

# Planning Committee

Tuesday, 14th March, 2017

## MEETING OF PLANNING COMMITTEE

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

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

### **Apologies**

No apologies were received.

### **Minutes**

The minutes of the meeting of 14th February 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 March, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### **Declaration of Interest**

Regarding item 8.d) Z/2014/1124/F Cherryvale Playing Fields, Councillor Mullan, declared an interest, in so far as had voted in favour of the proposal at the former Parks and Leisure Committee and Council meeting.

Councillor Mullan also declared an interest in item 8.t) LA04/2016/1158/F - Change of use from post office to hot food bar with side roof odour extraction flue, in that she had contacted the Planning Service on residents' behalf.

In regards to Item 8. j) LA04/2016/2207/F - Shared space building comprising sports hall, gym, dance/drama studio, social enterprise workshop (environmental focus), business units, meeting rooms, counselling/treatment rooms, café, educational facilities and performing arts space/exercise studio; with new access from Springfield Heights and to the Ballygomartin Road, Councillor Hutchinson declared an interest in that he had been involved in support of the proposed project but had not been involved in any of the meetings regarding the planning proposal.

### **Committee Site Visit – 27th February**

Pursuant to its decision of 14th February, it was noted that the Committee had undertaken a site visit on 27th February in respect of planning application

LA04/2016/1864/F - Former community centre opposite 8 Moyard Park - Residential development comprising 6 dwellings, car parking, landscaping and associated site works.

### **Planning Appeals Notified**

The Committee noted the receipt of correspondence in respect of a number of planning appeals which had been submitted to the Planning Appeals Commission, together with the outcomes of a range of hearings which had been considered by the 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 February and 6th March.

### **Departmental Performance Update**

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

#### *Planning Applications*

- 164 applications had been validated in February, 2017; and
- Overall numbers of applications validated this year had increased by 17% (2077 up to 28th February, 2017 compared to 1,719 up to 29th February, 2016).

#### *Planning Decisions*

- 111 decisions had been issued in February, 2017.
- 89% approval rate;
- 89% decisions had been issued under delegated authority; and
- the number of decisions issued to date had increased by 27% over the same period in 2016. (1,367 up to 29th February, 2016 compared to 1,862 up to 28th February, 2017).

#### *No. of applications in system by length of time*

- 973 live applications were in the system at end of February, 2017;
- 57% of applications were in the system for less than 6 months; and
- Less than 35 legacy applications were outstanding (reduced from 780 at transfer in April, 2015).

#### *Performance against statutory targets (figures available up to 31st January)*

- 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 31st January, 2017 the average processing time to decide major applications was 54.8 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. In January, 2017, the average processing time to decide local applications was 18.68 weeks; and
- The statutory target was that 70% of all enforcement cases are progressed to target conclusion within 39 weeks of receipt of complaint. Between 1st April and 31st January, 2017, 77.2% of enforcement cases had been concluded within 39 weeks.

Noted.

**Response to Preferred Options Paper Consultation - Antrim and Newtownabbey Borough Council**

It was reported that Antrim and Newtownabbey Borough Council (ANBC) had recently published its Preferred Options Paper (POP) and sought views from the Council. It had also written to the Council expressing a wish to continue to work together in preparing both of the Local Development Plans and it had identified a number of general cross-boundary issues (Appendix 3).

The Committee noted the contents of the report and agreed to the submission of the outlined consultation response to the Antrim and Newtownabbey Council Local Development Plan Preferred Options Paper (copy available on Council's website).

The Committee also noted that the POP from Lisburn and Castlereagh Borough Council would be launched on 30th March.

**Proposed Abandonment at Finvoy Street**

The Committee noted the receipt of correspondence from the Department for Infrastructure which related to the proposed abandonment of land at Finvoy Street.

**Miscellaneous Items**

(Councillors Dorrian and Jones had left the room whilst the item was under consideration)

**Listed Buildings**

The Committee was advised that correspondence had been received from the Northern Ireland Environment Agency (NIEA) seeking the Council's views in respect of proposals which had been formulated for the listing of a number of buildings in Belfast.

The Committee was reminded that Article 80 (3) of the Planning Act (NI) 2011 required the Agency to consult with the Council before placing any building on the statutory list of buildings of special architectural or historic interest.

The Committee noted the contents of the report and supported the proposed listings of the following building by the Department for Communities:

- 28 Derryvolgie Avenue. Belfast, BT9 6FP;
- 30 Derryvolgie Avenue. Belfast, BT9 6FP;
- 28 Wellington Park, Belfast, BT9 6DL; and
- 30 Wellington Park, Belfast, BT9 6DL

The Committee also noted the non-listing of the Blitz Memorial, Belfast City Cemetery, 511 Falls Road, and the confirmation of listing of 18 Donegall Pass, which included the Former Girl's Friendly Society Lodge, Belfast, BT7 1XA.

### **Local Development Plan Process and Timetable**

The Committee was reminded that the Council published its agreed timetable for the preparation and adoption of the new Belfast Local Development Plan (LDP) in June, 2016 and had recently published the LDP Preferred Options Paper (POP) for consultation.

It was reported that consideration had been given to the next stages of the LDP process and a summary of the timetable had been outlined at Appendix 1 (copy available on the council's website).

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

- The LDP timetable must be kept under review;
- The progress to date in preparing the new LDP; and
- the terms highlighted in the report.

