

Planning Committee

Tuesday, 11th February, 2025

HYBRID MEETING OF THE PLANNING COMMITTEE

- Members present: Councillor Carson (Chairperson);
Aldermen Lawlor, McCullough and Rodgers;
Councillors Abernethy, Anglin, Bell, Brennan,
T. Brooks, Doran, S. Douglas, Ferguson, Garrett,
Groogan, Hanvey, Magee, McCabe, McCann,
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, Planning Manager (Plans and Policy)
Mr. M. Whittaker, Acting Principal Planning Officer;
Mr. R. Taylor, Senior Planning Officer; and
Ms. C. Donnelly, Committee Services Officer.

Apologies

No apologies for inability to attend were reported.

Minutes

The minutes of the meeting of 21st and 29th January, 2025 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 February, 2025, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were reported.

Withdrawn Items

The Committee noted that the following item had been withdrawn from the agenda:

- Draft Planning Committee Operating Protocol.

Planning Appeals Notified

The Committee noted the appeals decisions.

Planning Decisions Issued

The Committee noted the planning decisions issued in January, 2025.

Live Applications for Major Developments

The Committee noted the list of live applications for major development.

Committee Decisions that have yet to issue

The Committee noted the list of Committee decisions which had not yet been issued.

Miscellaneous Reports

**Proposed adoption of SPG on Purpose
Built and Managed Student
Accommodation (PBMSA) including report
on Public Consultation of Draft SPG for
notation**

The Acting Development Planning and Policy Manager provided the Committee with an overview of Supplementary Planning Guidance (SPG) that related to Purpose Built Managed Student Accommodation (PBMSA), following a 12-week public consultation period.

The Committee agreed to the publication and adoption of the Purpose Built Managed Student Accommodation (PBMSA) Supplementary Planning Guidance (SPG) and the associated Consultation Report.

**Response to Consultation on Private
Member's Bill relating to Tree Protection**

The Acting Principal Planning Officer explained to the Committee that Mr. P. McReynolds MLA had written to the Council in connection with a Private Member's Bill that *"seeks to strengthen the legal protections of individual and groups of trees, as well as ancient and long established woodland in Northern Ireland"*.

He reported that Mr. McReynolds had stated that the current measures for tree protection were not adequate for mitigating against the risk of unauthorised removal of mature trees and that he had been concerned at the loss of trees and the consequent impact on biodiversity.

He outlined the Private Member's Bill to the Committee and the proposed response from the Council to the public consultation.

A number of Members indicated that they were not supportive of the proposed response as it did not recognise the ecological benefit of trees or consider an alternative system of protection, and the Chairperson put the recommendation to the Committee.

On a vote, fourteen Members voted for the recommendation, five against and one no-vote, and it was declared carried.

Accordingly, the Committee noted the public consultation on tree protection matters and approved the response to the consultation questions.

**Discussion on Draft Planning
Application Validation Checklist**

The Planning Manager explained that the Council was currently consulting on its Draft Planning Application Validation Checklist, used to inform customers of the level and type of information required to be submitted for an application to be considered valid and subsequently processed by the Council.

He stated that the propose of the Validation Checklist was to improve the quality of applications received that would therefore result in quicker decision making and more efficient consultee responses for application for full permission, outline permission and approval of reserved matters.

He explained that the Draft Planning Application Validation Checklist included an indicative guide to information requirements for the following types of application:

- Hotels;
- Householder;
- Houses in Multiple Occupancy;
- Major development;
- Purpose Built Managed Student Accommodation;
- Residential Development (various scales);
- Short-term Let Accommodation;
- Specialist Residential Accommodation;
- Telecommunications Infrastructure; and
- Town Centre uses.

With regard to householder applications, the Planning Manager stated that it was proposed that such applications would be accompanied by a Biodiversity Checklist and a short and succinct Climate Change Statement.

He outlined the right of appeal and the DfI Development Management Practice Note 8 on Council preparation and implementation of Validation Checklists.

He informed the Committee that the Planning Service had completed a ten-week consultation on the Draft Planning Application Validation Checklist and that the feedback had been broadly supportive of the principle of the checklist but raised concerns about its usability and were unsupportive of additional information requirements for householder applications.

He outlined the next steps and stated that a report on the proposed final Validation Checklist would be presented to the Committee in March, with the aim of adoption in early April, 2025.

A Member of the Committee suggested that it would be helpful to Householders for the Council to publish best practice examples of a Climate Change Statement and other documentation. The Chairperson asked that the final checklist includes a Glossary with plain language explanation of the technical terms.

Following discussion, the Members noted the update.

