

Planning Committee

Tuesday, 16th January, 2018

MEETING OF PLANNING COMMITTEE

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

Minutes

The minutes of the meeting of 12th December were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 3rd January, 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.

Committee Site Visits

Pursuant to its decision of 12th December, it was noted that the Committee had undertaken a site visit on 9th January in respect of planning application LA04/2017/0046/F and 0044/DCA - 22 apartments with associated landscaping, access, car parking, construction of a new gable wall and all associated demolitions and site works at 140 and 142 Malone Avenue and the rear of 18 Windsor 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 2nd December, 2017 and 2nd January, 2018.

Departmental Performance Update

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 31 December, 2017 as follows:

Planning Applications

- 131 applications had been validated in December, 2017;
- 223 applications had been validated in November, 2017; and
- 1865 applications had been validated since 1st April, 2017.

Planning Decisions

- 124 decisions had been issued in December, 2017;
- 201 decisions had been issued in November, 2017;
- 97% approval rate; and
- 95% decisions had been issued under delegated authority.

No. of applications in system by length of time

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

The Development Planning and Policy Manager highlighted that there were 29 live major planning applications, eight of which had been approved by Committee but were awaiting the execution of Section 76 agreements. He advised that eleven applications were currently within the 30-week target for processing applications and would be brought to the Committee for consideration in the future.

He pointed out that, in relation to Local Applications, the latest available figures from the Department for Infrastructure, up to November, 2017, indicated that the average processing time was 15.6 weeks, with 48% of applications being processed within the 15 week target.

He informed the Committee that, up to 31st December, 2017, the latest figures available from Department for Infrastructure showed that 67% of enforcement cases had been concluded within the target of 39 weeks, 3% below the statutory target, but this represented a 2% improvement on November's performance.

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

Noted.

Request for Pre Determination Hearing for LA04/2017/2126/F - Lands bound by North Street Royal Avenue Rosemary Street and building south of Lower Garfield Street

The Development Planning and Policy Manager advised that a request had been received from Save CQ for the Committee to hold a discretionary pre determination hearing in accordance with Section 30(4) of the Planning Act (NI) 2011, in response to what they considered to be the controversial nature of the proposal, the sensitivity of this site (located within one Conservation area and adjacent to another) and the impact on the setting of a number of listed buildings.

He highlighted that an additional Committee meeting would be required should the Committee agree to hold a pre-determination hearing.

During discussion, one Member advised that he believed there were exceptional circumstances on the grounds that the application site was situated in the City Centre and incorporated a number of large buildings. He suggested that as the development included historic and listed buildings, and proposed demolition, the impact of the development would have wide public interest.

The Committee agreed to hold a pre-determination hearing and to defer formal consideration of the application until after the hearing had taken place. It agreed to receive representations from the objector and the applicant, limiting both deputations to ten minutes speaking time.

Miscellaneous Items

Restricted Item

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

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.

Revenue Estimates and District Rate 2018/19

(Mr. R. Cregan, Director of Finance and Resources, attended in connection with this item.)

The Committee considered a report, which had been prepared by the Director of Finance and Resources, in relation to the establishment of the District Rate and the compilation of the Estimates of Revenue Expenditure for the year 2018/2019.

The Director outlined that the decision should not be subject to call-in as it would cause an unreasonable delay which would be prejudicial to the Council and the public's interest in striking the district rate by the legislative deadline of 15th February, 2018.

He outlined to the Members that the main financial pressures facing the Council in 2018/2019 were uncontrollable costs but that the impact of those costs had been reduced by the increase in the rate base and efficiency savings.

He explained the cash limit for the Planning Committee for 2018/2019, as recommended by the Strategic Policy and Resources Committee, at its meeting on 5th January, and outlined the next steps in the rate setting process leading to the setting of the district rate by Council at its meeting in February, 2018.

