

Planning Committee

Tuesday, 16th June, 2015

MEETING OF PLANNING COMMITTEE

Members present: Councillor Garrett (Chairperson);
Aldermen McGimpsey,
L. Patterson and R. Patterson;
Councillors Armitage, Bunting,
Campbell, Heading, Hutchinson,
Johnston, Magee, McAteer,
McDonough-Brown and Mullan.

In attendance: Mr. P. Williams, Director of Planning and Place;
Mr. J. Walsh, Town Solicitor;
Mr. C. McIlwaine, Area Planning Manager; and
Mr. B. Flynn, Democratic Services Officer.

Minutes

The minutes of the meeting of 19th May were taken as read and signed as correct. It was reported that those minutes, with the exception of the matters which had been delegated to the Committee, had been adopted by the Council at its meeting on 1st June.

Declarations of Interest

Regarding item 6 on the agenda, i.e., Z/2014/0586/F – proposed housing development at McClure Street, Councillor Mullan indicated that she had deferred the proposal when it had been presented to the former Town Planning Committee.

Routine Correspondence

No correspondence had been received.

Appeal Decisions Notified

No notifications had been received.

Delegated Decisions

The Committee noted a list of decisions which had been issued under the Council's Delegated Scheme between 13th May and 4th June.

Item Withdrawn from Agenda

The Committee noted that application Z/2010/0245/F – 83 Ormeau Road (proposed mixed-use development), had been withdrawn to enable further information to be considered by the Council.

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

Late Requests to Address the Committee

The Committee was informed that two requests to address the Committee had been received outside the 48 hours deadline, as stipulated within the operating protocol. The Democratic Services Officer reported that the requests related to the following applications:

Reconsidered Item - Z/2014/1685/F - 184 Upper Newtownards Road (HMO)

A request had been received from Mr. C. Lyttle, MLA, on behalf of local residents, seeking to provide further information in respect of objections which he had raised to the application at the Committee's meeting in May.

The Committee noted that the application had been deferred specifically to enable Transport NI to clarify matters which related to the criteria it used when considering road safety and parking issues for Houses in Multiple Occupancy.

On a vote by show of hands, three Members voted in favour of Mr. Lyttle being permitted to address the Committee and nine against.

Accordingly, it was agreed that the deputation would not be received.

Z/2013/1293/F - Falls Park (3G pitch with floodlights/additional parking)

It was reported that a late request had been received from 'Love Falls Park', a group which was seeking to outline its objections to the above-mentioned proposal. It was reported that the request had arisen since a Council notice that the application would be presented to the Committee had not been published in a local paper that previous weekend. It was reported that an editorial error had occurred which had precluded the notice from appearing in the paper and an apology had been issued to the Council.

The Committee exercised its discretion in this instance and agreed to receive the deputation.

Planning Applications

1. Z/2014/0077/F - Glassmullan Green (3G pitch with floodlights, pavilion and ancillary works)

The Committee considered an application for the erection of a sports pavilion, 3G all-weather pitch with associated perimeter and spectator fencing, ball catch nets, floodlighting and improvements to the pedestrian and vehicular access which would include a new footpath and car-parking. The case officer reported that, after

assessment, the proposal had been recommended for approval, subject to the imposing conditions related to the limitation on the hours of floodlighting.

Representatives of the applicants, i.e., De La Salle College, together with their agent, spoke in favour of the proposal, while Mrs. A. Kerrigan, representing 'Save Glassmullin Green' and Councillor Attwood outlined their objections.

The Committee granted approval, subject to the imposing of the conditions as outlined within the case officer's report.

2. Z/2013/1293/F - Falls Park (3G pitch with floodlights/additional parking)

The Committee considered a proposal which sought permission for the erection of a changing pavilion, together with the upgrading of an existing playing field to a 3G pitch with associated perimeter fencing, floodlighting and ball stop fences. The application had proposed also the establishment of additional car-parking facilities.

The Committee received Ms. S. Boyce and Mr. G. Kearney, representing 'Love Falls Park', who outlined their objections to the development.

Moved by Councillor Bunting,
Seconded by Alderman McGimpsey,

That the Committee agrees to defer, to its meeting in August, consideration of the application to enable the Council to carry out further consultation with local residents in respect of the proposal.

On a vote by show of hands, seven Members voted in favour of the proposal and six against and it was declared carried.

3. Z/2014/1684/F - 184 Upper Newtownards Road (conversion to a House in Multiple Occupancy)

(Aldermen L. Patterson and R. Patterson, together with Councillor Johnston, took no part in the discussion or decision-making on this application since they had not been in attendance at the meeting on 19th May when it had been deferred. In addition, Alderman McGimpsey had left the room whilst the item was under consideration and took no part in the discussion or votes).

The Committee was reminded that, at its meeting on 19th May, it had deferred consideration of the above-mentioned application to enable clarity to be provided by Transport NI in respect of its assessment criteria for road safety and parking issues, specifically as they related to Houses in Multiple Occupancy (HMO).

Mr. G. Doherty, representing Transport NI, advised the Committee that, within the HMO Subject Plan for the Belfast area, the provision of car parking was not a requirement within the assessment process. He added that existing Regional Planning policy and guidance, including published 'Parking Standards', did not incorporate car parking as a requirement for HMO development.

Proposal

Moved by Councillor Armitage,
Seconded by Councillor McDonough-Brown,

That the Committee agrees to reject the recommendation to approve the application on the grounds that the HMO Plan for Belfast (specifically DCAN8), states that car-parking demand should be addressed as part of the HMO application process and, in this case, that issue has been overlooked.

On a vote by show of hands, two Members voted for the proposal and seven against and it was declared lost.

