

Planning Committee

Tuesday, 14th September, 2021

HYBRID MEETING OF THE PLANNING COMMITTEE

- Members present: Councillor Carson (Chairperson);
Councillors Brooks, Matt Collins,
Garrett, Groogan, Hanvey, Hussey,
Hutchinson, Maskey, McCullough,
McMullan, Murphy, O'Hara and Whyte.
- In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Mr. E. Baker, Planning Manager
(Development Management);
Mr. K. Sutherland, Planning Manager (Policy);
Ms. N. Largey, Divisional Solicitor;
Mrs. S. Steele, 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 17th, 19th and 24th August 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 September, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Groogan declared an interest in relation to item 6f – LA04/2019/1886/F – 13 Residential Apartments (One block of 11 No. Apartments, one block of 2 No. Apartments) with associated amenity space and site works at 42-50 Ormeau Road, in that the applicant was known to her and that she would not participate in the vote on the item.

Councillor McMullan declared an interest in relation to item 6g – LA04/2021/0173/F - Alterations and extension to create new consulting and therapy rooms with plant relocated to roof at 193 Belmont Road, as he had previously discussed the matter with residents in the area and had expressed opinions on the application and that he would not participate in the vote on the item.

Committee Site Visits

The Committee noted that site visits had taken place, on 2nd and 9th September, in respect of the following applications:

- **LA04/2020/1360/F** - Demolition of existing church hall and construction of 9.no apartments at 491-495 Lisburn Road;

- **LA04/2019/0775/F** - 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works on lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally; and
- **LA04/2021/0493/F** – Demolition of existing buildings and erection of social-led, mixed tenure residential development comprising of 90 units in 2 no. apartment buildings (maximum height of 4 storeys) containing 75 apartments; and 11 townhouses and 4 apartments (along Sefton Drive); provision of hard and soft landscaping including communal gardens, provision of car parking spaces, tenant/staff hub, cycle parking, substation and associated works at Former Park Avenue Hotel, 158 Hollywood Road;
- **LA04/2020/1959/F** – New parkland (Section 2 Forthmeadow Community Greenway) – foot and cycle pathways, lighting columns, new entrances and street furniture, site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east, Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue, land at Springfield Dam (Springfield Road), Paisley Park (West Circular Road) and the Junction of West Circular Road & Ballygomartin Road;
- **LA04/2020/0493/F** - Alteration and extension of existing building to provide 4 No one bed apartments at 23 Glandore Avenue and 2 Glanworth Gardens; and
- **LA04/2020/2280/F** - Mixed use development comprising 1 ground floor retail unit and 13 apartments, associated amenity space, landscaping and all other site works at 93-95 Falls Road.

Planning Appeals Notified

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

Planning Decisions Issued

The Committee noted a list of decisions which had been taken under the delegated authority of the Strategic Director of Place and Economy, together with all other planning decisions which had been issued by the Planning Department between 10th August and 6th September 2021.

Abandonments

The Committee was advised that correspondence had been received from the Department for Infrastructure (DfI), giving notice that it intended to abandon an area of 19.537 square metres of footway on the western side of the Westlink to the rear of Nos. 10 and 11 Quadrant Place, Belfast.

The Committee noted the abandonment.

Planning Application

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 Members noted that the following applications had been withdrawn from the agenda:

- (Reconsidered Item) 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; and
- (Reconsidered Item) LA04/2021/1595/F - Re-placing existing kiosk with upgraded kiosk on Lands in front of Calvert House including covered area at 23 and 17 Castle Place.

**(Reconsidered Item) LA04/2019/0775/F –
18 dwellings to include revision of site layout
of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings)
and additional 11 No. dwellings, including landscaping,
access via Hampton Park and other associated site works on lands
approximately 50m to the north of 35 Hampton Park and
approximately 30m to the west of 60 Hampton Park, Galwally**

The Divisional Solicitor advised the Committee that the item had been withdrawn by officers on the basis of legal advice, as information from a statutory consultee had not been uploaded to the Portal until earlier that day.

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

**(Reconsidered Item) LA04/2020/2280/F –
Mixed use development comprising 1 ground
floor retail unit and 13 apartments, associated
amenity space, landscaping and all other site
works at 93-95 Falls Road**

The Committee noted the Late Items pack, whereby the agent had requested that the application be withdrawn from the agenda to allow further engagement between the applicant and the local community on parking and the other issues raised.

Before presentation of the application commenced, the Committee agreed to defer consideration of the application to enable the discussions to continue.

