

Town Planning Committee

Thursday, 6th June, 2013

MEETING OF TOWN PLANNING COMMITTEE

Members present: Councillor Hanna (Chairman);
Aldermen M. Campbell, McCoubrey, Rodgers and Smyth;
Councillors Austin, Cunningham, Curran, Garrett, Haire,
Hendron, Lavery, McCarthy, Mullan, A. Newton, O'Neill, L.
Patterson and Webb.

In attendance: Mrs. P. Scarborough, Democratic Services Section; and
Mrs. S. Wilkin) Divisional
Ms. K. Mills) Planning Office.

Apologies

An apology for inability to attend was reported from Councillor M. E. Campbell.

Minutes

The minutes of the meetings of 2nd and 16th May 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, 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 were reported.

Routine Correspondence

It was reported that correspondence had been received from various statutory bodies, agencies and other organisations in respect of the undernoted:

Notification from the Roads Service of:

- an amended scheme for traffic calming measures at Ligoniel;
- an accessible blue badge parking bay at 99 Cullingtree Road; and
- the removal of a disabled parking bay at 36 Ponsonby Avenue.

Copies of the correspondence in relation to the above-mentioned matters were made available at the meeting for the information of the Members.

The Committee noted the information which had been provided.

**Listing of Buildings of Special Architectural
or Historic Interest**

The Fort Bar, 25 to 27 Springfield Road

The Committee was advised that correspondence had been received from the Northern Ireland Environment Agency indicating that, under Article 42(1) of the Planning (Northern Ireland) Order 1991, the Agency was required to consult the Council prior to the inclusion of any building on the statutory list of buildings of special architectural or historic interest. In addition, the correspondence had indicated that the Environment Agency would welcome the Council's views in relation to its proposals to list the above-mentioned property.

After discussion, the Committee agreed to support the listing of the above-mentioned property as outlined.

Planning Application Z/2012/1108/F
Erection of a two storey garage with new access
from Priory Gardens

It was reported that correspondence had been received from the Area Planning Office in relation to the above-mentioned matter which had indicated that, having considered all the relevant factors, the Planning Service remained of the opinion that the application in respect of the proposed erection of a two storey garage with new access from Priory Gardens was acceptable and that a decision to approve would be issued within the near future.

A Member indicated that she remained dissatisfied with the decision to approve. The correspondence was subsequently noted by the Committee.

Request for Deputations

Article 31 Planning Application
7 Airport Road

The Committee was reminded that, at its meeting on 18th April, it had agreed to invite the applicants of the above-mentioned planning application to a future meeting to outline the plans in greater detail. It was reported that the applicants had indicated that they would be available to attend the meeting of the Committee which was scheduled to be held on Thursday, 15th August.

After discussion, the Committee noted the attendance of the applicants at its meeting on 15th August and agreed that the Members of the Health and Environmental Services Committee be invited also to attend that meeting.

Revised Planning Fees

The Committee considered the undernoted report:

“1 Relevant Background Information

1.1 This is the first set of proposals brought forward as part of the second phase of a review of Planning Fees.

1.2 In its response to phase 1 (Dec 2010), the Council expressed concern about the lack of consultation with Local Government and the impact which the removal of concessionary fees would have on the Council. In addition to the issues identified above, the Council was also concerned that Phase 2 would include proposed changes to the miscellaneous fee category which could have significant impacts on statutory Waste Management operations such as the development of household recycling centres. In this consultation, the proposal is to resolve the issue of plant and machinery applications within a larger site. This normally occurs in mineral extraction sites rather than waste management sites.

