

Planning Committee

Tuesday, 20th June, 2017

MEETING OF PLANNING COMMITTEE

Members present: Councillor Lyons (Chairperson);
Alderman McGimpsey;
Councillors Armitage, Dorrian, Garrett,
Hussey, Hutchinson, Johnston, Magee,
McAteer, McDonough-Brown and Mullan.

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

Apologies

Apologies were reported from Councillors Bunting and Carson.

Minutes

The minutes of the meetings of 16th May 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 June, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Armitage declared an interest regarding item 7.d) LA04/2016/2291/RM - 22 apartments across 3 blocks (4 storey buildings) with a new access to Dundela Avenue and associated site works including boundary wall and fence at the former training ground for Dundela Football club, in that he talked to residents regarding the application, however, he indicated that, during those discussions he had not committed himself to any particular course of action in relation to the application.

Regarding item 7.a) (Reconsidered Item) - LA04/2016/1158/F Change of use from post office to hot food take away at 565 Ormeau Road, Councillor Mullan, declared an interest, in so far as she had submitted an objection to the proposal and had made a representation at the Planning Committee when it had originally been considered. Councillor Mullan also declared an interest regarding item 7.m) LA04/2016/0041/F - Lagan gateway project, in that she had originally proposed this project at the South Area Working Group and sat on the board of the Lagan Boat Trust.

Regarding item 7.g) LA04/2016/1834/F - Development of a 3G sports pitch, surrounding security fence and floodlighting at Malone Integrated College, Councillor Mullan declared an interest, in so far as she arranged a meeting between the residents and the applicant, however, she indicated that she had not committed herself to any particular course of action in relation to the application. She also declared an interest in item 7. m) LA04/2016/0041/F, in that she had recently been appointed to the Lagan Valley Regional Park Advisory Committee.

Additional Item - Update on Status of Belfast Metropolitan Area Plan

With the permission of the Chairperson, the Director of Planning and Place tabled the following status update on the Belfast Metropolitan Plan:

BMAP – Belfast City Council Planning Position

In the intervening period between the last Planning Committee and this, the adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May, 2017.

As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.

Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Public Inquiry into the draft published in 2004 ran from April 2007 – May 2008. The PAC report into the draft Plan and the adoption Statement is also publicly available.

In general the weight that should be given to draft policy increases as it approaches the date of final publication. It is the view that the draft BMAP, in its most recent, post-examination, form continues to exist. As the decision to adopt the BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted. The Executive could if it wished take further steps to adopt the BMAP, but until it does so the draft BMAP remains the most advanced and up to date collection of development management policies for the City Council's area, albeit that those policies do not carry the statutory force conferred upon an adopted statutory development plan by the 2011 Act.

The policies in the version of draft BMAP which was purported to be adopted and not the one published in 2004 should be given considerable weight because the content of the draft BMAP has now reached the stage of being approved, subject to various amendments, following its examination. The draft BMAP is at the furthest possible stage that any draft development plan could have reached without being formally adopted.

The version of draft BMAP which was purported to be adopted and not the one published in 2004 should be given substantial weight together with and in consideration of all other material matters.

Applications will be recommended on the above basis and in light of on-going advice from the City Solicitor.

Noted.

Notice of Motion - Developers' Contributions

The Committee was reminded that the Council, in accordance with Standing Orders, had referred the following notice of motion, which had been proposed by Councillor Garrett and seconded by Councillor McAteer, to the Committee for consideration:

“This Council recognises the positive role that has come about through the devolution of planning powers from the Assembly to local councils within the review of public administration.

Planning powers delivered through local councils offers open, accountable and democratic decision-making by councillors elected by the citizens of Belfast.

Devolved planning powers also offers a unique ability through major development proposals to exercise its power in attaining ‘Section 76 Legal Agreements,’ more commonly referred to as ‘Developers Contributions’.

The Council will seek to ensure that any contribution framework that it adopts has the ability to target social need far beyond the ‘City Core’ and benefit residents in each quarter of this City. It will also look favourably on the creation of an accumulative contribution fund within this framework to bring about wider community benefit, target social need as well as fulfilling the legal obligations of Section 76 Planning Agreements, Developers Contributions.”

The Director of Planning and Place advised that the issues outlined in the Notice of Motion would be considered as part of the draft Section 76 Framework which would be brought to Committee for consideration in due course. He advised that this would include the restrictions and flexibility in applying potential developer contribution agreements.

