

Planning Committee

Tuesday, 10th December, 2019

MEETING OF PLANNING COMMITTEE

- Members present: Councillor Carson (Chairperson);
Aldermen McCoubrey and Rodgers; and
Councillors Brooks, Canavan, Collins,
Garrett, Groogan, Hussey, McKeown,
McMullan, Murphy and O'Hara.
- In attendance: Mr. A. Thatcher, Director of Planning
and Building Control;
Ms. N. Largey, Divisional Solicitor; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

An apology for inability to attend was received from Councillor Hanvey.

Minutes

The minutes of the meetings of 12th and 14th November 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 December, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were recorded.

Financial Reporting - Quarter 2

The Committee noted the Quarter 2 financial position for the Planning Committee, which was a net underspend of £544,000, with the forecast year end position being an underspend of £326,000.

The Committee was advised that the main reasons for the underspend related to planning fees received having exceeded the anticipated level for the quarter by £352,000 which was offset by an under achievement of £48,000 fee income in Building Control. The Committee was advised that a number of interim vacancies within the Building Control section and a reduced expenditure on dangerous structures had driven a £176,000 underspend in expenditure budgets with other underspends across the Planning Service equating to £63,000.

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Site Visits

It was noted that the Committee had undertaken site visits on 21st November in respect of the following planning applications:

- LA04/2018/0022/F - Community, cultural and sporting hub for the Upper Andersonstown area incorporating; a community hub building accommodating a multi-functional hall, handball court, fitness suite, health and well-being suite and associated ancillary accommodation. Replacement of floodlit grass pitch with floodlit synthetic pitch. Two floodlit multi-use games areas. Pre-nursery building housing 1 no. classroom and a small outdoor play area, landscaping and a new footpath link from the Shaw's Road and associated car parking at Rossa Park, Shaw's Road;
- LA04/2018/0471/F - Upgrading of playing fields to include new 3G surfaces, floodlights, fencing, dug outs, 2No. 200 seater stands, toilet blocks, turnstiles, additional car parking and associated ground works at The Boys Brigade Recreation Centre, 108 Belvoir Drive; and
- LA04/2017/1991/F - Construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works at Land adjacent to Concourse Buildings, Queens Road (Catalyst Building).

It was also noted that a briefing and a site visit had been undertaken, on 6th December, in respect of application LA04/2017/2341/O - lands bounded by Royal Avenue, York Street, Church Street, North Street, Rosemary Street, High Street and Donegall Street (former Royal Exchange).

In response to a Member's request, the Committee agreed to invite the Belfast Harbour Commissioners in to a future meeting to discuss the regeneration of the Harbour area.

Abandonments

The Committee noted the receipt of correspondence from the Department for Infrastructure which related to the proposal to abandon:

- Land located to the side of No. 13 Fortfield Place/the Back Street at Duncairn 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.

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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 5th November and 2nd December, 2019.

Miscellaneous Items

Listed Building

(Alderman McCoubrey left the meeting at this point)

The Committee was advised that Article 80 (3) of the Planning Act (NI) 2011 required HED to consult with the Council before placing any building on the statutory list of buildings of special architectural or historic interest. It was reported that the Second Survey of all of Northern Ireland's building stock was currently taking place, whereby the first List of Buildings of special architectural or historic interest, which had been established in 1974, was being updated and improved.

The Principal Planning Officer explained that correspondence had been received from the Historic Environment Division (HED) regarding the proposed listing of St. Columba's Church of Ireland, Knock, King's Road.

The Committee noted the proposed listing.

Draft Green and Blue Infrastructure Plan – Update

The Principal Planning Officer explained that the Council's draft Green and Blue Infrastructure Plan (GBIP) had been subject to public consultation from June to September 2019, in tandem with the draft Belfast Open Spaces Strategy (BOSS). He explained that some minor changes were being proposed to the GBIP as a result of consultation feedback, prior to its adoption and publication.

The Committee noted the update on the draft consultation process and the proposed changes and actions as detailed within the report, and that the agreement regarding the proposed changes to GBIP would be considered by the Strategic Policy and Resources Committee at its meeting on 17th December.

