

# Planning Committee

Tuesday, 14th November, 2023

## HYBRID MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Garrett (Chairperson);  
Aldermen Lawlor, McCullough and Rodgers;  
Councillors Anglin, Bell, Bradley, Brooks,  
Carson, Doherty, P. Donnelly, S. Douglas  
Doran, Ferguson, Groogan, Hanvey, Maskey,  
McCann, Nic Bhranair and Whyte.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;  
Ms. N. Largey, City Solicitor;  
Mr. K. McDonnell, Solicitor (Regulatory and Planning)  
Mr. E. Baker, Planning Manager (Development Management);  
Mr. D. O’Kane, Principal Planning Officer;  
Ms. C. Reville, Principal Planning Officer;  
Ms. L. Walshe, Senior Planning Officer;  
Mr. N. Hasson, Senior Planning Officer; and  
Ms. C. Donnelly, Democratic Services Officer.

### **Apologies**

No apologies for inability to attend were reported.

### **Minutes**

The minutes of the meeting of 17th October, 2023 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 November, 2023, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### **Declarations of Interest**

Alderman McCullough declared an interest in relation to item 8a on the agenda, LA04/2020/1858/F - 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 that revise the proposed access and road layout, including the introduction of a traffic island). Hillview Retail Park, Crumlin Road, in that he was an objector to the application and stated that he would leave the meeting while the item was being considered.

Councillor T. Brooks declared an interest in relation to item 9c on the agenda, LA04/2023/292/F - Redevelopment of existing surface car park for the erection of new purpose built, managed student accommodation scheme comprising of 354no. units with shared amenity spaces, ancillary accommodation, on street car parking and landscaping, site bounded by Glenalpin Street, Wellwood Street and Norwood Street, in

that she owned a property adjacent to the application site and stated that she would leave the meeting while the item was being considered.

### **Schedule of Meetings**

The Committee noted the schedule of meetings for 2024.

### **Withdrawn Items**

The Committee noted that item 9a on the agenda, under the heading, LA04/2022/1219/F - 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, 177-183 Victoria Street 66-72 May Street and 4-8 Gloucester Street, had been withdrawn.

### **Committee Site Visits**

The Committee noted the Committee site visits and agreed to defer the undernoted applications in order that the Committee could undertake a site visit:

- LA04/2022/1203/F - Relocation of 5 No. allotments approved under LA04/2020/0042/F. Introduction of an additional No. 8 allotments, a sensory garden and support hub building for day care of young adults (Amended application site boundary, proposal description and drawings), Glenriver Lands adjacent to 78 Cloona Park;
- LA04/2023/292/F - Redevelopment of existing surface car park for the erection of new purpose built, managed student accommodation scheme comprising of 354no. units with shared amenity spaces, ancillary accommodation, on street car parking and landscaping, site bounded by Glenalpin Street, Wellwood Street and Norwood Street; and
- LA04/2020/2285/O - Two Storey detached dwelling with garden and associated parking, Land adjacent to 39 and 40 Stirling Road

### **Notifications from Statutory Bodies, Abandonment and Extinguishment**

#### **Abandonment of 29 University Road**

The Committee noted the notice of abandonment.

### **Provision/Removal of Accessible Parking Bays**

The Committee noted the provision of accessible parking bays at the following locations:

- 18 Heath Lodge Avenue;
- 60 Nevis Avenue;
- 63 Mount Vernon Park; and
- Apt 2.3, 100 Cliftonville Road.

### **Appeals**

The Committee noted the appeals decisions.

### **Planning Decisions Issued**

The Committee noted the planning decisions issued in October, 2023.

### **Miscellaneous Reports**

#### **Local Development Plan Monitoring Report**

The Principal Planning Officer provided the Committee with an overview of the Council's Housing Land Availability Summary Report and the Employment Land Monitor for the 2022/23 monitoring period.

The Committee noted the outcomes of the Housing Land Availability Summary Report and the Employment Land Monitor for 2022/23 and the intention to publish the summary documents and accompanying online map portals on the Council's website.