Committee Site Visit

Pursuant to its decision of 16th May, it was noted that the Committee had undertaken a site visit on 14th June in respect of planning application LA04/2016/0051/F - Residential building consisting of six apartments at 82 Eglantine Avenue.

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 8th May and 9th June, 2017.

Departmental Performance Update

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

Planning Applications

- 146 applications had been validated in May, 2017; and
- Overall numbers of applications validated this year had decreased by 21% (331 since 1st April, 2017 compared to 417 in 2016).

Planning Decisions

- 160 decisions had been issued in May, 2017 (150 in May, 2016).
- 96% approval rate;
- 94% decisions had been issued under delegated authority; and

No. of applications in system by length of time

- 990 live applications were in the system at end of May, 2017;
- 59% of applications were in the system for less than 6 months; and
- 23 legacy applications were outstanding (reduced from 780 at transfer in April, 2015).

Performance against statutory targets (un-validated management information)

- 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. In quarter 4 (1st January – 30th April, 2017) the average processing time to decide major applications was 29.8. 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. In quarter 4, the average processing time to decide local applications was 18.2 weeks; and
- The statutory target was that 70% of all enforcement cases are progressed to target conclusion within 39 weeks of receipt of

complaint. In quarter 4, 2017, 68.8% of enforcement cases had been concluded within 39 weeks.

The Committee noted the report and the methodology behind the figures reported.

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:

- Marquis Street;
- Academy Street;
- Glenwood Green;
- Hannahstown Hill; and
- The Manor, Blacks Road.

Noted.

Miscellaneous Items

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:

- 8 Bladon Park, BT9 5LH;
- 14-16 Bladon Park, BT9 5LH; and
- 34 Windsor Park, BT9 6FQ.

Department for Infrastructure Performance Framework – Response to consultation

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

The Director of Planning and Place advised that the Department for Infrastructure (DfI) was consulting the eleven councils on a new Performance Management Framework for Planning in Northern Ireland. He provided the Committee

with an overview of the proposed draft Performance Management Framework (copy available on the Council's website [here](#)) and advised that it had recommended that 20 new performance indicators be implemented across the following areas:

- i) Plan making;
- ii) Efficiency;
- iii) Quality;
- iv) Engagement;
- v) Enforcement;
- vi) Strategic Planning Division; and
- vii) Outcomes.

He advised that it was evident that a more measured approach was needed to be taken by DfI to assess planning performance across the 11 councils, and the new performance framework should operate in tandem with the development of the Council's own detailed performance management strategy for planning applications, including internal Key Performance Indicators.

He outlined the draft consultation response as follows:

Belfast City Council's Planning Committee has considered the draft Planning Performance Management Framework (the Framework) and comments as follows.

The Council welcomes the introduction of a performance management framework for planning in Northern Ireland. It will help focus on performance and improve service delivery across the region, whilst providing a useful benchmark across the 11 councils.

I attach a copy of the report to the Planning Committee when the matter was discussed. (copy available on the Council's website [here](#)),

The report contains a range of detailed points and forms part of the Council's formal response to the Framework in conjunction with this letter.

The Council wishes to make the following particular points about the Framework.

1. Bench-marking of performance (PI3-PI6 and PI16) – the Council strongly objects to the setting of standards around these indicators at this time. It should be for each council to decide what “good performance” looks like. A balance needs to be struck between speed of decision and the quality of service to the customer, and quality of the final decision. A complete focus on speed of decision can drive perverse behaviour which can be detrimental to quality and cause frustration to customers.

This was the experience of many councils in England during the 2000s when the Government awarded Planning Delivery Grant to local planning authorities for achieving targets on the speed of decision for applications. DCLG in England has since moved away from this narrow focus and quality of customer service has become much more important. Hence the introduction of the ability to agree an extension of the determination period with the applicant. The Council supports the principle that performance indicators should be “measures” and not “targets”.

Planning services in Northern Ireland are also still in transition. Councils are significantly disadvantaged by the limitations of the Northern Ireland Planning Portal which prevents the collection of detailed Key Performance Indicators which are otherwise essential for effective performance management. The Planning Portal is at least two generations behind the latest planning software used in others parts of the United Kingdom and Republic of Ireland. It is imperative that the Portal is replaced with a fit for purpose system as soon as possible. Councils are also limited by existing planning legislation such as the inability to legally invalidate an application if all the information necessary to determine an application is not provided at the beginning of the planning application process. The Department clearly recognises this as an issue through Performance Indicator 17 (Strategic Planning Division) because achievement of the 30-week target is dependent on no further environmental information being required once the application has been submitted.

