

Planning Committee

Tuesday, 15th December, 2020

MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Groogan (in the Chair);
Councillors Brooks, Carson, Matt Collins,
Garrett, Hanvey, Hussey, Hutchinson,
Maskey, McCullough, McKeown,
Murphy, Nicholl and O'Hara.

In attendance: Mr. A. Thatcher, Director of Planning and
Building Control;
Mr. E. Baker, Planning Manager
(Development Management);
Ms. N. Largey, Divisional Solicitor;
Ms. E. McGoldrick, Democratic Services Officer; and
Mrs. L. McLornan, Democratic Services Officer.

(Councillor Groogan in the Chair)

Chairing of the Meeting

As both the Chairperson and the Deputy Chairperson had given their apologies for the start of the meeting, it was agreed that Councillor Groogan would take the role of Chairperson for the meeting.

Apologies

No apologies for inability to attend were reported.

Minutes

The minutes of the meetings of 4th and 17th November were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st December, 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 6h, LA04/2020/0708/F – Lands at Boodles Dam, in that he had engaged with Council officers in relation to the application and had previously expressed an opinion in relation to it. He left the meeting during the discussion on the item.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

Councillor McCullough declared an interest in item 6i, LA04/2020/0673/F - the Bullring, in that the organisation that he worked for was involved with the application, and that he would therefore leave the meeting for the duration of the discussion on the item.

Councillor Nicholl declared an interest in Item 6a, Lands to the south of Harberton Park, in that she had engaged with residents in the area, that she wished to speak in objection to it and would therefore leave after speaking on it and would not participate in the vote.

Restricted Item

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

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

Finance Update

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

Noted.

Committee Site Visits

It was noted that the Committee had undertaken a site visit on 2nd December in respect of application LA04/2019/0463/F - Revision of previously approved application (Z/2012/0645/RM) and erection of 10 semi-detached dwellings and associated site works - Plots 36-45 of residential development on lands south of 25 Harberton Park.

The Committee agreed to undertake pre-emptive site visits to the following two sites:

- LA04/2019/2653/F - Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation at Chancery House 88 Victoria Street; and
- LA04/2020/1864/F - Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect of planning permission Z/2014/0077/F (erection of new pavilion, new 3G all weather pitch with associated perimeter and spectator fencing, ball catch nets,

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

floodlighting and improvements to pedestrian and vehicular access to include new access, footpath and car parking) to vary Condition 13 (seeking to vary the scheme of landscaping to be implemented) at Glassmullin Gardens/Slieveban Drive.

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 10th November and 10th December.

Miscellaneous Items

Information Guide for Local Councils - HED Consultation

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

1.1 Correspondence has been received from the Historic Environment Division (HED) of the Department for Communities (DFC), inviting the council to review and provide feedback on a draft guidance document proposed for councils in relation to the listed building process, entitled ‘*Information guide for Local Councils: Listed Buildings*’.

2.0 Recommendations

2.1 Committee is requested to:

- consider the suggested feedback set out in Appendix 1 and if appropriate support a response to the consultation that welcomes the proposed Guide on the basis of the comments being addressed in the final document; and**
- note the contents of Appendix 2 (available on mod.gov), which sets out the draft consultation document provided by HED**

3.0 Main report

The document in Appendix 2 is a draft of a guidance note for councils in relation to the listed building process which is welcomed both in terms of the early consultation and the provision of a guide to this aspect of heritage designations. HED have invited feedback or comments on this draft, or if additional information on any aspects contained within the document could be supplemented to provide a better understanding of the listed building and associated process.

3.2 The following points should be noted for clarity in respect of the draft documentation:

- the final imagery has not been included in this early draft document
- shaded / highlighted text, included for drafting purposes by HED, should be ignored
- editing notes /instructions such as *[Heading]* or *[1.1]* and associated text should be ignored

3.3 HED have requested that responses are returned by the 21 December 2020 and in addition to comments Appendix 1 summarises each section of the draft document under the relevant headings contained in the Guide:

1. Why are buildings listed?
2. How are buildings listed?
3. Understand the criteria for listing
4. Objecting to a listing / de-listing proposal
5. Making changes to listed buildings
6. Further guidance and information
7. Case Study / Survey report example

3.4 The suggested comments and recommendations that it is proposed would form the basis of a response to HED are also included within the text of Appendix 1. Where appropriate the comments include a reference to the specific area of the draft Guidance to which they relate.

Financial & Resource Implications

3.5 None

Equality or Good Relations Implications

3.6 None.

Appendix 1

Summary and Comments on draft Information guide for Local
Councils: Listed Buildings, December 2020

Brief summary of each section

Council comments in bold italics

1. Why are buildings listed?

- Department for Communities has a statutory duty to protect buildings through listings;
- Listed buildings are man-made objects and structures designated as being of ‘special architectural or historic interest’ under Article 80(1) of the Planning Act (N.I);
- Listing a building celebrates a buildings special architectural and historic interest;
- Listing brings it under the consideration of the planning system so that it can be protected for future generations;
- The listing of buildings began in N.I in 1974 known as the ‘First Survey’ and took over 20 years to complete. In 1996 the need for a ‘Second Survey’ was identified and is currently being progressed – buildings in the first survey are reviewed along with the identification of new buildings for listing.

2. How are buildings listed?

- Historic Environments Division (HED) within the Department for Communities consider a building through three main routes:
 - the ‘second survey’;
 - in response to a ‘listing query’; or
 - through a ‘thematic survey’
- An additional route is through the use of a ‘Building Preservation Notice (BPN)’ as defined under Article 81 of the Planning Act 2011.
- The power to serve a BPN transferred from the former DoE to District Councils in April 2015 and may be used by the council if it appears that a building is not listed but is of special architectural or historic interest; and is in danger of demolition or of alteration in such a way to affect its character.
- A BPN protects a building as if it were listed for a period of up to *six months*.

Meeting of Planning Committee,
Tuesday, 15th December, 2020

- HED may also request that the council serve a BPN if a building is at high risk of loss or alteration.

***Comment 1: In relation to Section 2.1, Page 3 of Appendix 2
It would be useful for the document to provide clarification in this section for scenarios whereby HED do not find a building to be of special architectural or historic interest under the listed criteria after the council have issued a BPN; in terms of costs incurred to developer / building owner and if the council may be liable for this? Experience has shown this to be a real consequence or occurrence and not only when the council considers a BPN is appropriate, but also in situations where HED have requested the service of a BPN but still conclude that it does not meet the criteria for listing.***

- The steps that are taken in considering a building for listing (or delisting) are explained in detail.
- Under section 80(3) of the Planning Act (NI) 2011 HED are required to consult with local councils before including a building on the list or amending the list.
- Councils have six weeks to reply to the written consultation, and where a council does not reply or seek an extension of time within this period, then their support is assumed.

