

# Pre Determination Hearing

Tuesday, 13th February, 2018

## MEETING OF PLANNING COMMITTEE

Members present: Councillor Lyons (Chairperson);  
Alderman McGimpsey;  
Councillors Armitage, Bunting, Carson,  
Dorrian, Garrett, Hussey, Johnston, Magee,  
McAteer, McDonough-Brown and Mullan.

In attendance: Mr. J. Walsh, City Solicitor;  
Mr. K. Sutherland, Development Planning and Policy  
Manager;  
Ms. N. Largey, Divisional Solicitor;  
Mr. S. McCrory, Democratic Services Manager; and  
Ms. E. McGoldrick, Democratic Services Officer.

### Apologies

Apologies were reported on behalf of Councillors Hutchinson.

### Declarations of Interest

Councillors Garrett, Carson and Armitage declared an interest, in that they had met with the Planning Department in relation to the application, however, they had not committed themselves to any particular course of action in relation to the application.

Councillors Lyons and McDonough-Brown declared an interest, in so far as they had met with some of the objectors, the applicant and the agent in relation to the application, however, they had not committed themselves to any particular course of action in relation to the application.

**Pre Determination Hearing to consider Planning Application  
LA04/2017/2126/F - Redevelopment including the construction of a new six  
storey building on the existing surface level car park and part change of use  
to create a mixed use development comprising retail units, restaurants and  
cafes, residential units, offices, church and related community floor space,  
new streets and public realm works. Demolition of 53 Royal Avenue and 27-  
31 Rosemary Street and restoration of Central Halls (37-39 Rosemary Street),  
Masonic Hall (15 Rosemary Street), 43/43a Rosemary Street and retention of  
30-34 North Street. Lands bound by North Street Royal Avenue Rosemary  
Street and building south of Lower Garfield Street located approximately  
400m west of Laganside bus station 300m northeast of City Hall and 1km  
northwest of Central Train Station.**

The Chairperson reminded the Committee that, at its meeting on 16th January, 2018, it had agreed to hold a pre-determination hearing and to defer formal consideration of the application until after the hearing had taken place. It had agreed also to receive representations from the objector and the applicant, limiting both deputations to ten minutes speaking time.

The Chairperson explained that the Pre Determination Hearing would be used to hear the views of the interested parties and for Members to seek clarification from those parties on the facts surrounding the development. He advised that a decision on the Planning Application would not be reached at this meeting, however, it would be formally considered at a future Planning Committee.

The Development Planning and Policy Manager outlined the context of the application and explained the relationship to the previous application covering the wider area, which had already been approved by the Department for Infrastructure. He advised that this application, Phase 1B, was adjacent to Phase 1A of the approved scheme but was a separate application in its own right. He highlighted that there were also a number of separate applications associated with this application including the listed building consents and those required for demolition within conservation areas.

The case officer referred to the published report in outlining the application and advised that the site was located within Belfast City Centre Conservation Area. He advised that 211 representations had been received (2 letters of support and 209 objections) to date.

During discussion, Members were apprised of the separation distances between the buildings outlined in the application, the size of the proposed apartments, the height of the proposed office building, listed building works and the retention of the John Luke mural at the Masonic Hall.

The Committee received a representation from Ms. R. McCabe, Ms. M. Quigley, representing Save CQ, Ms. N. McVeigh, representing Ulster Architectural Heritage Society (UAHS), and Dr. P. Topping, representing First Presbyterian Church, in objection to the application.

Ms. McCabe outlined a range of issues in objection to the proposed development. She suggested that Save CQ supported the development, in principle, and were realistic about the weight of the extant permission in the Committee's consideration of this application. She suggested that, in light of the forthcoming publication of the Council's Local Development Plan (LDP), a decision on this application would be premature, and an approval would set a precedent that would compromise the ability of the Council to deliver the LDP, such as the repopulating of the city centre. She questioned the reduction in housing provision of the current application and suggested that more affordable housing could be delivered as part of the development. She also questioned the removal of a pedestrian street, previously outlined in the extant application and suggested that the proposal was contrary to CC009 of BMAP, and a range of other historic building policies. She pointed out that the Historical Environment Division (HED) had objected to the application, and the Council's Conservation Officer had also raised key concerns.

