

Planning Committee

Thursday, 19th November, 2015

ADJOURNED MEETING OF PLANNING COMMITTEE

Members present: Councillor Garrett (Chairperson);
Aldermen McGimpsey and L. Patterson;
Councillors Armitage, Campbell, Heading,
Johnston, McAteer and Mullan.

In attendance: Mr. P. Williams, Director of Planning and Place;
Mr. C. McIlwaine, Area Planning Manager;
Mr. K. Sutherland, Development Planning and
Policy Manager;
Miss N. Largey, Divisional Solicitor; and
Mr. B. Flynn, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Councillors Bunting and Hutchinson.

Declarations of Interest

No declarations of interest were reported.

Linen Quarter and Western Quarter – Public Realm Analysis and Vision

The Committee considered a report which provided an overview of the work which had been commenced in developing an integrated planning approach to focus on the Linen Quarter, the Transport Hub and the Inner West Special Action Areas, which had been identified as key developments within the City Centre Regeneration and Investment Strategy. It was pointed out that the report had been considered by the City Growth and Regeneration Committee at its meeting on 11th December.

The Committee noted the findings of the public realm analysis and visioning exercises which had been undertaken together with the scope of the public consultation which would be undertaken, the results of which would be submitted for consideration in due course.

Departmental Update and Six Month Review of Activity

The Committee considered the following report:

“1.0 Summary of main Issues

- 1.1 To outline of the main areas of work and some of the changes within the service arising from the ongoing reviewing of activity during the first six months since transfer of the statutory planning functions from the DoE.**

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The report also provides information in relation to the numbers of applications and how they have been dealt with by the service.

2.0 Recommendations

2.1 The Committee is requested to note the:

- update on work carried out by the service during the first six months;
- the initial statistical and specific application information available; and
- proposals for further reports and updates, including statistics to be presented to future meetings.

3.0 Main Report

3.1 During this period of transition planning has continued to deliver the core services to customers and successfully carry out statutory responsibility to process and determine applications and initiate preparatory policy work. This work has been delivered in the context of major legislative change; staff transfer / integration; restructuring within Council and changing processes.

3.2 The six months post transfer were always recognised as being likely to be the most challenging in respect of maintaining service continuity and responding to the new legislative requirements. The continuing work to successfully integrate the new function within Council has focussed on changes to improve our operations, processes and the delivery of the statutory responsibility.

Organisational Change

3.3 A number of changes have been introduced to respond to the requirements of the new legislation and to make our decision making processes more accessible whilst the Development Management functions have been restructured to provide greater flexibility to respond proportionately to the development pressures across the city.

3.4 The main aspect of this ongoing change process have been:

- Establishment of the new processes and introduction of a new approach to the presentation and consideration of planning applications by Committee.
- Agreement and implementation of the Scheme of Delegation.

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- Introduction of a process for the review of the Legacy applications that were inherited by the Council.
- Protocols and processes developed to facilitate representations at Committee.
- Restructuring of the Development Management to establish a City Centre, Harbour and Major Applications Team alongside a Citywide and Local Applications Teams with a dedicated Enforcement resource.

Guidance and Documents

3.5 There have been a number of formal and informal documents produced to support the our work and enhance the effectiveness of our processes including:

- Guidance for applicants on the operation of the Pre-Application Community Consultation processes;
- Advice in relation to the consideration of proposals for Purpose Built Student Accommodation; and
- A draft Statement of Community Involvement that sets out our approach to engagement across all our functions.

Planning Applications

3.6 There have been a number of changes introduced as part of the transfer of the planning function which have changed how Councils manage and determine applications under the new legislation and processes. As part of the response to this new context over the last six months we have seen the introduction of new processes for Committee consideration of applications and changes in the structure of the Development Management Teams.

3.7 As noted above the Council inherited a substantial legacy of planning applications(780), including those from the parts of Lisburn, Castlereagh and North Down, with the transfer of planning functions in April 2015. The presence of these legacy applications will in the short term influence both our capacity to deal with current applications and our performance statistics in relation to the Key Performance Indicators. The implementation of the process for the review of these legacy applications is the first stage of the strategy to address this legacy and shift the focus to the management and consideration of new applications or proposals.

3.8 As noted above during this period of transition planning has continued to deliver the core services to customers and

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process both new and legacy planning applications. The tables below provide the Committee with some statistics to outline the extent and nature of the work that Planning has been engaged in during the first six months.

