

Planning Committee

Tuesday, 16th November, 2021

HYBRID MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Carson (Chairperson);
Councillors Brooks, Matt Collins,
Garrett, Groogan, Hanvey, Hussey,
Maskey, McMullan, Murphy and O'Hara.

Also attended: Councillor Lyons.

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

Apologies

Apologies for inability to attend were reported from Councillors Hutchinson, McCullough and Whyte.

Minutes

The minutes of the meeting of 11th and 21st October 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 November, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Collins declared an interest in item 5c, namely LA04/2021/2127/F - Application under section 54 of the Planning Act (Northern Ireland) 2011 in respect of planning permission LA04/2020/1864/F at Glassmullin Gardens/Slieveban Drive. He had spoken in respect of the previous application and had been involved in a campaign in respect of the green space in the area. He therefore left the meeting when the item was discussed and did not participate in the vote.

Councillors Maskey and O'Hara declared an interest in item 5d, namely LA04/2021/1400/F – Provision of 2 no. single storey side extensions and refurbishment of existing building by Midland Boxing Club. They advised that they had received a presentation from the Boxing Club at a previous North Area Working Group meeting and had expressed support for the project. They both left the meeting for the duration of the item and did not participate in the vote.

Councillors Brooks, Hanvey, Hussey, Maskey, McMullan, Murphy and O'Hara declared an interest in item 5e, namely LA04/2021/1707/F - Active Travel Hub at Cathedral Gardens, in that they were members of the City Growth and Regeneration Committee and had

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expressed support for the specific proposal when it had been raised at that Committee. They left the meeting and did not participate in the vote.

Schedule of Meetings 2022

The Committee to hold meetings, at 5pm, on the following dates in 2022:

- Tuesday, 18th January;
- Thursday, 20th January (Workshop);
- Tuesday, 15th February;
- Thursday, 17th February (Workshop);
- Tuesday, 15th March;
- Tuesday, 29th March (Workshop)
- Tuesday, 12th April;
- Thursday, 14th April (Workshop);
- Tuesday, 17th May;
- Thursday, 19th May (Workshop);
- Tuesday, 14th June;
- Thursday, 16th June (Workshop);
- *No meetings in July (recess)*
- Tuesday, 16th August;
- Thursday, 18th August (Workshop);
- Tuesday, 20th September;
- Thursday, 22nd September (Workshop);
- Tuesday, 18th October;
- Thursday, 20th October (Workshop);
- Tuesday, 15th November;
- Thursday, 17th November (Workshop);
- Tuesday, 13th December; and
- Thursday, 15th December (if required).

Committee Site Visits

The Committee noted that a site visit had been undertaken, on 11th November, in respect of the following application:

- **LA04/2019/1886/F** - 13 Residential Apartments (On block of 11 No. Apartments, one block of 2 No. Apartments) with associated amenity space and site works at 42-50 Ormeau Road.

The Committee agreed to undertake pre-emptive site visits in respect of the following two applications:

- **LA04/2021/0911/F** - Demolition of existing building and construction of 9 no. apartments and associated site works at 236 Upper Newtownards Road; and
- **LA04/2020/0844/F & LA04/2020/0840/LBC** - Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former warehouse and erection of

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extension to provide 8 no. apartments with associated cycle parking and bin storage area at Vacant Warehouse at Rathbone Street & former St Malachy's School at Sussex Place.

It also agreed to receive a briefing, follow by a site visit, in respect of the following application:

- **LA04/2020/2607/F** Residential development for the erection of 45no. dwellings (including 10no. apartments for over 55 active elderly persons) also comprising public open space, equipped children's play area and associated development, Former Belvoir Park Hospital Site, Hospital Road.

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 Strategic Director of Place and Economy, together with all other planning decisions which had been issued by the Planning Department between 13th October and 8th November 2021.

Miscellaneous Items

Disabled Parking Bay

The Committee was advised that correspondence had been received from the Department for Infrastructure in respect of the installation of a proposed disabled parking bay at 47 Victoria Drive.

The Committee noted the correspondence.

Extinguishment of Public Right of Way

The Committee was advised that correspondence had been received from the Northern Ireland Housing Executive, advising the Council that it had made an order on 28th November 2019 that certain public rights of way on NIHE land at Liffey Court would be extinguished. Approval for the extinguishment had been approved by the Department for Communities on 11th October, 2021. The Members were advised that the order had been requested to facilitate the upgrade of the courtyard as part of an environmental scheme.

