

# Planning Committee

Thursday, 19th August, 2021

## MEETING OF THE MEMBERS OF THE PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

- Members present: Councillor O'Hara (In the Chair);  
Councillors Brooks, Carson,  
Garrett, Groogan, Hanvey, Hussey,  
Maskey, McCullough, Murphy and Whyte.
- In attendance: Ms. K. Bentley, 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.

### Apologies

Apologies for inability to attend were reported from Councillors Matt Collins, Hutchinson, McMullan and Whyte.

### Declarations of Interest

No declarations of interest were recorded.

### Pre-emptive Site Visits

The Members agreed to undertake pre-emptive site visits in respect of the following applications:

- **LA04/2021/0493/F** – Demolition of existing buildings and erection of social-led, mixed tenure residential development comprising of 90 units in 2 no. apartment buildings (maximum height of 4 storeys) containing 75 apartments; and 11 townhouses and 4 apartments (along Sefton Drive); provision of hard and soft landscaping including communal gardens, provision of car parking spaces, tenant/staff hub, cycle parking, substation and associated works at Former Park Avenue Hotel, 158 Holywood Road; and
- **LA04/2020/1959/F** – New parkland (Section 2 Forthmeadow Community Greenway) – foot and cycle pathways, lighting columns, new entrances and street furniture, site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east, Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue, land at Springfield Dam (Springfield Road), Paisley Park (West

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Circular Road) and the Junction of West Circular Road & Ballygomartin Road.

**Correspondence received**

**PPR Project - Participation and the Practice of Rights**

The Members of the Committee noted correspondence which had been received from Participation and the Practice of Rights (PPR project), inviting Members of the Planning Committee to undertake a walkabout of the former Mackie's site and also inviting them to attend future workshops coordinated by Mr. Hugh Ellis, Policy Director at the Town and Country Planning Association, in respect of developing social housing in Belfast.

The Members agreed to recommend that, in accordance with the Council decision of 4th May 2021, the Chief Executive would exercise her delegated authority to:

- refer the invitation for a walkabout of the former Mackie's site to the City Growth and Regeneration Committee, as it was not considered appropriate for Members of the Planning Committee to accept the invitation given that there was a current planning application lodged within that site; and
- accept the invitation for Members of the Planning Committee to attend future workshops to explore the key issues in developing social housing in Belfast, on themes such as sustainability, planning, financing and contested spaces, given that they were general and not site specific, and that officers would liaise with the PPR Project and would update Members of the Committee with the workshop dates and topics.

**Planning Applications**

**THE MEMBERS OF THE PLANNING COMMITTEE CONSIDERED THE FOLLOWING  
ITEMS IN ORDER TO MAKE RECOMMENDATIONS TO THE CHIEF EXECUTIVE  
IN PURSUANCE OF THE POWERS DELEGATED TO HER BY THE COUNCIL  
ON 4TH MAY, 2021**

**LA04/2021/0516/F - Erection of a Purpose-Built Managed Student Accommodation development comprising 724 no. units, courtyards, ancillary accommodation and facilities, cycle and car parking and all other associated site and access works. (Amendment to planning approval LA04/2015/0609/F) at 140 Donegall Street**

The Planning Manager (Development Management) presented the proposed scheme to the Members.

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He explained that the application followed the granting of planning permission at appeal for a scheme of 620 units, with 54 car parking spaces at lower ground floor level (LA04/2015/0609/F). The site was currently a surface level car park.

The Members were advised of the key issues which had been considered by officers during the assessment of the proposed development, including the principle of Student Accommodation at the location; impact on built heritage; scale, massing and design; waste water infrastructure capacity; open space provision; traffic and parking; impact on amenity; air quality; noise; drainage and flooding; developer contributions and pre-application community consultation.

He outlined to the Members that the principle of student accommodation at the site had been established with an extant permission for a 620 bed scheme (LA04/2015/0609/F) which had been allowed at planning appeal.

He explained that the design of the proposed building was considered to be an improvement over the previous permission. Subtle detailing would help break up what could have been an imposing block and had added significantly to the previously approved design. The members were advised that the Historic Environment Division (HED) had welcomed the proposed design changes.

The Members were advised that an additional 104 units were proposed, with basement parking now omitted. He outlined that 15 on-site parking spaces were proposed, compared to 54 spaces in the previously approved scheme. Subject to a robust Travel Plan, the proposed approach to parking was considered acceptable given the highly accessible nature of the site and that it was consistent with other previously approved city centre PBMSA schemes which also had little or no on-site parking.

