

Planning Committee

Tuesday, 14th June, 2022

HYBRID MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Whyte (Chairperson);
The High Sheriff, Councillor Hussey;
Alderman Rodgers;
Councillors Carson, Douglas, Garrett,
Groogan, Hanvey, Hutchinson,
Maskey, Murphy and Spratt.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Mr. E. Baker, Planning Manager (Development Management);
Ms. N. Largey, Divisional Solicitor;
Ms. C. Donnelly, Democratic Services Officer; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Councillors Bower and Collins.

Minutes

The minutes of the meetings of 17th May were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st June, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Whyte declared an interest in item 6a - (Reconsidered Item) LA04/2020/1959/F - New parkland (Section 2 Forthmeadow Community Greenway), in that he had previously met with Participation and the Practice of Rights (PPR), who were objecting to the application, and that he would leave the meeting for the duration of the discussion on the item.

He also declared an interest in item 6h - LA04/2021/0859/F - Retention of 21-23 Victoria Street and 41-51 Waring Street, Belfast with minor alterations to facades and erection of a 3 storey extension to the buildings to facilitate a 164 bedroom hotel, in that he had previously met with the applicant and had expressed support for it, and that he would leave the meeting for the duration of the discussion on the item.

He also declared an interest in item 6j - LA04/2022/0207/F - Change of use from Church halls to offices at Townsend Street Presbyterian Church, 32 Townsend Street, in that he was on the Board of the Ulster Orchestra, which was the intended end user for the application, and that he would leave the meeting for the duration of the discussion on the item.

Councillor Maskey also declared an interest in item 6a - (Reconsidered Item) LA04/2020/1959/F - New parkland (Section 2 Forthmeadow Community Greenway), in that the organisation that he was employed by had worked with Sustrans to recruit walking and cycling volunteers for the Forthmeadow Community Greenway and that he would leave the meeting for the duration of the discussion on the item.

Committee Site Visit

Request for a Pre-Emptive Site Visit

The Committee agreed to undertake a pre-emptive site visit in respect of the following applications, on Thursday, 16th June:

- **LA04/2022/0535/F & LA04/2022/0468/DCA** - Physical development - re-cladding of the exterior of the building, creation of a new access point to the upper floors and central core on Castle Arcade, demolition of bridge link over Castle Arcade and erection of a new oversail section at the junction of Castle Lane and Castle Arcade. Change of use - partial change of use of upper floors from storage and back of house facilities to a mixed use of Assembly and Leisure (class D2) and a sui-generis multifaceted leisure use combined with the sale of food and drink for the consumption on the premises. Reconfiguration of existing ground floor storage, associated public realm improvements and ancillary development. Net reduction in gross floorspace of approximately 331 sqm. Partial demolition of existing facade treatment on Castle Lane, Castle Arcade and Cornmarket, demolition of existing internal staircases and internal walls and demolition of bridge link over Castle Arcade, at 13-25 Castle Lane Belfast BT1 5DA; Castle Arcade Belfast BT1 5DF and 3-9 Cornmarket.

Planning Appeals Notified

The Committee noted the receipt of correspondence in respect of a number of planning appeals which had been submitted to the Planning Appeals Commission, together with the outcomes of a range of hearings which had been considered by the Commission.

Planning Decisions Issued

The Committee noted a list of decisions which had been taken under the delegated authority of the Director of Planning and Building Control, together with all other planning decisions which had been issued by the Planning Department between 10th May and 9th June 2022.

Proposed Abandonments

The Committee noted that correspondence had been received from the Department for Infrastructure, advising the Council that it proposed to abandon land at Little Victoria Street Car Park and at Charlotte Street Car Park under the Roads (NI) Order 1993.

The Committee:

- noted the proposal to abandon land at Little Victoria Street Car Park;
and

- deferred consideration of the Department's intention to abandon land at Charlotte Street Car Park and requested that further information be sought from DFI in relation to the reason(s) for the abandonment. It further agreed that DFI be requested to provide the Council with further information in respect of future abandonments under the Roads (NI) Order 1993.

Withdrawn Items

The Committee noted that the following two items had been withdrawn from the agenda by officers:

- (Reconsidered Item) LA04/2019/0775/F - 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works on lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally; and
- Update on Planning Portal replacement IT system (Restricted Item).

