

Planning Committee

Tuesday, 12th November, 2024

MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Carson (Chairperson);
Aldermen Lawlor, McCullough and Rodgers;
Councillors Abernethy, Anglin, Bell, Brennan,
T. Brooks, Doran, Ferguson, Garrett,
Groogan, Hanvey, McCabe, McCann and Murphy.

In attendance: Mr. K. McDonnell, Solicitor (Regulatory and Planning);
Mr. E. Baker, Planning Manager;
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 S. Douglas, Magee and Whyte.

Minutes

The minutes of the meeting of 15th October, 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 4th November, 2024, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor T. Brooks declared an interest in relation to item 8a on the agenda, LA04/2020/0568/F and LA04/2020/0569/LBC - Change of use (including refurbishment of and 9 storey extension to rear) of former police station to 74 bedroom hotel with associated restaurant, bar and ancillary facilities. Demolition of building and structures at rear, part demolition to internal features, refurbishment and extension to listed building (amended description). - 21 Queen Street, in that her husband was associated with the Ulster Architectural Heritage Society.

The Deputy Chairperson (Councillor T. Brooks) declared an interest in relation to item 9c on the agenda, LA04/2024/0393/F - Proposed 5 storey extension to the East of the ECIT Building (Institute of Electronics, Communications and Information Technology), and 3 storey extension to the West, to provide additional research and development space with associated landscaping and site works - ECIT Building Queen's Road, Queen's Island, in that she was employed by Queen's University, Belfast.

Councillor Murphy declared an interest in relation to item 9h on the agenda, LA04/2024/0755/F - Retrospective application for extension to film studio for switch

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room/dimmer array building with associated external plant deck, installation of a new sliding access gate and reconfiguration of internal access arrangements on site. - Lands immediately north and south of existing film studios, north of Dargan Road (within wider Belfast City Council lands known as North Foreshore/Giants Park), in that he was a Member of the Harbour Commission.

Withdrawn Item

The Committee noted that the following item had been withdrawn from the agenda:

- LA04/2024/1591/F and LA04/2024/1593/DCA - Demolition of the existing dwelling and construction of a two-storey replacement dwelling with accommodation in the roof, new garden store, widened site access, new gates and pillars and associated site works. – 20 Deramore Park.

Planning Committee Schedule of Meetings 2025

The Committee noted the schedule of meetings for 2025 as follows:

- Tuesday, 21st January;
- Tuesday, 11th February;
- Thursday, 13th February (for Workshop);
- Tuesday, 18th March;
- Tuesday, 20th March (for Workshop)
- Tuesday, 15th April;
- Thursday 17th April (for Workshop)
- Tuesday 13th May;
- Thursday 15th May (for Workshop)
- Tuesday, 17th June;
- Thursday, 19th June (for Workshop);
- No meetings in July (recess)
- Tuesday, 12th August;
- Thursday, 14th August (for Workshop);
- Tuesday, 16th September;
- Thursday, 18th September (for Workshop);
- Tuesday, 14th October;
- Thursday, 16th October (if required);
- Tuesday, 11th November;
- Thursday, 13th November (if required); and

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- Tuesday, 9th December.

Committee Site Visits

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

- Pre-emptive Committee Site Visit: LA04/2024/1138/F and LA04/2024/1141/DCA - Demolition of existing buildings and construction of Purpose Built Multi Storey Managed Student Accommodation (821no. rooms) with heights of between 6-9 storeys and associated shared/ancillary spaces with ground floor retail/retail service units, resident's gym/cinema and ancillary development/uses - Lands including and to the rear of 24-54 Castle Street, 2-6 Queen Street, 1-7 & 21 Fountain Street.

**Notifications of Provision/Removal
of Accessible Parking Bays**

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

- Provision at 42 Ballycairn Close;
- Provision at 48 Carncaver Road;
- Removal at 79 Wheatfield Crescent;
- Removal at 173 Donegall Avenue; and
- Provision at 65 North Parade.