3. Understand the criteria for listing

- The key criteria for listing are architectural interest or historic interest. A building can be listed for either but in most cases it will have both. The overall test is that this interest must be considered special.

4. Objecting to a listing / de-listing proposal

- Where a council wishes to object to a proposal, HED will only consider the objection providing it is based on the criteria for listing, for example – any other reasons will not be considered.
- Examples are given of common reasons for objections which cannot be considered, including condition, personal circumstances, cost of repairs and future development proposals.

Comment 2: In relation to Section 4.2, Page 6 of Appendix 2

For the purposes of balance, it would be helpful if HED could provide examples of the type and form of objections which may be considered as appropriate based on the criteria for listing.

5. **Making changes to listed buildings**

- HED is the statutory consultee to Local Councils when determining Listed Building Consent Applications. It also advises on development within the setting of listed buildings. Links are provided to additional documents on this.
- Reference are included to SPPS and PPS6 policies BH7-11 & 15, which are noted as being relevant 'until such times as Local Development Plans are adopted'.

Comment 3: In relation to Section 5, Page 7 of Appendix 2

Links are provided to further guidance documents that cover the setting of listed buildings, which includes reference to "pink wash" indicators. It would, however, be more appropriate to include commentary and clarification within this document to guide or advise in respect of both aspects. Previous engagement with the Department (HED) has highlighted the difficulties in defining 'setting' and thus making it a more subjective process in relation to where consultation with HED may be appropriate or anticipated. The 'pink wash' indicators are often incorrectly presumed to define a building's setting.

Comment 4: In relation to Section 5, Pages 7 & 8 of Appendix 2

In this section HED should clarify that only the existing Planning Policy Statements would be replaced by the Council Local Development Plans when adopted. It should be clear that the Strategic Planning Policy Statement provisions will continue to be applied across all council areas. The sentence currently could be read as though both SPPS and PPS6 are only applicable until LDPs are adopted.

6. **Further Guidance and information**

- Further links to guidance and information are provided in this section.
- Included within this is reference to the power for local councils to serve an Urgent Works Notice (under the Planning Act (N.I) 2011, on unoccupied listed buildings that have deteriorated to the extent that their preservation may be at risk.

Comment 5: In relation to Section 6, Page 8 of Appendix 2

It appears anomalous that the Urgent Works Notice aspects of the legislation are only included as an 'additional guidance link', with the result that it may be easily overlooked or missed. Given that the process involves direct intervention by the Department or a Council in relation to a listed building, it would perhaps be more appropriate for this information to be provided in an earlier section in the same way that the Building Preservation Notice aspects have been covered within the document.

7. Case Study/Survey report example.

- **Helpful section showing the survey report and evaluations which councils receive when being consulted on a listing proposal or amendment.**

The Committee noted the contents of the report and the appendix and agreed the response to the consultation.

Performance and Improvement Update

The Committee considered the undernoted report:

“1.0 Purpose of Report and Summary of Main Issues

1.1 The purpose of this report is to provide Members with an update on performance and improvement in relation to the Council's Planning Service.

2.0 Recommendation

2.1 The Planning Committee is asked to note the report.

3.0 Main Report

Background

3.1 The Planning Committee receives periodic updates on performance and improvement. Given the need to prioritise business continuity during the pandemic, this has not happened over recent months. This report therefore provides an update to Members on performance and improvement to date for 2020/21.

3.2 The Planning Service has responded positively to the challenges presented by COVID-19 and is currently fully operational save for the office being closed to the public, which is a corporate decision. This means that the hard copy

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

planning register is currently unavailable to view by customers, however planning applications continue to be accessible online and alternative arrangements are being made for the public to view applications as and when required. The Council is actively encouraging new applications and amended plans to be submitted by email as it is both quicker and more efficient than hard copies. The Duty Planner service is operating remotely.

Performance

3.3 Development Management performance has inevitably been affected by COVID-19, which has presented a range of challenges. The Planning Service has adapted very well and introduced a number of changes including:

- Development of new processes and roll out of IT to support remote working;
- External and internal face-to-face meetings conducted through video conferencing;
- Staff working in the office on a part-time rota basis;
- Promotion of email application and Pre Application Discussion submissions;
- Specific COVID-19 risk assessments for office working and site visits; and
- Temporary virtual Planning Committees.

3.4 The Planning and Building Control followed corporate guidance and a number of planning staff were furloughed in June and July.

3.5 Regular updates have been provided to customers both directly and on the planning pages of the Council's website on the availability of services.

3.6 Inevitably, there has been an impact on performance since the pandemic began earlier in the year with the total number live planning applications on hand having increased as shown in the table below, reflective of processing delays. Planning applications peaked at 1,217 but have been reduced by 100 to 1,117 live applications. Enforcement complaints had risen to over 550 but these have since lowered to pre-lockdown levels.

	February 2020	Current	% Difference
Planning applications	872	1,117	+28%
Enforcement cases	475	476	+0.2%

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

3.7 Importantly, the Planning Service has introduced a number of successful changes and performance has been improving over recent months with increased decisions and the total number of live applications and enforcement cases falling.

3.8 Members will be aware that planning performance is subject to three statutory indicators:

- Average time for processing Major applications (target 30 weeks);
- Average time for processing Local applications (target 15 weeks);
- % of enforcement cases concluded within 39 weeks (target 70%).

3.9 2020/21 performance for the year to November is shown in the table. Performance for the same point last year is also provided so that current performance can be compared with a 'normal' year.

	Major decisions (volume)	Major performance (30 weeks)	Local decisions (volume)	Local performance (15 weeks)	Enf Cases Closed	Enf Performance (70%)
2019/20 (to Nov)	20	35.6	1,168	13.8	591	93.4%
2020/21 (to Oct)	20	37.6	613	20.6	255	72%
2020/21 (to Nov)	25	38.6	764	20.0	316	72.2%

3.10 Major applications account for a very small percentage of overall applications (1%) and due to this, their scale and generally longer processing time, performance for Major applications has been similar when compared to the same point in the previous year. In fact, whilst average processing times are about the same, the number of decisions has actually increased over 2019/20.

3.11 Inevitably, Local applications – which make up 99% of all applications – have been impacted the most. The pandemic has understandably resulted in a decrease in application decisions and increase in average processing times. As previously mentioned, performance has been steadily improving over recent months and this trend is expected to continue following the introduction of new streamlined processes.

3.12 Performance in Enforcement has also been impacted by COVID-19 with the number of cases closed having fallen

compared to the same point last year. The percentage of cases closed within 39 weeks has also reduced, although is still within the statutory target.