(Councillor Dorrian returned to the Committee table at this point)

### **Local Development Plan External Consultancy - Strategic Housing Needs Assessment and Urban Capacity**

The Committee was advised that approval was being sought for the procurement of a number of pieces of research required to inform the development of the Local Development Plan (LDP), which included a Strategic Housing Needs Assessment (SHNA), Urban Capacity Study for residential and employment land and a Retail and Leisure Capacity Study.

The Committee agreed to:

- the commissioning of consultancy support, up to a value of £30,000, to undertake an Urban Capacity Study for residential and employment land in accordance with the terms of reference at Appendix A; and

- the commissioning of consultancy support, up to a value of £30,000, to complete a Retail and Leisure Capacity Study in accordance with the terms of reference at Appendix B.

The Committee also noted that the work on existing Population and Housing Growth Study would continue, to produce a Strategic Housing Needs Assessment (SHNA).

### **Continuing Development Programme**

The Committee considered the following report:

#### **“1.0 Purpose of Report or Summary of main Issues**

- 1.1 To set out a draft proposed continuing development programme, to be delivered from April 2017 to March 2018, with the aim of further supporting members in their Planning Committee role.

#### **2.0 Recommendations**

Members are asked to:

- 2.1 Agree the draft proposed continuing development programme (for the period April 2017 to March 2018) and suggest any additional topics or activities that would be of benefit in further supporting members.
- 2.2 Note that to facilitate members' attendance the sessions will be held bi-monthly. These will be delivered as part of the scheduled second monthly Planning Committee meeting. However, if there is no business to be rolled over from the first monthly meeting, the capacity building session will be the main agenda item for the second meeting. It is proposed that the initial session is delivered at the start of the scheduled 13 April 2017 Planning Committee meeting.
- 2.3 Note the potential for some sessions to be offered to other elected members dependent on the relevance of the subject area.
- 2.4 Agree to undertaking a best practice study visit to Cardiff City Council and agree proposed member participation.

**3.0 Main report**

**Key issues**

**Capacity Building Programmes**

- 3.1** Members will be aware that during the Shadow Council period a robust capacity building programme was put in place for the Shadow Planning Committee. The aim of this was to ensure that members were equipped to undertake the planning function once transferred. The capacity building programme covered a range of themes and was delivered using internal and, where appropriate, external expertise. A range of formats were used including presentations, practical sessions and workshops. The programme also included two best practice visits to Bristol and Cardiff Councils, the purpose of which was to provide members with an opportunity to learn and gain experience from other Local Authority peer members involved in the planning decision-making process and to see Planning Committees at work.

**Regional training provision**

- 3.2** The internal capacity building programme was supplemented by a regional programme organised by the Department of Environment. Members of the Shadow Planning Committee were encouraged to attend these sessions as well as other relevant conferences and seminars held by external organisations across Northern Ireland.

**Continuing Development Programme**

- 3.3** Following the transfer of planning in April 2015 it was recognised that there was a need to provide further training, particularly for new members of the Planning Committee. In August, 2015 the Planning Committee approved a continuing development programme to support and assist members in dealing with the more strategic elements of planning to draft the Local Development Plan and deliver the spatial aspects of the Belfast Agenda. More recently the programme included a series of Local Development Plan workshops dealing with specific topics designed to inform the Preferred Options Paper.

**Proposed Continuing Development Programme**

- 3.4** The Planning Committee has been operational for almost two years and has had experience of making complex planning

decisions which will help shape the city in the future. Recently members of the committee, and senior officers, have suggested it would be useful for the continuing development programme to be updated and refreshed. The updated programme will include sessions which will focus and support members in addressing the key planning issues affecting the city while at the same time being cognisant of the synergies with the aims of Belfast Agenda, the Council's corporate priorities and other key strategies including, the Belfast Regeneration and Investment Strategy.

- 3.5 To address the issues raised by members a draft continuing development programme, detailing the proposed sessions and the indicative content, is set out at Appendix One.

It is proposed the programme will include sessions on:

- Transport and roads;
- Principles of decision-making;
- Developer contributions;
- Heritage issues and urban design;
- Local Development Plan (in addition to a wider programme of LDP sessions); and
- Planning Enforcement

As the programme progresses Members will have an opportunity to provide feedback on the sessions which they have attended and identify other topics or key issues they may wish to have included.

#### Best Practice Study Visit

- 3.6 It is recognised there has been several changes to the membership of the committee since it was first established. The draft programme therefore also includes a proposed best practice study visit. Given Cardiff City Council previously hosted an extremely worthwhile visit for our members and officers in 2015 it is proposed a further visit is undertaken to Cardiff in September 2017. Its comparative size and role; its position as the region's major city, and its community planning approach, lends itself to be of significant relevance to the Belfast context. The visit will allow members and officers to keep abreast of developments in planning in Cardiff; visit major signature projects which are contributing to city growth and regeneration and see another established Planning Committee at work.

It is recommended that the Chair, Deputy Chair, or their nominees, and one member of the committee from each of

the other party groups, not represented by the Chair and Deputy Chair, undertakes the best practice visit. It is also recommended that key officers accompany members on the visit to further develop their knowledge and skills.

#### **Induction of new committee members**

- 3.7 In order to have a more structured approach to induction for new Planning Committee members it is proposed that an induction pack is developed and issued to new committee members when they are first nominated. A process will also be put in place to ensure new members of the committee receive briefings from relevant key senior officers to help support and guide them through the planning committee decision-making process, before they attend their first Planning Committee meeting.