#### **NIPSO Report on Tree Protection**

The Principal Planning Officer explained that the Northern Ireland Public Service Ombudsman (NIPSO) had written to the local Councils and the Department for Infrastructure in July, 2023 to advise that concerns had been raised with regard to how public bodies fulfil their duties to protect trees within the planning system.

He reported that NIPSO had carried out an 'own initiative' investigation which had invited public bodies to submit comments in response to a number of set questions and subsequently published a report that included observations and a number of recommendations under the following key headings:

- Strategies, Policies and Procedures;
- Tree Preservation Orders;
- Applications for Works to Protected Trees;
- Protected Trees on Council Owned Land;
- Statutory Undertakers; and
- Enforcement Activity.

The Committee noted the publication of the NIPSO report on tree protection matters and the comments on relevant NIPSO recommendations.

**Planning Issues when considering Applications for 3G Pitches**

The Committee considered the undernoted report:

**“1.0 Purpose of Report or Summary of Main Issues**

**1.1 To provide the Committee with an overview of the typical planning issues and policy considerations relevant to the assessment of planning applications for 3G pitches.**

**2.0 Recommendation**

**2.1 The Committee is asked to note the report.**

**3.0 Main Report**

**Background**

**3.1 At the August 2023 Planning Committee meeting, Members sought information on the typical planning issues relevant to consideration of planning applications for 3G pitches.**

**3.2 This report sets out the legislative context for decision making, the main planning issues relevant to applications and their associated planning policies. These considerations will often equally apply to planning applications for other forms of play pitches.**

**Legislative context**

**3.3 As the Committee is aware, NI operates a plan-led system whereby planning applications must by law be decided in accordance with the Local Development Plan, unless material considerations indicate otherwise.**

**3.4 The Local Development Plan (LDP) for Belfast will be in two parts. Firstly, the Belfast LDP Plan Strategy 2035 (PS), which was adopted in May 2023. Secondly, the Belfast Local Policies Plan (LPP), which is yet to be published. Until such time as the LPP is adopted, the Council must have regard to the proposals maps and zonings in the Belfast Urban Area Plan 2001 (the ‘Departmental Development Plan’ under the transitional arrangements), draft Belfast Metropolitan Area Plan (v2004 and v2014) and other relevant Development Plans.**

**Belfast Local Development Plan: Plan Strategy 2035**

- 3.5 The operational policies in the PS are the principal consideration when the Council assesses planning applications for 3G pitches.
- 3.6 A range of different policies in the PS might be engaged when considering such applications depending on the location of the site and site constraints. The most common planning policy considerations are summarised in the table, below.

<b>Policy issue</b>	<b>Plan Strategy Policy</b>	<b>Associated SPG</b>
<b>Provision of new open space</b>	Policy OS2	No specific SPG
<b>Community infrastructure</b>	Policy CI1	No specific SPG
<b>Health and wellbeing</b>	Policies SP3 and HC1	No specific SPG
<b>Impact on the character and appearance of the area</b>	Policies DES1, LC1 and TRE1	Placemaking and Urban Design
<b>Impact on residential amenity</b>	Policies DES1 and ENV1	Placemaking and Urban Design
<b>Access and parking</b>	Policies TRAN2, TRAN6 and TRAN8	Parking Standards (Dfl)
<b>Drainage and flood risk</b>	Policies ENV4 and ENV5	TBC Planning and Flood Risk Sustainable Drainage Systems
<b>Natural environment</b>	Policy NH1	Trees and Development

- 3.7 A link to the PS policies and Supplementary Planning Guidance is provided below.

[https://www.belfastcity.gov.uk/Planning-and-building-control/Planning/Local-development-plan-\(1\)/Local-development-plan/Adoption-of-Plan-Strategy-documents](https://www.belfastcity.gov.uk/Planning-and-building-control/Planning/Local-development-plan-(1)/Local-development-plan/Adoption-of-Plan-Strategy-documents)

**Provision of new open space with settlements**

- 3.8 The Council recognises the need to make provision for new open space, including sport and outdoor recreation facilities, within the city. Policy OS2 states that *'Planning permission will be granted for [such uses] at appropriate locations within the defined settlement limits, subject to consideration of the nature and location of any proposals.'* Policy OS2 goes on to require proposal to satisfy a range of criteria relating to landscaping; impact on visual and residential amenity; natural and built heritage; design of ancillary buildings; traffic; accessibility; parking, drainage and waste disposal. In these regards, there is cross over with other policies in the Plan Strategy, as discussed below.