Improvement

- 3.13 Officers last provided the Planning Committee with an update on the Planning Improvement Plan in September 2019. A further update was due to be reported to Members in March this year, however, this did not take place due to the pandemic.
- 3.14 Despite the challenges around COVID-19 and substantial focus on ensuring business continuity during this time, the Planning Service has been able to progress the improvement programme across several key areas, including:
- Supporting the design, configuration and implementation of the replacement Planning Portal for Northern Ireland;
 - Participating in the Department for Infrastructure's review of the planning system including improving the role of statutory consultees in the application process and review of the NI planning legislation;
 - Updates to the Planning Service *Application Checklist* – improving information requirements for outline applications and telecommunication applications; and additional information to help support the assessment of Employability and Skills;
 - Publishing new online forms for submitting applications for a Discharge of Condition, Non Material Change and Prior Application Notice (PAN);
 - Improving processes around the handling of telecommunication applications;
 - Publication of an internal *Consultation Checklist* which provides guidance to officers on who should be consulted and when on planning applications and PADs;
 - Introducing an internal intranet Monitoring Form for capturing key information about planning application outcomes including new residential permissions and commercial floor space (to support Plan-making and policy development);
 - Publication of an *Annual Monitoring Report* in relation to financial contributions secured through Section 76 planning agreements; and
 - Commencement of the redesign of the Planning Enforcement function in line with internal audit recommendations.

Project to replace the NI Planning Portal

- 3.15 Members will be aware that there is a highly important ongoing project to replace the NI Planning Portal – the public interface that customers use to find out about and comment on planning applications; and back-office IT system that the Planning Service uses to process planning applications, enforcement cases and regional property certificates. Officers last provided a formal update to the Planning Committee on this project on 21 July 2020.
- 3.16 Members will recall that a contract was awarded in June 2020 to replace the current NI Planning Portal with a Commercial Off The Shelf System (COTS) with some local configuration, shared by 10 councils and the Department for Infrastructure (only Mid Ulster Council withdrew from the project and they will be procuring their own system).
- 3.17 The new IT system is planned to go live from December 2021 and Belfast City Council will be part of the first wave implementation.
- 3.18 To date, planning staff have contributed to 32 ‘Discovery’ workshops to further refine the requirements of the new IT system following agreement of the specification earlier this year. Moving forward, staff will support a series of 40 ‘Sprints’ to design and configure different aspects of the new system. This will have a not insignificant impact on staff time but is critical to supporting the project. The Council’s own project team continues to meet regularly to oversee implementation from a Belfast City Council perspective. The Planning Service maintains a strong and close working relationship with the Department, which is leading the regional project, both through the Planning Portal Governance Board and regular 121 meetings between the BCC and Departmental project managers.
- 3.19 Further updates on the implementation of this critical project will be provided at key junctures over the next 12 months.

4.0 **Finance and Resource Implications**

- 4.1 Given the economic impact of the the pandemic and general uncertainty, there has been a 17% decrease in the number of new applications and PADs submitted to the Council’s Planning Service over the past year, from 1,977 at the same point last year to 1,642 in 2020/21 to date. This has resulted in a loss of projected fee income. In recent months there has

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

been a steady increase in new applications received but this is not expected to recover the income lost at the beginning of the year.

5.0 Equality or Good Relations Implications/Rural Needs Assessment

5.1 There are no equality or good relations implications associated with this report.”

The Committee noted the update which had been provided, including the updated performance information for the year to November, and paid tribute to the staff in the Planning Department for their ongoing hard work throughout the pandemic.

**Annual Monitoring Report
(Section 76 - Financial Developer Contributions)**

The Committee considered the undernoted report:

“1.0 Purpose of Report and Summary of Main Issues

1.1 The purpose of this report is for Members to consider and note the inaugural Annual Monitoring Report for Financial Developer Contributions (available on mod.gov)

2.0 Recommendation

2.1 The Planning Committee is asked to note this report and Annual Monitoring Report.

3.0 Background

3.1 Since the reform of local government and transfer of planning powers to councils in April 2015, Belfast City Council has secured over £3.5 million in financial Developer Contributions, required to mitigate the impacts of new development on the city and make it acceptable.

3.2 In December 2020, the Strategic Policy and Resources Committee agreed that as part of the governance arrangements around financial Developer Contributions, the Council would publish an Annual Monitoring Report.

3.3 The purpose of the Annual Monitoring Report is as follows:

- To set out what monies have been secured to date and for which purpose;**
- To confirm what monies have been paid to the Council so far;**

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

- To clarify what monies have been committed and in which areas;
 - To confirm what monies have been spent and on which projects; and
 - To provide greater transparency around the process of Developer Contributions
- 3.4 This is the Council's inaugural Annual Monitoring Report, which publishes for the first time, key information around financial Developer Contributions collected to date. As it is the first annual report it covers the financial period from April 2015 to March 2020.
- 3.5 The Annual Monitoring Report will be made available to the public on the planning pages of the Council's website.
- 4.0 **Finance and Resource Implications**
- 4.1 The Council has secured in principle over £3.5 million in financial Developer Contributions since 2015, of which £2.4 million has been received to date. Other services areas within the Council are responsible for managing and spending those monies.
- 4.2 The Planning Service employs an Assistant Planning Officer to proactively monitor compliance with Section 76 planning agreements – the vehicle used to secure financial Developer Contributions. This post is currently temporary and funded by monitoring fees secured through the Section 76 planning agreement process. Those monitoring fees are ring-fenced for that purpose.
- 5.0 **Equality or Good Relations Implications/Rural Needs Assessment**
- 5.1 There are no equality or good relations implications associated with this report."

The Committee noted the contents of the report.

Updated Training Programme for the Planning Committee

The Committee considered the undernoted report:

- “1.0 **Purpose of Report and Summary of Main Issues**
- 1.1 The purpose of this report is to provide Members with an updated programme of Planning Committee Training

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

Workshops. The Planning Committee is asked to agree the revised programme.

2.0 Recommendation

2.1 The Planning Committee is asked to agree the updated programme of Planning Committee Training Workshops for the period January 2020 to February 2022.

3.0 Main Report

3.1 In February 2020, the Planning Committee agreed a revised programme of Planning Committee Training Workshops to support Members' continuous development. However, the training programme was postponed due to the pandemic.

3.2 An updated training programme is provided below and is proposed to recommence in January 2021. It is intended that the first workshop will be on transport issues with DFI Roads (originally scheduled for March 2020) subject to their availability.

