

Planning Committee

Tuesday, 16th August, 2022

HYBRID MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Whyte (Chairperson);
The High Sheriff, Councillor Hussey;
Alderman Rodgers;
Councillors Bower, Carson, Matt Collins,
Douglas, Garrett, Groogan, Hanvey,
Hutchinson, Maskey, Murphy and Spratt.

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

Apologies

No apologies were received.

Minutes

The minutes of the meetings of 14th June were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 4th July, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

The Chairperson (Councillor Whyte) declared an interest in relation to item 8a, LA04/2020/1959/F - Section 2 Forthmeadow Community Greenway, in that he had previously engaged with objectors to the application. He left the meeting for the duration of the item.

Councillor Maskey also declared an interest in relation to item 8a, LA04/2020/1959/F - Section 2 Forthmeadow Community Greenway, in that he was employed by Intercomm. He left the meeting for the duration of the item.

Councillor Groogan also declared an interest in relation item 8a, LA04/2020/1959/F - Section 2 Forthmeadow Community Greenway, in that she had not been present at the Special meeting of 27th June, where the item had initially been considered. She advised that she would not, therefore, take part in the vote on the item.

Councillor Groogan also declared an interest in relation to item 8c, LA04/2021/2519/F - Variation of Condition relating to Operating Hours at Former Church of the Holy Rosary, 348-350 Ormeau Road, in that she had spoken against the full application which the Committee had previously considered and that she would

withdraw from the Committee and not participate in the vote on the item. She reserved the right to address the Committee in respect of the item.

Committee Site Visits

The Committee noted that site visits had taken place in respect of the following three planning applications on 5th August, 2022:

- LA04/2021/2519/F - Variation of Condition relating to Operating Hours at Former Church of the Holy Rosary, 348-350 Ormeau Road;
- LA04/2021/2856/O - Proposed mixed use regeneration development comprising office (Class B1), residential apartments (including affordable), retail (Class A1), hotel, leisure (Class D2), public realm, active travel uses, cafes, bars and restaurants, and community uses (Class D1), on lands surrounding the new Belfast Transport Hub and over the Transport Hub car park, to the east and west of Durham St and south of Grosvenor Rd;
- LA04/2019/1819/F & LA04/2019/1820/DCA - Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage and landscaping to front and rear at 28 Malone Park.

Request to hold two Special Planning Committee Meetings

At the request of the Director of Planning and Building Control, the Committee agreed to hold Special meetings on the following dates:

- Wednesday, 31st August, at 5pm; and
- Thursday, 29th September, at 5pm.

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 7th June and 9th August 2022.

DFI Notifications - Provision of Accessible/Disabled Parking Bays

The Committee noted that correspondence had been received from DFI Roads, advising of its intention to provide accessible/disabled parking bays at the following locations:

- 40 Linfield Road; and
- 26 Stracam Corner.

Proposed Removal of a Post Box

The Committee was advised that correspondence had been received from Royal Mail, advising of its intention to remove a Post Box at Agnes Street, Belfast, BT13 1GG.

Noted.

Restricted Items

The information contained in the reports associated with the following four 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 the items as, due to the nature of the item, 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.

Local Development Plan (LDP) - Update on Engagement with DfI

The Planning Manager (Policy) reminded the Committee that the Department for Infrastructure (DfI) had accepted the PAC findings in respect of the LDP draft Plan Strategy and that the Plan could be considered Sound, subject to modifications, including a new Strategic Policy which aligned the allocation of land and development with appropriate infrastructure. It was agreed, at the meeting of 15th March, 2022, that the new strategic policy and modifications would go out for public consultation for a period of eight weeks.

He provided the Committee with an update on response to the public consultation, which had closed on 7th July, 2022, and outlined the ongoing engagement with the DfI. He also set out the next steps as the Council progressed toward the adoption of the Plan Strategy.

The Committee:

- noted the content of the report and the summary of consultations received to the recent public consultation on the new draft Strategic Policy and modifications to the draft Policy HOU1; and
- endorsed the proposed modification to the Policy SP1A, set out in 3.7 of the report, as the basis for the finalisation of the new Strategic Policy.

LDP update on Supplementary Planning Guidance (SPG) consultation

The Principal Planning officer presented the Committee with an update on the preparation of Supplementary Planning Guidance (SPG) following the closure of the public consultation on 4th August, 2022.

He reminded the Members that SPGs represented non-statutory planning guidance that supported, clarified and illustrated by example policies included in the current planning policy framework, including regional policy. They were a material consideration in determining planning applications but did not in themselves contain policy over and above what was set out in the plan. He advised that SPG must be read in conjunction with the LDP and the Strategic Planning Policy Statement (SPPS) but, unlike the LDP, they were not subject to the same scrutiny in terms of the statutory process.

The Members were advised that the SPGs had been prepared over the last three years in conjunction with Government Departments and Agencies, as well as a number of representatives from professional bodies. The consultation period ran from 12th May until 4th August, 2022. The Principal Planning officer explained that officers had attended and organised a number of events and workshops both internally and externally to help publicise the documents and to help manage the engagement and focus discussions.

The Committee noted the summary of consultations received in the recent public consultation on draft SPG for the emerging Belfast LDP.

Update on the Replacement Planning Portal

The Planning Manager (Development Management) provided the Committee with an update on the project to replace the Planning Portal.

The Members were advised that the timeframe for the project remained under significant and increasing pressure although the official implementation date remained 17th October, 2022.

The Planning Manager provided an update on the project plan, change and transition plan and next steps to the Committee.

The Committee noted the contents of the report and that it would continue to be provided with regular updates.

Financial Reporting - Quarter 4 2021/2022

The Director of Planning and Building Control provided the Committee with an update in respect of the financial position of the Planning Committee for Quarter 4, which confirmed an overspend of £545k after absorbing £1.342m of covid related losses of income off set by underspends in employee costs, additional income in services not affected by Covid and also as a result of less expenditure than planned in supplies and services.

The Committee was advised that a report outlining the year end position for the Council had been submitted to the Strategic Policy and Resources Committee at its meeting on 17th June, which had provided an overview of the financial performance of the Council in the context of the agreed finance strategy that had put in place to manage the financial impact of Covid-19.

The Committee noted the update which had been provided.

Planning Applications

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

(Reconsidered item) LA04/2020/1959/F - New parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture on site including 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

(The Chairperson (Councillor Whyte), Deputy Chairperson (Councillor Maskey) and Councillor Groogan, having declared an interest in the item, left the meeting while the item was under consideration.)

(Councillor Hanvey in the Chair.)

The Planning Manager (Development Management) explained that the application had previously been considered by the Committee at its meeting on 27th June 2022, where it had resolved to approve the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions. However, no decision notice had been issued and, following advice from Legal Services, the application was being returned to the Committee to allow the objectors a further opportunity to address it before a decision was taken.

The Committee was advised that, in accordance with the Council's standard operating practice, those who wished to address the Committee must provide their consent to being recorded before they received the appropriate link. In advance of the meeting in June, the objector's solicitor had consented and was provided with the appropriate link. However, the additional speakers had requested to speak just shortly before the meeting started but had not provided their consent to be recorded. Once the objectors had provided their consent, the link was immediately issued so that they could join the meeting. Whilst the objectors were able to present to Committee with their solicitor, it was clear that there was some confusion. Therefore, in order to avoid any suggestion of procedural unfairness, it was considered appropriate to allow a further opportunity to the objectors to address the Committee.

The objectors had also expressed concern that the Late items report had not been made available to them. The Committee was advised that, for the purposes of completeness, a copy of the relevant extract had been appended to the Case officer's report.

The Planning Manager explained that the application had also been considered by the Committee in September 2021, where it had agreed to grant permission with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions. He explained that that decision had been subject to Judicial Review and that the Council had conceded on the single point of its application of the BUAP 2001, and that the decision had therefore been quashed.

The Committee therefore had a new case officer report following a further site visit and a fresh assessment of the application for consideration.

