

Planning Committee

Tuesday, 14th February, 2023

HYBRID MEETING OF THE PLANNING COMMITTEE

- Members present: Councillor Whyte (Chairperson);
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. P. Fitzsimons, Principal Planning Officer;
Ms. C. Reville, Principal Planning Officer;
Mr. M. McErlean, Senior Planning Officer;
Mr. K. Sutherland, Planning Manager (Plans and Policy);
Mr. D. O’Kane, Principal Planning Officer; and
Ms. C. Donnelly, Democratic Services Officer.

Apologies

No apologies for inability to attend were reported.

Minutes

The minutes of the meetings of 17th, 19th and 25th January 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 February, 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 7a – LA04/2021/1672/O, on the basis that he had previously worked with Radius Housing and left the meeting while the item was being considered.

Councillor Matt Collins declared an interest in relation to item 7g – LA04/2022/0129/F, in that he had met with the housing association and developers and left the meeting while the item was being considered.

Withdrawn Items

The Committee noted that the following items had been withdrawn from the agenda:

- **LA04/2019/2653/F** Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor

retail unit together with cycle parking and plant areas: and 8 floors of Grade A office accommodation. (Amended plans and updated technical information). Chancery House, 88 Victoria Street, Belfast.

- **LA04/2022/1503/F** Proposed erection of a freestanding 6.8-metre high screen erected on steel structural supports (9 metres in total height) with associated site works. Lands within Musgrave Police Station 60 Victoria Street, Belfast.
- **LA04/2021/0319/F** Proposed use of hard standing area as overflow car park with a free draining surface and soft landscaping scheme, to serve existing approved uses on-site. 115 Blacks Road Belfast BT10 0NF – Lands to north of square golf training area east of the 3G Dome south of 45 and 46 Garnock Hill.

Abandonments

Abandonment of Footpath adjacent to 29 University Road

The Committee noted the abandonment and agreed to write to the Department for Infrastructure to request that more detail is provided on the reasons for future proposed abandonments.

Request for Pre-emptive Planning Committee Site Visits

The Committee agreed to undertake the undernoted site visits:

- **LA04/2022/1280/F** Proposed social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total). Former Kennedy Enterprise Centre (north of Westwood Shopping Centre) Blackstaff Road Belfast BT11 9DT
- **LA04/2022/1046/F**, 18 Annadale Avenue, Proposed demolition of existing building and construction of a residential development consisting of 14 No. units (9 No. apartments and 5 No. terraced dwellings) with associated landscaping and car parking (amended plans received).

Planning Decisions Issued

The Committee noted the Planning decisions issued between 10th and 31st January, 2023.

Appeals

The Committee noted the Appeals Decisions.

Restricted Items

Update on LDP Draft Plan Strategy

The Planning Manager (Plans and Policy) provided the Committee with the revised proposed wording of Policy SP1A – Managing Growth and Supporting Infrastructure Delivery, of the Local Development Plan (LDP), following engagement with the Department for Infrastructure.

The Committee:

- noted the response from DfI that confirmed its acceptance of a further, slightly revised wording for Policy SP1A and supporting text;
- endorsed the proposed Policy SP1A wording, that included detail, in respect of justification and amplification; and
- noted the next steps and potential timescales for the potential adoption of the LDP Plan Strategy.

Planning Applications

(Deputy Chairperson, Councillor Maskey, in the Chair)

LA04/2021/1672/O Outline planning permission (with all matters reserved) for mixed use development on Sites A, B, C, D. Comprising up to 7,710 sqm GEA mixed use to include tourist hostel, residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise floor space (A1 or A2 or B1 or B2 or C1 or C2 or D1) units on Site A, up to 6,980 sqm GEA of Hotel (C2) floorspace on Site B, the erection of a multi-storey car park comprising of up to 231 spaces (4,130 sqm GEA) and up to 7,130 sqm GEA of employment or community (A1 or A2 or B1 or B2) floorspace on Site C and up to 1,110 sqm GEA mixed use to include residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise (A1 or A2 or B1 or B2 or D1) floorspace on Site D. Outline planning permission (with no matters reserved) for the erection of 94 residential dwellings (social housing). Comprising of 44 residential units on Site

The Senior Planning Officer provided the Committee with an overview of the application that included aerial view images, site location photographs and maps and highlighted that a revised Travel Plan had been received with a subsequent consultation response from DfI Roads.

