

# Planning Committee

Tuesday, 17th November, 2020

## MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

- Members present: Councillor Hussey (Chairperson);  
Councillors Brooks, Carson, Matt Collins,  
Garrett, Groogan, Hanvey, Hutchinson,  
Maskey, McCullough, McKeown, Murphy,  
Nicholl and O'Hara.
- In attendance: Mr. A. Thatcher, Director of Planning and  
Building Control;  
Mr. E. Baker, Planning Manager  
(Development Management);  
Ms. N. Largey, Divisional Solicitor;  
Ms. C. Donnelly, Democratic Services Officer; and  
Mrs. L. McLornan, Democratic Services Officer.
- Also attended: Councillors T. Kelly and McDonough-Brown.

### **Apologies**

No apologies for inability to attend were reported.

### **Minutes**

The minutes of the meetings of 13th and 15th 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 2nd November, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### **Declarations of Interest**

Councillor Groogan declared an interest in item 6c, Havelock House, in that she had previously made representation in respect of the application, had engaged with objectors and wished to speak in objection to the application. As such, she would leave the meeting immediately after speaking on the item.

Councillor McKeown advised that, in respect of item 6c, Havelock House, he had listened to local residents in regards to the associated planning application but that, as he had not expressed a view in respect of it, he was content that he could participate in any discussion on the matter.

Councillor Nicholl declared an interest in respect of item 6d, Harberton Park, in that she had engaged with objectors and would be speaking in opposition to the application and would therefore leave the meeting immediately after speaking on the item.

### **Schedule of Meetings**

The Committee agreed to the following schedule of meetings for the year 2021:

- Tuesday, 19th January;
- Thursday, 21st January (for training);
- Tuesday, 16th February;
- Thursday, 18th February (for training);
- Tuesday, 16th March;
- Thursday, 18th March (for training);
- Tuesday, 20th April;
- Thursday, 22nd April (for training);
- Tuesday, 18th May;
- Thursday, 20th May (for training);
- Tuesday, 15th June;
- Thursday, 17th June (for training);
- *No meetings in July (recess)*
- Tuesday, 17th August;
- Thursday, 19th August (for training);
- Tuesday, 14th September;
- Thursday, 16th September (for training);
- Tuesday, 19th October;
- Thursday, 21st October (for training);
- Tuesday, 16th November;
- Thursday, 18th November (for training);
- Tuesday, 14th December; and
- Thursday, 16th December (for training).

### **Restricted Item**

**The information contained in the report associated with the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.**

Resolved – That the Committee agrees to exclude the members of the Press and public from the Committee meeting during discussion of these items as, due to the nature of the items, there would be a disclosure of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (NI) 2014.

### **Finance Update**

The Committee was provided with an update on the impact of the Covid-19 pandemic on the Council's financial position, and a strategy to address the forecast deficit and the mitigation measures which had and would be taken as the situation evolved.

Noted.

### **Committee Site Visit**

It was also noted that the Committee had undertaken a site visit on 16th November in respect of application LA04/2020/0804/F - Proposed major mixed use development comprising 653 residential dwellings (549 social housing units and 104 affordable housing units); 2 replacement residential care homes; mixed use area including local neighbourhood retail centre (1 convenience retail anchor unit and 3 retail/hot food/coffee shop units and hotel; Class B business uses within employment zone comprising a mix of 6 Class B1a offices; 1 Class B1b/B1c call centre and R&D office; and 11 Class B1b/B1c/B2 call centre and R&D offices/light industrial units.; community facilities including community building; MUGA pitch and play area. Development includes 2 vehicular site access points from Monagh By-Pass (1 signalised), associated internal road network, pedestrian and cycle ways, public open space, children's play area(s), landscaping, 2 no. waste water treatment works, and all other site and access works (amended scheme) at Lands West of Monagh By-Pass South of Upper Springfield Road & 30-34 Upper Springfield Road & West of Aitnamona Crescent & St Theresa's Primary School. North and East of 2-22 Old Brewery Lane Glanaulin 137-143a Glen Road & Airfield Heights & St Mary's CBG School, Belfast.

### **Planning Appeals Notified**

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**

The Committee noted a list of decisions which had been taken under the delegated authority of the Director of Planning and Building Control, together with all other planning decisions which had been issued by the Planning Department between 5th October and 9th November.

### **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)**

**LA04/2019/0463/F - Revision of previously approved application (Z/2012/0645/RM) and erection of 10 semi-detached dwellings and associated site works - Plots 36-45 of residential development on lands south of 25 Harberton Park**

Before presentation of the application commenced, the Committee agreed to defer consideration of the application to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposals at first hand.

The Committee noted, as the application had not been presented, that all Members' present at the next meeting, would be able to take part in the debate and vote on this item.

**(Reconsidered item) LA04/2019/2387/F - Residential development comprising 151 apartments and ancillary uses including; management suite, communal space, reception area and servicing (refuse/recycling/bicycle storage) and plant equipment; and associated car parking and public realm improvements to Scrabo Street, Station Street and Middlepath Street on Land adjacent to Quay Gate House 15 Scrabo Street, footpaths and public realm at Scrabo Street, Station Street and Middlepath Street**

The Principal Planning officer reminded the Committee that, at its meeting on 13th October, it had agreed to defer consideration of the application to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposals at first hand and to request further information on sustainable transport measures and the travel plan. The site visit had taken place on 22nd October.

