

Planning Committee

Wednesday, 2nd September, 2020

SPECIAL MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Hussey (Chairperson);
Councillors Brooks, Carson, Matt Collins,
Garrett, Groogan, Hanvey, Hutchinson, Maskey,
McCullough, McKeown, Murphy 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;
Mr. J. Hanna, Democratic Services Manager; and
Ms. E. McGoldrick, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported on behalf of Councillor Nicholl.

Declarations of Interest

Councillors O'Hara declared an interest in relation to item 2(b) LA04/2020/0010/F, in that he was a member of the Belfast Harbour Commissioners.

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

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The Committee was reminded that it had originally considered the application at its meeting on 21st January, 2020 following a Pre Determination Hearing on 16th December, 2020. The Committee had resolved to approve the application with conditions and a Section 76 planning agreement, delegated to the Director of Planning and Building Control to finalise the wording. Under the Planning (Notification of Applications) Direction 2017, it was also necessary to notify the Department for Infrastructure (DFI) because the resolution to approve the application was contrary to the views of the Department for Communities Historic Environment Division (DFC HED), a statutory consultee. The application was notified to the Department on 23rd January, 2020. DFI provided its response on 6th May, 2020, confirming that it did not consider it necessary for the application to be referred to it for determination. The application was subject to a second Pre- Determination hearing held on 28th July, 2020 and then considered by the Planning Committee later the same day.

The Senior Planning Officer reminded the Committee that, at its meeting on 28th July, it had agreed to defer consideration of the outline application so that further information could be provided on the following:

- 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.

She provided the Committee with an overview of the outline application for a mixed-use scheme comprising offices, 367 residential units, restaurants/cafes, a hotel, retail units on the ground floor and cultural and community space.

She informed the Committee that, after the agenda had been published, the following representations had been received from supporters and objectors, and drew Members attention to the response of the Planning Department, as set out in the Late Items Report Pack:

- Agent – confirmation of the removal of a clause in relation to an alternative Housing agreement in the Section 76 Agreement;
- Letter of Support from Retail NI; and
- Joint objection from The Belfast Cathedral Board, The Cathedral Quarter Trust, Killycrot Estates and Save CQ raising the following issues: Concerns regarding overshadowing, misrepresented facts and under played the concerns raised by civic objectors, procedure was not evident in the visual presentation at the meeting, scale and massing, disposal of land, flawed planning process, extant permission is widely considered to be commercially unrealisable and therefore poses no risk of being built, incorrect interpretation of open space and public realm, economics claims, and suggested

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further photo montages should be provided at eye level, conducted and checked by independent architects.

The Planning Manager (Development Management) advised that, in relation to the location of the social housing and relocation of Choice Facility, following the Committee Meeting on 28th July, the applicant had agreed to remove the option of providing the 10% social housing and relocated Choice facility to a site within 300m of the application site. He explained that this meant that the social housing and relocated Choice facility was proposed to be located either at the Academy Street site, or within the application site (red line). He stated that the proposal would also allow this housing to be provided across a combination of both Academy Street and the application site, thereby providing further flexibility.

It was reported that, since the last Committee meeting, Officers had met with representatives of the NIHE and they had confirmed that they were supportive of the aforementioned proposal, recognising that the current policy position on affordable housing provision was limited and that the extant permission made no affordable housing provision. Whilst the NIHE was unable to support both the relocated Choice facility and all of the 10% social housing within the Academy Street site due to concerns about management of high density social housing, it had no objection in principle to either one of the relocated Choice facility or the social housing being located at Academy Street, or a combination of both.

The Committee was advised that the NIHE had since confirmed its position in writing and its views were outlined in the report.

The Senior Planning Officer provided an overview of the Open Space and Amenity Provision, together with the public realm proposals of the revised scheme. She informed the Committee that, having regard to the considerations of the requirement for Public Open Space to support the residential element, the proposal was compliant with Policy OS 2 of PPS 8. She highlighted that the application was also considered compliant with Policy OS 1 of PPS 8. Moreover, it was advised that the proposal would have no significant detrimental impact on the amenity, character or biodiversity of the area and alternative provision was being made by the developer within the site which was more accessible to current users and an improvement in terms of size, usefulness, attractiveness, safety and quality, further in compliance with Policy OS 1.

