

Planning Committee

Tuesday, 15th November, 2016

MEETING OF Planning Committee

Members present: Councillor Johnston (Chairperson);
Alderman McGimpsey; and
Councillors Bunting, Carson, Dorrian, Garrett,
Hutchinson, Hussey, Jones, Lyons, Magee,
and Mullan.

In attendance: Mr. P. Williams, Director of Planning and Place;
Mr. E. Baker, Development Engagement Manager;
Mr. J. Walsh, Town Solicitor;
Ms. N. Largey, Divisional Solicitor; and
Miss. E. McGoldrick, Democratic Services Officer.

Apologies

An apology was reported on behalf of Councillor McAteer.

Minutes

The minutes of the meeting of 18th October 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 November, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Regarding item 7.n) LA04/2016/0842/F- Change of Use from Commercial (Kitchen Fitters) to a Boxing Club - 11 Riverdale Park East, Councillor Garrett declared an interest, in so far as he had proposed the local investment funding for this application.

Committee Site Visit - 2nd November 2016

Pursuant to its decision of 18th October, it was noted that the Committee had undertaken a site visit on 2nd November in respect of planning applications LA04/2015/1056/F - Demolition of existing two and a half storey house and replacement with a 3 storey apartment building, at 1 Hopefield Avenue, and LA04/2016/0900/F, for 6 eleven storey blocks in a mixed-use development to include purpose-built, managed student accommodation.

Planning Appeals Notified

The Committee noted the receipt of correspondence in respect of the outcomes of a range of hearings which had been considered by the Planning Appeals Commission.

Planning Decisions Notified

The Committee noted a list of decisions which had been taken under delegated authority by the Director of Planning and Place, together with all other planning decisions which had been issued by the Planning Department between 10th October and 7th November.

Departmental Performance Update

The Development Engagement Manager provided the following information on the Department's performance to date:

Planning Applications

- 147 applications validated in October, 2016;
- Applications validated is broadly similar to both last month and the same month last year; and
- Overall numbers of applications validated this year had increased by 23% (979 up to 31st October, 2015 compared to 1,273 up to 31st October, 2016).

Planning Decisions

- 150 decisions had been issued in October, 2016;
- 91% approval rate;
- 93% of decisions had been issued under delegated authority; and
- the number of decisions issued to date had increased by 55% over the same period in 2015.

No. of applications in system by length of time

- 1,056 live applications were in system at end of October, 2016 (1,057 in September, 2016);
- 61% of applications were in the system less than 6 months; and
- Less than 45 legacy applications were outstanding (reduced from 780 at transfer in April, 2015).

Performance against statutory targets (figures available up to 30th September)

- The statutory target for processing major development planning applications from the date valid to decision issued or withdrawal date was within an average of 30 weeks. Up to 30th September, the average processing time to decide major applications was 68.6 weeks. This, however, included legacy applications and those Major applications which had been delayed whilst a Section 76 agreement had been put in place;
- The statutory target for processing local development planning applications from the date valid to decision issued or withdrawal date was an average of 15 weeks. Up to 30th September, the average processing time to decide local applications was 15.4 weeks; and
- The statutory target is that 70% of all enforcement cases were progressed to target conclusion within 39 weeks of receipt of complaint. Between 1st April, 2015 and 31st July, 2016, 76.5% of enforcement cases had been concluded within 39 weeks.

Noted.

Strategic Project to Obtain Removal of Deemed Consent of Estate Agent Signage in Student Areas

The Committee was provided with an update regarding the current status of the project for the removal of deemed consent for estate agent signage in the Queens,

Stranmillis, Botanic, Holylands and Malone areas, all of which contained either a Conservation Area or an Area of Townscape Character.

The Committee was reminded that, at its meeting on 26th July, it had endorsed the next steps of the project, which had included the proposed engagement events with residents, landlords and estate agents.