He provided the Committee with an overview of the application. He outlined that the recommendation to approve was subject to the developer entering into a Section 76 Planning Agreement to include green travel measures, including:

- the submission of a residential travel plan;
- travel cards for each of the 151 units for 3 years;
- submission of a car club strategy and provision of 3 parking spaces retained for car club purposes (ongoing/permanent basis); and
- voucher / subsidy for a bicycle for each apartment.

He explained that the Section 76 agreement would also include developer contributions for:

- monetary contribution towards nearby play space facilities (Rotterdam Street) to offset the policy requirement for provision of children's play space/equipment;
- provision and future maintenance of the external amenity space within the site; and
- employability and skills framework/details for the construction element of the proposal.

The Committee was advised that the original report incorrectly stated that the building was 11 storeys. He pointed out that the application sought full planning permission for a 19 storey residential building, comprising an 11 storey podium element (maximum height of 30.6metres), including outdoor amenity area, with a further 8 storey tower element above (maximum height of 55.1metres), for 151 apartments and ancillary uses.

The Members were advised of the key issues which were considered in the assessment of the proposal, including the principle of the proposal at this location, layout, scale, form, massing, height and design, the impact on amenity, flooding and drainage impact.

The Principal Planning officer explained that the site was within the City Centre boundary in the BUAP and both versions of BMAP, where residential development was acceptable in principle. The site comprised a car park area associated with an adjacent office building and included a hard-surfaced area underneath an existing elevated railway line, and lay adjacent to the junction with the M3 on-slip.

The Members were advised that the proposal supported the aims of the Belfast Agenda around city centre living and that residential uses were located immediately adjacent to the site.

The Planning officer advised that the site was not located in a Conservation Area or Area of Townscape Character (ATC), there were no listed buildings or assets of any historic interest on site, nor was the site in close proximity to any heritage assets.

He advised the Committee that it was considered that the scale, height, massing and materials of the building were, on balance, acceptable and appropriate to the site context and the area. He explained that the massing of the building was broken up by the design and that the layout assisted in addressing the townscape of the M3 on-slip and the distance views from Middlepath Street and Bridge End. The solid to void ratio of the fenestration also assisted in reducing the massing of the building.

The Committee was advised that the proposal would not adversely impact on the amenity of existing properties, and included amenity space for prospective residents.

The Principal Planning officer outlined that all consultees including DFI Roads, the Urban Design Officer, DEARA, HED, SES, NI Water, HED, Environmental Health, BCC Landscape Section and Belfast City Airport had no objections to the proposal.

One objection, which related to the height of the proposed building, and one letter of support had been received in relation to the application.

A Member queried how accessible the Rotterdam Street play area would be to the prospective residents, given the busy roads surrounding the site. In response, the Planning officer explained that while there were busy roads, Rotterdam Street could be reached by pelican crossings and that it was within a short walking distance of the site.

A further Member raised concerns regarding the outlook for residents. In response the Principal Planning officer explained that, three apartments on each floor would have an outlook to the carpark and the office building, with the others looking towards the direction of the M3 or to the front.

In response to a Member's question regarding the usability of the ground floor amenity space which was adjacent to the M3, the Planning officer explained that it was considered acceptable and was enhanced by virtue of the change in level between the amenity space and the slip road, and the existing landscape buffer. He advised that officers felt that the public realm improvements which were proposed as part of the scheme and the size of the residential accommodation were, on balance, acceptable.

The Chairperson welcomed Mr. M. Gordon, Turley, to the meeting. He explained that the ground floor would contain non-residential elements, such as plant and the gym, as it was not considered conducive to a quality residential environment. He advised the Committee that drone photographs had been taken on site to consider the views from the upper floor apartments. He added that considerable thought had gone into the residential amenity and that vertical louvres had been added to the external façade in order to allow light in and to reduce the invisibility between the office building and the residential scheme. He added that each apartment had a private external, recessed balcony.

In relation to the play space, he acknowledged that the environment was hard and that it was a difficult network to negotiate and that it would be a judgement for parents to make in terms of how children accessed the park. He explained, however, that the proposal demonstrated a good use of the developers' contributions framework in action, in that it provided approximately an acre of high quality external public realm improvements.

With regards to the height of the building, he explained to the Committee that the site had the capacity to accommodate a tall building insofar as it was not within a Conservation Area or an ATC, and that the Historic Environment Division (HED) had advised that there would be no significant harm to any nearby heritage assets. He highlighted the general poor quality condition of the sites within the east bank shatterzone and that increased use and height was required.

Moved by Councillor Garrett  
Seconded by Councillor Carson,

That the Committee grants approval to the application, subject to the imposing of the conditions set out within the case officer's report and to no new substantive planning issues being raised by third parties, and delegates power to the Director of Planning and Building Control for the final wording of the conditions.

On a vote, eleven members voted for the proposal, two against and one no vote and it was declared carried.

