

# Planning Committee

Tuesday, 17th September, 2024

## MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Carson (Chairperson);  
Aldermen McCullough and Rodgers;  
Councillors Abernethy, Bell, Brennan,  
T. Brooks, Doran, S. Douglas, Ferguson, Garrett,  
Groogan, Magee, McCann and Murphy.

Also attended: Councillor Maskey.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;  
Mr. K. McDonnell, Solicitor (Regulatory and Planning)  
Mr. D. O’Kane, Acting Planning Manager (Plans and Policy);  
Ms. C. Reville, Principal Planning Officer;  
Ms. L. Walshe, Principal Planning Officer;  
Mr. P. O’Reilly, Senior Planning Officer; and  
Ms. C. Donnelly, Committee Services Officer.

### Apologies

Apologies for inability to attend were reported for Councillors Anglin, McCabe and Whyte.

### Minutes

The minutes of the meeting of 27th June and 13th August, 2024 were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council, at its meeting on 2nd September, 2024, 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.

### Committee Site Visits

#### Note of Committee Site Visits

The Committee noted the site visits and agreed to undertake two pre-emptive site visits in relation to the following applications:

- LA04/2024/0626/F - Proposed residential development of 104no. dwelling units providing General Needs Social Housing and Category 1 over 55's accommodation consisting of a varied housing mix including family maisonettes, apartments and wheelchair accessible units with all associated site works

including; landscaping communal and private amenity space and ancillary cycle and car parking provision. 1 Havelock House Havelock Place; and

- LA04/2024/0483/F and LA04/2024/0480/DCA - Proposed change of use from Office (B1) and restaurant (Sui Generis) to Hotel comprising of 88 no. bedrooms, two storey rooftop extension, restaurant and bar offerings, gym facilities, including new dormer windows on roof, demolition, internal and external refurbishment and alterations, and all associated site works. - 34-44 Bedford Street and 6 Clarence Street.

#### **Notification of Provision/Removal of Accessible Parking Bay**

The Committee noted the notifications regarding accessible parking bays at the following locations:

- Provision at 81 Joanmount Park; and
- Provision at 108 Ligoniel Road.

#### **Notifications of Abandonment and Extinguishment**

The Committee noted the correspondence in relation to the confirmation of an Abandonment Order for Marcus Ward Street and the proposed abandonment at Mill Avenue, Ligoniel.

#### **Appeals**

The Committee noted the appeals decisions.

#### **Planning Decisions issued**

The Committee noted the planning decisions issued in August, 2024.

#### **Live Applications for Major Development**

The Committee noted the list of live applications for major development.

#### **Committee Decisions yet to issue**

The Committee noted the list of Committee decisions which had not yet been issued.

#### **Miscellaneous Reports**

#### **Update on Planning Performance**

The Committee noted the update.

**Belfast Waterfront Framework –  
Waterfront Tour Request**

The Committee agreed to attend a tour and presentation of the Belfast Waterfront Framework area that would consist of a strategic overview of the waterfront area characteristics and opportunities only, and would not include discussion of specific or individual development or project proposals.

**Notices of Motion - Annual Update**

The Committee noted the update.

**LDP Engagement Strategy**

The Development Planning and Policy Manager provided the Committee with an update on the ongoing review and refresh of the Local Development Plan Engagement and Communications Strategy, Plan and Action Plan and provided detail around ongoing and upcoming engagement for the Local Policies Plan.

The Committee noted the update.

**Planning Applications previously considered**

**LA04/2023/4215/F - Proposed 3no. residential  
apartment blocks (19no. Cat 1 Elderly  
apartments and 2no. Wheelchair apartments,  
21 units in total) Associated car parking, site  
works and landscaping. - 141-147 Upper  
Dunmurry Lane**

The Principal Planning Officer outlined the application to the Committee and highlighted the following key issues for consideration:

- Principle of housing in this location;
- Housing density;
- Affordable housing;
- Housing mix;
- Adaptable and accessible accommodation;
- Design and placemaking;
- Public realm;
- Impact on heritage assets;
- Climate change;
- Residential quality and impact on amenity;
- Open space;
- Access and transport;
- Health impacts;
- Environmental protection ;
- Flood risk and drainage;

- Waste-water infrastructure; and
- Section 76 planning agreement.

