

## Development Management Officer Report Committee Application Further Addendum Report

<b>Summary</b>	
<b>Committee Meeting Date:</b> 11 June 2019	
<b>Application ID:</b> LA04/2016/2359/F & LA04/2016/2341/DCA	
<b>Proposal:</b> Demolition of existing buildings and erection of 7 storey office building with retail unit on ground floor.	<b>Location:</b> 46-52 Upper Queen Street and 11a Wellington Street Belfast BT1 6FD
<b>Referral Route: Committee</b> - Reconsideration of proposal following successful judicial review	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Hegan and Company Ltd Athgarvan House Shawford Winchester SO21 2AA	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<b>Further Consideration:</b>	
1.0	Background
1.1	<p>These applications were originally presented to Committee on 17th April 2018, at which members deferred consideration to undertake a visit of the site and its environs. The visit was undertaken on 2nd May 2018. The applications were reconsidered at Committee on 15th May 2018 at which the recommendation to approve was endorsed. The planning reports presented at those meetings are appended below and this addendum report should be read in conjunction with those reports. The decisions were issued on 3rd July 2018 but following pre-action correspondence for a Judicial Review from John Graham, the Council agreed to have the decisions quashed. The applications were reconsidered and tabled for the November 2018 Committee. However, they were withdrawn from the schedule for further consideration following receipt of a further representation.</p>
2.0	Judicial Review:
2.1	<p>A summary of the grounds for Mr Graham's challenge is provided below.</p> <ul style="list-style-type: none"> <li>i) The planning officer's report to the Planning Committee failed to correctly reference Policy BH14 of PPS6, which relates to proposals to demolish an un-Listed building in a Conservation Area;</li> <li>ii) The committee report also failed to reference Policy BH10 of PPS6 (demolition of a Listed Building), which is cross referenced by Policy BH14 when considering proposals to demolish an un-listed building in a Conservation Area;</li> </ul>

	<p>iii) Contrary to the findings of the High Court in relation to the case of <i>Ulster Architectural Heritage Society (2014) NIQB 21</i>, the Council failed to take account of:</p> <ul style="list-style-type: none"> <li>• The importance of the building</li> <li>• The particular features of the building</li> <li>• The setting of the building and the contribution it makes to the area</li> <li>• The extent to which the proposed works would bring substantial benefits to the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment</li> <li>• Clear and convincing evidence that reasonable efforts have been made to sustain existing uses or find viable new ones</li> <li>• Whether the proposal would provide substantial benefits to the community which would decisively outweigh loss from demolition</li> <li>• Consent will not be given simply because redevelopment is economically more attractive to the developer</li> <li>• The condition of the building and cost of repair as against the importance of the building and the value derived from continued use</li> <li>• The [Department] should be satisfied that genuine attempts to find alternative uses have been made include the unrestricted offer of the freehold on the open market</li> <li>• The merits of the alternative proposal</li> </ul> <p>iv) The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that <i>'In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations ground in the public interest.'</i></p> <p>It was alleged that there was no evidence of "exceptional circumstances" when the Council made its decision to approve the applications.</p> <p>2.2 The Council accepted that it had not specifically cited Policies BH14 and BH10 in the committee report. Whilst it was considered that the assessments required under those policies had been addressed in the case officer report, it was decided not to contest the application for Judicial Review and the decisions were quashed. No other grounds of challenge were accepted.</p> <p>2.3 The applications were returned to the Planning Committee in November 2018. However, in the morning of the committee, a late objection was received from Ulster Architectural Heritage, which again questioned whether the application of planning policy PPS6 as set out in the addendum committee report is correct. The applications were therefore removed from the agenda on legal advice. Officers have taken advice from counsel on these matters and the applications are returned to the Committee for a decision.</p> <p>3.0 Reassessment:</p> <p>3.1 The policy context for the proposal is set out under paragraph 4.2 of the original Committee report which is appended to this report. The site is located within the City Centre</p>
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3.2	<p>Conservation Area and the SPPS and PPS6 are the particularly relevant planning policies.</p> <p>Paragraph 6.18 of the SPPS set outs policy for Conservation Areas and generally reflects the direction expressed by Section 104 of the Planning Act (Northern Ireland) 2011 ('the 2011 Act'). It states that in managing development within a designated Conservation Area, the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. The SPPS states that there is a presumption against development that goes against this principle and this should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest.</p>
3.3	<p>The SPPS advises that until councils have adopted a new Plan Strategy any conflicts between the SPPS and the existing retained planning policy statements are to be resolved in favour of the SPPS. Policy BH12 of PPS6 permits new development in Conservation Areas subject to seven listed criteria. Criterion (a) requires the development to preserve or enhance the character and appearance of the area. Section 104 of the Planning Act and the related policy direction of the SPPS however take precedence over criterion (a) and requires enhancement where an opportunity arises.</p>
3.4	<p>The proposal involves the demolition of an unlisted building within the Conservation Area. Policy BH14 relates to proposals for demolition in a Conservation Area. Although Policy BH14 was not specifically referenced in the original committee reports, the issue of demolition was considered at paragraph 9.8.</p>
	<p><b>Contribution of Existing Building</b></p>
3.5	<p>Policy BH14 states:</p> <p><i>"The Department [council] will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition."</i></p>
3.6	<p>Paragraph 7.17 of PPS6 states:</p> <p><i>"The Department will operate a presumption in favour of retaining any building which makes a <u>positive contribution</u> [emphasis] to the character or appearance of a Conservation Area. In determining proposals for demolition of unlisted buildings the Department will therefore take account of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole. In assessing proposals the Department will have regard to the same broad criteria outlined above for the demolition of listed buildings (see para 6.5 and policy BH 10 above)."</i></p>
3.7	<p>In assessing the degree of contribution that the existing building makes to the character or appearance of the Conservation Area, consideration has been given to the following:</p> <ul style="list-style-type: none"> <li>• The Conservation Assessment Report accompanying the application;</li> <li>• Advice from two BCC Conservation Officers;</li> <li>• The Independent Urban Designer commissioned by the Council;</li> <li>• Internal and external site visits (with the Conservation Officer in attendance);</li> </ul>

