

Planning Committee

Tuesday, 13th October, 2020

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,
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;
Mrs. S. Steele, Democratic Services Officer;
Ms. C. Donnelly, Democratic Services Officer; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

No apologies for inability to attend were reported.

Minutes

The minutes of the meetings of 2nd and 15th September 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 October, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were recorded.

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

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planning decisions which had been issued by the Planning Department between 29th August and 2nd October.

**Restricted Item –
Finance Update**

The information contained in the report associated with the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Resolved – That the Committee agrees to exclude the members of the Press and public from the Committee meeting during discussion of these items as, due to the nature of the items, there would be a disclosure of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (NI) 2014.

The Committee was provided with an update on the impact of the Covid-19 pandemic on the Council's financial position, and a strategy to address the forecast deficit and the mitigation measures which had and would be taken as the situation evolved.

Noted.

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)

Deferred Item

LA04/2016/0559/F - Construction of 4 office blocks – Block A 10 storeys, Block B 14 Storeys, Block C and Block D 3 Storeys plus 4 retail units, plant and car parking with external plaza and associated landscaping on site at the junction of Stewart Street/East Bridge Street and West of Central Station East Bridge Street

The Committee noted that it was due to consider the above mentioned application at its meeting on 15th October. In light of the fact that the membership of the Committee had changed since it had first considered the application, it agreed to defer consideration of the application to a later date, in order to undertake a site visit. The Committee further agreed that a Special meeting would be held to consider the application.

LA04/2020/0865/RM - Mixed-Use building ranging from 3 no. to 5 no. storeys (plus roof plant) comprising ground floor retail/food and beverage/office uses, and offices above. Development includes associated public realm, landscaping and all other associated site works on Lands at existing surface level car park between Nos 108 North Street/1 Gresham Street and No. 25 Gresham Street; and adjacent to Nos. 13 - 23 Winetavern Street

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The Senior Planning officer reminded the Committee that, in February 2020, it had granted permission for the mixed use regeneration and development of a vacant surface level car park and the refurbishment of an existing listed Butchers building, with the erection of new fixed use buildings of between 3 and 9 storeys. He explained that the permission comprised basement level car parking, ground floor retail/restaurant /coffeeshop/workspace uses, with Grade A and SME offices above (LA04/2018/2470/O). The Committee was advised that the principle of the proposed uses and form of the development had already been established through the recent outline planning permission and that the current Reserved Matters application sought approval for the detailed plans and elevations

He outlined the key issues which had been considered in the assessment of the proposed development.

The Members were advised that the site was zoned as an opportunity site in the Draft Belfast Metropolitan Area Plan (Draft BMAP 2004 and 2015), and that it was considered that the proposal would develop part of a surface level car park with a piece of high quality architecture heavily influenced by the industrial heritage of the area, creating a well-defined public space and providing a landmark building on one of the main arterial routes into the city centre, North Street.

The Senior Planning officer outlined that the northern section of the city centre had suffered from dereliction and a lack of investment. He explained that it was felt that the proposal would help stimulate the wider regeneration of this part of the city, which had recently been boosted with the arrival of the Ulster University's city centre campus, and proposals to redevelop the former Royal Exchange. The Committee was advised that the high quality finishes and subtleties in design were considered to pay homage to the historical context and would combine with the adjacent proposal (LA04/2020/0325/F) to create a landmark cluster, high quality public realm and a sense of place within a currently undefined part of the city centre.

The Members were advised that no objections or third party representations had been received. The Senior Planning officer highlighted that Shared Environmental Services, DFI Roads, Rivers Agency, Environmental Health, DAERA Waste Management, Building Control and the Urban Design officer had no objections subject to conditions. He advised that the Historic Environment Division (HED) had requested further information.

The Committee's attention was drawn to the Late Items pack. The Historic Environment Division (HED) had sought confirmation of the height of the listed building in relation to proposed shoulder height on Gresham Street, contextual views to show the setback on upper floors, alternative roofscape on Gresham Street and details of finishes to the 'Sawtooth Building'.

