

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11 th December 2018	
Application ID: LA04/2015/0674/F and LA04/2015/0672/DCA	
Proposal: Demolition of existing building and construction of new 8 storey office	Location: 13-23 Clarence Street (Clarence Gallery) 26 Linenhall Street and 28 Linenhall Street Belfast BT2 8BG
Referral Route: Major Application	
Recommendation:	Approval
Applicant Name and Address: Killultagh Estates LTD Alfred House 19-21 Alfred Street Belfast BT2 8ED	Agent Name and Address: RPP Architects LTD 155-157 Donegall Pass Belfast BT7 1DT
<p>Executive Summary:</p> <p>This application seeks the demolition of 13-23 Clarence Street and construction of an 8-storey office building with plant rooms and public realm improvements. A number of amended schemes have been submitted following discourse between the applicant and the Council, the most recent of these was received on 13th November 2018.</p> <p>The main issues to be considered in this case are;</p> <ul style="list-style-type: none"> • The principle of demolition in the conservation area; • The principle of office use at this location; • The impact on built heritage • The impact on traffic and parking • The impact on amenity • The consideration of site drainage • The consideration of waste management • The impact on human health • The impact on the amenity of adjacent land users • The consideration of economic benefits • The consideration of developer contributions <p>The site is located within Belfast City Centre, the Commercial Character Area and the Linen Conservation Area.</p> <p>At present there are three buildings on the site. Two single-storey buildings on Linenhall Street are of little architectural merit. The third building consists of a three-storey, 15 window wide warehouse originating from c1880 and faced in red brick. This is known as Clarence Gallery and is located on both Linenhall Street and Clarence Street. The gable to Linenhall Street is constructed with curtain glazing in aluminium frames – part of the refurbishment of the building in 1989.</p> <p>Transport NI, EHO, NIEA, Rivers Agency, HED and NIW were all consulted. Their responses are detailed in the main body of the report.</p>	

No representations have been received to the most recent iteration of the scheme. Previously, 7 representations had been including two objections from the Ulster Architectural and Heritage Society, three representations from Belfast Civic Trust and two objections from a third party. Further representations will be reported to Members via the late items report.

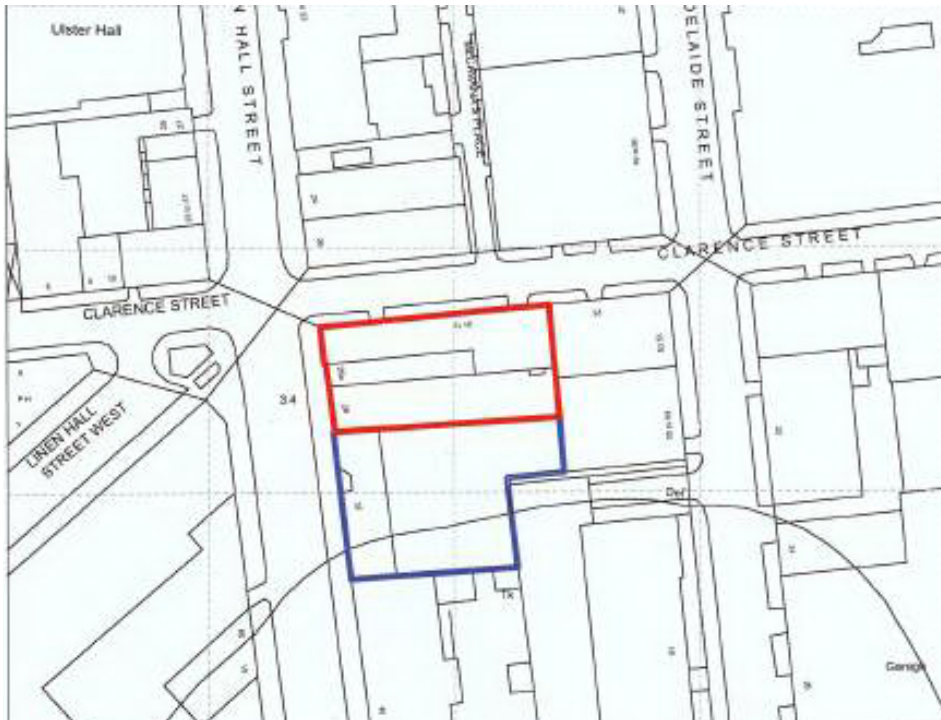
Having regard to all of the submitted information and reports, consultee responses and representations, officers conclude that an exceptional case has been made for demolition of Clarence Gallery owing to its structural condition, loss of historic fabric viability. The proposed scheme will contribute positively to the local environment by enhancing the character and appearance of the conservation area, will result in inward investment and bring this key corner of the conservation area back into active use. The proposal therefore meets the policy tests outlined in Planning Policy Statement 6.

Having regard to the Development Plan, and other material considerations, the proposed development is considered, on balance, acceptable.

It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission, subject to clarification of the consultation response from DfI Roads, NIEA, and a satisfactory public realm enhancement scheme.