	<ul style="list-style-type: none"> <li>• Representations raising concerns about the proposal including loss of the building; and</li> <li>• An updated Conservation Assessment Report from the applicant.</li> </ul>
3.8	The original Conservation Officer is no longer working in the planning service. Further consultation has been undertaken with the new Conservation Officer following withdrawal of the application from November Committee and receipt of the late representation.
3.9	<p>The Conservation Assessment Report submitted with the application states that:</p> <p><i>“The buildings do not make any material contribution to the conservation area. They are of limited architectural and historic value; the modern and unsympathetic shopfronts considerably detract from the character and appearance of the conservation area. The form of the original mid-Victorian buildings has been altered with the demolition and rebuilding of the rear returns.”</i></p>
3.10	The independent urban design advice commissioned by the Council indicates that the existing buildings <i>“are not considered of any architectural merit nor make a significant contribution to the character or appearance of the area”</i> .
3.11	The original Conservation Officer acknowledges that the buildings have been subject to significant alterations, however, he considers that its age makes a significant, material positive contribution to the character and appearance of the conservation area, <i>“acting as visual and legible links with other historic buildings in the area...their retention is essential to maintain a sense of continuity with the city’s past”</i> .
3.12	<p>However, the new Conservation Officer advises that:</p> <p><i>“The buildings would likely have been former dwellings and are the last surviving from the mid-Victorian period in this block, therefore they have interest in terms of the city’s socio-economic history. Despite their age however, it is clear that they lack refined detailing such as major/minor cornice, pediments etc. that would be typical of buildings from this period. Significant architectural value and original fabric has been lost such as chimneys, original windows frames, rear offshoots, ground floors etc. Windows are now uPVC and ground floors are in retail use. Whilst a small number of traditional features are evident through gable depth, pitched roof, vertical emphasis and taller first floor windows; they are not redeeming features of quality or interest to reasonably be considered worthy of retention.</i></p>
3.13	<i>Taking a balanced consideration of the above, and whilst I recognise the historical interest of the buildings; on account of their current condition and lack of architectural interest, their setting when viewed alongside the scale and massing of buildings within the immediate and wider context; and the fact that their demolition would not cause demonstrable harm to the immediate surroundings or wider area, it is my opinion that the buildings make a neutral contribution to the character and appearance of the conservation area.”</i>
3.14	<p>In determining the contribution of any existing building proposals consideration must be given to the four listed criteria in paragraph 6.5 of PPS6:</p> <p><i>“(a) the importance of the building, its intrinsic architectural and historic interest and rarity, in the context of Northern Ireland and in local terms;</i></p> <p><i>(b) the particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list: list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (e.g. interiors) may come to light after the building’s inclusion in the list;</i></p>

	<p><i>(c) the building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby; and (d) the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings)."</i></p>
3.15	<p>In relation to criteria (a) and (b), HED Built Heritage commented on the heritage value of the existing building. HED indicated that the area was included in the second heritage survey in 2012-2013. The site and buildings <i>"were not listed at the time and were not considered of sufficient architectural and/or historical interest to merit a full survey. HED will not be re-visiting this decision."</i></p>
3.16	<p>It is considered that the building is of little architectural or historic interest either in the context of Northern Ireland and in local terms. As set out in the applicant's Conservation Assessment Report- and accepted by both Conservation Officer's assessments – the buildings have lost a significant extent of their original fabric / features including chimneys, roof materials, original windows frames, rear offshoots, ground floors have been reorganised including plan layout and shopfronts installed. It is considered that there are no physical features present, individually or cumulatively, that contribute to significant character. Indeed the buildings are now unrecognisable as dwellings as originally designed.</p>
3.17	<p>In relation to criterion (c), the buildings are now atypical of this part of Upper Queen Street and Wellington Street. It now entirely consists of modern/contemporary design and age buildings of a much larger scale and massing. The building immediately adjacent has been subject of a recent approved planning application for alterations to the façade, with additional floorspace extensions to the roof. Criterion (d) is discussed in the original report, in that the provision of purpose built retail/office accommodation would deliver economic benefits to the site and overall city, which would accord with related economic policies within regional and development plan policies. This must also be factored into the consideration of the application.</p>
3.18	<p>Notwithstanding the opinions of the original Conservation Officer, following review of all the information presented, and having regard to the criteria at paragraph 6.5 of PPS6, it is considered that the existing buildings do not make a positive contribution to the character and appearance of the Conservation Area as a whole, given the significant alterations over the years and their poor appearance. It is considered that the buildings are of limited architectural merit, and internal site inspection (including a Committee site visit on 2nd May 2018 in order to assess the contribution of this building to the conservation area) has confirmed that limited historical features remain. Notwithstanding the poor appearance of the buildings, they are surrounded by larger modern buildings, and are subject of limited views within the Conservation Area save from within Upper Queen Street and Wellington Street. It therefore follows that the visual influence/impacts of the exiting building will be very limited in terms of the Conservation Area as a whole as stipulated in PPS6. The latest Conservation Officer opinion concludes that <i>"there is no objection to the principle of demolition under the first test of Policy BH14 on the basis that the existing buildings do not make a positive material contribution to the character and appearance of the conservation area."</i></p>
3.19	<p>On this basis, it is considered that the proposal does not require an assessment against Policy BH10. Listed Buildings are afforded the highest heritage protection and are protected for their intrinsic value regardless of whether they make a positive contribution to the area. Unlisted buildings in a Conservation Area do not have that assumed intrinsic value. It would be perverse to afford the equivalent level of protections to unlisted buildings which do not make a material contribution to the character or appearance of a Conservation Area.</p>

3.20	<p>Paragraph 7.17 of PPS 6 opens as follows: <i>'The Department will operate a presumption in favour of retaining any building which makes a <u>positive contribution</u> [emphasis added] to the character or appearance of a conservation area.'</i> The remainder of the paragraph, which goes on to require that proposals for demolition in a Conservation Area are assessed having regard to the same broad criteria outlined for the demolition of listed buildings, must reasonably only apply to un-listed buildings in a Conservation Area that make a positive contribution. Otherwise, there would be an illogical scenario whereby an un-listed building that has no positive impact on the character or appearance of a Conservation Area is afforded the same level of protection as a Listed Building. Furthermore, if the building was of listable quality (which this building plainly is not as also indicated by HED when it carried out its second survey), then it would have been listed. As indicated in the original report at paragraph 9.8, demolition must be weighed against other material considerations.</p>
<p><b>Replacement Scheme:</b></p>	
3.21	<p>In relation to the replacement scheme, the primary considerations are set out in Policy BH12 of PPS6. The original Conservation Officer and Independent Urban Designer advice indicates the scale, form and massing of the proposed building are considered acceptable:</p>
3.22	<p>The Independent Urban Designer states, <i>"the existing three storey buildings on the site are not considered of any architectural merit nor make a significant contribution to the character or appearance of the area."</i></p>
3.23	<p>The original Conservation Officer Assessment states: <i>"..the height / form is now broadly acceptable. If the proposed additional floor is added to the adjacent building it will provide a taller, corner, anchor building. However even if this floor is not constructed it would be difficult to conclude the proposed height would result in harm to the character and appearance of the Conservation Area."</i></p>
3.24	<p>The new Conservation Officer states, <i>"By respecting the height of the historic enclosure pattern and cornice lines, and in turn preserving this aspect of district legibility, the proposal would be considered acceptable for its context. It would not be unsympathetic to its setting, and thus the current character and appearance of the area would be preserved.</i> (paragraph 5.1.3). The new Conservation Officer also concludes that <i>"it would be difficult to conclude that the building would result in harm to the conservation area. On balance the scheme as now proposed is considered suitable for its context and would preserve the character and appearance the wider area."</i></p>
3.25	<p>The assessment of the design and amenity details in relation to Policy BH12 as set out in the original case officer report at paragraphs 9.9-9.16 has been reviewed and officer opinion in relation to those issues remain unchanged. It is considered that the design is acceptable given positive comments provided by the Independent Urban Designer and Conservation Officer. It is also noted that the architectural approach and style is similar to the approval of the scheme at the adjacent building at Oyster/Royston House for extensions and façade alterations 17<sup>th</sup> August 2017 (LA04/2017/0461/F) and 30<sup>th</sup> March 2018 (LA04/2017/2333/F). The approval of these schemes was considered acceptable in terms of PPS6 and associated tests, and therefore informs the character of this part of the Conservation Area.</p>
<p><b>Desirability of enhancing or preserving Conservation Areas</b></p>	
3.26	<p>Section 104 of the 2011 Act states that in assessing proposals in a Conservation Area, special regard must be had to the desirability of enhancing its character or appearance, or to preserve its character or appearance where an opportunity to enhance it does not arise.</p>

