

## Committee Application

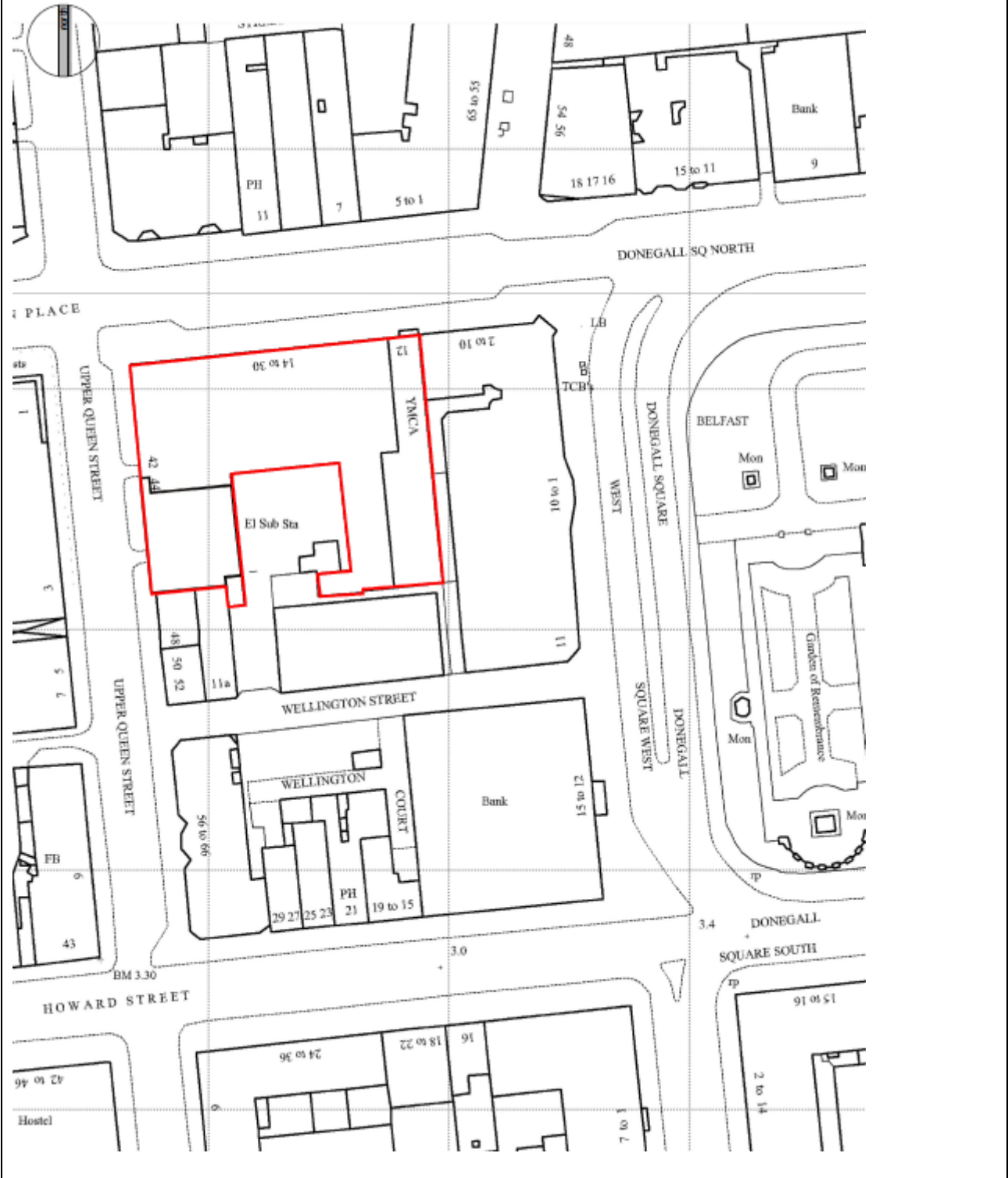
<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2020/1353/F	<b>Date of Committee:</b> 15 <sup>th</sup> December 2020
<b>Proposal:</b> Erection of additional roof top plant, ventilation and ductwork and erection of louvered aluminium screen along eastern elevation (retrospective).	<b>Location:</b> 12 - 30 Wellington Place and 42 - 46 Upper Queen Street, Belfast, BT1 6FX
<b>Referral Route:</b> Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation. Requested by Cllr Donal Lyons by reason of design, appearance and materials.	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Oakland (FRO) Ltd c/o Like Architects 3 Linenhall Street West Belfast BT2 8DY	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p><b>Executive Summary:</b>            Planning Permission is sought for the erection of additional roof plant, ventilation and ductwork as well as the erection of a louvered aluminium screen along the eastern elevation. The application is retrospective, as the works have already been completed.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• The impact on amenity, including visual amenity</li> <li>• The impact on the setting of the Listed Buildings</li> <li>• The impact on the character and appearance of the Conservation Area</li> </ul> <p>The application site lies within the development limits for Belfast. The site is located within Belfast City Centre Conservation Area, and within close proximity to a number of listed buildings, including the Scottish Provident Building and the City Hall.</p> <p>Overall, the proposal would have a detrimental impact on the setting of the most prominent view of these important listed buildings, due to its unsightly and alien/non-historic form. It is considered the screens will result in a negative impact on the setting of City Hall when viewed within its gardens and from Donegal Square. The screens are also considered to be incongruous and contextually inappropriate to the backdrop/skyline of the Scottish Provident Building.</p> <p>The application has been neighbour notified and advertised in the local press, no third party comments have been received. Historic Environment Division and the Belfast City Council Conservation Team have been consulted, and both consultees are unable to support the proposal. Environmental Health have also been consulted as part of the application process and have no concerns.</p> <p>The proposal has been assessed against and is considered to be contrary to the SPPS, BUAP, Draft BMAP, PPS6 and Section 104 of the Planning Act 2011. Having regard to the policy context and other material considerations, the proposal is considered unacceptable and planning permission is recommended for refusal.</p>	