Case Officer Report

Site Location Plan/Elevations





Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	This application seeks the demolition of 13-23 Clarence Street and construction of an 8-storey office building with plant rooms. The proposal also includes enhancement of the public realm immediately abutting the site. Following extensive negotiations with officers, an amended scheme was submitted in November 2018.
1.2	The current scheme is eight storeys in height (29.65m in total) and will abut the existing Linenhall building along Linenhall Street as well as the listed adjacent building (51-53 Adelaide Street) which returns along Clarence Street. The building comprises a uniform seven storey height along both elevations with the upper eighth floor being setback above.
1.3	Along Linenhall Street the upper height of the seventh floor (26.05m) takes its cue from the listed six storey building at 40 Linenhall Street, roughly equating to the heights of the circular turrets at each end of its parapet. This height also accords with the shoulder height created by the projecting glazed bay of the adjacent Linenhall building. This seven-storey height turns the corner and continues along the majority of the Clarence Street before terminating a short distance from the adjacent listed building (51-53 Adelaide Street). A glazed infill of five storeys is proposed within this 4.5m gap. While the shoulder height is one storey higher than the mansard roof of the adjacent listed building along Clarence Street, an upper eighth storey, has been setback 3.0m.
2.0	Description of Site and Area
2.1	There are three existing buildings on the site. Two vacant single-storey buildings onto Linenhall Street which previously contained retail units. The two smaller buildings have no architectural merit. The existing Clarence Gallery building is not listed but lies within the Linenhall Conservation Area. It is a three-storey, 15-window wide, red brick warehouse (from circa 1880). The refurbishment of the building in 1989 by RPP Architects saw the gable end of the building fronting Linenhall Street being replaced by a fully glazed gable flanked by rusticated pilasters which allowed for open views into all floors of the building. The longer three storey Clarence Street elevation is sandblasted brick with retained round headed openings at ground floor into which rectangular windows have been set in rendered surrounds, rectilinear window openings at first floor level and smaller recessed round headed windows at second floor level. A number of unsympathetic openings exist at along the Clarence Street elevation at ground floor close to the adjacent listed building.
2.2	The site is located within the City Centre as defined by BMAP 2015. It is within the Linen Conservation Area. The area is characterised by distinct warehouse architecture. Whilst there are varying heights within the locality, the area is notable for its rhythm of bays, vertical expression to bays and openings, a high solid to void ratio and a broken roof silhouette.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/2008/0425/F and Z/2008/0482/DCA - Demolition of existing office building and construction of 12 storey office building. These applications were submitted in February 2008 and were recommended for refusal. The applicant withdrew the applications prior to a decision being issued.
4.0	Policy Framework

4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015) Draft Belfast Metropolitan Plan 2004	
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 15 (Revised) - Planning and Flood Risk Linen Conservation Area document	
5.0	Statutory Consultees Transport NI – requested further information which has been satisfied Rivers Agency – no objection NIEA Historic Buildings Unit – consider the proposal should be one storey lower but have provided conditions in case of approval NIEA Historic Monuments Unit – no objection. NIEA Water Management Unit – issued standing guidance NIEA Land, Soil, and Air – intrusive site investigation strategy submitted for consideration NIW – No objections.	
6.0	Non-Statutory Consultees Environmental Health BCC – initial concern regarding land contamination. Intrusive site investigation subsequently submitted and conditions recommended thereafter. Conservation Officer BCC – considers that the Clarence Gallery Building makes a material contribution but that on balance the proposed rebuild will enhance the Conservation Area BCC Urban Design Officer – content that the redesign now addresses the appropriate cues in the immediate environment Independent Structural Engineer Report (on behalf of BCC) – concurs with structural information provided regarding the existing building	
7.0	Representations	
7.1	7 representations have been received to the previous schemes. None have been received to the most recent scheme. The previous representations include two objections from the Ulster Architectural and Heritage Society, three representations from Belfast Civic Trust and two objections from a third party.	
7.2	The UAHS are objecting to the demolition of Clarence Gallery as it would be detrimental to the historical character and appearance of the Linen Conservation Area and would be contrary to Policy BH14 of PPS6. Their letters detail the positive contribution that the existing building makes to the conservation area	
7.3	Belfast Civic Trust are objecting to the proposed demolition of Clarence Gallery citing its importance as a landmark building within the Conservation Area and that the proposed building would be an inappropriate scale and height. They state that this would be contrary to Policy BH14 of PPS6 and that they support the correspondence from the UAHS.	
7.4	The objections from the third party raise similar concerns.	
8.0	ASSESSMENT	

8.1	<u>Development Plan</u>
8.1.1	Section 6 (4) of the Planning (Northern Ireland) 2011 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.
8.1.2	Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it 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.
8.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.
8.1.4	The proposed development lies within the development limit for Belfast City Centre (CC001), within the Linen Conservation Area (CC105), within the Belfast City Core Area of Parking Restraint (CC025) and within the Commercial District Character Area (CC007).
8.1.5	The draft BMAP 2015 identifies for information the extent of the Linen Conservation Area (CC105) and notes that it is based on a formal grid pattern which originated as a Georgian residential area and contains a number of Victorian buildings 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 specific policy provisions relevant to these conservation areas.
8.1.6	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. In their report on the Public Local Enquiry into Objections to the BMAP 2015 the Planning Appeals Commission (PAC) explored 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.
8.1.7	The Urban Design Criteria relating to this character area states that it includes the Linen Conservation Area and highlights appropriate building heights namely a minimum of 6 storeys and a maximum of 9 storeys and cite St Malachy's Church and Clarence Court as landmark buildings.
8.1.8	In addition, the criteria state that the density of development should be increased/maintained and should take account of adjoining buildings.
8.2	<u>The principle of office development at this location</u>
8.2.1	The site is located within the settlement limits of draft BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations discussed below.
8.2.2	