The Planning Manager (Development Management) informed the Committee of the Economic Impact of the application. He referred to the note provided by the applicant, appended to the Committee report, which set out the calculation of the Gross Value Added (GVA) estimated at £213m per annum. He highlighted the comments, outlined in the report, which had been made from the Economic Development and City Regeneration and Development Teams in support of the application.

He explained that, as part of the Travel Plan, the applicant proposed a Car Club to provide a sustainable mode of transport for occupiers of the site and mitigate the reduction in proposed parking provision for the development. He stated that this had been the first time a car club had been negotiated through the planning process in Belfast and the developer would effectively make use of an existing Car Club operating in the city. He

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provided an overview of the obligation required by the developer to provide a Car Club Strategy which included the identification of six dedicated parking spaces within the site, solely for use by Car Club vehicles, the requirement to provide incentives for occupants of the development to encourage them to use the car park, and set out measures for publicising and promoting the car club.

The Committee was reminded that it had received a copy of the draft Section 76 agreement. The Divisional Solicitor summarised the current status of the agreement under the following themes: Intermediate Housing; Social Housing; Choice Facility; Belfast Bikes; Travel Plan; Travel Cards; Car Club; Public Realm Works; Employability and Skills; and Public Art.

The Senior Planning Officer advised that, for the reasons set out in Addendum Reports 1 and 2, and the report to the Planning Committee on 21st January, 2020, the proposed development was considered acceptable and recommended that the planning permission should be granted. It was recommended that delegated authority was given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 agreement and deal with any further issues which may arise before the decision was issued.

The Chairperson welcomed Ms. A. Martire and Mr. M. Hackett to the meeting, who were objecting to the application on behalf of Save CQ, the Cathedral Quarter Trust, the Belfast Cathedral Board and Killycrot Estates.

Ms. Martire suggested that, from their reading of Addendum Report 2, nothing had changed in the past 5 weeks and suggested that the Committee consider the following points:

- There would still be no social housing on site and the Choice block might be relocated to Academy Street, a proposal which did not have the current support of the Housing Executive;
- The lack of social housing on site was contrary to regional planning policy for housing;
- Public space was urgently needed in Belfast city centre, especially in light of the pandemic, which had radically changed how we live, work and spend our leisure time;
- The diagrams shown in Addendum Report 2 were extremely misleading, counting spaces such as footpaths as public space only when it was convenient. In reality, Writer's Square would still be reduced from about 6000 sqm to about 3000 sqm, encroaching into the space in front of the Cathedral and cutting usable open public space there by 50%, contrary to Policy OS1 - Protection of Open Space;
- The 10 storey buildings being proposed for the space would cause extremely problematic and unsightly overshadowing and loss of light throughout the year onto one of our most important historic buildings and key tourist attractions, contrary to Planning Policy Statement 16 TSM 8; and

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- The loss of built and intangible heritage was still an outstanding issue in this proposal. The proposal was in the Cathedral Quarter conservation area, and still planned to demolish about 80% of its built fabric, including the interior of the North Street Arcade and many other significant buildings. Keeping a series of facades ignored the real value of those buildings as an asset for the city and its people and contravenes the SPPS, Planning Policy Statement 6 and the Northern Ireland Planning Act 2015.

She suggested that the Committee refuse the planning application in this form and requested comprehensive improvements to the current redevelopment proposal so that a resolution could be reached.

Mr. Hackett highlighted the objection letter which had been submitted earlier in the week on behalf of The Belfast Cathedral Board, the Cathedral Quarter Trust Board, Killycrot Estates and Save CQ, together with slides illustrating overshadowing of the Cathedral, representation of the public space and its proposed reduction, and suggestions for a series of photo montages of the impact. He questioned whether the Committee had seen the slides submitted.

