

Planning Committee

Tuesday, 19th February, 2019

MEETING OF PLANNING COMMITTEE

Members present: Councillor Garrett (Chairperson);
Alderman McGimpsey;
Councillors Armitage, Campbell, Canavan,
Carson, Dorrian, Hussey, Hutchinson,
Johnston, Mullan and Nicholl.

In attendance: Mr. A. Thatcher, Director of Planning and
Building Control;
Ms. N. Largey, Divisional Solicitor;
Mr. E. Baker, Development Engagement Manager;
Mr. S. McCrory, Democratic Services Manager; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

An apology for inability to attend was reported from Councillor Bunting.

Minutes

The minutes of the meeting of 15th and 17th January 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 February, 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 recorded.

Motion – Street Furniture

(Councillor Boyle attended in connection with this item)

The Committee was advised that, at the meeting of the Council held on 4th February, the following motion which had been proposed by Councillor Boyle and seconded by Councillor Dudgeon, had, in accordance with Standing Order 13(f), been referred to the Committee for consideration:

“This Council recognises that it is difficult to contact those responsible for the maintenance of street furniture, utility boxes, phone boxes and masts, post boxes, advertising facilities and any other structure that sits on or in the footpath or in a public place throughout the City.

The Council supports the need for people to be able to contact those responsible for the cleaning and maintaining of these structures. Accordingly, the Council will undertake a piece of work to identify whose ownership these are in and will encourage those responsible for maintaining and cleaning same to put their details on these structures and ensure their details remain on these structures so that they can be contacted when needed. Furthermore, the Council agrees that any future planning approvals for street furniture, boxes etc. as listed above, will include a condition requiring the contact details of those responsible for cleaning and maintaining and servicing them to be prominently displayed.”

The Chairperson invited Councillor Boyle to speak to the Committee on the Motion. He explained that he wanted contact details for utility companies to be more easily accessible in order that the public could report incidents of graffiti or damage to street furniture to the companies directly.

The Director confirmed to the Committee that not all items of street furniture required planning permission and that the requirement to provide contact details was not a material planning consideration. However, he explained to the Members that, where an application was in front of the Committee, it could add an informative on the consent requiring the owners of the equipment to include contact details on the piece of street furniture. He outlined to the Committee that cross-departmental meetings were taking place to look at the issue of graffiti on street furniture.

In response to a Member’s question, he confirmed to the Committee that it could, by condition, require that owners maintained street furniture in good order, whereby the enforcement team would ensure that those conditions were upheld.

After discussion, the Committee:

1. agreed that a report be submitted to a future meeting on the outcomes of any cross-departmental discussions relating to the issues of graffiti/defacing of street furniture;
2. noted that it could add an informative on any future planning consents, which would require the owners of such equipment to provide contact details;
3. noted that it could add a condition on any future planning consents, which would require the owners of such equipment to maintain it in good order, which can be regulated by the enforcement team as necessary; and
4. agreed that contact details for utility companies would be provided in a future issue of the City Matters magazine.

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 January and 11th February, 2019.

Vesting Order

The Committee noted the receipt of correspondence from the Northern Ireland Housing Executive in relation to an application for a Vesting Order for the purpose of effecting improvement of the amenities of the area by upgrading the footpath leading from Glen Road to Hawthorne Glen and Lenadon Estates.

Miscellaneous Items

Listed Building

The Committee considered correspondence which had been received from the Historic Environment Division (HED) regarding the proposed listing of Ballynafeigh National School, Florenceville Drive, BT7 3GY.

The Committee supported the proposed listing.

Notice of Article 4 Directions on Adelaide Park and Malone Park Conservation Areas

(Mr. D. O’Kane, Principal Planning Officer, attended in connection with this item)

The Committee was advised that Article 4 Directions enabled the Council to restrict permitted development rights associated with householder development that could currently be undertaken without the need for planning permission.

The Principal Planning Officer reminded the Committee that two public consultation exercises had been carried out, in 2016 and 2017, to ascertain the level of support for Article 4 Directions to be issued within Adelaide Park and Malone Park Conservation Areas. A significant majority of residents supported the introduction of the Directions covering the following:

- Replacing window frames and doors to front elevations and side elevations;
- Painting the exterior of houses;
- The creation of porches to external doors;
- The erection of gates, fences, walls or other means of enclosure within the curtilage of a property. This would apply anywhere

within the curtilage of the property in the case of Adelaide Park and from the front building line of the property to the front boundary in the case of Malone Park; and

- The creation of hardstanding to front lawns.

The Committee had agreed, at its meeting on 19th September, 2017, to support the serving of Article 4 Directions within those Conservation Areas and a formal request was subsequently submitted to the Department for Infrastructure seeking the necessary approvals.