She informed the Committee that sixteen objections had been received and had been addressed within the report. She explained that, on balance, the proposal was considered acceptable and that it was recommended that planning permission was granted.

The Committee granted planning permission, subject to conditions and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and to resolve any environmental health issues resulting from the outstanding consultation response, so long as they were not substantive.

**LA04/2023/4162/F - Change of use from retail unit to amusement arcade and adult gaming centre. - 51 Rosemary Street**

The Principal Planning Officer outlined the application to the Committee and highlighted that the application had been deferred by the Committee at its meeting in May to facilitate a Committee site visit that took place on 21st May.

She reminded the Committee that the application was subsequently deferred at its meeting in June so that planning policy concerns which had been raised by Members could be considered in more detail by officers and reported back.

She explained that officers had concerns with the issues raised and that refusal reasons on SP3 and paragraph 7.1.5 of the Plan Strategy would be unsustainable. She stated that the proposal complied with the LDP Plan Strategy and that officers' opinion remained unchanged, in that it was recommended that the application should be approved, subject to conditions.

She added that officers did recognise that whether the proposal would enhance the conservation area in line with SPPS and policy BH2, and whether it would impact the setting of the listed building was a matter of judgement for the Committee.

The Chairperson welcomed Ms. D. Thompson to the meeting, who spoke in objection to the application on behalf of First Church.

Ms. Thompson explained that her clients wished to thank the Committee for the rigorous scrutiny that had been given to the proposal at its previous meetings and that they had hoped that, based on the robust discussions, the professional recommendation might have been different.

She stated that the proposal was the wrong development for the wrong place, in that amusement arcades were not an acceptable use in the prime retail core, approval would cause a cluster of those uses, within a small area, and that it would be a bad neighbour to the church.

She outlined the following four areas of concern on behalf of her clients:

- The application was for a change of use and that shop front alterations should not be considered;
- Opening hours;
- The impact on the conservation area; and
- Proliferation.

She concluded by highlighting that, at a previous meeting of the Committee, the applicant had stated that the proposal was a relocation of an existing arcade within walking proximity but that there were no mitigations in place to prevent another arcade operator from moving into the applicant's current unit and could give rise to the potential of two arcades in close proximity to the church. She asked the Committee to refuse the application.

The Chairperson thanked Ms. Thompson for her representation and welcomed Mr. A. Mains to the meeting who attended on behalf of the applicant.

Mr. Mains addressed concerns which had been raised by Members of the Committee at its previous meetings with regard to the application. He stated that concerns had been raised that adequate consideration had not been given to the site's proximity to the Extern treatment centre, but that there was no reason to anticipate any synergy between the two, as there were other gaming centres within walking distance of the centre and there was no evidence of any harmful synergy.

He addressed the concern regarding proliferation and stated that, to provide assurance to the Committee, the applicant was content to accept a condition that would require the closure of the North Street premises before the opening of the Rosemary Street premises.

With regard to streetscape, he stated that the proposal consisted of a discreet low-profile shopfront in muted colours through a refurbishment of the façade which was in contrast to the surrounding area he described as a depressed part of Belfast.

He concluded by stating that the applicant had proposed a Planning condition that would limit Sunday opening from 12pm to avoid conflict with morning worship and would mirror the opening hours of the adjacent 3Cs Social Club, he asked the Committee to approve the application as the proposal would deliver betterment within the primary retail core.

Following discussion, the Committee granted planning permission, subject to conditions and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they were not substantive.