**Community infrastructure**

- 3.9 3G pitches are a form of community infrastructure and can act as an important community hub for people, bringing people and communities together – important material considerations. Policy C11 supports the provision of new community infrastructure. It states that: *'The council will seek to protect and provide development opportunities for community, health, leisure, nurseries and educational facilities based on local need in line with the projected population growth over the plan period. Planning permission will be granted for the provision of new and improved community infrastructure at appropriate and accessible locations within the urban area, subject to consideration of the nature and location of any proposals. All proposals shall ensure that there is no unacceptable impact on residential amenity or natural/built heritage and satisfactory arrangements are provided for access for all, including for pedestrians, cyclists and public transport...'*
- 3.10 As can be seen, accessibility, residential amenity, natural and built heritage impacts are also important considerations within the policy. These issues are also addressed through other planning policies as set out below.

**Health and wellbeing**

- 3.11 3G pitches can provide excellent opportunities for people to exercise and join in team sports, helping their physical and

mental wellbeing. Policy SP3 supports development that maximises opportunities to improve health and wellbeing.

- 3.12 Policy HC1 states that *'The council will seek to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.'*

**Impact on the character and appearance of the area**

- 3.13 Due to their size and scale, and depending on their location, 3G pitches can have a significant impact on the character and appearance of the area and/or landscape. The Planning Service will undertake a visual assessment of the impact of the proposals and applications will need to be supported by sufficient visual material including plans, drawings, sections and sometimes imagery.
- 3.14 Policy DES1 relates to the principles of urban design. It states that *'Planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking...'* and goes onto list a series of criteria that proposals will need to satisfy.
- 3.15 In relation to landscape impact, Policy LC1 states that *'New development should seek to protect and, where appropriate, restore or improve the quality and amenity of the landscape. The council will adopt the precautionary approach in assessing development proposals in any designated landscape...'*
- 3.16 Policy ENV1 states that development must not result in unacceptable impact on the environment, including light pollution. Floodlighting may therefore also be an important consideration, both in terms of the visual impact of the stanchions but also the luminance levels of the actual lighting.
- 3.17 The luminance from the floodlighting could impact on the character of the area. The Council's Environmental Health team will typically be consulted and proposals are assessed having regard to industry standards such as guidance from the Institute of Lighting Professionals.

**Impact on residential amenity**

- 3.18 3G pitches generate noise and will sometimes be proposed close to housing. In such cases, noise impact on neighbours' enjoyment of their property, otherwise known as 'amenity', can be an important consideration. The Planning Service will typically consult the Council's Environmental Health team in such circumstances. Applications should be accompanied by necessary supporting documentation such as a Noise Impact Assessment and a Lighting Assessment where floodlighting is proposed.
- 3.19 Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. Development must not result in an unacceptable adverse impact on the environment, including, amongst others, noise and light pollution.
- 3.20 In some cases, depending on the circumstances, it may be necessary to mitigate the impacts on amenity by means of planning conditions, such as:
- Restricting the hours that the 3G pitch can operate
  - Restricting the hours that any floodlighting can be operated
  - Controlling the design and levels of luminance of the floodlighting
  - Requirement for construction of an acoustic fence.

**Access and parking**

- 3.21 Accessibility is an important consideration. Policy SP7 supports connectivity to and within the city by sustainable transport modes, such as public transport, walking and cycling. There is cross over with Policy CI1 which requires that *'...satisfactory arrangements are provided for access for all, including for pedestrians, cyclists and public transport.'* Furthermore, Policy TRAN 2 states that *'Planning permission will be granted for development proposals open to the public or to be used for employment or education purposes where it is designed to provide suitable access for all.'*
- 3.21 3G pitches have the potential to generate significant traffic. Policy TRAN 6 states that *'Planning permission will be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where... such access will not prejudice road safety or significantly inconvenience the flow of road users.'*



- 3.22 With traffic comes the demand for parking. Policy TRAN 8 relates to parking and servicing requirements. It states that *'Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements, however, the emphasis will be to allow parking provision that will assist in reducing reliance on the private car in particular for commuting into the city, help tackle growing congestion and bring about a change in travel behaviour. The precise amount of car parking for development proposals will be determined according to the specific characteristics of the development and its location having regard to the DfI's published standards... Proposals should not prejudice road safety, significantly inconvenience the movement of road users or be detrimental to local environmental quality.'*
- 3.23 The Planning Service will consult DfI Roads as a statutory consultee in relation to traffic and parking impacts.