Planning Appeals

The Committee noted the appeals decisions.

Planning Decisions Issued

The Committee noted the planning decisions issued in October, 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.

Planning Applications previously considered

(Councillor T. Brooks left the meeting whilst the following item was under consideration.)

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**LA04/2020/0568/F and LA04/2020/0569/LBC -
Change of use (including refurbishment of and
9 storey extension to rear) of former police
station to 74 bedroom hotel with associated
restaurant, bar and ancillary facilities. Demolition
of building and structures at rear, part demolition
to internal features, refurbishment and extension
to listed building (amended description). -
21 Queen Street, Belfast BT1 6EA.**

The Planning Manager explained that planning permission and Listed Building Consent had been granted by the Committee at its meeting in February, 2024 and issued in March, 2024, and that subsequently, a Pre-Action Protocol letter had been received on behalf of Ulster Architectural Heritage (UAH), dated 19th June, 2024.

He pointed out to the Committee that UAH had not engaged with the original planning application process, nor had it submitted an objection to the applications.

He reported that officers had examined the grounds of challenge as set out in the Pre - Action Protocol letter and accepted that, on balance, the Council's decisions to grant planning permission and Listed Building Consent should be quashed on the basis that the report presented to the Committee should have been clearer that the building and structures proposed to be demolished at the rear were part of the Listed Building and how the relevant planning policy had been applied.

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

- The principle of a hotel at this location;
- Impact on the character and appearance of the Conservation Area;
- Impact on the special architectural and historic qualities of the Listed Building;
- Archaeology;
- Ancillary open space;
- Climate change;
- Traffic, movement and parking;
- Environmental impacts;
- Drainage and flood risk; and
- Natural heritage.

He outlined the most recent advice from DfC Historic Environment Division (HED) in which it advised that, if nothing was done, the front/main building could eventually be lost completely, and quickly.

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He outlined the objection from UAH which had been submitted earlier that day, as set out below:

Conflict with Policy BH1

That the Committee report failed to give appropriate weight to Policy BH1 and presumption in favour of retaining Listed Buildings, that there were no exceptional reasons why the Listed Building could not be retained in its original, or a reasonably modified form.

He advised that the Committee report clearly set out the exceptional reasons as to why part of the Listed Building should be demolished, and that the Committee report failed to address or give appropriate weight to the following:

- the importance of the building;
- the particular features of the building;
- the setting of the building and its contribution to the area;
- the extent to which the proposal would bring substantial benefits to the community;
- evidence that reasonable efforts had been made to sustain existing uses or find viable alternative ones;
- whether the proposal would provide substantial community benefits that would decisively outweigh the loss from demolition;
- consent would not simply be given because redevelopment was economically more attractive to the developer;
- the condition of the building and the cost of repair, as against the importance of the building and value derived from its continued use; and
- the Council should be satisfied that genuine attempts to find alternative uses had been made and with the merits of the alternative proposal.

He referred to the Committee report and addressed the relevant points. He advised that the condition of the building was plainly clear and pointed to the building having been vacant since 2000 and the importance of the various parts of the building had been made clear in the report and the officer presentation.

He stated that the proposal would bring about substantial community benefits in securing the restoration and long-term future of the main Listed Building, investment and job creation.

Conflict with Policy BH2

- Failed to give reasons for departure from Conservation advice;
- No provision for the recording of the building; and
- HED failed to have regard to Policy BH2.

The Planning Manager referred to the Committee report which clearly set out the assessment of the proposal against relevant conservation area policies and advised that a condition would be included to require the recording of the building prior to demolition.

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He reported that HED's prime remit was consideration of the impacts on the Listed Building and not the conservation area.

Conflict with Policies DES1 and DES3

Conflict with DM Practice Note 5: Historic Environment:

- Failure to consider that the entire building is Listed; and
- Failure to consider the relevant caselaw (UAH v DoE NI NIQB 21 2014).

