

# Planning Committee

Tuesday, 15th September, 2020

## MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

- Members present: Councillor Hussey (Chairperson);  
Councillors Brooks, Carson, Matt Collins,  
Garrett, Groogan, Hutchinson, Maskey,  
McCullough, McKeown, Murphy,  
Nicholl and O'Hara.
- In attendance: Mr. A. Thatcher, Director of Planning and  
Building Control;  
Mr. E. Baker, Planning Manager  
(Development Management);  
Ms. N. Largey, Divisional Solicitor; and  
Mrs. L. McLornan, Democratic Services Officer.

### **Apologies**

An apology for inability to attend was reported from Councillor Harvey.

### **Minutes**

The minutes of the meeting of 18th August 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 September, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### **Declarations of Interest**

Councillor Groogan declared an interest in item 7a, LA04/2019/1614/F - Redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area (MUGA pitch), pitch side fencing and ball-stop nets, car parking, landscaping and associated site works on land including and adjacent to the existing all-weather sports pitch at Stranmillis University College, in that she had spoken with residents and would be speaking in objection to the application. She confirmed that she would therefore not take part in the vote on that item.

She also advised that, in relation to item 9a – Havelock House, she had previously made representation in respect of the application and had engaged with objectors and, as such, would not take part in the discussion.

Councillor Collins advised that he had spoken with an objector in respect of item 7a, LA04/2019/1614/F, but that, as he had not expressed an opinion on the application, he would take part in the discussion.

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Similarly, Councillor McKeown advised that he had facilitated a residents meeting in respect of item 7a, LA04/2019/1614/F, but that, as he had not expressed an opinion on the application, he would take part in the discussion.

**DoF Consultation on Proposed Building (Amendment)  
Regulations (NI) 2020**

The Committee considered the undernoted report:

**“1.0 Purpose of Report or Summary of Main Issues**

**1.1 To consider a draft response to a consultation on proposed amendments to Parts A, B and C and subsequent guidance changes to technical booklets B, C and E of the Building Regulations (Northern Ireland) 2020.**

**2.0 Decision(s) required and recommendations**

**2.1 To consider the draft response to the Department of Finance consultation and agree, subject to any amendments, a response on behalf of the Council.**

**2.2 The closing date for responses to this consultation is 4 p.m. on Friday, 9th October 2020.**

**3.0 Main report**

**Key issues**

**3.1 The Buildings Standards Branch of the Department of Finance (DoF) is seeking the views of the Council on their proposals to amend the Building Regulations (Northern Ireland) 2012 (as amended).**

**3.2 Building regulations apply to most building work and are made principally to ensure the health, safety, welfare and convenience of people in and around buildings, the conservation of fuel and power, the protection and enhancement of the environment and the promotion of sustainable development.**

**Fire Safety**

**3.3 Since the Grenfell fire there has been much debate about compliance with the Building Regulations requirement for external walls on buildings to adequately resist the spread of fire. The objective of this policy change is to provide certainty**

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about materials to be used in external wall systems of certain buildings ('relevant buildings').

- 3.4** The consultation proposes an amendment to Part B (Materials and workmanship) legislation and accompanying guidance and a consequential amendment to Part A (Interpretation and general) legislation to introduce a new requirement to ban the use of combustible materials on the external walls of 'relevant buildings', mainly of a residential type. It is proposed that the ban will apply to:
- buildings with a floor 18 metres high above ground level which contain a dwelling, contain an institution or contain a room for residential purposes. This will mean flats, student accommodation, care homes, nursing homes, sheltered housing, hospitals and dormitories in boarding schools, all with a floor over 18m above ground level will be covered by the ban.
  - newly erected buildings or when there is a material change of use, alterations or extensions (as defined in building regulations) to an existing building. All elements of the external wall will be covered by the ban; including specified attachments (balconies, solar panels and sun shading devices). A list of exemptions from the ban for certain components will also be given.
- 3.5** In relation to meeting the requirements for external fire spread, there has been concern with the current approach to the use of Assessments in lieu of tests (AILETs) for cladding systems. Therefore the proposals include an amendment to TBE to give more explicit guidance to the use of AILETs. The purpose of this new guidance is to tighten up on the use of AILETs and ensure that they are only used where appropriate, with sufficient relevant test evidence and that they are undertaken by competent staff within appropriately certified organisations.
- 3.6** Full details of our comments on the proposals are contained within the consultation response. In summary, the proposals to review and update guidance and regulations pertaining to external fire spread is welcomed however we are concerned that the guidance concentrates on the methods to achieve adequate fire resistance in buildings containing a floor higher than 18m with potential proposals to cover 'relevant' buildings over 11m.
- 3.7** The Department, through this consultation, reaffirms the requirement for adequate resistance to fire spread to be

