

Planning Committee

Thursday, 18th June, 2015

ADOURNED MEETING OF PLANNING COMMITTEE

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

In attendance: Mr. C. McIlwaine, Area Planning Manager;
Mr. J. Walsh, Town Solicitor;
Ms. N. Largey, Solicitor, and
Mr. B. Flynn, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Alderman McGimpsey and Councillors Armitage, McAteer and McDonough-Brown.

Declarations of Interest

No declarations of interest were reported.

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)

1. Z/2014/0997/O - 102-107 Grosvenor Road (office development)

The Committee considered an application which sought outline permission for a Class B1 gateway office development, with associated site works, on land situated between 102 and 107 Grosvenor Road, in respect of which an opinion to approve was recommended to the Committee.

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

2. Z/2015/0090/F - the former Maysfield Leisure Centre (office development)

The Committee considered a proposal for the conversion of an existing building to a three-storey office space, with a two-storey front block extension (to include a new data centre, parking and bicycle parking to the side and rear), at the former Maysfield Leisure Centre.

The case officer outlined the principal aspects of the application and indicated that a number of responses to the statutory consultation process had yet to be received. Accordingly, it was recommended that the Committee agree, in principle, to approve the application, subject to the Director of Planning and Place and the Town Solicitor, in conjunction with the Chairman and the Deputy Chairman, being granted delegated authority to approve, if deemed appropriate, the application on the receipt of the outstanding responses.

The Committee adopted the recommendation as outlined. It was agreed also that the Director of Planning and Place and the Town Solicitor be authorised, if deemed necessary, to impose additional amendments or conditions to any final approval granted.

3. Z/2015/0237/F - The Belfast City Cemetery (sculpture)

An application was presented to the Committee which sought permission for the erection of a 4-meter high stainless steel floral sculpture on a grassed area within the Belfast City Cemetery.

The Committee granted approval to the application.

4. Z/2015/0161/F - 125 Andersonstown Road (change of use from bank to a hot food outlet)

The Committee considered a proposal for the change of use of a vacant former bank building to a fast food restaurant at the above-mentioned location. It was reported that the proposal would include changes to the building's elevations and the insertion of an odour abatement system and flue.

The Committee granted approval to the application.

5. Z/2015/0207/F - 787-789 Lisburn Road (demolition/housing development)

The Committee considered an application for the demolition of an existing building to enable the erection of four townhouses and two duplex apartments. It was reported that the principle of demolition of the buildings (and a replacement housing scheme) had been established at that site through previous planning permissions. The application presented sought to make relatively minor changes to the elevations and layout of the scheme which had been approved in 2014.

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

7. Z/2015/0120/F - 36 Stranmillis Road (demolition/construction of new church)

The Committee considered an application which sought full permission for the demolition of an existing church to enable its replacement. The case officer outlined the principal aspects of the proposal, in respect of which an opinion to approve was recommended to the Committee.

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

8. Z/2014/1098/F - 382-384 Woodstock Road (change of use and three-storey extension)

The Committee considered an application which sought full permission for the change of use of a building from a retail outlet to office accommodation (first and second floor). The proposal would entail the demolition of an existing return, the erection of a three-storey rear extension and a new shop front, in respect of which an opinion to approve was recommended to the Committee.

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

9. Z/2014/1521/F - Gortnamona GAC (3G pitch and ancillary work)

The case officer outlined a proposal for a new 3G training pitch which would replace an existing tarmac pitch and playground. The replacement pitch would include a 12-meter tall by 30 meter wide ball-stop net, floodlights and a 1.2-meter perimeter fence. The proposal sought also to upgrade an existing grass playing field with the addition of a hard standing spectator area, which would replace an existing grass area.

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

THE COMMITTEE CONSIDERED THE FOLLOWING MATTERS WHICH WERE SUBJECT TO RATIFICATION BY THE COUNCIL AT ITS MEETING ON 1st JULY

Business Plan and Service Improvement

The Committee considered and endorsed the Business Plan and Service Improvement Plan for 2015/2016, the main aims of which were:

- to reduce the backlog of live planning applications;
- to introduce new processing targets for applications/enforcement cases;
- to publish an enforcement strategy and charter;
- to contribute to the Belfast Agenda, particularly city centre regeneration;
- to initiate the Local Development Plan; and
- to oversee the publication of the Statement of Community Involvement.

To that end, the Service would seek to carry out the following actions:

- to review and change its structure;
- to introduce revised and new processes;
- to ensure that systems were in place to monitor performance;
- to contribute to the review of the planning portal and telephony; and
- to prepare for the transfer of regeneration functions.

Belfast Metropolitan Area Plan - Update

The Committee considered the following report:

“1.0 Purpose of Report

- 1.1 The report provides an update on BMAP with regard to the ongoing judicial review challenge to the adoption of BMAP by DoE in September 2014.

2.0 Recommendations

- 2.1 The Committee is asked to note this report. Further reports will be brought to committee in relation to the result of the challenge and for the consideration of proposed processes for the development of a new plan for the city.

3.0 Main report

- 3.1 The previous report to the Committee outlined the basis for the adoption by the Minister for the Environment, Mark H Durkan in September 2014. This adoption meant that BMAP replaced all pre-existing local policies and would serve as the local development plan for Belfast until such time as the new Council puts in place a new plan.

The Enterprise Minister, Arlene Foster, claimed in December 2014 that Minister Durkan in proceeding to adopt BMAP had breached the ministerial code by publishing the plan without bringing it before the Executive for full approval. Minister Foster was granted leave to seek a judicial review of Mark H Durkan's decision to adopt the BMAP in January 2015. The hearing took place on 27 and 28 May but the hearing was not concluded and a further day for hearing has been scheduled for 26 June.