The Planning Manager referred to the Committee report and stated that it had made clear the extent of the Listed Building, and to the case law and how the current proposal differed from that case.

Conflict with the SPPS

He referred to the assessment of policy in the Committee report.

Other issues as raised in its Judicial Review of the original decisions.

- Contrary to the provisions of the Act;
- Inadequate consultation;
- Incorrect descriptions of the proposal;
- Failure to carry out an EIA; and
- Failure to address climate changes policies and objectives.

He confirmed that the recommendation was not in conflict with the above points and that climate change planning policies had been addressed in the Committee report.

The Planning Manager confirmed that UAH had not been notified that the applications were to be reported back to the Committee following the quashing of the original decisions as a matter of courtesy, and that UAH had not been formally re-consulted. He reported that the status of the applications had yet to be updated on the NI Planning Portal but that this was not relevant to the Committee's consideration of the applications. He advised that there had been no requirement to reconsult or re-advertise the application and that procedural requirements had been followed.

He explained that the proposed demolition must be viewed in the context of the architectural and historic merits of those parts of the Listed Building to be demolished, previous planning applications, that the building has been vacant since 2000, its condition and presence on the Buildings at Risk Register, HED's advice and that the proposal would ensure the restoration and long-term future of this part of the Listed Building at the front.

He stated that, having regard to these factors, it was considered that there were exceptional reasons as to why the demolition of the Listed structures at the rear was acceptable with the demolition required to facilitate the important redevelopment proposals.

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He added that regard has also been had to the legislative requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and that the proposal had been considered to be compliant with Policy BH1 and relevant provisions of the SPPS.

He stated that, having regard to the Development Plan and other material considerations, the proposal was considered acceptable and that it was recommended that planning permission and Listed Building Consent were granted.

The Chairperson put the recommendation to the Committee and, upon audible dissent, called for a vote, when fifteen Members voted for the recommendation and one against and it was declared carried.

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

(Councillor T. Brooks returned to the meeting.)

Planning Applications

LA04/2024/0369/F - Proposed Specialist Nursing and Residential Care Facility comprising approximately 158 no. beds, day/dining rooms, treatment rooms, staff rooms, office/store rooms, including car parking provision, cycle parking, refuse storage, landscaping, and associated site and access works. - Lands at Former Monarch Laundry site, and Broadway Hall Site, No's 451 - 457 Donegall Road

The Planning Manager provided the Committee with an overview of the application and highlighted the following main issues relevant to consideration of the application:

- Principle of a Nursing and Residential Care facility in the location;
- Flood Risk;
- Design and Placemaking;
- Impact on heritage assets;
- Impact on amenity;
- Climate change;
- Open space;
- Access and transport;
- Health impacts;
- Environmental protection;
- Waste-water infrastructure;
- Natural heritage;
- Waste management;
- Section 76 planning agreement; and
- Pre-Application Community Consultation.

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He explained that the application site was within the 1 in 100-year climate change fluvial flood plain and that the proposed use was for bespoke accommodation for vulnerable groups, for which there was a presumption against, within a flood plain. He stated that a Flood Risk Assessment (FRA) had been submitted, however, DfI Rivers had not assessed it given that the proposal was not an exception to the policy. He added that the applicant had submitted a peer review of the FRA which verified its content and conclusions and that officers had no reason to dispute these.

He reported that the application proposed thirty-eight parking spaces, a shortfall of twenty spaces under the parking standards, and that DfI Roads had requested a parking survey which had been submitted by the applicant subsequent to the publication of the Committee report and that DfI Roads had since been reconsulted.

The Planning Manager informed the Committee that an Air Quality Impact Assessment had also been received, subsequent to the report having been published, and accordingly, Environmental Health had been consulted. He added that NI Water had objected to the application on grounds of insufficient wastewater infrastructure and that no objections had been received from other statutory or non-statutory consultees.