**Drainage and flood risk**

- 3.24 The impact of proposals on drainage will often be an important consideration with 3G pitches often introducing semi-hard surfacing on existing grassed areas. Policy ENV5 states that *'All built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere.'*
- 3.25 Depending on their location, sites may also be at risk of flooding. Policy ENV4 states that *'Planning applications in flood risk areas must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA). The council will have regard to guidance publications produced by other authorities and prospective developers/applicants are advised to liaise early in the formulation of their proposals with DfI Rivers to clarify flooding or flood plain issues that may affect particular sites. In all circumstances, the council will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions.'*
- 3.26 Certain select types of development may be approved in a flood risk area under the exceptions test. The SPG allows for the provision of areas for amenity open space, sports, outdoor recreation and nature conservation purposes on the basis that such areas are not generally occupied and are unlikely to incur major damage as a result of flooding.

- 3.27 The Planning Service will consult DfI Roads as a statutory consultee in relation to drainage impacts and flood risk. It may also consult DAERA in relation to groundwater impacts.

**Natural heritage**

- 3.28 Depending on their location, 3G pitches may have ecological and other natural heritage impacts. Policy NH1 states that *'The council will adopt the precautionary principle when considering the impacts of a proposed development on local, national or international natural heritage resources, including designated sites, protected species and the other important interests of biodiversity and geodiversity. In assessing new development proposals, the council will seek to ensure the protection of the district's natural heritage and biodiversity. New development will not have an unacceptable effect, either directly, indirectly, or cumulatively, on sites, habitats, species or ecosystems and networks that are important for their nature conservation, biodiversity or geodiversity value. This includes designated sites, habitats and species protected by law, priority habitats & species and other important nature conservation and biodiversity interests and ecological networks.'*
- 3.29 Planning applications may be required to be accompanied by a Biodiversity Checklist and other ecological reports.
- 3.30 The Planning Service will consult DAERA Natural Environment Division (NED) as a statutory consultee in relation to natural heritage impacts.
- 3.31 Sites for 3G pitches may also be hydrologically linked to Belfast Lough – a Special Protected Area, RAMSAR and Area of Special Scientific Interest (ASSI). Policy NH1 goes on to state that: *'The council will have due regard to the relative importance and levels of protection afforded to the hierarchy of international, national and local designated sites and to habitats and species in considering development proposals. In this regard, proposals that have, or could have, a significant effect on an international site will not be supported by the council. Proposals that have an adverse effect on a national site or a significant adverse effect on a local site will not be supported.'*
- 3.32 Where a site has the potential to be hydrologically linked to Belfast Lough, the Planning Service will consult Shared Environmental Services (SES). SES provides specialist advice to NI councils in relation to the Habitats Regulations. Depending on their location, proposals will need to be accompanied by a Shadow Habitats Regulations Assessment (HRA) to ascertain whether the proposals will likely have a

significant environmental effect on the lough. SES will then carry out their own HRA on behalf of the Council.