The Chairperson confirmed that the representation highlighted by Mr. Hackett had been considered the Planning Service Portal and referenced in the Late Items Pack.

The Director also advised that all representations had been uploaded to the Planning Portal and were accessible to the all Members and the public.

During points of clarification, Mr. Hackett raised further objections in relation to the calculations of public space as outlined in the case report and the deterrent to public realm and streetscapes. He also suggested that Writer's Square would be granted to the development at the expense of the public and explained further his concerns in relation to the overshadowing the development would have on St. Anne's Cathedral.

The objectors also provided further information in regards to their interpretation of the information presented by the planning officers, in particular building heights and public realm.

The Chairperson advised the Members that representatives from the Historic Environment Division (HED) Department for Infrastructure, Northern Ireland Housing Executive and CHOICE Housing were also in attendance to answer any questions they might have in relation to the application.

In response to a Members question, in relation to the impact of the proposal on St. Anne's Cathedral, Ms. N. Golden, Historic Environment Division, explained further its position. She advised that it considered Block 2 of the development to be too high because the Cathedral should remain the most prominent building in the vicinity. She confirmed that Writer's Square was not historic. She suggested that a balance needed to be struck between the height of the new building and the Cathedral. She also suggested that the elevation could be broken down further on the North Street side of the development.

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In response to a Members question in relation to the demolition and relocation of the Shared Housing Scheme, SHAC, Mr. N. Sheridan, CHOICE Housing, explained that the re-provision of the facility to a new location had been offered by the Developer and agreed in principle to provide 50 self-contained units, however, it was in early stages and consultation with existing tenants would commence further in the process and their views taken into account. He suggested that CHOICE Housing anticipated that the new accommodation would be an improvement on the existing units and confirmed that, at present, a site had not been offered within the application site (red line).

Ms. F. McGrath, NIHE, confirmed that the proposed location was a matter for CHOICE and they would support their preference. In regards to further questions from a Member in relation to social housing provision, she informed the Committee that there had not been any consultation regarding the onsite provision of the social housing outlined. The Divisional Solicitor stated that, once it had been established by the developer, the Planning Agreement required that a detailed plan for the Social Housing location had to be submitted to the Council for early consideration.

The Director reminded the Committee that, since the last Committee, two options were now available for the reallocation of SHAC, either at Academy St or with the application site (red line) and clarified that all parties involved were open to continue discussions in relation to suitable locations for this, and the 10% social housing provision. He reminded Members that this was an outline application and further details of the accommodation would be covered in the Reserved Matters application, or a separate application. He pointed out that the legal agreement was flexible so that discussions could continue and these provisions could be secured as part of this consent.

The Chairperson welcomed Mr. P. McErlean, MCE, Mr. C. O'Brien, Savills, and Mr. L. Hume, Destination Cathedral Quarter Business Improvement District, to the meeting.

Mr. McErlean advised the Committee that the Developer was committed to 20% social and intermediate housing for this scheme in line with the Local Development Plan and suggested that it would be the only developer to commit to this in the City Centre. He stated that Academy Street had been purchased by the applicant specifically for the re-provision as the current accommodation, as it was not fit for purpose and was chosen for its proximity to the development and was closer to Writers Sq. than Rosemary St. which was within the red line. He stated that it was also chosen, as CHOICE required that tenants be relocated to the new premises before any demolition of the existing SHAC building could commence.

In terms of the additional 10% social housing, he stated that the proposed Academy St. Site was a resolution to grant 105 private apartments, therefore, had the capacity to support more than 50 social housing which was required by CHOICE.

He suggested that NIHE had raised concern about the management of more social housing units on this site and they would continue to work with NIHE on this matter. He stated that, if agreement could not be reached with NIHE on the Academy St. site, then the committee had the legal safeguard that the social housing would be provided

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within the application site (red line) as a proportion of the onsite housing, in addition to 10% the intermediate /affordable which had already been proposed on site. He confirmed that the applicant had also agreed to remove the 300m boundary option, in direct response from the Committee's discussion, at its meeting in July.

