

# Planning Committee

Tuesday, 12th November, 2019

## MEETING OF PLANNING COMMITTEE

- Members present: Councillor Carson (Chairperson);  
Alderman Rodgers; and  
Councillors Brooks, Canavan,  
Garrett, Groogan, Hanvey, Hussey,  
McKeown, McMullan, Murphy  
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; and  
Mrs. L. McLornan, Democratic Services Officer.

### **Apologies**

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

### **Minutes**

The minutes of the meeting of 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 4th November, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### **Declarations of Interest**

Councillor Murphy declared an interest in Item 8h, namely LA04/2019/2153/F - Section 54 application to vary conditions 4 and 6 (related to ground remediation) and condition 8 (related to provision of hard and soft landscaping) of planning permission reference LA04/2018/1832/f (community led mixed use regeneration scheme comprising community hub, retail units and residential units) to facilitate the commencement and completion of the approved development in phases Lands at and surrounding St. Gemma's School and the Flax Centre Ardoyne Avenue, in that he was a Member of the Ardoyne Bone Community (ABC) Trust and he left the room for the duration of the discussion on the item.

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**Schedule of Meetings 2020**

The Committee agreed to the following schedule of meetings for the year 2020:

- Tuesday, 21st January;
- Thursday, 23rd January (for training);
- Tuesday, 11th February;
- Thursday, 13th February (for training);
- Tuesday, 10th March;
- Thursday, 12th March (for training);
- Tuesday, 21st April;
- Thursday, 23rd April (for training);
- Tuesday, 19th May;
- Thursday, 21st May (for training);
- Tuesday, 16th June;
- Thursday, 18th June (for training);
- Tuesday, 18th August;
- Thursday, 20th August (for training);
- Tuesday, 15th September;
- Thursday, 17th September (for training);
- Tuesday, 13th October;
- Thursday, 15th October (for training);
- Tuesday, 17th November;
- Thursday, 19th November (for training);
- Tuesday, 15th December; and
- Thursday, 17th December (if required).

**Matters referred back from Council**

**Motion - Management of Communal Areas and  
Open Space in Developments**

The Committee considered the undernoted motion, which had been proposed by Councillor Murphy and seconded by Councillor Beattie at the Council meeting on 4th November, and agreed that a report be submitted to a future meeting on the issues raised:

“This Council is concerned by the impact on new and long term homeowners of property management fees for the upkeep of open spaces and communal areas in housing estates.

We recognise that the Council has a role to play in this through the planning process and call upon it to develop a framework around the management of open space and communal areas and explore the possibility of how we can regulate the property management sector.

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We further call upon the Council to engage with relevant parties such as the Law Society in the carrying out of this work.”

**Request for Member Briefing/Site Visit and Pre-Determination Hearing for planning application LA04/2017/2341/O – lands bounded by Royal Avenue, York Street, Church Street, North Street, Rosemary Street, High Street and Donegall Street (former Royal Exchange)**

The Committee considered the undernoted report:

**“1.0 Purpose of Report or Summary of Main Issues**

1.1 The Council is currently considering an application for outline planning permission for lands bounded by Royal Avenue, York Street, Church Street, North Street, Rosemary Street, High Street and Donegall Street (former Royal Exchange) (LA04/2017/2341/O). The proposals are for mixed use development including retail, office, café/restaurant, residential, hotel, cultural/community space, public realm and landscaping.

1.2 The application is for Major development and this is a regeneration scheme of significant importance to the city. Members are asked to agree a Committee briefing and site visit. Officers also advise that a pre-determination hearing should be held so that the Planning Committee can consider the views of consultees and third parties in advance of its full consideration of the planning application at a separate meeting.

**2.0 Recommendations**

2.1 The Planning Committee is asked to agree the following:

- Member briefing and site visit – Friday 06 December, 12pm to 3pm
- Pre-determination hearing – Monday 16 December, 5pm

**3.0 Main Report**

**Background**

3.1 In October 2017, the Council received a planning application in respect of land bounded by Royal Avenue, York Street, Church Street, North Street, Rosemary Street, High Street and Donegall Street (former Royal Exchange) (LA04/2017/2341/O).

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The application has been subject to amendments and seeks outline planning permission for the following:

*'Outline planning permission for demolition, redevelopment and part change of use to create a mixed use development comprising retail, offices, cafe/restaurant, residential, hotel, cultural/community space, parking, servicing, access and circulation arrangements, the creation of new streets, the configuration of Writers Square, public realm works, landscaping and associated site and road works. The proposal includes works to alter listed buildings, restoration of retained listed buildings and facades, and partial demolition of North Street Arcade, retaining its facades. Details of the retained elements of the Listed Braddells building, Former Assembly Rooms and North Street Arcade facades are provided along with the layout of the new Arcade.'*

- 3.2 The mix and quantum of development is shown in the table below.

<b>Proposed Uses</b>	<b>Floorspace (sqm)/No. of Units</b>
Retail	Max. 10,000sqm
Café/Restaurant	(5,000sqm retail and 5,000sqm restaurant/café)
Office	Max. 45,000sqm
Residential	Max. 36,000sqm/367 units
Hotel	Max. 6,000sqm/54 beds
Cultural/Community	Max. 695sqm
Car parking	25 disabled spaces/6 car club spaces
Services/Plant	4,000sqm
<b>Total sqm</b>	<b>101,695 sqm</b>

- 3.3 The application site is within a Conservation Area. It includes proposals that affect a number of listed buildings, full demolition of buildings and partial demolition of buildings with façade retentions as part of the proposed development. These aspects are the subject of separate listed building and conservation area consent applications.
- 3.4 Significant amendments were made to the application in August 2019 following lengthy negotiations with officers and engagement with consultees and communities. The amended application has been subject to re-consultation. It is expected to be brought before the Planning Committee for determination in January 2020.
- 3.5 17 representations were received in 2017/2018 to the application as originally submitted. These comprised 16 objections and 1 letter of support. During that same period, 85

related objections were received in response to the associated application for Phase 1B of the wider development (LA04/2017/2126/F). Those objections raised issues relating to the outline planning application and have been transferred for consideration under the current planning application.