It was reported that the following further work had been undertaken:

1. **A meeting with the Department for Infrastructure (DfI):** A meeting was held where a presentation had been made to DfI, and followed up with a request by the planning service for DfI to make contact before the end of the consultation period to establish any issues they may have anticipated;
2. **Stakeholder Events:** In order to ensure that the Council presented a strong and robust proposal to DfI, the planning service had invited stakeholder groups to attend engagement events on 29th November in City Hall which would allow the Council to present empirical evidence, listen to and represent views. The three main stakeholders would be residents, landlords and estate agents. The Chairperson would attend and open the stakeholder events and all members would be welcome to attend.
3. **Online survey:** Surveys had been developed using the Council's Citizen Space consultation hub to allow a further method of data collection and expressions of opinions via the Council's website. Separate questionnaires were available for estate agents, residents and landlords.
4. **Publicity:** The Council had promoted the online survey and consultation events through social media, a press release, the Council's website – www.belfastcity.gov.uk/planning, e-zines and stakeholder forums. 6000 leaflets would also be hand delivered to residents in the relevant areas by the planning service.

After discussion, the Committee noted the current position of the project and that a stakeholder event would be held in the City Hall on 29th November, 2016.

(Councillor Lyons entered the meeting at this point.)

Miscellaneous Items

Restricted Items
Councillors Bunting, Hussey and Jones had left the room whilst the item was under consideration.)

Restricted Items

The information contained in the following two reports are restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Local Development Plan Preferred Options

The Committee was provided with an update regarding the Local Development Plan Preferred Options which included the final draft of the Preferred Options, the additional technical documents that would accompany the Local Development Plan when it would be formally published and the proposed Preferred Options consultation timescales.

It was reported that the draft Preferred Options Summary Paper (POP) outlined four strategic aims for growth and development in Belfast for the period to 2035 linked to

the aspirations within the Belfast Agenda. The strategic aims and objectives formed the basis of the POP which would be published in early 2017 for a 12 week consultation.

The aim of the preferred options was to support the growth for Belfast up to 2035. It was the first formal engagement document in the Local Development Plan. It aimed to promote debate on strategic issues which would influence and shape future development in Belfast.

After discussion, the Committee noted the contents of the report, in particular:

- the draft Preferred Options Paper and additional technical documents that would accompany the Local Development Plan on publication; and
- the timescale for the proposed consultation period in early 2017.

Planning Agreements - Department for Infrastructure Consultation Response

The Development Engagement Manager provided an overview of the report regarding the Department for Infrastructure's (DfI) consultation with Councils on a Draft Development Management Practice Note on Planning Agreements.

The Committee noted the contents of the report, in particular:

- the Draft Development Management Practice Note on Planning Agreements and officers' technical response; and
- that officers would work closely with the DfI in relation to this area of planning guidance.

The Committee also noted that a report regarding the Council's process for Planning Agreements would be submitted for consideration in December.

Items Withdrawn from Agenda

(Councillor Lyons had left the room whilst the item was under consideration.)

The Committee noted that application 7.d) LA04/2016/1104/F - 2 Replacement Restaurants/Bars and 112 Apartments (19 Storey) at Pilot Street and Princes Dock Street had been withdrawn from the agenda.

Planning Applications

Reconsidered Item - LA04/2015/1056/F - Demolition of Existing Two and a Half Storey House and Replacement with a 3 Storey Apartment Building at 1 Hopefield Avenue (Addendum Report)

(Councillors Lyons and Dorrian took no part in the discussion or decision-making on the outcome of the application since they had not been in attendance at the meeting on 18th October when it had originally been considered).

Before the presentation of the application, the Chairperson informed the Committee that a second request to speak had been received from residents objecting to the application. He advised that as the group had already made a presentation at the Committee Meeting on 18th October, they had been asked to outline the exceptional circumstances in which they wished to speak.

The Committee received the request from Ms. B. Herdman and Mr. M. Maguire representing residents. Ms. Herdman proposed that they sought to speak for a second time since the architect, who had acted on behalf of the applicant at the last Committee, had alleged that the dwelling house had been demolished on instruction by the PSNI. She suggested that the group had contacted the Community PSNI officer in the area who had confirmed that this was not the case.

The Director advised that the issue raised in reference to the demolition of the property was not necessarily a new material planning consideration to what had been discussed at the last meeting, and the extent to which the Committee would rely on what had been said by representations, would not normally be considered.

The Divisional Solicitor reminded the Committee that the information outlined by Ms. Herdman had also been raised in writing and had been addressed by Planning Officers in the Late Items Report Pack and that the principle of demolition on the site had already been established by previous approval and was not a material consideration.

