

Planning Committee

Tuesday, 16th October, 2018

MEETING OF PLANNING COMMITTEE

Members present: Councillor Garrett (Chairperson);
Alderman McGimpsey;
Councillors Carson, Dorrian, Hussey,
Hutchinson, Johnston, Lyons, Magee,
McAteer, Nicholl and Mullan.

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 Councillor McDonough-Brown.

Minutes

The minutes of the meeting of 11th September 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 October, 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 reported.

Special Planning Committee Request

The Committee agreed to hold a special meeting between 23rd and 26th October, in relation to planning application LA04/2018/2393/LBC - Conservation led works to Bank Buildings involving the taking down, recording and assessment for restoration purposes of the building above the fourth floor cornice line to the Bank Street, Castle Street and Castle Place elevations of the building for off-site storage.

Committee Site Visits

Pursuant to its decision of 11th September, it was noted that the Committee had undertaken a site visit on 25th September in respect of planning applications LA04/2017/1153/F - 10 Lorne Street, 4 Storey apartment development, comprising 31 apartments, car parking, amenity space and associated and LA04/2017/2811/F - 81-87 Academy Street and 2-6 Exchange Street - Demolition of existing building and erection of 16 storey residential building.

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Issues Raised in Advance by Members

Site Visit Request - Modern Methods of Construction (Councillor Lyons to raise)

The Committee considered a request from Councillor Lyons to visit a Clanmil Housing Scheme which intended to manufacture homes via off-site construction methods in Lisburn for a housing project in Carrickfergus.

The Committee agreed to undertake a site visit to the Clanmil Housing Scheme in Carrickfergus.

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 September and 9th October, 2018.

Miscellaneous Item

Restricted Item

The Information contained in the following report 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 item 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.

Planning Portal Update

(Councillors Carson and Lyons had left the room whilst the item was under consideration.)

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, further information had been received from DfI relating to governance and legal issues. He indicated that options

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on the replacement Planning Portal would be submitted to the Planning Committee and the Strategic Policy and Resources Committee for consideration in due course.

Noted.

(Councillors Carson and Lyons returned to the Committee table at this point.)

Withdrawn Items

The Committee noted that the following items had been withdrawn from the agenda:

- LA04/2017/2726/A light emitting diode (LED) display unit 510 South of Broadway Roundabout;
- LA04/2017/2727/A light emitting diode (LED) display unit 50m North of Grosvenor Bridge over Westlink;
- LA04/2017/2731/A light emitting diode (LED) display unit on M2 when travelling South;
- LA04/2017/2732/A light emitting diode (LED) display unit 145m West of Dee Street junction on Sydenham Bypass when travelling west; and
- LA04/2017/2733/A - Light emitting diode (LED) display unit located at the footbridge at the former airport access 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)

(Reconsidered Item) LA04/2017/1153/F - 10 Lorne Street, 4 Storey apartment development, comprising 31 apartments, car parking, amenity space and associated works

The case officer reminded the Committee that, at its meeting on 11th September, before presentation of the application had commenced, the Committee had agreed to defer consideration of the application to enable a site visit to be undertaken.

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

The case officer informed the Committee that, after the agenda had been published, three amended drawings had been received from the architect on 12th October, to illustrate the following changes:

- Omission of lift access to fourth floor amenity area. It appeared that the lift shaft would remain internally with access as far as the 3rd floor;

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- Elevations amended – detailing and materials on the third floor amended (Slate tiling to mansard roof with standing seam zinc cladding to dormers over windows); and
- Amendments to third floor window details.

She also advised that the following correspondence had been received from various political representatives:

- Email from Councillor Craig requesting a meeting between the applicant and the Planning Service following the scheduling of the application as a refusal;
- Email from Claire Hanna MLA which sought information on the planning application; and
- Letter of support from Paula Bradshaw MLA: Support for social housing, redevelopment of vacant site, adequate parking provision and no overshadowing. Letter also supported a meeting between the applicant and the Planning Service.