**3.6 Member briefing and site visit**

Given the scale, complexity and strategic importance of the application, the Planning Committee is asked to agree a Member briefing and site visit. It is proposed that this takes place at 12pm on Friday 6th December 2019.

**3.7 Pre-determination hearing**

In view of the number of representations to the application as originally submitted, together with the complexity of the issues that the application raises, officers advises that a non-mandatory pre-determination hearing should be held in accordance with Section 30(4) of the Planning Act (Northern Ireland) 2011. A pre-determination hearing gives opportunity for the Planning Committee to consider the views of consultees and third parties in advance of the Planning Committee meeting at which the planning application will be considered and determined.

**3.8 Paragraph 3.6 of the Department for Infrastructure's *Development Practice Guidance Note 17: Pre-determination Hearings*, states:**

*'In non-mandatory cases, it would be for an individual council to judge when a significant body of relevant planning objections was a sufficient material consideration to warrant a pre-determination hearing, taking account of:*

- *the relevance of the objections in planning terms;*
- *the extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation;*  
*and*
- *the numbers of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.'*

**3.9 These provisions are replicated in the Committee's Operating Protocol. It goes on to state that representations at a pre-determination hearing should be dealt with in the same way as those at a regular Committee meeting, i.e. speakers only have 5 minutes to address the Committee.**

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**3.10 The process of pre-determination hearings is designed to deal with highly complex issues, large numbers of objections or to allow interested parties, including members of the public, to address members directly.**

**3.11 In this particular case, there are a range of complex issues to be considered in the assessment of this strategic application including the planning history, regeneration, vitality of the city centre, job creation, housing, impact on listed buildings and heritage assets, urban design considerations including proposals for taller buildings, traffic generation and parking.**

**3.12 Financial & Resource Implications**

**The organisation of a Member briefing, site visit and pre-determination hearing will have a minor impact on resources.**

**3.13 Equality or Good Relations Implications/Rural Needs Assessment**

**None identified at this stage.”**

The Committee agreed that:

- a Members’ Briefing on the application, followed by a site visit, be held on Friday, 6th December at 12noon; and
- a Pre-Determination hearing be held on Monday, 16th December at 5p.m.

**Committee Site Visits**

It was noted that the Committee had undertaken site visits on 1st November in respect of the following planning applications:

- LA04/2019/1615/F - Erection of mixed use development consisting of an 82no. bed hotel and 46no. apartments with associated car parking and landscaping at lands adjacent and East of No. 43 Stockmans Way;
- LA04/2019/1598/F - Proposed Apart-Hotel (87no. bedrooms & 26no. serviced apartments), 14no. Business Studios and 10no. live/work studios with associated car parking and landscaping at Adelaide Business Centre, off Boucher Road;
- LA04/2019/1614/F - Redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area

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(MUGA pitch), pitch side fencing and ball-stop nets, renovation of existing outbuildings to provide new changing accommodation, car parking, landscaping and associated site works at existing all-weather sports pitch at Stranmillis University College, Stranmillis Road;

- LA04/2019/0914/F – New pavilion for Community Boxing Club on site 50m South East of 30 Kingsland Park; and
- LA04/2019/1636/F – Erection of hotel comprising 276 beds, conference facilities, restaurant /café/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works at lands directly south of Titanic Belfast and North-West of Hamilton Dock located off Queens Road Belfast.

In response to a suggestion from the Planning Manager (Development Management) relating to a number of major planning applications which were due to be considered by the Committee over the next few months, the Committee agreed to undertake pre-emptive site visits to the following three sites:

- LA04/2018/0022/F - Community, cultural and sporting hub for the Upper Andersonstown area incorporating; a community hub building accommodating a multi-functional hall, handball court, fitness suite, health and well-being suite and associated ancillary accommodation. Replacement of floodlit grass pitch with floodlit synthetic pitch. Two floodlit multi-use games areas. Pre-nursery building housing 1 no. classroom and a small outdoor play area, landscaping and a new footpath link from the Shaw's Road and associated car parking at Rossa Park, Shaw's Road;
- LA04/2018/0471/F - Upgrading of playing fields to include new 3G surfaces, floodlights, fencing, dug outs, 2No. 200 seater stands, toilet blocks, turnstiles, additional car parking and associated ground works at The Boys Brigade Recreation Centre, 108 Belvoir Drive; and
- LA04/2017/1991/F - Construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works at Land adjacent to Concourse Buildings, Queens Road, (Catalyst Building).

**Certified Location Notification**

The Committee noted the Certified Location Certificate which had been issued in respect of a site on Shorts Sports and recreation Club, Aircraft Park, Hollywood Road, which was valid until 26th September 2020.

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**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 8th October and 4th November 2019.

