

Planning Committee

Tuesday, 18th August, 2020

SPECIAL MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

- Members present: Councillor Hussey (Chairperson);
Councillors Brooks, Carson, Collins,
Garrett, Groogan, Hanvey, Maskey,
McCullough, 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; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Councillors Hutchinson and McKeown.

Minutes

The minutes of the Special meetings of 21st and 28th July were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 10th August, 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 the proposed pre-emptive site visit to Havelock House, in that she had previously made representation in respect of the application and had engaged with objectors and, as such, would not take part in the discussion or decision regarding the application.

Councillor O'Hara declared an interest in LA04/2019/1540/F - Centralised Anaerobic Digestion (CAD) plant on lands to the northwest of existing Belfast City Council Waste Transfer Station, 2a Dargan Road, in that he was on the Board of the Belfast Harbour Commissioners and that the Belfast Harbour Commission was objecting to the application. He advised that, as it was a Council appointment and as he did not have a pecuniary interest, he could fully participate in the discussion on the item.

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Motion - Restoration and Listing of Historic Street Signs

The Committee considered the undernoted motion which, in accordance with Standing Order 13(f), had been immediately referred to the Planning Committee by the Council at its meeting on 1st July:

“This Council:

1. notes the valuable contribution that Belfast’s historic tiled street signs make to the character of the areas in which they are situated and laments the loss of so many of these signs over the years;
2. further notes that a number of freestanding tiled street signs in Belfast have been listed and thereby protected from destruction or removal, but that most such signs have no protection at all;
3. requests its officers :-
 - to take all necessary steps to effect the repair and restoration of the freestanding tiled street signs identified below* and to take steps to identify other such signs and to take all necessary steps to effect the repair and restoration of those signs; and
 - to request that the Department for Communities adds those signs which are of particular quality and merit to the list of buildings of special architectural or historic interest.
4. The street signs referred to above are situated at the junctions of :
 - (a) Kensington Road/Knock Road.
 - (b) Cherryvalley Park/Kensington Road.
 - (c) Kingsden Park/Knock Road.
 - (d) Knockland Park/Barnett’s Road.
 - (e) Summerhill Parade/Barnett’s Road.
 - (f) Belmont Road/Massey Avenue [the unlisted sign].
 - (g) Wandsworth Road/Belmont Road [2 signs].
 - (h) Belmont Church Road/Sydenham Avenue.
 - (i) Belmont Church Road/Belmont Road [the unlisted sign].
 - (j) Eastleigh Drive/Kincora Avenue.
 - (k) Clonlee Drive/Upper Newtownards Road.
 - (l) Beersbridge Road/Upper Newtownards Road.”

The Committee agreed that a report be submitted to a future meeting providing further information on the issues raised.

Committee Site Visits

Note of Site Visits

It was noted that the Committee had undertaken site visits on 12th August in respect of the following three planning applications:

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- LA04/2018/2876/F - Lands opposite 13, 15, 17 and 32 Somerdale Park;
- LA04/2020/0757/F - Upgrade of existing gravel pitch to synthetic sand dressed hockey pitch, with floodlighting, fencing, acoustic barrier, storage container at West Pitch, Downey House, Pirrie Park Gardens; and
- LA04/2018/1411/F - Upgrade of existing gravel pitch to synthetic sand dressed hockey pitch, with floodlighting, fencing, acoustic barrier, storage container at East Pitch Downey House, Pirrie Park Gardens.

Proposed Pre-Emptive Site Visit

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 a pre-emptive site visit to:

- LA04/2020/0067/F: Demolition of existing buildings and erection of 270 no. apartment building comprising 8, 5 and 3 storey elements, provision of hard and soft landscaping including communal courtyard gardens, public realm, provision of 40 no. car parking spaces, cycle parking, substation and associated works. (Further information and amended plans received) at Havelock House, Ormeau Road, Belfast.

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 15th July and 7th August.

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.

**DfI Notification - Provision of Accessible/
Disabled Parking Bay**

The Committee noted correspondence which had been received from the Department for Infrastructure, advising of its intention to provide an accessible/disabled parking bay at 26 Fortwilliam Crescent.

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Miscellaneous Item

Graffiti/defacing of Street Furniture

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

1.1 To bring to the Committee’s attention the outcomes of cross-departmental discussions regarding graffiti and defacing of street furniture. A Motion was presented to the Council at its meeting on 4th February, and discussed at Planning Committee on 19th February 2019.

2.0 Recommendations

2.1 The Committee is requested to:

- **Note the outcomes of cross-departmental discussions and the intention to move forward with the public art project.**

3.0 Main report

Background

3.1 The motion regarding street furniture, which was proposed by Councillor Boyle, and seconded by Councillor Dudgeon, was presented to the Council at its meeting on 4 February 2019:

“This Council recognises that it is difficult to contact those responsible for the maintenance of street furniture, utility boxes, phone boxes and masts, post boxes, advertising facilities and any other structure that sits on or in the footpath or in a public place throughout the City.

