

# Planning Committee

Tuesday, 18th June, 2024

## MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Carson (Chairperson);  
Aldermen McCullough and Rodgers;  
Councillors Abernethy, Anglin, Bell, T. Brooks,  
Doran, S. Douglas, Ferguson, Garrett,  
Groogan, Hanvey, G. McAteer, McCabe,  
Murphy and Whyte.

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

### Apologies

Apologies for inability to attend were reported for Alderman Lawlor and Councillors Magee and McCann.

### Minutes

The minutes of the meeting of 14th May, 2024 were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council, at its meeting on 3rd June, 2024, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### Declarations of Interest

Councillor McAteer declared an interest in relation to item 6b on the agenda, under the heading - Notice of Opinion issued by the Department for Infrastructure: LA04/2021/1317/F and LA04/2021/1318/DCA - Demolition of existing dwellings and erection of two new dwellings and associated site works. - 450 and 448 Lisburn Road, in that she had engaged with constituents who had objected to the application.

### Committee Site Visits

#### Note of Committee Site Visits

The Committee noted the site visits which had taken place on 21st May, 2024.

**Request for Pre-emptive Committee Site Visit:  
LA04/2023/4613/F - Proposed building ranging  
between 5 - 10 storeys (20.60m - 42.35m)  
including offices (Class B1a), ground floor  
retail (Class A1), community and cultural  
(Class D1) and restaurant uses, and licensed  
restaurant at upper level with external terrace,  
rooftop plant area, landscaping, servicing,  
public realm improvements, and all associated  
site works. - Lands west of Donegall Quay,  
east of Tomb Street, south of Corporation  
Square (opposite Belfast Harbour Office) and  
immediately north of the NCP Multi Storey Car  
Park**

The Committee agreed to undertake the pre-emptive site visit.

**Request for Pre-emptive Committee Site Visit:  
LA04/2024/0574/F - Proposed temporary (up to  
5 years) nursery and primary school, soft play  
area, access, parking, landscaping and  
ancillary site works - Land adjacent and east  
of No. 44 Montgomery Road**

The Committee agreed to undertake the pre-emptive site visit.

**Request for Pre-emptive Committee Site Visit:  
LA04/2024/0681/F - Erection of Purpose-Built  
Managed Student Accommodation  
development with additional use of  
accommodation by further or higher education  
institutions outside term time, comprising 4  
no. blocks of accommodation with building  
heights ranging from 5 to 9 storeys and up to  
35,850sqm gross external floorspace, café,  
associated communal facilities including  
landscaped courtyards, internal bin stores and  
cycle stores, pv array, disabled parking, public  
realm provision, associated site works and  
extension of Titanic Boulevard to form new  
junction with Hamilton Road. - Lands to the  
northeast of Olympic House, east of Queen's  
Road and south of Belfast Metropolitan  
College**

The Committee agreed to undertake the pre-emptive site visit.

### **Notifications of Provision/Removal of Accessible Parking Bay**

The Committee noted the notifications regarding accessible parking bays at the following locations:

- 14 St James Road;
- 27 Innisfayle Gardens;
- 36 Snugville Street;
- 81 Cambrai Street;
- 27 and 28 Carncaver Road;
- 13 Rossnareen Avenue;
- 123 Joanmount Gardens;
- 10 Andersonstown Park South; and
- 4 Knocknagoney Road.

### **Planning Appeals Notified**

The Committee noted the appeals decisions.

### **Planning Decisions Issued**

The Committee noted the planning decisions issued in April, 2024.

### **Miscellaneous Reports**

#### **Committee Decisions awaiting issuing and New Section 76 Planning Agreement Processes**

The Planning Manager provided the Committee with a summary of the undernoted report:

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

**To provide an update in relation to delays issuing some Committee decisions and to update the Committee on new Section 76 planning agreement processes.**

#### **2.0 Recommendation**

**The Committee is asked to:**

- a) note the contents of this report; and**
- b) agree the proposed reporting method for applications which have been determined by Committee but not yet issued.**

**3.0 Main Report**

**Background**

- 3.1** At its February 2024 meeting, the Committee requested further information in relation to the monthly report it receives on planning application decisions issued by the Council. Following the Committee's request, and for ease of identification, the monthly report now includes a colour coded system, highlighting approvals in green and refusals in red.
- 3.2** In addition, following clarification of the original request, officers have produced a summary table of all decisions made by the Committee on planning applications that have been determined by Committee but have yet to be issued. The summary table is provided at Appendix 1.
- 3.3** Officers propose to report an updated summary table to the Committee at future meetings as part of the monthly report on decisions issued.

