

# Planning Committee

Monday, 16th December, 2019

## PRE DETERMINATION HEARING

- Members present: Councillor Carson (Chairperson);  
Alderman McCoubrey; and  
Councillors Brooks, Canavan, Collins,  
Garrett, Groogan, Hanvey, Hussey,  
McKeown, McMullan, Murphy and O'Hara.
- In attendance: Mr. A. Thatcher, Director of Planning  
and Building Control;  
Ms. N. Largey, Divisional Solicitor;  
Mr. E. Baker, Planning Manager (Development  
Management); and  
Mrs. L. McLornan, Democratic Services Officer.

### Apologies

No apologies were reported.

### Declarations of Interest

No declarations of interest were recorded.

### Pre Determination Hearing for application LA04/2017/2341/O – Lands bounded by Royal Avenue, York Street, Church Street, North Street, Rosemary Street, High Street and Donegall Street (former Royal Exchange)

The Chairperson welcomed the Members to the Pre-Determination Hearing for the application. He explained that a Pre-Determination Hearing was to hear the views of interested parties and statutory consultees, and for Members of the Committee to seek clarification from these parties on the facts surrounding the development.

He reminded the Members that the objective of the meeting was to focus on the material planning considerations and to facilitate the Committee in making its determination of the application. The Committee was reminded that no decision may be reached at the Hearing, as Committee Members and planners might wish to consider the views made prior to making a determination at the scheduled Committee meeting which was likely to be in January, 2020.

The Senior Planning Officer provided the Committee with a detailed overview of the outline application for a mixed-use scheme comprising offices, 367 residential units, restaurants/cafes, a hotel, retail units on the ground floor and cultural and community space. She reported that the proposal also sought to reconfigure Writer's Square, to pedestrianise North Street, the creation of new public squares ("Central Square" and "Assembly Square" at the junction of North Street and Rosemary Street) and the creation of new pedestrian links between North Street and Donegall Street.

She advised the Members that the currently approved scheme for the site, which had been granted permission in 2012, hereafter known as the extant scheme, was for a larger site than the current proposals. She highlighted to the Committee that the extant scheme was an important material consideration in the determination of the current application and was given significant weight as it was capable of being implemented.

The Members were advised that the application was first received in October 2017 and, at that time, included a 27 storey tower at the junction of Rosemary Street and North Street, the redevelopment of a large retail anchor store to replace North Street Arcade (where the end blocks would be retained), approximately 247 residential units, offices, hotels and 850 basement car parking spaces. The Senior Planning officer reported that, following feedback received during the consultation process and advice from officers on those proposals, the applicant significantly revised the scheme. She explained that, through over 12 months of intensive dialogue with planning officers, the applicant submitted the revised scheme in August 2019.

In addition to other changes, the proposed 27 storey tower and the large anchor retail store were no longer proposed and the revised scheme proposed the replacement of the North Street Arcade with a new arcade influenced by the original arcade's alignment, with retention and restoration of its external facades on North Street and Donegall Street. The Planning officer added that the level of demolition in the proposals had also been reduced.

She explained that the basement and the multi-storey car parks were no longer proposed and that the only on-site parking which would be provided were 25 disabled spaces and 6 spaces for car club vehicles. The applicant had advised that the reduction in parking would be mitigated through green transport measures including travel plans, the use of car club and the distribution of Travel cards to residents which would be secured through a Section 76 Agreement. DfI Roads had indicated that they were content, subject to conditions.

In relation to the residential units, it was proposed that 10% of the housing, approximately 37 units, would be affordable housing. The Senior Planning officer explained that the applicant also proposed to relocate the existing Choice Housing Facility (SHAC), which was within the site boundary, and to provide an additional 10% social housing within the same relocated facility in close proximity to the site. She explained that NIHE was content with the proposals, where it had stated that its preference was that both the 10% affordable and social units were provided within the application site itself, but that, given the current policy context, the proposal was nevertheless acceptable.

The Committee was reminded that full planning permission had been granted for Phase 1B of the scheme in March 2019. The Planning officer explained that the current outline application was for Phases 1C, 2 and 3 of the development.

The Planning officer reported that works were proposed to a number of Listed and on-Listed buildings of heritage value within the site, with partial demolition of three listed buildings. She advised that full details had been provided for the proposed works to the three Listed Buildings within the site boundary, namely, the Former Assembly Rooms at 2 Waring Street, the Braddells building at 11 North Street, and the alignment of the new arcade and worked to the retained facades of the North Street Arcade.

