

# Planning Committee

Tuesday, 11th April, 2017

## MEETING OF PLANNING COMMITTEE

Members present: Councillor Johnston (Chairperson);  
Alderman McGimpsey;  
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 March and the special meeting of 14th March were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 3rd April, 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 7. Response to consultation request from Department for Infrastructure on City Quays - multi storey car park, Councillor Jones, declared an interest, in that he was on the board of the Belfast Harbour Commissioners.

### Committee Site Visit – 30th March

Pursuant to its decision of 14th March, it was noted that the Committee had undertaken a site visit on 30th March in respect of planning application respect of LA04/2016/1158/F - Change of use from post office to hot food take away at 565 Ormeau Road.

### 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 7th March and 3rd April.

### **Departmental Performance Update**

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

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

#### *Planning Applications*

- 212 applications had been validated in March, 2017; and
- Overall numbers of applications validated this year had increased by 14% (2046 up to 31st March, 2017 compared to 1,760 up to 31st March, 2016).

#### *Planning Decisions*

- 194 decisions had been issued in March, 2017.
- 96% approval rate;
- 94% decisions had been issued under delegated authority; and
- the number of decisions issued to date had increased by 24% over the same period in 2016. (1,486 up to 31st March, 2016 compared to 2,049 up to 31st March, 2017).

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

- 1017 live applications were in the system at end of March, 2017;
- 60% of applications were in the system for less than 6 months; and
- Less than 29 legacy applications were outstanding (reduced from 780 at transfer in April, 2015).

#### *Performance against statutory targets (un-validated management information up to 28th February)*

- 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 28th February, 2017 the average processing time to decide major applications was 62 weeks. This, however, included legacy applications and those Major applications which had been delayed whilst a Section 76 agreement had been put in place;
- Excluding those applications requiring a Section 76 agreement, the average processing time for major applications between 1st January and 31st March was 22 weeks;
- 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 28th February, 2017, the

average processing time to decide local applications was 15.4 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.

### **Proposed Extinguishment of Public Rights of Way**

The Committee noted the receipt of correspondence from the Department for Infrastructure which related to the proposed Extinguishment of Public Rights of Way at:

- Jamiaca Walkways, Ardoyne;
- Mountpottinger Road;
- Annalee Court;
- Hopewell Crescent;
- Bandon Court;
- Residual Lands, Village; and
- Upper New Lodge.

The Committee also noted the confirmation regarding the Extinguishment of Public Rights of Way at Rathvarna Drive.

### **Response to consultation request from Department for Infrastructure on City Quays - multi storey car park**

(Councillor Jones, 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.)

It was reported that the Council had been notified of the above application for reserved matters Multi-storey car park (907 spaces) – maximum height of 33.2m, access road, alterations to existing car parking and road layout and associated site works at land west of Donegall Quay north of the M3 Cross harbour Bridge east of Tomb Street and 50m south of Corporation Square.

This application was being dealt with by the Department for Infrastructure, as it related to a previously determined outline application deemed 'Regionally Significant' under Article 31 of the Planning (NI) Order 1991.

It was highlighted that the principle of a multi-story car park at this location had previously been accepted through the outline permission and the supporting information included an outline masterplan document, which set out land uses and general parameters including building heights. Notwithstanding this, the permission granted did not approve this masterplan document, as it was not subject to a planning condition.

It was reported that whilst the principle of a multi storey car park has been accepted, Transport NI considered the proposal contrary to policy AMP10 of PPS3 which included a number of criteria with which proposals must comply. Transport NI was of the opinion that the provision of the multi-storey car park, without associated development that supports its need, or any form of control of its use until associated development was provided, was contrary to PPS3 in that:

- a) If delivered and allowed to operate as an uncontrolled public car park, it would add to an existing supply which could act as an impediment to economic growth by contributing to congestion and the erosion of environmental quality;
- b) Uncontrolled use of such a car park would be contrary to the overall transportation objective to restrain the use of the car and encourage public transport and Park and Ride initiatives; and
- c) If the Planning Service deemed the provision of the car park would be complementary to the existing parking provision, consideration should be given to the requirement for the developer to enter into a Planning Agreement under Section 76 of the Planning Act 2011 in order to control the use of parking spaces in accordance with the delivery of development, as detailed through the outline application.