After discussion, the Committee:

1. agreed a cash limit for the Planning Committee for 2018/19 of £1,551,099 and the individual service cash limits detailed in table 3 of the report; and
2. noted the next steps in the rate setting process.

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.

During discussion, one member highlighted his disappointment in relation to the confirmed listing of 30 Malone Park. He reminded the Committee that it had agreed to reject the listing of this building at its meeting in September.

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

- 1 College Park East, Belfast, BT7 1PS;
- 2 College Park East, Belfast, BT7 1PS;
- 3 College Park East, Belfast, BT7 1PS;
- 4 College Park East, Belfast, BT7 1PS;
- 5 College Park East, Belfast, BT7 1PS;
- 6 College Park East, Belfast, BT7 1PS;
- 8 Notting Hill, Belfast, BT9 5NS;
- Church of Jesus Christ of Latter Day Saints, 28 – 32 Annadale Avenue, Belfast, BT7 3JJ;
- Mechanical and Aerospace engineering, Ashby building, Stranmillis Road, Belfast, BT9 5AH; and
- Central Building adjacent to Stranmillis House, Stranmillis College, Belfast, BT9 5DY.

Retention and Disposal Schedule

The Committee was advised that Councils had been working together with the Department for Infrastructure (DfI) and the Public Records Office (PRONI) to agree a consistent approach to the retention and disposal of all planning records.

The Development Planning and Policy Manager advised that DfI required the agreement of each local authority as part of a standardised approach for all planning records.

He informed the Committee that the Council's Draft Retention and Disposal Schedule was outlined in Appendix 1 of the report (copy available [here](#)). He highlighted the following key changes from the Council's previous Retention and Disposal Schedule:

- The schedule had been updated to take account all types of planning records including electronic records and new types of planning records, for example Planning Performance Agreements, Section 76 agreements, Tree Preservation Orders and Discharge of Conditions. The Planning Registers would be retained permanently and Planning Applications would be retained for 6 years (after date of the last paper on the file);
- The time period for the retention of enforcement files was proposed as 1 year after closure. This retention period had been selected to ensure consistency with other legal requirements including the rehabilitation of Offenders Act and the Data Protection Act which stated that information should not be held any longer than was absolutely necessary; and

- For Development Planning, it was proposed to reduce the timescale from 10 to 6 years after file closure in relation to the retention of background records associated with all aspects of the preparation and publication of local development plans, from plan initiation through to plan adoption stages. It was considered that this time period linked appropriately with the legal requirement (Regulation 26 - The Planning (Local Development Plan) Regulations (NI) 2015) that a council must carry out a review of its local development plan every five years and no later than five years from the date that the local policies plan had been first adopted or approved.

He highlighted that, if agreed, the Retention and Disposal Schedule would be presented to PRONI for endorsement before it could be implemented by the Council, however, this was subject to the Northern Ireland Assembly being restored as it must be laid before the Assembly for 10 working days before it could become operational. He advised that, as the schedule would also be applied to electronic records, policy processes would also have to be agreed with DfI on the disposal and retention of electronic records held on the planning portal, for which they were responsible.

The Committee agreed the Retention and Disposal Schedule as set out in Appendix 1 of the report.

Withdrawn Items

The Committee noted that the following items had been withdrawn from the agenda:

- LA04/2016/0564/F - Additional waste types, and the installation of a metal shredder and associated conveyor belt systems at Avenue Recycling, 1 Advantage Way, Ballygomartin Road;
- LA04/2016/0563/F - Variation of conditions 3 and 7 of planning permission Z/2005/2312/F to allow for external unloading, transfer and storage of waste and increase to opening hours, additional 2 hours per day at Avenue Recycling, 1 Advantage Way; and
- LA04/2016/2018/F - 7 storey residential development comprising 46 apartments with associated basement level car parking with 25 parking spaces, amenity space, associated site works and alterations to the junction of Hamill Street and College Square North on lands adjacent to 14 College square North and South of 62-76 Hamill Street.