Restricted Items

The information contained in the reports associated with the following 4 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 these items as, due to the nature of the items, there would be a disclosure of

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exempt information as described in Section 42(4) and Section 6 of the Local Government Act (NI) 2014.

Consultation response to Mid and East Antrim Borough Council LDP Draft Plan Strategy 2030

The Planning Manager (Policy) provided the Committee with an overview of Mid and East Antrim Borough Council's (MEABC) Local Development Plan draft Plan Strategy, which he advised was out for public consultation. He highlighted to the Members that the consultation period would close tomorrow, on 11th December, 2019.

The Committee considered the draft response, which was sought by MEABC as an adjoining metropolitan area local planning authority.

The Committee agreed the submission of the draft response to MEABC.

Consultation response to Lisburn and Castlereagh City Council LDP Draft Plan Strategy 2032

The Planning Manager (Policy) provided the Committee with an overview of Lisburn and Castlereagh City Council's (LCCC) Local Development Plan draft Plan Strategy, which he advised was out for public consultation. He advised the Members that the consultation period would close on 10th January, 2020.

He advised the Committee that the draft Plan Strategy had been circulated amongst the Council's Departments for comments and that the feedback received primarily related to Land Supply and Housing Growth, Strategic Employment Allocations including West Lisburn/Blaris mixed use site, Sprucefield Regional Shopping Centre and Transport.

The Committee was advised that the consultation response would be submitted for consideration by the Strategic Policy and Resources Committee at its meeting on 17th December.

The Committee noted the update which had been provided.

Developer Contributions Framework

The Director of Planning and Building Control explained that a 12 week consultation had taken place on the Developer Contributions Framework in 2018.

A Member requested that officers ensured that the Motion that the Committee had agreed at its meeting on 12th November, regarding the Management of Communal Areas and Open Space in Developments, be considered alongside the Framework.

The Committee noted the contents of the report and noted that it would be submitted for consideration by the Strategic Policy and Resources Committee at its meeting on 17th December.

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Revised Scheme of Delegation

The Director of Planning and Building Control provided the Committee with an overview of a number of proposed changes to the Scheme of Delegation.

He explained that the report would be submitted to the Strategic Policy and Resources Committee for its consideration on 17th December, and also highlighted that, when agreed by the Council, it was also then required to be submitted to the Department for Infrastructure for its agreement.

The Committee noted the contents of the report in advance of it being submitted for consideration by the Strategic Policy and Resources Committee at its meeting on 17th December.

Issue Raised in Advance by a Member

Best Practice Protocol for the Operation of Planning Committees and a Review of Decisions that “assess the quality of decision taking” – Councillor McMullan to raise

Councillor McMullan requested that a report be submitted to a future meeting in relation to the former Department of the Environment’s (DoE) report of June 2015 “Best Practice Protocol for the Operation of Planning Committees”, which suggested that an annual review of a number of Planning Committee decisions be assessed in terms of the quality of its decision taking.

The Committee agreed that a report be submitted to a future meeting considering the feasibility of such a practice for Belfast City Council.

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)

LA04/2019/0991/F - Demolition of existing buildings and erection of 10 storey mixed use development comprising a restaurant on the ground and mezzanine floors and 71 apartments at 57-59 & 61-63 Dublin Road

(Alderman McCoubrey re-joined the meeting at this point)

The Principal Planning officer reminded the Committee that it had held a Pre-Determination Hearing in relation to the application earlier in the evening.

He provided the Committee with the principal aspects of the application and reminded the Members that they had previously resolved to approve the application, on 15th October, but that as a statutory consultee had objected, it had been necessary to notify the Department for Infrastructure (DfI) of the decision. The Committee was advised

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that the DfI had confirmed that it did not consider it necessary for the application to be referred to it for determination.

He advised the Members that HED considered that the proposal would have an adverse impact on the nearby listed Shaftesbury Square hospital and that it failed to satisfy Policy BH 11 of PPS 6.

The Principal Planning officer drew the Members' attention to the Late Items pack, where NI Water had confirmed that it was now content that a new surface water sewer had been laid on the Dublin Road which would be able to serve the proposed development and that it no longer had an issue with the application.

The Committee was advised that Mr. R. O'Toole, agent, was in attendance in order to answer any questions from the Committee. As no questions were posed, the Chairperson thanked him for his attendance.

