

Planning Committee

Tuesday, 16th March, 2021

MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Hussey (Chairperson);
Councillors Brooks, Carson, Matt Collins,
Garrett, Groogan, Hanvey, Hutchinson,
Maskey, McCullough, McKeown,
Murphy, Nicholl and O'Hara.

In attendance: Mr. A. Thatcher, Director of Planning and
Building Control;
Mr. E. Baker, Planning Manager
(Development Management);
Ms. N. Largey, Divisional Solicitor;
Ms. C. Donnelly, Democratic Services Officer; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

No apologies for inability to attend were reported.

Minutes

The minutes of the meetings of 16th February 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 March, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Collins declared an interest in Item 6f, namely LA04/2020/1864/F - Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission Z/2014/0077/F (erection of new pavilion, new 3G all-weather pitch with associated perimeter and spectator fencing, ball catch nets, floodlighting and improvements to pedestrian and vehicular access to include new access, footpath and car parking) to vary Condition 13 at Glassmullin Gardens / Slieveban Drive, in that he had been involved in a campaign relating to the green space in the area, and, upon receiving legal advice, he advised that he would not participate in the vote on the application. He stated that he wished to address the Committee on the application before he retired from the meeting.

Councillor McCullough declared an interest in Item 6l, namely LA04/2020/0798/F - Youth and Community Centre, with fenced 3G Pitch on a vacant site, with associated parking and landscaping on site of former Grove Swimming Pool Complex bound by

York Road North Queen Street and Grove Place, in that he had been involved in some work around it and would withdraw and not participate in the discussion or vote.

Committee Site Visits

The Committee noted that, on 2nd and 10th March, site visits had been undertaken to:

- **LA04/2020/1022/F** - Demolition of existing vacant buildings and structures to the rear of the site and alterations, refurbishment and extension to existing terraced dwelling at 1 Canada Street to provide 6no. apartments plus associated site works at 1 and 1a Canada Street;
- **LA04/2020/1158/F** - Demolition of existing building and erection of 65No Apartments including 20% social housing at- 1 – 5 Redcar Street;
- **LA04/2020/0845/O** - Outline planning permission for a mixed use regeneration proposal with all matters reserved for retirement living at plot 6, medical or health services at plot 9, multi storey car park, local retail uses, restaurant and cafe uses, leisure and gym facilities at plot 8, associated internal access roads, associated new public realm and amenity open space including central plaza and access from Upper Lisburn Road (as per planning approval reference LA04/2018/0040/F); and no matters reserved for residential development (81 apartments)at plot 3 with ground floor local retail use/restaurant and cafe uses/leisure and gym facilities, associated landscaping, car parking and access from Upper Lisburn Road (as per planning approval reference LA04/2018/0040/F) and reconfiguration of temporary car park to the rear of King's Hall (approved under LA04/2018/0040/F); and
- **LA04/2020/1943/F and LA04/2020/1944/LBC** – Residential conversion of the existing listed structures to form 57 apartments, including maisonettes and loft style studios ranging from 1-3 bedrooms in size to include 20% social housing at 3-19 (Former Warehouse) Rydalmere Street.

Pre-Emptive Site Visits

At the suggestion of officers, the Committee agreed to undertake a pre-emptive site visit in respect of the following application:

- **LA04/2020/2200/F** - Demolition of Nos. 27 to 37 Linenhall Street and Nos. 8-10 Clarence Street and erection of seven storey office building 8-10 Clarence Street, 27-37 Linenhall Street and existing car park at the corner of Linenhall Street and Clarence Street.

The Planning Manager advised the Committee that a late objection had been received in relation to application 6k, namely **LA04/2020/0857/F** - Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15 No.

residential units, office space and ancillary development at Ormeau Centre, 5-11 Verner Street. The Members noted that the application had therefore been withdrawn from the agenda and the Committee agreed to hold a pre-emptive site visit to familiarise itself with the location.

Planning Appeals Notified

The Committee noted the receipt of correspondence in respect of a number of planning appeals which had been submitted to the Planning Appeals Commission, together with the outcomes of a range of hearings which had been considered by the Commission.

Planning Decisions Issued

The Committee noted a list of decisions which had been taken under the delegated authority of the Director of Planning and Building Control, together with all other planning decisions which had been issued by the Planning Department between 9th February and 8th March.

Abandonment

The Committee noted that the Department for Infrastructure (DfI) proposed to abandon 253.24 square metres of former footpath, consisting of two areas at Dunbar Link and Great Patrick Street, under Article 68 of the Roads (Northern Ireland) Order 1993.

Mr. Aidan Thatcher

The Chairperson reminded the Committee that this would be the last meeting at which the Director of Planning and Building Control would be in attendance as he would be leaving the Council to take up the post of Assistant Director (Growth and Housing) in Wigan Council. On behalf of the Committee, the Chairperson thanked Mr. Thatcher for his contribution to the Planning Department during his time in the Council and wished him well in his future role.

Miscellaneous

Regional Property Certificate Fee Increase

The Committee considered the undernoted report:

“1.0 Purpose of Report

- 1.1 The purpose of the report is to advise the Committee about an increase to the fee charged for a Regional Property Certificate.**

2.0 Recommendations

2.1 Committee is asked to:

- Note the revised fee structure for Regional Property Certificates.

3.0 Main report

Background

3.1 Fermanagh and Omagh District Council co-ordinate and manage the Regional Property Certificate Service on behalf of the 11 Councils and other statutory partners. This includes collection of fees which are subsequently distributed on a net basis to each Council, based on the number of certificates issued for each respective area, normally on a bi-annual basis.

3.2 The last fee change was in July 2019 when VAT was introduced following a HMRC ruling that this represented a chargeable service. It was confirmed at that time that this was not a statutory fee and Councils had the powers to amend at their discretion.

Key Issues

3.3 It is proposed that the fee is increased from £60 to £70, inclusive of VAT, which is in line with the Local Council Property Certificate fee as this will avoid any confusion amongst the shared customer base. Other aspects of charges, including the charge for other sites and maximum fee, will not be affected. The proposed change to the fee structure is set out in Appendix A.:

3.4 SOLACE has been consulted and has approved this change and it will also be advised to the Law Society as the representative organisation for solicitors in NI, with an effective date of 1 April 2021.

Financial & Resource Implications

3.5 As per the report.

Equality or Good Relations Implications

3.6 None associated with this report.”

The Committee adopted the recommendations.

**Review of the Implementation of the
Planning Act 2011**

The Committee considered the undernoted report:

“1.0 Purpose of Report and Summary of Main Issues

1.1 The Department for Infrastructure (DFI) is carrying out a review of the implementation of the Planning Act (Northern Ireland) 2011. DFI has issued a ‘call for evidence’ to key stakeholders asking them to respond (see Appendix 1 on mod.gov).

1.2 The Planning Committee is asked to agree the Council’s response at Appendix 2, which will inform the Department’s review.

2.0 Recommendation

2.1 The Committee is asked to agree the draft response to DFI’s call for evidence at Appendix 2 regarding the Departmental review of the implementation of the Planning Act (Northern Ireland) 2011.

3.0 Main Report

Introduction

3.1 DFI is conducting a review of the implementation of the Planning Act (Northern Ireland) 2011. DFI has issued a ‘call for evidence’ to key stakeholders asking them to respond. The Planning Committee is asked to agree the Council’s response, which will inform DFI’s review. A draft response provided at Appendix 2.

Background

3.2 The Planning Act (Northern Ireland) 2011 (‘the Act’) was implemented in 2015 following the reform of local government and decentralisation of the majority of planning powers from the former Department of Environment to the 11 new councils.

3.3 The key aims of the reform of the planning system were:

- deliver Northern Ireland Executive’s decision to transfer the majority of planning functions to the newly formed councils thus creating a two tier planning system; and
- bring forward short, medium and long term process improvements to modernise the system.