- 3.33 Officers recently wrote to SES seeking confirmation as to whether SES routinely considers the impact of microplastics (a common design feature of 3G pitches) when carrying out its HRA. In its response, SES advised that in September 2023. *'...the EU Commission adopted the EU REACH restriction on intentionally added microplastics. Once entered into force, the restriction will apply in the EU and Northern Ireland.'*
- 3.34 SES goes onto to advise that *'According to the EU, the granular infill material used on artificial sport surfaces is the largest source of intentional microplastics in the environment. A sales ban on granular infill materials will apply after eight years so that affected stakeholders have time to develop and switch to alternative materials.'*
- 3.35 *In the interim and in light of the science underpinning the restriction, SES will require robust evidence of appropriate mitigation for artificial surfaces with linkages to designated sites. The most effective control is avoidance of infill materials entering the aquatic environment and all applicants must be able to demonstrate effective mitigation in this respect.'*
- 3.37 Where this issue arises, applicants will be required to mitigate the impacts either through specific control measures or to explore alternative materials. These options would be explored with SES as part of the PAD/application process. It is understood that use of alternative materials would have economic implications and the market is responding by developing alternative products following the EU ban on microplastics.
- 3.38 According to the European Commission website, for infill material for sport pitches, the ban applies after 8 years to give pitch owners and managers the time to switch to alternatives and allow for most existing sport pitches to reach their end of life.

#### Other material considerations

- 3.39 A range of other material considerations may be relevant to consideration of the application, depending on its location and circumstances. Examples of other material considerations include:
- Strategic Planning Policy Statement for Northern Ireland (2015)
  - Planning history of the site and/or surrounding area
  - Views of local people

**Planning balance**

3.40 Sometimes, policy issues and/or material considerations will be in conflict with one another. For example, a proposed 3G pitch may have an adverse landscape impact in contravention with Policies DES1 and LC1, but could result in significant community and health benefits, supported by Policies SP3 and HC1. In such cases, the Council will need to exercise the 'planning balance', weighing conflicting issues against one another and drawing a conclusion as to what is best for the site, area and city in the round. Indeed, the PS states that its policies should be read holistically and in the round.

4.0 **Financial and Resource Implications**

4.1 No specific impacts identified.

5.0 **Equality or Good Relations Implications / Rural Needs Assessment**

5.1 No adverse impacts identified."

Noted.

**Planning Applications previously considered**

(Alderman McCullough left the meeting while the following item was being considered.)

**LA04/2020/1858/F - 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 that revise the proposed access and road layout, including the introduction of a traffic island). Hillview Retail Park, Crumlin Road**

The Planning Manager provided the Committee with an overview of the application and pointed out that, whilst the officer recommendation had been to refuse planning permission, the committee had previously approved the application at its meeting in August 2021, subject to the outstanding assessments on roads, drainage, contamination, air quality and noise being submitted and considered acceptable by the Committee at a future meeting.

He reported that, following the submission of additional reports, those matters had been addressed to the satisfaction of officers, save for the road issues which remained. The application was subsequently reported to the Committee at its meeting in December, 2022, and the application was deferred to allow time for the applicant to submit an amended site location plan and further revised proposals which sought to address DfI Roads' objection and to alleviate the safety concerns that had been

raised, and following further information DfI Roads had advised that it had no objection to the application and that the application had been reassessed following the adoption of the Plan Strategy.

He explained that additional information had been provided by the applicant which had addressed DfI Roads' previous objection. He further explained that the application had been re-assessed in the light of the adoption of the Belfast LDP Plan Strategy 2035. Whilst concerns remained with regard to placemaking and the quality of environment provided for occupants of the proposed development, it would not be considered unreasonable for the Committee to maintain its previous view, that planning permission should be granted in the planning balance having regard to the desirability of providing social housing in an area of significant need. Should this be the case, the Committee would require a Section 76 planning agreement to secure the development as social housing.

### Proposal

Moved by Councillor Maskey,  
Seconded by Councillor Ferguson,

That the Committee agrees to uphold the Council's previous decision of 17th August, 2021, to approve the application, having reassessed the application in the light of the Belfast LDP Plan Strategy 2035 and been satisfied that DfI Roads had offered no objection and that reports had been submitted which resolved the other technical issues, subject to conditions and a Section 76 planning agreement to secure the development as social housing, and to delegate authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement.

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

(Alderman McCullough returned to the meeting.)

**LA04/2022/1861/F, LA04/2022/1867/DCA,  
LA04/2022/1860/A - LED signage  
Replacement facade to active facade to  
facilitate the display of internally  
illuminated moving images (Temporary  
Permission for 5 years), 1-3 Arthur Street**

The Planning Manager explained that the Committee had approved the applications at its previous meeting in October, 2023 for a temporary five-year permission with a review to take place after three years.