The Senior Planning officer explained that HED had been re-consulted with points addressing their response, including 3D visuals. He outlined that officers were of the opinion that sufficient information had been provided within the application pack to enable

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an informed assessment. He highlighted that the heights had been established through the outline approval, and that the heights proposed were within those parameters.

The Chairperson welcomed Mr. T. Stokes, agent, to the meeting. He emphasised that he had engaged in a number of design workshops with planners which he felt had resulted in a high quality proposal and an exciting regeneration project for the Smithfield area.

The Committee granted approval to the application, subject to the imposing of the conditions and delegated power to the Director of Planning and Building Control for the final wording of the conditions and resolving any issues as appropriate following the further consultation with HED.

LA04/2020/0325/F - Redevelopment of vacant surface level car park to facilitate the erection of a Mixed-Use building ranging from 4. to 9. storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above, development includes associated public realm, landscaping and all other associated site works on vacant lands at existing surface level car park bound by North Street Winetavern Street and Gresham Street north west and south west of 108 North Street and 1 Gresham Street and north of 23 Winetavern Street

The Senior Planning officer explained that the application, which was linked to the previous Reserved Matters application, sought full permission for the redevelopment of the vacant surface level car park to facilitate the erection of a mixed-use building comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above.

The Committee was provided with the key issues which had been considered in the officers' assessment, including the impact on built heritage, developers contributions, impact on the setting of nearby conservation areas, traffic and parking, Pre-Application community consultation, contaminated land and drainage and flooding.

The Senior Planning officer outlined that the principle of the proposed uses and form of the development had already been established through planning permission LA04/2018/2470/O.

He explained that the mix of office and retail uses would add to the diversity of the City Centre, whilst bringing much needed regeneration to the area. The Members were advised that the built form would be located on an expansive surface level car park, thus introducing a landmark building, creating a sense of place and defining a vacant space within what was a previously developed part of the city centre.

The Committee was advised that no objections or third party representations had been received. The Senior Planning officer explained that DFI Roads, Rivers Agency, Belfast City Airport, Environmental Health, DAERA Waste Management and Building Control had no objections to the proposal subject to conditions. The Committee was advised that an objection had been received from the Historic Environment Division (HED)

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in relation to the outline application and that it had requested further information in respect of this application.

A Member sought further clarification relating to the objection from HED. The Committee was advised that HED stated that the proposal failed to satisfy the requirements of paragraphs 6.12 and 6.13 of SPPS and Policies BH7, BH8 and BH11 of PPS6. The Members were advised that HED considered that the setting of the listed buildings in the vicinity of the site was affected adversely by the scale and massing of the new buildings. The Senior Planning officer explained that the height parameters of the buildings had been established through the outline planning permission. Furthermore, given the high quality architecture, officers felt that the scale, massing and design of the proposal were acceptable and that there was sufficient information to fully inform their recommendation to approve the application.

The Committee granted approval to the application, subject to the imposing of the conditions and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

LA04/2019/2387/F - Residential development comprising 151 apartments and ancillary uses including; management suite, communal space, reception area and servicing (refuse/recycling/bicycle storage) and plant equipment; and associated car parking and public realm improvements to Scrabo Street, Station Street and Middlepath Street on Land adjacent to Quay Gate House 15 Scrabo Street, footpaths and public realm at Scrabo Street, Station Street and Middlepath Street

Before presentation of the application commenced, the Committee agreed to defer consideration of the application to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposals at first hand and to request further information on sustainable transport measures and the travel plan.

The Committee noted, as the application had not been presented, that all Members' present at the next meeting, would be able to take part in the debate and vote on this item.

LA04/2020/0761/F - Demolition of existing buildings and erection of 10 storey mixed use development comprising a cafe on the ground floor and 85no.serviced apartments for both short and long term occupancy on the floors above at 57-59 &61-63 Dublin Road

The Principal Planning officer provided the Committee with a detailed overview of the proposals. He explained the main issues which had been considered in the assessment of the application, including demolition, scale, height and massing, impact on the character and amenity of the area and the setting of a listed building, access and parking and environmental matters.

