

Planning Committee

Monday, 19th December, 2022

HYBRID MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Whyte (Chairperson);
The High Sheriff, Councillor Hussey;
Alderman Rodgers;
Councillors Bower, Carson, Matt Collins,
Douglas, Hanvey, Hutchinson, Maskey,
Murphy and Spratt.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Ms. N. Largey, City Solicitor;
Mr. E. Baker, Planning Manager (Development Management);
Mr. P. Fitzsimons, Principal Planning Officer;
Mr. D. O’Kane, Principal Planning Officer;
Mr. K. Sutherland, Planning Manager (Plans and Policy); and
Ms. C. Donnelly, Democratic Services Officer.

Apologies

An apology for inability to attend was reported for Councillor Groogan.

Minutes

The minutes of the meeting of 15th and 17th November 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 December, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Spratt declared an interest in relation to item 7a on the agenda, LA04/2021/1188/F: Provision for a 24-space car park, access road with lay-by and turning head. 2.4m Perimeter Fence. 425 Springfield Road, Belfast, in that he was related to one of the agents but stated that he would not leave the meeting while the item was being considered.

Committee Site Visit

The Committee noted that a site visit had taken place in respect of the following planning application on 2nd December, 2022:

- LA04/2022/1284/F - Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast BT1 2JE. Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 862 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths

Extinguishments

Public Right of Way Foyle Court

The Committee noted the Extinguishment of Public Right of Way for Foyle Court.

Public Right of Way Manor Court

The Committee noted the Extinguishment of Public Right of Way for Manor Court.

Public Right of Way Southport Court

The Committee noted the Extinguishment of Public Right of Way for Southport Court.

Request for additional Meeting of the Planning Committee

The Committee agreed to convene an additional meeting of the Committee for reconsideration of the following application, if required:

- LA04/2019/2653/F - [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. \(amended plans and updated technical information\)](#), Chancery House 88 Victoria Street Belfast.

Planning Decisions Issued

The Committee noted the Planning decisions issued between 7th November and 11th November, 2022.

Appeals

The Committee noted the Appeals Decisions.

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)

LA04/2020/1858/F: (deferred from August 2021 Planning Committee) 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. Hillview Retail Park, Crumlin Road, Belfast.

The Planning Manager pointed out that the application had been considered by the Committee on 17th August, 2021 and that the Committee had recommended that the Chief Executive exercise her delegated authority to approve the application on the basis that the principle of housing was acceptable at that location, subject to the outstanding assessments on roads, drainage, contamination, air quality and noise having been submitted to, and considered acceptable, by the Committee at a future meeting. He informed the Committee that the Chief Executive's decision had corresponded with the Committee's recommendation and that the applicant had, since, submitted a series of reports and that neither DfI Rivers nor BCC Environmental Health had offered any objection to the proposal.

He reported that DfI Roads had continued to object to the application and that NI Water had also submitted an objection to the proposal. He added that DAERA NIEA and Shared Environmental Services had been consulted following NI Water's objection and both agencies had advised that there had been no clear evidence that the proposal would have a harmful environmental impact, and that Shared Environmental Services had recommended a condition that would prevent commencement of works until agreement had been reached with NI Water.

He provided the Committee with an update in relation to the following areas:

- Drainage and flood risk;
- Infrastructure capacity;
- Ecological impacts;
- Impact on human health;
- Access, parking and transport;
- Design and layout; and
- Belfast LDP Draft Plan Strategy.

The Planning Manager pointed out that the applicant had indicated that Newington Housing Association had been identified as the preferred Housing Association partner and discussions with the association were ongoing.

He informed the Committee that, although the additional information which had been provided by the applicant had addressed the objections which had been raised by

Environmental Health with regard to noise conflict and DfI Rivers with regard to drainage, significant concerns remained with respect to the appropriateness of the proposal in relation to the principle of residential development on a retail park, design and highway safety.

