

Planning Committee

Tuesday, 13th August, 2019

MEETING OF PLANNING COMMITTEE

Members present: Councillor Carson (Chairperson);
Alderman Rodgers; and
Councillors Brooks, Canavan, Collins,
Groogan, Hussey, McKeown,
McMullan, Nicholl and O'Hara.

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

Apologies

Apologies for inability to attend were reported from Councillors Garrett and Murphy.

Minutes

The minutes of the meetings of 11th and 13th 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 1st July, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor O'Hara declared an interest in Item 6a, LA04/2019/0896/F – Demolition of vacant bank and erection of a mixed use development – 1 retail unit and 1 café/restaurant unit, 8 apartments, landscaping and associated site and access works at 423 – 427 Ormeau Road, in that his partner was related to one of the objectors, so he would leave the room whilst the Committee considered the application.

Councillor Groogan declared an interest in Item 6a, LA04/2019/0896/F – Demolition of vacant bank and erection of a mixed use development – 1 retail unit and 1 café/restaurant unit, 8 apartments, landscaping and associated site and access works at 423 – 427 Ormeau Road, in that she would be speaking against the application and would therefore leave the room whilst the Committee considered the application.

Councillor Nicholl declared an interest in Item 6b, LA04/2018/0328/F – 14 houses and pumping station at Finaghy Park Central, in that she would be speaking against the

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application and would therefore leave the room whilst the Committee considered the application.

Committee Site Visits

It was noted that the Committee had undertaken site visits on 18th July in respect of two applications, LA04/2019/0896/F – Demolition of vacant bank and erection of a mixed use development – 1 retail unit and 1 café/restaurant unit, 8 apartments, landscaping and associated site and access works at 423-427 Ormeau Road and LA04/2018/2649/F – Demolition of existing building and construction of 178 apartments, a gym, 3 retail units and associated car parking and landscaping on lands at 3-9 Dalton Street (bordered by Middlepath Street and Bridge End).

It was also noted that the Committee had undertaken a site visit on 8th August in respect of application LA04/2018/0328/F – 14 houses and pumping station at Finaghy Park Central.

Abandonments and Extinguishments

The Committee was apprised of correspondence which had been received relating to the:

- proposed abandonment of land/footpath at 11 Chichester Street, BT1 4JA; and
- an extinguishment of a Public Right of Way Order No. 1 at lands at Westlink Pathway, starting to the rear of 68 Cullingtree Road and 4 Quadrant Place and extending to the rear of 8 Quadrant Place, along with a portion of pathway to the rear of 11 Quadrant Place.

The Committee noted the correspondence.

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 25th June and 5th August, 2019.

In response to a request from a Member, officers agreed to check the enforcement position of decisions 19/1170/LDE and 19/1299/LDE.

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) LA04/2019/0896/F - Demolition of vacant
bank and erection of a mixed use development - 1 retail unit
and 1 café/restaurant unit, 8 apartments, landscaping and
associated site and access works at 423-427 Ormeau Road**

(Councillor O'Hara declared an interest in the item, in that his partner was related to one of the objectors against the application, and he left the room for the duration of the discussion.

Councillor Groogan declared an interest in the item, in that she had assisted residents with an objection to the application and explained that she would be speaking against the application. She left the room while the Committee considered the application.)

The case officer reminded the Committee that, at its meeting on 2nd July, it had agreed to defer consideration of the proposal in order to undertake a site visit to allow Members to acquaint themselves with the location and the proposals at first hand. She explained that the site visit had taken place on 18th July.

The case officer provided the Committee with the principal aspects of the proposals, which included the construction of a three storey mixed-use development.

She explained that the site was unzoned whiteland within the development limits of Belfast as designated in the Belfast Urban Area Plan (BUAP) and that it fell within a designated shopping and commercial area along the arterial route of the Ormeau Road in the draft Belfast Metropolitan Area Plan (BMAP). The Members were advised that, overall, the proposal would help reinstate the role and function of the arterial route through the restoration of a gap site in accordance with SPPS and draft BMAP.

The Members were advised that the separation distances were considered acceptable in relation to the properties to the rear of the site and that the corners to the rear of the building had been reduced to 2 storeys, in order to minimise impact on the surrounding buildings.

The case officer explained that one objection had been received from a resident of a neighbouring property, citing concerns with access to the site during construction, disruption and noise pollution, the location of waste management and recycling facilities, rodent infestation and seeking assurance that the existing limited parking on the street would be unaffected.

The Members were advised that no objections had been received from statutory consultees, subject to conditions, and drew the Committee's attention to a number of conditions which had been recommended by Environmental Health.

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The Committee was advised that Councillor Groogan wished to speak against the application. She outlined that the application was within the draft Ormeau Area of Townscape Character (ATC) and that she felt that the plans did not enhance the distinctive character of the ATC, particularly in reference to the use of white render in the proposals. She explained that she felt that the designs relied too heavily on the Curzon site and that the proposed building was higher than the existing buildings either side of it. She also raised concerns regarding the separation distances between the proposed development and the properties behind and that she felt it would lead to overlooking and overshadowing.