He explained that the site was located within the city centre and the plans included a roof top terrace, a gym and balconies providing satisfactory amenity provision. He outlined that a two storey building was currently located on the site and that permission

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had been granted, under LA04/2019/0991/F, in February 2020, for a ten storey building with a ground floor restaurant and 71 apartments above. He explained that the scale, height and massing of the proposed development was the same as the approved development, with minor changes proposed to the design, internal layout and materials.

The Committee was advised that HED considered that the proposal would have an adverse impact on the nearby listed Shaftesbury Square Hospital and that the proposal failed to satisfy Policy BH 11 of PPS 6. The Principal planning officer explained, however, that, given the existing permission, the principle of a 10 storey building had been established on the site and taking account of the scale of existing built development closer to the Shaftesbury Square listed hospital, it was considered that there would be no greater harm to the setting of the listed building with the proposed development. The Members were advised that no third party objections had been received.

A Member queried the amenity space provided. In response, the Principal Planning officer advised the Committee that, given the amenities which were within walking distance of the site, the proposal was deemed acceptable on balance.

In response to questions from Members regarding the gable wall, he confirmed that it would be dealt with through negative conditions.

The Committee's attention was drawn to the Late Items pack, where the agent had submitted amended plan showing separate bin storage arrangements for the commercial and residential elements. The Members were advised that the Waste Management unit had deemed the amendments acceptable.

Moved by Councillor Hussey
Seconded by Councillor Carson,

That the Committee grants approval to the application, subject to the imposing of the conditions and to no new substantive planning issues being raised by third parties, and delegates power to the Director of Planning and Building Control for the final wording of the conditions.

On a vote, eleven members voted for the proposal and three against and it was declared carried.

LA04/2020/0659/F - Refurbishment of existing four storey terrace including alteration, extension to rear, partial demolition and reinstatement. Part change of use from art galleries to two cafes at ground floor. Retention of offices within existing building at second, third and fourth floor. Erection of new 13 storey aparthotel building to rear and associated works including public realm improvements at 29-33 Bedford Street

The Planning Manager provided the Committee with the details of the application which included the demolition of portions of the terrace of 29-33 Bedford Street in order to create an entrance and thoroughfare to the rear of the site where a 13-storey aparthotel was proposed. The application also sought part change of use from art galleries to two

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cafes on the ground floor, with offices within the existing buildings at the second, third and fourth floors to be retained.

He outlined the key issues which had been considered in the assessment of the proposed development, including the principle of hotel and café use at the location, the impact on built heritage and the principle of demolition in the conservation area, scale, height, massing and design, the impact on traffic and parking, site drainage, the consideration of economic benefits, amenity and developers contributions.

The Members were advised that the site was located within the city centre, the Commercial Character Area and the Linen Conservation Area.

The Planning Manager advised that the proposal would generate an estimated 216 direct construction jobs, 129 indirect construction jobs and an economic output (GVA) of £27.6m throughout the construction period. In addition, he explained that the proposal would generate an estimated 116 full-time equivalent jobs once operational.

The Planning Manager explained that DfI Roads, Environmental Health, the NI Environment Agency, Rivers Agency, Historic Environment Division (HED) and NI Water had all been consulted, in addition to the Urban Design Officer, the Conservation Officer, the Economic Development unit and the City Regeneration and Development Team within BCC.

He advised that both HED and the Conservation Officer were now content with the design and proposed interventions to the front terrace, however, they maintained an objection to the 13-storey element on the basis of height, in that they felt it was too dominant on the existing listed building. The Committee was advised that officers felt that the design was respectful to its surrounding environment

The Committee was advised that no objections and one letter of support had been received.

The Committee's attention was drawn to the Late Items pack. The Planning Manager explained that the applicant had been advised that, as the aparthotel rooms did not meet residential standards, a condition was required to ensure they were not used for residential purposes. He explained that, following discussion with the applicant, it was recommended that the condition be amended so that the maximum duration of a stay by an occupant would be 90 days within any 12 month period.