**Planning Applications**

**(Reconsidered item) LA04/2019/0914/F - New pavilion for  
community boxing club on site 50m South East of 30 Kingsland Park**

(Alderman Rodgers left the meeting at this point)

The Case officer reminded the Committee that, at its meeting on 15th October, it had agreed to defer consideration of the application in order to undertake a site visit to allow the Committee to acquaint itself with the location and the proposals at first hand, particularly with regards to the proposed impact on green spaces. She added that the site visit had taken place on 1st November.

The Members were provided with the key aspects of the application. The Case officer explained that Environmental Health, NI Water, HED Historic Monuments, Rivers Agency and DFI Roads had all been consulted on the application and that all statutory agencies had confirmed that they had no objections.

She advised the Committee that eight letters of support from community organisations had been received, and two letters of objection from third parties. The Members were advised that the objections cited issues with an increase in noise and traffic, inadequate public consultation, loss of green space and the opening hours of the property. She explained the officers' response to the issues which had been raised.

She explained that an additional planning condition was recommended regarding the hours of operation for the new pavilion, where it would only operate between 8am and 10.30pm Monday to Saturday, and between 10am and 5pm on Sunday.

She explained that no further letters of objection of additional information had been received.

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.



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**LA04/2018/2835/F - Four restaurant units with associated parking, access, servicing, site and landscaping works on lands between McDonalds and Railway Line Rear of 233-263 Shore Road**

The Case officer provided the Members with the principal aspects of the application for the development and of the key issues in the assessment.

She explained that the application was before the Committee for its consideration as it comprised 682 metres<sup>2</sup> of gross floorspace retail outside of the city centre. The Committee was advised that the existing access to McDonald's on the site would be used.

The Committee was advised that NIEA, HED and NI Water had been consulted and that they had no objections subject to conditions. The Case officer drew the Committee's attention to the Late Items report, where DFI Roads had submitted its response offering no objections subject to conditions. She explained that, if approval was granted, the suggested conditions would be added to the decision notice.

The Members were advised that two objections had been received in respect of the development, citing that anti-social behaviour and impact on the residential amenity had increased in the area since McDonalds had opened, potential overlooking issues and inadequate boundary treatments amongst others.

The Case officer provided the Members with the response to the issues raised and explained that the units would be conditioned to be a single storey in order to prevent overlooking.

The Case officer advised the Committee that the site was undesignated white land in the Belfast Urban Area Plan (BUAP) and that it was designated as a major area of existing Employment/Industry in dBMAP 2004. She added that, in the 2015 version of dBMAP, the site had been re-zoned for housing.

She advised the Members that the site was constrained by existing development which might deem it unsuitable for housing, such as the McDonalds, ASDA supermarket, electricity substation and railway line in close proximity. She explained that there might be a significant detriment to residential amenity of potential residents and that a potential housing site would have to share the existing access with McDonalds.

It was reported that a Contaminated Land Risk Assessment (Phase II GQRA) had been submitted in support of the proposal and that the proposal would effectively mitigate against potential detrimental impacts on residential amenity.

The Case officer explained that Rivers Agency had advised that the proposal was contrary to Policy FLD1 of PPS15, but that it was considered that the proposal constituted an exception to the policy, as the proposal involved the replacement of buildings previously located on the site. The developer had also identified the sources of flood risk and proposed adequate measures to manage and mitigate any increase in flood risk arising from the development.

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The Chairperson then welcomed Ms. C. McDonagh, agent, to the meeting. She explained that the proposal was located on what had been a plumber's merchant and which had been vacant for a significant period of time. She highlighted a number of the site's constraints, including the contamination, a substation at the back corner, a railway line to the rear and that two major sewer lines transversed the site. The Members were advised that the scheme had worked around those constraints.

She outlined that the plans which were in front of the Committee had taken into account the objections which had been received and sought to address the issues which the representations had raised. The Members were advised that the proposal included a new 1.8metre high rendered wall along the boundary at the end of Oakmount Drive. She explained that the opening hours would be limited to 11p.m., as was normal for restaurants.

In response to a number of questions from a Member, the Case officer explained to the Committee that:

- the BUAP was the extant plan, where the site was designated as white land;
- the housing zoning was now back to draft;
- regarding the exception to FLD1, the site was still a brownfield site as it was still in hard standing and that Rivers Agency was content;
- in relation to separation distances, specifically relating to issues with noise and odour, that Environmental Health was content that detailed reports had been submitted and that any issues could be mitigated against with conditions; and
- on balance, the officer's recommendation was to approve the application.

The Chairperson then put the officer's recommendation to approve the application, subject to the imposing of the conditions and to delegate power to the Director of Planning and Building Control for the final wording of the conditions, to the Committee.

On a vote by show of hands, nine Members voted for the proposal and two against and it was accordingly declared carried.

**LA04/2019/1903/F - Conservation led redevelopment and restoration of Bank Buildings, including reinstatement of previously removed upper floor structures from Bank Street, Royal Avenue and Castle Street façades and reinstatement of 1970s wall on Bank Street, for the erection of a retail store connecting to existing Primark store on Castle Street with ancillary café and associated site works Bank buildings (bound by Castle Street, Bank Street and Royal Avenue)**

The Planning Manager (Development Management) presented the details of the conservation-led scheme to redevelop and restore Bank Buildings. He advised the Members of the key issues in the consideration of the application, which included the principle of redeveloping the site, acceptability of a fourth floor café, demolition within

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the City Centre Conservation Area, impact on built heritage, impact on historic monuments and design.

He explained that consent had previously been granted for the removal of the 1970s wall.

He outlined to the Committee that both HED and DFI Roads welcomed the scheme and had no objections.