The Chairperson welcomed Mr T. Stokes, agent, to the meeting. He explained that he felt that the proposal presented a great opportunity to develop an unsightly part of the Ormeau Road on a main arterial route. He explained to the Members that the applicant had responded to concerns from residents and had moved the location of the bin storage on the site.

In response to a Member's question regarding the use of white render in the draft ATC, the case officer explained that there was a mixture of materials used within the ATC, and that the proposals were therefore considered appropriate.

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.

(Councillors Groogan and O'Hara returned to the meeting at this point)

(Reconsidered) LA04/2018/0328/F - 14 houses and pumping station at Lands to the rear of 21 Finaghy Park Central

(Councillor Nicholl declared an interest in the item in that she had assisted residents with an objection to the application and advised the Committee that she would be speaking against it. She left the room while the Committee considered the application.)

The case officer reminded the Committee that it had deferred consideration of the application in order to undertake a site visit to allow Members to acquaint themselves with the location and the proposals at first hand. She explained that a visit to the site had initially been attended by Members on 1st August but that they had been unable to gain access on that date. A site visit for Members took place on 8th August.

She provided the Committee with the key aspects of the application for 10 semi-detached and 4 detached dwellings, garages, associated car parking and a pumping station.

The Committee was advised that, under the adopted Belfast Urban Area Plan 2001, the site was unzoned white land and, under both the current draft Belfast Metropolitan Area Plan (dBMAP) 2015 and the 2004 version, a portion of the site fell within the proposed Finaghy Area of Townscape Character. The case officer explained that the proposed land use for housing was considered acceptable in principle, providing that it was compatible with all other relevant planning policy.

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She advised the Committee that the proposed layout of the development was deemed acceptable and it was considered that the site could accommodate the proposed number of dwellings of the scale and mass proposed, without detrimentally impacting on the residential amenity of existing neighbours. She added that the proposals met all space standards and that in-curtilage parking was provided for each dwelling, in addition to 8 visitor parking spaces.

In relation to the proposed amenity space for each dwelling, the case officer outlined that each of the proposed dwellings exceeded the minimum requirement of 40m², with 13 out of the 14 dwellings exceeding the recommended 70m² as set out in Creating Places.

The case officer advised that an office meeting with residents, facilitated by Councillor Nicholl, had taken place on 30th July. She explained that a number of issues were discussed with the residents, including information relating to traffic, the sewerage system and the scale of the development. The case officer confirmed that no requests for Tree Preservation Orders (TPOs) had been recorded for the site in the past 12 years.

She advised the Committee that NI Water and Environmental Health had both requested additional information in relation to the proposed pumping station and, having since received the information, had confirmed that they were content.

The Chairperson welcomed Councillor Nicholl, who wished to address the Committee on behalf of some nearby residents. Councillor Nicholl thanked the officers for the informative residents' meeting which had been held on 30th July, where the majority of their concerns had been addressed.

She explained that the residents which she was representing were not against any development taking place at the site and that they appreciated that development of the site could enhance the area and increase the value of their homes. She advised the Members that, for the most part, the residents were content with the design and quality of the current proposals but that they wanted to ensure that it wouldn't negatively impact their homes and the surrounding area. She explained that some residents had outstanding concerns, including the DfI Roads Traffic report, queries relating to which large trees were going to be removed as there was a risk of subsidence and concerns regarding the possible spread of Japanese knotweed. Additionally, she explained that NI Transport Holding Company had not responded as a statutory consultee and she requested that the Committee would consider deferring consideration of the application to allow a meeting with the Company to take place regarding a query over land ownership.

The Committee then welcomed Mr. D. Donaldson, the agent, to the meeting. He explained that the proposed development was a significant investment for a local company with a proven track record in high quality development. He explained that permission was urgently required in order to maintain continuity of employment for its workforce.

He pointed out that the report listed that 68 objections had been received, but he explained that the majority of the objections had been submitted from six addresses, with

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23 of the objections from the same address. He added that 80% of the addresses in Finaghy Park Central had not objected to the proposals.

He explained that a letter of support had been submitted from a nearby resident, outlining that the application was reasonable in scale, and that approval of the proposal would remove the uncertainties relating to the property prices in the area and what would eventually be constructed on the site.

Whilst he confirmed that the concerns from residents in relation to traffic were noted and were important, Mr Donaldson explained that paragraph 5.72 of SPPS stated that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the development plan and other material considerations. Given that BMAP had been quashed by the High Court, he pointed out that the BUAP 2001 was the statutory plan and it contained no designated plans for this site. He advised that DfI Roads had accepted that safe access had been achieved and that Finaghy Park Central could accommodate the development.

He explained that the proposed plans had taken into account that Finaghy Park Central was an established suburban area, providing 14 family homes of various sizes and thereby contributing to the Belfast Agenda targets. He advised that it was not a high density site and that one dwelling had in fact been removed from the original plans following consultation with the planning service.

In response to a Member's question, the case officer explained that NI Water had confirmed that there was capacity in current system and that the foul pumping station will be maintained and adopted by NI Water.

