

# Planning Committee

Tuesday, 16th February, 2016

## MEETING OF PLANNING COMMITTEE

Members present: Councillor Garrett (Chairperson);  
Aldermen McGimpsey, L. Patterson  
and Stalford;  
Councillors Armitage, Bunting,  
Campbell, Heading, Hutchinson, Johnston,  
Magee, McAteer and McDonough-Brown.

In attendance: Mr. P. Williams, Director of Planning and Place;  
Mr. J. Walsh, Town Solicitor;  
Mr. C. McIlwaine, Area Planning Manager;  
Miss N. Largey, Divisional Solicitor; and  
Mr. B. Flynn, Democratic Services Officer.

### Apology

An apology was reported on behalf of Councillor Mullan.

### Minutes

The minutes of the meeting of 19th January were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st February, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### Declaration of Interest

In respect of item LA04/2015/1462/A, that is, an application for replacement shop signs as part of the 'Renewing the Routes Scheme' on the Shankill Road and Peter's Hill, Alderman McGimpsey indicated that he was associated with a company which owned one of the properties referred to within the report.

### Special Meeting of the Committee

The Committee agreed to hold a special meeting in the Lavery Room on Tuesday, 23rd February at 6:00 pm to consider a number of applications.

### Abandonment Public Rights of Way - Gainsborough Drive

The Committee noted the receipt of correspondence from the Northern Ireland Housing Executive, which related to the extinguishment of a Public Right of Way to the rear of 58-60 Gainsborough Drive.

### **Birds' Directive: East Coast (NI) Marine Special Protection Area**

The Committee noted that an area of land along the east coast of County Antrim, which incorporated Belfast Lough, had been deemed a Marine Specific Protection Area by the Northern Ireland Environment Agency. It was explained that that measure had been introduced specifically to protect birds and their habitats in accordance with a European Community Directive which had been introduced in 1979.

### **Planning Appeals**

The Committee noted the receipt of correspondence in respect of a number of planning appeals which had been submitted to the Planning Appeals Commission, together with the outcomes of a range of hearings which had been considered by the Commission.

### **Planning Decisions Issued Under Delegated Authority**

The Committee noted a list of decisions which had been taken under delegated authority by the Director of Planning and Place and the Town Solicitor between 12th January and 4th February.

### **Departmental Performance Update - Oral Update**

The Committee noted the contents of a report which gave an overview of the Department's performance up to the date of the meeting.

### **Statement of Community Involvement**

The Committee considered the following report, together with the associated Statement of Community Involvement, which was published on the Council's website:

#### **"1.0 Background Information**

- 1.1 A Statement of Community Involvement (SCI) sets out when and how the City Council will engage the local community in both the preparation of planning policy and the determination of planning applications.**
- 1.2 Section 4 of the Planning Act (Northern Ireland) 2011 ('the 2011 Act') places a statutory duty upon the Council to produce an SCI. The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 sets out the process by which this should be done.**
- 1.3 These regulations prescribe the form and content of the SCI to be prepared by the Council and the procedures for its preparation and agreement by the Department.**

The Regulations also make provision that allow a council to carry out a discretionary public consultation on the SCI if it so wishes.

- 1.4 The 12-week public consultation exercise on the draft Statement of Community Involvement was facilitated by means of a consultation exercise from which the Development Planning and Policy Team received eleven responses. The public consultation exercise attracted responses from a wide range of interests. Two responses were from Local Government interests; six responses were from the community/academia sectors; one response was from an individual and two responses were from businesses.
- 1.5 This report is broken into themes of the SCI being the preparation of the LDP and Community Plan, Development Management, Planning Enforcement and community involvement in Conservation Area and Simplified Planning Zone designation.
- 2.0 Key Issues
- 2.1 The purpose of community consultation process is to ensure that people:
  - (i) Have access to information about how their area will develop;
  - (ii) Put forward their own ideas about how their area develops and feel confident that there is a process for those ideas to be considered;
  - (iii) Have an early and informed opportunity to express their views on the development of the area and have it considered before decisions are made;
- 2.2 In its broadest sense it is intended that we adopt a proactive and timely approach to community involvement through a process of providing clear information and encourage participation during plan preparation and planning application submission, assessment and determination. The process must therefore be informative, user friendly, as inclusive as possible and conducted in an open and transparent way. Every effort is to be made to engage the community, record views and provide feedback.
- 2.3 Good practice in community involvement embraces a wide range of activities and these depend on the purpose for which consultation is being undertaken and who is being consulted.