Until the result of the challenge is formalised the BMAP will remain as the adopted Development Plan for Belfast City and the surrounding area. The BMAP sets out the land use proposals for Belfast and the surrounding districts for the period until it is replaced. It identifies zones for retail, residential or commercial development and affects almost 40% of the Northern Ireland population. This includes areas such as Carrickfergus, Lisburn, Newtownabbey and North Down that are (and will be) outside of the Belfast City Council boundary.

The decision arising from the hearing could have implications for the future status of all or part of the BMAP and will be reported back to the Committee along with any recommendations as to the way forward.”

The Committee noted the contents of the report and it was agreed that briefings in the matter would be provided to those parties who wished to receive them.

Local Development Plan - Programme

The Committee endorsed a programme of preparatory work for the development of the Belfast Local Development Plan, a full copy of which was published on the Council's website.

Statement of Community Involvement - Local Development Plan

The Committee endorsed a draft Statement of Community Involvement which would oversee the Council's duties and obligations for engaging with local communities in the consideration of planning applications and in determining policies in the preparation of the Local Development Plan. A full copy of the Statement was published on the Council's website.

It was noted that the draft Statement would be subject to a public consultation exercise and that, upon completion, a final version would be submitted to the Committee for its approval, prior to it being forwarded to the Department of the Environment for its endorsement.

Enforcement Charter and Strategy

The Committee considered the following report:

“1.0 Purpose of Report

- 1.1 The Enforcement function of the Belfast Planning Service is delegated to the Director who will provide regular updates to Committee on significant enforcement issues, trends and significant cases.**
- 1.2 Following local government reform, Belfast City Council has the opportunity to develop its own Enforcement Charter and Strategy to deal with Belfast specific priorities and replace the DoE Enforcement Strategy. Members have previously been briefed about the nature and scope of enforcement work and powers.**
- 1.3 Enforcement will be a key element of the Belfast Planning Service Business Plan and Service Improvement. An Enforcement Charter and Strategy setting out policies and service standards will be presented to Committee in September/October for consideration.**

2.0 Recommendation

- 2.1 Members are asked to agree to the development of an Enforcement Charter and Strategy.**

3.0 Main report

- 3.1 The Enforcement function of the Belfast Planning Service is a key means in assisting the Council in protecting our communities and their environment from inappropriate or damaging development. It is essential that the integrity and credibility of our planning system is not undermined by wilful breaches and that the Council can react quickly, proportionately and effectively where issues arise. Responses can be either informally via negotiation or formally with possible recourse to the courts.**
- 3.2 The Enforcement Charter and Strategy will aim to inform and reassure members of the public who have come into contact with actual or potential breaches of planning control. The intention is to bring the final document to Committee in September/October for approval.**
- 3.3 One contentious issue being experienced is the proliferation of estate agent signage in the Queens University area, namely the Holylands and Stranmillis areas. This occurs due to the high number of HMO's and transient nature of student accommodation. There is scope within the legislation to remove deemed consent for these signs, an initiative which has been successful in other cities. In addition, a consumer information leaflet educating homeowners and estate agents as to their rights under the legislation could prove helpful not just in the Holylands and Stranmillis but also in other areas. This type of initiative could be prioritised in the Strategy.**
- 3.4 As of 1st June, Building Control and Belfast Planning Service are operating within the single Directorate of Planning and Place. This will lead to increased efficiency and improved customer service.**
- 3.5 As with other areas of planning, there are best practice lessons to be learned from other planning authorities which the Enforcement Team will pursue.**

The Committee agreed to initiate a process for the development of a Council Enforcement Charter and Strategy.

In addition, on an interim basis, the Committee agreed that the Council would desist from opening further individual cases regarding the display of 'to let' signs within the university area (unless such signs were large-scale and posed road safety or amenity problems), subject to the following course of action:

- that letters would be forwarded to all estate agents reminding them of their obligations under the existing advertising legislation; and
- that work would be progressed in order to bring forward an Article 6 Directive to remove 'deemed consent' for advertisement signs.

Consultation on Listed Buildings

The Committee agreed, as part of a consultation exercise which was being undertaken by the Northern Ireland Environment Agency, to support the listing of the buildings at the following locations:

- Hampton House, 8 Glenmachan Park;
- 99 Upper Newtownards Road;
- 2 Cyprus Avenue;
- 4 Cyprus Avenue;
- 6 Cyprus Avenue;
- 1 Stormont Cottages, Stormont Estate; and
- 2 Stormont Cottages, Stormont Estate.

Malone Conservation Area - 'Article 4 Declarations'

The Committee was advised that the Service was proposing to initiate a public consultation exercise to ascertain the level of public support for declaring 'Article 4 Directions' within Adelaide Park and Malone Park. It was explained that the aforementioned streets were conservation areas and considered to be of special architectural or historic interest. In addition, given their character and appearance, it was considered desirable to protect the existing buildings within the streets. It was reported that the Council had a statutory duty to preserve and enhance conservation areas and, if appropriate, issues directives (i.e., Article 4 Directives), which would limit certain development rights to protect distinct and unique architectural features within designated areas.

The Committee authorised the undertaking of a public consultation exercise, together with the costs associated with public advertising, in order to ascertain the level of support for Article 4 Directions to be issued within Adelaide Park and Malone Park conservation areas.

It was agreed that, should sufficient support be demonstrated for the proposal, Article 4 Directions would be issued.

Chairperson