

Planning Committee

Tuesday, 15th October, 2019

MEETING OF PLANNING COMMITTEE

Members present: Councillor Carson (Chairperson);
Alderman Rodgers; and
Councillors Brooks, Canavan, Collins,
Garrett, Groogan, Hussey,
McKeown, McMullan, Murphy
Nicholl and O'Hara.

In attendance: Mr. E. Baker, Planning Manager (Development
Management);
Ms. N. Largey, Divisional Solicitor; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

An apology for inability to attend was reported from Alderman McCoubrey.

Minutes

The minutes of the meeting of 17th 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

Councillor Groogan declared an interest in the following items:

- item 6a, namely, LA04/2019/1445/O - Residential development of 53 apartments and car parking spaces at Former Monarch Laundry Site, 451-455 Donegall Road, in that she would withdraw from the meeting and would be speaking against the application;
- item 6b, namely, LA04/2019/0127/O - Redevelopment of existing surface car park and erection of new purpose built, build to rent residential units, with shared amenity spaces on site bounded by Glenalpin Street, Wellwood Street and Norwood Street, in that she had previously attended a consultation on behalf of her employer and she withdrew from the meeting for the duration of the discussion;
- item 6j, namely, LA04/2019/1887/F - Retrospective change of use from residential property to House in Multiple Occupation (HMO) at 4 Chichester Avenue, in that she had previously been involved in a

**Planning Committee,
Tuesday, 15th October, 2019**

Planning enforcement case relating to the property, on behalf of her employer, and she withdrew from the meeting for the duration of the discussion; and

- further declared an interest in the pre-emptive site visit which had been suggested by officers, to LA04/2019/1614/F: Redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area (MUGA pitch), pitch side fencing and ball-stop nets, renovation of existing outbuildings to provide new changing accommodation, car parking, landscaping and associated site works at existing all-weather sports pitch at Stranmillis University College, Stranmillis Road, in that she had been involved in discussions with the applicant during Pre-Application stage, and that she would not be attending that site visit.

Committee Site Visits

It was noted that the Committee had undertaken site visits on 2nd and 9th October in respect of the following planning applications:

- LA04/2019/0517/F - Residential development comprising 154 units and ground floor retail at El Divino Nightclub and adjacent open space at Mays Meadow;
- LA04/2018/2283/O - Demolition of existing building and construction of 12 apartments at 236 Upper Newtownards Road;
- LA04/2019/1445/O - Residential development of 53 apartments and car parking at Former Monarch Laundry, 451-455 Donegall Road;
- LA04/2018/2097/F & LA04/2018/2034/LBC Change of use & refurbishment of Wilton House to provide 8 apartments and erection of new build 5 storey residential development to provide 23 dwellings (5-6 College Square North); and
- LA04/2019/0127/O Redevelopment of existing surface car park and erection of new purpose built, build to rent residential units with shared amenity spaces at Glenalpin Street/Wellwood Street and Norwood Street.

In response to a suggestion from the Planning Manager (Development Management) relating to a number of major planning applications which were due to be considered by the Committee over the next few months, the Committee agreed to undertake pre-emptive site visits to the following four sites:

1. LA04/2019/1598/F: Proposed Apart-Hotel (87no. bedrooms & 26no. serviced apartments), 14no. Business Studios and 10no. live/work studios with associated car parking and landscaping at Adelaide Business Centre, off Boucher Road;

**Planning Committee,
Tuesday, 15th October, 2019**

2. LA04/2019/1615/F: Erection of mixed use development consisting of an 82no. bed hotel and 46no. apartments with associated car parking and landscaping at Stockman's Way;
3. LA04/2019/1636/F: Erection of hotel comprising 276 beds, conference facilities, restaurant /café/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works at Hamilton Dock located off Queens Road; and
4. LA04/2019/1614/F: Redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area (MUGA pitch), pitch side fencing and ball-stop nets, renovation of existing outbuildings to provide new changing accommodation, car parking, landscaping and associated site works at existing all-weather sports pitch at Stranmillis University College, Stranmillis Road.

Abandonments

The Committee was apprised of correspondence which had been received relating to the proposed abandonment of:

- an area of road of Whitla Street;
- areas at Tyndale Gardens; and
- footpath to the rear of Albert Street, Quadrant Place and Cullingtree Road.

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

A Member raised concerns regarding the discharge of a condition relating to application LA04/2019/2004/DC – Lands to the rear of Finaghy Park Central, given that the condition had been integral to the Committee's approval. Officers provided the Committee with details relating to the discharging of the condition, and agreed to provide the Member with further information relating to that application.

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 7th October, 2019.

Miscellaneous Items

**Publication of the Regional Planning
Monitoring Framework 2018/19**

The Committee considered the undernoted report and the associated appendices which were available on mod.gov:

“1.0 Purpose of Report or Summary of main Issues

- 1.1 To make Members aware that the inaugural Planning Monitoring Framework for Northern Ireland was published by the Department for Infrastructure (DFI) on 19 September 2019.

2.0 Recommendations

- 2.1 The Planning Committee is asked to note the Planning Monitoring Framework 2018/19.