**LA04/2020/0804/F - Mixed use development comprising 653 residential dwellings (549 social housing units and 104 affordable housing units); 2 replacement residential care homes; mixed use area including local neighbourhood retail centre (1 convenience retail anchor unit and 3 retail/hot food/coffee shop units and hotel; Class B business uses within employment zone comprising a mix**

**of 6 Class B1a offices; 1 Class B1b/B1c call centre and R&D office; and 11 Class B1b/B1c/B2 call centre and R&D offices/light industrial units.; community facilities including community building; MUGA pitch and play area including 2 vehicular site access points from Monagh By-Pass (1 signalised), associated internal road network, pedestrian and cycle ways, public open space, children's play area(s), landscaping, 2 no. waste water treatment works, and all other site and access works on lands West of Monagh By-Pass, South of Upper Springfield Road & 30-34 Upper Springfield Road & West of Altnamona Crescent**

The Senior Planning officer provided the Committee with the details of the substantive scheme in the north west of the City.

He outlined the key issues which were considered during the assessment of the proposed development, including:

- Development Plan considerations
- Principle of Proposed Uses
- Open Space Provision
- Landscaping
- Layout, Massing, Design and Visual Impact
- Traffic, Movement and Parking
- Impact on the Environment and Amenity
- Other Environmental Matters
- Drainage and Flooding
- Natural Heritage including potential impact on Protected Sites, Protected Priority Species and Habitats
- Built heritage / archaeology
- Developer Contributions/ Section 76 Agreement
- Pre-application Community Consultation

He advised the Committee that the principle of the proposed uses and general layout and location of the uses had been established through outline planning permission (Z/2010/1284/O) which was extant. The Members were advised that the uses also sat comfortably with the proposed mixed use zoning in Draft BMAP 2015.

The Committee was advised that the development was proposed on an expansive sloping site just within the settlement limits. The Senior Planning officer outlined that the site was zoned for Employment/Industry (Zoning BT007) in Draft BMAP 2015 (published November 2004) and zoned as a Mixed Use site (Zoning BT002) in BMAP 2015 (published September 2014). He explained that there was also an extant outline planning approval on the site for a mixed use development and that the presumption was therefore in favour of development.

He advised the Committee that, although a large number of trees must be removed to facilitate the development, many protected trees would be retained and that a comprehensive replanting scheme was included, with existing trees integrated within open spaces throughout the development. He added that the scheme respected the

site's edge of settlement location with a south-north landscape spine as a key design concept, providing a visual bridge between the urban character of the Glen Road to the rural character of the Belfast Hills to the north of the site.

He pointed out that the design and layout responded to the topography of the site in such a way as to minimise the visual impact.

The Committee was advised that the quantum of social and affordable housing would not only contribute towards one of the main aims of the Belfast Agenda but would also provide much needed housing in an area of identified housing stress. He explained that the introduction of retail, office and industrial units, as well as hotel and care homes, would provide jobs for people in the locality and beyond.

The Senior Planning officer advised that the design and access statement outlined that the proposal represented an investment of around £95million from the private sector and during the construction phase would create about 400 construction jobs. Once operational, the proposal would generate approximately 370 local jobs in a range of sectors within the employment, retail, community and trust home uses.

He reported that an Environmental Statement had been submitted with the application and had been considered in the assessment of the application. He explained that after scrutiny from expert consultees it was concluded that the proposal would not have any significant impacts on the environment.

The Committee was advised that, of the statutory consultees, NI Water, DFI Roads, Historic Environment Division (HED) and Tourism NI had no objections subject to conditions.

The Members' attention was drawn to the Late Items pack, whereby a second response had been received from the Belfast Hills Partnership, reiterating that they had no objections but that they had some concerns as detailed within the case officer's report. The response from DfI Rivers had also been received and the Senior Planning officer explained that the relevant conditions had already been included within the Case officer's report.

He explained that NIEA had been re-consulted with additional information and that they had responded with a number of recommended conditions. Shared Environmental Services and the BCC Trees and Landscape Team had also responded with a number of recommended conditions and, if granted, delegated authority was sought to attach the conditions and to finalise wording if necessary.

The Senior Planning officer outlined that two objections had been received, the details of which were outlined within the Case Officer's report. He explained that concerns had been raised regarding the ability of the existing roads infrastructure to cope with an increase in traffic. He explained that DFI Roads had confirmed it was satisfied with the proposal and was content that there would be no unacceptable impact on the existing road network. He added that the mitigation offered by a robust Travel Plan and a 5 year contribution towards a bus route which would run through the site was considered to outweigh any requirement to improve the existing infrastructure serving

the site and in the surrounding area. He added that DFI Roads was satisfied with the level of parking proposed for the development, where most dwellings were served by two in-curtilage parking spaces.