#### **3.8 Financial & Resource Implications**

The programme sessions will be delivered in the main by senior officers with input from key speakers, where appropriate. The costs of any externally facilitated activities and costs associated with undertaking a best practice visit will be met from the corporate organisational development budget.

Corporate Human Resources will work with key senior officers to co-ordinate the delivery of the Planning Committee continuing development programme.

#### **3.9 Equality or Good Relations Implications**

**There are no equality or good relations implications.”**

The Committee noted the contents of the report and agreed to:

- the draft proposed continuing development programme (April 2017 to March 2018);
- undertake a best practice study visit to Cardiff City Council;
- training sessions to be held bi-monthly as part of the scheduled second monthly Planning Committee meeting (if available); and
- training sessions to be offered to the Planning Committee only.

#### **Removal of Deemed Consent of Estate Agent Signage in Student Areas**

The Committee considered the following report, together with the associated appendices:



**“1.0 Purpose of Report or Summary of Main Issues**

- 1.1 To update members on the project for the removal of deemed consent for estate agent signage in the Stranmillis, Queens and Holylands areas.
- 1.2 To seek Committee endorsement for the preferred option.
- 1.3 To seek authority to apply to the Department for Infrastructure (Dfi) to serve a direction under Section 6 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 restricting the display of lettings boards in the Stranmillis, Queens and Holylands areas in accordance with the Preferred Option set out in this report at paragraphs 3.9-3.11.

**2.0 Recommendations**

**2.1 Members are asked to:**

- Note the current position.
- Endorse the Preferred Option for restricting signage set out at paragraphs 3.9- 3.11.
- Authorise the submission of a full report and proposal to Dfi.

**3.0 Main report**

**Background**

- 3.1 Members will be familiar with the strategic project ongoing to tackle the proliferation of estate agent signage in the areas of Stranmillis, Queens and the Holylands. It was agreed with Members that a proposal would be made to Dfi following appropriate surveying and consultation under Section 6 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 which permits the removal of deemed consent by the Department for Infrastructure (Dfi).
- 3.2 Following data collection and liaison with Dfi, Members were updated at the 15th November 2016 Committee of the consultation period for the proposal including two key stakeholder events (one for residents and the other for estate agents/landlords) at City Hall and the launch of a questionnaire consultation on Citizen Space which concluded on 9th December 2016.

**Key consultation results**

- 3.3 As part of a 12 week public consultation issued to key stakeholders seeking views on the display of To Let boards, there were 243 consultation responses to the questionnaire including 176 residents, 43 landlords and 24 estate agents.
- 86% agreed it was harming the appearance of the area
  - 82% agreed it was making the area less desirable
  - 78% agreed it attracted vandalism and burglaries (through appearance of empty properties)
  - 85% agreed it gives the impression that only students live in these areas
- 3.4 The results show that 95.5% of residents, 69.8% of landlords and 41.7% of estate agents are in favour of some sort of restriction on To Let boards.
- 3.5 It is clear from the consultation that residents are in favour of a complete ban (67.6% favour a ban while 23.2% would prefer a restriction) while estate agents and landlords would prefer to retain the current regulations (70.8%). Of the 29.2% that would welcome a change, 43% favour restrictions while 57% would prefer a ban. Individual landlords are particularly concerned as they say are unable to use websites such as Property Pal or Property News because they are not registered agents. All stakeholders generally agreed that the current system requires change.

**Policy Options**

- 3.6 Complete ban – other jurisdictions have opted for a complete ban of estate agent signage rendering it a complete and simple solution to the problem. There is little enforcement monitoring to do as any signage is a direct offence.
- 3.7 Restricted signage – local authorities such as Cardiff and Newcastle permit restricted signage whereby small, flush signs are permitted but only at certain times. The number per street is also restricted, for example, each estate agent or landlord may only have one advertisement per street. This entails a larger enforcement resource implication, certainly initially, but acknowledges the difficulty that individual landlords have with advertising online.
- 3.8 Within the restricted signage option, there are a number of sub-options whereby the Council can choose the amount

of time the signage is displayed, the number of signs per street etc.

**Preferred option**

- 3.9 Officers have reviewed the evidence gathered and listened to the views of the key stakeholders and it is considered that the most inclusive and considered option would be a proposal for restricted signage which would balance the concerns of both residents and estate agents/landlords.
- 3.10 It was clear through engagement with estate agents and landlords that their busiest time of year is between April and September. It would therefore seem appropriate to restrict the signage to these six months rather than the 3-month ban engaged in other cities such as Cardiff. This is also a gesture towards the residents' preference for a complete ban.
- 3.11 The restricted signage would not be permitted on every dwelling, rather it is restricted to one sign per agent/landlord per street. A copy of draft guidance has been provided at Appendix A.

**Future implementation**

- 3.12 Should DfI see fit to grant the revised deemed consent for these areas, Belfast Planning Service will continue its engagement with key stakeholders to ensure that the scheme is well publicised and support is provided to those operating within these areas.
- 3.13 An enforcement strategy for dealing with the scheme will be implemented and will take a 'zero tolerance' approach to ensure fairness for all. It is envisaged this will involve a pro-active approach including surveying.

4.0 **Finance and Resource Implications**

There are no additional resource implications arising out of this submission and it is hoped that ultimately the successful implementation of this scheme will reduce the resources necessary to enforce estate agent signage in the area.

5.0 **Asset and Other Implications**

None.”

