

Planning Committee

Tuesday, 14th August, 2018

MEETING OF PLANNING COMMITTEE

Members present: Councillor Garrett (Chairperson);
Alderman McGimpsey;
Councillors Armitage, Carson, Dorrian, Hussey,
Hutchinson, Johnston, Lyons, Magee,
McAteer, 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
Ms. E. McGoldrick, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Councillor Bunting.

Minutes

The minutes of the meeting of 6th and 12th June were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd July, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Regarding item 9. a) LA04/2018/0448/F - Lands at former Sirocco works, Block C, 13 storey Grade A office building, Councillor Nicholl declared an interest, in so far as she had attended University with one of the applicants, however she had not formed any opinion on the matter prior to the meeting. Councillor Armitage also declared an interest, in that he had met with the agent, however he had not formed any opinion on the matter prior to the meeting.

In respect of item 9.b) LA042018/0522/F - 42 Strathmore Park, remove condition 7 - LA04/2015/1102/F (Occupancy Condition), Councillor Magee declared an interest, in that he had spoken with residents about the proposal.

Regarding item 9.c) LA04/2017/2623/F - 88 Circular Road, dwelling with detached garage, Councillor Johnston declared an interest, in so far as he had discussed the application with the Planning Service, however he had not formed any opinion on the matter prior to the meeting.

In respect of item 9.d) LA04/2017/0261/F - Land to rear of no 49 Diamond Gardens, 2 Storey detached dwelling, Councillor McAteer declared an interest, in that she had made representation to the Planning Service on behalf of the objector.

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Councillor McAteer also declared an interest in item 10.b) Update on draft LDP Strategy including Engagement Strategy and Technical Supplements, in that she was an employee of the West Belfast Partnership Board.

Request to Present - Belfast Civic Trust

The Director advised the Committee that a request had been received from Belfast Civic Trust to present to the Planning Committee in relation to their vision for the city and planning matters.

The Committee agreed to receive a presentation from the Belfast Civic Trust at a future Committee Workshop.

Financial Reporting - Quarter 4 2017/18 Update

The Committee noted the contents of a report which provided an overview of the financial position of both the Planning and Licensing Committees, as at the end of the financial year. It was noted further that the financial position for Quarter 4 was a net departmental over-spend of £111k (7.7%) and the over-spend arose from expected under-recovery of Building Control income of £235k and a £52k overspend in advertising costs in Planning.

Abandonments of Public Rights of Way

The Committee noted the receipt of correspondence from the Department for Infrastructure in respect of the Abandonment of Public Rights of Way at Finvoy Street and Tyndale Gardens.

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 11th June and 7th August, 2018.

Review of Listed Structures - Lynn Memorial, Belfast City Cemetery

It was reported that correspondence had been received from the Department for Communities in respect of the Review of Architectural or Historic Interest Survey.

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The Committee noted that, as part of the survey, the Lynn Memorial at Belfast City Cemetery, Falls Road had been reconsidered and remained of sufficient interest for protection as a listed building, therefore its statutory listing remained unchanged.

Withdrawn Items

East Bank Development Strategy

The Committee noted that item 4) East Bank Development Strategy had been withdrawn from the agenda.

Miscellaneous Items

Update on Replacement of the Planning Portal (Verbal Update)

The Committee was reminded that the Council was participating in a joint project with the Department for Infrastructure (DfI) and the other 10 council areas to examine the options to replace the Planning Portal.

The Development Engagement Manager explained that, following on from the interim response to DfI in relation to the Draft Outline Business Case in June, further information relating to the costs and governance issues had been requested. He indicated that once this information was received from DfI, options on the replacement Planning Portal would be submitted to the Planning Committee and the Strategic Policy and Resources Committee for consideration.

Noted.

Restricted Item

The Information contained in the following reports is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014

Resolved – That the Committee agrees to exclude the members of the Press and public from the Committee meeting during discussion of this item as, due to the nature of the items, there would be a disclosure of exempt information as described in Section 42 (4) and Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Update on draft Local Development Plan Strategy including Engagement Strategy and Technical Supplements

The Development Planning and Policy Manager provided an update on the launch and publication of the draft Plan Strategy and the proposed approach to consultation.

He highlighted that the draft plan documents would be published on 23rd August, 4 weeks in advance of the statutory 8-week period and comments on the documentation would only be accepted during the formal consultation period which commenced on Thursday, 20th September and would close at 5pm on Thursday, 15th November.

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He advised that the publication of additional technical documents would accompany the Draft Plan Strategy when it was formally published.