The Chairperson welcomed Mr. T Stokes, TSA Planning, to the meeting. He advised the Committee that the proposal was not just another large housing development and that the applicant wanted to create a new, sustainable community in west Belfast, putting the core principles of society, the environment and the economy at its centre. He further outlined that:

- the residential areas were split into 8 individual character areas, each with their own identity;
- three large areas of public open space were included throughout the development in addition to smaller spaces, well above the minimum guidance, and all were connected via cycle and pedestrian footways;
- it would promote economic development and local employment opportunities within the retail hub, office and light industrial units, hotel and care homes;
- a green boulevard would run through the centre of the site and the layout allowed for many existing trees on the site to be retained, with 1,100 new street trees proposed, along with over 8,000 new native woodland trees and over 60,000 shrubs and new hedging. Existing grasslands would be enhanced and extended, and 25 bat boxes would be added to support the ecology;
- the application had been subject to extensive Pre-Application Discussions prior to submission and, throughout the 10 month process, a number of meetings and workshops were held between the Council and the design team. The discussions had continued when the application had been lodged;
- the fact there had only been two representations objecting to the development was testament to the applicant's successful engagement with the local community;
- there were two new accesses onto the Monagh By Pass, with the main entrance into the site being a new signalised junction, and the proposal included measures to support a new bus service to the site;
- noted the comments from the Council's Local Development Plan Team, suggesting that the density of the site should be around 1,100 dwellings, and it was not often that a developer would turn down the opportunity to almost double the residential density of a site, however, they believed the proposal provided the most sustainable plan for the site; and
- the application had the full support of the NI Housing Executive.

In response to a Member's questions, Mr. T. Stokes confirmed that the wastewater treatment works would be adopted by NI Water and that the applicant had a bond with DFI Roads to adopt the street lights within the development.

A Member commented that, where possible, they would like to see cycle lanes segregated from pavements and walkways as it was generally acknowledged that this was safer, particularly for those with visual impairment.

A further Member stated that he welcomed the inclusion of the significant number of social housing units within the scheme. He sought clarification on the Local Development Plan Team's objection. In response, the Director of Planning and Building Control advised that the LDP Team's analysis of the application had been somewhat crude in terms of comparing it with the density of the surrounding area. He outlined that the topography of the site had to be considered, particularly in terms of the sites constraints. He added that the proposal would create a site where people would live, work and play.

In response to a Member's question regarding the transport infrastructure to the site, Mr. C. Dickinson, DfI Roads, confirmed that there was an agreement between the applicant and Translink to fund a bus service to the site for the first five years, from day one. He explained that Translink would continue to operate the bus route after that time as it would with any other route.

A further number of Members welcomed the application.

The Committee approved the application subject to conditions and a Section 76 Planning Agreement to secure the implementation of detailed Travel Plans, Employability and Skills Plan, financial contributions to help establish a bus route to serve the site, provision of social housing and the management and maintenance of public open space within the development. The Committee delegated power to the Director of Planning and Building Control to finalise the wording of the conditions, the Section 76 Agreement and to resolve any issues arising from any outstanding consultation responses.

(The Committee adjourned for a five minute recess at this point in proceedings)

**LA04/2020/0067/F - Demolition of existing buildings and erection of 270 apartment building comprising 8, 5 and 3 storey elements, provision of hard and soft landscaping including communal courtyard gardens, public realm, provision of 40 car parking spaces, cycle parking, substation and associated works at Havelock House, Ormeau Road**

The Principal Planning officer provided the Committee with a detailed overview of the proposal to demolish Havelock House and the construction of a build to rent apartment block. He explained that the height of the proposed building varied with a maximum height of 8 storeys located in a central location along the Ormeau Road, with the height stepping down to 7, 6, 5 and 3 storeys to the rear.

He outlined the main issues which had been considered in the consideration of the application, including:

- the principle of demolition;
- the principle of residential development at that location;
- acceptability of height, scale, layout and design;

- impact on the character of the area including built heritage;
- impact on adjoining amenity;
- access, Car Parking and Sustainable Transport Measures;
- environmental considerations e.g. Air Quality, Noise, Dust, Contamination, Lighting; and
- drainage and flood risk.

The Members were advised that, in the BUAP the site was located within the city centre and was not zoned for any use. They were advised that, in draft BMAP 2004 and 2015 the site was located within the city centre and within the Shaftsbury Square Character Area and was not zoned for any specific use.

The Principal Planning officer advised that 73 representations had been received and he advised that the issues had been addressed within the report. The concerns related to:

- the historical significance and heritage value of Havelock House, which should be listed;
- concern regarding Department for Communities listing evaluation;
- the Heritage Statement was inadequate;
- that it would damage the setting of 5 listed buildings;
- that an Environmental Impact Assessment was required to address the cumulative loss of heritage assets;
- insufficient unallocated parking;
- the scale of the development would be detrimental to the neighbouring properties;
- the potential to destabilise interface associated with the site;
- Disruption associated with noise, dust, site traffic; and
- the level of engagement between the Council and local community in relation to the application, particularly with the challenges of COVID-19.

He advised the Members that the maximum height of the proposed building was comparable to that of the adjoining 8 storey apartment block at Portland 88. He illustrated that the proposed development stepped down from 8 storeys fronting the Ormeau Road to 7, 6, 5 and 3 storeys towards the rear of the site and the adjoining existing established residential area off Donegall Pass. The Committee was advised that the separation distances were considered acceptable. The Principal planning officer reported that the orientation of the building and the path of the sun would ensure that there would be no adverse overshadowing from the proposed development.