8.2.3	<p>In terms of the proposed office use, the site is within a prime city centre location and proposes approximately 8,200 sqm of Grade A office space. It 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.</p>
8.2.4	<p>The proposal has been assessed under Policy PED1 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.</p>
8.3	<p>The proposal is also considered to satisfy Policy PED9 of PPS4. Criterion (c) requires that proposals do not adversely affect features of the natural or built heritage which is considered in detail in the following section of the report.</p>
8.3.2	<p><u>The impact of the proposal on the built heritage</u></p> <p>The application was originally submitted in June 2015 and there have been five revised schemes submitted thereafter June 2017, August 2017, April 2018, August 2018 and November 2018 (current scheme). The November 2018 scheme follows extensive negotiations with officers.</p>
8.3.3	<p>Section 104 of the Planning (NI) Act 2011 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) preserving the character or appearance of that area in cases where an opportunity for enhancing its character 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.</p>
8.3.4	<p>The Strategic Planning Policy Statement for Northern Ireland 2015 (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. It goes on to say that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest.</p>
8.4	<p>This SPPS policy direction requires a broadly similar approach to that set out in Policy BH14 of PPS6 (Demolition in a Conservation Area) when read in the context of Section 104. Policy BH14 advises that demolition of an unlisted building in a conservation area should normally only be permitted where the building makes no material contribution to the character or appearance of the area. Paragraph 7.17 of PPS6 advises that in assessing such proposals regard will be had to the same broad criteria outlined for the demolition of listed buildings in PPS6's paragraph 6.5 and Policy BH10.</p> <p>Demolition in the Conservation Area</p> <p>In assessing the contribution of the existing building to the character or appearance of the Conservation Area, regard is had to the conservation area guidance. The Linen Conservation Area Guide was published in 1992 and makes reference to the part the linen industry played in the development of Belfast. It states that redevelopment is not precluded but that refurbishment and conversion of existing properties will be particularly encouraged</p>

8.4.1	<p>in the case of characteristic buildings which are important in the street-scene. It also states an aim to bring derelict or under-used buildings back into economic use.</p>
8.4.1	<p>There are three buildings proposed for demolition. It is advised that of these, only the Clarence Gallery building makes a material contribution to the character and appearance of the Conservation Area. The other two buildings onto Linenhall Street are unattractive single storey commercial structures with roller shutters, a personnel door and high parapet wall. With taller buildings to either side they have a weak façade and are an anomaly in the street scene. The Urban Design Officer and Conservation Officer concur that the single-storey buildings are modern interventions with no architectural merit. The Conservation Officer has stated that the Clarence Gallery building is the <i>“last vernacular, functional warehouse within the Conservation Area”</i> and that it <i>“assumes great importance”</i>. However, the agent’s Conservation Report argues that the greater importance in the building is its history and the recording of this would be key.</p>
8.4.2	<p>Regarding the Clarence Gallery building, both the Urban Design Officer and Conservation Officer acknowledge the unsympathetic openings at ground floor along Clarence Street whilst the information provided by the agent informs that the original roof and Linenhall Street frontage were removed during refurbishment in the 1980s and in fact little internal historic fabric remains. Whilst this extension won an RIBA award at the time, officers consider that the refurbishment has architecturally not stood the test of time well.</p>
8.4.3	<p>Policy BH 14 states that where a building makes a positive contribution to the character or appearance of a conservation area there will be a presumption in favour of retaining it and in assessing proposals the Council will have regard to the same broad criteria outlined for the demolition of a listed building under Para 6.5 of PPS 6 and Policy BH10. As the Clarence Gallery building is considered to make a material contribution to the Conservation Area, Policy BH14 (and in turn BH10 including Para 6.5) therefore apply. Each of these will be explored below:</p>
8.4.4	<p>Criterion (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 and Criterion (b) – the adequacy of efforts made to retain the building in use.</p>
8.4.5	<p>The agent has submitted a number of documents and supporting evidence to support their argument that the building is not fit for purpose; that to structurally underpin and repair the building would be excessively costly; that even if those works were undertaken it would not achieve Grade A office space; and that modern interventions have diluted the heritage assets of the building so that there is little or no historic fabric remaining.</p>
8.4.6	<p>A visual inspection report (ARUP) submitted in February 2015 highlights several issues including the absence of a lift/DDA compliance, defects to the external walls and roof structure and notes that building services are at the end of their serviceable life and therefore heating, lighting and power installations will need to be replaced and upgraded. Most of the windows including single and double glazed require replacement. The roof was replaced in the 1980s but will require a further replacement in the near future. It has been assumed that asbestos is present and will need to be removed. The fire escape is not currently safe for use and will need to be replaced. Floor finishes are largely a porcelain tile and are in good general condition however landlord areas of flooring are a vinyl floor finish and will require complete replacement. Water penetration and damp were observed at several locations and will require remedial works to resolve. The report states that none of the original joinery remains and skirting, architraves, internal and fire doors all date from the 1980s when the refurbishment took place. The report further details that the foundations are likely constructed on timber piles which are subject to repeated wetting and drying causing structural movements. The structural movements detected are therefore likely to be</p>