(Councillor Nicholl left the room at this point)

The Chairperson advised the Committee that Mr. G. Lawther from DfI Roads was in attendance and he was welcomed to the meeting. A Member queried the Cumulative impact of a number of developments having been approved in the wider area, and whether DfI Roads had taken account of the impact on the wider traffic network. In response, Mr. Lawther explained that the predicted traffic volume for the site was approximately 100 vehicles per day, which would not be detrimental to the traffic volume or the risk of accidents in Finaghy Park Central.

In response to a Member's question regarding the site density, the case officer confirmed to the Committee that the application would not lift the density of the area to an unacceptable level.

A Member expressed concern that no response had been received from NI Railways/Transport Holding Company and suggested that the Committee should write to NI Transport Holding Company asking it to confirm its position on the application. The case officer explained that the red line application did not encroach onto the railway and she advised the Members that the company only engaged with applications which were of interest to it and that the application had been with the Planning Service for 18 months. She confirmed to the Committee that a consultation, and reminders, had been sent to the

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company regarding the application and that no response had been received, which indicated that they had no significant interest.

During discussion, a number of Members raised queries regarding land ownership and over possible subsidence if trees were to be removed. The case officer explained that the inner line of trees on the site could be removed at any time as they were within the ownership of the applicant and they were not protected. She highlighted that the stability of the land on the bank during construction was a civil matter and that officers had recommended a construction management plan as part of the recommended approval. The Committee was advised that, as the agent was in attendance, he could perhaps clarify the extent of the applicant's ownership.

In response to a request by the Chairperson, Mr. Donaldson confirmed to the Committee that the applicant owned everything within the red line of the application. He stated that he was confident that they could develop the site within their ownership satisfactorily without impacting on the railway or the bank.

The Director of Planning and Building Control advised the Committee that it could determine that the application be approved with the caveat that officers would obtain clarity over the land ownership within the red line of the application and, if no issues were identified, that officers could proceed to determine planning approval or, if an issue did become apparent, that the application could be brought back to the Committee.

A further Member suggested that the Committee should defer consideration in order to facilitate a discussion between the residents and NI Transport Holding Company. The Director of Planning and Building Control advised the Committee that it would not be the role of the Planning Service to facilitate discussion between residents and the NI Transport Holding Company, and that it was up to the company to confirm to the local planning authority what their position was to enable officers to determine the soundness of an application.

After discussion, the Chairperson put the case officer's recommendations to the Committee for its consideration, namely:

"That planning permission be granted, subject to conditions, and that delegated authority be given to the Director of Planning and Building Control to finalise the wording of the conditions as set out in draft in the case officer's report."

On a vote by show of hands, five Members voted for the recommendation and five against. As there was an equality of votes, the Chairperson exercised his second and casting vote for the recommendation and it was accordingly declared carried.

**LA04/2018/0619/F - 38 Dwellings on lands bounded
north west of Lawnbrook Avenue**

(Alderman Rodgers left the meeting at this point)

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The Committee was apprised of the principal aspects of the application for two storey dwellings. She explained that the site was located within an inner urban area of the north west of the City and was part of a wider residential programme to replace old terraced housing stock in the area. The Members were advised that the adopted Belfast Urban Area Plan 2001 designated the site as a Housing Action Area, whereas in the draft Belfast Metropolitan Area Plan 2015, the area was within the proposed Shankill Area of Townscape Character. She explained that the Housing Strategy of BUAP 2001 included the renewal of poor housing stock as a development priority, where Policy H2 identified the clearance and rebuilding of unfit houses and that the principle of development was therefore acceptable.

The Committee was advised that the density of the proposed development was lower than the surrounding area, which ensured that each dwelling benefitted from front and rear gardens in lieu of the previous small rear yards.

In relation to parking, the case officer explained that ten in-curtilage spaces and 43 on-street spaces were proposed and, whilst this was less than the specified parking standard, given the sites inner urban location with good access to local amenities and public transport links, it was considered acceptable.

The Members were advised that Environmental Health, DfI Roads, NI Water, Rivers Agency, HED and NIEA had confirmed that they had no objections to the proposals.

The case officer outlined that a letter of support had been received. She also advised the Members that two letters had also been received which had no objection to the lands being used for housing but had raised concerns relating to construction traffic and seeking clarification on a boundary which was located outside of the 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.

(Alderman Rodgers returned to the meeting at this point)

(Reconsidered) LA04/2018/2649/F - Demolition of existing building and construction of 178 apartments, a gym, 3 retail units and associated car parking and landscaping on lands at 3-9 Dalton Street (bordered by Middlepath Street and Bridge End)

The case officer reminded the Committee that, at its meeting on 2nd July, it had agreed to defer consideration of the proposal in order to undertake a site visit to allow Members to acquaint themselves with the location and the proposals at first hand. He explained that the site visit had taken place on 18th July.

He provided the Committee with the details of the proposed development for a building of no more than 17 storeys.