achieved in all buildings of any height or use however we feel that the lack of guidance in this area will lead to confusion and inconsistency across Northern Ireland with a lack of understanding of how to achieve compliance.

**Radon protection**

- 3.8 Radon is a naturally occurring radioactive colourless and odourless gas which is formed by the radioactive decay of the small amounts of uranium and radium that occur naturally in all rocks and soils. The gas can move through cracks and fissures in the subsoil and eventually to the atmosphere. Most radon disperses into the air outside, but some passes from the ground and collects in spaces under or within buildings. For residents of dwellings, exposure to high levels of radon for long periods increases the risk of developing lung cancer.
- 3.9 Radon protective measures can be included relatively easily and cost-effectively within new dwellings, extensions or alterations to existing dwellings and to buildings converted to dwellings through a material change of use. The areas on radon maps where radon-protective measures are necessary are called 'radon-affected areas'.
- 3.10 The consultation proposes an amendment to Part C (Site preparation and resistance to contaminants and moisture) to amend the definition of 'radon affected area' to make reference to a 2015 Public Health England (PHE) publication 'Radon in Northern Ireland: Indicative atlas'. This atlas gives a much more accurate radon map for Northern Ireland. The amendment will be accompanied with guidance changes in Technical Booklet C (Site preparation and resistance to contaminants and moisture) to regulation 26(2) requirements on the measures to be taken to prevent or limit the ingress of radon from the ground into any dwelling situated in a radon affected area.
- 3.11 The proposals to update Part C to the current radon guidance are welcomed.
- 3.12 The package of consultation documents can be found on the Department's website: [-https://www.finance-ni.gov.uk/consultations](https://www.finance-ni.gov.uk/consultations) and includes the following: –
- Consultation Proposals;
  - Consultation Response Form;
  - Consultation version only Technical Booklet B;
  - Consultation version only Technical Booklet C;
  - Consultation version only Technical Booklet E; and

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- **Consultation Draft Regulatory Impact Assessments for the proposed changes.**

**3.13 Financial & Resource Implications**

**None.**

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

**The proposed amendments have been screened out of equality impact assessment requirements by DoF. The equality impact screening assessment will be published separately on the Departmental Website.”**

The Committee agreed the draft response as outlined.

**Committee Site Visits**

It was noted that the Committee had undertaken site visits on 12th August in respect of the following two planning applications:

- LA04/2020/0067/F: Demolition of existing buildings and erection of 270 no. apartment building comprising 8, 5 and 3 storey elements, provision of hard and soft landscaping including communal courtyard gardens, public realm, provision of 40 no. car parking spaces, cycle parking, substation and associated works at Havelock House, Ormeau Road; and
- LA04/2019/1540/F - Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks, 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. Weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear earth bunding, 3no. Accesses to existing Giant's Park Service road infrastructure and ancillary plant/site on lands to the northwest of existing Belfast City Council Waste Transfer Station, 2a Dargan Road

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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 10th and 28th August.

**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.

**Abandonments**

The Committee noted the receipt of correspondence from the Department for Infrastructure in respect of the Abandonment of the footpath to the rear of Albert Street, Quadrant Place and Cullingtree Road.