The following item was withdrawn by the applicant:

- LA04/2021/2440/F & LA04/2021/2439/DCA - Demolition of existing dwelling and garage to allow for the erection of a new semi-detached dwelling and two apartments at 362 Lisburn Road.

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) LA04/2020/1959/F - New parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture on site including vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver

(The Chairperson, having declared an interest in the item, left the meeting while the item was under consideration.)

(Councillor Groogan in the Chair.)

Moved by Councillor Garrett,
Seconded by Councillor Councillor Groogan and

Resolved – that the Committee agrees to defer consideration of the application, to the Special Meeting on 27th June, in order to allow the objectors more time to consider the Case officer's report and the Judicial Review findings.

(Reconsidered Item) LA04/2020/1666/F - Demolition of existing two storey building and erection of an office development with heights of 9-14 storeys with landscaping, parking, and associated development. At Lands at 102-127 Grosvenor Road and adjoining the Westlink/Grosvenor Road junction

(Councillor Whyte, Chairperson, resumed the Chair.)

The Committee was provided with the key details of the application.

The Principal Planning officer explained that the application had been before the Committee in March 2021, where it had agreed to grant permission with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Planning Agreement.

The Committee's attention was drawn to the Late Items pack, whereby Legal Services had since confirmed that the Section 76 Agreement had since been executed.

The Principal Planning officer explained that, due to the length of time taken to finalise the Section 76 Agreement following the Committee meeting, the Planning Service had reconsulted NI Water and that it had responded in June 2021 advising that there was insufficient Waste Water Treatment Capacity available at present for the proposed development.

The response from NI Water stated that:

'Belfast WWTW no longer has headroom capacity to serve this proposal. However, initial improvement works currently under construction at Belfast WWTW, once completed, together with base maintenance of the activated sludge process of the existing works, will result in providing some additional capacity in advance of the major phased upgrade of Belfast WWTW.'

In a further response dated June 2022 NI Water had advised that:

'Our only requirement is that this proposal shall not be occupied before 1 July 2023, which is the date when additional treatment capacity will be available as a result of completion of initial phase of upgrade work at Belfast WWTW. The developer has already confirmed to NI Water that this condition would be acceptable as this proposal will not be completed until after this date.'

The Principal Planning officer explained that officers felt that the condition from NI Water was not required given that the improvements to the WWTW were expected by July 2023 and should provide increased capacity by the time that the development was completed.

The Committee granted approval to the application, subject to conditions and a Section 76 Planning Agreement, with delegated authority given to the Director of Planning and Building Control to finalise the wording.

(Reconsidered Item) LA04/2022/0275/F - Awning attached to existing façade at 26 University Avenue

The Principal Planning officer explained that the application was one of four applications which had initially been presented to the Committee on 17th May 2022, and which had been deferred in order that the Committee would be provided with clarification of the Area of Townscape Character (ATC) between the BUAP and draft BMAPs.

She explained that the proposed site was outside the adopted ATC under the BUAP 2001. Under draft BMAP 2004 and 2015, the site was within a proposed ATC.

The Committee was advised that, within adopted ATCs, Planning Policy Statement 6 Addendum was applicable. However, PPS6 Addendum was not applicable to proposed ATCs, as confirmed by the Planning Appeals Commission. However, regardless of this, the Principal Planning officer explained that the impact of the proposal on the overall character of the proposed ATC could still be objectively assessed in the context of the surrounding built form. She outlined that the impact of the proposal had been assessed in relation to the character of the area including the proposed ATC and was considered acceptable.

The proposal was for a minor awning to the front door which did not negatively impact the existing property or surrounding built form. The character of the area, including the draft ATC, would be maintained.

The key issues which had been considered included the design/impact on character and appearance, amenity and public safety.

She outlined that the amended plans which had been uploaded to the planning portal on 3rd May, 2022, had reduced the size and design of the awning to address concerns of anti-social behaviour and being out of character with the existing building and in a residential area. The Members were advised that the proposal would not negatively impact the amenity of neighbouring properties and would not prejudice public safety.

DFI Roads had been consulted and had no objections and no third party representations were received.