	as a result of pile deterioration which would require full underpinning. Several structural improvements and building upgrades would therefore be necessary.
8.4.7	The Council engaged an independent Structural Engineer to provide advice and guidance on the condition of the building. The Structural Engineer advised the Council that the external walls would need to be repaired, strengthened, and made watertight. They also stated that the building could be retained but only with significant investment and that further understanding of the existing foundations would be paramount.
8.4.8	The agent duly conducted ground/foundation investigations including trial pits. The Structural Engineer also attended the site to inspect said pits and confirmed in a letter to the Council in June 2016 that “...there are no piles present. The building is founded below the filled ground onto a very poor, sandy, alluvial material. The foundations take the form of narrow, corbelled masonry on timber beams which are rotted in places. A high level of water is present in some of the trial pits. The current foundations are unsuitable and any redevelopment of the existing building would require underpinning of all load bearing elements”. This was further detailed in an ARUP report on the findings of the trial pits and PW reconfirmed her earlier view following review of the report in a letter in August 2016.
8.4.9	The application documents have made reference to the prolonged periods the building has not attracted a tenant despite active marketing and offering nominal rents to charitable organisations. This has included a 5-page analysis from CBRE in 2016, a 3-page analysis from Colliers in 2016 as well as a 2-page letter from Colliers in 2018 as significant time had passed from the initial analysis. The CBRE letters reference several challenges proposed by the current building: <ul style="list-style-type: none"> - The estimated cost of £600k plus asbestos removal for refurbishment - The building would only be capable of being let to a single occupier and that where single occupiers take large space that they prefer it to be on a single level
8.4.10	The Colliers analysis confirms that both online and newspaper advertisements over 5+ years did not manage to result in a new occupier. The owner then offered the building to a charitable organisation on a rent-free basis.
8.4.11	The agent provided an indicative budget estimate within their Conservation Statement which explored the costs associated with refurbishing the existing building which estimated £600k for physical works, £600k for internal fit out and a further £400k for preliminaries and professional fees. The total estimated cost being c£1.6m. The rent yield for this size of building at an estimated £16-18/sq foot would result in the project being unviable.
8.4.12	In the time since these reports were submitted, the building has been vacated and continues to remain so.
8.4.13	<i>Criterion (c) – the merits of alternative proposals for the site.</i> The merits of the proposed replacement building are discussed later in this report. The applicant has not advanced an argument that the proposal would bring about substantial benefits to the community and there is no evidence that it would.
8.4.14	In conclusion, having regard to the factors discussed above, including the structural condition of the building, the lack of interest following the marketing of the building, viability and the extent that the building has been modified, it is considered, on balance, that there are exceptional circumstances that justify demolition of the building. This is subject to the acceptability of the replacement scheme, which is discussed below.
8.5	

<p>8.5.1</p> <p>8.5.2</p> <p>8.5.3</p> <p>8.5.4</p> <p>8.5.5</p> <p>8.5.6</p> <p>8.5.7</p>	<p>The impact of the proposed building on the Conservation Area</p> <p>The House of Lords in the <i>South Lakeland</i> case decided that the “statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.”</p> <p>The proposed building should be considered having regard to the SPPS and Policy BH12 of PPS 6.</p> <p>The Urban Design Officer describes the proposal as “<i>eight storeys in height (29.65m in total) and will abut the existing Linenhall building along Linenhall Street as well as the listed adjacent building (51-53 Adelaide Street) which returns along Clarence Street. The building comprises a uniform seven storey height along both elevations with the upper eight floor being setback above. Along Linenhall Street the upper height of the seventh floor (26.05m) takes its cue from the listed six storey building at 40 Linenhall Street, roughly equating to the heights of the circular turrets at each end of its parapet. This height also accords with the shoulder height created by the projecting glazed bay of the adjacent Linenhall building. This seven storey height turns the corner and continues along the majority of the Clarence Street before terminating a short distance from the adjacent listed building (51-53 Adelaide Street). A glazed infill of five storeys is proposed within this 4.5m gap as a way of providing a clean break and dealing with the transition between the new building and its listed neighbour.</i>”</p> <p>He continues “<i>the seven storey shoulder height of the building correlates approximately with the height of the listed 40 Linenhall Street south of the subject site with thudded advantage in that the proposed scheme will largely obscure the exposed gable of the adjacent Linenhall building. While the shoulder height is one storey higher than the mansard roof of the adjacent listed building along Clarence Street, historically streetscapes increased in height at corners with buildings forming corner marker statements, which is particularly appropriate in this case given the sites nodal location at the junction of Linenhall Street and Clarence Street. A building of increased height at this location would also place emphasis on this key city centre junction and provide visual interest, aiding in orientation and legibility. In this regard an upper eight storey, which has been setback 3.0m along both elevations to ensure subservience to the main building, is therefore considered acceptable.</i>”</p> <p>The proposal has been assessed against Policy BH12 of PPS6. The site is located within the Linen Conservation Area as designated in the BUAP and BMAP. As detailed previously, the site consists of three buildings, two of which have a negative impact on the conservation area while the third (Clarence Gallery) is held to make a positive contribution. Given the information provided with regard to retaining Clarence Gallery, the design of the new building must be considered in line with the policies below and with regard to the South Lakeland case.</p> <p>Policy BH12 of Planning Policy Statement 6 (PPS6) details criteria for new development in the conservation area. This policy contains a number of criteria which are applied to proposals in the conservation area.</p> <p>(a) the development preserves or enhances the character and appearance of the area; The development draws upon the red brick/ rustic tones displayed in some of the more traditional buildings in the conservation area, including the listed building and combines this with traditional design features. The Conservation Officer states that this will be “<i>a landmark building of high quality design, and subject to appropriate use of high quality materials, it is considered of suitable quality to enhance the overall character and appearance of the conservation area</i>”. The public realm enhancements on the periphery</p>
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8.5.8	<p>of the site (which form part of the application) would be a welcome improvement to the Conservation Area.</p>
8.5.9	<p>(b) the development is in sympathy with the characteristic built form of the area; The character of the area has altered significantly in recent years. These changes have taken place within the conservation area, as well as beyond. A significant shift in the built form of this part of the conservation area has been the introduction of a 7 storey (with two additional setback storeys) modern building adjacent to the site at 32 Linenhall Street. HED commented <i>“that this should not serve as a precedent for further incongruous development within the immediate urban setting of the listed building and wider Linenhall Conservation Area”</i>. Indeed, the building at 32 Linenhall Street has resulted in an unsightly and dominant blank gable adjacent to the site which draws attention to the height differential between the two single-storey buildings on the subject site and No 32.</p>
8.5.10	<p>The height of the proposal has been reduced from 9 storeys with a modern design to 8 no. storeys with a heritage-led design thereby reducing the visual dominance of the proposal significantly. This height conforms to the urban design criteria within dBMAP and is viewed as acceptable by the Design Officer in paras 8.5.3 and 8.5.4 above. The Conservation Officer also notes that <i>“in terms of legibility, vistas and streetscapes, the proposed elevational treatments, proportions and openings have been specifically designed to reflect and connect to their surrounding context and as noted above the inclusion of public realm improvements would bring further benefits to the area”</i>.</p>
8.5.11	<p>(c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area; With regards to respecting the conservation area as a whole, the Conservation Officer concludes that <i>“whilst the retention of eight storeys on Clarence Street would be one storey higher than the listed building, it was typical for historical buildings on nodal locations to increase in height to provide corner marker statements. Together with the set back of the upper floor and the visual separation between the two buildings, this approach is considered acceptable and would provide further interest at this key junction”</i>.</p>
8.5.12	<p>(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; Environmental Health have not raised any concerns subject to conditions regarding contamination and noise.</p>
8.5.13	<p>(e) important views within, into and out of the area are protected; Given the location of the site on the corner of Linenhall and Clarence Streets, the building will also be visible from Ormeau Avenue, Bedford Street, Adelaide Street also. The current view of the site is somewhat marred given that the buildings are vacant and disused. Specifically, the two adjoining single storey buildings are not aesthetically pleasing, create a bleeding gap in the street scenes and detract from the overall appearance of the streetscape.</p>
8.5.14	<p>The Conservation Area Officer states that <i>“whilst the proposed scheme would result in the loss of Clarence Gallery, this would be outweighed by the loss of the two additional buildings and provision of proposed scheme, which as described above would be considered as an overall enhancement to legibility and vistas into and out of the area”</i>.</p>
8.5.14	<p>(f) trees and other landscape features contributing to the character or appearance of the area are protected; There are no landscape features on the site.</p>