After discussion, the Committee noted the contents of the report and agreed to the submission of the response to the Department for Infrastructure advising that it should seek the information necessary to satisfy the policy requirements as set out in the relevant planning policy PPS 3 Access, Movement and Parking.

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

#### **Withdrawn Item**

The Committee noted that application LA04/2016/0879/F - Demolition of existing semi-detached dwellings and the construction of 5 dwellings at 440 - 446 Ravenhill Road, had been withdrawn.

#### **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)**

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

(Alderman McGimpsey, Councillors Bunting, Jones and Garrett took no part in the discussion or decision-making of the application since they had not been in attendance at the previous meetings on 17th January and 14th March when it had originally been considered).

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

The Committee was reminded that the application had been originally presented to the Planning Committee on 17th January and had been deferred so that legal advice could be obtained on the demolition of the façade and its potential consequences for the extant planning permission. An addendum report was considered by the Committee, at its meeting on 14th March and given the issues which had been raised regarding the size and space standards of the proposed living space, the Committee agreed 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.

The Case Officer outlined the Second Addendum Report and advised that notwithstanding the included refusal reason, the recommendation remained that the application should be approved. The case officer advised that it had been considered that the space standards within the Addendum to PPS7 did not apply in this case and highlighted that all relevant material consideration must be taken into account, including the nature of the proposed occupation of the apartments, the location within a high density residential area not characterised by family accommodation, the replication of the front façade and the restoration of the street scape and the history of previous planning approvals for similar apartment development on the site which also did not meet the space standards.

The Committee received representations from Mr. T. Doyle, agent and Mr. J. Megaw, applicant. Mr. Doyle outlined a range of support for the proposal. He highlighted that the LC1 space standards did not apply in this case and if they did, the proposed design would meet them. He suggested that the kitchen and living room exceeded those typically found in the area by 75%. He suggested that other similar proposals had previously been approved in the area and that the design and density had been carefully considered. Mr. Megaw suggested that the proposal would bring quality, attractive accommodation to the area and would take away an eyesore from Malone Avenue.

During discussion, Members raised issues regarding space standards, homes for life versus homes for the short-term, the unauthorised demolished façade of the building and the enforcement of this, and the importance of the Malone Conservation Area Plan.

### **Proposal**

Moved by Councillor Hussey, and  
Seconded by Councillor Mullan,

That the Committee agrees to approve the application, in line with the recommendation outlined in the original case officer's report, and delegate authority to the Director of Planning and Place to agree and finalise the wording of the planning conditions.

On a vote by show of hands six Members voted for the proposal and none against and it was declared carried.

The Committee also agreed that the enforcement officer should consider the expediency of the enforcement regarding the demolished façade at the site and the Director of Planning and Place would write to the Department for Infrastructure to clarify the space standards for different types of planning proposals.

**LA04/2017/0468/F - 4 storey apartment block at Porters Annex, Apsley Street**

The case officer apprised the Committee of the application for the demolition of the existing building known as 'Porters Annex' along Apsley Street and the erection of a new 4 storey apartment block containing 20 apartments.

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

*Objection from Property and Projects Team (Belfast City Council)*

- Concern over proposed bollards along the northern boundary in respect of ambiguity over private or public land and disputes over damage and maintenance of the boundary. Concern regarding the inadequate car parking provision, that the proposal was out of scale and was not in keeping with surrounding buildings. That the proposal had the potential to impact on the right to light of adjoining properties and that the proposed building had a direct view over adjacent play park and multi-use games area;

*Consultation response from Rivers Agency*

- Objection regarding the potential flooding issues which had not been dealt with as a Drainage Assessment had not been submitted; and

*Email from Agent (received 10th April)*

- Requested a meeting to discuss the application prior to the Committee Meeting as the applicant was unhappy that the proposal had been dismissed with insufficient time to address the concerns raised.