The Principal Planning officer explained that HED objected to the proposed development and considered that it would have an adverse impact on the setting of listed buildings, in particular those in the Gasworks due to the height of the proposed development and advised that the proposed development was contrary to Policy BH 11 of PPS 6 and paragraph 6.12 of the SPPS.

He explained that, if the Planning Committee was minded to approve the application, the Council would be required to notify the Department for Infrastructure

(DfI) given the significant objection from HED in accordance with Section 89 of the Planning Act (Northern Ireland) 2011.

He outlined that DfI Roads had no objections to the proposed development, which proposed 40 on site car parking spaces, including 4 spaces for use by a car club and 4 disabled spaces. The applicant had also proposed the following green travel measures to support the development, which would be secured through a Section 76 Agreement:

- submission and implementation of a Residential Travel Plan;
- Travel Cards for each residential unit for 3 years;
- provision of 4 permanent car club spaces; and
- provision of discounted membership of a car club (50%) for a period of 3 years

He drew the Committee's attention to the Late Items Pack. He advised the Members that the Council's Good Relations Unit had been consulted on the objections from Save Havelock House and Donegall Pass Community Forum, which raised specific concerns with regard to the impact of the development on the existing interface at Vernon Street. He outlined that their response had not changed from what was in the Case officer's report, in that they had no objection to the development, explaining that, while the Council had a commitment to promote shared space but, as it did not own or maintain any structures referred to in the planning application, it had no influence in the development of the built environment in that area.

He added that the Council's City Regeneration and Development Team had also been consulted in respect of the concerns regarding the interface at Vernon Street. He explained that they were in support of the development as it met core policies of the Belfast City Centre Regeneration and Investment Strategy (CCRIS) 2015.

He outlined the details of a number of other objections which had been received since the publication of the case officer's report from Ms. Clare Bailey MLA, Ms. Paula Bradshaw MLA, Dr. Ken Griffin, Dr. Agustina Martire, Friends of the Earth, Save Havelock House, Donegall Pass Community Forum, Markets Development Association and a petition of objection.

The Committee noted that a request had been received from "Save Havelock House" to be permitted five minutes to address historical and technical issues in relation to the application, which they advised were different to the perspective from local residents. The Committee agreed that Dr K. Griffin, Save Havelock House, would be granted five minutes to address the Committee, in addition to the group of objecting residents, who would be represented by Ms. S. Green, Donegall Pass Community Forum. It was therefore agreed that the applicant/agent would be given ten minutes to address the Committee.

Councillor Groogan advised the Committee that she objected to the application for the following reasons:

- it was contrary to BH11 of PPS6;
- the height would have a significant adverse impact on the listed buildings in the vicinity and that Portland 88 should not be used as justification to continue to pass applications which continued to breach planning policy and which ignored the cumulative impact on the setting of those buildings;
- it represented an increase in height from the Portland 88 building;
- the height was incompatible with Shaftesbury Square Character Area under both version of BMAP, where it should be between 2 and 3 storeys, and that developments should be fine-grained in nature;
- also contrary to BUAP Tall Buildings policy CC12;
- it did not represent sustainable and quality residential development in line with PPS7;
- limited residential amenity space would be provided and it sought to rely on publicly funded open and play space within the area which was not in line with OS2 of PPS8 and did not meet the exception test;
- it failed to comply with LC1 of Addendum to PPS7 due to significant detrimental impact on the environmental quality of residential amenity in the local area;
- it would create increased air pollution, due to increased cars from the development;
- issues with noise, overshadowing and lack of privacy; and
- that she had issues with NI Water's response, given the well-documented waste water capacity issues in the City.

(Councillor Groogan left the meeting at this point in proceedings)

The Chairperson then welcomed Councillor T. Kelly to the meeting. She advised that she objected to the proposal for the following reasons:

- that residents of Donegall Pass had first-hand knowledge of living beside a construction site while the nearby Portland 88 building was being constructed, and that it had significantly impacted upon their mental health and some had indicated that they may move house if the proposal was approved;
- that, as with any other inner city area, there was already a significant problem with commuter parking and the proposal could mean adding another 230 cars into the area;
- those cars would again reduce the air quality of the area for residents;
- that bin collections and deliveries were already regularly unable to be made as a result of mass commuter parking;
- an eight storey building beside two storey houses was inappropriate and would cause significant overlooking, overshadowing and loss of privacy for existing residents;

- the tall Portland 88 building should not be used as a precedent for approving the proposed development, given its impact on the Donegall Pass community.

The Chairperson then welcomed Councillor McDonough-Brown to the meeting. He explained that he objected to the application, as:

- the size of the building was disproportionate for its context;
- HED had reservations about the scheme;
- with only 40 parking spaces provided as part of the scheme, for 270 units, there would be a significant insufficient supply which would undoubtedly add to the existing demand in the area;
- that the residents of Donegall Pass and the Markets were at risk of being squeezed out of their areas, due to the significant amount of development around them, and that this should be given significant consideration; and
- that the Committee should consider the listing of the building which was the only television studio on the island which had survived from that period.