**Assessment**

- 3.4** The summary table shows that there are 29 applications the Committee has resolved to approve which have not yet issued. The oldest Committee decision dates back to the February 2022 and most recent to the April 2024 Committee.
- 3.5** The summary table specifies the reason why each decision has not yet issued. The reasons are broken down as follows:
- 24 applications (83%) awaiting completion of a Section 76 planning agreement;
  - 3 applications (10%) notified to the Department for Infrastructure (Dfi);
  - 2 applications (7%) awaiting further consultation responses.
- 3.6** Analysis of all decisions made on applications for Major development in 2023/24 shows that 13 (46%) of the 28 decisions made by the Committee were subject to post-Committee delays of 10-weeks or more before the decisions were issued. Of those 13 decisions, 9 (69%) of the 13 decisions were delayed due to negotiations post Committee in relation to the terms of the Section 76 planning agreements.
- 3.7** As set out above, some of the delays relate to procedural or technical matters which had to be resolved such as outstanding consultation responses, finalising conditions and other administrative delays. Recognising that the majority of delays in

issuing decisions has been the finalisation of planning agreements, officers have been working on how to streamline this process to ensure decision notices are issued as soon as possible after Committee.

**New Section 76 planning agreement process**

- 3.8 Historically, focused negotiations on the detail of planning agreements have tended to take place once an application is scheduled to be presented to Committee. This inevitably leads to delays post Committee whilst the detail of the agreement is worked through with solicitors who have sometimes only been instructed post Committee. Officers are proposing a new streamlined process to frontload this work as much as possible before an application is presented to Committee for determination.
- 3.9 The Planning Service and Legal Services have been working together to produce model Section 76 planning agreement clauses, covering the following areas:
- ✓ affordable housing
  - ✓ financial developer contributions
  - ✓ employability and skills
  - ✓ public realm
  - ✓ open space
  - ✓ property management
  - ✓ green travel measures
  - ✓ purpose built managed student accommodation
- 3.10 The Model Section 76 planning agreements will be supported by new processes, which will further streamline the overall procedure. These are summarised below.
- 3.11 The Planning Service's *Application Checklist* will be amended so that customers are clear about what is expected as part of the application process and what they in turn can expect from the Council. The 'Heads of Terms' will be expanded to require confirmation of which proposed obligations contained within the schedule to the model agreement are applicable, details of all owners and/or persons who have an estate in the land and contact details for the applicant's solicitor.
- 3.12 Applications that require a Section 76 planning agreement will not normally be reported to the Committee until the planning agreement has been agreed in principle by the Planning Service and applicant, including content and ownership details confirmed by the applicant's solicitor.

- 3.13 The Planning Service will aim to issue the decision notice within 10 working days of the end of the Committee decision call-in process.
- 3.14 The new processes and customer guidance will be published on the Council's website alongside the Model Section 76 planning agreements. Customers will be encouraged to engage with the planning agreement process early on in the process and advised that where the model clauses are used this will lead to a much quicker processing time.

**Future reporting**

- 3.15 The Planning Service has worked with the Intelligent Client Function (ICF) (which manages the contract for the Planning Portal) to design an automated report which enables the Planning Service to routinely update and report the summary table to Committee.
- 3.16 Officers propose to report an updated version of the summary table at Appendix 1 to future meetings as part of the monthly report on decisions issued.

**4.0 Financial and Resource Implications**

Significant work has been undertaken by both the Planning Service and Legal Services in drawing up the new Model Section 76 planning agreements. However, this will save time overall in the drafting of future planning agreements and, combined with the new processes, will enable the Council to deal with planning applications more efficiently and effectively.

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

- 5.1 There are no equality or good relations / rural needs implications associated with this report.”

The Committee noted the content of the report and agreed the proposed reporting method for applications which had been determined by the Committee but not yet issued.