He advised that DFI Roads, DAERA, Rivers Agency, NI Water, Belfast City Airport, Shared Environmental Services, Environmental Health, Urban Design officer and Building Control had all been consulted in respect of the application and that they were all content, subject to conditions.

The Chairperson welcomed Mr. T. Stokes, agent, to the meeting. He advised the Committee Members that the application:

- site was well connected to the heart of the city centre, and exceptionally close to the new Ulster University campus;
- had come about through the detailed design development stage, and the aspiration from the new promoter, Lotus Group, to deliver a much higher quality proposal from that which was previously granted;
- would deliver additional student beds within a building which was the same in terms of overall height, scale, massing and building footprint as the current approval;
- incorporated newly proposed communal courtyard spaces and secure cycle spaces;
- design was a massive improvement in the quality and fenestration over the current approval;

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- comprised a number of green travel measures, including a £75,000 contribution to Travel cards and other sustainable transport modes, which did not form part of the previous approval;
- included an agreement to improve the width and capacity of the pedestrian junction at Donegall Street and Royal Avenue intersection, again over and above any requirement under the current permission;
- included a Section S76 Planning Agreement which would secure an employability and skills plan to secure local jobs and apprenticeships through the necessary interventions with the main appointed contractor;
- it represented a significant investment and firm proposal of £55m from the private sector. Subject to approval, construction works were programmed to commence on site before year end in order to complement the completion and opening of the Belfast Ulster University Campus; and
- would generate around 500 local jobs and apprenticeships.

The Members of the Committee agreed to recommend that, in accordance with the Council decision of 4<sup>th</sup> May 2021, the Chief Executive would exercise her delegated authority to approve the application, subject to conditions with power delegated to the Director of Planning and Building Control to finalise the wording, and enter into the Section 76 Planning Agreement, subject to no new substantive planning issues being raised and to resolve any issues arising from any outstanding consultation responses.

**LA04/2021/0303/F - Redevelopment, refurbishment, and partial change of use of building at 35-39 Queen St & demolition of building and redevelopment of site at 31-33 Queen St. Provision of ground floor offices/professional services units (use class B1/A2), cafe and retail unit and offices above (use class B1)**

(Councillors Murphy and Garrett left the meeting at this point in proceedings)

The Senior Planning officer outlined the principal aspects of the application to the Members. It sought the retention of a 5-storey warehouse at Nos. 35-39 Queen Street and the addition of a two-storey glazed rooftop extension. She explained that it further sought the demolition of Nos. 31-33 Queen Street, to be replaced with a 5-storey infill building which would also benefit, in part, from the rooftop extension at upper floors.

The Members were advised of the following issues which had been considered during the assessment:

- the principle of offices and ground floor uses at the location;
- the principle of demolition of 31-33 Queen Street;
- the consideration of economic benefits;
- the impact on built heritage and the principle of demolition in the conservation area;

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- the scale, height, massing and design of the extension and new build;
- the impact on traffic and parking;
- the impact on amenity;
- site drainage;
- waste management;
- the impact on human health;
- the impact on the amenity of adjacent land users; and
- the consideration of developer contributions.

The Senior Planning officer reported that the site was located within the City Centre, City Centre Conservation Area, Area of Parking Restraint, Primary Retail Core, Airport Height Restriction, Old City Character Area and that it was proximate to listed buildings.

She confirmed that DFI Roads, Environmental Health, NIEA, NIE, Rivers Agency, HED and NI Water had all been consulted in addition to the Urban Design Officer, the Economic Development Team and the Environmental Health team within the Council. Their responses were detailed in the Case officer's report.

No third party objections had been received.

The Members were advised that, having regard to the submitted information and reports, consultee responses and representations, officers considered that the conversion and extension of the current building and proposed replacement building were acceptable. It was reported that the Conservation Officer noted that the current building at 31-33 Queen Street did not reflect the architectural or historical interest of the wider conservation area and did not make a material contribution that merited retention. The Senior Planning officer outlined that demolition in the conservation area met the policy test for demolition as set out in PPS6. She explained that the Urban Design Officer, Conservation Officer and Historic Environment Division considered that the extension to 35-39 Queen Street was appropriate to the context of the host building and locale. Officers considered that the proposed scheme would contribute positively to the local environment by enhancing the character and appearance of the conservation area and that the proposed scheme would make a positive contribution to the economy. The proposal met the policy tests outlined in the SPPS and Planning Policy Statement 6.