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 – LA04/2017/0046/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

(Alderman McGimpsey and Councillors Carson and Dorrian took no part in the discussion or decision-making of the application since they had not been in attendance at the meeting on 12th December when it had originally been considered).

The Chairperson informed the Committee that a second request to speak had been received on behalf of Mr. C. Doyle, an objector, citing exceptional circumstances, as outlined in the Late Items reports pack. He reminded the Committee that the objectors had already made a presentation at the Committee Meeting on 12th December. The Committee agreed not to receive the deputation.

The Committee was reminded that, at its meeting on 12th December, given the issues which had been raised regarding the Malone Conservation Area, the height of the proposal and impact on local residents, 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 and highlighted that a further two letters of objection had been received in relation to inadequate infrastructure and townscape character of the area.

In response to the issues raised by the objector in the exceptional circumstances request, the case officer explained that planning permission under Z/2007/2006/F had been granted for a replacement church and permission remained extant. She also confirmed that the planning history of the site had been fully considered.

After discussion, 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.

(Councillors Carson and Dorrian returned to the Committee table at this point.)

LA04/2016/2099/F - Residential development consisting of 12 apartments and 36 houses (total 48 units) with associated vehicular / pedestrian accesses, car parking, landscaping and site works at former site of St. Marks Primary School, Gardenmore Road, Twinbrook, Dunmurry

The Case Officer outlined the aforementioned application.

She highlighted that, in terms of infrastructure, whilst there is an outstanding final consultation response from Transport NI, the consultee had raised no issues of principle and it was considered that any technical matters could be appropriately addressed by conditions.

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.

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

LA04/2017/0919/F - Sports Dome with internal lighting, machine room and 3M security fence at Colin Park, 115 Blacks Road

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.

During discussion, Members raised questions in relation to the consultation which had taken place and the impact the development would have on the residents of the area.

The Committee received representation from Ms. U. Somerville and Mr. C. O'Neill, representing the applicant. In answer to Members' questions, they explained that visual impact analysis had taken place and a range of organisations had been consulted in relation to the proposal, such as Suffolk Football Club and the Suffolk Community Forum. Mr. O'Neill also suggested that further public consultation had taken place on the previous application for the site and they would be happy to continue to engage with the community.

During points of clarification, the case officer confirmed that the facility would be managed as part of the wider development of the site.

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.

LA04/2017/2306/F - Purpose built managed student accommodation comprising up to 430 beds with internal and external communal area at 26 - 44 Little Patrick Street

The case officer explained that the principle of purpose built student accommodation was considered acceptable at this location and the site had extant

planning permission for an eleven storey purpose built student accommodation building, comprising of 354 beds under LA04/2015/0716/F.

He explained that the proposal was for the re-development of a vacant site with the erection of a 12 Storey building (35-36m) for managed student accommodation, comprising 430 beds with internal and external communal areas and other ancillary accommodation including a reception/management suite, plants and storage areas and cycle provision.

During discussion, Members raised concerns in relation to overdevelopment of the site, over clustering and supply of student managed accommodation, lack of amenity space and open space, lack of car parking and the design of the development.

The Committee received representation from Ms. E. Walker, representing the applicant. In response to Members' concerns, she outlined a range of support for the proposal which included:

- the principle for student managed accommodation had already been established;
- since the previous planning approval, the site had been sold on to a different developer who had reconsidered the design configuration due to the demand for more cluster bedrooms;
- the key differences from the previous proposal were the mix of studio apartments and cluster bedrooms, a small increase in the number of bedrooms, and more amenity space;
- the proposed room sizes were a minimum of 13sqm and compliant with space standards;
- a Section 76 agreement had been discussed with the Planning Service;
- the applicant had engaged with the community; and
- there had been no statutory objections.

During points of clarification, Ms. Walker explained the basis for the demand for cluster bedrooms and the reduction in ceiling heights. She indicated that the design included social space on the ground level and open space. She stated that consultation had been undertaken as part of the PAD process.

