



Subject:	Providing comments to the Planning Appeals Commission in relation to live appeals for applications refused by the Committee
Date:	20 June 2023
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	The purpose of this report is to seek delegated authority for the Director of Planning and Building Control to respond to the Planning Appeals Commission's request to the Council to provide comments in respect of four live appeals relating to applications refused by the Committee. This request follows adoption of the Belfast Local Development Plan: Plan Strategy, which now has primacy in determining applications and appeals.
2.0	Recommendation
2.1	That the Committee delegates authority to the Director of Planning and Building Control to provide comments to the Planning Appeals Commission in respect of the four live appeals relating to applications refused by the Committee.

3.0	Main Report												
	<u>Background</u>												
3.1	The Planning Act (Northern Ireland) 2011 gives the adopted Belfast Local Development Plan: Plan Strategy primacy in decision-making in respect of all determinations, including decisions on planning applications, enforcement and planning appeals.												
3.2	Section 45(1) of the Act states that the decision maker, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.												
3.3	The Planning Appeals Commission (PAC), which presides over appeals, has written to the Council in relation to a number of live appeals, seeking the Council's updated position on those appeals following adoption of the Plan Strategy. The PAC has requested that the Council provides its comments within 3 weeks (15 working days) of each request.												
3.4	Whilst officers are providing information to the PAC in respect of the majority of appeals where those decisions were made under delegated powers, they have written to the PAC to advise that there are a small number of appeals against refusal decisions made by the Committee. Officers have advised the PAC that these must be reported to the Committee as the Committee made the original decisions.												
	<u>Re-evaluation of four refusal decisions previously taken by the Committee</u>												
3.5	There are four refusal decisions made by the Committee, which are subject to live appeals. These are summarised in the table below.												
	<table border="1"> <thead> <tr> <th>Application Ref.</th> <th>Site Address</th> <th>Proposal</th> <th>Date of Committee</th> </tr> </thead> <tbody> <tr> <td>LA04/2022/1284/F</td> <td>Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast BT1 2J</td> <td>Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths</td> <td>14 March 2023</td> </tr> <tr> <td>LA04/2020/0844/F LA04/2020/0840/LBC</td> <td>Vacant Warehouse at Rathbone Street & former St Malachy's School at Sussex Place, Belfast BT12 8LN</td> <td>Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former</td> <td>18 January 2022</td> </tr> </tbody> </table>	Application Ref.	Site Address	Proposal	Date of Committee	LA04/2022/1284/F	Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast BT1 2J	Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths	14 March 2023	LA04/2020/0844/F LA04/2020/0840/LBC	Vacant Warehouse at Rathbone Street & former St Malachy's School at Sussex Place, Belfast BT12 8LN	Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former	18 January 2022
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		warehouse and erection of extension to provide 8 no. apartments with associated cycle parking and bin storage area	
LA04/2021/2519/F	Lands at Nos. 348-350 Ormeau Road Belfast BT7 2FZ	Variation of condition no.11 of planning approval LA04/2018/0059/F (variation of restricted opening hours from 11pm to 01.00am) (additional noise report & comments)	16 August 2022
LA04/2021/2825/A	Former Belfast Telegraph Printworks 124-132 Royal Avenue Belfast BT1 1DN	Retention of mesh banner signage (19.1m by 9.84m) for a temporary period of 24months.	15 March 2022

3.6 A **link to each of the reports** to the Committee and minutes of the meeting, including the agreed refusal reasons, is embedded in the Committee meeting date in the table above.

3.7 The Council needs to review the refusal reasons for each of these decisions in light of adoption of the Plan Strategy to see if they remain appropriate. The Council will then need to provide comments to the PAC on these appeals accordingly.

LA04/2022/1284/F Library Street, Stephen Street, Little Donegal Street and Union Street

3.8 This application for a 795 bed Purpose Built Managed Student Accommodation scheme was refused by the Committee at its March 2023 meeting. The application was refused on four grounds, summarised below.

- i) The proposal is contrary to the Inner North West Masterplan, draft Belfast Metropolitan Area Plan zonings, relevant provisions of the Strategic Planning Policy Statement (SPPS) and Policy QD1 of Planning Policy Statement 7 (PPS 7) in that its scale, height and massing would prejudice delivery of mixed-tenure housing on the adjacent land.
- ii) The proposal is contrary to the Inner North West Masterplan and relevant provisions of the SPPS in that the proposal would prejudice delivery of much needed public open space for new housing in the area.
- iii) The proposal is contrary to the Inner North West Masterplan, relevant provisions of the SPPS and Policy QD1 of PPS 7 in that the proposal, by reason of its design and excessive scale, would be out of keeping with the area.
- iv) The proposal is contrary to the relevant provisions of the SPPS, Creating Places, Policy OS2 of PPS 8 and Policy QD1 of PPS 7 in that the proposal would be supported by substandard levels of public open space and private amenity space.