**Notice of Opinion issued by the Department for Infrastructure: LA04/2021/1317/F and LA04/2021/1318/DCA - Demolition of existing dwellings and erection of two new dwellings and associated site works. - 450 and 448 Lisburn Road, Belfast**

The Planning Manager outlined the following report to the Committee:

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

- 1.1 To report on the Department for Infrastructure's Notice of Opinion in respect of planning applications LA04/2021/1317/F and LA04/2021/1318/DCA. These applications were approved by the Planning Committee at its 29th June 2023 meeting and subsequently called-in by the Department for Infrastructure (DfI).
- 1.2 DfI has issued a Notice of Opinion to the Council of its intention to refuse planning permission and Conservation Area Consent. The letter states that DfI must receive any request in writing for an opportunity to appear before and be heard by the Planning Appeals Commission, or a person appointed by DfI, for the purposes of a hearing within 8 weeks of the date of the letter (i.e. by 15th July 2024).

**2.0 Recommendation**

- 2.1 It is recommended that the Council responds to the Notice of Opinion, requesting opportunity to appear before and be heard by the Planning Appeals Commission, or a person appointed by DfI, for the purposes of a hearing.
- 2.2 This would provide opportunity for the Council to present its case that planning permission and Conservation Area Consent should be granted, contrary to the Department's opinion that the applications should be refused.
- 2.3 The Committee is also asked to consider whether it wishes to nominate an Elected Member (or Elected Members) to appear at the hearing alongside officers in support of the Council's case.

**3.0 Main Report**

**Background**

- 3.1 At its 29th June 2024 meeting, the Committee resolved to approve the following applications:

- LA04/2021/1317/F – Demolition of existing dwellings and erection of two new dwellings and associated site works. 450 and 448 Lisburn Road, Belfast BT9 7GX (application for ‘planning permission’).
- LA04/2021/1318/DCA – Demolition of existing dwellings and erection of two new dwellings and associated site works. 450 and 448 Lisburn Road, Belfast BT9 7GX (application for ‘Conservation Area Consent’ for demolition).

3.2 A copy of the Committee report is provided at Appendix 2 and minutes at Appendix 3.

3.3 Section 89(1) of the Planning Act (Northern Ireland) 2011 requires the Council to notify DfI where it intends to grant Conservation Area Consent. Following ratification of the Committee’s decision, on 14th September 2023, the Council duly notified the Conservation Area Consent application (LA04/2021/1318/DCA) to the Department.

3.4 On 11th December 2023, DfI issued a letter to the Council, ‘calling in’ both the Conservation Area Consent application and application for full planning permission (LA04/2021/1317/F) for its determination. The Department’s reasoning for calling in the applications was stated as follows:

*‘...in view of the proposed development’s potential conflict with the Strategic Planning Policy Statement (SPPS) 2015, the Local Development Plan for the area (the Belfast Local Development Plan: Plan Strategy 2035), particularly in relation to heritage matters, and the potential for the proposed development to impact on the implementation of the plan-led system. It is therefore considered to be an exceptional case and that the regional and sub-regional issues raised would benefit from further scrutiny by the Department.’*

3.8 DfI’s call-in decision was reported to the Committee at the time. The decision transferred jurisdiction for determination of the applications from the Council to the Department.

#### Notice of Opinion

3.6 On 21st May 2024, DfI issued its Notice of Opinion of its intention to refuse both planning permission and Conservation Area Consent. The refusal reasons are set out below.

3.7 *LA04/2021/1317/F (application for planning permission):*

1. ‘The proposal would result in the demolition of two existing dwellings that make a material contribution to the character and appearance of the Conservation Area.



The proposed replacement dwellings would be of an inappropriate footprint, scale and alignment. The proposal would fail to preserve the character and appearance of the Conservation Area, contrary to Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035, paragraph 6.12 of the Strategic Planning Policy Statement (SPPS) and Malone Park Conservation Design Guide.'

2. 'The proposal, by reason of its footprint, scale and alignment, would harm the setting of No. 1a Malone Park, a Grade B2 Listed Building. The proposal is contrary to Policy BH1 of the Belfast Local Development Plan: Plan Strategy 2035, the Strategic Planning Policy Statement and Malone Park Conservation Design Guide.'

3.8 **LA04/2021/1318/DCA (application for Conservation Area Consent):**

1. 'The proposal would result in the demolition of two existing dwellings which make a material contribution to the character and appearance of the Conservation Area. Furthermore, the proposed replacement dwellings would be of an inappropriate footprint, scale and alignment. The proposal would fail to preserve the character and appearance of the Conservation Area, contrary to Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035, paragraph 6.12 of the Strategic Planning Policy Statement (SPPS) and Malone Park Conservation Design Guide.'