2. Categorisation of planning applications – the Council recommends that applications are divided into three categories rather than the two pre-existing categories. A third category should be added to include small-scale proposals such as householder applications, Advertisement Consents, Listed Buildings and Conservation Area

Consents. This will measure performance on small-scale, high volume applications which are critical to overall application performance. This also reflects the approach taken in England and Wales which have three categories of application.

3. Ability to agree an extension of time with the applicant – a complete focus on speed of decision is inappropriate and can lead to perverse behaviour. Councils should have the ability to agree an extension of time with the applicant so that issues can be worked through without the pressure to make a quick decision to meet targets. This is the approach taken in England and Wales and works very well. Councils should also be measured on the proportion (%) of applications determined within 30 and 15 weeks like in England and Wales. This helps to provide a more rounded picture of performance and links in with the ability to agree an extension of the determination period with the applicant. In measuring application performance, the Department should also exclude those applications requiring a Section 76 Planning Agreement.

In addition to these comments, a range of more detailed points are provided in the attached report which forms part of the Council's response to the Framework.

The Director noted that DfI intended to publish performance on a quarterly basis. He advised that the performance returns set out in the final Framework should not be published and it should be for individual councils to decide how they present the performance returns.

The Committee noted the contents of the report and agreed to the submission of the outlined consultation response to the Department for Infrastructure with the additional point outlined by the Director of Planning and Place as set out above.

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

Preferred Options Paper Public Consultation (Restricted)

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

The Committee considered the Preferred Options Paper (POP) Public Consultation Report which provided an overview of the POP Consultation and Engagement Process, how it was executed, together with the results of the consultation.

The committee was informed that the completion of the Public Consultation Report marked a significant milestone in the Local Development Plan preparation through the completion of the preferred options stage of the plan.

The Committee agreed to:

- endorse the response to the consultations, as set out in the Draft Preferred Options Paper (POP) Public Consultation Report (Appendix 1), as the basis for the formal publication document; and
- delegate authority to the Director of Planning and Place, in consultation with the Legal Services, to make any necessary amendments.

The Committee also noted the next stages in the Local Development Plan process.

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

Local Development Plan - Metropolitan Area Spatial Working Group

The Committee was reminded that all Councils across Northern Ireland were currently preparing Local Development Plans (LDPs) and a number of councils had already published Preferred Options Papers (POPs). Whilst each council was the planning authority for its own area and was responsible for preparing its LDP, there were common or shared issues faced by councils.

It was reported that the common issues had either a sub-regional dimension, generally affecting all councils across the metropolitan area, or cross boundary implications, and continued engagement was required throughout all stages of the LDP process to support a joined-up and sustainable approach.

The Committee was informed that Department for Infrastructure guidance suggested that collaboration between councils in plan-making was important to the soundness of each LDP, which would be assessed through the independent examination procedure, therefore it was recommended to establish a working group across the four councils in the metropolitan area to support the ongoing LDP process, in an advisory capacity. It was envisaged that this would provide a mechanism to share information and seek, as far as possible, to agree a common approach to LDP policies, objectives and proposals, in an effort to minimise the potential for conflict between individual LDPs.

It was suggested that the Working Group should include Members and officers and it was anticipated that the participation in such arrangements would demonstrate that the new Belfast LDP could meet the consistency test of soundness.

The Committee agreed to:

- the establishment of the proposed Working Group linked to the work of the Local Development Plan and covering the five planning authority areas in the Metropolitan area; and
- nominate the Chairperson and Deputy Chairperson (or their nominees) to serve on the proposed Working Group, supported by Council officers.

The Committee also noted that the draft Terms of Reference would be considered at the first working group meeting (copy available on the Council's website [here](#)) and that updates and decisions made by the group would be submitted to the Committee for consideration.

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

Withdrawn Item

The Committee noted that Item 8.e) Planning Advertisements, 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) - LA04/2016/1158/F - Change of use from a Post Office to hot food take away at 565 Ormeau Road

(Alderman McGimpsey and Councillors Dorrian and McDonough-Brown took no part in the discussion or decision-making of the application since they had not been in attendance at the meeting on 14th March when it had originally been considered).

