

Planning Committee

Tuesday, 12th April, 2022

HYBRID MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Carson (Chairperson);
The High Sheriff, Councillor Hussey;
Councillors Garrett, Groogan, Hanvey,
Maskey, McMullan, Murphy,
O'Hara and Spratt.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Ms. N. Largey, Divisional Solicitor;
Ms. C. Donnelly, Democratic Services Officer; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

An apology for inability to attend was reported from Councillor Hutchinson.

Minutes

The minutes of the meetings of 2nd, 15th and 29th March 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 April, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were recorded.

Committee Site Visits

The Committee noted that a site visit had taken place in respect of the below application, on 30th March, 2022:

- LA04/2021/2280/F - Mixed use, mixed tenure residential-led development of 778 apartments in three buildings with internal and external amenity space; flexible commercial/community floorspace (convenience store with hot food counter/ a1/a2/d1 uses/cafe/bar/restaurant); public realm including public square and waterfront promenade; cycle and car parking and associated landscaping, access roads, plant and site works including to existing river revetment at lands adjacent to and south east of the river lagan, west of Olympic Way of Queen's Road, Queen's Island

Planning Decisions Issued

The Committee noted a list of decisions which had been taken under the delegated authority of the Strategic Director of Place and Economy, together with all other planning

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decisions which had been issued by the Planning Department between 5th March and 1st April 2022.

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 Applications

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE
POWERS DELEGATED TO IT BY THE COUNCIL UNDER STANDING ORDER 37(e)**

Withdrawn Items

The Committee noted that the following two items had been withdrawn from the agenda by officers:

- LA04/2020/0559/F - Renovation and single storey rear extension to dwelling, construction of a new detached garage and new entrance gates and pillars at 24 Malone Park; and
- LA04/2020/0235/F - Tyre depot with associated parking, site works and new entrance onto Duncrue Road at 2 Dargan Crescent.

**(Reconsidered Item) LA04/2021/0720/F - Subdivision
of existing dwelling into two apartments with two storey
rear extension at 64 Ashley Avenue**

The Principal Planning officer outlined that the application had previously been presented to the Committee at its meeting on 15th March, 2022. At that meeting, Members had raised the issue of potential prematurity in relation to the draft LDP Strategy and had deferred the application in order to get further information regarding the figures of existing HMOs and flats within the surrounding area.

The Committee was advised that the Local Development Plan Team had been consulted and had advised that, within the draft Plan Strategy, Policy HOU10 stated that planning permission should only be granted for HMOs and/or flats/apartments where the total number of HMOs and flats/apartments combined would not as a result exceed 20% of all dwelling units within a Housing Management Area (HMA). The Members were advised that the data illustrated that there were 708 HMOs/flats/apartments and 1,171 domestic properties, so the percentage of HMOs and flats/apartments combined within the area was 60%.

The Principal Planning officer outlined the justification and amplification text for Policy HOU10 in the draft Plan Strategy, which stated that, in advance of the Local Policies Plan, those policies would be applied to the HMO policy areas outlined within designation HMO2 of the HMOs subject plan for Belfast City Council area 2015. Therefore, in advance of the Local Policies Plan being drafted, the Plan Strategy at the point of adoption would require that the provision of Policy HOU10 be applied to the existing Policy Areas as designated in the HMOs

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Subject Plan – that is, the Ulsterville HMO Policy Area (HMO 2/21). The latest available data showed that there were 529 HMO Units in the Policy Area and 1,171 domestic properties, so the percentage of HMOs in the Policy Area was 45%. As the application was not for HMO units, the policies contained within the Belfast HMO Subject Plan 2015 did not apply.

The Committee was advised that the Local Development Plan Draft Plan Strategy 2035 would guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy had been subject to examination by the Planning Appeals Commission and the Council had been provided with a copy of its report, together with a Direction from DfI in relation to additional required steps before it could be considered adopted. Paragraph 1.10 of the SPPS stated that a transitional period would operate until such times as a Council's Plan Strategy was adopted. Accordingly, whilst the Draft Plan Strategy was now a material consideration, it had limited weight until it was adopted and, during the transitional period, planning authorities would apply existing policy together with the SPPS.

The Principal Planning officer explained that the application was compliant with current policies set out in the SPPS and PPS7 Quality Residential Environments and the Addendum to PPS7 PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas. Therefore, significant weight remained with the existing policies considered within the report and with which the application complied.

A Member stated that she still had concerns regarding prematurity and queried the policy test for PPS7.

After further clarification was given by from the Principal Planning officer, the Chairperson put the officers' recommendation to the Committee, namely, to grant approval to the application, with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions.

On a vote, eight Members voted for the proposal and two against and it was accordingly declared carried.

LA04/2021/0052/F & LA04/2021/0051/LBC - New shopfront to ground floor and change of use of first floor from retail to 3 no. 1 bedroom apartments at 10-16 Castle Place

The Committee was provided with the details of the application, whereby full planning permission was sought for a new shop frontage for a retail unit A2 (financial services) at ground floor level previously approved under LA04/2019/0405/F. It was also proposed to change the use of the first floor from Use Class A2 financial services, to three 1 bedroom apartments.

