Planning Committee

Tuesday, 17th October, 2017

MEETING OF PLANNING COMMITTEE

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

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

Apologies

No apologies were reported.

Minutes

The minutes of the meeting of 19th September were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd October, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

The Committee noted that there had been some opposition to and dissatisfaction with the inclusion of the item '*Additional Item – Operation of the Planning Committee'* and the written record of the minute. The Democratic Services Manager provided additional clarification on the matter.

Councillor Armitage also noted that he had not been present for the entire discussion of the item.

(Councillor Bunting entered the meeting at this point.)

Declarations of Interest

Regarding item 8.g) LA04/2015/0061/F - Fifty-five bed nursing home on lands to rear of 21 Finaghy Park Central, Councillor McAteer declared an interest, in so far as she had facilitated a meeting for some of the objectors of the proposal.

In relation to item 8. a) Reconsidered Item - LA04/2017/0623/F and LA04/2017/0628/DCA – Single storey rear extension, rear dormer and first floor extension to rear with first floor front extension at 10 Broomhill Park, Councillor McDonough-Brown declared an interest, in so far as he had submitted an objection to the proposal.

Committee Site Visits

Pursuant to its decision of 19th September, it was noted that the Committee had undertaken a site visit on 10th October in respect of planning application LA04/2016/2205/F - Erection of a two storey dwelling (revised scheme), west and to the rear of 2 Knockdarragh Park.

Response to consultation requests from Department for Infrastructure: LA04/2017/1388/F - Transport Hub

The Committee was advised that a consultation request had been received from the Department for Infrastructure for the proposed application for a new integrated transport interchange which comprised a station concourse, 26 bus stands, 8 railway platforms, bus maintenance and parking, track and signalling enhancements, bus access bridge, cycle and taxi provision, car parking, new public square, public realm improvements, highway improvements, infrastructure improvements, temporary structures for bus operations during construction and temporary site construction compounds.

The case officer provided an overview of the response to the consultation request and informed the Committee that, after the agenda had been published, the following representation had been received from an objector:

- support for the retention of the Boyne Bridge within the proposed Transport Hub development;
- that associating the new infrastructure with a historic structure would form an important link between the history of the place and its future; and
- that Edinburgh Waverley Station was an example of the integration of changes in level and different ages of infrastructure.

He advised that correspondence had also been received from the Applicant's agent which outlined the following points:

- that Department for Infrastructure (DfI) had not raised any matters which would be considered to require a Section 76 agreement, with all matters being appropriately dealt with by way of planning conditions; and
- that wider public benefits could either be secured by planning conditions or the acceptance that public commitment to the wider scheme and local initiatives should remove the need for any formal agreement in the form of Section 76.

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

The Committee received a representation from Mr. B. Dickson BEM, representing Blackstaff Community Development Association and Boyne Bridge Defenders, and Mr. D. Hill, architect, Belfast Urban Studio, in objection to the application. Mr. Dickson suggested that the Boyne Bridge was of historical importance and it should not be destroyed.

Mr. Hill raised concerns regarding the current plans for the site. He stated that the proposed entrance door to the new station would be too far away from the City Centre and the walk to the station from the City Hall would involve crossing two major roads. He stressed the importance of the structure of the Boyne Bridge and advised that he had submitted plans to DfI and Translink which outlined an alternative vision which did not demolish the Boyne bridge, but used it as a canopy. He suggested that the Council should recommend to DfI that the proposal should undergo an Office of Government Commerce Gateway (OGC) Review and that the development of the current proposal would be a mistake.

During points of clarification Mr. Hill suggested that engagement with Translink had been ongoing for 3 years and he had questioned the consultation process, suggested route and easy engineering solution for the new station with them. He suggested that the OGC was set up to improve the quality of large scale public building and that DfI were familiar with the OGC review process.

The Committee received a representation from Mr. C. Conway, Chief Executive Officer, representing Translink, and Ms. H. Harrison, representing Juno Planning. Mr. Conway advised that the proposed transport hub was a transport led regeneration project and that the consultation process had been delivered and the proposal had been approved by the Department for Infrastructure and the Department of Finance. He suggested that the proposal would bring social and economic benefits, connectivity, business, tourism, and growth of the transport system. He suggested that there had been substantial growth in public transport need and at peak times the Europa Bus Centre and Great Victoria railway station experienced high volumes of passengers, large queues and associated safety risks.