The Council supports the need for people to be able to contact those responsible for the cleaning and maintaining of these structures. Accordingly, the Council will undertake a piece of work to identify whose ownership these are in and will encourage those responsible for maintaining and cleaning same to put their details on these structures and ensure their details remain on these structures so that they can be contacted when needed. Furthermore, the Council agrees that any future planning approvals for street furniture, boxes etc. as listed above, will include a condition requiring the contact details of those responsible for cleaning and

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maintaining and servicing them to be prominently displayed.”

- 3.2 In accordance with Standing Order 13(f), the Motion was referred without discussion to the Planning Committee.
- 3.3 Planning Committee meeting on 19th February 2019; The Director confirmed to the Committee that not all items of street furniture required planning permission and that the requirement to provide contact details was not a material planning consideration. However, he explained to the Members that, where an application was in front of the Committee, it could add an informative on the consent requiring the owners of the equipment to include contact details on the piece of street furniture. He outlined to the Committee that cross-departmental meetings were taking place to look at the issue of graffiti on street furniture.
- 3.4 In response to a Member’s question, he confirmed to the Committee that it could, by condition, require that owners maintained street furniture in good order, whereby the enforcement team could ensure that those conditions were upheld.
- 3.5 The Committee agreed that a report be submitted to a future meeting on the outcomes of any cross-departmental discussions relating to the issues of graffiti/defacing of street furniture.
- 3.6 Outcomes of any cross-departmental discussions relating to the issues of graffiti/defacing of street furniture
- 3.7 Under The Local Government (Miscellaneous Provisions) (NI) Order 1985 the Council’s City and Neighbourhood Services Department may remove or obliterate graffiti, placards and posters. In the case of graffiti if it is detrimental to the amenity of land in its district and for fly-posting if displayed in contravention of the advertising regulations. Additionally, the Council has further limited enforcement powers in relation to graffiti and defacement of street furniture.

(i) **Fixed Penalty Notices**

An £80 Fixed Penalty Notice (FPN) can be issue in certain circumstances to anyone who is caught in the act of graffiti on any road, tree, road traffic signs or where anyone is caught displaying fly-posters which contravene the Planning Act (NI) 2011 (Displaying

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advertisements in contravention of regulations made under Section 130 of the Act).

(ii) Removal Notices

A two-day removal notice can be served on an individual who is identified as being responsible for the graffiti asking them to remove the graffiti. This also applies if the graffiti, placard or poster publicises the goods, services or concerns of an identifiable person. In which case the notice is served on the business or person advertised. Failure to comply with the notice may result in the removal of the graffiti or poster by the Council and the recovery of debt as a civil debt.

(iii) Defacement Removal Notices:

A Defacement Removal Notice can be served on the owners of a relevant surface, such as a utility box or building controlled by a statutory undertaker, in certain circumstances to request that they remove graffiti from their properties. A defacement removal notice allows the owner twenty-eight days to remove the defacement from their property. If they fail to do so the council may remove the defacement and recover the costs as a civil debt. The Guidance suggest that Councils should seek to achieve co-operation through a partnership approach and that the use of these Notices should be a last resort.

3.8 Operational impacts and ability to respond

Graffiti related activity tends to happen under the cover of darkness and is difficult to detect, with the result that the above FPN and Removal Notice powers have limited impact as the perpetrator is very rarely observed whilst in the act of defacing surfaces.

Following engagement with statutory agencies and utility companies, officers within the enforcement team have undertaken some proactive monitoring to identify hotspot areas and engage with the respective statutory agencies and utility companies to achieve removal of the graffiti. This has resulted in the removal of some graffiti from bridges, telephone boxes and utility boxes. Unfortunately in a number of instances, the graffiti has re-appeared within days of its removal.

In relation to fly-posting on utility boxes and other surfaces, the Council's enforcement and planning enforcement team work collaboratively to address

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defacement of property and street furniture due to flyposting activity using the above powers contained within the Clean Neighbourhood and Environment Act (NI) 2011 in the first instance. Where there is persistent illegal fly-posting advertising, the cases can be referred to the Planning enforcement team for further investigation under the Planning Act 2011 and the Control of Advertisement Regulations (NI) 2015.

3.9 The Belfast Canvas Pilot Project

Following approval in March 2019 meeting of City Growth and Regeneration Committee, the Council developed a pilot public art project in partnership with Destination Cathedral Quarter and Belfast One Business Improvement District to improve the area's appearance through animation of utility boxes. The project aimed to decrease incidences of graffiti/tagging, fly posting, and other anti-social behaviours associated with utility boxes. Professional street artists, collaborating with community groups and university students, decorated 18 utility boxes in the city's main retail heart, to transform them into unique works of art, adding colour to the cityscape. Following an evaluation of Phase 1, a more detailed proposal was planned for delivery of Phase 2 on the Belfast Rapid Transport route, involving engagement with community groups from east and west Belfast. Following the relaxation of lockdown and in anticipation of developing Phase 2, it is hoped to have 4 pilot boxes in East and West painted by end of July 2020 with a view to extending this project across the BRT route and further across the city centre when funding can be made available to support this project.