During discussion Members raised the issue of enforcement, set templates for signage, registered signage, and best practice.

### **Proposal**

Moved by Councillor Hussey, and  
Seconded by Councillor Dorrian,

The Committee agreed to the preferred option as outlined in 3.9 of the report.

On a vote by show of hands four Members voted for the proposal and six against and it was declared lost.

### **Further Proposal**

Moved by Councillor Mullan, and  
Seconded by Councillor Lyons,

The Committee agreed to the removal of deemed consent for estate agent signage in the Stranmillis, Queens and Holylands areas and to apply to the Department for Infrastructure to serve a direction under Section 6 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 for a complete ban of lettings boards in these area.

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

### **Charging for Pre- Application Discussions**

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

The Committee was reminded that, at its meeting of 13th December, the Committee agreed to the informal consultation with stakeholders, including agents, developers and landowners on a draft Scale of Charging for Pre-Application Discussion (PAD) advice.

The Development engagement Manager provided an overview of the proposed Scale of Charging for Pre-Application Discussions at Appendix 1. He advised that this followed feedback from planning agents at customer workshops held on 1st March, 2017. He informed the Committee that online consultation had also taken place with the development industry on the Pre-Application Discussion process, including the option of charging, held between 22nd February and 10th March, 2017 and a copy of example guidance on the Pre-Application Discussion service was provided at Appendix 2.

The Scale of Charging for Pre-Application Discussions by the Council were as follows:

Pre Application Charging Schedule				
Type	Category	Description	Price (incl. VAT)	Additional meeting
1	Largescale Major	100 residential units or more 10,000 sq. m. commercial floor space or more	£2,000	£1,000
2	Major	50 - 99 residential units Other Major development including where less than 10,000 sq. m	£1,500	£500
3	Largescale Local	10 - 49 residential units 2,000 to 4,999 sq. m. commercial floor space (where not Major)	£1,000	£500
4	Local	1 - 9 residential units 200 - 1,999 sq. m. commercial floor space	£500	£500
5	Householder	Domestic buildings, extensions and alterations	-	-
6	Other	Listed Building Consent	-	-
		Conservation Area Consent	-	-
		Advertisement Consent	-	-

He summarised the findings and highlighted that the informal consultation with the development industry has been very useful. The workshops had been particularly well received by Planning Agents and there was agreement that workshops would provide a good forum for discussing other aspects of the Planning Service.

He advised that there had been complete consensus that a Pre-Application Discussion service was needed and recognition of the benefits that the Pre-Application advice could bring. He advised that most consultees felt that the charging would be acceptable provided that the Council would be able to deliver a good level of service.

He pointed out that an example guidance on how the PAD service would operate was provided at Appendix 2 and it was recommended that the Scale of Charging for Pre-Application Discussions be implemented as soon as possible, to be reviewed after 12 months.

The Committee agreed to the Scale of Charging for Pre-Application Discussions (Appendix 1) to be introduced from 4th April, 2017 and be reviewed after 12 months.

**Restricted Item**

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

**Publicising Planning applications**

The Development Engagement Manager provided an overview of a report regarding the outcome of a tender exercise for publicising planning applications in the press.

The Committee was reminded that, at its meeting of 20th September, 2016, it had agreed to use a tender exercise to appoint a single newspaper to publicise planning applications from April, 2017. It was reported that it had also agreed that the public would be notified of the new publicising arrangements including a signposting advert in every edition of City Matters.

The Development Engagement Manager advised that the Council would proceed to award the contract to Trinity Mirror PLC subject to a contract being drawn up by Legal Services and would be in place for May, 2017.

Noted.

**NI Direct**

The Development Engagement Manager provided information on the proposed changes to the customer call-handling system for the Planning Service.

He advised that the Planning Service intended to end its contract with NI Direct, which currently provided call-handling services, and replace it with an interim in-house solution until such time as a corporate system would be in place. He advised that this would result in an improved customer experience and bring the Planning Service in line with other services within the Council.

Noted.

(Councillors Dorrian and Jones returned to the Committee table at this point)

**Withdrawn Item**

The Committee noted that applications LA04/2016/2267/F- Office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works - site C, Gasworks Office Park had been withdrawn from the agenda.

**Planning Applications**

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

**LA04/2016/0813/F - Biomass Boiler House (Retrospective) at Somerton Private Nursing Home**

The case officer outlined the proposed planning application which sought retrospective permission for a biomass boiler located at Somerton Nursing home.

Alderman Convery outlined his objections to the application. He suggested that local residents had raised concerns regarding the proposed application being within a conservation area, they felt that it was aesthetically unpleasing and, although it was limited from public view, the conservation area should not be undermined by a retrospective application and that the application should be refused.

During discussion, Members raised concerns regarding the aesthetics of the proposal and felt that an additional condition regarding screening of the Boiler House should be applied.

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, to include the addition of soft landscaping or hedging to screen the Boiler House from view.

(Councillor Lyons enters the Committee meeting at this point)

**(Reconsidered Item) LA04/2015/0529/F - Drive thru restaurant - 233 - 263 Shore Road**

(Councillors Bunting, Hutchinson, Jones and Lyons took no part in the discussion or decision-making of the application since they had not been in attendance at the meeting on 13th December, 2016 and 17th January when it had originally been considered).

The Chairperson informed the Committee that a third request to speak had been received from the applicant citing exceptional circumstances. He advised that the applicant had already made a presentation at the Committee Meeting on 13th December and 17th January. The Committee agreed to receive the third deputation based on the issue of the additional recommendation for refusal, planning history and the development cost report which had been submitted.

