

Public Document Pack

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

13th June, 2024

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Tuesday, 18th June, 2024 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

6. Miscellaneous Reports

- (a) Committee Decisions awaiting issuing and New Section 76 Planning Agreement Processes (Pages 1 - 8)
- (c) Committee Visits to Implemented Schemes (Pages 9 - 12)
- (e) In the Matter of a Judicial Review BCC v PAC 2024/4371/01 - Verbal Report



Subject:	Planning Committee decisions awaiting issuing and new Section 76 planning agreement processes
Date:	18 th June 2024
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control Nora Largey, City Solicitor
Contact Officer(s):	Ed Baker, Planning Manager (Development Management) Kevin McDonnell, Solicitor, Legal Services

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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

1.0	Purpose of Report or Summary of Main Issues
1.1	To provide an update in relation to delays issuing some Committee decisions and to update the Committee on new Section 76 planning agreement processes.
2.0	Recommendation
2.1	The Committee is asked to: <ul style="list-style-type: none"> a) note the contents of this report; and b) agree the proposed reporting method for applications which have been determined by Committee but not yet issued.
3.0	Main Report
	<u>Background</u>
3.1	At its February 2024 meeting, the Committee requested further information in relation to the monthly report it receives on planning application decisions issued by the Council. Following the Committee's request, and for ease of identification, the monthly report now includes a colour coded system, highlighting approvals in green and refusals in red.
3.2	In addition, following clarification of the original request, officers have produced a summary table of all decisions made by the Committee on planning applications that have been determined by Committee but have yet to be issued. The summary table is provided at Appendix 1 .

3.3	<p>Officers propose to report an updated summary table to the Committee at future meetings as part of the monthly report on decisions issued.</p> <p><u>Assessment</u></p>
3.4	<p>The summary table shows that there are 29 applications the Committee has resolved to approve which have not yet issued. The oldest Committee decision dates back to the February 2022 and most recent to the April 2024 Committee.</p>
3.5	<p>The summary table specifies the reason why each decision has not yet issued. The reasons are broken down as follows:</p> <ul style="list-style-type: none"> • 24 applications (83%) awaiting completion of a Section 76 planning agreement; • 3 applications (10%) notified to the Department for Infrastructure (DfI); • 2 applications (7%) awaiting further consultation responses.
3.6	<p>Analysis of all decisions made on applications for Major development in 2023/24 shows that 13 (46%) of the 28 decisions made by the Committee were subject to post-Committee delays of 10-weeks or more before the decisions were issued. Of those 13 decisions, 9 (69%) of the 13 decisions were delayed due to negotiations post Committee in relation to the terms of the Section 76 planning agreements.</p>
3.7	<p>As set out above, some of the delays relate to procedural or technical matters which had to be resolved such as outstanding consultation responses, finalising conditions and other administrative delays. Recognising that the majority of delays in issuing decisions has been the finalisation of planning agreements, officers have been working on how to streamline this process to ensure decision notices are issued as soon as possible after Committee.</p> <p><u>New Section 76 planning agreement process</u></p>
3.8	<p>Historically, focused negotiations on the detail of planning agreements have tended to take place once an application is scheduled to be presented to Committee. This inevitably leads to delays post Committee whilst the detail of the agreement is worked through with solicitors who have sometimes only been instructed post Committee. Officers are proposing a new streamlined process to frontload this work as much as possible before an application is presented to Committee for determination.</p>
3.9	<p>The Planning Service and Legal Services have been working together to produce model Section 76 planning agreement clauses, covering the following areas:</p> <ul style="list-style-type: none"> ✓ affordable housing ✓ financial developer contributions ✓ employability and skills ✓ public realm ✓ open space ✓ property management ✓ green travel measures ✓ purpose built managed student accommodation
3.10	<p>The Model Section 76 planning agreements will be supported by new processes, which will further streamline the overall procedure. These are summarised below.</p>