1.3 This consultation (a copy of which was contained on the Modern.gov system) impacts on planning applications relating to

- renewal planning permission - the introduction of reduced fees;
- mixed use applications - the introduction of a revised methodology for calculating fees;
- applications for Certificates of Lawful Use or Development and consent to display advertisements - the removal of the fee exemptions for resubmitted applications
- the fee for two or more dwelling houses - the correction of an anomaly in the existing provisions;
- the provision of community facilities (including sports grounds) and playing fields - the removal of the fee for applications made by non-profit making organisations; and
- minerals, gas and waste applications - the introduction of a revised methodology for calculating fees

2 Key Issues

2.1 The Department states that this is a step towards providing a fairer and more robust funding framework for the transferred planning system. The planning fee structure is complex and can be difficult to administer involving measurements and calculations which have caused errors in the past. Any simplification will reduce the time taken to calculate fees and audit the results.

2.2 The introduction of a reduced fee to renew an application where the time-limit has not yet expired is similar to that in England where the rate is a flat fee. The proposal is to introduce a rate which is 25% of the full permission. The use of this percentage rather than a flat rate is sensible as it will continue to reflect the on-going changes to fees without the need for further legislation. Renewals of permission are normally straightforward and only where there has been a change of circumstances would there be any additional work to be carried out.

2.3 The methodology for calculating the fee for mixed use schemes has not been logical as the calculation varies depending on whether there is a residential component and this can create difficulties if there are shared areas. This has resulted in difficulties for developers trying to calculate the fee. The new proposal is to make the fee the sum of the fees for each of the uses proposed, subject to a maximum. This is a more readily understandable method and should provide more certainty.

The Department makes the point that this methodology would also apply where there is an outline application on part of the site and a full application on another part of the site. This is not common but is a reasonable approach.

2.4 However, where an application involves plant and machinery (cat 5), it is proposed that the existing method of taking the higher of the calculations is retained. This again is a sensible practical solution to the problem of charging for plant and machinery applications on the basis of the area of the site where the site may be the same size as the extraction site or the footprint of the office building. This would therefore be a double-charging of fees and is unrelated to the amount of work involved.

2.5 The imposition of a fee for resubmitted Certificates of Lawful Use or Development (CLUDs) and Consent to Display advertisements is a further simplification of the existing Regulations and a recognition of the work involved in processing such applications. There are a series of specific conditions which must be met to achieve the current exemptions but this can itself be a source of dispute as, on occasions, some but not *all* the conditions may be met.

- 2.6 The Department has proposed the removal of an anomaly built into the previous change in fees for two or more dwelling houses whereby it was cheaper to apply to build two houses than one. This anomaly has been resolved by making the first house the same cost whether it is only one or more than one and the second house is capped at £160. The cost of three houses and more remains unchanged. This is a sensible rationalisation of the current problem.
- 2.7 The removal of the fee for non-profit making organisations providing community facilities is a welcome resolution of the difficulties which have arisen with the interpretation of the current regulations. The fact that the application must be for community facilities will hopefully be clear and, perhaps more examples such as community gardens and allotments should be included. The position of private sports clubs can be ambiguous with regard to their status as non-profit making bodies and this may need further clarification.

The Council would also want to clarify whether non-profit organisations includes local government.

- 2.8 The revision of the methodology for calculating the fees for applications for Minerals, Gas and Waste reflects concerns which were expressed about the step change which occurs because the charging was for each 0.5ha. The proposal is to align Northern Ireland with other jurisdictions by reducing the threshold to 0.1ha. This will mean that applications which are just over the thresholds will not be charged a much larger fee. An example is shown below:

SITE AREA (CATEGORY 8 APPLICATIONS)	Current Fee – calculated per 0.5 ha	Proposed Fee – calculated per 0.1 ha	Difference
0.6 ha	£3,726	£2,190	- £1,536
0.75 ha	£3,726	£2,920	- £806
2.1 ha	£9,315	£7,665	- £1,650
11 ha	£40,304 (fee maximum)	£40,304 (fee maximum)	None

- 2.9 The Department provided a series of questions which reflect the answers which they would like on this consultation. However I feel they are restrictive in some of the questions asked and I would propose that BCC reflect its own concerns in its response to this consultation.

- 3.0 The Department also asked for comments on the Regulatory Impact Assessment and the Equality Impact Assessment. There are no concerns about the Assessments as presented.