- 3.9 The Notice of Opinion states that the Department must receive any written request for an opportunity to appear before and be heard by the Planning Appeals Commission (or a person appointed by the Department) for the purposes of a hearing within 8 weeks of the date of the letter (i.e. by 15th July 2024).

**Assessment**

- 3.10 It is recommended that the Council responds to the Notice of Opinion, formally requesting opportunity to appear before and be heard by the Planning Appeals Commission (or a person appointed by DfI) for the purposes of a hearing. This would provide opportunity for the Council to present its case that planning permission and Conservation Area Consent should be granted, contrary to the Department's opinion that the applications should be refused.
- 3.11 The applicant has also received the Notice of Opinion from the Department. It is unclear at the time of writing this report whether or not the applicant will also request to appear before and be heard for the purposes of a hearing.

**Conservation Area Consent Pilot**

3.12 As reported to the Committee at its [January 2024 meeting](#), the Council is currently taking part in a pilot with the Department which is seeking to reduce the number of Conservation Area Consent (DCA) applications notified to DfI. During the pilot, the Council is only required to notify such applications where the proposal involves full demolition and/or there is an objection from special conservation advice.

**4.0 Financial and Resource Implications**

4.1 The Planning Service's attendance at the hearing and preparation of the associated written supporting statement that sets out the Council's case would have a modest impact on costs and resources and would be absorbed as part of its day-to-day work.

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

5.1 There are no equality or good relations / rural needs implications."

**Proposal**

Moved by Councillor Groogan,  
Seconded by Councillor T. Brooks,

"That no request is made by the Council to appear before or be heard by the Planning Appeals Commission, or a person appointed by DfI, for the purposes of a hearing in respect of planning applications LA04/2021/1317/F and LA04/2021/1318/DCA, 450 and 448 Lisburn Road."

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

Accordingly, the Chairperson put the recommendation to the Committee and the Committee delegated authority to the Director of Planning and Building Control to respond to the Notice of Opinion and request an opportunity to appear before and be heard by the Planning Appeals Commission or a person appointed by DfI, for the purposes of a hearing.

The Committee noted that any Member that wished to appear at the hearing, alongside officers in support of the Council's case, would contact the Director of Planning and Building Control directly to arrange.

### **Committee Visits to Implemented Schemes**

The Planning Manager explained that it was a recommendation of both the NI Audit Office and the Public Accounts Committee reports of the NI planning system, that planning committees regularly review a sample of their previously determined applications.

He suggested that the Committee visit a small selection of sites across the city that it had approved and that would cover a range of different development types, such as residential, affordable housing, purpose built managed student accommodation and commercial.

The Committee agreed to undertake an annual review of a sample of implemented schemes that it had granted planning permission for.

### **LDP Plan Strategy - EQIA Stage 7 Monitoring Report**

The Acting Development Planning and Policy Manager provided the Committee with an update on the preparation of the Stage 7 Year 1 (2024) Monitoring Report of the Plan Strategy.

He explained that there were seven stages to Equality Impact Assessments and that the monitoring stage represented the final stage in the process. He stated that the process had not identified any negative impacts on any Section 75 group and that the EQIA had concluded that all nine Section 75 groups would benefit from the policies through the provision of a broader mix of housing, more jobs, access to green infrastructure, walking and cycling routes and improved access to services and facilities.

He reported that, in line with Stage 7 of the Equality Commission Guidance, monitoring of the policies for adverse impacts was required over a two-year period and that ongoing monitoring would continue to determine whether there was any effect over a longer period of time. He added that a Stage 7 Year 2 report would be required in May, 2025.

The Committee noted the update.

### **In the Matter of a Judicial Review.** **BCC v PAC. 2024/4371/01**

The Acting Development Planning and Policy Manager explained that the recent legal challenge the Council had taken against the Planning Appeals Commission (PAC) in respect of its decision to overturn the Council's refusal of planning permission in August, 2022 for two retrospective change of use applications for short term let accommodations at Citygate on Sussex Place.

He stated that the PAC's decision was issued in October, 2023 and that on 11th June, 2024, Mr. Justice Humphries held that the PAC had misinterpreted policy in allowing a retrospective change of use and ordered that the applications must be redetermined.

He pointed out that the case highlighted the Plan Strategy's assertion that using permanent homes or apartments for short term holiday accommodation was a potential risk on a sustainable supply of housing stock across the city.

The Committee noted the update.