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 and to enter into a Section 76 Agreement.

**(Reconsidered item) LA04/2018/2097/F & LA04/2018/2034/LBC –
Change of use & refurbishment of Wilton House to provide
8 apartments including alterations to rear & side elevation of
Wilton House and demolition of existing rear return & erection
of new build 5 storey residential development to provide 23
dwellings (15 new build) at Wilton House 5-6 College Square North**

(The Chairperson advised the Committee that, as Alderman McCoubrey had not been present for the discussion on the application on 15th October, he could not take part in the vote on the item.)

The Committee was reminded that it had previously considered the application at its September meeting, where it had agreed to defer in order to undertake a site visit, and then again at its October meeting. The Principal Planning Officer explained that, at its meeting in October, the Committee had again agreed to defer consideration of the application, noting that the proposal involved an important Listed Building on the At Risk Register and to allow the applicant further time to engage with planning officers to see if the outstanding issues could be resolved.

The Members were advised that sketch drawings of a potential alternative scheme had been submitted to the Planning Manager in late October, indicating a change in design approach and with a reduction of two units. She reported that the architect had been advised that the proposal remained unacceptable as the new build element remained over-dominant, its form would jar with the Listed Building, the roof terrace would be harmful to the street-scene, it would be harmful to the adjacent Listed Building and the Conservation Area and that other concerns had not been satisfactorily addressed. She explained that HED had also been sent the sketch drawings and that it had advised

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the architect that the proposal remained unacceptable as it would have a negative impact on the Listed Building.

The Committee was advised that the alternative scheme had not formally been submitted by the applicant to the Council and that it would therefore proceed to determine the application based on the last formally submitted plans, dated September 2019, with additional information relating to an amended floor layout and cycle parking arrangements also being taken into consideration.

She explained that DFI Roads and Environmental Health had been re-consulted on the additional information and advised the Committee of the outstanding concerns which DFI had expressed in relation to Policy AMP7 of PPS3, in that the application failed to demonstrate adequate parking provision, including for disabled users.

The Members were also advised of concerns which officers had regarding the proposed open bicycle parking which was proposed to the front of Wilton House, which was thought to be detrimental to the setting of the listed building as well as concerns relating to the security of the bicycles.

The Principal Planning officer advised the Committee that, as detailed in the Late Items pack, Environmental Health had since provided a number of negative conditions to ensure that contaminated land and dust reports would be submitted to and approved by the Council prior to the commencement of development. She explained, therefore, that refusal reason seven in the report no longer applied.

However, for the remaining six reasons outlined within the Case officer's report, the application was recommended for refusal.

The Committee welcomed Mr P. Stinson, agent, Mr. H. McConnell, architect, and Mr. C. Toman, applicant, to the meeting. In addressing the refusal reasons as detailed within the Case officer's report, they advised the Committee that:

- weight should be afforded to the fact that the proposal would secure the future of a currently vacant Listed Building, which was on the At Risk register;
- the proposals were no longer considered contrary to the core planning principles of SPPS and that refusal reason 1 previously formed part of refusal reason 4 in previous officer reports – these related to the design, form and scale of the new build with the proposed massing no longer forming part of the refusal reasons;
- refusal reason 1 created no further barrier to approval if the Committee agreed that the design, form and scale met the policy tests for a listed building in a conversation area as set out in the new refusal reason 3;
- significant amendments had been made to the proposal since submission – focusing on improving the relationship between the new build and the existing building;
- HED accepted the principle of a separate new building on the site and considered that the separation distance went some way in achieving

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subservience and providing an acceptable relationship between old and new;

- in considering the acceptability of the design, the appearance of the existing rear return and the contribution it made to the character and appearance of the conservation area must weigh in the planning balance and that this received little consideration in the officer's report;
- an aspect in relation to the inadequate private amenity space was new to the reasons listed;
- in relation to public amenity space, the proposal was around 300 metres from the public grounds of the City Hall and that a park was close by on Durham Street;
- 80% of the units would face away from the Courtyard and that all units met the recommended internal space standards in Addendum PPS7, even though there was no such requirement for a city centre development;
- in relation to the listed building, they had agreed to retain the unique double stair format internally and not to include a lift; and
- they had reduced the height of the new building to the level of the eaves line of the existing building, and that the new block could not be seen from Donegall Square North.