In relation to the objector's comments, he advised that there were a number of bridges documenting history in the area dating back to the 1600's, such as the Saltwater Bridge and the proposal sought to preserve the remains of this in situ. He informed the Committee that the 1930's Boyne Bridge had been assessed by the Department for Communities who had raised no objection to the development, however, the proposal intended to reuse and integrate elements of the Boyne Bridge into the new design such as the steel, lights and name plaques. He pointed out that the square at the front of the Transport Hub was expected to be named Saltwater Square. He highlighted that an experienced design team had considered a range of technical options for the Transport Hub, and the design was driven by engineering constraints. He suggested that the preferred option for the development would provide active frontage to Grosvenor Road and Durham Street, was based on bus and rail engineering and operability, together with the potential for regeneration, resilience and future proofing. He confirmed that these objectives could not be met, other than with the current proposed design and the removal of the Boyne Bridge. He advised that Translink had a commitment to work with the local community in terms to public realm works and landscaping. He suggested that the plans for the Weavers Cross part of the development would offer a range of opportunities which included construction employment, training and apprenticeships.

During points of clarification, Mr. Conway advised that there were a number of engineering challenges on the site such as culverts, buildings in situ, railway safety requirements, together with technical challenges and regeneration considerations. He advised that Translink had worked closely with various community groups regarding the potential to regenerate the area and the naming of the square. In relation to the preservation of the Saltwater Bridge, he advised that a survey had been completed as far as possible, and an archaeological survey would be completed in the future. He also suggested that the proposed design had allowed for the potential for the electrification of trains in the future and space for a railway extension.

During discussion, the Director reiterated that DfI would be responsible for determining the application and that the recommended response to the consultation had been outlined in the report as follows:

- Further clarification was required regarding cycle and car parking. There was reference to a large surface car park which was marked as temporary, however, the Environmental Statement made reference to only a reduction of 21 spaces following completion. It was noted that that staff numbers were anticipated at 300 daily, staff parking was proposed at 90 spaces. Further clarification would be required on justification of this number as well as a parking plan to delineate where the spaces were and how the uses would be conditioned;
- In addition, the Transport Plan compared existing and proposed parking spaces on site but there was repeated reference to parking at Central Station which it would not appear to be appropriate to use for a before and after analysis. Similarly, some of the modelling information referred to residential units which had not been included in this application;
- In light of the scale of the proposed Station Square, the applicant should consider the inclusion of a larger amount of usable green space, as an integral part of its design;
- In light of the scale of development and the context of the wider masterplan, a Section 76 agreement would be recommended to ensure that public realm, phasing, landscaping and parking were completed in the appropriate time and manner. In the absence of a legal agreement, the Council would recommend that a Phasing and Implementation Plan was required and conditioned to formalise the phasing plans as set out in 4.11 of Volume I of the Environmental Statement and other documents, and agreed prior to commencement; and
- In light of the importance of the project in terms of employment creation, a Section 76 agreement would be recommended to leverage opportunities for Belfast City residents to benefit both from the construction jobs and long terms jobs that may come forward, working with development partners and local training groups in addition to the Council's Belfast Works initiative. In the absence of a legal agreement, the Council would recommend that a plan be required and conditioned for submission to the Council outlining the applicant's proposals for access to employment opportunities.

During further discussion, a Member raised the potential for regeneration opportunities for the communities in the area and a direct resource for local communities to deal with issues such as disruption, transport, and business closures. A Member also suggested that a Section 76 agreement had the potential for supporting local regeneration such as business development, tourism initiatives, and tackling health inequalities, and that resources at a local level for the wider community via development contributions should be considered.

The Committee noted the contents of the report and agreed to the submission of the Consultation Response to the Department for Infrastructure as outlined in the report (copy available on Modern.gov), with the addition of a paragraph highlighting the broader regeneration opportunities and resources for local communities which this development presented and calling for these to be considered as part of the recommended Section 76 agreement.

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 11th September and 10th October, 2017.

Abandonments and Extinguishments of Public Rights of Way

The Committee noted the receipt of correspondence from the Department for Infrastructure which related to the Extinguishment of Public Rights of Way at the rear of 50 - 60 Cromwell Road and Carlisle Parade, and the Abandonment of Public Rights of Way at the Lisburn Road Bus Turning Circle.