- 3.4 The Department is required by law to undertake a review of the Act.
- 3.5 DFI stresses that the focus of the review is on the 'implementation' of the legislative provisions of the Act itself and the extent to which the original objectives of the Act have been achieved. This will then inform whether there is a need to retain, amend or repeal any provisions of the Act. The review will also provide opportunity to consider any improvements or 'fixes' which may be required to the way in which the Act has been commenced and implemented in subordinate legislation. DFI says that it is likely that issues with the planning system that have surfaced as a result of the Coronavirus pandemic will be considered as part of this review.
- 3.6 DFI issued the call for evidence on 15 February 2021. The deadline for responses was originally 15 March 2021. However, at the behest of Belfast City Council and other councils, DFI has agreed to extend the consultation period to 16 April 2021 to allow consideration by the Planning Committee and subsequent ratification at Full Council.
- 3.7 A link to the Planning Act (Northern Ireland) 2011 is provided below:
https://www.legislation.gov.uk/nia/2011/25/pdfs/nia_20110025_en.pdf

Key Issues

- 3.8 This is a very significant opportunity for the Council to influence much needed change and improvement to the planning process in Northern Ireland.
- 3.9 The planning system in NI is underperforming. In 2019/20, the average processing time for determining Major applications in Northern Ireland was 52.8 weeks – a modest increase over 59 weeks for 2018/19 and still almost double the statutory target of 30 weeks. Whilst the statutory target for Local applications was achieved for Northern Ireland as a whole there remains much scope for improvement.
- 3.10 There is widespread frustration experienced by users of the NI planning system that DFI retained too many 'checks and balances' when planning powers were transferred to councils. The structure of councils being legally reliant on central government Departments to make planning decisions causes difficulties, uncertainty and delays. There is considerable 'red tape' and unnecessary administrative processes for Planning Authorities to follow. The bar for information requirements for applications at the beginning of

the process is far too low and encourages 'bad' applications to enter the system. Planning fees do not come close to covering the costs of council planning services and Planning Authorities are far from cost neutral.

- 3.11 There is opportunity to address these and other issues to some degree through the Department's review. However, it is considered that much more fundamental reform is required if the NI planning system is to effectively support Belfast and the wider region. It is essential that Northern Ireland has a fit for purpose planning system if Belfast is to meet the needs of its communities, prosper and compete with other cities in these Islands and around the world. To this end, officers advise that an independent review of the NI planning system should be carried out by an outside body with particular expertise in international land-use planning and governance.
- 3.12 The Council's proposed response to the Department's 'call for evidence' is provided at Appendix 2. Members are asked to endorse this response.

4.0 Finance and Resource Implications

- 4.1 The proposed changes to the Planning Act 2011, as identified at Appendix 2, are aimed at reducing 'red tape' and improving the efficiency and effectiveness of the planning system in Northern Ireland. These changes will in turn have a positive impact in terms of reducing costs and improving performance.

5.0 Equality or Good Relations Implications/Rural Needs Assessment

- 5.1 There are no equality or good relations implications associated with this report."

The Committee agreed the following minor changes to the draft response. The final draft response, as amended, follows:

- in respect of the notice of applications, that public awareness should be encouraged and increased where possible, including that notices on site should be complementary to, and not instead of, direct neighbour notification;
- to acknowledge that the different levels of resource in Planning Committees across N.I. was not equal;

- the Local Development Plan amendments must ensure it is adaptable to change and fit for purpose; and
- ensure that fee amendments resulted in graduated fees to ensure that smaller schemes paid a lower fee.

Final Response

“Call For Evidence

Review Of The Implementation of The Planning Act (NI) 2011

Response Form

Please provide us with your comments below. Please be as concise as possible and where appropriate provide evidence to support your comment.

Local Development Plans

Q.1. Do you believe there is a need to retain, amend or repeal any provisions of Part 2 of the Act or associated subordinate legislation with regard to the delivery of Local Development Plans?

Detail relevant provisions:

The following changes to the legislation should be made or considered. The relevant section of the Planning Act (NI) 2011 (‘the 2011 Act’) has been provided where relevant, as has any specific Regulation where possible. The response has been grouped under general headings to assist the Department.

LDP Preparation

The LDP statutory process should provide the scope to allow councils to respond to the consultation submissions and consider changes during the plan development stage, prior to its formal submission for Independent Examination (IE). Whilst it is acknowledged that DPPN10 now seeks to remedy this, further clarity (and a clear statutory basis) for this approach should be embodied in the relevant primary and secondary legislation. Given the long timescales involved in the current LDP process and given the desire to take into account any submissions received, it is important that councils have an opportunity to amend or fine tune the development plan document before its submission for IE, including for minor matters that seek to clarify or improve the document that do not change the overall policy direction and objectives. Where a more substantial change is desirable, then a further public consultation process on the proposed changes only would be appropriate. This approach requires a clear legal basis.

The current role of the Department of Infrastructure ('the Department') is not clear in relation to the preparation/adoption of development plan documents (DPDs) – at both the DPS and LPP stages. It is unclear as to the purpose of submitting the draft DPDs to the Department, rather than to the PAC directly. In addition, following the IE, the ability of the Department, having already taken part in the IE process, to veto the report and findings of the PAC is undemocratic and conflicts with the Department's other roles in terms of its service departments. The PAC should report directly to the councils following the IE and council elected members should then decide to adopt or modify the DPD in light of any recommendations. This does not, of course, remove the power of the Department or Minister to intervene at any stage in the process up to adoption.

Planning legislation should set out the scope and procedural requirements of any guidance prepared by the Department that relates to the preparation of LDPs and the policies therein. There should be a clear time bar for considering new guidance issued (either as draft or finalised guidance) in the relevant DPD as a clear point in time has to be set for practical reasons. Departmental guidance should also be subject to proper process, including stakeholder consultation and any relevant impact assessment that may be required prior to its finalisation and publication.

In reviewing the planning legislation, the opportunity should be taken to consider whether the two-stage process in NI, which is unlike the processes in GB and RoI, is effective and beneficial. Whilst it is accepted that the overall development plan should comprise, inter alia, a core strategy, operational policies, local policies, site requirements and land allocations/designations, these may be best considered contemporaneously rather than having a significant time period, inevitably at least 1-2 years, between the DPS and LPP stages. It was evident at our recent IE hearings that the 2-stage process is causing a degree of frustration with some parties and it is not evident that there is any significant benefit in separating the DPS and the LPP in terms of process and time.

LDP Consultation

The consultation arrangements, timescales and use of appropriate media for both stages of new LDPs need to be reviewed and simplified across the provisions in the 2011 Act and The Planning (Local Development Plan) Regulations (Northern Ireland) 2015. In particular, clarity, consistency and simplification across the different requirements in respect of the consultation process, including statutory adverts. In the latter regard, it is suggested that the public consultation periods for each relevant stage in the LDP

process should be statutory period of 8 weeks minimum (as opposed to maximum) and the statutory dates for accepting submissions should be clarified in relation to the current requirement for public notices during two consecutive weeks. Indeed, it is suggested that this two consecutive week requirement is omitted as a statutory requirement and that councils' Statements of Community Involvement specify the intended public notification at each stage, subject to any statutory minimum requirement.

The current definition of statutory consultation bodies set out at Regulation 2 of the LDP Regulations 2015 results in an unduly onerous and unnecessary notification of a long list of utility providers and licencees under Reg 2 (1) (f, g and h). The current reliance on UK lists for such providers, in the absence of a bespoke list for NI, has resulted in the issuing of statutory notices to many operators that are irrelevant to NI. The Department should take responsibility for managing a local list reflecting those operating in NI or, alternatively, the consultee body should be named as the relevant umbrella regulator body, such as the Utility Regulator and Ofcom.

The opportunity should also be taken for a more up to date and clear approach in relation to the use of digital media and websites for the use of different media for the purposes of consultation and advertisement.

It is considered that all amendments to the LDP process must ensure that it is adaptable to change and remains fit for purpose to enable quick and responsive plan production and review.

LDP Adoption and Independent Examination Process

The 2011 Act only refers to whether a plan is "sound" in Section 10 para 6 (b). The main issues lie with the tests transposed by the Department and set out in DPPN06 which, whilst "based" on practice elsewhere, fails to take account of the important differences in the NI system. In particular, the tests include elements over which councils have little control due to the particularities of the NI LDP process and the role of the Department. This clearly includes the LDP Timetable which, naturally accepted as good practice and a useful guide for all participants in the process, is inevitably subjected to significant changes as the many stages in the process are advanced. Whilst it is also accepted that the Department has indicated some flexibility (up to 6 months due to Covid, for example), the strict adherence to a proposed timetable should not be a matter of soundness.

