

Planning Committee

Tuesday, 28th July, 2020

SPECIAL MEETING OF PLANNING COMMITTEE
HELD REMOTELY VIA MICROSOFT TEAMS AT 7.30PM

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

Apologies

No apologies were received.

Declarations of Interest

No declarations of interest were reported.

Request for Pre-emptive Site Visits

The Committee agreed to undertake a pre-emptive site visit to the following sites:

- LA04/2020/0757/F Upgrade of existing gravel pitch to synthetic sand dressed hockey pitch, with floodlighting, fencing, acoustic barrier, storage container at West Pitch, Downey House, Pirrie Park Gardens; and
- LA04/2018/1411/F Upgrade of existing gravel pitch to synthetic sand dressed hockey pitch, with floodlighting, fencing, acoustic barrier, storage container at East Pitch, Downey House, Pirrie Park Gardens.

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Planning Applications

LA04/2017/2341/O - Demolition, redevelopment and part change of use to create a mixed use development comprising retail, offices, cafe/restaurant, residential, hotel, cultural/community space, parking, servicing, access and circulation arrangements, the creation of new streets, the configuration of Writers Square, public realm works, landscaping and associated site and road works including works to alter listed buildings, restoration of retained listed buildings and facades, and partial demolition of North Street Arcade, retaining its facades on land bounded by Royal Avenue, York Street and Church Street to the North; North Street to the west; Rosemary Street to the south and High Street to the south; and Donegall Street to the east. The site is located approximately 300m west of Laganside Bus Station, 300m northeast of City Hall and 900m north west of Central Train Station.

The Director of Planning and Building Control provided the Committee with the following points of clarification on the issues which had been raised by Members at the Pre Determination Hearing:

Social Housing

- the 20% social and affordable housing was a negotiated position in advance of the anticipated LDP policy with a requirement for 20% provision;
- the previous Committee resolution was for 10% social housing at Academy Street – i.e. a single option;
- the new recommendation allowed more flexibility – with strict limits on the provision of social/affordable before occupation of all of the development;
- that flexibility would give 3 options: either in Academy Street; off-site, but within 300m of it; or on-site. All options were equal in planning terms and that there was no preference from officers on the final location. This was to allow for commercial flexibility and to ensure that no one site was held to ransom for the developer;
- there were a number of sites within the 300m boundary which could accommodate such provision, without any zoning issues;
- NIHE supported these three options, and acknowledged that there was no policy requirement for this currently;
- the detail of the size, mix and final location of the social/affordable units was to be determined at Reserved Matters (RM) stage, which was standard practice in a 2 stage planning application process. It will also require Social Housing Provider and thus NIHE sign-off at an appropriate stage when the detail is known and to secure NIHE funding;

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- in regards to the Choice Housing relocation, this was a commercial arrangement between the developer and Choice. The planning process would be to secure adequate re-provision of this – which the Section 76 Agreement would do. Again, as it was standard practice to secure it at this stage, with full details by RM stage, or through the Section 76 process if off site.

North Street

- As previously confirmed, this was being designed as being fully pedestrianised, which includes DfI sign off;
- DfI had included emergency provision for access by emergency vehicles; and
- if wider plans for the city centre came to fruition, this would be in the context of North Street being fully pedestrianised, if approved. Consideration of the outline application should be limited to the detail of the application, and not the wider city position and that would address the context of any approvals that existed.

“Tribeca”

- For clarity, the Notice of Motion regarding the name of the development was noted by the Council in January 2019, but that it was not a material consideration relevant to the determination of the application.

Covid 19 Impact

- in terms of the level of commercial provision, and the impact of Covid19, the planning system worked within a 20-30 year policy formulation context, and allowed for various fluctuations in economic conditions;
- we had the context of a Belfast Agenda and an emerging LDP supporting ambitious growth of the city;
- it was important that the planning system achieved a longer term vision to ensure that the city was able to recover from economic downturns as necessary, and that included the current Covid 19 impact.

The Divisional Solicitor provided clarification to the Members on the Section 76 Agreement, which required that the social housing would be built in accordance with the NIHE standards. In relation to issues raised regarding the public realm she confirmed that there was an obligation to keep it open to the public, apart from in emergency circumstances, and that virtually all of the closure requests would require the agreement of the Council.

