

Planning Committee

Tuesday, 21st January, 2020

MEETING OF PLANNING COMMITTEE

Members present: Councillor Carson (Chairperson);
Aldermen McCoubrey and Rodgers; and
Councillors Brooks, Collins, Garrett,
Groogan, Hanvey, Hussey, Maskey,
McKeown, Murphy, Nicholl and O'Hara.

In attendance: Mr. J. Walsh, City Solicitor;
Mr. A. Thatcher, Director of Planning
and Building Control;
Ms. N. Largey, Divisional Solicitor;
Mr. E. Baker, Planning Manager
(Development Management); and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

No apologies were reported.

Minutes

The minutes of the meetings of 10th and 16th December were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 6th January, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Nicholl advised that she had attended a briefing on the Royal Exchange application in 2017 but that she had not expressed an opinion.

Planning Application

LA04/2017/2341/O - Outline permission for 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, works to alter listed buildings, restoration of retained listed buildings and facades, and partial demolition of North Street Arcade on land bounded by Royal Avenue, York Street and Church Street to the North; North Street to the west;

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**Rosemary Street to the south and High Street to the south;
and Donegall Street to the east approximately 300m
west of Laganside Bus Station 300m northeast of
City Hall and 900m northwest of Lanyon Place Train Station**

The Senior Planning officer provided the Committee with the key details of the outline application.

She provided the Committee with a detailed presentation 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 explained that the proposal also sought to reconfigure Writer's Square, to pedestrianise North Street, the creation of new public squares ("Central Square" and "Assembly Square" at the junction of North Street and Rosemary Street) and the creation of new pedestrian links between North Street and Donegall Street.

The Members were advised that the applicant had significantly revised the scheme. The Senior Planning officer outlined that the proposed 27 storey tower and the large anchor retail store which were in the original scheme were no longer proposed and that the revised scheme instead proposed the replacement of the North Street Arcade with a new arcade with retention and restoration of its external facades on both North Street and Donegall Street. She added that the level of demolition in the revised proposals had also been reduced.

She explained that the basement and the multi-storey car parks were no longer proposed and that the only on-site parking which would be provided were 25 disabled spaces and 6 spaces for car club vehicles. She advised that the reduction in parking would be mitigated through green transport measures including travel plans, the use of car club and the distribution of Travel cards to residents which would be secured through a Section 76 Agreement. DfI Roads had indicated that they were content, subject to conditions.

In relation to the residential units, it was proposed that 10% of the housing, approximately 37 units, would be affordable housing. The Senior Planning officer explained that the applicant also proposed to relocate the existing Choice Housing Facility (SHAC), which was within the site boundary, and to provide an additional 10% social housing within the same relocated facility in close proximity to the site.

The Committee was advised that the currently approved scheme for the site, which had been granted permission in 2012, hereafter known as the extant scheme, was for a larger site than the current proposals. She highlighted to the Committee that the extant scheme was an important material consideration in the determination of the current application and was given significant weight as it was capable of being implemented.

The Committee was advised that 454 letters of objections had been received in respect of the revised scheme along with 5 letters of support.

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The Members' attention was drawn to the Late Items Pack, whereby the Historical Environment Division (HED) had provided its latest response in relation to the alignment of the proposed arcade and the proposal for the Assembly Rooms at the corner of Waring Street and North Street. The Senior Planning officer advised the Members that, contrary to HED, officers felt that the inclusion of a replacement arcade was a substantial improvement over the extant scheme.

The Council's Economic Development Unit had provided a summary of core principles and thematic areas which were expected to come forward as part of the Employability and Skills Strategy. The Senior Planning officer advised the Committee that the Strategy and Plans would be secured as part of the Section 76 Planning Agreement.

She provided the details of six additional objections which had been received since the publication of the Case officer's report raising issues which were addressed within the report.

The Committee was advised that the applicant had provided information regarding the accuracy of the daylight/sunlight modelling work which had been undertaken by Delva Patman Redler (DPR). The Members were asked to note the information.

The Urban Design Officer presented a number of detailed slides which demonstrated the urban design aspects of the scheme. He outlined that design approach, including the retention of a much higher number of facades in the proposals, would keep the historic plot widths of the area. He provided the Committee with example extracts of the Design Code for the scheme, including the materials used. The Members were also provided with the details of the permeable routes through the site.

The officers highlighted a number of the changes between the extant scheme and the proposed outline application.