The Principal Planning Officer advised the Members that, in January 2019, the Department had issued approval of both Directions under Article 4(2) of Planning (General permitted Development) Order (Northern Ireland) 2015, without modification and that the Council would therefore progress with the implementation of the Directions in both areas.

The Committee noted:

1. the Department for Infrastructure's approval and the Council's intention to progress with final implementation of Article 4 Directions in Adelaide Park and Malone Park Conservation Areas; and
2. that notice would be served to all residents affected by the Directions.

Restricted Items

The information contained in the reports associated with the following items 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 the following two items as, due to the nature of the items, there would be a disclosure of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (NI) 2014.

Update on Sprucefield

(Mr. K. Sutherland, Development Planning and Policy Manager, attended in connection with this item)

The Development Planning and Policy Manager provided the Committee with an update on the retail planning application for Sprucefield which had recently been submitted to Lisburn and Castlereagh City Council.

The Committee noted that the Strategic Policy and Resources Committee had, at its meeting on 25th January, agreed to:

1. submit a formal objection to the Sprucefield planning application;
2. continue work on a retail analysis survey; and
3. seek a formal position from those organisations which would be affected by the application.

Planning Service Review

The Director of Planning and Building Control provided the Committee with an overview of the outcome of the structural review of the Planning Service. He explained that he was seeking the Committee's agreement for the creation of 2.5 Planning Officers instead of the previously agreed three Technical Support Officers. The Members were advised that the costs associated with the service review were covered from within existing budgets.

The Committee noted an update on the alignment of a number of former Department of the Environment (DOE) posts, the re-designation of a further number of Council posts and the creation of a number of posts. The Director explained that a small number of DOE post-holders would remain within the structure, as they had not volunteered to align to the new structure at that time and, as such, would remain on their former Northern Ireland Civil Service terms and conditions.

The Committee noted the update and agreed to the reallocation of funding towards the creation of 2.5 Planning Officer posts instead of the previously agreed 3 Technical Support Officers.

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)

Withdrawn Items

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

- LA04/2018/2679/F - External alterations and reduction in the office footprint from the previously approved (extant permission) under planning references Z/2011/0358/O and LA04/2015/0144/RM on site between Boucher Place and Blackstaff River;
- LA04/2018/1271/F - Detached Garden Store at Plot 67 Downshire Hall, Harberton Park;
- LA04/2018 /1274/F - Detached garage with part roof space storage Plot 67 Downshire Hall, Harberton Park; and
- LA04/2018/1292/F - Detached Store Plot 53 Nugent Hall, Harberton Park.

(Reconsidered item) LA04/2018/1998/F - Demolition of existing building and erection of a new purpose-built facility including retention of existing chimney at Ardoyne Youth Club, Old Beltex Mill, Flax Street

The Committee was reminded that the application had been withdrawn from the previous month's agenda to allow the Planning Authority to consider a revised scheme which had been submitted following a review of operational requirements.

The case officer provided the Committee with an overview of the application and advised that the amendments had been considered acceptable. He explained that the existing building was a mix of single, two and three storeys, and that the proposed replacement building was predominantly two storeys in height, with a three storey void element.

The Committee was advised that the application had been re-advertised on 25th January, and that neighbours had been re-notified.

The Members were advised that one representation had been received in relation to the original proposals but that the objection had since been withdrawn after clarification had been provided.

The case officer explained that Rivers Agency, NIEA, Environmental Health, the Department for Communities' (DfC) Historic Environment Division and DfI Roads Service had offered no objections to the proposals.

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 Building Control for the final wording of the conditions.

LA04/2018/1991/F & LA04/2018/1968/LBC - Demolition of existing non-listed buildings and redevelopment of site to accommodate office led mixed use development comprising office, industrial floorspace, active ground floor uses retail, restaurants, cafes and basement parking and associated access and circulation ; proposals include the retention and restoration of the listed Seaver building comprising façade restoration, new roof and reintroduction of dormers, replacement windows and reinstatement of original entrance to southern façade at Former Belfast Telegraph complex at 124-144 Royal Avenue and 1-29 Little Donegall Street, Belfast

The Committee was provided with a detailed overview of the proposals. The case officer explained that the proposed building had evolved through a number of design iterations and that the final scheme comprised the listed Seaver building bolstered on both sides by new-build offices with an internal arcade feature.

The case officer explained that the Council was the applicant and that a full pre-Application Discussion had taken place in relation to the proposals.

The Committee was advised of the main issues which had been considered, which, amongst others, included the principle of demolition of the non-listed buildings, the height and design of the proposed new building, the impact on traffic and parking and consideration of developer contributions. She explained to the Members that the proposal had been assessed against the Belfast Urban Area Plan 2001 (BUAP) and the draft development plan (dBMAP 2015).