The Planning Manager then provided the Committee with additional detail on the car club provision and information on impacts on daylight and shadow analysis in relation to the Cathedral and New Cathedral Buildings. He also highlighted to the Committee that

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the extant permission did not provide any affordable housing and that the proposed outline application provided opportunity to do this.

The Senior Planning officer provided further information regarding the provision of restricted areas within the proposed open space and regarding children's play space.

A number of Members stated that they still required further clarification on the social housing element of the scheme. Further Members requested further information on the car clubs, new open space, Gross Value Added detail and the Section 76 Agreement.

The Director of Planning and Building Control suggested that, in order to provide the Committee with some assurance, if one of the affordable housing elements was to be off site, that the proposed location could be brought before the Committee for its approval and sign-off.

Proposal

Moved by Councillor Murphy,
Seconded by Councillor Groogan and

Resolved - That the Committee agrees to defer consideration of the outline application for further information on:

- the social housing element of the scheme, including the suitability of Academy Street;
- amenity/open space provision – with a focus on the creation of new open space;
- the economic impact and the Gross Value Added (GVA) detail;
- the car clubs; and
- the Section 76 negotiations.

It was further agreed that Choice Housing be invited to attend the meeting at which the application was being considered.

(Councillor Nicholl left the meeting at this point)

LA04/2018/2097/F & LA04/2018/2034/LBC - Change of use & refurbishment of Wilton House to provide 8 apartments including alterations to rear & side elevation of Wilton House and demolition of existing rear return & erection of new build 5 storey residential development to provide 23 dwellings (15 new build) including entrance lobby, courtyard, bin storage and new ramped access off College Square North

The Planning Manager provided an overview of the application to the Committee.

He explained that officers were recommending refusal of the applications for the following six reasons:

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1. The proposed new build at the rear, by reason of its design, form and scale, would be over-dominant in relation to Wilton House and the adjacent terrace and would be detrimental to the street-scene;
2. Insufficient evidence had been submitted detailing the current condition of the Listed building and survival of the historic fabric and how important features were to be conserved, reused and repaired. The proposal would therefore result in unacceptable harm to the Listed building's essential character through potential loss of historic fabric and elements of significance;
3. The proposed new build at the rear, by reason of its design, form and scale, would be over-dominant in relation to Wilton House and the adjacent terrace, to the detriment of the setting of surrounding Listed Buildings;

Furthermore, by reason of its design, form and scale of the new build, the proposal would be detrimental to the character and appearance of the Conservation Area.

4. The proposed development would be served by inadequate private and communal amenity space and would provide inadequate living conditions for future occupants;
5. The proposed development would provide a highly unsatisfactory living environment for future occupants by reason of poor levels of light to the windows and rooms in the rear north facing elevation of Wilton House and south facing elevation of the new build at the rear, and in the inner courtyard; and
6. The proposal provided inadequate covered bicycle parking spaces in a suitable location to off-set the absence of on-street vehicle parking provision, and, moreover, the application failed to demonstrate that adequate provision was made for disabled parking.

A Member explained that he had concerns regarding the refusal reasons for the application. He stated that, in relation to reasons 1 and 3, he felt that the new build element was not over dominant and was subservient; that, in relation to reason 2, this could be dealt with through conditions; that, in relation to reason 4, the vacant, city centre building should be brought back into use and that a balance had to be struck with nearby amenity spaces; that, in relation to reason 5, the applicant had changed the orientation of the windows to provide additional daylight; and that, in relation to reason 6, subscriptions would be provided to residents to the Belfast Bikes scheme and that private bikes could be stored within the apartments.

The Planning Manager advised the Committee that, in response to refusal reasons 1 and 3, the professional advisors, including Planning officers, Urban Design officer, the

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Conservation officer and HED, believed that the proposed new build at the rear would be over-dominant and unsympathetic in relation to Listed Wilton House and the adjacent terrace, to the detriment of the setting of surrounding Listed Buildings. He explained that the blue grey brick materials proposed would make the new build element conspicuous and the contrast in architectural styles was jarring.