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The case officer outlined that the site fell within the City Centre boundary in both versions of dBMAP and he advised the Committee that the proposed uses were broadly acceptable. He explained that a previous permission, which had since expired, had been granted for the site which, similarly to the current application, comprised residential, retail and office uses. Accordingly, he advised the Members that the principle of development and mix of uses were considered acceptable.

He advised the Members that one objection from a neighbouring property had been received raising potential issues during construction. As it was a civil matter, he explained that this issue lay outside of the planning process.

The Committee's attention was drawn to the Late Items Pack, where two outstanding consultation responses had been received, from the Historic Environment Division (HED) and from the Department for Infrastructure (DfI), both of which had no objections subject to conditions.

The Committee was advised that the proposed materials, design and fenestration were consistent with the area and were considered acceptable. The case officer explained that each unit had adequate outlook to the street and that they were all in accordance with, or exceeded, the standards as set out in PPS7.

The Committee approved the application 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 at the site. The Committee also delegated power to the Director of Planning and Building Control for the final wording of the conditions.

LA04/2019/0553/F and LA04/2019/0420/DCA - Demolition of existing building and erection of 175 bed aparthotel with associated bar, restaurant and conferencing facilities and associated works on Land at Lyndon Court , 32-38 Queen Street

Before presentation of the application commenced, 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 proposals at first hand.

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

LA04/2019/0845/F - Alteration and conversion of former mill building to provide social housing comprising of 77no. units (19no. own door duplex townhouses and 55 no. 3 person 2 bedroom apartments) Brookfield Mill, 309-355 Crumlin Road

Before presentation of the application commenced, a Member proposed that the application be deferred for a site visit.

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Moved by Councillor Hussey,
Seconded by Alderman Rodgers

That the application be deferred to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposals at first hand.

On a vote by show of hands, five Members voted for the proposal and five against. As there was an equality of votes the Chairperson exercised his second and casting vote against the Motion and it was accordingly declared lost.

Accordingly, the case officer provided the Committee with the principal aspects of the application. She advised the Members that there had been an error in the report and that the application was for 77 units, 22 of which were own-door duplex townhouses and 55 of which were 3 person, 2 bedroom apartments.

The Committee's attention was drawn to the Late Items Pack, where an outstanding consultee response had been received from the Rivers Agency in relation to the submitted Drainage Assessment, stating that they had no objections subject to standing guidance.

The case officer explained that, given the development plan zoning and the surrounding context which consisted of housing and a business park, the principle of housing at the site was acceptable, subject to detailed design and layout considerations.

She outlined that DfI Roads, Environmental Health, Rivers Agency, NI Environment Agency, NI Housing Executive, NI Electricity and NI Water had no objections to the proposal, subject to conditions.

The Members were advised that the proposed scheme would create a quality residential environment, contribute positively to the local environment through the development of a dilapidated site whilst reusing the historic mill building. The case officer also explained that a Section 76 Agreement would be put in place to restrict occupancy to social housing and that this would therefore help to address need in the area.

She confirmed to the Members that the proposal included enhancements to the public realm immediately abutting the site and the provision of open space. She also explained that the agent was willing to provide public realm improvements onto the Crumlin Road and that it would be dealt with through a negative condition.

In response to a Member's question regarding the low provision of parking on the site, the case officer explained that the applicant had provided a survey of parking use for the adjacent social housing site, where a low level of car ownership had been demonstrated and that 68 car parking spaces for the site was therefore acceptable.

The Committee approved the application 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 finalise the wording of conditions and to enter into the Section 76 Agreement.

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LA04/2019/0909/F - Demolition of existing building at Oxford and Gloucester House and erection of 11 storey mixed use building, ground floor coffee/restaurant/retail use incl. odour abatement, upper floor office accommodation and all associated site and access works on lands at no's 43-63 Chichester Street 29-31 Gloucester Street and Seymour Lane

The case officer provided the Committee with the key details of the application. He explained that the principle of demolition and the redevelopment with an 11 storey building had already been established under planning permission LA04/2017/2268/F. He explained that the proposal in front of the Committee sought to amend that permission.

The Committee was provided with an overview of the policies which the proposals had been measured against and the key issues which had been considered by officers, such as the principle of use on the site, access, movements, parking and transportation and impact on the Victoria Street/Oxford Street Area of Townscape Character (ATC).

The Members were advised that the basement car park had been relocated to the ground floor, comprising 14 car parking spaces and 170 cycle parking spaces, with a proposed vehicular access from Gloucester Street. The proposals also included that the top three floors would have a decreased set back from the original approval which he explained would still allow for the provision of a landscaped roof garden on the eighth floor.

The case officer advised the Members that no objections had been received and that no statutory consultees had raised any issues of principle. He explained that the Council's Urban Design officer had expressed reservations about the scale and massing of the proposal in its entirety but had acknowledged that the visuals had shown the proposed amendments to make minimal changes to how the building would be viewed at street level and that it was therefore considered that the changes would be acceptable on balance.

The Committee was advised that Rivers Agency had sought additional information in relation to the submitted Drainage Assessment and that it was therefore recommended that the Committee would delegate authority to the Director of Planning and Building Control to finalise the wording of the conditions.

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.