**Planning Applications previously considered**

**LA04/2023/4162/F - Change of use from retail unit to amusement arcade and adult gaming centre. - 51 Rosemary Street**

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

- Principle of the change of use;
- Impact on the character and appearance of the conservation area;
- Impact on amenity; and
- Proliferation of Amusement Arcades.

She reported that an additional objection had been received from Mr. E. Poots MLA which stated that the proposal was inappropriate in principle, that the use was incompatible to neighbouring property, First Church and that the proposal harmed the image and profile of Belfast city centre.

She explained that the issue of the impact of the proposal would have on the image of Belfast city centre had been addressed in the report and assessed in light of the relevant LDP policy and the impact that the proposal would have on the character and appearance of the area. She added that the issue of the cumulative build-up of amusement arcades in the city centre had also been addressed in the report and that the proposal would result in four amusement arcades within a five-minute walk or 200 metre radius, and that it had not been considered a proliferation, given the distance from the application site.

The Principal Planning Officer explained that the potential impact the proposal would have on neighbouring properties, that included First Church had also been addressed in the report and that, in terms of concerns raised with regard to mental health and gambling addiction, the proposal could only be assessed against relevant planning policies.

She reported that the proposal complied with the LDP Plan Strategy and that it was recommended that planning permission be granted.

The Chairperson welcomed Ms. D. Thompson, MBA Planning, to the meeting who was speaking in objection to the application, on behalf of First Church.

Ms. Thompson explained that the Council's Amusement Policy clearly set out that amusement arcades were not acceptable in the prime retail core and that approval of the proposal would cause a cluster of amusement arcades within a small area.

She stated that the proposal would present a bad neighbour to First Church, that was much more than a place of worship, and that it was tourist and cultural hub for the city centre which played an active role in its community and religious life.

She explained that the church was only 22 metres from the proposal site and that the church disagreed with the assertion that it would have no significant impact as gambling activities would jar with the religious, spiritual, cultural and tourism activities that were conducted within the church and associated grounds.

She stated that amusement arcades raised unique planning issues and should be assessed on a case-by-case basis and explained that Building Control did not consider arcades compatible with retailing and regenerations for the following reasons:

- They had a narrow appeal and so low footfall;
- It was highly questionable whether they add vitality to an area;
- they did not provide active street frontage at ground level because their interior was screened; and
- they did little to project an image that Belfast is open for business.

She referred to the cumulative impact and stated that there were already 10 amusement centres in the city centre and pointed out inconsistencies between the Building Control Officer's assessment and the Planning assessment. She added that, if the applicant's plan was to move their existing arcade in North Street, this had not been assessed and there was no mechanism to extinguish the old use which could result in two arcades in close proximity to the church.

She concluded by asking the Committee to refuse the application and invited the applicant to find a unit away from the church and outside the prime retail core.

The Chairperson thanked Ms. Thompson for her representation and welcomed Mr. W. Orbinson KC, Mr. S. Stranaghan, Mr. A Mains and Mr. B. McAllister, the applicant, to the meeting.

Mr. Orbinson KC explained that the applicant welcomed the careful consideration given by the Planning officers and pointed out that the report confirmed that the proposal, which was a relocation from existing premises in North Street which had been forced by the redevelopment of the area, was acceptable in principle within the primary retail core, was policy compliant and would cause no harmful impacts.

He stated that, by spending £200K on refurbishment of a vacant unit, the retention of eight jobs and increasing footfall, the proposal would support vibrancy. He explained that expert consultees confirmed that it would cause no harm to the setting of the listed church or the character and appearance of the Conservation area.

He stated that the Council's Plan Strategy had primacy over the subsidiary Amusement Permit Policy and the SPG, quoted by those in objection to the application, and rather supported leisure development in the city centre, as part of a vibrant mix of uses and that policy RET1 directed that such uses to the core.

He explained that the church had been co-existing for many years with other contrasting users and pointed out that a licensed social club which contained gaming machines and served food and alcohol on outdoor tables, opened from noon on Sundays. He added that the proposed site had previously been an Ann Summers outlet, which had a very distinctive offering, however, co-existed with the church, and its tourism and cultural functions had flourished.

He informed the Committee that the applicant's intention was to open from noon on a Sunday, similar to the adjacent 3Cs Social Club, and that it would be after the 10.30am start of Sunday worship at the church. He stated that, if necessary, the amenity of the church could be further protected by the amusement permit to control opening hours, however, the front façade and entrance, therefore the streetscape, would remain unchanged with the windows and doors obscured.