The Committee was advised that the extant scheme permitted the demolition of the internal portion of North Street Arcade. The Members noted that the extant permission also allowed the partial demolition of a 1950s extension to the Former Assembly Rooms while the revised scheme proposed partial demolition of the extensions to the original building, including the 1950s extension, its conversion to a hotel and a six storey extension. The Planning officer reported that the extant scheme permitted partial demolition of a rear extension at the Braddells building and a fourth floor extension. She explained that the revised proposals comprised partial demolition of the rear extension, internal alterations to facilitate the insertion of a lift and to provide a double height space, change of use to retail/café/restaurant on the ground floor and cultural/office space on the upper floors.

The Senior Planning officer explained that the façade retention of nos. 13-15, 17-23 and 25-29 North Street (St. Anne's building) were not included in the extant scheme. The Members noted that the facades of Nos. 16-18 Donegall Street and No. 24 Donegall Street would also be retained.

In relation to the height of the proposed buildings, the Committee was advised that the tallest buildings which were proposed were the Central Block (Block 3), between North Street and Donegall Street, which would be up to 15 storeys, with a maximum height of 60metres AOD, and Block 9 comprising a maximum of ten storeys and a maximum height of 46.5metres AOD.

The Senior Planning officer provided the Members with details of the Design Code which had been provided, which set out the mandatory design principles, in relation to key design components including uses, layout, scale, open space, plant and servicing, elevations and materials of the proposed blocks and the replacement arcade.

The Senior Planning officer advised the Committee that it was considered that the revised scheme provided an opportunity to enhance the city centre and the Cathedral Conservation area, an area which was dilapidated and in need of significant investment and regeneration. She outlined that the proposal would revitalise the area whilst securing the upkeep of listed buildings, replacing North Street Arcade and revitalising the important heritage features in the area.

The Committee was advised that a structural survey of the North Street arcade had been carried out in August 2019. The results illustrated that it was in a very bad state of repair with buckling steel at the roof level. She explained that a sweeping curve was proposed for the new arcade, where the interior would be reminiscent of the original arcade.

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The Members' attention was drawn to the Late Items Pack. The Committee was advised that the applicant had provided figures to show the comparison in public realm/open space approved in the extant scheme, within the site boundary of the revised scheme, and that which was proposed in the revised scheme. The officer explained that the extant scheme included a net increase of 47% on current levels of open space/public realm, while the revised scheme proposed an increase of 88%. The Members were advised that the revised scheme included the semi-pedestrianisation of North Street, the creation of Long Lane, the creation of Central Square and Assembly Square and the new Mews Lane and areas of public realm adjacent to Braddells, 11 North Street.

The Committee was advised that 336 additional objections had been received since the publication of the Pre Determination Report, 332 of which were template letters and which raised a number of points, including the following which had also been raised by Save CQ, Ulster Architectural Heritage (UAH), the Cathedral Quarter Trust, and St. Anne's Cathedral.

- the proposals lacked housing diversity (type and tenure), provision of affordable and social housing and services for new residents;
- concerns regarding relocation of existing residents within the boundary;
- there was virtually no arts and culture floor space;
- only façades were being retained;
- the scheme was contrary to heritage policies in SPPS and PPS6 and would erode the unique character of the area;
- agreement to control rent and rates for local businesses was required;
- the two tower blocks were out of context for the area, would set a dangerous precedent and would cause unacceptable loss of daylight;
- a lack of green space/trees were being provided;
- an unacceptable provision of play space;
- there were concerns about the ownership and management of the event space, including the pedestrianisation of North Street and new Assembly Square, and how it would be shared and managed with commercial units facing onto it;
- the privatisation of Writer's Square was unacceptable;
- the reduction in the capacity of Writer's Square and constraints on its use were concerning (and potential overspill into the Cathedral);
- they had concerns regarding overshadowing of the Square by tall buildings;
- that the focus on the latest scheme had changed from retail and commercial anchors to core residential with notional tenants;
- the application should be dealt with by DfI and that it was unacceptable that the Council's Planning Committee dealt with it, given its minimal experience and training;
- overmassing and overshadowing;
- inappropriate treatment of built heritage;
- cumulative loss of and damage to the City's diminishing historic fabric;

- absence of adequate waste water treatment and mains water capacity;
- the scheme should not be supported as a “less worse” option than the extant scheme;
- the proposed buildings facing the Cathedral were out of context;
- the two new buildings were not be in keeping with the nature of the conservation area and suggested that red brick and traditional roof styles be used;
- there was a need to have a discussion with key stakeholders and funders as well as the arts and cultural sector regarding the level of arts and culture provision;
- the west façade stained glass windows of the Cathedral would be prejudiced by shadowing;
- the height and distance of the proposed buildings from Cathedral were not clear and the axis of the buildings were not in alignment with the Cathedral;
- concerns regarding the wooden pile foundations of the Cathedral;
- concerns relating to the control and management of events in the square; and
- concerns relating to the loss of trees which had been planted by Archbishops from around the world.

