts building viewed from Oxford Street will not be diminished by the proposal given the separation distance and the intervention of the Bar Library. The skyline created by the various forms of roof silhouettes are a common feature within a city centre location and therefore not considered to be a detraction.
8.22	HED have not raised any concerns about the impact of construction on the structural integrity of the Listed Old Town Hall and do not believe it is a relevant consideration. Officers advise that this is a civil issue.
8.23	It is considered on balance the proposal would not be harmful to the setting of listed building and is acceptable having regard to the SPPS and Policy BH11 of PPS6.
	<b>Impact on amenity</b>
8.24	The proposal has been assessed against paragraphs 4.11 and 4.12 of the SPPS. The Environmental Health Officer has offered no objection to the proposal and have recommended conditions in relation to the control of noise, air quality, dust control and advice relating to the control of plant and equipment.
8.25	The upper floors of the Bar Library contains a number of offices and a meeting room that currently enjoy an outlook from gable windows onto and over the site. The previous building had an increased separation distance with the Bar Library than what has been approved and proposed, which retain a circa 1.2m service alleyway between, this approved separation distance is replicated in the current proposal. However, the increased height over the above permission has the potential to reduce the outlook and natural light entering the offices and meeting room and increase the potential for overlooking.
8.26	Officers consider that the proposal will not have a significantly greater impact on the Bar Library and Law Society Building in terms of loss of outlook and natural light than approval Z/2011/0380/F. The footprint of the extant permission and the proposal are generally similar in size and occupying the same plot. The massing of the extant building has a shoulder height of five storeys with an additional two storeys set back. The shoulder height of the extant permission lines up with the eaves level of the Bar Library. Given that the east facing gable of the extant permission (adjacent Bar Library) is to eaves level of the Library and therefore above the window levels and is plotted at a similar separation distance to that proposed the impacts on outlook and reduction to natural light will be similar, any further loss of light or outlook is unlikely to be significant.

8.27	<p>Regard must be had to the fact that the use of the Bar Library is less sensitive than residential accommodation. The proposal would also make effective use of land and provide good quality office accommodation, which have to be balanced against the impacts on adjacent premises. In terms of impacts on privacy, it is proposed that windows to the fourth and fifth floors of the proposal will be fitted with obscure glazing to eliminate any overlooking issue – this will be controlled by condition. On balance, it is considered that the impacts of the development on the amenity of adjacent premises are acceptable.</p>
8.28	<p><b>Access and parking</b></p> <p>The proposal has been assessed against Policies AMP 7 &amp; 8 of PPS3. DfI Road's initial consultation response raised concerns regarding parking and cycle provision – additional information and amendments were submitted and DfI re-consulted. In reply DfI Roads offered no objection to the proposal subject to planning conditions. Officers note that the site is a sustainable location with good access to public transport and car parks. It is considered unnecessary to provide on-site parking. Further mitigation to off-set parking requirements can be provided by the green travel plan, implementation of which should be secured by condition.</p>
8.29	<p>Concerns about the servicing of the new building have been raised by objectors. A parking/back of house area exists along the rear of the existing unit and this will be partially retained as a back of house area. The retail unit has access onto Victoria Street and the pedestrianised Chichester Street, whilst the offices are accessed from the pedestrianised Chichester Street. The applicant has submitted information which advises that vehicles servicing the site will park on a lay-by on Chichester Street to the front of Centre House and as such the proposed servicing arrangements should not have any impact on adjoining buildings. DfI Roads have considered the Service Management Plan (contained within the Travel Plan) and associated Technical Note – Servicing and have no objection subject to a condition that the development operate in accordance with the details therein. The extant permission, which represents a fall-back position, does not condition a service management plan and this proposal provides an opportunity for the servicing of the site to be controlled by condition. This will be of benefit to the nearby properties and should go some way to offsetting their concerns in this regard.</p>
8.30	<p>Concerns have also been raised with respect to impact during construction. The applicant has submitted a "Framework Construction Environmental Management Plan" (CEMP) which states that full engagement will be carried out with all stakeholders and neighbours in advance of any construction in an effort to ensure minimum impact over the construction period. Conditions are recommended with respect to a Construction Management Plan, Construction Noise and Dust Management Plans – these will have to be agreed with the Council in advance of any construction. Whilst temporary disruption during any construction project is inevitable, the developer says that they recognise the sensitivities of the application site and the conditions will allow the Council to ensure the process is adequately managed. Moreover, there is an extant permission which could be implemented which would likely have similar impacts during the construction period. The extant permission is not subject to a CEMP and the current proposal will therefore allow additional controls to be put in place in this regard.</p>
8.31	<p>A refuse store for bins is located off the service access/escape route onto Chichester Street. A condition is recommended to ensure adequate waste storage facilities are available prior to operation and retained thereafter in accordance with the details as shown on the submitted plans.</p>
8.32	<p><b>Water infrastructure and flood risk</b></p> <p>NIW have confirmed there is a public water supply, foul sewer and available capacity at the WWTWs. The developer is required to consult NIW with regard to surface water sewer</p>

