

# Planning Committee

Tuesday, 11th September, 2018

## MEETING OF PLANNING COMMITTEE

Members present: Councillor Garrett (Chairperson);  
Alderman McGimpsey;  
Councillors Carson, Dorrian, Hussey,  
Hutchinson, Johnston and Magee.

In attendance: Ms. N. Largey, Divisional Solicitor;  
Mr. E. Baker, Development Engagement Manager;  
Mr. S. McCrory, Democratic Services Manager; and  
Ms. E. McGoldrick, Democratic Services Officer.

### **Apologies**

Apologies were reported on behalf of Councillors McAteer, Mullan and Nicholl.

### **Minutes**

The minutes of the meeting of 14th August 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 September, 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 8. q) LA04/2018/1650/F and LA04/2017/2786/LBC Crumlin Road Courthouse, 94 - 100 Crumlin Road Change of use and extensions and alterations to the existing courthouse, Councillor Hutchinson declared an interest, in so far as he was a member of the Courthouse Community Benefits Forum, however, he had not formed any opinion on the matter prior to the meeting.

### **Committee Site Visits**

Pursuant to its decision of 14th August, it was noted that the Committee had undertaken a site visit on 29th August in respect of planning application LA04/2017/2623/F - 88 Circular Road, dwelling with detached garage and LA04/2017/0261/F - Land to rear of 49 Diamond Gardens, 2 Storey detached dwelling.

In relation to a forthcoming major application for LA04/2017/2811/F - 81-87 Academy Street and 2-6 Exchange Street - Demolition of existing building and erection of 16 storey residential building comprising 90 units (30 x one bed and 60 x two bed), ancillary ground floor uses including management suite, café, servicing (refuse/recycling/cycle storage/general storage), plant room, substation and associated public realm works, the Committee agreed that a site visit be undertaken to allow the Committee to acquaint itself with the location.

### **Financial Reporting - Quarter 1, 2018-2019**

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 first quarter of the financial year. It was noted further that, as at 30th June, there had been a net under spend of £322k (73%), with the forecast year end position being an under spend of £200k (11.5%).

### **Response to re-consultation requests from Department for Infrastructure**

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

### **LA04/2017/1388/F- Transport Hub**

The Committee considered a report in relation to the re-consultation by the Department for Infrastructure (DfI) on the planning application for the new Transport Hub (LA04/2017/1388/F). It was noted that the DfI was the determining authority having formally "called in" the planning application under Section 29 of the Planning Act (Northern Ireland) 2011.

The Committee was reminded that, in July, 2017, DfI formally consulted the Council on the application and the following summary of response had been agreed by the Committee in October, 2017:

- Further clarification required regarding cycle and car parking;
- Recommendation of a larger amount of usable green space;
- Recommendation of the use of Section 76 agreements for phasing, landscaping, public realm, parking and job creation (failing that a planning condition); and
- In addition, the Council requested that the Department considered 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. It was also suggested that a Section 76 agreement, which had the potential for supporting local regeneration such as business development, tourism initiatives, and tackling health inequalities, and that provided resources at a local level for the wider community via development contributions, should be considered.

In August, 2018, DfI undertook a further round of consultation with the Council based on the receipt of further environmental information from the applicant, such as:

- A 'Further Environmental Information' Planning Statement which responds to issues previously raised by consultees;
- The Boyne Bridge Planning Information Summary which outlined the history of bridges at this location and the constraints of retention. It also outlined the proposed heritage aspects and highlighted that Historic Environment Division welcomed the approach and mitigation measures proposed;

- A Construction Phase Sustainable Travel Plan; and
- Multiple documents pertaining to traffic surveys and modelling.