Mr. L. Hume suggested that the development was a great opportunity for Belfast. He advised that Destination Cathedral Quarter Ltd, who were delivering the Business Improvement District (BID), represented 400 businesses' across the Cathedral Quarter and Smithfield and Union, were encouraged by the engagement and activity shown by Castlebrook for the revised proposals and welcomed the opportunity to speak in support of this application . He stated that they had also formally submitted a letter of support.

He suggested that they welcomed the doubling of residential units, additional public space, removal of car parking and the focusing of the pedestrianisation of North St, together with the re-imagined North Street Arcade and the additional connectivity throughout the scheme.

He suggested that the city centre was in need of investment of this scale and did not see another opportunity coming forward in the short or long term that could provide the range of benefits that could be secured through this application.

Mr. C. O'Brien advised that, over the last month, they had been working closely with Planning Officers and fully addressed the reasons for deferral that had been raised in the July meeting. He stated that a response had been provided to a late objection in relation to visual impact, daylight and sun light, and open space. He pointed out that the issues had also have been covered in the two previous hearings and the three committee meetings.

In relation to the North Street position, he suggested that it would be additional public realm and was currently a public highway and the footpaths were not included in either calculation. He stated that the scheme would pay for the delivery of that public realm, it would not a cost on the public purse, as suggested by objectors.

He explained further their submissions in relation to the daylight and sunlight assessment of the development on the surroundings and pointed out that they had not made submissions on just one date, they have made them in December, March and the summer to give a balanced view.

During points of clarification, the applicant's representative's explained further the reasons for the location for the re-provision of the current SHAC accommodation, details of the proposed public realm and amenity space. They highlighted the revisions that had already taken place to the scheme and that further details of the design would come back for the Committee's consideration at the Reserved Matters stage of the application process.

In response to issues raised by the objectors, the applicant's representatives stated that they had been transparent in their representation and visualisation of the open spaces.

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During discussion, the Planning Manager (Development Management) clarified that there was not a current planning policy that required any affordable housing in the development and the proposal for 20% was considered to be a significant community benefit. He reminded Members of the details of the draft section 76 agreement in relation to the Housing concerns raised. He summarised how the application adhered to the planning policy requirements in relation to public open space and PPS8, demolition of buildings within the Conservation Area and PPS6 and open space standards.

In response to a further question regarding open space, the Director and Planning Manager explained the exact area that had been included in the case officer's report and noted the differences from the extant scheme.

During further points of clarification, the Objector's reiterated their concerns in relation to the representation and quality of open space outlined in the application.

Proposal

Moved by Councillor Groogan,
Seconded by Councillor Matt Collins,

That the Committee agrees to refuse the outline application for the following reasons:

- It contravenes PPS6 – particularly around BH11 (selling of a listed building) and BH12 (new development in a conservation area) and BH14 (demolition in a conservation area);
- With reference to block 37, the residential tower and block 9, on the corner of Rosemary Street and North Street, which detrimentally affects the listed building of Assembly Street when viewed from High Street, It was not in keeping with the area and did not preserve or enhance the character of the conservation area and overshadowed it;
- In relation to the redevelopment of the Arcade. The scheme did not meet the requirements of policy OS2 of PPS8 and policy QD1 of PPS7;
- The figure of the new open space was below the 15% required under policy and that the exceptions to this, had not been met;
- In relation to the accommodation - Unreasonable level of communal space; and
- A number of further concerns under BH10, OS1 of PPS8, and the clarity of figures required to reflect the actual usable open space.

On a vote by show of hands five Members voted for the proposal and eight against and it was declared lost.

Proposal

Moved by Councillor Hussey,

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Seconded by Councillor Brooks,

That the Committee agrees to approve the application for the reasons as set out in the case officer's report.

On a vote by show of hands eight Members voted for the proposal and five 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 delegated power to the Director of Planning and Building Control for the final wording of the conditions, and in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Building Control, in conjunction with the City Solicitor, to enter into discussions with the applicant in relation to developer contributions and to enter into such a Section 76 Planning Agreement on behalf of the Council.