He stated that, having regard to the Development Plan and material considerations, it was recommended that planning permission was refused on grounds of flood risk and insufficient parking provision.

The Chairperson welcomed Mr. T. Stokes, Mr. G. Yates, and Mr. K. Sommerville, who were representing the applicant, to the meeting.

Mr. Stokes stated that Healthcare Ireland Group was one of the fastest growing healthcare companies in Northern Ireland, which managed twenty-five care facilities and offered professional, high standard care to residents, which included both short-term and long-term care for older people as well as care assistance for people living with dementia, complex needs and palliative care.

He explained that Healthcare Ireland Group employed around 2,300 people and that, in Northern Ireland, there was a demand for over 3,000 beds and that the primary reason for the significant delays in discharge rates across the Belfast Trust was the lack of care home capacity.

He stated that Healthcare Ireland Group would provide care home beds that would reduce pressure on the NHS and hospital settings and pointed out that the application site was ideally located between both the Royal Victoria Hospital and Belfast City Hospital.

He explained that the site was a brownfield derelict site that had been previously developed and located in an interface area which had been subject to anti-social behaviour. He stated that he believed that the development would remove ongoing issues at the site and had been welcomed by the local community.

Mr. Stokes then addressed the recommended reasons for refusal contained within the report. He stated that, with regard to the first reason related to flood risk at the site, it would

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be possible to access and leave the site whilst flooding was occurring, that the Flood Risk Assessment was robust, had been peer reviewed independently and clearly demonstrated that the proposed development did not flood.

With regard to the refusal reason based on insufficient parking, Mr. Stokes stated that a parking survey, which had been submitted, demonstrated that sufficient parking would be available.

He concluded by stating that the proposal represented an overall investment of around £18m from a local healthcare company and would create 150 construction jobs and around 185 full and part time healthcare jobs. He requested that the Committee approve the application for the following reasons:

- The FRA and independent peer review should satisfy the Committee that the flood risk at the site as a result of the development had been fully taken account of and demonstrated that there was no risk to vulnerable groups;
- The redevelopment of the site at an interface/flash point area would help eradicate the anti-social behaviour which currently existed at the site;
- The brownfield site and the proposal incorporated the restoration of the landmark chimney, protecting an historic monument; and
- That it was well documented that there was a national health crisis and that the site was extremely well placed to assist with freeing up much needed bed spaces within over-subscribed hospitals, therefore alleviating pressure on the NHS.

In response to a question from a Member with regard to potential evacuation of vulnerable people from the site during an unusual flooding event, Mr. Sommerville explained that access would be from the Donegal Road and that the site would be only be subject to shallow flooding and that most of the care home and surrounding area would remain dry.

A Member pointed out that the site was located in a deprived area of the city and asked the representatives how they intended to engage with the local Community. In response, Mr. Yates, Managing Director, Healthcare Ireland Group, stated that a comparable development, Bradley Manor, was a care home which had won awards for its contribution to the local community and that the organisation offered free training and had an ethos that 80% of the staff should come from the local area in order to provide residents with familiarity and comfort.

In response to a question from a Member, the Planning Manager explained that, since the flood map had been remodelled, it had shown that less of the surrounding land would actually flood during a flood event and that the actual risks to occupants of the site were clear from the FRA.

Proposal

Moved by Alderman McCullough,
Seconded by Alderman Lawlor,

“That the Committee approves the application and grants planning permission, subject to conditions that would include the requirement for a flood evacuation plan and a Section 76 planning agreement, and delegates authority

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to the Director of Planning and Building Control to finalise the wording of the Section 76 planning agreement and conditions, resolve the outstanding consultations from DfI Roads and Environmental Health and deal with any other matters that arise, provided that they were not substantive.”

On a vote, thirteen Members voted for the proposal and four against and it was declared carried.