3.10 Financial and Resource Implications

None.

3.11 Equality or Good Relations Implications

None.”

The Committee noted the content.

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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 items had been withdrawn from the agenda:

- LA04/2019/1598/F - 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, Apollo Road – as the applicant had withdrawn the application from the planning process; and
- LA04/2019/1540/F - Centralised Anaerobic Digestion (CAD) plant on lands to the northwest of existing Belfast City Council Waste Transfer Station, 2a Dargan Road, due to recent correspondence which had been received from the applicant which required further consideration by the officers.

**(Reconsidered) LA04/2020/0454/F - House of
Multiple Occupancy at 19 Balfour Avenue**

The Committee was advised that the application had previously been listed for consideration by the Committee on 16th June 2020, during the period of delegated authority in respect of Covid 19. However, Members of the Committee had advised that they did not feel that they had been given sufficient time to consider the late items, which had been submitted on behalf of the applicant, in order to form a view at that time. Consequently, consideration of the item was deferred.

The Case officer provided the Committee with an overview of the application. She explained that the key considerations in the assessment of the proposal were the principle of development and the impact on amenity. The Members were advised that the site was located within a zoned Housing Action Area in accordance with the BUAP and within the proposed Lower Ormeau Area of Townscape Character in draft BMAP.

As the application site fell within a designated HMO policy area, the Case officer explained that Policy HMO 1 applied and that within designated HMO Policy Areas, planning permission would only be granted where the number of HMO dwelling units did not, as a result, exceed 30% of all dwelling units within the Policy Area. The Committee was advised that, out of 370 domestic properties within the Lower Ormeau Policy Area, 122 were HMOs, equating to 32.9%.

She advised that the proposed development was therefore contrary to Policy HMO 1 of the Houses in Multiple Occupancy (HMOs) Subject Plan for the Belfast City Council Area 2015, in that the number of HMO dwelling units already exceeded 30% of all dwelling units within the Policy Area.

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The Committee was advised that the application had been neighbor notified and that no representations had been received. However, the Case officer outlined that an objection had been received since the June Committee from Councillor Gormley.

The Committee's attention was drawn to the Late Items pack, whereby the applicant's son had rebutted a number of points which had been raised in the objection, including that a Special Action Area had not yet been designated. The Case officer provided the Members with the officers' response to those issues, during which she confirmed that, as the Special Action Area had not yet been designated, it had not been afforded any weight in assessing the application.

The Chairperson welcomed Councillor Gormley to the meeting. He advised the Committee that:

- the proposal was contrary to Policy HMO1 of the HMO Subject Plan 2015;
- the Council had proposed to designate the Holyland and Lower Ormeau Area (including Balfour Avenue) as a Special Action Area, within which the return of properties to family dwellings would be favoured and that allowing new HMO developments ran directly contrary to that intention;
- in addition to HMOs, over 40% of houses in Balfour Avenue were privately rented and only 25% were owner occupied/NIHE, which impacted the sense of community in the area; and
- it posed a detrimental impact on parking and residential amenity.

The Chairperson the welcomed Mr. R. Kerr, the son of the applicant, to the meeting. He outlined to the Committee that:

- he felt the figures used by the Planning Department, to calculate the number of HMOs in the Lower Ormeau Road area, were incorrect and were 16 years out of date;
- there were only 69 HMOs in the HMO Lower Ormeau policy area;
- he had received information from the Council's HMO licensing team which differed from the information provided in the case officer's report; and
- that the Local Development Plan had not yet been finalised, nor adopted, and so it was not relevant.

In response to a Member's question, Mr. Kerr advised that he felt that his father was being penalised for following the correct legal process of registering an HMO, by applying for planning permission.

A number of Members queried the difference in the figures used by the Planning Department and the figures used by the Licensing Department and whether there were plans to bring the Planning register up to date.

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The Director of Planning and Building Control advised the Committee that, as part of the new Local Development Plan, new, more agile policies would be adopted which would allow officers to be more responsive instead of the inherited policies which specifically dictated the figures that officers needed to use. He added that the 2004 figures were updated as part of the assessment of each new application.

The Committee agreed with 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 subject to no new substantive planning issues being raised by third parties.

**(Reconsidered) LA04/2018/2876/F - Residential
development comprising 16 units on lands opposite
13 15 17 and 32 Somerdale Park**

The Principal Planning officer presented the details of the application to the Committee.

She reminded the Committee that, at its meeting on 21st July, it had agreed to defer the application for a site visit to allow the Members to acquaint themselves with the location and the proposal at first hand. She advised that the site visit had taken place on Wednesday, 12th August.

The Members were advised of the key issues which were considered during the assessment of the proposed development, including the impact on open space, the layout, parking and access, impact on residential amenity, and height, scale and design.

