

Planning Committee

Wednesday, 4th November, 2020

SPECIAL MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Hussey (Chairperson);
Councillors Brooks, Carson, Matt Collins,
Garrett, Groogan, Hanvey,
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;
Ms. C. Donnelly, Democratic Services Officer; and
Mrs. L. McLornan, Democratic Services Officer.

Also attended: Councillors Gormley, McDonough-Brown and Whyte.

Apologies

No apologies for inability to attend were reported.

Declarations of Interest

Councillor McKeown advised that he had attended a meeting where individuals had raised concerns in respect of item 3a, LA04/2016/0559/F, but that, as he had not expressed an opinion on the application, he would take part in the discussion.

Committee Site Visits

Note of Site Visits

It was noted that the Committee had undertaken site visits on 22nd and 28th October in respect of the following planning application:

- 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; and

It was further noted that the Committee had undertaken a site visit on 22nd October in respect of the following application:

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- 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

Pre-Emptive Committee Site Visit

In response to a suggestion from the Planning Manager (Development Management), the Committee agreed to undertake a pre-emptive site visit to the following site:

- LA04/2020/0804/F - Proposed major mixed use development comprising 653 residential dwellings (549 social housing units and 104 affordable housing units); 2 replacement residential care homes; mixed use area including local neighbourhood retail centre (1 convenience retail anchor unit and 3 retail/hot food/coffee shop units and hotel; Class B business uses within employment zone comprising a mix of 6 Class B1a offices; 1 Class B1b/B1c call centre and R&D office; and 11 Class B1b/B1c/B2 call centre and R&D offices/light industrial units.; community facilities including community building; MUGA pitch and play area. Development includes 2 vehicular site access points from Monagh By-Pass (1 signalised), associated internal road network, pedestrian and cycle ways, public open space, children's play area(s), landscaping, 2 no. waste water treatment works, and all other site and access works (amended scheme) at Lands West of Monagh By-Pass South of Upper Springfield Road & 30-34 Upper Springfield Road & West of Aitnamona Crescent & St Theresa's Primary School. North and East of 2-22 Old Brewery Lane Glanaulin 137-143a Glen Road & Airfield Heights & St Mary's CBG School Belfast.

Planning Applications

THE COMMITTEE DEALT WITH THE FOLLOWING ITEM IN PURSUANCE OF THE POWERS DELEGATED TO IT BY THE COUNCIL UNDER STANDING ORDER 37(e)

LA04/2016/0559/F – Site at the junction of Stewart Street/East Bridge Street and West of Central Station East Bridge Street Belfast

The Planning Manager reminded the Committee that the application was due to be considered by the Planning Committee at its meeting on 15th October but, in light of the fact that the membership of the Committee had changed since it first considered the application, the Committee agreed, at its meeting on 13th October, to defer consideration

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of the application in order to undertake a site visit, and further agreed that a Special meeting would be held to consider the application.

A site visit for the Planning Committee had taken place on 22nd October, with a second site visit carried out on 28th October for those Members who were unable to attend.

The Committee was provided with an overview of the proposals. The Planning Manager explained that the application had originally been received in March 2016 and reported to the Planning Committee in September 2016, and that the Committee had resolved to grant planning permission, subject to conditions and a Section 76 Planning Agreement. Subsequently, permission was issued in June 2017 but subject to a High Court challenge and the Court had quashed the Council's decision in May 2018 on the grounds that the decision failed to have regard to the Belfast Urban Area Plan (BUAP) as the adopted plan and failed to take into account the recommendations of the Planning Appeals Commission following the independent examination into Draft Belfast Metropolitan Area Plan (dBMAP), which recommended that the site should be zoned for housing.

He reported that the application did not include social housing and the Planning Authority should assess the application before it. He advised that, as set out in the report to the 15th October Planning Committee, significant weight should be given to the most recent version of dBMAP (2014), which had identified the site as un-zoned white land, given its advanced stage and that the only area of contention was related to retail policy at Sprucefield and that, over previous years, it had been the consistent approach of both officers and the Planning Committee.

The Committee was advised that the site was located within the City Centre of Belfast as defined within BUAP 2001 and both versions of draft BMAP 2015. It was located on un-zoned land within the City Centre outside the primary retail core and within the city centre office area and that the Belfast City Centre Regeneration and Investment Strategy (CCRIS 2015) aimed to increase the employment population of the city centre.

He explained that the site extended to approximately 0.8 hectares and was located adjacent to East Bridge Street, which sat at a higher level with access taken off Stewart Street which sat at a lower level. The site was a vacant, hard standing plot of land which had previously been used as a temporary car park.

He further explained that the site was situated between very different urban forms of development, the high rise commercial development to the north, the elevated Lanyon Place Railway Station to the west and the domestic residential scale and form of the Markets residential area to the south and west.