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

**LA04/2019/1886/F - 13 Residential Apartments
(One block of 11 No. Apartments, one block of
2 No. Apartments) with associated amenity space
and site works at 42-50 Ormeau Road**

The Chairperson advised the Members that Councillor Gormley wished to address the Committee on the item and he was welcomed to the meeting.

Councillor Gormley explained that he had only been informed that the application was due to be considered by the Committee earlier that day and that he had not had sufficient time to engage with the residents who had objected to the application. He requested that the Committee would defer the application for one month in order to allow him to speak with residents.

The Committee agreed to defer consideration of the application for one month.

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

**(Reconsidered Item) LA04/2020/1360/F –
Demolition of existing church hall and
construction of 9.no apartments at
491-495 Lisburn Road**

The Members were reminded that the application was considered by the Committee at its meeting on 17th August where it had agreed to defer consideration for a site visit to be undertaken to allow the Committee to acquaint itself with the location and to consider points of objection which had been raised. The site visit had taken place on Thursday, 2nd September.

The Chairperson reminded Councillors Groogan and Hanvey that, as had not been present for the discussion of the application on 17th August, they could not participate in the vote on the item.

The Principal Planning officer provided a brief overview of the application to the Members. On the site visit, Members had assessed overlooking from the proposed balconies and discussed parking provision within the street location and associated with the neighbouring development.

She confirmed to the Members that no new amendments or information had been received for further consideration and that the officers' recommendation remained unchanged.

She clarified the planning history for the neighbouring site, at 497-505 Lisburn Road, under reference Z/2007/0197/F, was granted permission over ten years ago for four retail units, 10 apartments and basement car parking.

In response to a Member's question regarding why it was deemed acceptable for the development to proceed without the inclusion of any car parking spaces, Mr. C. Sloan, Department for Infrastructure, advised the Committee that the application had been assessed against and was considered to comply with PPS3. He explained that the developer had promoted alternative modes of transport, by way of providing travel cards to residents, and also advised that the site was in a highly accessible location. The Members were advised that the applicant had provided a parking survey which illustrated spare capacity on nearby roads, adjacent to the site.

A further Member expressed concern that there appeared to be a trend with developers submitting plans for developments on arterial routes, with little to no parking included, and using it as an opportunity to put more units on a site. He also queried whether an applicant was likely to submit a parking survey which stated that there was no spare capacity for parking in the surrounding area of a site, and suggested that surely DFI Roads should conduct their own surveys independent from the applicant.

A further Member stated that they were also sympathetic to the objectors who had raised concerns regarding parking but that the Committee Members' hands were largely tied as the policy standards, in their current format, were being met by the application.

(Councillors Brooks and Hutchinson joined the meeting at this point in proceedings and therefore did not participate in the vote)

The Principal Planning officer outlined to the Committee that the onus was on the applicant to submit a range of surveys. She explained that they would employ experts in order to carry out those surveys and officers had to accept the surveys at face value. She explained that quite often the parking surveys would be accompanied by photographic evidence and that the visits had taken place across a number of different days and times.

She confirmed to the Committee that there had been occasions where surveys had been submitted with applications which did not show sufficient on-street parking and those were refused and upheld at appeal.

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.

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

(The Committee adjourned for a five minute recess at this point in proceedings)

**LA04/2021/0173/F - Alterations and extension
to create new consulting and therapy rooms with
plant relocated to roof at 193 Belmont Road**

(Councillor McMullan, having declared an interest in the item, left the meeting for the duration of the discussion and did not participate in the vote)

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

She outlined that the key issues which had been considered during the assessment of the application included the principle of development, the effect on the character and appearance of the surrounding area including the draft Area of Townscape Character (ATC), the effect on amenity and traffic and road safety.

The Committee was advised that eight objections had been received from neighbouring properties, raising issues predominantly with parking and road safety concerns as well as the impact on a residential area and concerns regarding light and noise pollution. She explained that the concerns had been addressed within the Case officer's report.

The Members were advised that the principle of development for the proposed extension and alterations to the veterinary hospital was considered acceptable as it was directly related to the already established use. The proposal would not adversely impact the character and appearance of the surrounding area nor give rise to any unacceptable impacts regarding residential amenity.

She advised the Committee that the Council had consulted DFI Roads, requesting it to consider the objections regarding parking and road safety. She highlighted that DFI Roads had offered no objections to the development proposal.