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

She explained that, after assessment, the application had been recommended for refusal on the grounds that:

- The proposal was contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the development would not, if permitted, respect the surrounding context and was inappropriate to the character of the site in terms of layout, excessive scale and massing and appearance of buildings;
- The proposal was contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the design of the development did not draw upon the best local traditions of form, materials and detailing and an inadequate landscaping scheme had been provided which did not soften the visual impact of the development or assist integration with the surrounding area;
- The proposal was contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the development would, if permitted, have an unacceptable adverse effect on the proposed property in terms of loss of light, overshadowing and poor outlook for potential residents;
- The proposal was contrary to Policy LC1 of Planning Policy Statement 7 Addendum in that the pattern of development was not in keeping with the overall character and environmental quality of the area;
- The proposal was contrary to the SPPS and Policy FLD 3 of Planning Policy Statement 15 in that the applicant had failed to submit information as requested to demonstrate that adequate measures would be put in place to effectively mitigate the flood risk to the development and from the development elsewhere; and

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- The proposal was contrary to the SPPS and Policy ATC 2 of Planning Policy Statement 6 Addendum as the proposed development did not maintain the overall character or respect the built form of the area.

The Committee received a representation from Councillor Craig in objection to the case officer's recommendation for refusal. He suggested that the current warehouse structure on site did not enhance the character of the area and the site was located close to a commercial area which led onto the Lisburn Road. He suggested that there was no consistency in the application of policy as a similar scheme had been approved on Windsor Road.

The Committee received a representation from Mr. T. Wilson, agent, representing the applicant. Mr. Wilson raised the following points of objection to the case officer's recommendation for refusal:

- Suggested scale and massing was not an issue;
- The current building on the site was derelict and vacant;
- Consideration should be given to context and surrounding commercial buildings;
- The 4th storey was contained within the roof;
- The drawings shown in the case officer's presentation were not a true representation of the proposal;
- The design was a horse shoe arrangement and was on a sun path;
- Refusal was unjustified as proposal would enhance the area from what's currently on site;
- Flooding issues and control of discharge had been dealt with in the application;
- The proposal was intended for social housing for elderly persons;
and
- The proposal would maintain the character of the area.

During points of clarification, Mr. Wilson explained the lift access to the fourth floor and suggested that the Planning Service had declined to meet with him to discuss their recommendation for refusal.

Proposal

Moved by Councillor Hussey, and
Seconded by Alderman McGimpsey,

That the Committee, given the issues which had been raised regarding the outstanding information, agrees to defer consideration of the application to enable clarification of the issues to be provided in an amended report at the next meeting.

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

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LA04/2017/2728/A - Light emitting diode (LED) display unit located on the M1 Motorway (Northbound) 145m Southwest of Blacks Road; and

LA04/2017/2730/A - Light emitting diode (LED) display unit located 430m North Of Duncrue Street offslip

The Committee agreed to consider the aforementioned applications together.

The case officer outlined the applications for the erection of 11.2m high by 4.3m wide advertisement supporting structures containing 6.7m high by 3.8m wide LED screens at both locations.

The case officer informed the Committee that, after the agenda had been published, technical information had been submitted to address the Department for Infrastructure (DfI) Roads concerns and the refusal reason, but no amendments had been made to the proposed scheme.

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 explained that, after assessment, both applications had been recommended for refusal on the grounds that:

- The proposals were contrary to Planning Policy Statement 17 (PPS17): Control of Outdoor Advertisements; Policy AD1, Amenity and Public Safety, in that the applicant had failed to demonstrate that the proposal would not prejudice public safety; and
- The proposals were contrary to Planning Policy Statement 17 (Control of Outdoor Advertisements) Policy AD 1 in that the proposed LED display units would, if permitted, be unduly visually prominent at these locations due to inappropriate scale and massing and, lead to an undesirable precedent for other similar signs along this main traffic route.

The Committee received a representation from Councillor Craig in objection to the case officer's recommendations for refusal. He suggested that similar proposals had been approved elsewhere in the UK and that the applicant had worked on the site specific project with DfI Roads. He advised that the applicant had submitted additional information on 12th October, however, the applicant had not had the opportunity to review or consider the response from DfI Roads.

The Committee received a representation from Mr. C. Bryson, agent, representing the applicant. Mr. Bryson raised the following points of objection to the officer's recommendations for refusal:

- In consideration of the proposal, weight should be given to the Department for Infrastructure Memorandum (2015) in relation to advertisements which stated "*there is no conclusive proof that the*

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presence of advertisements is a contributing factor in the cause of road traffic collisions”;

- The proposals formed part of a wider DfI pilot scheme, where 7 locations would be proposed for such advertisements on a trial basis, which had not been mentioned in the report;
- The case officer’s report had not outlined the socio-economic benefits of the proposal, which included revenue for the Council;
- Information submitted to the Council had not been available on the Planning Portal;
- The applicant had not been made aware of additional consultation information received by the Planning Service; and
- Requested a deferral so that all matters could be considered.

During point of clarification, Mr. Wilson confirmed that similar LED Advertisements had been installed in Birmingham, Milton Keynes and Glasgow.

