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**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**

14th April, 2021

MEETING OF PLANNING COMMITTEE

Dear Alderman/Councillor,

In addition to those matters previously notified to you, the following item(s) will also be considered at the meeting to be held at 5.00 pm on Tuesday, 20th April, 2021.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

- 6** (d) LA04/2020/2200/F & LA04/2020/2201/DCA - Demolition of Nos. 27 to 37 Linenhall Street and Nos. 8-10 Clarence Street and erection of seven storey office building at 8-10 Clarence Street 27-37 Linenhall Street and existing car park at the corner of Linenhall Street and Clarence Street (Pages 1 - 22)
- (g) LA04/2021/0320/F - Variation of Condition 3 (agreement of proposed materials prior to commencement) of planning permission LA04/2015/0264/F to enable a change to the proposed materials to be agreed prior to occupation of the development (currently under construction at lands bounded by Bedford Street, INI Building, McClintock Street and Franklin Street (Pages 23 - 52)
- (k) LA04/2019/2653/F - Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation at Chancery House 88 Victoria Street (Pages 53 - 66)

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 20 th April 2021	
Application ID: LA04/2020/2200/F and LA04/2020/2201/DCA	
Proposal: Demolition of Nos. 27 to 37 Linenhall Street and Nos. 8-10 Clarence Street and erection of seven storey office building.	Location: 8-10 Clarence Street, 27-37 Linenhall Street and existing car park at the corner of Linenhall Street and Clarence Street Belfast.
Referral Route: Major application	
Recommendation: Refusal	
Applicant Name and Address: Domus UK Ltd 4 Paris Parklands Railton Road Surrey GU2 9JU	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary:</p> <p>Applications seeking demolition of Nos. 27 to 37 Linenhall Street and Nos. 8-10 Clarence Street and erection of seven storey office building (circa 6000 sqm floor space).</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • Principle of a building on the site • Demolition within the Linen Conservation Area • Impact on Built Heritage • Impact on character and appearance of the Linen Conservation Area • Design • Acceptability of Office Use at this location • Traffic and Parking • Impact on Amenity • Impact on Historic Monuments • Drainage and Flooding • Pre-application Community Consultation • Air Quality • Waste Water Treatment • Developer Contributions <p>The principle of the proposed office use is acceptable in this city centre location.</p> <p>However, the scale, height, massing, alignment and form of the building will have a detrimental impact upon the setting of a number of listed buildings, including the Ulster Hall. HED objects to the proposal on grounds of harm to the setting of listed buildings, contrary to Policy BH11 of Planning Policy Statement 6.</p>	

The proposal includes the demolition of two buildings, one on Clarence Street and one on Linenhall Street. The principle of demolition of the building on Linenhall Street, which makes a positive contribution to the character of the Linen Conservation Area, is not acceptable and the proposed redevelopment scheme does not enhance the character and appearance of the area as it is of a scale and massing which is unsympathetic to the adjoining buildings and the characteristic built form of the area. Both the Conservation Officer and Urban Design Officer object to the proposal.

The Council has a duty to adopt a precautionary principle and when considering demolition of a building which makes a positive contribution (to the character of a conservation area): there should be clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and that these efforts have failed. The onus therefore is on the applicant to provide detailed evidence in support of such claims.

In the absence of such evidence (as is the case here), the determining factor in assessing demolition of these buildings will therefore be the merits of the alternative proposals. For the reasons stated above, and amplified in the main body of the report, the proposed redevelopment scheme is deemed to be unacceptable. It would have a detrimental impact on the setting of Listed Buildings and harmful to the character and appearance of the Conservation Area.

DAERA and NI Water have advised that at present the waste water treatment infrastructure does not have sufficient capacity to serve the proposed development and no acceptable, alternative solution has been proposed. However, for the reasons set out in the main report, it is considered that this issue could be addressed by a suitably worded planning condition and a refusal reason on this issue is not considered appropriate.

Statutory Consultees

DFI Roads – No objection subject to conditions

NI Water – Objection

HED Historic Buildings Unit – Objection

HED Historic Monuments Unit – No objection

DAERA Water Management Unit – Objection

DAERA Regulation Unit – No Objection

Rivers Agency – No objection

Belfast City Airport – No objection

Non-Statutory Consultees

Belfast City Council Environmental Health Department – No objection subject to conditions

Belfast City Council Urban Design Officer – Objection

Belfast City Council Conservation Officer – Objection

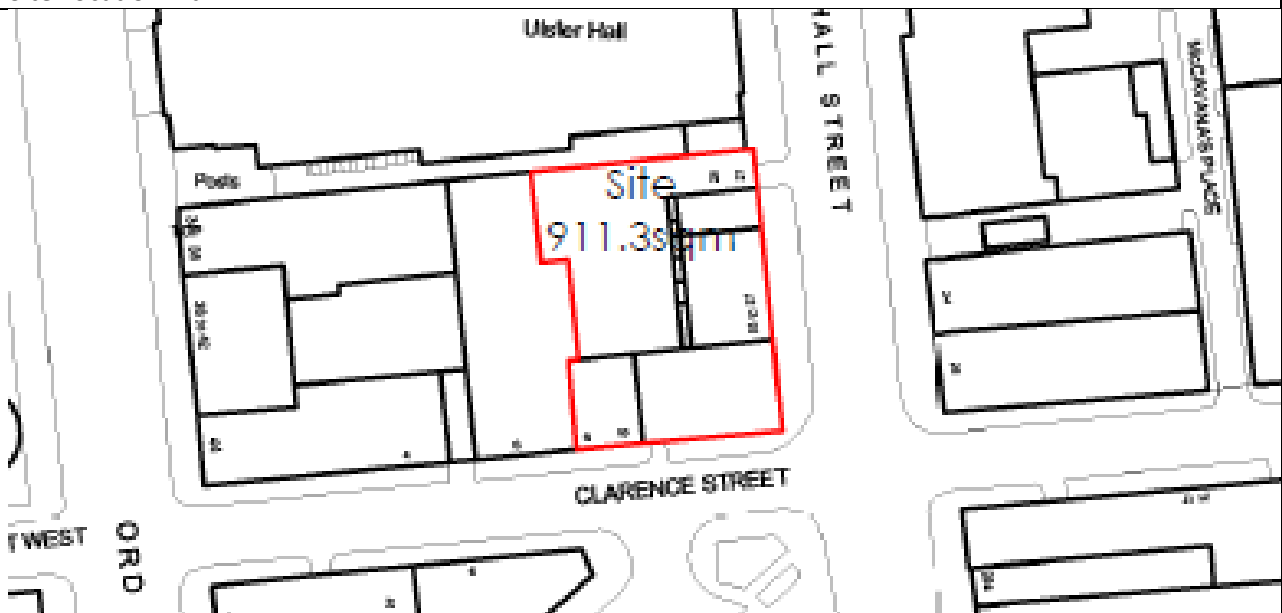
No objections have been received from the community or third parties.

Recommendation

Having had regard to the statutory development plan, the draft development plan, relevant planning policies, planning approvals in the area, and the consideration of the issues set out in this report, the proposed demolition and redevelopment is considered unacceptable and subsequently a refusal of planning permission is recommended.

Case Officer Report

Site Location Plan



Contextual Elevations



- | | |
|-----|---|
| 1.0 | Description of Proposed Development |
| 1.1 | The proposal is a 7 storey building, 25.2m high (21.5m to its shoulder), providing approximately 5,932 sqm of office space. The building fronts onto both Linenhall Street and Clarence Street and partly steps down in height on the latter where it meets the street. |
| 1.2 | The proposed building is red bricked with bronze metal features applied to projecting window frames between first and fourth floors with deep angled framing to the ground floor openings. A contemporary take on the traditional chamfered corner comprises an attractive solid-to-void arrangement. |

1.3	No car parking is proposed. 46 internal cycle parking spaces would be provided. The building will be serviced from Linenhall Street.
2.0	Description of Site
2.1	The site is located on the junction of Linenhall Street and Clarence Street and consists of vacant surface level car park (circa 8 car parking spaces) located centrally with buildings at either side fronting onto both streets.
2.2	Two adjoining buildings front onto Linenhall Street, these are two and three storey in scale and are of typical design and proportions with a painted render finish and slate roofs. The buildings are occupied with retail and café units at ground floor level and offices on the two floors above.
2.3	A two storey gable fronted building fronts onto Clarence Street. This is of modern design with an elongated vertical glazed panel located centrally between two windows at either side.
2.4	The corner is poorly defined with just a 1m high railing enclosing the surface level car park with access onto Clarence Street.
2.5	The site is within the Linen Conservation Area. The Ulster Hall, immediately next to the site to north, is a Listed Building (Grade A).
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History
3.1	LA04/2020/0164/F - Demolition of nos. 27-37 Linenhall Street and 8-10 Clarence Street and erection of eight storey office building. Withdrawn
3.2	LA04/2020/0125/DCA - Demolition of No's 27 to 37 Linenhall Street and No's 8-10 Clarence Street and erection of eight storey building. Withdrawn
3.3	LA04/2019/2348/F - Demolition of nos 27 to 37 Linenhall Street and nos 8-10 Clarence Street and erection of seven storey office building. Withdrawn
3.4	LA04/2019/2347/DCA - Demolition of nos 27 to 37 Linenhall Street and nos 8-10 Clarence Street and erection of seven storey office building. Withdrawn
4.0	Policy Framework
4.1	Belfast Urban Area Plan Draft Belfast Metropolitan Area Plan 2015 (2004) Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area' Draft Belfast Metropolitan Area Plan 2015 (2015) Developer Contribution Framework (2020)
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 – Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage Planning Policy Statement 13 – Transportation and Land use

	Planning Policy Statement 15 – Planning and Flood Risk
5.0	<p>Statutory Consultees</p> <p>DFI Roads – No objection subject to conditions</p> <p>NI Water – Objection</p> <p>HED Historic Buildings Unit – Objection</p> <p>HED Historic Monuments Unit – No objection</p> <p>DAERA Water Management Unit – Objection</p> <p>DAERA Regulation Unit – No objection</p> <p>Rivers Agency – No objection</p> <p>Belfast City Airport – No objection</p>
6.0	<p>Non-Statutory Consultees</p> <p>Environmental Health BCC – No objection</p> <p>Urban Design Officer – Objection</p> <p>Conservation Officer – Objection</p>
7.0	<p>Representations</p> <p>None received</p>
8.0	<p>Other Material Considerations</p> <p>Linen Conservation Area guidance document</p> <p>The Belfast Agenda</p> <p>The City Centre Regeneration and Investment Strategy (CCRIS) (2015)</p>
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • Development Plan Context • Demolition within the Linen Conservation Area • Impact on Built Heritage • Impact on character and appearance of the Linen Conservation Area • Design • Acceptability of Office Use at this location • Traffic and Parking • Impact on Amenity • Impact on Historic Monuments • Drainage and Flooding • Pre-application Community Consultation • Air Quality • Waste Water Treatment • Developer Contributions
9.2	<p>Development Plan Context</p> <p>Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan has reverted to the Belfast Urban Area Plan. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within 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. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.</p>
9.3	<p>Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the only areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.</p>
9.4	<p>In the Belfast Urban Area Plan the site is located on unzoned whiteland. In the earlier version of Draft Belfast Metropolitan Area Plan (2004) and the latest version of draft</p>

	BMAP (2014) (the version published post Public Enquiry and purported to be adopted) the site is unzoned whiteland.
9.5	The site is also within the City Centre boundary and within the Linen Conservation Area as in the BUAP and draft BMAP (both pre-enquiry and adopted versions) and within the Main Office Area CC009 in dBMAP (2004).
9.6	<p><u>BUAP</u> Policy CC12 – High Buildings The Policy seeks to ensure that new high buildings:</p> <ul style="list-style-type: none"> do not mar or dominate the surrounding hills or the scale of attractive Belfast Views relate sympathetically in design to the urban structure of the City relates sympathetically to their immediate surroundings relate sympathetically to buildings or groups of buildings of architectural and historic interest
9.7	These criteria are addressed in further detail below when discussing the potential impact on listed buildings, the Linen Conservation Area and how the proposal sits within its immediate context.
9.8	<p><u>Draft BMAP (2004 and 2014 versions)</u> The site is located within the Commercial District Character Area as designated in draft Belfast Metropolitan Area Plan (2004) and also within the latest version of BMAP (2015) (CC007). This sets out a number of urban design criteria for the area and criteria specific to the area:</p> <ul style="list-style-type: none"> The density of development in the area shall be maintained and increased, where appropriate, through high site coverage and high plot ratios; Development proposals shall take account of the height of adjoining buildings;
9.9	Given the inner urban grain the density as proposed, albeit high on what is a restricted footprint, would not be unacceptable. In terms of the height of the adjoining buildings this will be discussed in more detail below under prevailing planning policy, namely PPS6.
9.10	<p>There are no site specific criteria which affect the proposal however there are three further criteria which apply throughout the Character Area:</p> <ul style="list-style-type: none"> New development shall respect the established building line. Exceptions may only be permitted where development creates significant public open space; Building heights shall be a minimum of 6 storeys and a maximum of 9 storeys; and Development shall be fine grain in nature, and aim to reflect traditional plot widths. The façade of larger development proposals shall be broken up visually to reflect the scale of traditional units, e.g. the sub division of block into 4 buildings.
9.11	The proposed building has a height of approximately 25m and is 7 storeys high. This meets the general height requirement in the urban design criteria for the character area in detailed above. There will be a more detailed discussion below about the principle of a tall building on this site (Under PPS6) which will take in wider factors such as immediate building heights, heights within the conservation area and impact upon built heritage.
9.12	<p><u>Objections to Designations and Development Opportunity Sites in Draft BMAP</u> Objections to Designation CC009 – Main Office Area In their report on the Public Local Enquiry into Objections to the BMAP 2015, the Planning Appeals Commission (PAC) concluded that there was no need for a main office</p>

	area in Belfast and offices should be allowed throughout the defined City Centre in the Plan.
9.13	There were a number of general objections to all Character Areas and in particular to specific design criteria. The PAC concluded that in general the design criteria were merited and basic expectations of responsive urban design within a City Centre context.
	Demolition within the Linen Conservation Area
9.14	The Conservation Area Officer has assessed the contributions made by the buildings on site that are the subject of the demolition consent application.
9.15	<i>8-10 Clarence Street: 'Modern building with no features of historic or architectural merit that reflect typical characteristics seen in other heritage assets within the area. Scale, massing, floor to ceiling heights and proportions do not sit well with adjacent historic units or the wider streetscape, and thus it does not contribute positively to legibility or the uniform reading of the streetscene. Full demolition would be acceptable in principle, subject to a suitable replacement scheme.'</i>
9.16	<i>27-37 Linenhall Street: 'The Linen Conservation Area Guide' identifies the terrace façade for maintenance and enhancement rather than a development opportunity. In 'The Linen Quarter Vision & Guidance' it is not identified as making either a positive or negative contribution (page 38) but is identified as having 'potential to improve (its) contribution'.</i>
9.17	<i>'Commercial retail units at ground floor have significantly diluted the historic fabric, nonetheless it retains a number of historical features which in my opinion reflect the architectural, social and economic circumstances of the linen industry and would have typified the area's original urban grain; hipped roof, corbelled chimney, curved fanlight, ground floor plinths, vertical emphasis and proportionality to window openings, plot widths / rhythms etc. Whilst the façades have been rendered, original brickwork can be seen through this which highlights that there may be potential to restore and retain additional elements of value. Some of the above features are reflected in nearby buildings such as the recent Ulster Hall extension, which is also set back to enable the terrace to remain prominent and contribute to legibility via a subtle, incremental step-up from the lower level units to the south to the taller Ulster Hall extension to the north.'</i>
9.18	The Conservation Officer is of the opinion that this is a historic asset with sufficient interest by way of age, features and legibility to make a positive contribution to the character and appearance of the conservation area. The presumption in favour of retention should therefore apply under Policy BH14 and it would be preferable that opportunities should be explored to retain, re-use and regenerate these buildings within any redevelopment scheme to enable their continued contribution.
9.19	The proposal has been assessed against Policy BH14 of PPS6. BH14 is clear that when a building makes a positive contribution, the presumption is in favour of retention, and the Council should have regard to the same broad criteria for the demolition of listed buildings (para 6.5 and policy BH 10). PPS6 6.5 sets out general criteria which are relevant to all proposals (including demolition), and reinforces the ethos that if the building makes a contribution, then the presumption to retain and protect should only be relaxed under exceptional circumstances.
9.20	The applicant has indicated that they do not wish to pursue retention / re-use, and in such instances Policy BH14 directs the Council to have regard to the same broad criteria outlined for the demolition of listed buildings (PPS6 para 6.5 and Policy BH 10);