The Members were advised that, given the response from DFI Roads, which was the statutory consultee on road safety and parking, the minor nature of the proposal and that the applicant had advised that they did not forecast an expected increase in average no. of vehicles/persons at the premises, it would be difficult to conclude that the proposal would have a significant impact or exacerbate the existing issues that would constitute a refusal.

The Committee was advised that the proposal was considered to accord with Policies AMP2 and AMP7 of PPS3 and the SPPS.

The Members were advised that Environmental Health had also been re-consulted on the issues raised by objectors and it had confirmed it had no objections to the proposal.

The Committee's attention was drawn to the Late Items pack, whereby correspondence had been received from the agent. The agent had advised that the existing on-site parking provision fell short of what was required by Parking Standards. He explained that the site could facilitate 14 parking spaces but the parking standards would mean a requirement of 34 spaces for the current building. He advised that there was no increase planned in either staff or patient numbers but rather the proposal was required for facility improvement rather than service expansion. Currently, the practice was using some rooms for multiple purposes which was not ideal nor efficient. He added that consultations were by appointment only, with the exception of emergencies.

The Committee welcomed Mrs. A. Huggett, an objector and neighbour, to the meeting. She explained that:

- what was once a small 1960's veterinary hospital, it had increased in size significantly over the years
- it was situated in the midst of a residential area, and was open 24/7 and fronted onto the Belmont Road;
- the Belmont Road, according to DFI, carried 9,000 vehicles daily and the speed limit was 30mph, and that particular stretch of the Belmont Road was extremely dangerous;
- the application, if approved, would significantly increase the dangers to motorists, pedestrians and residents;
- parked cars and unmarked side roads which opened onto the main road all added to the dangers;
- for safety reasons they tarmacked their front garden so they could park their car within their property;
- the introduction of the Glider to the Upper Newtownards Road had led to greatly increased traffic on the Belmont Road, including many heavy goods vehicles;
- A Belfast Telegraph report in January 2021 claimed that the Belmont Road was listed as one of the worst roads for speeding in 2019, with 693 Detections. In 2020, Covid and the resulting lighter traffic had encouraged some to drive even faster;
- there was insufficient parking space on site at the Vets for customers, delivery vehicles, an imaging lorry and veterinary staff which unfortunately resulted in main road kerb-side parking and, as a consequence, obstruction of sight lines for those resident on that section of the Belmont Road;
- due to poor sightlines, they had been forced to park outside their house on the Belmont Road itself, but that was also fraught with danger - entering and leaving a car, especially if they were carrying goods or had their grandchildren with them, was extremely dangerous;
- a chevron box and double yellow lines on vet's side of the Belmont Road provided excellent safety and uninterrupted views for visitors to the vets when exiting. whereas residents on the other side of the road had to contend with a bus stop, very limited safety signage and hazards from mainly Veterinary staff parking for 8 hours plus daily, blocking residents' sight lines;
- DFI was extremely well informed of the dangers they faced and she did not understand why its response to was "No Objection". She had requested more details under the Freedom of Information Act but was yet to receive anything.
- the Police had provided her with a much-needed warning sign regarding Parking outside her property; and
- if successful, the application would lead to an additional 42 square metres of floor space which was likely to require more staff and more cars, worsening an already bad situation.

The Chairperson thanked Ms. Huggett for her contribution.

He then welcomed Mr. G. Dunlop, applicant, to the meeting.

Mr. Dunlop advised the Committee that he would be happy to meet with Mrs. Huggett and that he would ask that his employees did not park in areas which obstructed her sightlines.

Accordingly, the Chairperson put the officer's recommendation to approve the application, subject to the imposing of the conditions set out within the case officer's report and to delegate power to the Director of Planning and Building Control for the final wording of the conditions, and it was agreed.

LA04/2020/1959/F - parkland (Section 2 Forth Meadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture on vacant land bounded by the Forthriver Industrial Park in the east, Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue, land at Springfield and the Junction of West circular Road & Ballygomartin Road

(Councillor McMullan re-joined the meeting at this point)

The Planning Manager presented the details of the major application to the Committee, made by Belfast City Council, for a new parkland for Section 2 of the proposed Forth Meadow Community Greenway. It included foot and cycle pathways, landscaping, lighting columns, new entrances and street furniture.

He outlined the key issues which had been considered by officers during the assessment of the planning application, including:

- the principle of development;
- impact on the character and appearance of the area;
- impact on natural heritage;
- access, movement and parking, including road safety;
- impact on built heritage; and
- flood risk.