<p>3.27</p>	<p>This principle is repeated by the SPPS, which also states that there is a general presumption against the grant of planning permission or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. The SPPS states that where there is conflict between the SPPS and a PPS, the SPPS takes precedence. Moreover, the Planning Act post-dates PPS 6 and carries significant weight by virtue of being legislation.</p> <p>Officers are of the view that this proposal is consistent with this principle. Given paragraphs 3.3-3.16 above, it is considered that the proposal would enhance the character and appearance of the Conservation Area as it would replace a building of poor appearance and limited architectural merit. It would be sympathetic to the modern/contemporary architectural character, detailing and language of this part of the Conservation Area. The proposal will also deliver economic benefits for the city centre. In light of the above it is considered that the proposal is compliant with both the SPPS and Section 104 of the 2011 Act.</p>
<p>4.0</p> <p>4.1</p> <p>4.2</p>	<p>Representations have been fully considered, however, having regard to the policy context and other material considerations above, the proposal is considered acceptable and compliant with relevant policies.</p> <p>It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission and Conservation Area Consent including the finalisation of conditions (pages 19-21 below)</p> <p>In addition to the conditions listed at page 19-21 the following condition should be included:</p> <p>No works shall commence on site until a full survey, including analysis, and photographic record of the listed building(s) has been submitted to and approved in writing by the Planning Authority.</p> <p>REASON: To secure the proper recording of the existing buildings.</p>

**Development Management Officer Report  
Committee Application  
Addendum Report (Deferred for Site Visit)**

<b>Summary</b>	
<b>Committee Meeting Date:</b> 15 May 2018	
<b>Application ID:</b> LA04/2016/2359/F & LA04/2016/2341/DCA	
<b>Proposal:</b> Demolition of existing buildings and erection of 7 storey office building with retail unit on ground floor.	<b>Location:</b> 46-52 Upper Queen Street and 11a Wellington Street Belfast BT1 6FD
<b>Referral Route:</b> Receipt of representations contrary to recommendation	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Hegan and Company Ltd Athgarvan House Shawford Winchester SO21 2AA	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<b>Site Visit Details / Further Consideration:</b>	
<p>The application was presented to Committee on 17<sup>th</sup> April 2018, at which members deferred consideration to undertake a visit of the site and its environs. The full planning report presented at that meeting is appended below.</p> <p>The visit was undertaken on 2<sup>nd</sup> May 2018. Members viewed the site from Upper Queen Street and Wellington Street, and undertook an internal inspection of ground and first floors of the building.</p> <p>A further submission was received from the Agent Turley entitled 'Member Briefing' was received in advance of the site visit. This representation is considered below.</p> <p>The document summarises the main issues set out in the Planning Report and in summary states that the existing building makes limited contribution to the character of the area, and complies with relevant policies. Additional matters raised are summarised below:</p> <ul style="list-style-type: none"> <li>• Developer Information – the developer is identified as Hegan Developments, a NI registered company who have maintained properties within Northern Ireland for more than 60 years including the application site.</li> <li>• The proposal contributes to the City Objectives including the BCC Regeneration &amp; Investment Strategy and the aims of the Belfast Agenda. The proposal will contribute to a need for Grade A office space within the city.</li> </ul> <p>No other representations have been received since presentation of the application at April Committee.</p>	



Having regard to the policy context and other material considerations detailed in the planning report, the application is considered acceptable and compliant with relevant policies.

Approval is recommended with delegated authority requested for senior officers to finalise the wording of conditions.

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 17 April 2018	
<b>Application ID:</b> LA04/2016/2359/F & LA04/2016/2341/DCA	
<b>Proposal:</b> Demolition of existing buildings and erection of 7 storey office building with retail unit on ground floor.	<b>Location:</b> 46-52 Upper Queen Street and 11a Wellington Street Belfast BT1 6FD
<b>Referral Route:</b> Receipt of representations contrary to recommendation	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Hegan and Company Ltd Athgarvan House Shawford Winchester SO21 2AA	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p><b>Executive Summary:</b></p> <p>The proposed site is located at the junction of 46-52 Upper Queen Street and 11a Wellington Street. It comprises a three storey terrace building finished in render with slate roofs. The ground floors are in use as a café, barbers, and a shop. To the rear of the building, and fronting onto Wellington Street is a return, three storeys in height and also finished in render. This element is also operating as a self-contained retail unit. The building originates from approximately 1860 and is located within a Conservation Area.</p> <p>The proposal seeks demolition of existing buildings (LA04/2016/2341/DCA) and erection of 7 storey office building (1281 sqm of offices on the upper floors) with retail unit on ground floor.</p> <p>key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> <li>- The principle of the proposal at this location;</li> <li>- Demolition of a building within the Conservation Area;</li> <li>- Impact on amenity / character of the area and a listed building;</li> <li>- Impact on transport and other infrastructure.</li> </ul> <p>The layout/siting of the building replicates the adjacent buildings and is therefore sympathetic to the existing streetscape form. The fenestration and solid to void ratios of the front elevation are considered sympathetic to the locality. The materials proposed are similar to those in the adjacent building and are therefore acceptable. There is a mix of building designs and finishes in the locality and the proposal would be similar in terms of the commercial/industrial character of the area.</p> <p>An important consideration in this case is the merits of the proposal against the contribution of the existing building to the character of the Conservation Area. Given the Conservation officer opinion that the contribution is limited to its age only, in terms of design, the proposal would make an equal or greater contribution to the character of the Conservation Area. It is considered on</p>	