	<p>a) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. PPS6 provides suitable clarity on what level of information should be provided in support of this.</p> <p>b) the adequacy of efforts made to retain the building in use. It is for the applicant to demonstrate that genuine efforts have been made to continue the present use or to find compatible alternative uses for the building – again PPS6 sets this out in detail; and</p> <p>c) the merits of alternative proposals for the site.</p>
9.21	<p>Section 5.5 page 26-27 of the applicant's Building Appraisal & Heritage Impact Statement states that for criterion (a): <i>'the condition of the buildings is poor... Improvements if made, are understood to not be viable at this location... Savills property consultants has advised that the size of the floorplates and layout configuration of the buildings no longer meet the standards required by potential tenants. As such, there was no demand to refurbish the existing buildings and a refurbishment to improve condition would not have been financially viable... If the buildings were retained, it would not be economically viable to develop the car park site only due to its limited width... this aspect must be balanced by the overall planning decision taking into consideration costs and viability.'</i></p>
9.22	<p>2.8 Section 5.5 page 27 states that for criterion (b): <i>'Following a comprehensive marketing campaign that lasted 8-12 weeks it was determined that whilst there was interest from a number of parties, those that were interested in acquiring the property had no interest in the retention of the existing buildings and only had an interest in acquiring the site with the intention of redevelopment... In this context, Savills have advised that, "As the retail space on the ground floor and office accommodation does not satisfy the requirements of the modern occupiers we would be of the opinion that the properties will remain unoccupied and in a dilapidated state until such time that planning permission has been obtained for redevelopment."</i></p>
9.23	<p>The Conservation Officer has highlighted that no evidence has been provided to demonstrate that this is the case. The council has a duty under PPS6 to adopt a precautionary principle and when considering demolition of a building which makes a positive contribution; there should be clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and that these efforts have failed. The onus therefore is on the applicant to provide detailed evidence in support of such claims. Moreover, it is considered that marketing the premises for 8-12 weeks is far too short a period to be meaningful.</p>
9.24	<p>In the absence of such evidence, the Conservation Officer cannot give any reasonable weight in support of criteria (a) or (b). The determining factor in assessing demolition of these buildings in this instance will therefore be criterion (c), the merits of the alternative proposals.</p>
9.25	<p>Based on the information currently provided, the principle of demolition conflicts with BH10 of PPS6 and therefore the policy presumption in favour of retention under BH14 applies. Insufficient information has been provided to justify the proposed demolition. It is acknowledged that the redevelopment of this site, with an acceptable scheme, has the potential to enhance the character of the area, however there is insufficient information to satisfy the requirements of Policy BH 14 and BH10 and paragraph 6.19 of the SPPS. The merits of the proposed redevelopment and the weight to be afforded to criterion (c) will be discussed further below.</p>

9.26	The consent to demolish has been sought separately under application LA04/2020/2201/DCA.
9.27	<p>Impact on Built Heritage</p> <p>Historic Environment Division (HED) has noted that the proposal is in close proximity to, and within the setting of, the following listed buildings, which are of special architectural and historic interest and are protected by Section 80 of the Planning Act (NI) 2011:</p> <ul style="list-style-type: none"> • The Ulster Hall 1-7 Bedford Street (Grade A) • Belfast City Hall (Grade A) • St Malachy's Church (Grade A) • BBC Broadcasting House Ormeau Avenue (Grade B1) • Bryson House 28 Bedford Street (Grade B1)
9.28	Historic Environment Division (HED) considers that the proposal fails to satisfy the policy requirements of the SPPS Para 6.12 (Setting) and BH11 PPS6 (Development affecting the Setting of a listed Buildings) in that the scale, height, massing, alignment and form of the building is out of keeping with the Ulster Hall and the adjoining buildings along Clarence Street and would if permitted, also compromise the integrity of the block, the distinctive character of the conservation area and the setting of the listed buildings as listed above.
9.29	HED considers that the proposals as presented still fail to satisfy paragraph 6.12/ Development proposals impacting on Setting of Listed Buildings of SPPS and with respect to Policy BH11 'Development affecting the Setting of a Listed Building' of PPS6.
9.30	The listed building that will arguably be most affected by the proposal is the Ulster Hall, immediately abutting the site to the north. The proposal is approximately 7m higher than the main roofline of this 5 storey listed structure, with a difference of approximately 3.5m between the two predominant shoulder heights.
9.31	It is acknowledged that the overall 'setting' of the listed structures listed above has changed dramatically over recent years. As opposed to what would have been a traditional much lower streetscape, particularly in the more southern parts of the Linen Quarter, the introduction of high-rise contemporary buildings has transformed the built context on what is a main arterial route to the city centre, terminated by the City Hall. The southern side of the Linen Conservation Area is defined as much by the large contemporary buildings fronting onto Linenhall Street and Adelaide Street as the lower more domestically scaled buildings on Bedford Street, Alfred Street and Joy Street.
9.32	However, it is felt that although the building is not dissimilar in height to some of the more contemporary buildings in the area, it is of a scale that will dominate the immediate streetscape, particularly the western side, and in doing so impact negatively upon the setting of the listed Ulster Hall. The juxtaposition of high and low buildings is not uncommon and indeed is prevalent on some of the junctions within the conservation area, however the issue in this case is the relationship with the Ulster Hall and the impact upon its setting. In other conservation areas, particularly the city centre, where it could be argued that taller buildings help define the character, and the lower buildings are more isolated, within the Linen Conservation Area there is more of a mix, with the high rise buildings being more the notable exceptions (Windsor House, Bedford House).
9.33	The proposed design, finishes and materials are by no means a replica of the adjacent Ulster Hall building, which has a traditional red bricked finish and window to wall ratio, and hierarchy of form. However, the tones of the materials and vertical emphasis do pick up on the design traits displayed in the Ulster Hall. HED has noted the change in finish

	<p>from brown to red brick, which is more complementary. The applicant was given guidance on how to improve the relationship of the proposed building with the listed Ulster Hall, by reducing its height on the nearside and creating a set-back. However, no further such changes were made and the Council must consider the application before it. It is concluded that the proposal would have an unacceptable impact on the setting of the listed Ulster Hall, contrary to Policy BH11 of PPS 6. For this reason the proposal is unacceptable.</p>
9.34	<p>Impact on character and appearance of Linen Conservation Area</p> <p>The site is located centrally within the Linen Conservation Area, which is located immediately south of the City Hall between Donegall Square South and Ormeau Avenue. The proposal has been assessed against Policy BH12 of PPS6 and paragraph 6.19 of the SPPS. The site is located within the Linen Conservation Area as designated in the BUAP and BMAP. Some of the issues around the impact on the conservation area have been covered already, which is inevitable when the listed buildings tend to make a significant contribution in terms of a conservation area's character.</p>
9.35	<p>(a) the development preserves or enhances the character and appearance of the area;</p> <p>As the site consists of a surface level car park and two buildings, one of which offers little in terms of architectural merit, it is considered that the opportunity exists to enhance the character of the Linen Conservation Area as per paragraph 6.18 of the SPPS. The development draws upon the red brick/ rustic tones displayed in some of the more traditional buildings in the conservation area, including the rear of the adjacent Ulster Hall and No. 21 Linenhall Street, and combines this with a strong vertical emphasis. This building will replace a surface level car park, and two existing buildings. Given the design and materials, plus the fact the site includes a vacant car park, it is considered that a building on the site of an appropriate scale, respecting the built heritage, could outweigh the loss of the existing buildings. However, for the reasons stated above in relation to the scale of the building within the current context, discussed further below, and in the absence of a suitable redevelopment proposal, it is considered that the opportunity has not been taken to enhance the character of the Linen Conservation Area. The proposal is therefore contrary to Policy BH12 of PPS 6 and Section 104(11) of the Planning Act (Northern Ireland) 2011.</p>
9.36	<p>(b) the development is in sympathy with the characteristic built form of the area;</p> <p>The character of the immediate area is defined by an almost equal mix of established 3-6 storey red bricked and rendered buildings with taller more contemporary buildings such as the Cecil Ward Building, Bedford House and Windsor House (now Grand Central) becoming a feature of the wider area beyond the existing block. There are also the established two and three storey terraces, such as those adjacent to the site along Clarence Street, with this greater diversity in terms of height and old/ new mix more evident in the wider area, such as Bedford Street with Bedford House, Windsor House and the Invest NI Buildings dominating the skyline. So to suggest there is a uniformity within the conservation area is clearly not the case.</p>
9.37	<p>However, along Linenhall Street the streetscape is much more static, particularly on its western side, with no marked punctuations within the built form, certainly not to the extent of the anomalies on Bedford Street. This relative uniformity in building heights becomes particularly apparent when looking north along Linenhall Street from the site, a vista which is eloquently terminated by the City Hall, with its dome positioned perfectly in the centre, retaining its primacy as the most important building within the view. It is from this view that the existing site becomes very apparent in its vacancy. This prominent corner site is poorly defined with the blank southern façade of the Ulster Hall rising behind it and</p>

	the two and three storey buildings on the site becoming almost insignificant within this more dominant backdrop and context. Yes, the proposed building will be much more dominant than the existing buildings on the site but this is by no means a contradiction.
9.38	In a similar manner to the southern approach to the City Hall, the site lies within the streetscape which frames the western approach to another key listed building in the area, that of St. Malachys Church, located a short distance east of the site and a building terminates the vista along Clarence Street. The Clarence Street approach is very much low-scale with the terraced three storey streetscape at either side defining the approach from Bedford Street to Linenhall Street. The proposed building will obviously introduce a higher built form at the eastern end of Clarence Street, however, the 7 storey height is more akin to the massing of the six storey buildings to the eastern end of Clarence Street, which ultimately frame the immediate approach to St. Malachys. Having said this, it is the immediate context which is important in terms of how the legibility of the established block (framed by Clarence Street, Bedford Street, Linenhall Street and Franklin Street). The stark increase in height from the more domestic scale evident in the streetscape fronting onto Bedford Street and Clarence Street immediately west of the site will be striking and introduce a very dominant mass at odds with its immediate surroundings.
9.39	The Conservation Officer notes that <i>'visual prominence should remain with listed buildings in the vicinity, and their role as landmark buildings should be respected in terms of legibility'</i> . For reasons stated above this will not be the case. The proposal therefore also fails this criterion of Policy BH12.
9.40	(c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area; The adjoining buildings in this case are the two buildings which abut the site, the Ulster Hall on Linenhall Street and the building to the rear along Clarence Street.
9.41	The Urban Design Officer has commented that <i>'The proposed scale, height and massing of any building on this site should pick up on the existing heights of neighbouring developments to ensure it sits comfortably and responds positively to surrounding context. The neighbouring terrace to the west along Clarence Street is three storeys in height with a hipped roof form while to the north the site abuts the modern red brick extension to the Ulster Hall along Linenhall Street. Neighbouring buildings at the junctions of Clarence Street/Linenhall Street West and Linenhall Street/Clarence Street generally incorporate a three storey shoulder height. It is acknowledged that taller buildings of up to eight storeys, as well as roof extensions to existing buildings, have also been approved within this area (notably diagonally opposite this site), however in those cases context is different'</i> .
9.42	This largely seven storey building will be higher than both adjoining buildings, and although an attempt has been made to step the massing down towards the three storey block on Clarence Street, in the round the building does not go far enough in addressing the scale of the adjoining streetscape.
9.43	The Urban Design Officer expands on this by noting <i>'While it is understood that the issue of height cannot be viewed in isolation and should be considered alongside other issues..... I am of the opinion that its application across most of the site results in a scheme which tips the balance towards overdevelopment of the site and a scheme that does not fully relate to surrounding context, particularly its listed neighbour (Ulster Hall) along Linenhall Street'</i> .

9.44	The introduction of horizontal and vertical shifts along the Clarence Street elevation are noted and to some extent help in the transition from the existing three storey terrace to the upper seven storey height of the proposed building. The Urban Design Officer welcomes this approach but highlights concerns with regard to the four storey height differential between the terrace and the proposed rear/side return of the building. Whilst responding architecturally to the eaves height along Clarence Street, the resultant seven storey height at the eastern end of Clarence Street will dominate the eastern views along Clarence Street to Linenhall Street.
9.45	Although careful consideration has been given to the transition in scale between the Linenhall Street frontage and Clarence Street the relationship between the building and the adjoining Linenhall Street frontage raises concerns. The five storey bulk of the Ulster Hall drops to a bay of approximately 2/3 storeys, stepped slightly back off the street, in the area immediately abutting the site. This results in a stark jump between the 7 storey expanse of the proposed building to this lower bay, before rising again the main 5 storey block of the Ulster Hall. This relationship is noted by the Urban Design Officer who points to the resultant <i>'abrupt and overbearing blank gable that visually competes with the listed asset'</i> .
9.46	Of particular concern is the impact the two upper floors will have on the streetscape. The shoulder height of the Ulster Hall provides an obvious horizontal cue, with the resultant massing being at odds with this established marker. The Urban Design Officer has noted this cue and has suggested that <i>'the introduction of a deep setback at this level would help to establish a lower five storey shoulder height (aligning with that of the Ulster Hall)'</i> . This relationship with the Ulster Hall is again highlighted by the Conservation Officer who states that <i>'this (Linenhall Street) elevation should be revised to include a similar setback and transitional element as per Clarence Street, which will be vital in ensuring a more appropriate built form for the wider streetscape, and crucially minimise any detriment or impact on the visual primacy and setting of the Ulster Hall extension'</i> .
9.47	Similarly the extent of the upper floors of the building will dominate the Clarence Street character. The Urban Design Officer states that <i>'consideration should be given to the removal of the upper seventh floor entirely or else potentially pulling the extent of the mansard back off the northern edge'</i> .
9.48	It is therefore concluded that the proposal fails this criterion of Policy BH12.
9.49	(d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area; The bin storage and cycle store have been located in the rear of the building and are accessed off Linenhall Street, this should limit any potential disturbance and ensure that the street frontages are as 'active' as possible which is welcomed. Environmental Health have not raised any significant concerns in terms of potential noise or odours.
9.50	(e) important views within, into and out of the area are protected; Given the central location of the site within the Linen Conservation Area, the views affected by the proposal would be those within the area itself. As stated above the increase in height from the more domestic scale evident in the streetscape fronting onto Bedford Street and Clarence Street immediately west of the site will be striking and introduce a very dominant built form within the established block. This will impact upon the legibility of this planned block when viewed from the west from Bedford Street and to a lesser extent from the east along Clarence Street from St. Malachys Church where the built form (existing and approved) is notably higher.

9.51	In terms of the character of the northern part of the Conservation Area there is something of a mix. But as previously stated the established block is of a 3-5 storey scale with the Ulster Hall and adjacent 21 Linenhall building creating a strong western frame to views north. The landmark building in the area is the City Hall, providing a strong termination of this northern vista along the streets, which lead from the southern part of the conservation area to the city centre. This is located some distance north of the site but will be inter-visible with the proposed building from a key viewpoint to the south, on the approach to the site from Ormeau Avenue. This is arguably the most important northern linkage to the City Hall as it leads to the central dome of the building.
9.52	The introduction of a seven storey building on what is a vacant corner within the conservation area will have obvious visual implications, however its notable scale in relation to its neighbouring structures will impact significantly upon the views north to the City Hall, introducing a considerable mass on the western side of Linenhall Street, which as stated is out of keeping with the scale of the surrounding buildings, and particularly those within the block. The proposal therefore fails this criterion of Policy BH12.
9.53	(f) trees and other landscape features contributing to the character or appearance of the area are protected; and There are no landscape features on the site.
9.54	(g) the development conforms with the guidance set out in conservation area documents. The site lies within the Linen Conservation area, and indeed a part of the city centre, which is arguably defined by a mix of the more established 3-6 storey buildings reflecting the areas industrial heritage and the dispersed high-rise modern interventions such as Windsor House, Bedford House and 9 Adelaide.
9.55	The Linen Conservation Guidance Document talks about enhancing the essential character of the Linen Conservation Area and to encourage growth and development which is in sympathy with the character and appearance of the area. For reasons stated above the proposal is unsympathetic to the character of the area in terms of its scale and massing and subsequently the opportunity has not been taken to enhance the character of the conservation area.
9.56	New development within a conservation area should seek to reinforce character, the special architectural or historic qualities of the area that provide its legible character. As explained above the legible character is that of a mix of built form, both in terms of massing and proportions and also in terms of finishes, but ultimately it is the overall massing of the proposal and how it relates to its immediate context, and notably that of the Ulster Hall, which is found to be excessive and at odds with the scale of the buildings within the block in which it is located. This is particularly apparent along Clarence Street, with its three storey streetscape.
9.57	The underlying objective is of ensuring that new development does not undermine the urban design objective of legibility / promotion of legible environments – i.e. the proposal should not undermine the reading of the area as an area of special architectural and historic interest. The surface level car park on the site offers very little to the character of the conservation area as a whole, however, as stated above the existing buildings are of merit, particularly in the absence of an acceptable replacement scheme. A building with a high quality of architecture and finish of a sympathetic scale would be viewed as a positive. However, the proposal will introduce a building, which is higher than the adjacent listed Ulster Hall and notably higher than the immediate context within the block

	along Clarence Street and onto Bedford Street. This will undermine the reading of the block and be at odds with the character of the conservation area.
9.58	To conclude, the Conservation Officer has summarised the PPS6 consideration in terms of the impact on the Linen Conservation Area, and whilst acknowledging that a visual marker to denote the corner location may be acceptable, the building as proposed represents overdevelopment that would be visually dominant and contextually inappropriate, and would have an adverse impact on the conservation area. It would also detract from and dilute the contribution and setting of listed buildings, historic terraces and roofscapes in the vicinity. For these reasons it does not represent an overall level of quality to successfully preserve or enhance the conservation area, and as such it is in conflict with Policy BH12 criteria (a), (b), (c), (e) and (g) and unacceptable.
	Design
9.59	The proposal has been assessed against paragraphs 4.23-4.29 of the SPPS. The design is contemporary with a modern take on the typical vertical proportions of buildings of a similar scale in the City Centre. The red-bricked finishes reflect the tones that are common within the more established buildings in the area and also the newly constructed office buildings and BBC building to the south. The design, and in particular the scale, shall be considered in more detail below. The vertical emphasis created by the strong vertical columns is reflective of the historic architecture with the design picking up on some of the horizontal banding and cornice lines displayed on adjacent buildings.
9.60	Bronze metal features have been applied to projecting window frames between 1F and 4F with deep angled framing to GF openings. The chamfered corner, is described by the Urban Design Officer as <i>'reminiscent of the more traditional treatment on surrounding buildings albeit in a fresh and contemporary manner'</i> .
9.61	The introduction of a mansard roof on the upper floor helps reduce the visual impact, particularly from street level closer to the site.
9.62	The Urban Design Officer comments <i>'The overall design approach results in a legible arrangement across the façade including a strong base that picks up contextually on neighbouring properties with a general rhythm of windows from 1F to 5F, which nods to the hierarchy of window arrangements seen on surrounding buildings. Attention has also been given to the detailing of brickwork with emphasis placed on key horizontal/cornice and elements that pick up on contextual cues within neighbouring buildings (as stated above). Consideration has also been given to brick detailing on the vertical plane which helps to accentuate bays, define building edges and provide additional visual interest'</i> .
	Acceptability of Office Use at this location
9.63	In terms of the proposed office use, the site is within a prime city centre location and proposes approximately 6,000 sqm of office space. In their report on the Public Local Enquiry into Objections to the BMAP 2015 The Planning Appeals Commission (PAC) concluded that there was no need for a main office area in Belfast and offices should be allowed throughout the defined City Centre in the Plan.
9.64	The proposal has been assessed against Policy OF1 of Volume 1 of draft BMAP 2015. The policy states that planning permission will be granted for office development within Classes A2 and B1 of the Planning (Use Classes) Order within Belfast City Centre. The proposal therefore complies with this policy.
9.65	The proposal has been assessed under Policy PED1 and PED9 of Planning Policy Statement 4: Planning and Economic Development (PPS4). Policy PED1 states that a

development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan). Accordingly, the proposal satisfies the requirements of this policy.