The Members were advised that the site was a large area of open space, characterised by planting and a variety of trees and includes the Forth River Ravine to the east of the site. The area comprised a mix of uses. The Innovation Factory was situated immediately adjacent to the site and, further to the north, west and south of the site the area was mostly residential with a large supermarket to the north east.

The Planning Manager explained that the site was located within an area zoned as industry and commerce in the Belfast Urban Area Plan 2001 (BUAP). He advised that part of the application site was zoned in the 2004 version of draft BMAP 2015 (dBMAP v2004) as an area of Existing Employment/Industry under designation BT010 – Employment/industry Land at Springfield Road (Former Mackies Site). The Members were also advised that the site was also located partly within zoning WB 04/12 Housing – Lands to the south of Ballygomartin Road and to the east of West Circular Road. In addition, the site was subject to the following environmental designations: Site of Local Nature Conservation Importance (SLNCI) – BT 102/26- Springfield Pond/ Highfield Dam; Local Landscape Policy Area (LLPA) BT 160 Woodvale / Springfield Road; and a Community Greenway BT162/02.

He explained that part of the application site was zoned in the 2014 version of draft BMAP 2015 (dBMAP v2014) as an area of Existing Employment under designation BT 004 – Land at Springfield Road (Former Mackies site). The application site also fell within an uncommitted housing site WB 04/04 – Land between West Circular Road and Ballygomartin Road, either side of the Forth river. In addition, the site was subject to two environmental designations: SLINCI - BT 084/26 – Springfield pond/Highfield Glen' and a Community Greenway BT147/02.

The Committee was advised that Environmental Health, Northern Ireland Water, BCC Tree Officer, BCC Landscape, Planning and Development team, DFI Roads Service, DFI Rivers Agency, Historic Environment Division (Historic Monuments); Historic Environment Division (Historic Buildings); DAERA Water Management Unit, DAERA Regulation Unit; Shared Environmental Services and DAERA Natural Environment Division had been consulted in respect of the application and had raised no issues of concern subject to conditions.

The Planning Manager explained that the proposal had been assessed against the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), dBMAP v2004, dBMAP v2014, Planning Policy Statement (PPS) 2, PPS 3, PPS 4; PPS 6, PPS 8, and PPS 15. He reported that, having regard to the assessment of the Development Plan and relevant material considerations, the proposal was considered acceptable.

He advised that two letters of support and three objections had been received in respect of the application and the issues they raised were set out in the main report.

The Committee's attention was drawn to the Late Items Pack, whereby a letter had been received from Nicholas Quinn Solicitors, acting on behalf of Participation and the Practice of Rights (PPR) who had objected to the application. The letter raised issues in respect of loss of employment land, policy interpretation, a reference to an error in the Committee report, that dBMAP 2015 greenway zoning aligned with the Forth River Valley and not the site, concerns about prematurity in relation to the delivery of the new Belfast Local Development Plan (LDP) and requested that the Committee would defer consideration so that fuller representations could be made in respect of the Committee report. The Planning Manager advised the Members of the Planning officers' response to the issues raised.

The Late Items Pack also included the details of correspondence which had been received from the applicant, the Council's Physical Programmes team. The correspondence included the objectives of the Shared Spaces project, that £5million of funding had been secured in respect of the project and set out concerns regarding potential slippage of the time programme. The Members were asked to note the correspondence.

The Chairperson welcomed Ms. C. Trew, Director of Participation and the Practice of Rights (PPR) and Ms. M. McMahon, Organiser at PPR. Mr. Trew advised the Committee that:

- there were elements of the Case officer's report that did not adequately address objections which they had raised, particularly in respect of PPS4 which focused on protecting the employment zoning;
- PPR did not believe that the proposal complied with PPS4;
- they had a long-standing interest in the former Mackie's site and believed that it should be used for much required social housing in West Belfast; and
- there were currently 1,805 children on the housing waiting list in that area.

Ms. McMahon advised the Committee that:

- she was speaking on behalf of the numerous families who were in housing stress and who were not able to attend the meeting at short notice;
- that West Belfast had the highest need for social housing and that the former Mackie's site was a substantial size and could address that need;
- PPR had been working in coalition with planners, architects, academics and artists renowned in their fields, who recognised the potential of the Mackie's site and who wanted to build sustainable, equitable and eco-friendly housing; and
- requested that the Committee would defer consideration of the application in order to work with PPR to create a better plan for the site, with the inclusion of much needed housing.

