

Town Planning Committee

Thursday, 7th November, 2013

MEETING OF TOWN PLANNING COMMITTEE

Members present: Councillor Hanna (Chairman);
Aldermen M. Campbell, McCoubrey, R. Patterson and
Rodgers; Councillors Austin, Beattie, Cunningham, Curran,
Garrett, Haire, Hendron, Mullan, A. Newton, L. Patterson
and Webb.

In attendance: Mrs. P. Scarborough, Democratic Services Section; and
Mr. P. Fitzsimons) Divisional
Ms. U. McDonald) Planning Office.

Apologies

Apologies were reported on behalf of Alderman Smyth and Councillors M. E. Campbell and McCarthy.

Minutes

The minutes of the meetings of 3rd, 17th and 28th October were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 4th November, 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 the Draft Order, map and Statutory Notice in relation to the abandonment of the footpath at Sliabh Dubh Glen and Sliabh Dubh View.

Notification from the Northern Ireland Housing Executive of:

- the extinguishment of the Public Rights of Way at the Belfast, Village Urban Regeneration Area 144; and

- the application for a Vesting Order at Moltke Street.

Copies of the letters, maps and orders relating 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.

'To Let/For Sale' signs in Belfast

The Committee was reminded that, at its meeting on 24th June, it had considered a response, which had been received from the Department of the Environment's Strategic Planning Division, in relation to concerns which had been raised by the Committee previously in connection with the proliferation of 'To Let' and 'For Sale' signs which were displayed at properties, especially in the south of the City. Information had also been requested on the legislative powers which existed to control the display of such signs and the steps which could be taken to enforce the legislation. The Committee had noted that response and had agreed that a further letter be issued to the Acting Chief Planner suggesting that a restriction be placed upon agents to display one sign only at each property, located on the inside of a window as opposed to being placed on the outside.

The Committee was advised that a further response had been received from the Strategic Planning Division which had stated that the Advertisement Regulations allowed for signs relating to the sale or letting of a property to be displayed, with deemed consent, on the condition that the sign was removed within 14 days after the sale was completed or the tenancy was granted. The Strategic Planning Division had provided information on the dimensions and locations of acceptable signs and had stated that the majority of Estate Agents displayed boards within the parameters set out in the Regulations. It was accepted that there was a proliferation of signage in the vicinity of the Queens' University and it was acknowledged that it could have a detrimental impact on the amenity of the area. Arising from the actions which had been taken by the Planning Service thus far, in terms of corresponding with Estate Agents and reminding them of the Regulations and of their responsibilities in that regard, there had been a reduction of 25 signs displayed in the area. A fourth survey was currently underway, the results of which would be notified to the Committee in due course.

After discussion, the Committee noted the information which had been provided and noted also that the Area Planning Manager would provide a further update to a

Request for Deputations

It was noted that no requests for deputations had been received.

Reports and Correspondence

Deferrals Process

The Committee was reminded that, at its meeting on 17th October, it had agreed to defer consideration of a report on the deferrals process to enable further information to be obtained on:

- the authority permitting individual Members and the Committee as a whole to seek to defer applications for office meetings;
- the level of support by the Council which may be available to Members in the event of any subsequent challenge; and
- clarification on the use of the Committee's delegated powers in relation to the deferrals process.

The Committee was advised that discussions had taken place with the Planning Service, the Urban Development Manager and the Town Solicitor in that regard and that the following clarification had been obtained:

- the authority permitting individual Members and the Committee as a whole to seek to defer applications for office meetings:

The authority is contained in the Standing Order 46(f), viz.,

The Town Planning Committee shall be responsible for:-

Considering applications for permission to carry out development within the area of the Council and formulating views thereon for submission to the Department of the Environment for Northern Ireland, the Committee having delegated authority from the Council in this regard where its decisions are unanimous. Considering and commenting on housing development programmes and proposals submitted by the Government and the Northern Ireland Housing Executive.

- The level of support by the Council which may be available to Members in the event of any subsequent challenge:

In the event of a planning application being deferred for an office meeting by an individual Member and that request was not challenged by any other Member of the Committee, then it would be the Committee as a whole which had agreed to defer the application.

