

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 30 July 2015	<b>Item Number:</b> 17
<b>Application ID:</b> Z/2011/0380/F	
<b>Proposal:</b> Demolition of existing building and construction of new building-ground floor retail and 1st-6th floor office	<b>Location:</b> Chancery House 88 Victoria Street Belfast BT13GN
<b>Referral Route:</b> Major application	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Macrow Properties c/o Harrisons 15-17 Chichester Street Belfast BT14JB	<b>Agent Name and Address:</b> FM Planning The Gasworks 5 Cromac Avenue Belfast BT72JA
<p><b>Executive Summary:</b></p> <p>The application seeks full planning permission for demolition of the existing building on the site and construction of new building-ground floor retail and 1st-6th floor office.</p> <p>The Development Plan identified the site as being within Belfast City Centre Boundary (CC 001) and within the Victoria Street/Oxford Street Area of Townscape Character (CC 026). The site is also located within the Civic Precinct Character Area (CC 008) and within an Area of Parking Restraint for the city core (CC 025).</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>● principle of retail and office use on the site</li> <li>● visual amenity</li> <li>● road safety</li> <li>● effect on the setting of a listed building</li> <li>● demolition in an area of townscape character</li> <li>● new development in an area of townscape character</li> <li>● flooding</li> </ul> <p>The proposal was assessed against Planning Policy Statement 1: General Principles; Planning Policy Statement 3: Access, Movement and Parking; Planning Policy Statement 6: Planning Archaeology and the Built Heritage and its Addendum: Areas of Townscape Character; and Planning Policy Statement 15: Planning and Flood Risk. The proposal complies with these policies.</p> <p>The issues raised through objections were as follows which are considered through the report:</p> <ul style="list-style-type: none"> <li>● scale</li> <li>● excessive in height</li> <li>● contrary to BH 11</li> </ul> <p>All consultees responded with no objections with the exception of NIEA Historic Buildings Unit who stated the proposal could have an adverse impact on the setting of nearby listed buildings. NIEA HBU however stated in a meeting that these issues could be overcome should the proposal be amended from the original submission to a formation of 7 storeys with 5 to shoulder height and the upper two storeys 'stepped in'. The proposal was amended to show this.</p> <p>An approval with conditions is recommended.</p>	