The Committee was reminded that, at its meeting on 17th January, given the issues which had been raised regarding the viability of housing on the site, the Committee had agreed to defer consideration of the application to enable the applicant to provide a viability analysis or robust evidence to demonstrate that marketing of the

site for housing had been undertaken. The Committee had also agreed that a site visit be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand.

The case officer outlined the main aspects of the application, which included additional information which had been submitted by the agent, a budget cost estimate, emails from social housing providers, correspondence from Community Places, and a map that detailed the housing zones of the area.

The case officer informed the Committee that, after the agenda had been published, additional information had been received from the agent, as follows:

- new reason for refusal relating to inappropriate access;
- alternative access via Oakmount Drive;
- ASDA car park and hoarding already at the site entrance – restaurant would make no material difference;
- misquoted/partially quoted legislation;
- issues about costs and non-viability;
- lack of interest from Social Housing providers; and
- BMAP housing allocation and other considerations.

The case officer outlined the response of the Planning Department to the aforementioned issues raised, as outlined in the Late Items Report Pack and advised that an extract from the Planning Act, a Planning Appeals Commission Report on BMAP and previous housing layout had also been included in the late items for Members information

He explained that, after assessment, it had been recommended for refusal on the grounds that:

1. The proposal was contrary to the Belfast Metropolitan Area Plan 2015 as the site was zoned for housing and, if permitted, would prejudice the delivery of housing in an area of current housing need; and
2. The proposal was contrary to paragraph 4.27 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that it would, if permitted, provide an inappropriate entrance to housing development on the remainder of the Housing Zoning NB 04/16 and would not create a quality environment for residents within the rest of the zoned land.

The Committee received representations from Mr. P. Caldwell, architect, Mr. J. McIlwaine and Mr. R. O'Toole, acting on behalf of the applicant. Mr. O'Toole outlined a range of objections to the recommended refusal which related to the additional reason for refusal regarding the poor entrance. He highlighted that it was not unusual for commercial developments to be on an arterial route. He suggested that there was material consideration that outweighed the housing zoning by BMAP, including the lack of developers' intent for housing and Housing Executive interest. He also suggested that the proposal would remove an eyesore, bring investment and job creation to the area, and the site had been used historically for commercial business.

In addition, Mr. McIlwaine explained his objections to the recommendation and provided further explanation of the detailed budget costs report. Mr. Caldwell also



suggested that the site had always struggled to become viable for housing and provided background information of previous proposals for the site. He suggested that the current scheme was the best that could be achieved.

The case officer advised that if Members were minded to approve the application, it was recommended that delegated authority be given to the Director of Planning and Place to finalise planning conditions. He pointed out that the draft conditions were outlined in the first addendum report (Appendix four), however, the recommendation remained that the application should be refused.

The Director pointed out that the second reason for refusal regarding the entrance to the site may influence the development of the adjoining site.

### Proposal

Moved by Councillor Hussey, and  
Seconded by Councillor Dorrian,

That the Committee agrees to approve the application, in line with the draft conditions outlined in the addendum report, and delegate authority to the Director of Planning and Place to agree and finalise the planning conditions.

On a vote by show of hands four Members voted for the proposal and four against. There being an equality of votes, the Chairperson exercised his second and casting vote in favour of the proposal and it was accordingly carried.

### **(Reconsidered Item) LA04/2016/1864/F - Residential development comprising 6 dwellings, car parking, landscaping and associated site works - former community centre opposite 8 Moyard Park**

(Councillors Bunting, Dorrian, and Lyons took no part in the discussion or decision-making of the application since they had not been in attendance at the meeting on 14th February when it had originally been considered).

The Committee was reminded that, at its meeting on 14th February, given the issues which had been raised regarding the number of objections received and the zoning of the land, it had agreed to defer consideration of the application to enable a site visit to be undertaken and the Committee had agreed also that the Northern Ireland Housing Executive (NIHE) Estates Department be contacted to clarify the zoning of the site.

The Case Officer advised that Belfast Planning Service had written to the NIHE on 20th February, 2017 requesting clarification as to whether the recreational facility for the local community referred to the former community centre or the surrounding area of open space. The response received from NIHE (copy attached as Appendix 1) clarified that the letter referred to the surrounding open space and highlighted that there was a high social housing need in the Moyard area and there had been difficulties in securing development sites to meet this need.

During discussion, the case officer highlighted that community benefits could not be considered as a material considerations in decision making and were offered on a voluntary basis. He suggested that the Planning Service could facilitate engagements between interested parties with a view to seeking community benefits in the form of enhancements to the area of open space, however such engagements would take place outside the decision making process.

The Committee received representation from Mr. S. McKee, agent on behalf of the applicant. Mr. McKee clarified that contact had been made with the applicant and the Northern Ireland Housing Executive (NIHE) and that they would be happy to engage with the local community and the Council regarding the possibility of enhancing the open space

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

The Committee noted that an informative would also be added to the application to outline that the Planning Service would facilitate a meeting between the NIHE and Clanmill Housing and the local community regarding the possible enhancement of the surrounding open space at this site.

**Z/2014/1124/F - 3G pitch, ballstop fencing, floodlighting, single storey extension to changing rooms, re-siting of existing storage container and landscaping along boundary with Knock Eden Park - Cherryvale Playing Fields**

(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 Chairperson advised that an Environmental Health officer was in attendance.

