

Planning Committee

Tuesday, 12th June, 2018

MEETING OF PLANNING COMMITTEE

- Members present: Councillor Garrett (Chairperson);
Councillors Armitage, Dorrian, Hussey,
Hutchinson, Johnston, Lyons, Magee,
McAteer, Mullan and Nicholl.
- In attendance: Mr. A. Thatcher, Director of Planning and Building
Control;
Ms. N. Largey, Divisional Solicitor;
Mr. E. Baker, Development Engagement Manager;
Mr. S. McCrory, Democratic Services Manager; and
Ms. E. McGoldrick, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Alderman McGimpsey and Councillor Carson.

Minutes

The minutes of the meeting of 15th and 17th May were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 4th June, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Regarding item 8.b. LA04/2018/0732/F - Amalgamation of existing ASDA and adjacent retail unit to facilitate extension to existing supermarket at ASDA, Westwood Shopping Centre, Kennedy Way, Councillor Armitage declared an interest, in so far as he had met with the applicant, however he had not formed any opinion on the matter prior to the meeting.

Additional Item – National Television 700mhz Spectrum Clearance Project

The Committee noted the receipt of correspondence from Arqiva Limited in relation to the National Television 700mhz Spectrum Clearance Project which would affect the terrestrial television broadcast network throughout Britain and Northern Ireland. This would include the particular television transmitters at Divis Main Station and the Black Mountain Maintenance Centre.

Committee Site Visit

Pursuant to its decision of 15th May, it was noted that the Committee had undertaken a site visit on 7th June in respect of a forthcoming major application for a

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mixed use development at lands at former Sirocco Works, Short Strand adjacent to Bridge End and the River Lagan.

Extinguishment of Public Rights of Way

The Committee noted the receipt of correspondence from the Department for Infrastructure in respect of the Abandonment of Public Rights of Way at Finvoy Street.

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 7th May and 5th June, 2018.

**Listed Building Consent for Masonic Hall, 15 Rosemary Street
(LA04/2017/2082/LBC) associated with Royal Exchange Phase 1B proposals**

The Committee was reminded that, in September, 2017, the Council had received an application (LA04/2017/2082/LBC) for the partial demolition of a side and rear extension and internal alteration as part of a package of applications associated with the Royal Exchange Phase 1B development.

The application (LA04/2017/2082/LBC) was presented to the Planning Committee on 15th March and a resolution to grant listed building consent was agreed. The application was subject to referral to the Department for Infrastructure (DfI) due to the significant objection received from the Historic Environment Division (HED), however, DfI had responded indicating that the application did not require to be called in.

It was reported that a technical issue had arisen, in that a small portion of the proposed works to the listed Masonic Hall fell outside the red line of the application site boundary. The case officer advised that this could be dealt with by an amendment to the red line and the application site boundary would be re-advertised, the HED would be re-consulted and third parties, who had made previous representations, would be notified.

The Committee delegated authority to the Director of Planning and Building Control, in consultation with the City Solicitor, to deal with the minor technical amendment and any issues that might arise in relation to the application.

Miscellaneous Items

Restricted Items

The Information contained in the following three reports 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 this items as, due to the nature of the items, there would be a disclosure of exempt information as described in Section 42 (4) and Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Draft Developer Contributions Framework

(Councillors Hussey, Lyons, Mullan and Nicholl had left the room whilst the item was under consideration.)

The Development Engagement Manager provided an overview of the report regarding the Draft Developer Contributions Framework (DCF) which set out the Council's approach to securing Developer Contributions through the planning process to provide transparency and certainty for applicants, developers, Members and the public on how the process would work.

He explained that the DCF had been revised following feedback from Elected Members and external partners and a 12-week public consultation was also required.

After discussion, the Committee endorsed the Draft Developer Contributions Framework for a 12-week public consultation and noted that the report would be considered by the Strategic Policy and Resources Committee on 22nd June.

The Committee also noted that the Committee would receive regular updates in relation to Section 76 contributions and how they were implemented.