Planning Applications previously considered

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

LA04/2019/0081/F - Erection of 12No. apartments (social/affordable housing units comprising 3No. one bed and 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works (Amended site location plan / site layout) - Lands at former Maple Leaf Club, 41-43 Park Avenue; and

LA04/2020/2325/F - Proposed erection 21no. dwellings (social/affordable housing units comprising 17no. townhouses and 4no. semi-detached), car parking, landscaping and all associated site and access works (Amended drawings, additional information) - Lands at former Maple Leaf Club, 41-43 Park Avenue

The Planning Manager provided an overview of the applications which had been approved by the Committee at its meeting in March, 2022, subject to conditions and a Section 76 planning agreement and re-approved in June, 2023, following the adoption of the Belfast Local Development Plan: Plan Strategy.

He reported that, in December, 2024, the Committee had approved an adjustment to the parking layout and noted that the Section 76 planning agreement had still not been completed. The Committee had agreed that, should the Section 76 planning agreement not be completed by the end of January, 2025, the applications would be reported back to the Committee.

He explained that the outstanding Section 76 planning agreement was necessary to secure the following:

- A Financial Developer Contribution towards improvements to King George V playing fields;
- Affordable Housing;
- Delivery and management of the proposed pocket park; and
- Temporary treatment of the pocket park site if the development was delayed (landscaped within 3 years).

He reported that, although the Section 76 planning agreement had been outstanding from December, 2019, progress was being made and that there was a willingness to resolve the issues. He recommended that the applications be approved, subject to conditions and a Section 76 planning agreement.

LA04/2019/0081/F

The Committee approved application LA04/2019/0081/F, subject to conditions and a Section 76 planning agreement, provided that the planning agreement be completed by 21st March 2025 and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement.

The Committee further agreed that, should the Section 76 planning agreement not be completed by 21st March 2025, the application would be refused on the grounds that the planning obligations necessary to make the development acceptable had not been adequately secured and that, in such circumstances, delegated authority would be given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

LA04/2020/2325/F

The Committee approved application LA04/2020/2325/F, subject to conditions and a Section 76 planning agreement, provided that the planning agreement be completed by 21st March 2025 and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement.

The Committee further agreed that, should the Section 76 planning agreement not be completed by 21st March 2025, the application would be refused on the grounds that the planning obligations necessary to make the development acceptable had not been adequately secured and that, in such circumstances, delegated authority would be given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

LA04/2024/1623/F - Change of use from 4 bed dwelling (C1) to 4 bed House of Multiple Occupancy (Sui Generis) - 49 Woodcot Avenue

The Planning Manager summarised the application which had been deferred by the Committee at its meeting in November, 2024 and the Committee had subsequently undertake a site visit to the application site.

He explained that, during the site visit, it had become apparent that the plans of the rear yard had been inaccurate and that amended plans had been submitted which showed the rear amenity space was 9.4sqm rather than 12.9sqm and that the yard therefore was not large enough to accommodate the bins required to support a five-bedroom HMO property and refusal of the application had been recommended in the report to the January meeting of the Committee.

He stated that, since publication of the report before the Committee, amended plans had been submitted which had reduced the proposal from a five-bedroom HMO to a four-bedroom HMO with a resulting larger kitchen, dining and living room.

He explained that the reduction in bedrooms meant that there was sufficient space for bin storage and that, having regard to the Local Development Plan and other material considerations, the application, on balance, was considered acceptable and it was recommended that the application be approved, subject to conditions.

The Chairperson welcomed Mr. A. Olphert, Create Architecture, to the meeting.

Mr. Olphert explained that the property had been listed for sale in 2022, however, it went unsold due to its poor condition and was purchased by the applicant in 2024. He stated that, whilst the property lay derelict, its condition deteriorated further and there had been penetrating damp throughout, rising damp, structural issues and falling lintels to the front façade.

He stated that, without the applicant's intervention which addressed all of the aforementioned issues, the property would be uninhabitable. He informed the Committee that the applicant was an experienced HMO investor with six fully licensed properties and three projects currently under construction, had never had a complaint submitted with regard to any of his properties, either from a tenant or neighbour.

He explained that the applicant had been investing significant sums of money into run down, uninhabitable properties to return them to the housing market for young professionals.

Mr. Olphert addressed the housing crisis and the number of derelict homes and stated that a HMO property could contribute positively to easing pressures on the housing market and that approval of the application would provide quality accommodation for four people working and living in Belfast and would bring the percentage of HMO properties on Woodcot Avenue to 2.7%, well below the 10% threshold.

A number of Members commented on the housing crisis and stated that families were looking for homes in Belfast and that HMOs put pressure on the market and change the nature of residential areas.

