



Subject:	Request for pre-determination hearing for LA04/2017/2126/F - Lands bound by North Street Royal Avenue Rosemary Street and building south of Lower Garfield Street
Date:	16 th January 2018
Reporting Officer:	Keith Sutherland, Development Planning and Policy Manager, Ext 3578
Contact Officer:	Ursula Caddell, Senior Planning Officer.

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
1.1	Purpose In September 2017, the Council received an application (LA04/2017/2126/F) for redevelopment encompassing 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. It also includes the 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.
1.2	This application includes proposals that affect a number of listed buildings and includes the demolition of buildings as part of the proposed development. These aspects are the subject of separate listed building and demolition consent applications. The application is currently under consideration and statutory bodies have been consulted in relation to both the specifics of the proposed development and the assessment of any broader implications for the historic fabric within this part of the city- including the listed buildings and the conservation area.
1.3	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. The request for the pre-determination hearing has been submitted by Rebekah McCabe, as the Chair of Save CQ, in response to what they consider to be the controversial nature of this proposal, the sensitivity of this site (located within one Conservation area and adjacent to another) and the impact on the setting of a number of listed buildings. In the request for the hearing Save CQ seek an opportunity for advocacy groups and

1.4	members of the public opposed to this scheme to present their arguments directly to members directly to ensure “fair and balanced deliberation” by the Planning Committee.
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2.0	Recommendations
2.1	Members are asked to consider the report and whether a Committee pre-determination hearing would be appropriate for this application 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 were a range of issues raised through a significant volume of representations to the proposals that formed part of the pre-application consultation. There have subsequently been 200 objections to the application, including objections from the Ulster Architectural Heritage Society and Save CQ.
3.6	The Committee may wish to note that as outlined in the pre- determination report on the Agenda for the last meeting (subsequently withdrawn) it has only held one discretionary pre-determination hearing since the transfer of planning powers - in relation to the particularly controversial proposal for the former Visteon factory. This experience would support the view of officers that it is only necessary to hold a pre-determination hearing in exceptional circumstances, as the standard Committee processes encourage a focused discussion of the issues surrounding an application.
3.7	It should also be recognised that, in the period since the transfer of responsibility for planning to councils in 2015, the Committee has considered a significant number of major,

	complex and/or controversial applications at its regular meetings. The ability to be able to achieve this is due in part to the normal Committee processes which provide the opportunity for both focused discussion and the exploration of specific issues or areas of concern in relation to the applications under consideration.
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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