9.66

Criterion (c) of Policy PED9 requires that proposals do not adversely affect features of the natural or built heritage which has been considered in detail above in terms of the impact of the proposal on the built heritage. The proposal has been found to be unacceptable with respect to its impact on the listed buildings in the area and thus is thus contrary to Policy PED 9 of PPS4.

9.67

Traffic and Parking

The application site falls within the Belfast Core Parking Restraint Area as set out in the BUAP and draft BMAP. The proposal has been assessed against Policies AMP7, 8 and 9 of PPS3. DfI Roads has noted that no parking is proposed for this development and also notes that practical options for on-street parking are very limited in the immediate vicinity of this location. Policy TRAN 1 within the draft BMAP (2014) is set out below:

Policy TRAN 1

Parking Standards within Areas of Parking Restraint

Within designated Areas of Parking Restraint the following parking standards will be applied:-

AREA	Car Parking Standards		
	RESIDENTIAL	NON RESIDENTIAL	NON RESIDENTIAL
	No. of spaces per dwelling	No. of non-operational spaces per m² of floorspace	No. of operational spaces per m² of floorspace
Belfast City Centre Core	1.0	1 / 300	1 / 930
Belfast City Centre Fringe	1.0	1 / 100	
Lisburn City Centre, Bangor and Carrickfergus Town Centres	1.0	1 / 50	
Commercial Nodes on Arterial Routes [outside Belfast City Centre Areas of Parking Restraint (Core and Fringe)]	1.0	1 / 100	

Reductions in the above standards will be considered in appropriate circumstances where evidence of alternative transport arrangements can be clearly demonstrated, or other material considerations exist that justify an exception to the policy. Proposals involving car parking in excess of the standards will only be permitted in exceptional circumstances.

9.68

The Transport Assessment Form submitted with the application estimates an additional 154 occupants on the site attracting an additional 68 cars with an additional 60 arrivals during the 8-9am peak morning hour and an additional 42 departures during the peak 5-6pm evening hour. The Travel Plan points to the site's proximity to the city's main public transport services such as, Great Victoria Street bus and rail station, Lanyon Place Station and the Metro bus and Glider terminus at City Hall. It also refers to the proximity of Ulsterbus, Metro and Glider stops. A Travel Co-Ordinator is to be appointed. They would regularly monitor the travel patterns of the staff and visitors to the facility to ensure that the right balance is maintained between the needs of staff and visitors to develop a sustainable transport strategy for the site.

9.69

DfI Roads has offered no objections to the proposal subject to a number of condition relating to the operation of the development in accordance with the Travel Plan, Service Management Plan, provision of cycle parking and the closure of redundant accesses on site. Having regard to the advice from DfI Roads and consideration of the relevant policies, the proposal is considered acceptable with respect to traffic and parking.

9.71	<p>Contamination</p> <p>A Preliminary Risk Assessment submitted with the application included a review of historic maps for the area and a site walk over. The report concluded that there are no significant onsite sources of contamination and the offsite sources are considered not to be significant. Furthermore, they conclude that as the site is entirely covered by hardstanding this will prevent contact pathways, breaking this potential pollutant linkage. Subsequently Environmental Health Department of BCC and Regulation Unit of DAERA has offered no objections in relation to contamination.</p>
9.72	<p>Impact on amenity</p> <p>The proposal has also been assessed against paragraphs 4.12 and 4.13 of the SPPS, in terms of potential impact on amenity of adjacent properties. The proposed building is set within an inner urban context where any building on the site would inevitably have an impact on the amenity of properties in the vicinity of the site.</p>
9.73	<p>The Environmental Health Department of BCC has reviewed the Environmental Noise Impact Assessment entitled “ Proposed office development at Linenhall Street, Clarence Street, Belfast. The report has assessed noise impact and predicted internal noise levels for future office occupants. The report concludes that the proposed glazing systems to the development should provide at least 15dB Rw to ensure a suitable internal noise environment within the open plan office space, the report recognises that typical double glazed units provide an Rw sound reduction index of at least 33dB. It was concluded that ventilation could be provided by an openable window which provides 15dB sound reduction.</p>
9.74	<p>The noise impact assessment has considered the impact of plant noise on the proposed offices. The consultant recommended that the wall/ceiling to these rooms should provide a sound reduction of 35dB DW. Furthermore it was recommend that the door leading from the plant room should provide a sound reduction of 35dB .</p>
9.75	<p>It is noted from the drawings submitted that limited plant is proposed at roof level (lift over run, smoke vent shaft) surrounded by a plant screen. The NIA has therefore not considered noise from the roof top plant area within the assessment. Should additional plant be proposed to the roof as part of this proposal or should roof top plant be installed in the future care will be required in the selection design and location of the plant so as to ensure the approved nearby residential at 21 Linen Hall Street (approved under LA04/2019/0811/F) are not adversely impacted by plant noise. It should be noted that no objection was offered from Environmental Health in relation to potential noise impact on adjacent properties.</p>
9.76	<p>Impact on Historic Monuments</p> <p>The application site is located within the Belfast Area of Archaeological Potential, defined within Belfast Metropolitan Area Plan 2015 to protect the above-ground and Below-ground archaeological remains associated with the early development of the city.</p>
9.77	<p>There are also a number of sites on the Industrial Heritage Register located within the immediate area of the application, including two linen warehouses (IHR 10639 and 10640). The 2nd Edition Ordnance Survey map also shows a “Spinning Factory” extending from Franklin Street to Linen Hall Street West.</p>
9.78	<p>Historic Environment Division (Historic Monuments) has reviewed the information submitted and is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer funded programme of archaeological works.</p>

	Drainage and Flooding
9.79	<p>The proposal has been assessed against Policy FLD1 and FLD3 of PPS15. The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.</p>
9.80	<p>DfI Rivers has reviewed the Drainage Assessment by McCloy Consulting, dated October 2020, and while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions.</p>
	Air Quality
9.81	<p>The Environmental health Department has assessed the heating requirements associated with the proposal, and has noted that detail concerning any proposed combustion processes has not been provided. Depending on the pollutant emission rate of any proposed combustion plant, an Air Quality Impact Assessment may be a requirement as a risk of negative impacts at relevant receptors may result. The applicant is advised to refer to IAQM/EPUK document '<i>Land-Use Planning and Development Control: Planning for Air Quality</i>', dated January 2017.</p>
9.82	<p>Subsequently Environmental Health requested that details are provided of any proposed combustion system(s) including the technical data sheets and emission rates and location and height of associated flues. This information was not requested formally from the applicant given the direction of the application at the time of the response. In any case this is information which could be sought via condition in the event of planning permission be granted.</p>
	Waste Water Treatment
9.83	<p>DAERA Waste Management Unit has expressed concern that the sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Belfast Waste Water Treatment Works (WWTW) and recommended that the Case Officer consult with Northern Ireland Water Limited (NIW) to determine if the WWTW will be able to cope with the additional load or whether the existing WWTW would need to be upgraded.</p>
9.84	<p>NI Water Limited confirmed that waste water treatment capacity is not available at present for the proposed development and advised that if the applicant wishes to proceed they should contact NIW to discuss alternative interim options such as a temporary wastewater facility at the developer's own expense; this would not be adopted by NIW in the future. NI Water have confirmed that they have a programme for WWTW improvements which will increase capacity over the coming years. This includes two new sludge processing tanks for Belfast and subsequent improvements to the city's six existing sludge processing tanks. These works are estimated to be completed within 2.5 years – well within the five year lifespan of planning permission were it to be granted. Moreover, NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development will not all come forward at once which means in practical terms it would be unreasonable to withhold planning permission in relation to these issues.</p>
9.85	<p>In light of the NI Water response the agent has advised that they would be agreeable to the use of a negative planning condition to require full details of the how foul/waste water is to be disposed of prior to commencement of the development, such as:</p>
	<p><i>"No development shall commence on site until details of waste water disposal have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details."</i></p>

	<p><i>Reason: To ensure appropriate foul drainage of the site”.</i></p> <p>As this matter can be addressed by a suitably worded planning condition this issue is not considered to be a refusal reason.</p>
9.86	<p>Pre-application Community Consultation</p> <p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p>
9.87	<p>Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a ‘Proposal of Application Notice’ (PAN) that an application for planning permission for the development is to be submitted. A PAN was submitted to the Council on 2nd July 2020.</p>
9.88	<p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.</p>
9.89	<p>In light of Public Health advice, in order to limit the spread of Covid-19, the Department for Infrastructure recognised that it is not currently possible to hold a Pre-Application Community Consultation (PACC) public event without posing a significant risk to health. As a result, new legislation was put in place to temporarily suspend the requirement for a PACC public event in respect of applications for major development. Under The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020, alternative means of engagement were authorised and the requirement for a public exhibition has been suspended for an initial 5 month period, now extended until September 2021.</p>
9.90	<p>A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <p>Digital drop-in webinar sessions were held via Zoom on:</p> <ul style="list-style-type: none"> • Wednesday 12 August between 10am – 11am • Wednesday 12 August between 6pm – 7pm
9.91	<p>The event was advertised in The Belfast Telegraph on 5th August 2020.</p>
9.92	<p>Display boards, which included all the information that would have been on display at a Public Information Event, were made available online via the consultation website and hard copy packs were provided to parties unable to access digital materials. Two hard copy packs were distributed via post on request.</p>
9.93	<p>A consultation website with live chat function was launched on 5 August 2020. By 26 August 2020 the consultation site had 687 unique visitors running a total of 776 sessions and 1,485 page views.</p>
9.94	<p>Leaflets were distributed to approximately 200 properties in the surrounding area, with a copy of the PAN distributed to a number of Councillors and MLAs on 26th June 2020.</p>

9.95	During consultation on the plans for the development, a total of 9 responses were received. All were received via completion of online feedback form or freepost return. 56% of respondents were supportive of the scheme. Specific concerns were raised with regard to the height, design and appearance of the building and the removal of car parking spaces (on the existing surface level car park). Two people were supportive of the design. The need for wider regeneration in the area was acknowledged in the feedback
9.96	It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
9.97	<p><u>Developer Contributions</u></p> <p>In this case it would be considered appropriate that any planning approval should be subject to the developer entering a legal agreement with Belfast City Council to provide contributions to local environmental improvements and should primarily take the form of public realm improvements to the streetscape within the locality. Given the direction of the application to date no discussions have taken place in relation to potential Developer Contributions.</p>
10.0 10.1	<p>Recommendation:</p> <p>Having regard to the detailed assessment set out in this report, it is recommended that planning permission is refused. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.</p>
11.0	<p>Draft Refusal Reasons</p> <ol style="list-style-type: none"> 1. The proposed office building, by reason of its scale, height, massing, façade alignment, form and design, would have an over-dominant impact on the Grade A Listed Ulster Hall to the detriment of its setting. The proposal is therefore contrary to Policy BH11 of Planning Policy Statement 6, Policy PED9 of Planning Policy Statement 4 and paragraph 6.12 of the Strategic Planning Policy Statement for Northern Ireland. 2. The proposal would result in the demolition of Nos. 27-37 Linenhall Street, which make a positive contribution to the character and appearance of the Linen Conservation Area. The proposal is therefore contrary to Policy BH14 of Planning Policy Statement 6. Moreover, the proposed office building, by reason of its scale, height, massing, façade alignment, form and design, would have an over-dominant impact on the street scene and interrupt framed views northwards of City Hall, harming the character and appearance of the Conservation Area. The proposal is therefore contrary to Policy BH12 of Planning Policy Statement 6 and paragraphs 6.18 and 6.19 of the Strategic Planning Policy Statement for Northern Ireland. 3. The proposal does not incorporate public realm improvements to the footways on Linenhall Street and Clarence Street, and does not take the opportunity of enhancing the setting of the proposed office building and Conservation Area. The proposal is therefore contrary to paragraphs 4.15 and 6.18 of the Strategic Planning Policy Statement for Northern Ireland, Policy BH12 of Planning Policy Statement 6 and Chapter 8 of the Developer Contribution Framework (adopted January 2020).

12.0	Notification to Department (if relevant) N/A
13.0	Representations from elected members: None
Neighbour Notification Checked Yes	
Signature(s)	
Date:	

ANNEX	
Date Valid	3rd November 2020
Date First Advertised	13th November 2020
Date Last Advertised	13th November 2020
Details of Neighbour Notification (all addresses) 1 Clarence Street,Belfast,Antrim,BT2 8DX 12-22 Linenhall Street,Belfast,Antrim,BT2 8BS 13 Clarence Street,Belfast,Antrim,BT2 8DY 24 Linenhall Street,Belfast,Antrim,BT2 8BG 26 Linenhall Street,Belfast,Antrim,BT2 8BG 26a ,Linenhall Street,Belfast,Antrim,BT2 8BG 31 Linenhall Street, Belfast,Antrim,BT2 8AB 34-36 Bedford Street,Belfast,Antrim,BT2 7FF 42-44 Bedford Street,Belfast,Antrim,BT2 7FF 46 Bedford Street,Belfast,Antrim,BT2 7FF 6 Clarence Street,Belfast,Antrim,BT2 8DX 9 Clarence Street,Belfast,Antrim,BT2 8DY Flynn And McGettrick Solicitors, 3 Linenhall Street West,Belfast,Antrim,BT2 8DA Like Architects, 3 Linenhall Street West,Belfast,Antrim,BT2 8DA Orr House, 29 Linenhall Street,Belfast,Antrim,BT2 8AB Rea House,26 Linenhall Street,Belfast,Antrim,BT2 8BG Ulster Hall, 34 Bedford Street,Belfast,Antrim,BT2 7FF	
Date of Last Neighbour Notification	24 th February 2021
Date of EIA Determination	NA
ES Requested	No
Drawing Numbers and Title Nos. 1-8 – Site Location, Floor Plans, Elevations and Sections.	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 20 April 2021	
Application ID: LA04/2021/0320/F	
Proposal: Variation of Condition 3 (agreement of proposed materials prior to commencement) of planning permission LA04/2015/0264/F to enable a change to the proposed materials to be agreed prior to occupation of the development (currently under construction).	Location: Lands bounded by Bedford Street, INI Building McClintock Street and Franklin Street, Belfast BT2 7GP.
Referral Route: Variation to Major Planning Application	
Recommendation:	Approve subject to conditions and a Section 76 Agreement
Applicant Name and Address: not provided 17-19 Dungannon Road Cookstown BT80 8TL	Agent Name and Address: Consarc Design Group 4 Cromac Quay Belfast BT7 2JD
<p>Executive Summary:</p> <p>The proposal seeks to vary a condition under Section 54 of the Planning Act (Northern Ireland) 2011 to a previous approval for the Bedford Square Development Phase 2 which includes the conservation, alteration, refurbishment and extension to the listed Ewart Building for office use and a 17 Storey new build mixed use development, with ground floor retail, offices above and associated basement car parking; and completion of a new civic square. This permission, under reference LA04/2015/0264/F was approved on 13 April 2017 (see Appendix 1). The site lies within the Linen Conservation Area. The approved development is under construction and is substantially complete.</p> <p>Condition 3 of planning approval LA04/2015/0264/F states that:-</p> <p><i>Notwithstanding the details shown on the drawings hereby approved, full particulars of the following shall be submitted to and approved by the Council in writing prior to commencement</i></p> <ol style="list-style-type: none"> 1. 1:1 mock up panels 2. Sample board for all external materials 3. Details of enclosure to roof plants. <p><i>Reason: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.</i></p> <p>The proposal seeks to vary Condition 3 which requires details of materials to be submitted and approved prior to 'commencement' of development to agreement prior to 'occupation' and to enable a change to the proposed materials.</p> <p>HED is satisfied that the proposed finishes are acceptable in the context of the listed Ewart building. The Urban Design and Conservation Officers offer no objection to the proposed changes.</p>	

No representations have been received regarding the proposal.

Taking account of the planning history on the site the proposed changes are considered compliant with the development plan and other relevant policies.