The Committee received a representation from Mr. L. Walsh, Department for Infrastructure Roads. Mr Walsh advised that research indicated that digital advertisements had a dwell time that would distract drivers and suggested that the M1 and M2 should not have any additional distractions. He suggested that the pilot scheme was subject to suitable locations of the proposed LED advertisements and confirmed that he had concerns with the locations of the two proposals.

LA04/2017/2728/A

The recommendation to refuse the application was put to the Committee when eleven Members voted in favour and one against and it was declared carried.

Accordingly, the Committee refused the application for the reasons as set out in the case officer’s report.

LA04/2017/2730/A

The recommendation to refuse the application was put to the Committee when eleven Members voted in favour and one against and it was declared carried.

Accordingly, the Committee refused the application for the reasons as set out in the case officer’s report.

LA04/2017/2811/F - 16 storey residential building comprising 90 units and ancillary ground floor uses 81 - 87 Academy Street and 2 - 6 Exchange Street

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

The Committee considered the application for the demolition of an existing vacant three storey building on the site (under accompanying application LA04/2017/2783/DCA) and the erection of a 16 storey residential building comprising of 90 units (30 x one bed and 60 x two bed), ancillary ground floor uses including management suite, café, servicing

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(refuse/recycling/cycle storage/general storage), plant room, substation and associated public realm works.

The Development Engagement Manager informed the Committee that, after the agenda had been published, the following points of objection had been submitted:

- The impact of a 19 storey building in a conservation area;
- The impact on the setting of St. Anne's Cathedral and Library Service Head Quarters, which were listed buildings;
- The height would set a precedent for tall buildings in city centre;
- The proposal was contrary to Planning Policy Statement 6 and it would not respect the 3 storey height of adjoining buildings;
- Questioned if consultation had been carried out with other environment and heritage bodies;
- Questioned what comments the conservation officer and urban design officer had made in relation to the proposal as they had not been contained in the Development Management Report;
- The demolition of a building sympathetic to height and scale of conservation area, and replacement with a 16 storey building was contrary to policy;
- Suggested there were other sites within/ near city centre, outwith conservation areas and away from listed buildings that were more suited to high-rise development; and
- The proposed building would be inappropriate to the genius loci of the surrounding area.

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

He advised that a consultation response had also been received from Department for Infrastructure (DfI) Roads on 10th October which suggested that 25-45 car parking spaces were required and highlighted the subsequent impact on amenity of local residents and businesses. However, a meeting had taken place on 15th October between DfI Roads, Officers and the applicant in which a 5 year travel card pack for residents to use public transport had been proposed, together with the submission of a travel plan. He advised that, on that basis, DfI Roads would withdraw their requirement for on-site parking. He explained that DfI Roads agreement on this needed to be confirmed in writing and the requirements would need to be secured if the proposal was approved.

He pointed out that a condition regarding the proposed Public Realm Works would also be applied, which required proposed public realm improvement works in the vicinity of the site to be completed prior to occupation of the first residential unit, if the proposal was approved.

He informed the Committee that the agent had also submitted a briefing statement to the Committee, however, all information had previously been included within supporting documents submitted to the Council during the processing of the planning application.

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The Committee received a representation from Mr. D. Flinn, representing the Belfast Civic Trust in objection to the proposal. He raised concerns in relation to the height of the proposal in the conservation area and the proposed materials and its contrast to the rest of the conservation area. He suggested that the proposal would, if approved, set a precedent in the area and be in breach of CC013 Policy as set out in BMAP. He suggested also that the tall building examples given in the case officer's presentation weren't logical as they were located outside of the conservation area. He pointed out that, paragraph 9.23 of the case officer's report stated a '*red bricked finish*', however, the building proposed would be white. He questioned paragraph 9.38 of the case officer's report which stated '*the vertical emphasis*' and its relationship to the Education and Library Board (ELB) building which would be 32m higher and suggested that the comparisons were challengeable. He suggested that the Council should preserve the area, the proposal was contrary to policy and would interfere with the sustainable economic benefits of the conservation area.

The Committee received a representation from Mr. M. Gordon, Mr. S. Tyler and Mr. S. Levrant representing the applicant. They raised the following points, in support of the application:

- The proposal would bring investment to the area;
- The proposal would assist the Belfast agenda as it would provide diverse housing and increase the city centre population;
- The proposal would balance heritage and each application should be considered on its own merits;
- The proposal was designed to be a bespoke response to the location;
- BMAP predated the University decision in relation to transforming the area;
- The proposal would strengthen the character of the area and balance the dominance to the roads;
- The proposal would add to the cluster of tall buildings and would be set back from the ELB building;
- The design was an elegant scheme and proposed to use cladded brick, aluminium and glass with active entrances and retail/cafe space on the ground floor; and
- Suggested a Travel Plan and Ticket Scheme for residents to use Public Transport as no car parking had been proposed.