He stated that the application had been recommended for refusal, and outlined the following reasons for refusal:

- Loss of land on a zoned retail park;
- Highway safety;
- Detriment to the character and appearance of the area;
- Unacceptable living environment for residents; and
- Failure to promote safety and surveillance.

The Chairperson welcomed Mr. B. Kingston MLA to the meeting. Mr. Kingston stated that he objected to the planning application on the basis that the proposal was sited in the corner of a car park of a retail park beside a busy access road and an interface wall which would create a very poor living environment.

He pointed out that the application had been recommended for refusal in 2021 and again in 2022 and that it would compromise the retail function of Hillview Retail Park and be served by an unsafe vehicular access which supported access to the retail park and would endanger occupants. He stated that the proposed development would provide an unsuitable and undesirable living environment for occupants.

He added that there had been significant progress within the retail park since 2021 with the addition of numerous retail outlets and it was well used by all sides of the community and could make a significant and growing contribution to the area as a shared centre for retail and employment.

The Committee agreed to hear from the applicants in respect of the application, having regard to their previous representation when the application had been considered by the Committee at its meeting on 17th August, 2021. The Chairperson welcomed Mr. H. McConnell, RPP Architects, to the meeting and stated that Mr. G. Lawther and Mr K. Murray, DfI Roads, were present and available to answer questions from Members.

Mr. McConnell stated that he was speaking on behalf of the applicant in support of the application. He stated that, in 2021, the Committee had recognised the chronic shortage of housing in the area of the city and following the Committees decision the applicant had commissioned a series of reports and made a number of submissions to the Council to address the outstanding assessments which had been identified. He stated that the DfI Rivers, DAERA Waste Management Unit and Environment Health have withdrawn their previous objections and acknowledged that, while NI Water had offered no objection in 2021, it had since raised an objection with regard to sewer capacity but had not provided any supporting information.

He informed the Committee that Planning had restated its objection based on the Draft Belfast Metropolitan Area Plan siting that the site would conflict with retail uses on the site and the proposal would reduce the land available within the retail park. He stated that the applicant had discussed the issue with existing and potential tenants and

that none had identified any issue with part of the site being utilised for residential accommodation.

He outlined the applicant's response to concerns which had been raised by DfI Roads in relation to the retail park's existing entrance junction and the access road and highlighted that the existing junction was used daily by staff, customers and delivery vehicles and that no issues with speeding or complaints from pedestrians crossing at the junction had been raised.

With regard to rat running, he stated that no evidence had been put forward to support that there was an issue in the area.

He concluded by stating that there was still a need for social housing in the area, in particular family homes and urged Members to acknowledge the efforts which had been made by the applicant and Newington Housing Association to address the outstanding issues and to take a balanced decision to support the much-needed housing development

In response to a question from a Member with regard to the access to the site, Mr. Murray stated that DfI Roads could not determine, for adoption, any area outside the applicant's control and that the location plan had not been amended so the applicant did not have authority to deliver the access road and until a revised drawing had been submitted, DfI Roads could not provide an access road to the proposed development. He emphasised that the current access had been provided for commercial purposes and not for a residential scheme.

A Member asked Mr McConnell to clarify the position on the red line of the location plan and he responded by stating that the applicant would be more than happy to provide an amended site plan, if required. The Planning Manager advised that it would be procedurally possible for the Council to receive an amended site location plan where the revision was to incorporate additional land for access purposes.

Proposal

Moved by Councillor Murphy,
Seconded by Councillor Maskey,

That consideration of the application would be deferred to allow time for the applicant to submit an amended site location plan and further revised proposals seeking to address DfI Road's objection to alleviate the safety concerns that DfI Roads had raised.

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

LA04/2019/0081/F (Reconsidered item) 12 affordable housing apartments on former site of Maple Leaf at Park Avenue;

and

LA04/2020/2325/F (Reconsidered item) 21 dwellings (affordable housing) on former site of Maple Leaf at Park Avenue

The Committee agreed to consider the above two applications together.