Recommendation

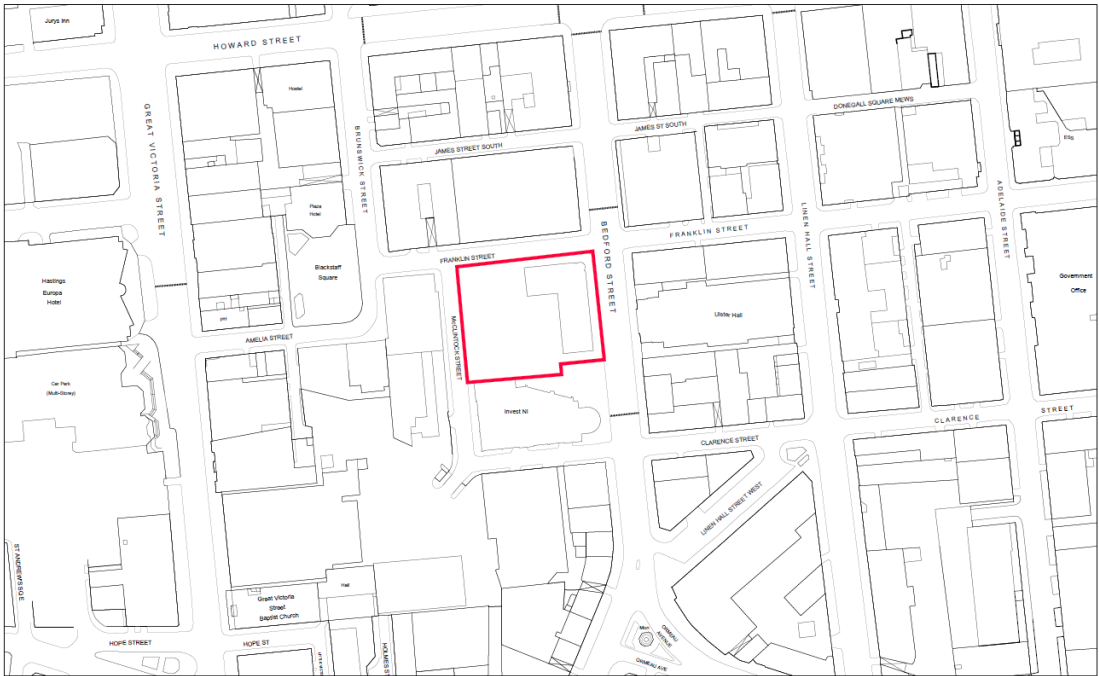
Having regard to the development plan, relevant policy context and other material considerations, the proposal is considered acceptable and approval is recommended. This in effect would create a standalone permission which would be subject to the varied condition, (all other conditions as set out in the original decision (LA04/2015/0264/F) remain unaltered), and a Section 76 planning agreement (as previously required under the original planning permission).

It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the Section 76 planning agreement and wording of the varied condition subject to no new substantive planning issues being raised.

Case Officer Report

1. Plans

Site Location Plan

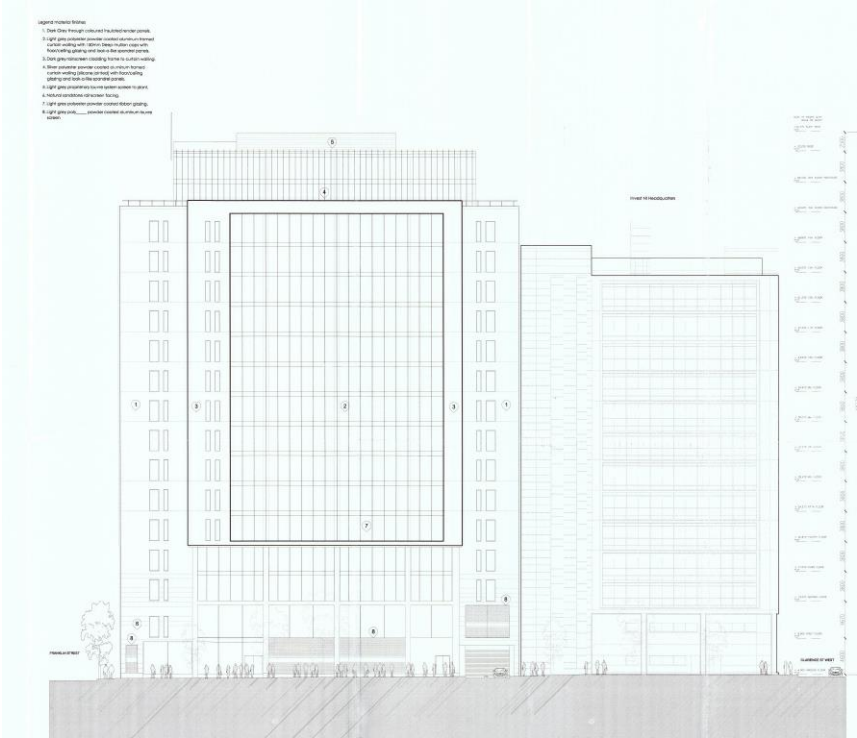


Approved Drawings relating to planning approval LA04/2015/0264/F

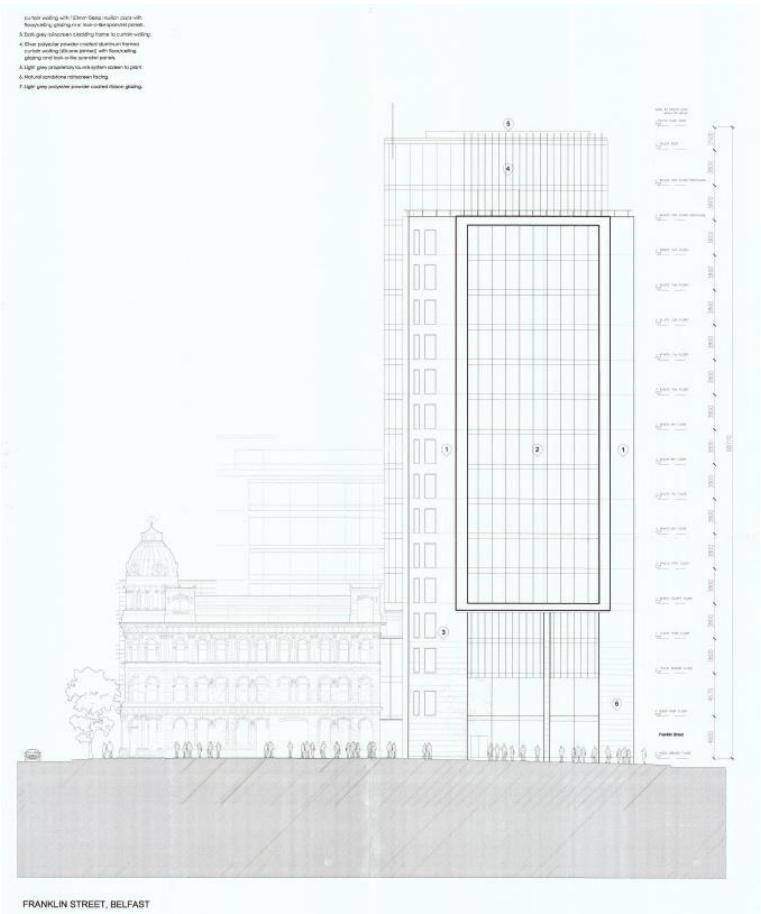
Proposed East Elevation (onto Bedford Square)



Proposed West Elevation (McClintock Street)



Proposed North Elevation (Franklin Street)



Proposed CGI View - Bedford Street

VISUALISATION FROM BEDFORD STREET



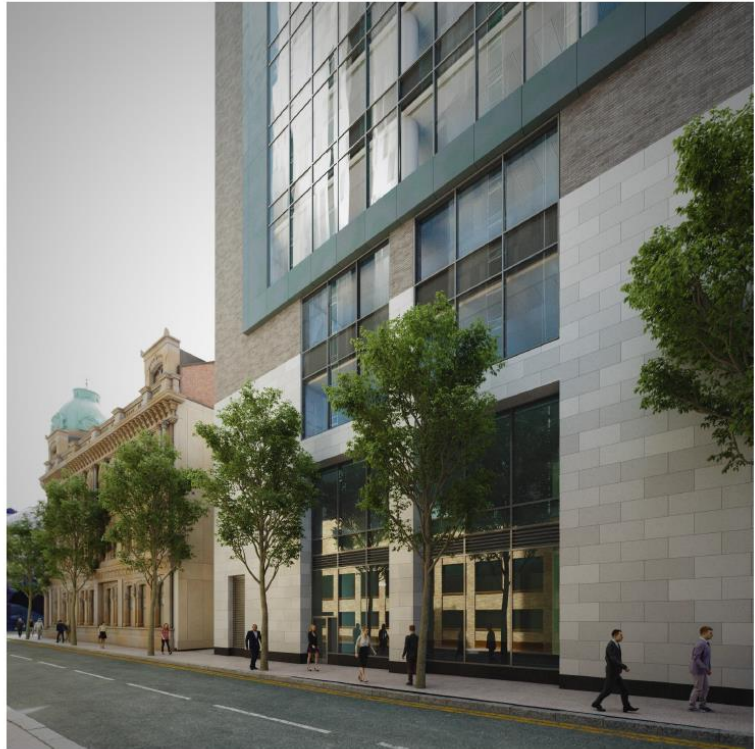
Proposed CGI view - Bedford Street/Franklin Street

VISUALISATION FROM BEDFORD STREET / FRANKLIN STREET



Proposed CGI View - Franklin Street

VISUALISATION FROM FRANKLIN STREET



Proposed CGI view - Franklin Street/McClintock Street

VISUALISATION FROM FRANKLIN STREET /
McCLINTOCK STREET



2.0	Characteristics of the Site and Area
2.1	The site is located in Belfast City Centre on lands at the corner of Bedford Street, Franklin Street and McClintock Street. This site incorporates a listed building (Ewart Building) which is being restored, altered and extended as part of the previous planning approval on the site (Ref: LA04/2015/0264/ F and LA04/2015/0094/LBC). The site lies within the Linen Conservation Area and is situated in an area comprising a mix of uses including hotels, offices, student accommodation, entertainment venues, retail and restaurants/pubs. The development approved on the site under planning approval LA04/2015/0264/F is under construction and is substantially complete.
3.0	Description of Proposal
3.1	Section 54 application to vary condition 3 of planning permission LA04/2015/0264/F which requires agreement of proposed materials prior to commencement of development to enable a change to the proposed materials to be agreed prior to occupation of the development (currently under construction).
4.0	Planning Assessment of Policy and Other Material Considerations
4.1	<p>Policy Context</p> <p>Regional Planning Policy</p> <ul style="list-style-type: none"> • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 6 (PPS 6) – Planning, Archaeology and the Built Heritage <p>Local Planning Policy Context</p> <ul style="list-style-type: none"> • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan (2015) • Draft Belfast Metropolitan Area Plan (2004) <p>Other Material Considerations</p> <ul style="list-style-type: none"> • Linen Conservation Area Design Guide
4.2	<p>Planning History</p> <p>LA04/2015/0264/F – Bedford Square Development Phase 2 to include the conservation, alteration, refurbishment and extension to the listed Ewart Building for office use and a 17 Storey new build mixed use development, with ground floor retail, offices above and associated basement car parking; and completion of a new civic square, Lands bounded by Bedford Street, INI building, McClintock Street and Franklin Street, BT2 7GP. Permission granted 13.04.2017.</p> <p>LA04/2015/0094/LBC – Conservation, alteration, refurbishment and extension of the listed Ewart Building into office accommodation. In addition to the full conservation of the sandstone elevations and domed corner tower, the proposal involves the removal of the gable and rear brick elevation together with non-load bearing/ internal partitions. Retention of floor structures throughout and structural support/ cast iron columns on ground, 1st and 2nd floor, as well as the retention of the internal feature staircase. The roof structure is to be retained where possible; third floor and the south facing gable are to be reconstructed to their original profile salvaging and reusing existing</p>

	components and materials. Additional works to the building include steel relieving structures to the existing floor plates with the addition of a 4no. storey steel framed extension to include a 2no. storey bridge link to the adjoining proposed commercial building, Ewart Building, 17 Bedford Street, Belfast, BT2 7GP. Consent granted 13.04.2017.
4.3	Statutory Consultation Responses
	DFC HED – No objection.
4.4	Non-Statutory Consultation Responses
	BCC Urban Designer – Informal advice - No objection in principle. BCC Conservation Officer – No objection in principle.
4.5	Representations The application has been advertised and neighbours notified and no third party objections have been received.
4.6	Planning Assessment
4.6.1	<i>Application Background</i> Planning permission was granted on 13 April 2017 for the restoration, alteration and extension to the listed Ewart Building for office use and a 17 storey adjacent building development also for ground floor retail and offices above incorporating basement car parking as detailed under the 'Planning History' section above. The approved new development is under construction and is substantially complete i.e. the frame including block and steel work of the 17 storey office/residential block has been erected but external finishes have not been applied.
4.7	Key Issues
4.7.1	The key issues to be considered in the assessment of this application are: <ul style="list-style-type: none"> • Change to trigger for submission of further details • Acceptability of proposed materials • Impact on the setting of the listed Ewart building • Impact on the Conservation Area
4.8	Development Plan Context
4.8.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4.8.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
4.8.3	Draft BMAP 2015 (dBMAP 2015), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. Given its advanced stage it is considered to

	have significant weight. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
4.8.4	In dBMAP 2004 the site is unzoned land within Belfast City Centre. Part of the site is identified as a development opportunity site (CC 021). The site is located within the Main office Area, Commercial District Character Area and within the Linen Conservation Area. In dBMAP 2015 the site is also unzoned land within the City Centre and is located within the Commercial District Character Area and within the Linen Conservation Area. Within the BUAP the site is unzoned land within Belfast City Centre and falls within the main office area.
4.9	Change to trigger for submission of further details
4.9.1	The proposed development seeks to (1) vary the trigger for provision of details of <i>mock up panels, sample board for all external materials and details of enclosure to roof plants</i> from prior to 'commencement' to prior to 'occupation' and (2) amend two of the proposed external finishes relating specifically to the new 17 storey office/retail block.
4.9.2	With regard to the change of trigger the approved development is substantially complete and the applicant/developer is therefore unable to fulfil the obligations set out in this condition as the 'commencement' date has passed. Whilst the development is substantially complete external finishes to the 17 storey office/retail block have not been fixed to the building frame and provision of details of materials at this point still enables officers to apply a considered approach to the proposed amended external materials given the stage at which the development has reached. The change to submission of details 'prior to occupation' is therefore considered satisfactory in this case. The purpose of this condition is to ensure that samples of the exact materials are provided to enable officers to verify the acceptability of materials including colours, tones and to ensure that they are appropriate and do not detract from the character and visual amenity of the area. In this case the development incorporates the restoration of a listed building and the site is located within the Conservation thus particular attention regarding the specification of proposed external finishes is critical in ensuring that the materials are satisfactory. HED and the Conservation Officer have no objection to the proposed change to 'occupation' in condition 3.
4.10	Acceptability of Proposed Materials
	<i>Approved External Materials proposed to be changed:-</i>
4.10.1	Changes to the following two approved external materials are proposed:- <ul style="list-style-type: none"> • <i>Dark Grey through coloured insulated render panels – above second floor level</i> • <i>Natural sandstone rainscreen facing – ground, first and second floor levels.</i>
4.10.2	The above materials were approved under application LA04/2015/0264/F as appropriate external finishes to part of the facades of the new build 17 storey development on Franklin Street, McClintock Street and fronting Bedford Square. <i>Proposed External Materials</i>
4.10.2	<i>Materials proposed to replace the above two external finishes include:</i>

	<ul style="list-style-type: none"> • <i>Grey handmade brick – above second floor level</i> • <i>Natural granite stone cladding – to ground, first and second floor levels</i>
4.10.3	<p>The use of grey brick above second floor level on the façade of the new 17 storey development is considered an appropriate material and will complement the existing sandstone finish on the adjoining listed Ewart building whilst allowing the listed building to retain primacy. A significant proportion of the Bedford Square/Street, Franklin Street and McClintock Street facades of the proposed tower will comprise of glazed curtain walling which will remain unchanged. The proposed change in materials to grey brick and granite will apply around the glazed curtain walled areas on the Bedford Square/Street, Franklin Street and McClintock Street facades of the 17 storey building.</p>
4.10.4	<p>The use of granite stone cladding on the lower levels of the 17 storey building façade is considered to complement the grey brick. The Urban Design Officer has informally advised of no objections to the proposed materials subject to receipt of elevational drawings to confirm the extent of the proposed changes to materials and comparative CGIs to illustrate those changes. This information has been requested and is considered necessary to clarify the areas on the facades to which the proposed external finishes apply. The proposed materials will ensure a high quality finish on the proposed 17 storey building and will complement the listed Ewart Building and are considered acceptable in terms of the impact on the character and visual amenity of the area. HED and the Conservation Officer also offer no objection to the proposed change to materials as set out below.</p>
4.11	<p>Impact on the setting of listed buildings</p>
4.11.1	<p>The proposed site falls within the setting of the listed Ewart Building. HED also consider that the proposed development will also impact on the wider setting of Bryson House (HB26/50/058, Grade B1) and the Ulster Hall (HB26/50/057, Grade A), both of which are located opposite the site on Bedford Street. Paragraph 6.12 of the SPPS and Policy BH 11 (Development affecting the Setting of a Listed Building) of PPS 6 therefore apply to this proposal.</p>
4.11.2	<p>Policy BH 11 states that the Council will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:</p> <ul style="list-style-type: none"> (a) The detailed design respects the listed building in terms of scale, height, massing and alignment; (b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and (c) The nature of use proposed respects the character of the setting of the building
4.11.3	<p>Paragraph 6.12 of the SPPS emphasises the importance of assessing development proposals impacting upon listed buildings and their settings, paying due regard to their intrinsic value and contribution to the character and quality of settlements along with any special historical/architectural features that such a listed building may possess. The height, scale, massing and design of the proposed development have previously been determined as acceptable under planning application LA04/2015/0264/F. The only matter for consideration under the above policy context is the impact of the proposed changes to materials as set out above on the setting of the listed buildings adjacent and in the wider site context.</p>

4.11.4	HED, in their consultation response advise having considered the impacts of the proposal on the listed buildings and on the basis of the information provided state in consider that the proposal satisfies the requirements of paragraphs 6.12 & 6.13 of Strategic Policy Planning Statement for Northern Ireland and policies BH 8 & BH 11 (Extension or Alteration; and Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. The proposal is therefore considered to comply with Policies BH 11 and paragraph 6.12 of the SPPS.
4.12	Impact on the Conservation Area
4.12.1	The site is located within the Linen Conservation Area and as such Policy BH 12 of PPS 6 (New Development in a Conservation Area) and paragraph 6.19 of the SPPS applies to this proposal.
4.12.2	<p>Policy BH 12 states that the Council will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:</p> <ul style="list-style-type: none"> (a) the development preserves or enhances the character and appearance of the area; (b) the development is in sympathy with the characteristic built form of the area; (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area; (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area; (e) important views within, into and out of the area are protected; (f) trees and other landscape features contributing to the character or appearance of the area are protected; and (g) the development conforms with the guidance set out in conservation area documents.
4.12.3	Paragraph 6.19 of the SPPS highlights that in the interests of preserving or enhancing the character or appearance of a Conservation Area development proposals will be required to meet a number of criteria which reiterate those set out in Policy BH 12 above.
4.12.4	The Linen Conservation Area comprises a variety of external finishes on buildings within. The Linen Conservation Area Guide sets out a general principle that new development should seek to complement the existing in terms of scale, form, proportion, massing and elevational treatment. As indicated above the form of the development has previously been determined as acceptable therefore the only matter to be considered in respect of the Linen Conservation Area Guide is the elevational treatment.
4.12.5	The Conservation Officer has raised no objection to the proposed change of materials and advises that the use of grey brick and granite would provide a high quality finish appropriate to the setting of the building and without detriment to nearby historic assets. The Conservation Officer highlights the requirement for elevations specifying the extent of the proposed changes to the materials and comparative images illustrating approved and proposed materials. This information has been requested. The Conservation Officer response concludes that subject to the submission of this information a change in materials would be supported under PPS 6 Policy BH 12 criteria (c), (g) and (e). The proposal is considered to comply with Policy BH 12 and paragraph 6.19 of the SPPS and the Linen Conservation Area Guide.