3.0 Main report

Background

- 3.1 In October 2016, the Department for Infrastructure commenced work on a new Planning Monitoring Framework for Northern Ireland in consultation with local government. The impetus for the Framework was to drive performance and continuous improvement of Planning Authorities across the region.
- 3.2 There has been a collaborative approach to the development of the Framework between the Department and 11 councils with Belfast City Council a keen advocate of it as a means to promote the planning performance agenda across Northern Ireland.
- 3.3 Development of the Framework was last formally reported to the Planning Committee in June 2017. At the time, the Council provided a number of detailed comments on the then draft version but it has since changed considerably, having been significantly reigned back in scope. Nevertheless, the final version provides a useful series of additional Key Performance Indicators to sit alongside the three statutory performance targets for average processing time for Major applications (30 weeks); Local applications (15 weeks) and bringing to conclusion at least 70% of enforcement cases within 39 weeks.

3.4 Planning Monitoring Framework 2018/19

The Framework was formally published on 19 September 2019. The main component is a 'dashboard' that shows the KPIs in graphic form. Dashboards are provided for each of the 11 councils and Department. A regional picture of performance is also provided.

3.5 Members will note the KPIs for Belfast City Council are:

- 1) Major applications – 41.4 weeks average processing time (30 week target)
- 2) Major applications – 36.4 weeks average processing time (including withdrawn)
- 3) Local applications – 15.2 weeks average processing time (15 week target)
- 4) Local applications – 15.0 weeks average processing time (including withdrawn)
- 5) Enforcement cases – 86.8% concluded within 39 weeks (70% target)
- 6) % applications determined under delegated powers – 93.4%
- 7) Applications determined by Planning Committee – 118 applications
- 8) % of committee decisions against officer recommendation – 2.5%

3.6 The Council was able to provide the following narrative to provide context to these KPIs (character limited):

'During this reporting period, Belfast City Council launched their ten Operating Principles aimed at 'front-loading' the application process, and a new Application Checklist, which should benefit in ensuring applications have the right information on submission. The Planning Statistics publication shows BCC's performance against legislative indicators continues to improve.

Indicators for local applications (excluding withdrawn applications) and enforcement have been met. New processes speeding up turnaround times are improving major application processing performance. 21 major permissions were granted, with two applications withdrawn. High delegation levels supports faster decision-making.'

3.7 Members are advised that the dashboard format can be improved by providing the volumes of work alongside the KPIs to provide important context to the relative workloads of

each Planning Authority. Officers will request that the Framework for 2019/20 includes this.

- 3.8 A copy of the Framework ('dashboard') is provided at Appendix 1. The Framework can be viewed in full at the following link:

<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-monitoring-framework-201819>

- 3.9 **Performance and Improvement**

Following the planning service's implementation of its 10 Operating Principles (copy at Appendix 2), launch of its Application Checklist and restructuring of its development management teams, there has been continuing improvement to performance, particularly in relation to Local applications with the year to August performance at 13.4 weeks, within the 15 week target.

- 3.10 At the Planning Committee Workshop in September, officers reported on the updated Planning Improvement Plan which will help drive improved performance and customer service, Improvement Plan for Major applications, and Performance Report for Q1 2019/20. Officers will continue to report performance and improvement to Members quarterly.

- 3.11 **Financial & Resource Implications**

None identified.

- 3.12 **Equality or Good Relations Implications/Rural Needs Assessment**

No adverse impacts identified at this time."

The Committee noted the contents of the report.

Restricted Item

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

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

**Planning Committee,
Tuesday, 15th October, 2019**

**Restricted Item - Update on Replacing
the Planning Portal**

The Committee was provided with an update on the regional project to replace the Northern Ireland Planning Portal, including details of the Outline Business Case, the proposed timetable and the estimated cost.

The Committee noted the update which was provided.

Planning Applications

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE
POWERS DELEGATED TO IT BY THE COUNCIL UNDER STANDING ORDER 37(e)**

**(Reconsidered item) LA04/2019/1445/O - Residential
development of 53 apartments and car parking spaces
at Former Monarch Laundry Site, 451-455 Donegall Road**

(Councillor Groogan declared an interest and moved to the public gallery in order to address the Committee on the item, and subsequently left the room for the duration of the discussion and did not participate in the vote.)

The case officer reminded the Committee that it had agreed, at its meeting on 17th September, to undertake a site visit to acquaint itself with the location and the proposals at first hand. He explained that the site visit had taken place on 2nd October.

He explained that a consultation response had since been received from Environmental Health, who had no objections in principle to the proposals and had requested a number of conditions to be included if approval was granted.

The Committee was provided with the key aspects of the application. The case officer explained that there was a scheduled monument on the site, the former laundry chimney, which would be retained as a feature within the significant area of public open space. He advised the Members that a number of matters had been requested to be reserved by the applicant, including the exact size and layout of the apartments, the mix of sizes of apartments and the detailed design of the development.

He advised the Members that the site was unzoned white land within the settlement development limit and, given the site context with adjacent residential development, residential development was considered acceptable in principle subject to other planning considerations.

The Committee was advised that DFI Roads had no objection to the proposals subject to conditions. The case officer pointed out that the proposals included 53 car parking spaces, cycle parking and that the site was on a bus route.