Tree Preservation Order Matters

Section 124 of the 2011 Act affords the Department the power to, inter alia, vary or revoke a TPO. This power is not afforded to

councils in Sections 122-123 of the 2011 Act. Whilst Regulation 8 of The Planning (Trees) Regulations (Northern Ireland) 2015 refers to the revocation of TPOs by councils, the primary legislation does not align with this. The power for councils to vary or revoke TPOs, including those made by the Department and its predecessors, should be expressly included in the primary legislation.

Built Heritage/Conservation Matters

Section 104 of the 2011 Act allows the authority that originally made a conservation area designation to vary or cancel the designation. Therefore, this power does not afford councils the power to vary or cancel a conservation area designated by the Department and its predecessors. The primary legislation should be amended to afford councils such powers.

The Planning (General Permitted Development) Order (Northern Ireland) 2015 and The Planning (Fees) Regulations (Northern Ireland) 2015 should be amended to allow councils to set aside fees or charges where the application fee arises as a result of a decision to remove the permitted development rights under the Article 4 procedure.

In addition, in terms of the Article 4 process, the general procedure as set out in the current Regulations should be reviewed in relation to the degree of the process undertaken by the Department and the level of oversight.

Section 81 of the 2011 Act affords councils the power to serve a Buildings Preservation Notice. However, unlike other statutory notices, including those that take immediate effect in particular circumstances, such power was not also retained by the relevant government department (HED in this case). This oversight should be corrected to provide the Department with the ability to take proactive and urgent action in relation to buildings that it considers could have value that would merit statutory listing.

Other Matters

Whilst not directly related to planning legislation, it is important that the Department addresses the ongoing review of the existing planning policy statements – i.e. Countryside, Renewables and Minerals - as councils are still awaiting the outcome of these reviews and they may have an impact on future local policy development. In addition, the Department is still to publish guidance on the assessment elements of new LDPs, including for EQIA and HRA. We also acknowledge that the Department undertook to review the SPPS within five years and this timeframe has clearly passed.

In view of the change to LDPs and the SPPS as the primary focus for policy and the abandonment of PPS guidance, the opportunity should be taken to give greater clarity in relation transitional provisions, including the materiality and weight to be given to extant development plans and previously progressed draft development plans.

Q.2 Do you believe there are any improvements which may be made to the way in which local development plans are implemented?

Supporting Comments:

No comments on the implementation of LDPs at present as this is post-adoption and, thus far, the Belfast LDP is still at the independent examination stage.

Currently, at this pre-adoption stage, we are generally satisfied with our obligations in terms of the statutory requirements around annual monitoring and periodic review of LDPs.

Planning Control and Additional Planning Control

Q.3 Do you believe there is a need to retain, amend or repeal any provisions of Part 3 or Part 4 of the Act or associated subordinate legislation with regard to the Planning and Additional Planning Control?

Detail relevant provisions:

The following changes to the legislation should be made, acknowledging the different level of resource in different Councils across NI. The relevant section of the 2011 Act has been provided below but the Department should cross reference with the related parts of subordinate legislation (such as the Planning (Development Management) Regulations (Northern Ireland) 2015 and Planning (General Development Procedure) Order (Northern Ireland) 2015).

Part 3

Hierarchy of Development

S25 – consideration should be given to the creation of a third “Minor” category of development to be more representative of the range of applications. These would include minor application types such as “Householder” applications, Advertisement Consents and applications for Listed Building Consent. At the moment the spectrum of Local applications ranges from a domestic porch to a large residential scheme comprising 49 units – this is far too wide for any meaningful measurement and analysis of Local applications.

Furthermore, consideration should be given to mirroring the categorisation of planning applications in GB (Major, Minor and Other) to aid comparison with neighbouring jurisdictions in areas such as performance and efficiency.

Call in of applications to the Department

S29 – The Department has retained far too many checks and balances in the planning application process when planning powers were transferred to councils. This has led to an unnecessarily bureaucratic process which disempowers councils and undermines local decision making. Furthermore, it increases uncertainty and risk for developers and investors, extends determination times and has a detrimental impact on performance. It is essential to eliminate bureaucracy and significantly improve the efficiency and effectiveness of the NI planning system in order that Belfast and wider region can be economically competitive.

The requirement for councils to notify the Department where it intends to approve permission for Major development and there has been a significant objection from a statutory consultee should be removed. Despite numerous notifications to the Department, no such applications have been ‘called in’, which demonstrates that the rationale for such decisions by the Council have been sound. There is no reasonable justification for retaining this provision, particularly given the free standing ability of the Department to call in an application at any time. If another statutory agency is sufficiently concerned about the proposed decision they can contact the Department directly to request that the decision be ‘called in’. Examples of unacceptable delays include Major planning applications at Academy Street (LA04/2017/2811/F – the notification process took 4 months), Tribeca (LA04/2017/2341/O – 4 months) and Bedford Yard (LA04/2020/0659/F – 3 months).

The requirement to notify the Department of a council’s intention to approve Conservation Area Consent should be removed for these same reasons.

The Department should issue clear and explicit guidance on retained notification and call-in processes to aid transparency.

Pre-Determination Hearings

S30 – the requirement for councils to hold mandatory Pre-Determination Hearings should be removed. This requirement is unnecessary administration which adds further delay, confusion and uncertainty to the planning application process; increases risk for developers and investors; hinders performance against the

statutory targets; and increases costs for both councils and applicants. The removal of the mandatory requirement would not preclude councils from holding discretionary Pre-Determination Hearings either of its own motion or following consideration of a request from an interested party. Councils already provide public speaking rights at their Planning Committees and so interested parties would already have had opportunity to appear before and be heard by Elected Members. Mandatory Pre-Determination Hearings unnecessarily repeat the process and have no meaningful purpose. Notwithstanding that position the legislation in relation to this issue is complicated and confusing so the wording should be reviewed.

Schemes of Delegation

S31 – Schemes of Delegation – and how councils apportion delegated powers to officers and Elected Members through their respective Planning Committees – is entirely a matter for those individual councils and local decision making. The requirement for the Department to approve council Schemes of Delegation must be removed as it is unnecessary interference and bureaucracy adding unnecessary delay and costs.

Form and content of planning applications

S40 (and Article 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015) – the bar for a valid planning application in Northern Ireland is plainly far too low. Applications are invariably not submitted with all the information required by planning policy and good practice, and necessary for councils to make a positive determination at the first time of asking. This results in excessive delays to the application process as the council waits for the outstanding information, significantly contributing to under-performance against the statutory targets for determining Major and Local applications. It adds considerable costs to councils and wastes time for already over-stretched statutory consultees who are asked to comment on information deficient applications.

The Council published its *Application Checklist* in 2018, which provides guidance to customers on which information they should submit with planning applications in order to front-load the process, speed up the determination process and improve the chances of permission being granted. However, the Application Checklist carries no statutory weight and is essentially a “work-around” of the legislation. The Council recently carried out a review of its Application Checklist which demonstrated that it has had a marked positive impact on performance and efficiency, and has been well received by applicants, statutory consultees and staff. A copy of the review has already been provided to the Department and is sent again alongside this response. The review should form part of the evidence base for much needed legislative change to improve information requirements at validation. The Council would therefore

welcome an express statutory provision permitting councils to require applications to be accompanied by such additional information and/or documentation as the council specifies by general notice. This would mirror the current process in GB where planning authorities publish a “Local Validation List”, setting out minimum information requirements for applications. The Council would also request that such a provision should include the power to refuse an application for failure to provide the information within a certain timeframe (as may be determined by the council) unless the council has expressly agreed to extend that period.

Notice etc. of applications for planning permission and appeals

Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 – Planning Authorities should have the option of erecting a site notice as an alternative to direct neighbour notification. That is the current approach in GB and works well as it gives Planning Authorities flexibility in tailoring public notification to best meet the particular circumstances of the application. Site notices can often be more cost effective (for example where it is an alternative to neighbour notifying a whole residential apartment block with hundreds of residents – a particular issue in dense built-up areas such as Belfast City Centre). Site notices also publicise applications to a much greater audience than neighbour notification as they can be widely seen from public vantage points close to the site.