3.9 Insofar as the view of the previous Committee, the above refusal reasons are considered to remain relevant following adoption of the Plan Strategy. However, the Planning Policy Statements are no longer extant and reference will need to be made to the equivalent new policies in the Plan Strategy. Policy RD1 is relevant in relation to conflict with adjacent

	<p>uses, appropriate design and open space requirements. Policies DES1 and Policy DES2 relate to design quality and masterplanning for Major developments, respectively. Policy OS3 relates to ancillary open space requirements for all developments. Policy HC1 seeks to promote healthy communities and is relevant to the substandard provision of open space and amenity space.</p>
3.10	<p>The policy requirements of Policies ENV2 and ENV3 relating to mitigation and adaption to environmental change will need to be highlighted to the PAC and are matters that could be dealt with by means of planning conditions should the appeal be allowed.</p> <p><u>LA04/2020/0844/F and LA04/2020/0840/LBC Rathbone Street and Sussex Place</u></p>
3.11	<p>These applications for full planning permission and Listed Building Consent for the conversion of the existing building to 12 apartments, café and offices were refused by the Committee at its January 2022 meeting. The planning application was refused on four grounds, summarised below.</p> <ul style="list-style-type: none"> i) The proposal is contrary to the SPPS, Creating Places and Policy QD1 of PPS 7 in that inadequate provision is made for open space for residents. ii) The proposal is contrary to the SPPS and Policy QD1 of PPS 7 in that residents would be subject to substandard levels of amenity through overlooking, overshadowing and lack of natural light. iii) The proposal is contrary to the SPPS, Policy PED 9 of PPS 4 and Policy QD1 of PPS 7 in that inadequate provision is made for bin storage, to the detriment of the character of the area and amenity of prospective residents. iv) The proposal is contrary to SPPS and Policy LC1 of PPS 7 (addendum) in that the proposal would adversely affect the amenity of neighbours by reason of overlooking and nuisance.
3.12	<p>Insofar as the view of the previous Committee, the above refusal reasons are considered to remain relevant following adoption of the Plan Strategy. As set out previously, the Planning Policy Statements are no longer extant and reference will need to be made to the equivalent new policies in the Plan Strategy instead. Policy RD1 is relevant in relation to substandard living environment, adverse impact and open space requirements. Policies DES1 and Policy DES2 relate to design quality and safeguarding neighbour amenity. Policy OS3 relates to ancillary open space requirements for all developments. Policy HC1 seeks to promote healthy communities and is relevant to the substandard provision of open space and poor living environment.</p>
3.13	<p>The policy requirements of Policies ENV2 and ENV3 relating to mitigation and adaption to environmental change will need to be highlighted to the PAC and are matters that could be dealt with by means of planning conditions should the appeal be allowed.</p>
3.14	<p>The proposal does not provide affordable housing contrary to Policy HOU5 of the Plan Strategy and the Affordable Housing and Housing Mix Supplementary Planning Guidance – this should be an additional grounds for refusal.</p>
3.15	<p>The Listed Building Consent application was refused for one reason, summarised below.</p> <ul style="list-style-type: none"> i) The proposal is contrary to the SPPS and Policy BH 10 (demolition of a Listed Building) of PPS 6 in that an appropriate replacement development has not been approved.

3.16	<p>Insofar as the view of the previous Committee, the above refusal reason is considered to remain relevant following adoption of the Plan Strategy. However, reference to Policy BH10 of PPS 6 should be replaced by Policy BH1 of the Plan Strategy.</p> <p><u>LA04/2021/2519/F Expansion of opening hours at 348-350 Ormeau Road</u></p>
3.17	<p>This application to vary condition 11 of the original planning permission for a hotel and restaurant to permit the opening hours to be extended from 11pm to 1am was refused by the Committee at its August 2022 meeting. The application was refused for one reason, summarised below.</p> <p>i) The proposal is contrary to the relevant provisions of the SPPS in that the applicant has failed to demonstrate that the additional operating hours will not result in a loss of amenity to neighbouring properties by way of noise and general disturbance.</p>
3.18	<p>Insofar as the view of the previous Committee, the above refusal reason is considered to remain relevant following adoption of the Plan Strategy. However, reference should be made to Policy ENV1 of the Plan Strategy which seeks to prevent development that adversely impacts on the environment including noise.</p> <p><u>LA04/2021/2825/A Former Belfast Telegraph Printworks, 124-132 Royal Avenue</u></p>
3.19	<p>This application for Advertisement Consent for mesh banner signage was refused by the Committee at its March 2022 meeting. The application was refused for two reasons, summarised below.</p> <p>i) The proposal is contrary to Policy AD1 of PPS 17 in that the advertisement, by reason of its position, size and scale, would adversely impact on the appearance of the building and character of the area.</p> <p>ii) The proposal is contrary to the SPPS in that the applicant has failed to demonstrate that the proposal fails to respect the Listed Building or the setting of the heritage asset and would also adversely impact on the adjacent Conservation Area.</p>
3.20	<p>Insofar as the view of the previous Committee, the above refusal reason is considered to remain relevant following adoption of the Plan Strategy. However, reference to PPS 17 should be substituted by Policy DES4 of the Plan Strategy and its associated SPG.</p> <p><u>Conclusion</u></p>
3.2	<p>Delegated authority is sought for the Director of Planning and Building Control to provide final comments to the Planning Appeals Commission in respect of the four live appeals relating to applications refused by the Committee.</p>
4.0	Financial & Resource Implications
4.1	No substantive issues identified.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.