Proposal

Moved by Alderman McGimpsey,

Seconded by Councillor Bunting,

That the Committee, agrees that the issues which had been outlined regarding the demolition of the building are not exceptional enough to grant speaking rights to the residents to make a second deputation.

On a vote by show of hands, 5 Members voted in favour of the proposal and four against and it was declared carried.

The Committee was reminded that, at its meeting on 18th October, it had deferred consideration of the application and that decision had been taken to enable the Committee to undertake a site visit in order to acquaint Members with the site and to assess the issues which had been raised regarding the density of the proposed building, and its potential impact on the townscape character of the area.

The case officer presented an addendum report and explained that, in addition to the representations outlined in the report, after the agenda report had been published, additional information had been submitted by objectors. He advised the Committee that issues had been raised regarding the demolition of the property, and the measurement of the Townscape Character of the area.

The case officer outlined the response of the Planning Department to the aforementioned issues raised, as outlined in the Late Items Report Pack.

During discussion, the Director advised the Committee that the planning history on the site was a material consideration for this application.

Proposal

Moved by Councillor Magee,
Seconded by Councillor Garrett,

That the Committee, given the issues which had been raised regarding the overdevelopment and design of the proposal, together with the potential impact on the townscape character of the area, agrees to defer consideration of the application to enable potential reasons for refusal to be outlined for consideration in an amended report at the next meeting.

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

Reconsidered Item - LA04/2016/0900/F - Erection of 6 and 11 Storey Blocks in a Mixed-use Development to include Purpose Built Managed Student Accommodation at 30-34 Bradbury Place

(Councillor Carson had left the room whilst the item was under consideration.)

The Committee was reminded that, at its meeting on 18th October, before presentation of the application had commenced, it had deferred consideration of the application so that the Committee could undertake a site visit in order to acquaint Members with the site and to assess the issues which had been outlined in the case officer's written report regarding the number of objections, description of the height, scale, mass and the potential impact on the listed buildings within close proximity to the site.

The Committee was apprised of the principal aspects of the proposal in the addendum report. The case officer advised that the application sought permission for the demolition of the existing buildings and the erection of 6 and 11 storey blocks in a mixed-use development to include purpose-built, managed student accommodation with 271 studios, shared communal areas and landscaped roof terraces. The ground floor to include a reception, 2 retail units, car parking and cycle storage (amended scheme).

The case officer advised that, after the agenda report had been published, two letters of support had been submitted from Laverys Public House and Benedict's Hotel suggesting that the vacancy and dereliction of Bradbury Place had an adverse impact on existing businesses, and the proposal would be of economic benefit and a catalyst for redevelopment of the area.

The case officer explained that, after assessment, the application had been recommended for refusal on the grounds, that:

1. The proposal was contrary to the Strategic Planning Policy Statement for Northern Ireland, Belfast Metropolitan Area Plan 2015, the Belfast HMO Subject Plan, and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that it would, if permitted, cause unacceptable damage to the character of the area due to the uncharacteristic and inappropriate height, scale, massing and design and fails to provide adequate outlook and amenity space for prospective residents.
2. The proposal was contrary to policy BH11 of the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, in that insufficient detail had been provided to determine if the works proposed made use of traditional or sympathetic building materials and techniques which respect those found on the listed buildings in the locality.
3. The proposal failed to satisfy the policy requirements of BH11 (Development affecting the Setting of a Listed Building) and criteria (e) of BH12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, in that the proposal, if permitted would adversely impact the setting of listed buildings in the locality of the site and views into and out of the Queens Conservation Area due to inappropriate scale, height, massing and design.

The Committee received representation from Mr. D. McConkey, Solicitor at Carson McDowell, Ms. S. Woods, Planner at ACOM, and Mr. A. Nesbitt, Conservation Architect, on behalf of the applicant. They clarified a number of issues which had been raised in the report regarding objections, the character of Dublin Road and Bradbury Place, the assessment of the area and the boundaries used, misplaced policy, the listed buildings affected by the proposal and suggested that too much focus had been placed on PPS 7. They outlined their support for the application and highlighted the investment and regeneration opportunity for the area, the reduction of the amended scheme, their willingness to consider developer contributions, and the sufficient amenity space and compliance of the design of the proposal.

Mr. McConkey also answered Members' questions regarding the requirement for student housing in the area.

Proposal

Moved by Councillor Bunting,

Seconded by Councillor Hutchinson,

That the Committee agrees to adopt the recommendation to refuse the application, as set out in the case officer's report.