The Chairperson then welcomed Mr P. Stinson, Mr. S. Douglas and Mr. J. O'Conner, representing the agent, to the meeting. Together, they explained that the application marked a significant milestone in restoring the property to its former glory. They added that they were working closely with Planning and Building Control to minimise traffic disruption during the construction works.

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.

**LA04/2019/1066/F - Zip line facility incorporating a single (803.75m long) and parallel zip line (227.04m long), 3No. towers and associated lighting, pathways, site and access works at Collin Glen Forest Park**

(Alderman Rodgers returned to the meeting at this point)

The Committee was provided with the principal aspects of the application for a zip line, with three associated towers, in Collin Glen Forest Park.

The Case officer explained that the site was currently designated as "existing open space" in the BUAP 2001 and Draft BMAP. She advised the Committee that the principle of development and the proposed use was in keeping with the designation, as the zip line could be facilitated in an area of open space. The Members were advised that the area of the park would continue to be used as recreational space and that the zip line would enhance it and be of wider public benefit.

She advised the Members of the key issues in the assessment of the proposal, which included the principle of development and use, open space provision, visual impact, impact on trees, impact on the Site of Local Nature Conservation Importance (SLINCI), impact on the Colinglen River and on the Local Landscape Policy Area (LLPA) and Urban Landscape Wedge, and on parking provision and access.

She explained that nine objections had been received raising concerns with the impact of the proposal on priority habitats, biodiversity, protected species and loss of woodland. The Committee was advised that loss of visual amenity and noise concerns had also been raised.

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The Committee was advised that Environmental Health, NIEA NED, NIEA drainage and water, NI Water, DFI Rivers, the Tree Officer and Shared Environmental Service had all been consulted and had no objection to the proposal, subject to conditions. The Case officer outlined that, while DfI Roads had not yet responded, given that the zip line would share the access with the Allotments from Colin Glen Road, which was acceptable for the previously approved toboggan application at the same location, it was unlikely that it would have any issues in principle. She added that technical matters could be dealt with by conditions.

The Case officer explained that 72 trees would be felled as part of the proposal but that 121 locally sourced, native trees were proposed to be planted on the site instead. The Members were advised that the Council's Tree Officer was satisfied with the proposals.

The Committee was advised that one tree within the site might contain bats and that it would be inspected 24 hours before it was to be felled.

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.

**LA04/2018/1219/F & LA04/2018/1056/LBC - Residential development for the erection of 79 residential units in total, comprising new build apartments ranging from 3-4 stories, inclusive of underground parking, amendments to previously approved conversion and extension/alteration of listed buildings, conversion of listed mortuary, parking, landscaping and associated site works at Former Belvoir Park Hospital Site**

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

The Case officer presented the principal aspects of the application to the Committee.

She explained that the application formed Phase IV of the residential scheme and involved the conversion of several listed buildings, including the former administration building, the former nurse's accommodation, the former mortuary and two gate lodges.

She outlined the main issues which had been considered in the consideration of the proposal, which included the principle of new build and conversion of the listed buildings to residential use, the principle of demolition of the modern extension to the listed Administration building, the impact on traffic, parking and on amenity and the consideration of site drainage.

The Members were advised that, in draft BMAP, the site was located within the Metropolitan Development Limit, the Lagan Valley Area of Outstanding Natural Beauty (AONB), a Committed Housing Site, a Site of Local Nature Conservation Importance (SLINCI), a Local Landscape Policy Area and an Area of Mineral Constraint.

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The Committee was advised that DFI Roads, Environmental Health, NIEA, Rivers Agency, Historic Environment Division, NIHE and NI Water had all been consulted in addition to the Urban Design officer and the Tree Officer within the Council. She added that they were awaiting the response from NIEA Natural Environment Division in relation to bats.

The Case officer advised the Members that no third party representations had been received.

She explained that, having regard to the consultation response and representations, it was considered that the proposals met the policy tests set out in the SPPS and PPS6 to permit the conversion and extensions to the listed buildings. She added that the proposed scheme met the requirements of PPS7, PPS8 and Creating Places with regards to creating a quality residential environment.

In response to a Member's query regarding the amount of open space within the proposed scheme, the Case officer explained that it was considered that there was adequate usable open amenity space within the rest of the development as a whole.

The Committee granted approval to the application, subject to the imposing of the conditions set out within the report and to resolution of the final response from NIEA NAD, and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

**LA04/2019/0683/F - Demolition of existing industrial warehouse buildings and erection of warehouse distribution facility, associated ancillary office, van storage, yards, car parking and accesses on Lands at Kings Works, Channel Commercial Park, Queens Road Titanic Quarter**

The Case officer provided the Committee with the key aspects of the proposal at Kings Works.

He outlined to the Members the key issues which had been considered in the assessment of the proposed scheme, including the acceptability of a storage and distribution facility on the site, scale, massing and design, the impact on built and archaeological heritage, contaminated land, flooding and traffic and parking.

He advised the Committee that the site was located within an established industrial area within the wider Titanic Quarter, which formed part of the mixed use Titanic Quarter zoning. He outlined that the proposed storage and distribution use was appropriate to the area. The Members were advised that the main distribution building was smaller than the existing industrial building on the site by approximately 3,000m<sup>2</sup> and by approximately 1metre in height and would subsequently have no greater impact on the setting of nearby listed structures and monuments.

The Case officer advised the Committee that, given the scale of the existing building on the site and its potential to accommodate an industrial use, together with consideration of the applicant's Transport Assessment, it was considered that on balance there would not be harmful impact on existing road infrastructure.

