

# **Planning Committee**

Tuesday, 13th February, 2018

## **MEETING OF PLANNING COMMITTEE**

Members present: Councillor Lyons (Chairperson); Alderman McGimpsey; Councillors Armitage, Bunting, Carson, Dorrian, Garrett, Hussey, Johnston, Magee, McAtee, McDonough-Brown and Mullan.

In attendance: Mr. J. Walsh, City Solicitor; Mr. K. Sutherland, Development Planning and Policy Manager; Ms. N. Largey, Divisional Solicitor; Mr. S. McCrory, Democratic Services Manager; and Ms. E. McGoldrick, Democratic Services Officer.

### **Apologies**

Apologies were reported on behalf of Councillor Hutchinson.

### **Minutes**

The minutes of the meeting of 16th January 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 February, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### **Declarations of Interest**

No declarations of interest were received.

### **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 Notified**

The Committee noted a list of decisions which had been taken under delegated authority by the Director of Planning and Place, together with all other planning decisions which had been issued by the Planning Department between 3rd January and 5th February, 2018.

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**Departmental Performance Update**

The Development Planning and Policy Manager tabled a report in relation to the departmental planning performance. He highlighted that the figures outlined were internally sourced and not official statistics from the Department for Infrastructure, and therefore, might be subject to change once the official statistics were subsequently released.

In the circulated report, he provided a breakdown of the monthly performance up to 31st January, 2018 as follows:

*Planning Applications*

- 179 applications had been validated in January, 2018;
- 131 applications had been validated in December, 2017; and
- 2100 applications had been validated since 1st April, 2017.

*Planning Decisions*

- 124 decisions had been issued in January, 2018;
- 124 decisions had been issued in December, 2017;
- 97% approval rate; and
- 95% decisions had been issued under delegated authority.

*No. of applications in system by length of time*

- 949 live applications were in the system at end of January, 2018;
- 880 live applications were in the system at end of December, 2017; and
- 6 legacy applications were outstanding.

The Development Planning and Policy Manager highlighted that there were 31 live major planning applications, eight of which had been approved by the Committee but were awaiting the execution of Section 76 agreements. He advised that 13 applications were currently within the 30-week target for processing applications and would be brought to the Committee for consideration in the future.

He pointed out that, in relation to Local Applications, the latest available figures from the Department for Infrastructure, up to 31st December, 2017, indicated that the average processing time was 15.6 weeks, with 48% of applications being processed within the 15 week target.

He informed the Committee that, up to 31st December, 2017, the latest figures available from Department for Infrastructure showed that 68% of enforcement cases had been concluded within the target of 39 weeks, 2% below the statutory target, which represented a 3% improvement on November's performance.

The Committee noted the contents of the report and agreed to commence quarterly meetings of the Planning Committee to focus solely on performance, the first of which would take place on Thursday, 19th April.

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**Miscellaneous Items**

**Purpose Built Managed Student Accommodation Update**

The Committee was reminded that, at its meeting on 16th January 2018, it had requested an update on the current status of all planning applications for Purpose Built Managed Student Accommodation (PBMSA) in Belfast.

It was explained that, the map and table included in the appendix of the report, illustrated the number and status of new Purpose Built Managed Student Accommodation in Belfast and a detailed breakdown of the 18 remaining developments were summarised as follows:

Planning Status of Applications	No. of planning applications	No. of Bed Spaces	Development Status		
			Complete	On-going	Not started
Permission fully granted (including section 76 Agreement where required)	9	3,059	614	2,415	30
Development allowed at appeal (following refusal by Council)	3	1,034			1,034
Recommended approval (pending section 76 Agreement)	4	2,228		717	1,511
Refused	1	375			
Under consideration	1	185			
<b>TOTAL</b>	<b>18</b>	<b>6,881</b>	<b>614</b>	<b>3,132</b>	<b>2,575</b>

After discussion, the Committee noted the contents of the report and agreed to invite Ulster University, Queen's University Belfast and the Belfast Metropolitan College to attend a workshop of the Committee to discuss the need and projected levels of student accommodation in Belfast, including the extent of disability provision and childcare facilities.

**Withdrawn Items**

The Committee noted that the item 6.j) LA04/2017/2618/F - Extension to mezzanine floor Dunelm Unit 8 Shane Retail Park Boucher Road, had been withdrawn from the agenda.

**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)**

**LA04/2017/1489/F - Proposed ground excavations from a 'Borrow Pit' to provide 30,000m<sup>3</sup> of clean natural clay soils capping material for use within remediation capping layers and associated Remedial Strategy for the approved Mixed Use Residential and Commercial Development (granted permission under Ref Z/2013/1434/F) on lands at former Visteon Factory, Blacks Road**

The case officer provided an overview of the application and advised that ground excavations would be undertaken in a phased and progressive approach to limit the size of the exposed excavated area at any one time. He explained that this would result in a 'Borrow Pit' void which would be backfilled with existing made ground material comprising sandy gravelly clay with angular gravel and would also include sporadic asbestos cement fragments (typically less than 5cm in size and equating to approximately 0.015% of the made ground mass) from within the development site, and then be covered with a remediation capping layer, in line with remedial strategy.