He pointed out to the Committee that consultation responses had been received from DAERA NIEA, NI Water and Environmental Health, along with clarification from the agent on the proposed residential parking ratio and specific uses within the mixed-use buildings on Sites A and D.

He reported that it was recommended that the Committee approved the application subject to conditions for the undernoted reasons:

- It was a mixed-use scheme that would provide high quality city centre social housing alongside appropriate city centre uses;
- The creation of vibrant, city centre space;
- Regeneration;
- Enhancement of existing civic spaces and creation of strong mixed-use frontages; and
- Providing connections between commercial, business and office uses, and existing and proposed residential areas.

The Committee granted planning permission subject to conditions and a legal agreement between the Council, as landowner, and the developer/s when the site is leased/disposed of, that would seek the necessary developer contributions.

The Committee delegated authority for the Director of Planning and Building Control to finalise the wording of the conditions and legal agreement from a land-use planning perspective.

(Chairperson, Councillor Whyte, in the Chair)

LA04/2022/1284/F Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 862 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including café and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths. Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast

The Senior Planning Officer outlined the application for the erection of a Purpose Built Managed Student Accommodation (PBMSA) development on lands bounded by Library Street, Stephen Street, Little Donegall Street and Union Street. He highlighted the following key issues:

- Principle of development;
- Principle of Student Accommodation;
- Principle of proposed 'out of term' accommodation;
- Principle of ground floor café and retail units;
- Impact on Built Heritage;
- Scale, Massing and Design;
- Open Space Provision;
- Trees and Landscaping;
- Traffic and Parking;

- Impact on Amenity;
- Contamination;
- Impact on Air Quality;
- Noise;
- Odour;
- Drainage and Flooding;
- Waste Management;
- Other Environmental Matters;
- Impact on Protected Sites;
- Pre-application Community Consultation; and
- Developer Contributions.

He pointed out that since the initial report had been completed, a third party objection had been received and he explained the officers' response to the following areas of concern:

- Need for further student accommodation in an area where student accommodation was plentiful;
- No real benefits to the local community and noise pollution experienced from neighbouring Alma Place PBMSA (Library Street); and
- Reduction of light to adjacent 'Factory Building' (apartments) and resulting loss of sunlight.

He outlined the consultations responses which had been received from the Council's Urban Design Officer, Shared Environmental Services, DfI Roads and the City and Regeneration Team. He added that further supporting and technical information had also been received from the Planning Agent in response to DfI River's queries in relation to storm water and allowance for urban expansion and climate change in drainage modelling.

The Senior Planning Officer reported that it was recommended that the application be approved subject to conditions and the completion of an agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions, for the undernoted reasons:

- The development would contribute towards regeneration of entire city centre block;
- Creation of an internal landscaped courtyard;
- No adverse impact on built heritage;
- Need adequately demonstrated;
- Buildings step down in scale towards more domestic scale of Carrick Hill; and
- Four third party objections and one letter of support.

The Chairperson welcomed Ms. C. Ní Chuilín MLA and Mr. F. Dempsey, of Carrick Hill Residents' Association to the meeting.

Ms. Ní Chuilín stated that there was supposed to be 66 family homes developed in Nelson Street which had been subsequently designated to student accommodation, she added that Frederick Street Car Park had been considered for family homes and

had been now designated as a car park for the university which had not alleviated the student carparking in residential streets.

She further pointed out other sites within the area which had been designated as student accommodation and stated that she believed that the application was not compatible with the Inner North West Masterplan.

She explained that she had been campaigning for regeneration in the area for a long time, but for buildings which were sympathetic to existing buildings and addressed the almost 3000 people living in housing stress which should be a material consideration as part of the planning application.

Mr. Dempsey stated that he felt the local residents had informed the developers during consultation and engagement that they were totally opposed to the development due to the detrimental effect it would have on the local community.

He outlined previous development plans for the area that the local residents had successfully campaigned against, and he asked the Committee to reject the application to benefit the local community.

The Chairperson welcomed Mr. P. Stinson of Turley and Mr. C. Deazley, of Like Architects, attending on behalf of the applicant, to the meeting.

Mr. Stinson stated that, contrary to a press article released in advance of the previous meeting of the Committee, he recognised that planning permission had not been granted and could only happen with the endorsement of the Committee and added that he had corrected the record with the reporter.