Date	Workshop Topics
January 2021	Transportation Issues / Access / Transport / Green Travel Measures (including car clubs) (subject to confirmation of attendance by DFI Roads to be confirmed)
February 2021	Development Management / Process / Decision Making / Appeals
March 2021	Reviewing the Planning Committee Protocol
April 2021	Update on Independent Examination and next steps / SPG Practical Example and work through with Committee
June 2021	Performance (2020/2021 Year End) / Improvement
August 2021	Urban Design and Conservation / Policy / Good Design / Conservation Areas and Areas of Townscape Character
September 2021	Developer Contributions / Legislation / Regional Policy / Developer Contribution Framework / Governance

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

November 2021	Performance (2021/2022 Q1 + Q2) / Improvement
December 2021	No Workshop Meeting
January 2022	No Workshop Meeting
February 2022	Planning Conditions and Planning Agreements / 6 tests for conditions / Model / Conditions / Section 76

- 3.3 The Planning Committee is asked to agree the updated programme of Planning Committee Training Workshops.

Finance and Resource Implications

- 3.4 The preparation of training workshops, including attendance by officers, will have some impact on resources but is considered value for money. Where appropriate, the Planning Service may choose to appoint outside professionals or agencies to lead or participate in the training, which may result in additional costs.

Equality or Good Relations Implications/Rural Needs Assessment

- 3.5 There are no equality or good relations implications associated with this report.”

The Committee agreed:

1. the programme of Planning Committee Training Workshops for the period January 2020 to February 2022; and
2. that the Chairperson and Deputy Chairperson, or their nominees, would attend the remote NI Planning Conference on 11th February, 2021.

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)

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

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

(Councillor Nicholl declared an interest in the item and advised that she wished to speak against it. She left the meeting after addressing the Committee and did not participate in the vote)

The Committee was reminded that the application had been on the agenda for the meeting of 17th November but that it had been deferred in order that the Committee could undertake a site visit. The Principal Planning officer explained that the site visit had taken place on 2nd December and, as the application had not yet been presented to the Committee, that all Members' present at the meeting were able to take part in the debate and vote.

She explained that the proposed development was in substitution for 10 units previously approved, which consisted of 8 semi-detached and 2 detached dwellings granted under planning reference Z/2012/0645/RM.

The site was not zoned for a use within BUAP, draft BMAP 2004 or the unlawfully adopted version of BMAP 2015.

The Principal Planning officer drew the Committee's attention to a number of Late Items which had been received after the publication of the Committee report. She explained that amended drawings had been received from the agent on 13th December, showing amendments to the proposed floor plans, including a reduction from 5 bedrooms to 4 bedrooms in 4 of the dwellings and a reduction from 5 bedrooms to 4 bedrooms and a home office in 6 of the dwellings. The amendments had been made by the applicant in response to previous objections regarding the inclusion of a fifth bedroom in the design proposals.

She explained to the Committee that the parking requirements for 4 bed semi-detached dwellings were 2.75 spaces, and that the amendments did not impact on the required spaces, as the previous calculation was based on that arrangement, due to there being no specific standards outlined in Creating Places for 5 bed semi-detached dwellings.

The Committee was advised that, while the Council welcomed the reduction in numbers of proposed bedrooms, there was nothing to stop potential occupiers using the proposed home office as a bedroom and that to condition it would not be reasonable.

In response to concerns raised by objectors, she explained that officers were recommending a condition to remove permitted development rights, so that potential occupiers would always require planning permission if any additional operational development or extension was proposed.

The Members were advised that the developer had sent a response to queries received from an elected Member, advising that existing occupiers on the surrounding site had all signed a covenant which prohibited HMO use and that any future covenants could be even more explicit in the transfer and could include HMO use as a distinct limb of restriction, for the avoidance of any doubt.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

The Principal Planning officer reminded the Committee that planning permission was required to change the use of residential dwellings to an HMO.

She highlighted that 29 objections had been received in respect of the proposed development, relating to a number of issues including parking, road safety, overall design concept and drainage, in addition to issues regarding the existing built development. The Members were advised that many of the objections related to existing parking and proposed parking on site.

She provided the details of additional representations which had been received from the Harberton Crescent Residents Group (HCRG). They stated that the submitted drawings showed the incorrect arrangement for Plot 129 and, consequently, the proposed parking arrangement did not work and that the proposed 3 on street parking spaces posed a serious safety and congestion issue. They also raised issues regarding discrepancies in the dimensions as proposed in the drawings and what actually existed on site. The Principal Planning officer provided the Committee with the officers' response to the issues raised.

The Members were advised that DFI Roads had advised that it was content with the proposal subject to a number of conditions as detailed in the addendum report.

The Committee was advised that two planning applications, LA04/2018/2682/F and LA04/2020/0119/F, had previously been listed in the case officer report as live applications, but both of which had subsequently been withdrawn. They related to sites directly to the north and south of the application site. The Members were also advised that a new planning application had been submitted in respect of No. 14 Harberton Crescent, that is, Plot 129 which was located opposite the application site. She explained that the issue was referred to in the original Case officer report as the dwelling and driveway had been built in a different location on site than as approved under LA04/2016/0200/F. She explained that the Planning application sought to regularise the amendments to the constructed layout and remained under consideration.

The Chairperson welcomed Councillor McAteer to the meeting. She advised the Committee that:

- she had met with residents of Harberton Crescent, who were concerned with the proposals primarily in relation to parking and road safety issues;
- that a number of the driveways in the Harberton Crescent area were too narrow for their cars, which meant that numerous residents parked on the street instead; and
- the residents were also concerned that the applicant was applying to develop small sections of the overall site one at a time, which meant that the overall issue in terms of parking was failing to be recognised by statutory agencies.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

The Chairperson welcomed Councillor Lyons to the meeting. He highlighted that, in having discussed the issues with residents, the main issues were:

- the differences between the measurements of the driveways on the plans and what had actually been built on the ground;
- the impact that had on the safety of the families living on the surrounding streets; and
- the 3 zones of parking as detailed in the officer's presentation meant that, unfortunately, the overall issue in terms of parking seemed to have been overlooked.

The Chairperson welcomed Councillor Spratt to the meeting. He advised the Committee that he had recently met with both the developer and the residents and that:

- the proposed change by the agent to "4 bedroom semi-detached houses with a study" did not give the current residents any comfort, as the houses could still be used or sold as 5 bedroom houses;
- the parking standards were silent in regards to 5 bedroom semi-detached properties which was unfortunate as the parking issue within the development would be significantly compounded;
- the zoning of the parking as shown in the presentation illustrated that there was already a shortfall in terms of parking; and
- he had measured driveways in the development and they were over 2 feet narrower at the point beside the chimneys.

The Chairperson then invited Councillor Nicholl to address the Committee. She explained that:

- residents wanted to see development in the area but that it needed to be appropriate;
- the current driveways in the development did not allow two cars to be parked and that this proposal would only exacerbate the issue; and
- she disagreed with the DFI Roads assessment as it would undeniably have a detrimental impact on road safety and congestion, particularly at the 90° bend.