The case officer informed the Committee that, after the agenda had been published, the following representation had been received from objectors:

- Concerned that asbestos was highly toxic and exposure to extremely small volume of fibres can be fatal;
- Concerned about the health and safety of burying asbestos in land adjacent to homes;
- Suggested there were other ways to remedy the site - possibly more expensive and time consuming , but this should not matter when set against human health;
- There were already risks of 'visible' asbestos fibres travelling to nearby homes and gardens in the wind, by birds and other animals, vehicles and people;
- The applicant should be required to put full details of the relevant public liability insurers into the public arena. Asbestos related conditions might not manifest for many years, therefore, insurers and contractors details should be published for residents, so that they have redress to pursue and enforce;
- Suggested there should be a public consultation about this plan; and
- Requested details of a remediation plan that had taken place in Carrickfergus, in relation to the removal of contaminated soil.

The case officer outlined the response of the Planning Department to the aforementioned issues raised, as set out in the Late Items Report Pack.

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The Committee received representation from Mrs. B. Early, representing residents in objection to the application. She suggested that the development posed Health and Safety risks of asbestos being buried in the land adjacent to homes and believed there were other ways to remedy the site. She suggested that there were already risks of visible asbestos fibres travelling to near by homes from the contaminated site and the applicant should publish the relevant public liability insurance and contractor details, so that residents had redress, in case of health conditions as a result of the asbestos, in the future. She advised that residents were concerned regarding the effects the buried contaminated land might have on current and future residents who live near the site.

The Committee received representation from Councillor Attwood in objection to the application. He suggested that residents were very concerned regarding the contaminated land being buried in a Borrow Pit adjacent to their homes and the health and safety of current and future residents. He indicated that there were viable alternatives to remove the contaminated land from the site and suggested that information on the health and safety monitoring should be communicated to residents.

During points of clarification, Councillor Attwood suggested further that reassurance was needed for residents in relation to future proofing the site.

The case officer advised that monitoring of the site would form part of the work plan which would form part of the conditions of the planning approval and the site would be monitored in consultation with Environmental Health Service and the Northern Ireland Environment Agency.

The Committee received representation from Ms. A. Conway, Radius Housing, Mr. C. Lydon and Mr. G. McCaughan, White Young Green, representing the applicant. In response to objectors' concerns, they outlined a range of support for the proposal which included:

- Environmental improvement and economic benefit to the area;
- The delivery of 244 new homes, employment and leisure space;
- The applicant had spent £4 million to date on demolition and remediation of the site;
- It would provide construction jobs in the initial building phase and employment space, subject to sale, which could deliver up to 400 jobs;
- The applicant was a responsible developer with a long term relationship with the area;
- The Borrow Pit was required to achieve clean capping material needed for the broader site, and was the best strategy to achieve this;
- The Borrow Pit was the best solution for the site as it contained all the asbestos fragments to one location and covered with a capping material; and
- Excavation of the site would happen in a progressive manner and the Borrow Pit was an improvement on original remedial strategy.

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During points of clarification, Mr. Lydon explained that once the piling had been put in the Borrow Pit and it was fully constructed, it would be capped by 1.5m clay and any subsequent development of the land would be subject to a pile risk assessment to demonstrate new pathways had not opened or penetrated the Borrow pit. He highlighted that the design of the Borrow Pit also included a further 5m clay material below the base of the pit and works completed to date would suggest that the piles would self-seal. Mr. Lydon also indicated that the Borrow Pit was a recognised form of remediation of contaminated land, which had been used on a site at Ravenhill and in the UK also.

During discussion, the case officer clarified that risk assessments were conditioned as part of the application approval and explained the monitoring of the Borrow Pit.

After discussion, a recommendation to approve the application was proposed to the committee, and, with one Member voting against, the Committee granted approval to the application, subject to the imposing of the conditions set out within the case officer's report.

**LA04/2016/2018/F - Seven storey residential development comprising 46 apartments with associated basement level car parking with 25 parking spaces, amenity space, associated site works and alterations to the junction of Hamill Street and College Square North. Lands adjacent to 14 College square North and South of 62 - 76 Hamill Street**

The case officer informed the Committee that, after the agenda had been published, new and amended information had been submitted by the agent to address issues raised in the planning report, as follows:

- Revised front and side elevations to address massing;
- Revised amenity space arrangements including additional space provision via balconies for more apartments;
- Revised elevations to reduce overlooking;
- Shadow study submitted to demonstrate overshadowing impact is acceptable;
- In relation to transport issues: The parking provision was comparable to other city centre apartments, the site was in close proximity to public transport; coach parking had already been reduced by the provision of a cycle lane; and
- In relation to drainage, the request for additional information was disproportionate and unnecessary as Northern Ireland Water confirmed that the storm water could be discharged to a combined sewer and further approval would also be required under separate legislation.