Councillor Mullan indicated that she wished to speak on the matter and accordingly, the Committee agreed.

The case officer outlined the proposal for a 3G pitch with 2.4m perimeter fencing, 15m high ballstop fencing, floodlighting (20m high masts), single storey extension to existing changing rooms, re-siting of existing storage container and landscaping along boundary with Knock Eden Park. She advised that the site was located within Cherryvale playing fields, off the Ravenhill Road in East Belfast.

The case officer informed the Committee that, after the agenda had been published, 6 further representations had been received (5 objections and 1 non-committal) which outlined the following objections:

- the drainage assessment and storm water calculation information was flawed as had been based on a statement that there was no watercourse within Cherryvale;

- a neighbouring resident had had house insurance declined due to water gathering in garden from Cherryvale following heavy rain;
- there had been a failure to consider proper construction of 'grass' pitch, that the new grass pitch required same engineering works as the 3G pitch, and there would be a potential for drainage and noise issues;
- a shortfall in parking provided. On-street parking provision capacity / impact on cycle parking;
- Receipt of a Belfast Telegraph article which highlighted the potential health risks of use of rubber crumb dressing to the 3G pitch and recommended that Council consider alternative dressing material;
- The over-provision of 3G pitches in this area - the new 3G pitch at Aquinas was part-funded by the Council and Ulster Rugby and is already available for hire by the same people for whom it was claimed that Cherryvale 3G was needed; and
- The subdivision of the park with security fencing reducing access for most users and - the visual impact of the lighting, fencing and masts on the ambience of the park and the Area of Townscape Character.

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

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

The Committee received representation from Ms. A. Givan, acting on behalf of a group of individual users of Cherryvale and those residents whose homes adjoin Cherryvale. She outlined a range of objections to the proposal which related to flaws in the application, the potential for flooding, the watercourse outlined in the Council's deeds, flooding of gardens, permanent sand bagging and requests for insurance quotes refused. She suggested that the drainage scheme was not adequate, formed part of the Loop River floodplain, and that there should have been an environmental statement. She suggested that the group of residents felt vulnerable to flooding and the Council would be responsible if their homes were inundated with water. She suggested that the scheme assumed to maintain the discharge rate but measurements and calculations had not been completed for the stream that flows in and through Cherryvale. She suggested that the reason for the 3G pitch was the only way to get GAA funding for the sand based grass match pitch, the proposal would increase traffic and spectators at the end of their gardens, and also had the potential for anti-social behaviour.

The Committee received further representation from Ms. P. Haughan, acting on behalf of the Knock Eden Park residents opposed to the proposed location of the pitch within the site. She outlined a range of objections to the proposal which related to the location of the pitch, light and noise pollution from two existing floodlit pitches in the vicinity and the Kingspan Stadium. She suggested that the density of flood lit pitches within a confined area, close to residential housing, was unprecedented anywhere else in Northern Ireland. She suggested that this proposal would have a detrimental impact

on the amenity of residents, and the residents group had submitted four noise reports to this effect. She suggested that the Council's Environmental Health service had been given the casting vote on the surveys and the Council surveys were not based on projected usage. She suggested that the Committee should protect residents and move the pitch to another location within the park.

The Committee received representations from Mr. S. Reynolds, Glentoran Football Academy Committee Member, Ms. E. Rogers, a young user of the park, and Mr. K. Kelly, local resident, in support of the proposal. Mr. Reynolds suggested that the facility would be used as a training area for young people and multiple teams, and would provide proper access to a shared space and increase involvement of Football at the Academy. Ms. E. Rogers welcomed the development and outlined a range of issues in support of the application which included usage throughout the year, the benefits of an all-weather pitch, non-cancellation of games, and the potential to improve health and wellbeing of youth and general population. She suggested that the proposal was a place to facilitate various sports for current and future residents, would increase participation, and had the potential for decreasing anti-social behaviour incidents.

In addition, the Committee received representation from Councillor Mullan. She outlined her support for the application and suggested that there had been considerable debate and meetings surrounding the location of the site for a number of years, however, she welcomed the playing facilities at the park. She suggested that Cherryvale had existed as a playing field for a long time, and supported the application for future use. She suggested that the new development should address the risk of flooding and conditions of opening hours adhered to. She suggested that it was a safe space for many users and had the potential for many activities and that, in regards to the variations considered, this model was the only workable one.

During discussion, the Environmental Health Officer answered a range of Members' questions regarding the location of the 3G Pitch and the light and noise disruption. He advised that the application assessment had been based on the proposal outlined in the report and not against any alternative. Issues were raised regarding accumulative light pollution levels, potential noise pollution levels and consideration for the reports which had been submitted by residents. He clarified that the cumulative impact assessment referred to, had taken into account surrounding light disruption. In terms of noise levels, a range of measurements were considered for example during games with spectators and during two summer camps which had been held in the park.

With regards to the allegations of bias by the Environmental Health Officer, alleged by the objectors in assessing the Council application, the Divisional Solicitor confirmed that this was standard practice throughout the UK, and there were a number of safeguards in place to ensure council applications were properly scrutinised, such as Council applications not being delegated to officers, and any application that was significantly contrary to the development plan would be submitted to the Department for a robust decision. She reminded the Committee that the Committee could make a decision contrary to the case officer's recommendation and it was the Planning Committee that made the decision not the Environmental Health Service.

During further discussion, the case officer answered a range of Members' questions regarding alternative locations for the 3G pitch, landscaping around the pitch and the boundary between the proposed pitch and housing.