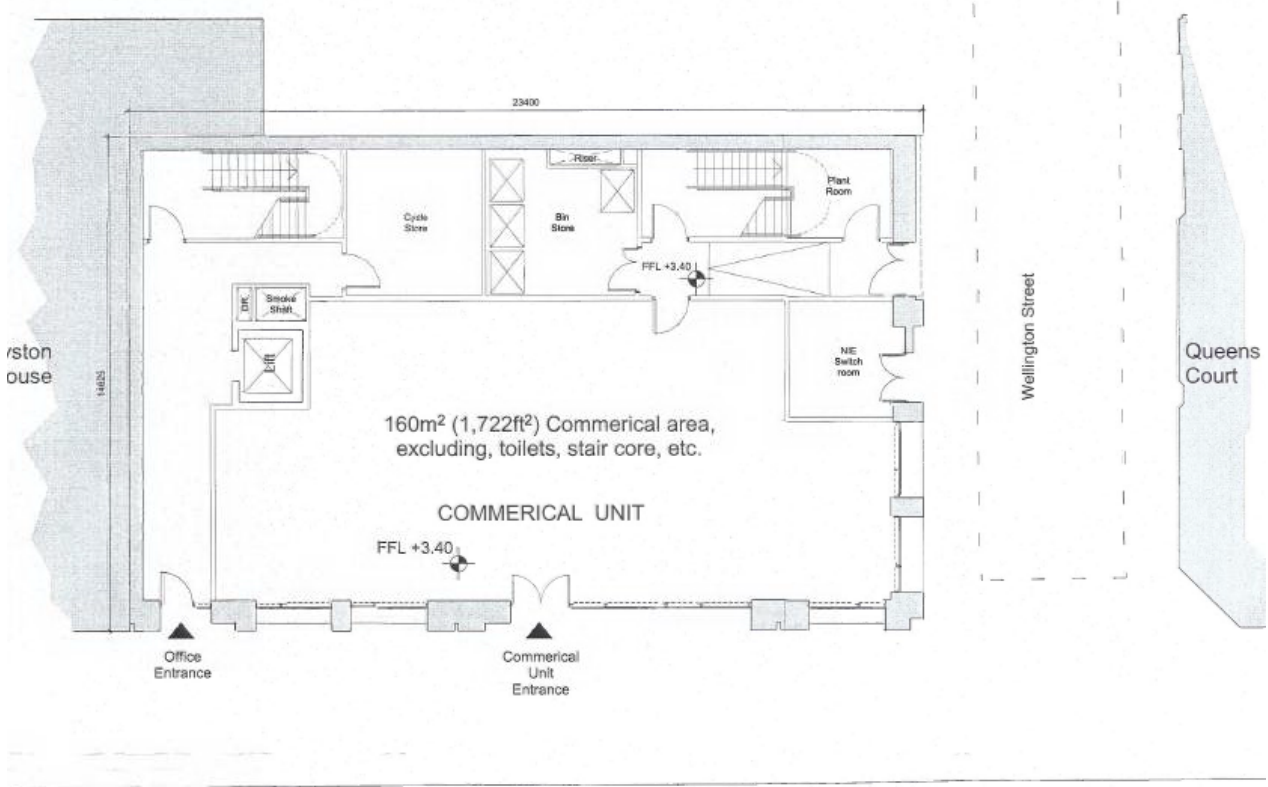
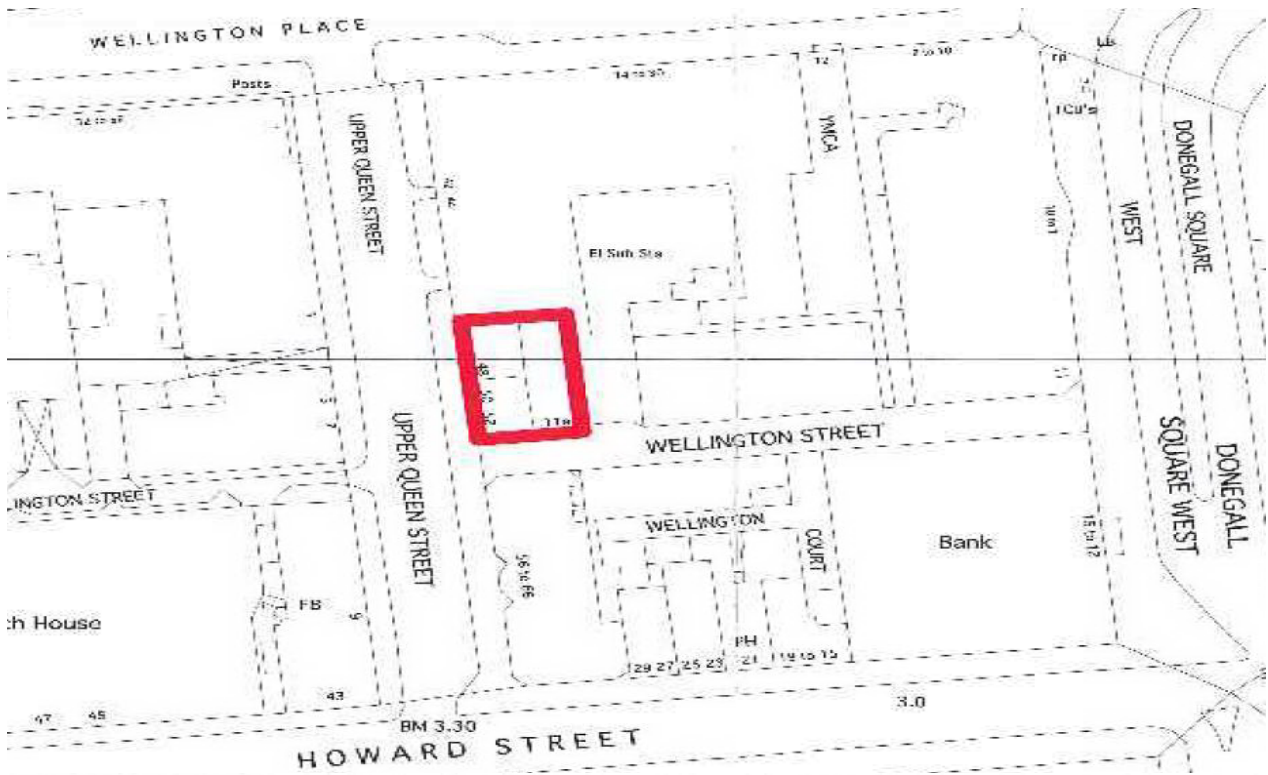
balance, that the economic benefits and compliance with the majority of policies as discussed in the report outweigh the loss of this building.

No objections have been received from any consultees including TNI Roads, Environmental Health, DEARA, and Historic Environment Division.

Representations have been fully considered, however having regard to the policy context and other material considerations above is considered acceptable and compliant with relevant policies. Approval is recommended with delegated authority requested for senior officers to finalise the wording of conditions.