In response to a Member's question regarding why sufficient evidence in relation to the current state of the Listed Building had not been forthcoming from the applicant, the architect advised the Committee that floorplans and elevations had been submitted, that they were more than happy to engage with HED on the finer details and that further information would be submitted when the principle of development was granted.

A further Member requested further information from the applicant in relation to the amenity space and on the lack of light in a certain number of the units. The agent reported that, in their resubmitted proposal, they had proposed a roof terrace but that planners had advised them that it would impact negatively upon the streetscape. In relation to the poor levels of lighting which had been referenced, the architect advised the Members that angled windows would be used to maximise the amount of daylight entering the units.

In response to a further question regarding the proposed uncovered bicycle parking area, the developer advised the Committee that, as part of the Travel Plan, residents would be provided with a subscription to the Belfast Bike Scheme and that it was felt that most residents would prefer to store their bike in their apartments.

A Member stated that he felt that the proposal was acceptable. He outlined the following reasons as to why he felt that the officers' recommendations for a refusal of the application were not applicable:

- Refusal reason 1 – there was a difference in judgement between officers and Members, in that he felt that the proposed new build was not over dominant;
- Refusal reason 2 – the requirement for evidence as to the current condition of the Listed Building could be conditioned instead;

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- Refusal reason 3 - there was a difference in judgement between officers and Members, as the Member felt the proposed new build to the rear was reasonably subservient;
- Refusal reason 4 – it was a vacant listed building in the city centre and that a compromise had to be made in relation to amenity space and that the developer had outlined nearby public amenity spaces;
- Refusal reason 5 – in that the windows would be angled to provide more natural daylight in the units; and
- Refusal reason 6 - bicycle parking would be provided within the apartments, as well as subscriptions for residents to the Belfast Bikes scheme.

Proposal

Moved by Councillor Hussey,
Seconded by Councillor Carson,

That the Committee agrees to grant approval to the application, in accordance with the aforementioned rebuttal for each refusal reason.

On a vote by show of hands, seven Members voted for the proposal and five against and it was accordingly declared carried.

The Committee was advised that, as there were objections from statutory consultees, the decision to approve the application would have to be referred to the Department for Infrastructure for its consideration.

The Divisional Solicitor explained that the Travel Plan and associated issues would usually be dealt with by way of a Section 76 Agreement.

Upon receiving advice from the Director of Planning and Building Control and the Divisional Solicitor, the Committee agreed to delegate the drawing up of conditions and the details of a Section 76 Agreement to the Director of Planning and Building Control, and that they could be considered when the application came back before the Committee, given that a Pre-Determination Hearing would be required.

(Reconsidered item) LA04/2019/2051/F - Retrospective change of use from a dwelling to HMO at 4 Easton Crescent

(The Chairperson advised the Committee that, as Alderman McCoubrey and Councillors Collins, McKeown and McMullan had not been present for the previous discussion on the application on 12th November, they could not take part in the vote.)

(Councillor McMullan left the room at this point)

The Committee was reminded that it had initially considered the retrospective application at its meeting on 12th November and that it had agreed to defer consideration to allow officers further time to compare the licensing and the planning data which was held on the number of HMOs in the area.

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The Principal Planning officer highlighted to the Members that there was an error in the addendum report on page 135, whereby the second bullet point should read “No.16 Easton Crescent” and not No.8. The Members were advised that the HMO License team had confirmed that there were a total of 4 properties on Easton Crescent with HMO licences.

The Principal Planning officer advised the Members that, as there were 22 properties in the street, 2 HMO properties were permitted. She explained that records showed that there was currently just one property on Easton Crescent which had HMO approval. Therefore the opinion of officers remained that the application be recommended for approval.

She advised that one letter of objection had been received in relation to the proposed change of use, in relation to issues related to parking, and that the matter had been dealt with in the Case officer’s report.

A number of Members questioned what would happen in the event that the property on the street which was currently under investigation was able to produce evidence that it had been operating as an HMO for over five years, thereby potentially breaching the 10% threshold. The Principal Planning officer explained that the Committee could not prejudice against those who applied for permission in the correct way, such as the current application.