The Director advised that it was not the role of the Planning Committee to decide on the optimum location for the pitch, and it could only consider the application which had been submitted.

**Proposal**

Moved by Councillor McAteer,  
Seconded by Councillor Garrett,

That the Committee agrees to approve the application, subject to the imposing of the conditions set out in the case officer's report.

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

**(Meeting adjourned for 10 minutes at this point)**

**LA04/2016/2235/F - 2 storey rear extension - 98 Sandhurst Drive**

(Councillors Dorrian and Jones had left the room whilst the item was under consideration)

The Chairperson advised that a request had been received by the agent, on behalf of the applicant to defer consideration of the item so that the Committee could undertake a site visit. The committee did not accede to the request and agreed to consider the item.

The case officer outlined the proposal for the erection of a two storey rear extension and elevation changes to the original dwelling consisting of reduction the size of the rear window and the insertion of a new window in the existing side gable. This was a revision of a previous proposal that had been refused permission (ref. Z/2014/1705/F) and subsequently dismissed at appeal.

The case officer explained that, after assessment, the application had been recommended for refusal on the grounds that the proposal was contrary to Policy EXT 1 of the Addendum to PPS 7, in that the extension would, if permitted, adversely affect the residential amenity of the neighbours as the scale and massing of the proposal would result in unacceptable dominance.

The Committee received representation from Councillor Craig. He outlined a range of objections to the proposal which related to dominance, height, and suggested that the decision of the Planning Appeals Commission should be maintained.

The Committee refused the application for the reasons as set out in the case officer's report.

**LA04/2016/1158/F - Change of use from post office to hot food take away -  
565 Ormeau Road**

(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.)

Councillor Mullan indicated that she wished to speak on the matter and accordingly, the Committee agreed.

The Committee considered the application which sought permission for a change of use from retail to a hot food outlet which included an odour extraction flue to the side.

The case officer informed the Committee that, after the agenda had been published, the following additional information had been received from residents, which raised the following points:

- The case officer reports indicated that the site was not in a designated area – however ignored the fact that it was adjacent to an ATC;
- Planning History ignored the application for an unmanned filling station and street trading licences;
- Material Considerations – appeal at Beechfield Street different;
- proposal was for a change of use from an off licence to hot food therefore no intensification of use;
- Beechfield Street was not located on arterial route/ in ATC;
- Beechfield Street was not adjacent to bus stops and schools;
- Transport NI response – the proposal would result in an increase to on – street parking. The Parking Survey had not been completed at appropriate times;
- photographs submitted by objector showing congestion at peak operating times;
- Environmental Health response raises cause for concern;
- proposal was not considered sustainable as it was located close to schools and in an area over 100 other food outlets. It would also cause vermin and litter and cause traffic intensification;
- flue location would detract from character of the area;
- traffic in area had intensified with both commercial and residential uses increasing in number;
- patrons would be tempted to park across residents drives;
- insufficient neighbour notification;
- a support letter from those who did not live in the vicinity;
- existing traffic problems in this area and this problem would exacerbate them ; and
- supporters of application did not live in the vicinity.

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

The Committee received representation from Mr. P. O'Callaghan and Ms. C. Taylor, acting on behalf of residents. They outlined a range of objections to the proposal which related to the detrimental impact on residents, car parking, flow of traffic, streetscape, visual amenity, townscape character, problems with waste disposal of the proposed takeaway and drainage issues of the area. They suggested that the proposal was unsympathetic to the design and character of the area, had the potential to affect the Council's local development plan and highlighted that there had been a large number of objections submitted,. They suggested that the proposal would create road safety issues, noise, and disturbance, together with odour issues. They also raised issues regarding the lack of neighbour notification for the application, unanswered objections, that parking surveys submitted by the applicant were questionable, and the number of hot food bars already in the area.

Councillor Mullan outlined her objections to the proposal which included the planning history of the site, previous street trading licensing issues for mobile hot food vans at the location, traffic congestion and dangers at the junction, and parking problems at the site.

After discussion, given the issues which had been raised regarding the traffic and impact on residential amenity, 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.

The Committee also agreed that an accident report or safety record (Roads Service/ PSNI) together with a comprehensive traffic/congestion report (Transport NI) be obtained for consideration at the next meeting.

**LA04/2016/0096/F - Amendment to permission Z/2014/1555/F for refurbishment, part restoration, change of use and extension to listed former Harland & Wolff Headquarters Building and to provide 36 additional bedrooms (120 in total) in a new annex.**

The case officer outlined the application for the refurbishment, part restoration, change of use and extension to the listed former Harland and Wolff Headquarters Building and to provide 36 additional bedrooms in a new annex, including service area, covered terrace, ancillary uses and associated access and site works.

He advised that the site was located within Phase 2 of the Titanic Quarter as identified in the overall development framework for the area and there was extant planning approval on the site for the conversion of the building to a hotel.

He pointed out that the alterations to the listed building also required listed building consent (LA04/2016/0097/LBC) and that comments remained outstanding from the Historic Environment Division (HED)

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.

