

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 12 March 2019	
<b>Application ID:</b> LA04/2018/2679/F	
<b>Proposal:</b> External alterations and reduction in the office footprint from the previously approved (extant permission) under planning references Z/2011/0358/O and LA04/2015/0144/RM along with associated development.	<b>Location:</b> Site adjacent to number 58 Boucher Place located on lands at the corner junction of Boucher Place with Boucher Crescent Belfast
<b>Referral Route:</b> Site within land controlled by Belfast City Council	
<b>Recommendation:</b> Approve subject to conditions	
<b>Applicant Name and Address:</b> Gilbert Ash NI Ltd c/o Unit 2B Alanbrooke House 478 Castlereagh Road Belfast BT5 6BQ	<b>Agent Name and Address:</b> Clyde Shanks Ltd 5 Oxford Street Belfast BT1 3LA
<p><b>Executive Summary:</b> The principle of an office building on this site was established under Outline Planning Permission Z/2011/0358/O and the detail was subsequently approved under LA04/2015/0144/RM.</p> <p>The applicant has obtained a Certificate of Lawful Development for operations undertaken to date.</p> <p>The current application seeks external alterations and a reduction of the footprint of the offices which have been previously approved.</p> <p>Since the approval of the original outline consent in May 2012 a new policy context is in place with The Strategic Planning Policy Statement for NI (SPPS) adopting a “town centre first” approach for future retailing and other main town centre uses (including <i>inter alia</i> businesses). An application for new offices would, within the current policy context, be directed to the City Centre in the first instance, edge of centre and lastly out of centre; where it is established that an alternative sequentially preferable site exists a development on a less sequentially preferred site should be refused. The application site is on an out of centre location and as such is on a less sequentially preferred site. The applicant has not submitted any information to demonstrate that sequentially preferable alternatives are not available; as such the sequential test is not met. However, this failure of the sequential test must be balanced against the previous permission which has been implemented on site and presents a legitimate fall-back position.</p> <p>Within this context it is considered that the application for amendments to an implemented consent, to reduce the footprint and alter external façade treatment, is considered acceptable.</p> <p>The proposal is considered to be acceptable in terms of scale, massing, design and layout with landscaping retained.</p> <p>DfI Roads, Environmental Health, NIEA, NI Water and Rivers Agency have no objections to the application subject to relevant conditions.</p>	

No third party objections have been made.

It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission including the final wording of conditions.

## Case Officer Report

### Site Location Plan



### Characteristics of the Site and Area

- |            |   |
|------------|---|
| <b>1.0</b> | <p><b>Description of Site</b></p> <p>The site is located 52-54 Boucher Road, Belfast. The site is currently used as a compound by Gilbert Ash for the storage of vehicles, machinery and materials. The site is accessed from Boucher Place. To the south east of the site is the Blackstaff River, the south west Boucher Crescent and to the west Boucher Place. Adjacent to the north of the site is existing warehousing and associated parking. The site is relatively level throughout and is bounded by fencing approximately 2m in height. Along the north western boundary is existing vegetation and trees.</p> |
|------------|---|

<b>2.0</b>	<b>Description of Proposed Development</b> The proposal is for full planning permission for offices. The proposal is for a reduced footprint to that scheme and associated works, previously approved under LA04/2015/0144/RM and Z/2011/0358/O.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	LA04/2018/0299/LDE - Implementation of approved relocated office building with associated parking as granted permission under planning reference Z/2011/0358/O & Z/2015/0144/RM – Permitted Development
3.2	Z/2011/0358/O - Proposed relocated office building with associated parking - Granted
3.3	LA04/2015/0144/RM - Proposed relocation of office buildings and associated parking - Granted
<b>4.0</b>	<b>Policy Framework</b>
4.1	Regional Development Strategy
4.2	Belfast Urban Area Plan 2001
4.3	Draft Belfast Metropolitan Area Plan 2004
4.4	Purported to be adopted Belfast Metropolitan Area Plan 2015
4.5	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.6	Planning Policy Statement 3: Access, Movement and Parking
4.7	Planning Policy Statement 4: Planning and Economic Development
4.8	Planning Policy Statement 15: Planning and Flood Risk
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	Transport NI were consulted and have no objection subject to conditions.
5.2	Rivers Agency were consulted and have no objection to the proposal.
5.3	NIEA were consulted and have no objection subject to conditions.
5.4	NI Water were consulted and have no objection subject to conditions
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	BCC Environmental Health were consulted and have no objection subject to conditions.
<b>7.0</b>	<b>Representations</b>
7.1	The application has been neighbour notified and advertised in the local press, no representations have been received.
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	Planning Service (DoE) Parking Standards February 2005
<b>9.0</b>	<b>Assessment</b>