The following information had been received in response to issues previously raised by the Council:

- Clarification had been provided regarding cycle and car parking. Officers advise that the proposed temporary car park should be appropriately conditioned to prevent permanent use;
- Clarification and further information had been provided to deal with transport and parking. This would be assessed by DfI Roads;
- Whilst the Council felt that a larger amount of green usable space should be provided, the applicant stated that the public consultation exercise showed a preference for flexible open space to hold events;
- The Council recommended a legal agreement to ensure that public realm, phasing, landscaping and parking were completed in the appropriate time and manner. The applicant responded to state that they were fully committed to the delivery of all of these components and that DfI felt that these could be satisfactorily addressed via planning conditions. They further stated that Translink's public funding included £7m for public realm and landscaping;
- The Council recommended a Section 76 agreement to leverage opportunities for residents to benefit both from construction jobs and long-term jobs. The applicant stated that they had been working with the Council's Economic Development Unit since April, 2017 and hosted an event in October, 2017 for attendees to learn of immediate and long-term employment opportunities as a result of this project. In addition, Translink and the Council had announced an official partnership to deliver the "Buy Social" clauses during the construction and engineering phase of the project which would include the formation of a "bespoke Construction Employment Academy";
- Finally, the Planning Committee requested the appointment of a dedicated community liaison officer to work closely with the local community on all aspects of the project. The applicant advised that a Community Development Manager was appointed specifically for this in Spring, 2017.

The Committee noted the contents of the report.

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

#### **LA04/2017/0474/F- Casement Park**

The Committee considered a report in relation to the re-consultation by the Department for Infrastructure (DfI) on the planning application for the redevelopment of Casement Park (LA04/2017/0474/F). DfI was the determining authority having formally

“called in” the planning application under Section 29 of the Planning Act (Northern Ireland) 2011.

The Committee was reminded that, in June, 2017, DfI formally consulted the Council on the application. The planning application was considered by the Planning Committee in August, 2017 and it had agreed the response with emphasis on the following points:

- Further detailed cross sections through the entire site and surrounding properties as a whole were recommended;
- In addition, in terms of wider visual effect, it was recommended that further images were required to demonstrate the impact on the skyline and on key views, both near and distant; and
- Greater certainty around travel, transport and traffic should also be provided at this stage.

In June, 2018, DfI undertook a further round of consultation based on the receipt of further environmental information, an updated planning statement and additional/revised plans such as:

- An updated Environmental Statement which revisited a number of chapters of the original Environmental Statement in terms of noise, overshadowing and a management plan;
- Drawings covering kitchen extracts, light pollution and re-labelling of some previously incorrectly labelled drawings; and
- Updated planning statement.

The following information had been received in response to issues previously raised by the Council:

- The updated Environmental Statement was being assessed by the relevant technical consultees as part of the re-consultation process;
- DfI had confirmed that it did not request any further sections or visuals as a result of the Council’s consultation response; and
- Travel, transport and traffic – no further information had been provided by the applicant as part of the revised Environmental Statement.

During discussion, Members raised concerns regarding the length of time that the application process had taken. The Committee also highlighted that all travel, transport and traffic information submitted to the DfI should have been made available to consultees and the nature of the letters of support should have also been outlined.

The Committee noted the contents of the report and that it had no further comments to make on the application.

### **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 Issued**

The Committee noted a list of decisions which had been taken under the delegated authority of the Director of Planning and Building Control, together with all other planning decisions which had been issued by the Planning Department between 8th August and 3rd September, 2018.

### **Miscellaneous Items**

#### **Belfast Local Development Plan - Timetable Revision**

The Committee was reminded that the Local Development Plan (LDP) draft Plan Strategy (DPS) had been published for consultation on 23rd August and it had previously been agreed to keep the timetable under review to consider progress to date and the next stages in the process.

Whilst approval for publication of the DPS had been granted by the Council in June, it had been agreed to delay the launch until the end of the summer break to enhance the potential engagement and responses. Due to the revised launch date for the DPS, it was likely that the full DPS consultation stage, including collation of representations and reporting to Members, would be completed by March 2019.

Following this, the DPS, all associated documents and all representations received must be collated and submitted to the Department for Infrastructure in May 2019. Following its consideration of the documents, DfI would then refer the DPS to the Planning Appeals Commission (PAC) for the Independent Examination stage.

DfI had recently indicated that its consideration of the document should take up to six weeks, meaning that the DPS and all documents would be issued to the PAC by the end June, 2019.