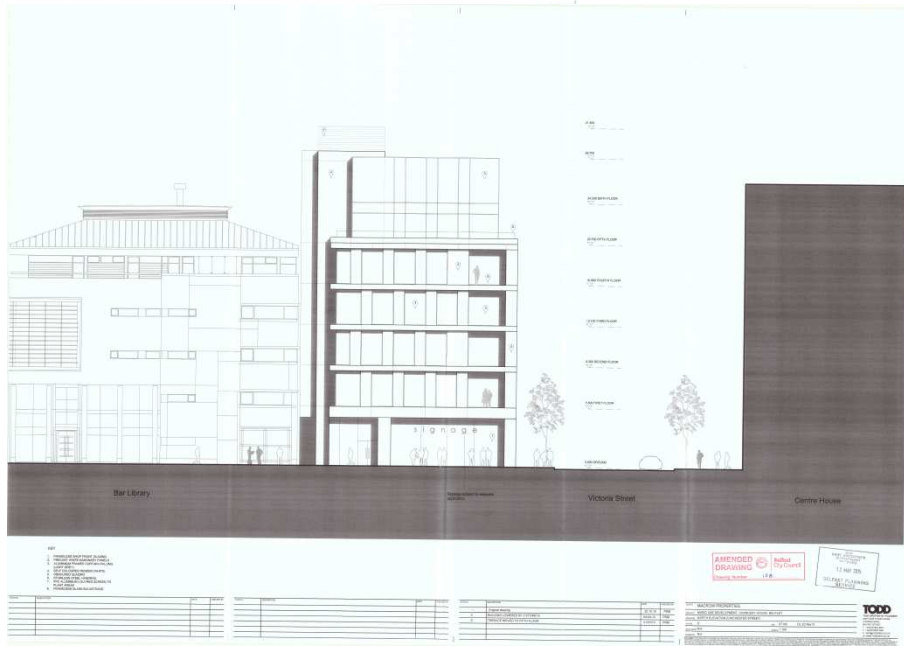
# Case Officer Report

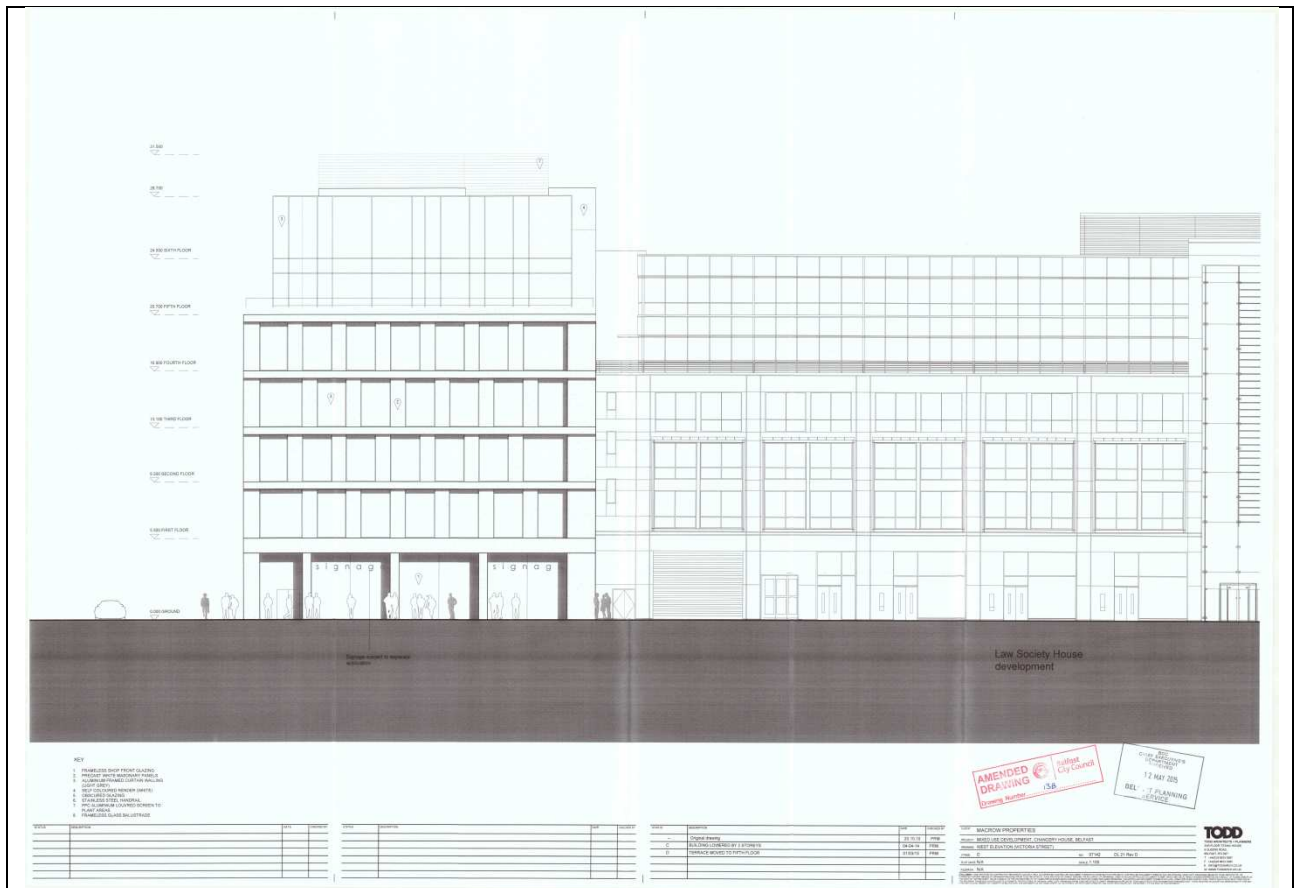
## Site Location Plan and Elevations



---	Original drawing	N/A	
---	DESCRIPTION	DATE	CHECKED BY
CLIENT:			
MACROW PROPERTIES			
PROJECT: MIXED USE DEVELOPMENT, CHANCERY HOUSE, BELFAST			
DRAWING: SITE LOCATION PLAN			
DATE:	NO.:	DL:	
D	07142	01	
PLOT DATE: N/A	SCALE:	1:1250	
FILEPATH:	N/A		

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## Characteristics of the Site and Area

### 1.0 Description of Proposed Development

Demolition of existing building and construction of new building-ground floor retail and 1st-6th floor office.