He outlined that HED had also been consulted and had no objections having assessed the proposals against PPS6 and considered that there would be no adverse impact against the setting of the scheduled chimney or adjacent listed buildings.

**Planning Committee,
Tuesday, 15th October, 2019**

The Members were advised that eleven representations had been received, one specific and ten standard letters. He outlined the detail of the objections, most notably that the proposal did not include social and affordable housing.

The Committee was advised that the initial response from the Northern Ireland Housing Executive (NIHE) had stated that there was no requirement for social housing in the area. However, he drew the Committee's attention to the Late Items Pack, where an additional response had been received from NIHE, whereby it stated that, upon reviewing its initial response, it would support the inclusion of 20% social and affordable housing within the scheme, namely 5 social housing units and 5 affordable units. The case officer explained, however, that the agent had been informed of the further response from NIHE but that there was no policy basis for requiring a developer to include affordable housing.

In relation to a question which had been raised at the site visit relating to the density of housing in the area, the case officer outlined that the proposed density for the site was 98 units/hectare. He pointed out that, while the density in the streets immediately adjacent to site, namely the Monarch Parade, Rockland and Lower Rockview Street area, was 44 units/hectare, a density of 97 units/hectare was seen in the surrounding streets of the Benburb, Tavanagh, Rockview and Kilburn Street area.

The Chairperson welcomed Councillor Groogan to address the Committee.

Councillor Groogan outlined to the Committee that she wished to represent the views of her constituents in the Village area of Botanic, in objection to the application. She stated that Anti-Social Behaviour was high in the area and that redevelopment and regeneration of the site was much needed. However, she explained that she felt that the plans were not in keeping with the surrounding area. She outlined a number of reasons why she felt that the application was unsuitable, including that:

- she welcomed the NIHE's second response which stated support for social and affordable housing at that location;
- the previous planning permission for social housing on the site was more in keeping with the type of development in the area;
- two storey terraced properties were typical in the area, not high apartment buildings, and the proposal which would significantly increase the density of housing in the area;
- it did not respect the local character and amenity of the established residential area under PPS7, nor did it meet Policy LC1 of the addendum to PPS7;
- the case officer's report stated that there were sufficient neighbourhood facilities in the area and that the area was well connected – she stated that unfortunately that was not the reality, there was no local school, there was limited access to shops and, although it was on a main arterial route, the area had been left behind in terms of public transport provision; and
- the application did not meet QD1 of PPS7.

**Planning Committee,
Tuesday, 15th October, 2019**

The Chairperson welcomed the agent, Mr. T. Stokes, and Mr. J. McElroy, on behalf of the applicant, to the meeting. Mr. Stokes provided the Committee with reasons why he felt it should support the application, including that:

- the applicant had undertaken an extensive pre-application discussion (PAD) and consultation in the local area, including the circulation of 400 flyers and an information event in a local church;
- the scheme was the most appropriate design for a brownfield site;
- they had noted the email from NIHE which had stated support for social and affordable housing in the area but he pointed out that this was contrary to their previous response at PAD stage, and was also contrary to another response from NIHE to the application on 2nd July, which had reaffirmed the Executive's position that there was "no need for social housing at this location". The agent advised that the designs had been submitted on that basis;
- the high quality scheme would comprise private, affordable housing units, all of which would fall within the bracket to avail of co-ownership;
- the design and scale were appropriate for the context of the area, with significant separation distances to existing properties;
- the designs included two large areas of open space which would be open for public use, not just residents and which were well in excess of standards;
- in conjunction with Planning officers, they had agreed that a negative condition be included in any approval requiring that a scheme of public realm works take place along the Donegal Road and Monarch Street, to be agreed at reserved matters stage.

In response to a Member's question as to whether the scheme would have included social or affordable housing had NIHE's initial response at PAD stage been that they would have welcomed social and affordable housing at that location, Mr. McElroy explained that they had originally put forward plans for social housing twice and they had been advised that there was no demand for it. He explained that he felt it was inequitable, therefore, to be told at such a late stage that social housing should be incorporated into the scheme.

A number of Members expressed concerns relating to the Housing Executive's changed response in the past month and queried whether the 20% figure was a new NIHE policy.

After discussion, the Committee agreed that the Northern Ireland Housing Executive (NIHE), including Mr. Clark Bailie, the Chief Executive, be urgently invited to attend a meeting of the Planning Committee to discuss their policies and their responses in relation to social and affordable housing across the City.

After further discussion, the Chairperson put the case officer's recommendations to the Committee for its consideration, namely:

**Planning Committee,
Tuesday, 15th October, 2019**

“That planning permission be granted, subject to conditions, and that delegated authority be given to the Director of Planning and Building Control to resolve any matters in relation to the outstanding consultation response from Rivers Agency and to finalise the wording of the conditions.”

On a vote by show of hands, nine Members voted for the recommendation and two against and it was accordingly declared carried.