Further Proposal

Moved by Councillor Hutchinson,
Seconded by Councillor Magee,

That the Committee agrees to adopt the recommendation to approve the application.

On a vote by show of hands, seven Members voted for the proposal and three against and it was declared carried.

4. Reconsidered Item - Z/2014/1720/F - 6 Cutters Lane (conversion to House in Multiple Occupancy)

(Aldermen L. Patterson and R. Patterson, together with Councillor Johnston, took no part in the discussion or decision-making on this application since they had not been in attendance at the meeting on 19th May when it had been deferred originally.)

The Committee considered further the above-mentioned application, which had been deferred to enable clarity to be provided by Transport NI in respect of its assessment criteria for road safety and parking issues, specifically as they related to Houses in Multiple Occupancy (HMO). Mr. Doherty clarified the issues which had been raised by the Committee.

The Committee noted the information which had been provided and granted approval to the application.

5. LA04/2015/0057/F - (proposed temporary exhibition centre within Titanic Quarter)

The Committee received deputations from Mr. B. Kelly, representing the applicant, and from Mr. P. Fleming and Mr. J. McMonigle, objectors to the proposal.

It was noted that the time and date for the receipt of comments on the proposal to be submitted to the Council had expired earlier that day.

Accordingly, on the advice of the Town Solicitor, the Committee agreed to defer consideration of the matter to enable any additional comments to be assessed.

6. Z/2014/0586/F - McClure Street (proposed housing development)

(Councillor Mullan, who had declared an interest in this application, withdrew from the table whilst it was under discussion and took no part in the debate or decision-making process.)

The Committee considered an application which sought permission for a social housing scheme, comprising of 27 two-storey dwellings. The case officer outlined the principal aspects of the proposal and explained that, after assessment, it had been recommended for refusal on the following grounds:

- The proposal was contrary to the Planning Policy Statement 8 Open Space, i.e., 'Sport and Outdoor Recreation' in that the development would, if permitted, result in the loss of existing open space and, therefore, affect adversely on the environmental quality and character of the area and no exceptional circumstances has been provided to outweigh the loss of open space;
- The proposal was contrary to Policy QD 1 of Planning Policy Statement 7, i.e., 'Quality Residential Environments', in that the scheme, if permitted, would result in unacceptable damage to local character and create an undesirable living environment for prospective residents due to unsatisfactory form and layout and inadequate provision of amenity space;
- The proposal was contrary to Planning Policy Statement 1 and Policy QD1 of Planning Policy Statement 7, in that insufficient information had been submitted to satisfy that the amenity of prospective residents would not be adversely affected by noise and disturbance from the adjoining railway line; and the applicant had not demonstrated that satisfactory measures would be incorporated to mitigate potential ground contamination;
- The proposal was contrary to Policy QD1 of the Planning Policy Statement 7. i.e., 'Quality Residential Environments' and related guidance, in that it had not been demonstrated that the proposal would provide a satisfactory means of access and adequate facilities for parking as part of the development; and
- The proposal was contrary to Planning Policy Statement 1, i.e., 'General Principles and Policy FLD 3 of Planning Policy Statement 15: 'Planning and Flood Risk', in that it had not been demonstrated that the proposal would provide satisfactory measures for the mitigation of flood risk and in particular drainage.

The Committee received representations from Mr. C. Hughes, on behalf of the applicant. He stated that the applicant had not been formally requested by the Planning Service to submit a range of outstanding information. In addition, Councillors Boyle and Hargey outlined their objections to the recommendation that the application be refused.

Proposal

After further discussion, it was

Moved by Alderman R. Patterson,
Seconded by Councillor Bunting,

That the Committee agrees to adopt the recommendation to refuse the application for the reasons outlined within the report.

Amendment

Moved by Councillor M.E. Campbell,
Seconded by Councillor Armitage,

That the Committee agrees to defer consideration of the application to its meeting in August.

On a vote by show of hands, seven Members voted for the amendment and six against and it was declared carried. The amendment was then put to the meeting as the substantive motion and was passed by seven votes to six.

(Councillor Mullan returned to the Committee table at this point.)

7. Y/2015/0054/F - erection of three dwellings on land between 2 and 4 Gilnahirk Rise

The Committee considered an application for the construction of six, two-storey, dwellings on land between 2 and 4 Gilnahirk Rise, in respect of which the Council had offered a recommendation to refuse.

The Committee received representation from the applicant Ms. D. Sherlock who outlined her objections to the opinion to refuse the application.

The Committee adopted the opinion to refuse the application since it was contrary to PPS1 'General Principles' and PPS 7 'Quality Residential Environments', PPS 7 (Addendum) 'Safeguarding the Character of Established Residential Areas', Guidance as set out in Development Control Advice Note 8 and Creating Places. In addition, it would, if permitted, due to its inappropriate layout, form, scale and density be harmful to the local character, environmental quality and amenity of the established residential area; and would through overdevelopment of a restricted site be harmful to the living conditions of existing residents by way of dominance and overlooking, and for prospective residents by unacceptable provision of private amenity space.

8. Z/2014/1518/F - 362 Woodstock Road (change of use to hot food bar)

The Committee considered an application for the change of use to a hot food bar for a property at 362 Woodstock Road, in respect of which the Council had offered an opinion to refuse.

The Committee received representation from the applicant, Mr. H. Sirple, who outlined his objections to the opinion to refuse the application.

The Committee agreed to defer, until its meeting in August, consideration of the application to enable the applicant to address a number of issues which had been raised by statutory consultees, specifically in respect of parking provision, noise and fumes.

The Committee adjourned at this point and agreed to reconvene on Thursday, 18th June, at 5.00 p.m.

Chairperson