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The Committee was advised that DAERA, DFI Roads, Rivers Agency, NI Water and the Health and Safety Executive had no objection to the proposals. The Case officer outlined that a response was still outstanding from the Belfast Harbour Commissioners. He advised the Members that, as detailed in the Late Items pack, Environmental Health had responded with a number of conditions. He explained that, in the event of an approval, the conditions would be added to the decision notice.

The Case officer advised the Committee that no third party objections had been received.

The Chairperson welcomed Mr. B. Kelly, Turley, and Mr. C. O'Hara, Technical Director at RPS, to the meeting. They welcomed the Planning Department's recommendation to approve the application. They reiterated that no objections had been received and that the proposal would bring new employment opportunities to the area. They advised the Committee that a robust traffic assessment had taken place as part of the application.

A Member stated that, as the plans were for a base for delivery vehicles, she was uncomfortable making a decision given that the Committee did not have access to a key document which was referenced in the report. She explained that the Committee was being informed that DFI Roads had no objections but that their opinion appeared to have substantially changed based on information which the Committee had not been provided with. She stated that the most recent document which was available to Members, with regards to DFI Roads' opinion on the application, was August 2019.

The Chairperson advised the Committee that Mr. L. Walsh, Department for Infrastructure, was in attendance and he was welcomed to the meeting. Mr Walsh confirmed that DFI Roads did have initial concerns about the transport assessment which had been submitted by the applicant. He explained to the Members that they challenged a number of the assumptions, such as the arrival and departure profile, the number of trips generated on the site and the modal split. He advised the Committee that DFI Roads had gone through a rigorous challenge of the application, including worst case scenario testing and modelling. He confirmed that, in response to a recent Technical Note from RPS, DFI Roads now considered the application to be acceptable.

In response to a Member's question, the Case officer explained that he would need to confirm whether the document referenced had been uploaded onto the Planning Portal.

After further discussion, the Committee agreed to defer consideration of the application to Thursday, 14th November, to allow the Technical Note from RPS to be uploaded.

(Councillors Hussey and McKeown returned to the meeting at this point)

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**LA04/2019/1100/F - Mixed use commercial and residential development providing 79 apartments with associated amenity space, retail floorspace in 6 units, Gym, 67 car parking spaces, bin storage and assoc. site and access works and public realm improvements 721-739 Lisburn Road**

(Councillors Brooks, Garrett and McMullan left the meeting at this point)

The Case officer presented the Committee with the principal aspects of the application for 79 apartments, retail space, a gym and 67 car parking spaces. He outlined the key issues which had been considered in the assessment of the application which included the acceptability of housing at the location, scale, massing and design, traffic and parking, impact on the Lisburn Road Area of Townscape Character, flooding, drainage and noise.

He explained that the site was located on a main arterial route from the City Centre and was poorly defined in terms of land use and built form, with a large area of hard standing and commercial/industrial units set back from the road. He advised the Committee that the mix of retail, leisure and residential uses would add to the diversity of the area and create a quality built form on a site which was, at present, poorly defined architecturally.

The Members were advised that Environmental Health, DAERA, HED, Building Control, NI Water and NI Transport Holding Company had been consulted and had no objection to the proposals. The Case officer added that DFI Roads had requested further information and that a response from Rivers Agency was outstanding.

He reported that no third party objections had been received.

He drew the Committee's attention to the Late Items pack, where NI Transport Holding Company had raised a number of issues in their consultation response, including a request for a buffer zone between the built form and their land, and a demolition plan and schedule to including exclusion zones and protection methods, if required. He outlined to the Members that assurances had been sought from the applicant that there would be sufficient space to allow the construction and maintenance of the building without encroaching onto NITC land. He added that, in the event of an approval, a condition would be attached requiring a demolition plan to be agreed prior to commencement of site clearance.

The Members were advised that, having regard to the extant development plan, the draft development plan, relevant planning policies and approvals in the area, economic benefits and other material considerations, the proposed scheme was considered, on balance, to be acceptable.

The Chairperson welcomed Mr. E. Loughrey, representing the agent, to the meeting. He advised the Committee that:

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- the scheme represented a significant investment of over £12million which would contribute to the housing and retail demands in the area;
- Pre-Application community consultation had taken place with the local community and public representatives;
- all technical reports had been submitted;
- design amendments had been made in response to Planners' concerns; and
- while some matters were still in discussion with statutory consultees, they were not significant and were thought to be resolved quickly.

In response to a Member's question regarding the parking provision within the site, Mr. Loughrey advised the Committee that the car parking spaces would be available for residents only.

In respect of a Member's query regarding the trees in the site, Mr. Loughrey advised the Committee that NI Railways had confirmed that it would rather that the trees along the railway line were removed. He added that the trees within the back corner of the site were not felt to provide any contribution to the amenity of the site.

The Committee granted approval to the application, subject to the imposing of the conditions set out within the Case officer's report; to resolve DFI Roads and Rivers Agency issues with regards to transportation and drainage respectively; to resolve design issues relating to the depth of reveals and articulation of the building; and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

(Councillors Brooks, Garrett and McMullan returned to the meeting at this point)

(Councillor Murphy left the room at this point)

**LA04/2019/0112/F - 4 units - Change of use from retail/office space to 2 HMO's & residential dwellings at 163 -169 Donegall Road**

The Committee was provided with the principal aspects of the application for a change of use and extension to a former commercial unit to create two Houses in Multiple Occupation and two residential dwellings.

She explained the issues which had been considered in the assessment of the scheme, including the principle of development, the design and impact on the character and appearance of the area and the acceptability of HMO accommodation.