Mr. Orbinson KC referred to the proposal's proximity to other amusement arcades and asserted that it would not be a proliferation and that there was no other amusement arcade on Rosemary Street. He explained that the Landlord of the applicant's North Street unit had objected to the grant of a new lease on redevelopment grounds.

He concluded by stating that the recent objection from Mr. E. Poots MLA added nothing to the church's objection and was deserving of no greater weight, just because it came from an MLA and asked the Committee to approve the application.

A number of Members raised concern with regard to the proposed frontage of the premises and highlighted a conflict between licensing and planning policies. The Principal Planning Officer stated that in the context of Planning, the proposal was acceptable in principle and that in terms of amenity on future residents of the city centre, Environmental Health had not considered the proposal to have any harm on future residents.

In response to Members' queries with regard to proliferation, the Director of Planning and Building Control stated that the Policy SP3 of the LDP Plan Strategy relating to Improving Health and Wellbeing had not been dismissed and that it had been considered in the assessment of the proposal. She pointed out that Building Control dealt with Licensing and not Planning and that both bodies assessed applications with a different regime and where there is a conflict, Planning had to be focussed on the land use issues.

The Chairperson put the officers' recommendation to approve the application, subject to conditions, to the Committee and upon audible dissent, he called for a vote. On a vote by show of hands, seven Members voted for the recommendation and eight against and it was declared lost.

Following further discussion, the Committee deferred consideration of the application in order that the policy concerns that it raised could be considered in more detail by officers and reported back.

**LA04/2023/3936/O - Proposed replacement dwelling and all associated site works - 89a Upper Springfield Road**

The Principal Planning Officer provided the Committee with an overview of the application. She explained that the main issue for consideration was the principle of development and if the proposal met the policy requirements for new/replacement dwellings in the countryside.

She reported that the existing building had been designed and built for agricultural purposes and that, whilst an individual may have resided in the building, it was not sufficient to meet the policy test for replacement.

She stated that, having regard to DC2 and DC3 of the Local Development Plan – Plan Strategy, it was recommended that the application be refused as the presumption was against new housing in the countryside and an exemption had not been demonstrated. She added that the building to be replaced did not exhibit the essential characteristics of a dwelling house and was not eligible for replacement.

Accordingly, the Chairperson put the officers' recommendation to the Committee and on a vote by show of hands, nine Members voted for the recommendation and seven against, therefore the Committee refused the application and delegated authority to the Director of Planning and Building Control to finalise the wording of the reasons for refusal.

**LA04/2023/2748/A - 1 Digital Advertisement  
Display - 12-13 Shaftesbury Square**

The Principal Planning Officer outlined the application to the Committee and explained that the key issues for consideration were the impact on amenity, setting of listed buildings and public safety.

She informed the Committee that a sign had first been approved on the building in 1994 and again in 1998 and had been removed in 2009 and a further temporary consent had been granted for the existing LED digital sign in 2015. She explained that the temporary time condition attached to the 2015 approval was to allow reassessment of the long-term impact of the signage at the location, however the temporary condition had been the subject of a planning appeal which was allowed and permanent consent granted.

She reported that objections had been received from DfC Historic Environment Division and DfC Roads on grounds of adverse impact on the setting of the adjacent Listed Building and road safety.

She stated that, having regard to the development plan and other material considerations, it was recommended that the application would be refused.

The Chairperson welcomed Mr. M. Fairfowl, the applicant, and Mr. R. Walker to the meeting.

Mr. Fairfowl explained that he was content that his evidence supported the proposal and gave a strong rebuttal for the refusal reasons stated in the report.

He stated that, with regards to amenity, the proposal was suited well to the predominantly commercial area which was a main transport corridor where signage could be integrated effectively into the architecture. He pointed out that the proposal was situated near a grade B2 listed building but that the area could not be classed as sensitive or within a conservation area.

He contested the officers' report, stating that the proposed display, albeit wider, would not sit any higher above the parapet than the existing display, which was not centred on the building. He added that the size of the display had been reduced by 19% in order to be less prominent.

Mr. Fairfowl stated that, within his Heritage Impact Assessment, his view was that the overall contribution of the B2 listed building and its setting had already been severely compromised by a lack of investment in the surrounding area and diminished the architectural and historic interest to the wider community.