He added that the applicant had consistently advised that a certain quantum of development had to be carried out to the building in order to ensure commercial viability but that no information had been submitted to support that.

In relation to refusal reason 2, he explained that, by granting permission, it would establish the principle and acceptability of the use of the building for residential purposes. He advised the Committee that, without this information on the building, they did not know if the interventions by the developer were in fact appropriate or suitable for the building and that was why it was fundamental to have that information upfront rather than by means of a condition.

A Member asked, in relation to reason 4, whether there was a policy requirement for communal space and if it could be balanced with the context of the building in its current condition, and the fact that the proposal would bring it back into use. The Planning Manager confirmed that Policy QD1 of PPS7 and Creating Places required suitable levels of amenity space for new residential development. He advised that the proposed amenity space was particularly poor in both quality and quantity and that it was the view of Planning officers that this was not outweighed by the benefits of restoring the building. In respect of reason 5, the Planning Manager advised that the amenity space would be particularly dark, damp and those apartments facing onto it would have a poor outlook.

Ms. N. Golden, Historic Environment Division, advised the Committee that, when a lot of detail was to be resolved at conditions stage, it was not only time consuming but it was also costly to the tax payer, as opposed to the developer. She reiterated that it was necessary for the information to be provided up front before a decision was made.

The Chairperson invited the agent to respond to the question which had been raised regarding refusal reason 6. Mr. Stinson advised the Committee that, through the Travel Plan, residents would be provided with travel cards and a Belfast Bikes subscription, and that they could also keep personal bicycles within their apartment, which he explained was seen as desirable for security reasons.

The Chairperson then asked the agent to advise why the Committee should not accept refusal reason 1. Mr Stinson advised that they had made amendments to the scale, form and design in order to make the additional building more subservient to the main building and believed that the current unsightly extension should be taken into consideration.

In response to questions from the Chairperson, the agent confirmed that he believed the issues relating to refusal reasons 2 could be conditioned, and, in relation to reason 3, that he felt that the new build element was not over dominant and was subservient.

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In relation to the lack of amenity space provided within the development, the agent advised the Committee that they recognised that there was a constrained element but that a balance should be struck in light of the fact that they were seeking to bring a vacant listed building back into use and, due to its city centre location, the proposal was around 300 metres from the public grounds of the City Hall and that a park was close by on Durham Street.

A Member requested that, as the Committee had heard from the agent, that it would then hear from Ms. J. Stokes, HED, in response to the issues which had been raised.

Ms. Stokes explained that HED agreed that the current rear extension was unsightly but that it had been built in 1959 and that the policy that they were adhering to was adopted in 1999. She emphasised that policy had changed and that they were not working on the same baseline and that they were striving to get the best.

In relation to refusal reason 2, she explained that there was not adequate detail within the planning application as to how the new use would operate as a residential property or what interventions were required, and that HED could not support a consent on what had been provided.

A further Member stated that, while he welcomed historic listed buildings being brought back into use, putting another extension which was deemed inappropriate for the setting by both officers and HED, would not solve the problem. He also expressed concern regarding the proposal that residents would be expected to keep their bicycles in their apartment.

In response, Mr. McConnell explained that, as the applicant had invested significant amount of money in to the application, they would carry out work such, as damp surveys, after a consent was granted. In relation to the keeping of bicycles in apartments, he explained that many people who were cycling the city centre were purchasing bikes valued between £1,500 and £3,000+ and that, even when lockable bike boxes were provided, residents would still choose to store them within their apartment.

Proposal

Moved by Councillor Groogan,
Seconded by Councillor McKeown

That the Committee agrees to refuse the application for the reasons as detailed within the case officer's report.

On a vote by show of hands, six Members voted for the motion and seven against and it was accordingly declared lost.

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Further Proposal

Moved by Councillor Brooks,
Seconded by Councillor Carson,

That the Committee approves the application, in accordance with the aforementioned rebuttal for each refusal reason, and delegates authority to the Director of Planning and Building Control for the final wording of conditions and any required Section 76 Planning Agreement.

On a vote by show of hands, seven Members voted for the motion and six against and it was accordingly declared carried.

Chairperson