The Members were advised that the site was located within the existing development limits in both BUAP and dBMAP and was designated as being within the Donegall Road Area of Townscape Character (ATC) and Arterial Route 03/07 within dBMAP. The site also fell within the Donegall Road HMO Policy Area, as stipulated within the HMO Subject Plan for the Council area.



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The Case officer explained that the proposal was considered to represent overdevelopment of the site, being of an inappropriate design, mass and appearance. She added that it failed to respect the surrounding character context with the introduction of a raised ridge height within the terrace. It was reported that it failed to provide a design and layout which promoted safety and security.

The Members were advised that the proposal would result in a further increase in the number of dwellings converted to HMO use in excess of the 30% threshold, resulting in an oversupply of HMO accommodation within the Policy Area.

The Committee's attention was drawn to the Late Items pack. The Committee was advised that amended plans had been received from the applicant the previous week to overcome Policy QD1 of PPS7 issues, including the creation of a yard area to address the security concerns and a reduction to the ridge height. The Case officer explained that the amended plans also included box dormer windows which were untypical to the area.

The agent for the application had disputed the HMO figures within the Policy Area and had requested the attendance of the Council's HMO Manager at the Planning Committee meeting. The Case officer explained that the published figures within the HMO Subject Plan were adopted and that the agent had been advised of that.

It was reported that Environmental Health and NI Water had both been consulted in respect of the application and had no objections.

The Case officer outlined that six neighbouring properties had been notified of the application and that no third party representations had been received.

The Chairperson advised the Members that a late request to address the Committee had been received from the applicant, Mr. G. Hughes. The Committee acceded to receive a deputation from Mr. Hughes and he was welcomed to the meeting. He advised the Committee that:

- he disputed that the Donegall Road Policy Area was at saturation point;
- he had submitted a request for information to the NIHE, in accordance with the Freedom of Information Act, and he advised that NIHE's response stated that there had been no complaints in relation to HMOs in the area;
- he stated that he believed that more up to date figures were held by the NIHE, which illustrated that there were only 13 HMOs in the area and no suspected HMOs and, given that there were 410 properties in the area, there was a 3% saturation in the area, not 30%;
- the Planning Department did not use an updated list;
- the HMO Subject Plan and the Planning Appeal Commission stated that the NIHE list was the best list to use;
- the ridge height had been reduced in the amended plans and that the dormer windows could be made pitched;
- no objections had been raised; and

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- there was a huge demand for good quality accommodation in the city, and that house sharing was important in providing affordable accommodation.

In response to a Member's question, the applicant advised that he envisaged that four persons would occupy a four bedroom HMO.

In relation to the disparity between the NIHE figures and the figures which the Planning Department used, the Case officer explained that the Licensing register served a different purpose to the Planning register and that in some times the two did not marry up. She advised the Committee that the Planning and Policy Unit was actively working to try to bring together a complete picture of the situation across the city, but that the adopted policy was the 2004 database and that, until that work had been completed, those figures would be used. The Director added that a training session on HMOs, which had been carried out a few months ago, would be repeated.

The Committee agreed the officer's recommendation to refuse the application, with delegated authority granted to the Director of Planning and Building Control to finalise the refusal reasons.

(The Committee adjourned for a ten minute break at this point)  
(Councillor McKeown left the meeting at this point)

**LA04/2019/2153/F - Section 54 application to vary conditions 4 and 6 (related to ground remediation) and condition 8 (related to provision of hard and soft landscaping) of planning permission reference LA04/2018/1832/F (community led mixed use regeneration scheme comprising community hub, retail units and residential units) to facilitate the commencement and completion of the approved development in phases Lands at and surrounding St Gemma's School and the Flax Centre Ardoyne Avenue**

(Councillor Murphy declared an interest, in that he was a Member of the ABC Trust, and he left the room for the duration of the discussion on the item.)

The Planning Manager (Development Management) provided the Committee with the details of a technical application to vary conditions 4, 6 and 8 of a previously approved application. He advised the Members that the application was before the Committee as it related to a major development.

He explained that the varying of the conditions would allow for a phased approach to the development of the site.

The Committee was advised that DAERA Land and Groundwater Team, Environmental Health and Tree Officers had all responded with no objection to the proposed variations.

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

**LA04/2019/2113/F - Application to vary condition 7 of LA04/2017/2776/F from " a noise verification report must be submitted prior to the operation of the restaurant and drive thru" to within one month of the occupation of the restaurant and drive thru a noise a verification report must be submitted on lands to a section of existing Tesco car park, Knocknagoney Road**

(Councillor Murphy returned to the meeting at this point)

The Case officer explained that the application was before the Committee as it had been called-in by an Elected Member. She explained that the application was to vary condition 7 of approval LA04/2017/2776/F from "a noise verification report should be submitted prior to the occupation of the restaurant and drive thru" to "a noise verification report should be submitted within one month of the occupation of the restaurant and drive thru" to allow for an accurate representation of the plant and equipment noise measures.

She explained that the main issue which was considered was the impact on neighbouring residents.

One objection had been received in response to the application. It cited concerns with the times that the surveys had been carried out, noise and anti-social behaviour, cracking of internal and external walls as a result of ongoing development and queries over the rationale.

The Committee's attention was then drawn to the Late Items Pack, where two additional objections had been received in relation to the use of the generator at the site.

The Case officer outlined Environmental Health's comments in relation to the objections, and that they had no objection to the proposal. She advised the Committee that an Environmental Health Officer was in attendance if Members had any specific questions.