The Senior Planning officer advised the Committee that an analysis of housing trends had shown that accommodation was required for smaller households, or two persons or fewer.

He also summarised the significant community benefits of the revised scheme, including the regeneration of the area, bringing Listed Buildings back into use, restoration of historic buildings, job creation, affordable housing and supporting the vitality and viability of the city centre.

The Committee was advised that, as an objection had been received from the Historic Environment Division (HED), a statutory consultee, if the Committee was to grant approval to the outline application, it would be referred to the Department for Infrastructure (DfI) under the notification process.

The Chairperson welcomed Mr. A. Cahoon, Director of Killycrot Estates, Dr. A. Martire, Vice Chair of Save CQ, and Mr. J. Watson, St Anne's Cathedral, to the meeting, who were representing a group of objectors.

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Mr. Cahoon advised that, while he was not against the Tribeca development, he would like to see the removal of Block 1, a five storey building, as it would be just 4 metres from the front elevation of New Cathedral Buildings, and not, as the report stated, from the gable of 60 Donegall Street. He stated that he believed that it would have a negative impact on the commercial viability of New Cathedral Buildings and for its sole tenant, the Police Ombudsman for Northern Ireland. He proposed that the Planning Committee placed a condition on any planning permission that it would give to require the removal of Block 1.

Dr. Martire advised the Committee that the Save CQ campaign had serious concerns regarding the proposals, including that:

- it was an ill-conceived scheme which would inflate land prices;
- reducing Writer's Square from a vibrant public space, which was used for many of the City's most important festivals to an overshadowed, set-back off Donegall Street was unacceptable;
- not providing 20% social housing was unacceptable;
- demolishing over 75% of the built fabric was unacceptable; and
- given the number of statutory and non-statutory objections, that she hoped the Committee would deny permission for the proposals in its current form.

Mr. Watson explained that he was speaking on behalf of the Belfast Cathedral and that, while they were in favour of regeneration in the area, they had a number of fundamental concerns, particularly regarding the massing of Block 2, whereby the current proposals were, in fact, worse than the extant scheme in terms of its impact on the setting of St. Anne's Cathedral and in terms of a potential loss of light. He explained that he felt that the proposal did not meet all of the criteria of Policy BH11. He added that they opposed the reduction of the public space of Writer's Square and that it would negatively impact upon the Cathedral.

The Chairperson then welcomed Mr. C. O'Brien, Savills, Mr. M. Levinson, Squire and Partners Architects, and Mr. D. Stelfox, Consarc Design Group, to the meeting, representing the agent/applicant and supporters of the application.

Mr. O'Brien advised the Committee that:

- the application involved one of the largest private sector investments to date for Belfast, totalling £500million, in an area which had been earmarked for regeneration since the 1990s;
- it was a heritage-led scheme;
- it would generate around 600 jobs during construction and 1600 Full-Time jobs once operational;
- the Gross Value Added of £213million per annum, and £23million in rates generation;

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- the proposals contained 367 housing units within the city centre, including 10% affordable and 10% social housing, which would contribute towards the aims in the Belfast Agenda;
- a range of sustainable and green travel measures were included;
- it included £17.5million investment in public realm;
- the scheme would enhance the Conservation Area and was a substantial improvement on the extant consent;
- after three years of consultation, supporters included Retail NI, the Destination CQ BID and the Belfast Chamber.

Mr. Levinson advised that the design had been driven by the historic buildings within the Conservation area resulting in an eclectic variety of heights which reflected an enhanced the area. He added that new streets had been created as part of the scheme, in addition to the Arcade, which would bringing together the Cathedral Quarter, Royal Avenue and the University areas.

Mr. Stelfox advised the Committee that the proposals met all the Policy Tests and that HED was now content with the plans for the listed Assembly Rooms and for Braddells. He advised the Members that a key part of the regeneration included the creation of active frontages in addition to the new public realm. He added that he felt that the substantial investment gave the area the best chance yet to be rejuvenated and reoccupied.

In response to a Member's question regarding the Demolition in a Conservation Area Consents, Mr. Stelfox confirmed that, technically, the whole Assembly Rooms building was listed, including the modern 1950s extension. He explained that the same applied for the listed Braddells building, which had poor quality shed extensions to the rear. He advised the Committee that they were technically listed but were required to be removed in order to restore the building properly.

In response to a further Member's question, Mr O'Brien advised the Committee that NI Water had confirmed that there was adequate capacity for the proposals.