The Principal Planning officer explained that the site was located in the City Centre Conservation Area and was part of 'Castle Buildings' (8-18 Castle Place), a 4-storey Grade B1 listed building. She outlined that there was an associated listed building consent application LA04/2021/0051/LBC.

The Committee was advised that minimal intervention would be made to the fabric of the building. The first floors would be divided into three 1 bedroom apartments.

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Each apartment would have a living room with an outlook over Castle Place. The windows on the front elevation area were all large and would provide adequate daylight into each apartment. The ground floor shop front was to be replaced with a new aluminium shop front with sliding doors. She outlined that it was considered that the design respected the listed building in terms of scale, height, massing and alignment. The works proposed would make use of traditional and sympathetic building materials and that the nature of the proposed use would respect the character of the listed building and the conservation area.

The Members were advised that the development involved the refurbishment of a city centre building with no external amenity space. Regard had to be given to the desirability of the renovation of the Listed Building and balanced against a shortfall in amenity space.

The Principal Planning officer reported that HED, the Council's Conservation Officer and Environmental Health had no objections to the proposal and that no third party objections had been received.

The Committee was advised that NI Water had since requested a Wastewater Impact Assessment to be submitted directly to it, to find a potential solution. It was considered, on balance, that the issue could be resolved by means of a negative condition.

The Committee approved the application and granted delegated to the Director of Planning and Building Control to finalise the wording of the conditions.

LA04/2021/2095/F - Change of Use of warehouse and offices to public house (linked to existing adjacent public house) and entertainment venue/events space including street food market for on premises consumption (part retrospective) at Common Market, 16-20 Dunbar Street

The Committee was advised that the application was before it for consideration as the site included a Right of Way over Council-owned land.

The Principal Planning officer reported that full permission was sought for the change of use of warehouse and offices to a public house (linked to an existing adjacent public house) and entertainment venue/events space, including a street food market for on-premises consumption (part retrospective).

The key issues which had been considered included:

- the principle of a public house and event space at that location;
- impact on amenity;
- impact on traffic flow and parking; and
- impact on the Conservation Area

The Members were advised that the site was located within the Belfast City Centre boundary and unzoned whiteland within both the BUAP and dBMAP.

She explained that the proposal would constitute an appropriate city centre use which proposed minimal external changes and, as such, it would preserve the character and

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appearance of the Cathedral Conservation Area. Subject to the proposed mitigation measures, it was not considered to adversely impact the amenity of neighbouring properties.

The Committee was advised that there was currently an extant temporary planning permission on the site for an event space under reference LA04/2018/2903/F.

She outlined that Historic Environment Division (HED), NI Water, DfI Roads and the Council's Estates and Conservation Officer had been consulted and had no objections, subject to conditions. The Committee's attention was drawn to the Late Items pack, whereby the Council's Environmental Health Service had confirmed that it had no objection subject to conditions.

The Committee was advised that no representations were received.

The Committee was advised that the Council-owned adjacent land and was in the process of granting a temporary licence for part of it to be used as an emergency fire escape route for the proposed venue. The Principal Planning officer advised that the application had been recommended for temporary approval only to align with that of the temporary licence to ensure that the proposal did not prejudice future redevelopment of adjoining sites.

The Committee approved the application for a temporary period of two years and granted delegated to the Director of Planning and Building Control to finalise the wording of the conditions.

**LA04/2021/2788/F - Change of use of cash and carry
wholesale warehouse to general retail sales at Musgrave
Marketplace, 1-15 Dargan Crescent, Duncrue Road**

The Members were advised that the application was before the Committee as the Council was the landlord for the building.

The Principal Planning officer outlined that the application sought full planning permission for the change of use of one aisle of the cash and carry from Class B4 to general retail sales Class A1, including an extension to the current area of floorspace of retail use by 53square metres. The existing retail area within the warehouse would be returned to cash and carry use.

She explained that the key issues which had been considered by officers during the assessment included the impact of the application on neighbouring land uses and the impact on restrictions placed on the approved use of the site.

The Committee was advised that the existing retail sales area within the cash and carry wholesale warehouse had been approved under application reference LA04/2017/2293/F and extended under application LA04/2019/1656/F. The applicant had stated that the reason behind the current application for the further extension of retail space and relocation of the retail area was that, in the three years that the alcoholic products had been available to purchase by all of the customer base, Musgrave had become acutely aware that they had underestimated the area required to properly operate their off licence and offer their full alcoholic product.

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The Principal Planning officer detailed that the proposed increase in retail sales area, over that previously approved, was a minor increase with the retail sales area still remaining ancillary to the main use of the building as a Class B4 cash and carry. The minor increase in retail sales was not considered to negatively impact the retail core of the city centre. She explained that conditions were recommended to ensure that retail sales remained restricted at the location.

The proposal had been assessed against and was considered acceptable with regards to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP) and the Draft Metropolitan Area Plan 2015 (BMAP).

No representations had been received and DFI Roads had offered no objection to the proposal.