(Reconsidered item) LA04/2019/0127/O - Redevelopment of existing surface car park and erection of new purpose built, build to rent residential units, with shared amenity spaces on site bounded by Glenalpin Street, Wellwood Street and Norwood Street

(Councillor McMullan left the room at this point)

(The Chairperson reminded the Committee that as Councillors Groogan, McMullan and O’Hara had not been present for the discussion on the item at the previous meeting, on 17th September, they were therefore not entitled to vote on the application.)

He reminded the Committee that it had agreed, at its meeting on 17th September, to defer consideration of the application in order to undertake a site visit to acquaint itself with the location and the proposals at first hand and also for officers to re-engage with the NI Housing Executive in relation to its response regarding social housing need in the area. He explained that the site visit had taken place on 9th October. The Committee’s attention was drawn to the Late Items pack, whereby the case officer explained that the NIHE had reaffirmed its position, stating that there was adequate provision of social housing in the area, with the redevelopment of an adjacent site on Hope Street together with a number of new sites pepper potted throughout the Sandy Row area in addition to the re-letting of existing social housing stock.

The case officer provided the Members with the details of the outline application for a build-to-rent development in the city centre. He advised the Committee that the outline plans included 11 car parking spaces and that a Draft Travel Plan had been submitted with the application to promote alternative modes of travel and to reduce reliance on the car and that it was subject to a Section 76 Legal Agreement. The Members were advised that this included public transport travel cards and access to a car club for residents.

The Members were provided with visuals which illustrated that the proposed scheme had a similar shoulder height to adjacent apartments and that the built form dropped substantially in the middle and also stepped down where it met Sandy Row, in order to mitigate against any potential impact on the residential amenity of the existing residential units on Great Victoria Street. He confirmed that the final scale and massing, built form and materials and design would be considered at reserve matters stage.

The Committee acceded to a late speaking request from Councillor T. Kelly and the Chairperson welcomed her to the meeting. Councillor Kelly explained that she wished to speak on behalf of the Sandy Row community and that she was objecting to the

**Planning Committee,
Tuesday, 15th October, 2019**

application. She outlined that the residents of Sandy Row were potentially going to be surrounded by seven large apartment or hotel blocks and that the community felt that they were not being consulted with or listened to by developers. She added that traditional housing in the area was being eroded and that the rents being proposed for the new developments were not accessible to the community.

The Chairperson then welcomed the agent, Mr. R. O'Toole, to the meeting. In response to the Councillor's comments, he advised the Committee that a full community consultation had been undertaken, including having met with public representatives and that they held a statutory public community event as part of the application process. He added that the applicant and agents felt that the design was the appropriate design, scale and massing for the surrounding area.

A Member raised concern regarding the fact that only eleven car parking spaces were being included as part of a development of around 200 apartments. He stated that, while he understood the rationale that residents in the city centre would use public transport more than a car, it was not realistic that nobody would have a car and that he felt that the residents of Sandy Row could be further impacted upon with additional cars parking in the residential streets surrounding the development. The Planning Manager advised the Committee that the site was a sustainable location with good access to shops, services, amenities and public transport and that the application would secure green transport measures to off-set the requirement for additional parking.

He also raised concerns relating to the impact that the development would have on surrounding properties access to daylight. In response, the case officer explained that the developer had made quite substantial changes to the initial designs, having made the proposal much smaller, and, while some impact on the surrounding properties amenity was inevitable, it had to be taken into account that the development was in the city centre and that high density living was commonplace. He reminded the Members that the plans were still indicative and that they could be tweaked at reserved matters stage.

The Committee agreed to that DFI Roads be invited to attend a future meeting of the Committee to discuss car parking and how they assessed the impact of a proposed development on traffic and congestion within an area.

After further discussion, the Chairperson put the case officer's recommendations to the Committee for its consideration, namely:

"That the Committee approves the application and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegates 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 delegates power to the Director of Planning and Building Control for the final wording of the conditions."

On a vote by show of hands, seven Members voted for the recommendation and one against and it was accordingly declared carried.

**Planning Committee,
Tuesday, 15th October, 2019**

(Councillors McMullan and Groogan returned to the meeting at this point)

**(Reconsidered item) LA04/2018/2097/F & LA04/2018/2034/LBC –
Change of use & refurbishment of Wilton House to provide
8 apartments including alterations to rear & side elevation
of Wilton House and demolition of existing rear return &
erection of new build 5 storey residential development
to provide 23 dwellings (15 new build) at Wilton House
5-6 College Square North**

The Planning Manager reminded the Committee that it had agreed, at its previous meeting, to undertake a site visit to acquaint itself with the location and the proposals at first hand. He explained that the site visit had taken place on 9th October.

The Members' attention was drawn to the Late Items Pack, whereby a Service Management Plan for waste storage and a letter from the agent had been received, with a request for a pre-commencement condition for the requested contaminated land risk assessment. The Planning Manager advised the Committee that, if the recommended refusal was agreed, officers would conclude a review of the information under delegated authority and that refusal reasons could be updated accordingly.

During discussion, the Planning Manager outlined reasons why he felt that the Committee should not move to defer consideration of the application again, given that the issues discussed related only to two of the eight refusal reasons and that the other reasons would still stand.

