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



**Belfast
City Council**

5th December, 2024

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Tuesday, 10th December, 2024 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

10. **New Planning Applications**

- (j) LA04/2024/2016/F - Erection of a life-sized statue of Rory Gallagher on the existing patio area to the side of Ulster Hall - Ulster Hall 30 Bedford Street (Pages 1 - 8)

Planning Committee Development Management Report

Summary	
Committee Date: 10 th December 2024	
Application ID: LA04/2024/2016/F	
Proposal: Erection of a life-sized statue of Rory Gallagher on the existing patio area to the side of Ulster Hall	Location: Ulster Hall, 34 Bedford Street
Referral Route: Paragraph 3.8.5(d) of the Scheme of Delegation for Planning (Council owned land)	
Recommendation: Approval subject to conditions	
Applicant Name and Address: Frank Girvan The Rory Gallagher Statue Project 26 Ravensdene Crescent Belfast BT6 0DB	Agent Name and Address (As applicant)
Date Valid: 4 th December 2024	
Target Date: 19 th March 2025	
Contact Officer: Ed Baker, Planning Manager (Development Management)	
<p>Executive Summary:</p> <p>The application relates to an open paved area to the south side of the front of Ulster Hall, No. 34 Bedford Street. The application seeks planning permission for the erection of a statue (of the musician Rory Gallagher).</p> <p>The key issues for consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Impact on the character and appearance of the Conservation Area • Impact on the setting of Listed Buildings • Other matters <p>The site is located within the City Centre. It is within the Linen Conservation Area. It is considered that the proposal would have a modest visual impact and that the character and appearance of the Conservation Area would be preserved.</p> <p>It is considered that the setting of the Listed Ulster Hall and other Listed Buildings would be safeguarded.</p> <p>No other areas of acknowledged planning importance would be prejudiced by the proposal.</p>	