3.11	The Planning Service's <i>Application Checklist</i> will be amended so that customers are clear about what is expected as part of the application process and what they in turn can expect from the Council. The "Heads of Terms" will be expanded to require confirmation of which proposed obligations contained within the schedule to the model agreement are applicable, details of all owners and/or persons who have an estate in the land and contact details for the applicant's solicitor.
3.12	Applications that require a Section 76 planning agreement will not normally be reported to the Committee until the planning agreement has been agreed in principle by the Planning Service and applicant, including content and ownership details confirmed by the applicant's solicitor.
3.13	The Planning Service will aim to issue the decision notice within 10 working days of the end of the Committee decision call-in process.
3.14	The new processes and customer guidance will be published on the Council's website alongside the Model Section 76 planning agreements. Customers will be encouraged to engage with the planning agreement process early on in the process and advised that where the model clauses are used this will lead to a much quicker processing time.
	<u>Future reporting</u>
3.15	The Planning Service has worked with the Intelligent Client Function (ICF) (which manages the contract for the Planning Portal) to design an automated report which enables the Planning Service to routinely update and report the summary table to Committee.
3.16	Officers propose to report an updated version of the summary table at Appendix 1 to future meetings as part of the monthly report on decisions issued.
4.0	Financial & Resource Implications
4.1	Significant work has been undertaken by both the Planning Service and Legal Services in drawing up the new Model Section 76 planning agreements. However, this will save time overall in the drafting of future planning agreements and, combined with the new processes, will enable the Council to deal with planning applications more efficiently and effectively.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	There are no equality or good relations / rural needs implications associated with this report.
6.0	Appendices – Documents Attached
	Appendix 1 – Summary table of post Committee applications.

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No	Application No.	Category	Location	Proposal	Date Received	Date Valid	Issue date	Delegated Committee	Committee Date	Weeks Since Committee	Reason decision not issue
1	LA04/2021/0547/F	LOC	Lands at 124-126 Lisburn Road Belfast BT9 6AH	Demolition of the existing buildings and redevelopment of site for 2 no. commercial units on ground floor; 11 no. 1 & 2 bed apartments; landscaped communal courtyard; and all associated site works.	02-Mar-21	30-Mar-21		C	15/02/2022	120	Awaiting Section 76 Agreement - currently being drafted
2	LA04/2022/1499/F	LOC	The Lockhouse 13 River Terrace Belfast BT7 2EN.	Construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility.	05-Aug-22	30-Aug-22		C	18/04/2023	59	Late report received from applicant on 15.5.24 and Environmental Health re-consulted
3	LA04/2022/1924/F	LOC	160-164 Kingsway Dunmurry BT17 9RZ.	Mixed-use proposal comprising 13 apartments (with 13 car parking spaces) and coffee shop.	12-Oct-22	19-Oct-22		C	29/06/2023	49	Awaiting Section 76 Agreement - currently being drafted,
4	LA04/2019/2653/F	LOC	Chancery House 88 Victoria Street Belfast BT1 3GN.	Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas; and 8 floors of grade A office accommodation. (amended plans & updated technical information)	01-Nov-19	01-Nov-19		C	29/06/2023	49	Awaiting Section 76 Agreement - close to agreement
5	LA04/2022/1503/F	LOC	Lands within Musgrave Police Station 60 Victoria Street Belfast BT1 3GL	Proposed erection of a freestanding 6.8-metre high screen erected on steel structural supports (9 metres in total height) with associated site works	04-Aug-22	10-Aug-22		C	29/06/2023	49	Awaiting Section 76 Agreement - close to agreement
6	LA04/2022/2059/F	LOC	Lands south of 56 Highcairn Drive Belfast BT13 3RU Site located at junction between Highcairn Drive and Dunboyne Park Belfast.	Proposed Social Housing Development Comprising of 12 no. 3p/2b semi-detached dwelling houses with incurtilage parking and associated site works. (amended description and site location plan)	04-Nov-22	04-Nov-22		C	29/06/2023	49	Awaiting Section 76 Agreement - ownership issues
7	LA04/2021/1808/F	MAJ	Lands South and East of 148-163 Lagmore View Lane North and West of 37 81 82 and 112 Lagmore Glenand Lagmore View Road Belfast	Proposed residential development comprising of 14 dwellings, access from Lagmore View Lane and Lagmore Glen, completion of remaining areas of open space (including hard and soft landscaping), provision of parking bays and speed cushions to improve road safety along Lagmore View Road, and all associated site works	08-Jul-21	08-Jul-21		C	19/09/2023	37	Awaiting Section 76 Agreement - Signed by Applicant to be sealed by Council.
8	LA04/2023/2324/F	LOC	MOUNTAIN VIEW CENTRE NORGLLEN GARDENS BALLYMURPHY BELFAST ANTRIM BT11 8EL	Proposed redevelopment comprising demolition of an extant building and development of two apartment blocks (12 units - category 1 over 55s tenure) and change of use/alterations of existing retail unit to apartments (8 units private tenure), communal amenity, parking, site access alterations, landscaping and ancillary site works	13-Dec-22	13-Dec-22		C	17/10/2023	33	Awaiting Section 76 Agreement - Applicant has issue with lender over signing agreement.
9	LA04/2020/1858/F	LOC	Hillview Retail Park Crumlin Road Belfast.	Proposed residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works. (amended plans uploaded to the Planning Portal on the 5th April 2023 that revise the proposed access and road layout, including the introduction of a traffic island).	09-Sep-20	08-Jan-21		C	14/11/2023	29	Awaiting Section 76 Agreement - discussion about non-standard clauses requested by applicant
10	LA04/2022/1860/A	LOC	1-3 Arthur Street Belfast BT1 4GA.	Active facade to facilitate the display of LED internally illuminated moving images (Temporary consent for 5 years)	04-Oct-22	04-Oct-22		C	14/11/2023	29	Referred to DFI
11	LA04/2019/0081/F	LOC	Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.	Erection of 12No. apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	24-Dec-18	03-Jan-19		C	14/11/2023	29	Awaiting Section 76 Agreement - ownership issues
12	LA04/2020/2325/F	LOC	Lands at Former Maple Leaf Club 41-43 Park Avenue Belfast.	Proposed erection 21no. dwellings (social/affordable housing units comprising 17no. townhouses and 4no. semi-detached), car parking, landscaping and all associated site and access works (Amended drawings, additional information)	06-Nov-20	06-Nov-20		C	14/11/2023	29	Awaiting Section 76 Agreement - ownership issues
13	LA04/2022/1861/F	LOC	1-3 Arthur Street Belfast BT1 4GA.	Replacement facade to active facade to facilitate the display of internally illuminated moving images (Temporary Permission for 3 years)	04-Oct-22	04-Oct-22		C	14/11/2023	29	Referred to DFI

