

# Planning Committee

Tuesday, 12th December, 2017

## MEETING OF PLANNING COMMITTEE

- Members present: Councillor Lyons (Chairperson);  
Councillors Armitage, Garrett, Hussey,  
Hutchinson, Johnston, Magee, McAteer,  
McDonough-Brown and Mullan.
- In attendance: Mr. J. Walsh, City Solicitor;  
Mr. K. Sutherland, Development Planning and Policy  
Manager;  
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 Alderman McGimpsey and Councillors Carson and Dorrian.

### Minutes

The minutes of the meeting of 14th November were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 4th December, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### Declarations of Interest

No declarations of interest were reported.

### Quarter 2 - Finance Update

The Committee noted the contents of a report which provided an overview of the financial position of both the Planning and Licensing Committees, as at the end of the second quarter of the financial year. It was noted further that, as at 30th September, there had been a net over-spend of £132k, and the forecast year-end departmental position was an over-spend of £22k (1.5%) which had arisen from reductions in grant funding which related to Affordable Warmth and Regularisation applications.

### Section 76 Update

The City Solicitor provided an update in relation to the ongoing Section 76 project. He advised that the project would establish a framework for negotiating and securing Developer Contributions as part of the planning application process (the "Developer Contributions Framework") and develop processes and procedures around the identification, monitoring and implementation of Planning Agreements, including those that secure Developer Contributions.

He advised that the Council had powers under both the Planning Act and Strategic Planning Policy Statement to seek Developer Contributions and that the Planning Service had secured over £3 million of Developer Contributions since 2015. He highlighted that the Developer Contributions Framework (DCF) was currently being drafted and that Party Briefings and a Workshop would be scheduled in due course so that Members would have an opportunity to input into its approach, ahead of consideration by the Planning Committee and Strategic Policy and Resources Committee.

He provided an overview of the timeline for delivery of the draft DCF and emphasised the requirement for robust systems and procedures around the identification, monitoring and implementation of Planning Agreements, including those that secure Developer Contributions.

He advised that key tasks included:

- construction of a database to record and monitor Planning Agreements;
- development of financial processes;
- formation of governance arrangements for spending contributions; putting in place a mechanism for independent assessment of viability when Developer Contributions are challenged; and
- the publication of internal and external guidance on the Planning Agreement process.

During discussion, the City Solicitor advised further that consultation and engagement would be undertaken with stakeholders and communities, together with research into case law and city comparison studies, in the development of the Developer Contributions Framework.

Noted.

### **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 November and 1st December, 2017.

**Departmental Performance Update**

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

The Development Planning and Policy Manager tabled a report in relation to 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 30 November, 2017 as follows:

*Planning Applications*

- 223 applications had been validated in November, 2017;
- 212 applications had been validated in October, 2017; and
- 1734 applications had been validated since 1st April, 2017.

*Planning Decisions*

- 201 decisions had been issued in November, 2017;
- 304 decisions had been issued in October, 2017;
- 90% approval rate; and
- 98% decisions had been issued under delegated authority.

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

- 894 live applications were in the system at end of November, 2017; and
- 7 legacy applications were outstanding.

The Development Planning and Policy Manager highlighted that there were 26 live major planning applications. This included a decision on one major application issued in November and it was within the 30 week target (17 weeks). Ten had been approved by Committee but were awaiting the execution of a Section 76 agreement. Six applications were currently within the 30-week target for processing applications and would be brought for Committee consideration at a future date.

He pointed out that, in relation to Local Applications, there had also been an increase in the numbers of decisions issued in the past 3 months which demonstrated that there was a positive trend in accelerating decision making for local applications. He advised that the number of applications received last month exceeded the number of decisions issued and the Department would continue to monitor this to ensure that any backlog would not increase.

He informed the Committee that, up to 31st October 2017, the latest figures available from Department for Infrastructure showed that 65% of enforcement cases were concluded within the target of 39 weeks, 5% below the statutory target. However, recent figures indicated that the Department should achieve enforcement targets going forward.

He advised that future reports would contain more detailed information in relation to factors affecting performance, and continuous improvement measures.

Noted

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

#### **Notice of Entry**

The Committee noted the receipt of correspondence from Northern Ireland Water which related to a Notice of Intended Entry at 263 – 285 Beersbridge Road.

#### **Withdrawn Items**

The Committee noted that item 9). Request for Pre-determination hearing for LA04/2015/0674/F and LA04/2015/0672/DCA for 13-23 Clarence Street and 26-28 Linenhall Street (including Clarence Gallery), had been withdrawn from the agenda.

