

Planning Committee

Tuesday, 14th February, 2017

MEETING OF PLANNING COMMITTEE

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

In attendance: Mr. P. Williams, Director of Planning and Place;
Mr. J. Walsh, City Solicitor;
Mr. E. Baker, Development Engagement Manager;
Ms. N. Largey, Divisional Solicitor;
Mr. S. McCrory, Democratic Services Manager; and
Miss. E. McGoldrick, Democratic Services Officer.

Apologies

No apologies were received.

Minutes

The minutes of the meeting of 17th January and the special meeting of 24th 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 1st February, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declaration of Interest

Regarding item 11.n) LA04/2016/2500/F- Upgrade to bowling green walls, paths, flood lighting, PA system, irrigation compound with Glass Reinforced Plastic kiosk, Alderman McGimpsey and Councillors Armitage, Jones, and Hussey declared an interest, in so far as they were Members of the East Area Working Group which had allocated funding to the project.

Councillor Garrett declared an interest regarding item (p) LA04/2015/1488/F- 122 Blacks Road - Demolition of existing dwelling and erection of proposed 6 apartments with associated parking and amenity space, in that he had spoken with the applicant about the proposal.

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.

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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 9th January and 10th February.

Departmental Performance Update

The Development Engagement Manager provided the following information on the Department's performance to date:

Planning Applications

- 123 applications had been validated in January, 2017; and
- Overall numbers of applications validated this year had increased by 15% (1,687 up to 31st January, 2017 compared to 1,442 up to 31st January, 2016).

Planning Decisions

- 156 decisions had been issued in January, 2017.
- 92% approval rate;
- 92% decisions had been issued under delegated authority; and
- the number of decisions issued to date had increased by 32% over the same period in 2016. (1,184 up to 31st January, 2016 compared to 1,741 up to 31st January, 2017).

No. of applications in system by length of time

- 1,024 live applications were in the system at end of January, 2017;
- 57% of applications were in the system for less than 6 months; and
- Less than 29 legacy applications were outstanding (reduced from 780 at transfer in April, 2015).

Performance against statutory targets (figures available up to 31st December)

- The statutory target for processing major development planning applications from the date valid to decision issued or withdrawal date was within an average of 30 weeks. Up to 31st December, 2016 the average processing time to decide major applications was 65 weeks. This, however, included legacy applications and those Major applications which had been delayed whilst a Section 76 agreement had been put in place;
- The statutory target for processing local development planning applications from the date valid to decision issued or withdrawal date was an average of 15 weeks. Up to 31st December, 2016, the average processing time to decide local applications was 15 weeks; and

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- The statutory target was that 70% of all enforcement cases are progressed to target conclusion within 39 weeks of receipt of complaint. Between 1st April and 30th November, 2016, 76.7% of enforcement cases had been concluded within 39 weeks.

Noted.

Response to Planning Appeals Commission (PAC) Consultation

The Committee considered the following report:

“1.0 Purpose of Report or Summary of Main Issues

- 1.1 To present for consideration and comment a consultation from the Planning Appeals Commission on Draft Procedures for the independent examination of Local Development Plans.
- 1.2 The Planning Appeals Commission (PAC) has consulted the Council on the preparation of a guidance document in relation to the procedures surrounding the independent examination stage of the Local Development Plan. It has issued a consultation document comprising draft procedures for comment – copy attached at Appendix 2.
- 1.3 The closing date for submissions is 27th March 2017. The proposed draft response is attached in Appendix 1 for consideration.

2.0 Recommendation

- 2.1 It is recommended that the Committee notes the consultation draft procedures document issued by the PAC (see Appendix 2). It is further recommended that the Committee considers the draft written response to the PAC (see Appendix 1) and, if appropriate, approve its submission to the PAC as the Council's response to the consultation.

3.0 Main Report

Introduction

- 3.1 Members will be aware that the new Belfast Local Development Plan is currently in preparation and the Council's Preferred Options Paper has recently been published for consultation. The Plan is made up of two main components: the Draft Plan Strategy and the Local Policies Plan. Following extensive engagement, both parts of the Plan

will be subject to an independent examination, which will be carried out by the PAC.

- 3.2** The independent examination is specifically to assess the conformity of the plan documents with the statutory requirements and their soundness. The concept of soundness is based on a number of tests set out in the former Department of the Environment's Development Plan Practice Note 6. The tests are based upon three categories which relate to (1) how the development plan document has been produced; (2) the alignment with central government/regional plans, policy and guidance; and (3) the coherence, consistency and effectiveness of its content. A summary of the tests for soundness is included at Appendix 3 of the PAC's consultation document.