The Committee was reminded that the application had been originally presented to the Planning Committee on 14th March and had been deferred so that a site visit could be undertaken and also for the following information to be submitted from Transport NI:

1. an accident /safety report; and
2. a traffic/congestion report

The case officer highlighted that the additional information received from Transport NI concluded that it would appear that the "traffic issue history" in this area might have been related to the concentration of vehicles arriving and departing to and from Wellington College. As such, it was considered that the operational times of the applicants proposed business would not have a significant impact during the already congested school drop-off and collection periods.

He informed the Committee that, after the agenda had been published, the following additional objections had been received, which raised the following points:

- the impact on a supported living scheme for persons with learning disabilities as a result of traffic congestion;
- increased foot fall in the area;
- residents having difficulty in exiting driveways because of parked cars;
- local residents concerns about congestion, road safety and parking; and
- lack of residential consultation and the need to take into account local resident concerns.

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

LA04/2016/1538/F - Residential development comprising of 9 dwellings, site access and all associated works on lands adjacent and south of 60 Distillery Street

The case officer apprised the Committee of an application for 9 dwelling units, made up of 5 houses - 2 semi-detached pairs of houses and a detached house; and an apartment block consisting of 4 apartments; and site access and all associated works.

He explained that, after assessment, it had been recommended for refusal on the grounds that the proposal was contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy QD1 of Planning Policy Statement 7, 'Quality Residential Environments' in that, if approved, the amenity of prospective residents would be adversely affected by noise and disturbance from road traffic noise.

He advised that the application did not state that the proposal was for Social Housing, however the Northern Ireland Housing Executive supported the application and indicated there was a need for social housing in the area. He advised that the site plans had indicated that a noise acoustic barrier of 2.4m would be erected along the northern and southern boundary of the site.

He highlighted that acoustic engineers 'Lester Acoustics' had suggested that extending the fence to also screen the gardens from traffic noise and Environmental Health remained concerned that *'the noise levels within the outside garden space was extremely high and that potential mitigation to improve the external noise climate for families occupying these four bedroomed houses had not been adequately explored'*.

The Committee received representations from Councillor Beattie. He outlined a range of objections to the case officer's recommendation for refusal. He suggested that the mitigation of noise outlined by the applicant included a pathway and a bushway could be sufficient for the development and that similar applications had previously been granted approval. He also suggested that there was a long waiting list for social housing in the area and building the development would assist with this, and also in reducing anti-social behaviour. He suggested that developing the site was crucial as the site was located at an interface.

The Committee also received representation from Mr. T. Stokes, agent, representing the applicant, Mr. F. McCann, MLA, and Ms. C. Black, Grosvenor Community Centre.

Mr. Stokes outlined a range of objections to the recommendation for refusal. He suggested that the development was for social housing and that the applicant had a great track record in the design and building of housing developments of this nature. He suggested there was a housing need in the area and the site was a vacant, derelict, brownfield site, which was currently an eyesore and attracted anti-social behaviour. He stated that the only consultee to raise objections had been Environmental Health and that the proposal included a range of noise mitigation levels such as a 2.4 metre barrier, and acoustic ventilation. He indicated that the internal noise levels would be desirable, however the external noise levels were slightly higher than recommended guidelines.

In addition, Mr. McCann explained his objections to the recommendation and suggested that the area had high social deprivation, anti-social behaviour and high unemployment in the area. He advocated that the application should be approved due to the high demand for housing and the need for redevelopment of the site. He suggested that the proposal would enhance the area and pointed out that other similar sites had been developed with this type of housing.

Ms. Black outlined a range of objections to the recommended for refusal which included the photos shown in the case officer's report not being representative of the disorder at the site, which currently attracted anti-social behaviour. She suggested that the proposed development was supported by local residents and would improve the area.

During discussion, Members clarified points raised by the deputation regarding the height of the fence, noise mitigation, air quality, amenities in the area, health and wellbeing of proposed residents, the window openings, and ventilation system.

During further discussion, the Environmental Health Manager clarified his assessment of the proposal and stated that the submitted acoustic report had identified levels inside and outside of the dwellings which were in breach of the World Health Organisation Guidelines. He also advised that the 5 dB relaxation of the levels within the British Standard for 'necessary' and 'desirable' development were only applicable once the best technical mitigation available had been exhausted.