The case officer drew the Committee's attention to the Late Items pack, where two objections had been received previous to the most recent scheme and had not been referenced within the report. She advised the Members that one related to concerns regarding possible structural damage, and access issues, to an adjoining building during demolition and building works.

In response to a Member's query, the case officer clarified that the agent had been encouraged to ensure arrangements were made with adjacent landowners to address those concerns and that the Building Control application would address any further issues.

The Members were advised that the second objection was in reference to the initial proposal being out of character with the listed building and that, after re-notification of the amended scheme, no objections had been received.

The case officer also highlighted that a late objection had been received from Ulster Architectural Heritage Society (UAHS), as outlined in the Late Items pack, and she confirmed to the Committee that the issues raised had been duly considered and that conditions had been recommended where appropriate.

The case officer outlined to the Committee the responses from a number of consultees, including Transport NI, HED, NI Water, Environmental Health, Rivers Agency and the Northern Ireland Environment Agency (NIEA). A number of those consultees had recommended conditions and informatives.

The Committee received representation from Mr. P. Beacom, BelTel LLP, and Mr. M. Kininmonth, Senior Architect in Allford Hall Monaghan Morris. Together they outlined to the Committee that the design sought to respect and enhance the listed Seaver Building as well as integrate it with the series of different roof heights to suit the wider topography of the site. Mr. Kininmonth advised that they had engaged in a positive and well attended public consultation as part of the process.

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 Building Control for the final wording of the conditions.

LA04/2018/2451/F - Refurbishment of existing play area with the proposed introduction of MUGA playing surface with goal posts & basketball nets & perimeter fencing with outdoor play park equipment, 30 metres south west of 9 Britannic Terrace

(Councillor Armitage left the meeting at this point)

The Committee was provided with an overview of the proposal for the refurbishment of an existing play area to include a Multi-Use Games Area and a paved BBQ area.

The case officer explained that the Council was the co-applicant.

He advised the Committee that the application complied with the Development Plan and Planning Policy context. He also explained that DfI Roads and Environmental Health had been consulted and had expressed no objections to the proposal. The Members were also advised that the application had been neighbour notified and advertised in the press and that no third party representations had been received.

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 Building Control for the final wording of the conditions.

LA04/2018/2378/F - Public realm improvements comprising the re-surfacing of existing footways and on-street parking areas with natural stone, granite and asphalt; granite kerbs; boundary enhancements; new/replacement street trees and furniture; realignments to existing pedestrian crossings; minor junction improvements at Century Street and Manor Street and advisory cycle lanes on Lower Oldpark Road

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

The Committee considered the aforementioned application for public realm improvements to include re-surfacing of footways, replacement street furniture and advisory cycle lanes.

The case officer advised the Members that the Department for Communities (DfC) was the applicant.

He explained that HED, NIEA, NI Water and the Council's Tree and Landscape Team had been consulted and had offered no objections to the scheme.

The Committee was advised that no further response had been received from DfI Roads following its response to the initial plans. The Committee noted that amended plans had since been submitted by the applicant to address technical issues which had been raised by DfI Roads.

The case officer highlighted that one objection had been received in relation to an unsafe tree and he confirmed to the Members that the tree would be removed as part of the proposals.

In response to a Member's question relating to future-proofing the works, the case officer confirmed to the Committee that, where possible, the applicant would align its works with other agencies working 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 Building Control for the final wording of the conditions.

LA04/2017/0308/F - Apartment development comprising 14 two bed social housing apartments and associated car parking at 123 Barnett's Road

The Committee was apprised of the principal aspects of the application for an apartment development containing 14 two bedroom social housing apartments, associated car parking and the widening of existing vehicular access to Barnetts Road.

The case officer explained to the Members that the proposal would fulfil the main objectives of Draft BMAP and the SPPS, with the provision of much-needed social housing in a sustainable location.

She confirmed to the Committee that DAERA, Rivers Agency, NI Water, Shared Environmental Services, Environmental Health and the Council's Tree Officer had been consulted and had offered no objections to the proposal. The Committee noted that the final response from Transport NI was outstanding. It had offered no objection in principle and it was therefore considered that any technical matters could be dealt with through conditions.

The case officer advised the Members that 21 objections had been received in relation to the original proposals, with two objections received in response to the amended plans. She explained that the responses cited issues with residential amenity, impact on traffic and parking, impact on the area, impact on the environment, the Human Rights Act and measures during the construction period. She clarified to the Committee that each of the issues had been addressed within the report.

In response to a Member's question regarding the provision of car parking spaces, the case officer confirmed that the apartments would be for those aged 55 and over where, generally, the requirement for parking spaces was lower than average and that a parking survey demonstrated that sufficient on street parking in the area could accommodate the shortfall.

Proposal

Moved by Councillor Armitage, and
Seconded by Councillor Nicholl,

That the Committee, given the issues which had been raised regarding the availability of parking, agrees to defer consideration of the application to enable a site visit to take place.