Miscellaneous Items

New Planning IT System - Update

The Committee was provided with an update regarding the ongoing process being undertaken by the Department for Infrastructure(DfI) in association with all 11 Councils on the replacement of the Northern Ireland Planning Portal.

It was reported that DfI and local government officers had been working together to progress a new planning IT system and that a discovery exercise, to identify the key

requirements, had been taken forward by consultants Deloitte to ascertain key functions of the new system. This had involved engagement at 30 workshops with a wide range of stakeholders from the local government, central government and other organisations.

This had led to widespread agreement on the following key functions of any new planning IT system:

- The ability to accept on-line applications in order to move towards a paperless process;
- The ability to accept on-line payments;
- The ability to manage and monitor large volume of planning applications;
- Notifications and alerts for application updates for all users of the system;
- A consistent mapping service with easy to select mapping layers with each Authority having the ability to manage their own default filters;
- A search function to allow users to search the system across several different;
- Search criteria, and enable each Authority to create and save their own standard searches;
- The ability for each Authority to manage, customize and maintain their own templates, and library of conditions and refusal reasons; and
- The ability for each Authority to produce their own core reports including Key Performance Indictor reports.

The Committee was informed that the discovery phase had also identified four potential business solutions:

- One shared IT system that is collectively managed / controlled;
- One shared IT system that is collectively managed / controlled but with local control for specific functions;
- One shared public facing IT system with back-office IT system for each Department and local council; or
- Twelve standalone IT systems – one for each Department and local council;

It was reported that PA Consulting had been appointed to draft a business case which would be ready later in the autumn, to provide an impartial view of the available options, taking into consideration costs, timeframes, and governance and funding arrangements, to identify the preferred option going forward for a new planning IT system.

It was highlighted that the principle of identifying options had been recognised by planning officers as the appropriate way forward, however, the Council had not received all of the information it required, including costings, that would allow assessment of each business solution at this stage.

The Committee noted the contents of the report and agreed that officers continue to engage with DfI and the 10 other planning authorities over the coming months, in relation to business solution for new planning IT system. The Committee also agreed to write to the Department for Infrastructure to highlight that an urgent response was required to update the Council on the business case, costings and timescale of the proposed new Planning Portal.

Restricted Item

Departmental Performance Update

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

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

Resolved – That the Committee agrees to exclude the members of the Press and public from the Committee meeting during discussion of these items as, due to the nature of the items, that there would be a disclosure of exempt information as described in Section 42 (4) and Schedule 6 of the Local Government Act (Northern Ireland) 2014.

The Director provided an overview of the report regarding an update on the departmental planning performance. He highlighted that the figures outlined were internally sourced and not official statistics from the Department for Infrastructure, and therefore, might be subject to change once the official statistics were subsequently released.

He informed the Committee that the Planning Department were not achieving the statutory targets for the processing times of planning applications. In addition, following the changes to the composition of staff in the Local Planning Applications Team on 21st August, 2017, it had become apparent that there were a significant number of long outstanding local applications in the system. As a consequence, a solutions based framework had been put in place by the new Local Team staff to reduce the numbers of such applications at the earliest opportunity. This would result in a negative impact on the determination of local planning applications over the next six months.

The Committee noted the contents of the report, in particular the current performance, measurements put in place to address processing times and the short term impact on performance. The Committee agreed that a report be submitted to a future meeting to include performance statistics and details of the following:

- Section 76 agreements;
- legacy planning applications; and
- the processing of Major planning application.

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

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 - LA04/2017/0623/F and LA04/2017/0628/DCA - Single storey rear extension, rear dormer and first floor extension to rear and first floor front extension at 10 Broomhill Park

(Councillors Bunting 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 19th September when it had originally been considered.)

The Chairperson informed the Committee that a second request to speak had been received on behalf of Mr. Johnston, an objector, citing exceptional circumstances. He advised that the objector had already made a presentation at the Committee Meeting on 19th September. The Committee agreed not to receive the deputation.

The Committee was reminded that, at its meeting on 19th September, given the issues which had been raised regarding the first floor front extension not complying with the Malone Conservation Area Guidelines, it had agreed to defer consideration of the application to enable potential reasons for refusal to be outlined for consideration in an amended report.