8.5.15	<p>(g) the development conforms with the guidance set out in conservation area documents.</p> <p>The Linen Conservation Area document contains development guidelines which state that:</p> <ul style="list-style-type: none"> -new development should relate sympathetically to the immediate surroundings and should enhance the setting of the City Hall viewed from Linenhall Street -new development in the vicinity of the Clarence Street junction should reflect the size and scale of the existing warehouse and office buildings at that location -development in the southern part of the street should relate to Ormeau Avenue in terms of its warehouse character, elevational details and materials
8.5.16	<p>The Linen Conservation Area document makes specific reference to the junction of Linenhall and Clarence Streets with regards to enhancing the environment by providing new paving, seating, lighting and planting to create a civic space and focal point. The proposal includes new public realm improvements around the building including new paving and landscaping.</p>
8.5.17	<p>It is considered that the proposals are consistent with the guidance.</p> <p>In conclusion, criteria (a) to (g) of Policy BH 12 have been assessed with input from the Conservation Officer and Urban Design Officer. The proposal is deemed to be acceptable in policy terms as the detailed height, massing and design of the building will create a new focal point within the Conservation Area and bring vitality back to what currently contains three disused buildings.</p>
8.6	<p>The impact of the proposal on nearby Listed Buildings</p>
8.6.1	<p>Policy BH11 of Planning Policy Statement 6 (PPS6) relates to development affecting the setting of a listed building. There are a number of listed buildings in the immediate vicinity that would be affected by the proposal. These are:</p> <ul style="list-style-type: none"> -No. 51-59 Adelaide St (HB26/30/047) -The Ulster Hall, (HB26/30/057) -Alfred House (HB26/30/025) and -St. Malachy's Church (HB26/30/023),
8.6.2	<p>In addition, views on Linenhall Street are terminated by the City Hall (also listed). The proposal is assessed against Policy BH11 as follows.</p>
8.6.3	<p>(a) The detailed design respects the listed building in terms of scale, height, massing and alignment;</p>
8.6.4	<p>HED provides the following advice: <i>"the current proposal is a marked improvement from the previous modern development scheme for the site. The success of the current scheme, which proposes a traditional red brick Victorian 'warehouse' style architectural treatment however relies on the accuracy of the proposal to respect and adhere to traditional building principles in terms of proportion, height, detailed design and material specification. HED: HB advises the proposal remains a storey too tall and recommends a reduction in height, to ensure the development sits sympathetically within the setting of the identified listed buildings. A reduction in floor to ceiling levels to the upper floors, in keeping with the traditional hierarchy of more subservient attic spaces, as demonstrated in the adjacent listed building No. 51-59 Adelaide St, is also recommended."</i></p>
8.6.5	<p>Whilst HED have expressed concern that the building should be one storey less. However, for the reasons set out previously, officers consider that the height would be appropriate and not over dominant or out of keeping. The height of the adjacent building on Linenhall Street is a key visual consideration and it is viewed that the corner of the street should rise</p>