The Members of the Committee agreed to recommend that, in accordance with the Council decision of 4<sup>th</sup> May 2021, the Chief Executive would exercise her delegated authority to grant approval to the application, subject to conditions, with power delegated to the Director of Planning and Building Control to finalise the Section 76 Planning Agreement and the wording of conditions subject to no new substantive planning issues being raised by third parties.

**LA04/2021/0244/F - Demolition of existing building and erection of 8-storey building with retail/coffee shop at ground floor and 45No serviced apartments for both long- and short-term occupancy on the floors above at 52-54 Dublin Road**

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The Principal Planning officer outlined the details of the application, which was located within the development limits of Belfast city centre, to the Members.

He explained the key issues which had been considered during the assessment of the proposal, including the principle of use on the site, demolition, access, movement and parking, design and layout, open space and landscaping, flood risk, waste water treatment, impact on natural heritage and developer contributions.

The proposal had been assessed against and was considered to comply with the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Belfast Metropolitan Area Plan 2015 (BMAP), Planning Policy Statement (PPS) 2, PPS 3, PPS 8, PPS 13, PPS 15, PPS 16, Parking Standards, The Belfast Agenda (Community Plan), Developer Contribution Framework, and Creating Places.

The Members were advised that Environmental Health, NI Water, DFI Roads Service, DFI Rivers Agency, DAERA Water Management Unit, DAERA Regulation Unit and DAERA Natural Environment Division had raised no objections subject to conditions and that the proposal was considered acceptable.

The Members noted that the application had been neighbour notified and advertised in the local press. It was reported that additional information and amendments had been received during the processing of the application in response to requests for clarification from consultees and that re-notification of objectors and neighbours had been undertaken following receipt of such. The Principal Planning officer explained that two objections had been received from local residents, raising the following issues:

- lack of parking;
- noise during construction and parking obstructions;
- noise from prospective residents;
- loss of light;
- loss of privacy; and
- height and density disproportionate to the area

The issues had been addressed within the Case officer's report.

He outlined that, whilst the proposal did not fall under the category of Major Development, Pre-Application Community Consultation had been carried out, as it was initially proposed to comprise more than 50 apartments. The Members were advised that the feedback given had been generally positive.

The Principal Planning officer reported that 35 of the apartments would have a balcony and, together with the amenity space on the third floor and the rooftop terrace, the level of private open space was comparable with other developments in the area. He explained that, overall, an average of 6.87 sqm of amenity provision per unit was proposed which, whilst below the recommended minimum standard of 10 sqm, it was comparable to other developments within the city centre and, on balance, was considered acceptable.

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A Member stated that they had some concerns with the proposal, namely:

- the relationship of the proposal with Salisbury Lane, particularly in relation to the risk of overlooking;
- the height of the proposal in relation to its immediate neighbours, both the residential neighbours to the rear, and the restaurant beside it;
- whether there an area-based policy for the Dublin Road;
- the suitability of the site for residential use, given the lively nighttime economy and its close proximity to a bar.

In response, the Principal Planning officer presented further images of the site and its context within the Dublin Road. He advised the Committee that:

- the height differential between the proposal and the ridge height of the restaurant immediately beside it would be approximately 8.7metres and that step up was something that already existed along the Dublin Road which was not out of keeping with its context;
- there were a number of different building heights established along the Dublin Road and that was the context in which they had considered the application;
- the design of the rear return and the angled windows was as such to protect the amenity of residential properties to the rear of the site;
- the site was located within BMAP's designated Shaftesbury Square Character Area, where the building heights ranged from five to seven storeys fronting the Dublin Road, and that officers felt that the proposal was acceptable given that the eighth storey was set back, and that it was in keeping with the context of other taller buildings along the Dublin Road; and
- he did not believe that the proposal would result in the hemming in of, or substantially impact upon, the adjacent residential areas;
- in respect of the suitability of the site for residential use, he explained that there were a number of residential properties surrounding the site, it was a mixed-use area and that Environmental Health had no objections to the proposal, subject to conditions relating to noise proofing and fenestration.

