

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 17 November 2015	<b>Item Number:</b>
<b>Application ID:</b> Z/2010/0691/F	
<b>Proposal:</b> Demolition of existing buildings and construction of 6 storey retail and office use building with rear access for fire escape, deliveries and disabled parking (amended description).	<b>Location:</b> 83-87 Castle Street, Belfast, BT01 1GJ.
<b>Referral Route: Major Development</b>	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Fenton Partnerships C/o Agent	<b>Agent Name and Address:</b> LIKE Architects LIKE Architects 34 Bedford Street, Belfast BT2 7FF
<p><b>Executive Summary:</b></p> <p>The application seeks full planning permission for the demolition of existing buildings and construction of 6 storey commercial building with rear access for fire escape, deliveries &amp; disabled parking; providing 1 retail unit and 5 office units.</p> <p>The main planning issues include:</p> <ul style="list-style-type: none"> <li>• The principle of this mixed use development at this location;</li> <li>• Impact on the setting of a nearby listed building;</li> <li>• Impact on the Conservation Area; and</li> <li>• Traffic and Parking.</li> </ul> <p>The site is located within the City Centre, City Centre Conservation Area and within Old City Character Area as designated in the Belfast Metropolitan Area Plan 2015. The principle of development is considered acceptable as it does not conflict with area plan designations. The design is in sympathy with the characteristic built form of the area; the scale, form, materials and detailing are strongly contextual and no important views are affected by the proposal</p> <p>The proposal has been assessed against the following Policies – Strategic Planning Policy for Northern Ireland, Planning Policy Statement 3: Access Movement and Parking; Planning Policy Statement 6: Planning, Archaeology and the Built Environment.</p> <p>Rivers Agency, NIWater, Transport NI, NIEA Historic Monuments Unit and Historic Buildings Unit and Belfast City Councils Environmental Protection Unit have offered no objections to the proposal and standard conditions are to be applied.</p> <p>No representations were received.</p>	

Approval is recommended with conditions.

## Case Officer Report

### Site Location Plan



### Characteristics of the Site and Area

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| <b>1.0</b> | <p><b>Description of Proposed Development</b></p> <p>Demolition of existing buildings and construction of 6 storey commercial building with rear access for fire escape, deliveries &amp; disabled parking; providing 1 retail unit and 5 office units.</p>   |
| <b>2.0</b> | <p><b>Description of Site</b></p> <p>Vacant site addressing the primary city centre thoroughfare of Castle Street. The site is within the City Centre Conservation Area and within Old City Character Area as designated in the Belfast Metropolitan Area Plan 2015. It is currently occupied by a retail unit, of no architectural or historic interest with boundary wall to the adjacent premises at number 81 - though the site is bounded by a hoarding screen. The existing plan drawings show an ex butchers store to the rear. Non historic two storey retail buildings faced in render are located either side. The gabled Number 89 is rendered with a tiled roof, with a horizontal strip type window at first floor level. Number 79 is set back at second floor level with glazing to ground and first floors. A small section of the site addresses Marquis Street.</p> |

### Planning Assessment of Policy and other Material Considerations

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| <b>3.0</b> | <p><b>Site History</b></p> <p>Z/2009/0219/O 83-87 Castle Street, Belfast- Demolition of existing buildings and construction of a 4 storey commercial building with rear access for fire escape, 1no. retail unit on the ground floor and 3no. office units above.</p> |
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<b>4.0</b>	<b>Policy Framework</b>
	Belfast Metropolitan Area Plan 2015 SPPS Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 6- Planning Archaeology and the Built Environment
<b>5.0</b>	<b>Statutory Consultees</b>
	NIEA- Historic Buildings Unit- No Objections NIEA- Historic Monuments Unit- No Objections Transport NI- No Objections Rivers Agency- No Objections NIWater- No Objections
<b>6.0</b>	<b>Non- Statutory Consultees</b>
	Belfast City Council- EPU- No Objections
<b>7.0</b>	<b>Representations</b>
	No representations received.
<b>8.0</b>	<b>Other Material Considerations</b>
	City Centre Conservation Area booklet
<b>9.0</b>	<b>Assessment</b>
	<u>Principle of Development</u>
9.0	The site is located within the development limits of Belfast and is identified as being within City Centre Conservation Area and within designation CC09- Old City Character Area as designated in the Belfast Metropolitan Area Plan 2015. Given this and the fact that the site is situated in a mixed use area and does not conflict with area plan designations the principle of development is considered acceptable.
9.1	The SPPS sets out five core planning principles of the planning system, including improving health and well being, creating and enhancing shared space, and supporting good design and place making. The SPPS states PPS3 remains applicable under 'transitional arrangements'.
	<u>Retail and Office Use</u>
9.2	The City Centre is the preferred location for retail and office development. Policy R 1 Retailing in City and Town Centres of BMAP 2015 states that planning permission will be granted for retail development in all town and city centres. Policy OF 1 states that in Belfast City Centre, Lisburn City Centre and other Town Centres planning permission will be granted for Office development within Classes A2 and B1. The proposal therefore complies with these policies.
	<b>Assessment Against Urban Design Criteria in BMAP 2015</b>
9.3	The site is located within Designation CC 009 Character Area Old City. The proposal whilst higher than adjoining buildings by approximately 2 – 3 storeys is considered acceptable, in that, it follows the legible pattern of development that rises in height toward city centre. Whilst the urban design criteria under Designation CC 009 states that 'development proposal should take account the height of adjoining buildings, it also states that part of any development which fronts Donegall Place, Royal Avenue, Castle Street,