**Miscellaneous Items**

**Belfast Housing Land Availability Summary Report 2019-20**

The Committee considered the undernoted report:

**“1.0 Purpose of Report or Summary of Main Issues**

**1.1 To provide an overview of the Council’s Housing Land Availability Summary Report for the 2019/20 monitoring period.**

**1.2 The report presents the outcomes of annual housing land monitoring and helps inform the preparation of the new Local Development Plan (LDP) for the District. It provides a snapshot of the amount of land available for new residential development as of 1 April 2020, and is supported by an online map portal showing the status of all existing housing monitor sites.**

**2.0 Recommendation**

**2.1 The Committee is asked to note the outcomes of the annual Housing Monitor report for 2019/20 contained at Appendix 1 (available on mod.gov) and the intention to publish this summary document and accompanying online map portal on the Council’s website.**

**3.0 Main Report**

**Background**

- 3.1** Members are reminded that the Planning Act (NI) 2011 requires the Council to make an annual report to the Department for Infrastructure (DfI) outlining the extent to which the objectives set out in the LDP are being achieved. As the Council are currently preparing the first new LDP for Belfast under this new legislation, the production of Annual Monitoring Reports has not yet commenced. Instead, annual Housing Land Availability Monitor reports (referred to as the 'Housing Monitor' reports) are being prepared by the Council until the new LDP is adopted.

**Housing Land Availability Reports**

- 3.2** The primary purpose of the Housing Monitor is to inform the formulation of the Council's new LDP. However, it will also help the Council identify where a shortfall in potential land supply might exist and can inform house-builders on the availability of land that may be suitable for housing.
- 3.3** The Housing Land Availability Summary Report (Appendix 1) presents the headline figures from a register of potential housing land maintained by the Council, based on current planning policy designations and planning consents. This provides a snapshot of the amount of land available for new homes and capacity for future housing units as of 1st April 2020, as well as providing detail in respect of the net gains in residential units for the 2019/20 period. This differs from the new dwelling completion statistics published routinely by central Government which only provide a total for new build homes, without accounting for units lost as a result of redevelopment. The report will be supported by the online map portal showing the status of all existing housing monitor sites, on the Development Plan and Policy part of the Council website.
- 3.4** During the 2019/20 monitoring year 698 units were completed on 18.5ha of land across the District. 378.4ha of land remains, with potential capacity for 21,692 residential units. This is based on deliverable planning approvals and land allocated within the development plan, but doesn't include other potential sites that may be suitable for residential development.
- 3.5** The total number of dwellings completed in the district has fallen by 15.9% from 830 in 2018/19 to 698 in the current

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monitor year. The proportion of dwellings completed within the Urban Footprint is recorded at 76.4% and, as at 1 April 2020, 38.7% of the remaining potential available for future dwellings is on land zoned for housing or mixed use development.

- 3.6 It is emphasised that the monitor represents a register of housing land based on policy designations and planning permissions, rather than an accurate picture of all potentially viable housing land. It should also be noted that this year's report is based on data for the period largely prior to the Covid-19 lockdown, so the full implications of Coronavirus will not be reflected until next year's report.

3.7 **Finance and Resource Implications**

There are no resource implications associated with this report.

3.8 **Asset and Other Implications**

None noted.

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

The Housing Monitor report presents factual information and makes no recommendations relating to the future allocation of land for housing. There are therefore no relevant equality or good relations implications attached to this report.”

The Committee adopted the recommendations.

**Restricted Item –  
Finance Update**

**The information contained in the report associated with the following item 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 exempt information as described in Section 42(4) and Section 6 of the Local Government Act (NI) 2014.

The Committee was reminded that the Strategic Policy and Resources, at its meeting on 31st July, had received an update on the impact of the Covid-19 pandemic on the Council's financial position and a strategy to address the forecast deficit and the mitigation measures, which had and would be taken as the situation evolved. It had

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agreed to continue to provide Members with a monthly update on the financial position and that the same report would be presented to the subsequent Standing Committees for noting and to provide further information on ongoing work in the following areas:

1. Updated forecasts;
2. The financial impact of recovery plans;
3. The financial impact of the member agreed decision to invoice rents for all tenants from Quarter 2; and
4. Employee savings arising from the review of vacant posts

The Committee noted the contents of the report, including the August forecast update and Quarter 1 finance report.