The Principal Planning officer explained that, under the adopted Belfast Urban Area Plan (BUAP) 2001 the site was zoned for open space and recreation. The 2004 version of Draft Belfast Metropolitan Area Plan (dBMAP) had also designated the site as lands reserved for open space and recreation. She explained that, at the public inquiry to draft BMAP 2004 the PAC had recommended that the site be re-designated as housing land, which the former Department of the Environment (DoE) carried through to the 2015 version of Draft Belfast Metropolitan Area Plan 2015 which was unlawfully adopted and subsequently quashed. The Committee was reminded that, therefore, there was a conflict between the statutory adopted BUAP 2001 and the draft BMAP 2015 version.

She explained that significant weight was afforded to the adopted BUAP 2001 and its designation as open space and the draft BMAP 2004 version which also designated the site as existing open space. The 2015 version remained a material consideration however it did not carry greater weight than the existing adopted plan, the BUAP 2001, despite its vintage.

The Committee was advised that, whilst a previous planning application had been granted in 1996 for a residential use at the location, it was a decision of the previous Authority, the DoE, which was a Central Government decision by which the Council was not bound and was also within a different policy context, pre the introduction of PPS 8 – Open Space and Recreation.

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The Principal Planning officer explained that the applicant was afforded the opportunity to submit a PPS 8 statement to address policy OS1 but it was not submitted, and the statement that had been submitted did not address the policy tests of OS 1 and focused on a reliance on the status of the draft BMAP 2015 version instead. She outlined that the applicant had failed to address the policy context and therefore the proposed land use for housing was considered unacceptable in principle.

She advised the Committee that the proposed design, was acceptable but that the scheme resulted in overdevelopment, as the number of units created a layout dominated by parking, minimal or no front gardens, with rear gardens backing onto the front access laneway resulting in a safety and surveillance concern at a sensitive interface. The Members were advised that the scheme was not reflective of the character of the area and failed to provide a quality residential environment and was considered to be contrary to policies QD1 of PPS 7 and LC1 of Addendum to PPS7.

The Committee was advised that, since the site visit had taken place, six objections had been received, the details of which were listed within the Late Items pack. The objections listed issues regarding a lack of neighbour notification, a history of sectarian incidents in the area, that the development might create another sectarian interface, traffic volume and that there was a lack of open space in North Belfast.

She added that Environmental Health, NIEA, the Local Development Plan Team, NI Water, Rivers Agency and DFI Roads had all been consulted and had offered no objection to the proposal, subject to conditions.

The Chairperson welcomed Mr. A. Larkin, agent, to the meeting. He advised the Committee that:

- it was entirely within its rights to set aside the open space zoning of the site in making its decision and, having visited the site, he was sure that it would agree that the land was not publicly accessible, nor did it offer any public amenity or value as open space;
- the PAC had come to the same conclusion when it assessed the site in 2009 as part of the public inquiry into draft BMAP and it was on that basis that the most recent iteration of BMAP 2014 that the site was zoned for housing;
- since 1995 there had been no attempt by the Council to acquire the site as public open space;
- the Council's own Area Plan team had recommended that more weight be given to the housing zoning afforded to the site under BMAP 2014;
- the proposed layout did not constitute overdevelopment and that the Development Management Group, in April 2019, confirmed the proposed layout in front of the Committee was acceptable and that a change in personnel seemed to have seen a change in opinion, demonstrating how finely balanced that refusal reason was;
- the existing density in Somerdale Park was between 27-36 dwellings per hectare and the proposed density, at 30 dwellings per hectare, was well within the existing range;

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- low level retaining walls were proposed to make rear garden spaces level and more usable and the assertion that they would dominate the scheme was misleading;
- due to the presence of a security turnstile and gate on the walkway, if units 11-13 were turned around to front the walkway as had been suggested, it was unreasonable to expect occupants to access the front of their dwellings via this turnstile and locked gate;
- the Council's Physical Programmes Department had recently lodged an application to upgrade the walkway as part of the ForthMeadow Greenway shared space initiative, whereby lighting of that section of walkway was proposed and the turnstile was to be removed and replaced with a gate closer to the playing fields which would continue to be locked in the evenings; and
- guidance in paragraph 5.28 of creating places stated that, in exceptional circumstances, where rear boundaries were exposed to public areas, measures such as high quality boundary walls and landscaping were necessary to provide security and privacy and that was exactly what was proposed.

In response to a Member's question as to why the applicant had not submitted a PPS Statement outlining the "substantial community benefits" which the development would bring in order to warrant the exception, he advised the Committee that it had to determine how much weight to give to the most recent zoning of the site. He explained that the provisions of PPS8 did not apply, as the site was not publicly accessible, nor did it offer any public amenity or value as open space, even if it was zoned as such.

Mr C. Bryson, agent, also added that the site did not comply with any of the typologies of open space listed within PPS8 Annex A, and that therefore those policies did not apply.

A further Member stated that, upon visiting the site as part of the site visit, it seemed to be a poorly maintained open space with years of overgrowth. He sought further clarification in relation to the height of the retaining walls to the rear of a number of the properties. The agent advised that they would range from between two to three feet in height. The agent responded to a further question regarding the rear facing houses, units 11-13.