Consultation Document

- 3.3** The PAC's draft independent examination procedures document provides guidance on a number of key matters. These include the making of representations, the submission of the plan documents to the Department (and the PAC), the independent examination hearing itself and the PAC's final report. The guidance is aimed at all parties involved in the process, including planning authorities, consultants, developers, interest groups and individual objectors.
- 3.4** The commitment by the PAC to prepare procedural guidance on the independent examination of the Local Development Plan is to be welcomed. The guidance will be useful in preparing for and participating in examinations, particularly in the context of the new planning process and new planning authorities.
- 3.5** The draft guidance stresses that the independent examination of the plan documents is solely on statutory requirements and soundness. This fact is referred to throughout the guidance and it is important that all parties are fully aware of this requirement. Restricting the examination to such matters should result in more focussed and efficient public hearings.
- 3.6** The draft document provides guidance on how representations should be made – again confirming that they should relate to soundness. It encourages the use of forms for making representations and supports brevity and clarity. It suggests that individuals with a common concern could make a joint submission and, in this regard, it states that the substance of representations is more important than the

volume. Similarly, it confirms that written representations will be given equal weight to oral submissions.

- 3.7** The draft guidance sets out the information that the planning authorities should make available to the Department for Infrastructure and PAC in submitting plan documents for examination. This includes an analysis of submissions and the Council's opinion on them. It also includes any supporting evidence, such as topic papers, technical supplements and a self-assessment of legal compliance and soundness.
- 3.8** In advance of the actual independent examination public hearing, the guidance states that the PAC will give initial consideration to procedural and soundness matters. In the event that the PAC thinks that the plan is deficient in some way, it will engage with the planning authority and other relevant parties to seek a resolution.
- 3.9** The draft guidance provides detail on the format of the public hearing sessions. Hearings will be in the form of a round table discussion, chaired by a Commissioner and avoiding undue legalism. This more informal approach is welcomed as undue formality can lead to very adversarial and legalistic exchanges. In this regard, the Commissioner will have to ensure that the informal approach is maintained and that all persons have equal opportunity to make their views known.
- 3.10** Following the public hearing sessions, the Commissioner will prepare a report on the plan document's legality and soundness. This report is made to the Department for Infrastructure, which will then decide whether to direct the plan document to be adopted, modified or withdrawn.
- 3.11** It is noted that, throughout the draft document, there is little reference to timescales. In this regard, it is important that the independent examination stages of the LDP process are as efficient and effective as possible and do not result in undue delay to the plan. This is of particular importance as the Council has published a timetable for the preparation of the LDP and significant time spent in the examination stages, which is outside the Council's direct control, could prejudice the timely adoption of the new plan. This raises concerns that delays could ultimately affect the Plan's soundness. It is considered that the finalised guidance document should give indicative timeframes for each stage of the examination process, including the pre-hearing stage, the hearing itself and the final reporting stage.
- 3.12** The recommended response is set out in Appendix 1. In summary, the proposed procedures document around the

independent examination of LDP documents is welcomed. This is a new procedure within a new planning system and the procedural guidance should be helpful to all parties involved in the process. However, there are a number of important matters that should be expanded on or clarified, including the format of the hearing sessions and indicative timeframes for the stages of the process. These matters are highlighted in the draft response.

3.13 Finance and Resource Implications

There are no resource implications associated with this report.

3.14 Asset and Other Implications

None noted.

3.15 Equality or Good Relations Implications

There are no relevant equality or good relations implications attached to this report.”

The Committee noted the contents of the report and agreed to the submission of the response outlined in the report regarding the Draft Procedures for the Independent Examination of Local Development Plans to the Planning Appeals Commission. (Copy available on Modern.gov).

Response to Environmental Impact Regulations Consultation

The Committee considered the following report, together with the associated appendices:

“1.0 Purpose of Report or Summary of Main Issues

1.1 The purpose of this report is to establish Belfast City Council’s response to a consultation on proposed changes to the Environmental Impact Assessment Regulations.

2.0 Recommendations

2.1 That the Planning Committee supports the recommended response to the consultation as set out at Appendix 1.

3.0 Main report

3.1 Background

The Environmental Impact Assessment Regulations were introduced a number of years ago to provide a framework for assessing ‘significant environmental effects’ resulting from

certain development proposals. The Environmental Impact Assessment Regulations stem from a European Union Directive and are currently enshrined in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.

