

Planning Committee

Tuesday, 15th March, 2022

HYBRID MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Hanvey (Deputy Chairperson);
The High Sheriff, Councillor Hussey;
Councillors Brooks, Matt Collins,
Garrett, Groogan, Hutchinson, Maskey, McMullan,
Murphy, O'Hara, Spratt and Whyte.

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

(Councillor Hanvey, Deputy Chairperson, in the Chair)

Apologies

An apology for inability to attend was reported from the Chairperson, Councillor Carson.

Minutes

The minutes of the meeting of 15th February 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 March, 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.

Motion: Historic Street Signs

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

1.1 To consider a motion in relation to Historic Belfast Street Signs, which the Standards and Business Committee, at its meeting on 22nd February, referred to this Committee.

1.0 Recommendations

1.1 The Committee is asked to

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

- Consider the motion and to take such action thereon as may be determined.

3.0 Main report

3.1 Key Issues

The Standards and Business Committee, at its meeting on 22nd February, considered a report providing details of the motions which had been received for consideration by the Council on 1st March.

- 3.2** In accordance with Standing Order 37(h), the following motion, which had been proposed by Councillor McKeown and seconded by Councillor de Faoite, was referred directly to the Planning Committee for consideration.

Historic Belfast Street Signs

“This Council recognises the important role that traditional black tile street signs play in the built heritage of Belfast and the aesthetic benefits they bring to the character of the city. However, it notes with concern the absence of robust protections to ensure their upkeep, which could put at direct threat this significant part of Belfast’s history.

The Council therefore agrees to undertake a review with the aim of identifying firm and practical recommendations for implementation in consideration of the following:

- Creating a register of all historic street signs in Belfast including, where possible, details of their ownership;
- Putting in place arrangements for the timely repair and upkeep of historic street signs, including those which are listed and in council ownership, and those that are not listed;
- Establishing arrangements for the reinstatement of signs which would have originally been traditional black signs but have subsequently been replaced with generic street signs – this could be done when the generic sign needs replaced at the natural end of its lifespan or after damage. Reinstatements should use the traditional white font and black background and may include the use of other materials if appropriate and more practical;

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

- **Assessing whether steps should be undertaken to request the listing of all traditional Belfast street signs to provide them with legal protection, particularly those that are not in council ownership and may currently have to protection;**
 - **Putting in place requisite resources to enable the above to be rolled out and continued, including accessing government or third party funding if available to enable heritage and protection work to be undertaken; and**
 - **Any other relevant issues which arise during the course of this review.”**
- 3.3 The Committee should note that a motion which incorporated some of the areas above had previously been referred to the Planning Committee:
<http://www.internalminutes/ieListDocuments.aspx?CId=167&MID=9745#A156216>.**
- 3.4 A number of the street signs set out in the motion were subsequently listed:
<http://www.internalminutes/documents/s90925/20210420HEDListingStreetSigns.pdf>**
- 3.5 Officers from Building Control, Planning and City Services are seeking to progress the work set out in paragraph 3 of the original motion and that the motion was referred to the Planning Committee to allow it to determine whether it wishes to incorporate the additional requests.**
- 3.6 Financial and Resource Implications**
- None.**
- 3.7 Equality or Good Relations Implications/
Rural Needs Assessment**
- None associated with this report.”**

The Committee adopted the motion.

Committee Site Visits

The Committee noted that site visits had taken place in respect of the below applications on 3rd March, 2022:

- LA04/2021/2285/F - Apartment Development at 29 Parkside Gardens; and

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

- LA04/2021/1808/F - Residential development comprising of 14 dwellings, access from Lagmore View Lane and Lagmore Glen, completion of remaining areas of open space (including hard and soft landscaping), provision of parking bays, speed bumps and bollards to improve road safety along Lagmore View Road, and all associated site works on lands South and East of 148-163 Lagmore View Lane North and West of 37 81 82 and 112 Lagmore Glen and Lagmore View Road

**Request to hold a Pre-Determination Hearing
and Pre-emptive Site Visit**

The Committee agreed to hold a Pre-Determination Hearing and Pre-emptive Site Visit in respect of the following application:

- **LA04/2021/2856/O** - Mixed use regeneration development comprising office (Class B1), residential apartments (including affordable), retail (Class A1), hotel, leisure (Class D2), public realm, active travel uses, cafes, bars and restaurants, and community uses (Class D1), on lands surrounding the new Belfast Transport Hub and over the Transport Hub car park, to the east and west of Durham St and south of Grosvenor Rd. on lands to east of West Link (A12) and south of Grosvenor Road; Lands at Grosvenor Road and intersection of Grosvenor Road and Durham Street; Lands to the east of Durham Street and north of Glengall Street; Lands at Glengall Street; Lands between Glengall Street and Hope Street including Europa Bus Station, Great Victoria Rail Station, surface car parks at St Andrew's Square; Translink lands to west of Durham Street, south of BT Exchange building and north of Murray's Tobacco Works.

Request to hold a Pre-Determination Hearing

The Committee agreed to hold a Pre-Determination Hearing in respect of the following application:

- **LA04/2020/1943/F and LA04/2020/1944/LBC** - Residential conversion of the existing listed warehouses to form 57 (1 to 3 bed units, including 60% social and affordable to include a minimum of 20% social housing at 3-19 (Former Warehouse) Rydalmere Street.

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 8th February and 4th March 2022.

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.

Miscellaneous Items

Housing Monitor 2021 - 2022

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 2020/21 monitoring period.**

The report presents the outcomes of annual housing land monitoring and provides a snapshot of the amount of land available for new residential development as of 1 April 2020. It will be supported by an online map portal showing the status of all existing housing monitor sites. The map portal will also spatially reflect key information contained within the tables of the report.

2.0 Recommendation

- 2.1 The Committee is asked to note the outcomes of the annual Housing Monitor report for 2020/21 contained here 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 Local Development Plan (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.**
- 3.2 Members will be aware that the draft Plan Strategy, the first formal stage of the Belfast LDP, was subject to Independent Examination between November 2020 and March 2021. Although the Council generally aim to publish the Housing Land Availability Summary Report for the previous monitoring period in the Autumn each year, the 2020/21 Report was prepared subsequent to the Independent Examination. The publication of the report was therefore delayed to avoid the introduction of new evidence in advance of the Independent Examination report being forwarded**

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

to the Council. The Council received the 'Independent Examination Report of Belfast City Council's Local Development Plan: Plan Strategy' on 4th February 2022.

- 3.3 While the Housing Land Availability Summary Report for the 2020/21 monitoring period is being brought to Committee at this late stage, work has commenced on the Housing Land Availability Summary Report for the 2021/22 monitoring period which will be brought to Committee in late summer for publication in the Autumn 2022.

Housing Land Availability Reports

- 3.4 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.
- 3.5 The Housing Land Availability Summary Report presents the headline figures from a register of potential housing land maintained by the Council, based on current planning policy designations and planning permissions. 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 the net gains in housing units for the 2020/21 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.
- 3.6 This information is summarised within the report in relation to:
- Each settlement within the District, including settlement areas in the case of Belfast City;
 - Whether land falls within the existing urban footprint (the continuous built-up area of the settlement) or is classified as greenfield land; and
 - The type of land use zoning (i.e. land zoned for housing or land zoned for mixed use development) or all other land.
- 3.7 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.
- 3.8 During the 2020/21 monitoring year 603 units were completed on 14.2ha of land across the District. 371.2ha of land remains, with potential capacity for 21,680 residential units. This is based on deliverable planning approvals and land allocated within the

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

development plan, but doesn't include other potential sites that may be suitable for residential development.

3.9 The total number of dwellings completed in the district has fallen by 13.6% from 698 in 2019/20 to 603 in the current monitor year. The proportion of dwellings completed within the Urban Footprint is recorded at 81.6% and, as of 1 April 2021, 36.1% of the remaining potential available for future dwellings is on land zoned for housing or mixed use development.

3.10 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 thus far impacted by the Covid-19 public health emergency. The full implications of the Coronavirus pandemic are likely to be reflected in subsequent reports.

3.11 Finance and Resource Implications

There are no resource implications associated with this report.

3.12 Asset and Other Implications

None noted.

3.13 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.