Miscellaneous Items

Training Programme for Members

The Committee considered the undernoted report:

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“1.0 Purpose of Report and Summary of Main Issues

1.1 The purpose of this report is to advise the Committee of NILGA’s 2019 Planning Training Programme for elected members (Appendix 1); seek permission for two Planning Committee members to participate in the full programme; and to provide an outline programme for potential Committee workshops for August 2019 to April 2020 (Appendix 2).

2.0 Recommendation

2.1 The Committee is asked to:

- note the appended NILGA 2019 Planning Training Programme for elected members;**
- approve the attendance of the Chair and Deputy Chair of Planning Committee, or their nominees, to participate in the NILGA 2019 Planning Training Programme; and**
- consider the draft Continuing development Programme for Committee Workshops.**

3.0 Main Report

3.1 NILGA 2019 Planning Training Programme Invitation

NILGA has designed a regional elected member development programme for implementation during 2019-2020 following on from the 2018 pilot. The programme builds on the NILGA training initiative co-designed with the elected member development groups and the Regional Working Group.

3.2 The overall NILGA elected member development programme includes a strand in respect of a Local Planning Programme for elected members, a copy of which is set out at Appendix One. NILGA has commissioned the seven module programme, which will run from September 2019 into April 2020 based on the experience from the pilot in 2018. Each module will be held on a Friday afternoon with a proposed study trip in March 2020. At this stage it is anticipated that the venue for the training will be Antrim Civic Centre.

3.3 The programme will be interactive in nature and will be delivered by a pool of planning practitioners (details of the providers are included at Appendix 1). The programme will include short presentations; discussions; case studies and benchmarking practice in other jurisdictions; workshops with role play activity; a mock appeal; question & answer sessions; and an optional site visit to a council in Scotland.

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3.4 A pre-requisite for the enrolment in the programme is that elected members who are nominated to attend must be in a position to complete all eight modules. Elected members who successfully complete the full programme, to a satisfactory standard, will be accredited with an endorsed Institute of Leadership and Management (ILM) development award.

3.5 **Committee Workshops Programme**

Members previously identified a number of areas of planning that could be included as part of a continuing development programme and this Committee requested a session in relation to the Local Development Plan. The appended programme seeks to set out suggested workshop sessions which will focus on some of the key issues identified and provide both support to members and the opportunity to explore some of the issues in more detail outside of the formal Committee sessions.

3.6 To address the issues raised the draft continuing development programme, detailing the proposed sessions and the indicative content, is set out at Appendix 2. It is proposed the programme will initially address the issues highlighted during previous discussions and as the programme progresses Members will have an opportunity to provide feedback on the sessions which they have attended and identify other topics or key issues they may wish to have included.

3.7 **Finance and Resource Implications**

The projected training costs associated with this report (£300-475 per participant and potential additional optional Study Visit cost) can be met from existing training budgets.

3.8 **Equality or Good Relations Implications/Rural Needs Assessment**

There are no equality or good relations implications associated with this report.”

Module	Title	Date	Venue
1	Understanding Plan Making and the Role of Councillors	27th September 2019	Antrim Civic Centre
2	How Local Deve4lopment Planning is Linked to	25th October 2019	Antrim Civic Centre

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	Community Planning and Regeneration Activities		
3	Understanding the Local Development Plan Process from Draft Stage to Adoption	29th November 2019	Antrim Civic Centre
4	Understanding Development Management: The Planning Process and the Role of Councillors, Planning	21st January 2020	Antrim Civic Centre
5	Understanding the Statutory Appeal System and Best Practice	21st February 2020	Antrim Civic Centre
6	The Statutory Enforcement Process and the Role of the Planning Committee and other Councillors	20th March 2020	Antrim Civic Centre
	Study Trip	5th March 2020	Scotland
7	Maladministration Charges to the Ombudsmen and the Judicial Review of Planning Decisions	21st April 2020	Antrim Civic Centre

Appendix 1:

**NILGA Regional Programme for Elected Member
Development 2019/20**

NILGA has developed an all council Regional Programme of Elected Member Development 2019/20, complementing your Council's specific training, designed to provide the local government sector's elected members with a co-ordinated toolkit of learning, suited to today's responsibilities and challenge. This builds on the NILGA delivered - nationally accredited Charter initiative, has been co-designed by councils' elected member development groups, councils' member services and human resource officials, and the NILGA Regional Working Group. As part of this, accredited provision is available to elected members related to Planning.

The NILGA Local Planning Programme is an ILM (endorsed award), 7 Module Programme, commencing on the 27th September 2019 and will convene once every month as follows:

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Appendix 2

**Draft Continuing development Programme for Committee Workshops.
August 2019 – April 2020**

Committee Date	Topics
August 2019	Local Development Plan / Process / Examination / Policy Development / Future Status
September 2019	Enforcement and Performance Monitoring / Improvement
October 2019	Development Management / Process / Decision Making / Appeals / Scheme of Delegation
November 2019	Developer Contributions
January 2020	Supplementary Planning Guidance / Examples / Process / Policy Relationships / Future Status
February 2020	Urban Design and Conservation
March 2020	Transportation Issues /Highways / Access / Transport Assessments
April 2020	Planning Conditions and Legal Agreements

The Committee:

1. noted the NILGA 2019 Training Programme for elected Members;
2. agreed the attendance of the Chairperson and Deputy Chairperson, or their nominees, to participate in the NILGA 2019 Planning Training Programme; and
3. agreed the draft Continuing Development Programme for Committee Workshops, and that all Members would be invited to attend.