LA04/2024/0664/F - Demolition of existing Fanum House and Norwood House and erection of a new 17 storey building comprised of 594-bed Purpose Built Managed Student Accommodation (comprising a mix of clusters and studios) including landscaped roof terraces, and all other site and access works. - Lands comprising existing Fanum House, Norwood House and adjacent lands, No's 96-110 Great Victoria Street

The Principal Planning Officer outlined the application to the Committee and referred to the following key issues:

- Principle of PBMSA in the location;
- Design and Placemaking;
- Impact on Heritage Assets;
- Impact on the Conservation Area;
- 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 explained that the site was a very sustainable location within the City Centre, close to transport links such as Grand Central Station and other public transport services and that the application was supported by satisfactory evidence of need for the proposal.

She reported that, following a public consultation, two objections had been received, NI Water had also submitted an objection and that DfI Roads' response was outstanding, on request for dimensioned drawing for access to accessible parking spaces. She stated that all other consultees had been content, subject to conditions.

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The Principal Planning Officer reported that, having regard to the Development Plan and material considerations, it was recommended that planning permission be granted, subject to conditions and a Section 79 planning agreement.

The Chairperson welcomed Mr. T. Stokes, Mr. M. Mallon and Mr. S. Lennon, who attended on behalf of the applicant, to the meeting.

Mr. Stokes stated that the proposal was an opportunity to redevelop the long standing vacant and derelict Fanum House, which had been an eyesore within the city centre for some years.

He explained that the development would create high quality Purpose Built Managed Student Accommodation (PBMSA) in a highly sustainable location, that would support ongoing regeneration of the surrounding area.

He stated that the development would meet an identified need for PBMSA, as evidenced in the submission of a Student Needs Assessment which had been undertaken as part of the application, and the Council's Population and Housing Team had reviewed and confirmed.

He added that the development would upgrade the public realm along its entire frontage that would include the planting of new street trees.

The Committee granted planning permission, subject to conditions and a Section 76 planning agreement, 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 the outstanding consultation from DfI Roads in relation to the details of the access to the development, and deal with any other issues that arise, provided that the issues were not substantive.

(Councillor T. Brooks left the meeting whilst the following item was under consideration.)

LA04/2024/0393/F - Proposed 5 storey extension to the East of the ECIT Building (Institute of Electronics, Communications and Information Technology), and 3 storey extension to the West, to provide additional research and development space with associated landscaping and site works - ECIT Building Queen's Road, Queen's Island

The Planning Manager explained that the site was in a sustainable location with access to and from the city centre via established walking, cycling and public transport connections and was located within a grouping of similar science-based buildings within the Titanic Quarter business community, that included the Catalyst managed Innovation Centre, White Star House and the Legacy buildings.

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He provided the Committee with an overview of the application and highlighted the following key issues for consideration:

- Principle of development;
- Design and Placemaking;
- Impact on heritage assets;
- Climate change;
- Open space;
- Health impacts;
- Environmental protection;
- Flood risk and drainage;
- Waste-water infrastructure;
- Natural heritage;
- Waste management;
- Section 76 planning agreement; and
- Pre-Application Community Consultation.

He reported that DfI Roads had advised of agreement in principle and was satisfied that the proposal was unlikely to generate significant additional private vehicular trips over the extant permission. He added that DfI Roads had requested further engagement to achieve agreement of the management and monitoring of trips and sustainable transport, travel plan and service management plan which would be achieved through conditions and a planning agreement.

He stated that, having regard to the Development Plan and material considerations, it was recommended that planning permission was granted, subject to conditions and a Section 76 planning agreement.

The Chairperson welcomed Mr. P. Flemming, agent for the applicant, to the meeting.

Mr. Flemming stated that the proposed new facility would be known as Momentum One Zero (M1.0) and aimed to build on the internationally outstanding research capacity at ECIT. He added that M1.0 would be a nexus for co-innovation between researchers and industry in data security, connectivity and analytics where global and local companies, entrepreneurs and researchers would come together.