The Environmental Impact Regulations generally apply to schemes whose impacts are more than local in nature. For example, they may apply to regional significant proposals or smaller developments that may raise critical issues that extend beyond the site. 'Significant environmental effects' may be environmental, economic or social impacts. Both positive and negative significant effects must be considered. Where a proposal is likely to result in 'significant environmental effects', the planning application must be accompanied by an Environmental Statement. The purpose of the Environmental Statement is to set out what the significant environmental effects are and how these are to be managed or mitigated through the development process. Applications requiring an Environmental Statement are subject to additional requirements around the length of determination and consultation.

The Environmental Impact Assessment Regulations stipulate two categories of development: Schedule 1 and Schedule 2. Schedule 1 developments include major infrastructure projects such as power stations, harbours and oil refineries. An Environmental Statement is automatically required for any development falling within Schedule 1. Schedule 2 sets out a range of development types with thresholds. If the proposal exceeds the threshold, or if the site is within a sensitive area, the determining authority must decide whether the proposal would likely result in 'significant environmental effects'. This process is called 'screening'. If the answer is affirmative then the application must be supported by an Environmental Statement. The applicant may request that the determining authority advises them what should be included in the Environmental Statement. This process is called 'scoping'.

3.2 Purpose of the consultation

The Department of Infrastructure (DFI) is consulting on changes to the Environmental Impact Regulations, as a consequence of a new European Union Directive on EIA (2014/52/EU). The new Directive is intended to simplify the rules for assessing the potential effects of projects on the environment. If adopted, the new Regulations will be enshrined in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.

Some of the key changes to the EIA Regulations are:

- Reducing administrative burdens and processes streamlined through a joint/coordinated procedure when a development also requires an assessment under the Habitats/Wild Birds Directive;
- The environmental factors to be considered in the assessment have been refined and broadened to reflect emerging challenges that are important to the EU;
- Strengthening of the screening procedure through new information requirements and a revision of the selection criteria;
- The information to be contained in an Environmental Statement has been revised and clarified to improve their quality and content;
- Environmental Statements are to be prepared by competent experts and Councils are to have access to sufficient expertise to examine and assess the statements
- The grounds for planning permission decisions must be clear and reasons for determinations and decisions must be provided and shared with the public. Councils must demonstrate their objectivity to avoid conflicts of interest;
- Proportionate monitoring will be required for developments which appear to have significant negative effects on the environment. Existing monitoring arrangements may be used to avoid duplication of monitoring and unnecessary costs;
- Penalties may be introduced for breaches of the requirements of the Directive.

3.3 The consultation sets out 14 questions around the proposed changes to the EIA Regulations. It is recommended that Belfast City Council responds to these questions as set out at Appendix 1.

3.13 Financial & Resource Implications

The proposed requirements for the Council to have access to expert advice to inform the EIA process and to ensure monitoring of developments that are likely to have significant effects, may have financial resources for the Council.

3.14 Equality or Good Relations Implications

None identified.

4.0 References

4.1 The consultation can be viewed in full at the following web link:

<https://www.infrastructure-ni.gov.uk/consultations/consultation-planning-environmental-impact-assessment-regulations-northern-ireland-2017>.”

The Committee noted the contents of the report and agreed to submit the response to the Environmental Impact Regulations Consultation to the Department for Infrastructure, as set out in Appendix one. (Copy available on Modern.gov).

Supplementary Waste Storage Guidelines for Houses and Apartments in Belfast

The Committee noted the contents of the report regarding supplementary waste storage guidance for houses and apartments in Belfast which had been referred to the Committee by the People and Communities Committee on 10th January.

Extinguishment of Public Rights of Way at Ormeau Embankment

The Committee noted the receipt of correspondence from the Department for Communities which related to the proposed extinguishment of a Public Rights of Way at a pathway at rear of Ravenhill Reach to Ormeau Embankment.

Extinguishment of Public Rights of Way at Cairns Street

The Committee noted the receipt of correspondence from the Department for Communities which related to the confirmation of extinguishment of a Public Rights of Way at Cairns Street.

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.

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

Section 76 Developer Contribution - Update

The Development Engagement Manger provided an update regarding the development of a Framework for planning agreements and securing developer contributions.