A number of Members raised concerns regarding the reduction in Writer's Square, particularly given that it was largely used for community festivals, rallies and marches. Mr. Stelfox advised that the quality of the space in an urban area was important and that the scheme created a more usable space than what existed currently. Mr. O'Brien added that the creation of Assembly Square and Long Lane would also help to create a different space or routes for people to gather on Culture Night, for example.

A further Member raised concern regarding the suggested overshadowing of St. Anne's Cathedral.

In response to a further Member's question regarding evidence of support from the local community, Mr. O'Brien advised the Committee that significant consultation had been undertaken, the last of which had shown that 88% of respondents had responded positive.

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After further discussion, the Chairperson advised the Committee that Mr. B. McKervey and Ms. N. Golden, Historic Environment Division (HED), were in attendance to answer any questions from the Committee.

In response to a Member's question, Ms. Golden advised that HED was content with the proposals for the Braddells building. She advised that, with regards to the Assembly Rooms, HED would have liked to have seen further information in relation to the condition reports for the listed building, and the connections between new and old elements, and, provided that the former banking hall would remain fully accessible for members of the public, they were largely content that the proposals applied with the Policies. In relation to paragraph 6.25 of BH10, she explained that, for the proposed realigned arcade, no justification had been provided to justify deviating from the original footprint of the 1930s arcade. She added that HED felt that the proposed extensions on top of the arcade was not set back far enough and were over-dominant.

(Councillor Garrett left the meeting at this point)

After further discussion, and in response to a question from a Member, the Planning Manager confirmed to the Members that the extant scheme established the principle of demolition of certain non-listed buildings. It further established the reduction in the size of Writer's Square.

The Director of Planning and Building Control advised the Committee that the applications had been subject to long negotiations and discussions not only with the Planning Service but also with the statutory consultees. He also pointed out that the applicant had conformed to a lot of the proposals which were contained in the forthcoming Local Development Plan for the City.

The Divisional Solicitor reminded the Committee that it was not starting with 'a blank slate' and therefore had to have regard to the fact that there was an extant permission which permitted the demolition of both listed and unlisted buildings. She advised the Committee that it had an acknowledgement from HED that the proposed scheme was an improvement on the extant permission. She added that the volume of letters of either support or objection should not correlate to the weight to be attached to those representations. The issue for Committee was whether the matters raised were material and, if so, it was a matter for Members as to the weight to attach to those issues in exercising their planning judgement.

The Chairperson then put the officer's recommendation to the Committee, to approve the outline application, subject to the imposing of the conditions as outlined within the case officer's report, to delegate power to the Director of Planning and Building Control for the final wording of the conditions and to agree a Section 76 Legal Agreement.

On a vote by show of hands, nine Members voted for the proposal and four against and it was accordingly declared carried.

Listed Building Consents

LA04/2019/2031/LBC - Renovation and extension of building together with the demolition of the modern structures to the rear, to facilitate a change of use to provide a hotel with associated restaurant and bar uses, former Assembly Rooms, 2 Waring Street, 7-9 North Street and the car park at Donegall Street

The Senior Planning officer explained that the Former Assembly Rooms was a Grade B1 listed building. She explained that the original building was built in around 1769 and that a number of additions had been made in the 1800s and in the early to mid-1900s. The building was on Northern Ireland's Heritage at Risk Register.

The Members were advised that the extant scheme included partial demolition of the Former Assembly Rooms which was marginally different from the current proposals, in that it approved the demolition of internal walls within the original building which were not sought in the current proposals.

The application proposed to use the retained historic building to house communal areas such as the hotel lobby, bar/restaurant and reception area. As the proposal sought minimal interventions to the existing historic fabric, it was therefore considered that the essential character of the original Assembly Rooms would be retained. The Members were advised that HED had acknowledged that minimal interventions were proposed to the existing historic fabric and that all services, fire escapes etc. would be accommodated in the new extension. The Planning officer advised that HED was largely content with the proposal except for an issue with balustrading at first floor level.

The Chairperson put the officer's recommendation to approve the Listed Building Consent, subject to the imposing of the conditions, and to delegate power to the Director of Planning and Building Control for the final wording of the conditions, to the Committee.

On a vote by show of hands, nine Members voted for the proposal and two against and it was accordingly declared carried.