The Planning Manager advised the Committee that, since publication of the Case officer's report, further correspondence had been received from Take Back the City (TBTC) in objection to the application. They had referred to their City of the Future event which sought to showcase potential ways forward for the former Mackie's site and highlighted the acute housing need in the area. It urged the Committee to refuse the application as it wanted to see a more sustainable, equitable and forward-looking application for the site. It reiterated its previous concerns about re-zoning the site, that it was against planning policy and was premature in the context of the ongoing LDP process. TBTC advised the Committee that it had a number of choices in respect of the application, including that it could refuse the application and to engage with them further; request that only the minimum amount of land required to deliver the greenway be re-zoned leaving other options on the table; vote to defer the application to enable further engagement with them; and abstain from voting on the application.

The Planning Manager explained that the issues raised around zoning and prematurity had been addressed within the original Committee report published in June and that the application, if granted, would not preclude an application for housing being brought forward in the future. He added that the Committee must determine the application before it based on its merits.

He outlined the application which sought full planning permission for parkland, which included foot and cycle pathways, lighting columns, new entrances and street furniture. He added that the proposal formed Section 2 of the wider Forthmeadow Community Greenway, a 12km route that provided connectivity through the west and north of the city.

He outlined the physical constraints of the project, whereby a large part of the site was physically constrained as there was a steep ravine from the river up to the edge of the site and a narrow plateau, which formed the central part of the site. He added that parts of the site were undulating and that excavations would be required.

He informed the Committee that the proposal was contrary to Policy IND 6 of the BUAP, in that the lands had been zoned for industrial and commercial use, and that the proposal was not an economic development use listed in the policy. However, he added that the proposal had been considered as consistent with Policy IND 5 of the BUAP, which sought to encourage environmental improvement of industrial estates. It was contrary to the employment zonings in dBMAP, however, it had been considered as consistent with the Key Site Requirement for retention of landscaping on the western boundary and supplemented trees and planting.

He pointed out to the Committee that the Strategic Planning Policy Statement did not apply to the site as not all elements within the zone land were equally developable and that large parts of the site were not considered to be well located or suited for economic development purposes.

The Planning Manager reported that the proposal was contrary to Policy PED 7 of PPS 4 and that the Planning Advice Note to PPS 4 accepted that there could be special circumstances in which a departure from the development plan zoning could be acceptable, however, those special circumstances were not defined and that officers

had advised that there were a number of special circumstances that the Committee should consider, in that the proposal:

- was consistent with the aims of Policy IND 5 of BUAP;
- was consistent with the Key Site Requirements in dBMAP in relation to landscaping;
- involved land which had significant physical restraints;
- that there was a significant oversupply of employment space in the area;
- was a key component of the wider Forthmeadow Community Greenway; and
- would enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods

He advised the Members that it was acknowledged that there was a policy presumption, both regionally and locally, against the loss of employment land. However, that was not an un-challengeable presumption and Policy was not a straitjacket. He outlined that it was possible to set aside those policies and the employment zonings in the various plans where material considerations indicated otherwise.

He explained that employment zoning would remain and that the development would not preclude future development of the application site for employment or housing and that the proposed greenway had been considered as well suited, given the site's physical constraints for built development, and that funding was in place to establish a greenway in the location.

The Committee was advised that it was recommended that planning permission be granted, with delegated authority for the Director of Planning and Building Control to finalise the wording of conditions.

The Chairperson welcomed Ms. M. McMahon and Ms. C. Trew, objectors from Participation and the Practice of Rights (PPR), to the meeting. Ms. McMahon advised the Committee that:

- the previous week, the Take Back the City (TBTC) coalition, comprising homeless families, architects, planners and experts, had held a two day event as part of Féile an Phobail, and which had been attended by more than 200 people to hear from a few of the 60 architects from across six continents which had been developing the vision of homeless families to create a self-managed community at the former Mackie's site;
- the plans from those architects would be available to the public from 30th September 2022;
- the plans incorporated a vision of integrating housing, business opportunities and a greenway into the area with the highest housing need in NI;
- the Chief Commissioner of the NI Human Rights Commission was one the keynote speakers at the event and she had said that there were "very few rights worth having without a stable place to call your own";

- there were 4,805 families with Full Duty Applicant (FDA) status in North and West Belfast;
- over 4,400 children were living in hostels, sofa surfing or in cramped single lets;
- the plans in front of the Committee siphoned off a huge area of land not required for a greenway;
- the plans went against planning policy which protected the zoning of land to the second stage of the Local Development Plan (LDP) Local Policies Plan phase and ran the risk of prematurity;
- she queried why over 7,500 FDA families had had no place within the LDP, for the 32,000 new homes in the city and the 100,000 homes across NI;
- she suggested that the Committee could instruct officials to engage with TBTC and to re-zone only the minimum amount of land required for the greenway; to defer the application in order to engage with the vision of the 60 architects who had seen the potential for around 950 homes on the site, meeting a third of the current need; or to abstain and not participate in a “process marked out by unlawful, unfair processes and exclusionary politics”.

A Member stated that there was merit in what the objectors had said and felt that the Committee should reject the application as it was contrary to policy IND6 of BUAP, the employment zonings of BMAP and to SPSS, PPS 4 and policy PED 7. However, no other Member indicated that they would second such a proposal.

Moved by The High Sheriff (Councillor Hussey)
Seconded by Councillor Spratt,

That the Committee approves the application and grants delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions.

On a vote, ten Members voted for the proposal and one against and it was accordingly declared carried.

**(Reconsidered item) LA04/2019/1819/F & LA04/2019/1820/
DCA – Demolition of existing dwelling and erection of 3
Storey (and basement) detached dwelling with garage and
landscaping to front and rear at 28 Malone Park**

(The Chairperson (Councillor Whyte), The Deputy Chairperson (Councillor Maskey) and Councillor Groogan re-joined the meeting at this point in proceedings)

(Councillor Whyte resumed the Chair.)

The Planning Manager reminded the Committee that the application had previously been listed for consideration by the Committee at the Special meeting on 27th June 2022. However, the Committee had agreed to defer consideration of the application at that meeting in order that the Committee could undertake a site visit in respect of it. The site visit had taken place on 5th August, 2022.

He advised the Committee that, since the publication of the Committee report, a late objection had been received from the Ulster Architectural Heritage (UAH), which stated that:

- the proposal was contrary to Policies BH10 and BH12 of the PPS 6 and the SPPS;
- the existing building made a positive contribution to the Conservation Area despite the absence of essential maintenance;
- it also referenced Development Management Practice Note 5 and the former Athletics Store judgement and the former DoE failing to properly take into account the relevant policy tests for demolition; and
- it was contrary to the Malone Park Conservation Guide and limitation on plot coverage.

The Planning Manager advised the Members that the Malone Park Residents Association had raised a similar objection previously.

He outlined that officers had considered the policy presumptions against development contained within PPS6 and the Malone Park Conservation Guide and afforded them their full presumptive weight. There were, however, a number of other relevant material considerations which were set out in the case officer's report of 27th June. The question of weight was a matter for the Committee. The case officer's report dealt with the issue of demolition of the existing building, including consideration of the merits of the existing building, application of PPS 6, including engagement of Policies BH10 and BH14. It also had regard to the previous appeal decision which was not subject to challenge. The report also considered the SPPS, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act. In that regard, officers believed that the assessment was in accordance with the UAHS decision.

Another late objection had also been received from a neighbour. The objection stated that:

- previous proposals for a replacement building on the site had been refused
- the presumption under Policy BH14 of PPS 6 was to retain the building;
- the current proposal was not significantly different and would be overly cramped;
- the proposal failed the test in the Conservation Area Guide that plot coverage should be no more than 1.5 times the original dwelling; and
- an approval would set an undesirable precedent.

The Committee was advised that those issues had been considered within the Case officer's report.

The Planning Manager presented the Members with the main issues which had been considered during the assessment, including:

- the principle of development;
- the impact on the character and appearance of the Malone Park Conservation Area;
- the setting of a Listed Building;

- trees and landscaping;
- the impact on residential amenity;
- access, movement and parking; and
- the impact on Protected Species

He explained that, in the BUAP, Draft BMAP 2004 and 2014, the site was unzoned “white land” within the development limits of Belfast. The site was located within the Malone Park Conservation Area. He outlined that there had been a previous appeal decision for a replacement dwelling under references 2016/A0016 and 2016/A0017 which was a material consideration.

