

Planning Committee

Tuesday, 16th January, 2024

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.

Also present: Councillor Flynn.

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);
Ms. C. Reville, Principal Planning Officer;
Ms. U. Caddell, Senior Planning Officer;
Mr. R. Taylor, Senior Planning Officer;
Ms. L. Walshe, 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 12th December, 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 8th January, 2024, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Alderman Lawlor declared an interest in relation to item 9f on the agenda, LA04/2023/4021/F - Change of use from dwelling to 5. Bed House in Multiple Occupation (amended description) - 166 Upper Newtownards Road, in that an objection letter had been submitted by his employer, Mr. G. Robinson MLA.

Committee Site Visits

Note of Committee Site Visits

The Committee noted the Committee site visits.

Schedule of Committee Site Visits – 2024

The Committee agreed to the schedule of Committee site visits.

Notifications of Provision/Removal of Accessible Parking Bays

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

- Provision of 152 Locksley Park;
- Provision of 33 Pacific Avenue; and
- Provision of 103 Bloomfield Avenue.

Notifications from Statutory Bodies: Abandonment and Extinguishment

Abandonment at Botanic Avenue and Donegall Pass and at Marcus Ward Street

The Committee noted the proposed abandonments.

Appeals

The Committee noted the appeals decisions.

Planning Decisions Issued

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

Miscellaneous Reports

Pilot for notification of Conservation Area Consent (DCA) Applications

The Planning Manager provided the Committee with an overview of the pilot for amending the process for notifying Conservation Area Consent applications to the Department for Infrastructure (DfI).

He explained that the pilot intended to reduce the number of such applications that the Council was required to notify to DfI and therefore reduce administrative processes.

The Committee noted the report.

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

Previously considered Planning Applications

LA04/2023/2668/F - 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). - Lands bound by Pilot Street, Short Street, the rear of nos. 11-29 Garmoyle Street and the rear of Nos. 63 and 65a Dock Street and No. 123 Corporation Street

The Planning Manager reported that a Committee site visit had taken place on 10th January, following the Committee's deferral at its meeting in December, 2023. He outlined the application to the Committee and outlined the following key issues for consideration:

- Principle of housing in this location;
- Housing density;
- Affordable housing;
- Housing mix;
- Adaptable and accessible accommodation;
- Design and placemaking;
- Public realm;
- Impact on heritage assets;
- Climate change;
- Residential quality and impact on amenity;
- Open space;
- Access and transport;
- Health impacts;
- Environmental protection;
- Flood risk and drainage;
- Waste-water infrastructure;
- Waste management;
- Natural heritage;
- Employability and Skills;
- Section 76 planning agreement; and
- Pre-application Community Consultation.

He highlighted that the area was comprised of a mix of residential, commercial and leisure uses and was a sustainable location for new housing that would support the regeneration of the area.

He explained that the scheme would provide 52 off-site affordable housing units for the Build to Rent scheme at City Quays 4 and would require 14 affordable units, a total of 66 affordable homes. He added that the social housing scheme was supported by the Northern Ireland Housing Executive due to significant unmet need.

The Planning Manager stated that the design of the scheme was considered to be of good quality and in keeping with the locality and that the 1.3 metre raised finished floor levels were acceptable, on balance, having regard to the specific design, context and support from DfI Rivers.

He reported that Environmental Health had offered no objections, subject to conditions in relation to contamination, noise, final construction environmental management plan and an updated air quality assessment. He added that the Council's City Regeneration and Development Unit welcomed the proposal but had raised concerns with regard to mixed tenure approaches to ensure access for all to good quality accommodation that would meet the needs of different ages, genders and abilities.

He stated that, having regard to the Development Plan and material considerations, it was recommended that planning permission would be granted, subject to conditions and a Section 76 planning agreement.

The Chairperson welcomed Mr. M. Gordon and Mr P. Stinson from Turley, and Mr. H. McConnell, Project Architect, RPP Architects to the meeting.

Mr. Stinson explained that he welcomed the recommendation to approve the application. He stated that no consultees had offered any objection to the development following an extensive pre-application process that explored the principle of an affordable housing development to support the City Quays Regeneration Project.