A Member stated that, while she was extremely sympathetic with PPR and their desire to create more homes in West Belfast, she did not believe that the topography of the site in question could be built upon. She asked the PPR representatives why they felt that the application for the greenway works were prejudicial to housing being built elsewhere on the wider Mackie's site. She added that she also felt that leisure use, through a greenway, was surely better as an adjacent land use than industrial use.

In response, Ms. Trew advised the Members that they wanted to see the Mackie's site providing thousands of new homes. She reported that the proposed greenway had originally been proposed to go along the river and that the current application would, in fact, create a barrier between communities rather than connectivity. She added that they felt that the application risked sterilising the land for any other use and that they wanted to see a holistic approach.

A further Member stated that he was also sympathetic to PPR and recognised the need for more social housing in that area of the City. In response to a question regarding the barriers faced by those on the waiting list and who could not participate in the meeting, Ms. McMahon explained that many lived in hostels without wifi and therefore could not participate in the remote meeting. She added that PPR had only had a day and a half to prepare their presentation to the Committee given the late publication of the Case officer's report on the application.

In response to a further Member's question as to the reason why PPR would like the Committee to defer consideration of the application, Ms. Trew advised the Members that she would like their planning policy advisor, Mr. David Worthington, to be able to address the Committee in respect of a number of points within the Case officer's report,

and for the Committee to hear from a number of those who were on the housing waiting list.

A further Member stated that it was important that the Committee was mindful of the timebound peace funding for the greenway project and also that there was no other live application in respect of the site.

A Member asked for clarification from officers as to whether the current application for a greenway development would prejudice any future applications for housing on the adjacent land and whether the current site was suitable for being built upon. In response, the Planning Manager advised the Committee that it had to consider the application in question, which was for a proposed greenway on the site, and whether it was acceptable in planning terms. He explained that officers felt that the proposal for a greenway would be complementary to future applications for the adjacent land, as either employment use or housing, pointing out that employment uses and housing need green spaces. The proposal would provide a valuable visual landscape buffer, breakout amenity space for future employees and residents, and improve connectivity to the adjacent uses. He did not believe that the proposal would compromise the development potential of the adjacent land to deliver employment and housing. The Planning Manager confirmed that the future zoning of the adjacent land would be addressed through the Local Policies Plan stage of the Local Development Plan process.

A Member stated that, under dBMAP 2015, the site in question had been marked for housing and that the advice from officers suggesting that the greenway would be complementary to housing was a contradiction. He also queried the equality screening of the application.

The Divisional Solicitor advised the Committee that it must assess the application that was in front of it. She also added that, in respect of an upcoming Workshop held by the Town and Country Planning Association, Members of the Planning Committee would be strongly advised not to attend if there was the potential for any discussion on specific sites as it would prejudice the Committee in terms of future decision making. She explained that the application had been screened by the Equality Unit and that it had been screened out.

Moved by Councillor Collins,
Seconded by Councillor Groogan,

That the Committee agrees to defer consideration to allow PPR more time to consider the Case officer's report, given its late publication, and in order that their planning consultant could attend the next meeting, particularly in order to address the land use policy considerations.

On a vote, six Members voted for the proposal and eight against and it was declared lost.

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, and it was agreed.

LA04/2020/2307/F - Upgrade to existing park entrances and lighting in Falls Park and bounded by Falls Road Belfast City Cemetery & property at Divis Drive

The Committee was advised of a Council application for an environmental improvement scheme at two locations on the Falls Road and the entrance from the City Cemetery to the Falls Park. The works included upgrades to park entrances and path lighting, foot and cycle pathways, lighting columns, upgraded entrances and street furniture.

The site was designated as lands reserved for landscape, amenity or recreational use in the BUAP and as existing open space within both versions of dBMAP and an urban landscape wedge.

The Members noted that the proposals would complement and improve the area and comply with the relevant policy and area designations.

DFI Roads and NIEA had been consulted and had offered no objection to the proposal. Environmental Health had requested contamination information which could be adequately addressed through condition. 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.

LA04/2021/0169/F - Upgrade to existing park entrances and lighting on site bounded by Whiterock Road Whiterock Leisure Centre and by property boundaries at Ardmonagh Gardens Whiterock Grove & Bleach Green Terrace

The Committee was apprised of the details of the Council application.

The Members were advised that the proposal was an environmental improvement scheme at two locations on the Whiterock Road and Ardmonagh Gardens. The works included foot and cycle pathways, lighting columns, enhanced entrance layouts and street furniture.