He advised that the Framework would be comprised of two distinct parts. The first part would set out the Council's legal and policy basis for planning agreements, strategic alignment, infrastructure, viability and monitoring arrangements covering the operational aspects of the policy. The second part would provide detailed information on the types of obligations which might be required and under what circumstances. It would provide the methodologies which should be applied for ascertaining appropriate contribution levels, given the specific context of an application.

He advised that the Framework was intended to provide the development industry with the certainty required in relation to this area of planning and that an initial scoping exercise for this project had been produced which identified, in agreement with officers, seven cities to use as comparators in finalising a local approach to planning agreements.

The Committee noted the contents of the report, in particular:

- the Executive Summary produced by Three Dragons (Appendix 1);
- the forward work programme (Appendix 2) ; and
- the Department for Infrastructure Development Management Practice Note 21 – Planning Agreement (Appendix 3).

Withdrawn Items

The Committee noted that applications LA04/2016/2235/F - 98 Sandhurst Drive, Stranmillis - 2 storey rear extension Elevation changes and LA04/2016/1347/F - 16-18 Glen Road, Castlereagh - Demolition of existing building and erection of 8 apartments comprising of 2 blocks of 4 apartments with associated car parking and landscaping had been withdrawn from the agenda.

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

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) LA04/2015/1102/F - 42 Strathmore Park South - Sub
division of a dwelling to form a pair of semi-detached houses (retrospective)**

(Councillor Jones took no part in the discussion or decision-making of the application since they had not been in attendance at the meeting on 17th January when it had originally been considered).

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(Before the meeting, the Chairperson informed the Committee that a second request to speak had been received from the applicant citing exceptional circumstances. He advised that the applicant had already made a presentation at the Committee Meeting on 17th January. The Committee agreed not to receive the second deputation).

The Committee was reminded that, at its meeting on 17th December, given the issues which had been raised regarding the character of the area, car parking, and the size of the proposal, 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 Committee had agreed also that appropriate conditions be included within the report for consideration by the Committee in February, so that the option to grant approval to the proposal could be considered.

The case officer outlined the contents of the report and informed the Committee that, after the agenda had been published, additional information had been received from the agent objecting to the recommendation to refuse the application. He suggested that all forward looking policies pointed towards an increase in the number and choice of dwellings needed in Belfast, the elevated gardens were due to the lie of the land, the applicant had never experienced privacy problems, the ownership proposal was not supported by any known planning policies and that the family needed to maintain flexibility.

The case officer outlined the response of the Planning Department to the aforementioned issues raised, as outlined in the Late Items Report Pack.

The case officer advised that if the Committee were inclined to approve the application, draft conditions were outlined in the report, including one in relation to the ownership of the dwellings by a Section 76 agreement and a planning agreement. He highlighted that an additional occupancy planning condition to restrict the occupancy of both dwellings to the same family ownership also be included, as follows: "The occupation of dwelling number 42a, as indicated on drawing 03, shall be limited to direct family Members of the occupants of dwelling 42. A direct family member should be a spouse, parent, or sibling, son or daughter, and should include any dependents of that person or a widow or a widower of such a person, in the interests of residential amenity." He advised that it was recommended that delegated authority also be given to the Director of Planning and Place to finalise planning conditions.

The case officer advised that the recommendation remained that the application should be refused for the following reasons:

1. The proposal was contrary to Policy QD 1 of Planning Policy Statement 7: Quality Residential Environments and Policy LC 1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Areas in that it would, if permitted, result in unacceptable damage to the local character and environmental quality of the established residential area, by reason of additional in-curtilage parking, a second new access and subdivision of the curtilage resulting

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in a plot size which would be out of character with the pattern of development in the area and would set an undesirable precedent; and

2. The proposal was contrary to Policy QD 1 of Planning Policy Statement 7: Quality Residential Environments in that the proposed development would, if permitted, result in an adverse impact on residential amenity of prospective occupants by way of inter-overlooking between the properties into and out of the resulting houses at the rear.

Proposal

Moved by Councillor Armitage
Seconded by Councillor Hutchinson,

That the Committee agrees to approve the application, and delegate authority to the Director of Planning and Place to agree and finalise planning conditions, to include the proposed additional occupancy condition, as outlined by the Case Officer.

Amendment

Moved by Councillor Magee,
Seconded by Councillor Garrett,

That the Committee agrees to approve the application, and delegate authority to the Director of Planning and Place to agree and finalise planning conditions, without the additional occupancy condition.

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

The original proposal standing in the name of Councillor Armitage and seconded by Councillor Hutchinson was put to the meeting, with five Members voting for the proposal and none against and it was declared carried.