The Senior Planning Officer outlined that the majority of issues raised in the Late Items pack had been addressed with in the Pre Determination Hearing report.

The Chairperson welcomed Mr. J. Watson, St Anne’s Cathedral, Mr. J. Anderson, Ulster Architectural Heritage, and Dr. A. Martire, Vice Chair of Save CQ, to the meeting, who were representing a group of objectors.

Mr. Watson explained that he was speaking on behalf of the Belfast Cathedral, the Cathedral Quarter (CQ) Trust and the owners of the new Cathedral Buildings. He outlined that, while they were in favour of regeneration and housing in the area, they had a number of queries which remained unanswered. He advised the Members that they had found it hard to access all of the information online in respect of the application. He explained that they objected to the reduction in size of Writer’s Square, the tall buildings which would cause overshadowing and to the removal of historic trees which had been planted by Archbishops from around the world.

Dr. Martire advised the Committee that Save CQ campaign welcomed the removal of the anchor retail store, the underground car park and the 27 storey tower in the revised proposals. However, she explained that they still had serious concerns, including:

- that the proposed residential units were too small, expensive and were not life-long family homes.
- that there was far too little provision for arts and culture in the proposals.

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- that, while there was less demolition in the new proposals, it was still mostly just the facades of buildings which would be retained;
- that an opportunity to rebuild and restore the arcade would be lost forever;
- that the two towers were completely out of context for the area;
- the amount of usable space was to be greatly reduced, which would impact on community events, and that the new streets proposed would not make up for the space lost;
- a lack of partnership with key bodies such as DfC;
- that the policy ambition for the City was to create a high quality of life for everyone who lived here and for the City to be a great place to work, study, visit or set up a business.

Mr. Anderson advised the Members that the UAH believed that the proposal was not a heritage-led proposal and that, instead, it was square footage focussed. He added that the application should not be judged as to whether it was better or worse than the extant permission, as he found it difficult as to how the extant permission had ever been granted. He added that the Annual Report from NI Water had recently stated that the City's sewage and water system was already operating far beyond its capacity.

The Chairperson thanked the representatives for their presentation and invited the Committee to ask them any questions in relation to the proposals.

In response to a Member's question regarding the plans to retain just the facades of listed buildings, they advised the Committee that North Street Arcade was listed in its entirety and that unlisted buildings should not be viewed as "not worth saving".

The Chairperson then welcomed Mr. D. Stelfox, Consarc Design Group, Mr. P. McErlean, MCE PR, and Mr. R. Rana, President of Belfast Chamber, to the meeting, representing the agent/applicant and supporters of the application.

Mr. Stelfox advised the Committee that substantial changes had been made to the proposal since the approval of the extant scheme. He outlined that the scheme amounted to the largest single private sector investment that the City had ever seen. He explained that he disagreed with the representatives of the UAH, and that both Planning officers and Conservation officers agreed that it was a heritage-led scheme. He added that, under the extant scheme, permission had been granted for partial demolition of North Street Arcade, with the retention of the end units. He explained to the Members that a structural study had since been carried out and that Historic Environment Division (HED) had advised they were content that its condition had deteriorated and that the interior could not be retained.

Mr. McErlean advised the Members that he had been working for over twenty years to see regeneration at the current location and that he felt that the proposals were by far the best opportunity in a generation for the area. In terms of the consultation process, he explained that the developer had reviewed the comments after the previous submission and had decided to undertake another new process of engagement, including the use of a shop unit which allowed anyone to view the new proposals. He advised the Members that a genuine listening exercise had taken place. He reported that over 300 people had visited the unit to view the proposed plans and that six walking tours had also taken place. He added that the proposal would represent £213million Gross Value Added per year.

Mr Rana explained that he wished to put on record the Belfast Chamber's strong support for the proposals. He advised the Members that the Chamber represented businesses across all sectors, throughout all parts of the city, and that it was important for them that developers attained the highest levels of quality in terms of public realm. He highlighted that he was impressed with the developers' commitment to the City.