The Development Planning and Policy Manager advised that the need for Student Managed Accommodation in this area was indicative and comparable to other cities, but he would endeavour to bring back actual statistics to demonstrate the cumulative impact of the proposals in the area.

The recommendation to approve the application was put to the Committee when six Members voted in favour and six against. There being a parity of votes, the Chairperson exercised his second and casting vote for the proposal and it was declared carried.

Accordingly, the Committee approved the application 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 at the site.

(The meeting was adjourned for 10 minutes.)

LA04/2017/0510/RM - Residential development of 23 detached and 104 semi-detached dwellings and 3 town houses (total 130), access and road infrastructure, landscaping and public open space to include an equipped children's play area on lands at Castlehill south of Woodcroft Heights and east of Glenview Avenue and Castlegrange Belfast

The case officer outlined the application for the residential development.

Proposal

Moved by Councillor Armitage and
Seconded by Councillor Mullan,

That the Committee, given the issues which had been raised regarding road safety, agrees to defer consideration of the application 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 four Members voted for the proposal and five against and it was declared lost.

The recommendation to approve the application was then put to the Committee and 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.

LA04/2017/1470/F - Single storey rear extension, 2nd storey rear extension, elevation changes and replacement dormer window to rear at 118 Stranmillis Road

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

During discussion, one Member questioned the failure to apply guidance standards in relation to overshadowing and dominance as outlined in the case officer's report under paragraph 6.7 and 6.8. The case officer advised that, in relation to the angle test referred to in the report, guidance stated that this was not a rigid standard that must be met in every case; rather it was an assessment tool that would be used in conjunction with other relevant factors. She confirmed that an assessment had been made on the cumulative impact of the proposal on the neighbouring properties.

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

LA04/2017/1762/F - Change of use from first and second floor offices to 2 flats including 2.5 storey rear extension, replacement single storey bays and elevation changes at 1 Rugby Avenue

The case officer outlined the application and informed the Committee that, after the agenda had been published, a late objection had been received, which had been tabled for consideration. It outlined the following points of objection:

- The South Belfast Holyland area was over saturated with Houses of Multiple Occupancy and flats;
- The proposed flats to be built were extremely small and therefore not in a range of sizes and tenures as recommended in planning policy;
- The proposal would not contribute to sustainable residential development;
- It was contrary to the Council's Preferred Options Paper in relation to '*creating more balanced sustainable communities*' and '*maximising the use of existing infrastructure and services*';
- There was a major car parking problem in the area;
- To build more flats would contribute to overcrowding;
- The proposal was contradictory to the development of Purpose Built Student Accommodation (PBSA) in the city centre; and
- the need to de-intensify the numbers of HMO and flats in the area to enable the emergence of a more integrated and safe community in keeping with government and public policy.

The case officer outlined the response of the Planning Department to the aforementioned issues raised.

It was noted that the application, in accordance with the Scheme of Delegation, had been presented to the Committee since the applicant was related to a member of Council.

During discussion, Members raised concerns in relation to the lack of car parking and the need to deal with applications consistently in this regard. The Committee also raised issues in relation to amenity space, Houses of Multiple Occupation policy and the consultation response from Transport NI.

After discussion, the recommendation to approve the application was put to the Committee when nine Members voted in favour and two against and it was declared carried.

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

LA04/2017/0902/F - Change of use from retail/tanning salon to exhibition and interpretive centre, 2nd floor rear extension, side extension. 2 storey side extension with terrace, elevation changes including new entrance at 374 -376 Falls Road.

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 within the case officer's report.

LA04/2017/2145/F - Retention of HMO at 35 Woodcot Avenue

The case officer outlined the retrospective application for the retention of a change of use from a single dwelling to a House in Multiple Occupation (HMO).

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 workshop in relation to Planning Enforcement would be scheduled in the imminent future.

Chairperson