9.1	<p>The key issues are</p> <ul style="list-style-type: none"> <li>• The principle of the development</li> <li>• Scale, massing, design and layout;</li> <li>• Access and Parking;</li> <li>• Other Environmental Factors.</li> </ul>
9.2	<p>The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.</p>
9.3	<p>Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.</p>
9.4	<p>As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration. Given the advanced stage it had reached in the adoption process, BMAP 2015 is considered to hold significant weight.</p>
9.5	<p>The site is located within the settlement limit for Belfast as designated by the draft Belfast Metropolitan Area Plan 2015. In draft BMAP 2004 (pre-enquiry) the site is designated as BT 11/20 Major Area of existing Employment/Industry. In the BUAP the site is in an area zoned for "Industry and Commerce". In the purported to be adopted BMAP the site is unzoned whiteland.</p>
9.6	<p><b>The Principle of the Development –</b></p> <p>The Outline Planning Permission assessed the principle of the Class B1(a) development under PPS4 Policy PED 1. Supporting documentation was submitted at that time advising that the proposal was for the relocation of an existing office on an adjacent site with no space for expansion and that the development proposal was of a firm nature, there was an absence of alternative suitable sites and a need to operate from the current site utilised by the company for temporary storage of plant and parking of company vehicles. The application was considered to have distinguishing factors relating to the nature of the business and relocation of an established use and approval was recommended. Reserved Matters were approved in January 2016. A Certificate of Lawfulness of Existing Use or Development was issued on 13 March 2019 certifying that operations in the implementation of approved relocated office building with associated parking as granted under planning reference Z/2011/0358/O and Z/2015/0144/RM benefitted from planning approval.</p> <p>The applicant has submitted a Supporting Planning Statement with the current application which addresses Policy PED1 within the context of the current proposal amending a previous approval in terms of a reduced footprint, height and revised elevations and therefore having no greater impact than the fall-back position.</p> <p>Since the approval of the original outline consent in May 2012 a new policy context is in place with The Strategic Planning Policy Statement for NI (SPPS) adopting a "town centre first" approach for future retailing and other main town centre uses (including <i>inter alia</i> businesses). An application for new offices would, within the current policy context, be directed to the City Centre in the first instance, edge of centre and lastly out of centre; where it is established that an alternative sequentially preferable site exists a development on a less sequentially preferred site should be refused. The application site is on an out of centre</p>

	<p>location and as such is on a less sequentially preferred site. The applicant has not submitted any information to demonstrate that sequentially preferable alternatives are not available because they are relying on the fall-back position; as such the sequential test is not met. The failure of the sequential test must be balanced against the previous permission which has been implemented on site and presents a legitimate fall-back position. It is considered that the fall-back should be given significant overriding weight in this case.</p> <p>Within this context it is considered that the application for amendments to an implemented consent, to reduce the footprint and alter external façade treatment, is considered acceptable.</p>
9.7	<p><b>Scale, Massing, Design and Layout</b> – The proposed extension is to measure 14.7m from ground level, 51.3m in length and 19.2m wide. This is a reduction in height and length from the previous approval, removing the northern portion of the original proposal, resulting in an overall reduction in the footprint. This will provide approximately a gross floor space of 3324m<sup>2</sup>, over four levels, with ground floor level accommodating reception and covered parking. The design has been altered but is mostly in keeping with the previous approval with the exception of northern elevation which is to be finished in off white resin concrete cladding panel with the entrance to the reception now located on this elevation. The proposal is considered to be acceptable in terms of scale, massing, design and layout. Landscaping is retained.</p>
9.8	<p><b>Access and Parking</b> - DFI Roads were consulted with proposal and have no objection to the proposal, which includes a new vehicular access from the site onto Boucher Place and parking. The proposal therefore complying with policies AMP2, AMP6 and AMP7 of Planning Policy Statement 3 – Access, Movement and Parking and Parking Standards.</p>
9.9	<p><b>Other Environmental Factors</b> – NI Water were consulted and have no objection to the proposal. Environmental Heath and NIEA were consulted, both have no objection to the proposal subject to conditions. Rivers Agency were consulted and advised that a recently updated model of the Blackstaff River indicates that the Q100 level for this site is 7.40m A.O.D. Rivers Agency recommended that the proposed floor level is set a minimum of 600mm above the predicted Q100 level. The applicant has shown a proposed finished floor level of 8.0m, therefore complying with Rivers Agency’s recommendation.</p>
9.10	<p>Taking all factors into consideration on balance, the proposal is considered acceptable and planning permission is recommended with conditions.</p>
11.0	<p><b>Summary of Recommendation: Approval subject to conditions</b></p> <p><b>It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission including finalising the wording of conditions.</b></p>
12.0	<p><b>Conditions:</b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.03A bearing date stamp 12th November 2018, prior to the operation of any other works or other development hereby permitted .</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>