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

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

1. The proposal was contrary to policy QD1 of Planning Policy Statement 7 "Quality Residential Environments" and the Strategic Planning Policy Statement in that the proposal by reason of its design, scale, footprint and layout would, if permitted, result in overdevelopment of the site and cause unacceptable damage to the character and appearance of the area. The proposal would fail to provide a quality and sustainable residential environment;

2. The proposal was contrary to policy BH11 of Planning Policy Statement 11 "Planning, Archaeology and the Built Heritage" and the Strategic Planning Policy Statement, in that it would have an adverse impact on the setting of the B1 listed buildings including St. Mary Magdalene Church and 56-70 Donegall Pass by reason of its scale, height and massing;
3. The proposal was contrary to Planning Policy Statement 3 'Access, Movement and Parking, Planning Policy Statement 7 'Quality Residential Environments', Policy TRAN 1 of the Belfast Metropolitan Area Plan and the Strategic Planning Policy Statement, in that the applicant had failed to demonstrate a safe and convenient means of access and that adequate and appropriate provision for parking was available to meet the Department's parking standards, thereby prejudicing the safety and convenience of road users;
4. In the absence of a Drainage Assessment, the applicant had failed to demonstrate that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and from development elsewhere. The proposal was therefore contrary to Policy FLD 3 of Planning Policy Statement 15 'Planning and Flooding' and the Strategic Planning Policy Statement for Northern Ireland; and
5. The proposal would fail to create a good standard of amenity for future occupiers of the apartments by reason of poor outlook and a lack of amenity space. The proposal was therefore contrary to Policy QD1 of Planning Policy Statement 7 "Quality Residential Environments, Creating Places and a core principle of the Strategic Planning Policy Statement (2015) to improve health and well-being.

He highlighted that the additional fifth reason for refusal had been added after the case officer's report had been published.

The Committee received representation from Ms. B. Neeson, acting on behalf of the applicant. She outlined a range of objections to the proposed refusal which related to the change in process, the speed of which the application had been processed and the lack of consistency with developments in the area in regards to car parking requirements. She suggested that the applicant had not been given sufficient time to address the issues raised such as potential for car parking spaces and a traffic survey. She suggested that the proposal could be amended to provide alternative aesthetics to the design of the proposal and that a bike dock could also be included. She requested that the Committee defer consideration of the application so that the applicant could meet with the Planning Officials to discuss the issues which had been raised in the case officer's report. She also suggested that they had been liaising with the Donegal Pass Regeneration Forum regarding the proposal but there hadn't been a lot of time to complete any consultation with residents and time to complete this would be appreciated.

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

**LA04/2017/0283/F - Refurbishment, extension and change of use of the former Windsor House to a 304 Bedroom hotel with associated restaurant and bar facilities (on ground and 22nd floor), conferencing facilities, creation of new retail unit at ground floor at former Windsor House 9 - 15 Bedford Street )**

The case officer explained that the site was located within the Belfast City Centre as designated in the Belfast Metropolitan Area Plan and also within the Linen Conservation Area and Commercial District Character Area (Designation CC0007).

The Committee received representations from Ms. A. Wiggam, agent, Mr. H. Hastings, applicant and Mr. H. McConnell, Architect. Mr. Hastings provided the Committee with details of the history of the site and the Hastings Hotel Group. He suggested that the proposal would create 150 new jobs, generate rates revenue and taxes, attract tourists, and the build would also create work for the local construction industry. He outlined a range of issues in support of the application and advised that the proposal intended to be the largest hotel in Belfast and would add to the hotel infrastructure of Belfast.