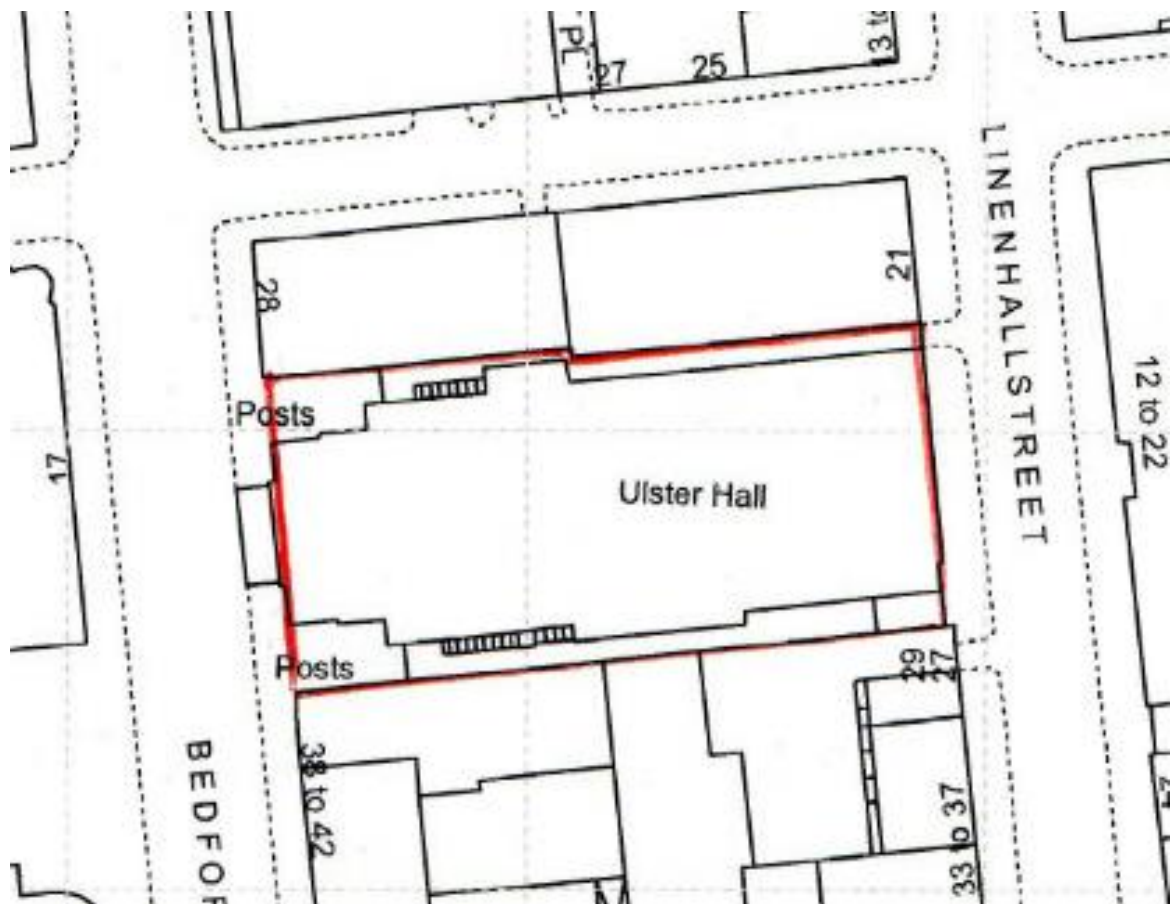
Recommendation

Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions.

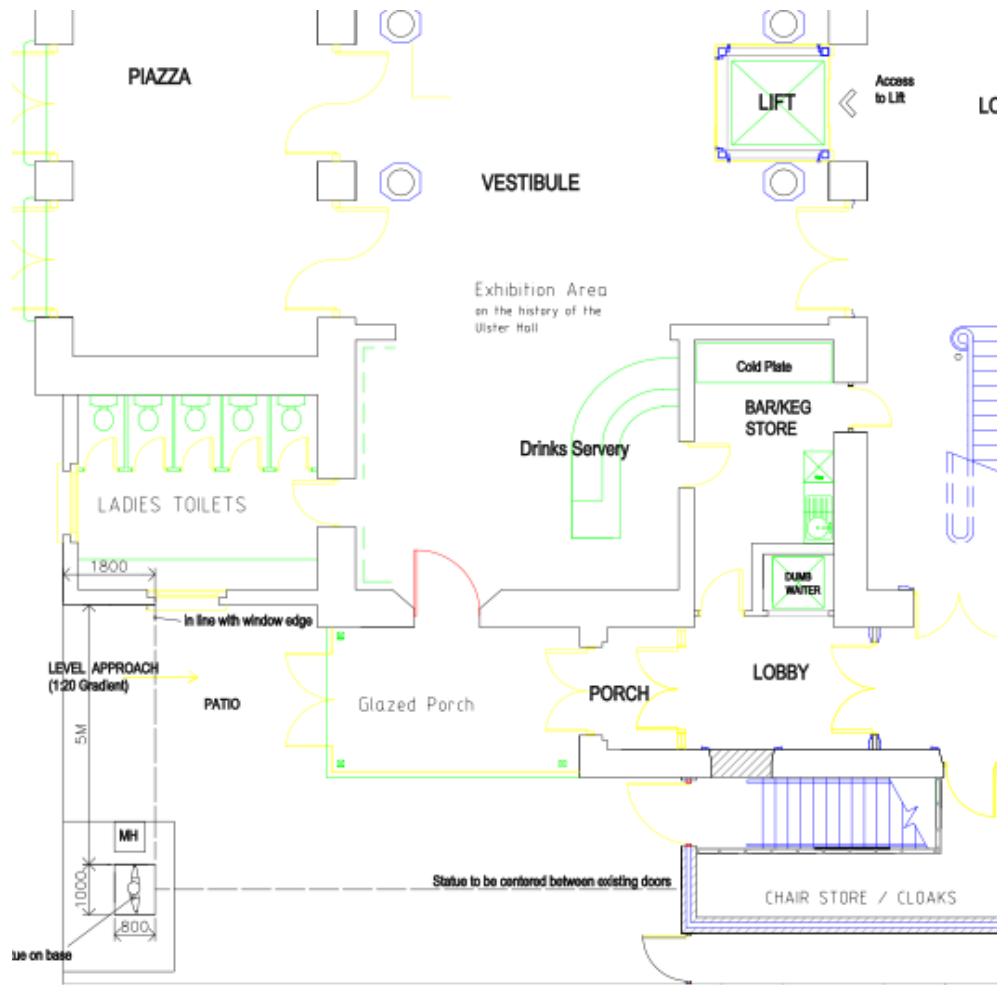
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with the outstanding consultations and any new issues that arise, provided that they are not substantive.