### 2.0 Description of Site

The site is located at Chancery House, 88 Victoria Street, Belfast. The site occupies a corner site along Victoria Street and Chichester Street. The site is identified as being within Belfast City Centre Boundary (CC 001) and within the Victoria Street/Oxford Street Area of Townscape Character (CC 026). The site is also located within the Civic Precinct Character Area (CC 008) and within an Area of Parking Restraint for the city core (CC 025). There is a three and a half storey, double gabled, building faced in red brick with a concrete tiled roof on site at present. The building is currently in use as a solicitor's office. The site is situated adjacent to the Law Library and the Royal Courts of Justice (a Listed Building) and is opposite the former Belfast Town Hall (a Grade B1 listed Building).

## Planning Assessment of Policy and Other Material Considerations

### 3.0 Site History

No relevant site history on the site.

### 4.0 Policy Framework

#### 4.1 Belfast Metropolitan Area Plan 2015

##### 4.1.1 Policy OF 1 - Belfast City Centre, Lisburn City Centre and other Town Centres

##### 4.1.2 Policy UE 1 - Urban Design

##### 4.1.3 TRAN 1 - Area of Parking Restraint

#### 4.2 Planning Policy Statement (PPS) 1 - General Principles

##### 4.2.1 Good Design paras. 15-19

#### 4.3 Planning Policy Statement (PPS) 3 - Access, Movement and Parking

##### 4.3.1 Policy AMP 6 - Transport Assessment

#### 4.4 Planning Policy Statement (PPS) 6 - Planning, Archaeology and the Built Heritage

##### 4.4.1 Policy BH 11 Development affecting the Setting of a Listed Building

#### 4.5 Addendum to Planning Policy Statement (PPS) 6 - Areas of Townscape Character

##### 4.5.1 Policy ATC 1 - Demolition Control in an Area of Townscape Character

##### 4.5.2 Policy ATC 2 - New Development in an Area of Townscape Character

#### 4.6 Planning Policy Statement (PPS) 15 - Planning and Flood Risk

##### 4.6.1 FLD 1 - Development in Fluvial (River) and Coastal Flood Plains

### 5.0 Statutory Consultee Responses

5.1 DARD - Rivers Agency - No objection

5.2 DRD - Transport NI - No objection subject to conditions

5.3 DoE - NIEA - Historic Buildings Unit - Objection

5.4 NI Water - No objection

### 6.0 Non - Statutory Consultee Responses

6.1 BCC Environmental Health Protection Unit (EPU) - No objection

6.2 BCC Conservation Officer - No objection

### 7.0 Representations

7.1 The application has been neighbour notified and advertised in the local press. There were 5 objections received.

### 8.0 Other Material Considerations

8.1 None

### 9.0 Assessment

9.1 The Development Plan identified the site as being within Belfast City Centre Boundary (CC 001) and within the Victoria Street/Oxford Street Area of Townscape Character (CC 026). The site is also located within the Civic Precinct Character Area (CC 008) and within an Area of Parking Restraint for the city core (CC 025). After a number of amendments to the application the proposed development is 7 storeys with 5 storeys to building shoulder height and the 2 upper floors set back. The proposed development is for retail use at ground floor and office use from floors 1 - 6.

9.2 The key issues are:

- principle of retail and office use on the site
- visual amenity
- road safety
- effect on the setting of a listed building
- demolition in an area of townscape character
- new development in an area of townscape character
- flooding

9.3 The issues raised through objections were as follows which are considered through the report:

- scale
- excessive in height
- contrary to BH 11

9.4 Policy OF 1

The Development Plan states that Belfast City Centre remains the first choice location for major office development. It states that Classes A2 and B1 of the Planning (Use Classes) Order NI 2004 will be permitted in Belfast City Centre. This allows for the provision of an unlimited amount of office floorspace within this zoning. The site is already in office use.

9.5 Policy UE 1

Since the site is within the Civic Precinct Character Area (Designation CC 008) in the Development Plan, Policy UE 1 applies. The Plan includes urban design criteria for designation CC 008. These stipulate that part of any development which fronts onto Victoria Street shall be a minimum building height of 6 storeys, or 18 metres to building shoulder height, and a maximum height of 7 storeys. The proposed development is 7 storeys and thus complies with the Plan. The area is described as mixed use with commercial, civic and retail functions. The site is located adjacent to a main shopping area and therefore the principle of retail use is acceptable on the site.