**Preparation of the Local Development Plan  
and Community Plan**

- 2.4 Community consultation is an important element of preparing a draft Local Development Plan. A local development plan is made at different stages, each presenting opportunities for community involvement.
- 2.5 The Statement of Community Involvement (SCI) will inform the general public and all stakeholders of how, where and when they can become involved in the local development plan preparation process and the timescale for doing so. The indicative timeline for the LDP process as detailed in legislation and will set out the key stages and broad timing of the plan process and will commence when it is published by Belfast City Council. The SCI and timetable for the Plan will be published together.
- 2.6 Each stage is identified with the actions that are to be taken to involve the community. As most of the respondents to the draft SCI had views of who should be included as consultees the Planning Section will set up a database of stakeholders for community involvement. The format of community engagement will be established as the LDP plan process evolves and the community will be made aware of public events through public notices. The actions will fulfil and in some cases exceed the statutory requirements on public consultation.
- 2.7 Advice has been taken with internal communications to ensure that the SCI is clearly communicated and accessible in alternative formats and minority languages.
- 2.8 The SCI outlines how the Council will engage with the community in preparing the Belfast Agenda and the involvement that has been undertaken within the Belfast Conversation programme of engagement. The LDP is a spatial representation of the Community Plan.
- 2.9 To ensure transparency and accountability the local development plan is subject to a Sustainability Appraisal incorporating a Strategic Environmental Assessment and SA. Independent examinations by the Planning Appeals Commission (PAC) will determine the soundness of the draft plan strategy and local policies plan and dates, times and venues for this examination will be made known.

**Development Management**

- 2.10 In the case of determining planning applications, the SCI will encourage pre-application discussions for a range of types of applications, both major such as large housing, industrial or retail and local such as house extensions or advertisements.
- 2.11 During the application stage the SCI details how the Council will involve the Community in the decision making process, through statutory advertising and neighbour notification and how details may be obtained. It will outline how files can be inspected and advises on how comments may be submitted and how we engage.
- 2.12 The SCI provides details on community involvement at the Planning Committee stage as well as other councils procedures after the application has been determined.

**Planning Enforcement**

- 2.13 The SCI outlines the main areas of community involvement in planning enforcement and the Council encourage individuals to report cases or raise with elected members possible breaches of planning control. A schedule of enforcement powers may be addressed in forthcoming Enforcement Strategy.

**Other Designations**

- 2.14 Community involvement in Conservation Area and Simplified Planning Zone designations are also outlined.
- 2.15 The SCI details with who the Council will undertake consultation and where there is cause to hold an independent examination the dates, times and venues for this examination will be made known.

**3.0 Resource Implications**

- 3.1 This is a new element of work for the Planning Service and the impact of additional workload involved will be kept under review.

**4.0 Equality or Good Relations Implications**

- 4.1 The SCI has been developed in line with the Council's equality and good relations frameworks and policies.

## **5.0 Recommendations**

### **5.1 Members are asked to note and approve the Statement of Community Involvement and agreed that it be submitted to the Department of the Environment for its agreement.”**

The Committee adopted the recommendations, endorsed the contents of the Statement of Community Involvement, and noted that it would be submitted for further consideration to the Strategic Policy and Resources Committee at its meeting on 19th February.

### **Purpose Built Managed Student Accommodation – Supplementary Planning Guidance**

(Mr. D. O’ Kane, Principal Professional and Technical Officer, attended in connection with this item.)

This Committee considered the above-mentioned document, which provided additional advice regarding the Council’s ‘Purpose Built Managed Student Accommodation’ guidance and the ‘Planning and Place Advice Note’, and agreed that it be published online for the purpose of a public consultation exercise.

### **Planning Agreements - Developer Contributions**

The Committee endorsed, in principle, the contents of a guidance document, which would oversee the Council’s management, on an interim basis, of the powers set under Section 76 of the Planning Act (NI) 2011 for the delivery of **developer contributions** as part of planning agreements, a copy of which was published on the Council’s website.

It was agreed that briefings in respect of the guidance note and the powers of the Council under Section 76 of the Planning Act (NI) 2011 would be offered to the party groups.

### **Council's Enforcement Charter**

(Ms. L. Walshe, Senior Planning Officer, attended in connection with this item.)

The Committee endorsed the contents of a Council Enforcement Charter which would assist the Council to deal effectively with breaches of planning legislation and enable it to react effectively where issues arose. A copy of the Charter was published on the Council’s website.

### **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)**

**Application Withdrawn**

The Committee noted that the agenda item with related to Y/2014/0015/O, viz., a proposed development of a medical centre with associated development and on lands at 91 Ballygowan Road, had, at the request of the applicant, been withdrawn from the planning process.

