

Planning Committee

Thursday, 15th March, 2018

MEETING OF PLANNING COMMITTEE

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

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

Apologies

Apologies were reported on behalf of Councillors Hutchinson and McDonough-Brown.

Declarations of Interest

No declarations were reported.

Planning Applications

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

Reconsidered Item - 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;

Associated application- LA04/2017/2081/LBC - Partial demolition of boundary wall and associated works including repair and redecoration of railings and resurfacing around the church, First Presbyterian Church at 41 Rosemary Street;

Associated application - LA04/2017/2082/LBC - Partial demolition of side and rear extension and internal alteration including amended floor levels, removal of

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internal partitions. New elevations to create an entrance to retail accommodation and restaurant uses. 3 storey (staircase) side extension. Lower ground, first and second floor side extension Masonic Hall at 15 Rosemary Street;

Associated application - LA04/2017/2120/LBC - Demolition of rear return and construction of 5 storey rear extension consisting ground floor retail unit and 6 apartments above, reconfiguration of ground floor retail units and 1st floor double height assembly hall, elevation changes at Central Hall 37 – 39 Rosemary Street;

Associated application - LA04/2017/2138/DCA - Demolition of buildings at 27- 31 Rosemary Street;

Associated application - LA04/2017/2139/DCA - Demolition of building at 53 Royal Avenue;

Associated application - LA04/2017/2196/DCA - Demolition of rear extension and partial demolition of eastern and southern elevations at 43 Rosemary Street;

Associated application - LA04/2017/2213/F - Partial demolition, 5 storey rear extension and refurbishment to provide retail uses at ground floor level and office accommodation to the upper floors 41-51 Royal Avenue;

Associated application - LA04/2017/2207/LBC - Partial demolition, extension and refurbishment to provide retail uses at ground floor level and office accommodation to the upper floors 41-51 Royal Avenue;

Associated application - LA04/2017/2575/DCA - Demolition of building at 30 - 34 North Street;

Associated application - LA04/2017/2597/F - Demolition of building and development of temporary hard landscaping at 30 - 34 North Street; and

Associated application - LA04/2018/0007/F - Demolition of building and development of flexible retail, restaurant and café uses for a period of up to 5 years within repurposed shipping containers up to 2 storeys in height together with ancillary access and circulation.

The Committee was reminded that, at the Pre Determination Hearing on 13th February, given the issues which had been raised regarding the scale of the development and impact on the surrounding area, it had agreed to defer consideration of the application to enable a site visit to be undertaken and for a briefing to be provided on the wider implications of the phased development could take place.

The Development Planning and Policy Manager informed the Committee that, after the agenda had been published, the following points of objection had been received from the First Presbyterian Church, in relation to Planning applications LA04/2017/2126/F, LA04/2017/2081/LBC and LA04/2017/2120/LBC:

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- Notification of applications – notice had been served on 7 individuals identified by the applicant as owners of the church. The objection stated that these persons were unknown to the church and were not trustees;
- Loss of Church car parking - 14 car parking spaces that currently existed to the rear of the First Presbyterian Church. Raised concern with the loss of the spaces and sought alternative arrangements to facilitate Sunday Services/evening events;
- Replacement parking - Informal parking around the church for Church activities only;
- Concerns regarding the stained glass windows and vulnerability of the organ room (to rear of the church);
- Restrictions on activities within the proposed 'Church Place' and around the Church during Sunday Service to reduce noise/nuisance; and
- No agreement had been reached on the demolition of the wall around the First Presbyterian Church and the Church reserved its position in relation to this proposal.

He also advised that the Ulster Architectural Heritage Society (UAHS) had submitted a query which was raised in the pre-determination hearing, and a subsequent objection, in that the UAHS considered that a listed building consent application was required in relation to planning application LA04/2017/2126/F to consider the impact of the new 6 storey block on the setting of the adjacent listed First Presbyterian Church. He advised that, prior to the commencement of the meeting, a further two representations had been received from UAHS which raised process and engagement issues in relation to the consideration of the applications. He stated that the UAHS had also informed the Council of their request to the Department for Infrastructure in relation to planning application LA04/2017/2126F, and associated applications so that Department for Infrastructure could determine the application.

The Development Planning and Policy Manager outlined the response of the Planning Department to the aforementioned issues raised, as set out in the Late Items Report Pack.

The case officer provided an overview of all the aforementioned planning applications including the listed building consents and those required for demolition within conservation areas. He advised that the site was located within Belfast City Centre Conservation Area. He advised that 217 representations had been received (2 letters of support and 215 objections).

During the presentation, the case officer explained the proposed elevations and heights of the proposed buildings, separation distances between the buildings outlined in the applications, demolitions, listed building works and the retention of the John Luke mural at the Masonic Hall.