After discussion, the Committee noted the information which had been provided, in particular:

- the arrangements for the launch of the draft Plan Strategy;
- the timescale / arrangements for the proposed, the draft plan strategy summary and leaflet; and
- the details of the full range of technical supplements.

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)

LA04/2018/0448/F - Lands at former Sirocco works, Block C, 13 storey Grade A office building

The Committee considered the aforementioned application for the erection of 13 storey Grade A office building with ground floor, first floor and mezzanine café/bar/restaurant uses (sui generis), ground floor retail unit, lobby/reception area, basement and deck car parking, servicing (refuse/recycling/cycle storage/changing facilities), landscaping/public realm works, temporary pocket park, pedestrian/ cycle access route from Bridge End, temporary pedestrian/cycle access to riverfront, associated access arrangements to Short Strand and Bridge End and other associated infrastructural works.

The case officer informed the Committee that, after the agenda had been published, the following points had been received from the agent, on behalf of the applicant:

- The office development had a total investment value of £50 - £70 million and the potential to create 2,500 jobs;
- Highlighted the application's policy considerations as outlined in greater detail in the case officer's report and its strategic fit for Belfast;
- Further explanation of the sequencing and status of other planning applications for the site;
- A summary of design changes undertaken as a result of engagement with the Council's planning team;
- An outline of Vanguard Real Estate's (the applicant) global experience; and
- A summary of the economic impact of the whole development of Belfast Waterside - £400 million total investment, circa 8,000 jobs.

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

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The case officer also informed the Committee that, after the agenda had been published, further updates on the status of the following consultation responses had been received and outlined in the Late Items Reports Packs:

- Environmental Health re: Air Quality;
- DEARA Contamination and Marine;
- Rivers Agency;
- Natural Heritage;
- Shared Environmental Services;
- Historic Environment Division;
- NITHC / Translink; and
- BCC Landscape and Trees.

The Committee received a representation from Mr. J. Osborne, applicant, Mr. M. Gordon and Mr. C. Kane, representing the applicant.

Mr. Osbourne outlined a range of support for the case officer's recommendation to approve the application as follows:

- £20 million had been invested in the project;
- The development team had a belief in the potential of Belfast, in terms of growth in the economy and jobs;
- The development was fully aligned with the interests of Belfast and they had carried out detailed consultations with key stakeholders;
- They had the resources and capital to deliver on the vision as set out in their presentation;
- They continued to bring investors to the city and were keen to evolve the site and the 'Belfast Story';
- The project intended to create a development where investors could deploy their capital and would assist in driving the Belfast agenda; and
- Investors were committed to the socially inclusive development.

Mr. Gordon suggested that this was the third time that the site had been and it was common for a first phase of a development to be granted planning permission ahead of the wider outline plan proposal. He suggested further that this application would not prejudice the wider site proposal but would support the site for future development.

During points of clarification, the agents provided further details in relation to the potential for job creation, the proposed cycle provision and the continued investment of the development.

During discussion, the case officer confirmed that there was an error, under the Executive Summary and paragraph 9.40 of the report, which should read: '*Residential properties are also located within Short Strand and are approximately 170m from the nearest dwelling to the eastern elevation.*'

The Committee approved the application, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act

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(Northern Ireland) 2015, delegated power to the Director of Planning and Building Control, in conjunction with the City Solicitor, to enter into discussions with the applicant 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 also delegated power to the Director of Planning and Building Control for the final wording of the conditions.

**LA042018/0522/F - 42 Strathmore Park, remove condition 7 - LA04/2015/1102/F
(Occupancy Condition)**

(Councillor Magee, 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 reminded the Committee that the application had previously been listed for consideration at the Planning Committee of 17th April. However, it had been withdrawn from the agenda to allow full consideration of the submission received from the applicant's legal representative prior to the meeting.

She highlighted that the application sought to remove Condition no.7 from planning permission LA04/2015/1102/F. This condition related to the occupancy of the new dwelling unit created as a result of the subdivision of 42 Strathmore Park, as follows:

'The occupancy of dwelling No.42A as indicated on drawing No.03 shall be limited to direct family members of the occupants of dwelling No.42. A direct family member shall be a spouse, parent or sibling, son or daughter and shall include any dependents of that person or a widow or widower of such a person.'

The case officer informed the Committee that, after the agenda had been published, the following points of objection to the case officer's recommendation for refusal had been received from the applicant:

- They wished to address the new Planning Committee and new Director of Planning and Building Control;
- Outlined a timeline of events of previous planning application LA04/2015/1102/F;
- Raised concerns in relation to the occupancy condition attached to planning permission granted under LA04/2015/1102/F;
- Highlighted existing overlooking into neighbouring properties with photographic evidence provided; and
- The Applicant was being harshly treated.