(Councillor Hussey entered the meeting at this point)

(Reconsidered Item) LA04/2016/1419/F - Provision of additional 307 space temporary car park with associated access roads, lighting and fencing at Black's Road Park and Ride junction

(Alderman McGimpsey and Councillors Hutchinson and Jones took no part in the discussion or decision-making of the application since they had not been in attendance at the meeting on 17th December when it had originally been considered).

(Alderman McGimpsey and Councillor Hutchinson had left the room whilst the item was under consideration)

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The Committee was reminded that, at its meeting on 13th December, it had deferred consideration of the application to enable the applicant, the Department for Infrastructure, to respond formally to the issues which had been raised, to ensure connectivity for the future in line with the Local Development Plan.

The case officer advised that the Planning Service had written to Transport NI on 20th December, 2016.

He summarised the reply from Transport NI regarding its exploration of the possibility of improving connectivity between Black's Road Park and Ride and advised that Transport NI was not willing to enter into a Section 76 Agreement or provide a financial contribution towards upgrading Black's Path.

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

LA04/2016/1789/F - 7-9 Arthur Street, 20-32 Chichester Street and existing building at 34-36 Chichester Street - Demolition of existing building at 34-36 Chichester Street and erection of new 8 storey mixed use development incorporating retail and office ground floor, and 1st-7th floor offices with associated external plant

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

The Committee was reminded that, at its meeting on 15th November, 2016 it had resolved to approve the application subject to an Agreement under Section 76 of the Planning Act. However, it had been brought to the Planning Service's attention that a number of residential addresses in the adjacent Victoria Square Apartment complex had not received neighbour notification of the proposal, and thus were not given the appropriate opportunity to view the proposal and make comment. Therefore, the Committee was requested to consider the application afresh.

The Development Engagement Manager outlined the contents of the proposal and highlighted the additional condition regarding a construction management plan to address issues of noise, dust and vibration during the construction phase.

He informed the Committee that, after the agenda had been published, additional information had been received from the residents, which raised the following points:

- the date for the Neighbour Notification was after the committee report date of 7th February;
- the developer relied on the planning history to justify the proposal;
- residents had no recollection of being notified on the previous 2011 application;
- residents addresses were incorrect on the Council's database;
- the above complaint had not been responded to;
- requested that address points for 2011 application be cross referenced to the address points which currently appear on the portal for the Apartments at Victoria Square Residences;

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- the applicant should not benefit from a previous permission;
- lack of Community Consultation and the failure to conduct community consultation was unlawful;
- communication issues with the agent;
- height adds one storey to previous approval and was contrary to BMAP;
- the roof plant and screening;
- drawing 15067-DL(PL) 402 shows the Victoria Square Penthouse level to be higher than the roof level of the proposed building. This conflicts with a drawing in the Design and Access Statement;
- the distances between the buildings. Distances between the office building and apartment balconies;
- the agent had misunderstood residents' concerns and had only considered noise from the 6th floor terrace and not overlooking;
- overshadowing and loss of light;
- suggested a deferral on the basis that the architects had not addressed their concerns and if the application was not deferred and permission was granted then the following restrictions should be imposed:
 - the height to be in line with BMAP and proximity to the perimeter of the site;
 - location, size, opaqueness and number of windows;
 - noise and nuisance associated with construction / hours of construction; and
 - hours of operation for the office use.
- The Regional Development policy and other policies encouraged residential development in the City and that commercial development would compromise this and residential approvals.

The case officer outlined the response of the Planning Department to the aforementioned issues raised, as outlined in the Late Items Report Pack.

He also highlighted that the Urban Design Consultant had outlined support of the scheme and the conservation officer had no objection.

The Committee received representations from Mr. B. MacDonald, acting on behalf of the residents of Victoria Square. He outlined a range of objections to the proposal which related to flaws and systemic failures in the planning process, flaws in the pre-application consultation as residents were not in attendance. He suggested that there had been no engagement with residents following the consultation event, therefore the Council had been misinformed (paragraph 3.4). He outlined further issues in that the residents had not received a reply from a query that had been sent to the architects and neighbour notifications had not been received. He suggested that there were fictitious addresses in the computer system for neighbour notification, a lack of reply to correspondence, and questioned why the addendum planning report had been published without residents' concerns being received. He also suggested that there were material objections to the height, massing, loss of light, loss of privacy, glazing concerns, the building needed to be

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lowered and set back, and that the residents were concerned about the potential uses of the terrace and amplified music would cause disturbance.