The requirement to publicise planning application in the press is outdated and very costly for councils. Belfast City Council’s current advertising budget is £50,000. The legislative requirement to publicise applications in the press should be removed in its entirety and substituted by a combination of electronic consultation, neighbour notification and site notices as set out above. At the very least, the extent to which applications must be advertised in the press must be reduced significantly to only certain types of applications which have the potential for greater impacts, as in GB. This would be limited to applications for Major development, development affecting a Listed Building, development in a Conservation Area and EIA development.

It is consider that the consultation process should increase public awareness, and if site notices are proposed that these are complementary to the exiting forms of notification.

Determination of applications

S40 – a council should only be obliged to determine the application as made (cross reference with Article 3 of the GDPO 2015). A council may accept additional information and amended plans once the application has been made only at its discretion. At the moment many planning applications are generally of poor quality either because information is incomplete or the scheme is obviously deficient in some way. This means that far too many “bad” applications enter the system, wasting council and statutory consultee resources, and significantly contributing to underperformance. Some agents have admitted that they sometimes submit applications in a very basic form “just to get it on the books”. Far too often the planning application process is used by customers as an “MOT check” with councils having to identify numerous areas where applications need to be improved.

Indeed, agents/applications often expect to be able to improve their planning application once submitted, notwithstanding the fact that the application process is far from the correct forum for negotiating significant changes to a proposal once in the system. This adds considerable delay and burden on councils, statutory and non-statutory consultees and is fundamentally a disservice to their clients who are often paying significant fees. It is plainly good practice for councils to advise customers as soon as they know that there is a problem with their planning application. However, where those issues are significant and go to the heart of the proposal, the ability to submit amended plans and/or additional information in response to those substantial concerns must be removed. Instead amended plans and/or additional information should only be permitted where they are of a more minor nature and at the discretion of a council. This will improve efficiency, timeliness of decisions and performance. It will also significantly reduce costs for applicants, councils and statutory consultees.

Planning Authorities should be able to “agree an extension” of time for individual planning applications, like in GB. This would take pressure off Planning Authorities having to make a determination in line with the statutory target and enable more modest changes to be made to a planning application by mutual agreement between the Council and applicant. This would result in less conflict in the process, better respond to the requirements of customers, result in more positive decision making and, very importantly, support better quality outcomes on the ground. This new provision would require statutory targets to be redefined to the percentage of decisions achieved within the statutory target rather than average processing time (as in GB).

Matters which may be raised in an appeal

S59 – Belfast City Council considers that this provision should be revised to reflect what the Council considers was intended by its insertion, namely to prevent new information being routinely introduced at appeal. The Planning Appeals Commission continues to accept amendments to proposals and/or new information subsequent to the council’s original refusal decision. The rationale for this is that the Council is represented at the appeal and therefore is not prejudiced by the introduction of the new information. This is fundamentally at odds with the way in which planning decisions are now made as part of a democratic process and administratively unfair. Firstly, it encourages the submission of poor applications as applicants know they have a “second bite of the cherry” to modify their proposal at appeal following refusal of permission by the council. It also means that the appeal is decided on a proposal which was never before the council, had not been considered by its Elected Members in accordance with the relevant Scheme of Delegation, and was not subject to consultation with local people and communities. Section 59 of the 2011 Act should be amended to ensure that appeals can only be determined on the basis of the application as original refused by the council, as in GB. No amendments or new information should be permitted or considered unless of an extremely minor nature.

S76 – in appropriate circumstances, developers should be able to submit a Unilateral Undertaking as a substitute to a Bi or Multi Party planning agreement under Section 76. Unilateral Undertakings can be quicker to arrange and more cost effective, thereby speeding up the planning application process, particularly for Major applications.

The Council is also of the view that Section 76 (15) (a) should be removed as it is unnecessary. This provision requires the Department to be a signature to a Planning Agreement where the application has been made to a council, and the council has an estate in the land to which the proposed agreement relates. There is no such equivalent provision in either GB or the Republic of Ireland.

Part 4

Control of demolition in Conservation Areas

S105 – the requirement for councils to refer an application for Conservation Area Consent to the Department, where it intends to grant permission, is completely heavy handed, disproportionate and unnecessary administrative burden. Demolition in a Conservation Area invariably present only local and not regional issues. The legislative requirement to notify these applications to the Department must be removed.

Other

The Planning (General Development Procedure) Order (Northern Ireland) 2016 must be amended to allow a council to procure its own in-house expertise in areas such as Listed Building; transport and road safety; and local ecological issues, in place of consulting the relevant Government Department and statutory consultee. The existing structure with local government being legally reliant on central government to make planning decisions is exceptionally disjointed, contributes significantly to underperformance and makes the planning system in Northern Ireland highly ineffective. The Department should have transferred greater powers to the new councils in 2015 including responsibility for transport, the majority of Listed Buildings, consideration of ecological issues and regeneration. The recommendations of the “John Irvine report” (2019 review of the effectiveness of the planning system in Northern Ireland, commissioned by the Department) are welcomed, however, they essentially only “paper over the cracks” and fail to address the core systemic issues. Belfast City Council must be a unitary authority with increased planning powers if it is to compete with other cities in these Islands and internationally.

Pre Application Discussions (PADs) are of fundamental importance to front-loading the planning application process, especially for Major and complex Local applications. Statutory consultees are already overburdened and over-stretched and unable to effectively support statutory consultation on planning applications. They therefore frequently struggle to properly engage in the PAD process due to lack of resources. Legislative change is necessary to enable statutory consultees to charge their own PAD fees with the income ring-fenced to improve capacity. Belfast City Council’s experience is that that developers would be willing to pay statutory consultees for PAD advice if it would improve the quality of their applications and significantly improve processing times.

Article 4 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 should be amended to make it clear which matters may be “reserved” i.e. layout, scale, design, access and landscaping.

Q.4. Do you believe there are any improvements which may be made to the way in which planning control is implemented?

Enforcement

Q.5 Do you believe there is a need to retain, amend or repeal any provisions of Part 5 of the Act or associated subordinate legislation with regard to the Enforcement?

Detail relevant provisions:

Issue of enforcement notices by Councils

S38 – Planning Authorities should be able to issue Enforcement Notices, Planning Contravention Notices and other formal notices by electronic means (such as email) as a more efficient and cost effective alternative to issuing such notices by post or in person.

Q.6. Do you believe there are any improvements which may be made to the way in which planning enforcement is implemented?

COVID-19 Recovery

Q.7 Do you believe there are any changes to planning procedures in general which could safeguard the system against potential future adverse impacts associated with emergency situations, such as that currently being experienced as a result of COVID-19 pandemic?

Detail relevant procedures:

Planning register

S242 – during the COVID-19 pandemic, Planning Authorities have had restricted access to their offices meaning that planning registers have been unable to be viewed in person by the public. Legislative change is required to suspend these requirements during emergency situations.

Other Parts of the 2011 Planning Act

Q.8 Do you believe there is a need to retain, amend or repeal any provisions of other parts of the 2011 Planning Act, or associated subordinate legislation?

Detail relevant provisions:

Correction of errors in decision documents

S219 – this provision should be enacted to give Planning Authorities the ability to address correctable errors in decision notices.

Fees and charges

S223 – the Planning (Fees) (Amendments) Regulations (Northern Ireland) 2019 must be fundamentally reviewed. The net cost of the Belfast City Council's Planning Service is £1.2m – planning fee income falls well short of the service being cost neutral. This means

that rate payers are unfairly subsidising the Council's delivery of its Planning Service. We have raised this specific concern with the Northern Ireland Audit Office who are currently conducting an audit of the NI planning system.

Any amendments to fees should result in a graduated fee system to ensure smaller schemes pay a lower fee, and vice versa, ensuring that there is full cost recovery as set out above.

In addition, charging must be introduced for current non-fee paying applications such as Discharges of Condition; Non Material Changes; Proposal of Application Notices and Listed Building Consent (where there is no accompanying planning application). These applications represent a significant proportion of the Council's overall workload yet there is no charge for these services. Work has previously been carried out by the SAO Group at the behest of the Strategic Planning Group to quantify the significant levels of non-fee playing application work undertaken by Planning Authorities. Belfast City Council estimates that approximately 25% of applications attract no fee.