A Member pointed out that HMO properties were managed properties that were intended to improve the quality of shared housing and that whilst amenity space was a consideration, there was a need for shared accommodation in the city.

Proposal

Moved by Alderman Lawlor,
Seconded by Councillor Doran,

“That the Committee agrees to refuse the application on grounds of insufficient amenity space and that authority be delegated to the Director of Planning and Building Control to finalise the wording of the refusal reasons.”

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

New Planning Applications

LA04/2024/1458/F - Alterations to the site include refurbishing and repurposing of 3no existing vernacular buildings and replacing 1 shed, a small garage and an agricultural structure with a new amenity building. Enhancements to the existing pond network, introduction of signage interpretation and a suite of site-appropriate furniture. Wider site improvement works are proposed including path enhancements and new routes, installation of site furniture and interpretation signage. - Divis and The Black Mountain National Trust Site, Divis Road

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

- Principle of development in the countryside;
- Layout, scale, massing and design and impact on the Belfast Hills and Area of High Scenic Value;
- Impact on natural heritage;
- Impact on the archaeological assets;
- Flood risk;
- Climate change;
- Proposed access and car parking; and
- Pre-application community consultation.

He stated that it was considered that the proposal would enhance the existing National Trust site by enhancing the existing walking trails, the addition of new walking trails, signage and appropriate furniture to aid the visitor experience.

He explained that the proposed building was sympathetic to the rural character of the surrounding area and would not have significant impact on the Belfast Hills Area or the Area of High Scenic Value.

He reported that DAERA's Natural Environment Division and Water Management Unit had requested further information which had been submitted and that the response was outstanding and that, given the funding pressures associated with the application, it was recommended that the Committee delegate authority to the Director of Planning and Building Control to deal with the outstanding consultation response.

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

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 resolve the outstanding DAERA and DfI Rivers

consultation responses, and deal with any other matters that might arise, provided that they were not substantive.

LA04/2024/1837/F - Variation of condition No. 20 of planning permission LA04/2022/0129/F to amend trigger point for implementation of APPROVED foul and surface water drainage programme, from prior to commencement to prior to occupation. Lands north of 14 Mill Race and 15 Belfield Heights and south of 2-15 St Gerards Manor

The Senior Planning Officer outlined the application to the Committee for the variation of condition 20 on planning approval LA04/2020/0804/F to alter when the details of the foul and surface water drainage were to be submitted, approved and implemented on site.

He highlighted the following key issues for consideration:

- Acceptability of revised trigger point for implementation of foul and surface water drainage solutions; and
- Impact on water environment and protected sites.

He reported that NI Water had offered no objection to the rewording of the condition and revised trigger and that none of the approved drawings, stated in the original conditions, had been amended as a result of the proposed change.

He stated that, having regard to the Development Plan and other material considerations, the proposed variation of condition 20 was considered acceptable.

The Committee granted planning permission for the variation of Condition 20. Delegated authority was given to the Director of Planning and Building Control to finalise the wording of conditions and Section 76 planning agreement, if required.

LA04/2024/1551/F - Public Realm Environmental Improvement scheme - Cathedral Gardens (Buoy Park), Donegall Street

The Senior Planning Officer summarised the application for the Committee and pointed out the following key issues to be considered:

- Principle of development;
- Design, character and appearance;
- Health and wellbeing;
- Access, movement, and transport;
- Environmental considerations;
- Landscaping, green infrastructure and trees;
- Built heritage; and
- Amenity.

He explained that, since publication of the report, NI Water had submitted its consultation response which recommended approval with standard planning conditions.

He stated that the application was considered acceptable and that it was recommended that planning permission be granted.

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.

Additional Item

LA04/2024/0714/F - Proposed development to create a private medical facility (a hospital within Class C3) comprising of the change of use of part of retail warehouse and the extension of the building to create a private medical facility with a significant element of overnight residential care together with all associated ancillary development. - Units 2A and 2B at 38 Boucher Road

The Director of Planning and Building Control explained that the Committee had approved the application at its meeting in January, however, it had since come to light that the applicant was not the owner of the site and had a long-term lease with the Council, the site owner.

She explained that, as the Council was the site owner, the application was before the Committee to remove the requirement for a Section 76 planning agreement.

The Committee agreed that its decision of 21st January, 2025, when it approved the application, be amended to remove the requirement for a Section 76 planning agreement, due to the fact that the Council had ownership of the site and, legally, could not enter into a Section 76 planning agreement with itself.

The Committee delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions, including a condition to secure the Employability and Skills Plan that would otherwise have been provided within a Section 76 planning agreement.

Chairperson