He provided a summary of the recommendations for each of the applications and highlighted that, if approved, with the exception of the following three items: 2.d)

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LA04/2017/2120/LBC, 2.k) LA04/2017/2597/F, and 2.l) LA04/2018/0007/F, the Council would be required to notify the Department for Infrastructure for the following reasons:

- Due to significant objections from the HED, notification was required in accordance with Section 29 of Planning Act (NI) 2011 and Planning (Notification of Applications Direction 2017);
- Due to the Demolition Consent of the non-listed buildings within the conservation area, notification was required in accordance with Section 105 (6) of Planning Act (NI) 2011); and
- Due to significant objections from HED in relation to Listed Building Consents, notification was required in accordance with Section 89 of the Planning Act (NI) 2011.

The Committee received a representation from Dr. A. Martire, representing Save CQ and Dr. P. Topping, representing First Presbyterian Church, in objection to the application.

Dr. Martire 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 the ideas outlined in the Belfast Agenda and draft Local Development Plan (LDP) should be used in the consideration of large Planning Applications in the future and the Phase 1B application did not live up to the ambitions of these documents. She suggested that Block 6 would impact upon the historical character of the area and cultural and social eco-system of the area. She suggested that the proposal was contrary to the character and plot widths stipulated in CC009 of BMAP, and did not provide the variation of residential units required for city centre living. She highlighted that there was a reduction in residential units from the extant permission and suggested that the proposal conflicted with the current uses of the area. She welcomed the restoration of some of the buildings, however, believed that much of the conservation would not be open to the public and the character of the area would not be respected. She pointed out that the development was in a Conservation Area and suggested that this should be respected and that the outline scheme should be revised.

Dr. Topping, representing the First Presbyterian Church, advised that their objections to the development in relation to the church on Rosemary Street, had been outlined in a recent objection submitted to the Planning Department in relation to:

- Car parking;
- Security of the building; and
- Demolition of the church wall

She referred to the importance of the Church and its congregation and the impact the development might have on the wider communities including forthcoming music scholarships. She suggested that the Committee should demonstrate respect and integrity for the future of First Presbyterian Church.

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During points of clarification, Dr. Topping advised that the demolition of the Church wall had not been resolved and outlined further the impact the development would have on the congregation, in particular in relation to car parking. Dr. Martire suggested the impact the development might have on the arts and culture area, different communities that shared the area and the eco-system, which already existed.

The Committee received a representation from Mr. D. Stelfox and Mr. G. Moore Consarc Conservation Architects and Mr. J. Harris, Chapman Taylor Architects, representing the applicant.

Mr. Stelfox outlined a range of support for the proposal, which included that the developer had invested £40million in Belfast to date and consultation had been undertaken with stakeholders and the proposal had economic and heritage benefits. He advised that restoration of Phase 1A of the scheme had already commenced and suggested that the site of the development had been designated for regeneration for over 30 years with no reliance on public funds or vesting to complete the project.

In response to objectors' comments, he suggested that the development was a vehicle for substantial investment in the Built Heritage of Belfast and there would not be demolition of any Listed Buildings or other buildings that offered a positive contribution to the area. He advised that the developer was working with the First Presbyterian Church and they were due to meet the following day to discuss the concerns which had been raised. He suggested that the proposal would regenerate the area and did not displace existing businesses and the development had been carefully designed and was a standalone scheme, deliverable in its own right.

He suggested that a high profile and international tenant was waiting to occupy the office building and the development would bring listed buildings including the Masonic Hall back into use. He suggested also that the development would create over 200 local construction jobs, and create 766 permanent full time jobs; the scheme would produce £35 million GVA into the local economy and add £800,000 in business rates, per annum; create Grade A office space, new streets and public realm; and enhance connectivity and city centre living.

During points of clarification, the agents answered a range of Members' questions which included the meetings which had taken place between the Developer and the First Presbyterian Church in relation to the removal of the wall owned by the Church, the reduction in accommodation from the extant permission, car parking, the use of Central Halls and the need for housing in the City Centre.

Mr. Stelfox explained that the removal of the wall was part of the previous consented scheme and believed that the removal of the wall would enhance the public realm, character of the church and streetscape, however, they had no vesting powers in this regard.

During further points of clarification, Dr. Topping suggested that there had been poor communication between the Developer and the trustees of the Church and further discussion was required in relation to the security and car parking of the church.

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During discussion, the Members raised concerns in relation to the consent for the removal of the wall connected to the First Presbyterian Church. The City Solicitor confirmed the wall could not be demolished without agreement from the Church.