3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted becomes operational and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The development hereby permitted shall not become operational until the redundant vehicular access from the site to the public road at Boucher Crescent has been permanently closed and the footway reinstated in accordance with details that shall have first been submitted to and approved in writing by the Council.

Reason: In order to minimise the number of access points onto the public road in the interests of road safety and the convenience of road users.

5. The development hereby permitted shall not become operational occupied until hard surfaced areas have been constructed and permanently marked in accordance with Drawing No.04C bearing the date stamp 30th November 2018 to provide for parking, servicing and traffic circulation 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 in connection with the approved development.

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

6. The development hereby permitted shall not become operational until sheltered cycle parking facilities have been provided in accordance with Drawing No.03A bearing the date stamp 12th November 2018. The sheltered cycle parking facilities shall be retained as such at all times.

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

7. 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). 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.

8. After completing the remediation works under Condition 7; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

<p>9. Prior to the occupation of the proposed development, the applicant shall provide to Planning Service, for approval in writing, a Verification Report. This report must demonstrate that the remediation measures outlined in Section 3 – Proposed Remedial Works of the RSK letter report dated 1/10/18 – Site between Boucher Place and Blackstaff River, Belfast – Letter updating the former contaminated land risk assessment, Ref: 602395_LI have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (commercial). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate:</p> <ul style="list-style-type: none"> <li>- gas protection measures in accordance with CIRIA C665 Characteristic Situation 2/British Standard 8485: 2015 have been installed throughout the buildings of the proposed development.</li> <li>- the site layout and areas of hardstanding is in accordance with Belfast City Council Drawing No 03: Proposed Site Layout date stamped 03/11/2018.</li> </ul> <p>Reason: In the interest of human health.</p> <p><b>Informatives</b></p> <ol style="list-style-type: none"> <li>1. The developer should consider all consultees comments prior to commencing this proposal. All comments can be viewed on the planning portal quoting the application reference number.</li> </ol>	
<b>Notification to Department (if relevant)</b>	
N/A	
<b>Representations from Elected members:</b>	
None	
<b>ANNEX</b>	
<b>Date Valid</b>	2 November 2018
<b>Date First Advertised</b>	23 November 2018
<b>Date Last Advertised</b>	1 <sup>st</sup> March 2019
<b>Details of Neighbour Notification (all addresses)</b>	
The Owner/Occupier 23 Boucher Place, Belfast, Antrim, BT12 6HT	
The Owner/Occupier 34-44 ,Boucher Crescent, Belfast, BT12 6HU	
The Owner/Occupier 49 Boucher Road, Belfast, Antrim, BT12 6HR	



<p>The Owner/Occupier 53 Boucher Road,Belfast,Antrim,BT12 6HR</p> <p>The Owner 56-58 ,Boucher Place,Belfast,Antrim,BT12 6HT</p> <p>The Owner/Occupier Unit 8 ,Enterprise House,66 Boucher Crescent, Belfast, Antrim BT12 6HU</p> <p>The Owner/Occupier Unit 4,Enterprise House,35 Boucher Place, Belfast, Antrim BT12 6HT</p>	
<b>Date of Last Neighbour Notification</b>	04 December 2018
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<p><b>Drawing Numbers and Title</b>  01 Site Location Plan  03A Proposed Site Layout  04A Proposed Ground Floor Plan  05 Proposed First, Second &amp; Third Floor Plans  06 East and West Elevations  07 Section, North and South Elevations  08 Boundary Fences / Gates</p>	