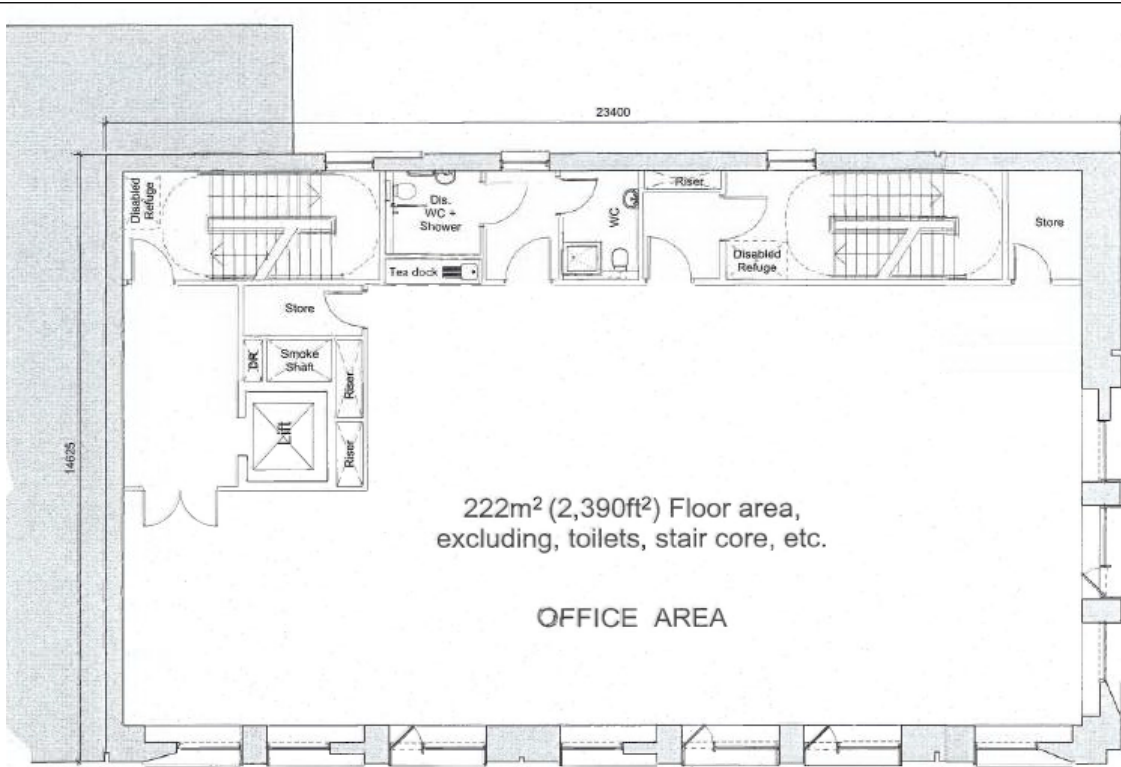
# Case Officer Report

## Site Location Plan

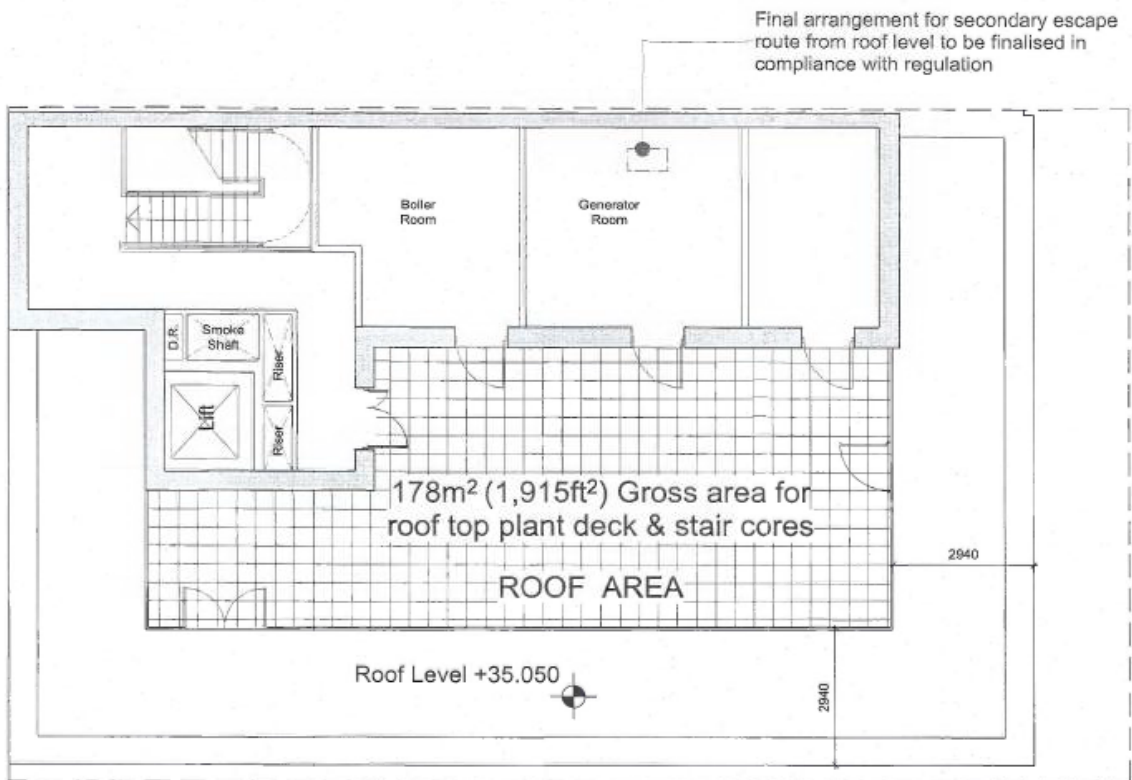


Ground Floor

Upper Queen Street

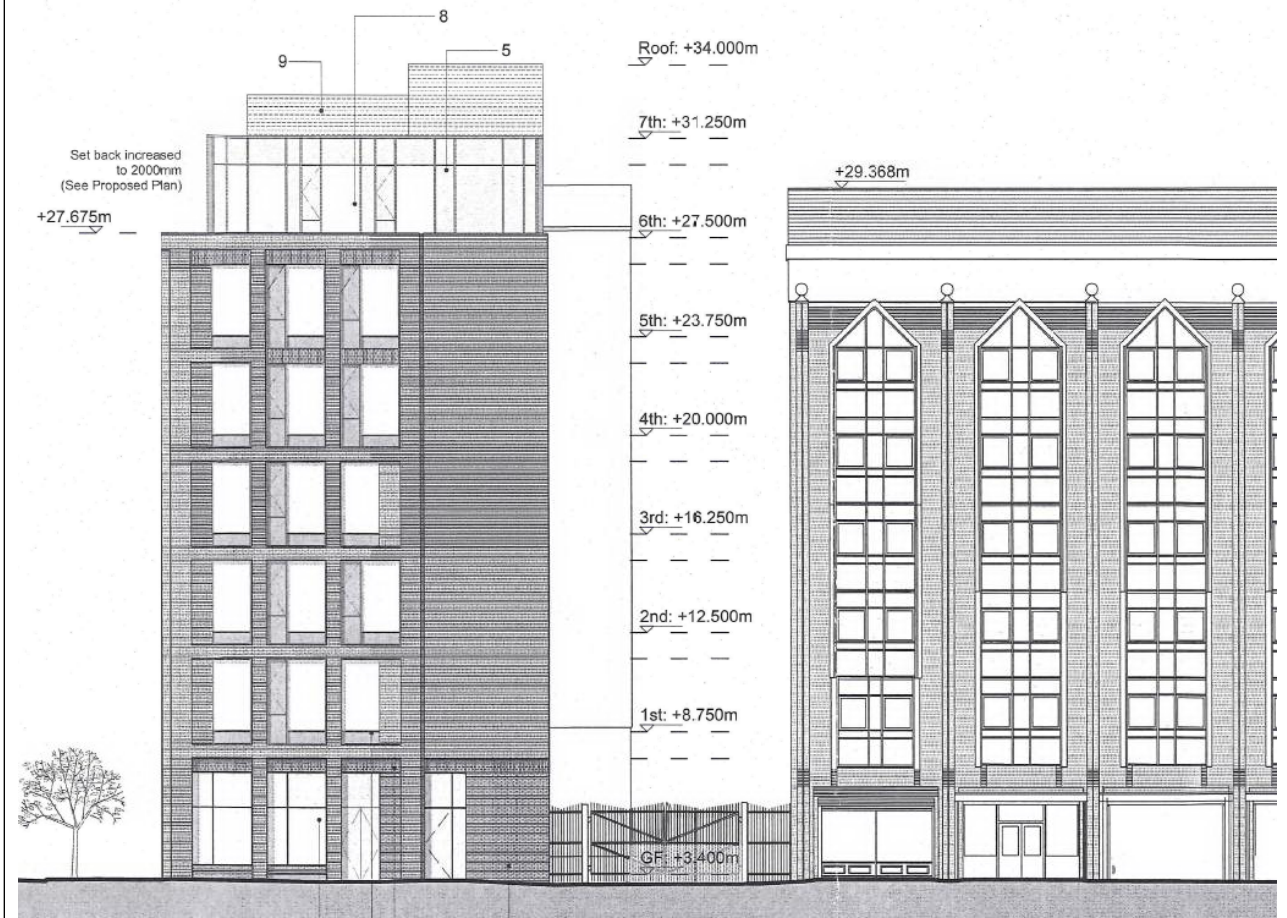
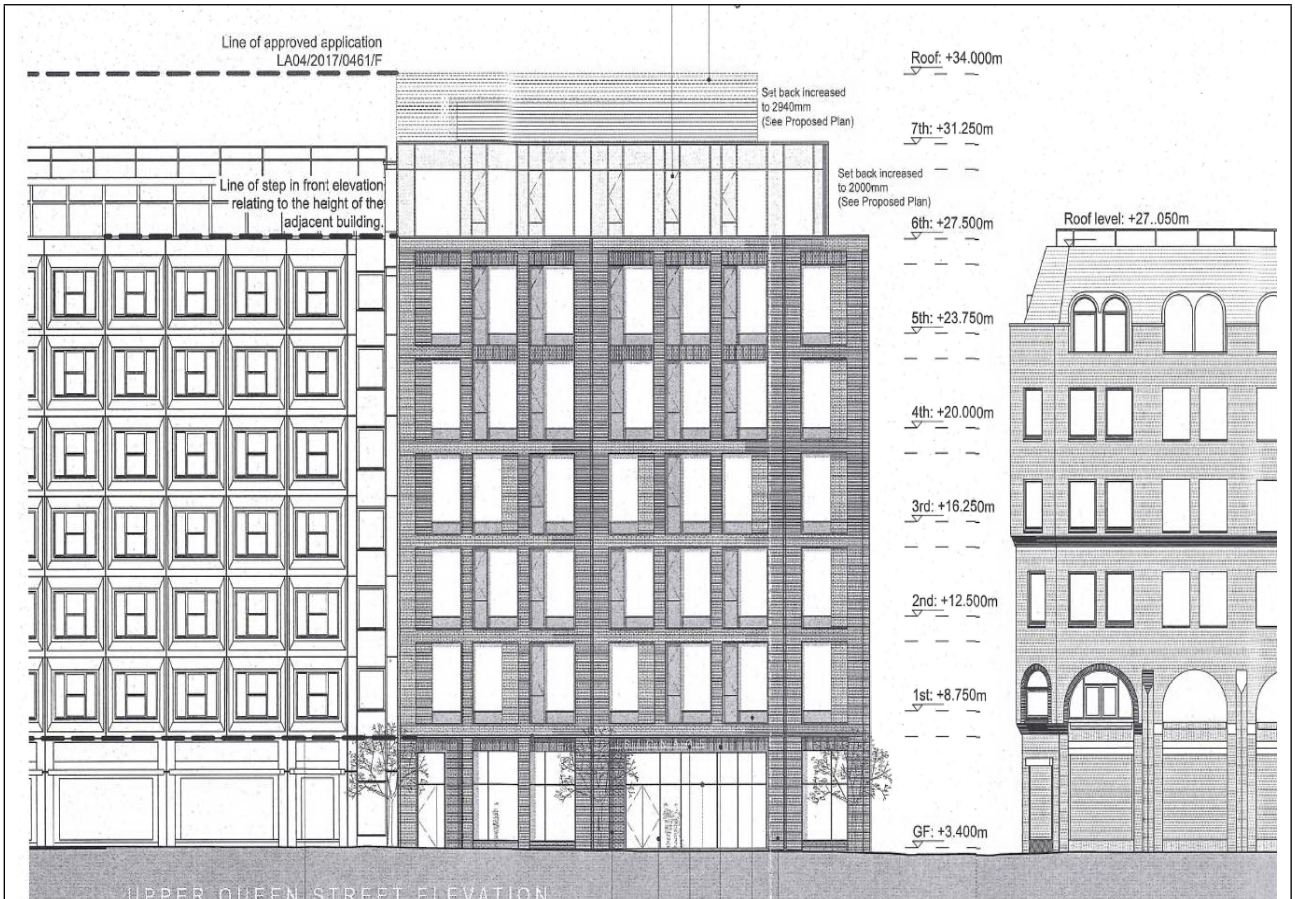


1st - 5th Floor



Roof Level





Representations:	
Letters of Support	None Received
Letters of Objection	4
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Representatives	None received
1.0 Characteristics of the Site and Area	
<p>1.1 The proposed site is located at the junction of 46-52 Upper Queen Street and 11a Wellington Street. It comprises a three storey terrace building finished in render with slate roofs. The ground floors are in use as a café, barbers, and a shop. To the rear of the building, and fronting onto Wellington Street is a return, three storeys in height and also finished in render. This element is also operating as a self-contained retail unit. The building dates from approximately 1860.</p> <p>1.2 The site is located within the City Centre Conservation area. Neighbouring buildings consist of Royston house seven storeys in height, to the north, with Queens Court to the south which is 5 and a half storeys in height. A car park access road runs adjacent to the rear site boundary of Wellington Street which in turn is abutted by a modern office building in brick 6 storeys in height.</p>	
2.0 Description of Proposal	