The case officer advised that it had not been demonstrated that a 2.4m high acoustic barrier would sufficiently mitigate noise levels. He informed the Committee that the barrier might need to be higher and this would be an operational development that might require a separate planning application.

The Director of Planning and Place highlighted that the Committee must make its decision based on the information which had been provided.

Proposal

Moved by Councillor Garrett, and
Seconded by Councillor Magee,

That the Committee, given the issues which had been raised regarding the noise mitigation, agrees to defer consideration of the application to enable the applicant to provide more information on noise levels and to clarify the proposed mitigation measures. The Committee also agrees to undertake a site visit to allow the Committee to acquaint itself with the location and the proposal at first hand

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

Further Proposal

Moved by Councillor Johnston, and
Seconded by Councillor Hussey,

That the Committee agrees to refuse the application for the reason as set out in the case officer's report.

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

LA04/2016/0487/F - Change of use from dwelling to coffee shop, single storey side and rear extension at 1 St. Agnes Drive, Andersonstown Road

(Alderman McGimpsey had left the room whilst the item was under consideration)

The case officer outlined the proposed planning application for the change of use of the ground floor of a dwelling to a coffee shop with first floor store, incorporating a single storey extension to the side and rear of the premises.

He advised that the site was zoned as Whiteland with no designated use in the Belfast Urban Area Plan, 2001 and the Draft Belfast Metropolitan Area Plan 2015.

The Committee received representations from Mrs. C. Webb, Mr. J. Webb and Mr. C. Kelly, on behalf of residents and business owners in the area. Mrs. Webb outlined a range of objections to the proposal which related to the street being residential and not commercial, together with the effect on car parking and road safety. She suggested that as she lived in the neighbouring property to the proposed development, it would have a detrimental impact on her family life and the proposed change of use to a commercial premises was unacceptable.

Mr. Webb suggested that the proposal would affect his family's privacy, car parking, increase accidents, and had the potential to increase anti-social behaviour.

Mr. Kelly suggested that there were too many cafés in the area and that another coffee shop would affect the existing businesses, employment, and the work his business carried out for the homeless.

In addition, Councillor Groves explained her objections to the proposal which included the number of objections received, the street being too narrow for a commercial entity, and the adverse effect the proposal would have on car parking and traffic in the area. She suggested that the footfall of potential customers for the intended business was low and raised concerns regarding the control of what the building might be used for, if it was granted commercial use.

The Committee received representations from Ms. J. Morgan, Arabica Investments, and Mr. T. McCooley, on behalf of the applicant. Ms. Morgan outlined a range of support for the application which included the consideration given to the location for over two years, the reassurance to residents to cultivate a local network and the potential employment of 20 staff via the youth employment scheme. She pointed out that they had a similar business on the Lisburn Road which had received no complaints from the neighbouring residents, and were willing to work through any issues raised with the residents and local communities, if required.

The Committee, given the issues which had been raised regarding car parking and the impact on residential amenity, agreed to defer consideration of the application in order to undertake a site visit to allow the Committee to acquaint itself with the location and the proposal at first hand.

The Committee also noted that the Planning Policy regarding commercial premises on residential streets would be circulated to the Committee.

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

LA04/2016/2291/RM - 22 apartments across 3 blocks (4 storey buildings) with a new access to Dundela Avenue and associated site works including a boundary wall and fence at former training ground for Dundela Football Club

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

The case officer advised that a previous outline application (Ref: Z/2014/0271/F) which related to this application was granted approval (subject to conditions) by the

Planning Appeals Commission (PAC) following an appeal and was the subject of a Section 76 agreement, which related to ground improvement works to be carried out at Dundela Football Club.

She highlighted that an additional condition regarding internal noise was also required, in addition to those outlined in the case officer's report.

The Committee received representations from Mr. I. Mennie and Ms. S. Mageean, on behalf of residents. Mr. Mennie outlined a range of objections to the proposal which related to residents not being made aware of the requirement to submit new objections to the second application, the detrimental impact on residents, the building being excessive in height, the density of the development, and the site being situated on Oakland Avenue. He suggested that the design of the proposal was too close to the road side, would create a tunnel effect for existing residents, and that more sympathetic material could have been used in the design. He suggested that the proposal would affect road safety, car parking, add congestion, and that there had been no contact between the developer and residents.