He stated that the proposal would entice local and international investment in the area and referred to a proposal which had been granted on a temporary basis for Arthur Square, which was located in a conservation area.

He asserted that public safety was paramount and that data suggested that, with messaging and brightness controls, digital displays could be used safely, despite size, and would not cause an increase in road incidents, as demonstrated in his road safety impact assessment.

He explained that the proposal sat well above any relevant traffic signals and in no way back framed or obscured the traffic signals or signs. He stated that DfI's level of risk for the proposal was too high and did not evaluate the growing evidence.

Mr. Walker stated that there was no evidence in any jurisdiction that would indicate a larger display was detrimental to road safety. He added that the Heritage Environment Division's view would have been sought when the existing sign was approved and that the proposal sat within the framework of the building.

A Member asked Mr. G. Lawther, DfI Roads, who was present at the meeting, how the larger sign would affect road safety. Mr. Lawther explained that the policy in relation to the advertisements sets out categories that specifically cover concern, in that traffic signals will be affected by advertisements in the background at some point. In relation to the existing sign, he stated that, even subsequent to a successful appeal, DfI would continue to find such signs unacceptable and would affect road safety.

In response to a question from a Member with regard to the proposals impact on the adjacent listed building, Mr. B. McKervey from DfC Historic Environment Division (HED) explained that the proposal would impact on the setting of the listed building and would detract from the building's special character.

The Committee agreed to refuse the application in accordance with the officer recommendation and delegated authority to the Director of Planning and Building Control to finalise the wording of the reasons for refusal.



### 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)

**LA04/2023/2459/F - Redevelopment of the NICSSA pavilion complex within the Stormont Estate creating a centre of excellence for sport. The development will comprise of demolition of the existing pavilion building and replacement with new 2 storey building providing state of the art indoor sports halls, changing accommodation, function/meeting space offering improvements to the existing offering. Day to Day operation of the site will be improved by way of improvements to internal road network via new access/egress arrangements from the existing Stoney Road junction, additional car and cycle parking and new waste/recycling areas. (Revised description, reduction in site boundary and further information received) - Lands within the Stormont Estate to include The Maynard Sinclair Pavilion and Dundonald House**

The Senior Planning Officer presented the Committee with an overview of the application and explained the following key issues for consideration:

- Principle of the proposed development;
- Acceptability of the design of the new pavilion and ancillary development;
- Impact on the setting of the adjacent Listed Dundonald House;
- Impact on trees subject to a Tree Preservation Order;
- Impact on natural heritage;
- Traffic Impact/parking;
- Environmental protection;
- Drainage, flood risk and climate change;
- Employability and Skills; and
- Pre-Application Community Consultation.

She stated that, following the submission of further information, DAERA NIEA Water Management Unit, Regulation Unit and Natural Environment Division had no objections to the proposal subject to conditions and that Special Environmental Services (SES) had carried out an appropriate assessment on behalf of the Council and advised that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to mitigation measures which were recommended as conditions.

She pointed out that the proposal would result in substantial loss of trees across the site and the Council's Tree Officer had stated that they were unable to support the application and advised that the removal of large groups of existing trees within the site would be detrimental and impact the existing amenity, wildlife, habitat, and impact visual character within the site which the trees currently provided.

She reported that five representations had been received which raised concerns regarding a lack of parking and the impact on nearby residential streets, amenity impacts such as noise, floodlighting and trees and wildlife. She informed the Committee that DfI Roads had considered the proposal and objections, and raised no objection to the proposal, subject to conditions.

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

The Chairperson welcomed Mr. K. Devlin and Mr. G. Kelly, NICSSA, to the meeting. In response to a question from a Member with regard to ash dieback and the preservation of trees, Mr. Kelly explained that trees had been planted within the estate for the past 30 years, many of which were planted along the site border with the Newtownards Road, to provide coverage, reduce sound and visual activity and had also brought in conservation volunteers to plant other trees on the site.

He stated that more trees were being planted than being removed and that NICSSA had a long history of preserving trees. Mr. Devlin explained that of the 404 trees that were being removed, 23% were early mature trees. He added that, from a maintenance perspective, the proposal was being used as an opportunity to maintain and protect the site and would take all necessary precautions to reduce tree loss on the site.

In response to a Member's question regarding car parking during large events, Mr. Kelly advised the Committee that parking for such events would be provided within the Stormont Estate.