Measurement of statutory performance

The way in which planning application performance is measured should be reviewed. The approach in GB of measuring the percentage of applications determined within the statutory target should be adopted. This would facilitate the introduction of the provision allowing Planning Authorities to agree an extension of the determination with the applicant. Combined with the re-categorisation of planning applications in line with the GB model, this would allow direct comparisons to be made with GB, aiding assessment of performance and efficiency.

Withdrawn applications should be removed from the statutory measures since they are not decision made by the council but by the applicant. It is manifestly unfair to measure the performance of councils on decisions which are out of their hands.

Final disposal of an application

Article 40(13) (a) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 allows Planning Authorities to "Finally Dispose" of applications where an application had not been determined and the statutory time limit for lodging an appeal has expired. At the moment, councils have no ability to remove an application from the system if it has stalled indefinitely and in a state of flux. Final disposal effectively allows a council to "withdraw" an application itself without the additional cost of having to process it to completion."

Issue Raised in Advance by a Member

That DFI Planning be invited to present on their review of Community Engagement in the Planning Process – Councillor Groogan

At the request of a Member, the Committee agreed to invite DFI Planning to engage with the Committee in relation to the ongoing examination of community involvement in the planning process.

Restricted Items

The information contained in the report associated with the following 2 items 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 these items 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.

Finance Update

The Committee was provided with an update on the impact of the Covid-19 pandemic on the Council's financial position, and a strategy to address the forecast deficit and the mitigation measures which had and would be taken as the situation evolved.

Noted.

**Lisburn and Castlereagh City Council –
Local Development Plan - Focused
Changes Consultation**

The Committee noted the submission of comments to Lisburn and Castlereagh City Council's Local Development Plan Focused Changes Consultation, which would be subject to approval by the Strategic Policy and Resources Committee.

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)

Withdrawn Items

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

- **LA04/2019/1833/F** - New dwelling to replace previous dwelling on site at 11 Ashley Park, Dunmurry;
- **LA04/2020/2200/F** - Demolition of Nos. 27 to 37 Linenhall Street and Nos. 8-10 Clarence Street and erection of seven storey office building 8-10 Clarence Street, 27-37 Linenhall Street and existing car park at the corner of Linenhall Street and Clarence Street;
- **LA04/2020/0426/F** - Reconstruction of petrol station and ancillary retail unit including the replacement of fuel tanks, pumps and canopy alterations. Hot food takeaway unit, ATM, compactor and provision of an EV charging facility at 228 -232 Stewartstown Road; and
- **LA04/2020/0857/F** - Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15 No. residential units, office space and ancillary development at Ormeau Centre, 5-11 Verner Street.

(Reconsidered Item) LA04/2020/1022/F - Demolition of existing vacant buildings and structures to the rear of the site and alterations, refurbishment and extension to existing terraced dwelling at 1 Canada Street to provide 6no. apartments plus associated site works at 1 and 1a Canada Street

The Committee was advised that the application had previously been listed for Committee consideration on 16th February, 2021. The application had not been presented and was deferred for a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand. A site visit for Members had taken place on 2nd March, 2021.

The Principal Planning officer provided the Committee with the key aspects of the application.

She reminded the Committee that it was up to the applicant to furnish the Authority with information, plans and drawings to demonstrate the acceptability of their proposal and that the applicant had failed to do that. The Members were advised that the sections and shadow analysis which had been received confirmed officers' concerns regarding the unacceptability of the proposal in terms of scale, mass; limited separation and proximity to neighbours.

The Committee was advised that, on Monday, 1st March, the applicant had submitted additional information and an amended scheme. The amendments included:

- the creation of a point of access from the public street to all apartments;
- the reduction of overall numbers from 6 apartments to 5; The proposal had removed the ground floor apartment from 1 Canada Street and instead proposed that to be used as an access corridor to the proposed apartments, stores, bicycle parking and bin store located under the 1st floor of 1 Canada Street which was previously proposed to be the entrance courtyard to the apartments;

- amendments to provide external bin access to the houses which backed onto it on Canada Street; the relocation of bin storage areas to a larger area where all bins could be accessed more easily to both apartments and to the street; and
- the bin access arrangements for the houses on My Lady's Road maintained

The proposal of the amended scheme now included some changes to the elevations as well as work to properties outside the site address and ownership of the applicant.

The agent had also referred to other back lands developments in east Belfast which they deemed comparable to the proposal, however, officers felt that they were not directly comparable with the site.

The Principal Planning officer outlined that the proposal had removed the entrance courtyard and now provided an access corridor through the existing ground floor of 1 Canada Street. She explained that officers still had concerns regarding the layout, limited separation distances, the outlook and surveillance as outlined in the original case officer's report.

In relation to amenity, it was acknowledged that the amenity garden area would be communal, however, it could not be considered private amenity space and would be overlooked by existing dwellings from Canada Street and London Road. Whilst a degree of overlooking was expected in any inner city location, she highlighted that the proposal would result in overlooking to an unacceptable degree, and would detrimentally impact on the residential amenity of prospective residents.

The Committee was advised that the scheme was not reflective of the character of the area and failed to provide a quality residential environment and was considered to be contrary to policies QD1 of PPS 7 and LC1 of the Addendum to PPS7. The proposal failed to maintain the character and appearance of the proposed ATC and was considered contrary to paragraphs 4.26 and 6.21 of the SPPS for NI.

The Committee was advised that NI Water and DFI Roads had offered no objection to the proposal, subject to conditions.

The Chairperson welcomed Councillor Dorrian to the meeting, who wished to address the Committee in support of the application. He outlined that:

- he was familiar with the site as it within his District Electoral Area and had been derelict for a number of years;
- it was a current hotspot for anti-social behavior;
- that residents in the area wanted to see regeneration of the site;
- he urged the Committee to support the scheme.

The Chairperson thanked Councillor Dorrian for his contribution.

He then welcomed Mr. N. Kohner, applicant, to the meeting. He advised the Committee that:

- he had tried to bring a positive change to the area with a good scheme to create highly desirable homes;
- he did not want to see the site continue as a wasteland;
- that, if the Committee was minded to refuse the application as per the officers' recommendation, the Committee and the Planners would work with him to help regenerate the site.

A number of Members stated that they had sympathy with the applicant in that the site was a difficult space and was in need of development and encouraged further engagement with the Planners in respect of the site.

The Committee agreed to refuse the application and delegated power to the Director of Planning and Building Control for the final wording of the refusal reasons.

(Reconsidered Item) LA04/2020/1803/F - Change of use to House of Multiple Occupancy at 60 Springfield Road

(Councillor Murphy did not participate in the vote on this item as he had not been present for the duration of the officer's presentation when it had been presented previously, on 15th December, 2020.)

The Committee was reminded that, at its meeting of 15th December, 2020, it had agreed to defer consideration of the application to request that DfI Roads would carry out a site visit to observe traffic and for representatives to attend the next Meeting. She explained that Mr. G. Lawther, DfI Roads, was in attendance.

The Principal Planning officer reminded the Committee of the details of the application for a change of use from a single dwelling to a House in Multiple Occupation (HMO). She explained that DfI Roads had since stated the following with regards to the assessment of the application:

- in assessing development applications proposing Houses in Multiple Occupancy (HMO), DfI was informed by the HMO Subject Plan for the Belfast City Council Area 2015. Whilst the various policy requirements of the Subject Plan sought to encourage regeneration, address need and demand, and also protect against residential amenity, it was noted that the provision of car parking was not a requirement of the assessment process;
- Existing Regional Planning Policy and supplementary planning guidance, including the published 'Parking Standards', did not incorporate car parking as a requirement for HMO development.
- in light of the above, DfI Roads position was unchanged, it had raised no objection to the proposal and it had confirmed that it did not intend to carry out a site visit.

The Committee was advised that five representations and a signed petition had been received in opposition to the application, raising issues including antisocial behaviour, lack of parking, dirt/smell, not informed as direct neighbours and a lack of family housing provision.

She explained that DFI Roads and Environmental Health had been consulted on the application and had no objections.