He stated that part of the Pilot Street site formed part of the City Quays Masterplan which had outline planning permission and extended the redevelopment potential beyond the immediate waterfront area to integrate with Sailortown and bring two vacant sites into use.

He stated that the development would deliver 69 units and provide a mix of family homes that was directly informed by the Northern Ireland Housing Executive which supported the development in the location as it would meet an acute and pressing need for affordable housing.

He explained that the proposed density was appropriate to the highly sustainable location, in accordance with the Plan Strategy, and made good use of brownfield land. He added that Belfast Harbour had worked proactively with officers throughout the application process to ensure the development would respond positively to its context and addressed concerns which had been raised by local residents from Garmoyle Street.

Mr. Stinson explained that the loss of two homes along the shared boundary with Garmoyle Street had removed the impact on existing residents and allowed for the integration of a communal garden space and meant that future residents would be able to avail of new recreational space within City Quays Gardens, a transformative green space that would be delivered by Belfast Harbour, a short walk from the site.

He concluded by stating that the development was supported by green travel measures, promoted within the Travel Plan, to reduce the reliance on the private car and that DfI Roads had no objection to the development.

The Committee approved the application, 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 deal with any other matters that might arise, provided that they were not substantive.

LA04/2023/2388/F - Residential development comprising 256no. units, public realm, and associated access and site works. - Lands immediately north of Cross Harbour Bridge, East of Donegall Quay and south of AC Marriott Hotel, City Quays

The Planning Manager provided the Committee with an overview of the application for the erection of a 23-storey tower with lower 12 storey element, comprising 254 Build To Rent apartments.

He outlined the following key issues for consideration of the application:

- Principle of housing in this location;
- Housing density;
- Affordable housing;
- Housing mix;
- Adaptable and accessible accommodation;
- Design and placemaking;
- Public realm;
- Impact on heritage assets;
- Climate change;
- Residential quality and impact on amenity;
- Open space;
- Access and transport;
- Health impacts;
- Environmental protection;
- Flood risk and drainage;
- Waste-water infrastructure;
- Waste management;
- Natural heritage;
- Employability and Skills;
- Section 76 planning agreement; and
- Pre-application Community Consultation.

He explained that the site was a suitable location for housing and the proposal would make effective use of previously developed land and support city centre living. He stated that the height, scale and massing of the proposed building was considered in keeping with other tall buildings in City Quays and the wider area, including the slightly higher Obel Tower, situated to the south of the proposal.

He reported that the proposal would provide no dedicated parking, however, it was considered acceptable given the highly sustainable location of the site, travel plan and commitment to green travel measures.

The Planning Manager stated that application proposed the delivery of social housing at an alternative location at Pilot Street, which was supported by the Northern Ireland Housing Executive.

He stated that, having regard to the Development Plan and material considerations, it was recommended that planning permission was granted, subject to conditions and a Section 76 planning agreement.

The Chairperson welcomed Mr. P. Stinson, Turley and Mr. H. McConnell, RPP Architects, to the meeting.

Mr. Stinson stated that he welcomed the recommendation to approve the application which was a joint application for affordable housing at Pilot Street and jointly, would deliver 325 homes, supporting the Council's growth plans for city centre living.

He explained that Belfast Harbour had been delivering on its masterplan since it was granted outline planning permission in 2014 to reimagine and revitalise the Belfast waterfront with the aim of connecting the harbour with the city centre and to deliver a regeneration project that would see the area as a place to work and live.

He stated that residential accommodation was a key part of the masterplan to bring vibrancy to the area and complement existing office and hotel accommodation. He added that the application was supported by a Section 76 Planning agreement to secure the delivery of the Pilot Street development, green travel measures and the implementation of a Construction Employability and Skills Plan.

He concluded by stating that City Quays 4 was a key part of Belfast Harbour's vision for City Quays and would complete the waterfront with an iconic building that was appropriately designed for its location and sympathetic and complementary to its neighbours.

The Committee approved the application, subject to conditions and a Section 76 planning agreement, and resolving the outstanding transport and children's play equipment requirements, and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other matters that might arise, provided that they were not substantive.

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. (Further information received) - 21-29 Corporation Street and 18-24 Tomb Street

The Senior Planning Officer updated the Committee on the background of the application and the updated policy context since the adoption of the Belfast Local Development Plan: Plan Strategy 2035 in May, 2023.

