

# Planning Committee

Thursday, 13th June, 2019

## MEETING OF PLANNING COMMITTEE

Members present: Councillor Carson (Chairperson);  
Alderman Rodgers; and  
Councillors Brooks, Canavan, Collins,  
Garrett, Groogan, Hussey, McMullan,  
Murphy, Nicholl and Pankhurst.

In attendance: Mr J. Walsh, City Solicitor;  
Mr. A. Thatcher, Director of Planning and  
Building Control;  
Mr. E. Baker, Planning Manager (Development  
Management); and  
Mrs. L. McLornan, Democratic Services Officer.

### Apologies

Apologies were reported from Councillors McKeown and O'Hara.

### Declarations of Interest

No declarations of interest were recorded.

### Proposed Changes to the Fees for Property Certificates

The Committee considered the undernoted report:

#### **“1.0 Purpose of Report or Summary of main Issues**

**The purpose of the report is to seek the Committee's agreement to increasing the fee charged for a Regional Property Certificate and to review the fee charged for Council Property Certificates.**

#### **2.0 Recommendations**

##### **2.1 The Committee is asked to:**

- **Agree to a revised fee structure for Regional Property Certificates;**
- **Note the knock on administrative arrangements;**

- Agree to a review of the fee charged for the Council property certificates to take account of inflationary rises.

**3.0 Main report**

**3.1 Background**

There are two Property Certificate services assisting the conveyancing process in NI. The Council Property Certificate (CPC) service is provided by individual councils and gathers information from internal council services in response to a property enquiry from a solicitor usually acting on behalf of a vendor. In 2018-19 the CPC service generated approximately £395k for Belfast City Council (BCC).

**3.2** In April 2015, as an outcome of Local Government Reform, the Regional Property Certificate (RPC) service was transferred from the then Department of Environment to councils and by agreement was set up as a shared service operated by Fermanagh and Omagh District Council (FODC).

**3.3** The RPC provides information on a property or land relating to inter alia Planning Service, Roads Service, Water Service, Built and Natural Heritage and Rivers Agency, in response to a request from a solicitor usually acting on behalf of a vendee. In 2017-18 the RPC generated a fee income for BCC of approximately £253k. This income is returned to BCC by FODC on a 6 monthly basis.

**3.4 Key Issues**

Following a detailed review by HM Revenue and Customs (HMRC) on the VAT treatment of the fee income for a Regional Property Certificate (RPC), which included lengthy correspondence and significant challenge by local government and its VAT and legal advisors, HMRC has decided from 1 July 2019 the RPC fee income is liable to VAT (20%).

**3.5** Consequently, and because the fee income for an RPC has not increased since 1 April 2014, FODC has proposed that the fee for a single property Certificate is increased from £42.50 to £60 with corresponding increases for additional enquiries. This increase takes account of VAT payable, inflation between April 2014 and 2019, and additional administrative costs due to VAT. (See Point 3.6 below). A detailed breakdown of the increase is provided in Appendix A.

3.6 Subject to the approval of the revised fee it will be necessary to update and agree the Service Level Agreement with FODC. Additionally, to allow each council to properly account for VAT to HMRC, FODC will return the fee income to BCC on a monthly basis.

3.7 As the fee for the CPC has not been increased since 2004, to take account of inflationary changes, it is also proposed that the fee charged for the CPC is also increased. This would be agreed consultation with the other councils.

3.8 Financial & Resource Implications

As the proposed increase is related to VAT, the administration of this and inflationary increase there are no significant finance and resource implications.

3.9 Equality or Good Relations Implications

None associated with this report.”

Appendix A

Proposed Fee Structure for Regional Property Certificate

Standard Fee

Fee at transfer	£42.50
Inflation (April 2014- March 2019)	£4.06
Additional Admin costs re VAT	£3.44
Total proposed fee excluding VAT	£50.00
VAT@ 20%	£10.00
Total proposed fee	£60.00

More than one property/site/parcel of land – additional £7 (including VAT) for each additional enquiry  
Maximum fee - £265 (Including VAT)”.

The Committee adopted the recommendations.

Planning Applications

THE COMMITTEE DEALT WITH THE FOLLOWING ITEM IN PURSUANCE OF THE POWERS DELEGATED TO IT BY THE COUNCIL UNDER STANDING ORDER 37(e)

LA04/2018/0811/O - Mixed use development comprising offices, residential apartments (including affordable), hotel and serviced apartments, retail and professional services, community and

**cultural, leisure uses, cafes, bars, restaurants, with associated car parking, circulation and servicing arrangements; public realm works, landscaping, replacement of existing pedestrian bridge fixed to railway bridge and associated access works to Short Strand and Bridge End with other infrastructural works, and demolition of existing structures including boundary walls on lands at former Sirocco Works Short Strand and adjacent to Bridge End and the River Lagan**

The Planning Manager (Development Management) reminded the Committee that a site visit to the former Sirocco works and the surrounding area had taken place on 31st May.

He drew the Committee's attention to the Late Items Pack, where a response from the Council's City Regeneration and Development team had been received. He outlined the Planning Department's response to the issues raised. He also explained that further consultation responses had been received from statutory agencies and that no objections had been received from NI Water, Environmental Health or from DfI Roads, subject to conditions and informatives.