The Committee noted that 11 letters of objection had been received to date, including 3 representations on behalf of the Malone Park Residents Association. The objections had focused on the following issues:

- the objectors felt there was a clear policy presumption in favour of retention and no evidence had been provided as to why that was an exception, and that the existing dwelling should be demolished;
- the historical significance of the existing dwelling;
- objections to intensification, design, scale, height, massing and plot coverage of the proposed dwelling;
- the proposal was contrary to PPS6, PPS7, SPPS and the Malone Park Design Guide;
- the proposal did not preserve or enhance the Conservation Area;
- the adverse impact upon the setting of a listed building;
- destabilisation / damage to adjoining properties from excavation and construction;
- significant damage to important trees and landscape features;
- a loss of privacy, light, overshadowing, dominating impact on neighbouring properties;
- the impact on an active badger sett; and
- geology and flooding.

Those matters had been addressed in detail in the Case officer’s report.

The Committee was advised that DFI Roads, HED, NI Water, DAERA, Environmental Health and the Trees and Landscaping Section had all been consulted in respect of the application and had offered no objection to the proposal. The Council’s Conservation Officer had objected on the basis that the existing building made a material contribution to the Conservation Area and its demolition was therefore unacceptable and the proposed replacement scheme was inappropriate by way of its form, design, massing and building coverage. The Committee was advised that it was considered that greater weight should be given to the conclusions of the PAC on the extent to which the existing building contributed to the Conservation Area and the quality of the replacement scheme given its status as an independent appeals tribunal.

The Planning Manager explained that the principal consideration in the assessment of the application was the effect of the proposed replacement dwelling on the character and appearance of the Malone Park Conservation Area.

He explained that the appeal against the earlier application had been dismissed on the basis that the previous proposal would harm the character and appearance of the Conservation Area. In the case of the current application, he outlined that the footprint of the proposed replacement dwelling had been reduced, there was greater distance to the boundaries and a new landscaping plan had been provided which showed the retention of existing tree coverage, particularly the trees along the boundary with 30 Malone Park. It was considered that landscaping would remain dominant having regard to the Malone Park and Adelaide Park Conservation Guide.

The Committee was advised that the existing dwelling only made a modest positive contribution to the character and appearance of the area and was in poor condition. It was considered that the proposed replacement dwelling was well designed and that the character and appearance of the Conservation Area would be enhanced. He explained that officers considered that the grounds for dismissal of the previous appeal had been addressed and that the proposal complied with Policies BH12 and BH14 of PPS 6, paragraph 6.18 of the SPPS, Policy BH2 of the Belfast LDP Draft Plan Strategy and Section 104(11) of the Act.

He drew the Members attention to the Malone Park/ Adelaide Park Conservation Guide which stated that "In order to allow landscape to remain dominant the established relationship between building mass and gardens should be respected and retained where possible. In no circumstances should building coverage be more than one and half times that of the original dwelling". He explained that, for the purposes of this 1.5 times limit, the Guide did not provide a definition of "original dwelling". The Committee was advised that officers considered that the "original dwelling" was that present or existing from the beginning when first constructed.

He explained that the 1944 Building Control plans had been used to inform the extent of the original building footprint which in turn had allowed an assessment of building coverage. The original dwelling included an attached outbuilding to the side of dwelling which was shown in the oldest historic map dating back to around 1900, as well as the 1944 building control maps. Officers were of the opinion that the attached outbuilding should be considered as part of the original dwelling.

The Members were provided with the figures both including and excluding the outbuilding. In both cases the proposal exceeded the 1.5 times limit and the proposed replacement dwelling would fail to comply with the Conservation Guide as the proposed building coverage would be 1.9 times that of the original dwelling if including the outbuilding or 2.3 times if excluding the attached outbuilding. The Committee was advised that the applicant had been asked to reduce the scale of the proposed dwelling by officers and had done so to an extent but not to below 1.5 times the original dwelling.

The Planning Manager explained that, whilst the Guide was strongly worded, in that "under no circumstances" should permission be granted for building coverage of more than one and a half times that of the original dwelling, it remained the case that planning policy was not a straitjacket for the planning authority and that the Council was entitled to depart from the Guide where material considerations indicated otherwise provided that the appropriate weight was attached to the Guide. He outlined that the proposed landscaping plan included the retention of the existing landscape features along with the planting of 34 new trees and a holly hedge boundary. In addition to the proposed planting, an extensive front and rear lawn had been incorporated within

the design – with a depth of 21metres to the front boundary and 29metres to the rear, thereby allowing the landscape to remain dominant within the Conservation Area.

He explained that officers felt that the proposed dwelling was of a betterment over the existing dwelling, where it sat much closer to the north western boundary with the existing garage 1metre from the boundary and the existing dwelling 5.2metres from the boundary. The new replacement was sited in a more central position, thereby allowing it to sit more comfortably within the plot. The proposed building coverage made up around 15% of the site and, overall, it was considered that the expanse of garden was in scale with the proposed dwelling and that it would read as a dwelling set within a mature landscaped garden with well-defined boundaries.

In conclusion, whilst the proposed replacement dwelling would fail to comply with the Malone Park Conservation Area Guide in terms of the 1.5 times limit, the Committee was advised that the breach of policy was considered to be outweighed by the proposed landscape design which would ensure that landscaping still remained dominant along with a well-designed and detailed replacement dwelling which was considered sympathetic to the Conservation Area, taking into the account the conclusions reached in the previous appeal by the Commissioner. It was therefore considered that criteria (f) and (g) of Policy BH 12 of PPS 6 were satisfied.

The proposal was also considered to comply with Policy BH10 and BH12 of PPS 6, paragraph 6.18 of the SPPS, Policy QD1 of PPS7, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act.

The Planning Manager highlighted that, subject to the notification of the application for Conservation Area Consent for demolition to the Department under Section 29 of the Planning Act (Northern Ireland) 2011, it was recommended that the application be approved subject to conditions.

The Chairperson welcomed to the meeting, Mr. M. Worthington, representing the Malone Park Residents Association and Mr. J. Anderson, Ulster Architectural Heritage Vice Chair, who were all objecting to the application. Dr. B. Austin, a neighbour, was also on the call but was having technical difficulties and Mr. Anderson read out a statement on his behalf. Together they stated that:

- the application represented a pivotal point in time for all Conservation Areas in Belfast;
- the Council's Planning officer, the Conservation officer and the Planning Appeals Commission all agreed that 28 Malone Park made a positive contribution to the character of the area and hence the policy presumption against complete demolition in BH14 PPS6 was engaged;
- if the application was to be approved, the Council would be misdirecting itself as the application was premised on the building making a significant positive contribution which was not the test set out in BH 14;

- the Council had also sought to diverge even further from its own decision in May regarding the Design Guide, by indicating that a footprint at least 1.9 times the size of the original dwelling was now acceptable;
- the Residents Association implores the Committee to refuse the application;
- Belfast Conservation Areas were important in protecting communities of buildings which with their surroundings and character, add individuality and a sense of their historic place and purpose;
- it was worrying that the Council was prepared to override the expert advice of its Conservation officer to retain 28 Malone Park especially given that there was no sign that the Council had taken any action to monitor the condition of no. 28 or to encourage the owner to maintain the house/gardens to prevent further deterioration;
- in 2016, the PAC stated that the house, if left, would deteriorate further;
- in response, the Council should have heeded that warning and exercised its Conservation Area duty of care;
- that the current application was, in all material respects, identical to the 2015 application;
- there could be no doubt that the case for demolition which had been rejected twice and dismissed on appeal had not been altered one iota;
- the proposal for a replacement building was without significant change and grossly violated the strongly worded Design Guide intended to protect the Conservation Area;
- the question for the Committee was whether it found any credible basis for the baffling and indefensible reversal in planning service's viewpoint; and
- should the application be granted, the Council would be responsible for the sounding of the death knell of the Adelaide/Malone Park Conservation Area, the enormous precedent arising from such an act will announce an open season for property development in the Conservation Area.