Response to DfC consultation on Affordable Housing definition

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of Main Issues

1.1 On 24 June 2019, the Department for Communities (DfC) launched a public consultation on proposed changes to the definition of Affordable Housing. The current definition, which is set out in the Strategic Planning Policy Statement (SPPS) for Northern Ireland, sets the regional policy framework within which new local planning policies for affordable housing in the Local Development Plan (LDP) have been developed.

1.2 This paper provides a brief overview of the proposed changes outlined within the consultation document and a summary of the draft response to be submitted by the Council.

2.0 Recommendations

2.1 It is recommended that the Committee:

- **Approve the draft Council Response (Appendix 1) to Definition of Affordable Housing Consultation for submission to DfC in advance of the consultation deadline on 13 September.**

3.0 Background

3.1 The Department for Communities (DfC) launched a public consultation on proposed changes to the definition of Affordable Housing on 24 June 2019. The move is aimed at improving access to suitable housing and therefore contributing to reducing housing stress.

3.2 The current definition of affordable housing, which is set out within the Strategic Planning Policy Statement (SPPS) for Northern Ireland, sets the regional policy framework within which new local planning policies for affordable housing in the Local Development Plan (LDP) have been developed. It was drafted to reflect the affordable housing products available at the time of its development, namely social housing and intermediate (shared ownership) housing.

3.3 However, the overall policy and funding environment has moved on somewhat since the SPPS was developed and, with new LDP policies emerging across NI, DfC now consider it timely to provide a revised regional definition of affordable housing. This is aimed at broadening the range of

intermediate housing products available in NI to capitalise on opportunities presented as a result of new Government funding streams, the housing association sector's desire to diversify and grow and innovative new construction methods and products from private developers. The new definition of affordable housing will not impact on access to social housing.

- 3.4 As part of the emerging LDP, the Council published its draft Plan Strategy for public consultation on 20 September 2018. This included a new affordable housing policy (HOU5), which built upon the existing definition of affordable housing, emphasising the recognition that the definition of intermediate housing 'may change over time to incorporate other forms of housing tenure below market rates.' The proposal to review the regional definition to broaden is therefore particularly welcome in the context of the emerging LDP.

4.0 Main Issues

- 4.1 The existing definition of affordable housing states:

'For the purposes of the SPPS, 'affordable housing' relates to social rented housing and intermediate housing.'

- 4.2 Social housing is then defined in relation to provision by a registered housing association and offered to households in housing need with reference to the Common Selection Scheme. The consultation paper does not propose any fundamental change to this definition in relation to social housing.

- 4.3 Intermediate housing was then defined within the SPPS as shared ownership housing provided through a registered housing association, although it also recognised that this reflected the only intermediate housing product available at the time, and noted that the definition of intermediate housing 'may change over time to incorporate other forms of housing tenure below market rates.' The Council's draft Plan Strategy sought to broaden this definition of intermediate housing, suggesting a range of alternative products that may be available in the future. This broader range of products will be important to help greater viability in the delivery of affordable housing alongside private development.

- 4.4 The DfC consultation paper proposes the following revised definition:

‘Affordable housing is housing provided for sale or rent outside of the general market, for those whose needs are not met by the market. Affordable housing which is funded by Government must remain affordable or, alternatively, there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.’

4.5 The consultation then proceeds to identify a range of affordable housing models that offer examples of recognised affordable housing products in accordance with this revised definition. These reflect the list of products identified within the the draft Belfast LDP Plan Strategy and include:

- Social rented housing;
- Shared ownership housing;
- Rent to buy or Rent to own schemes;
- Shared equity schemes;
- Discount market sales housing;
- Affordable rent products; and
- Low cost housing without subsidy.

4.6 In summary, the response welcomes the proposed changes, but emphasises the importance of social housing remaining unchanged in terms of definition, continuing to be provided by registered housing associations in accordance with an agreed allocation process. It welcomes the change to allow the private sector to deliver other intermediate housing products where appropriate, but highlights the need to ensure this is effectively regulated /managed by the Department and /or NI Housing Executive. It also highlights the role of the Council through its planning function in relation to the delivery of affordable housing and the opportunity to continue effective joint working in relation to ‘operational level issues’ that require resolution in the short-term to ensure the effective delivery of our planning policy aspirations.

4.7 Members are asked to approve the full Council response to the consultation attached at Appendix 1.

4.8 **Finance and Resource Implications**

There are no resource implications associated with this report.

4.9 **Equality or Good Relations Implications**

There are no equality or good relations implications arising from this report.”