DRAWINGS AND IMAGERY

Site Location Plan:



Site Layout:



Front Elevation:



1.0

Characteristics of the Site and Area

1.1

The site relates to an open paved area to the south side of the front of Ulster Hall, No. 34 Bedford Street.

<p>1.2</p> <p>1.3</p>	<p>The site is located within the Linen Quarter Conservation Area and is surrounded by a range of heritage buildings the most notable of which includes the Listed Ulster Hall immediately beside the site.</p> <p>Description of Proposal</p> <p>The application seeks planning permission for the erection of a statue (of the musician Rory Gallagher). The statue is to be finished in bronze and would rest on a 1m high plinth (rendered banding to match existing walls on Ulster Hall). The plinth is set a short distance off the public footpath to the other side of three existing bollards that sit flush with the front of the Ulster Hall.</p>
<p>2.0</p> <p>2.1</p>	<p>PLANNING HISTORY (ON SITE)</p> <p>LA04/2016/0818/F – Erection of statue. Approved 18th October 2016. The permission has since lapsed, hence the submission of the new application.</p>
<p>3.0</p> <p>3.1</p>	<p>PLANNING POLICY</p> <p>Development Plan – Plan Strategy</p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p><i>Strategic Policies:</i></p> <p>Policy SP2 – sustainable development Policy SP3 – improving health and wellbeing Policy SP5 – positive placemaking</p> <p><i>Operational Policies:</i></p> <p>Policy DES1 – Principles of urban design Policy BH1 – Listed Buildings Policy BH2 – Conservation Areas Policy BH4 – Works to grounds affecting built heritage assets Policy TRAN2 – Creating an accessible environment</p> <p><u>Supplementary Planning Guidance</u></p> <p>Placemaking and Urban Design</p> <p>Development Plan – zoning, designations and proposals maps</p> <p>Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p>Regional Planning Policy</p> <p>Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Other Material Considerations</p> <p><i>Belfast Agenda</i> (Community Plan) Linen Conservation Area Design Guide Linen Quarter Vision and Guidance</p>

<p>4.0</p> <p>4.1</p> <p>4.2</p> <p>4.3</p>	<p>CONSULTATIONS AND REPRESENTATIONS</p> <p><u>Statutory Consultees</u></p> <p>DfC HED – awaited.</p> <p><u>Non-Statutory Consultees</u></p> <p>None required.</p> <p><u>Representations</u></p> <p>The application will be advertised in the newspaper on Friday 13th December 2024 and neighbours have notified.</p>
<p>5.0</p> <p>5.1</p> <p>5.2</p> <p>5.3</p> <p>5.4</p> <p>5.5</p> <p>5.6</p>	<p>PLANNING ASSESSMENT</p> <p><u>Development Plan Context</u></p> <p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p> <p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p> <p><u>Operational Policies</u></p> <p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed at paragraph 3.1.</p> <p><u>Proposals Maps</u></p> <p>Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001 (“Departmental Development Plan”), both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p> <p>The site is un-zoned “white land” in the BUAP 2001 and both version of dBMAP 2015 (v2004 and v2014).</p>

