

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 26 July 2016	Item Number: 7b
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 car parking; and completion of a new civic square.(Amended Description and Amended Plans)	Location: Lands bounded by Bedford Street, INI Building, McClintock Street and Franklin Street, Belfast, BT2 7GP.
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: The 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>	

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.

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.

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,

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

Three 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.

Case Officer Report

Site Location Plan





Characteristics of the Site and Area	
1.0	<u>Description of Proposed Development</u>
1.1	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.
1.2	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.
2.0	<u>Description of Site</u>
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

<p>2.4</p> <p>2.5</p> <p>2.6</p>	<p>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.</p> <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> <p>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.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
<p>3.0</p> <p>3.1</p> <p>3.2</p> <p>3.2.1</p> <p>3.3</p>	<p><u>Site History</u></p> <p>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</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>4.0</p>	<p><u>Policy Framework</u></p>

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	The main issues arising from this proposal relate to: <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.
9.1.8	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.
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.

<p>9.2.2</p> <p>9.2.3</p> <p>9.2.4</p> <p>9.2.5</p> <p>9.2.6</p> <p>9.2.7</p>	<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> <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> <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> <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> <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>
<p>9.3</p> <p>9.3.1</p> <p>9.3.2</p> <p>9.3.3</p>	<p>Impact on the Listed Building</p> <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> <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> <p>(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;</p> <p>(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</p> <p>(c) The architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.</p> <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</p>

<p>9.3.4</p> <p>9.3.5</p>	<p>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 have been no significant policies changes since this approval in 2008.</p> <p>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.</p> <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 the 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>
<p>9.4</p> <p>9.4.1</p> <p>9.4.2</p> <p>9.4.3</p>	<p>The impact on the setting of the listed building;</p> <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> <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> <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</p>

<p>9.4.4</p> <p>9.4.5</p>	<p>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> <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> <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>
<p>9.5</p> <p>9.5.1</p> <p>9.5.2</p> <p>9.5.3</p> <p>9.5.4</p> <p>9.5.5</p>	<p>The impact on the Linen Conservation Area;</p> <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 or appearance does not arise</i>; or (b) <i>enhancing the character or appearance of that area in cases where an opportunity to do so does arise</i>.</p> <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> <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> <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> <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</p>

<p>9.5.6</p> <p>9.5.7</p>	<p>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> <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. <p>The development proposals are considered to comply with Section 104 of the planning Act, and with the SPSS 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 to the guidance set out in conservation area documents.
<p>9.6</p> <p>9.6.1</p> <p>9.6.2</p> <p>9.6.3</p>	<p>Impact on Amenity of immediate and surrounding properties and area;</p> <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 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</p>

	to the Director of Planning + Place to allow agreement to be reached.
9.7	Economic Development
9.7.1	Paragraph 4-19 of the SPPS encourages a positive approach to appropriate development proposals supporting growth generating activities.
9.7.2	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.
9.8	Others Matters including impact on amenity, the environment and traffic and parking.
9.8.1	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.
9.8.2	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.
9.8.3	Traffic and parking 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.
9.8.4	Archaeology 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 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	Contaminated Land DAER Land, soil and Air team requested an stage one and stage two (preliminary and genera; risk assessment and having been re-consulted with these reports have no objections to the proposal subject to conditions.

<p>9.9</p> <p>9.9.1</p> <p>9.9.2</p> <p>9.9.3</p>	<p>Consideration of Objections</p> <p>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.</p> <p>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 improvement will ensure make a more positive street scene than present.</p> <p>Neighbours and objectors were re-consulted on the 30th 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.</p>
<p>9.10</p> <p>9.10.1</p> <p>9.10.2</p> <p>9.10.3</p>	<p>Developer Contributions</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p>	<p><u>Summary of Recommendation</u></p> <p>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.</p> <p>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.</p>
<p>11.0</p> <p>11.1</p>	<p><u>Conditions</u></p> <p>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.</p>

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	<p>Transport NI conditions to be added authority for final wording to be delegated to Officials</p>
11.8	<p>Contaminated Land Conditions to be added authority for final wording to be delegated to Officials</p>
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	<p><u>Notification to Department (if Relevant)</u></p>
12.1	<p>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. .</p>
13.0	<p><u>Representation from Elected member:</u></p>

13.1	None Received
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ANNEX	
Date Valid	10th April 2015
Date First Advertised	5th June 2015
Date Last Advertised	1st July 2016
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1 Bedford Square Town Parks Belfast</p> <p>The Owner/Occupier, 10 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FB,</p> <p>The Owner/Occupier, 12-14, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FB,</p> <p>The Owner/Occupier, 19 Bedford Street Town Parks Belfast</p> <p>The Owner/Occupier, 34-36, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF,</p> <p>The Owner/Occupier, 34-36, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF,</p> <p>The Owner/Occupier, 4 Clarence Street West Town Parks Belfast</p> <p>The Owner/Occupier, 40 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF,</p> <p>The Owner/Occupier, 40 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF,</p> <p>The Owner/Occupier, 40 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF,</p> <p>The Owner/Occupier, 40 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF,</p> <p>The Owner/Occupier, 40 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF, David Flinn</p> <p>42 Brookmount Buildings, Fountain Street, Belfast, Antrim, Northern Ireland, BT1 5EF</p> <p>The Owner/Occupier, 42 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF,</p> <p>The Owner/Occupier, 42 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FF,</p> <p>The Owner/Occupier, 66, Donegall Pass, Belfast, Antrim, Northern Ireland, BT7 1BU</p> <p>The Owner/Occupier, 9-15 Windsor House, Bedford Street, Town Parks, Belfast, Antrim, BT2 7EG,</p> <p>The Owner/Occupier, 9-15 Windsor House, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FT,</p> <p>The Owner/Occupier, Bedford House, 16-22 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FD,</p> <p>The Owner/Occupier, Brunswick Street Building, Brunswick Street, Town Parks, Belfast, Antrim, BT2 7GX,</p> <p>The Owner/Occupier, Bryson House, 28 Bedford Street, Town Parks, Belfast, Antrim, BT2 7FE,</p> <p>The Owner/Occupier, Linum House, 2 Bedford Square, Town Parks, Belfast, Antrim, BT2 7ES,</p> <p>The Owner/Occupier, UNIT 6-7, 16-22 Bedford House, Bedford Street, Town Parks, Belfast, Antrim, BT2 7FD,</p>	

<p>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</p>	
Date of Last Neighbour Notification	30 th June 2016
Date of EIA Determination	N/A
ES Requested	N/A
<p>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</p>	