The case officer presented the detail of the outline major planning application for the mixed-use development on the site. He explained that the means of access to the site was to be determined and that the proposals included a replacement pedestrian and cycle bridge over the River Lagan to the south.

The case officer explained that the key issues in the assessment of the proposal included, amongst others, the principle of the proposal at the location, environmental impacts, economic development, layout, scale, massing, the impact on amenity and on natural and built heritage assets, the impact of the proposed development on transport and infrastructure and flooding and drainage impacts.

He outlined the planning history of the site, which had been cleared since 1999. He explained that, in March 2011, under Z/2008/0599/O, a mixed use redevelopment of the site had been granted permission. The Committee was advised that it had been subject to a ten year time condition and was therefore extant.

The Committee was reminded that, in August 2018, it had granted approval to a full application for Block C, for the erection of a thirteen storey Grade A office building on the site, including deck and basement parking, ground floor café/bar/restaurant uses, a temporary pocket park and a pedestrian and cycle access route from Bridge End. The case officer explained that the application site formed part of the outline application site and was to be approved following resolution of outstanding issues by the applicant and the completion of a Section 76 Planning Agreement.

The case officer advised the Members that the site was located outside of the City Centre in the Belfast Urban Area Plan (BUAP). He explained that it fell within the City Centre boundary in both versions of draft BMAP, where the uses proposed by the outline application were broadly acceptable. The City Solicitor clarified the planning status of draft BMAP 2015 and explained that, while it had been quashed, substantial weight should be given to it given the advanced stage it had reached. The

case officer added that significant weight should also be given to the extant permission for redevelopment for the majority of the uses proposed in the outline application and also towards the full application for office development on a portion of the site which the Committee had resolved to approve.

The Committee was advised that the application was supported by a Concept Masterplan and parameters plan which demonstrated the broad locations of the fifteen buildings and their maximum heights. The case officer presented a number of visuals demonstrating the varying heights of the blocks. He pointed out that Block C would be the tallest block on the site, at 13 storeys, with the number of storeys decreasing as it reached the river edge to respond to micro-climatic considerations such as daylight, wind and acoustics. The Members were advised that other blocks on the site would predominantly consist of between five and eight storeys, with Block N at the riverfront varying between one and six storeys.

In order to mitigate against flood risk, the Committee was advised that the developer proposed to infill the site to a level of 4.2metres ordinance datum (OD) to ensure that the current level of protection afforded to the site would be maintained.

The Committee noted that the proposal included 675 residential units, 20% of which would be affordable housing. The Members were advised that half of the affordable housing would be social housing and that the NI Housing Executive (NIHE) were supportive of the scheme.

The case officer outlined that archaeological excavations had uncovered substantial industrial archaeological remains from the north eastern corner of the site. In addition, he advised that a red brick chimney along the river's edge was scheduled for protection and would be retained. The Committee noted that the Historic Environment Division (HED) had no objections to the scheme subject to conditions.

The Members were apprised of details relating to separation distances between each block on the site and in relation to existing buildings.

The Committee was advised of the community consultation which had taken place, including the Proposal of Application Notice (PAN) which had been submitted in June 2017. The case officer explained that the Pre-application Community Consultation Report submitted with the application had demonstrated that the applicant had carried out their duty under Section 27 of the Planning Act (Northern Ireland) 2011.

The Members were advised that two letters of objection had been received, raising concerns that the proposals would provide an overprovision of facilities for traffic as opposed to sustainable transport, issues relating to pollution and impact on air quality and that it was important that housing on the site should not result in "enclaving". The case officer added that a letter of support had been submitted by the Belfast Civic Trust.

The Chairperson welcomed Mr. J. Osborne, the applicant, Mr M. Gordon, the agent, and Mr. L. Westergaard, Architect, to the meeting. Together they advised the Committee that they had invested over £20million in the site to date, that major

investors were ready to invest in the site if planning permission was granted, and asked that the Committee grant approval to the application.

In response to a Member's question, the case officer outlined to the Members that the applicant had provided a socio-economic assessment as part of the Environmental Statement. He highlighted that it indicated that the development would be worth approximately £400million, with 875 full time construction jobs being created and accommodation for approximately 1,570 residents. The Committee was advised that the socio-economic aspects had been assessed by the Council's Economic Development Unit who had identified labour and skills shortages within the local labour market. The case officer highlighted that interventions were being pursued as part of the Section 76 Planning Agreement.

In relation to a Member's question regarding the location of the social housing units in the scheme, Mr. Osborne explained that he had chosen a waterfront location for the social housing. A number of Members stated that they were pleased with this choice of location.

A further Member expressed concern that the proposals included only 10% social housing and that they felt there should be more. The Planning Manager (Development Management) explained that, under current Planning Policy, 10% was adequate and that the Planning Department welcomed that 20% of the units would be affordable housing overall.

In relation to green space and cycling infrastructure on the site, Mr. Westergaard provided the Committee with details of the linear park, the green podium area and the cycle and pedestrian routes through the site, which included a riverfront promenade.

The officers' recommendation to approve the proposals, with authority delegated to the City Solicitor and the Director of Planning and Building Control to finalise the Section 76 Planning Agreements, and authority to the Director of Planning and Building Control to finalise conditions and any outstanding issues was put the Committee. On a vote by show of hands, eleven Members voted for the proposal and one against, and it was declared carried.

Chairperson