The Committee approved the application and granted delegated to the Director of Planning and Building Control to finalise the wording of the conditions.

(Reconsidered item) LA04/2021/0303/F - Redevelopment, refurbishment, and partial change of use of building at 35-39 Queen St & demolition of building and redevelopment of site at 31-33 Queen St and provision of ground floor offices/professional services units

The Principal Planning officer reminded the Committee that the application for planning permission and Conservation Area Consent was considered by it in August 2021. The Committee had accepted the officer recommendation to grant planning permission, subject to conditions and a Section 76 Planning Agreement, with delegated authority given to the Director of Planning and Building Control to finalise the wording.

He explained that, when the application had been presented to the Committee in August, the applicant had an extant Pre Development Enquiry (PDE) agreement with NI Water. On that basis, the NI Water consultation response, of 1st March 2021, had advised that the receiving Waste Water Treatment facility (Belfast WwTW) had sufficient capacity to serve the proposal. However, due to the sewer network being at capacity in the Belfast catchment and sewer flows spilling from Combined Sewer Overflows (CSOs) into the environment, NI Water had recommended that no further connections should be made to the network, or a condition should be incorporated which required an alternative drainage/treatment solution for the site.

NI Water had advised that the PDE was valid to 30th December 2021 and further advised that if a planning decision had not been determined by that date, NI Water should be reconsulted.

The Principal Planning officer outlined that, due to the length of time it had taken to finalise the Section 76 Planning Agreement, the 12 months for the PDE with NI Water had since expired. He explained that the Planning Service had reconsulted NI Water and that it had repeated its objection relating to network capacity concerns. However, it had also

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recommended that the application should be refused as sufficient waste water treatment capacity was not available at present for the proposed development.

The application had therefore been brought back before the Committee to highlight the change of position from NI Water.

The Members were advised that the agent had responded to the latest NI Water consultation response, advising that once the relevant consents were approved they would proceed with the demolition of the terraces and commence the new build works. The Committee was advised that that would likely take approximately 18 months to complete from the point of consents. The improvements to the WWTW were expected by July 2023 and should provide increased capacity by that stage. Therefore, officers advised that there was no significant issue around WWTW capacity. The Committee was advised that the applicant had also applied for a storm sewer requisition and that the removal of storm water from the combined system would address that part of NI Water's objection as well.

The Committee was advised that the concerns could be addressed by condition.

The Committee approved the application, subject to the additional condition and other appropriate conditions and the Section 76 Planning Agreement as set out in the original Development Management report. Delegated authority was granted for the Director of Planning and Building Control to finalise the conditions and the Section 76 Agreement.

LA04/2021/2804/F - Shipping Container to store bikes, project equipment and materials on land adjacent to Connswater Community Centre

The Committee noted that the application was before it for consideration as the site was located on a parcel of land under the ownership of the Council.

The Members were advised that the site was within a wider designation as an Area of Existing Open Space in the Belfast Metropolitan Area Plan 2015 (BMAP) and the 2004 version. The BUAP 2001 had designated the site as un-zoned white land.

The area designated as an Area of Existing Open Space extended to 1.8 hectares. The Committee was advised that the proposed use was ancillary to the open space use and that the site covered a small fraction of the area and was of a minor scale in comparison with the extensive Comber Greenway and open space in which it was located.

The key issues which had been considered during its assessment included the design and the impact on open space and the surrounding character of the area and the impact on amenity.

The Committee noted that no third-party objections were received and that DFI Roads had responded with no objection to the proposal. The response from the Council's Environmental Health Service was awaited, but it was not considered that the proposal presented any issues, and it was therefore anticipated that a positive response would be forthcoming.

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The Committee's attention was drawn to the Late Items pack, whereby updated drawings were received to remove the two containers that existed on the site, as they did not form part of the proposal.

The Members were advised that the temporary use of a small area of unused land to facilitate a shipping container in the short term was considered acceptable and would not result in a negative impact on the provision of open and recreational space to the area.

Given the nature, form, and materials of shipping containers, and the purpose of the container to store project materials and equipment, it was recommended that it be removed after a period of 2 years and that a more permanent storage solution for the bikes, more fitting to the context, be found.

The Committee approved the application, for a temporary period of two years, and granted delegated to the Director of Planning and Building Control to finalise the wording of the conditions.

**LA04/2021/2879/F - Retractable awning
at 283 Ormeau Road**

The Committee noted that the application was before it for consideration as it was subject to Council funding.

The Members were advised that the proposed site was situated on the Ormeau Road and was designated as existing commerce area in Draft BMAP. The site was also within a Draft Area of Townscape Character. The key issues which had been considered during its assessment included the design/impact on character and appearance of the area, amenity and public safety.

The Committee noted that the proposed awning and materials were considered in keeping with the shopfront of the existing building and the commercial character of the area, including the draft ATC. The Members were advised that the proposal would not negatively impact the amenity of neighbouring properties, nor would it prejudice public safety.

DFI Roads had been consulted and had no objections.

No representations had been received.

The Committee approved the application and granted delegated to the Director of Planning and Building Control to finalise the wording of the conditions.

Chairperson