In respect of the principle of the proposal at this location, the Principal Planning officer outlined that the application site fell within an HMO Development Node HM 4/07 Falls Road/Springfield Road, as designated within the HMO Subject Plan for Belfast (2015). She reported that Policy HMO 3 stated that planning permission would only be granted along the frontages of designated HMO Development Nodes, providing it did not include HMO development at ground floor level within a designated commercial node or shopping area. She clarified that the proposal was situated within the frontage of a designated HMO Development Node, and was also in line with Policy HMO 6, as the criteria within the policy was either met or was not relevant.

A Member expressed concerns and stated that she did not feel that the Committee had all of the relevant information, particularly regarding how PPS3 had been assessed, how they worked alongside the HMO Subject Plan, and how DFI Roads had made its assessment in respect of the application.

The Principal Planning officer explained that the HMO Subject Plan did not set out any standards for parking and, while PPS3 set out general requirements for development, there was nothing specific in the parking standards relating to HMO development and that, therefore, you could not apply a standard which did not exist. She acknowledged that there was a gap in terms of assessments of HMOs, but that they could not demand parking from an applicant when there was no standard.

Mr. Lawther added that there was no target or policy to meet in terms of parking standards for HMOs.

The Member queried how officers could be satisfied that the application had been adequately assessed against PPS3 if there was no mechanism for assessing such an application against it.

The Director of Planning and Building Control clarified to the Committee that the highways implications are assessed against the PPS 3 requirements by DFI Roads. He added that DFI Roads had advised that it had carried out a desktop analysis of the impact of the application and that it did not warrant a site visit, given that it was a small scale development.

Accordingly, the Chairperson put the officer's recommendation to approve the application to the Committee, with delegated authority granted to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

On a vote, no Members voted for the proposal, four against and nine no votes, and it was accordingly declared lost.

As there were no counter proposals, the Divisional Solicitor and the Director of Planning and Building Control advised the Committee that it might be helpful for the Committee to defer the application so that further information could be provided to the Committee in relation to PPS3 and the policy position in respect of HMO applications.

In response to a Member's query as to whether the Committee could request that DFI Roads would undertake a comprehensive review of parking standards, the Divisional Solicitor advised the Committee that it would take some months for DFI Roads to carry out such a review. She explained that the Committee could request that DFI would review the standards, but to note that it would not be undertaken by the time the application was brought back to the Committee.

Moved by Councillor Garrett
Seconded by Councillor Hussey and

Resolved – that the Committee agrees to:

- defer consideration of the application to enable further information to be provided in respect of PPS3 and the policy position in terms of HMOs; and
- that DFI Roads be formally requested to undertake a site visit in respect of the application; and
- to separately write to DFI Roads, requesting that they undertake a comprehensive review of parking standards in due course.

(Reconsidered Item) LA04/2020/0845/O - Outline planning permission for a mixed use regeneration proposal with all matters reserved for retirement living at plot 6, medical or health services at plot 9, multi storey car park, local retail uses, restaurant and cafe uses, leisure and gym facilities at plot 8, associated internal access roads, associated new public realm and amenity open space including central plaza and access from Upper Lisburn Road (as per planning approval reference LA04/2018/0040/F); and no matters reserved for residential development (81 apartments) at plot 3 with ground floor local retail use/restaurant and cafe uses/leisure and gym facilities, associated landscaping, car parking and access from Upper Lisburn Road (as per planning approval reference LA04/2018/0040/F) and reconfiguration of temporary car park to the rear of King's Hall (approved under LA04/2018/0040/F) on lands at Kings Hall and RUAS site

(Councillors Carson and Hanvey did not participate in the vote on this item as they had not been present for the duration of the officer's presentation when it had been presented previously on 16th February, 2021.)

The Planning Manager reminded the Committee that it had originally considered the application at its meeting on 16th February. He reminded the Committee further that it had resolved to defer the application in order to carry out a site visit and to seek clarification on Air Quality issues from Environmental Health. The site visit had taken place on 10th March.

He advised the Committee that one further objection to the application had been received on 18th February, raising concerns relating to the impact of traffic using the Balmoral Avenue access, in particular the impact on a neighbouring property to that access. He provided the officer's response to the issue and outlined that no new planning concerns had been raised. He added that DFI Roads had been notified of the late objection and that it had offered no objection, subject to conditions.

The Planning Manager drew the Committee's attention to the Late Items pack whereby, following receipt of DFI Roads final consultation response which recommended the provision of a minimum of 4 additional car club spaces, the applicant had confirmed that they were willing to provide 4 additional spaces resulting in an overall provision of 6 car club spaces. The Planning Manager explained that, while the additional car club spaces were not required to make the development acceptable, they did provide greater opportunity for sustainable transport modes for users of the site. He added that those spaces, along with discounted membership (50%) of a car club for a period of 3 years, would be secured through a Section 76 Agreement.

In respect of the air quality issues, the Members were advised that the Technical Note, available on the Planning Portal, stated that "the air impact quality assessment had robustly assessed the impacts of traffic emissions in the Air Quality Management Area. Due to the improvements in vehicle emissions with time; the phased nature of the development; and the mitigation measures included within the proposed development, which would reduce vehicle trips and encourage sustainable travel, the residual air quality effects as set out in the ES Chapter were not significant". The Planning Manager confirmed that, having assessed the Air Quality Impact Assessment, Environmental Health had offered no objection to the Air Quality Impacts, subject to a condition relating to the installation of any combustion plant.

The Members were advised that Environmental Health had prepared an additional report, also available on the planning portal, to provide further information for Members as to how the consultation process in relation to ambient air quality impact was undertaken by the Council's Environmental Health staff, and the conclusions reached in respect of the ambient air quality impact of the regeneration proposal.

The Committee was advised that the report stated that, at each stage, the proposal had assessed the information provided against local air quality management technical guidance and planning policy and emphasised that extensive consultation had been undertaken in relation to the AQIA methodology, between Air Quality Consultants and the Council's Air Quality Technical Officer. Environmental Health was satisfied that the AQIA had been undertaken in accordance with relevant government guidance, including the Environmental Protection UK and Institute of Air Quality Management guidance document, 'Land-use Planning & Development Control: Planning For Air Quality' (January 2017) and the UK Local Air Quality Management Technical Guidance document LAQM.TG(16).

The Planning Manager outlined that the AQIA employed traffic flow data for relevant local roads, converted into Annual Average Daily Traffic (AADT) flows and provided by the project transport consultants. He outlined that the Council's Air Quality Technical Officer had requested confirmation of the accuracy of the road traffic data utilised within the AQIA as part of the planning consultation process and was satisfied that the additional traffic emissions, associated with the proposals, had been assessed correctly and in accordance with relevant guidance.

In its conclusion, the report stated that, apart from the Stockman's Lane monitoring station, Environmental Health currently monitored nitrogen dioxide annual mean concentrations at Stockman's Crescent, Balmoral Avenue and at the Upper Lisburn Road and none of those three monitoring sites had recorded exceedances of the nitrogen dioxide annual mean objective during 2019. As a result, Environmental Health had a good understanding of air pollution concentrations in the vicinity of the regeneration proposal and were therefore able to provide comprehensive advice to the Planning Service.

The Members were advised that Environmental Health had acknowledged that the air quality predictions for 2021 had been based on worst-case assumptions regarding the increase in local traffic flows. It had been assumed that the whole scheme would be completed and be fully operational in 2021, whereas the development buildout and occupation were to be phased over a 5-year period; 2021-2026. The Planning Manager explained that the further analysis undertaken by the consultants had demonstrated that the impacts associated with the proposed development were predicted to be negligible before 2026, when the proposed development was to be fully operational.

It was reported that Environmental Health had noted that the consultants had indicated a series of mitigation measures were to be implemented, aimed at enhancing the attractiveness of sustainable travel, which would further reduce the impact of road transport sources. The measures included the provision of secure cycle storage facilities and public transport information as prescribed within the Travel Plan.

The Planning Manager added that Environmental Health had considered the proposed mitigation measures and advised that they would reduce associated emissions from road transport users and that they were appropriate and achievable.

The Chairperson advised the Members that Ms. E. Barszczewska-Lyner, Environmental Health officer, was in attendance to answer any technical questions from the Members.