#### **Restricted Items**

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

Resolved – That the Committee agrees to exclude the members of the Press and public from the Committee meeting during discussion of this item as, due to the nature of the item, 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.

#### **Additional Item - Operating Principles and Development Management Recommendations**

Earlier in closed session, with the permission of the Chairperson, the Chief Executive provided the Committee with an update on the evaluation of the Planning function. She tabled documents in relation to the future operating principles and development management recommendations for the service. The Members had given general approval to the direction and purpose of the review and noted that they would have the opportunity, in January, 2018, to further consider the documents, in conjunction with a performance report. The Committee also noted that a review of the Operating Protocol would be added to the Summary of Development Management Recommendations document.

The Committee noted:

- the Development Management Recommendations in relation to improvements in the Planning Service;
- the 10 Operating Principles; and

- that a workshop on the development of the Planning Department and its performance would be scheduled in due course.

### **Planning Portal Update**

The Committee was provided with an update on the outcome of the discovery process, and the ongoing business case preparation process, which was being undertaken by the Department for Infrastructure in association with all 11 Councils on the replacement of the Northern Ireland Planning Portal.

It was reported that officers from both Planning and Digital Services had been involved in the Discovery Exercise which had just been completed and they would continue to be involved in the next phase of Business Case Preparation by PA Consulting. It was confirmed that indicative costings had now been provided and a market sounding exercise was currently underway with planning portal providers.

The Members were advised that the business case was due to be completed by the end of February, 2018 and a decision regarding the development of a new regional Planning Portal was likely to be required in March, 2018.

The Committee was informed that the Northern Ireland Local Government Association (NILGA) had scheduled a seminar, on 26th January, 2018, to highlight key issues of the Planning Portal and it was open to all Members of the Planning Committee to attend.

After discussion, the Committee noted the update which had been provided and agreed that all Planning Committee Members be invited to attend the NILGA Seminar, and authorised the payment of the associated travel allowances.

### **Planning Applications**

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

#### **LA04/2017/0046/F and 0044/DCA - 22 apartments with associated landscaping, access, car parking, construction of new gable wall and all associated demolitions and site works at 140 and 142 Malone Avenue and the rear of 18 Windsor Avenue**

The case officer provided an overview of the proposal for the demolition of the existing buildings and the construction of 22 apartments with associated landscaping, car parking and a new vehicular access to Malone Avenue along with the construction of a new gable wall to the rear of 18 Windsor Avenue. She advised that there was an associated Conservation Area consent application for the demolition works under reference LA04/2017/0044/DCA.

The case officer informed the Committee that, after the agenda had been published, 10 additional letters of objection had been received, resulting in a total of 155.

This included a letter from Malone Residents' Association which outlined concerns with the planning application proceeding to the Committee meeting, and a letter of opposition received from Paula Bradshaw MLA. She advised that the following points of objection had been raised in relation to the proposal:

- It would be a gross overdevelopment;
- The proposal did not respect the architectural style, scale, existing densities or pattern of development;
- It would cause harm to the residential amenity;
- Issues regarding parking, bin storage, access for deliveries, maintenance, emergency vehicles had not been addressed;
- Previous planning permission for the replacement Church should not set a precedent for approval of a residential scheme of a similar scale;
- The site could comfortably accommodate pairs of semi-detached houses.
- There had been a lack of transparency, in that details of meetings with the applicant had not been made public via the planning portal, resulting in grave concerns that the applicant might have had undue influence on the process;
- Disregard for process and undue haste, in that the recommendation had been formed before the neighbourhood consultation period had ended, with an application going before the Planning Committee a mere 20 working days after the original neighbour notification letters had been issued;
- Contravention of clear and established planning policy which the planning officer had chosen to disregard;
- No site on Malone Avenue has had a building of this height, width or depth;
- Development was not consistent with the surrounding mass, scale or pattern of development;
- Previous planning approvals required the development to step down to the east and to the west to match exactly the ridge height of the adjacent buildings and building lines – this had been completely disregarded;
- It would add to existing parking issues in Malone Avenue, as well as adding to the existing traffic issues in the Lisburn Road area; and
- Concern over the amount of apartment blocks which would change the atmosphere for those living in Malone Avenue.

The case officer outlined the response of the Planning Department to the aforementioned issues raised, as set out in the Late Items Report Pack, and highlighted that the office meeting referred to in the objectors' correspondence had been conducted in an open and transparent manner.

