

## Development Management Report Addendum Report

Summary	
<b>Committee Meeting Date:</b> Tuesday 15 June 2021	
<b>Application ID:</b> LA04/2020/2200/F and LA04/2020/2201/DCA	
<b>Proposal:</b> Demolition of Nos. 27 to 37 Linenhall Street and Nos. 8-10 Clarence Street and erection of seven storey office building.	<b>Location:</b> 8-10 Clarence Street, 27-37 Linenhall Street and existing car park at the corner of Linenhall Street and Clarence Street Belfast.
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Domus UK Ltd 4 Paris Parklands Railton Road Surrey GU2 9JU	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<b>Referral Route:</b> Major application	
<p>Executive Summary</p> <p>The application was scheduled for presentation to April Planning Committee. However, following the publication of the Agenda for the 17th April 2021 meeting, there was an email from Turley Planning (Agent) requesting that consideration of the application be deferred to allow for the submission of a viability assessment and an updated redline to enable further discussion in relation to public realm improvements.</p> <p>At the April meeting it was for Members to consider the request for a deferral but officers highlighted that a viability assessment would not address the fundamental design issues with this proposal. At the meeting the Committee resolved to defer consideration, without the application being presented, to “allow developer to submit additional information”.</p> <p>Further information was submitted on 7<sup>th</sup> May 2021, including:</p> <ul style="list-style-type: none"> <li>- Further justification of design and 3D visuals showing potential design amendments and a case presented to suggest these changes would be detrimental to the resultant character of the building and the area.</li> <li>- Confirmation sought as to the outcome of consultations in relation to public realm contributions, as per the <i>Developer Contribution Framework</i>, and a reluctance to extend a red line in the absence of any demonstrated need for such improvements. Confirmation is provided that the developer is willing to enter into a Section 76 Agreement to facilitate a contribution towards wider public realm improvement schemes within the area.</li> <li>- A letter from Savills addressing the overall viability of the scheme. It is argued that the buildings make no material contribution to the conservation area as their removal and appropriate replacement would not have an adverse effect on the area. It is claimed that efforts were made to market the site and the only interest was based on the demolition of the existing buildings and redevelopment. It was also claimed that the spaces within the</li> </ul>	

existing buildings were deemed unsuitable, and what was felt as restricted access to two of the buildings making them unsuitable for modern office providers.

#### Consideration of Issues:

- Officers would remain of the opinion that any suggested design changes would be to the benefit of the overall character of the building, the appearance of the conservation area and would reduce the impact on the adjacent Ulster Hall (listed).
- A consultation response from DFC remains outstanding, however Officers would remain of the opinion that the red line should be extended to facilitate public realm improvements in the area immediately surrounding the proposed building. This would be a standard requirement for such schemes within the city centre to mitigate the development and enhance the character and appearance of the area. The proposed hard and soft landscaping works would be secured via condition.
- It is considered that insufficient information has been submitted in terms of the overall viability of the scheme, and the merits for removing the existing buildings which Officer's consider make a positive contribution to the character of the Linen Conservation Area. Policy BH14 of PPS6 is clear that when a building makes a positive contribution, the presumption is in favour of retention, and the council should have regard to the same broad criteria for the demolition of listed buildings (para 6.5 and policy BH 10). PPS6 Para 6.5 reinforces the ethos that if the building makes a contribution, then the presumption to retain and protect should only be relaxed under exceptional circumstances, including condition of the building, cost of repairing and maintaining, efforts made to retain the building and alternative proposals for the site. On balance, in the absence of what is considered to be sufficient information to justify the removal of the buildings and without an acceptable redevelopment proposal, it is the view of officers that the proposal is contrary to PPS6. There is insufficient evidence provided in relation to the marketing of the site, either in terms of selling or renting the existing buildings.

For reasons stated above, the recommendation remains that the application be refused for the reasons set out in the original report (repeated below).