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

She highlighted that the case officer's report explained how the occupancy condition had met the 6 tests of being '*Necessary, Relevant to Planning, Relevant to the Proposal, Enforceable, Precise and Reasonable*' under paragraphs 9.2.4.

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She explained that, after assessment, it had been recommended for refusal on the grounds that:

- 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 sub-division of the curtilage resulting 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
- 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.

The Committee received a representation from Councillor Campbell in objection to the case officer's recommendation for refusal. She pointed out that the footprint of the properties had not changed, the area was of mixed tenure, the property next door had a bungalow in its back garden, the applicant's son could not get a mortgage in the future based on the occupancy condition and the development provided a quality residential environment. She suggested that the recommendation to refuse the application should be overruled by the Committee, as the condition on the property was unreasonable and the Committee should consider removing the occupancy condition.

The Committee received representation from Mrs. A. Stewart, Mr. C. Dunford and Mr. A. Acheson.

Mr. Dunford endorsed the comments outlined by Councillor Campbell and highlighted that he had made a written submission, on behalf of the applicant, against the case officer's recommendation for refusal. He suggested that there were contradictory statements in the case officer's assessment of the development, such as 'overlooking' being stated as 'not a main concern' in January, 2017, and he questioned the consistency of how planning policy had been applied to the proposal.

He suggested that there was already precedent permitting similar developments such as Upper Malone Road (reference Z/2006/2070/F) and Cleaver Avenue (reference Z/2004/2834/F) as outlined in his written submission, which pre dated the amendment to PPS7, and both cases had been approved without conditions.

Mr. Acheson referred to Planning Policies QD1 of PPS7 and LC1 of the addendum. He stated that the relevant section of QD1 for this application stated that "*there is no unacceptable adverse effect on existing or proposed properties in terms overlooking, loss of light, overshadowing, noise or other disturbance*" and the site had

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had houses on it for over 50 years with no adverse affect between neighbouring properties.

He suggested that whether people were related or not had no effect on the issues raised by the case officer such as density, pattern of development, size, car parking, access, sub-division and plot site.

Mrs. Stewart suggested that the retrospective application had established the development as two semi-detached houses with separate gardens. She suggested that the development was not out of character in the area and her application should not be treated differently. She suggested that the occupancy condition was unreasonable, unfair and placed a restriction on her family for the future.

During discussion, the case officer clarified that the assessment of overlooking at the site had not changed.

The Committee refused the application for the reasons as 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 refusal.

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

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

The case officer provided an overview of the aforementioned application. She outlined the planning history on the site and clarified that the previous buildings on site had been demolished and works had commenced on the erection of the new dwelling and garage; the garage being substantially complete.

Alderman Browne indicated that he wished to speak on the matter and accordingly, the Committee agreed. He raised objections to the recommendation by the case officer to approve the application including neighbour objections, non-permission of building works already completed, height of garage, information lacking from the Planning Service and problems with the application process. He suggested that a site visit should be arranged.

In response to the issues raised by Alderman Browne, the Director advised that case officers were objective in their assessment of applications and confirmed that it was not an offence to undertake works without planning permission, unless the building was listed, and the process to regularise building work that had been undertaken needed to be assessed fairly.

The Committee received a representation from Mr. I. Adamson, Mrs H. Brooker and Mr. D. Brooker. They suggested that the development had a large number of objections, would be detrimental to the townscape character and heritage of the area, was unlawful as the current structure had no planning permission and there had been a lack of information disclosed by the Council on the enforcement issues at the site. They also suggested that the development had already been used as a precedent for further demolitions on the road and that a site visit would be useful for the Committee.

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The Committee received a representation from Mr. C. McAuley and Mrs F. Dunwoody representing the applicant. Mr. McAuley endorsed the recommendation to approve the application and highlighted that the site had been purchased for a family home. He suggested that the site already had full planning permission for a house and garage and minor changes were required under this application. He pointed out that the current application included a landscape and planting plan to enhance the character and townscape. He suggested that the design amendments had been made since meeting with the Planning Department, the site had a history of approval and the Committee should approve the application.

After discussion, the Committee, given the issues which had been raised by the objectors, agreed to defer consideration of the application to permit a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand.

LA04/2017/0261/F - Land to rear of 49 Diamond Gardens, 2 Storey detached dwelling

(Councillor McAteer, 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.)