Neighbour Notification Checked	Yes
<p>Summary of Recommendation: Having regard to the development plan, relevant policy context and other material considerations, the proposal is considered acceptable and approval is recommended. This in effect would create a standalone permission which would be subject to the varied condition (No. 3), all other conditions set out for approval LA04/2015/0264/F and a Section 76 agreement (as previously required under the original planning permission).</p> <p>It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the Section 76 planning agreement and wording of the varied condition subject to no new substantive planning issues being raised.</p>	
<p>Draft Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> 2. The 17-storey new build element of the proposal to the rear of the Listed Ewart Building shall only become operational when the full, conservation and restoration of the Listed Ewart Building is complete to the satisfaction of the Council. <p>Reason: To ensure the character and appearance of the Linen Conservation Area is enhanced at this location.</p>	
<p><u>Condition 3. To be varied</u></p> <ol style="list-style-type: none"> 3. <i>Notwithstanding the details shown on the drawings hereby approved full particulars of the following shall be submitted to and approved by the Council in writing prior to occupation:</i> <ol style="list-style-type: none"> 1. <i>1:1 mock up panels</i> 2. <i>Sample board for all external materials</i> 3. <i>Details of enclosure to roof plants.</i> <p><i>Reason: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.</i></p> <ol style="list-style-type: none"> 4. The floor structure throughout, structural support/ cast iron columns on ground, 1st and second floor and the internal feature staircase are to be retained and Council notified in writing prior to any works commencing on these features. <p>Reason: To ensure the retention of historic fabric.</p> <ol style="list-style-type: none"> 5. Prior to the commencement of development of the listed Ewart Building the existing roof structure should be investigated and survey details and drawings provided on its current condition including the submission of a detailed schedule and full working drawing showing all elements of the roof for the retention and replacement where necessary. <p>Reason: To ensure the retention of maximum historic fabric in order retain the integrity of the Listed Building.</p> <ol style="list-style-type: none"> 6. Any replacement materials to be used in the fabric of the Listed Ewart Building must be agreed in writing by the Council prior to the commencement of development. 	

Reason: To ensure that the character and appearance of the Ewart Listed Building is maintained so far as possible.

7. Notwithstanding the drawings hereby consented the height of any new roof structure, including any lift overrun, if agreed under condition 5 above shall not exceed the height of the existing roof at any part.

Reason: To ensure the retention of the historic aesthetic of the listed building.

8. Details of the proposed building services strategy must be submitted for agreement in writing by the Council prior to the commencement of development of the Ewart Building. The proposed building services strategy must ensure minimum intrusion into existing fabric and demonstrate methodologies and systems sympathetic to historic buildings.

Reason: To ensure the retention of historic aesthetic within the existing floor plates, and the clarity of new building services.

9. Any amendment or departure from to the building services strategy as agreed under Condition 8 must be agreed in writing by the Council in advance of that amendment or departure.

Reason: To ensure the retention of historic aesthetic within the existing floor plates, and the clarity of new building services.

10. The basement car park serving the development hereby permitted shall retain minimum visibility splays of 2.5 m x 45.0 m. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway 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.

11. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 18B, '14037 D/L (2-) 101 Rev D, Proposed Basement Plan' bearing the Belfast City Council Planning Office date stamp 01 July 2016 and Drawing No. 19B, '14037 D/L (2-) 102 Rev D, Proposed Ground Floor Plan' bearing the Belfast City Council Planning Office date stamp 01 July 2016 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

12. The back of the adopted footway shall be clearly delineated from the new hard surfacing around the perimeter of the building. No doors or access panel shall extend beyond the perimeter of the new construction such that they will in any way impede or obstruct the public footway when in use.

Reason: In the interests of pedestrian safety and convenience.

13. A minimum of 74 No. cycle parking spaces shall be provided and permanently retained within the development for use by staff and visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

14. The development hereby permitted shall operate in accordance with the approved Travel Plan bearing the Belfast City Council Planning Office date stamp 01 July 2016. This includes provision of the Translink TaxSmart Initiative and the Bike2Work Initiative and measures to encourage sustainable travel by staff and visitors agreed with TransportNI.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles and servicing arrangements in the interests of road safety and the convenience of road users.

15. The development hereby permitted shall not commence until a detailed remediation strategy to address all identified unacceptable risks to environmental receptors has been submitted in writing and agreed with the Planning Authority. The detailed remediation strategy shall identify all unacceptable risks to the water environment, 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).

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

16. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. This condition only applies if a piling foundation is being used at the site. The assessment should refer to the guidance provided in the Environment Agency (2001) document, Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination; Guidance on Pollution Prevention" reference NC/99/73.

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

17. 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.

18. After completing all remediation works under Conditions 15 and 17; 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 Land, Soil & Air (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.

19. The retail unit shall not operate between the hours 23;00hrs and 7am unless it can be demonstrated by the applicant that there will be no negative impact on residential amenity as a result of the retail unit during these hours.

Reason: In the interests of public amenity.

Notification to Department (if relevant) – Not Required
Correspondence from elected reps – None

ANNEX	
Date Valid	4 th February 2021
Date First Advertised	19 th February 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Bedford Square,Belfast,Antrim,BT2 7ES The Owner/Occupier, 1 Mcclintock Street,Belfast,Antrim,BT2 7GL The Owner/Occupier, 17a ,Bedford Street,Belfast,Antrim,BT2 7EH The Owner/Occupier, 20 Brunswick Street,Belfast,Antrim,BT2 7GE The Owner/Occupier, 28 Bedford Street, Belfast The Owner/Occupier, 29 Franklin Street,Belfast,Antrim,BT2 7DW The Owner/Occupier, 29a ,Franklin Street,Belfast,Antrim,BT2 7DW The Owner/Occupier, 3 Mcclintock Street,Belfast,Antrim,BT2 7GL The Owner/Occupier, 34 Bedford Street, Belfast The Owner/Occupier, 43 Franklin Street, Belfast The Owner/Occupier, 9-15 Bedford Street, Belfast The Owner/Occupier, Linum Chambers,2 Bedford Square,Belfast,Antrim,BT2 7ES	

Date of Last Neighbour Notification	25 th March 2021
Date of EIA Determination	N/A
ES Requested	No

APPENDIX 1

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 26 th July 2016	Item Number: 2
Application ID: LA04/2015/0264/F	
Proposal: Bedford Square Development Phase 2 to include the conservation, alteration, refurbishment and extension to the listed Ewart Building for office use and a 17 Storey new build mixed use development, with ground floor retail, offices above and associated basement	Location: Lands bounded by Bedford Street, INI Building, McClintock Street and Franklin Street, Belfast, BT2 7GP.

car parking; and completion of a new civic square.(Amended Description and Amended Plans)	
Referral Route: Major Planning Application (>5000sqmetres of office floor space)	
Recommendation:	Approve - Subject to Conditions and a Section 76 Agreement
Applicant Name and Address: Bedford Street Enterprises C/O McAleer and Rushe 17-19 Dungannon Road Cookstown BT80 8TL	Agent Name and Address: Todd Architects 2nd Floor Titanic House 6 Queens Road Belfast BT3 9DT
<p>Executive Summary: This application seeks the conservation, alteration and extension of the listed Ewart Building and the construction of a 17 Storey (68 metres, 72 metres AOD) new build tower to the rear of the listed building linked to it by a second floor walkway. The proposal is for office accommodation throughout with ground floor retail in the tower element. The proposal also includes the completion of new civic square accessed from Franklin Street and Bedford Street and will form a courtyard area with the rear of the Ewart building, the new build tower and the existing INI building.</p> <p>The main issues to be considered in this case are;</p> <ul style="list-style-type: none"> • The principle of retail and office use at this location; • The impact of the conservation alteration and extension on the listed building, • The impact on the setting of the listed building; • The impact on the surrounding Linen conservation area; • The impact on the neighbouring amenity of the adjoining and surrounding properties; • The opportunity to promote economic development and job creation • Other matters <p>The site is located in Belfast City Centre, within the Commercial Area Character area, the city centre area of archaeological potential and the Linen Conservation Area.</p> <p>The site presently consists of the listed Ewart building and a surface level car park to its rear which is currently bounded by a low wall to the pavement.</p> <p>The application site benefits from planning permission in perpetuity in relation to the site to the rear of the Ewart building. In 2012 it was confirmed that a previous permission on the site for a 26-storey tower was found to have commenced at the time the INI Building was developed. Condition 7 of this permission tied the approval to the Ewart Building to ensure its conservation.</p> <p>The proposal has been assessed having regard to the development plan and against the following policies – Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement 3 - Access, Movement and Parking, Planning Policy Statement 4 - Planning and Economic Development, and Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage,</p>	

Transport NI, Historic Environment Division, NIW, Environmental Health and NIEA have no objections to the proposal subject to conditions

3 letters of objection were received to the original proposal. The objections include representation from the Ulster Architectural and Heritage Society, the Belfast Civic Trust and a member of the public. Amended plans were received in June 2016, in response to objections from Historic Environment Division, and no further representations have been received on the amended proposal to date. Statutory consultees who had previously objected, essentially on similar grounds to other objectors, have not renewed those objections following amendment of the proposals.

A Listed Building Consent Application LA04/2015/0094/LBC has also been submitted and is being dealt with under delegated powers; however HED have offered no objections to this subject to conditions as per this full application.

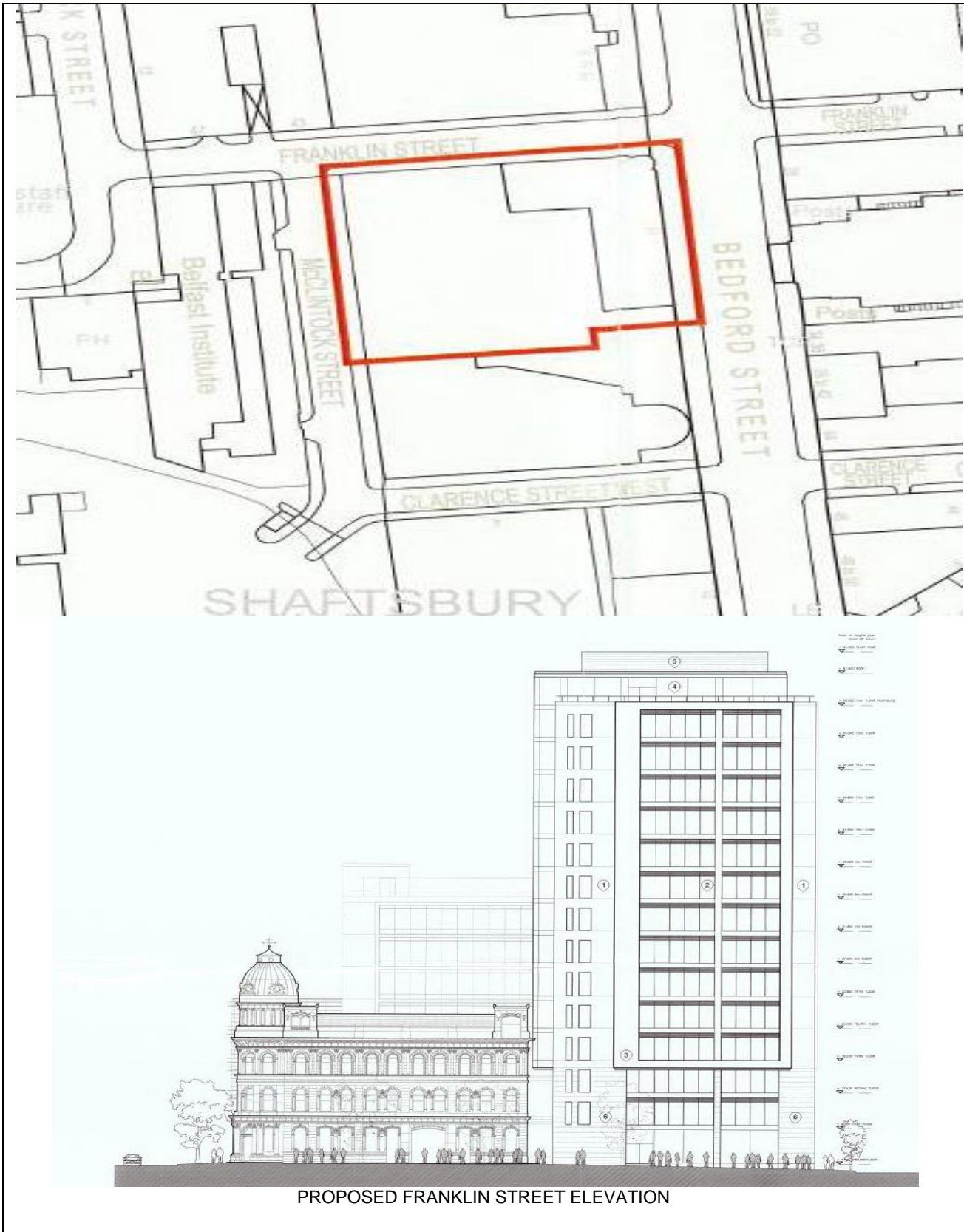
Having had regard to the development plan, relevant planning policies and other material considerations it is concluded that the proposal complies with the development plan and with regional planning policy in that the proposal if developed would enhance the Linen Conservation Area as well as bringing an important historical listed building back to life enhancing the material contribution that it makes to the conservation area and the wider city centre at this location.

The proposal is recommended for Approval subject to conditions and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions (see paragraph 9.11 below). If Committee is minded to agree with that recommendation, it is also requested that authority be delegated to the Director of Planning & Place, in consultation with the Town Solicitor, to negotiate and enter into the said Agreement on behalf of the Council.

Signature(s):

Case Officer Report

Site Location Plan



1.2	<p>The proposed development is for the conservation and alteration of the listed Ewart building with extensions to the western and southern elevation and the provision of a second floor link to a proposed 17 storey building fronting onto Franklin Street, with ground floor retail and 16 storeys (68 metres) of office accommodation above; and basement car parking under the proposed tower element.</p> <p>The proposal also incorporates a new civic square with access via a walkway to Franklin Street and open access to Bedford Street via the current open area in front of the INI building.</p>
2.0	Description of Site
2.1	The application site is bound by Bedford Street, Franklin Street and McClintock Street and adjacent to the INI Building, which formed Phase 1 of the original Bedford Square proposals.
2.2	The application site includes the Ewart Building at 17 Bedford Street, which is an original warehouse building with its entrance at the corner of Bedford Street and Franklin Street and is listed.
2.3	The Ewart building itself is described in Marcus Patton's Central Belfast Historical Gazetteer as a "three storey warm brown sandstone with a recessed corner feature rising from a colonnaded door case at ground floor to copper dome on an attic drum flanked by dormers..." Taller red brick warehouses and sewing sheds were located to the rear but were demolished in the 1990s, references to them can be seen on the western and southern elevations. The building has been derelict since the 1990s.
2.4	<p>The area to the rear of the listed building which also forms part of the application site is currently used as a surface level car park accessed from McClintock Street with a low wall around its boundary with the adjoining pavement.</p> <p>The site is located outside the retail core of the city centre, south west of City Hall. The area is mixed use in nature and includes office, retail, bars, restaurants and cafes.</p>
2.5	There are a number of buildings of height in the vicinity of the application site, Windsor House sits opposite the site at 80 metres (22 storeys) and the adjacent INI Headquarters Building is 54 metres (13 storeys) in height. There are recent approvals for a hotel (41 metres) on the site opposite the tower element of the proposal, and adjacent to this a recent approval for purpose built student accommodation (43 metres), both are by the same applicant as this application and both are currently under construction.
2.6	
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/2001/2040/O - The urban block of Belfast City Centre bounded by Bedford Street, Franklin Street, Clarence Street West & McClintock Street, including no.17 Bedford St. known as the Ewart building, BT2 7EH - The existing Ewart's building is to be retained and restored, a new internal square or plaza is to be created thereby permitting the perimeter street frontages to be developed with mixed use buildings of varying heights. – Approved 23-Sept-03
3.2	Z/2005/2567/F - Lands bounded by Franklin Street, McClintock Street, Ewart Building (17 Bedford Street) and Linum House (No's 1 & 2 Bedford Square), Belfast. - 26 storeys mixed use development (retail, gallery, offices), with basement car parking and completion of new civic square. (Amended Plans including increase of red line to include listed building within application site)- Approved – 01.June -07. In assessing this application it was recognised that a condition should be placed on the permission to ensure the Ewart building was brought back to use and represent an element of planning gain on the site. Condition 7 of this permission states that within one year of the occupation of the building the Ewart Building was to be refurbished and repaired, and the permission was to be read in conjunction with Z/2006/2325/F.