The Chairperson then welcomed Ms. S. Green, Donegall Pass Community Forum, to the meeting. She explained that she represented residents who objected to the application for the following reasons:

- Donegall Pass had a significant older community and had some of the highest rates of long-term ill health in the region;
- a high number of elderly residents and both adults and children with long-term mental or physical health conditions were housebound and required high levels of care;
- that residents were so concerned at the proposed development that they had called for an impact assessment to be carried out to evidence their concerns;
- that participation from Section 75 groups, as determined under the Northern Ireland Act 1998, was never easy;
- the pandemic and the restrictions made it even more difficult, if not impossible, for carers to attend information sessions or consultation events as day centres and schools were closed;
- due to the ongoing restrictions, access to the Council's Community Centre hall, the only place large and safe enough for residents to view and consult on the plans, was denied as residents were told it was not allowed to hold one-off meetings;
- residents had limited capacity and access to IT facilities and therefore hard copy of the plans were requested from and supplied on 29th September;
- a site visit to Havelock House was requested by residents but it was denied with no reason given;
- on 5th October residents had met with planners and had brought up issues regarding consultation on interface issues and subsequently submitted them, in writing, to the Planning service on 9th November;

- on 10th November they had received a response stating that Planners had been liaising with the Good Relations Unit and the City Regeneration and Development Unit, which had not been mentioned at the meeting on 5th October;
- on 13th November, three documents had been uploaded onto the Planning Portal, one of which was a consultation from the City Regeneration and Development Unit, dated April 2020, which seemed a disingenuous manoeuvre;
- no further opportunity to engage with residents had been given and a complaint and a request to delay the application was submitted to Planning; and
- the current plans reinforced the segregation of, and hemming in of, the Donegall Pass Community.

The Chairperson then welcomed Dr. K. Griffin, representing Save Havelock House, to the meeting. He advised the Committee that he urged the Committee to reject the application for a number of reasons, namely, that:

- Save Havelock House was concerned about the Planning Service's handling of the application and had requested the Council's records of the Pre-Application Discussion;
- it had taken two months to be sent the information, and it had arrived too late for their written submission and that some records were missing;
- they had found records which raised concerns regarding the possibility that the recommendation for approval of the application may have been pre-determined;
- they had received material which showed that planners had prioritised the applicant's wishes over good planning choices;
- the applicant had originally been told by planners that Portland 88 was not an appropriate baseline for development and that cues for height and massing should be taken from the surrounding context of mainly 2 storey development, yet, after engagement with the applicant, Portland 88 had become the Planning Department's baseline;
- issues relating to the interface – whereby the planners report had cast doubt on its existence, yet there was evidence which suggested that the applicant had been asked to make provision for its future reopening, and that the Good Relations Unit had only been contacted regarding the issue ten days ago;
- issues regarding too few parking spaces at the proposed development;
- the building itself had regional cultural significance and national historic importance, and it was the last early regional television station with a large portion of the original fabric intact;

- the planners' recommendation relied on HED's Listing Assessment, which he felt was a flawed document produced by authors unfamiliar with the architecture involved;
- the impact statement for Havelock House was not included in the applicants heritage report and which would show that the development would have a major impact on built heritage;
- the demolition of Havelock House would likely have a significant impact on cultural heritage, which should have triggered an environmental impact assessment.

The Committee was advised that Mr. B. McKervey, Historic Environment Division (HED) was in attendance. He advised that HED's objection focussed on the fact that the development was within the setting of a number of listed buildings, including the Rose Cottage, the former Presbyterian Church in Donegall Pass, the Meter House, the Klondyke Building and the Gas Office, and that the proposed development was very tall and heavily massed in comparison. He suggested that HED felt that a smaller, less dominant development which was more subservient to those buildings would be suitable.

In response to a question from a Member regarding the provision of only 40 parking spaces within the development, Mr. C. Dickinson, DfI Roads, advised the Committee that, given its inner city location, the Department considered it a very sustainable solution, as most journeys to and from the site would be on foot, by bus or bicycle.

Mr. Dickinson explained that the evidence held by DfI Roads showed that there would be low car ownership for the apartments in that location. He added that each car in a car club was shown to meet the needs of 40 drivers. He stated that DfI Roads did not feel that overspill parking would be an issue.

A number of Members raised concerns regarding the low number of car parking spaces which were provided. A number of Members also raised issues with the proposed car club spaces and stated that the proposed Travel Plan was idealistic rather than realistic. Members raised the issue of commuter parking and the impact that this had on the wider Donegall Pass community, the lack of progress which had been made in relation to residents' parking schemes across the City, as well as issues with the existing public transport infrastructure.

The Members were advised that Ms. S. McCreesh, Environmental Health officer, was in attendance to answer questions. In response to a Member's query regarding the Air Quality Impact Assessment, she advised the Committee that the inclusion of 40 car parking spaces within an air quality management area was considered acceptable and that they had no concerns regarding the concentration levels of Nitrogen Dioxide or Particulate Matter as a result of the proposals. She did advise, however, that a condition was recommended regarding the installation of centralised heating/hot water system to ensure that there was no adverse impact on air quality as a result of such facilities. A further condition was also recommended seeking the submission of a Dust Management Plan prior to construction.