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

The officer's recommendation to approve the application, subject to imposing the conditions as set out in the case officer's report, was thereupon put to the Committee and agreed. The Committee agreed to delegate power to the Director of Planning and Building Control for the final wording of the conditions.

**LA04/2018/2278/F - Amendment to previously approved
LA04/2017/1779/F at Sacred Heart Parochial Hall to include
new entrance from Gracehill Court**

The case officer provided the Committee with the principal aspects of the application, which was an amendment to a previously approved scheme, which included the relocation of the approved men's shed and new mezzanine craft and activity rooms.

The Committee noted that the Council was the co-applicant.

The case officer advised the Committee that twenty neighbours had been notified and that it had been advertised in the press, with no representations having been received.

She advised the Committee that the proposal complied with planning policies and the development plan.

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

**LA04/2018/1940/F Re Location of garden centre from northern
to southern side of building including demolition of existing
garden centre buildings, amendments to elevations on
southern(Balmoral Road) side of building, service yard
alterations and fencing, amendments to footways on
Balmoral Road to create service vehicle temporary parking
and alterations to car park at 38 Boucher Road.**

The Committee was apprised of the principal aspects of the major application on the Boucher Road.

The case officer advised the Committee that the key issues in the assessment of the proposal included the principle of demolition and relocation on the site, access, movement, parking and transportation, flood risk and impact on built heritage.

He explained that the proposal had been assessed against, and was considered to comply with, the Strategic Planning Policy Statement (SPPS), BUAP, BMAP, PPS3, PPS6, PPS15 and Parking Standards.

The Members were advised that Environmental Health, NI Water, HED Historic Monuments, Rivers Agency, DAERA Water Management Unit and DAERA Regulation Unit had raised no issues of concern. The case officer reported that a response from DfI Roads Service was outstanding.

The case officer drew the Committee's attention to the Late Items pack, where a number of issues had been raised by Braniff Associates relating to the access plan for the site. He outlined the response of the Planning Department to the aforementioned issues raised.

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 Building Control for the final wording of the conditions.

LA04/2017/1682/F - 33 dwellings, garages and all other associated site works to include 16. apartments, 4. town-houses, 8 semi-detached dwellings and 5 detached dwellings on Lands at Lacefield, Campbell College, lands to the rear of Cabin Hill Court

The case officer provided the Committee with the principal aspects of the application.

She reported that the proposal related to the revision of a previous approval Z/2010/1313/F, where 14 dwellings had been completed. She explained that the proposal in front of the Committee would result in an overall total of 47 dwellings on the site, three units fewer than the original approval.

The Members were advised that the key issues in the assessment of the proposal included the principle of development and the impact on the character, residential amenity, access and parking and on the adjacent listed building.

She explained that one objection had been received relating to the impact of the proposed development on the objector's second access point to an existing dwelling and relating to additional noise generated from the proposal. She clarified to the Committee that the issues raised had been addressed within her report.

The Committee was advised that NIEA, NI Water and HED had been consulted and had expressed no objections to the proposals, subject to the conditions as detailed within the report.

The case officer pointed out that the Planning Service was awaiting a final response from DfI Roads but that an informal response had indicated that it was content with the proposed development in principle.

In response to a Member's question as to whether the parking standards had been met for the application, the case officer stated that the DfI Roads consultation was outstanding and, if approved, delegated authority should be given to the Director to confirm those 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 Building Control for the final wording of the conditions.

LA04/2018/2402/F - Change of use from dwelling to HMO at 79 Great Northern Street

The case officer outlined the details of an application for the change of use from a single occupancy dwelling to a House of Multiple Occupation (HMO).

She clarified to the Members that the application was within the Meadowbank HMO Policy Area (2/15), which meant that permission would only be granted where the number of HMO dwellings did not exceed 30% of all dwellings within the area.

She confirmed that the Council's records indicated that the 30% figure had been exceeded and that the principle of the conversation to an HMO at that location was therefore unacceptable.

The Committee agreed to refuse the application as it was contrary to Policy HMO1, as the 30% limit for HMOs within the area had already been exceeded.

LA04/2018/1890/F - Upgrade to open space to allow for more diverse recreational uses, introduction of a new playground, and an upgrade to path network, West of Stewartstown Road and South of Pantridge Road

The Committee was apprised of the principal aspects of the application, which sought permission for the upgrading of the existing open space to allow for more diverse recreational use, the introduction of a new playground and an upgrade of the path network.

It was noted that it was a Major application and that the Council was the applicant.

The case officer highlighted that, as detailed within the Late Items pack, responses had since been received from the Council's Tree Officer and from the Department for Infrastructure Roads Service confirming that they had no objections to the application.

The Committee granted approval to the application and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

Chairperson