Appendix 1 –

“Draft Belfast City Council response to the “Definition of Affordable Housing” Consultation Paper issued by the Department for Communities (DfC) on 24 June 2019

The Council welcomes the opportunity to comment on the Department’s proposals to revise the definition of affordable housing. As noted within the consultation document, the Council and DfC have worked closely together as the Council has developed its new Local Development Plan (LDP), particularly policies relating to affordable housing. The Council look forward to continuation of this strong partnership working following this consultation given that there are a number of ‘operational issues’ that will need to be resolved to achieve the shared objectives of the draft Programme for Government (dPFG), Belfast’s community plan, the Belfast Agenda, and the Council’s emerging LDP.

The Belfast Agenda seeks to “encourage more affordable housing (and agree a city target for affordable housing)” with the subsequent action to “develop, and consult on, planning policies (as part of the Belfast Local Development Plan development process) to support the delivery of affordable housing”. The proposal to update the definition will therefore support this by providing greater flexibility in the provision of affordable housing and by developing a broader range of intermediate housing products. The proposed broadening of the definition will also support the delivery of other Belfast Agenda commitments, in particular:

- Increase the tenure mix/supply of mixed tenure housing in the city centre;
- Grow the population in the city centre; and
- Address the housing needs of older and vulnerable residents.

The Council therefore welcome the revisions proposed, which broadly align with the policy approach the Council has already set out within our draft Plan Strategy (dPS) and the Belfast Agenda. With this context in mind, we have sought to provide feedback in relation to the consultation questions posed throughout the consultation document.

Q1. Do you think the current definition of affordable housing needs amended?

Yes, the definition of affordable housing should be reviewed to allow for a broader range of intermediate housing products in NI.

However, as recognised within the consultation paper, the existing definition of social housing is considered fit for purpose and as such

does not need to be amended through the revised definition. As part of our recent consultation on the draft affordable housing policy (HOU5) within the Belfast dPS, a number of respondents raised concerns that the social rented housing provision could be diluted through a broader focus on 'affordable' housing. To alleviate this concern, there may therefore be merit in stating explicitly that the definition of social housing is unaffected.

The current definition, as set out in the Strategic Planning Policy Statement (SPPS), achieves this by distinguishing firstly between social and intermediate housing as distinct sectors within a broader 'affordable' housing definition. There may therefore be some benefit in retaining this approach though the revised definition, with revisions to the broader definition of affordable housing only focussing upon the broader range of intermediate housing products.

Q2. Do you agree with the overarching principles and objectives which have been identified?

Yes, the Council welcome the overarching principles and proposed objectives, particularly the need "to provide a framework for how government and housing providers think about and deliver affordable housing" and "to provide clarity for the planning system". These are particularly important given the current context of councils developing new local affordable housing policies as part of emerging LDPs.

The need "to improve the range of affordable housing options" is also of importance and could maybe be strengthened through explicit recognition of broader affordability challenges within the private rented sector, which is not currently addressed by any of the affordable housing products available in NI.

Q3. Do you agree with the proposed revised definition?

As noted above, the Council welcome the proposed new definition for affordable housing, which broadly aligns with the Council's own approach to future planning policy as set out in Policy HOU5 of our dPS. This highlights the scope within the existing definition that "intermediate housing used for the purpose of this policy may change over time to incorporate other forms of housing tenure below open market rate".

The Council particularly welcome recognition – through omission from the revised definition – that intermediate housing need not always be provided by a Registered Housing Association (RHA). The Council view this change as extremely important in enabling broader intermediate housing products to be delivered by the private sector as part of mixed tenure development, which will be essential to

increasing the overall supply of affordable housing locally. Research completed recently for the Council by Colliers International notes that the funding models associated with the Build to Rent (BTR) sector will render existing affordable housing products undeliverable within this context. The recognition of the linkage between an affordable rent product and BTR in Chapter 7 is therefore particularly welcome.

Notwithstanding the above, the Council do not believe that it would be appropriate for social housing to be managed through the private sector, given the need for consistency in the allocation process, which is currently secured through the Common Waiting List and regulation of RHAs. This again may provide some justification for the revised definition to draw an explicit distinction between social housing and other intermediate affordable housing products. Alongside this, the Council note that it may be appropriate to future proof the definition of social housing by broadening the reference to an agreed allocation process rather than 'Common Waiting List'.

Q4. Are there other products that we should consider for inclusion as examples of affordable housing?

The Council welcome the range of affordable housing products highlighted within the consultation paper. These align closely with the work of Colliers International¹, which highlights a number of affordable housing products available in other jurisdictions that could be considered in the NI context. We would encourage the Department to consider the recommendation of Colliers' work when evaluating the available products and funding mechanisms to ensure the products developed are appropriate to the Belfast (and NI) context. For example, the work highlights the need to differentiate the current co-ownership model for the Belfast City Centre market, given that the eligibility criteria relating to property size and or unit purchase price renders the existing product unsuitable for this context (see Recommendation 7 of Colliers' report).

As a note of caution, the Council would highlight the need to carefully consider mechanisms to monitor and regulate intermediate affordable housing products delivered, to ensure that the actual products delivered meet the objectives for affordable housing. There is a risk that the implementation of new affordable housing, particularly through the private sector, could be left to local councils to 'regulate' as part of the monitoring of s76 Planning Agreements.