He explained that he had been involved with the site for many years and appreciated the sensitivities associated with how it fits with its neighbours. He outlined the consultation and engagement had been undertaken with local residents and understood their concern, and that the approach to the design had been as sensitive as possible, particularly to avoid prejudicing future development of adjoining sites which were of importance to the local community.

He stated that the applicant's ambition was to have new bed spaces available for the start of the academic year in 2026 and that the Council had heard directly from the local universities that there was a continuing need for managed student accommodation in the city to support their current student numbers and aspirations for future growth.

He explained that the site was currently a surface level car park and was an opportunity site in draft BMAP and the Inner North West Masterplan, not zoned for any particular use, and that the masterplan referred to underutilised sites as key to the regeneration of the area and it supported densification.

He added that the site had been identified in the Belfast HMO Subject Plan as a Development Node which stated that planning permission would be granted for this type of development in such locations, and that the subject plan identified that PBMSA could meet any ongoing requirement for student accommodation.

He outlined the fundamental principles of the design which had been informed by a detailed analysis of the historic and evolving context in this part of the city centre and how it aligned with the Inner North West Masterplan and pointed out that the Council's Urban Design Officer and HED had offered no objection to the development.

He highlighted that, as was the case for most other student developments in the city centre, there was no proposed car parking, with secure cycle parking provision for 128 bicycles, and that the building had been designed to provide accessibility for all.

He concluded by stating that the development would bring much needed student accommodation within an HMO node, that would support the continued growth of student numbers in higher education and support the regeneration of the area, and that the design responded sensitively to its historic context and related sympathetically to existing and future development in the area in terms of its scale, form, massing and design.

The Chairperson thanked the attendees for their representations and asked the Members if they had any questions.

In response to a question from a Member regarding consideration given to the Inner North West Masterplan, Mr. Stinson explained that it had been considered and that the scheme had been amended to ensure that the proposal was compatible, however, the Member disputed this, stating that the proposal would overshadow and dominate any future residential development on Stephen Street Car Park and that the City Regeneration Team had raised concern with the development of the wider masterplan and not just height, scale and massing.

A number of Members raised concern with regard to the weighting of the Inner North West Masterplan, the concentration of student accommodation in one part of the city, accessibility, parking and the impact of the proposal on the local community.

The Senior Planning Officer explained that, given the accumulative nature of the number of students residing in the city centre, and the impact on the local community and amenities, that officers had considered in their assessment, the management plans secured through a Section 76 Agreement, to control the students within the site and the local vicinities.

The Planning Manager stated that the officer assessment had been conducted using a suite of relevant planning policies, that the appropriate weighting had been given to each of the policies, and that much greater weighting should be given to the statutory HMO Subject Plan in line with Section 6(4) of the Planning Act (Northern Ireland) 2015.

Proposal

Moved by Councillor Murphy,
Seconded by Councillor Maskey,

“That the Committee refuse to grant planning permission for the application, with the detailed wording for the reasons for refusal to be set out by officers at its next meeting. The reasons for refusal to include the application's non-compliance with the Inner North West Masterplan.”

The proposer agreed, at the request of Councillor Groogan, to the following additions to be included in the reasons for refusal:

“Contravention of Policies QD1 of PPS7 and OS2 of PPS8, and Policy BH11 of PPS6 in view of the response from DfC HED.”

Councillor Hanvey declared that he would abstain from voting as he felt that his role and mandate as a Councillor had not been respected by the Chairperson.

The proposal, as amended, was put to the Committee and, on a recorded vote, seven Members voted for, four against and one no vote and it was declared carried.

<u>For 7</u>	<u>Against 4</u>	<u>No Vote 1</u>
Councillor Whyte (Chairperson); and Councillors Carson, Matt Collin, Garrett, Groogan, Maskey and Murphy.	Alderman Rodgers; and Councillors Douglas, Hutchinson and Spratt.	Councillor Bower.

LA04/2022/1479/F - Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping, Former NI Water Ltd Sewage Treatment Works, Blackstaff Road.

The Committee agreed to defer consideration of the item in order to undertake a site visit.