A Member asked for further clarification in relation to Policy OS2 of PPS8, whereby an exception was allowed for apartments within the city centre. The Principal Planning officer outlined that most recent approval for the site opposite had been for a mixed-use 10 storey building comprising 85 apartments, which would provide an average of 5.59 square metres per unit while the current application would provide 8 square metres. He explained that the level of private open space was therefore comparable with other developments in the area and was also in close proximity to existing areas of open space within reasonable walking distance, including Botanic Gardens.

Accordingly, the Chairperson put the officer's recommendation that the Members of the Committee recommend that, in accordance with the Council decision of 4<sup>th</sup> May 2021, the Chief Executive would exercise her delegated authority to grant approval to the application, subject to conditions, with power delegated to the Director of Planning and

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Building Control to finalise the Section 76 Planning Agreement and the wording of conditions subject to no new substantive planning issues being raised by third parties.

On a vote, five Members voted in favour of the recommendation and two against and it was declared carried.

**LA04/2021/0629/F - Residential development of 72no. apartments in 3no. blocks with associated car parking, landscaping and road widening works to Stockmans Way on lands north east of 43 Stockmans Way and south west of 49 Stockmans Way**

The Planning Manager (Development Management) provided the principal aspects to the application to the Members.

He outlined the main issues which had been considered during the assessment of the application, including the principle of development, the planning history of the site, impact on the character of the area, impact on amenity, access, parking and sustainable transport and various environmental considerations.

The Members were advised that part of the site was zoned for housing, part whiteland and part zoned as existing employment within draft BMAP 2015. He explained that the part zoned as existing employment comprised the access road along Stockman's Way and was part of a larger adjacent existing employment zoning (Ref: BT005/12). He advised the Members that permission had previously been granted, in November 2018, for the "Demolition of existing buildings and erection of residential development comprising of 96 units and associated car parking and landscaping" (Ref: LA04/2015/0668/F) on the application site. He explained that the permission was live and implementable. The Members were also advised that a subsequent application was received for the 'Erection of mixed-use development consisting of a 25no. bed hotel and 88no. apartments with associated car parking and landscaping' on the site. The Members noted that it was resolved to approve that application in June 2020 and a decision to approve was pending.

One representation had been received regarding the proposal, raising issues regarding increased traffic impact and over capacity within the sewerage system. The issues had been addressed within the Case officer's report.

Consultees had no objections with the proposal subject to conditions.

The Planning Manager explained that a Section 76 Planning Agreement was proposed to secure the following developer obligations:

- Contribution of £72,000 towards the delivery of open space provision/play equipment or improvement of Public Open Space at Musgrave Park;
- Access link to Public Open Space at Musgrave Park;
- Management of Open Space Areas within the site;
- Residential Travel Plan;
- Travel Cards for each unit for 3 years; and

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- Car Club spaces and discounted membership of a car club for 3 years for each unit.

The Members of the Committee agreed to recommend that, in accordance with the Council decision of 4<sup>th</sup> May 2021, the Chief Executive would exercise her delegated authority to grant approval to the application, subject to conditions, with power delegated to the Director of Planning and Building Control to finalise the Section 76 Planning Agreement and the wording of conditions subject to no new substantive planning issues being raised by third parties.

**LA04/2020/1158/F - Demolition of existing building and erection of 65No Apartments including 20% social housing at 1-5 Redcar Street**

The Senior Planning officer outlined the details of the application for outline permission for 65 apartments on the current site of a factory. She presented the plan for the apartments, which would be split over 4 blocks. Between the two terraces of Block A there were private gardens for the larger ground floor units, and a central private alleyway which could be used for residents bringing bins to the main bin store. A large area of communal open space sat to the rear of Blocks B and C.

The main issues which had been considered during the assessment of the proposal included the principle of housing at the location, the design and layout, the impact on traffic and road safety, the impact on amenity of nearby residents and businesses, the impact on Built Heritage and Archaeological interests, waste management, human health, parking provision and access, drainage and flooding and the consideration of developer contributions.

The Senior Planning officer advised the Members that the site was located within the development limits of Belfast in the BUAP 2001 and Draft BMAP 2015 (dBMAP) and was unzoned, white land under dBMAP. She explained that, as the site was within the settlement development limit, and taking into account the site context and last use of the site as a factory, the principle of housing at the site was acceptable, subject to prevailing policy considerations.