**Issue Raised in Advance by a Member**

**Havelock House - Councillor McKeown to raise**

(Councillor Groogan declared an interest in this item and did not take part in the discussion)

Moved by Councillor McKeown  
Seconded by Councillor Hussey and

Resolved – that, in light of the fact objectors have made representations expressing concerns that Havelock House should be a listed building, raising some issues which were allegedly not addressed when the building was considered for listing last year, the Planning Committee requests that HED provide a detailed response to those representations to inform its decision making process in respect of the Havelock House planning application.

**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)**

**Withdrawn Item**

The Committee noted that the following item had been withdrawn from the agenda due to a late response which had been received from DfI Roads and which required further consideration by officers:

- LA04/2020/0325/F - redevelopment of vacant surface level car park to facilitate the erection of a Mixed-Use building ranging from 4. to 9. storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above. Development includes associated public realm, landscaping and all other associated site works on vacant lands at existing surface level car park bound by North Street Winetavern

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Street and Gresham Street north west and south west of 108 North Street and 1 Gresham Street and north of 23 Winetavern Street

**LA04/2019/1614/F - Redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area (MUGA pitch), pitch side fencing and ball-stop nets, car parking, landscaping and associated site works on land including and adjacent to the existing all-weather sports pitch at Stranmillis University College Stranmillis Road**

The Chairperson advised the Committee that requests from two separate deputations of objectors had been received, both requesting five minutes to address the Committee. They had cited exceptional circumstances, through the most recent change in Covid-19 restrictions, whereby residents were no longer allowed to visit other people inside their homes, and no more than six persons from two households were permitted to gather in a garden, which had meant that all objectors had been unable to meet in person and discuss their concerns as one group, and had therefore had insufficient time to prepare one deputation remotely. The Chairperson explained that, if the Committee was to accede to the request from the two groups of objectors, and allow each group to speak for five minutes, it would only be fair to give the agent/applicant deputation ten minutes.

The Committee acceded to the request to receive two separate deputations from objectors, of up to five minutes, and that the agent/applicant deputation would therefore be granted up to ten minutes to speak.

The Senior Planning officer explained the main issues which had been considered in the assessment of the application, which included:

- the principle of the development of at the location;
- visual impacts of the proposal;
- impact on amenity / character of the area;
- impact on built heritage;
- impact on the natural environment;
- impact on transport and other infrastructure; and
- flood risk

He outlined that the main pitch, at the closest points would be located 29metres from the nearest dwelling at 28 Beechlands, and approximately 51.6metres from the nearest dwelling in Cleaver Park.

The Committee was advised that, whilst the proposal would result in the reduction of the playing surface area to allow for car parking facilities, those facilities were necessary and a policy requirement to support the proposal.

He advised the Members that the proposal would not adversely impact on amenity, traffic, heritage assets or flooding. He explained that the proposed scale, form, massing and materials of structures proposed were considered acceptable and would not

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adversely impact on the local character of the area. The Committee was advised that existing trees within the site and around the site periphery, in addition to new planting would filter views of the structures. The Members were advised that changing room facilities had originally been proposed but had been removed from the proposal in order to safeguard the heritage contribution of ancillary buildings. On balance, he explained that the proposal would not result in detrimental visual impacts.

He explained that a number of conditions were necessary to mitigate impacts of the development, including the hours of operation of the facility and a restriction on the use of floodlighting between the months of October and February.

The Committee was advised that 116 objections had been received, the details of which were outlined in the report.

The Senior Planning officer reported that DFI Roads, Historic Environment Division (HED), NI Water, Rivers Agency, the Conservation Officer, Natural Environment Division, Environmental Health and DEARA NED had been consulted and had no objections to the proposal.