(Alderman Rodgers and Councillor Douglas retired from the meeting)

LA04/2022/0129/F Proposed social housing led mixed tenure residential development comprising 122 residential dwellings, pedestrian and cycle ways, public open space, children's play area, landscaping (including 8 metre landscaped buffer to western boundary), boundary treatments, parking, access (provision of a right turn lane) and ancillary site works. Lands north of 14 Mill Race and 15 Belfield Heights and south of 2-15 St Gerards Manor Ballymurphy Belfast Co. Antrim

The Principal Planning Officer provided the Committee with an overview of the application and highlighted the following key issues in the assessment of the proposed development:

- Development Plan considerations;
- Principle of Housing at this location;
- Loss of Open Space;
- Scale, massing, design and layout;
- Open Space Provision;
- Impact on existing trees and vegetation;
- Traffic, Movement and Parking;
- Impact on the Environment and Amenity;
- Other Environmental Matters;
- Drainage and Flooding;
- Impact on Protected/ Priority Species and Habitats;
- Developer Contributions/ Section 76 Agreement; and
- Pre-application Community Consultation.

He explained that the principle of housing on the unzoned brownfield site and the accompanying loss of open space had been considered acceptable, given the provision of much needed social housing. He added that the removal of a number of unprotected trees and some boundary vegetation had been considered to have low conservation status and was outweighed by a comprehensive planning scheme that included the augmentation of existing boundary planting and that consultation had confirmed that there would be no adverse impact on protected sites, species or habitats.

He pointed out that a Section 76 Planning Agreement would secure Green Travel measures that would include the provision of Travel Cards.

He reported that ten letters of objection had been received and that the issues raised had been considered, and that no consultees had offered any objection to the application.

He concluded by stating that, having regard to the development plan, relevant policy context and other material considerations, the proposal had been considered acceptable and it was recommended that planning permission was granted, subject to conditions and a Section 76 Agreement.

Proposal

Moved by Councillor Garrett,
Seconded by Councillor Murphy, and

Resolved – That the Committee approve the application and delegate authority for the Director of Planning and Building Control to investigate the appropriateness of a condition on the application, and all further major housing applications, that would provide winter grit bin provision and replenishment of one grit bin per 50 units of housing until such time as DfI adopt the scheme and carries out its own statutory assessment of winter provision.

LA04/2020/2105/F Residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works, 1-5 Gaffikin Street, Belfast.

The Committee agreed to defer consideration of the item in order to undertake a site visit.

LA04/2022/2018/F and LA04/2022/2019/LBC Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations, 2 Royal Avenue Belfast

The Principal Planning Officer outlined the application to the Committee and explained that the site was being used as a community, recreational and cultural space to facilitate multi-disciplinary uses on a temporary basis, and that the site was a listed building surrounded by a number of other listed buildings.

She reported that HED and the Conservation Officer had been consulted and had offered no objection to the application.

She concluded by stating that, having regard to the development plan, relevant planning policies and other material considerations, it had been determined that the proposals should be approved.

The Committee approved the applications.

Delegation of Local Applications with NI Water Objections

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of Main Issues

- 1.1 The Planning Committee will recall that at its meetings on 27 June and 14 November 2022 it agreed to delegate authority to the Director of Planning and Building Control the determination of a number of Local applications to which NI Water had objected.**
- 1.2 The Council continues to receive objections from NIW to some Local applications. The purpose of this report is to seek the Committee’s agreement to delegate to officers those Local planning applications to which NI Water has objected.**
- 1.3 For the avoidance of doubt, it is only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water which are proposed to be delegated. Therefore, any of the Local applications which it may later transpire require to**

be referred to the Committee for other reason/s (other than the NI Water objection) will be reported to the Committee to determine. Individual Members can also still request that the applications are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.

2.0 Recommendation

- 2.1 That the Committee agrees to delegate to the Director of Planning and Building Control those Local planning applications to which NI Water has objected.

3.0 Main Report

Background

- 3.1 The Committee will be aware from the Committee Workshop on 18 November 2021 that NI Water has objected to a significant number of Local applications on grounds of insufficient waste-water infrastructure capacity.

- 3.2 As advised at the Committee Workshop, officers have been engaging with NI Water to try to resolve those objections. Whilst progress is being made, and NI Water is actively considering a threshold for the scale and nature of development above which they would like to be consulted on future planning application, the objections to these Local applications remain.

Scheme of Delegation

- 3.3 Members will be aware that the Council operates a Scheme of Delegation for Planning which identifies which matters are to be determined by the Committee and which are delegated to officers.

- 3.4 Paragraph 3.8.5 (f) of the Scheme of Delegation (January 2020) states that planning applications are not delegated where *'There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve.'* This means that those applications are required to be determined by the Planning Committee.