The Planning Manager explained that the proposal did not comply with the tree policy, however, on balance, having regard to the wider community benefit and health and wellbeing, it was considered acceptable.

The Chairperson put the officers' recommendation to the Committee and on a vote by show of hands, 15 Members voted for the recommendation and one against and it was declared carried.

Accordingly, the Committee granted planning permission, 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 issues that arise, provided that they were not substantive.

**LA04/2022/0612/F - Residential scheme of 53 no. dwellings comprising 34 no. semi-detached and 4 no. detached) and 15 no. apartments (7 no. 2-bed and 8 no. 1-bed), amenity space, bin and bicycle storage, landscaping, access, car parking and all associated site works. (revised description & amended plans). - Lands at the junction of Shankill Road, Lanark Way, and bound by Caledon Street**

The Principal Planning Officer summarised the application for the Committee and explained that the site was within the development limit and that the site had been the subject of previous planning permissions for residential development which had expired.

She pointed out that the proposal would help regenerate the area and utilise a site that had been vacant for approximately 20 years. She stated that NIHE was supportive of the social housing element and that, on balance, the overall design of the proposal was not considered to be out of keeping with the residential character of the area.

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

The Committee agreed to approve the application, subject to conditions and a Section 76 planning agreement.

The Committee 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 arise, provided that they were not substantive.

**LA04/2023/4153/F - Conversion of an existing dwelling house to a 5 bed HMO dwelling house. No works to the exterior or elevation of the property. - 44 Ponsonby Avenue**

The Committee deferred consideration of the application in order that a site visit could be undertaken.

**LA04/2023/4616/F - Installation of glazed box to enclose existing external seating area - Nicos, 54 Lisburn Road**

The Planning Manager provided the Committee with an overview of the application and highlighted the following key areas for consideration:

- The principle of development;
- The impact on the character and appearance of the draft Area of Townscape Character;
- The impact on the setting of nearby listed buildings;

- Impact on amenity and adjacent uses; and
- Highway safety.

He explained that DfC Historic Environment Division had raised concern about the impact of the proposal on both nearby Listed terraces and the Council's conservation advice had highlighted concerns with regard to the location and design of the extension.

The Planning Manager pointed out that the proposal was considered acceptable as it was light weight and transparent in design, located at the termination of a terrace, in an area of changing character due to the iReach development proposal and because of its importance to the restaurant business.

He reported that it was recommended that the application would be approved for a temporary period of three years, with conditions.

The Committee granted temporary planning permission for a period of three years, 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 might arise, provided that they were not substantive.

**LA04/2024/0128/F - Proposed 11m (Height) x 30m (length) ball stop fencing, including perimeter and spectator fencing, with a pathway surrounding the existing pitch, and associated site works. - Existing GAA pitch at Falls Park (Approx. 80 metres north of No. 13 Norfolk Park), Falls Road**

The Principal Planning Officer provided the Committee with a summary of the report and explained that the key issues for consideration were the principle of development at the location and the impact on residential amenity.

She reported that there had been no objections from consultees and that Environmental Health were content in principle, with a re-consultation on fence details outstanding.

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

The Committee 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 to deal with any other matters that arise from the outstanding consultation response from Environmental Health.

**LA04/2024/0778/LBC - Removing existing wall mounted cycle racks and replacing with semi vertical cycle racks (free from wall mounting). - 2 Belfast City Hall, City Hall Donegall Square North**

The Principal Planning Officer outlined the application to the Committee and explained that the proposal was considered to be compliant with the SPPS, Policies BH1 and BH2 of the Belfast Local Development Plan Strategy 20235 and Section 91(2) of the Planning Act (Northern Ireland) 2011 and would have minimal impact on the existing structure.

The Committee granted Listed Building Consent, 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 arise, provided that they were not substantive.

**LA04/2023/3821/F - Proposed change of use from offices to aparthotel with the creation of additional floors to the upper section of building along with elevational alterations and associated development. -Dorchester House, 52-58 Great Victoria Street**

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

- The principle of an apart-hotel at this location;
- Scale, massing and design;
- Impact on built heritage;
- Traffic and road safety;
- Human health/environmental considerations;
- Flooding and drainage;
- Economic considerations; and
- Environment and community.

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

In response to a query from a Member, the Principal Planning Officer confirmed that a travel plan, prepared in accordance with LDP policy TRAN4 had been submitted.

The Committee granted planning permission, 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 might arise, provided they were not substantive.

Chairperson