The Planning Manager provided the Committee with an overview of the applications and explained that both applications had been approved at its meeting in March, subject to conditions and a Section 76 planning agreement, and that while negotiations were advanced the applicant had been unable to agree to giving public access to the pocket park due to insurance liability reasons.

He reported that the Council's Landscape and Development Unit had advised that the pocket park was unsuitable for public use due to its small size and lack of surveillance which would likely contribute to antisocial behaviour and would be better suited as a private amenity space for the proposed dwellings.

He referred the Committee to the amended plan which showed the relocation of the entrance with a locked gate for use by residents only and stated that, on balance, when considering the importance of delivery of affordable housing, which had been considered sufficient to offset the loss of original open space and the open space needs of the new development, the use of the pocket park as private amenity space rather than public open space was acceptable.

He informed the Committee that the applications had been recommended for approval, with conditions and subject to a Section 76 planning agreement.

The Committee agreed to grant planning permission in relation to application LA04/2019/0081/F with conditions and subject to a section 76 planning agreement that would secure the following:

- A developer contribution of £52k (plus inflationary uplift from December 2019 to when the planning agreement is signed) plus an additional £5k for enhancement works at the King George V playing fields;
- 12 apartments as affordable housing in perpetuity; and
- The delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

The Committee agreed to grant planning permission in relation to application LA04/2020/2325/F with conditions and subject to a section 76 planning agreement that would secure the following:

- Provision of the 21 units as social housing;
- The pocket park proposed under LA04/2019/0081/F would be delivered no later than two years from the date of first occupation of the 21 units;
- The future management of the pocket park;
- Temporary treatment of the site for 12 apartments if those were delayed or not built out; and
- £52,000 (plus inflationary uplift from December 2019 to when the planning agreement is signed) plus £5k towards improvements to George V playing field (if it had already been paid in relation to application LA04/2019/0081 then it would not have to be paid twice).

The Committee further agreed to grant delegated authority to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 planning agreements.

LA04/2020/0235/F: (deferred from November 2022 Planning Committee) Retrospective erection of new tyre depot with associated parking, site works and new entrance onto Duncrue Road, 2 Dargan Crescent, Duncrue Road Belfast.

The Planning Manager highlighted to the Members that the application had been considered by the Committee at its meeting in November and the decision had been deferred due to concerns regarding the proposal's potential conflict with an existing cycle lane.

He reported that DfI Roads had provided additional comments which indicated that it did not believe that there would be an issue with regard to the interaction between the existing shared cycle lane and footway and the proposed access to the development and that the existing shared cycle lane and footway along the east side of Duncrue Road and into Duncrue Street had a number of accesses to businesses similar to that contained within the proposal.

He advised the Committee that, given DfI roads response and having given consideration to the fallback of the previous permission which remained extant until August, 2023, that there were no reasonable grounds to refuse permission on the issue of potential conflict with the existing cycle lane.

The Chairperson informed the Committee that Mr. G. Lawther was in attendance and available to answer questions from the Members.

In response to a question from a Member with regard to the existing accesses to businesses along the cycle lane, Mr. Lawther explained that DfI had based its advice on

the indication that there would be give way signs and road markings on the carriage way and, therefore, the proposal was acceptable.

Proposal

Moved by Councillor Hanvey,
Seconded by Councillor Bower,

That the Committee agrees to refuse the application on the basis of PPS3, in terms of access and cycleways and PPS8, with regard to the protection of open spaces, in that, the access along the cycle lane was unnecessary and that neither the Planners nor DfI had taken the cycle lane into account in the decision making process.

The Planning Manager advised the Committee that, given the technical advice from DfI Roads, in that the relationship of the proposed access with the cycle path was safe, and in view of the fall-back position of the existing extant permission for a tyre depot with a very similar, if not identical, access arrangement, that it would be unreasonable to refuse permission on highway safety grounds.