The Chairperson subsequently put the Case officer’s recommendation for approval to the Committee for its consideration.

On a vote by show of hands, six Members voted for the recommendation and none against and it was accordingly declared carried.

(Councillor McMullan re-joined the meeting at this point)

LA04/2019/0054/F - 20m telecommunications mast, with shroud enclosed antenna and associated works including 3No. equipment cabinets (in substitution for planning approval LA04/2018/1472/F) at edge of public footpath 7m North of the junction of Millfield & Samuel Street

The Case officer presented the key aspects of the application to the Members.

She outlined the key considerations which had been assessed in relation to the proposal, which included the impact on visual amenity, the impact on the local environment and the history of the surrounding area.

The Committee was advised that there was currently one 17.5metre high mast located directly adjacent to the site, approximately 11.5metres from the proposed mast.

The Case officer reported that there was an extant approval for a 20metre high telecommunications mast, with shroud enclosed antenna and 3 equipment cabinets, on

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land at the edge of the footpath 18metres south of the junction of Millfield and Samuel Street. The Members were advised that the site was located approximately 30-35metres from the site of the current proposal and that, if approved, the proposed development would be built instead of the previously approved development.

The Case officer advised that one representation had been received from the Department for Communities (DfC). In addition, she explained that the Council's City Regeneration and Development section, a consultee, had objected to the development.

She explained to the Members that it was considered that the cumulative impact of the two masts and seven equipment cabinets over a relatively short distance would result in damage to visual amenity. She added that the proposed development was located adjacent to a development opportunity site, as designated in Draft BMAP and in the Belfast Inner North West Masterplan, and that there were concerns that the proposed development would limit the development potential of the site in terms of providing active frontage and an accessible environment. The Case officer explained that, while the proposal could bring improvement in terms of communications infrastructure, it was considered that it would result in unacceptable damage to visual amenity and that it had not been sited to minimise environmental impact.

The Committee welcomed Mr. L. Ross, the agent, to the meeting. He outlined that:

- engineers could no longer access their existing mast on top of the nearby Barewood building as it was deemed unsafe;
- this was a replacement site to an extant approval, LA04/2018/1472/F, as when the applicant had carried out an investigative works at that site, they had discovered infrastructure relating to a number of statutory agencies;
- the new site was basically the only viable site for the mast and cabinets to be positioned;
- the new site was a shared site;
- that it was misleading to say that the works would be "an improvement" as, if they did not replace the mast, there would be no network coverage in that part of the City; and
- given the concerns raised in relation to the upcoming regeneration in the area, a temporary permission for three years was requested if permanent permission could not be given.

A Member raised a concern regarding the different responses from two sections within the Council. The Case officer explained that, while there was a new policy within the draft Planning Strategy, until it was adopted it carried no weight. She explained that the Development Plan Team's advice was to assess the application under the BUAP policy and that, given their awareness of the Inner North West Masterplan, officers should engage with the Belfast City Centre Regeneration Team.

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In response to a Member's query as to why they applicant had chosen that site specifically, the agent explained that the masts had to be relatively close together in order to provide complete coverage and that the applicant was also mindful, generally, not to place masts too close to houses.

A further Member stated that it was concerning that the statutory consultees had provided no objections to the original proposal site, given that the applicant had subsequently come across substantial infrastructure belonging to them beneath the footpath at that location.

In response to a Member's question regarding the footpath width at the location, the Committee was advised that DfI had no objections to the proposals and that the street furniture would not impact on pedestrians access to the pavement.

A number of Members queried how a temporary approval for three years would work in practice, specifically in the event that redevelopment works in the area were to commence within that timeframe, and whether an impasse would be created between the landowner and the applicant. The agent explained that, in terms of a developer actually starting construction within the Smithfield area, three years was not a long time and that, if the Committee was to grant temporary permission for three years, the Council would have absolute certainty that the mast would have to be taken down in three years. He stated that, if an agreement could not be made with the landowner, telecommunications companies actually had a statutory power to place infrastructure on top of buildings

A Member stated that communications infrastructure was vital for the City and, on balance, given that the period of time granted could be time limited, he felt that the coverage was more important than the temporary impact on the visual amenity at that site. In addition, he advised that a temporary approval was appropriate in recognising the development opportunity site beside the application site.