- 3.5 The Planning (General Permitted Development) Order (Northern Ireland) 2016 identifies NI Water as a statutory consultee *'...where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.'*

- 3.6 This means that where NI Water has lodged an objection to a Local application and the officer recommendation is to

approve, the application cannot be delegated and must be determined by the Committee.

- 3.7 Therefore, at its meeting on 27 June and 14 November 2022, the Committee agreed to delegate 97 and 25 Local applications respectively with NI Water objections to the Director of Planning and Building Control. This has avoided the potential need to report all 122 applications individually to the Committee. To have reported all those applications to the Committee would have been logistically extremely difficult, costly and would have resulted in further delays for applicants.

Nature of NI Water objections

- 3.8 NI Water has lodged objections to Local applications for one or both of the following reasons.
- a) There is insufficient capacity at the local Waste Water Treatment Plant to support the proposed development; and/or
 - b) There is insufficient network capacity within existing Combined Storm Overflows to support the development.
- 3.9 In broad terms, NI Water is concerned that a lack of infrastructure capacity would give rise to risk of environmental harm including pollution, flooding and adverse impact on existing property. In some cases, NI Water is concerned that the application site may be hydrologically linked to Belfast Lough and may harm its water quality.
- 3.10 However, despite requests, NI Water has to date not provided robust evidence to support individual objections including demonstration of actual specific impacts resulting from individual proposals that stems from their broad concerns outlined above.
- 3.11 Importantly, allowance must be made for existing significant committed development across the city including extant planning permissions. It is highly unlikely that all such development, which includes unimplemented permissions for over 20,000 houses and significant levels of commercial floor space across the city, will come forward at once, if at all. In practical terms it would be unreasonable for the Council to withhold planning permission given the fall-back of the need to connect those developments to existing waste water infrastructure.
- 3.12 In the case of Waste Water Treatment capacity, NI Water advises that there will be increased capacity from July 2023,

albeit this will not be sufficient to address long term waste water treatment plant infrastructure requirements.

- 3.13 The Council must be mindful that were it to refuse planning permission based on NI Water's concerns, it would need to provide robust evidence to the Planning Appeals Commission in the event that the applicant appeals the decision. In the absence of robust evidence, it would be unreasonable to refuse planning permission.

Habitats Regulations Assessment

- 3.14 Officers have met with Shared Environmental Services (SES). Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also 'in combination' impacts with other development.
- 3.15 Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a 'significant effect' on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification the Council will consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This would also trigger statutory consultation with DAERA NI Environment Agency. The Planning Service will consult SES and DAERA on a case by case basis as required.

Local applications for which delegated authority is sought to determine

- 3.16 The further Local applications to which NI Water has objected and which delegated authority is sought to determine are listed at Appendix 1.
- 3.17 It should be noted that only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water are proposed to be delegated. Therefore, any of the Local applications listed at Appendix 1 which it transpires need to be referred to the Committee for other reason/s under the Scheme of Delegation will be reported to the Committee to

determine. Individual Members can also still request that the applications at Appendix 1 are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.

4.0 Financial and Resource Implications

4.1 Officers are aware of the infrastructure issues which NI Water are facing and have had regard to that in making this recommendation to Committee. However, each application must be assessed on its own merits and officers have sought detailed evidence to support the objections which have been provided by NI Water. That has not been forthcoming.

4.2 The cost and resources involved in individually reporting all Local applications to which NI Water has objected to the Planning Committee would be considerable. It would also require several additional sittings of the Committee.

4.3 Regard is also had to the considerable current pressures on the Planning Service and staff with an extremely high volume of live applications on hand due to the longer-term impacts of COVID-19 and ongoing technical issues with the new Planning Portal. The impacts of COVID-19 and other operational pressures were reported in detail to the 15th February 2022 Planning Committee, [item 12a.](#) (hyperlink). In addition, technical issues with the new Planning Portal have reduced the rate of decisions. Combined with several key vacancies, total live applications have increased to around 1,200 application, an approximate 40% increase since pre-pandemic levels. It is very important that the Planning Service implements a range of measures to reduce live applications back down to more manageable levels. This includes securing delegated authority from the Committee for officers to deal with these Local applications subject to NI Water objections.

4.4 For the reasons set out above, officers are of the view that it would be appropriate to continue to delegate these applications.

5.0 Equality or Good Relations Implications / Rural Needs Assessment

5.1 No adverse impacts identified.”

The Committee agreed to delegate authority to the Director of Planning and Building Control to determine those Locals applications subject to NI Water objections.

Chairperson