LA04/2020/0010/F - Aquarium, car parking and associated infrastructure on lands to the South East of Titanic Hotel, North East of Bell's Theorem Crescent and South West of Hamilton Road

The Committee was reminded that, at its meeting on 18th August, it had deferred consideration of the application to allow a representative from the Department for Infrastructure (DFI), Roads to attend, in order to answer questions surrounding the number of trips associated with the application and the trigger for providing mitigating roads infrastructure.

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

He informed the Committee that, after the agenda had been published, the following representations had been received from 2 objectors, and a further objection from Ards and North Down Borough Council in addition to their earlier objection detailed in previous late items dated 25th August, 2020:

- Negative impact on Exploris, tourism and other businesses in Portaferry and Ards Peninsula;
- Contrary of Regional Planning Strategy and PPS16 as the proposal did not safeguard a tourism asset and would damage rural tourism;
- Queries in relation to the rationale of the DfI Roads request to reflect a sensitivity test to include an increase of 25% in the final trip rates, of using survey figures from similar projects which were conducted in 2005 and 2006; trips and figures quoted; whether DfI Roads had reviewed annual monitoring figures for other approvals in the area; Traffic congestion on Queen's Road; the Transport Assessment Form (TAF); whether the proposed opening of the proposal would be affected by the pandemic and lack of secure

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funding; the response of the Economic Development Officer; and
the employment of aquarists.

The Planning Manager outlined the response of the Planning Service to the aforementioned issues raised, as set out in the Late Items Report Pack. He concluded that the proposal was acceptable having regard to the Development Plan and relevant policies, including Policy AMP10 of PPS3, given the extant use of the site as a car park, and other material considerations.

During discussion, regarding a concern raised by a Member in relation to the tone and material of the façade of the application, the Planning Manager stated that the final finish of the materials would be agreed in consultation with the HED and conservation officer.

He stated that, if the Committee approved the application, a condition to require the full implementation of the permanent landscaping and public realm works within 3 years of operation, together with a condition to ensure that the Planning Service was consulted on the tone and material of the façade, prior to construction, would be applied.

The Chairperson welcomed Mr. L. Walsh and Mr. C. Dickinson to the meeting, representing the Department for Infrastructure.

Mr. Walsh reiterated that the DfI was content with the application and that the aforementioned Late Objection did not change that recommendation. He explained the sensitivity test of 25% in trip rates was a positive, as actually meant that more robust analysis had taken place and the traffic growth surveys, which had recently taken place, had shown the traffic growth in the area had been less than predicted. In relation to the queries regarding the Queen's Rd junction, he explained that their assessment noted that the visitors to the attraction would miss the morning and peak times for traffic congestion. He clarified that, in relation to the accumulation effect of vehicle trips to the junction, this application brought it to a trigger point but not over it.

During Members' Questions, he explained further the area of which the trigger point covered, and other applications in the vicinity that lay outside of this.

The Chairperson welcomed Ms. S. Tinsley and Mr. K. Thomas, representing the applicant to the meeting.

Ms. Tinsley suggested that the application would bring significant investment to the area, together with 51 jobs once completed. She highlighted that the location was selected by the applicant due to its proximity and compatibility with the surrounding area, which would also extend the visitor experience.

She explained that the application had been designed to complement the Harland and Wolff Head Quarters and would have no detrimental impact on the area.

Mr. K. Thomas suggested that the application would have appeal across the generations and would have high-quality displays to recreate marine environment from

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around the world. He described the educational benefits that a visit to the aquarium would bring to visitors.

During discussion, Mr. Dickinson explained further the trigger points in relation to traffic in the area and confirmed that the profile of traffic predicted for this application would not have a meaningful impact on the traffic signalling system. He explained that the Catalyst development could only be fully occupied once the Eastern Access Road was in place.

After discussion, the Committee granted approval to the application, subject to the imposing of the conditions set out within the case officer's report and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

Chairperson