He explained that the project was being delivered through the Belfast Region City Deal and was one of three Innovations Centres which included the iREACH health facility on the Lisburn Road which had been previously approved by the Committee.

He stated that the planning process had involved a constructive pre-application discussion process and that there had been no objections from consultees and on third party representations submitted. He explained that a Section 76 planning agreement would deliver a travel fund for green travel measures and a site-specific travel plan.

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He concluded by stating that the construction phase of the proposal would generate around 175 jobs over a two-year period and that the direct, full-time equivalent permanent employment in the facility would be 265 in the opening year of 2027/28 and expected to grow to an estimated 650.

The Committee granted planning permission, subject to conditions and a Section 76 planning agreement delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and to deal with any other issues that might arise, including a further detailed consultation response from DfI Roads, provided that the issues were not substantive.

(The Chairperson (Councillor Carson) left the meeting whilst the following item was under consideration, Deputy Chairperson (Councillor T. Brooks) in the Chair.)

LA04/2022/1206/F and LA04/2022/1458/F - Demolition of existing 1960s three-storey block and caretakers house and erection of split level two-storey extension and refurbishment of original school building to provide 21no. classrooms, including 4no. support classrooms, a nurture suite and a school canteen. New boundary walls with railings, landscaping, car parking, new access from the Shankill Road and retention of existing access from Upper Riga Street. Works to include 4no temporary classroom units for the duration of construction work. (revised description and plans) - Glenwood Primary School, 4-22 Upper Riga Street

The Senior Planning Officer provided the Committee with an overview of the application and explained the following key items for consideration:

- Acceptable pedestrian/vehicular accesses and parking;
- No increase in pupil numbers proposed;
- No impact on character of existing listing buildings;
- No impact on character of ATC due to limited views;
- No third party objections;
- No objection in principle from any consultees, subject to conditions;
and
- NIEA Natural Heritage.

He reported that, since publication of the Committee report, DfI Rivers had responded to consultation with no objection, subject to the condition that, prior to the construction of the drainage network, a final drainage assessment would be submitted and approved by the Council.

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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 the outstanding consultation responses and any other issues that might arise, provided that they were not substantive.

(Chairperson (Councillor Carson) in the Chair.)

LA04/2024/1020/F - Proposed change of use from dwelling (C1) to 3 Bedroom HMO (Sui generis) including partial demolition of existing rear extension to create new flat roof, fenestration changes and new roof light window to front (amended proposal description). - 6 Paxton Street

The Committee agreed to defer consideration of the application in order that a site visit could be undertaken.

LA04/2024/1623/F - Change of use from 4 bed dwelling (C1) to 5 bed House of Multiple Occupancy (Sui Generis) - 49 Woodcot Avenue

The Committee agreed to defer consideration of the application in order that a site visit could be undertaken.

LA04/2024/1486/F - Community garden consisting of level changes, paladin fencing, landscaping, raised planter beds, polytunnels, container/storage unit, picnic tables and associated works. - Green space adjacent to Highfield Community Centre.

The Principal Planning Officer summarised the application for the Committee and explained that, having regard to the Development Plan and other material considerations, the proposal had been considered acceptable and that planning permission was recommended, 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 to deal with any other matters that might arise, provided that they were not substantive.

(Councillor Murphy retired from the meeting.)

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LA04/2024/0755/F - Retrospective application for extension to film studio for switch room/dimmer array building with associated external plant deck, installation of a new sliding access gate and reconfiguration of internal access arrangements on site. - Lands immediately north and south of existing film studios, north of Dargan Road (within wider Belfast City Council lands known at North Foreshore/Giants Park), Belfast.

The Principal Planning Officer provided the Committee with a summary of the application and explained that the proposal had been required to house critical components associated with the safe distribution of electrical power to the wider film studios development.

She stated that, having regard to the Development plan and other material considerations, the proposal had been considered acceptable and it was recommended that planning permission be 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 to deal with any other matters that might arise, provided that they were not substantive.

Chairperson