The Committee noted the contents of the report and agreed to the updated draft LDP timetable as set out in Appendix 2. (copy available on the Council's website [here](#).)

### **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 - LA04/2017/2623/F - 88 Circular Road, dwelling with detached garage**

The Committee was reminded that, at its meeting on 14th August, 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 proposals at first hand.

The case officer highlighted that an additional condition was recommended to limit the use of the proposed garage to purposes ancillary to the main dwelling.

**Proposal**

Moved by Councillor Magee, and  
Seconded by Councillor Carson,

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

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

Accordingly, the Committee approved 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 Building Control for the final wording of the conditions.

**Reconsidered Item - LA04/2017/0261/F - Land to rear of no 49 Diamond Gardens, 2 Storey detached dwelling**

(Councillor Hutchinson took no part in the discussion or decision-making of the applications since he had not been in attendance at the meeting on 14th August when it had originally been considered.)

The Committee was reminded that, at its meeting on 14th August, 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 proposals at first hand.

The case officer provided an overview of the application and highlighted that, in respect of clarification over the ownership of the pillar to be re-located, Transport NI had provided confirmation that Diamond Avenue had been adopted by Transport NI in 1973 through re-organisation and had provided a map which illustrated the location of the pillar within its control.

The case officer informed the Committee that, after the agenda had been published, the following points had been received from Mr. J. McVeigh:

- A query in relation to the specific time the case officer's report would be published on the Council's website; and
- Clarification of adding conditions to applications recommended for approval.

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 also pointed out that three additional conditions had been outlined in the addendum report to safeguard the privacy of adjacent properties.

The Committee received a representation from Mr. J. McVeigh, resident, in objection to the application. He suggested that the conditions of the recommended approval had not been mandated and should be considered carefully by the Committee. He suggested that the development would be out of character with the local area, there had been a lack of consultation between residents and the developer and the updated design would not be an improvement on the first proposal. He suggested that trees had been removed to increase the likelihood that the application would be approved and the land on which they were situated had been obtained through adverse possession. He highlighted that objections had also been raised in relation to the nature of the area and traffic concerns had not been considered fully by the Planning Service.

The Committee received a representation from Mr. C. McAuley, agent, representing the applicant. He suggested that the pattern of development in the area was characterised by pockets of urban back-land developments, in the rear gardens fronting on to Diamond Gardens. He suggested that the proposal complied with the LC1 addendum to PPS 7 and the adjoining dwellings were safeguarded through appropriate design, orientation and separation distances. He suggested the road widening and proposed landscaping scheme, which would replace the current hedge, would assist with the safety of the entrance, the exiting parking would be maintained and they had no objections to the additional conditions outlined in the case officer's addendum report.

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

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

**LA04/2017/1153/F - 10 Lorne Street 4 Storey apartment development, comprising 31 apartments, car parking, amenity space and associated**

Before presentation of the application commenced, the Committee agreed to defer consideration of the application to enable a site visit to be undertaken to acquaint itself with the location and the proposal at first hand.

The Committee also noted, as the application had not been presented, that all Members' present at the next meeting, would be able to take part in the debate and vote on this item.

**LA04/2018/0124/F - 49 Hawthornden Road Demolition of dwelling and erection of replacement dwelling**

The case officer informed the Committee that, after the agenda had been published, a query in relation to the dimensions on drawings 03A and potential overlooking had been received from Councillor McReynolds.

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 Councillor McReynolds in objection to the case officer's recommendation for approval. He suggested that objecting residents had had issues with the application since 2004, which included dominance, privacy and over shadowing. He suggested that the Committee should defer consideration of the application for a site visit.

The Committee received a representation from Mrs. L. Rooney, resident, in objection to the application. She advised that she had lived next door to the site for 15 years and the 2-storey proposal would cause loss of light, be overbearing, dominant and cause overshadowing to her property. She suggested that the height of the trees currently at the site already caused overshadowing which indicated that the proposed dwelling would exacerbate the problem. She suggested that the proposal was not compliant with Policy QD1 of PPS 7 and the development would dominate her house and affect her outlook. She suggested also that the flat roof would still overshadow her home and garden. She advised that she was housebound and spent all day in her home and garden and suggested that the proposal would have a detrimental impact on her life and that a site visit would be beneficial.