The Committee noted the correspondence.

Planning Applications

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE
POWERS DELEGATED TO IT BY THE COUNCIL UNDER STANDING ORDER 37(e)**

**(Reconsidered Item) LA04/2020/1363/F –
20 x apartments (17x1bed & 3x 2 bed)
and 2. retail units with ancillary lobby
space, refuse storage, bicycle storage
and amenity space at 173 Newtownards Road
and 1-5 Templemore Avenue**

The Principal Planning officer provided the Members with an overview of the application. She reminded the Committee that, at its meeting in June 2021, it had resolved to refuse the application for the following reasons:

1. The proposal would result in overdevelopment of the site and would be out of character with the area. The proposal is therefore contrary to the SPPS and Policy QD 1 Criteria a and b of PPS 7 – Quality Residential Developments, if permitted, it would result in an over dominant building which would result unacceptable damage to the local character due to the proposed height, scale, massing, density and overdevelopment of the site.
2. The proposal will impact on the setting of the listed buildings and as a result fails to comply with PPS 6 Policy BH 11 Development affecting the Setting of a Listed Building.

However, she explained that, following the meeting, the applicant had submitted amended plans reducing the height of the building, from six storeys to five, and removing one residential unit and one retail unit.

The Committee was advised that HED had been consulted on the amended plans and now offered no objections to the revised proposal. She explained that HED had commented at the June Committee meeting that, in its opinion, the proposal was close to being acceptable and that it considered that the removal of one floor and a setback would help alleviate its concerns.

The remaining consultees had previously offered no objections to the proposal.

The Principal Planning officer detailed that no additional representations had been received following further neighbour notification and that there had been 682 signatures of support for the proposal.

Whilst the space standards in the aPPS7 did not strictly apply, all units met the space standards and would have an outlook onto the public street. She explained that the officers' view was that the amended proposals had overcome the reasons for refusal resolved by the Committee at the previous meeting and that the scheme was now considered acceptable.

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The Chairperson advised the Committee that Mr. D. Jackson, Cornerstone NI, and Mr. J. Martin, consultant, were in attendance to address the Committee in respect of the amended application.

Mr. Jackson explained that they had been working hard with officers and the Historic Environment Division in order to reach a satisfactory plan for the site.

A Member queried the applications compliance with BMAP AR02, whereby buildings should be two to three storeys high. She also asked for clarity in respect of residential amenity whereby some apartments had just two windows, and whether an updated shadow analysis had been carried out.

In response, the Principal Planning officer advised that some areas, particularly on arterial routes, would evolve and change over time and that heights would increase. She explained that, given the reduction in height and that there was no longer an impact on the listed building nearby, officers felt that, on balance, the application was suitable within its context.

The Member stated that she was uncomfortable with the idea of allowing higher buildings along arterial routes without the required policy in place. In response to a further question, the Principal Planning officer confirmed that there were no other tall buildings within the immediate context of the application site.

In response to a further question, the Principal Planning officer clarified that an updated light assessment had not been carried out but that some walls had been removed in the amended plans, which would allow a greater amount of daylight into the rooms, and that daylight could be enjoyed from the external amenity space.

Accordingly, the Chairperson put the officer's recommendation to approve the application to the Committee, with delegated authority granted to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

On a vote, eight Members voted for the proposal, with one against and two no votes, and it was accordingly declared carried.

**LA04/2021/1778/F & LA04/2021/1779/LBC –
Change of use from pump house and cafe/restaurant
to distillery with associated ancillary visitor tour facilities
at Thompson Dock Pump House and Car Park
of Northern Ireland Science Park (Innovation
Centre), Queens Road**

The Principal Planning officer provided the detail of the applications which sought full permission and Listed Building Consent for the change of use from a pump house and cafe/restaurant to a distillery with associated ancillary visitor tour facilities. It included works to the listed building that comprised relocation and reconfiguration of a platform lift and stair,

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construction of internal walls, the reconfiguration of the toilet area at mezzanine level, the provision of an accessible toilet at ground floor, alterations and extension to the existing mezzanine floor, new openings in the existing external and internal walls for access and services, the installation of meeting / viewing room pod with associated internal bridge structure and the installation of distillery equipment and platform.