**Recommendation**

The application is recommended for refusal. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of refusal reasons subject to no new substantive planning issues being raised by third parties.

# Case Officer Report

## Site Location Plan



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>The planning application is seeking permission for the erection of additional roof top plant, ventilation and ductwork and the erection of louvered aluminium screen along the eastern elevation. The application is retrospective.</p>
<b>2.0</b>	<p><b>Description of Site and Area</b></p> <p>The application relates to 12-30 Wellington Place and 42-46 Upper Queen Street. The building has been redevelopment and is nearing completion following on from previous permissions granted. The ground floor units of the building are currently occupied by a number of retail and restaurant uses while the upper floors will be Grade A office space. The site is adjacent to the Scottish Provident Building which is a grade A listed building, and also falls within Belfast City Centre Conservation Area.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p>LA04/2019/2610/F - Internal reconfiguration (retrospective); erection of external goods lift; one floor extension to existing external stairwell to facilitate access to roof; proposed service yard works for erection of single storey security office, store, bin storage area; and reconfiguration of car parking. (amended plans) (Under Consideration)</p> <p>LA04/2016/2045/F - Alterations to ground floor lobby of Oyster House, extension and alteration to floors one to seven to rear of Oyster House and Royston House (comprising 2115 square metres of new office floor space) and alterations to elevations on Upper Queen Street and Wellington Place (excluding shop fronts to existing occupied ground floor retail units and restaurants) (Permission Granted)</p> <p>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 (Permission Granted)</p> <p>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 (Permission Granted)</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan (BMAP) 2015
	<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 both versions of the Draft BMAP 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.</p>
	Draft BMAP 2004

	4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
		Draft BMAP 2015 (purported to be adopted)
	4.2.2	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.3		Regional Development Strategy 2035
4.4		Strategic Planning Policy Statement 2015
4.5		Planning Policy Statement 6: Planning Archaeology and the Built Heritage
<b>5.0</b>		<b>Statutory Consultees Responses</b>
5.1		Historic Environment Division – unable to support application
<b>6.0</b>		<b>Non-Statutory Consultees Responses</b>
6.1		Belfast City Council Conservation Team – unable to support application
6.2		Belfast City Council Environmental Health – no objection
<b>7.0</b>		<b>Representations</b>
7.1		The application was neighbour notified on the 5 <sup>th</sup> August 2020. It was advertised in the local press on the 31 <sup>st</sup> July 2020. The consultation period expired on 19 <sup>th</sup> August 2020. No representations have been received to date. If any representations are received they will be reported as an update to committee.
<b>8.0</b>		<b>Other Material Considerations</b>
8.1		Belfast City Centre Conservation Area Design Guide Section 104 of the Planning Act (Northern Ireland) 2011
<b>9.0</b>		<b>Assessment</b>
9.1		The proposal is considered to be in compliance with the development plan.
9.2		The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> <li>• The impact on amenity, including visual</li> <li>• The impact on the setting of Listed Buildings</li> <li>• The impact on the character and appearance of the Conservation Area</li> </ul>
9.3		A significant factor to be considered as part of the planning application is the visual impact caused by the proposal from various viewpoints, as well as the impact it may have on the setting of listed buildings, in particular Scottish Provident Building which is Grade A listed. Given the close proximity to the listed building, Historic Environment Division were consulted as part of the application process.
9.4		HED Historic Buildings considers the proposal fails to satisfy SPPS 6.12 of the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development and Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. While HED were content in principle with the previous application LA04/2017/2333/F, it considers the rooftop arrangement in the new application is considerably more imposing. HED are concerned as the height of the rooftop plant screening required to cover the plant and equipment, due to the massing and height of the plant and equipment, detrimentally impacts on the character of the listed building. Although retrospective, HED requests the plant, equipment and rooftop plant screening be reconsidered so that it is reduced significantly in height, or is located on an alternative, less visible, area of the roof.