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

The Chairperson welcomed Ms. N. Prior, Mr. C. Mackle and Mr. G. Diamond, a group of objectors, to the meeting.

Together, they advised the Committee that:

- the drawings indicated the incorrect location of Plot 129 which meant that the total number of parking spaces indicated on the proposal drawings could not be provided as one space was directly opposite the driveway of that plot;

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

- the residents of Harberton Crescent were particularly concerned about the proposal as a number of the driveways in the houses adjacent to the application site were narrower than required and the boundaries between properties were not built in accordance with the plans;
- the study rooms of the proposed 4 bedroom semis were the size of a double bedroom and could therefore contain up to ten people per household;
- concerns that it would lead to even more parked cars in the development;
- even with proposed changed drawing of 13th December, plot 129 continued to be drawn in the wrong location and that at least one of the car parking spaces could not be provided;
- it was disingenuous to suggest that there were no parking standards for 5 bedrooms semi-detached houses in Creating Places, there were standards for 5 bedroom detached houses and that those standards should be met;
- residents were frustrated at the continuing tactic of parcelling the development into packages of 10 units or less to avoid the need to comply with normal studies and reports which should be best practice;
- the Harberton Crescent Residents Group had offered to meet with the developer on several occasions to no avail; and
- they would like to see the development progress in full accordance with all planning guidelines and with a focus on design, green space and open space.

The Chairperson then welcomed Mr. D. Craigan, representing the developer, to the meeting. He outlined to the Committee that:

- HBH had been on the Harberton site since 2015 and were in their 6th phase of the build programme;
- the proposal formed an amendment to a former approval for 10 housing units, which the case officer had deemed a betterment than the extant;
- in late 2019, DFI Roads had requested that the parking schedule be updated specific to the red line application and that document illustrated an oversupply of 6 car parking spaces;
- detailed scrutiny had taken place with statutory consultees, primarily DFI Roads, and BCC Planning;
- further drawings, revisions G and C, were formally approved by DFI Roads in November 2020;
- they had engaged with the objectors and welcomed the opportunity to discuss concerns with them and with elected reps;
- they had received an email from Councillor McAteer on 27th August, requesting a meeting, and that they had replied and offered dates a few days later, but did not hear back from the Member;
- Councillor Spratt had articulated to Mr. Craigan that the fear of the residents was in relation to the possibility that an increased number

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

of in-curtilage and visitor parking would be required for Harberton Crescent, due to the design of the houses having 5 rooms upstairs marked as bedrooms;

- having listened to the concerns of the residents, and given the current pandemic, the inclusion of a home office was felt to be more apt than ever and they had therefore lodged plans to change 6 of the units to “4 bedrooms and a home office”;
- the residents would be fully aware of the precedent used in all sales in the Harberton development to date, which included the restriction expressly prohibiting an HMO use, and that it would again be used for all the proposed dwellings in front of the Committee;
- the driveways for 8 of the units were long enough to hold 3 parked cars, but DFI Roads chose not to allocate more than 2 per drive;
- by making the alteration to the layout of the houses, they had reduced the impact on parking on a scheme which already had approval;
- the development would maintain 50 construction jobs for 18 months, and add an additional capital value of circa £7million to Belfast City Council; and
- that the design was compliant and there was no legal reason for refusal.

In response to a Member’s question, Mr. Craigan advised the Committee that the fundamentals in respect of the number of units, design, drainage and open space in respect of the entire 16 acre site had been considered as part of the Reserved Matters application in 2012. He explained that every statutory consultee had been consulted in respect of 140 units going on the site, and that there was no justification for the allegations which had been made in terms of the developer purposefully parcelling up the housing units into smaller groups in order to hide parking issues.

In response to a further Member’s question, Mr. Craigan confirmed that all storm sewers would be fully adopted by NI Water.

A Member queried the parking standards for 5 bedroom houses. In response, the Principal Planning officer explained that DFI Roads had discounted one in-curtilage space for those eight houses with driveways which were long enough to accommodate three cars, in response to concerns from residents. She advised that the wider area still had the capacity to accommodate the required number of cars per house and that the standards had been met. She added that the driveways were significantly wider at the point with the chimney breast than those referenced earlier in the meeting in Harberton Crescent. She confirmed that DFI Roads had no objection.

A further Member stated that, while many Councillors would sympathise with residents and understood the frustrations in relation to parking and the response from DFI Roads as the statutory agency, the Committee was required to analyse all applications in accordance with planning policies.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

The officer's recommendation to approve the application, subject to conditions as outlined in the addendum report, with authority delegated to the Director of Planning and Building Control to finalise the wording of the conditions subject to no new substantive planning issues being raised by third parties, was put to the Committee.

On a vote, nine Members voted for the proposal, one against, with one no vote, and it was declared carried.

**LA04/2019/1833/F - New dwelling to replace previous dwelling
on site at 11 Ashley Park, Dunmurry**

(Councillor Nicholl re-joined the meeting at this point)

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

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

**LA04/2020/1353/F - Erection of additional roof top plant,
ventilation and ductwork and erection of louvered aluminium
screen along eastern elevation at 12-30 Wellington Place and
42-46 Upper Queen Street**

The Principal Planning officer provided the Committee with a detailed overview of the retrospective application for roof top plant works.

She explained that the application site was located within the Belfast City Centre Conservation Area, and within close proximity to a number of listed buildings, including the Scottish Provident Building and the City Hall. She outlined that the proposal would have a detrimental impact on the setting of the most prominent view of the important listed buildings, due to its unsightly and non-historic form.

The Committee was advised that it was considered that the screens would result in a negative impact on the setting of the City Hall when viewed from its gardens and from Donegall Square. The screens were also considered to be contextually inappropriate to the backdrop of the Scottish Provident Building.

The proposal was assessed against and was considered to be contrary to the SPPS, BUAP, Draft BMAP, PPS6 and Section 104 of the Planning Act 2011.