Applications Determined

- 3.9 We have issued 542 decisions which related to 18 Major and 524 local applications. Of the 542 there were 514 approved and 28 refused. The 542 were related to the following types of applications:**

Application Type	Total	Approved	Refused
Full	442	428	14
Outline	6	4	2
Advertisement	72	61	11
Demolition In Conservation Area	12	12	
Listed Building Consent	9	9	
Reserved Matters	1	1	

- 3.10 It should be noted that these figures are based on those used for DoE monitoring purposes and do not include 54 other applications that we were required to determine including: Certificates of Lawful Development (41), Non Material Changes (6) and Discharge of Conditions (7).**
- 3.11 Among the 89 applications considered by the Committee in the first 6 months have been a number of Major applications including Titanic Exhibition Centre, the Boutique Hotel in the Harland and Wolf Headquarters Building and a proposal for an extended Lidl Store in west Belfast. It should be noted that the work in this period up to 30 September 2015 ensured the further Major applications for Windsor House (Grand Hotel), Allstate and Belvoir Hospital were all able to be brought before the Committee in October 2015.**
- 3.12 These six applications alone represent a significant investment in the city with £30m proposed for the Belfast Grand Hotel alone. In addition the proposed AllState capital investment of over £30m will deliver 200 short term construction opportunities whilst safeguarding 1,500 existing operational positions and providing for 200 new posts. In addition to this investment the approved proposals are creating significant employment opportunities and will**

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contribute to the continued regeneration of the parts of Belfast in which they are located.

- 3.13 Alongside this work to support the continued growth and regeneration of the city we are through changes in the Development Management seeking to ensure that the processing times for local and householder applications are reduced. The median processing times for the 200 Local applications validated from the first of April and on which we have issued decisions is less than the statutory target of 15 weeks.

Applications Received

- 3.14 We have received 744 applications in the six months from April to September. Of these 27 were Major and 717 were Local applications. The 744 were related to the following types of applications:

Application Type	Total	
Full	576	24 Major
Outline	12	3 Major
Advertisement	85	
Demolition In Conservation Area	33	
Listed Building Consent	34	
Reserved Matters	4	

- 3.15 It should again be noted that these figures are based on those used for DoE monitoring purposes and do not include the range of other applications that we were required to determine including: Certificates of Lawful Development, Non Material Changes and Discharge of Conditions.

Pre-Application Work

- 3.16 The Committee may also wish to note that there are new pre-application processes that have to be managed alongside the existing pre submission discussions and engagement. In addition to existing Pre Applications Discussions (PAD) processes the 2011 Act placed a statutory duty upon applicants to consult the community in advance of submitting major applications (PAN) from July 2015.
- 3.17 There have been 55 PADs received between April and September covering a range of potential applications. There were also 5 PANs which were the subject of Pre-Application

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Community Consultation (PAN) processes resulting in two major applications being submitted (see Appendix 1).

Enforcement Work

- 3.18** The Committee may wish to note that at the end of September there were 423 lives cases and between April and September 2015 the Council opened 208 new Enforcement cases (see below) and resolved 149 cases between. These covered a range of issues including unauthorised changes of use, unauthorised listed building works, unauthorised sheds, unauthorised advertisements, breach of condition and unauthorised works to protected trees to name but a few.

Case Type	No.
Breach of Planning Condition	16
Change of Use	22
Demolition in an Area of Townscape Character	5
Operational Development	114
Trees in Conservation Area	4
Tree Protection Order	4
Unauthorised advertisements	39
Works to Listed Building	4
	208

The Committee may also wish to note that work is continuing on the new Enforcement Strategy which will be brought to a meeting this quarter for consideration by Members.

4.0 **Future Updates and Reviews**

- 4.1** As part of the ongoing performance and service management the intention is to provide Committee with regular quarterly reports in respect of the most up to date available statistics and progress in relation to the key milestones in respect of the business plan, local development plan, policy and other initiatives.
- 4.2** These proposed updates will provide early indications of the position in respect of key statutory performance indicators / standards, set out in the Local Government Order 2015, and keep Members informed of business plan related performance alongside an outline of the cumulative benefit arising from the work of the Committee.

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- 4.3 Within the next quarter the resolution of the resourcing for the local development plan and broader policy work should provide the opportunity to set out the draft timetable for the plan and the key milestones to be agreed with the DoE. This activity will be set alongside the timelines for current commitments to policy related work such as the Statement of Community Involvement, Purpose Built & Managed Student Accommodation, Developer Contributions, Linen Quarter etc.”**

After discussion, during which the Director clarified a range of Members' queries, the Committee noted the information which had been provided.

Financial Reporting – Quarter 2

The Committee noted the contents of a report which provided an overview of the Department's financial position as at the end of Quarter 2, that is, 30th September, 2015.

The Committee noted the information which had been provided.

Northern Ireland Environment Agency – Consultation Exercise

(Mr. D. O' Kane, Principal Professional and Technical Officer, attended in connection with this item.)

The Committee agreed, in response to a consultation exercise which had been undertaken by the Northern Ireland Environment Agency, to support the listing of the landmarks and buildings at the following locations:

- Parliamentary boundary posts at 109 King's Road; beside 14 Gilnahirk Road; between 44 and 50 Gilnahirk Road; two posts at McArt's Fort within the Cavehill Country Park;
- pillar boxes to the front of 82 North Road; to the front of 63 Wandsworth Road; and to the front of 159 Connsbrook Avenue; and
- two dwellings at 585 and 587 Antrim Road.