Demolition of existing buildings and erection of 7 storey office building with retail unit on ground floor.	
3.0	Planning History
3.1	LA04/2017/0461/F - Extensions / Alterations to Oyster House and Royston House comprising of extensions to the 7th floor and 1 additional floor above for offices, an 9 storey lift core extension within the courtyard, creation of roof terrace, alterations to existing elevations and reconfiguration of ground floor to form to 2 new retail units and new entrance lobby on Wellington Place. Approved 17 <sup>th</sup> August 2017.
3.2	LA04/2017/2333/F - Extension to Oyster and Royston House comprising two additional floors of office accommodation (floors 8 and 9), reconfiguration of lift core (on nine floors) at courtyard to rear, modifications to courtyard elevations, removal of existing facades on Wellington Place and Upper Queen Street and replacement with glass and steel façade. Approved 30 <sup>th</sup> March 2018.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 Belfast Metropolitan Area Plan 2015
4.2	Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS); Planning Policy Statement 3 (PPS3) - Access, Movement and Parking Planning Policy Statement 13 (PPS13) - Transportation and Land Use Planning Policy Statement 4 (PPS4) – Planning and Economic Development Planning Policy Statement 15 (PPS15) - Planning and Flood Risk Planning Policy Statement 6 (PPS6) – Planning Archaeology and the Built Environment Belfast City Centre Conservation Area Booklet