Proposal

Moved by Councillor Brooks and
Seconded by Councillor Garrett,

That the Committee agrees, noting that the proposal involved an important listed building on the at-risk register, to defer consideration of the application to allow planning officers further time to engage with the developer in order to see if the outstanding issues can be resolved.

On a vote by show of hands, ten Members voted for the recommendation and three against and it was accordingly declared carried.

**LA04/2019/1887/F - Retrospective change of use from
residential property to House in Multiple Occupation (HMO)
at 4 Chichester Avenue**

(Councillor Groogan declared an interest in the item and left the room for the duration of the discussion and did not participate in the vote.

Councillors Murphy and Hussey also left the room and did not participate in the vote.)

**Planning Committee,
Tuesday, 15th October, 2019**

The case officer provided the Committee with the principal aspects of the application for a retrospective change of use from a residential terraced property to a House in Multiple Occupation (HMO).

She clarified to the Members that policy HMO 5 applied, given that the area was outside a designated HMO Development Node or Policy Area.

She explained that the Land and Property Pointer database illustrated that there were 30 domestic properties on Chichester Avenue, which would allow 3 HMOs before the 10% threshold was exceeded. She explained that, according to records held by the Local Development Plan Team, records showed that no HMOs were currently registered on Chichester Avenue.

She explained that two representations had been received, raising issues with traffic impact and anti-social behaviour. She advised the Committee that both DFI Roads and Environmental Health had been consulted in relation to the proposal and that neither had expressed any objection.

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

**LA04/2019/0923/F - Demolition of existing dwelling
and construction of 10 Houses and 12 Apartments
at 14 Antrim Road**

(Councillor Groogan re-joined the meeting again at this point.)

(Councillors Hussey and Murphy re-joined the meeting halfway through the presentation of the item and so did not participate in the vote.)

The case officer provided the Committee with the principal aspects of the application. She explained the key issues in the assessment of the proposed development.

The Committee was advised that, having regard to the development plan, relevant planning policies and other material considerations, the proposal would have a detrimental impact on the character of the area and, due to the overdevelopment and intensification of the site, it would result in unacceptable visual damage to the appearance of the area.

The case officer explained that officers felt that the proposal would create an undesirable living environment for prospective residents due to unacceptable form, layout, density and inadequate provision of amenity space.

She outlined that the development did not respect the character and topography of the site and, if permitted, would result in the loss of around 21 mature trees which contributed to the amenity of the immediate and wider areas. The Committee noted that, since the report had been published, a Tree Preservation Order (TPO) had been confirmed at the site.

**Planning Committee,
Tuesday, 15th October, 2019**

The Committee was also advised that the proposal was zoned within a local landscape policy area and that it would have an unacceptable adverse impact on bats and priority habitats/natural features worthy of protection.

The case officer highlighted that the applicant had failed to submit sufficient information to address concerns in respect of flooding/drainage and roads, access and parking.

The Members were advised that the proposals did not comply with policy in SPPS, PPS2, PPS3, PPS7, the addendum to PPS7, PPS15 and therefore was recommended for refusal.

The case officer drew the Committee's attention to the Late Items Pack, where thirteen additional pro forma letters of support had been received, which brought the total number of supportive letters to 64. She advised the Members that 332 letters of objection had been received, generally, from the local community, whereas the letters of support had been received from outside the city.

The Chairperson welcomed Mr P. Lee, the architect, to the meeting. He raised a number of concerns, including that:

- there had been a significant delay in certain papers having been uploaded to the Planning Portal, including tree surveys, tree protection plans, design concept report, travel plans and site location data;
- the documents were uploaded 4.5 months after the application had been lodged and 3.5 months after statutory agencies had been consulted;
- planning officers had repeatedly refused to meet with him to discuss his concerns and to review the progress of the application;
- he had only been advised that the proposal was going before committee, with a recommendation of a refusal, on 1st October;
- the case officer's report had only been available to the applicant over the past few days;
- he firmly believed that most of the issues raised by Planning officers could be addressed through further information and discussion, with possible amendments made if required;
- he advised that a bat report had since been undertaken with no roosting detected;
- the site was on unzoned white land within BUAP and Draft BMAP;
- the density was comparable with the new Northview apartments directly opposite the site, with a density of 52 dwellings/hectare, and the older Mount Royal Apartment scheme to the rear, at 58 dwellings/hectare;
- Policy LC1 of PPS7 did not apply as the site was adjacent to a main transport corridor where policy seeks to increase in densities;

**Planning Committee,
Tuesday, 15th October, 2019**

- that a detailed tree survey, tree protection plan and detailed landscaping plan and that he disagreed with the figures provided by the case officer;
- DfI Roads Service had raised no safety issues with access or layout, contrary to the report;
- the existing building was three storeys at the front, not two as stated in the report;
- the proposal was a highly sustainable development in a sustainable location; and
- he was requesting additional time to address the issues.

In response to a Member's question regarding Mr. Lee's statement regarding the timeframe and the delay, the case officer explained that there had been technical issues with the uploading of some drawings around the time that the application had been lodged, but that these had been corrected and that an apology had been given to the applicant.