**LA04/2015/0619/F - 75 apartments on lands at 43-47 Chichester Street**

The Committee considered an application for the erection of an apartment complex, which would consist of 75 apartments, a 13-storey frontage to Gloucester Street, and an 11-storey frontage to Chichester Street. It was reported that the development would provide pedestrian access onto Chichester Street, together with a pedestrian and vehicular access onto Gloucester Street. In addition, a basement and ground floor car park, reception area, bicycle stands, first floor swimming pool and gymnasium, for private use by residents, would be included as part of the development.

The Committee approved the application and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the Town Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements which might be realised by way of developer contributions.

**LA04/2015/1451/F - 63-bedroom hotel at 5 and 9-13 Waring Street**

The case officer outlined the principal aspects of an application which sought permission for the demolition of an existing extension to the rear of 5 and 9-13 Waring Street, to permit the development of a hotel which would be adjacent to a listed building. The application sought also permission for the change of use of the existing listed building, together with the proposed new extension, for use as hotel accommodation. It was reported that the statutory consultees, including the Northern Ireland Environment Agency, had offered no objections to the proposal.

The Committee granted approval, subject to the imposing of the conditions set out within the case officer's report.

**LA04/2015/1175/F - Student Accommodation on Lands at 78-86 Dublin Road**

The Committee considered an application for the construction of an eight-storey purpose-built managed student accommodation, which would consist of 156 studio rooms, a reception area and management suite, common room space, together with a bike and general storage area.

The Committee received Mr. R. Mailey, representing the Donegall Pass Community Forum, who outlined a range of objections to the proposal. Principally, the objections related to the design, scale and massing of the proposed building, together with its potential impact on the surrounding residential streets and the lack of car parking provision.

Alderman R. Patterson and Councillor Craig, who both represented the District Electoral Area in which the application was located, addressed the Committee to outline their objections to the proposal.

Mr. C. Hughes, representing Turley Associates, who acted on behalf of the applicants, Lacuna Developments and Watkin Jones, clarified a number of issues which had been raised by the objectors and answered a range of Members' questions.

**Proposal**

Moved by Councillor Hutchinson,  
Seconded by Councillor Bunting and

Resolved - That the Committee, given the issues which had been raised regarding the size and scale of the proposed building, together with its potential impact on surrounding residential areas, particularly Pakenham Street and the greater Donegall Pass area, agrees to defer consideration of the application to enable a site visit to be undertaken.

**Z/2015/0177/F - Erection of building to contain 407 managed student accommodation rooms at Philip House, 123-137 York Street**

The case officer reported that the above-mentioned application sought permission for the demolition of an existing building to enable the erection of a 12-storey mixed-use development with ground floor retail units, 407 managed student accommodation rooms, an associated reception/office facility, a gymnasium and other ancillary accommodation. The development would, if permitted, incorporate a landscaped courtyard, plant and storage areas, car parking and cycle provision.

**Proposal**

After discussion, it was

Moved by Councillor Campbell,  
Seconded by Councillor Magee,

That the Committee, given the issues which had been raised regarding the proposed size and scale of the development, together with its potential impact on surrounding residential areas, agrees to defer consideration of the application to enable a site visit to be undertaken.

On a vote by show of hands, 13 Members voted in favour of the proposal and none against and it was declared carried.

**LA04/2015/0420/F - former BMC Campus for 476 bedroom student residential building at Franklin/Brunswick/McClintock Streets**

The Members received an overview of an application for the redevelopment of part of the former Belfast Metropolitan College Campus to enable the erection of a mixed-use development. It was reported that the proposal would create a 476-bedroom managed student residential building, with ground floor retail units to the southern aspect of the site. The student development, it was reported, would incorporate welfare facilities and ancillary accommodation and external areas, which would include landscaped courtyards and an enclosed car park.

The Committee approved the application and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the Town Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements which might be realised by way of developer contributions.

**LA04/2015/0405/F - pedestrian and cycle bridge, lower Ormeau Embankment to River Terrace**

The Committee considered an application for the erection of a pedestrian and cycle bridge, which would incorporate combined cycle ramps, and which would span the River Lagan from the Ormeau Park Playing Fields in the east of the City to the Gasworks.

A number of Members expressed concern that, whilst the Committee could only consider the application on its planning merits, and noted that the Council had met its statutory requirements in full, in so far as they related to public consultation, the erection of the bridge might encourage confrontation between rival groups of youths from both sides of the river.

On a vote by show of hands, seven Members voted in favour of adopting the recommendation to approve the application, with six voting against, and it was declared carried.

Accordingly, the Committee granted approval, subject to the imposing of the conditions set out within the case officer's report.

**LA04/2015/0358/F - Changes to house types and modification to plot arrangements at lands south of 25 Harberton Park**

The case officer reported that the application sought full planning permission for amendments to a previous planning approval to include changes to house types and modification to plot arrangements, including garages, landscaping and related site, and

access works for the first phase of development comprising 19 dwellings. It was reported that, after assessment against prevailing planning policies, the proposal was deemed acceptable

The Committee granted approval, subject to the imposing of the conditions set out within the case officer's report.