	Supplementary Planning Guidance including Development Control Advice Note 15 Vehicular Access Standards and Parking Standards
5.0	<b>Statutory Consultee Responses</b>
	Transport NI – no objections NIEA – no objections subject to revised design and condition and/or informatives; NI Water – no objections;
6.0	<b>Non Statutory Consultee Responses</b>
	Environmental Health - no objections subject to conditions and/or informatives. Conservation Officer – contribution to Conservation Area due to building age. Limited architectural merit. Urban Design Officer – no objections.
7.0	<b>Representations</b>
	The application has been neighbour notified and advertised in the local press.  5 representations (including an email received 5/4/2018) raising concerns including building height, loss of historic fabric/buildings and their associated contribution, impact on character, inappropriate design and loss of retailing.  No further representations were received following advertisement/notification of revisions to the proposal.
8.0	<b>Other Material Considerations</b>
	None
9.0	<b>Assessment</b>
9.1	The key issues in the assessment of the proposal are as follows: <ul style="list-style-type: none"> <li>- The principle of the proposal at this location;</li> <li>- Demolition of a building within the Conservation Area;</li> <li>- Impact on amenity / character of the area and a listed building;</li> <li>- Impact on transport and other infrastructure; and</li> <li>- Loss of retailing.</li> </ul> <p>Policy Considerations:</p>
9.2	Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities. This policy states <i>'Belfast City Centre has developed its regional shopping offer. A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area'</i> .
9.3	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3, remain applicable under 'transitional arrangements'.



9.4	<p>Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.</p>
9.5	<p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the version of BMAP purported to be adopted still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Within the Draft BMAP the site is identified as falling within a Conservation Area, and also within the primary Retail Core. In the version of BMAP purported to be adopted, Upper Queen Street is excluded from the Primary Retail Core in acknowledgement of limited retail use within the area. It is predominantly a commercial area characterised by offices and non-retail use including restaurant / cafe use. PPS6 is a relevant consideration due to the Conservation Area designation and proximity to Listed Buildings. The site itself is not subject to any zonings.</p> <p><u>Consideration</u></p>
9.6	<p>The primary policy considerations are set out in BH12 – new development in a Conservation Area. BH12 sets out 7 general criteria for proposals. Section 104 of the 2011 Act and the related policy direction of the SPPS take precedence over criterion (a) of PPS6 Policy BH12 New Development in a Conservation Area, which requires the development to preserve or enhance the character of the area. The remaining criteria of this policy however remain. (b) and (c) broadly seek development that is in sympathy with the characteristic built form, scale material and detailing of the area; (d) that proposal will not result in environmental problems such as noise, nuisance and disturbance; (e) that important views within, into and out of the area are protected, and (f) that trees and other landscape features are protected. Criterion (g) seeks redevelopment that conforms to the guidance set out in conservation area documents.</p>
9.7	<p>Given the site context, which consists entirely of non-residential uses, the proposed ground floor retail and upper floor office uses are considered acceptable in principle subject to other satisfactory design and character issues. One representation raises concerns about loss of retailing but the proposal includes a retail unit at the ground floor.</p> <p>Principle of Demolition</p>
9.8	<p>The Conservation Officer advises that the existing building is of limited architectural merit, and it is evident that a significant number of alterations have been undertaken over the years. Internal site visits confirmed that no architectural features remain. Accordingly, and taking account of the Conservation assessment submitted in support of the application, the Conservation Officer considers the contribution to the Conservation Area to be limited to the historic / age of the building, given that it was constructed in approximately 1860 and constitutes the last of buildings of this age within this section of Upper Queen Street. Demolition therefore must be weighed against other material considerations.</p> <p>Design and character of the Area;</p>
9.9	<p>The proposal is seven storeys in height, with the seventh floor set back from the front elevation and has a glazed finished with a flat roof with a taller element for plant (31m to highest part of roof, 24.2m to shoulder height). The building is to be finished in brick with</p>

	<p>and metal framed windows, with aluminium louvers to screen the roof plant area.</p>
9.10	<p>The layout/siting of the building replicates the adjacent buildings and is therefore sympathetic to the existing streetscape form. The fenestration and solid to void ratios of the front elevation are considered sympathetic to the locality. The materials proposed are similar to those in the adjacent buildings and are therefore acceptable. There is a mix of building designs and finishes in the locality and the proposal would be similar in terms of the commercial character of the area. Urban design advice indicated the elevation treatment to be acceptable.</p>
9.11	<p>The proposal would not appear as visually discordant within the various streetscapes given the scale and massing of neighbouring buildings. A building of similar height has been approved on the adjacent site (LA04/2017/0461/F) on 17<sup>th</sup> August 2017. The height of this approved building is illustrated above on the proposed elevation. Vistas of and from the City Hall and Spires buildings would not be adversely impacted, and HED have no objections regarding the setting of any listed buildings.</p>
9.12	<p>Economic Considerations</p> <p>The proposal includes retail space at ground floor, which essentially replicates the exiting uses and accords with the BMAP retail strategy and location within the Primary Retail Core.</p>
9.13	<p>The proposal also includes 1281 sqm of offices on the upper floors. This accords with broader economic policies in terms of facilitating new office space within the city centre as discussed within BUAP, BMAP, and regional policy.</p>
9.14	<p>Impact on Amenity</p> <p>Criteria (d) of BH12 requires development that does not result in environmental problems. Given the commercial nature of adjoining land uses and their associated site characteristics, it is considered that the proposal will not adversely impact on existing properties in terms of noise, nuisance, privacy, overshadowing or dominance.</p>
9.15	<p>Access, Parking and Transport:</p> <p>In relation to traffic, access, and parking issues, Transport NI was consulted and is satisfied with the traffic, parking and access arrangements. Accordingly, the proposal is considered compliant with requirements in PPS3 and associated guidance.</p>
9.16	<p>Other Considerations:</p> <p>Environmental Health has no objection subject to conditions and/or informatives, and the proposal will not result in an unacceptable impact in terms of noise, air quality, or related issues. NIEA have no objections in terms of contamination subject to conditions. NI Water has no objection in relation to sewerage or flooding.</p>
10.0	<p><b>Summary of recommendation: Approval</b></p> <p>The critical consideration in this case is the merits of the proposal against the contribution of the existing building to the character of the Conservation Area. Given the Conservation opinion that the contribution is limited to its age only, it is considered on balance, that the economic benefits and compliance with the majority of policies as discussed above outweigh the loss of this building. In terms of design, the proposal</p>