The Committee also raised issues in relation to the Section 76 agreement, the number of conditions related to the recommendation, independent design advice, and the impact of heritage and art businesses.

The case officer and the Development Planning and Policy Manager provided clarification on the following:

- Changes to the proposed scheme from the extant permission;
- The margins of planning material considerations;
- Artwork and public realm development;
- Wider linkage to the overall scheme;
- The timeline of consent for the development;
- HED's response; and
- The conservation officer response and its consideration by the case officer.

LA04/2017/2126/F

The case officer's recommendation to approve the application was put to the Committee when nine Members voted in favour and one against and it was declared carried.

Accordingly, the Committee approved the application, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place for the final wording of the conditions and noted that Dfl would be notified in accordance with Section 29 of Planning Act (NI) 2011 and Planning (Notification of Applications Direction 2017).

LA04/2017/2081/LBC

The case officer's recommendation to grant Listed Building Consent to the application was put to the Committee when four Members voted in favour and six against and it was declared lost.

Accordingly, the Committee did not grant Listed Building Consent.

LA04/2017/2082/LBC

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The case officer's recommendation to grant Listed Building Consent to the application was put to the Committee when nine Members voted in favour and none against and it was declared carried.

Accordingly, the Committee granted Listed Building Consent, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements (linked to the proposal for LA04/2017/2126/F) which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place for the final wording of the conditions and noted that Dfl would be notified in accordance with Section 89 of Planning Act (NI) 2011.

LA04/2017/2120/LBC

The case officer's recommendation to grant Listed Building Consent to the application was put to the Committee when six Members voted in favour and five against and it was declared carried.

Accordingly, the Committee granted Listed Building Consent, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements (linked to the proposal for LA04/2017/2126/F) which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place for the final wording of the conditions.

LA04/2017/2138/DCA

The case officer's recommendation to grant consent to the application was put to the Committee when eleven Members voted in favour and none against and it was declared carried.

Accordingly, the Committee granted consent, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements (linked to the proposal for LA04/2017/2126/F) which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place for the final wording of the conditions and that Dfl would be notified in accordance with Section 105 (6) of Planning Act (NI) 2011.

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LA04/2017/2139/DCA

The case officer's recommendation to grant consent to the application was put to the Committee when eleven Members voted in favour and none against and it was declared carried.

Accordingly, the Committee granted consent, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements (linked to the proposal for LA04/2017/2126/F) which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place for the final wording of the conditions and that DfI would be notified in accordance with Section 105 (6) of Planning Act (NI) 2011.

LA04/2017/2196/DCA

The case officer's recommendation to grant consent the application was put to the Committee when nine Members voted in favour and none against and it was declared carried.

Accordingly, the Committee granted consent, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements (linked to the proposal for LA04/2017/2126/F) which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place for the final wording of the conditions and that DfI would be notified in accordance with Section 105 (6) of Planning Act (NI) 2011.

LA04/2017/2213/F

The case officer's recommendation to approve the application was put to the Committee when ten Members voted in favour and none against and it was declared carried.

Accordingly, the Committee approved the application, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements (linked to the proposal for LA04/2017/2126/F) which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place for the final wording of the conditions and

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noted that Dfl would be notified in accordance with Section 29 of Planning Act (NI) 2011 and Planning (Notification of Applications Direction 2017).

LA04/2017/2207/LBC

The case officer's recommendation to grant Listed Building Consent to the application was put to the Committee when ten Members voted in favour and zero against and it was declared carried.

Accordingly, the Committee granted Listed Building Consent, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements (linked to the proposal for LA04/2017/2126/F) which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place for the final wording of the conditions and noted that Dfl would be notified in accordance with Section 89 of Planning Act (NI) 2011.

LA04/2017/2575/DCA

The case officer's recommendation to grant consent to the application was put to the Committee when nine Members voted in favour and none against and it was declared carried.

Accordingly, the Committee granted consent, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements (linked to the proposal for LA04/2017/2126/F) which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place for the final wording of the conditions and that Dfl would be notified in accordance with Section 105 (6) of Planning Act (NI) 2011.

LA04/2017/2597/F

The case officer's recommendation to approve the application was put to the Committee when nine Members voted in favour and none against and it was declared carried.

Accordingly, the Committee approved the application, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements (linked to the proposal for LA04/2017/2126/F) which might be realised by way of developer contributions and, if so,

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to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place for the final wording of the conditions.

LA04/2018/0007/F

The case officer's recommendation to approve the application was put to the Committee when nine Members voted in favour and none against and it was declared carried.

Accordingly, the Committee approved the application, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements (linked to the proposal for LA04/2017/2126/F) which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place for the final wording of the conditions.

Chairperson