A Member queried how the application to vary the condition was valid, given that the McDonald's restaurant and drive thru were already in operation. In response the Case officer explained that the variation of such a condition was not untypical and that it had been submitted by the applicant on 23rd September. She added that the application had been delayed as it had been called-in to be brought before the Committee, as, had it not, a decision would already have been issued under delegated authority.

After further clarification, the Committee granted approval to the application, subject to the imposing of the conditions set out within the Case officer's report.

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**LA04/2018/2076/F - Residential scheme consisting of 39  
apartments in 3 blocks varying in height from 3 to 4 storeys  
at 40-50 Townsend Street**

(Councillor McMullan left the meeting at this point)

The Case officer presented the principal aspects of the application to the Committee. She explained that the site was currently a vacant brownfield site with unmanaged vegetation.

She provided the Members with the main issues which had been considered in the assessment of the proposals, including the impact of the development on listed buildings nearby, the impact of the development on terraced housing opposite Greenland Street, the impact on traffic and parking and the consideration of third party objections.

The Committee was advised that the site was within the development limits in both the extant and draft plans and was in keeping with white land designation in dBMAP. The Case officer explained that the principle of housing was acceptable and compatible with the surrounding context.

The Members were advised that the design was considered acceptable and would have a positive impact on the character of the area. The Case officer highlighted that a Shadow Analysis had been undertaken which illustrated that Greenland Street would not be cast in shadow and that the proposal would not result in an unacceptable impact on residential amenity.

She explained that the size standards and the amenity space proposed were acceptable.

The Committee noted that no statutory consultees had offered any objection to the proposals. HED had confirmed that it was satisfied that the proposals would not affect the setting of the listed buildings nearby.

The Case officer advised the Members that three third party objections had been received in addition to one letter of support. The objections cited concerns with overshadowing and loss of light in classrooms of a listed school house and in Greenland Street, and over-dominant impact on adjacent listed church and Townsend Street. The response to the issues raised had been addressed within the Case officer's report.

In response to Members' questions relation to parking in the area, the Case officer advised the Committee that DFI Roads had verbally confirmed that it was content with the application, in principle, subject to the submission of Private Streets Determination drawings. She added that when DFI Roads formally responded, the Travel Plan would be secured through conditions.

A Member queried why NIHE had not been consulted in respect of the application. The Planning Manager advised that it was because it was a local application. The Director of Planning and Building Control added that, when the Council secured a different policy

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framework, it would then seek to consult NIHE on local applications, as it would be seeking to secure a percentage of social/affordable housing in smaller schemes in addition to major applications.

In response to a further Member's question regarding Air Quality, the Case officer confirmed that a dust Management Plan was required to be submitted for Council approval prior to the commencement of construction on site.

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.

**LA04/2019/2352/F - Temporary installation of neon artwork on external façade of building (1 year) at 6-18 Castle Arcade**

The Committee was advised that the following three applications were all applications made by Belfast City Council and were all of a temporary nature.

The Case officer explained that the first application was seeking permission for the temporary installation of neon artwork on the external façade of the building for one year. She advised the members that it was part of a citywide lighting strategy undertaken by the Council to improve Belfast Entries to create more welcoming, vibrant and safer places.

The Committee was advised that two years was felt to be more appropriate.

She outlined the key issues in the assessment of the proposal. She explained that the site was located within the Belfast City Centre Conservation Area. Overall, she advised the Committee that the proposal would enhance the character and appearance of the area and that it would not be detrimental to the amenity of neighbouring properties or harmful to highway safety.

The Members were advised that the application had been neighbour-notified and advertised in the local press and that no comments had been received.

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.

**LA04/2019/2385/F - Temporary Installation of 7 projector units to create on interactive lighting installation along ground floor facades (2 years) at Norwich Union House (1-7 Fountain Street), IPHIX (46 Castle Street), Pound Stretcher (56 Castle Street)**

The Case officer provided the Committee with the principal aspects of the application for seven projector units along ground floor facades for a temporary period of two years.

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The Members noted that the site was located within the Belfast City Centre Conservation Area and that it was felt that the proposal would enhance the character and appearance of the area and would not be detrimental to the amenity of neighbouring properties or harmful to highway safety.

She explained that, while the consultation response from Environmental Health was still outstanding, it was considered that there were no issues of principle and that any technical matters could be dealt with through conditions.

The Members' attention was drawn to the Late Items Pack, where the Historic Environment Division (HED) had advised that they had no objection to the proposal on the condition that it would be a temporary period of two years. A late response had also been received from DFI Roads, which had requested a number of additional conditions in relation to highway safety.

The Case officer advised the Committee that the proposal had been assessed against, and was considered to comply with, SPPS, BUAP, Draft BMAP, PPS3 and PPS6.

The Committee granted approval to the application, subject to the imposing of the conditions as set out within the Case officer's report and as proposed by DFI Roads, and delegated power to the Director of Planning and Building Control for the final wording of the conditions, subject to no objection from Environmental Health.

**LA04/2019/2386/F - Temporary Installation of 8 projector units to create an interactive lights installation along ground floor facades (2 years) at Discount store (77 Castle Street) Kids store (79-81 Castle Street) Castle Hoarding (83-87 Castle Street) Castle Rugs (89 Castle Street) Castle Home Trends (103-105 Castle Street) Old Oven Bakery (90 Castle Street)**

The Case officer provided the Committee with the principal aspects of the application for eight projector units along ground floor facades for a temporary period of two years.