The Committee received a representation from Ms. J. Mawhinney, representing the applicant. She suggested the following points in support for the application:

- The proposal would form part of a larger scheme which had obtained Planning Permission in 2017 for six detached dwellings;
- The current building on site was dilapidated and the proposed replacement would provide a high quality dwelling;
- The conservation officer agreed that the proposal was acceptable;
- The design and finish were of high quality to fit with the Area of Townscape Character;
- Suitable separation distance had been proposed ;
- The ridge height of the proposal was lower than the adjacent property;
- The landscape design aimed to enhance the visual character overall;
- Residents' concerns had been considered and the scale had been reduced; and
- The proposal complied with Policy Planning Statement and Guidance.

During discussion, the case officer clarified queries in relation to over shadowing.

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

**(The meeting was adjourned for 10 minutes.)**

**Z/2015/0118 /F - 37- 41 Little Patrick Street 11 storey mixed use scheme comprising 50 apartments and retail;**

**Z/2015/0176/F - 21-29 Corporation Street and 18-24 Tomb Street, 250 bedroom hotel with basement car park;**



**LA04/2015/0668/F - Land east of No. 43 Stockmans Way, demolition of buildings and erection of 96 residential units;**

**LA04/2017/0562/F - 14 Dublin Road and Bankmore Square, demolition of cinema building and erection of 12 storey Grade A offices**

The Committee agreed to consider the aforementioned applications together.

The Development Engagement Manager explained that on 24th May, the High Court quashed the Council's decision to grant planning permission for a Major office development at the junction of Stewart Street/East Bridge Street and West of Central Station (LA04/2016/0559/F). The Judicial Review was successful on two grounds:

- Firstly, that the Planning Committee, when it made its resolution to grant permission in September 2016, failed to consider the change in status of the Belfast Metropolitan Plan (BMAP). This meant that the Belfast Urban Area Plan (BUAP) became the statutory plan and BMAP reverted to draft plan status. Moreover, officers should have ensured the application was put in front of the Planning Committee, in accordance with the Scheme of Delegation, to reassess it in the light of the adoption of BMAP being quashed; and
- Secondly, that the Council failed to take account of the Planning Appeal Commission's recommendation (ultimately rejected by the Ministers) that the application site should be designated for social housing.

He informed the Committee that, in view of the High Court's decision, the planning service had reviewed older applications which had previously been considered by the Planning Committee but where the decision had yet to be issued. It had identified the four aforementioned applications where the report to the Planning Committee did not adequately address the issues around the correct status of the BUAP and BMAP and/or the recommendations of the PAC following the examination of BMAP, therefore they had been submitted to the Planning Committee so that these aspects could be reconsidered.

During discussion, the Divisional Solicitor advised that the addendum reports rectified the failures outlined by the High Court's decision in relation to the consideration of BUAP, draft BMAP and the comments of the Planning Appeals Commission in the BMAP Inquiry process. She advised that a report in relation to the broader learning from the Judicial Review would be submitted for consideration at a future meeting.

**Proposal**

Moved by Councillor Carson, and  
Seconded by Councillor Magee,

That the Committee agrees to defer consideration of the applications pending a review of the outcome of the Judicial Review and its implications for the Planning Committee decision making.

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

The Committee agreed to proceed with consideration of the decisions without presentations from the case officer.

**Z/2015/0118/F**

The case officer's recommendation to approve the application was put to the Committee when five Members voted in favour and none against and it was declared carried.

Accordingly, 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 Building Control, in conjunction with the City Solicitor, to enter into discussions with the applicant in relation to developer contributions and to enter into such a Section 76 Planning Agreement on behalf of the Council.

**Z/2015/0176/F**

The case officer's recommendation to approve the application was put to the Committee when five Members voted in favour and none against and it was declared carried.