The case officer provided an overview of the addendum report and highlighted the inclusion of the following potential reason for refusal:

> ***1. The proposed first floor front extension is contrary to paragraph 5.2.47 of A Design Guide for the Malone Conservation Area in that, it would, if permitted add another storey to an original single storey attached garaged at an Inter-War residence which would result in harm to the Malone Conservation Area.***

The case officer informed the Committee that, after the agenda had been published, shadow tests had been submitted by the agent who had also suggested the following:

- the study concluded that the proposed extensions would have a minor impact in general on the gable wall of 12 Broomhill Park and an insignificant impact on the kitchen window of 12 Broomhill Park, which had been the subject of this objection.

She advised that the following further objections had been received from Strategic Planning, that the proposal was contrary to:

- Addendum to PPS 7 - Loss of Light / Overshadowing;
- Addendum to PPS 7 - Dominance; and
- PPS6 and A Design Guide for Malone Conservation Area.

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

The case officer advised that although a possible reason for refusal had been outlined in the report, the recommendation remained that the application should be approved.

Proposal

Moved by Councillor Hussey and
Seconded by Councillor Hutchinson,

That the Committee, agrees to refuse the application based on the reason for refusal outlined in the case officer's report, in that the proposed first floor front extension is contrary to paragraph 5.2.47 of *'A Design Guide for the Malone Conservation Area'* (DGMCA) in that, it would, if permitted, add another storey to an original single storey attached garaged at an Inter-War residence which would result in harm to the Malone Conservation Area, together with the additional reasons for refusal:

- the first floor front extension is contrary to Paragraph 5.2.32 of the DGMCA as the extension is to the front of the building and not the rear wall; and
- the first floor front extension is contrary to Paragraph 5.2.32 of the DGMCA as it adversely affects the visual and physical primacy of the original building's three dimensional form;

Both of which would also result in harm to the Malone Conservation Area.

On a vote by show of hands 7 Members voted for the proposal and 5 against and it was declared carried.

The Committee also agreed that a report be submitted to the Committee meeting in November regarding planning guidance on the practice for deferring planning applications for potential reasons for refusal and that the Design Guide for the Malone Conservation Area be circulated to the Members of the Committee.

Reconsidered Item - LA04/2016/2205/F - Erection of a two storey dwelling (revised scheme) West and to the rear of 2 Knockdarragh Park

(Councillors Bunting and McAteer took no part in the discussion or decision-making of the application since they had not been in attendance at the meeting on 19th September when it had originally been considered.)

The Chairperson informed the Committee that a second request to speak had been received from Mr. Smyrl, an objector, citing exceptional circumstances.

He advised that the objector had already made a presentation at the Committee Meeting on 19th September. The Committee agreed not to receive the deputation.

The Committee was reminded that, at its meeting on 19th September, it had 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 case officer provided an overview of the addendum report. She highlighted that additional conditions had been outlined to the recommendation for approval, in relation to landscaping on the boundary with 2 Knockdarragh Park, obscure glazing on the Velux windows and materials to be agreed for the proposed hardstanding car parking area.

The case officer informed the Committee that, after the agenda had been published, the following objections had been received from residents:

- the addendum report failed to explain if the proposal would be acceptable regardless of the planning history;
- the addendum report failed to offer any assessment as to whether there had been any material change in circumstances since the previous grant of planning permission on the application site;
- the addendum report failed to consider 'errors' in original case officer's report as highlighted in objections from Mr. and Mrs. Smyrl;
- the original case officer report was inaccurate in respect of the relationship between the proposal and existing dwellings, and the relationship between 354 and the adjacent building;
- the existing back land development was of a different character to the proposal;
- increase in noise from cars;
- the layout was contrary to the Creating Places Design Guide;
- the loss of privacy and nuisance;
- obstruction of access during the construction phase;
- ownership issues and health of the tree on the site;
- the development would be out-of-character with the surrounding area;
- the proposal failed to meet the minimum depth requirement of 80m for a back land development;
- the proposal would be greater in density than other buildings in the area;
- the dwelling would be facing onto the back of another property at a proximity closer than what was required;
- objection to a 2.5 storey dwelling on the site;
- the increase in density and overshadowing;
- the potential impact on property values.

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

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.

(The meeting was adjourned for 10 minutes.)

LA04/2015/0061/F - Fifty-five bed nursing home on lands to rear of 21 Finaghy Park Central

(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 case officer outlined the application for the erection of a fifty-five bed nursing home with associated parking and landscaping (amended scheme).

The Committee received a representation from Mr. D. Mullholland, resident, in objection to the application. He suggested that the proposal would change the character of the area and affect the townscape character designation and raised concerns in relation to the elevation of the design. He highlighted that there had been a number of objections to the proposal and suggested that the plans were void of character and too large and dominant for the area. He questioned the height of the proposal and suggested that it had the potential to dwarf all the buildings in the surrounding area and there would be a loss of privacy for neighbouring residents. He indicated that the development proposed only a few trees and domestic hedging to obscure views into neighbouring properties, and almost none of the current green space would remain, if the development was approved. He suggested that the development would remove seepage and flood defences and also had the potential to reduce property value in the area. He indicated that the proposal would result in an increase in traffic and accidents, and affect car parking availability in the area.

The Committee received representation from Councillor McAteer who outlined a range of objections to the case officer's recommendation for approval. She suggested that the proposal was out of character in relation to the townscape of the area and highlighted that weight should be given to the Belfast Metropolitan Area Plan in the decision making process. She advised that residents had raised issues with the height, density and massing of the proposal and that it would be in contrast to the other residential properties in the area. She raised concerns in relation to the elevation of the site, off street car parking, traffic management, lack of turning points for traffic, congestion and the additional risk of flooding. She suggested that a site visit would be beneficial for the Committee.

During points of clarification, the case officer confirmed the history of planning on the site and that Transport NI were content with the application and the access and parking proposed. She highlighted that the planning conditions included in the case officer's report were reasonable and necessary for the recommendation.

After discussion, the Committee, given the issues which have been raised regarding car parking, scale, massing and overdevelopment at the site, 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 a representative from Transport NI be invited to attend.

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

LA04/2017/1607/F - Renewal of Temporary Planning Permission for Exhibition Centre (Application Ref LA04/2015/0057/F) and installation of entrance lobbies at 17 Queens Road

The case officer advised that the principle of the proposed development had already been established on the site through the previous granting of a proposal for a three-year period on 30th June, 2015. He advised that two entrance lobbies had been added, the purpose of which was to better manage the flow of people into and out of the exhibition centre. He indicated that, given the temporary nature of the proposal, it would not conflict with the zoning or prejudice the future redevelopment of the site in line with the planned development of Titanic Quarter. He advised that the principle of an exhibition centre was considered acceptable in this case for a further temporary 5-year period.

He highlighted that the Environmental Protection Unit had asked for further detail in relation to floor structure detail to confirm if there would be adequate mitigation of potential gas pathways and how they might be broken up. However, reports which had been submitted with the previous application on the site (LA04/2015/0057/F) concluded that the structure would block any potential contaminant pathways and that there was no need for any additional remediation.

During points of clarification, the Committee received representation from Mr. B. Kelly, agent representing the applicant. He explained that an events management plan was in place which included the sequencing of car parks for large scale event. He advised that the need for a continued temporary building was so that the applicant's business could continue to grow and that they could give certainty to event operators and attract future events. He suggested that a permanent building would be an objective of the applicant in the future. He pointed out that a Traffic Forum had been established to alleviate disruption in the area and investment had been made in the connection to the Titanic Train halt. He advised that the issue of poor lighting in the car parking area would be raised with the applicant.

Proposal

Moved by Councillor Hutchinson, and
Seconded by Councillor Johnston,

That the Committee agrees to grant approval to the application for a 3-year temporary period, subject to the imposing of the conditions set out in the case officer's report.

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

Further Proposal

Moved by Councillor Magee, and
Seconded by Councillor Garrett,

That the Committee agrees to grant approval to the application for a 5-year temporary period, subject to the imposing of the conditions 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.

(Councillor McDonough-Brown returned to the Committee table at this point.)

LA04/2017/0348/F - Factory and office for production of timber sheds and play structures on site adjacent to 729 Springfield Road

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

The case officer outlined the proposal for the construction of a factory and office for production of timber sheds and play structures. She advised that the proposed site layout included 12 car parking spaces for staff and access for an articulated lorry.

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

LA04/2017/1509/F- Temporary car park with associated lighting, kerbing, drainage and surfacing on ground to the rear of 131 Andersonstown Road and bounded by the South Link Road

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 in the case officer's report and delegated power to the Director of Planning and Place for the final wording of the conditions.

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

LA04/2017/1522/F - Conversion of dwelling to a HMO at 3 Pembroke Street

The case officer outlined the proposal for the conversion of a dwelling to a House in Multiple Occupation.

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

Chairperson