The Committee's attention was drawn to the Late Items pack, which outlined a number of issues which had been raised by Cleaver Park residents. The Planning Department's response to the issues were provided within the pack.

The Chairperson welcomed Councillor Groogan to the meeting, where she had two minutes to address the Committee. She advised the Members that:

- the proposal was in a unique setting in the Stranmillis ATC, it was directly in the middle of the Malone and Stranmillis conservation areas and was in close proximity to a number of listed buildings, TPOs, protected flora and fauna;
- few sites attracted such a level of historic interest and, as such, it required a special level of intervention and measures to uphold the value that the area provided;
- the conditions proposed do not go far enough given the peculiarities of the site;
- the recently approved pitches at Pirrie Park included restricted use of the pitches – whereas in this proposal it was not just restricted to the college use; the hours of use were significantly longer; and protected views would be obscured by floodlights causing serious detriment to residential amenity;
- in relation to the noise assessment, it highlighted that while the development itself was acceptable, it did not properly consider the cumulative amenity impact on nearby residents due to the intensification of site usage; and
- the proposals were contrary to policies BH12 of PP6 and Policy OS4 and OS7 of PPS8.

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The Chairperson then welcomed Mr. E. Loughrey, agent, Mr. F. Bryan, Chair of Cleaver Residents' Group, and Mr. M. O'Toole MLA to the meeting, representing the first group of objectors.

Together they advised the Committee that:

- they could not hope to do justice to the strength of opposition from the residents of Cleaver but that it should be highlighted that there had been 126 letters of objection submitted in respect of the development, and zero in support;
- there was no compelling case for the development, and scarce public funds from DfE should be better used;
- the area concerned was one of the most protected environments in Belfast and was designated as an historic park and garden and was therefore different and distinguishable from all other 3G pitch applications the Committee had considered;
- the Department had failed to give special regard to the protection of two conservation areas;
- the College was already deficient in parking. It had offered to provide 100 parking spaces to address parking issues but the application only provided for 34 spaces;
- there was no visual impact assessment on the Stranmillis Conservation Area or the inter-visibility of the two conservation areas;
- there was no evidence as to the previous use of the site and the intensity of the hockey pitch use, despite repeated requests from the Environmental Health Officer, confirming that the site had been used as a car park for many years;
- the ecological assessment was out of date and did not account for the evidence of badgers found in the area recently;
- there was already a level of anti-social behaviour from students living at the College and that the proposal would impact negatively on residential amenity of Nos 36 & 38 Cleaver Park through noise, disturbance, likely anti-social behaviour, parking and lighting;
- there were concerns that the increased use of the site would create a worse parking problem in Cleaver, both during construction and when completed;
- they were concerned that the application was being pushed through during the pandemic and that the objectors did not feel they had a fair hearing given the restrictions imposed that week which prevented residents from meeting in each other's homes; and
- that the application should be refused or, failing that, its assessment should be paused until a time when the residents of Cleaver could be given a full face to face hearing in front of the Planning Committee.

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**Proposal**

Moved by Councillor Garrett  
Seconded by Councillor Hutchinson and

Resolved – that, in light of a number of technical issues which have occurred throughout the meeting to this point, including that two further objectors were unable to join the meeting to speak, the Committee agrees to defer consideration of the application to a future meeting, the date and time of which are to be agreed by the Chairperson.

**LA04/2019/2334/F - 3 apartment buildings with a total of 18 x 2 bed apartments providing off street car parking and associated groundworks at 141 & 149 Upper Newtownards Road**

The Committee was provided with an overview of the proposals. The Senior Planning officer explained that, under the adopted Belfast Urban Area Plan 2001, the site was unzoned white land and in the draft BMAP the site was also white land and that the Upper Newtownards Road was an arterial route.

She explained that the proposed land use for housing was considered acceptable in principle, the proposed layout of the development was acceptable and that it was considered that the site could accommodate the proposed number of dwelling units of the scale and mass proposed, whilst meeting the recommended requirements for prospective residents without detrimentally impacting upon the residential amenity of existing neighbours.