14	LA04/2022/1867/DCA	LOC	1-3 Arthur Street Belfast BT1 4GA.	Part demolition of facade to facilitate replacement facade.	04-Oct-22	04-Oct-22		C	14/11/2023	29	Referred to DFI
15	LA04/2023/2709/F	LOC	Lands at Apartment Blocks 1-3 Clonaver Drive Belfast BT4 2FB	Demolition of existing buildings and erection of social housing development comprising 30 no. apartments across 3 buildings with amenity space, landscaping, car parking and associated site works	03-Feb-23	03-Feb-23		C	14/11/2023	29	Awaiting Section 76 Agreement - Applicant has issues with existing tenants that need resolved before completion
16	LA04/2021/2687/F	MAJ	3 Milner Street Belfast BT12 6GE.	Residential development for 87 no. apartments (1 no. and 2 no. bedroom) of which 18no. units are affordable housing, internal car park, landscaped gardens/terraces and all associated site works (amended description and plans)	02-Nov-21	02-Nov-21		C	12/12/2023	25	Awaiting Section 76 Agreement - close to agreement
17	LA04/2023/2390/F	MAJ	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	Section 54 application to vary a number of conditions to allow the removal of 21 lay-by parking spaces to facilitate the introduction of a new Vehicle Restraint System (VRS) to the southern side of the approved east-west spine road.	16-Dec-22	22-Feb-23		C	12/12/2023	25	Awaiting Section 76 Agreement - reviewing requirement
18	LA04/2023/3030/F	MAJ	41-49 Dublin Road and 3-5 Ventry Street, Belfast, BT2 7HD	Erection of 201-bed Purpose Built Managed Student Accommodation scheme and retail unit (11-storey) (amended description and plans).	05-Apr-23	05-Apr-23		C	12/12/2023	25	Awaiting Section 76 Agreement - ownership issues
19	LA04/2022/1219/F	MAJ	177-183 Victoria Street 66-72 May Street and 4-8 Gloucester Street Belfast	Demolition of existing building and erection of 11 storey building (May Street/Victoria Street) and 4 storey building (Gloucester Street) comprising 77 apartments with communal areas, ground floor retail services (A2) unit, cycle and car parking, and vehicular access via Gloucester Street	17-Jun-22	21-Jun-22		C	16/01/2024	20	Awaiting Section 76 Agreement - currently being drafted
20	LA04/2021/2016/F	MAJ	21-29 Corporation Street & 18-24 Tomb Street Belfast.	Demolition of existing multi-storey car park and the erection of 298no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development. (Further information received).	26-Aug-21	26-Aug-21		C	16/01/2024	20	Awaiting Section 76 Agreement - draft shared with applicant
21	LA04/2023/2388/F	MAJ	Lands immediately north of Cross Harbour Bridge, East of Donegall Quay and south of AC Marriott Hotel, City Quays, Belfast	Residential development comprising 256no. units, public realm, and associated access and site works.	16-Dec-22	16-Dec-22		C	16/01/2024	20	Awaiting Section 76 Agreement - draft shared with applicant.
22	LA04/2023/2668/F	MAJ	Lands bound by Pilot Street, Short Street, the rear of nos. 11-29 Garmoyle Street and the rear of Nos. 63 & 65a Dock Street and No. 123 Corporation Street, Belfast	Demolition of existing buildings and the erection of an affordable housing development comprising of 69 No. units with a mix of apartments and townhouses, including an ancillary community hub and offices, car parking, landscaping and all associated site and access works (amended description).	10-Feb-23	10-Feb-23		C	16/01/2024	20	Awaiting Section 76 Agreement - draft shared with applicant.
23	LA04/2022/0097/F	LOC	22-30 Hopefield Avenue Belfast BT15 5AP	Proposed three and a half storey residential development comprising of 18no. units (3no. wheelchair apartments and 15no. Category 1 - Social Housing) and associated access, bin storage, boundary treatments, bike stands, car parking and site and landscaping works (Amended Drawings)	04-Jan-22	04-Apr-22		C	13/02/2024	16	Awaiting Section 76 Agreement
24	LA04/2020/2105/F	MAJ	1-5 Gaffikin Street Belfast BT12 5FH	Residential development comprising 55no. apartments comprising 12 no social, and 43 no private apartments and associated site works.	21-Oct-20	21-Oct-20		C	19/03/2024	11	Awaiting Section 76 Agreement - currently being drafted
25	LA04/2017/1991/F	MAJ	Land adjacent to Concourse Buildings Queens Road Belfast BT3 9DT.	Construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works.	15-Aug-17	20-Sep-17		C	19/03/2024	11	Awaiting Section 76 Agreement - ownership issues