The Principal Planning officer and the agent sought to provide Members with further clarification on the potential relocation of the turnstile, in response to a Member's question.

In response to a further Member's question regarding which part of PPS8 the officers felt was applicable to the application, the Principal Planning officer advised that any open space was not required to be maintained or be in good order and that typology vi, Natural Urban Green Spaces, applied.

The Principal Planning officer, in response to a further Member's question, confirmed that officers had calculated that the density proposed was 32 units/hectare,

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compared to 23 units/hectare in Somerdale and Ingledale, which were in the immediate context.

Moved by Councillor Murphy,
Seconded by Councillor Maskey,

That the Committee agrees the application, as the loss of open space was justified, in that there would be a greater community benefit through the development of housing at the site, given the chronic housing shortage in North Belfast and that the residential amenity would not be adversely impacted as a result; that there was open space within the surrounding area, specifically the Clarendon Playing Fields; that car parking was not a good enough reason to refuse the application; and, that only three of the properties would be impacted by the retaining walls.

On a vote, five Members voted for the proposal and seven against and it was declared lost.

Accordingly, the Chairperson put the officer's recommendation to refuse the application to the Committee, with delegated authority granted to the Director of Planning and Building Control to finalise the refusal reasons subject to no new substantive planning issues being raised by third parties.

On a vote, seven members voted for the proposal and five against and it was declared carried.

LA04/2020/0757/F - Upgrade of existing gravel pitch to synthetic sand dressed hockey pitch, with floodlighting, fencing, acoustic barrier, storage container at West Pitch, Downey House, Pirrie Park Gardens

The Principal Planning officer provided the principal aspects of the application to the Committee. She pointed out that a related application, at the adjoining east pitch under reference LA04/2018/1411/F, was also under consideration at the meeting.

The Committee noted that a site visit had taken place at the pitches on 12th August.

The Principal Planning officer outlined that the main issues to be considered in the assessment of the proposal were:

- the principle of development;
- design, visual amenity and impact on character of locality;
- landscaping / ecology / draft LLPA;
- impact on residential amenity;
- access, movement and parking; and
- flooding / infrastructure capacity.

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She explained that the proposed hours of operation of the pitch were from 9.00 am to 6.00 pm, Monday to Friday, and 8.00 am to 1.00pm on Saturdays. There would be no use of the pitch on Sundays. The Members were advised that the applicant had confirmed that the pitch was for the primary use of the school only with the occasional use of the pitches for Easter and summer camps as per the existing arrangements with Pirrie Park.

She explained that the proposal involved upgrade works to an existing hockey pitch, thus retaining its recreational use in accordance with Policy OS1 of PPS8 and paragraph 6.205 of the SPPS.

The Committee was advised that 195 representations had been received, comprising of 71 objections from local residents, 119 letters of support from the general public and 5 letters of support from school staff.

The objections raised issues including that the applications should be a major development and that the applicant had sought to avoid the requirements of a major application, lack of an Environmental Impact Assessment statement, light spillage, access issues, noise, significant harm to the visual amenity of residents and wider area, traffic congestion, parking and highway safety issues, drainage/flooding and health and safety concerns.

The representations of support cited that the current facilities were outdated, substandard and unsafe, the development would help the enhancement of girls' sporting activities, physical and mental health benefits, there was adequate existing parking and access via Ardenlee Avenue, it would benefit children currently attending school, future generations and the local community, the proposed mitigation would limit harm to neighbours and it would provide a positive aesthetic effect on the surrounding area.

The Committee was advised that DfI Roads, Rivers Agency, NI Water, DAERA, Environmental Health and the Landscaping Section had been consulted and had no objection to the proposal.

The Members' attention was drawn to the Late Items pack whereby six additional objections had been received. The Principal Planning officer advised the Committee of the Planners' response to the points raised and also clarified two minor errors within the report. She explained that, immediately before the meeting, an additional objection had been received. The Members were advised that it was in relation to a DfI Roads response which had been received by the Council earlier that day in respect of the two pitch applications. She explained that the objector was concerned that he had not had time to consider the information within it but she explained that public consultation was not carried out in respect of consultation responses.

The Committee noted that Environmental Health had recommended a construction management condition.

