

Town Planning Committee

Thursday, 3rd December, 2009

MEETING OF TOWN PLANNING COMMITTEE

Members present: Councillor Campbell (Chairman);
the Deputy Lord Mayor (Councillor Lavery); and
Councillors Cobain, Cunningham, Hendron, Jones,
B. Kelly, McCarthy, O'Neill, Patterson, Rodway
and Smyth.

In attendance: Mr. R. Boyd, Members' Support Officer;
Miss L. Hillick, Committee Administrator; and
Mr. P. Montgomery) Divisional
Mrs. A. Nelson) Planning Office.

Apologies

Apologies for inability to attend were reported from Councillors Empey, Maginness, McCausland and McClenaghan.

Minutes

The minutes of the meeting of 19th November were taken as read and signed as correct. It was reported that those minutes together with the minutes of the 29th October and 5th November had been adopted by the Council at its meeting on 2nd December, subject to:

- (i) the minute of the meeting of 19th November under the heading "The Trunk Road T14 (A55 Knock Road)" which, at the request of Councillor Empey, had been referred back to the Committee for further consideration; and
- (ii) the omission of those matters in respect of which the Council had delegated its powers to the Committee.

The Trunk Road T14 (A55 Knock Road)

The Committee considered further the minute under the heading "The Trunk Road T14 (A55 Knock Road)" which, at the request of Councillor Empey, was referred back to the Committee for further consideration:

“The Trunk Road T14 (A55 Knock Road)”

The Committee was advised that correspondence had been received from the Roads Service seeking comments on the draft Trunk Road T14 (A55 Knock Road) Order (Northern Ireland) 2009 and the associated draft Private Access at the A55 Knock Road (Stopping-Up) Order (Northern Ireland) 2009 in connection with the improvements to the Knock Road and the proposed revision of access points to the road.

The Committee agreed to note the information which had been received.”

After discussion, the Committee agreed to note the information which had been provided by the Roads Service and requested that, due to local opposition within the area, the Service be requested to accommodate the views of local residents in relation to the proposed Knock Road improvement works.

Routine Correspondence

It was noted that correspondence had been received from various Statutory Bodies in connection with the undernoted items:

Notification from the Roads Service of its intention to introduce traffic-calming measures at the Friendly and Cromac Streets areas.

Copies of the Order, letters and maps relating to the above-mentioned matter were displayed at the meeting for the information of the Members.

After discussion, the Committee noted the information which had been received.

Request for Deputations

The Committee noted that a request for deputations had been received in respect of an application relating to 70 North Road and noted also that the matter would be dealt with later in the meeting.

**Department of the Environment Consultation –
Permitted Development Rights**

The Committee agreed that a special meeting be arranged on a date to be agreed in conjunction with the Chairman in relation to the Council’s response to the Department of the Environment’s Consultation in respect of Permitted Development Rights.

Location of Hot Food Outlets

The Committee was reminded that, at its meeting on 8th October, it had agreed that a letter be forwarded to the Minister for the Environment, Mr. Edwin Poots, M.L.A., expressing concern in relation to the proliferation of hot food bars on several arterial routes throughout the City. Accordingly, at its meeting on 19th November, the Committee had been informed that the correspondence had been referred to the Operations Team at the Planning Service Headquarters to respond to the Council. Subsequently, correspondence had been received from Planning Service Headquarters as follows:

“Thank you for your letter of 4th November, 2009, to the Minister regarding the development of hot food outlets on arterial routes in Belfast. Your letter has been passed to Planning Service Headquarters to respond to you directly.

Planning Service already has a number of robust policies and guidelines in place relating to hot food outlets.

When considering an application for a hot food outlet in Belfast, relevant Planning Policy/Guidance includes the Draft Belfast Metropolitan Area Plan 2015, the Belfast Urban Area Plan 2001, Planning Policy Statement 1 General Principles, as well as a number of development Guidance Notes and Development Control Advice Note 4. The general thrust of this policy includes the potential impact on character and appearance of the area and potential impact on residential amenity.

Planning Service will normally seek advice from the local Environmental Health Office and Roads Service, if appropriate and are guided by decisions made by the Planning Appeals Commission.