Proposal

Moved by Councillor Brooks
Seconded by Alderman Rodgers and

Resolved - that the Committee agrees to approve the application, in substitute for the extant approval LA04/2018/1472/F, for a temporary period of three years.

The Director of Planning and Building Control advised the Committee that, in relation to the extant permission on other side of the junction, he would recommend a Section 76 Agreement to rescind that permission and that power also be delegated to him to write up the necessary conditions and a Section 76 Agreement. The Committee agreed to that course of action.

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LA04/2019/0200/F - Public realm improvements comprising of existing footpaths with natural stone and kerbs; new/replacement tree planting, street lighting, and railings/walls; new street furniture; decorative hoarding panels; realignment of roadside kerbs; improvements to pedestrian crossings and on street parking; improvements to the junction on lands at Peters Hill, Millfield, North Street, and Carrick Hill

The Case officer presented the principal aspects of the major application for public realm improvements to the Committee. He advised the Members that the applicant was the Department for Communities (DfC). He explained that the design principles for the proposals included high quality materials, a greater emphasis on pedestrian priority, junction improvements, improved street lighting and that disabled access would be maintained or improved.

The Committee was apprised of the main issues which had been considered in the assessment of the application, including the potential impact of the public realm improvements on residential amenity, impact on the setting of listed buildings and the impact on visual amenity.

The Case officer pointed out that the application site fell within the development limits for Belfast and complied with the Development Plan and relevant policy. He explained that, on balance, the proposals were considered to be acceptable.

He advised the Members that DfI Roads had been consulted in respect of the application in February but was yet to submit a substantive consultation response despite repeated requests. It was reported that officers had recently advised DfI Roads, on two separate occasions, that, in the absence of any response, it would be assumed that it had no objection.

In response to a request from a Member, the Committee agreed to send a letter to the Chief Executive of the DfI Roads highlighting the lack of response to the consultation on the proposals.

A number of Members welcomed the proposals for a main arterial route into the City, but two Members highlighted that there had perhaps been a missed opportunity in terms of improving the cycling infrastructure as part of the proposal.

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.

LA04/2019/0081/F - 12 apartments (social/affordable housing units comprising 3x 1 bed & 9x 2 bed) with provision of community pocket park, car parking, landscaping and all associated site and access works on Lands at former Maple Leaf Club, 41-43 Park Avenue;

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The Committee agreed to consider the application along with the two related applications:

LA04/2019/0082/F - Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, "No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans." The removal of the condition is necessary to allow the construction of the social/affordable housing (LA04/2019/0081/F) on Lands at former Maple Leaf Club, 41-43 Park Avenue; and

LA04/2019/0083/F - Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows "No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015". The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing (LA04/2019/0081/F) on Lands at former Maple Leaf Club, 41-43 Park Avenue

(Councillor Murphy left the meeting at this point)

The Principal Planning officer presented the principal aspects of each of the three applications to the Committee.

She explained that application LA04/2019/0081/F had previously been scheduled for determination at the Planning Committee meeting on 11th June, 2019, with a recommendation for refusal. She advised the Members that the application had been withdrawn from that agenda to enable the consideration of the proposed terms of a Section 76 Agreement in respect of mitigating against the proposed loss of open space.

The Committee was advised that the original report of June 2019 had cited two reasons for refusal, namely, the loss of open space and the under-provision of amenity space for the proposed development. She confirmed that, notwithstanding those issues, the proposal was otherwise acceptable in terms of its design, height, scale and mass, as well as access and parking. The Members were therefore advised that the addendum report only sought to deal with the original reasons for refusal and that the original report from June 2019 should be considered alongside it.

The Principal Planning officer outlined that, historically, the site was in use as a substantial area of open space, incorporating a bowling green and a clubhouse/social club. She highlighted that residential development had been granted on the site subject to a replacement recreational social club being provided to off-set the loss of open space. The Members were advised that the provision of the recreational social club, in combination with the social housing to be provided, was the justification for setting aside Policy OS1 of PPS8 – Open Space, Sport and Recreation and granting the proposal.