	<p><u>Main Issues</u></p>
5.7	<p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Impact on the character and appearance of the Conservation Area • Impact on the setting of Listed Buildings • Other matters
	<p><u>Background</u></p>
5.8	<p>A statue of the musician Rory Gallagher was previously approved by the Council in October 2016 and the permission has subsequently lapsed. It is understood that the statue is due to be unveiled in early January 2025, hence the submission of the new planning application.</p>
5.9	<p>The new application was submitted on 3rd December and validated on 4th December. The consultations have yet to issue and publicity of the application not completed.</p>
5.10	<p>The application is required to be reported to the Committee because the Council has an estate in the land. It is out of the ordinary to report an application to the Committee so early in the process. However, the application is brought to the Committee now because the next available Committee is 21st January 2025, which is after the proposed unveiling of the statue. Given that the application is brought forward by a community interest group, that planning permission has previously been granted for the proposal, and that the planning issues and policy considerations have not fundamentally changed since then, the application is reported to the Committee now. Delegated authority is sought to deal with consultation responses and any new issues that arise, provided that they are not substantive.</p>
	<p><u>Impact on the character and appearance of the Linen Conservation Area</u></p>
5.11	<p>The site is located within the Linen Conservation Area.</p> <p>Section 104(11) of the Act states: <i>‘Where any area is for the time being designated as a conservation area, special regard must be had, in the exercise, with respect to any buildings or other land in that area, of any powers under this Act, to the desirability of–</i></p> <p><i>(a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;</i></p> <p><i>(b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.</i></p>
5.12	<p>Policy BH2 relates to development proposals within a Conservation Area.</p>
5.13	<p>The proposed statue would be situated within an open paved area to the side of the front of Ulster Hall onto Bedford Street. It would be set behind the building line and would have a modest visual impact. In fact, it is considered that the proposal would help make more effective of this space.</p>
5.14	<p>It is considered that the character and appearance of the Conservation Area would be preserved. There are no obvious opportunities for enhancement of the Conservation Area given the nature and small-scale of the proposal.</p>
5.15	<p>The proposal is considered to accord with Policy BH2 of the Plan Strategy.</p>

	<p><u>Impact on Built Heritage</u></p> <p>5.16 Section 91(2) of the Act states that: <i>'In considering whether to grant planning permission for development which affects a listed building or its setting, and in considering whether to grant listed building consent for any works, a council... must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'</i></p> <p>5.17 Policy BH1 sets out criteria for considering proposals that affect the setting of a Listed Building.</p> <p>5.19 It is considered that the proposal, by reason of its character, size and position set behind the main building line, would not harm the setting of the adjacent Listed Ulster Hall or other Listed Building. A consultation response from DfC HED is awaited, however, it is noted that it did not object to the previous application for the statue. It is anticipated that advice from DfC will be available by the time of the Committee meeting.</p> <p><u>Other matters</u></p> <p>5.20 It is considered that no other areas of acknowledged planning importance would be prejudiced by the proposal.</p> <p>5.21 The proposed statue would be in keeping with the street-scene and placemaking principles and accords with Policy DES1.</p> <p>5.22 The proposal would be setback from the main pavement area and would not impact on pedestrians or highway safety, compliant with Policy TRAN2.</p>
<p>6.0</p> <p>6.1</p> <p>6.2</p>	<p>Recommendation</p> <p>Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with the outstanding consultations and any new issues that arise, provided that they are not substantive.</p>
<p>7.0</p>	<p>DRAFT CONDITIONS</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. No development hereby approved shall be carried out unless in accordance with a written specification of the materials of plinth and statue, which shall have first been submitted to and approved in writing by the Council. Reason: In the interests of the character and appearance of the Conservation Area and the setting of the Listed Building.

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