The Chairperson then welcomed Mr. D. Stelfox, an accredited conservation architect who was advising the applicant and his architects on their proposals, to the meeting. He advised the Committee that:

- he had submitted heritage impact assessments which concurred with planning officers to approve the applications;
- the first application had been submitted in 2015 and, even at that stage, the property was already in a very poor condition and beyond economic repair, as confirmed by an independent report by Construction Procurement Delivery (CPD), commissioned by the Council and accepted by the PAC;

- the facts established by the initial application, its refusal and the following appeal were of great significance to the determination of the revised application;
- the relevant policy test was whether the rebuilding proposal made a contribution to the character and appearance of the Conservation Area which was at least equal to, and where possible, greater than the existing building on the site;
- the PAC judgement had stated that the existing property made only a limited contribution to the character and the significance of the area and was not of the standard of the rest of the Park;
- the proposed design of the replacement dwelling was also found to be of high quality and appropriate for the Park and that the scale, size and proportion of the footprint of the house was compatible with policy;
- the appeal had been lost on landscaping grounds and the revised application had addressed those issues in respect of criteria (f) and (g) of Policy BH 12 of PPS 6;
- in addition, further requests had been agreed to with regards to the moving of the dwelling away from the boundary with 30 Malone Park, and reducing it in size;
- the dwelling would be similar in scale to the neighbouring property at no. 30 and, critically, HED had concluded that there was no harm to the setting of no. 30;
- the PAC judgement had also commented on the plot ratio, stating that the numerical figures regarding site coverage were not as important as the desired outcome of the landscaping remaining dominant;
- in other words, if it could be demonstrated that existing or enhanced landscaping was the dominant characteristic of the site then it would be deemed compliant with policy and not simply because it failed a numerical test;
- the proposal also had a plot ratio considerably lower than a number of properties within Malone Park;
- the delay has caused significant visual impact on the area, was unsafe to enter and was having a significant negative impact on the character of the Park; and
- implored the Committee to agree with the officers recommendation to approve the applications.

Due to a technical difficulty, the Chairperson invited Dr. Austin to address the Committee briefly. He stated that the plot ratio which Mr. Stelfox had referred to was nothing to do with the guidelines in Malone Park, which talked about the increase of ground coverage, and that the current proposal grossly exceeded the 50% ratio.

In response, Mr. Stelfox, advised the Committee that the policy regarding the relationship between the building and the landscaping and the surroundings, and the plot ratio, was a relevant factor, as it lead to an understanding of how a building sat within its landscaped setting, which he suggested was one of the overriding policies in the Malone Park Conservation Area Guide.

In questions for officers, a Member was provided with clarification on the separation distances of other detached properties within Malone Park.

She also asked for clarification in respect of the status of a PAC judgement, in that policy was not a straitjacket, and that things changed over time. The Planning Manager advised that the PAC was formally recognised as an independent appeals tribunal and its decisions had an elevated legal status because of that. It was therefore important that the previous appeal decision was not challenged and therefore it held very significant weight. He added that officers' advice to the Committee was that consideration should be narrowed down to whether or not the grounds for dismissal of the previous appeal had been addressed by the current application.

In response to a Member's question in terms of the policy tests for demolition, the Planning Manager explained that the PAC did consider those particular issues in terms of viability and the condition of the building and that the full details were included as part of the Case officer's report.

A Member sought clarity on the demolition of the existing property, given the Conservation officer's objection. The Planning Manager explained that the Conservation officer felt that the property made a significant contribution to the Conservation Area, however, it was considered that greater weight should be given to the conclusions of the PAC on the extent to which the existing building contributed to the Area and the quality of the replacement scheme, given its status as an independent appeals tribunal.

Moved by Councillor Groogan
Seconded by Councillor Hanvey

That the Committee rejects the application as it is contrary to Policy BH 12 (g) "the development conforms with the guidance set out in conservation area documents" – in that the replacement dwelling is contrary to the conservation area guide in terms of the 1.5 calculation by a considerable degree and the new setting of the building means that the landscaping does not remain dominant, (for example, the close relationship to no. 30 Malone Park and the impact on the setting of trees) as highlighted by the conservation officer as well.

As such the application also fails on BH12 (a) as it does not preserve or enhance the character and appearance of the area;

In turn, BH14 is also not met as there is no appropriate redevelopment to justify demolition;

and to delegate authority to officers to formalise the wording of the refusal reasons

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

Moved by The High Sheriff (Councillor Hussey)
Seconded by Alderman Rodgers,

That, subject to the notification of the application for Conservation Area Consent for demolition to the Department under Section 29 of the Planning Act (Northern Ireland) 2011, the Committee approves the applications, subject to conditions, and grants delegated authority to the Director of Planning and Building Control to finalise the wording of conditions.

On a vote, eight Members voted for the proposal and five against and it was accordingly declared carried.

**(Reconsidered item) LA04/2021/2519/F -
variation of condition no.11 of planning
approval LA04/2018/0059/F re: changing restricted
opening hours from 11pm to 1.00am at Former
Church of the Holy Rosary, 348-350 Ormeau Road**

(Councillor Groogan, having declared an interest in this item, remained in the meeting but did not participate in the vote).

The Principal Planning officer reminded the Committee that the application had been listed on the agenda for the Special meeting of 27th June but that the Committee had agreed to defer consideration at that meeting to allow a site visit to be undertaken. The site visit had since taken place, on 5th August.

She outlined that Mr. M. McFarlane, on behalf of Bredagh GAC, had since requested the removal of its letter of support for the application.

The Committee was also advised that Environmental Health had provided additional clarifying comments on their position in relation to noise control. She explained that Environmental Health still had concerns regarding the potential for noise disturbance due to patron dispersal from the premises.

Environmental Health was not objecting to the application but had provided a number of conditions, including that the restaurant (and bar) should not operate outside 11am to 1am on Fridays and Saturdays and 10am - 11pm from Sunday to Thursday; the submission of a Noise Management Plan, to include the supervision and management of patrons within the premises and outside during patron arrival and dispersal; and music limiting technology installed to ensure a maximum level would not be exceeded.

The Principal Planning officer presented the details of the application to the Committee. She explained that the site was located within the existing settlement limits of the City, as defined within the BUAP and draft BMAPs and that the buildings on site were Listed. Planning approval had been granted for an 18 bedroom hotel and licensed restaurant in November 2019 but no works had commenced on site to date. The key issue which had been considered was the application's impact on neighbouring amenity due to noise, nuisance and general disturbance.

The Committee was advised that the site was primarily surrounded by residential dwellings in the Bell Towers and in Fitzwilliam Avenue. She explained that 21 objections had been received, including three which had been received since the most recent Case officer's report had been published, and that they all focused on concerns in respect of noise impact and parking issues.

The Chairperson welcomed Councillor Groogan to address the Committee. She advised the Committee that she did not believe that the variation application should be approved for the following reasons:

- it was inappropriate because of the impact on neighbouring amenity due to noise, nuisance and general disturbance;
- there was no reason why it should be decided any differently than it had been previously, when it was initially assessed and indeed, when an almost identical application to vary was refused less than a year ago (ref: LA04/2020/1229/F);
- that variation was deemed to have insufficient evidence that there would be "no additional detriment to neighbouring properties" and had provided no justification for it. There was very little, if anything, substantially different in the current application, with no additional mitigating measures to justify the change to address any of the concerns around noise;
- the suggestion of a midnight closing time was based on use by residents of the hotel only, not the general public. As that would be incredibly difficult to enforce in planning terms, it was decided that an 11pm restriction was more appropriate to give some protection to neighbouring residents and that was what the Committee should be basing their decision on - a change from 11pm to 1am;
- correspondence from the agent, on 3rd November 2021, stated that planning permission had not been implemented to date by the applicant and would not be "unless planning condition no 11 was varied in accordance with the application to make the scheme commercially viable";
- any attempt to hold the Council to ransom to try to force it to set aside valid planning concerns, because of unsubstantiated claims around commercial viability, was wrong;
- no restaurant in the City operated until 1am and the operator had a range of restaurants, including in hotels, which only operated to 10pm;
- their letter of 1st November referred to functions and it was concerning that events of up to 200 people would be very different to the usual coming and goings from a restaurant; and
- as Environmental Health had pointed out, it was difficult to effectively mitigate noise from patrons leaving a premises. The only protection residents had was the 11pm restriction, which was in keeping with other similar licensed restaurants in the area, and she urged the Committee not to remove that necessary, reasonable and limited protection.