The Chairperson thanked the representatives for their contributions and invited the Committee to ask them questions regarding the proposals.

A number of Members asked the representatives questions, including queries relating to the condition surveys; the loss of open/green space; the management and the capacity of the new public spaces; HED's objections to the North Street Arcade proposal; the scale and massing of the new, taller buildings being out of proportion with the existing buildings; transport and the significant reduction of proposed car parking spaces; the make-up of the housing units; the private amenity space for the housing units; overshadowing; the loss of spacing around the cathedral; and difficulties with finding information on the application.

The Committee was advised that, in addition to the representatives which had previously addressed the Committee, Mr. M. Levinson, Squire and Partners Architects, Mr. C. O'Brien, Savills Planning, and Ms. K. McShane, Transport Consultant, were also in attendance to answer any technical questions relating to the proposals.

In response, the representatives collectively advised the Committee that:

- in terms of the listed buildings, a high quality restoration of the Braddells and the Assembly Rooms buildings would take place, which largely consisted of removing unoriginal elements, which HED were content with;
- in relation to open space, while they were proposing to reduce the size of Writers Square they would be providing two new public squares, as well as new streets such as Long Lane, which, overall, would double the public realm space available and would provide better usable spaces;
- there would be no restrictions to public access for the new public spaces and that the developer was open to DfI engaging in adopting them;
- in relation to the North Street Arcade, that government structural engineers had advised that it could not be retained after the fire;
- in terms of the scale and massing of the new buildings, that a certain scale of development was required in order to create an economically viable scheme which included the regeneration of the existing buildings which had been derelict for a significant period of time and that it was the only way that a scheme could ever come to fruition;

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- the taller residential building would not be overbearing when in North Street or Donegall Street;
- the car club scheme had been proven successful in other city centre schemes such as Bristol, Edinburgh, Dublin and London;
- there were 6,000 car parking spaces within 600metres of the site and that only 56% of car parking spaces were used within the city centre;
- half of the residential units would be 1 bedroom, 45% would be 2 bed units and 5% would be 3 beds;
- they had included 20% social housing even though it was not a current policy requirement;
- the extant plan proposed a lot more demolition than the current proposals;
- in terms of queries regarding overshadowing, the Building Research Establishment (BRE) Report demonstrated that the proposals were acceptable ;
- in relation to public consultation, there had been extensive communication and that the developer had genuinely listened to previous concerns and that the door continued to be open and that, if approval was granted for the outline application, they would reconsult on the reserved matters applications, despite not being required to do so; and
- they had been required to balance the desire for open space and had therefore been unable to provide a playpark as part of the scheme.

The agents advised that they would provide further detail on the private amenity space to the Committee.

The Chairperson advised the Committee that Mr. B. McKervey and Ms. N. Golden of Historic Environment Division (HED), and Mr. L. Walsh, Department for Infrastructure (Dfi), were in attendance in order to answer questions from the Committee.

In response to a Member's question regarding the proposed Blocks 9 and 3.7, Mr. McKervey advised the Committee that HED had concerns that the scale and massing of Block 9 was out of character and introduced a cliff face beside the Assembly Rooms. He added that the 15 storey residential tower, Block 3.7, was completely at odds with the character of the Cathedral Quarter and would adversely impact on the listed buildings by virtue of its height, scale and massing. He also advised that he felt that the loss of the original footprint of the North Street Arcade would be a loss to the City.

Mr. Stelfox advised, in response to HED, that the new arcade would be of architectural quality, and that the layout would provide a better experience and modern and attractive arcade. He advised that the perceived level of the streets would remain, with the additional storeys being set back from the street fronts. He added that an important part of the scheme was to create active frontages facing onto all the public squares.



The Chairperson then invited the Committee to ask any questions to the Planning officers.

In response to a Member's question regarding the potential use of developers' contributions to provide employees with travel cards, in order to discourage them from bringing cars into the area, the officers advised that the advice from DfI Roads was that the requirement was meant to offset residential use.

In response to a further Member's question, the Planning Manager highlighted to the Committee that significant weight had been attributed to the fall-back position, which allowed for significantly more demolition, and highlighted that the regeneration of an area which had been derelict for quite some time was also taken into consideration.

The Committee noted the information which had been provided and noted that no decision would be taken on the application until the application was formally presented to the Committee, which was likely to be in January 2020.

Chairperson