On a vote, three Members voted for the proposal, nine against with one no vote and it was declared lost.

The Officers recommendation was then put to the Committee as the substantive motion and the Committee approved the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of conditions including an additional condition to require implementation of the markings/signage

LA04/2021/2016/F: 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. 21-29 Corporation Street & 18-24 Tomb Street Belfast

The Committee agreed to defer consideration of the item in order to undertake a site visit.

LA04/2021/2815/F: Erection of Discount supermarket, drive through cafe, landscaping, car parking, and associated site works. Vacant lands at access road to Olympia Leisure Centre directly opposite and approx. 70m East of nos. 9-15 Boucher Road Belfast

The Committee agreed to defer consideration of the item in order to undertake site visits and to allow further opportunity for the IFA to meet with officers to discuss the lease agreement in the context of the IFA's objection to the application.

LA04/ 2021/1188/F: Provision for a 24 no. space car park, access road with lay-by and turning head. 2.4m Perimeter Fence. 425 Springfield Road, Belfast

The Committee agreed to defer consideration of the item in order to undertake a site visit.

LA04/2022/1856/F: Section 54 application to vary condition no. 12 of planning permission LA04/2021/2242/F relating to landscaping and planting works. Lands bounded by Little Victoria Street Bruce Street and Holmes Street Belfast

The Committee, having considered the report, agreed to grant planning permission subject to conditions and a Section 76 planning agreement, and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and the Section 76 agreement.

LA04/2022/1768/LBC: Restoration of Ormeau Park Main Entrance Gates and Screens and connecting Railings and Walls. Ormeau Main Gates, Ormeau Rd

The Committee, having considered the report, approved the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of conditions.

LA04/2022/1784/LBC: Repair of existing stone entrance pier and gate to Woodvale Park. Entrance piers to Woodvale Park 25m west of No. 41 Woodvale Road Belfast

The Committee, having considered the report, approved the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of conditions.

LA04/2022/0876/F: Proposed upgrade of existing footways. Footpaths along Donegall Road; Broadway; A12 Westlink and Grosvenor Road.

The Committee, having considered the report, approved the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of conditions.

Miscellaneous Items

DfI Consultation on Improving the Quality of Planning Applications

The Planning Manager explained to the Committee that the Department for Infrastructure was undertaking a public consultation on its proposed introduction for a Planning Application Validation Checklists which would enable Planning Authorities to stipulate the minimum level of information required with applications upon submission.

He outlined to the Committee the impact of incomplete planning applications and stated that the inability for Planning Authorities to mandate the information necessary to properly access and process applications at the beginning of the process had been the cause of many of the problems experienced by the Northern Ireland planning system.

The Committee agreed to fully support the introduction of Planning Application Validation Checklists and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the consultation response

Item referred from the People and Communities Committee - consideration to extending Tree Protection Orders (TPOs) across the City

The Director of Planning and Building Control informed the Committee that, at its meeting in November, the People and Communities Committee had recommended that the Planning Committee give consideration to extending Tree Protection Orders across the City.

The Committee agreed that a report would be brought back that would consider the Council's current position on Tree Protection Orders (TPOs) and explore how TPOs could be extended across the city.

Restricted Items

The information contained in the reports associated with the following two items 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 meeting during discussion of the following 2 items as, due to the nature of the item, there would be a disclosure of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (Northern Ireland) 2014.

Quarter 2 Finance Report 2022/23

The Director of Planning and Building Control provided the Committee with an update on the Quarter 2 financial position, that included a reporting pack which contained a summary of the financial indicators and an executive summary.

The Committee noted the content of the report.

Update on the replacement Planning Portal

The Planning Manager provided the Committee with an update on the project to replace the Planning Portal which went live on 5th December and outlined a number of issues which had arisen and the next steps that would be taken to address them.

The Committee noted the content of the report.

Chairperson