9.5	<p>As the site falls within Belfast City Centre Conservation Area, the Conservation Team were also consulted as part of the application process. Policy BH 12- New Development in a Conservation Area (PPS 6 (para 7.8)) states that alterations will only be acceptable where they are sensitive to the existing building, in keeping with the character and appearance of the area etc. Very careful consideration will be required for alterations affecting the roof of a property as these may be particularly detrimental to the character and appearance of a conservation area. The Conservation Officer commented that it is important to recognise that Wellington Place/ Donegal Square North forms part of the Civic Axis in recognition of its prominence as a civic path in the mental image of the city, as the view denotes a sense of arrival into the historic core of the city – enhancing its importance and its contribution to the reading of the area as one of the city’s legible districts – the historic Victorian, Edwardian era commercial core. The Conservation Officer stated that City Hall (and its gardens) along with the Scottish Provident Building forms one of the most pleasing historic vista’s in the city.</p>
9.6	<p>The Conservation Team considered, as the application is retrospective, and the screens have already been installed, it is clear that they have a detrimental impact on the setting of this most prominent view due to their unsightly and alien/non-historic form. Any proposals for development which by its character or location may have an adverse effect on the setting of listed buildings will require very careful consideration by the council. Development proposals some distance from the site of a listed building can sometimes have an adverse effect on its setting e.g. where it would affect views of an historic skyline. It is considered the screens by way of form negatively impact on the setting of City Hall when viewed within its gardens and Donegal Square North. The screens are also considered to be incongruous and contextually inappropriate to the backdrop/skyline of the Scottish Provident Building.</p>
9.7	<p>In response to the concerns raised by HED and the Conservation Team, the agent submitted a supporting statement detailing a contextual analysis and the need for the development, however, upon further review of the information, HED confirmed they retain their stance that the proposal in its current form is contrary to the requirements of SPPS 6.12 and Policy BH11 PPS6. The Conservation Team also confirmed, informally, that they have no further comment on the application as their concerns have not been addressed. No further amendments or additional information has been submitted by the agent.</p>
9.8	<p>Given the nature of the proposals, Environmental Health were also consulted on the application to consider any impacts in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations. Having considered the proposals, as well as a Noise Impact Assessment submitted by the agent, Environmental Health confirmed they had no concerns subject to conditions.</p>
9.9	<p>In conclusion, the proposed additional roof top plant, ventilation and ductwork and the erection of louvered aluminium screen along eastern elevation (retrospective) is not considered to be acceptable as there would be a significant impact on visual amenity, and the setting of the listed building. The proposal would be an incongruous addition of an inappropriate and imposing scale to the roof of the application site which would be viewed from various prominent viewpoints, contrary to Policy BH11 and BH12 of PPS6: Planning, Archaeology &amp; Built Heritage, the SPPS and Section 104 of the Planning Act 2011.</p>
<b>10.0</b>	<b>Summary of Recommendation: Refusal</b>
<b>11.0</b>	<p><b>Reasons for Refusal:</b></p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to Planning Policy Statement 6, Planning, Archaeology &amp; Built Heritage, Policy BH11 and BH12 and paragraphs 6.12,</li> </ol>

6.18 and 6.19 of the Strategic Planning Policy Statement for Northern Ireland, in that it would, if permitted, be detrimental to the visual amenity and setting of the Grade A Listed Building and the character and appearance of the Belfast City Centre Conservation Area by reason of its size, scale and prominent location, resulting in an incongruous addition to the rooftop of the building.

**Informatives**

1. The drawing's associated with this planning application were submitted to the Authority and published to the Planning Portal NI on: 22/07/2020, drawing no. 01, 02, 03, 04, 05 and 06.