With regards to internal noise levels, the Members were advised that delegated authority was sought for officers to agree the final wording of the condition following further discussion with the Council's Environmental Health team.

The Planning Manager pointed out that, if the Committee granted the application, it would be necessary to notify the Department for Infrastructure (DfI), given the objection from HED in accordance with Section 89 of the Planning Act (Northern Ireland) 2011.

A Member queried the access to the hotel, which would be newly created as a "punch through" entrance, with no direct access onto the street. In response, the Planning

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Manager confirmed that it was an unusual and unique proposal but he advised that there were no prescriptive policies which prevented the proposal, and provided clarity in relation to the policy context which had been considered in its assessment. He explained, however, that the terrace itself was not listed although the buildings either side of the development were listed and it was in a Conservation Area. He explained that officers felt that it met all the policy tests. The Director added that the hotel did have access to the street, through a glazed box that would be designed to feel like a covered extension of the courtyard.

In response to a further Member's question regarding HED's objection to the application, the Planning Manager explained that the scheme had been amended from the original plans, with the height of the hotel reduced to 13 storeys, He referred the Committee to the report which outlined that, while HED welcomed the progress that had been made in relation to the revised alignment and the increased separation distance between the historic terrace and the tall element of the design, it still objected to the height of the 13 storey tower element.

In response to a further question, he provided further clarity in relation to the room sizes, which ranged from 20m² to 50m², and he explained that officers required controls to be imposed over occupation to ensure that the rooms were not let out for long-term residential use, as they did not meet space standards for residential accommodation. He outlined the rationale for the 90 day limit, which were widely used by other planning authorities in London boroughs, and he pointed out that the draft LDP included the same guidance.

A Member stated that they had concerns based on the Conservation officer's assessment and HED's objection.

Moved by Councillor Groogan
Seconded by Councillor Matt Collins,

That the Committee agrees to refuse the application as it is contrary to policies BH 11 and 12 of PPS 6, in that the height, scale and massing of the proposed building, in relation to the listed buildings and relation to the Conservation Area, are inappropriate, and delegates power to the Director of Planning and Building Control for the final wording of the refusal reasons.

On a vote, four Members voted for the proposal, eight against and two no votes, it was declared lost.

Moved by Councillor Hussey,
Seconded by Councillor McCullough,

That the Committee grants approval to the application, subject to the imposing of the conditions and delegates power to the Director of Planning and Building Control for the final wording of the conditions and to resolve any issues arising from consultation responses from NIEA and

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Environmental Health with regards to the updated GQRA relating to contaminated land matters and noise standards.

On a vote, eight Members voted in favour, four against and two no votes and accordingly, it was declared carried.

LA04/2020/1356/F - Variation of Approvals LA04/2019/1398/F and LA04/2017/0235/F for 53 residential units as follows: Condition 16 relating to remediation of contamination to include reference to the remedial measures outlined in both the Generic Quantitative Risk Assessment Report dated January 2017 and an updated Ground Gas Risk Assessment and Remedial Strategy dated May 2019 and an updated remedial strategy for the site on lands at former Rosepark House, Upper Newtownards Road

The Principal Planning officer provided the Committee with the technical detail of an application which, under Section 54 of the Planning Act, sought to vary condition 16 of permission LA04/2017/0235/F, which had previously been varied, under application LA04/2019/1398/F. He explained that the application was necessary following further testing and sampling of site material.

The Committee was advised that Environmental Health and DEARA Waste and Contamination had been consulted on the updated information and had no objections to the proposed variation of condition 16 based on the information presented.

The Principal Planning officer explained that the application related to the variation of condition 16 only, and accordingly all other aspects of the application including the layout and design would remain as previously approved. He explained that the proposal would not adversely impact on amenity or public health and was therefore compliant with all relevant policy considerations as set out in the original report.

The Committee granted approval to the application, subject to the imposing of the conditions and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

Chairperson