LA04/2019/2049/LBC - Partial demolition of North Street Arcade to retain its facades and siting of proposed new arcade 1-34 North Street Arcade, 26-30 Donegall Street and 35-37 North Street

The Senior Planning officer outlined the details of the proposal, which included the demolition of the former North Street Arcade, which had fallen into a state of chronic disrepair, but retention of its facades onto North Street and Donegall Street. The Members were advised that the restoration of the façades would significantly enhance the streetscapes.

The Committee was advised that previous permissions, under the extant scheme, had approved demolition of the internal portion of the arcade with retention of its facades

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and end blocks on North Street and Donegall Street and development of an anchor store in its place. The Senior Planning officer advised the Committee that officers felt that the proposal to reinstate an arcade was welcomed and was a significant improvement over the extant scheme.

The Committee was advised that HED wished to see the reconstruction of the North Street Arcade rather than its replacement in a modified form.

The Chairperson put the officer's recommendation to approve the Listed Building Consent, subject to the imposing of the conditions, and to delegate power to the Director of Planning and Building Control for the final wording of the conditions, to the Committee.

On a vote by show of hands, seven Members voted for the proposal and four against and it was accordingly declared carried.

LA04/2019/2052/LBC - Alterations to building including the removal of a small single storey rear extension, the provision of a new staircase, and a replacement roof to facilitate a change of use from retail to flexible retail/café/restaurant/cultural use at ground floor and to flexible retail/café/restaurant/cultural/office use on the upper floors of J Braddell and Sons, 11 North Street

The Senior Planning officer provided the Committee with the details of a Listed Building Consent application for works to Braddells.

The Committee was advised that the proposal included including partial demolition of a small rear extension (part single storey and part two storey), internal alterations including the insertion of a lift to improve accessibility, removal of floor area to accommodate stairs to the third floor, removal of floor boards and joists to create a double height space, previously infilled openings to be reformed and a new attic window.

The Members were advised that Listed Building Consent was previously granted for Braddells as part of "Royal Exchange" (extant) scheme. As the permission had commenced, the Members were reminded that the extant scheme could be implemented and was a material consideration of significant importance.

The Committee was advised that the Listed Building Consent application proposed less intervention than the extant scheme which was an important material consideration. The Committee was advised that HED considered that the proposal satisfied policy, subject to conditions.

The Chairperson put the officer's recommendation to approve the Listed Building Consent, subject to the imposing of the conditions, and to delegate power to the Director of Planning and Building Control for the final wording of the conditions, to the Committee.

On a vote by show of hands, twelve Members voted for the proposal and one against and it was accordingly declared carried.

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Demolition in a Conservation Area Consents

**LA04/2017/2342/DCA - Demolition of building
at 32-40 Donegall Street**

The Senior Planning officer provided the Committee with the details of the application for the full demolition of Nos. 32-40 Donegall Street, a non-listed building which was located within the Cathedral Conservation Area.

The Committee was advised that planning permission had previously been granted for a wider redevelopment scheme (Z/2010/1532/F & LA04/2016/2327/F) which included demolition of the building. Conservation Area Consent was also granted for the demolition of this building.

The Senior Planning officer explained that the previous permissions had established the principle of demolition of the building.

She explained that no representations had been received regarding this application. However, objections had been received to the associated outline planning application LA04/2017/2341/O regarding the amount of demolition and loss of historic fabric across the scheme. The Conservation Officer had no objections.

The Chairperson put the officer's recommendation to approve the application, subject to the imposing of the conditions, and to delegate power to the Director of Planning and Building Control for the final wording of the conditions, to the Committee.

On a vote by show of hands, ten Members voted for the proposal and two against and it was accordingly declared carried.

**LA04/2017/2343/DCA - Demolition of buildings
at Temple Court, St Anne's Cathedral Precinct &
St Anne's Court, 39-65 North Street**

The Senior Planning officer provided the Committee with the details of the application for the full demolition of the non-listed buildings which were located within the Cathedral Conservation Area.

The Committee was advised that planning permission had previously been granted for a wider redevelopment scheme (Z/2010/1532/F & LA04/2016/2327/F) which included demolition of the building. Conservation Area Consent was also granted for the demolition of this building.

The Senior Planning officer explained that the previous permissions had established the principle of demolition of the building.

The Members were advised that one representation had been received regarding the application which raised concerns regarding notification of the proposed development and notification to vacate the property. The Senior Planning officer outlined that objections had been received to the associated outline planning application LA04/2017/2341/O

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regarding the amount of demolition and loss of historic fabric across the scheme. The Conservation Officer had no objections.