In the event that the Committee did not accept a proposal that a particular application be deferred, the decision, as it was not unanimous, falls to be determined by the full Council.

In the event of a challenge being made to a decision to defer a particular application that challenge would, therefore, be against a Committee decision. Any such challenge would be referred to the Legal Services Department for attention as would any other challenge against any Committee decision.

- Use of the Committee's delegated powers in relation to the deferrals process:

The use of the Committee's delegated powers in relation to this issue is contained in the Standing Order 46(f) above. The Guidance Notes, which had been issued by the Planning Service in 2005, had stated that a long and established element in the consultation process had allowed for district councils to request the Planning Service to defer consideration of individual applications if they disagreed with the preliminary opinion. As the powers to consider applications for permission to carry out development within the area of the Council have been delegated to the Town Planning Committee, then any decision taken by that Committee is under the authority of the Council. It is however important that decisions represent the corporate view of the Council and are taken against the policy context.

After discussion, the Committee agreed that, in relation to requests for deferrals to enable office meetings to be held in respect of individual planning applications on the schedule, it would be prudent to record such decisions as "deferred by the Committee" as opposed to being attributed to a particular Member. Furthermore, the Committee agreed also to provide a reason or reasons when requesting a deferral of a planning application to enable an office meeting to be held, based on the criteria set out hereunder:

1. applications which clarify the interpretation of a newly published or previously untested planning policy or where there is a lack of specific policy;
2. applications which involve a departure from the Regional Development Strategy or a development plan or a draft development plan;
3. applications which have significant environmental impact, requiring the submission of an Environmental Impact Statement;
4. applications which have generated strong local/neighbourhood objections based on valid planning concerns;

5. where the council considers that all material planning considerations have not been assessed or where the opinion has been made contrary to, or departs from, prevailing planning policy.

Renewable Energy Policy

The Committee was advised that correspondence had been received from the Director of the Planning Policy Division of the Department of the Environment enquiring if Members of the Statutory Transition Committee or the Town Planning Committee would be interested in attending a presentation on the current renewable energy policy. The Department of the Environment had received previously a request for a presentation to be made to a council planning committee in this regard and the Minister had indicated that he would be keen that all Statutory Transition Committees and Planning Committees were given a similar opportunity.

After discussion, the Committee agreed that its preference would be to hold a special meeting, on a date and time to be agreed in conjunction with the Chairman, to receive such a presentation. In the event that it would not be possible to accommodate a special Committee meeting, the Members agreed to attend an event to be organised by the Department of the Environment. Furthermore, the Committee requested that information be sought on the number of applications within the Council area to which the policy was applicable.

Appeal Dates Notified

The Committee noted the date for the holding of a planning appeal in respect of an application for a mixed use regeneration scheme on land at the existing Department of Regional Development car park at Frederick Street.

Streamlined Planning Applications – Decisions Issued

The Committee noted a list of decisions which had been issued by the Planning Service between 9th and 29th October in respect of streamlined planning applications.

Deferred Items Still Under Consideration

A list of deferred items, which were still under consideration by the Planning Service, was noted by the Committee.

New Planning Applications

The Committee noted a list of new planning applications which had been received by the Planning Service from 8th until 28th October.

Reconsidered Items - Applications Withdrawn

At the request of the Planning Service, the undernoted reconsidered items were withdrawn from the list:

<u>Site and Applicant</u>	<u>Proposal</u>	<u>Divisional Planning Manager's Opinion</u>
20 Knockburn Park, Mr. M. McCurry	The demolition of an existing double garage and the erection of a detached dwelling, together with alterations to the existing road access.	Refusal
16 Adelaide Park, Mr. C. Coburn	Alterations and an extension to the detached garage to form an additional dwelling unit	Refusal

**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>
Land to the rear of 38 Bristow Park, Mrs. P. Gordon	New build private dwelling.	Approval
2b Dudley Street, M. and M. Property Services Ltd.	Retention of development as built for ground floor offices and storage and two apartments on the first floor.	Refusal

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>
1 Seaview Gardens, Ada Architects	The erection of 2, 2 bedroom apartments in a 2 storey block. [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 4.]	Approval
18 Olympia Parade, Mr. P. Graham	Retrospective application for alterations to previously approved extension. [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 5.]	Refusal

Chairman