The Principal Planning officer reported that Historic Environment Division and the Council's Conservation Team had been consulted, and both consultees were unable to support the proposal. The Committee was advised that no third party comments had been received.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

The Chairperson welcomed Mr. G. Graham, applicant, to the meeting. He outlined that:

- the scheme known as Merchants Square was unique, it was the only building of its kind in Belfast to achieve the BREEAM sustainability rating of excellent;
- fifteen previously vacant shops now housed new businesses in its immediate vicinity;
- PwC would relocate to Merchants Square and the building was being fine-tuned to meet its requirements, specifications and standards;
- the standard Belfast office fit-out was not acceptable for a global centre for PwCs in terms of its block chain and cyber security operations, which would be operational 24 hours a day, 365 days a year;
- extraordinary volumes of plant were therefore required to meet the needs of the company, including ventilation and cooling requirements for the technology which had to be of international standards;
- they had approached the planners in September 2018, having looked at how they would fit those requirements onto the already approved roof;
- the roof plant applied for in the current application covered 14,000sqft where the plant or screen causing offence covers less than 1,000sqft, less than 0.3% of the entire site;
- some works had been finished and had been approved by building control but unfortunately there was no other location for the plant to go as they did not physically have the space;
- he had reviewed the consultees comments and noted the officer's conclusion;
- he had worked continuously since 2016 to enhance the look of the Conservation Area and had successfully navigated six planning approvals in respect of the building;
- the screens had been mounted to attempt to soften the look of the ventilation ducting which, although unsightly, was absolutely necessary;
- the screens could be moved, lowered or changed to an alternative material, but the plant could not; and
- if the cost of securing 3,000 new jobs for the City was permitting a piece of ducting, that was a small price to pay.

A Member stated the importance of retaining the look of the Conservation Area. In response, the applicant welcomed the opportunity to enter into discussions with the planners in relation to finding the best way to progress on the issue.

A further Member welcomed that the building had attained such a high BREEAM sustainability rating. However, he stated that he had concerns in relation to the built heritage and the visual amenity of the proposal. He questioned why works had commenced on the plant if he was aware of the specific concerns around built heritage.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

In response, Mr. Graham advised that the previously approved goods lift was higher than the plant which had been erected on the roof, and therefore he did not think that it would have been an issue for concern. He added that he wanted to pay deference to the listed Scottish Provident building as well.

A number of Members stated that they felt there was more room for discussion between the planners and the applicant and that Mr. Graham had demonstrated that he was willing to engage in such discussions.

Moved by Councillor Garrett,
Seconded by Councillor Nicholl,

That the Committee agrees to defer consideration of the application for further information, and to allow further discussions to continue between the applicant and planning officers, taking into account the points raised by both HED and the Conservation officer, in order to try and find a workable solution.

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

LA04/2020/0409/F - Retrospective amendments to previously approved application LA04/2018/2960/F, two storey extension to rear and side with elevation changes, including raised patio, change of levels to rear and boundary/screening walls and fences at 210 Malone Road

The Principal Planning officer provided the Committee with an overview of the application for retrospective amendments to a previously approved application.

She explained that the application was before the Committee as a Member had called in the application, by reason of visual impact and separation distance.

The Committee was advised that the changes included a marginal change in footprint, alterations to window and door openings and the inclusion of additional roof lights, which were considered acceptable. She explained that the tiered gardens were typical along that stretch of the Malone Road. She outlined that the incorporation of soft landscaping would help visually integrate the level changes and that the boundaries had been reduced to step down gradually to the rear in line with the neighbouring boundaries to ensure they were not visually dominant. The fencing proposed was double sided, which would help to reduce the potential for intervisibility and that, on balance, the scheme was considered acceptable.

The Committee was advised that, at the time of writing the report, two third party representations had been received from a neighbour who was objecting to the application. The issues raised included the loss of light, overshadowing, overlooking, out of character with the existing property, overdevelopment of the site and encroachment of land, impact on wildlife, loss of private view and value of property, removal of party hedge and fencing and access issues to conservatory/ an inaccessible void had been created.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

The Committee's attention was drawn to the Late Items Pack, where a number of further emails had been received from the same objector, Mrs. C. Rodgers. The Committee's attention was drawn to a surveyor's report which she had submitted, which looked at the building work which had taken place at the site in terms of the encroachment of boundary and other matters. The Principal Planning officer provided the officers' response to the issues raised.

She reported that the retrospective amendments would have no more of an impact to neighbouring properties compared to that approved under LA04/2018/2960/F in terms of overshadowing, loss of light, dominance and overlooking and that there would be no significant impact. She explained that conditions would be imposed to ensure that the boundary fences were reduced and that the double sided fencing would be no higher than 2.5metres higher than the neighbouring ground.

The Chairperson welcomed Ms. C. Rodgers to the meeting. She advised the Committee that:

- the application centred around four enforcement orders;
- a void had been created, which animals could fall into;
- a civil case was ongoing as a result of building work on site;
- she alleged that the applicant had breached every form of planning and had encroached upon her property;
- she couldn't get her guttering cleaned recently due to the ongoing works;
- there was no soundproofing between the properties and she required privacy for her job;
- the applicant had not applied for a licence for water; and
- she requested that the Committee defer consideration of the application and that planners carry out a site visit to examine the site.

The Divisional Solicitor cautioned Mrs. Rodgers not to make defamatory statements about the applicant and that the meeting was being broadcast live on the Council's website.

Councillor Nicholl advised the Committee that she had previously engaged with Ms. Rodgers in relation to the application and that she understood that it was a complex case and had caused Mrs. Rodgers significant stress. She added, however, that the planning officers had dealt with all the issues raised with professionalism at all times. As she had not expressed an opinion on the matter, she explained that she was able to participate in the vote.

The officer's recommendation to approve the application, with authority delegated 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, was unanimously agreed.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

LA04/2019/2989/F - Erection of a care home with associated car parking, servicing, landscape and access off Balmoral Avenue at The King's Hall and RUAS site south of Upper Lisburn Road/ Balmoral Avenue west of Harberton Park and north east of Balmoral Golf Club

The Planning Manager provided the Members with an overview of the application for a 103 bed care home.

He explained that, in the BUAP, the site was located within the development limit of Belfast and was not zoned for any use. In draft BMAP 2004 and 2015 the site was located within the Belfast Metropolitan/Settlement development limit and was not zoned for any specific use.

He outlined the issues which had been considered during the assessment, including the impact on the Conservation Area, the height, scale and massing, the impact on the surrounding amenity, the impact on the setting of the listed King's Hall, access, movement and parking, environmental issues and drainage and flood risk.

The Committee was advised that six objections had been received, raising concerns relating to the access arrangements from Balmoral Avenue, the impact of the proposal on surrounding development and that the scale of development was out of keeping with the surrounding area. The Planning Manager advised that the Balmoral Avenue access arrangements had been approved as part of Phase 1 of the King's Hall redevelopment and were already under construction.

He added that DFI Roads was content with the proposed access arrangements from Balmoral Avenue to serve the site. The Members were advised that the siting of the proposed development had sought to maximise the separation distances between it and adjacent properties, which were considered to be sufficient, to ensure that no adverse impact would result to neighbouring amenity.

He drew the Committee's attention to the Late Items pack, whereby DFI Roads had submitted a further consultation response to an objection. DFI Roads had confirmed that it remained content that the access was acceptable, as laid out in its earlier response. DFI Roads had also advised that a site visit had taken place as well as an online meeting to discuss and clarify the outstanding issues and concerns raised by the objector, and that all relevant engineering and safety information was available on the Planning Portal.