Accordingly, 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 Building Control, in conjunction with the City Solicitor, to enter into discussions with the applicant in relation to developer contributions and to enter into such a Section 76 Planning Agreement on behalf of the Council.

**LA04/2015/0668/F**

The case officer's recommendation to approve the application was put to the Committee when five Members voted in favour and none against and it was declared carried.

Accordingly, 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 Building Control, in conjunction with the City Solicitor, to enter into discussions with the applicant in relation to developer contributions and to enter into such a Section 76 Planning Agreement on behalf of the Council.

**LA04/2017/0562/F**

The case officer's recommendation to approve the application was put to the Committee when five Members voted in favour and none against and it was declared carried.

Accordingly, 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 Building Control, in conjunction with the City Solicitor, to enter into discussions with the applicant in relation to developer contributions and to enter into such a Section 76 Planning Agreement on behalf of the Council.

**LA04/2018/1216/F - Units E-F, Westwood Shopping Centre, 51 Kennedy Way  
Amalgamation of Units E and F, creation of mezzanine floor, minor  
elevational changes and change of use to a trampoline play area**

The case officer provided an overview of the aforementioned application.

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

**LA04/2018/1650/F and LA04/2017/2786/LBC - Crumlin Road Courthouse, 94-  
100 Crumlin Road. Change of use and extensions and alterations to the  
existing courthouse**

The case officer informed the Committee that, after the agenda had been published, a letter of support had been received for both applications.

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.

**LA04/2018/0949/F - 135-137A Andersonstown Road, 2 shop units with two  
apartments over**

The Committee received a representation from Mr. J. Webb in objection to the case officer's recommendation for approval. He suggested the following points of objection:

- Loss of light;
- Affect on family life;
- Loss of privacy;
- Car parking issues;
- Overlooking;
- Noise level; and
- Design and layout conflict in relation to Planning Policy QD1 of PPS7.

The Committee received a representation from Mr. W. Noteman, agent, representing the applicant. In answer to queries raised by the Committee, he explained that the proposal had been reduced from 3 shops to 2 shops with four car parking spaces. In relation to overlooking, he confirmed that the condition of obscure windows with limited opening would address this issue and the affect of overshadowing would be addressed by the separation distances and a hipped roof. He suggested that the sun path test that had been completed in June had illustrated that by 10.30am there would be no loss of sunlight to the neighbouring property.

During discussion, the case officer confirmed separation distances and space standards of the proposal.

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.

**LA04/2018/0755/F - Land adjacent to Boucher Road and Balmoral Road, retention of car storage area**

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

The case officer outlined the application for temporary (3 years) planning permission for the retention of existing car storage area and associated access. The proposal was retrospective as the site currently operated as a car storage 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.

**LA04/2017/2048/F - 14c Hi-Park Centre Change of use from shop to office, single storey boiler house**

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 development.

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

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

**LA04/2018/0021/RM - 1-5 Gaffikin Street, erection of 42 apartments**

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

The Committee considered the application at a site located within the city centre of Belfast as defined within the Belfast Metropolitan Area Plan. It was reported that outline planning permission had been granted for 42 apartments on the site in August, 2016.

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 Hussey returned to the Committee table at this point.)

**LA04/2018/0323/F - Lands adjacent to west side of Westlink between 23 Albert Street and Frank Gillen Centre Sports Active Zone**

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

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

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 and the outstanding representations from the Department for Infrastructure Rivers.

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

**LA04/2018/1590/F - Cancer Lifeline 42 - 44 Alliance Avenue Demolition and remodelling internal layout to create new office accommodation**

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 development.

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

**LA04/2018/1458/F - Hammer Playground Agnes Street Refurbish existing playground facilities and construct a bitmac Multi Use Games Area 33.0 x 18.0 metre with 5.0 metre high ball stop fencing. Replace existing boundary fencing with 2.40 and 1.80 metre high Paladin fencing**

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 within the case officer's report and delegated power to the Director of Planning and Building Control for the final wording of the conditions and the resolution of drainage issues raised by the Department for Infrastructure Roads.