She provided an overview of the application and explained the following key considerations:

- Consultation responses;
- Strategic policies;
- Principle of housing;
- Housing density;
- Affordable housing;
- Housing mix;
- Place making;
- Health impacts;
- Climate change;
- Amenity provision;
- Access and parking; and
- Environmental impacts.

She stated that the non-provision of adaptable and accessible units and 9.9 sqm average amenity space were justified, having regard to the other considerations that included the significant regeneration benefits and proximity to the waterfront and city centre amenities.

She reported that it was recommended that the application was approved, subject to conditions and a Section 76 planning agreement.

The Chairperson welcomed Mr. C. Shanks, Managing Director at Clyde Shanks, Mr. G. Mitchell, MRP, Mr. R. Ditty, CBRE and Mr. J. Mulholland, Todd Architects to the meeting.

The information contained in the deputation and discussion associated with the item 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 deputation and discussion of the application 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.

The representatives, appearing on behalf of the applicant, explained to the Committee the benefits of the proposed development and invited the Committee to approve the application.

During discussion, it was acknowledged that the Section 76 planning agreement would require the submission of a further viability appraisal to the Council prior to the commencement of development to examine the ability of the approved development to provide affordable housing, and that the viability appraisal would be required prior to commencement and that this would also be subject to Committee approval.

The Chairperson put the officer recommendation to the Committee and upon audible dissent, called for a vote, fifteen Members voted for the recommendation and four against and it was declared carried.

Accordingly, the Committee approved the application, subject to conditions and a Section 76 planning agreement to include the provision in relation to the updated viability appraisal, and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other matters that might arise, provided that they were not substantive.

New Planning Applications

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

The Senior Planning Officer outlined the application to the Committee and explained the following key issues for consideration:

- Principle of development;
- Housing density;
- Affordable housing;
- Housing mix;
- Adaptable and accessible accommodation;
- Climate change;
- Impact on the character and appearance of the area;
- Heritage impacts;
- Residential quality and impact on amenity;
- Access and transport;
- Other environmental impacts;
- Developer Contributions; and
- Pre-application Community Consultation.

He reported that there had been no objections from statutory consultees and that the Planning Service's Plans and Policy Unit had raised concern with the proposal's non-compliance with Policies HOU5 (affordable housing) and HOU6 (housing mix).

He explained that viability was a material consideration and that viability assessments demonstrated that the application was not viable with affordable housing, however, the non-provision was justified, having regard to other material considerations that included the significant regeneration benefits.

He stated that the Section 76 planning agreement shall require that a further viability appraisal to be submitted to the Council prior to the commencement of development to examine the ability of the approved development to provide affordable housing.

He concluded by stating that the application was recommended for approval, subject to conditions and a Section 76 planning agreement.

The information contained in the deputation and discussion associated with the item 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 deputation and discussion of the application 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.

The representatives, appearing on behalf of the applicant, explained to the Committee the benefits of the proposed development and invited the Committee to approve the application.

During discussion, it was acknowledged that the Section 76 planning agreement would require the submission of a further viability appraisal to the Council prior to the commencement of development to examine the ability of the approved development to provide affordable housing, and that the viability appraisal would be required prior to commencement and that this would also be subject to Committee approval.

Proposal

Moved by Councillor Maskey,
Seconded by Councillor Carson,

“That the Committee approves the application, subject to conditions and a Section 76 planning agreement to include the provision in relation to the updated viability appraisal, and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other matters that might arise.”

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

LA04/2023/2418/F - Demolition of existing retail units and vehicle drop off area of 215-225 Castlereagh Road, Belfast and erection of 4 storey apartment building containing 16 no apartments with associated development and ancillary works. - 215 - 225 Castlereagh Road

The Committee deferred consideration of the application in order that Members could undertake a site visit.

LA04/2021/1531/F - Construction of 3 No. apartment blocks consisting of 20 No. 2 bed apartments and 4 no. 3 bed apartments (Amended drawings) - 7 and 9 Ballygomartin Road

The Planning Manager explained that the application site was located on undesignated white land, in accordance with the BUAP and explained the key issues for consideration that included the principle of residential development and the impact of the proposal on the character of the area, residential amenity, parking, landscaping, sewage infrastructure and waste management.