In response to a further Member's question, as to why the applicants request for a meeting with Planning officers had been refused, the case officer explained that the application was not subject to Pre-Application Discussion (PAD) and that there was such a significant amount of information missing from the application that a meeting would not have addressed the numerous issues. She added that the proposals were ill-conceived and that not enough consideration had been given at the outset to merit the Planning Service engaging further.

The Committee agreed the officer's recommendation to refuse the application, with delegated authority granted to the Director of Planning and Building Control to finalise the refusal reasons.

**LA04/2019/0219/F – Single level car park (244 spaces)
with associated landscaping (temporary) at the junction
of Stewart Street and East Bridge Street**

The Planning Manager provided the Committee with the principal aspects of the application for a single level car park at the site for two years. He advised the Members that the applicant had advised that the temporary nature of the application would provide a stop gap in order to provide funds and to allow the future regeneration plans of the site to be considered.

In relation to a Member's question, the Committee noted that the application had been called in by a Member and that the City Solicitor and the Director of Planning and Building Control had agreed that it would be referred to the Committee for its consideration.

The Planning Manager outlined the main issues which had been considered in the assessment of the application, including access, parking, design and impact on character and appearance of the area, impact on amenity and air quality.

**Planning Committee,
Tuesday, 15th October, 2019**

The Committee was advised that the application site was unzoned whiteland within Belfast City Centre in both Draft BMAP 2015 and the BUAP.

The Planning Manager outlined the planning history of the site, highlighting that previous applications for a car park on the site, the most recent being Z/2012/0128/F, had been refused. The Members were also advised of an enforcement appeal, ref 2011/E013, where the enforcement notice had been upheld and planning permission was refused. He outlined that the main refusal reasons in those decisions was a failure to demonstrate that the proposals met an identified need.

The Committee was advised that, while it was noted that previous planning permissions had been granted for the redevelopment of the site, and that there was a pending planning application for an office development, LA04/2016/0559/F, there were no current live permissions for the redevelopment of the site.

The Members were advised that the site was within an area of parking restraint and that the current application contravened the main planning policy objective of seeking to promote a modal shift from the private car to more sustainable modes of transport. He explained that a statement of need and a planning consultant's report had been submitted with the application but that a robust assessment had not been provided to demonstrate an identified need for the car park.

The Planning Manager added that DfI Roads had been consulted and had objected on the basis that the application conflicted with Policies AMP10 and AMP11 of PPS3.

The Committee was also advised that two objections had been received, which stated that the proposal was contrary to planning policy and to the Belfast Car Parking Strategy and Action Plan, the proposal was targeting long stay commuters in an area of parking restraint, there was no indication that other nearby car parks were full and that demand should not be confused with need.

The Chairperson welcomed Mr. G. Smyth, objector, to the meeting. He provided the Committee with a number of reasons as to why he felt that the Committee should refuse the application, including that:

- the proposal was contrary to planning policy;
- the last time the site was legally used as a car park was in 2003;
- it was not compliant with AMP 10 and AMP 11 of PPS3, and the SPPS; and
- the demonstrated need was not there.

The Chairperson then welcomed Mr. A. Mains, representing the applicant, and Ms. K. McShane, Transport Consultant, to the meeting. Ms. McShane outlined a number of reasons why they felt that the Committee should approve the application for a temporary car park, including that:

- the applicant was a new owner of the site;
- anti-social behaviour was prevalent on the site currently;

**Planning Committee,
Tuesday, 15th October, 2019**

- the temporary approval sought was for two years;
- they felt that they had demonstrated the need in their statement of need document in April 2019, including on-street car parking in the surrounding area and that the proposal could alleviate that issue;
- the site adjoined Lanyon Place Railway Station and that they envisaged controlled use by short-stay users of the Belfast/Dublin train route, not for commuters in and out of Belfast which could be easily managed by pre-booking;
- in relation to AMP 10, they advised that two transport assessments had been carried out, one for the apartment unit which contained 230 parking spaces, and the second for an office development, which the Council had approved (but which was subsequently quashed at Judicial Review) and that both would have generated more traffic than the current application – therefore, they were content that there was no increase in congestion over and above what had previously been approved;
- the positioning of the site meant that commuters would be taken off East Bridge Street and therefore that they would avoid the Cromac Street/Ormeau Road junction and that it would not lead to a decrease in local environmental air quality;
- in relation to AMP11, they stated that the car park could alleviate the impact, temporarily, from the McCausland car park which was closing and with events held at St. George's Market; and
- that LA04/2016/0559/F was the long-term plan for the site.

In response to a Member's question regarding the two year term, where the policy suggested that one year was the most appropriate, the Transport Consultant explained that the long term aspiration for the site was the aforementioned office accommodation, application LA04/2016/0559/F, and that they did not want to have to come back seeking a 6-12 month temporary extension, but that they were ready to commence construction on the office accommodation as soon as possible.

A Member stated that commuter parking was a real problem in the residential streets surrounding the site and that the DFI response was unsatisfactory.

A Member queried whether the Council would be leaving itself open to challenge if it refused the application, given that the agent had said that generated traffic levels were higher in previously approved applications. The Planning Manager confirmed that the application was not being refused due to congestion, and he clarified that there was no demonstrated need for the proposed car park. He confirmed that the proposal would unnecessarily encourage additional traffic into the city centre, was inherently unsustainable and that it was contrary to what the Council was trying to achieve. He added that each application was judged on its own merits and that a car park at this location was unacceptable.