The Committee received a representation from Mr. J. Stinson, representing Lower Malone Residents Association, in objection to the application. He advised that the site was within the Malone Conservation Area and suggested that the scale and density

of the proposal would be detrimental to the area, especially the 12 semi-detached houses situated opposite the proposed development. He indicated that residents had raised numerous objections and had highlighted the breaches in Planning Policy. He suggested that the development proposed a ridge line which would be 4 metres higher than the adjacent and facing properties and, if approved, would dwarf the existing dwellings. He indicated that the previous planning history on the site had respected the ridge height of the existing properties. He suggested that the Malone Avenue had a consistent building line, however, the development would be out of sync with the surrounding buildings, sitting 1 metre forward from the exiting building line. He also suggested that the proposal was contrary to PPS 7 – QD1, in that it was not consistent with the prevailing character or surrounding environment. He advised that residents were concerned in relation to the speed of which the application had been processed and suggested that the application should be refused.

The Committee received representation from Councillor Craig who outlined a range of support to the case officer's recommendation for approval. He suggested that the proposal would benefit the residents of South Belfast. He advised that the development would help fund a new church building, at an alternative site, which was required due to growth of the congregation. He suggested that the applicant planned to redevelop a derelict art-deco building on the Lisburn Road, therefore, would help protect Belfast's Built Heritage.

The Committee received representation from Mr. T. Stokes, agent, and Mr. J. McCormick, applicant. Mr. Stokes suggested that the development was intrinsically linked to the financing and delivery of the New Windsor Baptist Church and would assist the future provision of a wide range of community services and projects at the former Majestic Cinema Site on the Lisburn Road, which had received Planning approval in August. He advised that the Church had grown significantly, along with the services it provided, including cross community initiatives. He pointed out the previous planning approval on the site for a larger church remained live, however, the church had continued to expand and required a larger property to suit its needs. He advised that a community consultation meeting had taken place on 17th November, 2016, together with a pre application discussions with the Planning Department. He suggested that the design had been amended accordingly, such as a reduction in size, the change to the building line and stepping down of the apartment block. In relation to the material contribution of the existing church, he stated that demolition consent had already been granted and there had been no change to Planning Policy since then. He suggested that the proposal would remove the unsightly portable cabin and unattractive views of the rundown building to the rear of the site and would improve the Conservation Area. In relation to the objector's comments, he suggested that the design was in line with the character of the area, as the prevailing character of the area was of Houses of Multiple Occupation (HMO) properties and apartment conversions. He also suggested that the proposal was situated in a highly sustainable location on a brownfield site and the proposal was sympathetic of the Malone Conservation Area. He stated that there had been no objections from statutory consultees and endorsed the Planners recommendation to approve the application.

### Proposal

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

That the Committee, given the issues which had been raised regarding the Malone Conservation Area, the height of the proposal and impact on local residents, agrees to defer consideration of the applications to permit a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand.

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

**LA04/2017/0465/F - 3 townhouses, 6 detached, 16 semi-detached dwellings, restoration works to the external fabric of the Chapel of the Resurrection on lands accessed via 578 Antrim Road (West Side) between Innisfayle and Waterloo Parks Belfast. Chapel of Resurrection to centre of site**

The case officer outlined the proposal and advised the Committee that an application for Listed Building Consent had also been submitted alongside this full application (LA04/2017/0492/LBC).

She confirmed that the Church on the site would be repaired and weather proofed by the applicant but a new Planning Application would be required for its future usage.

The Committee received a representation from Mr. M. O'Reilly, representing residents. He outlined the following points of objection to the application.

- The density of the proposal was not reflective of the surrounding area and sought to introduce a development of a significantly higher density than that of the receiving environment;
- The site plots were not comparable with that of the existing area;
- The proposal was contrary to PPS7 - LC1;
- The Committee was not bound by previous decisions that had been made by the Planning Section of the Department of Environment;
- In relation to drawing 68 (stamped 6th July, 2017) on the Planning Portal – the separation distances of plot 16 and 17, outlined in the drawing, were incorrect, and fell short of the direction as outlined in Creating Places Design Guidance;
- The site levels were incorrect and topographical levels had not been reflected in the layout or the case officer's report;
- No information seemed available on the Planning Portal in relation to cross sections and levels surrounding the relationship between plot 16 and 17 and the existing property;
- The dominant height of the proposal would cause overlooking and loss of light;

- Drawing 68A, as outlined in the case officer's report, was not available on the Planning Portal; and
- Suggested that the application should be deferred so that clarity could be given on the issues he had raised.