Given that the councils do not have any explicit statutory function relating to affordable housing, it may be more appropriate for the Department and/or the NI Housing Executive (NIHE) to consider some form of accreditation of new products to verify that the products delivered continue to meet the agreed definition. This will be

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particularly important in relation to eligibility for products in the light of the expectation that new products could “ultimately reduce pressure on social housing”, as well as the sale price/rental price for such products and the recycling of any public investment.

Q5. Do you agree with our proposed definition of low cost housing without subsidy? And

Q6. Do you consider that low cost housing without subsidy should be included in a new definition of affordable housing?

Whilst the Council have no objection to the inclusion of or definition of low cost housing without subsidy, it will be important that this does not result in sub-standard accommodation, in terms of size or design quality, in order to achieve a lower price. It is also the Council’s view that this should not become the norm in terms of affordable housing delivery by the private sector, but should rather be reserved as a last resort where it can be demonstrated that other forms of affordable housing product are unviable.

Q7. What are your views on retaining affordable homes?

The Council are of the view that affordable housing products should remain affordable in perpetuity wherever possible. Where this cannot be achieved, any public subsidy to develop affordable housing should be recycled into the delivery of replacement affordable products. This was reflected in the Council’s response to the consultation on the future of the House Sales Scheme in NI; a scheme which in effect results in the loss of affordable housing stock without a direct recycling of funding. However, as noted above, this cannot be left for local councils to secure this via s76 Planning Agreements.

Q8. Are these the right target groups or are there other groups we should consider?

The Council agree with the target groups identified within Chapter 8 of the consultation document. However, we would also highlight the fact that circumstances of any particular individual may mean an intermediate housing product could provide the best means of meeting their housing needs. The eligibility criteria for individual products should therefore enable any such individuals to access products if appropriate, even where they fall outside of these specific target groups.

Q9. Do you have any other comments?

The consultation paper stresses in Chapter 5 the importance of complementarity between councils and the Department in relation to

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the provision of affordable housing, particularly given the councils' planning functions. The Council welcome this recognition and would welcome the opportunity for further joint working with the Department in considering "operational issues" at a later stage.

However, the Council would emphasise the need to consider these delivery issues sooner rather than later, as the establishment of delivery mechanisms will be key to ensuring that local affordable housing policies are deliverable. Paragraph 7.10 of the consultation refers to the retention of affordable housing being "underpinned by appropriate planning conditions", but there is no mention of s76 Planning Agreements, which may be a more appropriate mechanism to secure such requirements. As noted above, the Council cannot be left to monitor the delivery of affordable housing products via its planning function given that it has no direct statutory responsibility for affordable housing provision."

After discussion, the Committee agreed the draft Council response to the Definition of Affordable Housing Consultation for submission to the Department for Communities (DfC), with the addition of a comment conveying the Committee's concerns in respect of the interpretation of affordable levels of rent or purchase along with a commitment to early engagement from DfC on the future approach to affordability assessment.

(At this stage of the meeting, the Committee agreed to adjourn for a period of 10 minutes.)

(Councillors Carson and Canavan left the meeting at this point)

Restricted Items

The information contained in the reports associated with the following two items is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

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

Governance for Spending Developer Contributions

(Councillor Brooks, Deputy Chairperson, in the Chair)

The Planning Manager (Development Management) provided the Committee with an update on the current position on, and of the proposed governance arrangements for, spending pre-existing and future financial contributions which had been secured through Section 76 Planning Agreements.

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He explained that the proposed governance arrangements would be submitted to the Strategic Policy and Resources Committee for its approval later in the month.

The Members were also advised that that an Annual Monitoring Report on financial developer contributions would be published each year.

In response to a Member's suggestion, the Director of Planning and Building Control agreed that the Planning Department would provide the Committee with updates on examples of good practice of where Section 76 Planning Agreements had made a positive impact on the City.

The Committee noted the update provided.

**Response to Dfl consultation on
Development Plan Practice Note 10**

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

The Committee was advised that, on 22nd July, the Department for Infrastructure (Dfi) had issued the "Draft Development Plan Practice Note 10 – Submitting Development Plan Documents for Independent Examination".

The Development Planning and Policy Manager provided the Committee with an overview of the proposed guidance and a summary of the Council's proposed response. He outlined to the Committee a number of concerns which officers had in respect of the Practice Note.

A number of Members expressed concerns that the document had been released over the summer months and shared the concerns which had been voiced by officers in relation to the meaning of the Practice Note.

After discussion, the Committee agreed:

1. that the proposed response be submitted to the Draft Development Plan Practice Note 10 - "Submitting Development Plan Documents for Independent Examination";
2. that a cover letter be included with the Council's response, outlining Members' concerns in relation to the document having been launched over the summer months, as well as the concerns and points of clarity which the officers had raised in relation to the proposed guidance; and
3. that representatives from the Department for Infrastructure (Dfi) be invited to a future meeting to discuss the guidance.

Chairperson