	in height and not be subservient to the middle of the terrace. In addition, the height of the proposal complies with that recommended by dBMAP
8.6.6	The glazed link between proposed building and listed building at 51-53 Clarence Street is 4.5m in width providing a clean visual break. The Urban Design Officer states that <i>“recent amendments that extends the use of facing brick at 6F level to the rear elevation of the building along Clarence Street (before the glazed infill) are welcomed as this will protect key views west along this street.”</i>
8.6.7	He continues <i>“the proposed scheme incorporates a hierarchy of window treatments over seven floors. The detailing and proportions of these openings decrease as they move up the building in an effort to echo the treatment of openings in neighbouring warehouse buildings. The building also incorporates upper and lower cornice lines between sixth/seventh floors and first/second floors respectively along both elevations. Along Linenhall Street the upper cornice line picks up on the upper cornice (shoulder height) of 40 Linenhall Street and creates a continuity of this strong horizontal form. Along Clarence Street this upper cornice line roughly equates to the top of the dormer windows of the adjacent six storey listed building (51-53 Adelaide Street). Along Clarence Street the lower cornice line picks up on the existing second floor cornice line of the listed 51-53 Adelaide Street while also roughly aligning with the underside of the projecting glazed bay of the adjacent Linenhall building along Linenhall Street”</i> demonstrating coherence and consideration for the listed building.
8.6.8	(b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and The design of the proposed building is a heritage-led approach which prioritises the historical grain, proportions and materials found in the area. Officers recommend conditions to carefully control the materials in conjunction with HED to ensure the appropriateness and quality of the detailing proposed.
8.6.9	(c) The nature of the use proposed respects the character of the setting of the building The listed buildings on Linenhall Street and Clarence Street consist of offices - the proposal will also be offices and there is considered to be no conflict between the uses that would harm the setting of the Listed Buildings.
8.7	Archaeology
8.7.1	The application site is located within the Belfast Area of Archaeological Potential, designated to protect the above-ground and below-ground archaeological remains associated with early development of the settlement. Historic Environment Division: Historic Monuments Unit (HMU) have been consulted and considered the impacts of the proposal. HMU is content with the proposal, conditional on the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation <i>in situ</i> , as per Policy BH 4 of PPS 6. Conditions are recommended accordingly.
8.8	Conclusion
8.8.1	Para 6.18 of the SPSS states that the “guiding principle is to afford special regard to the desirability of enhancing” conservation areas. The Conservation Officer states that <i>“in balancing the overall merits of the scheme under each relevant policy requirement, it is considered that the proposal would enhance the character and appearance of the conservation area”</i> .

8.8.2	<p>When assessed in the round, it is considered that the scheme would achieve this. The proposal would result in the removal of the two existing single storey commercial buildings which detract from the street scene. The new building would be a high quality landmark building on this important corner junction which would be in keeping with the traditional architecture of the area. It would hide the unattractive mass of gable of the adjacent building which detracts from the street scape. Whilst Clarence Building makes a material contribution to the character or appearance of the Conservation Area, given its structural condition, loss of original historic fabric, visually compromised gable onto Linenhall Street and issues around viability, its removal is considered acceptable.</p>
8.9 8.9.1	<p><u>Traffic, Movement and Parking</u> DFI Roads requested further clarification on access however had no objections in principle. The remaining issues to be resolved concern bin storage and one exit door which must be recessed. Delegation to the Director of Planning and Building Control is sought to allow final conditions to be agreed regarding this matter.</p>
8.10 8.10.1	<p><u>Contaminated Land</u> The application is supported by a Phase 1 contaminated land report. The Environmental Health Service and NIEA Air, Land and Soil has reviewed the Phase 1 report and both note that a Phase 2 risk assessment report would normally be required in order to review any impacts on human health. The agent subsequently proposed to deal with this by way of condition, arguing that further investigation can only take place on the after further demolition has taken place. Environmental Health has accepted this approach and recommends conditions to secure further investigation work. NIEA have been consulted and are expected to respond with similar negative conditions on the basis of the information provided. It is considered this matter should be delegated to the Director of Planning and Building Control to resolve as it is expected they too will provide negative conditions.</p>
8.11 8.11.1	<p><u>Noise</u> The Environmental Health Service did not raise concerns regarding noise and recommends that potential noise impacts can be dealt with by way of condition.</p>
8.12	<p><u>Site Drainage</u> The proposal has been considered against Policy FLD 1 of the Revised PPS15 – ‘Development in Fluvial (River) and Coastal Flood Plains’. The Flood Hazard Map (NI) indicates that the development is not within any river or coastal flood plains Rivers Agency advises no objection to the proposed development. The proposal is therefore considered acceptable in terms of flood risk.</p>
8.13 8.13.1	<p><u>The impact on the amenity of adjacent land users</u> It is considered that the proposal would not result in any unacceptable overlooking, loss of light, overshadowing, loss of outlook or other harmful impacts on adjacent land users.</p>
8.14 8.14.1	<p><u>Pre-Community Consultation</u> 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 applicants for planning permission to consult the community in advance of submitting an application. This application was received shortly before the legislation was enacted and therefore did not require a Pre-Community Consultation.</p>