He highlighted that the key material factors in the post judicial review assessment of this application were as follows:

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- Principle of Proposed land use for Office and Retail at this location;
- Belfast Urban Area Plan 2001;
- Draft Belfast Metropolitan Area Plan 2015;
- Decision of the Planning Committee on 20 September 2016;
- Response from Ministerial Advisory Board;
- Response from Historic Environment Division – St George’s Market;
- Height, Scale & Massing;
- Landscape & Visual;
- Impact on Amenity & Surrounding Properties & Area;
- Traffic Movement & Parking;
- Other Environmental Matters;
- Economic Benefits;
- Pre-Community Consultation;
- Consideration of additional Representations; and
- Section 76 Planning Agreement.

The Committee was informed that 858 objections had been received which had raised issues that included:

- Scale, height and massing – impact on the Markets residential area;
- Harmful impact on residential amenity – overbearing, sense of being hemmed in; overlooking and loss of light;
- Adverse noise and disruption;
- Breach of Article 8 of Human Rights Act;
- Additional traffic and commuter parking;
- Already an oversupply of offices;
- Access and connectivity;
- Impact on Tunnels Project including poor access, lack of daylight and incompatibility;
- Objection from Ministerial Advisory Group;
- No affordable housing; and
- Lack of community benefits.

The Planning Manager informed the Committee that a consultation with the Ministerial Advisory Group had taken place in November 2018 to enable an impartial view to be obtained, responding to the comments from the Judge, and that the Ministerial Advisory Group had concluded that, had it considered the proposal at an earlier stage, it would have recommended that the arrangement of buildings on the site was reconsidered; and that the site should be considered as a transition site between business (at Lanyon) and living (at the Markets) and thus a mixed use scheme should be encouraged to provide the best regeneration opportunity.

He further reported that consultation had taken place with the Historic Environment Division (HED) which had no objection as the proposal was too far removed to impact or harm the setting of St. George’s Market.

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The Planning Manager drew the Members' attention to the Late Items Report and highlighted that a further objections from the Markets Development Association Objection and the MLA for South Belfast raising issues that included:

- Unacceptable height, scale, massing and design in conflict with BUAP and dBMAP;
- Accessibility and connectivity;
- Adverse impact on the Tunnels Project;
- Site should be zoned for housing; and
- Planning permission should be refused and the site should come forward as a mixed-use and inclusive development.

He advised the Committee that the planning permission for the Tunnels Project, a conversion of and extension to existing archways to comprise a crèche, and employment education and training club, community space, café, health and fitness facility with access to East Bridge Street and Lanyon Place Train Station, had been granted in May 2015 and that there was a current application for renewal. He added that the proposed design and layout of the ground floor retail units would complement the Tunnels Project and that a Section 76 Planning Agreement was recommended to secure a Tunnels Protection Scheme and public access to the project.

He informed the Members that officers recommended that the application should be approved with conditions and a Section 76 Planning Agreement given that the proposed uses accorded with SPPS, PPS 4 and dBMAP 2015, and that the scale, height, massing and design were, on balance, acceptable with regard to impact on the character and appearance of the area and residential amenity of occupants of the housing to south and west. He added that there was sufficient parking proposed, subject to implementation of the travel plan, and that consideration had also been given to the £55m investment, 350 construction jobs and 2,500 operational jobs and that there had been no objections from statutory consultees.

The Chairperson welcomed Councillor McDonough-Brown to the meeting and he was invited to address the Committee. He stated that he objected to the application for the following reasons:

- The Planning Appeals Commission report recommended that the site hadn't been adequately represented;
- That the size, scale and massing were inappropriate;
- That the Council needed to recognise the value of inner-city communities and that approving the application would indicate that growth of the city was being prioritised at the expense of the people who live in it; and
- The Council's Corporate Plan highlighted a need for 31,000 new homes in the city.

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The Chairperson welcomed Councillor Whyte to the meeting and he was invited to address the Committee. He stated that he objected to the application for the following reasons:

- That the site was not at street level;
- The impact the proposed high buildings would have on the Markets area; and
- That consideration should be given to the Ministerial Advisory Group's report and focus should be placed upon Sir Bernard McCloskey's recommendation that the area should be zoned for housing.

The Chairperson welcomed Councillor Gormley to the meeting and he was invited to address the Committee. He stated that he objected to the application for the following reasons:

- The proposals would fatally undermine the Tunnels Project;
- Whilst the applicant had claimed the project delivered and complemented the Tunnels Project, they were opposed to the renewal of the planning permission;
- That the proposed buildings would have a negative impact on the light levels in the tunnels and space around them, and leave Tunnels Project predominantly in the shade; and
- The Tunnels project would be isolated from the Markets community.

The Chairperson welcomed Councillor Flynn to the meeting and he was invited to address the Committee. He stated that he objected to the application on the basis that the report from the Ministerial Advisory Group advised that the Planning Committee should be presented with all material concerns for the purpose of a fully informed decision and that the Committee report contained a number of significant issues and failed to attain the standard of being fully informed.