**LA04/2015/0494/F - change of use from an HMO house and four flats at 22-28 University Street**

The Committee was informed that the application sought permission for the demolition of two storey returns and part of the interior of 22-28 University Street, to enable the change of use from one HMO house and four flats to eighteen flats, including alterations and new three and a half-storey extension. It was noted that an original proposal for twenty-one units had been reduced to provide an appropriate form and layout. It was reported that proposal was deemed acceptable.

The Committee granted approval, subject to the imposing of the conditions set out within the case officer's report.

**LA04/2015/1098/F - Change of use to ground floor hot food takeaway, 129 Ravenhill Road**

The Committee considered an application for a change of use from a vacant hairdressing salon to a hot food bar, in respect of which no objections had been received by the Council.

The Committee granted approval, subject to the imposing of the conditions set out within the case officer's report.

**LA04/2015/1122/F - retention and part change of use to a hot food bar adjacent to 14 Hillview Avenue**

The Committee considered an application for a part change of use from a cafe/sandwich bar to a hot food bar, in respect of which no objections had been received by the Council.

The Committee granted approval, subject to the imposing of the conditions set out within the case officer's report.

**LA04/2015/1359/F - 2 x two-bedroom apartments and 4 x two-bedroom dwellings, east of Bell Steel Road and west of 2 Glenwood Green**

The case officer reported that the proposal sought permission to develop housing within the settlement limit for Belfast as designated in BMAP. It was explained that the principle of residential development had been established at the site in that the site, which had formerly been occupied by a residential home. It was noted that no objections had been received by the Council.

The Committee granted approval, subject to the imposing of the conditions set out within the case officer's report, and subject to the Director of Planning and Place being delegated power to append any further conditions which might be deemed appropriate on the receipt of any outstanding consultation responses.

**LA04/2015/1371/F - 12 dwellings on lands west of 9 Glenbryn Park and east of 57 Glenbryn Park**

The Committee was advised that the above-mentioned application sought full planning permission for the erection of 12 dwellings with parking, landscaping and associated site works. It was reported that BMAP had designated the site as a 'committed housing site'.

The Committee granted approval, subject to the imposing of the conditions set out within the case officer's report.

**Council-linked Applications**

**LA04/2016/0110/LBC - removal and safe storage of 2 stained glass windows in City Hall to be replaced with 2 newly commissioned windows**

The Committee was apprised of an application for the removal and safe storage of two stained glass windows on the ground floor of the City Hall. It was reported that they would be replaced by windows to commemorate the Spanish Civil War and the contribution made by women to the City of Belfast. It was reported that the two windows which would be removed would be re-installed in the ground floor of the building.

It was noted that any work carried out in respect of the application would adhere fully to the decisions which had been taken by the Council's Diversity Working Group.

The Committee granted approval, subject to the imposing of the conditions set out within the case officer's report.

**LA04/2015/1141/F - Replacement footbridge at Glen River, Dunmurry**

The Committee considered an application for a replacement footbridge across the Glen River on lands adjacent to Burnside Close in Dunmurry. It was reported that statutory consultees had offered no objections to the scheme, subject to the imposition of standard conditions regarding illumination.

The Committee granted approval, subject to the imposing of the conditions set out within the case officer's report.

**'Renewing the Routes' Scheme - Shop Sign Replacements**

The case officer outlined the principal aspects of four Council-linked applications which sought permission for the erection of replacement shop signs as part of the 'Renewing the Routes' Scheme. The applications related to the following:

1. LA04/2015/1300/A - Woodbourne Crescent/Stewartstown Road
2. LA04/2015/1459/A - Shore Road
3. LA04/2016/0070/A - Oldpark and Cliftonville Roads
4. LA04/2015/1462/A - Shankill Road and Peter's Hill

The Committee granted approval, subject to the imposing of the conditions set out within the case officer's report.

**'Renewing the Routes' Scheme - Boundary Fence - Dayton Street**

The Committee considered a Council-linked application which sought permission for the erection of a boundary fence on a vacant corner site at Dayton Street, Townsend Street and Peter's Hill, as part of the Renewing the Routes Scheme.

The Committee granted approval, subject to the imposing of the conditions set out within the case officer's report.

**LA04/2015/1072/LBC - repair works at Templemore Swim and Fitness Centre**

The Committee considered an application which sought permission to undertake repair work at the Templemore Swim and Fitness Centre, which was a Listed Building. It was noted that the work would entail the replacement of missing and defective slates, lead work, guttering, flashings, and downpipes.

The Committee granted approval, subject to the imposing of the conditions set out within the case officer's report.

Chairman