In response to Members' questions regarding air quality, and specifically the fact that Environmental Health had raised no objections, the Planning Manager explained to the Committee that Environmental Health had to scrutinise the Air Quality Management Survey which had been submitted by the applicant. He advised the Members that

**Planning Committee,
Tuesday, 15th October, 2019**

increasing air quality was part of the reason for the creation of the policy which sought to reduce car usage.

After further discussion, the Committee agreed that the application be refused and delegated power to the Director of Planning and Building Control to finalise the wording of the reasons for refusal.

(The Committee adjourned for a 5 minute break at this point)

LA04/2019/0991/F - Demolition of existing buildings and erection of 10 storey mixed use development comprising a restaurant on the ground, mezzanine floors and 71 apartments at 57-59 & 61-63 Dublin Road

The case officer provided the Committee with a detailed overview of the major application.

He advised the Members of the main issues which had been considered in relation to the proposals, which included the principle of development and proposed uses, the scale, height and massing, and the impact on the character and amenity of the area and the setting of a listed building.

The case officer explained that, in the vicinity of the site, building heights ranged from two to twelve storeys and that the site was not within an Area of Townscape Character or a Conservation Area.

He drew the Committee's attention to the Late Items Pack, where the consultation response from the NIHE had been received, whereby it had stated that it would wish to see 20% of residential development on the site committed to social and affordable housing. As with other applications, the case officer reminded the Committee that there was no policy basis for that.

The Committee was advised that Shaftesbury Square Hospital was a Grade B1 Listed building fronting onto Great Victoria Street. The case officer explained that HED had considered that the proposal failed to satisfy Policy BH11 of PPS6 and that the development would have an adverse impact on the setting of the listed hospital building. He explained, however, that in light of the scale of existing built development closer to the listed hospital, it was considered that there would be no greater harm to the setting of the listed building with the proposed development.

The Members were reminded that if they were minded to approve the application, the Council was required to notify DFI given the significant objection from HED in accordance with Section 89 of the Planning Act (Northern Ireland) 2011.

The Committee was advised that DfI Roads, Rivers Agency and NI Water had no objections to the proposals subject to conditions. He advised the Members that no third party objections had been received.

**Planning Committee,
Tuesday, 15th October, 2019**

The case officer outlined that the proposals did not include car parking provision and that DFI Roads had required that the applicant could demonstrate the availability of three on-street parking spaces for disabled residents within 50 metres of the development. He also advised the Committee that a Framework Travel Plan proposed the appointment of a Travel Plan Co-ordinator with responsibility for implementing measures set out in the Travel Plan, where the Travel Plan stated that the deliberate absence of parking provision was considered to be balanced with the number of quality transport opportunities afforded to the site by its prime location. The case officer advised the Members that an agreed travel Plan would be secured through a Section 76 planning Agreement and would include Green transport measures.

Additionally, the Members were advised that the applicant had agreed to incorporate environmental improvements along the frontage of the site on Dublin Road and to the rear along Ventry Street, which would also be secured through developer contributions.

In response to a query from a Member in relation to current issues with bins on Ventry Street, the case officer confirmed that Waste Management had advised that they were satisfied with the proposed waste arrangements.

The Committee was provided with a detailed overview of the materials which were proposed for the scheme, which included red sandstone cladding.

In response to Members' queries relating to the gable wall, the Planning Manager confirmed that any discharge of a condition on that particular issue could be brought to a future meeting of the Committee for its consideration if deemed necessary.

After discussion, the Chairperson put the case officer's recommendations to the Committee for its consideration, namely:

"That outline planning permission is granted subject to conditions and a Section 76 Planning Agreement to secure Green Travel measures, with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions and of the Section 76 Agreement."

On a vote by show of hands, nine Members voted for the recommendation and three against and it was accordingly declared carried.

LA04/2019/1478/F - Reconfiguration of approved block of 12no. apartments to provide 16 apartments on land opposite 47 Dundela Avenue

The case officer provided the Members with the principal aspects of the application for the reconfiguration of a block of 12 apartments to instead provide 16 apartments.

She provided the Members with the planning history of the site.

**Planning Committee,
Tuesday, 15th October, 2019**

She explained that a previous application had been approved for 12 apartments on the site, namely, LA04/2017/2407/F. The Members were advised that the proposal would be accessed from a private road serving an adjacent apartment development approved under LA04/2018/2285/F and LA04/2019/0356/F.

The case officer explained that the application had been neighbour notified and advertised in the local press and that two letters of objection had been received, citing available parking in the area, road safety, the current condition of the site and how it impacted on the visual amenity of the area. She explained the officers' assessment of each matter.

The Committee was advised that NIEA, Environmental Health and DFI Roads had offered no objection to the proposal and, while responses were outstanding from NI Water and Rivers Agency, the case officer explained that it was expected that any technical issues could be addressed with conditions.

In response to a Member's query regarding greenfield land, the case officer explained that the site was zoned for housing within draft BMAP and that the previous application for 12 apartments had been granted.