The Committee was advised that eight objections had been received, raising issues including parking and road safety, overdevelopment, overlooking, the impact of construction works, the impact on trees and the impact on the Cyprus Conservation Area.

She outlined that Environmental Health, DFI Roads, NI Water, Rivers Agency and the BCC Tree Officer had no objections, subject to conditions. The Members were advised that the Conservation Area Officer had raised a concern with the height of Block A, which fronted onto the Upper Newtownards Road, however, she explained that given the proposal was similar in height to existing buildings in the area, with frontage onto the arterial route, it was considered that the proposal was, on balance, acceptable and would not result in a detrimental impact on the setting of the adjacent Conservation Area.

The Senior Planning officer drew the Members' attention to the Late Items pack, whereby 2 additional objections had been received. The objections cited issues with Block C and with overlooking, privacy and amenity impact. She provided the Department's response to the issues raised.

In response to a Member's question regarding the density of the proposal in comparison with the surrounding area, she explained that a number of properties along the Upper Newtownards Road had been converted into apartments and, as the proposal was on an arterial route, the density was considered acceptable.

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In response to a further Member's question regarding the separation distances, she clarified that the distance between buildings A and B was 15metres and between buildings B and C was 20metres, which were considered acceptable.

The Chairperson welcomed Mr. D. Ferguson, architect, to the meeting. He advised the Committee that the scheme had been designed with the surrounding buildings in mind and that it included parking spaces, covered bicycle stands and a protected bin area. He added that they had worked with Planning officers to ensure that it complied with relevant policies.

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.

**LA04/2019/1537/F - Replacement of existing dwelling with  
2 detached dwellings and new access onto Newforge Lane  
with associated landscape works at 28 Piney Lane**

The Senior Planning officer provided the Members with an overview of the proposed development, which had been referred to Committee by a Member to afford the applicant an opportunity to address issues in respect of road layout/traffic.

She advised the Committee of the main issues which had been considered, which included the principle of development and the impact on the character of the area, on amenity, on road safety and on the Lagan Valley Area of Outstanding Natural Beauty (AONB).

The Members were advised that no representations had been received in respect of the proposed development.

The Senior Planning officer highlighted that a refusal was recommended given that DFI Roads considered that the proposed access was unacceptable due to the potential impact on road safety.

The Chairperson welcomed Mr. K. McGurran, agent, and Ms. K. McShane, Transport Engineer, to the meeting. They stated that:

- the only part of the scheme which was deemed unacceptable was the proposed access, "due to the potential impact on road safety" and that all other areas of the scheme were deemed acceptable;
- the impact on road safety should be balanced against the use of an additional house, versus the benefit that could be provided in improving the visibility along the existing Newforge Lane;
- the existing bend was overgrown, which restricted visibility for all users of this junction;
- the new access proposed as part of the scheme would mean a widening of the verge to improve the visibility splay across the

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corner, offering betterment for all road users of that section of Newforge Lane;

- that the average speed of road users in that stretch of road was 19mph and that advice note DCAN 15 stipulated that the relevant sightline for that speed would be established as part of the proposal, and that it would be a betterment on the current sightline; however, DfI Roads were asking for sightlines relevant to average speeds of 25mph, and that it was not possible to create that at the location.

In response to a Member's question, Mr. G. Lawther, DfI Roads, confirmed that the speed survey which had been submitted by the applicant demonstrated average speeds of 27mph which was why DfI stated that the appropriate sightline distance was 45metres.

The Transport Engineer, in response, advised that the speed that cars were travelling at, into the bend, was in fact 19mph and that DCAN 15 allowed for mitigating measures and unusual circumstances with a sightline distance of 33metres. She also explained that the proposal also included the extension of the pavement along the front of the property, which was a betterment for pedestrian safety than the current infrastructure. They therefore contended that the proposals were admissible under the policy.

In response to a Member's question, further clarification was provided by the Transport Engineer in relation to the proposed sightline distances.