3.2.1	During the construction of the INI Headquarters building under planning reference Z/2004/2842/RM the Z/2005/2567/F planning permission was considered to have commenced. A letter from the Department, the then planning authority, issued to the applicant in June 2012 confirming that as this proposal “shared common foundation and access paths” it was considered commenced. This represents a fallback position for the applicant and as such forms an important material consideration in the assessment of this planning application.
3.3	Z/2006/2325/F - Ewart Building, 17 Bedford Street, Town Parks, Belfast, BT02 7EH - Existing building to be restored and retained, extension to south and west with change of use to extended stay hotel and ground floor Class A1 retail unit- Approved – 21-August-08.
4.0	<u>Policy Framework</u>
4.1	Belfast Metropolitan Area Plan 2015
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 4 - Planning and Economic Development Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage
5.0	<u>Statutory Consultees</u> DFI -Transport NI – No objection subject to Conditions – awaiting formal response. DFC - Historic Environment Division– No objection. DFC – Historic Environment Division– No objection. DAERA – NIEA – Land, Soil and Air – NO Objections subject to conditions. NIW – No objections
6.0	<u>Non-Statutory Consultees</u> Environmental Health BCC – No objection Building Control BCC – Bin Storage – No Objection
7.0	<u>Representations</u>
7.1	3 letters of objection were received in total prior to the submission of amended plans The 3 objections were received from Ulster Architectural Heritage Society, the Belfast Civic Trust and Rachel Morrow. The issues raised can be summaries into 3 categories; <ol style="list-style-type: none"> 1. Concern over the substantial demolition proposed and proposal considered contrary to BH 8 and BH 10 of PPS 6. 2. Dead frontage proposed along McClintock Street will further impact negative contribution to the street scene that the INI building makes contrary to planning policy and the guidance contained in Living Place and the Linen Quarter public realm document. 3. Extension to the listed building is not in keeping with the listed building and not appropriate for its heritage status. Amended drawings were received to address the concerns of Historic Environment Division, the application was re-advertised and all neighbours and objectors were re-notified of the amendments on 30 th June 2016. To date no further representations have been received.
8.0	<u>Other Material Considerations</u> Creating Places DoE Living Spaces Document. Belfast City Council Regeneration and Investment Strategy September 2015 Linen Quarter Vision and Guidance Document
9.0	<u>Assessment</u>

9.1	Article 6 (4) of the Planning (Northern Ireland) Act states that in making any determination under the said act regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.
9.1.1	The proposed development lies within the development limit for Belfast within the City Centre boundary, the Commercial District Character Area (CC007) and the Linen Conservation Area.
9.1.2	<i>The Belfast Metropolitan Area Plan 2015</i> (BMAP) identifies for information the extent of the Conservation Area and notes that it is based on a formal grid pattern originating as a Georgian residential area and contains a number of Victorian Building associated with the Linen Industry. The Plan further advises that development proposals within the city centre conservation areas are to be assessed in accordance with Planning Policy Statement 6 Planning, Archaeology and the Built Heritage; however it does not contain any policy provisions relevant to the Linen conservation area.
9.1.3	The application site lies within the Commercial District Character Area (CC007). The Character Area Designations specify urban design criteria related to the massing, alignment and scale of buildings.
9.1.4	The general criteria of the Commercial District Character Area states that the density of development in the area shall be maintained and increased where appropriate, through high site coverage and high plot ratio and that development proposals should take account of the height of adjoining buildings. The new build element of this proposal fronts onto Franklin street which is not specifically mentioned within the urban design criteria however the Linen Quarter, within which this site also lies, is identified as the main commercial area of the city. Furthermore the Plan acknowledges that this area has distinctive unity of character due to the generous grid street pattern, combined with the relatively large scale of the buildings.
9.1.5	The development proposal in this context is considered on balance to comply with the urban design criteria as set out in CC007 and UE 1 of BMAP, especially when considered in light of adjacent building heights, current and approved.
9.1.6	The proposed office and retail uses are also considered to comply with the development plan in that the site is whiteland located within the development limits of the Belfast Metropolitan Area Plan. Furthermore the site is located within the city centre and main office area and in an area highlighted by Belfast City Council as suitable for increased office accommodation.
9.1.7	<p>The main issues arising from this proposal relate to:</p> <ul style="list-style-type: none"> • The principle of retail and office use at this location; • The impact of the conservation, alteration and extension to the listed building, • The impact on the setting of the listed building, • The impact on the surrounding conservation area; • The impact on the neighbouring amenity of the adjoining and surrounding properties; • The opportunity to promote economic development and job creation • Other matters. <p>As the site is located within the development limits of the Belfast Metropolitan Area Plan the presumption is in favour of development subject to the planning considerations detailed below.</p>
9.1.8	
9.2	The principle of retail and office use at this location;
9.2.1	The application site is located within the city centre outside the primary retail core and within the city centre office area.
9.2.2	

9.2.3	<p>Including the redevelopment of the Ewart Building there is 18,000 square metres of office space proposed in the development the applicant has highlighted that this is proposed to be Grade A office space of which Belfast suffers from a deficit in.</p> <p>The Building Owners and Managers Association (BOMA) classifies office space into three categories: Class A, Class B, and Class C. According to BOMA, Class A office buildings have the "most prestigious buildings competing for premier office users with rents above average for the area". BOMA states that Class A facilities have "high quality standard finishes, state of the art systems, exceptional accessibility and a definite market presence". In planning terms Grade A office space falls within Planning Use Class B1a, the proposal is therefore retaining one of the last known uses of the current building.</p>
9.2.4	<p>The addition of approx 17,000 square metres of office space in the tower development is welcomed at this location, which is within the city centre office area contained in the development plan. Furthermore a core policy within the Belfast City Centre Regeneration and Investment Strategy is to Increase the city centres employment population; the applicant has suggested that a conservative figure of 1 person per 100 square metres will mean an increase of almost 2000 persons at this location.</p>
9.2.5	<p>Whilst the site is logistically well located in close proximity to the proposed transport hub at Great Victoria Street the intensification of use at this location will have a significant impact on service provision across the city in terms of connectivity for example access to public transport, access to Belfast bikes for ease of movement, access to wifi to open space and other facilities upgrades to these services cannot be provided for through conditions and will need to be mitigated through developer obligations and a agreement.</p>
9.2.6	<p>The proposed retail unit is 435 square metres in size and as such is not considered of such a size to impact upon the primary retail core, it will also bring active frontage to this area of the city and combined with the retail unit approved opposite the site as part of the Windsor House redevelopment will increase</p>
9.2.7	<p>Given the city centre location the proposed uses are considered to comply with the development plan and the policies contained within the Strategic Planning Statement as well as PED 1 of Planning Policy Statement 4.</p>
9.3	Impact on the Listed Building
9.3.1	<p>The last known use of the property was for office/ warehouse with the site lying vacant for approximately 20 years, therefore the main criteria under which the listed building proposal is to be assessed is BH 8 of PPS 6.</p>
9.3.2	<p>BH8 states that planning permission will normally only be granted for the extension and or alteration of a listed building where all of the following criteria are met:</p> <ul style="list-style-type: none"> (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired; (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and (c) The architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.
9.3.3	<p>The extension to the building is considered subservient in size to the existing building, extending 5 metres along Bedford Street and 11 metres to the rear of the building. The materials to be used are sandstone to tie with the existing building but with modern dark grey aluminium wall panels and windows. Views of the extension to the rear will be limited given the 17 tower proposal to create a Square to the rear. The Extension to the building along Bedford Street will only be visible on approach towards the City Hall as it is set back from the main facade and building line at this point. Whilst the design is modern in comparison to the listed building this is not to the detriment of the existing building. A previous approval on the site for similar sized extensions to the building provides a precedent and there has been no significant policies changes since this approval in 2008.</p>

9.3.4	Paragraphs 6-12 and 6-13 of the SPPS reflect the importance of conserving built heritage. This permits extension/alteration of a listed building when this will secure the ongoing viability and upkeep of that building. It is assessed that the proposals strike the correct balance of conserving the building and its fabric, setting and character, whilst supporting the best viable use.
9.3.5	<p>The Department for Communities Historic Environment Division (HED) is the statutory authority for Listed Buildings in Northern Ireland and has been consulted throughout the processing of this application. The initial proposal submitted for the site involved the significant loss of historic fabric of which HED were vehemently opposed to. However, following discussions with the applicant, in June 2016 amended plans were received seeking to conserve and alter the historic fabric to a degree that HED have now found acceptable subject to conditions. Furthermore given the previous history on the site for the removal of the south and eastern gables HED offered no objection to the proposed extension.</p> <p>The proposal is therefore considered on balance to meet the policy test set out in BH 8 of PPS 6 subject to conditions to ensure maximum retention during construction phase of historic fabric.</p>
9.4	The impact on the setting of the listed building;
9.4.1	<p>Policy BH 11 sets out the policy consideration for development affecting the setting of a listed building and states that the Council will not normally permit development, which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:</p> <p>(a) the detailed design respects the listed building in terms of scale, height, massing and alignment;</p> <p>(b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and</p> <p>(c) the nature of the use proposed respects the character of the setting of the building.</p>
9.4.2	<p>Given the 17 storey towers' location to the rear of the Ewart Building views are restricted of the tower to westerly and easterly approaches, views that already have taller buildings in their backdrop. The view of the Ewart building from City Hall and on approach to the city from Bedford Street will largely remain unaltered. Long-term views of the initial 15-storey proposal were provided which illustrate how the building will read alongside Windsor House and the INI building and will not have a significant impact on the skyline when considered in this context.</p>
9.4.3	<p>It is therefore considered that the 17 storey proposal before us now has less of an impact on the setting of the Ewart building as the 26 storey building which forms the fall-back position. Furthermore the setting of the Ewart building has significantly altered over the years especially since the demolition of the previously attached red brick warehouse buildings to allow for the first phase of the Bedford Square Scheme (the INI building), and sitting adjacent to Windsor House has meant the development of a cluster of tall buildings in this area. More recent approvals, and under construction schemes at McClintock and Brunswick street, 41-43 metres in height, would be the immediate context for the Ewart building should the tower proposal not proceed.</p>
9.4.4	<p>As the statutory authority for listed buildings the Historic Environment Division were also consulted on the impact of the tower element of the proposals on the setting of the listed Ewart building which is of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. The most recent consultation response from HED is considered in the context of the fallback position as discussed at paragraph 3.2.1 above and states that "...the proposal is compliant with BH11 of PPS 6."</p>
9.4.5	<p>The proposed 17 storey tower element therefore is considered on balance, taking into account the fall-back position, to comply with BH 11 of PPS 6, however it is recommended that as per the previous approval a condition is attached ensuring the Ewart building is redeveloped at the same time as the tower element to replicate the previous condition and considerations.</p>
9.5	The impact on the Linen Conservation Area;
9.5.1	<p>Section 104 of the <i>Planning (NI) Act 2011</i> advises that where any area is for the time being designated as a conservation area, special regard must be had to the desirability of (a) <i>preserving the character or appearance of that area in cases where an opportunity for enhancing its character</i></p>

	<p><i>or appearance does not arise; or (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.</i></p>
9.5.2	<p>The <i>Strategic Planning Policy Statement for Northern Ireland 2015</i> (SPPS) is a material consideration. It advises that until councils have adopted a new Plan Strategy any conflicts between the SPPS and existing specified retained Planning Policy Statements (including PPS6) are to be resolved in favour of the SPPS. The SPPS contains a policy direction reflecting Section 104 of the 2011 Act. Paragraph 6.18 of the SPPS advises 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.</p>
9.5.3	<p>The Linen Conservation area booklet, published in December 1992, has the Ewart building on its cover, highlighting the importance of this building to the conservation area. Page 18 of the CA booklet highlights the importance of Bedford Street as a thorough fare and that Windsor House acts as “an important landmark providing a reference point from outside the area...it is set back from the street frontage which still retains much of its 19th Century Character”.</p>
9.5.4	<p>The area to which both the phase 1 and 2 of Bedford Square relates is highlighted as an area where a development opportunity exists. The development guidelines within the enhancement strategy for this area state that large-scale buildings may be considered behind the street frontage in suitable locations. This has been successfully carried through in the INI building, which is set back from Bedford Street recognising the importance of the Ewart building in the street scene.</p>
9.5.5	<p>The Conservation Area Officer (CAO) was also consulted on the scheme and has raised issues regarding the tower element of the proposal considering it contrary to BH 12 in that it will detract from the reading of the conservation area as a historic late Victorian/ Edwardian linen warehouse district. Whilst it is acknowledged that a building of such height and design does represent a modern architectural form not necessarily in keeping with the pure overall context of this conservation area, the current backdrop to the conservation area at this location is lacking and in the context of the fall-back position retained by the applicant the proposal must be considered in the round..</p>
9.5.6	<p>It is considered that given the reduced state of the listed building as well as the vacant nature of the land surrounding the listed building within the conservation area, there is an opportunity to enhance the character or appearance of this area. The proposal does this by;</p> <ol style="list-style-type: none"> 1. Bringing a derelict and deteriorating listed building back into sustainable use; 2. Reusing a vacant site within the conservation area; contributing to the strategic objective of reducing the number of surface level car parking spaces available in the city and encouraging a greater reliance on alternative modes of transport 3. Enhancing the conservation area through the creation of a civic square; and 4. As per 9.8 enhancing the surrounding conservation area through contribution to the wider Linen quarter public realm.
9.5.7	<p>The development proposals are considered to comply with Section 104 of the planning Act, and with the SPPS in that the character of the conservation area is enhanced and that the relevant criteria of BH 12 of PPS 6: New Development in the Conservation Area are met for the following reasons;</p> <ul style="list-style-type: none"> • The development as a whole is in sympathy with the characteristic built form of the area; • The scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area; • The development should not result in environmental problems; • Important views within, into and out of the area are protected; and • The development conforms with the guidance set out in conservation area documents.
9.6	<p>Impact on Amenity of immediate and surrounding properties and area;</p>
9.6.1	<p>The closest neighbour to the proposed tower will be the INI building which the proposal will abut, the currently under construction hotel opposite on the corner of Brunswick Street and Franklin Street will be separated by the 13 metre width of McClintock street and the 14-15metre width of Franklin street will separate the building from Winsor house and the bar complex at 44 Franklin</p>

<p>9.6.2</p> <p>9.6.3</p>	<p>Street. These are not an unusual relationships in a city centre location and will also exist between the constructed INI building and the approved PBMSA on McClintock Street itself. Given the commercial uses proposed the impact of such is not considered significant.</p> <p>The proposal has the potential to bring approximately 2000 additional people to this area of the city whilst the facilities in terms of location to public transport are considered acceptable the impact on the amenity of the surrounding area has the potential to be significant. The public realm in the vicinity of the proposal is lacking and requires significant upgrading. Whilst it is acknowledged that the Bedford Square civic space element of this proposal will help enhance open space in the area the Brunswick Street McClintock Street area to the rear of the tower and the rest of the Linen Quarter as a whole is recognised to be lacking. The Linen Quarter document highlights the negative contribution made by the rear of the INI building and the limited active frontage along McClintock Street in this proposal will exacerbate this. While recognising the design difficulties in addressing plant room/ bin collection locations in such developments this must be offset by improvements to the public realm as a whole.</p> <p>As such it is proposed that the developer should enter into a section 76 agreement to secure contributions to facilitate the required improvements in the area as per previously approved schemes in this vicinity. It is recommended that should this application be approved that this delegated authority is given by the planning committee to the Director of Planning + Place to allow agreement to be reached.</p>
<p>9.7</p> <p>9.7.1</p> <p>9.7.2</p>	<p>Economic Development</p> <p>Paragraph 4-19 of the SPPS encourages a positive approach to appropriate development proposals supporting growth generating activities.</p> <p>The proposed development sits in what is the principal office district for the city and what has, perhaps more colloquially, become known as the central business district. There is presently significant demand for Grade A office space which cannot be met. The proposal therefore has the significant potential for job creation and will address an identified need. As referred to previously this proposal would provide office accommodation, conservatively, for 2000 people not to mention other spin off benefits and jobs that would be likely to follow.</p>
<p>9.8</p> <p>9.8.1</p> <p>9.8.2</p> <p>9.8.3</p>	<p>Others Matters including impact on amenity, the environment and traffic and parking.</p> <p>Paragraphs 4.11 and 4.12 of the SPPS states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development. The planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process.</p> <p>Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above-mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.</p> <p>Traffic and parking</p> <p>DFI Transport NI were consulted on the amended proposal which includes 43 car parking spaces and 60 cycle spaces in the basement of the tower element, a transport assessment and travel plan were also submitted. TNI have informally indicated they have no concerns and will be formally recommending no objection to the proposal subject to conditions prior to planning committee.</p> <p>Archaeology</p> <p>As the application site is located within the Belfast Area of Archaeological Potential (AAP) as defined in the Belfast Metropolitan Area Plan 2015. The AAP represents the historic core of the</p>