	<p>Castle Place, or High Street shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7 storeys and that the density of development in the area shall be maintained and increased where appropriate, through high site coverage and high plot ratio. It is therefore considered that stronger weight should be attached to the fact that it is in keeping with the more specific criterion of street frontage heights.</p> <p><u>Impact on the setting of Listed Buildings</u></p>
9.4	<p>The proposal has been assessed against BH 11 of PPS6. There are a number of listed buildings in the vicinity of the application site. These include (HB26/50/109 St Mary's Roman Catholic Church, Chapel Lane, Belfast, a Grade B1, HB26/50/032 Anderson and McCauley, 1-9 Donegall Place, 2-16 Castle Street, Belfast, a Grade B1 and HB26/50/153 Bank Buildings, Castle Place, Belfast a Grade B1. Given the sites proximity to these listed buildings comments were sought for NIEA- Historic Buildings Unit. Initially HBU objected to the proposed development, as it affected the setting of two listed buildings. However given that a significant time has elapsed since the last consultation response from NIEA HBU it was decided to re-consult them to get up-to date comments given that there have been a number of developments granted planning permission in the vicinity of the application site in the intervening period.</p>
9.5	<p>In their last response dated 8th October 2015, NIEA HBU stated that <i>'we note our previous response dated 24 June 2014 but have examined the Belfast Metropolitan Area Plan in relation to the storey heights acceptable in this Character Area (CC 009 Old City) and we have no further comment'</i>. In the light of their response and the having regard to the criteria set out under Policy BH 11 it is considered that the proposal fully complies.</p> <p><u>Impact on City Centre Conservation Area</u></p>
9.6	<p>The site falls within Belfast City Centre Conservation Area (CCCA) and consequently the proposal has been assessed against BH 12 and BH 14 of PPS 6.</p>
9.7	<p>The existing buildings on the site which is hidden from view by a hoarding is a single storey and takes up a small portion of the site. It does not contribute to the character and appearance of the CCCA. In fact, the existing frontage between Marquis Street and Chapel Lane is aesthetically poor, of inappropriate scale and has a negative impact on the Conservation Area. It does not contain any buildings of architectural or historic interest.</p>
9.8	<p>The existing historical context of the City Centre Conservation Area is one of traditional architecture ascribed by a neo classical paradigm of horizontal subdivision of facades into base, middle and attic, with vertical emphasis to bays and human scale openings, a high solid to void in terms of proportion, an elevational grid with bays and floor heights articulated on facades, strongly accented entrances, broken roof silhouettes.</p>
9.9	<p>Policy BH 12 of PPS 6 sets out 7 criteria which must be met in for order new development to be acceptable in a Conservation Area. The proposal consists of a contemporary interpretation of context. There is a base, middle and attic, it has a high solid to void and an elevational grid. The streetscape elevation shows a building lower in height than the taller listed bank buildings to Royal Avenue. The building shoulder height is also below the major cornice of bank buildings and in that regard the proposal respects the hierarchy of place, that is, taller more grandiose buildings fronting onto Royal Avenue and the lower scale buildings of lesser embellishment to Castle Street.</p>
9.10	<p>The materials are acceptable. Zinc will appear as within the palette of lead and copper materials traditionally used a roof level. Having regard to the wider Conservation Area, a</p>

<p>9.11</p> <p>9.12</p> <p>9.13</p>	<p>metal roof occurs to the listed fountain house (Royal Avenue). A lead lined dome occurs to the listed Reform Club, a copper roof to the Ibis Hotel, Castle street. It is therefore considered that the proposal complies with all 7 criteria of policy BH 12 of PPS 6 and the City Centre Conservation Area booklet.</p> <p>Under the South Lakeland test case the proposal does not result in harm to the conservation area. In summary it is in sympathy with the characteristic built form of the area; the scale, form, materials and detailing are strongly contextual and no important views are affected by the proposal</p> <p><u>Impact on Area of Archaeological Potential</u></p> <p>The application site is located within the Area of Archaeological Potential identified for the historic settlement of Belfast in BMAP 2015 and therefore there is the potential for previously unrecorded below ground archaeological remains associated with the settlement and industrial history of Belfast to be found. An archaeological report was submitted by the applicant and NIEA Historic Monuments Unit was consulted. They have offered no objections subject to conditions to ensure a programme of archaeological works has been implemented prior to any site works taking place. The proposal therefore complies with Policy BH 2 The Protection of Archaeological Remains of Local Importance and their Settings.</p> <p><u>Traffic and Parking</u></p> <p>The proposal has been assessed against PPS 3 and associated guidance. The application site is located within the City Centre. Given the fact that this is an area of parking restraint and is in a highly accessible location it is considered that no parking spaces are required, a view shared by Transport NI.</p>
<p><b>10.0</b></p>	<p><b>Summary of Recommendation:</b> Approval</p> <p>Having regard to the development plan, relevant planning policies, and other material considerations, it is considered that the development is acceptable. Approval is recommended with conditions.</p>
<p><b>11.0</b></p>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>1. As required by Section 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.</li> </ol> <p>Reason: Time Limit.</p> <ol style="list-style-type: none"> <li>2. Gates, if erected, shall not open over the public footway, verge or carriageway.</li> </ol> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.</p> <ol style="list-style-type: none"> <li>3. Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.</li> </ol>