(Councillors Hussey and Mullan returned to the Committee table at this point.)

Replacement of the Planning Portal

The Committee was reminded that the Council was participating in a joint project with the Department for Infrastructure (DfI) and the other 10 council areas to examine the options to replace the Planning Portal.

The Development Engagement Manager explained that this had culminated in a Draft Outline Business Case (OBC) commissioned by DfI that examined the various options, as summarised in Appendix 1 to the main report.

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He advised that Council officers had provided an interim response to the OBC (Appendix 2) and DfI sought a formal position from each Council on the OBC by August/September, 2018. He indicated that a further updated report to consider the replacement Planning Portal would be submitted to the Planning Committee and the Strategic Policy and Resources Committee in August.

During discussion, the Divisional Solicitor advised that she would investigate the impact of the General Data Protection Regulations in relation to the neighbour notification letters published on the Planning Portal and report back to the Committee.

Noted.

Publicity of Planning Applications

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

The Committee was reminded that Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 required the Council to notify the existence of planning applications in three ways:

- By publishing the Notice of the application in at least one newspaper circulating in the locality in which the land to which the application was situated;
- Serve notice of the application on any identified occupier on neighbouring land; and
- Publish the notice on the Planning Portal Website.

The Development Engagement Manager provided an overview of the background to award of a tender for the 'Provision of Advertising Services for the placement of Planning Notices'. He explained that in January, 2018, the Strategic Policy and Resources Committee agreed to extend the interim contract of publicising planning applications in two newspapers to 14th May, 2018 and monthly thereafter, however, a definitive contract was now required.

After discussion, the Committee considered the following two options:

- Option 1 - A single newspaper tender could be significantly under the publicising applications budget of £200k, which would allow the council to invest any savings back in the planning service to help support the Improvement Plan; and
- Option 2 - To continue to publicise planning applications in two newspapers. Based on costs under the existing interim arrangement, this could be in the region of £210k.

Proposal

Moved by Councillor McAteer, and
Seconded by Councillor Magee,

That the Committee agrees to recommend Option 2 to the Strategic Policy and Resources Committee for approval.

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

Further Proposal

Moved by Councillor Hussey, and
Seconded by Councillor Armitage,

That the Committee agrees to recommend Option 1 to the Strategic Policy and Resources Committee for approval.

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

(Councillors Dorrian, Lyons and Nicholl returned to the Committee table at this point)

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)

LA04/2017/2606/DCA - Demolition of building at 53 - 63 Royal Avenue and 16 Lower Garfield Street

The Case officer outlined the application for the Conservation Area Consent.

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 Building Control for the final wording of the conditions.

LA04/2018/0732/F - Amalgamation of the existing ASDA and adjacent retail unit to facilitate an extension to the existing supermarket at ASDA, Westwood Shopping Centre, Kennedy Way

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

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 Building Control for the final wording of the conditions.

LA04/2018/0968/F - Variation of conditions 2, 3 and 4 to allow for the reallocation of approved convenience and comparison floor space between Unit 11 and Unit H, Westwood Shopping Centre, Kennedy Way (LA04/2017/1399/F)

The Case officer outlined the application for the variation of conditions 2, 3 and 4 of planning permission LA04/2017/1399/F, under Section 54 of the Planning Act (Northern Ireland) 2011, to allow for the reallocation of approved convenience and comparison floor space between Unit 11 and Unit H. The application also sought to regularise the structure

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of Condition 2 to extract the floor space associated with the Ulster Bank unit (Unit G) from the comparison retail element of the condition.

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 Building Control for the final wording of the conditions.

LA04/2018/0824/F - 13 additional single bedrooms and 1 additional double bedroom studio on 15th floor of purpose built managed student accommodation and minor elevation amendments (retrospective) at 1 McClintock Street

The case officer provided an overview of the application for retrospective planning permission for the provision of 13 additional single bedrooms and 1 additional double bedroom studio on 15th floor and minor elevation amendments, to previous planning approval LA04/2015/0420/F.