Fee income

In the previous response to the Fees consultation, it was understood that the Department would provide a data set on the time, cost and complexity of applications processed, across divisional offices, headquarters and by application category. This information will be important to ensure that income generated by undertaking particular planning related functions covers the cost of actually delivering that function. It is important that the cost of applications is properly assessed prior to the transfer of specific planning functions to councils taking place, so as to ensure the continuation and resilience of the service post-transfer.

No information has been provided to allow this analysis.

4 Resource Implications

- 4.1 None

5 Equality and Good Relations Considerations

- 5.1 There are no Equality and Good Relations considerations attached to this Consultation.

6 Recommendations

- 6.1 There are no specific major issues in these proposals for the Council. Most of them are practical resolutions of problems identified in the past, relating to the calculation of fees rather than the actual level of the fee. The outstanding issue for the Council will be the need for information relating to the cost of delivering the service for Belfast which is not addressed by this paper.
- 6.2 Members are requested to consider and, if appropriate, endorse the content of the suggested response to the consultation as set out in Appendix 1.

Appendix 1

Draft Response

Belfast City Council Response to '*Planning Fees and Funding Consultation Paper*'

Belfast City Council has considered the proposed amendment to the Planning Fees and is generally content with the proposals put forward. It is understood that this is part of a second phase of the review of planning fees which has previously been considered and that further work is proposed.

It is not necessary to answer the individual question set out in the consultation form as there are no specific disagreements with the proposals put forward. It is important that the fees regime is easily understood and the calculations straightforward as this will save time for the staff who are engaged in auditing the income. Any changes which achieve this are to be welcomed.

The one area where further clarification is suggested related to para 34 of the consultation paper, where the examples of community facilities could be extended to make clear that allotments, multi-use games areas and gardens are included. The Council would also want clarification that local government is included within the non-profit making organisations.

However, it must be noted that there is no information given as to how particular fees were arrived at and, in view of the forthcoming return of planning powers to Councils, there is insufficient reasoning given which would allow the Council to assess the future impact of these fee levels on the delivery of the service by the Council. The absence of this key data was previously commented upon in the response to the first fees reform paper and it is disappointing that the Department has yet to make any information available

Conclusion

Belfast City Council acknowledges the need to move towards a sustainably resourced planning system that is fit for purpose. However, the Council remains concerned that the review continues without detailed discussions with local Councils and the financial information to support the changes being proposed."

The Committee noted the information which had been provided and endorsed the draft response to the consultation document as outlined.

New Planning Applications

The Committee noted a list of new planning applications which had been received by the Planning Service from 7th until 27th May, 2013.

Appeal Decision Notified

The Committee noted the outcome of a planning appeal in respect of a proposed two storey extension to the rear of the existing property located at 36 Hawthornden Road.

Streamlined Planning Applications - Decisions Issued

The Committee noted a list of decisions which had been issued by the Planning Service between 8th and 28th May in respect of streamlined planning applications.

Deferred Items Still Under Consideration

The Committee noted a list of deferred items which were still under consideration by the Planning Office. A Member reminded the officers from the Planning Service that concern had been expressed previously in relation to the increasing number of applications which had been included on the list. The Planning Service officials undertook to examine each of the applications which had been included on the list to investigate the reasons for the delay in an attempt to process those outstanding issues expeditiously.

Planning Application Z/2012/0409/F – 17 to 21 Ormeau Avenue, The Limelight

The representatives from the Planning Service reminded the Committee that, at its meeting on 2nd May, it had reconsidered the above-mentioned planning application and, under the authority delegated to it, had adopted the opinion of the Area Planning Manager to approve the application in connection with the provision of an outside area of the licensed premises at first floor level with facilities for smokers. At that meeting, the Members had been advised by the Planning Service that the decision to approve the application would not be issued until the relevant Council officials had met with the licensee to discuss the entertainments licence.