After discussion, the Committee agreed to refuse the application and delegated power to the Director of Planning and Building Control for the final wording of the refusal reasons.

**LA04/2019/1254/F - 16 Independent Living Units on lands  
at former Kings Hall and to the rear of 17-23 Harberton Park**

The Planning Manager explained that the site formed part of the wider Kings Hall complex at which Phase 1 works were already under way.

He outlined the main issues which had been considered in the assessment of the application, including the setting of a listed building, demolition and impact on a Conservation Area, the design and impact on the character and appearance of the area, trees and landscaping, impact on residential amenity, access and parking and flooding.

He explained that the site was unzoned whiteland in BUAP and, in the Draft BMAP 2004 and 2015, it was unzoned whiteland with a small portion along Balmoral Avenue having been identified as falling within the Malone Conservation Area. The proposed residential use did not conflict with the development plan or planning policy and was therefore acceptable in principle.

The Members were advised that 4 objections had been received to date, citing issues with a change from the original proposal presented at the public consultation event,

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privacy and security of properties adjoining the new Balmoral access, unsafe access, traffic congestion, separation distances and a loss of mature boundary trees.

The Planning Manager outlined that DFI Roads, Rivers Agency, HED, NI Water, DAERA, Environmental Health and the Tree officer had all offered no objection to the proposal.

He explained that the proposal had been assessed against and was considered to comply with the BUAP, Draft BMAP, PPS3, PPS6, PPS7, PPS7 Addendum, PPS12, PPS15 and the SPPS.

He drew the Committee's attention to the Late Items pack and outlined that:

- one further objection had been received, the details of which had already been addressed within the report;
- further clarification from DFI Roads was required on the wording of condition 11 to ensure the correct drawing no.;
- an amended recommendation would read "Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive issues being raised by third parties and clarification from DFI Roads on the requirements of the access condition".

In response to a question from a Member regarding flooding, the planning manager confirmed that NI Water and Rivers agency had both been consulted and had no objections.

In response to a question from another Member regarding the capacity and access onto Balmoral Avenue, he explained that DFI Roads had been consulted and were content with the proposals.

The Chairperson welcomed Ms. E. Walker, agent, to the meeting. She explained that:

- a detailed drainage design had been signed off by NI water and full article 161 consent to discharge;
- the scheme had been designed to meet the needs of older people who required some assistance but who wished to live independently, with access to emergency care, private amenity space and high quality living environment;
- on-site parking had been revised on account of feedback from officers and DFI Roads, and that garden sizes had been increased;
- separation distances, back to back from the houses on Harberton Park, were well in excess of requirements; and
- a pocket park was included.

Moved by Councillor Hussey,  
Seconded by Councillor Brooks,

That the Committee grants approval to the application, subject to the imposing of the conditions set out within the case officer's report and to no

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new substantive planning issues being raised by third parties, and delegates power to the Director of Planning and Building Control for the final wording of the conditions.

On a vote, eleven members voted for the proposal and two against and it was declared carried.

**LA04/2019/2285/F - 12 storey building to provide an extension to the purpose built management student accommodation development currently under construction at 123 York Street (Ref: Z/2015/0177/F) comprising 94 x student accommodation rooms with communal living rooms/kitchens, associated office space and all other site works on lands at the corner of Little York Street and Little Patrick Street adjacent to 123 York Street 14 Little Patrick Street and opposite 23-33 Little York Street**

The Committee was advised that the site was located within the development limit for Belfast and the City Centre boundary under the Draft BMAP 2015. The site was also located within Character Area CC 077 – Development Opportunity Site Great George Street/Nelson Street/Great Patrick Street/York Street in Draft BMAP 2004 version and Character Area CC 015 Laganside and Docks in Draft BMAP 2015 version.

The Senior Planning officer provided the Members with an overview of the key issues which had been considered in the application, including height, scale and massing, HMO Subject plan 2015, SPG on PBMSA, traffic and parking and impact on residential amenity of neighbours.