8.33	<p>and advised to submit a Pre Development Enquiry. DAERA Regulation Unit Land and Groundwater Team have no objection subject to conditions on contamination.</p> <p>Rivers Agency were consulted on the Flood Risk Assessment and offered no objection. It is considered the proposal complies with the SPPS and PPS 15.</p>
<b>10.0</b>	<b>Summary of Recommendation:</b>
10.1	Having regard to the development plan, relevant planning policies and other material considerations, it is considered that the proposal should be approved subject to conditions.
10.2	It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.
<b>11.0</b>	<b>Conditions and Informatives</b>
	<p>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 Article 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Notwithstanding the submitted details, no development shall take place until a sample panel, samples and details of the 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 interest of visual amenity and to allow the Council to control the external appearance.</p> <p>3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order), the windows in the east elevation, as identified on approved plan 10b bearing the Council's date stamp 20<sup>th</sup> February 2020, shall at all times be glazed with fixed and obscured glass to at least Pilkington Level 3 (or equivalent)</p> <p>Reason: To protect the privacy of the Bar Library.</p> <p>4. The development hereby permitted shall operate in accordance with the Travel Plan uploaded to the Planning Portal 4<sup>th</sup> February 2020.</p> <p>Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</p> <p>5. The development hereby permitted shall operate in accordance with the Service Management Plan (contained within the Travel Plan) uploaded to the Planning Portal 4<sup>th</sup> February 2020 and associated Technical Note - Servicing uploaded to the Planning Portal 9<sup>th</sup> April 2020.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p> <p>6. The development hereby permitted shall not become operational until cycle parking facilities have been provided in accordance with drawing No.1800-ZZ-00-200-001 Rev.03 (Planning Authority Drawing No.04B) uploaded to the Planning Portal 16<sup>th</sup> March 2020. The cycling parking shall be retained in accordance with these details at all times.</p>

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

7. Prior to occupation of the building hereby approved, the waste storage area, as detailed within approved plan 04a bearing the Council's date stamp 21 January 2020, shall be operational and shall permanently be retained thereafter.

Reason: to ensure the provision of adequate waste storage facilities

8. Prior to operation of the development, the combustion plant shall be installed in accordance with the technical specification detailed within Chapter 4 and Appendix B of the submitted AONA Environmental report: *Air Dispersion Modelling and Air Quality Impact Assessment Report for the Proposed Boiler Heating System in the Chancery House Development*, dated October 2019. The combustion plant shall be retained in accordance with these details thereafter.

Combustion plant emissions shall be released from a flue terminating 1m above roof level in accordance with Section 4.1 of Chapter 4 of the AONA Environmental report: *Air Dispersion Modelling and Air Quality Impact Assessment Report for the Proposed Boiler Heating System in the Chancery House Development*, dated October 2019.

Reason: The protection of human health and amenity

9. Notwithstanding the submitted details, the development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall provide for (but not be limited to):

- i) the access routes and parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;

The Management Plan shall be implemented as approved and maintained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public safety and amenity.

10. Prior to commencement of the demolition/construction phase of the development, the applicant shall submit to Belfast City Council, for written approval, a Dust Management Plan prepared in accordance with the *Guidance on the Assessment of Dust from Demolition and Construction (Institute of Air Quality Management, 2014)*. No demolition or construction shall take place unless in accordance with the approved Dust Management Plan.

Reason: The protection of human health and amenity

11. Prior to commencement of the demolition and construction phases of the development, the applicant shall submit to Belfast City Council, a Construction Noise Management Plan (CNMP) for written approval. The plan shall consider the management of noise and vibration impacts as a result of demolition, excavation and construction works at the development site. It must outline the methods to be employed to minimise any noise and vibration impacts associated with the demolition and construction operations demonstrating the use of 'best practicable means'. Regard shall be paid to BS: 5228-1:2009+A1:2014 – *Code of practice for noise and vibration control on construction and*

*open sites*. No demolition or construction shall take place unless in accordance with the approved CNMP.

Reason: In the interests of amenity

12. If during the development works, new contamination or risks are encountered which have 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 Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

13. After completing the remediation works under Condition 12; and prior to occupation of the development, a verification report must be submitted to and approved in writing by the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

**Signature (s)**

**Date:**