The Committee received representations from Mr. M. Burns, Lead Designer, Todds Architects, acting on behalf of the agent and Mr. R. Calvert, applicant, Orby Investment. Mr. Burns outlined a range of issues in support of the application which included the previous extant approval, the design review of the previous approval, the refinement, amendments, and improvements of the quality of the design to reduce the impact on the adjoining properties such as the reduction in storeys in places, sit-back of storeys, removal of the car park, reduction in glazing, and addition of vertical fins. He suggested that they had complied with all the requirements of the Planning Application Notice which included Community Consultation requirements and explained the process that had been undertaken.

Mr. Burns answered a range of questions from the Committee regarding the use of the roof terrace, proposed plant and overlooking.

The Committee received further representation from Mr. MacDonald in response to factual inaccuracies which he believed had arisen during the oral representation by the applicant. He suggested that the cross sectional drawings did not reflect the same buildings and levels of the proposal. He suggested that the potential for parties on the terrace until 11.00pm was unacceptable, there should be a restriction on amplified music, and the issue of overshadowing was also a concern.

The Development Engagement Manager clarified that the technical drawing illustrated in the presentation was the accurate drawing which had been considered by the case officer in the report.

The Committee received further representation from Mr. Burns in response to Mr. MacDonald's statement. He suggested that significant analysis had been undertaken regarding the sun path and that this had been submitted to the Planning Department.

During discussion Members raised the issue of the legal obligations of the planning process, clarification on the neighbour notification process and the timescales of the re-consultation.

The City Solicitor reminded the Committee that the relevant papers and written submissions that were made regarding the application had been circulated to the Committee for consideration before the Committee meeting.

He advised that the applicant had complied with the legal obligations that were pertinent to the community consultation of the pre-application process.

In relation to the neighbour notification issue which had been raised by the objector, he informed the Committee that the Council had accepted that the neighbours' notification in relation to the current application had not taken place before the previous Committee. He reminded the Committee that the application had been referred to the Committee for a re-hearing and that the Committee was not encumbered by the previous

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decision that had been taken. He asked Members to bear that in mind, in terms of the decision making.

He advised the Committee that the objectors' comments in relation to the addendum report needed to be balanced against the fact that the Committee had all of the material objections and representations in front of them. He advised that the Committee was not bound by any recommendation made by the case officer and had in the past departed from the planning officer's recommendation.

In relation to the effect of this proposed development, in relation to the building which the objectors had an interest, he advised that it was up to the Committee to decide, in terms of balance, whether or not this proposed development, together with the mitigations and conditions imposed, allowed these developments to co-exist with one another, side by side.

The Committee also sought clarification on the glazing of the building, potential conditions for the outside space, restrictions of amplified music on the terrace, and the possibility of a management plan and section 76 agreement.

Proposal

Moved by Councillor Mullan,
Seconded by Councillor Dorrian,

That the Committee agrees to approve 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, delegate power to the Director of Planning and Place, in conjunction with the City Solicitor, to enter into discussions with the applicant to explore the scope of any Planning Agreements which might be realised by way of developer contributions and, if so, to enter into such an Agreement on behalf of the Council. The Committee agrees also to the additional condition that there will be no amplified music on the terrace, at any time, and delegates power to the Director of Planning and Place for the final wording of all the conditions.

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

The Committee also noted that the Planning Department would convey the importance of community consultation and the difficulties which may arise with neighbour notifications to future applicants.

(Meeting adjourned for 10 minutes at this point)

LA04/2016/1691/F - Belfast Rapid Transit Hub and Engineering Works with garage, workshops, spray booth and stores on ground and mezzanine floor; associated staff facilities (toilets, lockers and canteen on ground, mezzanine and first floor; ancillary office accommodation on first and second floor (three floors in total), bus wash, security office, bus staff parking and other ancillary development.

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

The Committee considered a proposed application.

It was reported that the Council was awaiting a final response from a statutory consultee, Shared Environmental Services, however, the application could be referred back to Committee if any material concerns were to be raised by the consultee.

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

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

LA04/2016/2621/F - Units 9, 13 and 10 Connswater Retail Park - Amalgamation and change of use of units 9 and 13 to facilitate mixed retailing. New shop fronts and re cladding of units 9, 13 and 10 and all associated site works

The case officer outlined the main aspects of the application.