The Committee granted approval to the application, with delegated power given to the Director of Planning and Building Control to finalise conditions.

(Reconsidered Item) LA04/2022/0276/F - Awning attached to existing façade at 27 University Avenue

The Principal Planning officer explained that the application was one of four applications which had initially been presented to the Committee on 17th May 2022, and were deferred in order that the Committee would be provided with clarification of the Area of Townscape Character (ATC) between the BUAP and draft BMAPs.

She explained that the proposed site was outside the adopted ATC under the BUAP 2001. Under draft BMAP 2004 and 2015, the site was within a proposed ATC.

The Committee was advised that, within adopted ATCs, Planning Policy Statement 6 Addendum was applicable. However, PPS6 Addendum was not applicable to proposed ATCs, as confirmed by the Planning Appeals Commission. However, regardless of this, the Principal Planning officer explained that the impact of the proposal on the overall character of the proposed ATC could still be objectively assessed in the context of the surrounding built form. She outlined that the impact of the proposal had been assessed in relation to the character of the area including the proposed ATC and was considered acceptable.

The key issues which had been considered included the design/impact on character and appearance, amenity and public safety.

The proposed awning and materials were considered in keeping with the existing ground floor commercial unit of the building. The proposal would not negatively impact the amenity of neighbouring properties and would not prejudice public safety.

DFI Roads had been consulted and had no objections and no third party representations were received.

The Committee granted approval to the application, with delegated power given to the Director of Planning and Building Control to finalise conditions.

(Reconsidered Item) LA04/2022/0277/F - Awning attached to existing façade at 65-67 University Avenue

The Principal Planning officer explained that the application was one of four applications which had initially been presented to the Committee on 17th May 2022, and were deferred in order that the Committee would be provided with clarification of the Area of Townscape Character (ATC) between the BUAP and draft BMAPs.

She explained that the proposed site was outside the adopted ATC under the BUAP 2001. Under draft BMAP 2004 and 2015, the site would be within the ATC.

The Committee was advised that, within adopted ATCs, Planning Policy Statement 6 Addendum was applicable. However, PPS6 Addendum was not applicable to proposed ATCs, as confirmed by the Planning Appeals Commission. However, regardless of this, the Principal Planning officer explained that the impact of the proposal on the overall character of the proposed ATC could still be objectively assessed in the context of the surrounding built form. She outlined that the impact of the proposal had been assessed in relation to the character of the area including the proposed ATC and was considered acceptable.

The key issues which had been considered included the design/impact on character and appearance, amenity and public safety.

The proposed awning and materials were considered in keeping with the existing ground floor commercial unit of the building. The proposal would not negatively impact the amenity of neighbouring properties and would not prejudice public safety.

DFI Roads had been consulted and had no objections and no third party representations were received.

The Committee granted approval to the application, with delegated power given to the Director of Planning and Building Control to finalise conditions.

(Reconsidered Item) LA04/2022/0138/F - Awning attached to existing façade at 1 Rugby Avenue

The Principal Planning officer explained that the application was one of four applications which had initially been presented to the Committee on 17th May 2022, and were deferred in order that the Committee would be provided with clarification of the Area of Townscape Character (ATC) between the BUAP and draft BMAPs.

She explained that the proposed site was outside the adopted ATC under the BUAP 2001. Under draft BMAP 2004 and 2015, the proposed site would be considered within the proposed ATC.

The Committee was advised that, within adopted ATCs, Planning Policy Statement 6 Addendum was applicable. However, PPS6 Addendum was not applicable to proposed ATCs, as confirmed by the Planning Appeals Commission. However, regardless of this, the Principal Planning officer explained that the impact of the proposal on the overall character of the proposed ATC could still be objectively assessed in the context of the surrounding built form.

She advised that the impact of the proposal had been assessed in relation to the character of the area including the proposed ATC and was considered acceptable. The rear property line was adjacent to the adopted ATC. The proposal was for a minor awning to the front door which would not negatively impact the existing property or surrounding built form. The character of the area, including the draft ATC, would be maintained.

The Members were advised that amended plans had uploaded to the planning portal on 3rd May 2022, reducing the size and design of the awning to address concerns of anti-social behaviour and it being out of character with the existing building and in a residential area.