During points of clarification, the agents explained the travel ticket scheme, the viability of the proposal, the height of the building, cycle provision and potential public realm enhancement.

During discussion, the Director also clarified the responses from the Urban Design Officer and the Conservation Officer. He also advised that an approach to how residents with disabilities could be accommodated in relation to the travel package could also be considered as part of the aforementioned discussions on the travel 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

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Director of Planning and Place for the final wording of the conditions, subject to clarification of the consultation response from DfI Roads, satisfactory amendments to the design of the public realm enhancements, the submission of a satisfactory travel plan and securing travel cards for five years. The Committee also noted that the Department for Infrastructure would be notified.

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

(The meeting was adjourned for 10 minutes.)

LA04/2018/1321/F - Change of use from call centre to vehicle storage including new external vehicle access ramp and associated site works, Unit 2-6 Apollo Space Building, Apollo Road

(Councillors Carson and Lyons had left the room whilst the item was under consideration.)

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 Place for the final wording of the conditions.

LA04/2017/1012/F - 22 dwellings (12 apartments in 1 block, 8 semidetached and 2 bungalows) associated planting and new access onto Beersbridge Road on lands to the west of Owen O'Cork Mill, 288 Beersbridge Road

The Committee considered the aforementioned 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 Place for the final wording of the conditions.

LA04/2018/0916/F - 45 apartments within 3 three storey buildings including access, parking, cycle bays, open space, landscaping and associated site works on land adjacent to East of 1-13 Lewis Park and 2-20 Lewis Mews

The Committee considered the application for the erection of 3 apartment blocks comprising of 45 two bedroom apartments, including communal circulation and ancillary areas along with associated site works, car parking, roads and landscaping.

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.

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LA04/2018/1676/F - Conversion of existing dwelling to an HMO at 107 Donegall Avenue

The case officer explained that, after assessment, the application had been recommended for refusal on the grounds that the proposal was contrary to Policy HMO 5 of the HMO Subject Plan, in that the 10 percent limit for HMO's within 300m either side of 107 on Donegall Avenue had already been exceeded.

The Committee refused the application for the reason as set out in the case officer's report.

LA04/2018/1912/F - Change of Use of single dwelling to a HMO at 30 Thorndale Avenue

The Committee considered the aforementioned application.

The case officer highlighted that the application site fell within a HMO Policy Area (HMO 2/20) as designated within the HMO Subject Plan for Belfast. The Policy stated that planning permission would only be granted where the number of HMO dwellings units did not as a result exceed 30 percent of all dwelling units within the Policy Area. The Council's records indicated that this figure had been exceeded.

The case officer explained that, after assessment, it had been recommended for refusal on the grounds that:

- The proposal was contrary to Policy HMO 1 of the HMO Subject Plan for Belfast City Council Area 2015 in that the 30% limit for HMOs within the Thorndale HMO Policy Area (Designation HMO 2/20) had already been exceeded. Approval of this proposal would therefore be contrary to policy as it would contribute to an unacceptable concentration and proliferation of HMO use in the area; and
- The proposal was contrary to HMO 6 of the HMO Subject Plan for Belfast City Council Area 2015 in that it was within a HMO Policy Area and would exceed 4 bedrooms.

The Committee refused the application for the reason as set out in the case officer's report.

LA04/2018/1807/F - Change of use from a private dwelling to a 5 bed HMO at 427 Springfield Road

The Committee considered the application for the change of use from a private dwelling house to a 5 bed House of Multiple Occupation.

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The case officer confirmed that the application site was not within an HMO Policy Area or Development Node as designated in the HMO Subject Plan 2015 and complied with the HMO Policy Area and was acceptable in terms of the 10% threshold.

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

LA04/2018/1672/F - Conversion of existing dwelling to a HMO at 163 Broadway

The case officer confirmed that the application site was not within an HMO Policy Area or Development Node as designated in the HMO Subject Plan 2015 and complied with the HMO Policy Area and was acceptable in terms of the 10% threshold.

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

LA04/2018/1457/F - Installation of 6m high lighting to Carpark at Recreational grounds at Blanchflower Playing Fields, Hollywood Road

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 in the case officer's report.

Chairperson