The Chairperson welcomed Mr. S. Crawford, objector, to the meeting. He advised the Committee that:

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- there had been 71 objections in respect of the application, representing 35 neighbouring properties, which represented the properties immediately adjacent to the pitch;
- the vast majority of the supporters of the schemes did not live near the proposed pitches and that only 8 of those supporters resided in the vicinity;
- none of the 8 supporters lived in properties adjacent to Downey House/ Pirrie Park itself i.e. their properties did not run along the boundary of same and thus they would not be directly impacted by the proposed pitches;
- the residents were not objecting to new upgraded hockey pitches being built but rather they objected to the overwhelming scale of what was being proposed, i.e. 2 International standard hockey pitches shoehorned into the corner of Pirrie Park, only a few metres away from the neighbouring properties, to be surrounded by high netting (up to 5 metres high in parts) and fencing and floodlit by 15 metre high lighting columns;
- there was no need for floodlighting and that school hockey had, and could continue to, operate without the need for floodlighting;
- the school very rarely, if ever, played hockey beyond 4pm on weekdays and if matches were necessary after that time in the dark Winter months then it already owned a floodlight astro-turf pitch (recently relaid) at Belfast Harlequins at Deramore Park, which was closer to the school;
- if the applications were successful, a further application would likely be brought down the line to take full advantage of the floodlighting and to extend the hours of usage to 10 pm, Monday to Friday, and extensive weekend usage as originally planned, regardless of the residents' concerns, thereby allowing the school to make a substantial income from 3rd party usage;
- no legally binding guarantee could be given that the school would not apply for extended hours involving extensive 3rd party usage;
- the school submitted two separate applications for the two pitches, thereby sidestepping the requirements which would be required under a major application;
- both applications failed to comply with Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation and in particular Policy OS 7 (POS 7);
- it was hard to think of a greater adverse impact on residents' visual amenity and character than 2 very large, caged, floodlit hockey pitches, just meters from the boundaries of their homes, where once there were ground level pitches, darkness and peaceful enjoyment from dusk to dawn;
- no objective evidence had been produced by the applicant, such as a Landscape and Visual Impact Assessment;
- the Council had acknowledged the need to comply with the above planning policies when it had built the multi sports pitch at Cherryvale, where the nearest neighbouring property was 37metres from the pitch, not the 3metres proposed here.

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The Chairperson then welcomed Mr. S. Beattie QC, representing the applicant, to the meeting. He advised the Committee that:

- neither Methodist College, nor Fullerton House, had any open space and that Downey House and Pirrie Park were key to the sports activities;
- there was a focus on enhancing sport facilities for females within the college;
- the school currently rented pitches for £2,000/week which was unsustainable;
- the two pitches at Pirrie park were 58 years old, they were used and would continue to be used and that considerable weight should therefore be attached to that fact;
- the hours of use and the hours of floodlighting would be restricted;
- hockey was a pretty dangerous sport, with sticks and a hard ball moving at pace, and floodlighting was therefore regarded as a necessity and as a safety feature;
- the suggestion by an objector that a further application would be submitted to extend the hours of operation was without evidence and merit, that the conditions were perfectly clear and enforceable and that the College had commended those conditions;
- considerable weight should be given to the independent expert reports regarding drainage, noise, equality and landscaping;
- statutory consultees had no objections to the proposal;
- the site would benefit from enhanced drainage and a betterment in terms of landscaping in terms of the treatment of the boundaries; and
- in terms of consultation, the had school met with groups of residents, had conducted an open hearing at Pirrie Park and that, due to the ongoing pandemic, planning officers had delivered copies of the plans to residents to ensure that they had sight of them.

A Member asked whether the College would consider engaging with residents and replacing more of the non-retractable floodlights with retractable posts. Mr. Beattie QC advised the Committee that a light assessment had been carried out as part of the application process which detailed within the case officer's report. He explained that none of the statutory consultees had requested that any of the floodlights should be retractable. The Committee was advised that the College had already, in response to feedback from residents, agreed to make the three floodlights to the west of the pitch retractable.

In response to a further question, as to whether a condition could be added, in respect of whether a further number of the floodlights could be replaced with retractable posts, the Principal Planning officer explained that the lighting had been assessed both individually and cumulatively as detailed within the report, and that as no statutory consultee had any issue with the proposed lighting, it would therefore be difficult to add an onus onto the applicant for an issue which did not exist.

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The Director of Planning and Building Control added that any conditions which were attached to a permission must be reasonable and meet the relevant Planning tests.

In response to a further Member's question, the Principal Planning Officer confirmed that if any future application was lodged to vary to the hours of use at the site, it would be submitted for the Committee's consideration.

Moved by Councillor Nicholl,
Seconded by Councillor Hanvey,

That the Committee agrees to refuse the application, on the basis that it is contrary to PPS8 OS4 and OS7, in terms of its impact upon residential amenity, specifically the visual impact of the 15metre high pylons and the impact of the floodlighting on nearby houses.

On a vote, three Members voted for the proposal and nine against and it was declared lost.

Accordingly, the Chairperson put the officer's recommendation to approve the application to the Committee, with delegated authority granted 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, and it was agreed.

LA04/2018/1411/F - Upgrade of existing gravel pitch to synthetic sand dressed hockey pitch, with floodlighting, fencing, acoustic barrier, storage container at East Pitch, Downey House, Pirrie Park Gardens

(Councillor O'Hara left the meeting at this point in proceedings)

The Principal Planning officer provided the principal aspects of the application to the Committee. She pointed out that this was the adjoining pitch to the previous application, LA04/2020/0757/F.

The Committee noted that a site visit had taken place at the pitches on 12th August.