In response to Members' questions, Ms. Barszczewska-Lyner provided the Committee with clarification in respect of the process by which Environmental Health had carried out a detailed assessment of traffic emissions in the area, particularly given the scale of the proposal and its location which was close to an Air Quality Management Area (AQMA). She reiterated that the assessment had been based on the worst case scenario with the whole site operational and with the 4,000 additional car journeys mentioned within the report.

The Chairperson advised the Committee that Mr. G. Pellizzaro, Air Quality Consultant, Mr. B. Pope and Ms. N. Semple, Transport Consultants, and Ms. E. Walker, agent, were also in attendance.

In response to a Member's question, Mr. Pellizzaro advised the Committee that the Stockman's Lane AQMA monitor had shown a decrease of nitrogen dioxide concentrations, by 11 micrograms, between 2014 and 2019. He advised that the figures tied in with data from across the U.K and explained that Air Quality was predicted to continue to improve due to older vehicles having been retired from the road.

He added that, for the Air Quality Assessment, they did not take into account any behavioural changes in terms of an increase in users cycling, walking or using car clubs, and that it had been carried out based on the worst case scenario of everyone driving to and from the site.

In response to a further question, Ms. Semple provided the Committee with details on the use and operation of car clubs.

In response to a further Member's query on the Green Travel Plan, Ms. E. Walker, agent, advised the Committee that the developer would include an electric vehicle charging point within the multi-storey car park element of the scheme. In relation to the Travel Plan measures, she explained that there would be monitoring to ensure that the mitigation measures were demonstrating an increase in the use of sustainable transport.

The Director of Planning and Building Control added that the Travel Plan was not a static document and that it was required to be reviewed over the development period. He explained that the document was still not finalised as the end users had not yet been agreed.

Accordingly, the Chairperson put the officer's recommendation to approve the application to the Committee, with delegated authority granted to the Director of Planning and Building Control to finalise the Section 76 Planning Agreement and the wording of conditions, subject to no new substantive planning issues being raised by third parties.

On a vote, six Members voted for the recommendation, two against and four no votes, and it was declared carried.

LA04/2020/1864/F - Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission Z/2014/0077/F (erection of new pavilion, new 3G all-weather pitch with associated perimeter and spectator fencing, ball catch nets, floodlighting and improvements to pedestrian and vehicular access to include new access, footpath and car parking) to vary Condition 13 (seeking to vary the scheme of landscaping to be implemented) Glassmullin Gardens / Slieveban Drive

(Councillor Collins, having declared an interest in the item, advised that he wished to address the Committee on the application but that he would not participate in the vote on the application.)

The Principal Planning officer advised the Committee that the application sought to vary condition 13 of planning permission Z/2014/0077/F under Section 54 of the Planning Act (Northern Ireland) 2011. He explained that the variation of the condition proposed to amend the landscaping plan which had been previously approved. He outlined that the proposal would result in a reduction in the amount of tree and shrub planting. The change was to address community concerns about the impact of the original planting scheme on the open character of the green and concerns around surveillance and anti-social activity.

He advised the Members that the Council's Tree Officers, Landscape Planning and Development Teams, as well as the PSNI, had been consulted in relation to the amended proposal and that they had all responded with no objections to the proposed variation.

The Chairperson advised the Committee that Councillor Collins wished to address the Committee before leaving the meeting.

Councillor Collins advised the Committee that:

- he had been involved in a campaign with local residents in trying to retain the green space in the area;
- residents did not feel that there had been good communication from the developer at the beginning of the process;
- the changes in front of the Committee reflected the impact of the campaign and that the negotiations had been somewhat successful in achieving a better scheme; and
- there had been an agreement with the school to form a management committee for the facility, to include local residents and community representatives, and, while he recognised that it could not be conditioned, he encouraged the Committee to consider attaching recommendations in respect of the management of the site going forward.

(Councillor Collins left the meeting at this point in proceedings)

Councillor Carson stated that:

- he concurred with a lot of what Councillor Collins had said;
- it had been a very divisive proposal initially, and had caused major concerns for residents but that community engagement and the new proposals around the landscaping of the site had satisfied many of the local community's concerns;
- he was pleased that the school had agreed to form a management committee, particularly to oversee the community use of the pitch;

- the pitch would be an important facility for young people in the surrounding area; and
- he welcomed the application.

The Committee was advised that Mr. S. McKee, agent, was in attendance to answer any questions from the Members.

In response to a Member's question, the agent confirmed that, as the site was nearing completion, the management company would be set up at the earliest opportunity and he would contact the school to confirm those arrangements.

A Member stated that, while they had no issue with the current application in particular, there was a large number of applications for 3G and 4G pitches throughout Belfast. The Member queried to what extent the Committee could assess the need for them, to ensure that there was not a proliferation in certain areas, and suggested that there were also issues in terms of access to the whole community as well as environmental concerns.

The Director of Planning and Building Control advised the Committee that a lot of the applications were for areas which were already designated as recreational use and that creating 3G/4G pitches increased the use of those sites. He explained that the pitches were spread across the whole of Belfast and that they had a range of user types and were not reserved for elite sports. He confirmed that, in terms of the overall need for them, the emerging Local Development Plan contained policies in relation to Open Space and Sports Provision, which sought to encourage the development of such facilities, as they were beneficial for residents' health and wellbeing. While he acknowledged that there were concerns regarding the environmental impact of 3G/4G pitches, particularly in terms of floodlighting, that the Committee did not have the ability to refuse an application on the basis of overprovision as there was no current policy basis to do so.

A further Member stated that he believed that there was a high demand for 3G/4G pitches within communities. He stated that they were likely self-regulating, given that they were costly to install and that if the owner or other groups were not using them, they wouldn't be viable.

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.

LA04/2020/1666/F - Demolition of existing two storey building and erection of a 14. storey office development with landscaping, parking, and associated development on lands at 102-127 Grosvenor Road and adjoining The Westlink/Grosvenor Road junction

(Councillor Collins re-joined the meeting at this point in proceedings)

The Principal Planning officer provided the Committee with an overview of the proposals. He explained the main issues which had been considered in its assessment, including the principle of offices at that location, the principle of demolition, the economic benefits, the impact on built heritage, the scale, height, massing and design, traffic and parking, the impact on amenity, site drainage and the consideration of developer contributions.

He advised the Committee that there were two previous approvals for offices on the site, Z/2005/1236/O, which was approved in 2011, and Z/2014/0997/O, approved in 2015. Both of those applications had now expired.

The Members were advised that the application had been subject to a Pre Application Discussion.

He reported that the site was located within the Belfast City Centre, the City Centre Area of Parking Restraint, the Great Victoria Street Character Area and the Main Office Area. The application site was also located within a City Centre Gateway and Development Opportunity Site.

The Members were advised that DfI Roads, Environmental Health, NIEA, Rivers Agency, HED and NI Water had all been consulted in addition to the Urban Design Officer, the Economic Development Team and the City Regeneration and Development Team within the Council. He reported that the consultees had no objections subject to conditions.

The Principal Planning officer reported that the proposal would generate an estimated 115 direct construction jobs, and it was estimated that 2500 employees would attend the building once operational.

He outlined that the applicant would provide a developer contribution in the form of public realm improvements along the site frontage of Grosvenor Road. He added that the applicant had also volunteered to provide a Belfast Bike dock. While that was welcomed by the Council, he explained that it was not required to mitigate the proposal and, as such, had not been included in the Section 76 Agreement. He added that the Transport travel cards would be provided and would be dealt with by a planning condition.

The Economic Development Team had also requested that a Section 76 clause be included to require an employability and skills plan to be submitted to the Council to detail mitigations and interventions that would be put in place to ensure the viability of the development.

It was reported that there were a number of listed buildings or structures of special architectural and historic interest in the immediate vicinity, including the Former Tobacco Works on Linfield Road, St. Peter's Cathedral, Royal Belfast Academical Institution, Christchurch Centre of Excellence, the Former Health Centre, 89 Durham Street and a Former warehouses at 4-6 Murray Street & 13-17 Grosvenor Road.