He reported that following legal advice officers had concerns about the review mechanism as there was no clear means to require removal of the signage after three years, should the signage be found to be unacceptable.

He stated that the normal approach would be to grant a temporary three-year permission with the review taking place during that period. He added that the applicant

had reported there would be a lead in time for designing, costing, tendering and carrying out the works and therefore was seeking a 3.5 year permission.

The Planning Manager explained that the Committee was being asked to confirm the duration of the temporary permission and conditions, to include a 3.5 year permission.

The City Solicitor further advised that, as the Committee had previously made its decision to approve the application, it was limited to consideration of whether a three-year or five-year permission were appropriate, and that a 3.5 year permission was not a feasible option.

### **Proposal**

Moved by Alderman McCullough,  
Seconded by Councillor Carson,

That the duration of the permissions and review period, as approved at its meeting of 17th October 2023, be for three years.

On a vote, fourteen Members voted for the proposal, three against and two no votes and it was declared carried.

### **LA04/2022/1831/F - Change of use from residential to short term holiday let accommodation, 258 Limestone Road**

The Senior Planning Officer explained that the application had previously been deferred by the Committee at its meeting in April, 2023 to allow officers to explore the availability of additional evidence with regard to the environmental impacts of short-term holiday lets.

He reported that the Council's Environmental Health and Local Development Plan Housing Team had been consulted as well as the Police Service of Northern Ireland and had been asked to provide any evidence with regard to the environmental impacts of short term holiday lights such as noise or antisocial behaviour complaints.

He reported that the Police Service of Northern Ireland had stated that an evidence base for complaints from Airbnb's could not be provided as it did not record this is a residential type. He added that Environmental Health had run a report for short term lets services for the BT15 post code area since 2018 and, whilst there had been no complaints related to the Limestone Road, there had been complaints recorded within the post code area at Glandore Avenue, Fortwilliam Crescent and Duncairn Gardens.

He stated that, in consideration of the adoption of the new Plan Strategy, the recommendation to the Committee was that planning permission should be refused for the following draft reasons:

- The proposal was contrary to Policy HOU13, criterion (c), as was not sited within an existing tourism cluster or in close proximity to a visitor attraction;

- The proposal was contrary to Policy HOU3, in that the proposal would fail to protect existing residential stock for permanent occupation and was contrary to criterion (a) as the proposed use was not considered complimentary to the surrounding residential uses and would likely result in adverse effects on residential amenity within this established residential area; and
- The proposal was contrary to Policy HOU3, in that the proposal would fail to protect existing residential stock for permanent occupation and was contrary to criteria (c) and (d) in that the short term let use would not be considered subordinate to the residential use and did not provide a separate user entrance as public access will be required.

The Chairperson welcomed Mr. J. Young, the applicant, to the meeting. Mr. Young stated that he had made several enquires as to the correct procedure for listing consultation responses including timeframes and that the case officer had confirmed that planning had received the Environmental response on the 1st and 7th of June 2023 but had only published it on the planning portal 24th October. He stated that the consultation responses had been received outside the 21-day consultation reply rule.

He explained that he had requested the date on which the application had been referred to the Committee by a Member and the material planning considerations, but that he was still awaiting confirmation.

Mr. Young stated that, comments made by a Member at a previous meeting of the Committee with regard to constituents having contacted his office to report that the property had been operating as a holiday let had been untrue and that he had confirmed this, with supporting evidence to the Planning Service.

Mr. Young outlined his application timeline in relation the adoption of the Plan Strategy and stated that he believed that his application had been submitted before its adoption and therefore should not have been subject to its policies.

He concluded by stating that he believed that his proposed use is a mixed residential use and therefore Policy HOU3 did not apply and that, contrary to the case officer's opinion, the site was not located in an existing tourism cluster or in close proximity to a visitor attraction, its location on the Limestone Road placed in within the Castle Ward that included The Cathedral Quarter.

The City Solicitor responded to some of the issues which Mr. Young had raised. She stated that, whilst the consultation responses were requested within 21 days, the Committee was obliged to consider any representations received up to and including the date of its decision. She also stated that the process, in which the application had been referred to the Committee by a Member, was in accordance with the Council's Scheme of Delegation and that she was satisfied that the decision making process was both lawful and appropriate.