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The Committee was advised that the current application proposed an apartment block in place of the social recreation club. Following the publication of the officer report in June 2019, the applicant had submitted a Section 76 Agreement setting out terms to offset the loss and under provision of recreation facilities by offering to provide a financial contribution of over £52,000 towards improvements to the King George V Playing Fields. The Principal Planning officer explained that the Playing Fields were eight minutes walk from the site. She outlined that, in accordance with Policy OS1, the combination of the associated community benefits were considered, on balance, to decisively outweigh the loss of the provision of the recreation club and the shortage in the amenity provision.

The Members were advised that Environmental Health, Rivers Agency, the BCC Tree Officer and NIHE had all offered no objection to the proposal.

The Principal Planning officer drew the Members' attention to the Late Items pack, whereby DfI had advised that the Private Streets Determination drawing submitted had addressed technical matters and that the application now proposed one car parking space provided per unit in addition to covered bicycle parking.

She drew the Members' attention to the two linked applications, LA04/2019/0082/F and LA04/2019/0083/F, which were Section 54 applications to remove condition 2 of planning permission Z/2010/0434/F and LA04/2015/0075/F respectively, which stated that "no part of the residential development hereby permitted, shall be occupied until the social club was constructed and in operation".

The Case officer explained that the applicant sought removal of the conditions given that the Maple Leaf Club had closed and that there was no replacement occupier. She explained that the removal of the condition would enable the granting of LA04/2019/0081/F and that the developer contributions outlined would contribute to the Belfast Agenda priorities of Living Here and City Development and the Local Development Plan Strategic Aims of Shaping a Liveable Place, a Green and Active Place and a Smart, Connected and Resilient Place.

The Committee was advised that Mr T. Stokes, the agent, was in attendance to answer any queries from the Committee but no questions were posed by Members.

The Committee then considered each application in turn.

It granted approval to:

- application LA04/2019/0081/F, 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 and the Section 76 Agreement;
- application LA04/2019/0082/F, subject to the completion of the Section 76 Agreement and conditions under planning permission LA04/2019/0081/F; and

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- application LA04/2019/0083/F, subject to the completion of the Section 76 Agreement and conditions under planning permission LA04/2019/0081/F.

(The Committee adjourned for a ten minute break at this point)

(Councillor Murphy re-joined the meeting at this point)

LA04/2019/1609/F - Demolition of existing buildings to provide a residential development of 7x 2 bedroom apartments, 2 x 3 bedroom apartments and 6 townhouses with associated car-parking and amenity facilities at 28 & 34-52 Gardiner Street

The Principal Planning Officer presented the principal aspects of the application to the Committee.

She explained that the application sought permission for 15 residential units, consisting of 9 apartments and 6 townhouses, on a brownfield site in the city centre.

She outlined the main issues which had been considered in the consideration of the proposal, which included the principle of development and use at the location, the design, layout and impact on the character and appearance of the area, the impact on amenity and traffic movement and parking.

The Committee was advised that, in Draft BMAP and the BMAP that was pertained to be adopted, the site was located within a protected city centre housing area. The Members were advised that the principle of residential development had already been established under LA04/2016/2059/F and Z/2008/0324/F, the former being an extant approval.

The Members were advised that one objection had been received, raising concerns with traffic congestion, car parking and illegal car parking concerns. The Principal Planning Officer reported that DfI Roads, NI Water, Rivers Agency, Environmental Health and HED had offered no objection to the proposed development, subject to conditions.

She highlighted that nine on-street car parking spaces were proposed as part of the application. She added that the site was within a highly accessible and sustainable location within close proximity of public transport routes as well as walking and cycling provisions. The Members were advised that bicycle storage would be provided within the development.

The Committee was advised that the application was considered to be compliant with the SPPS, PPS3, Policy QD1 of PPS7, Creating Places, BUAP and Draft BMAP.

In response to a Member's question regarding the balconies in the extant approval, the Principal Planning Officer explained that the current proposal, without balconies, was deemed to be acceptable given the tight urban grain.