**LA04/2023/4153/F - Conversion of an existing dwelling house to a 5 bed HMO dwelling house. No works to the exterior or elevation of the property. - 44 Ponsonby Avenue**

The Principal Planning Officer provided the Committee with an overview of the application and explained that, following the Committee site visit to the application site

where it was noted that there was an oil tank located in the rear yard where the application had stated bins would be situated, the applicant had since changed the properties heating from oil to gas and the tank had been removed.

She reported that it was recommended that the application be approved, subject to conditions.

The Chairperson welcomed Councillor Maskey to the meeting, who wished to address the Committee with regard to the application.

Councillor Maskey stated that he was speaking in objection to the application and explained that he had lived in the area and that there was an existing proliferation of HMO properties in the area. He referred to the Committee's previous refusal of an application for a change of use to HMO for No. 27 Ponsonby Avenue due to a lack of amenity space and stated that the rear of the properties did not have the amenity space to facilitate adequate waste disposal for a HMO property and asked the Committee to be consistent with its previous decision regarding No. 27 Ponsonby Avenue and refuse the application.

### **Proposal**

Moved by Councillor Murphy,  
Seconded by Councillor Garrett,

"That the Committee refuses the application on the basis that that it would have a negative impact on residential amenity and would conflict with the character of an established residential area and an area of townscape character."

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

Accordingly, the Committee delegated authority to the Director of Planning and Building Control to finalise the wording of the reasons for refusal.

At the request of Councillor Garrett, the Committee agreed, when undertaking a site visit to a property where an application was being considered to convert an existing dwelling house to a HMO dwelling house, that access to the premises would be requested from the applicant.

### **New Planning Applications**

**LA04/2024/0681/F - Erection of Purpose-Built Managed Student Accommodation development with additional use of accommodation by further or higher education institutions outside term time, comprising 4 no. blocks of accommodation with building heights ranging from 5 to 9 storeys and up to 35,850sqm gross external floorspace, café, associated communal facilities including landscaped courtyards, internal bin stores and cycle stores, PV array, disabled parking,**

**public realm provision, associated site works and extension of Titanic Boulevard to form new junction with Hamilton Road. - Lands to the northeast of Olympic House, east of Queen's Road and south of Belfast Metropolitan College**

The Principal Planning Officer provided the Committee with an overview of the application and pointed out that the proposal was for 1007 units with a mix of cluster rooms and studios across four blocks of accommodation with an extensive central courtyard, entrance plaza, public realm and landscaped boundaries.

She highlighted the following key issues for consideration:

- Principle of PBMSA in this location
- Design and placemaking;
- Impact on heritage assets;
- Impact on amenity;
- Climate change;
- Open space;
- Access and transport;
- Health impacts;
- Environmental protection;
- Flood risk and drainage;
- Waste-water infrastructure;
- Natural heritage;
- Waste management;
- Section 76 planning agreement; and
- Pre-Application Community Consultation.

She stated that the proposed building was considered to be of a high-quality design, appropriate to its location that would regenerate the land and be delivered as part of Phase 3 of the Titanic Quarter Development Framework (TQDF).

She reported that no objections had been received from statutory or non-statutory consultees, one letter of support had been received and that it was recommended that the application be approved, subject to conditions.

The Chairperson welcomed Ms. S. Murphy, Lacuna Developments, Mr. C. O'Hara, RPS, and Mr. S. McKee, Turley, to the meeting in support of the application.

Ms. Murphy explained that, with the support of Titanic Quarter and Belfast Harbour, Lacuna/Watkin Jones were very much focused on delivering quality schemes that would provide safe, modern and sustainable places to live and study.

She stated that the rationale for bringing another scheme to Belfast was predicated on need which had been clearly demonstrated, supported by the fact that recent schemes, that included Nelson Place were currently full, with waiting lists in place.

She informed the Committee that the location was ideal and would bring an additional 2000 residents and students to the area that would contribute to the long-term regeneration of Titanic Quarter.