The Chairperson then welcomed Councillor McKeown to address the Committee. He also objected to the application to vary the condition, for the following reasons:

- the issues regarding operating hours were considered extensively in 2019 when overall the permission was granted. The situation since then had not changed in that it remained a residential area, where any proposed development needed to be in-keeping with its surroundings both in terms of structure and crucially in this case, operation;
- the noise report provided on behalf of the applicant did not adequately address the potential impact on the nearby community;
- it noted that the restaurant could facilitate 200 patrons, yet the modelling of how it would impact at street level seemed to involve two people shouting in the vicinity of the front door;
- aside from the lack of detail around the time the so-called ‘test’ was conducted, it did not represent the true potential impact of patrons egressing from the premises late at night and circulating in the area;
- staff had no authority or jurisdiction over the conduct of individuals outside the boundary of the premises;
- there was significant potential for shouting, singing, taxis being hailed and car doors slamming in the street in the residential area late into the night;
- contrary to what the noise report stated, parking was available along both sides of the Ormeau Road during the evening and all weekend. There was therefore a significant likelihood that people would park on the road and create noise — in fact, there was little incentive to park in the church carpark and walk 120 yards when on-street parking adjacent to residential areas was closer to the premises;
- there was a lack of precedent for a licensed restaurant opening to 1am in the area and, should the application be approved, it would represent a significant and irreversible departure for the area;
- it was a settled residential community and extending the hours of opening to 1am at the weekend could have a serious detrimental impact on the wellbeing of residents and would cause stress to those affected.

The Chairperson welcomed Mr. M. Morgan and Ms. C. Gallagher to the meeting, who were representing residents of the Bell Towers and Fitzwilliam Avenue, and were both objecting to the application. Together they advised the Committee that:

- the site was entirely surrounded by residential properties;
- the Committee had reached the correct and proportionate decision in 2019 when it limited the operating hours of the bar to 11pm;
- nothing significant had changed since that time;
- adding 60mm to the width of the windows did not cater for the dispersal of patrons from the venue;
- despite the applicant stating that it was “a good neighbour”, there had been no correspondence or engagement with or from the applicant and the residents of the Bell Towers or of Fitzwilliam Avenue;

- residents were entitled to the peaceful enjoyment of their premises; and
- people do not go out to eat at 11pm in Belfast, rather, they go out to drink, and residents were extremely concerned at the consequences of allowing the premises to operate with up to 200 people until 1am, similar to a nightclub.

The Chairperson then welcomed Mr. C. Shanks, agent, Mr. T. O'Neill, Galgorm Group, and Mr. S. Carr, Irwin Carr, who were representing the applicant and agent. Together they advised the Committee that:

- the Galgorm Collection wished to invest £8million in giving new life to the listed former Holy Rosary Church and Parochial Hall;
- it wished to ensure that reasonable, fair trading hours were in place at the site before it committed its £8million investment on the Ormeau Road;
- they were a renowned hospitality operator in NI with a reputation for the highest quality of service offer and product across their existing hotels at Galgorm hotel and spa in Ballymena, the Rabbit in Templepatrick and the Old Crawfordsburn Inn;
- the condition on the original planning permission placed an unfair and unreasonable restriction on the operating hours of the hotel's bar/restaurant to 11pm. That did not allow for a sustainable, viable or fair hotel trading environment when compared with existing hotel operators in the wider Belfast market;
- its proposed variation to the hours of operation condition originally sought permission to extend from 11pm to 1am seven days a week, which represented a level playing field with other hotels they would compete with for business;
- they fully understood the concerns on breakout noise and parking raised by local residents and, with its advisors, had taken all possible steps to work closely with Environmental Health (EH) and to put all appropriate mitigation in place that would enable the proposed new hotel to successfully and harmoniously co-exist with its neighbours. It was not something new to them having achieved such harmony in managing its other properties adjacent to dwellings in Templepatrick and Crawfordsburn;
- in seeking to respond to the concerns, the applicant had voluntarily reduced the request to midnight on Sunday to Thursday, and to 1am on Fridays, Saturdays and public holidays;
- it would manage the new hotel in accordance with a stringent Noise Management Plan that had been formulated closely with EH to specifically seek to avoid the suggested amenity concerns around noise expressed by local residents, through robust management of the facility;
- in considering the parent planning permission for the site, EH had accepted that opening hours to midnight throughout the working week were acceptable, however, the planners reduced

the conditioned opening hours to 11pm contrary to EH officer advice;

- the current EH advice confirmed that extending to 1am on Fridays and Saturdays was acceptable, subject to compliance with the noise management plan. That was a welcome change in position and reflected the hard work and additional mitigation put in place by the applicant. It also confirmed that midnight on a Sunday was acceptable;
- the applicant had already made a very substantial concession in accepting midnight Monday-Thursday rather than seeking an unrestricted 1am operational opening time consistently in place at all other hotel operators in Belfast and elsewhere in NI;
- the nearby Parador hotel had seating for 30-40 persons outside its bar on the pavement to the Ormeau Road, opposite residential property and with terraced family housing to the rear in Florenceville Avenue. It operated with no restrictions on its opening times;
- the application in front of the Committee, in contrast, had no external seating area, it would ensure there could be no public entry to the facility an hour before closing time, it would operate in accordance with a strenuous Noise Management Plan to manage and limit external breakout noise, it would ensure a supervised and managed patron exit from the bar/restaurant and it would deliver off-street parking area for patrons away from residential properties; and
- by approving the application to vary the condition, it would breathe new life into a listed building at risk, bring £150,000 in rates to the Council, and wider transformational and beneficial change for the site and the wider Ormeau and South Belfast area.

A Member asked Mr. S. Carr for clarification in respect of the noise modelling which had been carried out, whereby 2 persons positioned in the vicinity of the door “shouted loudly”, and how that was suitable given the venue’s maximum capacity was for 200 persons. Mr. Carr advised the Committee that, in respect of patrons leaving a premises, they had tried to establish a worst case scenario and that they had set the noise limit at 80 decibels (dB) which had been used at a number of other premises in the vicinity. However, when they had spoken to Environmental Health, they had increased the limit to 90 dB. He explained that there were a number of incidents on the Ormeau Road and they were able to show that the noise limits of patrons leaving the premises would not be exceeded.

Mr Shanks added that they had spent two years demonstrating to Environmental Health that there was not going to be an issue at the site and that it was Environmental Health which had a statutory responsibility to advise the Committee to ensure that there would not be any harm to amenity. He added that the 90 dB limit was far higher than the level that the nearby bar, the Errigle, had been subject to for its outdoor area.

The Chairperson welcomed Ms. M. Quinn, Environmental Health officer, to the meeting. She advised the Committee that their lengthy response had concluded that, while, in theory, you could manage noise from patrons, what happened in practice was down to how responsibly things were managed. She explained that they felt that

extending the hours over the entire week would be a step too far and that it was difficult to predict or know how the premises would have any remit over patrons as they dispersed from the immediate vicinity of the site.

In response to a Member's question, she acknowledged that the premises could change ownership and that it was very difficult to predict patron dispersal noise as there was a lack of guidance on the subject and that potential scenarios could be missed. She added that excessive noise from patrons who had left the premises and were, for example, on the street, was not within the remit of Council noise officers and that was a matter for the police.

Mr. Shanks advised the Committee, in response to comments which had been made, that there was nothing to suggest that the Galgorm Group had any intention of selling the site. He added that the Noise Management Plan was comprehensive in addressing the dispersal of patrons and that, as a renowned hospitality operator, they would not allow 200 patrons to disperse onto the Ormeau Road en masse. He also clarified that no public admittance would be permitted one hour before closing time.

A Member requested information from officers in relation to the viability of the application. The Principal Planning officer clarified that viability was a material consideration but that the applicant had not submitted any documentation in respect of that and therefore officers had not assessed it. However, she explained that, regardless if it came down to issues of viability, there was still a responsibility through planning policy to protect amenity. The Members were advised that it was difficult and that consideration had been made primarily on the basis of amenity, whilst accounting for the fact that approval had previously been granted for the renovation of the listed building.