With regards to the number of applications being received, Planning Service is required to process all applications that are submitted and cannot control the number received.

I trust you will find this information of assistance.”

After discussion, the Committee agreed to write once again to the Minister for the Environment, Mr. Edwin Poots, M.L.A., requesting that the Department update its policy in order to control the proliferation of fast food outlets in key areas of the City, particularly on the arterial routes.

Multiple Occupancy Flat Conversions

The Committee was reminded that, at its meeting on 8th October, it had agreed to write to the Minister of the Environment, Mr. Edwin Poots, M.L.A., in relation to flat conversions in areas of Houses in Multiple Occupation. Subsequently, the matter had been forwarded to the Divisional Planning Manager to formulate a response. The Committee considered the undernoted correspondence which had been received from the Divisional Planning Manager:

“I refer to your letter of 4th November, 2009, to the Minister of the Environment, Edwin Poots. The Minister has asked Belfast Divisional Planning Office to reply directly to your letter.

Your letter raises the general issue of flat conversions in areas where there is already a high incidence of houses in multiple occupation (HMOs) and also refers specifically to current planning applications for 73 Malone Avenue.

Firstly, as regards 73 Malone Avenue, the Department is currently processing 2 applications for this property for the demolition of 2 HMO flats with retention of front façade and erection of 5 flats including 3-storey rear return (refs Z/2009/0659/F and Z/2009/0651/DCA). The Department consulted Belfast City Council’s Town Planning Committee on 17th September and 8th October, 2009, with opinions to approve the applications.

The Department is aware of the HMO Subject Plan which was published in December, 2008, and which identifies the Eglantine area (including Malone Avenue) as an HMO Policy Area where the number of HMO dwelling units should not exceed 30%. At present both Eglantine and Malone Avenue are well in excess of this figure. The current proposal, however, is for use as flats, which is not covered by the HMO Subject Plan.

The property is located within the Inner Malone Flat Conversion Area as identified in Development Guidance Note 4d and has a previous permission for change of use to 3 flats (Z/2006/1643/F). Taking into account the existing character of the area and other recent approvals for flat conversions, Belfast Division took the view that the proposal for 5 flats was acceptable.

As you will be aware the Town Planning Committee referred the applications to the Planning Service Management Board. The applications are still being considered by the Management Board.

On the more general point about approving flats in HMO areas I would point out that any such approvals would not permit HMO use. If the dwelling units are subsequently used for unauthorised HMO use then this would be a matter for the Division’s Enforcement Section to investigate and, if necessary, take appropriate action.

I hope this information is of assistance.”

After discussion, it was agreed to invite the Chief Executive of the Planning Service, Ms. C. Smyth, to address the Committee in relation to its concerns and the above-mentioned response which had been received from the Divisional Planning Manager.

Major Planning Applications

Land at 160-220 Castlereagh Road

The Committee was reminded that, at its meeting on 2nd November, 2006, it had agreed that the Planning Service be advised that the development of a superstore, car parking and associated works at 160-220 Castlereagh Road should be dealt with by means of a Public Local Enquiry before the Planning Appeals Commission in order to permit all local issues to be detailed and considered adequately since there had been concerns regarding the potential impact on the surrounding neighbourhood.

The Members' Support Officer reported that correspondence had been received from Planning Service Headquarters indicating that, following detailed consideration of the proposal, the Department had decided to issue a Notice of Opinion to refuse the development. The correspondence had indicated further that the applicant had a right of appeal before the Planning Appeals Commission against the decision and that should such an appeal be made the Council would be advised in due course.

The Committee noted the information provided.

Planning Management Board Referral

Site within the Area Bounded by Malone Road, San Souci Park, Ash Avenue and Beechlands

The Committee was reminded that, at its meeting on 8th October, it had agreed that the decision of the Divisional Planning Manager to approve the applications relating to the demolition of Sir Arthur Vick House, Shaftesbury Hall and 2 and 4 Holyrood and the subsequent development of Phase 11 of the Elm Student Village be rejected and that the matter be referred to the Planning Management Board for adjudication.