DFI Roads had been consulted and had no objections. Two objections had been received, raising concerns over anti-social behaviour, noise and safety, as well the awning not being in keeping with the residential area. She explained that those matters had been addressed within the Case officer's report and that the amended proposed scheme was considered acceptable.

The Committee granted approval to the application, with delegated power given to the Director of Planning and Building Control to finalise conditions.

LA04/2021/0859/F - Retention of 21-23 Victoria Street and 41-51 Waring Street, Belfast with minor alterations to facades and erection of a 3 storey extension to the buildings to facilitate a 164 bedroom hotel with ground floor bar/restaurant, meeting rooms and fitness centre, back of house facilities, 7th floor bar, and public realm improvements

(The Chairperson, having declared an interest in the following two items, left the meeting while they were under consideration.)

(Councillor Maskey in the Chair.)

The Principal Planning officer presented the Committee with the details of the application. He outlined that the demolition and alterations included the:

- dropping of window cills and installation of new aluminium framed windows;
- removal and relocation of existing doors to form fire exits;
- removal of existing roller shutter door and installation of a new entrance door;
- removal of existing doors and installation of new aluminium framed windows;
- demolition of wall sections and formation of new window openings;
- alteration of existing window configurations; and
- demolition of existing internal columns, stairs and removal of lift shafts and non-structural internal walls.

The Members were advised that the key issues which had been considered during the assessment of the proposal included:

- the principle of the proposal at that location;
- demolition, impact on amenity / character of the area, Conservation Area and listed buildings;
- design and layout of the proposed accommodation;
- impact on transport and other infrastructure;
- flood and drainage risks;
- amenity and contamination issues;
- Employability and Skills; and
- Developer contributions.

The Principal Planning officer explained that the site comprised a vacant unlisted former warehouse/commercial building located within the Cathedral Conservation Area. The area was commercial in character and use, comprising office, retail, and bar, food/restaurant uses.

He reported that the scheme would introduce a three-storey extension above both 21- 23 Victoria Street and 41-43 Waring Street, with internal demolition to enable the new floor layouts to be achieved. The Members were advised that the extension had been subject to detailed discussions through the preapplication discussion (PAD)

process with both the Council and HED, and that it had evolved significantly from the initial iterations in an effort to address concerns around scale, height massing and design of the proposed extension. The Committee was advised that the current proposal was considered acceptable in scale, form and massing and design. The acceptability of a three storey extension was a key consideration and was much discussed during the PAD. Overall, the extension was considered acceptable following key design changes to minimise its impact on the character and appearance of the host building, the setting of adjacent listed buildings and the conservation area.

The Members were advised that weight had also been given to the value of retaining and re-using the original, vacant buildings, given that a previous permission had included the demolition of both buildings, and the efforts made to ensure that the design and elevational treatment were of suitable quality to compliment and respect the surrounding buildings.

Some internal demolition works were proposed, however, given the positive response from HED and the Conservation Officer, the extent and nature of demolition was considered acceptable. A method statement detailing the methodology and 'making good' of all demolition works would be required by condition in order to ensure the protection of historic features. The Members were advised that the Urban Design Officer had also considered the design solution to be acceptable and would not adversely impact on the local townscape. The proposal was therefore considered acceptable in relation to heritage issues, as set out in the SPPS and PPS6. No other consultees had any objections subject to conditions and/or informatives.

The Principal Planning officer reported that the application had been neighbour notified and advertised in the local press and that one objection had been received in relation to the retention of a heritage, tiled street sign. He explained that the sign would be retained as part of the proposals.

He drew the Committee's attention to the Late Items pack, whereby a final consultation response had been received from Environmental Health, on 9th June, confirming it had no objection subject to conditions and informatives, including a proposed hours of use restriction on the hotel bars.

The Committee was also advised that correspondence had been received, on 13th June, from Beannchor, the owner/operator of the nearby Merchant Hotel, advising that they had:

- not received a neighbour notification;
- no objection in principle to hotel use at the site but that they had concerns about the scale, height and massing of the extension and impact on the listed Merchant Hotel building; and
- concerns about the proximity of the proposed extension which might give rise to noise, odour and overlooking and overshadowing impacts on the amenity of residents within their hotel.