### Proposal

Moved by Councillor Maskey,  
Seconded by Alderman McCullough, and

Resolved – That the Committee refuses the application and delegates authority to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

### New Planning Applications

#### LA04/2023/2709F - 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, Lands at Apartment Blocks 1-3, Clonaver Drive

The Principal Planning Officer provided the Committee with an overview of the application and highlighted the following key issues:

- Principle of development;
- Design, scale, layout and impact upon the character and appearance of the area;
- Impact on amenity;
- Affordable housing and housing mix;
- Accessible and adaptable accommodation;
- Climate change;
- Drainage;
- Traffic, movement and parking;
- Waste-water infrastructure; and
- Noise, odour and other environmental impacts including contamination.

She stated that, having regard to the development plan and other material considerations, the proposal was considered, on balance, acceptable, and that it was recommended that planning permission was granted, subject to conditions and a Section 76 planning agreement.

The Committee agreed to grant planning permission, subject to conditions and a Section 76 planning agreement and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and to deal with any other matters that may arise prior to the decision being issued, provided that they were not substantive.



**LA04/2023/3491/F - proposed Retail Warehouse Unit with Associated Car Parking and Site Works, 47 Boucher Road**

The Senior Planning Officer outlined the application to the Committee and explained the following key issues that were relevant to consideration of the application:

- Principle of retail warehousing at the location;
- Impact on the character and appearance of the area;
- Provision of car and cycle parking; and
- Access.

He reported that there had been six objections from three planning consultants that acted for the operators and owner of the neighbouring premises that had raised concerns with regard to character, context, building line, parking, principal of retail development and loss of landscaped area. He added that there had been no objections received from any consultees.

He stated that, having regard to the development plan, relevant planning policies and other material considerations, it was recommended that the proposal would be approved.

The Chairperson welcomed Mr. M. Kelly, Planning Consultant, Gravis Planning, to the Committee who was speaking in objection to the application, on behalf of a neighbouring business. He stated that the principal concern with regard to the proposal were related to design, parking and servicing.

He reported that the proposed unit was located to the front of the site with the majority of parking located at the rear and that it was considered the siting of the proposal was unacceptable in its current form and outlined how it was contrary to Policy DES1 of the Plan Strategy which outlined planning policy related to the principal of urban design and required that any new development would respond positively to local context and character.

He stated that it was also considered that exceeding the existing building lines would also have a detrimental effect on his client's lands by obscuring the view of the site and unit when approached from the south along the Boucher Road which would likely affect his client's existing business and its ability to attract potential customers.

He explained how the proposals to locate parking at the rear of the premises and servicing arrangements were contrary to the Plan Strategy and clear evidence that the proposal was too large for the site.

The Chairperson thanked Mr. Kelly for his representation and welcomed Mr. E. Loughry, speaking on behalf of the applicant, to the meeting. Mr. Loughry explained that the proposal had been found to comply with the Council's Plan Strategy and that the Boucher Road was one of the largest retail warehouse locations in Northern Ireland.

He stated that the proposal would not cause any significant retail impact to any centres protected under planning policy and that there was a clear need for the proposal

which had been designed to comply with the Council's policies of design, traffic, and environment.

He reported that the proposal had been assessed in terms of contaminated lands, sustainable urban drainage, climate change resilience and water treatment and infrastructure capacity and that it had been shown to be acceptable.

He explained that the traffic and parking requirements of the proposal had been assessed three times by DfI Roads, which found the reduced car parking provided and layout acceptable and consistent with the Council's approach to reduce car reliance.

Mr. Loughry stated that the objectors did not take any issue with the principal of retail warehousing at the location and that their principal concern was the position of the building sitting close to the road frontage. He added that the applicant agreed with the case officer, that there was a need to provide active frontages on Boucher Road and to ensure vibrancy throughout the day, and that by locating most of the car parking behind the building, screens large car parking areas makes an important urban design improvement to the area.

He concluded by stating that the proposal would not have a significant negative impact on the surrounding context or character of the area and would remove a derelict brownfield site and provide a contemporary designed flagship store. He requested that the Committee approved the application.