9.8.4	settlement with both above and belowground archaeological evidence of its development. An Archaeological Site Assessment was submitted and considered by Historic Environment Division: Historic Monuments Unit (HMU) who has no objections to the proposal in the context of Policy BH 4 of PPS 6.
9.8.5	<p>Contaminated Land</p> <p>DAER Land, soil and Air team requested a stage one and stage two (preliminary and general; risk assessment and having been re-consulted with these reports have no objections to the proposal subject to conditions.</p>
9.9	Consideration of Objections
9.9.1	The concerns of UAHS and the Civic Trust in their initial objection letter were the same as those expressed by HED. Following the submission of a number of structural reports including one commissioned by HED themselves the applicant's submitted amendments to ensure the conservation and maximum retention of historic fabric. HED are now satisfied and the concerns of the objectors are considered to be addressed in relation to the BH 8 and BH 10 of PPS 6.
9.9.2	In terms of the third objection it is acknowledged that the building does exacerbate the impact of dead frontage along McClintock Street. However the proposed corner retail unit will provide some active frontage and alongside the public realm improvements envisaged through developer contributions to the area; it is considered on balance that these improvements will ensure make a more positive street scene than present.
9.9.3	Neighbours and objectors were re-consulted on the 30 th of June with the amended proposals and to date no further representations have been received. If anything further is received prior to the application being considered by Committee this will be fully considered and presented as a late item.
9.10	Developer Contributions
9.10.1	In this case it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement with Belfast City Council to provide contributions to environmental improvements in the city and to mitigate impacts from the development as set out in this report.
9.10.2	This should primarily take the form of public realm improvements to the streetscape around the building and in the greater linen quarter. The area currently does not provide a quality environment and is poor in respect of hard and soft landscaping.
9.10.3	The sum of monies / works to be undertaken are to be agreed with the developer / landowner and the developer has expressed a willingness and commitment to provide satisfactory contributions.
10.0	<u>Summary of Recommendation</u>
10.1	The proposal is considered on balance to comply with BMAP and other material considerations in particular to the core planning principles contained in the SPPS and the PPS 6 in that the proposal would not cause significant harm to the built heritage of Belfast City Centre and to the amenity of neighbours. Furthermore an opportunity has been taken to enhance the conservation area at this location in line with section 104 of the Planning (NI) Act 2011.
10.2	As such the application is recommended for approval with conditions as set out below. If Committee is minded to agree with that recommendation, it is also recommended that delegated authority is granted to the Director of Planning Place, in consultation with the Town Solicitor to negotiate and enter into a Section 76 planning agreement.
11.0	<u>Conditions</u>
11.1	As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: Time Limit.

11.2	<p>The 17-storey new build element of the proposal to the rear of the Listed Ewart Building shall only become operational when the full, conservation and restoration of the Listed Ewart Building is complete to the satisfaction of the Council.</p> <p>Reason: To ensure the character and appearance of the Linen Conservation Area is enhanced at this location.</p>
11.3	<p>Notwithstanding the details shown on the drawings hereby approved, full particulars of the following shall be submitted to and approved by the Council in writing prior to commencement</p> <ol style="list-style-type: none"> 1. 1:1 mock up panels 2. Sample board for all external materials 3. Details of enclosure to roof plants. <p>Reason: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.</p>
11.4	<p>Prior to the commencement of development the existing roof structure should be investigated and evidence provided on current condition to demonstrate that it is beyond economic repair and retention.</p> <p>Reason – To ensure the retention of historic fabric.</p>
11.5	<p>No works shall commence, until the applicant has submitted full working drawings for the proposals identifying the structure to be retained, which are to be agreed with the Council in advance of works starting on site.</p> <p>Reason – to ensure the retention of the maximum amount of historic fabric.</p>
11.6	<p>Details of proposed building services strategy to be submitted to ensure minimum intrusion into existing fabric and to demonstrate methodologies and systems sympathetic to historic buildings.</p> <p>Reason – to ensure the retention of historic aesthetic within the existing floor plates, and the clarity of new building services.</p>
11.7	Transport NI conditions to be added authority for final wording to be delegated to Officials
11.8	Contaminated Land Conditions to be added authority for final wording to be delegated to Officials
11.9	<p>The retail unit shall not operate between the hours 23:00hrs and 7am unless it can be demonstrated by the applicant that there will be no negative impact on residential amenity as a result of the retail unit during these hours.</p> <p>Reason: In the interests of public amenity.</p>
12.0	<u>Notification to Department (if Relevant)</u>
12.1	If Committee is minded to approve the application the associated listed building consent LA04/2015/0094/LBC must be notified to DoE under Section 89 of the Planning (NI) Act 2011 and this decision cannot issue until the outcome of that notification is received. This can take up to 28 days as per Section 89 (2) of the Act. .
13.0	<u>Representation from Elected member:</u>
13.1	None Received

ANNEX	
Date Valid	10th April 2015
Date First Advertised	5th June 2015
Date Last Advertised	1st July 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Bedford Square Town Parks Belfast The Owner/Occupier, 10 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FB, The Owner/Occupier, 12-14, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FB, The Owner/Occupier, 19 Bedford Street Town Parks Belfast The Owner/Occupier, 34-36, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF, The Owner/Occupier, 34-36, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF, The Owner/Occupier, 4 Clarence Street West Town Parks Belfast The Owner/Occupier, 40 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF, The Owner/Occupier, 40 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF, The Owner/Occupier, 40 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF, The Owner/Occupier, 40 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF,	

David Flinn 42 Brookmount Buildings, Fountain Street, Belfast, Antrim, Northern Ireland, BT1 5EF The Owner/Occupier, 42 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF, The Owner/Occupier, 42 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF, The Owner/Occupier, 66, Donegall Pass, Belfast, Antrim, Northern Ireland, BT7 1BU The Owner/Occupier, 9-15 Windsor House, Bedford Street, Town Parks, Belfast, Antrim, BT2 7EG, The Owner/Occupier, 9-15 Windsor House, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FT, The Owner/Occupier, Bedford House, 16-22 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FD, The Owner/Occupier, Brunswick Street Building, Brunswick Street, Town Parks, Belfast, Antrim, BT2 7GX, The Owner/Occupier, Bryson House, 28 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FE, The Owner/Occupier, Linum House, 2 Bedford Square, Town Parks, Belfast, Antrim, BT2 7ES, The Owner/Occupier, UNIT 6-7, 16-22 Bedford House, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FD, The Owner/Occupier, Ulster Hall, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF, The Owner/Occupier, Unit 2, 16-22 Bedford House, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FD, The Owner/Occupier, Unit 2, 16-22 Bedford House, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FD, The Owner/Occupier, Unit 3, 16-22 Bedford House, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FD, The Owner/Occupier, Unit 8, 16-22 Bedford House, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FD, Nikki McVeigh Rachel Morrow	
Date of Last Neighbour Notification	30 th June 2016
Date of EIA Determination	N/A
ES Requested	N/A
Drawing Numbers. 01, 02, 12b, 13b, 14a, 15a, 16a, 17a, 18b, 19b, 20a, 21a, 22a, 23a, 24a, 25a, 26, 27a, 28a, 29a, 30a, 31a, 32a, 33a, 34b and 35	

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA04/2019/2653/F	
Proposal: Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation. (amended plans & updated technical information)	Location: Chancery House 88 Victoria Street Belfast BT1 3GN
Referral Route: Recommendation to approve contrary to advice from a statutory consultee	
Recommendation:	
Applicant Name and Address: Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast
Executive Summary: <u>Background</u> The application seeks full planning permission for the demolition of the existing building and construction of new 9 storey (37m tall) building comprising of ground floor retail and 8 floors of office space. The existing building has since been demolished under the terms of a previous planning permission. The application follows Pre-Application Discussions with officers. The application was received in November 2019. Amended plans and further supporting documentation were submitted in January and March 2020. A technical note on servicing arrangements was submitted in March 2020. <u>Assessment</u> The main issues to be considered in this case are: <ul style="list-style-type: none"> • The principle of office and retail uses in this location • Demolition of the existing building • Impact on the character and appearance of the area and ATC • Impact upon the setting of nearby listed buildings • Impact on amenity • Water infrastructure and flood risk • Access and parking <p>There are also additional confidential issues to consider which are set out in the Appendix to this report. The site is located within the development limits for the city as designated within the BUAP, dBMAP 2004 and 2015 and is within the proposed (i.e. draft) Victoria & Oxford Street Area of Townscape Character (ATC).</p>	

The site already benefits from an extant planning permission for the erection of a seven storey office building (Z/2011/0380/F) with retail use on ground floor and offices above. The principle of retail and office development has already been established and is in any event acceptable within this city centre location. The proposal would support jobs and contribute to the economy.

The demolition of the existing building has been assessed having regard to Policy ATC 1 of addendum to PPS 6. It is considered that the original building makes no material contribution to the distinctive character and appearance of the ATC. In any event it has since been demolished under the terms of a previous planning permission

In terms of relationship with neighbouring buildings, it is considered that the impacts on outlook and natural light would not be significantly greater than those arising from the extant permission.

DfC Historic Environment Division (HED) has advised that the scale and design of the proposal has the potential to adversely impact on the setting of listed buildings in proximity to site. However, officers consider that the scale and design of the building to be appropriate to its context, which includes several substantial buildings in the area, and that the setting of listed buildings would not be harmed.

The proposed development has been assessed against the following policies: Strategic Planning Policy for Northern Ireland; Planning Policy Statement 3: Access, Movement and Parking; Planning Policy Statement 4: Planning and Economic Development; Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Addendum, Areas of Townscape Character; Planning Policy Statement 15 Planning and Flood Risk.

The Council has received objections to the application from third parties. Concerns include excessive scale of the building, adverse impact on surrounding buildings and site access. The issues raised are set out and addressed in the main report.

Having regard to the development plan, relevant planning policies and other material considerations, it is considered that the proposal should be approved subject to conditions.

It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan



VU.CITY IMAGES AND CGI'S



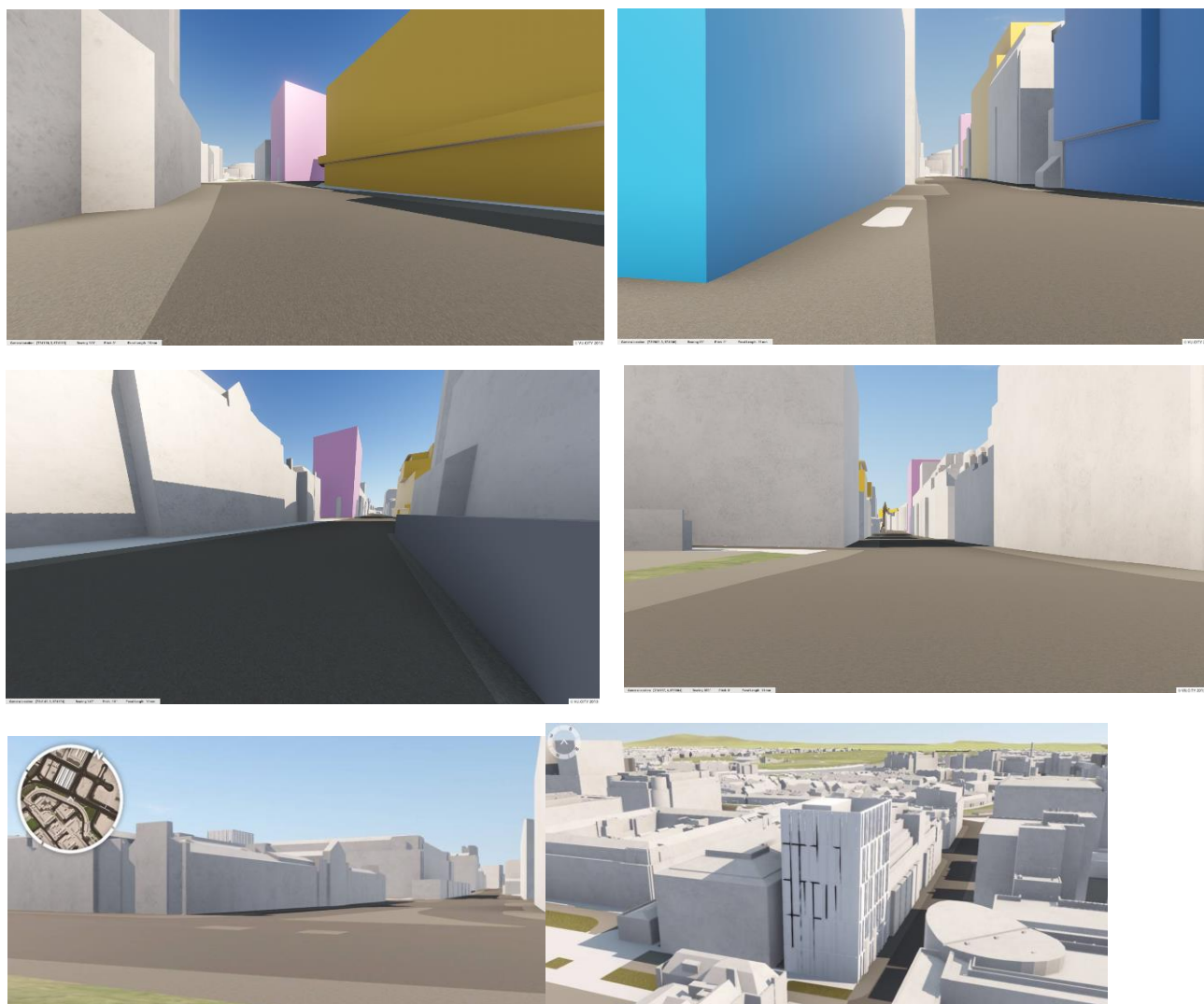
Above: View southwards on Victoria Street



Above: View from Oxford Street

Below: View from Victoria Street





Views along Victoria Street both ways: proposal purple / approved yellow / under construction blue

1.0	Description of Proposed Development
1.1	The proposal is for the demolition of the original building and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas, and 8 floors of Grade A office accommodation. The existing building has subsequently been demolished under the terms of a previous planning permission.
1.2	The application follows Pre-Application Discussions with officers.
2.0	Description of Site.
2.1	The site occupies a corner plot at the junction of Victoria Street and Chichester Street and previously contained a non-descriptive three storey office building of late 20 th Century origin finished in red facing brick and designed with peak parapet walls.
2.2	The adjacent building, to the east, is the Bar Library. Beyond this is the Crown Solicitors building and Royal Courts of Justice (RCJ). The Law Society is located to the south. Opposite the site, to the west and other side of Victoria Street, is Centre House, a large retail and office building and in close proximity is Victoria Centre retail and leisure complex. To the north of the site is the Old Town Hall building which is separated from the site by a mainly pedestrian precinct. To the south is the Law Society building.

2.3	The surrounding character is defined by commercial office and retail uses. The Victoria Street / Chichester Street road junction is a dominating feature of the area. Lower Chichester is pedestrianised with limited vehicular access.
2.2	<p>The following Listed Buildings are close or in proximity to the site:</p> <ul style="list-style-type: none"> • Old Town Hall (Grade B1) • Royal Courts of Justice (Grade A) • Nos. 161 – 163 Victoria Street and No. 2 Gloucester Street (Grade B1) • Former Northern Bank 108 – 110 Victoria Street (Grade B2) • Albert Clock Queen's Square (Grade A)
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Planning History</p> <p>Z/2011/0380/F – Demolition of existing building and construction of new building: ground floor retail and 1st-6th floor office permission, granted 14th August 2015. The original building was demolished prior to 13th August 2020, which means that development has commenced and the permission is extant in perpetuity.</p>
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan (BUAP) 2001</p> <p>Draft Belfast Metropolitan Plan 2015 (published 2004) (dBMAP 2004)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (published 2014) (dBMAP 2015)</p> <p>Developer Contribution Framework (2020)</p>
4.2	<p>Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking</p> <p>Planning Policy Statement 4 (PPS 4) - Planning and Economic Development</p> <p>Planning Policy Statement 6 (PPS 6) – Planning Archaeology & the Built Heritage</p> <p>Addendum to PPS 6 Areas of Townscape Character (PPS 6 Addendum)</p>
5.0	Statutory Consultee Responses
	<p>DfI Roads (DfI) – no objection</p> <p>NI Water (NIW) – no objection</p> <p>Historic Environment Division (HED) – objection (see assessment below)</p> <p>Rivers Agency – no objection</p> <p>NI Environment Agency (NIEA) – no objection</p>
6.0	Non Statutory Consultees Responses
	<p>BCC Environmental Health Service (EHS) – no objection</p> <p>BCC Urban Design Officer (UDO) – no objection</p> <p>BCC Conservation Area Officer (CAO) – objection (see assessment below)</p>
7.0	Representations
7.1	<p><u>The Bar Library Services</u></p> <p>Objects to the scale/height of proposal and the potential impacts on neighbouring buildings, both listed and non-listed buildings. Concern with respect to loss of light/privacy and proposed glazing on party boundary wall</p>
7.2	<p><u>The Law Society of Northern Ireland</u></p> <p>Objects on heritage grounds. A report has been provided by Stelfox Conservation Consultants on behalf of the Law Society. The objection indicates that the proposal is in breach of planning policies for ATCs, concerns regarding excessive size and height and</p>