<p>8.15 8.15.1</p>	<p><u>Developer Contributions</u> Para 5.69 of the SPPS states that “Planning authorities can require developers to bear the costs of work required to facilitate their development proposals”. The proposal includes enhancements to the public realm immediately abutting the site. This will help enhance the setting of the building and improve connectivity. The details of the public realm scheme have been forwarded to the Department for Communities for consideration. Delegated authority is sought to resolve the public realm proposals prior to issuing of the decision.</p>
<p>8.16 8.16.1</p>	<p><u>Economic Benefits</u> Paragraphs 4.18 and 4.22 of the SPPS state that planning authorities should take a positive approach to appropriate economic development proposals and pro-actively support and enable growth generating activities. It further states that the environment is an asset for economic growth in its own right and planning authorities must balance the need to support job creation and economic growth with protecting and enhancing the quality of the natural and built heritage. In this case, c8, 200 sqm of Grade A office space will contribute to job creation and economic vitality locally. The proposal would therefore have a positive impact on the economy.</p>
<p>8.17 8.17.1</p>	<p><u>Statutory Consultation</u> The revised scheme was first advertised on 16th November 2018 and neighbours/objectors notified on 14th November 2018. However, the description of development was incorrectly given as a 9 storey building. As a result, a new newspaper advertisement was scheduled for 30th November 2018. The consultation period ends on 14 December. Delegated authority is sought to deal with any issues that arise during the remainder of the consultation period.</p>
<p>8.17.2</p>	<p>No new objections have been received to the most recent design iteration however as objections were received on previous schemes and mention the demolition, it is important to ensure all issues are considered. The issues raised by objectors can be summarised as follows:</p> <ul style="list-style-type: none"> a. The proposed demolition would be detrimental to the historic character of the Linen Conservation Area b. The loss of the building coupled with the proposed redevelopment is contrary to Policy BH14 of PPS 6The design of the proposal is pastiche c. The proposed building is an inappropriate height/design d. The existing building far better contributes to the conservation area <p>These are comprehensively considered in Paras 8.1 – 8.8 of this report.</p>
<p>10.0 10.1</p>	<p>Summary of Recommendation: It is recommended that delegated authority is given to the Director of Planning and Building Control to grant conditional planning permission and demolition consent, subject to clarification of the consultation response from DfI Roads, NIEA, and a satisfactory public realm enhancement scheme. If the Planning Committee resolves to grant planning permission then the application will need to be referred to the Department for Infrastructure in view of the comments from Historic Environment Division which have sought the building to be lowered.</p>

11.0	Conditions (final wording to be delegated to the Director of Planning and Building Control)
11.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
11.2	<p>Prior to demolition of the buildings and before any building works are commenced, the applicant shall submit to the Council for approval in writing, a Quantitative Risk Assessment (often referred to as a Phase II). This Quantitative Risk Assessment must incorporate:</p>
	<p>-A detailed site investigation in line with British Standards BS 10175:2011+A2:2017. Any ground gas investigations should be conducted in line with BS8485:2015;</p>
	<p>-A satisfactory assessment of the risks (including a Revised Conceptual Site Model) associated with any contamination present, conducted in line with current Defra and Environment Agency guidance.</p>
	<p>-In addition, risks associated with ground gases should be assessed under the methodology outlined within CIRIA C665;</p>
	<p>-The proposed methodology for the assessment of internal gas levels in buildings that are to be retained shall be submitted to the Council for written approval prior to the commencement of the development.</p>
	<p>Reason: To protect human health and to ensure the site is suitable for the proposed end use.</p>
11.3	<p>Based on the outcome of the risk assessments, a Remedial Strategy (often referred to as a Phase III) may be required. If found to be necessary, this Strategy must demonstrate how the identified pollutant linkages are to be broken and no longer a pose potential risk to human health.</p>
	<p>Reason: To protect human health and to ensure the site is suitable for the proposed end use.</p>
11.4	<p>In order to demonstrate that any identified remedial measures have been incorporated into the proposed development, a Verification Report will be required.</p>
	<p>The Verification Report must be in accordance with current Environment Agency guidance and demonstrate that the mitigation measures have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health. Failure to provide a satisfactory Verification Report on completion of the works may lead to the assumption that the site remains a risk to human health.</p>
	<p>Reason: To protect human health and to ensure the site is suitable for the proposed end use.</p>
11.5	<p>The building envelope of the proposed office accommodation shall be constructed so as to provide a suitable internal noise environment in line with current guidance, BS8233:2014 Guidance on Sound Insulation and Noise Reduction in Buildings.</p>
	<p>Reason: To protect human health and the amenity of nearby premises.</p>

11.6	<p>The plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.</p>
	<p>Reason: To protect human health and the amenity of nearby premises.</p>
11.7	<p>No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p>
	<p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>
11.8	<p>Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.</p>
	<p>Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.</p>
11.9	<p>A comprehensive record of the Clarence Gallery Building, including a drawn, photographic and written record, shall be submitted to the Council and HED, prior to commencement of works onsite.</p>
	<p>Reason: To provide a comprehensive record of the historic building within the setting of the listed building.</p>
11.10	<p>No works shall commence on site unless details of a Phasing Plan, including works relating to any demolition and redevelopment of the site, has been submitted to and agreed in writing by the City Council. All works shall be carried out in accordance with the approved Phasing Plan.</p>
	<p>Reason: To ensure the historic fabric of the listed building is safeguarded during demolition works and in the interest of protecting the Linen conservation Area</p>
11.11	<p>Brick, stone and curtain walling samples shall be submitted to and agreed by the Council, prior to commencement of works onsite.</p>
	<p>Reason: To ensure the material finish and detailing is sympathetic to the Conservation Area and the setting of the listed building.</p>
11.12	<p>External ground floor doors shall be of appropriate historic proportions with increased head height. Revised detailing to be submitted to and agreed by the Council prior to commencement onsite.</p>
	<p>Reason: To ensure the material finish and detailing is sympathetic to the Conservation Area and the setting of the listed building.</p>
11.13	<p>Windows shall be dark coloured metal or aluminium. Samples shall be submitted to and agreed by the Council prior to commencement onsite.</p>