The Members noted that consultees, including DfI Roads, NI Environment Agency, the Northern Ireland Housing Executive, Historic Environment Division and NI Water had no objection to the proposal, subject to conditions.

The Northern Ireland Housing Executive had indicated there was social housing need in the vicinity and that they welcomed the scheme which would include 20% social housing.

The Senior Planning officer outlined that officers considered that the proposed scheme would create a quality residential environment, contribute positively to the local environment by creating a more sympathetic use adjacent to the school and other residential streets and would meet the requirements of PPS 3, PPS 4, PPS 7, PPS 8, PPS 12 and PPS 15.

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She reported that 11 objections had been received, one of which was received in response to the most recently amended scheme. All objections had been considered within the case officer's report.

The Members of the Committee agreed to recommend that, in accordance with the Council decision of 4<sup>th</sup> May 2021, the Chief Executive would exercise her delegated authority to grant approval to the application, subject to conditions, with power delegated to the Director of Planning and Building Control to finalise the Section 76 Planning Agreement and the wording of conditions subject to no new substantive planning issues being raised by third parties.

**LA04/2021/1358/F - Section 54 application seeking amendments to condition Nos 2 (access), 7, 13, 20 (CEMP), 8, 9, 10, 15, 16, 19 (ground conditions), 12 (noise/vibration), 17 (piling risk), 21 (drainage), 27 (landscaping) to enable a phased approach to the Construction of the permitted film studios complex Approved under planning permission LA04/2020/0474/F on lands immediately north and south of existing film studios north of Dargan Road Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park)**

The Members were advised that permission was sought, under Section 54 of the Planning Act (Northern Ireland) 2011, to vary several conditions to allow for a phased construction of Planning Application approval LA04/2020/0474/F.

The site was un-zoned "white land" within the Belfast Area Urban Plan (BUAP) 2001 and located within the development limits of the City in the draft Belfast Metropolitan Area Plan (dBMAP) with a number of relevant zonings.

The Members noted that NIEA, Environmental Health, DfI Roads and Rivers Agency had been consulted in relation to the amended wording of conditions. All consultees were content with the phased approach as detailed within the report.

The Members were advised that the proposed development was estimated to represent an investment of £45m, generate in excess of 200 construction jobs and approximately 1,000 creative industry jobs and it was considered that the variation of conditions to assist the investment was acceptable.

The Members of the Committee agreed to recommend that, in accordance with the Council decision of 4<sup>th</sup> May 2021, the Chief Executive would exercise her delegated authority to grant approval to the application, subject to conditions, with power delegated to the Director of Planning and Building Control to finalise the wording of conditions.

**LA04/2021/0789/F - Application under Section 54 to vary conditions applied to approval LA04/2020/1100/F to facilitate development of this proposal. Relevant conditions which require to be amended are: -Condition 2 (Landscaping, Condition 5 (public realm),**

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**Condition 25 (retail plant and associated equipment),  
Condition 26 (verification report for noise), Condition 28  
(odour technologies). Condition to be deleted Conditions 17  
(verification report for contamination), this is a duplication  
of Condition 15 at 721-739 Lisburn Road**

The Members noted that permission was sought for the variation of five planning conditions and the removal of one condition attached to planning permission LA04/2019/1100/F. The approved apartment building was a substantial development and the proposed changes to the wording of the conditions would enable occupation of the development before the entire building was completed.

Environmental Health had no objections to the revised approach to the development and the gradual approval and verification of ground floor plant and equipment. The Members noted that amended wording of the conditions had been requested and the revisions were considered acceptable. The planting/ public realm condition had also been reworded to ensure a more enforceable approach and that an acceptable streetscape was created as soon as possible after completion of the development.

No third party objections were received in respect of the application.

The Members of the Committee agreed to recommend that, in accordance with the Council decision of 4<sup>th</sup> May 2021, the Chief Executive would exercise her delegated authority to grant approval to the application, subject to conditions, with power delegated to the Director of Planning and Building Control to finalise the wording of conditions.

**Change to October Committee Date**

The Committee Members were advised that an Investment Conference was due to take place in the City Hall at the same time as the Planning Committee on Tuesday, 19th October, 2021.

At the request of the Director of Planning and Building Control, the Members agreed to change the date of their monthly meeting in October from Tuesday 19th October to Thursday 21st October.

Chairperson