He advised the Members of the key issues which had been considered in the assessment of the applications, which included:

- the principle of the proposed use;
- the design and impact on built heritage;
- the impact on natural heritage;
- access and parking;
- flood risk; and
- waste management.

The Committee was advised that the application site, at Thompson Dock Pump House, was a Grade B1 Listed Building. It was also adjacent to two Scheduled Monuments, namely, Alexandra Dry Dock and Thompson Dry Dock.

The Principal Planning officer explained that the site was within the development limits of Belfast within the Belfast Urban Area Plan 2001 and Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) (dBMAP 2015).

He reported that the proposal had been assessed against, and was considered acceptable having regard to the SPPS for Northern Ireland, the Belfast Urban Area Plan 2001, the Draft Belfast Metropolitan Area Plan 2015, PPS2, PPS3, PPS6, PPS13, PPS15 and PPS16, as well as other relevant material considerations.

The Members were advised that the application included 50 car parking spaces within the red line site and that a lease agreement had been agreed with Catalyst Inc. to avail of overspill car parking when necessary. He added that the application, if approved, would include a car parking condition to ensure adequate parking spaces for the development.

The Principal Planning officer advised that DfI Rivers Flood Maps (NI) confirmed that the site was affected by the 1 in 200 year coastal plain and therefore FLD 1 of PPS 15 applied. He outlined that the proposed development constituted an exception to the policy as stated within FLD 1, in that the building was existing and the site had been previously developed. He explained that a drainage/flood risk assessment had been submitted, which noted that the project had regional economic importance as a visitor destination and given the listed building status to be used for the distillery, an alternative location would not secure the long term use and associated upkeep and maintenance of the regionally significant listed building. The report considered that all sources of flood risk to and from the proposed development had been identified and that there were adequate measures to manage and mitigate any increase in flood risk arising from the development. He advised that it confirmed that the existing ground floor and lower floors would flood in a T200 Tidal event.

The Committee was advised that the dock was a Scheduled Monument, so no external flood prevention walls or measures were possible, but that mitigation measures, including

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flood Resilience measures, demountable floor guards, the implementation of robust flood mitigation measures together with flood alarms and a flood emergency evacuation plan were proposed. The report concluded that if all the recommendations in the report were implemented fully then it was considered that the proposal had an acceptable level of flood risk.

The Committee was asked to note that there had been no objections raised by consultees, including NI Water, Rivers Agency and DAERA Natural Environment Division. He advised that DFI Roads, HED Historic Buildings, DAERA Water Management Unit and Environmental Health had no objections to the proposal, subject to conditions. He explained that responses from HED Historic Monuments and DAERA Marine and Fisheries Division were still outstanding. Following advertisement in the local press as well as neighbour notification, no written representations had been received.

The Chairperson advised the Committee that Mr. R. O'Toole, planning agent, was in attendance to answer questions in respect of the application.

In relation to a Member's question, Mr. O'Toole confirmed that there was already an existing consent in relation to the discharging of waste to the harbour sewer system from the existing building. He advised the Members that the change of use from the current tourist facility, café and restaurant should not materially increase the waste discharge.

In response to a further question from a Member, Mr. O'Toole confirmed that the trade effluent discharge consent had not yet been received from NI Water.

A Member requested clarity from officers in relation to the response from the Rivers Agency, which stated that the application had not been given exception status from the planning authority but whereby the report stated that it had been given exception status. The Principal Planning officer advised the Committee that it was deemed an exception, given that it was an existing building and it constituted the re-use of a building, within a brownfield site, in a floodplain.

The Member expressed concern that there was a serious risk to life in terms of flood risk at the location and queried who would be charged with assessing the emergency evacuation plan.

The Director of Planning and Building Control advised the Committee that the responsibility would fall to the applicant in terms of how the site would be managed. She added that the Committee should be mindful in terms of the use of the proposal, which was for a tourist facility and not residential use, and should therefore be proportionate in its consideration.

The Divisional Solicitor added that there was legislation in respect of health and safety at work and in regard to non-employees at the site, and that that would be included as part of the risk assessments, including flood risk.