The Members noted that the site was located within the Belfast City Centre Conservation Area and that it was felt that the proposal would enhance the character and appearance of the area and would not be detrimental to the amenity of neighbouring properties or harmful to highway safety.

The Committee was advised that the application had been neighbour-notified and advertised in the local press and that no comments had been received.

The Case officer drew the Committee's attention to the Late Items Pack, where DFI Roads had proposed some additional conditions to mitigate against any highway safety concerns.

She advised the Committee that the proposal had been assessed against, and was considered to comply with, SPPS, BUAP, Draft BMAP, PPS3 and PPS6.

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The Committee granted approval to the application, subject to the imposing of the conditions as set out within the Case officer's report and as proposed by DFI Roads, and delegated power to the Director of Planning and Building Control for the final wording of the conditions, subject to no objection from Environmental Health.

**LA04/2019/2232/F - Change of use from dwelling to House in Multiple Occupancy (HMO) at 99 Alexandra Park Avenue**

The Case officer provided the Committee with the principal aspects of the application for a change of use from a single dwelling to a House in Multiple Occupation (HMO).

She clarified to the Members that policy HMO 5 applied, given that the area was outside a designated HMO Development Node or Policy Area as designated in the HMO Subject Plan for the Belfast City Council Area 2015.

She explained that the Land and Property Pointer database illustrated that there were 115 domestic properties on that section of Alexandra Park Avenue, which would allow 11 HMOs before the 10% threshold was exceeded. She explained that, according to records held by the Local Development Plan Team, 3 HMOs were currently registered on that section of the Avenue. The application was therefore acceptable.

The Committee was advised that no objections had been received.

The Chairperson put the Case officer's recommendation for approval to the Committee for its consideration.

On a vote by show of hands, seven Members voted for the recommendation and one against and it was accordingly declared carried.

**LA04/2019/2104/F - Change of use from dwelling to HMO at 232 Duncairn Gardens**

The Case officer provided the Committee with the principal aspects of the change of use application from a residential property to a House in Multiple Occupation (HMO).

She clarified to the Members that policy HMO 5 applied, given that the area was outside a designated HMO Development Node or Policy Area.

She explained that the Land and Property Pointer database illustrated that there were 107 domestic properties on that section of Duncairn Gardens, which would allow for 10 HMOs before the 10% threshold would be exceeded. The Members were advised that, according to records held by the Development Planning and Policy Team, there were currently five HMOs on that section of Duncairn Gardens.

The Members were advised that three objections had been received, citing issues including parking impact, existing problems for parking, antisocial behaviour concerns and a lack of family homes in the area.

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The Case officer explained that DFI Roads, Environmental Health and the Council's internal Development Planning and Policy Team had been consulted in relation to the proposal and all had offered no objection.

In response to a Member's question regarding streets which were particularly long, such as Duncairn Gardens, the Case officer explained that officers considered dwellings 300metres either side of the property.

The Chairperson put the Case officer's recommendation for approval to the Committee for its consideration.

On a vote by show of hands, seven Members voted for the recommendation and one against and it was accordingly declared carried.

**LA04/2019/2103/F - Retrospective change of use from dwelling to a HMO at 230 Duncairn Gardens**

The Case officer provided the Committee with the principal aspects of the application for a retrospective change of use from a single dwelling to a House in Multiple Occupation (HMO).

She advised the Members that policy HMO 5 applied, given that the area was outside a designated HMO Development Node or Policy Area.

She explained that the Land and Property Pointer database illustrated that there were 107 domestic properties on that section of Duncairn Gardens, which allowed 10 HMOs before the 10% threshold was exceeded. She explained that, according to records held by the Local Development Plan Team, that 5 HMOs were currently registered within that section.

She explained that four third party representations had been received, raising issues with parking impact, existing problems for parking, antisocial behavioural concerns and a lack of family homes in the area. She advised the Committee that DFI Roads, Environmental Health and the Council's internal Development Planning and Policy Team had been consulted in relation to the proposal and that all had offered no objection to the proposal.

The Chairperson put the Case officer's recommendation for approval to the Committee for its consideration.

On a vote by show of hands, six Members voted for the recommendation and one against and it was accordingly declared carried.

**LA04/2019/2051/F - Retrospective change of use from a dwelling to HMO at 4 Easton Crescent**

The Case officer provided the Committee with the principal aspects of the application for a retrospective change of use from a residential dwelling to a House in Multiple Occupation (HMO), with minor changes to the rear elevation.



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She clarified to the Members that policy HMO 5 applied, given that the area was outside a designated HMO Development Node or Policy Area.

She explained that the Land and Property Pointer database illustrated that there were 22 domestic properties on Easton Crescent, which allowed 2 HMOs before the 10% threshold would be met. She explained that, according to records held by the Local Development Plan Team, that there was currently 1 HMO registered on that street.

The Committee was advised that one letter of objection had been received, citing issues with parking in the area. The Case officer advised that the issue had been addressed within the body of the report.

The Committee was advised that the property was currently subject to an enforcement case, relating to the unauthorised use as an HMO, and that the application sought retrospective permission in order to remedy the breach.

A Member raised concern stating that the register of HMO licences showed that there were four HMOs operating on Easton Crescent, and that the 10% threshold had therefore already been exceeded.

The Director of Planning and Building Control advised the Committee that, based on the fact that there was a discrepancy between the figures, he would recommend the application be deferred to allow officers to check the use of the properties.

After discussion, the Committee accordingly agreed to defer consideration of the application to allow officers further time to compare the data held on the number of HMOs in the area.

Chairperson