The Principal Planning officer advised the Committee that notification had been undertaken in accordance with standard practice. He reported that neighbour notification letters had been sent to the bar and the hotel at “35-39 Waring Street” on 1st March 2022. He further advised that correspondence indicated that Beannchor was aware of the planning application back in May 2021 and therefore no prejudice had occurred. He explained that the issues raised by Beannchor had been considered within the committee report. He added that HED, the Conservation officer and Urban Design officer had no objections to the scale, height and massing of the proposal and that Environmental Health had considered noise and odour information and had no objections subject to conditions. The Committee was advised that no harmful overlooking issues arose due to the location of existing window positions. The window positions of the upper floor extension would not overlook adjacent properties to an unacceptable degree given the city centre context and filtering by rooftop structures and plant on neighbouring buildings.

The Committee was advised that two further emails had been received from Beannchor requesting that the Committee would defer consideration of the application and reiterating their concerns about overshadowing. The Principal Planning officer advised the Committee that it was considered that there would be no unacceptable overshadowing, taking into account the separation distance between the proposal and the adjacent hotel, the orientation of the buildings, the city centre location/tight urban grain, the proposed and existing uses as hotels and not in permanent residential dwelling use and for efficient use of land.

Councillor Maskey, in the Chair, welcomed Mr. M. Worthington, agent, to the meeting.

Mr. Worthington advised the Committee that the main area of interest had concentrated on the design and the potential for impact on the Cathedral Conservation Area and the listed buildings around the proposal. He explained that the design was an area which had taken some deliberation to finalise but that it had been dealt with in a positive manner by the Council, the consultees and the applicant and had resulted in a final proposal which had been recommended for approval. He confirmed that the applicant was content to the proposed planning conditions and with the proposal for a Section 76 Planning Agreement in respect to employability and skills provision.

In response to a Member’s question, the Principal Planning officer advised the Committee of the issues which had been raised by HED during the PAD process. He advised the Committee that the issues around the style of windows and the paint colour would be conditioned as part of any approval.

The Committee granted approval to the full planning application and to the demolition consent, subject to conditions, with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions and agreed to enter into a Section 76 Planning Agreement with the applicant to secure employability and skills Developer Contributions.

**LA04/2022/0207/F - Change of use from Church halls
to offices at Townsend Street Presbyterian Church,
32 Townsend Street**

(Councillor Maskey in the Chair.)

The Principal Planning officer provided the Committee with the principal aspects of the application.

She explained that the application was before the Committee as the officer's recommendation to approve was contrary to a statutory consultee's recommendation, Northern Ireland Water (NI Water).

The Committee was advised that the proposal was for the change of use of a listed building, The Old School House, which currently had the use of "class D1 community". She explained that it was in use as a church hall associated with Townsend Street Presbyterian Church – which was also a listed building. The Members were advised that the Old Schoolhouse was situated to the rear of the church. It was proposed the building would be used for office space - use class - B1(a). The building was to be used as the administrative offices of the Ulster Orchestra.

She reported that the building had three floors. The ground floor included offices, file storage, a meeting room and other ancillary facilities, whilst the first floor contained open plan office space, a training room and a breakout area. No office accommodation was included on the second floor. Occasionally the Ulster Orchestra would propose to use the space to meet prior to rehearsal, which currently happened within the adjacent Church.

The Committee was advised that Historic Environment Division (HED) had no objection to the proposal.

The Members were advised that NI Water had objected to the proposal as it had stated that there was insufficient capacity at the wastewater treatment works. The Principal Planning officer detailed that the applicant had submitted calculations which indicated that there would be a reduction in the amount of water usage as a result of the 'change of use'. Officers considered that there would be no significant impact on the infrastructure from the development relative to its current use.

She reported that the proposal was in keeping with development plan designations and with all other planning policy. It complied with the SPPS 'listed buildings' (paragraph 6.13) and accorded with policy BH7 of PPS6. There was also an application for 'Listed Building Consent' associated with the application, LA04/2022/0208/LBC.

The Committee granted approval to the application, with delegated power given to the Director of Planning and Building Control to finalise the wording of conditions.

Chairperson