The case officer outlined the response of the Planning Department to the aforementioned issues raised, as set out in the Late Items Report Pack.

The case officer provided an overview of the application and explained that, after assessment, it had been recommended for refusal on the following grounds:

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1. The proposal was contrary to Policy BH12 of Planning Policy Statement 6 Planning Archaeology, and the Built Heritage, and Policy QD1 of the Department's Planning Policy Statement 7: "Quality Residential Environments", in that the proposal would, if permitted, result in overdevelopment of the site due to its inappropriate layout, scale, form, massing and design causing harm to the character and appearance of the City Centre Conservation Area;
2. The proposal was contrary to Policy QD1 of the Department's Planning Policy Statement 7: "Quality Residential Environments" and Policy OS2 of Planning Policy Statement 8: "Open Space, Sport and Recreation", in that it would, if permitted, result in overdevelopment of the site in that it would be harmful to the living conditions of existing residents through overlooking, dominance, and overshadowing resulting in a loss of residential amenity due to inappropriate scale, massing and design. The proposal also failed to provide adequate amenity space for prospective residents. The proposed development would therefore fail to create a quality residential environment;
3. The proposal was contrary to Planning Policy Statement 3: Access, movement and parking; Policy AMP2, Access to Public Roads, in that the applicant had not demonstrated an acceptable vehicular access for vehicles that would be attracted to the development;
4. The proposal was contrary to Planning Policy Statement 3: Access, movement and parking; Policy AMP7, Car Parking and Servicing Arrangements, in that the applicant had not demonstrated acceptable parking arrangements for vehicles that would be attracted to the development; and
5. The proposal was contrary to Policy FLD 3 of the Department's Planning Policy Statement 15: "Planning and Flood Risk", in that it had not been demonstrated that the proposal would provide satisfactory measures for the mitigation of flood risk and in particular drainage.

The Committee received representation from Mr. M. Gordon and Mr. M. Martin in objection to the case officer's recommendation for refusal. Mr. Gordon suggested that the proposal had the support from the local Residents Association and that the technical issues raised by the case officer were easily resolved. He suggested that a site visit would be beneficial for the Committee. He indicated that NI Water had confirmed that a combined sewer could be used to discharge storm water and a planning condition could be attached to the approval in relation to this. He suggested that Transport NI had an issue with the absence of a parking survey and the loss of a coach space; however, parking provision had been included for 25 car parking spaces in the scheme, and the site was very accessible to public transport and the principle of losing coach spaces had already been established through the provision of a cycle lane. In terms of the design, he suggested that the height of the proposal was in line with office building heights in the area and the development should be assessed within the context of the whole

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surrounding area, not just the conservation area. He suggested that a small adjustment to the plans had been submitted which illustrated the provision of amenity space at the back of the development.

The Committee refused the application for the reasons as set out in the case officer's report and delegated power to the Director of Planning and Place for the final wording of the refusal.

**LA04/2017/2361/F - Reconfiguration of interior to provide 16 bar / restaurant units, health club, arena hospitality suite, climbing wall, refurbishment of Pavilion interior, new foyer, access deck bridge, new front façade and building access strategy at the Odyssey Pavilion, 2 Queens Quay**

The Committee was apprised of the principal aspects of the application located within the development limits of the Belfast Metropolitan Area and within the City Centre boundary as defined in the draft Belfast Metropolitan Area Plan.

After discussion, the Committee granted approval to the application, subject to the imposing of the conditions set out in the case officer's report and delegated power to the Director of Planning and Place for the final wording of the conditions.

**LA04/2017/2268/F - Demolition of existing building Oxford and Gloucester House for 11 storey mixed use building, basement car parking, ground floor coffee/restaurant, upper floors office accommodation and all associated site and access works on lands at 43-63 Chichester Street 29-31 Gloucester Street and Seymour Lane**

(Councillor Magee had left the room whilst the item was under consideration.)

The Case Officer outlined the aforementioned application and advised that it had extant approval on part of the site at 43 - 47 Chichester Street, under LA04/2015/0619/F - Apartment complex comprising 75 apartments with a 13 storey frontage to Gloucester Street and 11 storey frontage to Chichester Street.

During discussion, the case officer confirmed that it was a well-lit scheme and there had been an extensive neighbour notifications issued.

The Committee approved the application and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any planning agreements which might be realised at the site. The Committee also delegated power to the Director of Planning and Place for the final wording of the conditions.