	that the proposal would have an adverse impact on surrounding buildings. The report sets out the background to the historic context to the surrounding area. It refers to relevant planning policies set out in PPS 6 and that the proposal fails to satisfy policy. The report also refers to the draft designation of the Victoria Street/Oxford Street ATC and adverse impact of the proposal on the ATC. It also assesses the potential impacts the proposal will have on the surrounding area and neighbouring listed buildings. The Law Society also has concerns about the impact of construction traffic and service deliveries on objectors' properties. Impact of construction works on surrounding buildings.
7.3	<p><u>Northern Ireland Courts & Tribunal Service</u></p> <p>Concerned that the proposal is in breach of planning policies for ATCs; excessive size and height and will have an adverse impact on surrounding buildings. Impact of construction works on the structural stability of the Old Town Hall. NI Courts reiterates objections to the previous application for the 7 storey building (Z/2011/0380/F) in that the proposal breaches planning policy relating to impacts on listed buildings, that the proposal is excessive in size and will have an adverse impact on surrounding buildings.</p>
7.4	<p><u>Belfast Civic Trust</u></p> <p>Objects to the height of building and choice of construction materials. They believe the proposal is too high and wanted red brick to be used within the construction.</p>
7.5	Further consideration of these issues is examined in detail in the Assessment below.
8.0	Assessment
8.1	<p>The key issues in the assessment of the proposed development are:</p> <ul style="list-style-type: none"> • The principle of office and retail uses in this location • Demolition of the existing building • Impact on the character and appearance of the area and ATC • Impact upon the setting of nearby listed buildings • Impact on amenity • Access and parking • Water infrastructure and flood risk
8.2	<p>Background</p> <p>The application was received in November 2019. Amended plans and further supporting documentation were submitted in January and March 2020. A technical note on servicing arrangements was submitted in March 2020.</p>
8.3	The application follows Pre Application Discussions with officers.
8.4	<p>The principle of office and retail uses in this location</p> <p>The site is located within the City Centre where retail and office uses are acceptable in principle. Moreover, the site already benefits from an extant permission for an office building with ground floor retail. The principle of development is therefore already established.</p>
8.5	The proposal will support economic activity and employment and add to the vitality of this part of Victoria Street, consistent with the aims of the SPPS and PPS 4. The activation of the ground floor with retail use is welcomed.
8.6	<p>Demolition of the existing building</p> <p>The site falls within the proposed (i.e. draft) Victoria Street and Oxford Street ATC. The Planning Appeals Commission (PAC) considered objections to the proposed ATC</p>

	designations in its report on the BMAP public inquiry. The Commission recommended no change to the Plan. It is therefore considered likely that the proposed ATC designation would remain, if BMAP were to be adopted. The proposed ATC designation is therefore a material consideration.
8.7	It is considered that the original building makes no material contribution to the distinctive character and appearance of the ATC. In any event, the existing building has since been demolished under the terms of a previous planning permission.
	Impact on the character and appearance of the area and Area of Townscape Character
8.8	The proposal is for the erection of a 9 storey commercial building at a total height of 37m to the roof parapet. The site already benefits from extant planning permission for the erection of a 7 storey building including setback of the upper two floors. The maximum height of the extant permission is 31.5m (with plant/overrun), the top of the seventh floor is 28.7m and a shoulder height of 20.7m.
8.9	The site is located within the proposed Victoria/Oxford Street Area of Townscape Character and the impact of the proposal on the character of the ATC is a material consideration. The Conservation Officer is content that the original building is demolished subject to a suitable replacement scheme and considers that the proposed stone finish is acceptable given that it is sympathetic to its neighbouring buildings and does not interfere/compete with the finishes of those listed buildings nearby. However, the Conservation Officer objects to the proposal on the basis that they consider the proposed building would undermine the character of the area and surrounding historic buildings in terms of its scale, massing and form, including insufficient solid to void ratio. The Conservation Officer is of the opinion that the scale and massing of the proposed building could result in an over-elaborate corner marker feature, which would be harmful to legibility with respect to the hierarchical status of the node.
8.10	Officers have considered the consultation response from the Conservation Officer and are satisfied that the impact of the proposed development on the character of the area is acceptable for the detailed reasons set out in this report. The area contains numerous civic and commercial buildings of differing architectural styles and varying degrees of height. Moreover, it is considered that that the objection from the Conservation Area should be given less weight given that the site is situated within a draft ATC, which has less status than an adopted ATC and less importance than a Conservation Area. It is considered, on balance, when taking into account key viewpoints that the scale, massing and form of the proposed development would be appropriate.
8.11	A key material consideration is the extant planning approval, Z/2011/0380/F, for the erection of a 7 storey building comprising retail ground floor and offices above. This represents a fall-back position for the applicant should permission not be granted.
8.12	The site is located within character area CC 008 as designated within the 2004 dBMAP (CC011 in dBMAP 2014) which sets out urban design criteria and states that part of any development that fronts onto Victoria Street shall have a minimum building height of 6 storeys to the shoulder height and maximum of 7 storeys.
8.13	The proposal fails to match the design criteria set out within dBMAP. However, the proposed building has been modelled within VU.CITY to assess potential impacts of the proposal on the streetscape and the interaction with existing neighbouring and extant approvals. The modelling indicates that a building height of 37m would interact positively with the neighbouring buildings and would not be over-dominant from key views. The building would be seen in the context of Victoria Centre at this point having a ridge height

	of approximately 29m and the new extension to Centre House having a ridge height 33m. The visual reading of the buildings allows an appreciation of a logical step in height in relation to surrounding buildings when read from a distance.
8.14	The policy designation requires a shoulder height of six storeys and a set back above this height to a maximum of seven storeys. It is noted that the previous planning permission related to a building comprising five storeys with a further two additional storeys setback above. That scheme incorporated a shoulder height of 20.7m with the two additional setback floors and plant area above resulting in an upper building height of 31.5m. Therefore in terms of overall height, this proposal will extend a total of 5.5m above the upper height of the previously approved scheme. However, it is considered that the proposed building would have a stronger and more appropriate visual presence at this important corner plot location and in this regard is an improvement over the extant permission. It is also considered that the rationale for a setback at upper floors is lost on a building that occupies a prominent corner site and that a building of this height is appropriate within its context at the intersection of two city centre arterial routes and a highly trafficked pedestrianised route, reflecting the hierarchy of its nodal location.
8.15	The architectural design of the building is considered restrained but of high quality. In this regard it would not appear strident or over-dominant. Good use would be made of stone facing panels of an off-white colour which would complement the Bar Library and Law Society buildings either side of it. It is recommended that a condition is imposed that requires samples of materials to be agreed by the Council prior to construction. In summary, it is considered that this is an appropriately designed building for this site and its built context. The design has been subject to detailed Pre Application Discussions with officers and the Urban Design Officer offers no objection. The character and appearance of the area would be preserved.
8.16	Impact upon the setting of nearby listed buildings HED have been consulted as the site is in proximity to a number of Listed Buildings as described previously. The proposal has been assessed against paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6. Paragraph 6.12 advises that Listed Buildings are key elements of our built heritage and are important for their intrinsic value and the contribution to the character of their location.
8.17	The proposal is located at the junction of Victoria Street and mainly pedestrian section of Chichester Street. Both streets contain Listed Buildings, the closest of which are the Old Town Hall Building, directly opposite the site across Chichester Street and the Royal Courts of Justice which are separated from the site by the Bar Library and Crown Solicitors. A number of other Listed Buildings are located at a greater distance from the site: Nos. 161-163 Victoria Street and the former Northern Bank at Nos. 108-110 Victoria Street.
8.18	HED, whilst accepting the principle of redevelopment of the site, have advised that the proposal has the potential to adversely impact on the listed buildings and surrounding built environment. They consider that the height and design of the building do not employ a consistent shoulder height that respects the scale, height and massing of the listed buildings.
8.19	HED advises that the proposal would have a major impact on the Old Town Hall due to its 'overbearing monolithic form', which it believes represents a comprehensive change to the setting. Also the proposal would have a moderate impact on the Royal Courts of Justice, the setting of which considered to be significantly modified and; and a minor impact on the setting of the Albert Clock.

8.20	As mentioned, the proposal has been modelled using VU.CITY. CGIs have also been provided and assist the Council in assessing the impacts of the proposal on the setting of the Listed Buildings. It is contended that the proposed building's contrasting lighter colour materials, together with its modern but simple design, mean that when viewed from medium to long distances north along Victoria Street it will allow the Old Town Hall building to be better framed than the existing red brick building. When viewed from the south the model indicates the Old Town Hall building is already obscured from certain viewpoints – this would not be improved by a building of less height. When viewed from the west on Chichester Street, much of the Old Town Hall is obscured from view by the Victoria Centre. The impact of the proposed building on the Listed Building would be mitigated by its restrained design and the separation distance between the buildings.
8.21	The impact of the proposal on the Royal Courts of Justice is considered to be acceptable. The neighbouring Bar Library acts as a buffer between the proposal and the Courts. The proposal is at a height that allows views of the upper floor and roof level above the Bar Library when viewed from Oxford Street and will be read in context of other large buildings in the area, including the new Centre House. Officers consider that the substantial presence of the Courts building viewed from Oxford Street will not be diminished by the proposal given the separation distance and the intervention of the Bar Library. The skyline created by the various forms of roof silhouettes are a common feature within a city centre location and therefore not considered to be a detraction.
8.22	HED have not raised any concerns about the impact of construction on the structural integrity of the Listed Old Town Hall and do not believe it is a relevant consideration. Officers advise that this is a civil issue.
8.23	It is considered on balance the proposal would not be harmful to the setting of listed building and is acceptable having regard to the SPPS and Policy BH11 of PPS6.
8.24	Impact on amenity The proposal has been assessed against paragraphs 4.11 and 4.12 of the SPPS. The Environmental Health Officer has offered no objection to the proposal and have recommended conditions in relation to the control of noise, air quality, dust control and advice relating to the control of plant and equipment.
8.25	The upper floors of the Bar Library contains a number of offices and a meeting room that currently enjoy an outlook from gable windows onto and over the site. The previous building had an increased separation distance with the Bar Library than what has been approved and proposed, which retain a circa 1.2m service alleyway between, this approved separation distance is replicated in the current proposal. However, the increased height over the above permission has the potential to reduce the outlook and natural light entering the offices and meeting room and increase the potential for overlooking.
8.26	Officers consider that the proposal will not have a significantly greater impact on the Bar Library and Law Society Building in terms of loss of outlook and natural light than approval Z/2011/0380/F. The footprint of the extant permission and the proposal are generally similar in size and occupying the same plot. The massing of the extant building has a shoulder height of five storeys with an additional two storeys set back. The shoulder height of the extant permission lines up with the eaves level of the Bar Library. Given that the east facing gable of the extant permission (adjacent Bar Library) is to eaves level of the Library and therefore above the window levels and is plotted at a similar separation distance to that proposed the impacts on outlook and reduction to natural light will be similar, any further loss of light or outlook is unlikely to be significant.

8.27	<p>Regard must be had to the fact that the use of the Bar Library is less sensitive than residential accommodation. The proposal would also make effective use of land and provide good quality office accommodation, which have to be balanced against the impacts on adjacent premises. In terms of impacts on privacy, it is proposed that windows to the fourth and fifth floors of the proposal will be fitted with obscure glazing to eliminate any overlooking issue – this will be controlled by condition. On balance, it is considered that the impacts of the development on the amenity of adjacent premises are acceptable.</p>
8.28	<p>Access and parking</p> <p>The proposal has been assessed against Policies AMP 7 & 8 of PPS3. DfI Road's initial consultation response raised concerns regarding parking and cycle provision – additional information and amendments were submitted and DfI re-consulted. In reply DfI Roads offered no objection to the proposal subject to planning conditions. Officers note that the site is a sustainable location with good access to public transport and car parks. It is considered unnecessary to provide on-site parking. Further mitigation to off-set parking requirements can be provided by the green travel plan, implementation of which should be secured by condition.</p>
8.29	<p>Concerns about the servicing of the new building have been raised by objectors. A parking/back of house area exists along the rear of the existing unit and this will be partially retained as a back of house area. The retail unit has access onto Victoria Street and the pedestrianised Chichester Street, whilst the offices are accessed from the pedestrianised Chichester Street. The applicant has submitted information which advises that vehicles servicing the site will park on a lay-by on Chichester Street to the front of Centre House and as such the proposed servicing arrangements should not have any impact on adjoining buildings. DfI Roads have considered the Service Management Plan (contained within the Travel Plan) and associated Technical Note – Servicing and have no objection subject to a condition that the development operate in accordance with the details therein. The extant permission, which represents a fall-back position, does not condition a service management plan and this proposal provides an opportunity for the servicing of the site to be controlled by condition. This will be of benefit to the nearby properties and should go some way to offsetting their concerns in this regard.</p>
8.30	<p>Concerns have also been raised with respect to impact during construction. The applicant has submitted a "Framework Construction Environmental Management Plan" (CEMP) which states that full engagement will be carried out with all stakeholders and neighbours in advance of any construction in an effort to ensure minimum impact over the construction period. Conditions are recommended with respect to a Construction Management Plan, Construction Noise and Dust Management Plans – these will have to be agreed with the Council in advance of any construction. Whilst temporary disruption during any construction project is inevitable, the developer says that they recognise the sensitivities of the application site and the conditions will allow the Council to ensure the process is adequately managed. Moreover, there is an extant permission which could be implemented which would likely have similar impacts during the construction period. The extant permission is not subject to a CEMP and the current proposal will therefore allow additional controls to be put in place in this regard.</p>
8.31	<p>A refuse store for bins is located off the service access/escape route onto Chichester Street. A condition is recommended to ensure adequate waste storage facilities are available prior to operation and retained thereafter in accordance with the details as shown on the submitted plans.</p>
8.32	<p>Water infrastructure and flood risk</p> <p>NIW have confirmed there is a public water supply, foul sewer and available capacity at the WWTWs. The developer is required to consult NIW with regard to surface water sewer</p>

8.33	and advised to submit a Pre Development Enquiry. DAERA Regulation Unit Land and Groundwater Team have no objection subject to conditions on contamination. Rivers Agency were consulted on the Flood Risk Assessment and offered no objection. It is considered the proposal complies with the SPPS and PPS 15.
10.0	Summary of Recommendation:
10.1	Having regard to the development plan, relevant planning policies and other material considerations, it is considered that the proposal should be approved subject to conditions.
10.2	It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.
11.0	Conditions and Informatives
	<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 Article 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Notwithstanding the submitted details, no development shall take place until a sample panel, samples and details of the materials to be used in the construction of the external surfaces of the building hereby permitted, have been submitted to and approved, in writing, by the Council. The development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interest of visual amenity and to allow the Council to control the external appearance.</p> <p>3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order), the windows in the east elevation, as identified on approved plan 10b bearing the Council's date stamp 20th February 2020, shall at all times be glazed with fixed and obscured glass to at least Pilkington Level 3 (or equivalent)</p> <p>Reason: To protect the privacy of the Bar Library.</p> <p>4. The development hereby permitted shall operate in accordance with the Travel Plan uploaded to the Planning Portal 4th February 2020.</p> <p>Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</p> <p>5. The development hereby permitted shall operate in accordance with the Service Management Plan (contained within the Travel Plan) uploaded to the Planning Portal 4th February 2020 and associated Technical Note - Servicing uploaded to the Planning Portal 9th April 2020.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p> <p>6. The development hereby permitted shall not become operational until cycle parking facilities have been provided in accordance with drawing No.1800-ZZ-00-200-001 Rev.03 (Planning Authority Drawing No.04B) uploaded to the Planning Portal 16th March 2020. The cycling parking shall be retained in accordance with these details at all times.</p> <p>Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</p>

7. Prior to occupation of the building hereby approved, the waste storage area, as detailed within approved plan 04a bearing the Council's date stamp 21 January 2020, shall be operational and shall permanently be retained thereafter.

Reason: to ensure the provision of adequate waste storage facilities

8. Prior to operation of the development, the combustion plant shall be installed in accordance with the technical specification detailed within Chapter 4 and Appendix B of the submitted AONA Environmental report: *Air Dispersion Modelling and Air Quality Impact Assessment Report for the Proposed Boiler Heating System in the Chancery House Development*, dated October 2019. The combustion plant shall be retained in accordance with these details thereafter.

Combustion plant emissions shall be released from a flue terminating 1m above roof level in accordance with Section 4.1 of Chapter 4 of the AONA Environmental report: *Air Dispersion Modelling and Air Quality Impact Assessment Report for the Proposed Boiler Heating System in the Chancery House Development*, dated October 2019.

Reason: The protection of human health and amenity

9. Notwithstanding the submitted details, the development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall provide for (but not be limited to):

- i) the access routes and parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;

The Management Plan shall be implemented as approved and maintained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public safety and amenity.

10. Prior to commencement of the demolition/construction phase of the development, the applicant shall submit to Belfast City Council, for written approval, a Dust Management Plan prepared in accordance with the *Guidance on the Assessment of Dust from Demolition and Construction (Institute of Air Quality Management, 2014)*. No demolition or construction shall take place unless in accordance with the approved Dust Management Plan.

Reason: The protection of human health and amenity

11. Prior to commencement of the demolition and construction phases of the development, the applicant shall submit to Belfast City Council, a Construction Noise Management Plan (CNMP) for written approval. The plan shall consider the management of noise and vibration impacts as a result of demolition, excavation and construction works at the development site. It must outline the methods to be employed to minimise any noise and vibration impacts associated with the demolition and construction operations demonstrating the use of 'best practicable means'. Regard shall be paid to BS: 5228-1:2009+A1:2014 – *Code of practice for noise and vibration control on construction and open sites*. No demolition or construction shall take place unless in accordance with the approved CNMP.

	<p>Reason: In the interests of amenity</p> <p>12. 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) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. 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.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>13. After completing the remediation works under Condition 12; and prior to occupation of the development, a verification report must be submitted to and approved in writing by the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable.</p> <p>The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
<p>Signature (s)</p> <p>Date:</p>	