The Members were advised that the site was designated as lands reserved for landscape, amenity or recreational use in the BUAP and as existing open space within both versions of dBMAP and an urban landscape wedge. It was reported that the proposals would complement and improve the area and comply with the relevant policy and area designations.

The Committee was advised that NIEA had offered no objection to the proposal. Environmental Health had requested additional contamination information, which could be adequately addressed through condition. Whilst there was an outstanding consultation response from DFI Roads, officers advised that an amended plan had been submitted to address that and no objection was expected from DFI Roads.

One objection had been received in relation to the proposed removal of the gates. The Committee's attention was drawn to the Late Items pack. The Members were advised that the removal of the gates did not require planning permission and that the proposal included the replacement of the gates with 1.8m high paladin gates. The applicant had advised that the gates would be opened and closed in line with the Council's parks policy.

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, subject to no objection from DFI Roads.

**LA04/2021/1777/F - New glazed entryway
and windows, seating area covered by canopy.
Integral planting and existing trees retained -
Townsend Enterprise Park Limited,
28 Townsend Street**

The Committee was advised of the key details of the application and noted that the scheme was funded by Belfast City Council.

The building was a two storey brown brick building fronting an enterprise centre comprised of single storey warehouse buildings. The proposed glazed entryway was of a minor scale and the design complimented the existing building.

The site was white land within BUAP and was in a major area of existing employment/industry (BT011/38) as designated within dBMAP.

The Committee was advised that no third party objections 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.

Miscellaneous Items

**Response to 'Conservation Principles –
Guidance for the sustainable management of
the historic environment in Northern Ireland'**

The Committee considered the undernoted report and appendix:

“1.0 Purpose of Report or Summary of main Issues

- 1.1 Correspondence has been received from the Historic Environment Division (HED) of the Department for Communities (DFC), inviting the council to review and provide feedback on a guidance document, entitled '*Conservation Principles – Guidance for the sustainable management of the historic Environment in Northern Ireland July 2021*'.**

- 1.2 The document has been made available for public consultation for an 8-week consultation period, commencing on 13 August and closing on 08 October 2021.

2.0 Recommendations

- 2.1 Committee is requested to:

- note the contents of Appendix 2, which sets out the guidance document provided by HED with the Supporting Consultation statement from the Minister; and
- consider and if appropriate approve the response to the *Conservation Principles* document as set out in Appendix 1.

3.0 Main report

- 3.1 The consultation document is provided in Appendix 2 and is the first part of a two-part publication on DfC's Conservation Principles for the sustainable management of the Historic Environment. Part 2 will set out how to apply these principles, which will be provided to councils for comment in due course.

- 3.2 This document, Part 1, sets out the six key guiding Conservation Principles, providing a best practice conservation-led framework to inform all aspects of decision-making which affect our historic environment, and to reconcile its protection with the economic and social needs and aspirations of our communities.

- 3.3 Whilst the purpose of the guidance is to inform the exercise of HED in its primary functions the intention is that it would also to be referred to by owners, developers, policy makers and decision makers in central government when considering changes which impact on a designated or non-designated heritage assets.

- 3.4 The specific applicability in relation to the the work of HED would be in respect of:

- decision-making prior to undertaking work on sites in their ownership and care,
- decision-making and in their advice to others,
- informing their consultation advice to local councils on planning applications,
- providing advice with regard to the marine historic environment for development, proposals either seaward, or exempt from, terrestrial planning,
- contributing to Local Development Plans,

- publishing guidance relating to the historic environment; and assessing applications, and
- where they provide financial support.

3.5 The six key guiding principles are:

1. The historic environment is of value to us all
2. Everyone should be able to participate in sustaining the historic environment
3. Understanding the significance of heritage assets is vital
4. Heritage assets shall be managed to sustain their significance
5. Decisions about change shall be reasonable, transparent and consistent
6. Documenting and learning from decisions is essential

3.6 This publication whist reflective of guidance in other jurisdictions is tailored to the process through which the historic environment is managed in Northern Ireland. It seeks to provide a best practice conservation-led framework, the document will assist and guide those considering proposals or the development of policy affecting designated and non-designated heritage assets.

3.7 Whilst the Council could broadly support the approach to the guidance set out in the document there are a number of areas that would need to be clarified in order to ensure that the Part 2 document referred to in 3.1 above is both appropriate and proportionate.