**Notification to Department (if relevant):** N/A

**Representations from Elected members:**

Councillor Lyons requested updates and that the application be presented to Planning Committee

**Details of Neighbour Notification** (all addresses)

The Owner/Occupier,  
1 Donegall Square West,Belfast,Antrim,BT1 6JA  
The Owner/Occupier,  
1-3 ,Wellington Place,Belfast,Antrim,BT1 6GA  
The Owner/Occupier,  
10 Donegall Square West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
11 Donegall Square West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
11 Donegall Square West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
11a ,Wellington Street,Belfast,Antrim,BT1 6HT  
The Owner/Occupier,  
13 Wellington Place,Belfast,Antrim,BT1 6GB  
The Owner/Occupier,  
15 Wellington Place,Belfast,Antrim,BT1 6GB  
The Owner/Occupier,  
17 Wellington Place,Belfast,Antrim,BT1 6GB  
The Owner/Occupier,  
19 Wellington Place,Belfast,Antrim,BT1 6GB  
The Owner/Occupier,  
1st Floor,2-4 Wellington Buildings,Wellington Street,Belfast,Antrim,BT1 6HT  
The Owner/Occupier,  
1st Floor,2-4 Wellington Buildings,Wellington Street,Belfast,Antrim,BT1 6HT  
The Owner/Occupier,

1st Floor,25-27 Lesley House,Wellington Place,Belfast,Antrim,BT1 6GD  
The Owner/Occupier,  
2 Donegall Square West,Belfast,Antrim,BT1 6JA  
The Owner/Occupier,  
2,Wellington Buildings,1 Wellington Street,Belfast,Antrim,  
The Owner/Occupier,  
25-27 ,Wellington Place,Belfast,Antrim,BT1 6GD  
The Owner/Occupier,  
25-27 Lesley House,Wellington Place,Belfast,Antrim,BT1 6GD  
The Owner/Occupier,  
2nd Floor,11 Wellington Place,Belfast,Antrim,BT1 6GB  
The Owner/Occupier,  
2nd Floor,2-4 Wellington Buildings,Wellington Street,Belfast,Antrim,BT1 6HT  
The Owner/Occupier,  
2nd Floor,Fisherwick Building,9 Upper Queen Street,Belfast,Antrim,BT1 6FB  
The Owner/Occupier,  
3 Donegall Square West,Belfast,Antrim,BT1 6JA  
The Owner/Occupier,  
34 Wellington Place,Belfast,Antrim,BT1 6GF  
The Owner/Occupier,  
38 Wellington Place,Belfast,Antrim,BT1 6GF  
The Owner/Occupier,  
4 Donegall Square West,Belfast,Antrim,BT1 6JA  
The Owner/Occupier,  
4 Wellington Place,Belfast,Antrim,BT1 6GE  
The Owner/Occupier,  
48 Upper Queen Street,Belfast,Antrim,BT1 6FD  
The Owner/Occupier,  
4th 5th 7th Floor,5-7 Eagle Star House,Upper Queen Street,Belfast,Antrim,BT1 6FS  
The Owner/Occupier,  
5 Wellington Place,Belfast,Antrim,BT1 6GA  
The Owner/Occupier,  
5-6 ,Donegall Square West,Belfast,Antrim,BT1 6JA  
The Owner/Occupier,  
52-54 ,Upper Queen Street,Belfast,Antrim,BT1 6FD  
The Owner/Occupier,  
6 Wellington Place,Belfast,Antrim,BT1 6GE  
The Owner/Occupier,  
6th Floor Office,5-7 Eagle Star House,Upper Queen Street,Belfast,Antrim,BT1 6FS  
The Owner/Occupier,  
8 Wellington Place,Belfast,Antrim,BT1 6GE  
The Owner/Occupier,  
9 Donegall Square West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
9 Donegall Square West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
9 Upper Queen Street,Belfast,Antrim,BT1 6FB  
The Owner/Occupier,  
First Floor (Office 103),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH



The Owner/Occupier,  
First Floor (Office 104),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 106),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 110),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 111),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 113),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 114),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 115),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 116),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 117),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 118),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 119),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 120),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 121),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 122),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 123),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 124),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,