During discussion, the issue of the final design and cladding of the building was raised. The Director advised that the two elements outlined in Condition 6 would safeguard this issue which included approval for mock up panels of the proposed cladding to the tower element and a sample board for all external materials.

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.

**LA04/2016/2561/F - Redevelopment of Brook Activity Centre, 25 Summerhill Road**

(Councillors Hussey and Lyons had left the room whilst the item was under consideration)

The case officer outlined the proposed planning application for the redevelopment of Brook Activity Centre to include the demolition of existing activity centre and the erection of new multi-purpose leisure facility building (including 25m 4-lane swimming pool, 5-court sports hall, 60-station fitness suite, 10 team changing rooms and ancillary suites/rooms), with access via Summerhill Road. External facilities to include 1 GAA pitch (with 2 football pitches across its width), 3 covered five a side pitches, 3 uncovered football pitches, hurling wall, playground, retention of existing football pitch, floodlighting, parking area and creation of "trim trail" along a reconfigured river path.



The Committee received representation from Councillor Walsh. He outlined his support for the application and suggested that the proposal would be excellent for residents of the Colin Area. He suggested that the community groups who currently use the centre intend to maximise the potential and broaden the usage of the proposed Activity Centre.

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

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

**LA04/2016/2560/F - Redevelopment of Robinson Leisure Centre, Montgomery Road**

The Committee considered the application for the redevelopment of Robinson Leisure Centre to include demolition of existing leisure centre and Clonduff Community Centre and the erection of new multipurpose leisure facility building (including 25m 8-lane swimming pool, 20m long training pool and leisure water provision, 4 court sports hall, 140-station fitness suite, fitness studio spaces and ancillary suites/rooms) with a new community centre incorporated into the building. The site would be accessed via Montgomery Road and Clonduff Drive, with external facilities to include, 2 five a side pitches with floodlighting, car parking and associated landscaping and the existing playground would be retained.

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

**LA04/2017/0210/F - Change of use from retail to café/bistro for the preparation and sale of hot food or drink, for consumption on the premises but to include take away facilities; new odour extraction flue on rear elevation, 1 University Road**

The Committee considered the aforementioned application.

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

**LA04/2015/1514/F - 5 one bedroom apartments at 2 Irwin Avenue**

The case officer outlined the proposal. He advised that the principle of apartment development on the site had been established under the expired approval Z/2007/2981/F for "The demolition of an existing dilapidated building and development of 4 number 1 bedroom apartments with associated parking", approved on 9/3/2009 (expired 9/3/2014).

**Proposal**

Moved by Councillor Armitage, and  
Seconded by Councillor Jones,

That the Committee, given the issues which have been raised regarding car parking and impact on residential amenity, agrees 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.

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

**Further Proposal**

Moved by Alderman McGimpsey, and  
Seconded by Councillor Hussey,

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

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

**LA04/2016/1366/F - Petrol filling station and associated convenience store at 739 Antrim Road**

The Committee considered the application which sought permission for a petrol filling station and associated convenience store including ATM, forecourt canopy, odour abatement system, basement storage and self-contained retail unit.

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

**LA04/2017/0063/F - 6 apartments in a two storey block and 2 two storey townhouses (renewal of Z/2009/0349/F) at lands to the rear of 114 Upper Lisburn Road**

The case officer outlined the proposed planning application for the development of 6 apartments in three storey block and 2 two storey townhouses with related works (renewal of lapsed permission Z/2009/0349/F) which formed part of the development of the site which included two other approved apartment blocks.

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

**LA04/2017/0320/F - Open space enhancement on lands including Falls Park**

The Committee considered a proposal for the enhancement of the existing area of open space comprising a change of surface from existing grass to a fibre sand reinforced grass area with associated land drainage area. Existing levels were to be regulated to remove undulations.

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 and delegated power to the Director of Planning and Place to finalise the wording of the conditions.

Chairperson