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Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS



Belfast
City Council

6th December, 2017

MEETING OF PLANNING COMMITTEE – REPORT TO FOLLOW – ITEM 9.

Dear Alderman/Councillor,

The above-named Committee will meet in the Banqueting Hall - City Hall on Tuesday, 12th December, 2017 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

9. **Request for Pre-determination hearing for LA04/2015/0674/F and LA04/2015/0672/DCA for 13-23 Clarence Street and 26-28 Linenhall Street (including Clarence Gallery) (Pages 1 - 2)**

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Subject:	Request for pre-determination hearing for LA04/2015/0674/F and LA04/2015/0672/DCA
Date:	12 th December 2017
Reporting Officer:	Keith Sutherland, Development Planning and Policy Manager, Ext 3578
Contact Officer:	Lisa Walshe, Senior Planner Ext 2290

Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in? <i>If 'No' please see Note 2 in Part 3</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Relevant Background Information
	Purpose
1.1	In July 2015, the Council received two applications (LA04/2015/0674/F and LA04/2015/0672/DCA) to demolish the existing buildings (including Clarence Gallery) at 13-23 Clarence Street and 26-28 Linenhall Street and construct a 9-storey office building. The application is a major application with 9000m ² of office space over 9 storeys. A number of the statutory consultees still have unresolved issues with the proposal including Transport NI and Historic Environment Division.
1.2	Planning Service has received a request that the Committee hold a discretionary pre-determination hearing in accordance with Section 30(4) of the Planning Act (NI) 2011.
1.3	The applicant is proposing to demolish Clarence Gallery, which is adjacent to a listed building and within the Linen Conservation Area. Planning Service and statutory consultees are of the view that the proposed replacement scheme fails to meet the applicable policy tests. The applicant's representative has requested a pre-determination hearing on the basis that the scale and complexity of the application should in its own rights merit a pre-determination hearing. He believes that a discussion with the applicant's various consultants would assist the Planning Service and Committee in understanding the rationale as to why the building should be demolished.
2.0	Recommendations
2.1	Members are asked to consider the report and whether a Committee pre-determination hearing would be appropriate for these applications having regard to detail set out in the main report below.

3.0	Main Report
3.1	The granting of a pre-determination hearing is mandatory in circumstances whereby a major application has been notified to the Department and returned to the Council for determination. In all other circumstances, such a hearing is discretionary as per Section 30 (4) of the 2011 Act.
3.2	<p>Para 3.6 of the Department's Development Practice Guidance Note 17: Pre-determination Hearings, states:</p> <p><i>In non-mandatory cases, it would be for an individual council to judge when a significant body of relevant planning objections was a sufficient material consideration to warrant a pre-determination hearing, taking account of:</i></p> <ul style="list-style-type: none"> ● <i>the relevance of the objections in planning terms;</i> ● <i>the extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation; and</i> ● <i>the numbers of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.</i>
3.3	These provisions are replicated in the Committee's Operating Protocol. It goes on to state that representations at a pre-determination hearing would be dealt with in the same way as those at a regular Committee meeting, i.e., speakers only have 5 minutes to address the Committee.
3.4	The process of pre-determination hearings is designed to deal with highly complex issues, large numbers of objections or to allow interested parties, including members of the public to address members directly.
3.5	In this particular case, there is no discord amongst consultees (either statutory or non-statutory) in relation to the Planning Service position on this proposal. There are 5 objections to the application, including an objection from the Ulster Architectural Heritage Society. However, Committee will recall that it has only held one discretionary pre-determination hearing since the transfer of planning powers. That was in relation to the former Visteon factory which was particularly controversial. This would support the view of officers that it is not necessary to hold a pre-determination hearing as the Committee has considered a number of major, complex and/or controversial applications at its regular meetings. This is due in part to standard Committee processes which encourage a focused discussion of the issues surrounding an application.
4.0	Finance and Resource Implications
4.1	An additional Committee meeting will be necessary should members be minded to agree to hold a pre-determination hearing.
5.0	Equality or Good Relations Implications
5.1	None