26	LA04/2020/2607/F	MAJ	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.	Residential development for the erection of 33 no dwellings (including 5 no affordable units) including public open space, equipped children's play area and associated development as enabling works to deliver the refurbishment of 3 no listed pavilions within the Belvoir Park Hospital complex (previously approved under Y/2014/0401/F and Y/2014/0390/LBC). [amended scheme]	04-Dec-20	16-Dec-20		C	19/03/2024	11	Awaiting Section 76 Agreement - currently being drafted
27	LA04/2022/1384/F	LOC	Lands at 12 Inverary Avenue Sydenham Belfast BT4 1RN	Residential development of 10 no. apartments within a single building, including demolition of existing structures, car parking and relocation of existing access, and all other associated siteworks.	04-Jul-22	05-Aug-22		C	19/03/2024	11	Awaiting Section 76 Agreement - currently being drafted
28	LA04/2022/1083/F	MAJ	Lands at London Road/Lismore Street Belfast BT6 8HH	Residential development comprising 115 units (apartments & duplexes including 27 social housing units) with associated private and communal amenity space, landscaping, parking provision, access, relocation of existing sub station and site works (amended description & scheme)	25-May-22	25-May-22		C	16/04/2024	7	Awaiting Section 76 Agreement - draft shared with applicant
29	LA04/2023/3635/RM	MAJ	Lands bound by Glenalpin Street, Wellwood Street and Norwood Street, Belfast	Redevelopment of existing surface level car park for erection of residential development comprising of 205 No. units, car parking, landscaping and all associated site works.	11-Jul-23	11-Jul-23		C	16/04/2024	7	Outstanding consultation response from DfI Roads received and decision notice being prepared for issue

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Subject:	Planning Committee review of previously determined applications
Date:	18 th June 2024
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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