During discussion, Members raised issues in relation to the amount of student accommodation required in the City Centre, the reasons for the retrospective nature of the application and an updated Section 76 agreement.

The Committee received representation from Mr. P. Beacom and Mr. P. McCann, representing the applicant. In response to Members concerns, Mr. Beacom suggested that the retrospective application was required as the design process had established inefficiencies in the use of space and showed that they had planned for too much plant space which could now be designated as additional bedrooms. He suggested that changes to the final design were common practice in a development of this size. He pointed out that the minor amendment would not adjust the bulk, scale or massing of the building and that the Section 76 agreement would be increased to reflect the increased number of bedroom units.

During further discussion, the Director advised that a Planning Committee workshop would be scheduled in relation to Purpose Built Managed Student Accommodation applications.

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 Building Control, 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 Building Control for the final wording of the conditions.

The Committee also requested that, in future, current images be used in the presentation to the Committee of planning applications.

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LA04/2018/0831/F - 7 additional bedrooms to purpose built student accommodation and minor elevational amendments (retrospective) at 8 College Avenue

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

The Committee was apprised of the principal aspects of the retrospective application for the addition of 7 bedrooms which would increase the total number of rooms in the scheme from 740 to 747.

The case officer advised that the minor elevational changes to the building would not result in harm to the character and appearance of the Conservation Area and highlighted that the Historic Environment Division had not responded to the consultation request as yet, however, they had no objection to the original permission.

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 Building Control, 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 Building Control for the final wording of the conditions.

LA04/2017/0323/O - Redevelopment of vacant Brownfield site to facilitate residential development on vacant lands at the former Mount Gilbert Community College, Ballygomartin Road

The case officer provided an overview of the outline planning application and confirmed that details of the application, such as flood risk, would be dealt with at the reserved matters stage.

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 Building Control for the final wording of the conditions.

LA04/2018/0529/A - Steel Panel sign on entrance to Giant's Park Development (entrance B) North of Dargan Road; and

LA04/2018/0530/A - Steel Panel sign on entrance to Giant's Park Development (entrance A) North of Dargan Road

The Committee agreed to consider the aforementioned applications together.

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

LA04/2018/0529/A

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

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LA04/2018/0530/A

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

LA04/2018/0410/LBC - Removal of the reception counter to be replaced with combined reception and memorabilia exhibition retail in Belfast City Hall

The case officer outlined the application for Listed Building Consent for the removal of the existing reception counter on the ground floor, main entrance rotunda area and a replacement with a combined reception and memorabilia exhibition retail reception counter.

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

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

LA04/2017/2407/F - 12 apartments in 1 block on lands opposite Dundela Flats, 47 Dundela Avenue

The Committee was apprised of the principal aspects of the application for 12 apartments in one block with associated car parking and landscaping.

The case officer confirmed that there had been two previous approvals for the western portion of the application site (Z/2004/0133/O and Z/2014/0271/F) that had been allowed on appeal and both were the subject of Section 76 Planning Agreements to offset the loss of open space with benefits to the adjoining Dundela Football Club.

Proposal

Moved by Councillor Armitage, and
Seconded by Councillor Nicholl,

That the Committee, given the issues which had been raised regarding the proximity to the Primary School and removal of trees, 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 two Members voted for the proposal and eight against and it was declared lost.

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

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LA04/2017/1447/O - 19 two-bed apartments (Renewal of Z/2013/0841/O) at 120 - 128 Orby Drive

The case officer advised that the principle of residential development in this location had been previously approved under reference Z/2013/0841/O.

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

LA04/2017/0509/F - Community urban farm including 2 single storey buildings, animal enclosures and garden areas on lands approx. 5 meters to south of 54 Rodney Parade

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.

LA04/2018/0280/F - Extension and alterations to Moyard House to provide a larger museum, restaurant and balcony/smoking area; extension to car park, new access laneway within curtilage of site and associated site works at 203 Glen 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 case officer informed the Committee that, after the agenda had been published, a response had been received from Transport NI with no objection to the application, subject to conditions.

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 Building Control for the final wording of the conditions.

Chairperson