It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to refuse planning permission for the following reasons:

1. The proposed office building, by reason of its scale, height, massing, façade alignment, form and design, would have an over-dominant impact on the Grade A Listed Ulster Hall to the detriment of its setting. The proposal is therefore contrary to Policy BH11 of Planning Policy Statement 6, Policy PED9 of Planning Policy Statement 4 and paragraph 6.12 of the Strategic Planning Policy Statement for Northern Ireland.
2. The proposal would result in the demolition of Nos. 27-37 Linenhall Street, which make a positive contribution to the character and appearance of the Linen Conservation Area. The proposal is therefore contrary to Policy BH14 of Planning Policy Statement 6. Moreover, the proposed office building, by reason of its scale, height, massing, façade alignment, form and design, would have an over-dominant impact on the street scene and interrupt framed views northwards of City Hall, harming the character and appearance of the Conservation Area. The proposal is therefore contrary to Policy BH12 of Planning Policy Statement 6 and paragraphs 6.18 and 6.19 of the Strategic Planning Policy Statement for Northern Ireland.
3. The proposal does not incorporate public realm improvements to the footways on Linenhall Street and Clarence Street, and does not take the opportunity of enhancing the

setting of the proposed office building and Conservation Area. The proposal is therefore contrary to paragraphs 4.15 and 6.18 of the Strategic Planning Policy Statement for Northern Ireland, Policy BH12 of Planning Policy Statement 6 and Chapter 8 of the Developer Contribution Framework (adopted January 2020).

## Development Management Officer Report Committee Application

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

However, the scale, height, massing, alignment and form of the building will have a detrimental impact upon the setting of a number of listed buildings, including the Ulster Hall. HED objects to the proposal on grounds of harm to the setting of listed buildings, contrary to Policy BH11 of Planning Policy Statement 6.

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

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

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

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

#### Statutory Consultees

DFI Roads – No objection subject to conditions

NI Water – Objection

HED Historic Buildings Unit – Objection

HED Historic Monuments Unit – No objection

DAERA Water Management Unit – Objection

DAERA Regulation Unit – No Objection

Rivers Agency – No objection

Belfast City Airport – No objection

#### Non-Statutory Consultees

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

Belfast City Council Urban Design Officer – Objection

Belfast City Council Conservation Officer – Objection

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

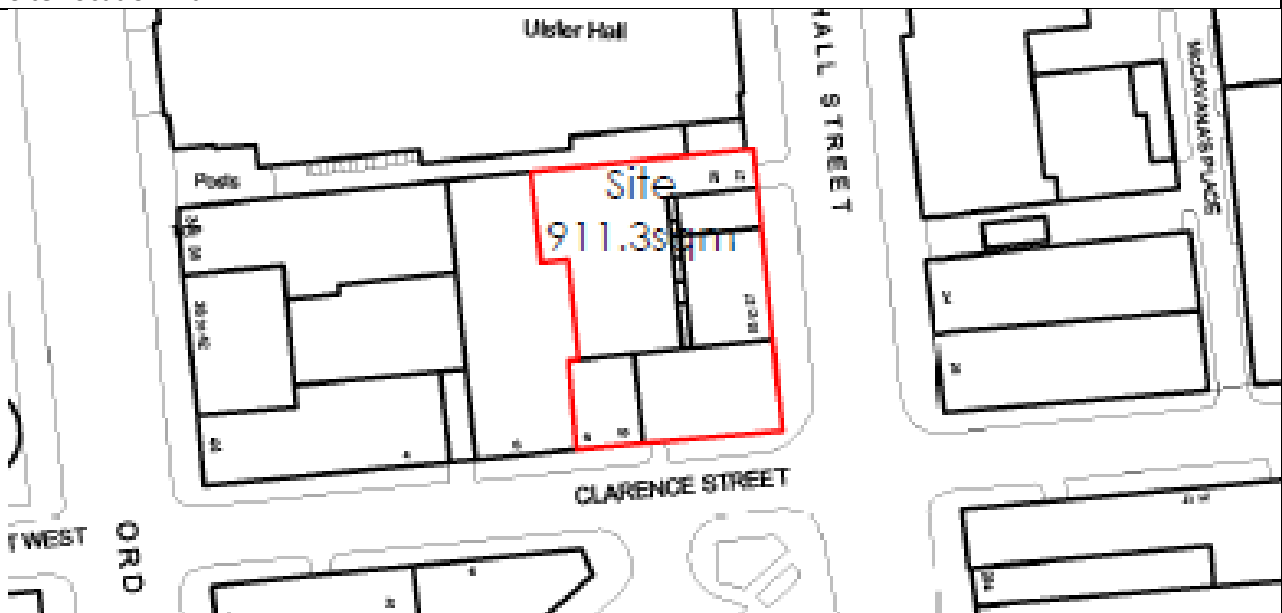
#### Recommendation

Having had regard to the statutory development plan, the draft development plan, relevant planning policies, planning approvals in the area, and the consideration of the issues set out in

this report, the proposed demolition and redevelopment is considered unacceptable and subsequently a refusal of planning permission is recommended.