**LA04/2016/2385/F - Amendment to planning permission Z/2015/0138/F to develop purpose built managed student accommodation comprising 717 beds at York Street**

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

The Committee considered a proposal for revisions to a previously approved scheme (682 bedrooms) under Z/2015/0138/F granted on 28th June, 2016. The revisions included an additional 35 bedrooms, revised floorplans and elevational details to take account of building control requirements, operator requirements, and other detailed design considerations. The overall height of the building had been reduced by approximately 0.8m to 43.2m and 42.8m. The lower portions of the previously approved York Street elevations had been revised, reduced in height by approximately 0.3m (average), with corresponding revisions to Great Patrick Street and Little Patrick Street elevations. The external amenity areas were retained at first floor level (514sqm approx.), but relocated the majority of internal common area amenity space (580 sqm approx.) to the ground floor and included a gym, games area, lounge and TV areas.

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 City 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 the conditions.

The Committee also noted that, in general, consideration be given to current residents and businesses of the area when developing the sites in the city centre and welcomed the progress of the new system 'VuCity', the interactive 3D model of the city, which would help illustrate the impact of such proposals once complete.

(Councillor Hussey returned to the Committee table at this point)

**LA04/2016/2207/F - Shared space building comprising sports hall, gym, dance/drama studio, social enterprise workshop (environmental focus), business units, meeting rooms, counselling/treatment rooms, café, educational facilities and performing arts space/exercise studio; with new access from Springfield Heights and to the Ballygomartin Road.**

The case officer explained that the site was within the development limit of Belfast on the edge of the north western limit of the city and previously contained the Finlay Factory which had been demolished in the early 2000's and had been vacant since.

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



**(Reconsidered Item) LA04/2016/1790/F - 7 Flats using salvaged front and main gable facades to match approval - 87 Malone Avenue**

(Councillors Bunting, Garrett, and Jones took no part in the discussion or decision-making of the application since they had not been in attendance at the meeting on 13th December, 2016 and 17th January when it had originally been considered).

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

The Committee was reminded that, at its meeting on 17th January, 2017, given the issues that had been raised regarding the pre-decision notice and the implementation of the current consent, it had agreed to defer consideration of the report, so that legal advice could be outlined on the demolition of the façade and the potential consequences to the extant planning permission at the next committee.

The case officer provided an overview of the proposal and highlighted the legal advice outlined in the report, as follows:

*“Whilst the applicant appears to have commenced the 2013 permission, the scheme is not in accordance with same. It is therefore arguable that they have either not implemented that permission or that they will not be able to complete the works in accordance with that permission.*

*Given that what is proposed is in keeping with the previous approval, in that the proposed façade is a replication of what should have been retained using the bricks from the demolished facade, together with some additional minor improvements, I am of the view that a refusal would be susceptible to a successful appeal.”*

**Proposal**

Moved by Councillor Hutchinson,  
Seconded by Councillor Armitage,

That the Committee, given the issues which had been raised regarding the size and space standards of the proposed living space, 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, five Members voted for the proposal and three against and it was declared carried.

**LA04/2016/1566/F - Change of use from a Youth Hostel to 6 apartments - 12 College Square North**

The case officer apprised the Committee of the application and advised that it had been accompanied by Listed Building Consent (LA04/2016/1565/LBC).

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

**LA04/2016/2693/F - Change of use of Howard Buildings from offices and dry cleaners unit into a hotel (81 bedrooms) and ground floor café, single storey ground floor and third floor extension – 24 - 40 Howard Street**

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

The case officer outlined the proposed planning application within the Linen Conservation Area and Civic Precinct Character Area.

He highlighted that this was a local conversion application, therefore, there was not scope for any Planning Agreements.

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

**LA04/2017/0006/RM - 4 storey office building - Weavers Court Business Park, Linfield Road**

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

The Committee considered a proposal for a four storey office building and external landscaping to include car parking.

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.

**Z/2014/0258/F - Demolition of existing changing rooms and replacement with sport and community building, resurfacing of existing playing field with 4G synthetic surface with pitch lighting, car parking and site works - St. Galls, 12 Milltown Row**

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

(Councillor McAteer returned to the Committee table at this point)

The case officer apprised the Committee of the 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 Hutchinson returned to the Committee table at this point)

**LA04/2016/1137/F - 5 dwellings - 35-41 Glenbank Place**

The case officer outlined a proposal for the demolition of existing 2 storey industrial units and the construction of 5 two storey houses: 2 pairs of semi-detached houses and 1 detached dwelling.

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

**LA04/2017/0213/F - Change of use from ground floor flat to office – 34 University Avenue**

The Committee considered a proposal for retrospective permission for a change of use from ground floor flat to HMO manager's office.

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

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

(Councillor Lyons returned to the Committee table at this point)

**S/2014/0860/F - 18 apartments (1 bedroom/2 person), 3 storey building – 76 Summerhill Drive**

The case officer outlined the proposed legacy planning application located at 76 Summerhill Drive, Dunmurry, which was on zoned housing land as designated in the Belfast Metropolitan Area Plan.

She advised that there was an error in the published title of the report which should read '18 apartments' instead of '8' and highlighted that a negative condition was required regarding surface water drainage proposals for the site and a standard informative.

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

**LA04/2015/1356/F - Modular building for training facilities - Clarendon Park (Playing Fields)**

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

The case officer outlined a proposal for the a modular building for training facilities and associated clubhouse use at Clarendon Playing Fields, Somerdale Park.

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

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

**LA04/2017/0194/F - Replacement fence - Lenadoon Park**

The Committee considered a proposal for a replacement of 1.8m high steel bow-top fencing and associated gates at public access points with 2.45m high paladin fencing including associated gates access points. Approximately 505 linear metres of fencing to be replaced.

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

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

Chairperson