The Principal Planning officer outlined that the main issues to be considered in the assessment of the proposal were:

- the principle of development;
- design, visual amenity and impact on character of locality;
- landscaping / ecology / draft LLPA;
- impact on residential amenity;
- access, movement and parking; and
- flooding / infrastructure capacity.

She explained that the proposed hours of operation of the pitch were from 9.00 am to 6.00 pm, Monday to Friday, and 8.00 am to 1.00 pm on Saturdays. There would be no

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use of the pitch on Sundays. The Members were advised that the applicant had confirmed that the pitch was for the primary use of the school only with the occasional use of the pitches for Easter and summer camps as per the existing arrangements with Pirrie Park.

As the proposal involved upgrade works to an existing hockey pitch, she explained that retaining its recreational use was in accordance with Policy OS1 of PPS8 and paragraph 6.205 of the SPPS.

The Principal Planning officer explained that 238 representations had been received, comprising 118 objections from local residents, 51 of which were in objection to the original and 67 to the amended scheme. She advised that 115 letters of support had been received from general public, with 5 letters of support from school staff.

The objections cited that the applications should be a major development and that the applicant had sought to avoid the requirements of a major application, lack of an Environmental Impact Assessment statement, light spillage, noise, significant harm to the visual amenity of residents and wider area, traffic congestion, parking and highway safety issues, access issues, drainage/flooding and health and safety concerns.

The representations of support cited that the current facilities were outdated, substandard and unsafe, the development would help the enhancement of girls' sporting activities, physical and mental health benefits, there was adequate existing parking and access via Ardenlee Avenue, it would benefit children currently attending school, future generations and the local community, the proposed mitigation would limit harm to neighbours and it would provide a positive aesthetic effect on the surrounding area.

The Committee was advised that DFI Roads, Rivers Agency, NI Water, DAERA, Environmental Health and the Landscaping Section had been consulted and had no objection to the proposal.

The Members were advised of a number of late items and the officers response to the issues raised which were within the Late Items pack. The Committee noted that Environmental Health had recommended a construction management condition.

The Chairperson welcomed Mr. M. Graham, objector, to the meeting. He advised the Committee that:

- the process had been flawed in that he felt that the Council's 2017 decision regarding the Pitch Development at Cherryvale was pertinent, and that officers had taken a different approach to this application;
- in the Cherryvale pitch application, officers had taken measurements from the residential boundaries and not from the length of the gardens, which was different to the Pirrie Park pitch applications;
- the drainage assessment had been submitted in 2018 and had not covered the specific areas of the two applications;
- a DFI Roads Service response which had been received that day, he was unaware that issues were still to be addressed and

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particularly an overlap in the use of Pirrie Park as a Park and Ride facility for Ulster Rugby matches on Friday evenings;

- no independent objective assessment had been carried out regarding the requirement for floodlights at Pirrie Park, and pointed out that a 69 page visual impact assessment had been submitted as part of the ongoing Stranmillis College pitch application;
- in terms of Draft BMAP, the site fell within a Local Landscape Policy Area and that without a proper objective impact assessment it did not meet POS7 of PPS8; and
- no account had been taken of the impact of the pitches in a night time setting.

The Chairperson invited Mr. S. Beattie QC, representing the applicant, to speak. He advised the Committee that:

- the Planning Department required the pitches to be cumulatively assessed and updated to contain a cumulative impact assessment;
- in terms of noise, it was concluded that the upgrades proposed would be an improvement on the current pitches and were below the levels determined by guidance;
- there would also be a betterment in terms of drainage on site;
- the movement of the pitch 5.5 metres to the east, in response to feedback from residents, made no material difference to the drainage assessment and that statutory consultees were content with this;
- the Cherryvale Pitch decision was not the precedent and nor should it be approached as one, and nor were the distances guidance or policy;
- the suggestion that the length of gardens was not a material consideration exercise by the officers and independent experts was wrong – it was a material consideration and it was a question of the weight which should be attached to it;
- the DfI Roads response simply clarified issues which they'd already stated and had no objection;
- statutory consultees had not requested that any of the floodlights be retractable and that floodlighting plans had been submitted with the application;
- the 6.00 pm deadline for the use and hours of floodlighting was significant to note; and
- documents had been submitted assessing the residential amenity.

The Principal Planning officer clarified a number of points to the Committee. She explained that, in relation to drainage, a meeting had been held with a number of elected members, the College and residents. The College subsequently withdrew the West pitch application and resubmitted it, having moved the boundary 5.5 metres away from residents. She advised that Rivers Agency were content with the information which had been submitted to them, including the drainage assessment and the addendum, and did not require a new assessment to be carried out.

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She added that DfI Roads and the other consultees had been consulted throughout the process as there had been a number of technical objections. She explained that DfI Roads had reiterated today that they were content with the numbers provided by the school and the numbers that exist currently, cumulatively.

A Member stated that, while he did not feel that there were adequate reasons to refuse the application, it would be useful if the College would engage with those residents who had objections to the proposals, insofar as was possible, in order to maintain good community relations with their neighbours.