1.0	Purpose of Report or Summary of Main Issues
1.1	It is a recommendation of both the NI Audit Office and Public Accounts Committee reports of the NI planning system that planning committees regularly review a sample of their previously determined applications.
1.2	The Committee is asked to agree to undertake an annual review of a sample of implemented schemes that it has granted planning permission.
2.0	Recommendation
2.1	It is recommended that the Committee agrees to undertake an annual review of a sample of implemented schemes that it has granted planning permission. This would involve visiting selected sites and reflecting on what was good about the scheme and what could have made it better.
3.0	Main Report
	<u>Background</u>
3.1	In February 2022, the NI Audit Office (“NIAO”) reported on its review of the NI planning system. The NIAO found that there was significant scope for improvement of the way in which the planning system operates and made a series of recommendations. This included Committees undertaking an annual monitoring exercise to review the impact of planning decisions that they have made in the past.

3.2	The NIAO report was shortly followed by the Public Accounts Committee's review of the NI planning system in March 2022. The Public Accounts Committee similarly recommended that Councils regularly review past decisions to understand their real-world outcomes, impacts on communities and the quality of completed development.
3.3	A copy of the relevant recommendations of the NIAO and Public Accounts Committee reports, together with links to the reports in full, can be found at Appendix 1 .
3.6	The NIAO and Public Accounts Committee reports have previously been reported to the Committee, notably at its 14 April 2022 meeting and it has subsequently received periodic updates on the Departmental-led regional planning improvement programme.
	<u>Assessment</u>
3.7	Officers consider that the recommendations of both reports relating to the Committee reviewing implemented schemes that it has granted permission has great merit. It will support learning and development, and potentially improve future decision making.
3.8	Planning staff have similarly undertaken visits to implemented schemes as part of their continuous professional development.
3.9	It is suggested that the Committee visits a small selection of sites across the City that it has approved, covering a range of different development types such as residential, affordable housing, purpose built managed student accommodation and commercial. A specific list of sites is not suggested at this stage due to the need coordinate and make logistical arrangements with applicants, developers, occupants and operators.
3.10	Due to other pre-existing commitments, it is recommended that the review of schemes is relatively "light-touch" at this stage, primarily based around a visit to the selected sites and a basic assessment of the quality of decision making and outcomes.
3.11	The Committee is asked to agree the above approach.
4.0	Financial & Resource Implications
4.1	The proposed review of implemented schemes would have a modest impact on time and resources. It is considered extremely good value for money in terms of supporting learning and development, and potential to improve future decision making.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	There are no equality or good relations / rural needs implications associated with this report.
6.0	Appendices – Documents Attached
	Appendix 1 – NIAO and Planning Appeals Commission Recommendations relating to planning committees reviewing schemes that they have previously approved

Appendix 1 – NI Audit Office and Public Accounts Committee Report Recommendations

NI Audit Office Recommendation (paragraph 3.26)

'The Department's guidance for planning committees indicates that they should undertake an annual monitoring exercise to review the impact of planning decisions they have made in the past. It suggests that a committee could inspect a sample of previously determined applications to allow them to reflect on the real-world outcomes. This would enable committees to highlight good and bad decision-making and inform future decisions. We did not find any evidence of a formal review of decisions at any council we spoke to. In our view, this is an important aspect of the quality assurance process which is being overlooked.'

Recommendation:

Planning committees should ensure that they regularly review a sample of their previously determined applications, to allow them to understand the real-world outcomes, impacts and quality of the completed project. Councils should ensure that they review a range of applications, to ensure that it is not only focused on those applications that tell a good news story about how the system is working. Lessons learned from this process should be shared across all councils.'

Planning Appeals Commission (Recommendation 10, paragraph 24)

'Without any review of past decisions, it is hard for those who make decisions to properly understand how the outcomes of those decisions impact on the communities around them. A key means of improving the quality of future decisions must be to reflect on the consequences of planning decisions.'

The Committee recommends that planning authorities regularly review past decisions to understand their real-world outcomes, impact on communities and the quality of the completed development.'

References

The NIAO and Public Accounts Committee reports can be found in full at the following links.

NI Audit Office:

<https://www.niauditoffice.gov.uk/publications/planning-northern-ireland>

Planning Appeals Commission:

<https://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>

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