A Member queried why speakers were being brought back in to make further contributions after they had already spoken. The City Solicitor clarified that the Committee's Operating Protocol provided that the objectors were entitled to rebut any factual inaccuracies, followed by the applicant/agent who was then entitled to do the same. She added that the applications under discussion at that meeting in particular had involved particularly technical discussions but that the Protocol would be reviewed by the Committee in due course.

Moved by Councillor Garrett
Seconded by Councillor Maskey,

That the Committee agrees to refuse the application for the variation of Condition 11 of planning approval LA04/2018/0059/F, relating to operating hours, in order to protect the residents against adverse noise impact.

On a vote, six Members voted for the proposal and six against. As there was an equality of votes the Chairperson exercised his second and casting vote in favour of the proposal and it was accordingly declared carried.

(The Meeting adjourned for 10 minutes at this point)

**(Reconsidered item) LA04/2021/2285/F - Apartments
development 29 Parkside Gardens**

The Principal Planning officer presented the Committee with the details of the application. She reminded the Members that it had initially been submitted before

the Committee on 15th February, 2022 but that it had been deferred for a site visit to take place on 3rd March, 2022. The application was subsequently presented to the Committee on the 15th March, 2022. At that meeting, the Committee had agreed to defer consideration of the application to allow the applicant to reconsider the issues which had been raised by officers, including parking and amenity concerns.

The Committee was advised that the applicant had submitted amendments to the scheme following the previous Committee meeting, in an attempt to address the concerns which had been raised by officers.

With regards to parking, the number of parking spaces had been reduced from 11 to 7 resulting in a reduced amount of hard standing on the site. DFI Roads had provided further comment and had offered no objections.

In relation to the amenity space, as a result of the reduction in parking spaces, she explained that the communal amenity space provision had increased from 263.1sqm to 418.9sqm. She outlined that that had resulted in an increase from 23.9sqm per apartment to 38.08sqm per apartment. The Committee was advised that while the quantum was in excess of the guidance, the scale and height of the building was such that the significant areas of the space would be over shadowed for parts of the day, which would detract from its value. In addition, she advised that the scheme did not offer any private amenity space.

The Committee was advised that the scheme included additional tree planting to the rear of numbers 31 and 33 Parkside Gardens. The Tree officer was content with the tree proposal arrangements.

She explained that the amended plans illustrated that the outlook for the south facing apartments had been altered to include obscured glazing to habitable rooms. As the windows were located in habitable rooms, such as kitchens/dining areas, she highlighted that it would be unreasonable to use obscure glazing and would impact the quality of the living environment. The use of obscured glazing to habitable rooms was an indication of over development.

The Members were advised that the bin collection area had been repositioned to a hard standing area close to the entrance point of the site.

The Committee was advised that NI Water had raised concerns with capacity issues, though an engineering solution was possible. She explained that that solution would be subject to agreement with NI Water.

The Principal Planning officer outlined that not all issues had been resolved, in that the scale and massing remained the same as the previous plan, there would still be potential for overlooking from apartments 4, 7, 8 and 11 and that there was still no private amenity space for residents.

The Chairperson welcomed Mr. T. Bell, agent, Mr. B. Kerr, Newington Housing Association, and Mr. R. Dougan, Architect, to the meeting. Mr. Bell advised the Committee that:

- the Case officer's report stated that while the communal amenity space now exceeded guidance levels, it then undermined the point by suggesting that there would be overshadowing for parts of the day;
- there was no counter evidence to support that view and that the generous amenity areas exceeded the upper guidance limit by 8sqm per unit, they were both south facing and were beside a public park;
- Creating Places policy was clear in that it did not require private amenity space in apartments and that private communal space was deemed acceptable;
- regarding the proposed obscured glazing, he advised the Members that there were three other unobscured windows in the same room of the two units impacted, thereby providing adequate outlook and daylight;
- the report stated that there would be unacceptable overlooking and perception of dominance. The separation distances exceeded minimum and were south facing from the obscured glazing façade 12.8m and from the set back 16.2metres from the common boundary;
- the proposal was of a reduced density from Alexandra Avenue and Parkend Street and, in any case, it was an inner city urban location with 2.5 storey blocks;
- the proposal was policy and no objections were received from third parties.

Mr. Kerr advised the Committee that:

- Newington Housing Association had been interested in regenerating the area for 15 years;
- the amount of communal amenity space was now far greater, per unit, than the majority of other housing schemes; and
- the regeneration of the site would assist in addressing the significant social housing waiting list in North Belfast.

In response to a query raised by Mr. Bell, the Principal Planning officer advised the Committee that amended elevations had been received from the developer in March, which showed an addition onto the front of the building, but that they had not been accompanied by amended floor plans.

A Member stated that they felt that the applicant had addressed his previous concerns in respect of reducing the large amount of hard standing to the front of the property, with additional amenity space now included. He added that he felt that the obscured glazing in one window of certain properties had been added to address the overlooking concerns were compliant with Policy QD1 of PPS7.

A further Member stated that Newington Housing Association was an extremely credible organisation which worked with the community in which it was developing sites and that the amendments to improve the application were to be welcomed.

Moved by Councillor Murphy
Seconded by Councillor Maskey

That the Committee approves the application as it considers that it complies with Policy QD1 of PPS7 and grants delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions.

On a vote, seven Members voted for the proposal, four against, with three no votes, and accordingly it was declared carried.

LA04/2022/0293/F - Erection of hotel/aparthotel comprising 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works at lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road

The Senior Planning officer provided the Committee with a presentation on the proposal.

She explained that HED (Historic Monuments) had submitted a consultation response stating that there was no evidence of a scheduled monument consent and that it needed to be completed before a decision was made. The agent had responded to HED to clarify that there was an existing scheduled monument consent granted after the previous extant approval and HED had since confirmed that they were therefore content with the application, subject to conditions.

The Committee was advised that the main issues which had been considered during the assessment included:

- the principle of a hotel at that location;
- loss of open space;
- scale, massing and design;
- impact on Built and Archaeological Heritage;
- traffic and road safety;
- flooding and drainage;
- impact on amenity;
- human health;
- the impact on natural heritage;
- Pre-application Community Consultation; and
- consideration of developer contributions.

The Members were advised that the site was located within an established industrial/ commercial area within the wider Titanic Quarter. It formed part of the mixed-use Titanic Quarter zoning. The site had previously benefitted from being part of the wider Phase 2 Concept Masterplan (Z/2010/2864/O) which was granted in June 2008, with a hotel approved on the site in 2010. The Senior Planning officer explained that

while both the outline and hotel permissions had since lapsed, they remained a material consideration.

The Committee was advised that a further planning application, LA04/2019/1636/F, for hotel use was approved by the Committee in February 2020, which further established the principle of development and a hotel use at that location. The 'Design Principles' document which accompanied the Concept Masterplan included a range of parameters for the particular site (referred to in the masterplan as Block 8) relating to land area, gross floor space, storeys and height. The extant approval exceeded the height set out in the masterplan by approximately 2.2m but was considered appropriate given the quality of the proposal and design cues taken from the nearby listed H&W Drawing Offices. She explained that the current scheme was only 150mm higher than the extant approval. HED had considered the proposal and had no objections.

The Senior Planning officer outlined that the amended scheme for a 256-bed hotel was very similar in terms of design, height, massing and layout to the extant approval for a 276-bed hotel (LA04/2019/1636/F). In response to market conditions, the applicant now wanted it to comprise 94 apart-hotel rooms and 162 conventional hotel rooms.

Consultees including DfI Roads, NIEA, Shared Environmental Services, Historic Environment Division, NI Water, DfI Rivers, City Airport, NIE, the Council's Landscape Team, Environmental Health, Senior Urban Design Officer and Tree Officer had no objection to the proposal, subject to conditions.

Two representations had been received from local residents. Their concerns focused on noise, the hours of operation and licensing in respect of the rooftop bar and general noise mitigation. She explained that Environmental Health had reviewed the Noise Impact Assessment and had advised that it met the relevant requirements. It had also provided a number of conditions in order to protect nearby residents from loss of amenity.