Moved by Councillor Nicholl,
Seconded by Councillor Hanvey,

That the Committee agrees to refuse the application on the basis that it is contrary to PPS8 OS4 and OS7 in terms of its impact upon residential amenity, specifically the visual impact of the 15 metre high pylons and the impact of the floodlighting on nearby houses.

On a vote, three Members voted for the proposal and eight against and it was declared lost.

Accordingly, the Chairperson put the officer's recommendation to approve the application to the Committee, with delegated authority granted 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, and it was agreed.

LA04/2019/1540/F - Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks, 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. Weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear earth bunding, 3no. Accesses to existing Giant's Park Service road infrastructure and ancillary plant/site on lands to the northwest of existing Belfast City Council Waste Transfer Station, 2a Dargan Road

The Chairperson reminded the Committee that this item had been withdrawn from the agenda by officers, due to correspondence which had been received from the applicant immediately prior to the meeting.

The Committee agreed to undertake a site visit in order to acquaint itself with the location and the proposal at first hand.

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The Divisional Solicitor advised the Members that the two objectors had requested five minutes each to address the Committee on the issue, and had provided exceptional circumstances as to why they required the additional time. The Committee agreed to grant the objectors five minutes each to address the Committee, and subsequently that the applicant/agent would be given ten minutes, at the meeting at which the application would be considered.

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

LA04/2020/0010/F - Aquarium, car parking and associated infrastructure on lands to the South East of Titanic Hotel, North East of Bell's Theorem Crescent and South West of Hamilton Road

Moved by Councillor Groogan,
Seconded by Councillor Collins,

That the application be deferred to allow a representative from the Department for Infrastructure to attend, in order to answer questions surrounding the number of trips associated with the application and the trigger for providing mitigating roads infrastructure.

On a vote, eight members voted for the proposal and three against and it was declared carried.

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

(Reconsidered) LA04/2020/0662/A - Mesh banner Signage at Former Belfast Telegraph Printworks

The Case officer explained that advertisement consent was sought for a temporary mesh banner sign.

She outlined that the key issues which were considered in the assessment of the proposal were the impact on local amenity, public safety and the setting of listed buildings.

The Committee was advised that, whilst the sign was contrary to PPS17 Outdoor Advertisements, it was accepted that by granting consent for a period of one year was acceptable in the circumstances, given that the locality was going through a period of transition with the construction of the university campus and that future plans for the host building were also well advanced.

She explained that the Belfast Telegraph Building was listed and that the Historic Environment Division had been consulted and had no objection to the proposal, subject to the temporary approval being for one year.

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The Members were advised that no representations had been received.

A Member highlighted that the policy test had not been met and that she was concerned that if the Committee was to approve it, it would set a precedent. She added that the Council had taken action previously against similar banners on listed buildings and that it should be leading the way and following policy.

The officer's recommendation, to approve the application for a temporary period of one year, was then put to a vote whereby ten Members voted for it and one against, and it was declared carried.

**LA04/2020/1063/F - Re-siting of James Connolly statue
from 275-277 Falls Road to 374-376 Falls Road**

The Committee was provided with the principal aspects of the application, for the re-siting of a James Connolly statue from 275-277 Falls Road to 374-376 Falls Road. The Case officer explained that the statue measured 3.75m in height with a plinth measuring 0.9m by 0.9m. She explained that the statue was proposed to be re-located to the front of the existing building, integrated within the existing planting.

The Members were advised that the proposed site was located within white land in the BUAP and was designated within a proposed Area of Townscape Character within dBMAP, as well as on an arterial route. The statue was to receive a new plinth of corten steel with backlit letters and the design was considered compatible within its new context in front of the Connolly Building. She outlined that the proposal would not harm the proposed Area of Townscape Character.

The Committee was advised that no representations had been received and that DFI Roads had offered no objection.

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.

**LA04/2019/2217/F - Public realm improvements and
removal of existing toilets on lands south of Albert Bridge
and directly north of 5 Ravenhill Road**

The Case officer provided the Members with the key aspects of the application which included the demolition and removal of existing public toilets, landscaping works, new paving, and provision of street furniture, lighting, railings, tree/hedgerow and all associated site works for a temporary period of three years.

She outlined the main issues which had been considered during the assessment of the proposals, which included the principle of development at this location, the impact on visual amenity, the potential of contaminated land, the impact on the setting of a listed structure and on existing open space.

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The Committee was advised that HED, DFI Roads, Rivers Agency, NIEA, BCC Environmental Health, the Tree and Landscape Team and the City Regeneration and Development Team had been consulted in relation to the proposals and had offered no objections subject to conditions.

The Case officer pointed out that one letter of representation had been received regarding measures to prevent graffiti and interference with the adjacent property at 5 Ravenhill Road.

She advised the Committee that the application site lay within the development limits for Belfast and that the proposals complied with the Development Plan and relevant policy.

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.

Chairperson