A further Member raised concern regarding the objections which had cited issues with parking and road safety in the area. The case officer advised the Committee that DFI Roads had requested that a parking survey be submitted by the applicant and, following its submission, DFI Roads were content with the proposal. She added that it was therefore considered that there was sufficient parking in the area and that there was no threat to road safety as a result of the proposal.

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

LA04/2019/0878/F - Extension of time for temporary change of use of and alterations to former printing hall to event space at ground floor print hall, 122-144 Royal Avenue

The Committee was apprised of the details of an application, of which the Council had an interest in the land, which sought a three year extension for the temporary change of use and alterations of a former printing hall event space.

The case officer explained that a two year condition was recommended as more suitable, given the changing character of the area and that limiting the time period would allow for the full assessment of any amenity impacts which might arise within the vicinity of the application site within that period.

In response to a Member's question as to why Environmental Health had recommended a one year extension, the case officer explained that they had based this request on a historic refusal on the site. She explained that there was no further planning

**Planning Committee,
Tuesday, 15th October, 2019**

history for residential development in the immediate vicinity and that planners felt that two years was therefore appropriate.

The Committee noted that no third party representations had been received.

The Committee granted approval for a temporary extension of two years, subject to conditions.

**LA04/2019/0914/F - New pavilion for community
boxing club on site 50m South East of 30 Kingsland Park**

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

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

**LA04/2018/1050/A - 7m high totem sign on adjacent to
lands at Olympia Leisure Centre**

The Committee was apprised of the details of the retrospective application for advertisement consent for a 7metre high sign at the entrance to the Olympia Leisure Centre and for a large name sign on the building fascia.

The Case officer explained that a condition was being recommended, requiring that the totem sign be removed after a period of two years from the date of the decision.

The Committee was advised that DFI Roads had been consulted and had offered no objection to the application.

A Member stated that it was not good practice that this was another retrospective planning application by the Council.

The Committee granted approval to the advertisement consent subject to the conditions as outlined within the case officer's report and granted delegated authority to the Director of Planning and building Control to agree the final wording of conditions.

**LA04/2019/1173/F - Change of use from residential property
to House in Multiple Occupation (HMO) at 7 Ulsterdale Street**

The case officer provided the Committee with the principal aspects of the change of use application from a residential property to a House in Multiple Occupation (HMO).

She clarified to the Members that policy HMO 5 applied, given that the area was outside a designated HMO Development Node or Policy Area.

**Planning Committee,
Tuesday, 15th October, 2019**

She explained that the Land and Property Pointer database illustrated that there were 25 domestic properties on Ulsterdale Street and only one existing HMO. She advised the Committee that the policy allowed for one more HMO before the 10% threshold would be exceeded. The case officer outlined that there were no other live applications seeking permission for a change of use to an HMO on the Street and, therefore, the principle of an HMO at the location was in line with policy and was considered acceptable.

The Committee noted that no representations had been received in relation to the application.

In response to a Member's query as to whether the application was, in fact, a retrospective application, the case officer explained that an owner of a property can potentially have a licence to operate an HMO, but choose not to use the premises for this purpose. She confirmed to the Members that a full presentation and discussion on HMOs would take place at the Planning Workshop on Thursday evening.

The Chairperson put the case officer's recommendation for approval to the Committee for its consideration.

On a vote by show of hands, nine Members voted for the recommendation and two against and it was accordingly declared carried.

LA04/2019/1735/F - Change of use from residential property to House in Multiple Occupation (HMO) at 22 Thorndyke Street

The Committee was advised of the principal aspects of the change of use application from a residential property to a House in Multiple Occupation (HMO) with minor changes to the rear elevation.

She clarified to the Members that policy HMO 5 applied, given that the area was outside a designated HMO Development Node or Policy Area.

She explained that the Land and Property Pointer database illustrated that there were 20 domestic properties on Thorndyke Street and that, applying the 10% policy, two HMOs would be permitted. Records demonstrated that there were currently no HMO properties on Thorndyke Street and that this would be the first.

The Committee noted that no representations had been received in relation to the application.

The Chairperson put the case officer's recommendation for approval to the Committee for its consideration.

On a vote by show of hands, ten Members voted for the recommendation and one against and it was accordingly declared carried.

**Planning Committee,
Tuesday, 15th October, 2019**

**LA04/2019/1438/F - Change of use from residential property
to House in Multiple Occupation (HMO) at 73 Castlereagh Road**

The case officer provided the Committee with the principal aspects of the change of use application from a residential property to a House in Multiple Occupation (HMO).

She clarified to the Members that policy HMO 5 applied, given that the area was outside a designated HMO Development Node or Policy Area. Given that there were 67 domestic properties on that section of the Castlereagh Road, 6 HMO properties would be permitted before the 10% threshold would be exceeded. The Members were advised that records showed that there were currently two HMO properties within the section of road and that the change of use was therefore permitted.

The Committee noted that no representations had been received in relation to the application.

The Chairperson put the case officer's recommendation for approval to the Committee for its consideration.

On a vote by show of hands, ten Members voted for the recommendation and one against and it was accordingly declared carried.

Chairperson