#### 9.6 TRAN 1 \_ AMP 6

BMAP Policy TRAN 1 provides notes that one space per 930 square metres for operational space should be provided in this Area of Parking Restraint. No parking has been proposed with this development. A Transport Assessment Form was submitted in March 2011 stating that there was no parking associated with the application however the applicant was committed to the promotion of zero car use and sustainable transport. The scale of development and transport implications of the proposal were assessed by Transport NI through this and they consider them to be acceptable. Therefore the proposal complies with Policy AMP 6 of PPS 3. Transport NI has no objections subject to conditions and informatives following the submission of the said Transport Assessment Form and also a Travel Plan.

#### 9.7 BH 11

Development will not normally be permitted which would adversely affect the setting of a listed building, i.e. that which is contrary to Policy BH 11 of PPS 6. In their fourth consultation response, dated 28/01/14, NIEA HBU stated the original submission was contrary to BH 11 in that its detailed design was out of keeping with the listed buildings, in terms of scale, form, height and alignment. The use of unsympathetic building materials and techniques were out of keeping with those found on the listed buildings and finally the introduction of a use which is out of keeping with the character and setting of the listed buildings and the surrounding area. The scheme was amended following advice given during a meeting of 27/01/15 in which NIEA HBU advised DoE Planning Service that 7 storeys would be acceptable with 5 to shoulder height and 2 set back as opposed to the Agent's wish of 6 storey to shoulder height and 1 set back. Proposed external materials were agreed as white limestone similar to the bar library building and should be conditioned as such. Belfast Planning Service is now content that the proposal is acceptable in terms of BH 11 of PPS6 however NIEA HBU's final response is somewhat contradictory to this advice.

#### 9.8 ATC 1

Policy ATC 1 of the Addendum to PPS6 relates to demolition control within an ATC and states the demolition of an unlisted building in an area of townscape character will normally only be permitted "where the building makes no material contribution to the distinctive character of the area". BCC Conservation Officer confirmed that the building currently on site "is of some visual interest but is of limited architectural/historic interest and therefore does not contribute strongly" to the Area of Townscape Character and its removal (subject to an acceptable replacement) would not cause harm to the area. The proposal therefore complies with ATC 1 of the Addendum to PPS 6.

#### 9.9 ATC 2

Policy ATC 2 of the Addendum to PPS6 states development proposals within an Area of Townscape Character will only be permitted where the development maintains or enhances its overall character and respects the built form of the area. The Conservation Officer for Belfast City Council stated within his consultation response dated 10/07/15 that the proposed design is the optimum urban design solution for the site, i.e. that of a building with a shoulder height of one storey above that of the Law Society House with one attic storey above. He stated this is more in keeping with historic traditional corner marker building, i.e. by stepping up one storey to provide interest, orientation, identity and distinction at the nodal location. The Development Plan states that designation CC 026 should be assessed in accordance with the Addendum to PPS 6. The proposal complies with ATC 2 of PPS 6.

**9.10 FLD 1**

The site lies within the 1 in 200 year coastal flood plain of Belfast Lough and therefore FLD 1 of PPS 15 applies. Following the submission of a Flood Risk Assessment requested by DARD Rivers Agency they have stated no objection to the development.

**10.0 Conclusion**

Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions.

<b>Neighbour Notification Checked</b>	Yes
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**Summary of Recommendation:** Approval with conditions and informatives

**Conditions**

## Conditions

1.As required by Article 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2.The materials to be used in the construction of the external surfaces of the development hereby permitted, shall be white limestone.

Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the area.

3. The Development hereby approved shall operate in accordance with Travel Plan dated 23rd March 2011.

Reason: To encourage alternative modes of transport to the private car.

## Informatives

1. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

2.Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site: - such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

3.Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

4. If, during the course of developing the site, the developer uncovers a watercourse not

previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

5. The applicant is advised to ensure that all plant and equipment in connection with the development is so situated, operated and maintained as to prevent the transmission to nearby premises.

6. In the event that any ground contamination is encountered during the proposed development, then all works on the site should cease. Belfast City Council Health and Environmental Services Department should be informed and full written risk assessment in line with current government guidance (Model Procedures for the Management of Land Contamination – CLR11) that details the nature of the risks and necessary mitigation measures should be submitted for appraisal.

7. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is, 148-158 Corporation Street, Belfast, BT1 3DH. A monetary deposit will be required to cover works on the public road.

8. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

9. All construction plant and materials shall be stored within the curtilage of the site.