The Chairperson welcomed Ms. S. Murphy, agent, and Mr. C. O'Hara, transport consultant, to the meeting. Ms. Murphy advised the Committee that:

- the applicant was committed to delivering the project, hence the revised aparthotel element;
- a noise assessment had been carried out and that suitable conditions had been attached to restrict the number of people on the roof terrace and the inclusion of a noise barrier to protect neighbouring amenity; and
- a condition requiring a construction management plan would set out how the traffic would be operated during the construction phase, and would be drawn up in conjunction with Titanic Quarter, the Harbour Commissioners and other contractors in the area.

A Member asked for information relating to safe cycling routes surrounding the hotel. In response, Mr. O'Hara outlined that there were cycle routes that connected the city centre to the Titanic Quarter and that three of the most used docking stations for the Belfast Bikes were within the area. He added that the new eastern access road, which was now called Hamilton Road, had a cycle lane which connected onto Sydenham Road and Airport Road, and which connected to Victoria Park and various greenways.

In response to a further Member's question, Ms. Murphy confirmed that the applicant's intention was that construction works would commence in Quarter 2 or 3 of 2023 and would take approximately 24 months.

The Committee approved the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions.

LA04/2022/0023/O - Site for 15 storey residential development, 32no. 1 bedroom apartments, 35no. 2 bedroom apartments and 1no. studio apartment at Holmes Street to the rear of 15-21 Bruce Street

The Committee was provided with the key aspects of the outline application.

The Senior Planning officer explained that the details of scale and massing were to be determined at the outline stage, with siting, design, external appearance, access and landscaping being reserved for subsequent approval. She advised that, despite those matters being reserved, an indicative scheme had been submitted to help demonstrate that those could be safely achieved.

She outlined that the site was within the development limits and within the city centre of Belfast in BUAP and both versions of Draft BMAP. The site was un-zoned whiteland within BUAP, unzoned whiteland but also within the main office area/Commercial District Character Area in dBMAP (2004); and was zoned for Uncommitted Housing under CC04/01. It was also within the Commercial District Character Area in dBMAP (2015) and within the Linen Conservation Area.

The Committee was advised that, having regard to the location of the site and its surrounding context which included a number of tall buildings, it was considered that the site could accommodate a building of the scale and massing proposed, in keeping with the character and appearance of the area.

The Senior Planning officer outlined that consultees, including DfI Roads, NIEA, Historic Environment Division, NI Water, DfI Rivers, the Council's Landscape Team, Environmental Health Department and Economic Development team had no objection to the proposal, subject to conditions.

She explained that the applicant had proposed provision of the following Green Travel Measures to mitigate the lack of parking provided with the scheme:

1. Membership of a bike scheme such as Belfast Bikes for 3 years;
2. a 3-year Residential Travel Card scheme;
3. 50% subsidy of Car Club membership; and
4. a Residential Travel Plan

The measures would be secured through a Section 76 Planning Agreement and were considered appropriate given the highly sustainable location of the site and its proximity to numerous transport links.

The Committee was advised that the Council's Economic Development Team had no objection to the proposal, subject to a Section 76 clause regarding Employability and Skills for the construction phase.

The Senior Planning officer explained that the Conservation Officer had raised concerns about the proposal. The Conservation officer had stated that, in terms of a hierarchy of heights, Holmes Street would ideally be subservient to Bruce Street. The Conservation officer had also expressed concern regarding the indicative ground floor use (residential and storage/plant) having a deadening effect on the frontage. The Senior Planning officer advised the Committee that that issue had been discussed with the applicant and agent. The argument put forward was that, due to its cul de sac location, retail or commercial use would not be viable and that office use would not contribute any more than residential would in terms of vibrancy. Given the small footprint of the site and unusual circumstances of the city centre cul de sac, that was considered appropriate. She highlighted that the precise detail of the ground floor and activation of the street were matters for subsequent approval.

The NI Housing Executive had advised that there was a social housing need within the area.

In response to a Member's question, the Senior Planning officer advised the Committee that there wasn't any vehicle to request social housing at the reserved matters stage. There was also nothing to preclude the applicant from bringing any forward at that point but, were social housing to be required, it would need to be part of the outline permission, however, a legal agreement could not be requested by officers to ensure that, given that there was no policy provision to do so.

In response to a further Member's query, she clarified that the maximum scale, height and massing of the proposed building were established as part of the outline permission.

The Planning Manager (Development Management) advised the Committee that three late objections had been submitted in respect of the application. A city centre resident was concerned about the potential for short term/AirBnB lets. He explained that the issue generally fell outside the planning process and that such lets required certification from the Tourist Board.

Further objections had been received from the Belfast Civic Trust which had raised concerns about the proposed height and dominance of the building and he advised the Committee that those issues had been covered within the Case officer's report and that the officer's recommendation remained as an approval.

The Committee approved the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and the completion of a Section 76 Planning Agreement to secure a developer contribution towards Employability and Skills during the construction phase of the development.

LA04/2022/0683/F - Awning installed to front of existing building, Spectrum Centre 331 Shankill Road

The Committee was advised that the application was before the Committee for its consideration as the proposed awning was subject to Council funding.

The Members were advised that the site was located within the development limits for Belfast and was un-zoned white land within the adopted BUAP 2001. In draft BMAP 2004 the site was located within the proposed Area of Townscape Character BT 069 and was BT 052 in the 2015 version.

The application had been neighbour notified and advertised in the local press and no third-party representations had been received.

DFI Roads and Historic Environment Division had been consulted and also had no objection to the proposal.

The Committee approved the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions.

LA04/2022/0510/F - Construction of 90no. apartments (change of house type from that approved LA04/2019/0025/F) with associated car parking and landscaping at Parklands, Knocknagoney Dale, Knocknagoney

The Principal Planning officer outlined the details of the application to the Committee. He explained that permission was previously granted for 90 dwellings on the site, extant approval LA04/2019/0025/F, which had been approved on 19th September 2019, subject to conditions and a Section 76 Planning Agreement. The Members were advised that the current application sought approval for a change of house type from that previously approved along with changes to finishes, minor external design changes and additional balconies. The proposed development was under construction and was substantially complete.

The Committee was advised that the main issues which had been considered in the assessment of the application included:

- the principle of development;
- scale, height, massing and design;
- traffic and parking;
- the impact on the character of the area/LLPA; and
- the impact on adjacent land uses.

The Principal Planning officer explained that no third party objections had been received to the proposed development. He added that consultees including the Urban Design Officer, Environmental Health, DFI Roads, DAERA, Rivers Agency and NI Water had no objection in principle to the proposal, subject to conditions.

He outlined that the residential use had been established through the previous apartments located on the site and previous planning approvals for residential developments. A pedestrian access point was proposed onto the Hollywood Road which would provide improved connectivity to the immediately adjoining Knocknagoney Park.

The Committee approved the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and the completion of a Section 76 Planning Agreement to secure the management and maintenance of communal open space areas.

LA04/2022/0646/F - Section 54 to vary Condition 2 of planning permission LA04/2017/2753/F (relating to details of public realm improvements) at 30-44 Bradbury Place

The Principal Planning officer outlined the details of the Section 54 Planning Application to the Committee, which sought to vary condition 2 of permission LA04/2017/2753/F, to amend the trigger point for the approval of details of public realm improvements to the footway along the frontage of the site.

He explained that the applicant had submitted details of proposed public realm improvements in order to discharge condition 2 under reference LA04/2021/0917/DC. The Department for Communities (DfC) had been consulted and had raised a concern that the proposals at that location would need to align with the design specification for Streets Ahead Phase 5, but that those details had not yet been agreed. The Committee was advised that, to agree the public realm improvements in advance of that, would likely result in the applicant/developer carrying out works that might need to be replaced.

It had therefore not been possible to agree the details and the condition was not discharged. Instead, it was agreed that a Section 54 application would be submitted to amend the trigger point for the submission of details of the proposed public realm improvements until the specification of Streets Ahead Phase 5 was agreed.

DFI Roads and DfC Belfast Regeneration Directorate had been consulted.

DfI Roads had offered no objection to the Section 54 application. DfC had advised that concept designs for the Belfast Streets Ahead Phase 5 Project (BSA 5) would not be available until the end of 2022/early 2023. In relation to the delivery of the scheme, there was not a confirmed date at present but that they expected construction to start in 2025/2026, subject to a business case, planning approval and funding availability.

Accordingly, the Senior Planning officer explained that the following wording was recommended for the revised condition:

“Prior to the end of June 2023 the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.