The Chairperson put the officer's recommendation to approve the application, subject to the imposing of the conditions, and to delegate power to the Director of Planning and Building Control for the final wording of the conditions, to the Committee.

On a vote by show of hands, ten Members voted for the proposal and two against and it was accordingly declared carried.

**LA04/2017/2344/DCA - Demolition of building
at 5-9 North Street**

The Senior Planning officer provided the Committee with the details of the application for the full demolition of Nos. 5-9 North Street, a non-listed building which was located within the Cathedral Conservation Area.

The Committee was advised that planning permission had previously been granted for a wider redevelopment scheme (Z/2010/1532/F & LA04/2016/2327/F) which included demolition of the building. Conservation Area Consent was also granted for the demolition of this building.

The Senior Planning officer explained that the previous permissions had established the principle of demolition of the building.

She explained that no representations had been received regarding this application. However, objections had been received to the associated outline planning application LA04/2017/2341/O regarding the amount of demolition and loss of historic fabric across the scheme. The Conservation Officer had no objections.

The Chairperson put the officer's recommendation to approve the application, subject to the imposing of the conditions, and to delegate power to the Director of Planning and Building Control for the final wording of the conditions, to the Committee.

On a vote by show of hands, ten Members voted for the proposal and two against and it was accordingly declared carried.

**LA04/2017/2345/DCA - Demolition of buildings
3-5 and 9-13 Rosemary Street and
2-22 and 30-34 North Street**

The Senior Planning officer provided the Committee with the details of the application for the full demolition of the following non-listed buildings, which were located within the Belfast City Centre Conservation Area:

- Nos. 3-5 Rosemary Street;
- Nos. 9-13 Rosemary Street;
- Nos. 2-22 North Street; and
- Nos 30-34 North Street.

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The Committee was advised that planning permission had previously been granted for a wider redevelopment scheme (Z/2010/1532/F & LA04/2016/2327/F) which included the demolition of the buildings. Conservation Area Consent was also granted for the demolition of the buildings.

The Senior Planning officer explained that the previous permissions had established the principle of demolition of the building.

She advised the Members that one representation had been received regarding the application, raising concerns regarding the impact on the character of the area on the demolition of No. 2 North Street. Objections had also been received to the associated outline planning application LA04/2017/2341/O regarding the amount of demolition and loss of historic fabric across the scheme. The Conservation Officer had no objection.

The Chairperson put the officer's recommendation to approve the application, subject to the imposing of the conditions, and to delegate power to the Director of Planning and Building Control for the final wording of the conditions, to the Committee.

On a vote by show of hands, seven Members voted for the proposal and five against and it was accordingly declared carried.

**LA04/2017/2350/DCA - Demolition of buildings
at 20-22 Donegall Street and 29a-31 North Street.
Partial demolition of buildings with frontages retained
at 16-18 Donegall Street, 24 Donegall Street, 13-15 North Street,
17-23 North Street and 25-29 North Street**

The Senior Planning officer provided the Committee with the details of the application for the full demolition of the following non-listed buildings, which were located within the Belfast City Centre Conservation Area:

- Nos. 20-22 Donegall Street; and
- Nos. 29a-31 North Street.

She also explained that permission for partial demolition was sought for the following non-listed buildings, which were located within the Cathedral City Centre Conservation Area:

- Nos. 16-18 Donegall Street;
- Nos. 24 Donegall Street;
- Nos. 13-15 North Street;
- Nos. 17-23 North Street; and
- Nos. 25-29 North Street.

The Committee was advised that planning permission had previously been granted for a wider redevelopment scheme (Z/2010/1532/F & LA04/2016/2327/F) which included the demolition of the buildings. Conservation Area Consent was also granted for the demolition of the buildings.

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The Senior Planning officer explained that the previous permissions had established the principle of demolition of the buildings.

She advised the Members that no representations had been received regarding the application. However, objections had been received to the associated outline planning application LA04/2017/2341/O regarding the amount of demolition and loss of historic fabric across the scheme. The Conservation Officer had no objection.

The Chairperson put the officer's recommendation to approve the application, subject to the imposing of the conditions, and to delegate power to the Director of Planning and Building Control for the final wording of the conditions, to the Committee.

On a vote by show of hands, nine Members voted for the proposal and three against and it was accordingly declared carried.

Chairperson