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

(Meeting adjourned for 5 minutes at this point)

(Councillors Carson and Lyons returned to the Committee table at this point.)

LA04/2016/1252/F - Purpose Built Managed Student Accommodation (774 beds) Maximum Height of 12 Storeys on Site bounded by Little York Street, Great George's Street and Nelson Street

(Councillor Jones had left the room whilst the item was under consideration.)

The Committee considered an application for Purpose Built Managed Student Accommodation. The case officer explained that the site was located on land zoned for social housing (CC04/02) on the outskirts of the city centre as designated in Belfast Metropolitan Area Plan ('BMAP') and within the Laganside North and Docks Character Area (CC015).

The case officer advised that the principle of Purpose Built Student Accommodation (PBSA) was acceptable at this location given the recent planning history on the site, which included a planning appeal decision which was critical in the assessment of the application – 2012/A0079. She explained that this appeal allowed a total of 217 apartments on the site in an 11 storey complex and the site was ideally located to serve both Queen's University and the new University of Ulster Campus and benefited from transport links to Queens University.

The Committee received representation from Mr. S. Murray-Twin, Chief Executive Officer, Olympian Homes, who outlined a range of points in support of the application which included the standard of student accommodation proposed and the experience of the capital partner and team they had in place.

The Committee approved the application, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the Town Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place to finalise a Transport NI condition.

LA04/2016/1769/F - Sports Hall, Changing Facilities and Associated Car Parking at Malone Integrated College , 45 Finaghy Road North

(Councillors Carson and Garrett had left the room whilst the item was under consideration.)

The case officer outlined the proposal and advised that the site was located within an existing school complex at Malone College in South Belfast.

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

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

LA04/2016/1543/RM - Phase 3 Reserved Matters - Application for Site Clearance and Decontamination, including Demolition of Unlisted Former Nurses Homes and Ancillary Buildings (numbers 23 to 27 and 30) and Enabling Engineering Works, Erection of 8 Semi-detached and 24 Detached (32 total) Dwellings, Extension of Service Road from Phase 1, Landscaping and any other Associated Works at Belvoir Park Hospital

The Committee was apprised of the principal aspects of the application.

The case officer highlighted that, contrary to the condition outlined under 9.9 in the case officer's report, it was not necessary to add an additional condition regarding the ongoing restoration of the hospital buildings, as this had already been conditioned as part of the original outline application and would be carried through to this application.

The Committee granted approval to the application, subject to the imposing of the conditions set out in the case officer's report and delegated power to the Director of Planning and Place for the final wording of the conditions.

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

LA04/2016/1794/F Change of use to Chip Shop Sit-in Restaurant and Carry Out at 75-77 Castle Street

The Committee considered an application for the change of use from a retail unit (Class A1) to a hot food bar (sui generis). The premises would operate as a restaurant and takeaway.

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

LA04/2016/1878/F - Extension and Reconfiguration of the existing Fitzwilliam Hotel to provide an additional 30 Bedrooms, New Gym/Spa Facilities, Roof Garden/Terrace Internal Reconfiguration of Meeting Rooms and Administration Areas; and Upgrade of the Main Entrance and Ground Level Façade fronting Great Victoria Street and Grosvenor Road.

The case officer outlined the principal aspects of the application. She advised that the site was located within the Belfast City Centre as designated in the Belfast Metropolitan Area Plan and that the eastern part of the site was within the Belfast City Centre Conservation Area and bordered the Linen Conservation Area and was within the Civic Precinct Character Area (Designation CC0008).

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

LA04/2016/1277/F - Change of use from Offices to 55 Serviced Short Stay/Visitor Suites and Associated Alterations including Landscaping at 42-48 Howard Street

The Committee considered the proposed application. It was reported that the site was an unlisted building, 7 stories in height with restaurant/food and retail uses at ground floor. There was a courtyard area to the rear of the building with vehicular access facilitated via a covered entranceway accessed from Howard Street.

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

LA04/2016/1789/F - Demolition of Existing Building at 34-36 Chichester Street and

Erection of New 8 No. Storey Mixed Use Development incorporating Retail and Office Ground Floor and 1st-7th Floor Offices with Associated External Plant

The Committee was apprised of the principal aspects of the application.