	<p>Reason: To ensure waiting vehicles do not encroach onto the carriageway.</p> <p>4. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No 06B bearing the date stamp 11 Oct 2011 to provide 2 No spaces for parking and space for servicing within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.</p> <p>Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.</p> <p>5. The development hereby permitted shall not become operational until the cycle stands shown on Drawing No. 06B dated by Planning Service 11 Oct 2011 have been provided.</p> <p>Reason: To ensure adequate parking for cycles within the site.</p> <p>6. No site works of any nature or development shall take place until a programme of archaeological work, has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p> <p>Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p> <p>7. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.</p> <p>Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed</p>
12.0	<p><b>Notification to Department (if relevant)</b></p> <p>N/A</p>
13.0	<p><b>Representations from Elected Members</b></p> <p>N/A</p>

<b>ANNEX</b>	
<b>Date Valid</b>	26th May 2010
<b>Date First Advertised</b>	18th June 2010
<b>Date Last Advertised</b>	18 <sup>th</sup> June 2010
<b>Details of Neighbour Notification</b> (all addresses)	
<p>The Owner/Occupier, 10 Marquis Street, Town Parks, Belfast, BT01 1JJ The Owner/Occupier 12 Marquis Street, Town Parks, Belfast, BT01 1JJ The Owner/Occupier 2 Marquis Street, Town Parks, Belfast, BT01 1JJ The Owner/Occupier, 3 Marquis Street, Town Parks, Belfast, BT01 1JJ The Owner/Occupier 3-5, Marquis Street, Town Parks, Belfast, BT01 1JJ The Owner/Occupier, 5 Marquis Street, Town Parks, Belfast, BT01 1JJ The Owner/Occupier 6 Chapel Lane, Town Parks, Belfast, BT01 1HH The Owner/Occupier 6 Marquis Street, Town Parks, Belfast, BT01 1JJ The Owner/Occupier 7 Marquis Street, Town Parks, Belfast, BT01 1JJ The Owner/Occupier, 72 Castle Street, Town Parks, Belfast, BT01 6HD The Owner/Occupier 72-78, Castle Street, Town Parks, Belfast, BT01 6HD The Owner/Occupier, 74 Castle Street, Town Parks, Belfast, BT01 6HD The Owner/Occupier 75 Castle Street, Town Parks, Belfast, BT01 6GJ The Owner/Occupier, 76 Castle Street, Town Parks, Belfast, BT01 6HD The Owner/Occupier 77 Castle Street, Town Parks, Belfast, BT01 6GJ The Owner/Occupier, 78 Castle Street, Town Parks, Belfast, BT01 6HD The Owner/Occupier, 79 Castle Street, Town Parks, Belfast, BT01 6GJ The Owner/Occupier 79-81, Castle Street, Town Parks, Belfast, BT01 6GJ The Owner/Occupier, 8 Marquis Street, Town Parks, Belfast, BT01 1JJ The Owner/Occupier 8&amp;10, Marquis Street, Town Parks, Belfast, BT01 1JJ</p>	

<p>The Owner/Occupier 80-90, Castle Street, Town Parks, Belfast, BT01 6HE The Owner/Occupier, 81 Castle Street, Town Parks, Belfast, BT01 6GJ The Owner/Occupier 83 Castle Street, Town Parks, Belfast, BT01 6GJ The Owner/Occupier 85-87, Castle Street, Town Parks, Belfast, BT01 6GJ The Owner/Occupier 89 Castle Street, Town Parks, Belfast, BT01 0GJ The Owner/Occupier, 9 Marquis Street, Town Parks, Belfast, BT01 1JJ The Owner/Occupier 9-13, Marquis Street, Town Parks, Belfast, BT01 1JJ The Owner/Occupier 91 Castle Street, Town Parks, Belfast, BT01 1GJ</p>	
<b>Date of Last Neighbour Notification</b>	4th June 2010
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Drawing Numbers</b>	
01, 06B, 08A, 12B,	