It was reported that the site was located within Connswater Retail Park in East Belfast, and comprised of three empty retail warehouse units constructed from brick with sheet metal cladding and roofing.

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

Z/2014/0557/F – Shore Road Playing Fields, Shore Road- New 3G pitch with floodlighting, dugouts, fencing and 200 seater stand previously approved pitches to be altered slightly and associated car parking

The case officer apprised the Committee of the proposal for the construction of a 3G pitch, dugouts, fencing, 200 seater stand and reconfiguration of previously approved 5 a-side pitches.

The case officer pointed out that there was an error in the published title of the application which should read "*Shore Road Playing Fields*" instead of "*Grove Playing Fields*."

It was noted that the application, in accordance with the Scheme of Delegation, had been presented to the Committee since the Council partially owned the land.

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

LA04/2016/2639/LBC - Belfast City Hall - Minor internal alterations

The Committee considered a proposal for listed building consent for internal operations to Belfast City Hall to include the provision of toilet facilities for disabled persons within the existing ground floor male toilets. Works would include the removal and placement of stud walling in the east entrance foyer.

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.

The Committee also noted that access to public amenities and signage for partially sighted people be considered as additional informatives of Council Planning Applications.

LA04/2016/1038/F - Site at Sydenham Road bounded by Cuming Road and Hamilton Road - Pre Delivery Inspection Centre including smart repair centre, wheel tyre storage area and mezzanine floor, valeting bays, parking and associated site works

The case officer outlined the proposed planning application located at Sydenham Road within the harbour area.

She advised that there was relevant planning history on the site under application Z/2007/2018/F granted in 2008, and highlighted that although this permission had expired in 2013 it remained a material consideration.

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

LA04/2016/2553/F - 96 Sandy Row - External alterations and extension to existing building to create 2 one bedroom apartments on upper floors with retail on ground floor

The case officer outlined the main aspects of the application for the alteration and extension of the existing building to provide 2 one bedroom apartments to the upper floors and retention of existing retail unit for use as drop in centre.

It was noted that the application, in accordance with the Scheme of Delegation, had been presented to the Committee since the Council had partly funded the project.

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

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LA04/2015/0539/F - Belvoir Park Hospital Site - Variation of Condition 6 of outline planning permission Y/2009/0462/O regarding phasing of restoration of the listed and unlisted buildings and occupation of the residential units

The case officer outlined an application which sought to vary condition 6 of approval Y/2009/0462/O to state: None of the residential units in any phase hereby approved shall be occupied until the works to restore the listed and retained building(s) within that phase have been completed in accordance with the plans approved under Y/2009/0461/F or Y/2014/0401/F relevant to the phase in question and written confirmation had been obtained from the Council (Amended Description).

The case officer informed the Committee that, after the agenda had been published, additional information had been received from the Ulster Architectural Heritage Society (UAHS) regarding the additional phases and redistribution of works to historic buildings. It suggested that the proposal did not appear to be in accordance with previous plans and raised concerns that the report did not refer to amended site plans and that there was no official response from Historic Environment Division on the portal. The correspondence also requested information on what investigations had been undertaken to ensure compliance with PPS23 – Enabling Development prior to an opinion to approve and suggested that the application should be refused and a new application lodged to clearly state changes to the plans and condition 6.

The case officer outlined the response of the Planning Department to the aforementioned issues raised, as outlined in the Late Items Report Pack. She highlighted that the application proposed to insert a reference number (recent Phase 2 Approval Y/2014/0401/F) to condition 6 and that no other changes had been proposed.

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

LA04/2015/1561/F - 3G pitch with flood-lighting, hurling wall, boundary fence with netting, reconstruction of terracing, 2 new dug-outs and resurfacing of the existing carpark at St Pauls GAC, 98 Shaws Road

(Councillors Dorrian and Hussey had left the room whilst the item was under consideration)

The Committee was reminded that, at its meeting on 17th January, it had granted approval to the application, subject to the imposing of the conditions set out within the case officer's report and had agreed also to delegate power to the Director of Planning and Place for the final wording of the conditions.

However, the case officer advised that the Committee was requested to consider the application afresh as two objections had been received which had raised the following issues:

- Height of the boundary fence – detrimental to health;
- Impact of the proposed fence on sunlight;
- Adversely impact the value of properties; and

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- Inconvenience to residents outweighs any benefits to spectators.