Proposal

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

That the Committee, given the issues which had been raised regarding the loss of light, height and access points of the proposal, together with the potential to add to the congestion of the area, agrees to defer consideration of the application to enable the Committee to undertake a site visit to allow the Committee to acquaint itself with the location and the proposal at first hand.

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

Further Proposal

Moved by Alderman McGimpsey, and
Seconded by Councillor Johnston,

That the Committee, agrees to approve the application for the reasons as set out in the case officer's report.

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

The Committee also noted that clarification would be provided to the Committee regarding the principles of Reserved Matters applications.

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

(The meeting was adjourned for 10 minutes.)

LA04/2016/2219/F Refurbishment and alterations to primary school including 2 single storey rear extensions and 2 storey rear extension. Construction of double nursery school building, car parking, landscaping, fencing and siteworks. at Elmgrove Primary School (Avoniel Site) and Nursery Unit Avoniel Road

(Councillor McDonough-Brown had left the room whilst the item was under consideration)

It was noted that the application, in accordance with the Scheme of Delegation, had been presented to the Committee since it was a major application, but also that the Council owned part of the land.

During discussion, the issue of applying cladding to buildings was raised. The Director advised that this was dealt with by Building Regulations, and that this was not in the remit of the Planning Committee.

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

The Committee also noted that a report regarding the regulations on cladding for buildings would be submitted to a future meeting.

LA04/2016/2156/F - Temporary teaching accommodation (3 prefabricated buildings providing 6 classrooms), temporary kitchen and dining hall building, security fencing and car parking with associated site works including demolition of existing school meals building, to facilitate temporary school decant from Avoniel Road school site

The Case officer advised that the development was to facilitate the complete decant of Elmgrove Primary School, Avoniel Road site to allow the proposed refurbishment and extension to the school (LA04/2016/2219/F). She advised that the proposed temporary accommodation was required for a period of 3 years.

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.

LA04/2016/1834/F - Development of a 3G sports pitch, surrounding security fence and floodlighting at Malone Integrated College

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

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

LA04/2016/0549/F - 70 semi-detached and townhouse dwellings with associated site works, roads, car parking and landscaping/open space provision on lands at Benview Avenue and Benview Parade to the South of Buttermilk Loney

The case officer outlined the proposal and advised that, in this case, it was considered appropriate that any planning approval should be subject to the developer entering a legal agreement to transfer the proposed area of open space in the north eastern corner of the site to Benview Community Centre. She advised that the developer had expressed a willingness and commitment to provide this in a legal agreement.

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.

LA04/2015/0152/F - Proposed demolition of existing buildings to make way for a mix of 42 three bed terraced dwellings, 19 two bed apartments and 3 two bed semi-detached dwellings with a play area and open public space (62 units in total), 17c Station View

The case officer advised that the principle for housing use on the site had been established under planning application S/2006/1391/O - Redevelopment of existing light industrial lands for residential use, 142 units in 2012.

He highlighted that the Council was awaiting a full consultation response from Transport NI, subject to design amendments.

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, subject to the final response being received from Transport NI.

LA04/2017/0171/F - Change of use from offices to a 37 bedroom hotel with associated restaurant, bar and ancillary facilities including a new rooftop terrace at 5 and 9-13 Waring Street

The case officer highlighted that the proposed development was situated within the development limit for Belfast City Centre, the Old City Character Area (CC09), the area of archaeological potential and the area of parking restraint (CC025).

She advised that listed building consent had accompanied the application.

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.

LA04/2017/0497/F - Change of use of existing office accommodation to provide a 30 bedroom hotel accommodation with roof extension/ roof terrace including a bar and associated screening forming an extension to the neighbouring hotel at 40a Church Lane

The Committee considered the aforementioned application.

The case officer advised that the submitted Flood Risk Assessment (FRA) was currently being reviewed by Rivers Agency and their response would be reported as an update to the Committee.

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.

LA04/2017/0963/LBC - Removal of existing reception counter on the ground floor City Hall main entrance rotunda area and replacing it with a memorabilia exhibition retail reception counter to the ground floor main entrance rotunda area.

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 Listed Building Consent to the application, subject to the imposing of the conditions set out within the case officer's report.

LA04/2016/0041/F - Lagan gateway project: the provision of a new boat lock at Stranmillis to allow the passage of boats past the weir, new footbridge and path linking Annadale embankment with Stranmillis and paths to Belvoir Park

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

The Committee considered the aforementioned application.

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.

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Tuesday, 20th June, 2017

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