10.1	<p>would make an equal or greater contribution to the Conservation Area.</p> <p>Representations have been fully considered, however, having regard to the policy context and other material considerations above, it is considered acceptable and compliant with relevant policies. Approval is recommended and delegated authority is requested for senior officers to finalise conditions.</p>
Neighbour Notification Checked <span style="float: right;">Yes</span>	
<p>Conditions</p> <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 Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No development shall take place until samples of all external finishes has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample details.</p> <p>Reason: In the interests of visual amenity and the character and appearance of the area.</p> <p>3. All services (including those for water supply, drainage, heating, and gas supplies) shall be laid underground or housed internally within the building hereby approved.</p> <p>Reason: In the interests of visual amenity.</p> <p>4. No development shall commence until the Planning Authority has received in writing and agreed that suitable risk assessments and supporting data have been provided which identify all unacceptable risks to health and the water environment. The investigations should include, but not be restricted to:</p> <ul style="list-style-type: none"> <li>- identifying all potential contaminant sources within the planning boundary.</li> <li>- Site investigations and groundwater monitoring designed and implemented in accordance with British Standard BS 10175:2011 + A1:2013 'Code of practice for investigation of potentially contaminated land sites' to identify the contamination risks associated with the potentially contaminating activities which took place at this site.</li> <li>- Provision of risk assessment(s) in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11) to identify all unacceptable risks to health and the water environment and provision of remedial criteria to be met through a remedial strategy. These works are required to ensure that the land will be in a condition suitable for the development.</li> </ul> <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p> <p>5. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified at Condition 1 has been submitted in writing and agreed with the Planning Authority. This should identify all unacceptable risks on site, the remedial objectives / criteria and the measures which are proposed to mitigate them (including maps / plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program etc.).</p> <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p>	

6. The development hereby permitted shall not be occupied until the remedial measures as described in the remediation strategy submitted under Condition 2 have been fully implemented to the satisfaction of the Planning Authority. The Planning Authority must be given two weeks written notification prior to the commencement of remediation work.

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

7. No piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", available at:  
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf>

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 that the site is suitable for use.

8. As part of site clearance works, all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Pollution Prevention Guidance No. 2 (PPG2) and No. 27 (PPG27). Soil and groundwater sampling shall be undertaken for a suitable analytical suite. Should contamination be identified the requirements of Condition 6 will apply.

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

9. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Department 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 Department in writing, and subsequently implemented and verified to its satisfaction.

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

10. After completing any remediation works required under Conditions 1 – 6 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Department. 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.

11. 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.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

12. 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.

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.

13. Works for demolition to facilitate the development hereby permitted shall not commence before a valid contract for the carrying out and completion of works of redevelopment of the site for which planning permission has been granted has been entered into, and evidence of that contract submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the demolition is followed by immediate rebuilding and to maintain the character and appearance of the Conservation Area.

<b>ANNEX</b>	
<b>Date Valid</b>	8th November 2016
<b>Date First Advertised</b>	2nd December 2016
<b>Date Last Advertised</b>	23rd February 2018
<p><b>Details of Neighbour Notification</b> (all addresses)</p> <p>The Owner/Occupier, 16 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GE,  The Owner/Occupier, 16 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GE,  The Owner/Occupier, 18 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GE,  The Owner/Occupier, 2, Wellington Buildings, 1 Wellington Street, Town Parks, Belfast, Antrim,,  The Owner/Occupier, 2-4 Wellington Buildings, Wellington Street, Town Parks, Belfast, Antrim, BT1 6HT,  The Owner/Occupier, 2-4 Wellington Buildings, Wellington Street, Town Parks, Belfast, Antrim, BT1 6HT,  The Owner/Occupier, 2-4 Wellington Buildings, Wellington Street, Town Parks, Belfast, Antrim, BT1 6HT,  The Owner/Occupier, 2-4 Wellington Buildings, Wellington Street, Town Parks, Belfast, Antrim, BT1 6HT,  The Owner/Occupier, 22 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GE,  Wallace Mount, 23, Chimera Wood, Helen'S Bay, Down, Northern Ireland, BT19 1XX  The Owner/Occupier, 26 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GE,  The Owner/Occupier, 27 Howard Street, Town Parks, Belfast, Antrim, BT1 6NB,  The Owner/Occupier, 27-29, Howard Street, Town Parks, Belfast, Antrim, BT1 6NB,  The Owner/Occupier, 28-30, Wellington Place, Town Parks, Belfast, Antrim, BT1 6GE,  The Owner/Occupier, 34 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GF,  The Owner/Occupier, 38 Wellington Place, Town Parks, Belfast, Antrim, BT1 6GF,  The Owner/Occupier, 5 Wellington Street, Town Parks, Belfast, Antrim, BT1 6HT,  The Owner/Occupier, 5-7 Eagle Star House, Upper Queen Street, Town Parks, Belfast, Antrim, BT1 6FB,  The Owner/Occupier, 5-7 Eagle Star House, Upper Queen Street, Town Parks, Belfast, Antrim, BT1 6FS,  The Owner/Occupier, 50-56 Johnson House, Wellington Place, Town Parks, Belfast, Antrim, BT1 6GF,  The Owner/Occupier, 50-56 Johnson House, Wellington Place, Town Parks, Belfast, Antrim, BT1 6GF,  The Owner/Occupier, 6 Wellington Court, Town Parks, Belfast, Antrim, BT1 6HW,  The Owner/Occupier, 9 Upper Queen Street, Town Parks, Belfast, Antrim, BT1 6FB,  David Flinn, Belfast Civic Trust Limited, Goodbody, 6th Floor, 42/46 Fountain Street, Belfast, BT1 5EF  David Flinn, Belfast Civic Trust Limited, Goodbody, 6th Floor, 42/46 Fountain Street, Belfast, BT1 5EF  The Owner/Occupier, Bradley House, 23 Howard Street, Town Parks, Belfast, Antrim, BT1 6NB,  The Owner/Occupier, Bradley House, 25 Howard Street, Town Parks, Belfast, Antrim, BT1 6NB,</p>	

The Owner/Occupier, Bradley House,25 Howard Street,Town Parks,Belfast,Antrim,BT1 6NB,  
 The Owner/Occupier, Capital House,3 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FB,  
 The Owner/Occupier, Capital House,3 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FB,  
 The Owner/Occupier, Capital House,3 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6PU,  
 The Owner/Occupier, Capital House,3 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6PU,  
 John Graham Claremont Court, Flat 28, Claremont Street, Belfast, Antrim, Northern Ireland, BT9 6UA  
 The Owner/Occupier, Fisherwick Building,9 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FB,  
 The Owner/Occupier, Floor 6,Capital House,3 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FB,  
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FA,  
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,  
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,  
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,  
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,  
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,  
 The Owner/Occupier, Royston House,34 Upper Queen Street,Town Parks,Belfast,Antrim,BT1 6FD,  
 The Owner/Occupier, Unit 6,Ferguson/royston House,Wellington Place,Town Parks,Belfast,Antrim,BT1 6GE,  
 David Flynn

<b>Date of Last Neighbour Notification</b>	19/02/2018
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<b>Date of EIA Determination</b>	<b>N/A</b>
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<b>ES Requested</b>	No
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<b>Drawing Numbers and Title</b>
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Drawing No. 01, 03B, 04B
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<b>Notification to Department (if relevant)</b>
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If members are minded to approve the application, the Council will be required to notify DFI under Section 105(6) of the Planning Act (Northern Ireland) 2011.

<b>Representations from Elected Members:</b>
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None
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