The case officer stated that it was considered that the height of the close boarded fence on top of the retaining wall would not be overly dominant or adversely impact on the amenity of neighbouring properties. Whilst the proposed netting would be of a significant height it would allow light to penetrate through and given the orientation of the dwellings overshadowing from the proposed netting would not occur.

He informed the Committee that, after the agenda had been published, the consultation response had been received from the Environmental Health Service which approved of the conditions and informatives as set out in the report.

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

Z/2013/1399/F- Lands bounded by Stockmans Crescent and Kennedy Way - Proposed residential development comprising of 8 two storey semi-detached dwellings, 1 detached dwelling and six apartments in one three storey block along with associated site works and sewer diversion

The case officer apprised the Committee of the above-mentioned proposal.

He advised that the site was located within Belfast's development limits and zoned for housing (WR 04/09) in the Belfast Metropolitan Area Plan, 2015.

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

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

LA04/2016/1100/F- Lands at former Lisnasharragh High School, Tudor Drive Proposed erection of 24 semi-detached dwellings and 6 complex-needs bungalows

The case officer outlined the proposed planning application.

The planning history at this location related to an expired approval in 2010 (Y/2010/0168/O) for a residential development.

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

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LA04/2016/2500/F - Belmont Bowling Club, 6A Kincora Avenue - Upgrade to bowling green walls, paths, flood lighting, PA system, irrigation compound with glass reinforced plastic kiosk

The Committee considered a proposal for an upgrade to a bowling green including works to walls, paths, flood lighting, PA system and the installation of an irrigation compound with a glass reinforced plastic kiosk.

The case officer pointed out that there was an error in the published referral route of the application which should read "*Council has an Interest in the project*" instead of "*Request by Belfast City Council Member*".

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 proposal.

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

LA04/2016/1351/F - Land between 14 Shore Road and 1-23 Loughview Terrace - Proposed open space development, providing a design green space including new planting and interpretative artwork accessible in part by pedestrian surfaces

The case officer outlined the proposed planning application.

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

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

LA04/2015/1488/F- 122 Blacks Road - Demolition of existing dwelling and erection of proposed 6 apartments with associated parking and amenity space

(Councillor Garrett, who had declared an interest in this application, withdrew from the table whilst it was under discussion and took no part in the debate or decision-making process.)

The case officer outlined the main aspects of the application.

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

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

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LA04/2016/1491/F - 54-60 Whitewell Road - Demolition of existing properties and proposed new-build residential development of 10 social housing apartments

The Committee considered a proposal for the demolition of vacant units and the proposed development of 10 social housing apartments with parking and associated site works.

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

LA04/2016/1864/F - Former community centre opposite 8 Moyard Park - Residential development comprising 6 dwellings, car parking, landscaping and associated site works

The case officer outlined the main aspects of the application and informed the Committee that, after the agenda had been published, additional information had been received from Springfield Park Residents' Association in regards to the inaccuracy of the description of the building as a 'community centre', the Covenant restrictions of the building, and the community not being informed of the owners intention to sell. It also outlined objections in regards to designation of the land and highlighted a letter from the Housing Executive from 1991 which indicated that the green area be retained as recreational area for the community. The correspondence also suggested that the proposal would cause overdevelopment of the area, deprive the community of their recreation area and that there would be high risk of creating a hotspot for anti-social behaviour.

The case officer advised that further correspondence had also been received from the Agent, acting on behalf of the applicant, regarding the need for housing in the area, a social value clause within the construction contract, the consistency of the design, and proposed maintenance of dwellings. It suggested that the proposal did not prejudice any ambition the local community might have for an enhanced open space and did not encroach on the adjacent open space.

The case officer outlined the response of the Planning Department to the aforementioned issues raised, as outlined in the Late Items Report Pack.

After discussion, given the issues which had been raised regarding the number of objections received and the zoning of the land, the Committee 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 Committee agreed also that the Housing Executive Estates Department be contacted to clarify the zoning of the site.

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**LA04/2016/2479/F - Cliftonville Playing Fields, Cliftonville Road - Installation of ballstop net to the pitch boundary adjacent Glenard Brook; and
LA04/2016/2476/F - Cliftonville Playing Fields, Cliftonville Road - Installation of ballstop net to the pitch boundary adjacent Old Park Avenue**

The Committee agreed to deal with the aforementioned items together.

The case officer outlined the proposed planning applications for ballstops at Cliftonville Playing Fields.

The Committee granted approval to both of the applications, subject to the imposing of the conditions set out in the case officer's reports.

Chairperson