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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 and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

LA04/2019/2633/F - Change of use from dwelling to a house of multiple occupation (HMO) at 93 Bloomfield Avenue

The Case officer provided the Committee with the principal aspects of the application for a change of use from a single dwelling to a House in Multiple Occupation (HMO). She highlighted that there was an error in the Case officer's report, in that paragraph 3.2 should read 77 Bloomfield Avenue and not 77 Bloomfield Road.

She advised the Members that policy HMO 5 applied, given that the area was outside a designated HMO Development Node or Policy Area as designated in the HMO Subject Plan for Belfast City Council Area 2015.

She explained that the Land and Property Services Pointer database illustrated that there were 24 domestic properties on that section of Bloomfield Avenue, which would permit 2 HMOs before the 10% threshold was exceeded. She explained that, according to records held by the Local Development Plan Team, 1 HMO was currently registered within that section of Bloomfield Avenue.

She explained that no third party representations had been received in respect of the application. The Committee was advised that DFI Roads, Environmental Health and the Council's internal Development Planning and Policy Team had all been consulted in relation to the proposal and that all had offered no objection to the proposal.

The Chairperson put the Case officer's recommendation for approval to the Committee for its consideration.

On a vote by show of hands, nine Members voted for the recommendation and none against and it was accordingly declared carried.

LA04/2019/2589/F - Change of use from dwelling to a house of multiple occupation (HMO) at 8 Pinkerton Walk

The Case officer provided the Committee with the details of the application for a change of use from a single dwelling to a House in Multiple Occupation (HMO).

She advised the Members that, given that the area was outside a designated HMO Development Node or Policy Area, Policy HMO 5 applied.

The Members were advised that the Land and Property Services Pointer database showed that there were 22 domestic properties on Pinkerton Walk, which allowed 2 HMO properties before the 10% threshold was exceeded. She advised that, according to records held by the Local Development Plan Team, no HMOs were currently in use on Pinkerton Walk and that there were no other current planning applications in the system seeking HMO use on that section of road.

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She explained that no third party representations had been received in response to the application.

The Committee was advised that DFI Roads, Environmental Health and the Council's internal Development Planning and Policy Team had been consulted in relation to the proposal and that all had offered no objection to the proposal.

The Chairperson put the Case officer's recommendation for approval to the Committee for its consideration.

On a vote by show of hands, nine Members voted for the recommendation and none against and it was accordingly declared carried.

LA04/2019/2583/F - Change of use from dwelling to a house of multiple occupation (HMO) at 50 Carlisle Road

The Case officer provided the Committee with the principal aspects of the application for a change of use from a single dwelling to a House in Multiple Occupation (HMO).

She advised the Members that policy HMO 5 applied, given that the area was outside a designated HMO Development Node or Policy Area as designated in the HMO Subject Plan for Belfast City Council Area 2015.

She explained that the Land and Property Services Pointer database illustrated that there were 70 domestic properties on Carlisle Road, which allowed 7 HMO properties before the 10% threshold was exceeded. She explained that, according to records held by the Local Development Plan Team, no HMOs were currently in HMO use on Carlisle Road and that there were no other current planning applications in the system seeking approval for HMO use on that section of the road.

She explained that no third party representations had been received in relation to the application.

The Committee was advised that DFI Roads, Environmental Health and the Council's internal Development Planning and Policy Team had been consulted in relation to the proposal and that all had offered no objection to the proposal.

The Chairperson put the Case officer's recommendation for approval to the Committee for its consideration.

On a vote by show of hands, nine Members voted for the recommendation and none against and it was accordingly declared carried.

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LA04/2019/1533/F - Demolition of existing ramped access, single storey extension on existing office toilets on south elevation and single storey extension to pitch on north elevation; external alterations to existing toilets and office on western elevation at Knockbreda Parish Church Hall

(Alderman McCoubrey left the meeting at this point)

The Case officer provided the Committee with the details of the application for front and rear extensions to the existing Church Hall, including new ramp access, and highlighted that the application had received Council funding.

She explained the key issues which had been considered in the assessment of the development, including the impact on a listed building/monument setting, impact on neighbouring amenity and traffic and parking.

The Case officer reported that Environmental Health, DFI Roads Services and Historic Environment Division (HED) had been consulted in respect of the application and had no objections to the proposal. She confirmed to the Members that no third party representations had been received.

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.

Chairperson