The Historic Environment Division (HED) had advised that it was largely content with the proposals but requested that further consideration be given to the articulation of

the tallest element. The Principal Planning officer explained that the Urban Design Officer and Case Officer agreed, and that several meetings were held to discuss the finer details of design articulation. An amended scheme was then submitted and all officers were in agreement that the matter was fully addressed.

The Committee's attention was drawn to the Late Items pack, where a formal response had been received from HED stating that it was content with the amended proposals.

The Principal Planning officer explained that a response from NI Water had referenced a technical matter in reference to a pre-development enquiry by the developers. He clarified that officers were seeking delegated authority in order to deal with the matter.

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, including the technical consultation with NI Water, and to finalise the Section 76 Agreement.

LA04/2020/2230/F - Section 54 application to vary conditions attached to Z/2014/1768/F as follows: Condition 2 relating to provision of samples of external finishes from prior to commencement of development to prior to construction of any buildings. Condition 8 relating to provision of full landscaping details from prior to commencement of development to prior to the development becoming operational. Condition 14 and relating to provision of details for disposal of storm water and foul sewage from prior to commencement of development to prior to the development becoming occupied or operational and verified by the Local Planning Authority. Removal of condition 12 relating to requirement for provision of protective fencing around retained trees for the duration of the development, Newforge Country Club, 18b Newforge Lane

The Committee was advised that the following two applications were before the Committee for consideration as they were seeking variations to a major application.

The Principal Planning officer outlined that the proposal sought to vary 3 conditions and remove 1 condition under Section 54 of the Planning Act, regarding a previous approval for a new clubhouse and tiered seating area, new 3G surface to pitch to including floodlights, dugouts, fencing, security tower, turnstiles, stands, toilet blocks and ground works. That permission, under reference Z/2014/1768/F, had been expired in September, 2021.

He advised the Committee that consultees had confirmed that the proposal was acceptable subject to conditions and/or informatives. He reported that Rivers Agency had also confirmed that the proposal would not result in, or be subject to, Flood Risk. NI Water and the Council's Landscape section also had no objections to the application. No representations had been received from third parties.

The Committee was advised that the proposal was considered compliant with the development plan and other relevant policies, also taking account of the history of the site. The Principal Planning officer advised that all other conditions would remain unaltered as set out in the original decision notice.

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.

LA04/2020/2231/F - Section 54 application to vary conditions attached to LA04/2015/0266/F as follows: Condition 5 relating to provision of full landscaping details from prior to commencement of development to prior to the development becoming operational. Condition 10 relating to provision of details for disposal of storm water and foul sewage from prior to commencement of development to prior to the development becoming occupied or operational and verified by the Local Planning Authority; Newforge Country Club, 18b Newforge Lane

The Principal Planning officer outlined that the application sought to vary 2 conditions under Section 54 of the Planning Act, in relation to a previous approval for an indoor training facility including changing and fitness facilities, flood lit synthetic hockey pitch and two 5-a-side football pitches, fencing, parking and landscaping. The Committee was advised that the permission, under reference LA04/2015/0266/F, had also expired in September 2021.

He advised the Members that Condition 5 related to landscaping details, whilst condition 10 related to the provision of details for the disposal of storm water and foul sewage. Both conditions, as approved, required the details to be agreed prior to commencement of development. He outlined that the proposal sought variation of the conditions to allow provision of the details prior to occupation or operation of the development. The Committee was advised that it would allow the applicant to undertake a range of construction works before the details would have to be agreed.

The Committee was advised that the consultees had confirmed that the proposal was acceptable subject to conditions and/or informatives. Rivers Agency had confirmed that the proposal would not result in, or be subject to, Flood Risk. NI Water and the Council's Landscape section had also confirmed that they had no objections to the application.

No third party representations had been received in respect of the application.

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.

LA04/2020/0798/F - Youth and Community Centre, with fenced 3G Pitch on vacant site, with associated parking and landscaping on site of former Grove Swimming Pool Complex bound by York Road, North Queen Street and Grove Place

(Councillor McCullough, having declared an interest in this item, left the meeting at this point in proceedings)

The Principal Planning officer provided the key aspects of the application to the Committee.

She outlined that the 0.69 hectare site was located within the development limits for Belfast in both the Belfast Urban Area Plan 2001 (BUAP) and the draft Belfast Metropolitan Plan 2015 (BMAP). The site was unzoned whiteland in the BUAP, dBMAP 2004 and BMAP 2015.

Given the site's former and current use for sport and recreation, it was considered that the redevelopment of the site would bring the use back with a new state of the art facility for the benefit of the local and wider community. The scheme would also support much needed regeneration for the area. Within that context, she advised that the principle of uses at the location were considered acceptable and were compatible with PPS 8 Open Space, Sport and Outdoor Recreation to encourage and promote sport and outdoor activity.

It was considered that the layout and separation distances proposed were acceptable and the scheme would also incorporate appropriate boundaries and landscaping which would improve the visual amenity on that stretch of the road.

She reported that DfI Roads, NIEA, and Environmental Health had considered the proposal and had offered no objections. The Members were advised that Rivers Agency had no objections to the proposal, subject to confirmation from NI Water for consent to discharge water into their system. No third party representations had been received.

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.

LA04/2019/2756/F & LA04/2019/0863/LBC – Alterations to vacant Gaol wing (Wing A) to facilitate change of use to operational whiskey distillery (including ground water abstraction, plant equipment and all associated works) with tourist centre, new car park, alterations to existing car park and associated site works. Tourist facilities to include guided tours, bar and restaurant/café

The Principal Planning officer presented the detail of the proposals to the Committee. She explained that the application was linked to listed building consent LA04/2019/0863/LBC.

She outlined the key issues which had been considered during the assessment of the proposed development including the principle of development and use; tourism; impact on a listed building; parking and access; impact on amenity of neighbours; economic benefits and environmental factors.

The Members were advised that, under the adopted BUAP 2001, the site was un-zoned white land. The site was located within the settlement development limit for Belfast, as designated by both the 2004 and 2015 versions of the Draft Belfast Metropolitan Area Plan (BMAP). She explained that the site was designated as land for mixed use in both iterations to draft BMAP.

She outlined that the principle of the development and use at the location was considered acceptable and in accordance with the SPPS for NI, PPS 4, PPS 6 and PPS 16. The Committee was advised that the proposal would secure the future survival of a listed building that had been vacant since 1996.

The Committee was advised that the proposal represented an investment of £25million with the creation of 12 jobs.

The Principal Planning officer outlined that 3 representations had been received in respect of the application, citing issues with traffic and parking, noise, pollution, road safety and overlooking. The officer's response to the issues were detailed within the report.

She explained that NI Water, DFI Roads, HED, NIEA, Environmental Health, Rivers Agency and HSENI had offered no objection to the proposal, subject to conditions.

The Committee granted approval and consent to the applications, 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.

LA04/2021/0104/F - Rear dormer to roof and a second floor side window. Works to include renovation of existing single storey side and rear extension to include replacement of pitched roof for flat roof, exterior render finish and fenestration changes at 16 Ardmore Drive

The Committee was advised that, as per the Scheme of Delegation, the application was before the Committee as it had been made by a relative of an Elected Member.

The Principal Planning officer outlined the details of the proposed house extension to the Members.

She explained that the proposals would not adversely impact the character and appearance of the surrounding area. The Members were advised that it was considered to be appropriate in its built form, scale, massing and appearance with the existing property and with surrounding neighbouring properties.

She advised that no representations had been received.

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.

LA04/2020/1321/F - New footpath, path widening and resurfacing, new park entrance, wayfinding signage and street furniture at/on various park entrances and signage/wayfinding installations bordering on the Glencairn Park and the Forthriver Linear Park as well as at Forthriver Road

The Committee was advised that the application was before the Committee as the applicant was Belfast City Council.

The Principal Planning officer provided an overview of the proposals.

She reported that the proposals would complement and improve the area and complied with the relevant policy and area plan designations.

The Members were advised that DFI Roads, NIEA and Environmental Health had been consulted and had offered no objection to the proposal.

The Committee was advised that three letters of objection had been received, raising concerns that additional seating in the park would encourage anti-social gatherings in the area. However, the Principal Planning officer explained that no additional seating or benches were proposed as part of the application.

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.

Chairperson