**(The meeting was adjourned for 10 minutes.)**

(Councillor Magee returned to the Committee table at this point.)

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**LA04/2017/1394/F - Supported accommodation for older people comprising 32 apartments in total on land East of Harberton Park to the south of 25 Harberton Park**

The case officer outlined the application, which was located within the urban limits of Belfast and formed part of the King's Hall and Balmoral Showgrounds complex.

The Committee received representation from Ms. E. Walker, representing the applicant. In response to Members concerns, she suggested that the application was a separate site which was not connected to the King's Hall development via vehicle or pedestrian links. She advised that a public information event had taken place, as well as a leaflet drop, which formed part of the public consultation, and as part of this feedback, the connection from this site and the Kings Hall Development had been removed. She suggested that the design of the application addressed the functionality of assisted living but also replicated the heights and renders of similar buildings in the area.

**Proposal**

Moved by Councillor McAteer, and  
Seconded by Councillor Lyons,

That the Committee, given the issues which had been raised regarding parking, height of the building and proximity to the broader King's Hall development, agrees to defer consideration of the application to permit a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand.

On a vote by show of hands eight Members voted for the proposal and five against and it was declared carried.

**LA04/2017/1505/F - 15 residential apartments at 1 - 3 Eia Street**

The case officer outlined the application and advised that there was extant planning approval under planning application Z/2009/1771/F for the demolition of existing 2 storey commercial warehouse building and construction of 4 storey apartment building consisting of 16 apartments, previously granted in April, 2013.

The Committee received representation from Ms. T. McKeown and Ms. E. O'Kane, representing the Waterworks Residents' Group, in objection to the application. Ms. McKeown outlined the following points of objection:

- The development was contrary to the townscape character of the area and the wider historical area;
- The area was run down and was being bought to develop hostels, Houses of Multiple Occupation (HMO), and flats;
- The area had high crime statistics and anti-social behaviour;
- The development would be a small confined space for 41 people to live;

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- Lack of amenity space as the nearby park was unsafe;
- Lack of car parking and on-going road safety issues;
- The development would violate the existing building line;
- There had been a lack of communication from the applicant with the local residents and many objections had been submitted; and
- Suggested that a site visit would be beneficial.

The Committee received representation from Mr. B. O'Donnell, representing the applicant. He advised that the development would deliver 15 social housing apartments needed in the area. He suggested that the development complied with the design criteria, and would reduce the massing associated with the existing approval. He suggested that the development would help to alleviate anti-social behaviour. He indicated that he had worked with the Planning Department and the Historic Environment Division in relation to a design agreement and the development would contribute to the streetscape and overall area.

During points of clarification, Mr. O'Donnell explained that the applicant had robust strategies in place to manage the maintenance of the development. He advised that he would ask the applicant to respond in relation to the meeting request which had been raised by objectors in their deputation.

During discussion, the case officer clarified the size of the apartments and amenity space requirements. In relation to the number of objections received, she advised that those who had made representations regarding the previous planning application for the site would have also received the neighbour notification in relation to this application.

After discussion, the Committee, given the issues which had been raised by the objector's, agreed to defer consideration of the application to permit a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand.

**LA04/2015/1345/F - Housing development on land at Portmore Hill adjacent to Thorburn Park and Thorburn Road and accessed via Antrim Road**

The Committee was apprised of the principal aspects of the application.

The Committee received representation from Alderman Spence who outlined a range of support for the case officer's recommendation for approval. He suggested that the proposal would help alleviate illegal dumping and anti-social behaviour on the site. He advised that the completion of the housing scheme had the full support of the local community and pointed out that Nigel Dodds, MP, had also given his support for the proposal.

The Committee received representation from Mr. A. Johnson and Mr. D. Ferguson, representing the applicant. They highlighted that the proposal was a mixed scheme of low density and suggested that objections from consultees had been dealt with in the design. They pointed out that as the applicant had acquired the access road, the applicant now had control of the complete gated scheme. In terms of the traffic

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issues raised, they advised that the development of 17 apartments should not affect the road system or the views of nearby residents.

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

**LA04/2016/1360/F - Filling station, shop and 2 retail units on lands opposite junction of Stewartstown Road and Suffolk Road**

(Councillor Bunting had left the room whilst the item was under consideration)

The case officer outlined the application for the petrol filling station with associated shop, 2 retail units, forecourt canopy and associated petroleum installation.

During discussion, the case officer explained the impact of the barrier between the development and neighbouring properties as outlined in the proposal.

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

**LA04/2017/1778/F - Minor works including drainage, lighting, a maintenance path and mounted golf targets at Colin Park, 115 Blacks Road**

It was noted that the application, in accordance with the Scheme of Delegation, had been presented to the Committee since the Council had an interest in the application.

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

Chairperson