Reason: In the interests of the character and appearance of the area.”

The Committee was reminded that the granting of a Section 54 application to vary conditions created a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate. The original permission was also subject to a Section 76 Planning Agreement (S76) to secure the management of the student accommodation and accordingly the Section 54 permission would also require a Section 76 Agreement.

The Committee approved the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions a Section 76 Planning Agreement.

LA04/2022/1256/F - Conversion of existing residential property into a house of multiple occupation (HMO), with a minor single storey extension to the rear of the property, Innov8 Living, 14 Belmont Avenue

The Committee was provided with the details of the application for a proposed House of Multiple Occupation (HMO), which had been requested to go before the Committee by a Member.

DFI Roads and the Council's Development Plan team had been consulted and had no objection to the application.

The Senior Planning officer explained that an updated consultation response had been received from the Local Development Plan (LDP) Team in respect of the application. The LDP Team had advised that the proposed change of use, if approved, would result in a total of 3 HMO units along Belmont Avenue. The proposed change of use would also comply with the new Local Development Plan Draft Plan Strategy 2035.

In respect of the principle of the proposal at this location, she outlined that the application site was not located within an HMO Policy Area or Development Node as designated in the HMO Subject Plan for Belfast City Council Area 2015. Policy HMO 5 of the Subject Plan therefore applied in terms of assessing the number of HMOs in the area. She advised that Policy HMO 5 stated that planning permission would only be granted for further HMO development where, as a result, the number of HMOs did not exceed 10% of the dwelling units on that road or street. She explained that up to 8 HMOs were permitted and that the 10% threshold would not, therefore, be exceeded. The Members were also advised that the proposal complied in full with the HMO Subject Plan 2015.

The Committee was advised that three representations had been received in relation to the application, raising issues including the unsuitable use of houses with noise impact, traffic congestion and parking, devaluing of properties, the timing of the Neighbourhood Notification letters and considerable development in the immediate vicinity.

The Senior Planning officer detailed that the site was within the proposed Belmont Area of Townscape Character in Draft BMAP. It was unzoned whiteland in the BUAP. She explained that officers felt that the proposed rear extension would have a limited impact on neighbouring amenity and was considered to be sympathetic to the host dwelling, the proposed Belmont ATC and the surrounding area in accordance with Policy EXT1 of PPS7 Addendum and the SPSS.

A Member stated that he had concerns regarding the neighbouring amenity, specifically in terms of parking and traffic movements, and that no parking survey had been submitted which the Committee could interrogate. He also raised concerns regarding the small amount of private amenity space for the residents to share, which included a bin storage area.

Moved by The High Sheriff (Councillor Hussey),
Seconded by Councillor Spratt,

That the Committee refuses the application for the following reasons:

1. the impact on neighbouring amenity, specifically due to parking and traffic movements; and
2. the poor quality and inadequate private amenity space for the prospective residents.

The Planning Manager advised the Committee that there was no specific parking requirement for HMOs and that the site was in a relatively sustainable location, within walking distance to public transport and shops. Regard also had to be given to the current use of the property. He added that DFI Roads had raised no objection and was the highway authority for the City and, thus, it would be difficult to sustain a refusal based on that reason. He added that officers would have concerns about evidencing the amenity space issue if a decision to refuse was to go to appeal.

The Chairperson put the proposal to refuse the application to the Committee. On a vote, ten Members voted for the proposal and, with three no votes, it was accordingly declared carried.

LA04/2021/2114/F & LA04/2021/2113/ DCA - Demolition of existing dwelling and car port, construction of a new replacement one and a half storey detached dwelling with integral garage; and associated site works, 27 Cleaver Avenue

The Senior Planning officer provided the Committee with the principal aspects of the applications. They sought permission for the demolition of an existing dwelling and car port and the construction of a new replacement one and a half storey detached dwelling with associated site works.

She explained that the surrounding area was residential, comprising predominantly of two storey detached properties in large plots. The site was within the Malone Conservation Area, Sub Area K-Beechlands/Cleaver. In the BUAP, Draft BMAP 2004 and 2014, the site was un-zoned "white land" within the development limits of Belfast.

The Committee was advised that the key issues which had been considered during the assessment of the applications included:

- the principle of development;
- impact on the Malone Conservation Area;
- impact on amenity;

- impact on trees; and
- access and parking layout.

The Senior Planning officer explained that it was not considered that the dwelling to be demolished made a material contribution to the Malone Conservation Area and therefore the demolition was acceptable, subject to a suitable replacement scheme. The proposed one and a half storey detached replacement dwelling was deemed to be of an acceptable scale and massing and in keeping with the character and appearance of the surrounding area. Overall, the proposal was considered to preserve the Malone Conservation Area.

The Committee was advised that the Conservation Officer had offered no objection to the proposal, further to amendments received to the design which included the removal of the integral garage and its replacement with a smaller storage area to facilitate a setback and to ensure that it was subservient to the main dwelling, as was commonly the case throughout the Conservation Area.

The Members were advised that the proposal complied with Policy BH12 and BH14 of PPS 6, paragraph 6.18 of the SPPS, Policy BH2 of the Belfast LDP Draft Plan Strategy and Section 104(11) of the Act.

Subject to the notification of the application for Conservation Area Consent for demolition to the Department under Section 29 of the Planning Act (Northern Ireland) 2011, the Committee granted approval to the applications subject to conditions. Delegated authority was given to the Director of Planning and Building Control to finalise the wording of conditions.

**LA04/2022/0155/F - Extension of time for temporary
Change of use of and alterations of former printing hall
to event space for a period of 3 years, The Limelight
Belfast Ltd, Ground floor print hall, 122-144 Royal Avenue**

The Committee noted that the application was before the Committee as the Council had an interest in the land.

The Senior Planning officer explained that temporary permission was being sought for the extension of time for a temporary change of use and alterations of the former printing hall event space for a period of three years.

The Members were advised that the site did not have any particular zoning within draft BMAP and also fell within the City Centre limit, the Scotch/Cathedral character area and city centre area of parking constraint under draft BMAP. The site adjoined a listed building which was the Belfast Telegraph Building.

The Senior Planning officer outlined that the application had been neighbour notified and advertised in the local press and that no third-party representations had been received.

He advised that DFI Roads, Environmental Health and Historic Environment Division (HED) had all been consulted. HED and DFI Roads both had no objection to the proposal. Environmental Health had no objection to the proposal, however the officer clarified that they did not recommend a 12 month approval, rather they advised

that the time period was a matter for Planning Service. Environmental Health also advised that no noise complaints had been received in the last number of years during events, albeit the event space had been closed for an extended period of time during Covid 19 lockdowns.

On balance, considering the temporary planning permissions granted to date, that the extant permission for the redevelopment of the site was due to expire in February 2023 and Environmental Health's response, he outlined that officers were recommending that a temporary permission of no more than 18 months be granted to ensure that the Council could consider the development in the light of circumstances then prevailing and to ensure future development was not hindered by an extended temporary use as event space.

The Committee approved the application for a temporary period of 18 months and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions.

LA04/2021/2602/F & LA04/2021/2611/LBC – Removal of Existing 3m High Palisade Perimeter Fence. New Metal Railings and Gates with associated Lighting, Central Steps, Belfast City Cemetery, Falls Road

The Committee was advised that the applications were before it as the applicant was Belfast City Council.

The Senior Planning officer explained that the applications comprised the removal of an existing 3metre high palisade perimeter fence and to erect new metal railings and gates with associated lighting.

He explained that the new boundary railing would replace the existing palisade fence. The railings would be 2.7m, reduced to 2.3m high at the gates, which would be located at the top and bottom of the steps to enable access to the steps during cemetery opening hours.

He outlined that the Central Steps and Vault at Belfast City Cemetery (HB26/25/001D) were a Grade B1 listed building of special architectural or historic interest, as set out in Section 80 and protected under the Planning Act (NI) 2011.

The Members were advised that the proposal was deemed to comply with the SPPS and PPS 6. The proposed development was considered acceptable with no adverse impacts on the Listed Building. HED had been consulted and was content without conditions. No third-party objections were received from consultees or members of the public.

The Committee granted full permission and listed building consent, with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.

Chairperson