Planning Agreements

The Committee considered the following report:

“1.0 Purpose of Report

- 1.1 To provide Members with an initial indication of the nature and scope of planning agreements appropriate for use in Belfast.**

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2.0 Recommendations

2.1 To note this report and agree a further detailed report be brought to Committee setting out the proposed approach to the implementation of planning agreements through the development management process.

3.0 Main report

3.1 Belfast City Council ('the Council') has the ambition to lead and deliver effective planning outcomes and considers that Planning Agreements are a key tool in delivering future sustainable development for the City. They are widely used elsewhere as effective and valuable tools but were sparingly used by the previous single, region-wide planning authority.

3.2 The authority to make use of planning agreements is found in current legislation¹ and policy. The Council will shortly commence making its own Local Development Plan ('LDP') to replace the Belfast Metropolitan Area Plan ('BMAP'). The LDP will shape and refine the planning agreement regime further but with the pace of change and challenges quickening, the Council can make greater and more widespread use of planning agreements with immediate effect through the development management process.

The Nature of Agreements

3.3 Planning Agreements are agreements between local authorities and applicants/developers and are attached to planning permissions to make acceptable development which would otherwise be unacceptable in planning terms.

3.4 Broadly they can be used to:

- **prescribe the nature of development (e.g. requiring a proportion of housing is affordable);**
- **compensate for loss such as open space or employment land/buildings;**
- **mitigate the impact of a proposal (eg through increased public transport provision).**

3.5 Agreements must be directly relevant to the proposed development and should be used where a conditional approval could not deliver the necessary planning results.

¹ Section 76 The Planning Act 2011; Article 122 The Roads Order (NI) 1993

Failure to reach a satisfactory agreement will normally lead to a refusal of planning permission.

The Strategic Planning Policy Statement for NI (SPPS)

3.6 The SPPS provides the policy basis for planning agreements as set out in paragraphs 5.66 to 5.71 / pages 34-36 of SPPS. A planning agreement may be considered appropriate where what is required cannot be adequately addressed by the imposition of conditions and:

- is needed to enable the development to go ahead;**
- will contribute to meeting the costs of providing necessary facilities in the near future;**
- is otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not to be permitted without it;**
- is designed to secure an acceptable balance of uses;**
- is designed to secure the implementation of development plan policies in respect of a particular area or type of development; or**
- is intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development. (para 5.67)**

3.7 A developer will be expected to pay for, or contribute to, the cost of infrastructure that would not have been necessary but for the development or which needs to be rescheduled to facilitate the development. (para 5.68)

3.8 Mechanisms to use in the delivery of developer contributions include planning agreements under Section 76 of the Planning Act (NI) 2011 and under Article 122 of the Roads (Northern Ireland) Order 1993 in terms of infrastructure works. (para 5.70)

3.9 In some circumstances, community benefits may be offered voluntarily by developers to communities likely to be affected by a development. Community benefits can take a variety of forms including payments to the community; in-kind benefits; and shared ownership arrangements.

Local Development Plan (LDP)

3.10 While the LDP - Plan Strategy is being adopted the SPPS and the retained suite of Planning Policy Statements provide the policy basis for using a wide range of agreement types.

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- 3.11 The use of planning agreements is referred to in the existing statutory development plans (BMAP and the HMO subject plan) familiar to developers. The Council has recently brought forward advice on Purpose Built Managed Student Accommodation and published the City Centre Regeneration and Investment Strategy and both will inform discussions on planning agreements.**

The Scope of Agreements

- 3.12 All planning applications are determined on their merits and all development proposals may carry the potential for a development agreement which if applicable must then fairly and reasonably relate to the proposal.**
- 3.13 Where possible planning agreements should deliver on-site (often provided in-kind), but where this is neither practicable nor appropriate off-site delivery by financial contribution will be required.**
- 3.14 Early engagement on development proposals at pre-application stage together with transparency in decision taking can promote high quality sustainable development. 'Front-loading' of the development management system offers opportunities to advance agreements without unduly holding back processing of applications, particularly with regard to major applications where the time set aside for the pre-application community consultation provides a 3 month pre-submission period. This route also offers scope for early consideration of community benefits.**
- 3.15 The Belfast Planning Service will offer advice on these matters at early stages in engagement with landowners and developers and will justify the need and basis for an agreement.**

Types of Agreement

- 3.16 Agreements may be expected to deliver planning outcomes on a wide range of topics such as:**
- Housing/Social and affordable housing**
 - Purpose Built Managed Student Accommodation**
 - Transportation and travel**
 - Open Space and Landscape**
 - Public realm/city centre improvements**
 - Loss of employment land and buildings**
 - Shared space and heritage**

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FURTHER REPORT

- 3.17 A detailed report will be brought to a future Committee with proposals on the types of agreement; priorities; the level and scale of contributions; and the arrangements for decision making.”**

The Committee expressed its broad support for the introduction of Planning Agreements and a number of Members pointed out that any community benefits accrued would need to be meaningful and tangible. It was suggested that the Council could identify specific requirements within each electoral area which might form the basis of discussions with developers as part of the application process.

The Committee noted the information which had been provided and noted further that a further report would be submitted for consideration in due course.

Chairperson