	<p>Reason: To ensure the material finish and detailing is sympathetic to the Conservation area and setting of the listed building.</p>	
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ANNEX	
Date Valid	30th June 2015
Date First Advertised	31st July 2015
Date Last Advertised	30th November 2018
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 10 Great Victoria Street, Town Parks, Belfast, Antrim, BT2 7BA, The Owner/Occupier, 13-15, Clarence Street, Town Parks, Belfast, Antrim, BT2 8DY, The Owner/Occupier, 15 Clarence Street, Town Parks, Belfast, Antrim, BT2 8DY, The Owner/Occupier, 17 Clarence Street, Town Parks, Belfast, Antrim, BT2 8DY, The Owner/Occupier, 24 Linenhall Street, Town Parks, Belfast, Antrim, BT2 8BG, The Owner/Occupier, 26A Linenhall Street, Town Parks, Belfast, Antrim, BT2 8BG, The Owner/Occupier, 28 Linenhall Street, Town Parks, Belfast, Antrim, BT2 8BG, The Owner/Occupier, 32 Linenhall Street Town Parks Belfast The Owner/Occupier, 32A Linenhall Street Town Parks Belfast The Owner/Occupier, 33-35 Orr House Linenhall Street Town Parks The Owner/Occupier, 39-49 Adelaide House Adelaide Street Town Parks The Owner/Occupier, 51-53 Adelaide Street Town Parks The Owner/Occupier, 51-53 Adelaide Street Town Parks The Owner/Occupier, 51-53 Adelaide Street Town Parks The Owner/Occupier, 51-53 Adelaide Street Town Parks The Owner/Occupier, 55-59 Enterprise House Adelaide Street Town Parks The Owner/Occupier, 55-59 Enterprise House Adelaide Street Town Parks The Owner/Occupier, 55-59 Enterprise House Adelaide Street Town Parks Philippa Martin 66 Donegall Pass, Belfast, BT7 1BU Philippa Martin 66, Donegall Pass, Belfast, Antrim, Northern Ireland, BT7 1BU Philippa Martin</p>	

66, Donegall Pass, Belfast, Antrim, Northern Ireland, BT7 1BU

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David Flinn

6th Floor,42/46 Fountain Street,Belfast,BT1 5EF

David Flinn

Belfast Civic Trust Ltd,c/o A and L Goodbody, 6th Floor,42-46 Fountain Street,Belfast,BT1 5EF

David Flinn

Belfast Civic Trust Ltd,c/o A and L Goodbody, 6th Floor,42-46 Fountain Street,Belfast,BT1 5EF

The Owner/Occupier,
Broadcasting House 25 Ormeau Avenue Town Parks

John Graham

Claremont Court, Flat 28, Claremont Street, Belfast, Antrim, Northern Ireland, BT9 6UA

John Graham

Claremont Court, Flat 28, Claremont Street, Belfast, Antrim, Northern Ireland, BT9 6UA

The Owner/Occupier,

Clarence Gallery,Linenhall Street,Town Parks,Belfast,Antrim,BT2 8BG,

The Owner/Occupier,

Rea House 26 Linenhall Street Town Parks

The Owner/Occupier,

Rea House 26 Linenhall Street Town Parks

The Owner/Occupier,

Rochester Building,Adelaide Street,Town Parks,Belfast,Antrim,BT2 8FE,

Date of Last Neighbour Notification	26th November 2018
Date of EIA Determination	N/A
ES Requested	No

Planning History

Ref ID: LA04/2015/0388/F

Proposal: The extension of the existing 7th and 8th floor suites over the existing terrace

Address: The Linenhall, 32 Linenhall Street, Belfast, BT2 8BG,

Decision: Permission Granted

Decision Date: 19.05.2016

Ref ID: Z/2007/2706/F

Proposal: Extension of the existing 7th and 8th floor office suites over the existing terrace. (Amended Plans)

Address: The Linenhall, 32 Linenhall Street, Belfast, BT2 8BG

Decision: Permission Granted

Decision Date: 15.01.2009

Ref ID: Z/2007/0695/F

Proposal: Proposed 5 storey extension to the rear of existing office building and proposed change of use on ground floor from enclosed car park to hot food outlet.

Address: 51 & 53 Adelaide Street, Belfast, BT2 8FE

Decision: Permission Granted

Decision Date: 12.05.2008

Ref ID: Z/2003/0410/F

Proposal: Proposed change of use from disused warehouse to licenced restaurant.

Address: 28 Linenhall Street and adjacent to 25 Clarence Street, Belfast.

Decision: Permission Granted

Decision Date: 06.05.2003

Ref ID: Z/2008/0425/F

Proposal: Demolition of existing office building and construction of 12 storey office building.

Address: 13-23 Clarence Street, Clarence Gallery, Linenhall Street, 26 Linenhall Street, 28 Linenhall Street, Belfast, BT2

Decision: Withdrawn

Decision Date: 16.04.2008

Ref ID: Z/2008/0482/DCA

Proposal: Demolition of 13-23 Clarence Street, demolition of restaurant at 26 Linenhall Street and demolition of vacant unit at 28 Linenhall Street

Address: 13-23 Clarence Street, Clarence Gallery, Linenhall Street, 26 Linenhall Street, 28 Linenhall Street, Belfast

Decision: Withdrawn

Decision Date: 16.04.2008

Ref ID: Z/2001/1870/F

Proposal: Demolition of existing three storey property to allow for construction of new office building (Planning Application Ref: Z/2000/2322).

Address: 32 & 32a Linenhall Street, Belfast, BT2 8BG.

Decision: Permission Granted

Decision Date: 23.08.2002

Drawing Numbers and Title

01A, 02, 03E, 04D, 08E, 10C, 12C, 13C, 14B, 15, 16, 17

Notification to Department (if relevant)

Full application contrary to HED opinion

Date of Notification to Department:

Response of Department: