

Planning Committee

Tuesday, 14th November, 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
Ms. E. McGoldrick, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Councillors Bunting and Carson.

Minutes

The minutes of the meeting of 17th October were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st November, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Regarding item 9.a) 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 to the proposal, and had made a deputation at the last meeting in relation to the application.

Committee Site Visits

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

Pursuant to its decision of 17th October, it was noted that the Committee had undertaken a site visit on 2nd November in respect of planning application LA04/2015/0061/F - Fifty-five bed nursing home on lands to rear of 21 Finaghy Park Central.

Schedule of Meetings 2018

The Committee agreed to meet at 5.00 p.m. on the following dates during 2018:

- Tuesday, 16th and Thursday, 18th January;
- Tuesday, 13th and Thursday, 15th February;
- Tuesday, 13th and Thursday, 15th March;

- Tuesday, 17th and Thursday, 19th April;
- Tuesday, 15th and Thursday, 17th May;
- Tuesday, 12th and Thursday, 14th June;
- No meetings scheduled in July;
- Tuesday, 14th and Thursday, 16th August;
- Tuesday, 11th and Thursday, 13th September;
- Tuesday, 16th and Thursday, 18th October;
- Tuesday, 13th and Thursday, 15th November; and
- Tuesday, 11th and Thursday, 13th December.

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 October and 6th November, 2017.

Departmental Performance Update

The Director tabled a 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 provided a breakdown of the monthly performance up to 31st October, 2017 as follows:

Planning Applications

- 212 applications had been validated in October, 2017;
- 242 applications had been validated in September, 2017; and

Planning Decisions

- 304 decisions had been issued in October, 2017;
- 240 decisions had been issued in September, 2017;
- 89% approval rate;
- 96% decisions had been issued under delegated authority; and

No. of applications in system by length of time

- 913 live applications were in the system at end of October, 2017;
- 28% of applications were in the system for more than 6 months; and
- 8 legacy applications were outstanding.

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 October, the average processing time to decide major applications was 31.6 weeks, with 50% of applications on target. Performance however was skewed by a small number of applications.
- 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 October, 2017, the average processing time to decide local applications was 15 weeks, with 51% of decisions issued on target;
- The statutory target was that 70% of all enforcement cases are progressed to target conclusion within 39 weeks of receipt of complaint. In October, 2017, 56% of enforcement cases had been concluded on target. This drop in performance could be contributed to a recent focus on concluding longstanding enforcement cases; and
- On average, the execution of Section 76 agreements added an extra 24 weeks to the processing times, however, a more detailed update would be submitted to the Committee in December.

The Director highlighted that there had been a significant increase in the numbers of decisions which had been issued in the last month and reiterated that robust measurement and management of the performance, as outlined last month, would continue.

He advised that statutory consultee response timescales would also be submitted to the next Committee meeting.

Noted

(Councillor Mullan entered the meeting at this point.)

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

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:

- Annalee Court;
- Hopewell Crescent; and
- Mountpottinger Road.

Miscellaneous Items

Proposed 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.

It was reported that the second survey of all of Northern Ireland's building stock was currently underway, to update and improve on the first list of buildings of special architectural or historic interest which began in 1974 and was due to be completed in 2016.

After discussion, the Committee agreed with the Agency's proposals to list the following buildings:

- 1 Sans Souci Lane, Belfast, BT9 5QY;
- 3 Sans Souci Lane, Belfast, BT9 5QY;
- NI Regional War Room, Belfast, BT9 6RB;
- The Craggs, 29 Newforge Lane, Belfast, BT9 5NU;
- 12 St. Johns Avenue, Belfast, BT7 3JE;
- 40 St. Johns Park, Belfast, BT7 3JF;
- 4 Knockbreda Park, Belfast, BT6 0HB;
- 16 Knockbreda Park, Belfast, BT6 0HB;
- 46 Hampton Park, Belfast, BT7 3JP; and
- 28 Florenceville Drive, Belfast, BT7 3GY.

Belfast Local Development Plan Timetable Update

The Committee considered the undernoted report:

"1.0 Purpose of Report or Summary of Main Issues

1.1 To update the Members on progress with the new Belfast Local Development Plan (LDP) and to review the timetable for the adoption of the LDP.

1.2 The City Council published its agreed timetable for the preparation and adoption of the new LDP in June 2016 following consultation with the Department for Infrastructure (DfI) and the Planning Appeals Commission (PAC). A summary of this initial timetable is attached at Appendix 1. The Council has completed the Preferred Options Paper (POP) stage and work is currently ongoing in preparing the Draft Plan Strategy.

1.3 In response to the early engagement, additional detailed studies to support the required evidence base for the new LDP were approved and are nearing completion. The requirement to carry out these additional complex pieces of work has impacted on the work programme and there has been some slippage in the originally approved timetable. In addition, we are advised by the Planning Appeals Commission that the Independent Examination of the LDP, at both formal stages, could take approximately one year and this has further implications for the current approved LDP timetable.

1.4 It has been agreed with DfI that the LDP timetable will be kept under review and this report proposes to formally revise and update the timetable to reflect progress and projected timeframes. As part of the review the consultation timeframes outlined in the approved Statement of Community Involvement (SCI) have been reassessed in relation to the re-consultation aspects of the LDP process. This report also seeks approval to make minor revisions to the SCI for submission to the DfI for approval in advance of formal amendment to the published document.

2.0 Recommendation

2.1 It is recommended that the Committee:

- notes the updates set out in the report;
- agrees the revisions to the LDP timetable as set out in 3.7 and Appendix 2; and
- agrees the amendments to the SCI consultation periods as set out in paragraphs 3.10 to 3.11.

3.0 Main Report

3.1 The approved LDP Statement of Community Involvement (SCI) and Timetable were published in June 2016 and these set out the consultation arrangements and timeframes associated with the key stages in the LDP process. The test of soundness for the LDP includes consideration of adherence to the SCI and agreed timetable.

3.2 The currently approved timetable (Appendix 1) covers the full plan-making cycle. It was agreed with the Department for Infrastructure (DfI) in accordance with planning legislation on the basis that it would be kept under review. There are regulatory provisions to allow the Council to revise both the timetable and the SCI in response to changes in the anticipated timeline for LDP preparation.

- 3.3** Delays were encountered in the preparation and publication of the Preferred Options Paper (POP), which was published several months later than the approved timetable. The preparatory work for the Draft Plan Strategy has required the commissioning of additional detailed studies, not anticipated at the outset of the process, to support the evidence base. These include an Urban Capacity Study, Housing Market Needs Assessment, Retail and Leisure Study and Open Spaces Strategy.
- 3.4** The detailed studies are essential in seeking to ensure that the Draft Plan Strategy meets the soundness tests and are now nearing completion. This evidence will also inform the later Local Policies Plan and, therefore, time spent now should help frontload the later stage of the plan development.
- 3.5** In addition to some slippage on the LDP timetable to date, we have also been advised by the Planning Appeals Commission that the Independent Examination of the LDP, at both the Draft Plan Strategy and Local Policies Plan stages, could take approximately one year, which is an increase from the 9 months originally estimated by Dfl. As the Independent Examination stages are outside the control of the Council, it is considered expedient to reflect the additional time allowances in the revised timetable.
- 3.6** The above matters have implications for the approved LDP timetable and it is considered necessary to revise the timetable at this time, in advance of submitting the Draft Plan Strategy for Independent Examination.
- 3.7** The current timetable states that the Draft Plan Strategy will be available for public consultation in the 'second half of 2017'. Intensive preparatory work is ongoing, including engagement with key stakeholders, and it is now anticipated that formal consultation will start in March/April 2018. This will require members to consider and approve the formal draft Plan Strategy documents in the first quarter of 2018. In addition, as much of the upcoming LDP process lies outside the Council's control, it should be recognised that there remains a significant degree of uncertainty for this future timetable necessitating ongoing review, in consultation with Dfl, at each stage of the process.
- 3.8** The revised timetable is attached at Appendix 2 of this report. It is recommended that the Committee endorses the revised timetable for submission to Dfl for formal agreement.

The timetable will be kept under review during the LDP process and any further changes will be brought to the Committee for consideration.

- 3.9 The delay in publishing the Draft Plan Strategy and the potential longer period for Independent Examination will require a formal modification of the timetable and there is the parallel opportunity to introduce interrelated changes to the SCI. As part of the timetable review and ongoing discussions, the periods for consultation within the SCI were also reassessed. The SCI provides for a series of 12-week consultation periods where public representation and counter-representation to the draft LDP documents are possible.
- 3.10 These Council timescales are beyond the statutory 8-week periods set out in the LDP Regulations. Following the reassessment, it is considered that there is potential to reduce the overall timeframe for the LDP process by aligning some of the consultation periods with the statutory requirements. It is, therefore, suggested that a statutory 8-week period is applied to each of the more narrowly focussed counter-representation stages.
- 3.11 This revision to the SCI would leave the opportunity to engage in the primary consultation unaltered at 12-weeks, in the interests of encouraging public participation. During this initial consultation the draft plan documents will be published 4 weeks in advance of the statutory 8-week period to allow for additional engagement. Should this be agreed by members, the SCI (and any relevant text in the timetable) will be amended accordingly and submitted to the DfI for agreement, prior to its publication.