The Committee was advised that HED, NI Water, Rivers Agency, Regulation Unit Land and Groundwater Team, Natural Environment Division, Environmental Health and the Tree officer had also been consulted and had no objections to the proposal subject to conditions.

The Planning Manager explained that discussions were ongoing with the applicant as to the appropriate mechanism by which to secure the restoration of the Listed King's Hall from wider development within the King's Hall complex and the potential requirement to include conditions linking the restoration of the King's Hall to that specific development.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

Those conditions had already been applied to the Phase 1 Kings Hall proposals which were under construction. As such, he explained that delegated authority to the Director of Planning and Building Control was being sought to finalise the proposed conditions and the Section 76 planning agreement, subject to no new substantive planning issues being raised by third parties.

He explained that the applicant had worked with officers and had changed the design in response to what officers believed was a more attractive building, with use of natural materials.

The Chairperson welcomed Ms. E. Walker, agent, to the meeting. She explained that the care home access, off Balmoral Avenue, had been designed specifically to accommodate the independent living facility and the care home. The design had taken account of the amenity of neighbouring properties, with a separation distance of 57metres from the rear of the care home and of 31 metres from properties on Harberton Park. No habitable rooms were proposed for the rear elevation and a landscape buffer was also proposed. Detailed consultation had taken place with statutory consultees, none of whom had objections, and that HED was content that the proposal would not affect the setting of the listed King's Hall.

A Member expressed a concern regarding the proposed visibility splays on Balmoral Avenue, which were less than half of the recommended 30metres. The Planning Manager explained that the permission for the access had already been approved under Phase 1 of the scheme. He advised the Committee that, as it had not met the standards, an independent safety audit was commissioned by DFI Roads, and, on balance, it was considered to be acceptable and therefore DFI Roads had no objection. In relation to additional traffic, he added that the nature of a care home would not indicate 9am-5pm use and would not therefore add to peak traffic levels.

In response to a further Member's question, the Planning Manager confirmed that a Travel Plan had been submitted in relation to green travel measures and that the Section 76 Agreement would secure the employability and skills elements associated with the site.

The officer's recommendation to approve the application, subject to conditions as outlined in the addendum report, with authority delegated to the Director of Planning and Building Control to finalise the wording of the conditions subject to no new substantive planning issues being raised by third parties, was put to the Committee.

On a vote, twelve Members voted for the proposal and one against and it was declared carried.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

LA04/2020/1563/F - Variation of conditions 2 (method of works statement), 3 (road construction details), 5 (archaeological programme of works) and 7 (hard and soft landscaping details) of planning permission LA04/2015/0405/F to enable the development to be delivered in two phases. Phase 1 will be the construction of the toucan crossing on Ormeau Embankment and associated works, Phase 2 will comprise the remaining works including construction of the main bridge structure at Lower Ormeau Embankment and River Terrace

The Principal Planning officer provided the Committee with the key aspects of the application, which sought permission, under Section 54 of the Planning Act to vary conditions 2, 3, 5 and 7 of planning permission LA04/2015/0405/F to enable the development to be delivered in two phases. He explained that Phase 1 would be the construction of a pedestrian toucan crossing on Ormeau Embankment, while Phase 2 would comprise the remaining works, including construction of the main bridge structure.

The Committee was reminded that planning permission for the bridge had been granted in April 2016 with various conditions and was due to expire in April 2021. The Principal planning officer explained that the funding to construct the bridge would not be available until the end of 2020 and that it was likely that a contractor would not be appointed until after the expiry of the planning permission.

Given the tight timescales, there was a risk that there would be insufficient time for the contractor to compile and submit the detailed environmental surveys required prior to April 2021. It was therefore proposed that the development be 'phased' and to construct the approved toucan crossing on Ormeau Embankment as the first phase. He explained that the works required minimal invasive works to the existing carriageway and could therefore be implemented without risk to the surrounding environment.

The Members were advised that, by enacting the planning permission, it would allow the contractor time to undertake the required surveys and submit them before construction commenced on the permitted bridge, pedestrian and cycle links, car park, storm drainage, lighting and landscaping.

The Principal Planning officer explained that additional conditions had been requested by DFI Roads, DEARA and SES and were necessary in order to secure delivery of the appropriate roads infrastructure details and to ensure adequate mitigation in order to protect natural heritage features and assets. He highlighted that no objections 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.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

LA04/2020/0708/F - Works to allow the decommission of Boodle's Dam maintaining the existing water levels; including earthworks to reduce the existing dam embankment; re-profiling of the adjacent land; removal of existing structures (concrete wall, draw off towers, bridge); formalising the inlet and outlet arrangements; landscape improvements to allow for integration into the Ligoniel Park and all associated works

(Councillor Murphy declared an interest in this item and left the meeting at this point in proceedings)

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

He explained that the site included lands at Boodle's Dam, following the Wolfhill Mill Race watercourse, extending to the intersection with the Ligoniel River. The site was surrounded by fencing and contained a large number of mature trees, and was mostly overgrown and inaccessible.

The Members were advised that the site was identified as an Area of Existing Open Space, a local landscape policy area (LLPA) and site of local nature conservation importance (SLNCI), as designated within both (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 and 2004. The Principal Planning officer explained that the site was identified within the Belfast Urban Area Plan 2001 (BUAP) as Lands reserved for Landscape, Amenity or Recreation use. He advised that it had been assessed against and was considered to comply with the SPPS, BUAP, Draft BMAP 2015, PPS 2, PPS 3, PPS 6, PPS 8, and PPS 15.

The Committee was asked to note that all consultees had raised no issues of concern, subject to conditions, and that the proposal was considered acceptable. The Principal Planning officer added that no representations or objections had been received.

He advised that the key issues considered in the assessment of the application were the principle of use on the site, design and layout, impact on natural heritage, access, movement, parking and transportation, including road safety, impact on built heritage, flood risk, landscaping and other environmental matters.

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.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

LA04/2020/0673/F - Environmental improvement works to include: new footpaths and cycleway, new multi - use games area, new outdoor gym equipment, new play area, new street furniture and park lighting, relocation of the community garden providing new polytunnel, toilet block, shed and allotment beds, new car park provision, landscape interventions including planting, woodland management, resurfacing, regrading and all associated works on Lands at "The Bullring" located parallel to the Westlink motorway and adjacent Denmark Street/California Close between Peters Hill and Regent Street

(Councillor Murphy returned to the meeting at this point)

Moved by Councillor O'Hara
Seconded by Councillor Collins,

That the Committee agrees to defer consideration of the application to allow the Department for Communities to attend the meeting, in order to discuss the loss of open space

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

Accordingly, the Committee proceeded to consider the application.