## Case Officer Report

### Site Location Plan



### Contextual Elevations



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

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

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

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

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

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

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

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

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

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

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

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

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

9.66

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

9.67

Traffic and Parking

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

Policy TRAN 1			
Parking Standards within Areas of Parking Restraint			
Within designated Areas of Parking Restraint the following parking standards will be applied:-			
AREA	Car Parking Standards		
	RESIDENTIAL	NON RESIDENTIAL	NON RESIDENTIAL
	No. of spaces per dwelling	No. of non-operational spaces per m² of floorspace	No. of operational spaces per m² of floorspace
Belfast City Centre Core	1.0	1 / 300	1 / 930
Belfast City Centre Fringe	1.0	1 / 100	
Lisburn City Centre, Bangor and Carrickfergus Town Centres	1.0	1 / 50	
Commercial Nodes on Arterial Routes [outside Belfast City Centre Areas of Parking Restraint (Core and Fringe)]	1.0	1 / 100	
Reductions in the above standards will be considered in appropriate circumstances where evidence of alternative transport arrangements can be clearly demonstrated, or other material considerations exist that justify an exception to the policy. Proposals involving car parking in excess of the standards will only be permitted in exceptional circumstances.			

9.68

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

9.69

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

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

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

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

9.95	During consultation on the plans for the development, a total of 9 responses were received. All were received via completion of online feedback form or freepost return. 56% of respondents were supportive of the scheme. Specific concerns were raised with regard to the height, design and appearance of the building and the removal of car parking spaces (on the existing surface level car park). Two people were supportive of the design. The need for wider regeneration in the area was acknowledged in the feedback
9.96	It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
9.97	<p><b><u>Developer Contributions</u></b></p> <p>In this case it would be considered appropriate that any planning approval should be subject to the developer entering a legal agreement with Belfast City Council to provide contributions to local environmental improvements and should primarily take the form of public realm improvements to the streetscape within the locality. Given the direction of the application to date no discussions have taken place in relation to potential Developer Contributions.</p>
10.0 10.1	<p><b>Recommendation:</b></p> <p>Having regard to the detailed assessment set out in this report, it is recommended that planning permission is refused. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.</p>
11.0	<p>Draft Refusal Reasons</p> <ol style="list-style-type: none"> <li>4. The proposed office building, by reason of its scale, height, massing, façade alignment, form and design, would have an over-dominant impact on the Grade A Listed Ulster Hall to the detriment of its setting. The proposal is therefore contrary to Policy BH11 of Planning Policy Statement 6, Policy PED9 of Planning Policy Statement 4 and paragraph 6.12 of the Strategic Planning Policy Statement for Northern Ireland.</li> <li>5. The proposal would result in the demolition of Nos. 27-37 Linenhall Street, which make a positive contribution to the character and appearance of the Linen Conservation Area. The proposal is therefore contrary to Policy BH14 of Planning Policy Statement 6. Moreover, the proposed office building, by reason of its scale, height, massing, façade alignment, form and design, would have an over-dominant impact on the street scene and interrupt framed views northwards of City Hall, harming the character and appearance of the Conservation Area. The proposal is therefore contrary to Policy BH12 of Planning Policy Statement 6 and paragraphs 6.18 and 6.19 of the Strategic Planning Policy Statement for Northern Ireland.</li> <li>6. The proposal does not incorporate public realm improvements to the footways on Linenhall Street and Clarence Street, and does not take the opportunity of enhancing the setting of the proposed office building and Conservation Area. The proposal is therefore contrary to paragraphs 4.15 and 6.18 of the Strategic Planning Policy Statement for Northern Ireland, Policy BH12 of Planning Policy Statement 6 and Chapter 8 of the Developer Contribution Framework (adopted January 2020).</li> </ol>

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

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