The Committee granted approval and consent to the applications, subject to conditions, with the final wording of conditions delegated to the Director of Planning and Building Control.

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**LA04/2021/2127/F - Application under section 54
of the Planning Act (Northern Ireland) 2011
in respect to planning permission LA04/2020/1864/F
(erection of new pavilion, new 3G all-weather pitch
with associated perimeter and spectator fencing,
ball catch nets, floodlighting and improvements
to pedestrian and vehicular access to include
new access, footpath and car parking to vary
conditions 4, 7 and 9 (seeking to vary the Private
Street Determination drawing to be implemented)**

(Councillor Collins declared an interest in this item and left the meeting for the duration of the discussion)

The Committee was presented with the main details of the application which sought to vary conditions 4, 7 and 9 of planning permission LA04/2020/1864/F, under Section 54 of the Planning Act (Northern Ireland) 2011.

The Principal Planning officer outlined that the site was located within the development limits of Belfast within the Belfast Urban Area Plan 2001 and both versions of Draft Belfast Metropolitan Area Plan (2015). The site was within an existing area of open space, now characterised by the development previously approved. He explained that the variation of conditions 4, 7 and 9 sought to amend the approved private streets determination drawing, by addressing fundamental concerns which the local community had relating to the orbital footpath approved under Z/2014/0077/F.

The Committee was advised that DfI Roads Service had been consulted and had responded with no objections to the proposed variations and had also advised that condition 7 should be deleted.

On balance, the Principal Planning officer explained that the proposed revisions were acceptable.

The Committee granted approval to the application, subject to conditions, with the final wording of conditions delegated to the Director of Planning and Building Control.

**LA04/2021/1400/F - 2 single storey side extensions
and refurbishment of existing building at 9 Cultra Street,
Tigers Bay**

(Councillors Maskey and O'Hara declared an interest in this item and left the meeting at this point in proceedings.)

The Committee was apprised of the details of the application which was lodged jointly by the Council and Midland Boxing Club.

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It sought full planning permission for 2 single storey side extensions and the refurbishment of Midland Boxing Club. The Members were advised that a new entrance with an access ramp would be formed in addition to new windows.

The Principal Planning officer advised that the main issues which had been considered were the effect of the proposal on the character and appearance of the area, the impact on the living conditions of the neighbouring properties and road safety.

She outlined that Northern Ireland Environment Agency, Rivers Agency, Northern Ireland Electricity and Environmental Health had offered no objections to the proposal. The Members were advised that Environmental Health had recommended that a condition in relation to contaminated land be attached to any approval.

The Committee granted approval to the application, subject to conditions, with the final wording of conditions delegated to the Director of Planning and Building Control.

LA04/2021/1707/F - Active Travel Hub Comprising 2 x Shipping Containers. 1 Container to House Active Travel Operators, 1 Container to Store Bicycles and other Equipment at Cathedral Gardens

(Councillors Brooks, Hanvey, Hussey, Maskey, McMullan, Murphy and O'Hara declared an interest in this item and left the meeting.)

The Committee was advised of the details of the Council application whereby permission was sought for a temporary period of two years.

The proposed site fell within Belfast City Centre and the Cathedral Conservation Area as outlined in the BUAP & dBMAP. The Members were advised that the area was in the Main Office Area and Belfast Cross which provided access to principle shopping and commercial areas in the city centre. The area was a cultural core for heritage and a concentration of retailing and other city centre functions including entertainment, leisure, cultural, civic, residential and office uses.

The proposal Members were advised that the temporary project sought to increase active travel and push for a modal shift. As a temporary project, the officer outlined that it was in general conformity with the relevant policy and area designations.

The Committee was advised that DFI Roads, Historic Environment Division, Environmental Heath, BCC Trees Department had all been consulted and had no objections, subject to conditions. The Members were advised that the Council's Conservation Officer had advised they were unable to support the proposal given that it was a non-historical structure with an industrial appearance. The Principal Planning officer explained that it was considered, on balance, that the project was designed to contribute to the vibrancy of the city and, given its temporary nature, it was reversible and therefore it would not have an unacceptable impact.

The Committee was advised that a letter of support for the proposal was received from the Ulster University.

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The Committee granted a temporary approval to the application, for two years, subject to conditions, with the final wording of conditions delegated to the Director of Planning and Building Control.

Chairperson