Ms. McVeigh suggested that the development would put the built heritage of Belfast under threat and it would cause a detrimental impact on the fabric and the setting of listed buildings and the conservation area. She suggested that UAHS had not been given enough time

to present at the Pre Deamination Hearing and outlined their objections as follows:

- the consultee response from the HED expressed that the application was contrary to policy PPS6 and SPPS due to its effect on listed buildings which included the Masonic Halls, Rosemary Street Presbyterian Church and it appeared that this advice had been ignored by the case officer;
- concerned that Block 6 of the development was 10m higher than in the extant permission, and located closer to the listed church;
- suggested that the proposed Block 6 required Listed Building Consent;
- highlighted that the HED consultee response had expressed that the new development had failed to satisfy SPSS 6.12 and BH11 - Setting of a Listed Building;
- suggested that the Council's conservation officer's report, if in existence, should be made available to the public;
- suggested that the case officer's report in relation to the conservation area was inadequate; and
- the major application was difficult to understand and should have been considered by the Department for Infrastructure.

Dr. Topping, representing the First Presbyterian Church, provided an overview of their objections to the development. She advised that the church on Rosemary Street, which would be affected by the development, was the oldest Church building in Belfast, designed by Roger Mulholland. She indicated that the church officials had been working with the Developer to find a solution to a few deficiencies in the plan on the following issues:

- Car parking;
- Security of the building;
- Boundary treatments/curtilage; and
- Vehicle access and car parking facilities of parishioners in the building period.

She suggested however that communication had become slow with the applicant and outlined how the church was used by the congregation and the wider community.

During points of clarification, Ms. McVeigh explained further the issues outlined in the consultee response from the HED in relation to internal alteration to the Masonic Hall and the omission of Listed Building Consent for Block 6.

The Committee received a representation from Craig O'Brien, Savills, and Dawson Stelfox, Consarc Conservation Architects, representing the applicant. They outlined the following support for the proposal:

- Consultation had been undertaken with stakeholders and the community over two years and included two public exhibitions in February and July, 2017;

- The site of the development had been designated for regeneration for over 30 years;
- The applicant had agreements with all the land owners to deliver the scheme;
- There was no reliance on public funds, compulsory purchase orders or vesting to complete the project;
- A high profile tenant was waiting to occupy the development;
- The proposal was linked to the Belfast Agenda, delivering jobs and other benefits;
- It had been carefully designed and was a standalone scheme, deliverable in its own right;
- The current application was consistent with the extant planning permission and the current outline planning application;
- It would kick start regeneration, ultimately bringing forward a department store to the area;
- The applicant was committed to Belfast and Phase 1A of the scheme had already commenced;
- The overall investment in the scheme was £7m (£2m in phase 1B);
- It would create 217 local construction jobs, including apprenticeships; and
- They had worked on an agreement with the First Presbyterian Church in relation to the detail of the scheme, which included funding the refurbishment of Central Halls.

In response to the objectors' comments, they suggested:

- Phase 1B was not in the Cathedral Quarter, as defined by the Cathedral Quarter Trust or the Cathedral Quarter Conservation Area;
- Save CQ had not provided an alternative scheme, did not own any of the site and did not have funding to deliver the scheme;
- Save CQ had not responded to public consultation from September, 2017, until last week;
- There were no listed buildings being demolished, however, restoration was planned;
- Only one retailer would be relocated;
- The new streets and spaces would be open 24 hours a day, seven days a week to the public, which was currently private land;
- There were no legal issues with overlapping consents;
- The Department Store could not be accommodated on the site of 1B as the site was not big enough;
- The numerous changes which had been made to the scheme throughout the Planning process were meaningful;
- The development would create 766 permanent full time jobs, produce £35 million GVA into the local economy and add £800,000 in business rates, per annum;
- The application would help invest in built heritage and bring buildings back into use; and

- The phases of the scheme allowed the restoration of buildings to commence earlier; and
- The Masonic Hall was not currently in use, however, the new street would give public access to the building.

During points of clarification, the agents answered a range of Members' questions in relation to access to the John Luke mural at the Masonic Hall, the position and height of the proposed 6 storey building, listed building consent, consultation dates and responses, additional drawings and plans of the listed buildings, and housing need in the area.

After discussion, the Committee, given the issues which had been raised regarding the scale of the development and impact on the surrounding area, agreed to defer consideration of the application to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand. The Committee also agreed that the Planning Committee, scheduled to take place on Thursday, 15th February to formally consider the application, be deferred to a future date so that a briefing on the wider implications of the phased development could take place.

Chairperson