He reported that there had been no objections from consultees and that 12 third party objections had been received in relation to character, design, residential amenity, bin stores, parking, loss of view and property values.

He stated that, having regard to the development plan and other material considerations, the proposal was considered acceptable, and it was recommended that planning permission be granted, subject to conditions.

The Committee approved the application, 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 of conditions and deal with any other issues that might arise, provided that they were not substantive. The Section 76 planning agreement shall secure affordable housing, in accordance with Policy HOU5.

LA04/2023/4021/F - Change of use from dwelling to 5. Bed House in Multiple Occupation (amended description) - 166 Upper Newtownards Road

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

- The principle of an HMO at this location;
- Impact on surrounding residential amenity/character including policy analysis;
- Traffic, parking and access;
- Waste and refuse collection;

- Over-occupation/anti-social behaviour; and
- Climate change.

She reported that no consultees had offered any objection to the application, however, 22 third-party objections had been received and that the concerns raised had been considered.

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

The Chairperson welcomed Councillor Flynn to the meeting. Councillor Flynn asked the Committee to refuse the application as it would provide a potential for many additional cars to the area in which on street parking was already at a premium and that it would be detrimental to residential amenity along Oakland Avenue.

He explained that navigation of the footpaths in the area had already been an issue in the area due to the current levels of on street parking.

He stated that there was no provision of adequate waste storage space and that the consultation response alluded to the applicant providing additional waste collection as only three bins would be provided. He stated further that additional or larger bins would need to be provided and stored to the rear of the property which was already saturated with parked cars and bins and would create additional damage to the residential amenity.

The Chairperson thanked Councillor Flynn for his contribution.

The Chairperson welcomed the Applicants, Ms F. Rogers and Ms. L. Rogers, and Mr. A. Larkin from Gravis Planning to the meeting.

Mr. Larkin informed the Committee that the applicants operated seven HMO properties across Belfast which focused on accommodating young professionals and that all of the properties were licensed and, as operators, they had an excellent relationship with adjoining neighbours and the Council's HMO licensing authority.

He stated that the applicants concurred with the recommendation to approve the application and that the property was located in a part of the Upper Newtownards Road which had been specifically designated for HMO development in the Plan Strategy due to the excellent public transport linkages and access to employment opportunities and services.

He addressed concerns which had been raised with regards to parking, bins and refuse, and antisocial behaviour.

He concluded by stating that the property was located in a central location that was well served by public transport on a main arterial route. He stated that the proposed change of use fully complied with planning policy and the applicant was a highly experienced HMO operator with an unblemished record who understood the need to maintain good neighbourly relations and protect residential amenity.

A Member raised concerns with regard to the introduction of an HMO property into a residential area that would result in traditional family housing and associated parking requirements.

Proposal

Moved by Alderman McCullough,
Seconded by Councillor Douglas and

Resolved - "That the Committee agrees to defer consideration of the application in order that it can undertake a site visit and invite DfI Roads to attend a future meeting when the application will be considered."

LA04/2023/4093/F - Raise ridge to accommodate dormer to side elevation and fenestrational changes to front and rear elevation and 2x skylights - 5 Squires Hill Road

The Committee considered the report and approved the application, subject to conditions, and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other matters that may arise.

LA04/2023/3888/F - Proposed two year extension to planning approval LA04/2021/1707/F for an Active Travel Hub Comprising 2no. Shipping Containers. - Cathedral Gardens

The Senior Planning Officer outlined the application to the Committee and stated that the proposal was a temporary project which sought to increase active travel and push for modal shift to sustainable modes of transport.

She explained the key issues for consideration and stated that it was recommended that the application would be approved, subject to conditions.

The Committee considered the report and approved the application, subject to conditions, for a temporary two-year period and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other matters that arise prior to issuing the decision, provided that they were not substantive.

Restricted Item

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 Committee meeting during discussion on the following items as, due to their nature, 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.

Solace NI Update

The Director of Planning and Building Control updated the Committee on correspondence which had been exchanged as part of the Regional Planning Improvement Programme that related to the financial sustainability of the Planning system.

The Committee noted the content of the report.

Chairperson