First Floor (Office 125), Scottish Provident Building, 7 Donegall Square West, Belfast, Antrim, BT1 6JH  
 The Owner/Occupier,  
 First Floor (Office 126), Scottish Provident Building, 7 Donegall Square West, Belfast, Antrim, BT1 6JH  
 The Owner/Occupier,  
 First Floor (Office 127), Scottish Provident Building, 7 Donegall Square West, Belfast, Antrim, BT1 6JH  
 The Owner/Occupier,  
 First Floor (Office 128), Scottish Provident Building, 7 Donegall Square West, Belfast, Antrim, BT1 6JH  
 The Owner/Occupier,  
 First Floor (Office 130), Scottish Provident Building, 7 Donegall Square West, Belfast, Antrim, BT1 6JH  
 The Owner/Occupier,  
 First Floor (Office 101), Scottish Provident Building, 7 Donegall Square West, Belfast, Antrim, BT1 6JH  
 The Owner/Occupier,  
 Fisherwick Building, 9 Upper Queen Street, Belfast, Antrim, BT1 6FB  
 The Owner/Occupier,  
 Fourth Floor (Offices 413-432), Scottish Provident Building, 7 Donegall Square West, Belfast, Antrim, BT1 6JH  
 The Owner/Occupier,  
 Ground Floor, 11 Wellington Place, Belfast, Antrim, BT1 6GB  
 The Owner/Occupier,  
 Ground Floor, 5-7 Eagle Star House, Upper Queen Street, Belfast, Antrim, BT1 6QD  
 The Owner/Occupier,  
 Ground Floor, Royston House, 34 Upper Queen Street, Belfast, Antrim, BT1 6FD  
 The Owner/Occupier,  
 Jefferson House, 42 Queen Street, Belfast, Antrim, BT1 6HL  
 The Owner/Occupier,  
 Lesley House, 25 Wellington Place, Belfast, Antrim, BT1 6GD  
 The Owner/Occupier,  
 Office 1 6th Floor, Royston House, 34 Upper Queen Street, Belfast, Antrim, BT1 6FD  
 The Owner/Occupier,  
 Office 2 6th Floor, Royston House, 34 Upper Queen Street, Belfast, Antrim, BT1 6FD  
 The Owner/Occupier,  
 Office 2nd Floor, Royston House, 34 Upper Queen Street, Belfast, Antrim, BT1 6FD  
 The Owner/Occupier,  
 Offices 1st 2nd & 7th Floor, Royston House, 34 Upper Queen Street, Belfast, Antrim, BT1 6FD  
 The Owner/Occupier,  
 Offices 1st Floor Unit 2, 1-3 Capital House, Upper Queen Street, Belfast, Antrim, BT1 6FB  
 The Owner/Occupier,  
 Offices 1st-3rd Floor, 19 Wellington Place, Belfast, Antrim, BT1 6GB  
 The Owner/Occupier,  
 Offices 2nd Floor Unit 1, 1-3 Capital House, Upper Queen Street, Belfast, Antrim, BT1 6PU  
 The Owner/Occupier,  
 Offices 2nd Floor Unit 2, 1-3 Capital House, Upper Queen Street, Belfast, Antrim, BT1 6FB  
 The Owner/Occupier,  
 Offices 3rd & 4th Floor, Royston House, 34 Upper Queen Street, Belfast, Antrim, BT1 6FX

The Owner/Occupier,  
Offices 5th Floor,1-3 Capital House,Upper Queen Street,Belfast,Antrim,BT1 6PU  
The Owner/Occupier,  
Offices 6th Floor,1-3 Capital House,Upper Queen Street,Belfast,Antrim,BT1 6FB  
The Owner/Occupier,  
Royston House,34 Upper Queen Street,Belfast,Antrim,BT1 6FA  
The Owner/Occupier,  
Royston House,34 Upper Queen Street,Belfast,Antrim,BT1 6FD  
The Owner/Occupier,  
Scottish Provident Building,7 Donegall Square West,Belfast,Antrim,BT1 6JF  
The Owner/Occupier,  
Scottish Provident Building,7 Donegall Square West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
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The Owner/Occupier,  
Scottish Provident Building,7 Donegall Square West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
Second Floor (Office 202 A),Scottish Provident Building,7 Donegall Square West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
Unit 10,46 Upper Queen Street,Belfast,Antrim,BT1 6FD  
The Owner/Occupier,  
Unit 2,2-4 Wellington Buildings,Wellington Street,Belfast,Antrim,BT1 6HT  
The Owner/Occupier,  
Unit 4 Office 3rd Floor,1-3 Capital House,Upper Queen Street,Belfast,Antrim,BT1 6FB  
The Owner/Occupier,  
Unit 5,2-4 Wellington Buildings,Wellington Street,Belfast,Antrim,BT1 6HT  
The Owner/Occupier  
Unit 6,Ferguson/Royston House,Wellington Place,Belfast,Antrim,BT1 6GE