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

The Case officer outlined the application for a residential dwelling on lands to the rear of 49 Diamond Gardens including new access, bicycle shelter and bin storage.

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

- Requested the delay of the presentation to the Planning Committee to allow time for the objectors' Planning Consultant to respond to an email from Planning in response to an email from Mr McVeigh dated 11th July;
- It was unclear what conditions had been included by Planning Service - this information had not been provided and Mr. McVeigh had been unable to locate it on the Planning Portal;
- It was unreasonable to rush this planning application through the Planning Committee given the level of effort that had been put into it by concerned local residents and also considering it had previously been earmarked for refusal;
- Given the late response received from Planning Service to an email dated 11th July, it was only fair and reasonable to delay a decision on this application until the next month;
- If this application was considered to the Planning Committee, local residents would feel let down by the Planning Service; and
- There were no conditions in the case officer's report regarding the proposed movement of the pillars.

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

Councillor McAteer indicated that she wished to speak in objection to the proposal and accordingly, the Committee agreed. She suggested that the area had a rural feel and there were currently three houses on the laneway and raised concerns in relation to vehicle movement and the heritage value and ownership of the gate posts at the entry of the lane. She suggested that the separation distances between the proposal and the existing houses was minimal and a site visit would be beneficial for the Committee to assess the impact of the proposal on the surrounding houses.

The Committee received a representation from Mr. J. Cassidy, agent, representing the applicant. He advised that this was a revised application to consider issues which had been raised by the Planning Service and residents. He suggested that concerns in relation to the existing road junction with Diamond Gardens had been taken into consideration and the proposal addressed this as it would widen the existing carriageway, relocate one of the existing gate posts, remove the existing hedge and replant a new one. He suggested that the gate posts were on Transport NI land and had been built without its knowledge or approval, however, the proposal would move one of them outside the increased width of carriageway.

After discussion, the Committee, given the issues which had been raised in relation to the ownership of the gate post and width of the laneway, agreed to defer consideration of the application to permit a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand. The Committee also agreed that further information from the applicant in relation to ownership of the gate post be submitted for the Planning Service for consideration.

(Councillors Hutchinson and McAteer returned to the Committee table at this point.)

LA04/2017/1707/F - Tomb Street. Graham House, 11 storey office building with ground floor restaurant/café

The Committee considered the application for the erection of an 11 storey office building with ground floor restaurant/café, associated works and vehicular access from Tomb Street.

During discussion, Members raised concerns in relation to the design, the impact of the proposal on the nearby Custom House Square and the objection from the Historic Environment Division in relation to the updated plans.

The case officer confirmed that HED were now more content with the design but required clarification from the Planning Service and delegated authority was sought to engage with HED.

The Director highlighted that HED were a consultee and the Planning Service would facilitate the extra consultation to remove their concerns in relation to the scheme, however, the recommendation of the Planning Service was to approve the application.

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The Committee approved the application, subject to the imposing of the conditions set out in the case officer's report and, in accordance with Section 76 of the Planning Act (Northern Ireland) 2015, delegated power to the Director of Planning and Building Control, in conjunction with the City Solicitor, to enter into discussions with the applicant 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 also delegated power to the Director of Planning and Building Control for the final wording of the conditions and to engage with HED on the proposal's conformity with Planning Policy Statement 6.

(The meeting was adjourned for 10 minutes.)

LA04/2017/0456/F - 2 Dargan Crescent, partial demolition of existing building and extension to provide new tyre depot and new access to Duncrue Road

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

The Committee was apprised of the principal aspects of the application located on Dargan Crescent, off Duncrue Road. The application related to an existing warehouse which was currently vacant.

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

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

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

LA04/2018/0828/LBC - Belfast City Hall, alterations to reception within main rotunda to provide changing rooms facility

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

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

LA04/2018/1605/A - Land at 22-30 King St, advertisement

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

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

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LA04/2018/1629/A - Kent St/Union St. advertisement

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

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

LA04/2018/1290/A - 14A Hi-Park, Church Lane, advertisement

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

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

LA04/2018/0283/F - Lands adjacent to 115-119 Upper Dunmurry Lane for environmental improvement including play area

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

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

LA04/2017/2574/F - 69-73 Glenmachan Street, demolition of 4 units, erection of 2 car showrooms, alterations to existing workshop, and erection of car valet building and associated car parking

The Committee considered the aforementioned application.

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

LA04/2018/1651/F - Belfast City Cemetery 511 Falls Road, Visitors Centre

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.

Chairperson