The Committee agreed to approve the application, subject to conditions, and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions.

**LA04/2022/2216/F - Change of use from offices to hotel (146 bedrooms) over five floors (2nd to 6th floor) including extension to 5th floor (17 bedrooms), goods hoist from ground to 2nd floor and elevational alterations to an existing building, Centre House, 69 -87 Chichester Street**

The Principal Planning Officer outlined the application to the Committee and highlighted the following key issues:

- Principle of development;
- Design;
- Impact on the character and appearance of the area;
- Built heritage;
- Climate change;
- Access and parking;
- Drainage and Waste-Water Infrastructure; and
- Noise, odour and other environmental impacts.

She reported that the consultees had been satisfied, subject to conditions and that no representations had been received.

She stated that, having regard to the Development Plan and other material considerations, that the proposal was considered acceptable.

The Committee agreed to approve the application, subject to conditions, and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and to deal with any other matters that may arise prior to the decision being issued, provided that they were not substantive.

**LA04/2023/3442/F- Erection of Hotel/Aparthotel comprising 135 hotel beds and 93 aparthotel beds, restaurant / cafe/bar uses, gym, landscaped public realm, car parking, cycle parking and associated site and road work, Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road**

The Senior Planning Officer provided the Committee with an overview of the application and its substantial planning history, that included three extant approvals. She outlined the following main issues to be considered:

- The principle of a hotel at the site location;
- Scale, massing and design;
- Impact on built and archaeological heritage;
- The impact on natural heritage;
- Landscaping/boundary treatments;
- Traffic and road safety;
- Human health/environmental considerations;
- Flooding and drainage;
- Economic considerations;
- Environment and community;
- Pre-application community consultation; and
- The consideration of developer contributions.

She brought to the Committee's attention that there had been an error in the wording of condition 31 contained within the report which restricted occupancy to prevent residential use. She explained that the report should have stated that the maximum stay by the same occupant should be no more than 90 days within any 12-month period, in line with Section 54 application approved for the same site under reference LA04/2023/2688/F.

She stated that the final substantive response had been received from the Northern Ireland Environment Agency (NIEA): Natural Environment Division, which had offered no objection to the application.

The Senior Planning Officer reported that, having regard to the development plan and other material considerations, the proposed development was considered acceptable and that it was recommended that planning permission would be granted, subject to conditions.

The Committee agreed to approve the application, subject to conditions, and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and to deal with any other matters that may arise prior to the decision being issued, provided that they were not substantive.

**LA04/2023/4101/F - Change of use of the ground floor from A1 Retail to mixed-use community recreational and cultural space for multi-disciplinary uses, including small scale retail and café. Also change of use of the first floor from office use to a mix of office, community, recreational and cultural space to facilitate multi-disciplinary uses, 2 Royal Avenue**

The Senior Planning Officer outlined the application to the Committee and explained that there were no physical alterations or works proposed to the listed building as all proposed installations were temporary and reversible and therefore, no Listed Building Consent or conservation comments were required.

She reported that consultee advice had been sought regarding transport, environmental and Listed Building issues, and that all consultees had indicated no objection to the proposal.

She stated that, having regard to the Development Plan and other material considerations, the proposed development was considered acceptable and that it was recommended that planning permission was granted, subject to conditions.

The Committee agreed to approve the application, subject to conditions, and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and to deal with any other matters that may arise prior to the decision being issued, provided that they were not substantive.

(The Committee agreed to consider the following two items together.)

**LA04/2023/3889/LBC -Installation of a new wall hung water bottle refill station, 12-20 St Georges Market East Bridge Street; and**

**LA04/2023/3842/LBC - Installation of a new water bottle refill station on the grounds of Belfast City Hall, 2 Donegal Square North.**

The Principal Planning Officer provided the Committee with a summary of the applications and stated that, having regard to the Development Plan and other material considerations, the proposals were considered acceptable and that it was recommended that listed building consent was granted, subject to conditions.

The Committee agreed to grant listed building consent in respect of both applications, subject to conditions and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and to deal with any other matters which may arise, to include any representations which may occur during the statutory advertising period.

Chairperson