A Member queried why the Portland 88 building had been used as a benchmark in terms of scale and massing for the proposal, when it was in fact an outlier, given that the vast majority of the surrounding buildings were two and three storeys. In response, the Principal Planning officer explained that the scale and massing were considered acceptable and an appropriate response to its context. He explained that Portland 88 was one material consideration, as part of the site's context on the arterial route, and that the shoulder height had been reduced through the PAD process to align better with the Klondyke building opposite. He added that the building deliberately stepped down towards the rear in order to integrate with the surrounding residential streets.

A further Member queried the statement made by Dr. Griffin, whereby correspondence showed that the developers had liaised with the Planning Department prior to the application having been submitted. In response, the Planning Manager explained that there was a significant misunderstanding of Pre-Application Discussions (PADs) and that applicants and developers were, in fact, encouraged to discuss their plans with the Planning Department as soon as possible, prior to submission of an application, in order that schemes could be shaped or improved and that the required level of information was submitted with an application to ensure that it was dealt with in the most efficient way. He explained that, specifically in relation to that application, a significantly taller building was initially proposed for the south side and that planners had asked the applicant to lower it. He refuted the allegation that there was any pre-determination of the application.

The Chairperson welcomed Mr P. Stinson, Turley, to the meeting and advised him that he had ten minutes to address the Committee. He advised the Committee that:

- the addition of 270 apartments in a city centre location would make a significant contribution towards one of the aims of the Belfast Agenda;
- it constituted a £28million investment and, over the construction timeline, it would support 88 fulltime jobs as well as apprenticeships as part of the Section 76 Planning Agreement;
- a detailed Pre-Application Discussion (PAD) had taken place with planning officials and statutory consultees over 14 months, resulting in the fundamental parameters for the scale, height, massing and design of the building, having taken account of its relationships with the Ormeau Road, the city centre context and the surrounding residential properties, and that significant changes had been made as a result of that process;
- a pre-application community consultation had been carried out with a public event in September 2018 and that they had engaged with residents and the Donegall Pass Community group, having attended a site visit to their homes in August;
- Havelock House was not a listed building, nor was it within a Conservation Area or an Area of Townscape Character, and the principle of demolition was therefore acceptable;
- the area around the site was characterised by a mix of uses and buildings of varying height and form;

- HED, the statutory authority responsible for considering the merits of listing buildings, had confirmed that there was insufficient potential for listing Havelock House;
- the design had been informed by the surrounding context, in particular the red brick listed buildings opposite the site;
- the height of the proposed building had taken account of its immediate context, where the top floor occupied a small part of the overall footprint, where it recessed on the main Ormeau Road elevation;
- the design stepped down in height to 3 storeys at its western boundary, and the separation distances met the requirements as detailed within Creating Places;
- the design ensured that any potential overlooking and overshadowing was very limited;
- the proposed conditions, such as the dust management measures during construction, would minimise disruption and protect the amenity of local residents;
- in terms of amenity space, there would be communal space at ground and upper floor levels, a gym was included for residents of the building and the site was also within walking distance of two equipped playparks. Policy OS2 of PPS8 permitted allowances for such provision to be made off site in that manner;
- the Travel Plan included a number of green measures, including travel cards and discounted access to a car club, in addition to 40 on site parking spaces. It was proposed that those measures would be secured through a Section 76 Planning Agreement and that DfI had no objection; and
- NIHE had confirmed that there was no need to recommend further social provision in the area that could not be met on available sites in Donegall Pass.

In response to a query from a Member, Mr. Stinson confirmed that they had met with a number of residents who lived to the rear of the site, at their properties, in August. They had provided plans to the residents to help them understand the proposals.

In response to the transport issues raised by Members, the Director of Planning and Building Control explained that as there was no objection from DfI Roads, as the statutory consultee on highways issues, that it would be difficult to refuse the application on grounds relating to those issues.

He provided the Committee with information in respect of the Council's aims in securing a variety of sustainable transport measures, not just car clubs, and that officers were working alongside the Department for Infrastructure (DfI) in relation to their Transport Plan at a City level. He emphasised that a modal shift in attitude was required in respect of sustainable transport. He advised the Committee that its training schedule for 2021 was being finalised and that it included a session with the DfI, including information relating to car clubs. He added that they wanted to expedite residents' parking schemes.

A Member stated that they remained unconvinced with the evidence that DfI Roads relied upon, using cities in England or Scotland as examples, and that it did not reflect the culture in Northern Ireland.

The Divisional Solicitor advised the Committee that, to refuse an application on the basis of issues around parking, when DfI Roads had confirmed that the proposal was acceptable, it would be difficult to defend, and that the Council would need technical evidence of its own if the refusal was appealed by the applicant. She explained that it would therefore be unlikely to be upheld by the Planning Appeals Commission.

Upon hearing suggested refusal reasons from Members, the officers conferred to encapsulate the wording.

Moved by Councillor Brooks,  
Seconded by Councillor O'Hara,

That the Committee agrees to refuse the application for the following reasons:

1. the proposed development, by reason of height, scale, massing and design would have an over-dominant impact on the surrounding listed buildings and therefore failed to meet SPPS Policy BH11 of PPS6;
2. the proposed development, by reason of height, scale, massing and design would have an over-dominant impact when viewed from Ormeau Avenue and the residential streets to the west and north-west, causing harm to the character and appearance of the area, and therefore failed to meet SPPS policy QD1 of PPS7; and
3. the proposed development, by reason of height, scale, massing and design would have an over-dominant impact on the residential properties on Walnut Street, Walnut Court and could result in a loss of outlook and amenity to those occupiers, contrary to policy SPPS QD1 of PPS7.