She explained that the proposal sought to provide an extension to a built and occupied building. The Members were advised that the proposed 94 bedrooms equates to approximately a 24% increase when compared to the previous approval. She explained that the proposal site would complete the block, which was currently in use as a hard standing storage area.

The Members were advised that the proposed extension was considered to complement the existing building and is of an acceptable scale, layout and form. She added that, in terms of prospective residents, each unit had adequate outlook to the public street and external amenity areas and that there was sufficient internal separation distances between rooms to prevent overlooking. The Committee was advised that the proposal complied with all criteria set out in HMO 7 of the HMO subject plan.

She outlined that all consultees had offered no objections to the proposal, subject to conditions and no objections from third parties had been received.

The Chairperson welcomed Mr. T. Stokes, agent, to the meeting. He clarified that, when the original application was made for the existing building, the site in question was not under the control of the applicant. He confirmed that the corridors would connect through to the existing building and that no objections had been received.

**Meeting of Planning Committee,  
Tuesday, 15th September, 2020**

In response to a Member's question regarding the Section 76 Agreement relating to the existing building, the Divisional Solicitor confirmed to the Committee that the developer had already made its financial contribution in respect of a nearby pedestrian crossing and that the hold-up was likely due to a commitment of expenditure from the Department for Infrastructure.

In response to a further query regarding developers' contributions, the Planning Manager advised that a draft Annual Monitoring Report was being compiled by officers and would be submitted to the Committee for its consideration in autumn.

A Member queried how the proposal met the exception test of FLD1 of PPS15. The Senior Planning officer explained that one of the exceptions was "previously developed land" and, before the site was a car park, there would have been buildings present and that a Flood Risk Assessment had been prepared and reviewed by Rivers Agency.

The Committee granted approval to the application, subject to conditions as set out in the Case officer's report and to a Section 76 Agreement in respect of developer contributions and Management Plan, and delegated power to the Director of Planning and Building Control to finalise conditions.

**LA04/2019/2971/F - Demolition of the existing Avoniel leisure centre buildings and construction of a new 2 storey pavilion including ground floor changing room facilities, multipurpose rooms, and 250 seat spectator stand, relocated car parking, 1no new 90m x 55m 3G pitch, 1no new 50m x 30m pitch, 2no. 30m x 20m pitches, and 3no covered 30m x 20m pitches, fencing, landscaping and floodlighting and retention of existing linkages to the Connswater Greenway**

The Senior Planning officer outlined the key issues which had been considered in the assessment of the Belfast City Council application, including the visual impacts of the proposal, impact on amenity/character of the area, impact on built heritage and natural environment, impact on transport and flood risk.

He explained that the proposal included a spectator stand with changing facilities, a 3G pitch, a 7 a side pitch and covered and open five a side pitches, car parking, fencing and floodlighting. The Members were advised that the proposal, albeit with a change in emphasis of sporting use, was therefore considered in accordance with the requirements of Policy OS1 of PPS8.

The Committee was advised that that the scale and massing of the proposed building would be no greater than the exiting Leisure Centre building on the site and that the associated fencing and floodlights would also have no greater visual impact on the locality. The Members were advised that the floodlighting, by virtue of the level difference of the site with the school building would be filtered by these and other neighbouring buildings. The Senior Planning officer outlined that existing trees within the site and around the site periphery, in addition to new planting, would filter views of the structures.

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The Committee was advised that DFI Roads, Rivers Agency, DEARA, HED, SES, NI Water, and Environmental Health had no objections to the proposal, and that no representations or objections had been received.

He explained that Environmental Health had no objections to the proposal in terms of amenity impacts but that suitable conditions were necessary in accordance with Environmental Health recommendations and operating hours. He advised the Members that the operating hours suggested by Environmental Health were considered overly onerous, given the historic use and the nature of non-residential uses surrounding the site, and that officers were recommending longer hours of operation. He added that the proposal was compliant in relation to Policies OS4 and OS7 of PPS8.

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