Mr. McKee explained that the application was preceded by a robust PAD process and was a development with community, wellbeing and sustainability at its core.

He outlined the proposal design and stated that a range of sustainable transport options made it a highly accessible location and stated that the proposal aligned with Belfast's Resilience Strategy, the Belfast Agenda and the emerging Queens Island Decarbonisation Plan, reduced car parking was proposed alongside a suite of green travel measures to support the promotion of active and sustainable travel.

He stated that a sustainable transport fund would contribute towards a further enhancement of public transport services and a green travel measures fund would support the provision of Belfast Bikes memberships, 310 student bike spaces and 20 public visitor cycle spaces would be provided as part of the scheme.

He explained that the scheme would create approximately 140 full time jobs during the construction phase with a multitude of in-kind interventions, similar to those which were being delivered as part of the Loft Lines development.

He concluded by stating that a final management plan, to ensure appropriate management of the facility in perpetuity, would be secured via a Section 76 agreement.

In response to a question from a Member in relation to a future change in demand from students, Mr. O'Hara explained that the proposed structure would have internal flexibility and, in theory, the usage could be changed from student accommodation to residential use.

The Committee granted planning permission, subject to conditions and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions, finalise the Section 76 Planning agreement, and deal with any other matters which might arise, provided that they were not substantive.

**LA04/2024/1086/F - Variation to the wording of Condition 4 of Outline Planning Approval Z/1990/0127, to allow for the sale of bulky and non-bulky goods for a charity shop. - Unit 1, Connswater Retail Park**

The Principal Planning Officer explained that the application sought to vary Condition 4 of planning permission Z/1990/0127 under Section 54 of the Planning Act (Northern Ireland) 2011 which restricted sales on the type of goods that were permitted to be sold as bulky goods. She stated that this was to amend the types of goods that were



permitted to be sold from Unit 1 to include the sale of bulky and non-bulky goods in order to facilitate the occupation of the unit by Cancer Research UK, in its new format store.

She reported that, having regard to the Development Plan and other material considerations, and in the planning balance, the proposed development was considered acceptable and that it was recommended that planning permission be granted, subject to conditions.

The Committee granted planning permission, subject to conditions and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they were not substantive.

**LA04/2023/3879/F - Vary of condition 11 of LA04/2021/2815/F to extend opening hours. Vacant lands at access road to Olympia Leisure Centre - directly opposite and approx. 70m east of, Nos 9-15 Boucher Road**

The Principal Planning Officer provided an overview of the application and the Committee agreed to vary condition 11 of LA04/2021/2815/F to extend opening hours for an additional hour on a Saturday, from Saturday 08:00-21:00hrs to Saturday 08:00-22:00hrs, and delegated authority to the Director of Planning and Building Control to finalise the conditions and to deal with any other matters which might arise, provided they were not substantive.

**LA04/2024/0470/F - To develop a community garden for sustainable food growth and education purposes - Lower Botanical Gardens**

The Principal Planning Officer outlined the application and the Committee granted planning permission and delegated authority to the Director of Planning and Building Control to finalise the wording of the approval reasons and to deal with any other issues that arise, if they were not substantive.

**LA04/2024/1084/F - 2 no. (35m width x 16m height) ball stop fences. 1.2m height perimeter fencing with 2 no. gate access points. 2 no. (10m width x 4m depth) dugouts + hardstanding path and associated site works. - Henry Jones Playing Fields, Church Road**

The Principal Planning Officer outlined the application and the Committee granted planning permission and delegated authority to the Director of Planning and Building Control to finalise the wording of the approval reasons and to deal with any other issues that arise, provided that they were not substantive.

**Restricted Items**

**Quarter 1 Finance Report**

The Director of Planning and Building Control provided the Committee with an update on the Quarter 1 financial position for the Planning Committee that included a summary of the financial indicators and an executive summary.

The Committee noted the report and the associated financial reporting pack.

Chairperson