The Committee delegates power to the Director of Planning and Building Control for the final wording of the refusal reasons.

On a vote, thirteen members voted for the proposal and none against and it was declared carried.

(Councillor Groogan returned to the meeting at this point)

(Councillors McKeown and Nicholl left the meeting at this point)

**LA04/2020/1873/F - Community space and extension to the children's play area previously consented under planning application ref LA04/2018/0323/F, with 3.6m perimeter fence on lands at Frank Gillen Centre (1A Cullingtree Rd)**

The Principal Planning officer outlined the details of the application which sought permission to extend a previously approved playground and the addition of a community space. She explained that the proposal was to be incorporated into a wider community and recreation scheme at the Frank Gillen Centre, as approved by Committee in October 2018.

She provided the main issues which had been considered in the assessment of the application, including the effect on the character and appearance of the area, and the impact on the living conditions of neighbouring properties and access.

The Committee was advised that officers felt that the extension of the park would improve the local environmental quality and would not result in unacceptable noise or nuisance impacts. The Principal Planning officer added that the proposed security fencing was relatively light weight and was adequately separated from nearby dwellings and that it would not result in any significant impact to residents, in terms of dominance, shadow or outlook.

She explained that Environmental Health and DfI Roads had offered no objections to the proposal and that no third party representations were received.

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

**LA04/2020/1478/F - Variation of Conditions 4 and 5 of Z/2014/1373/F -relating to proposed gas protection measures, design and verification. At Blackstaff Way, Kennedy Way Industrial Estate**

The Planning Manager advised the Committee that the application sought to vary conditions 4 and 5 of planning permission Z/2014/1373/F. He explained that the original application had granted permission for the erection of a warehouse/office building in 2015. He explained that, given the length of time which had passed since its approval, officers had sought confirmation that the development had commenced. The Members were advised that, on the basis of evidence submitted by the applicant, it appeared that development had commenced within the time limits and that the variation of the conditions could be assessed under Section 54 of the Planning Act (Northern Ireland) 2011.

He advised the Committee that the site was located within the development limits of Belfast within both the Belfast Urban Area Plan and the Draft Belfast Metropolitan Area Plan (2015) and that it was within a zoned area of existing employment/industry (BT011/30).

The Planning Manager outlined that the variation of conditions 4 and 5 proposed to update the proposed gas remediation protection measures, design and verification.

He highlighted that approval Z/2014/1373/F included a Contamination Assessment Report and, since it had been produced, BS8485 had been updated in 2015 and again in 2019.

He explained that DAERA Land and Groundwater Team and Environmental Health had been consulted in relation to the amended wording of the conditions and both had responded with no objections to the proposed variations.

The Members' attention was drawn to the Late Items pack where it was noted that Condition 1 was included in error and, if granted, would not be included within the Decision Notice.

The Committee granted approval to the application, subject to the imposing of the conditions set out within the case officer's report and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

**LA04/2020/0163/F - 27 apartments within 2 x 3 storey buildings including access, car parking, cycle bays, open space, landscaping and all associated site works on lands adjacent and to south of nos 1-13 (odds) Lewis Park and nos 2-20 Lewis Mews**

The Principal Planning officer provided the Committee with the details of the application. She advised that the site was unzoned whiteland in the BUAP and dBMAP 2004, and that the majority of the site was zoned for housing in draft BMAP 2014. The remaining part located to the south was unzoned whiteland within draft BMAP 2014.

She provided the main issues which had been considered in the assessment of the case, including:

- the principle of the proposal at this location;
- design, layout and impact on the character and appearance of the area;
- impact on residential amenity;
- impact on traffic and parking;
- impact on Historic Monuments;
- flooding and infrastructure capacity; and
- environmental matters

She advised the Committee that the proposals followed the general pattern of previously approved apartments along the river and that the design and layout would not create conflict, was in keeping with the local character, and would not impact on environmental quality or residential amenity in accordance with PPS 7.

The Members were advised that each unit had an adequate outlook and that dwelling units were proposed to be built to a size not less than those set out Policy LC1, providing adequate living accommodation.

The Principal Planning officer advised that it was considered that the design, layout and separation distances proposed were acceptable and would not significantly impact on existing residential amenity by way of overlooking, dominance or overshadowing.

She outlined that 7 objections, from 3 local residents, had been received and raised issues including noise, dust and disruption during the construction phases, boundary maintenance concerns regarding ground conditions on a neighbouring development, inaccuracies with submitted maps, impact on residential amenity and health and safety concerns. The issues had been dealt with in the Case officer's report.

The Committee was advised that DfI Roads was content with the parking spaces and access provided and that HED (Historic Monuments), Rivers Agency, NI Water and Environmental Health had all considered the proposal and had offered no objections.

The Committee granted approval to the application, subject to the imposing of the conditions set out within the case officer's report and delegated power to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Chairperson