The Committee approved the application, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Place, in conjunction with the Town Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee also delegated power to the Director of Planning and Place to finalise the wording of conditions.

LA04/2015/1453/F - Refurbishment of Community Centre to Comprise of the Part Demolition of the Existing Single Storey Building and Replacement with a Two storey Structure and Associated Site Works - Newhill Community Centre , 261 Whiterock Road

It was noted that the application, in accordance with the Scheme of Delegation, had been presented to the Committee since the Council owned the land.

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

LA04/2015/1443/F - Community Facility to include Offices and 8 No. Workshops Units on Lands to South West of 40-64 Brucevale Park

It was reported that the principle for a community facility on the site had been established under planning permission Z/2012/0763/F for a 'Community facility to include offices and 8 workshop units' which was granted approval on 10th May, 2013 and remained extant. The proposed development sought amendments to the approved development in terms of access and layout. The access was to be via a road constructed by Belfast City Council serving the Girdwood Hub and to accommodate the amended access arrangement the facility was now in two buildings rather than one.

It was noted that the application, in accordance with the Scheme of Delegation, had been presented to the Committee since the Council had an interest in part of the land.

During discussion the Committee noted that an Urban Design Planner had been appointed within the Planning Department and would commence work in the near future.

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

LA04/2016/0050/O - Residential Development at 42 Cavehill Road and 76 Old Westland Road

(Councillor Hussey had left the room whilst the item was under consideration.)

The Committee was apprised of the principal aspects of an outline planning application for 7 two storey dwellings: 4 semi-detached and 3 terraced dwellings.

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

LA04/2016/0842/F - Change of Use from Commercial (Kitchen Fitters) to a Boxing

Club - 11 Riverdale Park East

(Alderman McGimpsey and Councillor Bunting had left the room whilst the item was under consideration.)

(Councillor Garrett, 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 was advised that the application was for the change of use from commercial (kitchen fitters) to a Boxing Club and works included new boxing facilities fit out, new unisex accessible changing room and a new shop front.

It was noted that the application, in accordance with the Scheme of Delegation, had been presented to the Committee since the project was partially funded by the Council.

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

LA04/2015/0543/F - Development of a Two Storey Nursing Home at Rear of 34-66 Onslow Parade

The case officer outlined an application for the construction of a two storey nursing home of fifty three beds. including dementia care facilities with access from Mount Merrion Avenue, car parking, landscaping and all associated site works.

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

LA04/2016/1183/F - Ground Floor Change of Use to Pizzeria (Retrospective) at 153 Stranmillis Road

LA04/2016/1822/F - Change of Use From Retail to a Hot Food Outlet Selling Hot and Cold Food and Drinks at Unit 1, 157 Connsbrook Avenue

The Committee agreed to deal with the aforementioned items together.

The case officer explained that retrospective full planning permission was sought for a change of use of the ground floor from former use as a sandwich shop to a pizzeria at Stranmillis Road. She highlighted the impact on the vitality and viability of Stranmillis Road outlined under sections 9.6 and 9.7 of the report.

The case officer also advised that full planning permission was sought for a change of use from retail to a hot food outlet selling hot and cold food and drinks at Connsbrook Avenue.

The Committee granted approval to both of the applications, subject to the imposing of the conditions set out in the case officer's reports.

LA04/2016/1674/F Change of Use to HMO at 316 Donegall Road

The case officer advised that the application sought full planning permission for a change of use from a single dwelling to a House in Multiple Occupation (HMO).

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

(Alderman McGimpsey returned to the Committee table at this point)

LA04/2016/1644/F - Development of a Three Storey Building, Housing 5 One Bed

Apartments with 6 Parking Spaces - 1 Stockman's Way

The Committee was apprised of the principal aspects of the application.

After discussion, given the issues which had been raised regarding safety, traffic, outlook and the quality of amenity space of the proposal, the Committee agreed to defer consideration of the application to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand.

LA04/2016/1956/A - Application for Shop Unit Signage Encasing Roller Shutter at 14a Hi-Park Centre, Church Lane

The Committee considered an application which sought advertising consent for the erection of a painted blue roller shutter box with individual lettering to a ground floor unit of a multi storey car park and retail complex.

It was noted that the application, in accordance with the Scheme of Delegation, had been presented to the Committee since the Council has an interest.

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

Chairperson