The Committee was advised that correspondence had been received from the Director of Operations, Planning Service Headquarters, advising the Committee that the referral had been accepted.

The Members' Support Officer advised the Members that it was the Committee's Policy to form a delegation to meet with the Planning Management Board to discuss the merits of the case. He reminded the Members that the delegation should represent the consensus view of the Committee which had been to reject the application.

Accordingly, the Committee agreed that the Management Board be requested to receive a deputation and agreed further that it be represented at the meeting with the Management Board by the Chairman together with the Deputy Lord Mayor (Councillor Lavery) and Councillors B. Kelly, McCarthy and Patterson (or their nominees).

Planning Applications

The Devenish Arms, 37 Finaghy Road North

The Committee was reminded that Council, at its meeting on 2nd November, had agreed that the opinion of the Divisional Planning Manager to approve the renovation of the gym premises and function room at the above-mentioned location to provide a children's play centre be rejected on the grounds that the proposal would cause noise, nuisance and general disturbance to the surrounding area.

The Members' Support Officer advised the Committee that correspondence had been received from the Divisional Planning Manager indicating that, whilst the Department had noted the views of the Council, it wished to advise the Committee that the decision to approve the application had been issued on 20th November.

Noted.

Riddel Hall, 185 Stranmillis Road

The Members' Support Officer reminded the Committee that, at its meeting on 19th November, it had unanimously rejected the opinion of the Divisional Planning Manager to approve the proposal to refurbish the building at 185 Stranmillis Road, the provision of a new teaching facility linked to Riddel Hall, a new office building, car parking, landscaping together with the associated Listed Building application. The Committee was of the view that the applications would have a detrimental impact on the Conservation Area in which the development would be located.

The Committee was advised that correspondence had been received from the Divisional Planning Manager indicating that the planning merits of the case had, in light of the Committee's views, been fully reconsidered. However, the Divisional Planning Manager had indicated that the decision to approve the applications had been issued to the applicant on 27th November.

Noted.

Reconsidered Items

Brookfield and Rosebank Business Centre, Brookfield Mill

The Committee considered further the planning application in relation to the refurbishment of the existing mill at the above-mentioned location to provide apartments (5 one-bedroom, 96 two-bedroom and 1 three-bedroom) and the demolition of outbuildings to accommodate 40 two-bedroom social housing apartments in respect of which the Divisional Planning Manager had issued an opinion to approve.

After discussion, the Committee agreed, with one Member voting against, to adopt the opinion of the Divisional Planning Manager to approve the application.

(As the decision was not unanimous it was subject to ratification by the Council.)

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF
THE POWERS DELEGATED TO IT BY THE COUNCIL**

Planning Applications

Reconsidered Items

The Committee considered further the undernoted planning applications and, after discussion, adopted the recommendations of the Divisional Planning Manager:

<u>Site and Applicant</u>	<u>Proposal</u>	<u>Divisional Planning Manager's Opinion</u>
1 Ormonde Park Mr. O'Hagan	Erection of double garage and driveway to side of dwelling	Approval
18 Annadale Avenue Mr. M. Hopkins	Demolition of building and erection of residential development comprising 14 units and associated landscaping	Approval
31 Knockbracken Park, Mr. and Mrs. Henderson	Two-storey rear extension and single-storey side extension to dwelling	Approval

70 North Road

The Committee considered further a planning application in relation to the demolition of a rear return and erection of a two-storey extension with single-storey extension to rear and side and conversion of building into six apartments, in respect of which the Divisional Planning Manager had offered an opinion to approve.

The Members' Support Officer reported that a request for deputation to address the Committee had been received. Accordingly, the Principal Planning Officer agreed to withdraw the application from the schedule and the Committee agreed to receive the deputations at a special meeting to be held at a date to be agreed by the Chairman.