3.8 The response set out in Appendix 1 of this report details the specific comments in response to the questions set out in the consultation documentations and Members are requested to consider and if appropriate support the submission of the document as the response to the consultation.

3.9 Financial & Resource Implications

None

3.10 Equality or Good Relations Implications

None”

Appendix 1

Proposed Response to Historic Environment Division

1. Do you agree with the overall approach to the Conservation Principles as outlined within its introduction?

Whilst the Council broadly welcomes the six Conservation Principles and the conservation- led framework for the heritage focussed work of the Department for Communities (DfC) and the Historic Environment Division (HED) there are some potential issues in relation to their status, proportionality and broader applicability. It is recognised that the consultation document, as set out in page 5, will ultimately be read alongside a Part 2 and this note of caution would also need to be considered in any guide in respect of “how to apply these principles”.

The document whilst focussed on the work of HED in the Introduction “encourages” other agencies and stakeholders to refer to the guidance although there is little distinction between the more narrowly prescribed “designated” and the potentially wide-ranging variety of “non-designated” assets in the subsequent narrative. This may be clarified in the second part of the guidance but the proportionality and full applicability of the assessment and management approaches, suggested in the second half of the document, need to recognise the difference in what may be both appropriate and practicable. There is clear recognition that for protected heritage assets the criteria for their designation is derived from the legislation (page 17) but the approach in respect of the guidance applicability for the range of other potential assets is left open or ill-defined.

The introduction whilst referring to the consistency with various conventions and legislation does not clarify the relationship or ultimate status that the proposed documents would have in the context of the range of existing relevant heritage guidance published by HED and DAERA when being considered by other bodies in the exercise of their statutory or other responsibilities. The responsibility for the formal introduction and designation several “Designated Heritage Assets” set out within the definitions in the document rests with the Council.

2. Do you agree or disagree with each of the proposed six key principles and their associated aims?

As indicated above the Council broadly welcomes the six Conservation Principles and the conservation- led framework for the heritage focussed work HED with the expressed caveats in relation to their overall status, proportionality and broader applicability. Where appropriate the specific comments in respect of the individual Principles are detailed below.

This “**Principle 1** - *The historic environment is of value to us all*” is welcomed with the clear recognition of the potentially dynamic nature of the

various environments and heritage assets. This evolving and non-finite characteristic is, however, lost in the narrative of subsequent Principles.

In "**Principle 2** - *Everyone should be able to participate in sustaining the historic environment*" the interrelated custodial / education role of users and occupiers of heritage assets such as landscapes does not appear to be recognised with an over emphasis on "experts" referred to in Principle 4.

The explanation of "**Principle 3** - *Understanding the significance of heritage assets is vital*" will need to be carefully articulated in the follow up document or refined as the opening paragraph is all-encompassing. The principle narrative omits the consideration of the landscape interest.

In "**Principle 4** - *Heritage assets shall be managed to sustain their significance*" there is some inconsistency between the first two paragraphs- the focus should be on "managing change" to protect the asset significance . The final bullet of para 4.3 is not required and forms part of Principle 5.

The subsequent detail in respect of "**Principle 5** - *Decisions about change shall be reasonable, transparent and consistent*" to address the issues of proportionality and applicability alongside the issue of the relationships between the different assets including their role as context.

There are potentially significant practical implications that could arise from "**Principle 6** - *Documenting and learning from decisions is essential*" in terms of the suggested requirements in final paragraphs. The existing approach recording and retention responsibilities for designated assets is recognised but it is not clear if this is to be expanded to include other assets -assessed by their "significance".

3. Do you agree or disagree with the approach to Understanding Significance, and the three key interests of archaeological, architectural and historic?

Local Landscape Policy Areas are recognised as designated heritage assets and there may be other areas which could be considered on the basis of the interest arising from their natural and managed landforms. Although landscape is mentioned within the "Archaeological interest" the approach to assessment of potential assets is not distinct as the current focus is on the three key "interests" irrespective of whether the landscape related heritage assets may contain other forms of Heritage assets.

As mentioned above there is clear recognition that for protected heritage assets the criteria for their designation is derived from the legislation but there is no detail on the expected approach to the utilisation of the guidance by other organisations or applicability for the range of other potential heritage assets that guidance suggests could come forward.

4. Do you agree or disagree with the approach to Assessment of Significance?

No specific comments in addition to the general comments outline in respect of the first question.