The Chairperson welcomed Mr. D. Worthington, Agent, and Ms. B. Dobbin, Vice-Chair of the Market Development Association (MDA), who outlined a number of reasons why they objected to the application, including that, although the Committee report had been updated, the contents remained the same and did not present a fully rounded and balanced picture pursuant to the recommendations of the Ministerial Advisory Group (MAG) report and therefore the Committee could not make a fully informed decision. Mr. D. Worthington stated that the BUAP should be applicable as it was still relevant and that the Planning Appeals Commission had favoured housing on the site because of a significant shortfall in housing provision in the area.

Ms. B. Dobbin explained to the Committee that she was a resident of the Markets area and that her home was overlooked by a hotel and tall buildings, and with no garden, she had been emotionally drained and fearful of the application as it would further diminish natural light and would be detrimental to the Markets community and that the Tunnels project would become inconsequential.

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In response to Members' questions about how the proposals would affect the Markets community, and if they felt that the Applicant had taken the concerns of local residents into consideration, the deputation together explained that consultation had been limited and that the community felt it had not been consulted with. They added that the loss of light and connectivity would be detrimental to the area and its residents.

The Chairperson then welcomed Mr. S. Beattie QC, Mr A. Mains and Mr. S. Blaney, representing the applicant, to the meeting. Mr. S. Beattie QC advised the Committee that:

- Mr Justice McCloskey had made no pronouncements on the applicable planning policy or the structure of the policy;
- SPPS for Northern Ireland as the guiding principle was in favour of development;
- The MAG report referred to the kindred constructions of the BT Building and the Hilton Hotel;
- dBMAP 2014 and BUAP designated the site as white land, prompting a presumption of development;
- The red line of the Tunnels application did not encompass all the land required to make the project work, it required external third party land;
- The application delivered employment through a Section 76 Planning Agreement.

A Member asked how the Applicant would mitigate the existing parking and traffic concerns of residents of the Markets community, whilst bringing 2500 employees to the area with a provision of 66 parking spaces. Mr. S. Blaney reported that the Department for Infrastructure had been consulted and had no concerns, and that a Travel Plan had been produced which fundamentally outlined how the proposal could mitigate the number of vehicles entering the city given the site's proximity to a train station and the provision of bicycle spaces.

In response to a further question, as to whether the application maintained connectivity and its impact on the Tunnels Project, Mr. S. Blaney explained that the planning permission for the Tunnels Project had some fundamental problems including the access to East Bridge Street and the proposed lift and stairs existing outside the red line of the application site. He further stated that the Applicant's proposal included solutions to the aforesaid fundamental problems in order to deliver the Tunnels Project.

In response to a further question with regard to community engagement and a wind assessment, the delegation outlined the Applicant's previous engagement and further attempts at engagement with the Markets Development Association and stated that the wind assessment was carried out in response to objections that indicated concern that the proposal would create a wind tunnel effect, and that outcome of the wind assessment was that there would be no issue with regard to wind.

A Member asked the delegation how confident the Applicant was in securing the projected 2500 jobs, and what consideration had been given to the requirement for office

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space after COVID-19. In response, the delegation indicated that the proposals would bring around 2000 people to work on construction of the project, however, without planning permission, and the history of the applicant meant securing investment had been difficult but were confident as developers, that there would be a requirement in the future for office accommodation, particularly from international investors.

Following further discussion, the Director of Planning and Building Control clarified the process by which the MAG report had been commissioned, he confirmed that the Council's commission brief was to look at the design of the proposal and to have it integrated effectively with the surrounding area as a means to inform officers and the Planning Committee as the decision makers.

He added that the applicant had fulfilled its statutory obligations in terms of engagement with the local community, through the planning process during the lifetime of the application. He reported that the passage of time which had passed since consultation with the Statutory Consultees did not require further consultation unless there had been a material change in circumstance.

He further added that the site had been designated as white land in the most recent version of the Belfast Metropolitan Area Plan (BMAP) 2014, and that the application of BMAP was consistent in the officers' approach to all applications which came before the Committee.

Upon hearing suggested refusal reasons from Members, the officers conferred to encapsulate the wording.

Proposal

Moved by Councillor Garrett
Seconded by Councillor Groogan,

1. the proposed development, by reason of height, visual impact, scale and massing would have an over-dominant impact on the character and appearance of the area and therefore failed to meet PED9 of PPS4, Planning Policy CC014 of the draft BMAP (2015), the Laganside South and Markets Character Area Policy CC017 of draft BMAP (2015) and Policy CC12 of BUAP (2001);
2. the proposed development, by reason of height, scale and massing would be visually overbearing and have an over-dominant impact on the adjacent housing to the south and west which would unacceptably impact on the living conditions and amenity of those occupants by way of loss outlook and sense of enclosure, and therefore failed to meet PED9 of PPS4; and
3. the proposed development, by reason of height, visual impact, scale, massing and design would have an over-

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dominant impact on the adjacent proposed Tunnels Project, particularly in relation to visual dominance, overshadowing, loss of daylight and inadequate access, including a lack of permeability and therefore failed to meet PPSNI and Policy PED9 of PPS4.

The Committee delegates power to the Director of Planning and Building Control for the final wording of the refusal reasons.

On a vote, ten Members voted for the proposal and four against and it was declared carried.

Chairperson