The Committee received representation from Mr. T. Brownlie, Mr. M. Nugent, and Mr. J. Casey, representing the applicant. In relation to the objector's comments, they pointed out that the development was not higher in density than the surrounding area and was zoned for housing in the Belfast Metropolitan Area Plan. They confirmed that previous planning permission had been granted for 33 dwelling on the site and this application proposed 25 housing units with a better layout. They suggested that the application had been correctly assessed by the case officer under PPS 7. In relation to plot size, they stated that there was a variation in size and range of house types, all within PPS 7 requirements and planning policy. They suggested that all relevant drawings had been submitted and explained that as the site rises in places, the boundary distances varied and there were also a range of heights. They suggested that the proposal was not dominant, would not overlook or damage the existing properties, would develop a derelict site and also protect a grade 1 listed building for future development.

During discussion the case officer confirmed the variation in ground levels and advised that all drawings should be accessible on the Planning Portal. She informed the Committee that after the Impact Assessment, amendments to the design had been made in relation to the rear of the existing buildings. She also confirmed that the maintenance of foliage would be subject to condition.

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

**LA04/2016/2531/F - 47 dwelling units of 7 townhouses, 40 apartments, landscaping, car parking and all associated site works including change of use of 163 Ormeau Road from offices to apartments on Lands at 163 Ormeau Road**

The Committee considered the aforementioned application.

The case officer advised that the site was currently in use as construction company offices which had an existing two storey building located parallel to Rugby Avenue and a single storey building and Portable Cabin located parallel to the Ormeau Road.

During discussion the case officer advised the retention of the wall was not protected, so could not be imposed as a condition of the recommended planning approval, however, she would submit the remarks to the developer for consideration regarding the potential reuse of the brick.

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

**LA04/2017/0431/F - 76 semi-detached houses and associated site works on lands to the south of Kitchener Drive, north of 2-30 (evens) Frenchpark Street and west of 59-149 (odds) Donegall Avenue**

The case officer outlined the application for the residential development.

The Committee received representation from Councillor Craig who suggested that the proposal would benefit the area and provide family homes. He suggested that the development would start the rebirth of the area and attract families to settle in the area.

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 adjourned for 10 minutes at this point)**

**LA04/2017/2494/F - House of Multiple Occupation (HMO) at 11 College Place North**

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

The case officer explained that, after assessment, the application had been recommended for refusal on the grounds that the proposal would result in breach of the 10% threshold of the street becoming HMO use, contrary to Policy HMO 5 of the House in Multiple Occupation Subject Plan, 2015.

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

**LA04/2017/0235/F - Demolition of existing office building for residential development of 53 units (18 apartments, 21 detached, 14 semi-detached) on lands at Rosepark House, Upper Newtownards Road**

The Committee considered the aforementioned application.

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 for the final wording of the conditions.

**LA04/2017/1752/F - Change of use from dwelling to House of Multiple Occupation (HMO) at 44 Stranmillis Road**

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

The case officer explained that, after assessment, the application had been recommended for refusal on the following grounds:

- The proposal was contrary to Policy HMO 1 and HMO 2 of the HMO Subject Plan for Belfast City Council Area 2015 in that the 30% limit for HMO's within the Stranmillis HMO Policy Area (Designation HMO 2/19) had already been exceeded. Approval of this proposal would therefore be contrary to policy as it would contribute to an unacceptable concentration and proliferation of HMO use in the area; and
- The proposal was contrary to Policy HMO 6 of the HMO Subject Plan for Belfast City Council Area 2015, in that it was within a HMO Policy Area and would exceed 4 bedrooms.

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

**LA04/2017/1779/F - Reconfiguration and refurbishment of existing Parochial Hall and boxing club with single storey side extension, single storey internal extension and change of use from Parochial Hall, Community Hall and Boxing Club to crèche (sure start), Youth Club, Boxing Club, Man Shed Initiative Scheme, community hub services and a multi-purpose hall for hire to the local community at Sacred Heart Parochial Hall, 11-13 Gracehill Court**

The case officer provided an overview of 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 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.

**LA04/2017/2050/F - Revisions to previously approved signalised access to Colin Park on lands south and west of Dairy Farm Complex, Stewartstown Road**

The Case officer advised that an amendment to the access road had been approved under planning application LA04/2016/0430/F which was for the provision of a new transport hub building with a bus turning area and signalised access to site.

She highlighted that this application consisted of revisions to the previously approved signalised access to Colin Park by removing the left turn island and lane on the southbound approach when travelling along the Stewartstown 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.

Chairperson