5. Do you agree or disagree with the approach to Managing Change to a Heritage Asset?

No specific comments in addition to the general comments outline in respect of the first question.

6. Is there any other comment you would like to make on the document content?

For navigation and reference it would be useful for the document to have a consistent approach to paragraph numbering and for the references to the legislation (including those in the “Supporting Text” document) to be set out within an appendix -detailing the aspect or obligations to which they are considered to align. Whilst the document is focussed on the work of HED there is currently a potential element of uncertainty arising from the inclusion of Designated Heritage Assets for which councils have responsibility.

7. In responding to this consultation, please highlight any possible unintended consequences of the proposals and any practical difficulties you foresee in implementing them.

In Principle 6 whilst the intent of the final paragraph is welcomed there could be an unintended adverse impact arising from inaction or inability to satisfy the requirements in a situation where there are viability challenges and potentially little benefit to be derived other than reuse or retention of the general fabric. In such circumstances the requirements and responsibility (extract, record, archive) may result in abandonment or delays that have adverse implications for the assets.

The Committee:

- noted the contents of the guidance document provided by HED with the Supporting Consultation statement from the Minister; and
- considered and approved the response to the *Conservation Principles* document as set out in Appendix 1.

Updated Schedule of Planning Committee Workshops

The Committee was provided with an updated Schedule of Planning Committee Workshops for September 2021 to September 2022.

The Members were advised that the Workshop on the Local Development Plan (LDP), which was scheduled to take place on 16th September 2021, would be rescheduled and that it would be discussed as part of restricted Item 8a, “Response to

'Draft Development Plan Practice Note (DPPN) 11- Receipt of Independent Examination Report and Adoption of a Development Plan'.

The Committee agreed the schedule and noted the above change in respect of 16th September, 2021.

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

Restricted Items

The information contained in the reports associated with the following three 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 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 (Northern Ireland) 2014.

Response to 'Draft Development Plan Practice Note (DPPN) 11- Receipt of Independent Examination Report and Adoption of a Development Plan'

The Planning Manager (Policy) outlined the Department for Infrastructure's (DfI) recent draft guidance (DPPN11) on the adoption of Local Development Plan (LDP) documents to the Committee. He advised the Members that DfI had requested comments on the draft DPPN by end of September 2021.

The draft guidance relates to the final stages of the local development plan preparation process whereby the DfI consider the Planning Appeals Commission (PAC) report and issue a formal Direction to Council with a requirement to either adopt, modify or withdraw the LDP document. It also covers future LDP monitoring requirements.

He highlighted that the guidance suggested that the Planning Appeal Commission's report would not be issued to any council in advance of a Direction being issued, thus not affording the Council advanced consideration of the outcomes or issues arising from the Independent Examination.

A number of Members expressed concern that the PAC report would not be made available to Elected Members or officers before a Direction was issued.

The Committee:

- noted the draft DPPN11 guidance document;
- considered the proposed response to the draft DPPN11, as set out in Appendix 2, and approved its submission with the addition of the further detail in respect of any potential DfI Directions for withdrawal and the expanded case for the early release of the Independent Examination Report; and

- agreed to hold a Special Meeting in respect of the issue, at a time and date to be agreed by the Chairperson, if deemed necessary by officers based on their discussions with DFI.

Financial Reporting - Quarter 1 2021 / 2022

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

**Update regarding legal proceedings concerning
Planning Application LA04/2020/0426/F
at 228-232 Stewartstown Road**

The Divisional Solicitor provided the Committee with an update in relation to legal proceedings in respect of planning application LA04/2020/0426/F, for the reconstruction of petrol station and ancillary retail unit at 228-232 Stewartstown Road. She reminded the Committee that it had resolved to grant planning permission in respect of the application at its meeting on 20th April, 2021.

She explained that an application for judicial review had been lodged on 19th July, 2021, on behalf of objectors. She outlined that no correspondence had been received regarding any potential challenge prior to the judicial review application being lodged.

The Committee was advised of the grounds of challenge in the judicial review application.

She explained that officers had conceded that the decision should be quashed, on the grounds outlined to Members. However, the Committee was advised that the developer had not consented to the planning permission being quashed, as they had completed 50% of the works on site. As a result, the Court had scheduled a Remedies Hearing on 8th October, 2021.

The Committee was advised that, if the Court agreed to quash the Committee decision, the planning application would be reheard by the Committee at a subsequent meeting.

The Divisional Solicitor advised that the Committee would be provided with a further update on the application at a future meeting.

Chairperson