Reconsidered Item – Amended Opinion

The Committee considered the undernoted planning applications in respect of which the Divisional Planning Manager had issued a revised opinion and, after discussion, adopted the recommendation of the Divisional Planning Manager:

<u>Site and Applicant</u>	<u>Proposal</u>	<u>Divisional Planning Manager's Opinion</u>
34 Knockbreda Road, Niavac Special Pension	Replacement two-storey building comprising ground floor retail unit and first floor office (amended scheme)	Approval
177 Tates Avenue, Mr. and Mrs. Dickson	Erection of single-storey extension to front, two-storey extension to rear, with rear dormer (amended plans)	Approval

Applications Withdrawn

The Committee was advised that the undernoted planning application had been withdrawn at the request of the Divisional Planning Manager:

<u>Site and Applicant</u>	<u>Proposal</u>
1 Eblana Street	Conversion of House in Multiple Occupancy to three flats

The Committee was informed that the undernoted planning application had been withdrawn from the Schedule by the applicant:

<u>Site and Applicant</u>	<u>Proposal</u>
Clara Street Civic Amenity Site, Belfast City Council	Upgrade of existing civic amenity site to become a household recycling centre

Delegated Authority

The Committee noted a list of planning applications which had been approved under the delegated authority of the Committee at its meeting on 19th November.

New Applications

The Committee noted a list of planning applications which had been received by the Divisional Planning Manager for the Belfast City Council area for the period from 10th till 23rd November.

Schedule of Applications

The Committee considered the schedule of planning applications which had been submitted by the Divisional Planning Manager in respect of the Belfast City Council area and agreed to adopt the recommendations submitted in relation to the applications detailed therein with the exception of those referred to below:

<u>Location</u>	<u>Proposal</u>
5 Palmerston Road, Parana	Demolition of building and erection of residential development comprising 12 apartments with associated car parking and amenity space [Deferred at the request of Councillor Rodway to enable an office meeting to be held]
1 Strangford Avenue, Mr. and Mrs. Miller	Erection of two-storey extension to rear and a single-storey extension to side and rear (amended scheme) [Deferred at the request of Councillor B. Kelly to enable an office meeting to be held]

<u>Location</u>	<u>Proposal</u>
385 Holywood Road, P. McLean	Erection of 50 apartments (in two blocks) with associated surface car parking and landscape areas (amended plans) [Deferred at the request of Councillor Smyth to enable an office meeting to be held]
1 Windsor Avenue North, Wee Care	Change of use from day nursery to 3 maisonettes including a two-storey extension comprising 1 maisonette and a single-storey front extension comprising 1 apartment [Deferred at the request of Councillor Patterson to enable an office meeting to be held]
18b Newforge Lane, Newforge Country Club	Site development for one Gaelic/Rugby pitch and cricket pitch with pedestrian ramp access from Newforge County Club [Deferred at the request of Councillor McCausland to enable an office meeting to be held]
14 Willisfield Avenue, Mr. T. Matchett	Replacement hipped roof with gable wall and dormer to rear of property [Deferred at the request of Councillor Patterson to enable an office meeting to be held]
Lands at 62-72 Upper Malone Road, T.T. Homes Limited	Residential development consisting of twenty dwellings off Fairway Avenue and 2 dwellings off Upper Malone Road (amendments to previously approved scheme) [Deferred at the request of Councillor Ekin to enable an office meeting to be held]
108 Locksley Park, Mrs. Lynch	Demolition of existing rear extension and garage and erection of two-storey extension [Deferred at the request of Councillor B. Kelly to enable an office meeting to be held]

Location

Proposal

75-77 Sandhurst Drive,
D. Wright

Demolition of 2 HMO buildings,
with retention of façade and erection of
6 flats (four flats to have two bedroom each
and two flats to have one bedroom each)
and a one-and-a-half-storey return with
rear dormer (amended scheme)
[Deferred at the request of
Councillor Maginness to enable an office
meeting to be held]

2c Wilshere Drive,
Mr. Hillis

Conservatory extension of rear of dwelling,
timber shed in back garden and boundary
fencing
[Deferred at the request of
Councillor Hendron to enable an office
meeting to be held]

24 Orpen Park,
Ms. E and M. Doherty
and Rodgers

Amendment to existing approval with
retention of development: roof conversion
with dormer to rear and attached external
store/garage
[Deferred at the request of the Deputy Lord
Mayor (Councillor Lavery) to enable an
office meeting to be held]

Chairman