The Planning Service informed the Committee that the circumstances had since altered in relation to the Environmental Health advice which had been received, in that an entertainments licence would not be required in connection with the planning application. However, the Members were advised that, whilst an entertainments licence would not be required, planning conditions would be imposed in connection with a Noise Verification Report, and that the Environmental Health Service had confirmed that it had no concerns in relation to the proposal, subject to the suggested conditions being included within the planning approval.

The Committee noted the information which had been provided.

Reconsidered Items - Applications Rejected

Z/2010/1648/F

**Approved site for dwelling and garage
adjacent to 66 King's Road**

The Committee considered further a planning application, in relation to a change of house type and garage to that which had previously been considered, in respect of which the Divisional Planning Manager had offered an opinion to approve.

After discussion, the Committee agreed, with two Members voting against, to adopt the opinion of the Divisional Planning Manager to approve the application.

(As the decision was not unanimous it was subject to ratification by the Council.)

Z/2011/0476/F

Wellington Park Hotel

The Committee considered further a planning application in relation to the partial demolition, refurbishment and extensions to the existing hotel, which would provide an additional ninety-two bedrooms, thirty-eight apartments, an additional function room, syndicate rooms, café and restaurant space, an office extension and associated car parking and landscaping in respect of which the Divisional Planning Manager had offered an opinion to approve.

After discussion, the Committee agreed, with two Members voting against, to adopt the opinion of the Divisional Planning Manager to approve the application.

(As the decision was not unanimous it was subject to ratification by the Council.)

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE
OF THE POWERS DELEGATED TO IT BY THE COUNCIL**

Reconsidered Items

The Committee considered further the undernoted planning applications and adopted the recommendations of the Divisional Planning Manager thereon:

<u>Site and Applicant</u>	<u>Proposal</u>	<u>Divisional Planning Manager's Opinion</u>
Wellington Square, The McGinnis Group	Amendment of condition three of Z/2006/1623/F by removing the reference to drawing number AL (02)001 Rev.A (revised parking layout at the Boulevard).	Refusal

Land adjacent to 36 Stranburn Park, Sutherland Architects Limited	Erection of a new dwelling.	Refusal
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41 Sydenham Avenue, Mr. D. Murray	Erection of two-storey porch/ bedroom front extension and single story front extension	Refusal
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Schedule of Planning Applications

The Committee considered the schedule of planning applications which had been submitted by the Divisional Planning Manager in respect of the Council area and agreed to adopt the recommendations contained therein with the exception of those referred to below:

<u>Site and Applicant</u>	<u>Proposal</u>	<u>Divisional Planning Manager's Opinion</u>
Union Street Bar, Anthology Northern Ireland Limited	Creation of a first floor projecting balcony, on the Union Street elevation, as a smoking area to incorporate canvas awnings. [Deferred at the request of Councillor M. E. Campbell to enable an office meeting to take place.]	Refusal
55 to 63 University Street, Queen's University Belfast	Demolition of 55 to 63 University Street and Queen's University garage with façade retention of 63 University Street; demolition of 101 to 111 Botanic Avenue with facade retention (to enable the development of twelve houses in multiple occupation in the form of townhouses and three apartments to provide purpose built student accommodation with associated operational development). [Deferred at the request of Alderman Rodgers and Councillors Hendron and Lavery to enable an office meeting to take place.]	Refusal

55 to 63 University Street, Queen's University Belfast	Demolition of 55 to 63 University Street and Queen's University garage at University Square Mews with façade. Retention of 63 University Street; demolition of 101 to 111 Botanic Avenue with façade. Retention of 101 to 111 Botanic Avenue and the development of twelve houses in multiple occupation in the form of townhouses (seven with five study bedrooms and five with six study bedrooms) and three apartments (each with two study bedrooms) to provide purpose built student accommodation with associated operational development. [Deferred at the request of Alderman Rodgers and Councillors Hendron and Lavery to enable an office meeting to take place.]	Refusal
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Chairmanship of Meetings

A Member welcomed the new Chairman and congratulated her on the manner in which she had chaired the meeting. Furthermore, he paid tribute to the outgoing Chairman who had conducted the business of the Committee in an efficient and effective manner.

Chairman