The Principal Planning officer provided the Committee with the details of the major application. He explained that the large site was known as "The Bullring", and was located parallel to the Westlink motorway and adjacent to Denmark Street/California Close between Peters Hill and Regent Street, Belfast. It was an area of open space, characterised by variety of trees and pathways.

The Members were advised that the site was unzoned white land within Draft BMAP 2004 and BMAP 2015 and, the BUAP 2001. He explained that the proposal was considered to comply with the SPPS, BUAP, dBMAP 2015, PPS 2, PPS 3, PPS 6, PPS 8, and PPS 15.

He explained the key issues which had been considered during the assessment included the principle of use on the site, design and layout, impact on natural heritage, access, movement, parking and transportation, impact on built heritage, flood risk, landscaping and other environmental factors.

The Committee was advised that Environmental Health, NI Water, BCC Parks and Recreation, DFI Roads, DFI Rivers, DAERA Water Management Unit, DAERA Regulation Unit and the Natural Environment Division had been consulted and had raised no issues of concern, subject to conditions, and had deemed the proposal acceptable.

He explained that a final response had been received from the BCC Tree Officer after the Case officer's report had been published and the Committee's attention was drawn to the Late Items pack. He advised that correspondence had been received from

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

the agent in response to comments which had been made by the BCC Tree Officers regarding the loss of trees on the site. The agent advised that, since one of the main objectives of the project was to increase visibility and reduce anti-social behaviour, removal of the existing large earth mounds was required, to regrade the site to ground profile, thereby providing unrestricted visibility across the site. Due to the significant earthworks required it would not be possible to retain or thin existing trees across the entire site. The agent also noted the recommendation for transplanting existing trees and that it would be incorporated into the scheme at Upper Townsend Terrace and Peter's Hill/Shankill Terrace.

The Principal Planning officer confirmed that officers felt that it was a balance between retaining the vegetation and opening up and enhancing the space and that the agent would submit a further landscaping plan and that the Tree officer would be consulted again in relation to it.

The Chairperson advised the Committee that Mr. T. Sloan and Mr. P. Murray, agents for the application, were in attendance. A Member stated that they wished to ask the Department for Communities a policy question in relation to the shared cycle and pedestrian pathway through the scheme. The agents were unable to provide the information.

A Member queried what the loss of open space would be as a result of the MUGA and 6 car parking spaces; the total number of trees on site before and after the scheme; and the reason for the wayleave requirement from DFI, of 3 metres, along the Westlink.

In response, the Principal Planning officer advised the Committee that:

- a MUGA fell within the definition of open space under PPS8, so the only open space lost would be the 6 car parking spaces and that such ancillary uses were permitted;
- he did not have information relating to the total number of trees on site, but that the agent had advised that the addition of trees on the site was not possible, as the proposal was to make it a more usable functional space, but that they would look at transplanting existing trees within the site; and
- the 3metre wayleave was a technical matter which prevented planting along the boundary along the edge of the Westlink.

In response to a further Member's question, the Director of Planning and Building Control confirmed that, if there was an outstanding objection from the Tree officer following the submission of the final landscaping plan submission, it could be brought back to Committee.

Moved by Councillor Groogan
Seconded by Councillor Collins,

That the Committee agrees to grant approval to the application, subject to there being no outstanding objections from the Tree officer after the further iteration of the landscaping plan has been submitted by the agent,

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

and, if any concerns are raised by the Tree officer, that the application be brought back to the Committee.

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

The officer's recommendation to approve the application, with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions, subject to no new substantive planning issues being raised by consultees and third parties, was put to the Committee and it was agreed.

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

LA04/2020/1803/F - Change of use to House of Multiple Occupancy at 60 Springfield Road

The Senior Planning officer outlined the details of the application for a change of use to a House of Multiple Occupation (HMO) at the above location.

She advised the Members that five representations and a signed petition had been received in relation to the application, raising issues, including anti-social behaviour, lack of parking, odours, that neighbours had not been informed and a lack of family housing provision.

The Senior Planning officer explained that the application site was within an HMO Development Node as designated within the HMO Subject Plan for Belfast (2015). She highlighted that Policy HMO 3 stated that planning permission would only be granted along the frontages of designated HMO Development Nodes, providing it did not include HMO development at ground floor level within a designated commercial node or shopping area. As the site was not within a designated commercial node, the ground floor was not required to be commercial. The proposal was also in line with Policy HMO 6 as the criteria within the policy were either met or were not relevant.

A number of Members expressed concerns in relation to the traffic in that stretch of the road and particularly in relation to the fact that DFI Roads had responded with no concerns.

The officer's recommendation to approve the application was put to the Committee.

On a vote, no Members voted for the proposal, one against and eleven no votes, and it was declared lost.

Moved by Councillor Groogan
Seconded by Councillor O'Hara and

Resolved - that the Committee agrees to defer consideration of the proposal to ask DFI Roads to assess the site and that they be also requested to attend the next meeting in relation to the application.

**Meeting of Planning Committee,
Tuesday, 15th December, 2020**

LA04/2020/0880/F - equipped playground with a pedestrian entrance off Moyard Park at Site of Vere Foster Primary School, Moyard Parade

The Senior Planning officer provided the Committee with the details of the Council application which sought permission for a new equipped playground adjacent to the Matt Talbot Youth club and MUGA pitch, with a new pedestrian entrance from Moyard Parade. She outlined that the playground would be bound by a landscaped area, with 17 trees to be planted, and with replacement fencing along the eastern boundary of the playground.

She outlined that the site was within the development limits for Belfast and was located on 'white land' in dBMAP 2015. The Members were advised that the proposal complied with the Development Plan and relevant policy.

The Committee was advised that DfI Roads, Environmental Health, NI Water and Rivers Agency had no objections to the application and that no third party objections had been made.

The Committee granted approval to the application.

LA04/2020/1180/LBC - Repair, restoration and cleaning of central steps at Belfast City Cemetery, Falls Road

The Committee was advised of the key details of the Council application.

The Senior Planning officer advised the Committee that the proposal was deemed to comply with the SPPS and PPS 6 and that it was considered acceptable with no adverse impacts on the listed building. She outlined that HED had been consulted and had no objections.

The Committee granted approval to the application.

LA04/2020/2089/F & LA04/2020/2018/LBC - alterations to a section of wall at the boundary between Whiterock Road and City Cemetery Service Yard, involving increasing the height of the masonry wall to improve site security at Belfast City Cemetery, Falls Road

The Senior Planning officer provided the Committee with an overview of the application.

She advised the Committee that the proposal was deemed to comply with the SPPS and PPS 6 and that it was considered acceptable with no adverse impacts on the listed building. She outlined that HED had been consulted and had no objections.

The Committee granted approval to the application.

Chairperson