Finance and Resource Implications

There are no resource implications associated with this report.

Asset and Other Implications

None noted.

Equality or Good Relations Implications

There are no relevant equality or good relations implications attached to this report.”

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

- the revisions to the Local Development timetable as set out in 3.7 and the appendix 2 of the report (copy available [here](#)); and
- the amendments to the Statement of Community Involvement consultation periods as set out in paragraphs 3.10 to 3.11 of the report.

Participation on Impact Advisory Group Knowledge Exchange Visit

The Committee noted that the Principal Planning Officer, Dermot O’Kane, had been invited to join a research delegation to Curitiba, Brazil by Queens University Belfast and Belfast Healthy Cities as part of the Healthy Urban Living and Ageing in Place Project, and that the costs associated with the visit would be met by Queen’s University Belfast.

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 - LA04/2015/0061/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 Chairperson informed the Committee that a second request to speak had been received from Mr. D. Mullholland, an objector, citing exceptional circumstances and a new request had also been received from Mr. B. Warrington. The Committee agreed not to receive either of the deputations as it did not consider the circumstances to be exceptional.

The Committee was reminded that, at its meeting on 17th October, given the issues which had been raised regarding car parking, scale, massing and overdevelopment of the site, 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 Committee received representation from Councillor Nicholl who outlined a range of objections to the case officer’s recommendation for approval. She suggested that the proposal had significant opposition from local residents which included difficulty in exiting the street in rush hour due to traffic and car queues, was out of character with the area and would overshadow the rest of the street. She inferred that the proposal would increase traffic by over 40 percent and suggested that the proposal was contrary to Planning Policy Statement 3, as it would be incompatible with access, movement and parking. She advised that consideration should be also given to the impact the proposal

might have on car parking and traffic of the surrounding streets. She explained that access was already difficult for large vehicles, such as bin lorries, and the site was not ideal for heavier traffic. She suggested that the proposal would be ten times the size of any other building in the street, it would comprise 10 percent of the total land in the street but would house over thirty percent of the total number of residents in the street.

She stated that the proposal was contrary to PPS 11 – planning waste management as it would increase the risk of flooding. She advised that residents were concerned that the development would introduce a security risk for children playing, a loss of privacy, impact on the Townscape character and reduce property values, for those reasons, she suggested that the Committee should refuse the application.

The case officer provided an overview of the report. During points of clarification, the case officer confirmed that Transport NI had been satisfied with the application and confirmed that adequate access had been proposed.

Proposal

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

That the Committee, agrees to refuse the application on the grounds that it does not meet Policy AMP 2 - Access to Public Roads, as outlined in Planning Policy Statement 3: Access, Movement and Parking, in that the proposal would prejudice road safety and significantly inconvenience the flow of traffic, together with the nature and scale of the development which would negatively impact the residents.

On a vote by show of hands 6 Members voted for the proposal and 5 against and it was declared carried.

LA04/2017/2209/F - Temporary change of use of former Belfast Telegraph printing hall to event space at 122-144 Royal Avenue

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

The case officer advised that planning permission was sought for a temporary change of use of a former print hall to an event space for a two-year period. During the course of consultation, this description had been changed to one year to ensure compatibility with potential future developments.

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

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

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

LA04/2017/2112/F - Variation of condition 7 (LA04/2016/1252/F) which refers to legislative procedures for the loading bay on site bounded by Little York Street Great George's Street and Nelson Street

The case officer advised that the initial condition had required that the appropriate legislative procedures for the approved loading bay on Nelson Street were successfully completed prior to the commencement of the development on site. The applicant had requested that the condition was amended to allow work to commence prior to these legislative procedures being completed, and the procedures had now been completed prior to the occupation of the building. He advised that Department for Infrastructure - Roads Unit, had no objections to the proposal and had requested that the wording of the condition be amended as follows:

- ***The development hereby permitted shall not be occupied or otherwise become operational until the appropriate legislative procedures for the loading bay on Nelson Street have been successfully completed.***

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

Chairperson