Proposed approach to Employment Monitoring

The Committee considered the undernoted report:

"1.0 Purpose of Report or Summary of Main Issues

1.1 To make members aware of the on-going work in relation to the development of the first draft Employment Land Monitor (ELM) for Belfast. Members should note that additional work will continue in respect of the digital mapping within the district to gain a complete picture in relation to employment land across the city.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

1.2 The council is required to develop and maintain the Monitor to support the delivery of the Local Development Plan and to inform future decision making. Once established it will support the monitoring of policy and the uptake of employment land as projected within Policy EC2 (employment land supply) of the draft Plan Strategy.

1.3 The proposed approach for the ELM reflects that established for the Housing Land Availability Report and will be supported by a similar online map portal.

2.0 **Recommendation**

2.1 The Committee is asked to note the proposed form and content of the draft Employment Land Monitor report for 2020/21 as set out here.

3.0 **Main Report**

Background

3.1 The Planning Act (NI) 2011 requires the council to make an annual monitoring report to the Department for Infrastructure (DfI) in respect of the Local Development Plan (LDP) implementation. The work on the evidence base for the draft Plan Strategy has provided the foundation for the employment land monitoring that will be formalised alongside the work to deliver Local Policies Plan.

Employment Monitor Report

3.2 The primary purpose of the draft ELM is to inform decision making and the ongoing performance of policy in respect of land supply across the city. As an evolving information source, it will provide a mechanism to identify where imbalances in land supply may develop and can inform prospective investors or developers on the availability of land that may be suitable for employment uses across the city.

3.3 The draft ELM sets out the headline data from the register of potential employment land, based on current planning policy designations and planning permissions. This provides an assessment at a point in time (31st March 2021) for the amount of land available for employment purposes and capacity for future employment across the city.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

- 3.4 This information is summarised within the report in relation to:
- completed net employment gains over the period 2020/21;
 - remaining net supply (comprising extant consents and sites where development is on-going) at 31st March 2021; and
 - the potential additional supply in terms of vacant land suitable for employment use at 31st March 2021;
- 3.5 This ELM report will be supported by the online map portal showing the status of all existing employment monitor sites alongside the other spatial mapping for the LDP on the council's website. For the 2020/21 monitoring year there was 2724m² of employment floorspace completed with the majority of this being office floorspace. At the 31 March 2021 there was approximately 101,000 m² of employment floorspace under construction and 509,000m² remaining by way of extant planning permissions. Applying the 40% building to plot ratio to the remaining areas provided an additional yield of 344,000m².
- 3.6 As this is the first year of publication, the data relates only to one year. It is difficult to identify pattern or trends or make conclusions that might be more apparent with average figures calculated over a longer timeframe.

Finance and Resource Implications

- 3.7 There are no resource implications associated with this report.

Asset and Other Implications

- 3.8 None noted.

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

- 3.9 The draft Employment 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.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

Restricted Items

The information contained in the reports associated with the following 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 meeting during discussion of the items as, due to the nature of the item, there would be a disclosure of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (Northern Ireland) 2014.

Update on Local Development Plan (LDP)

The Planning Manager (Policy) provided the Members with a further update on the documentation which had been received from the DfI and the proposed work programme to address the requirements of the statutory Direction, including the potential process for the Council to formally adopt what would be the first draft Plan Strategy to be brought forward under the new system.

He provided the Committee with details in respect of the initial assessment of the Required Amendments (RAs) as well as the proposal in respect of the more significant changes to support the addition of a new strategic policy to the draft Plan Strategy.

After discussion, the Committee:

1. noted the contents of the report;
2. endorsed the proposed response to the requirement for a new strategic policy and modifications to the draft Policy HOU1 for consultation;
3. agreed the proposal for an 8 week consultation as set out in the work programme;
4. agreed to hold a Special meeting in respect of the issues raised and that, as it was a situation of extreme urgency, pursuant to Standing Order 14, that the minutes of the Special meeting be submitted to the Council meeting on 4th April 2022 for ratification so as to meet the timetable; and
5. agreed to the delegated authority requested in paragraph 3.14 for officers to develop a revised LDP Timetable in consultation with DfI and the PAC.

**Participation in Lisburn and Castlereagh
City Council Independent Examination of
Local Development Plan**

The Planning Manager (Policy) advised the Committee that the Lisburn & Castlereagh City Council (LCC) Local Development Plan (LDP) had progressed to the Independent Examination stage and that the Council had received an invitation from the Planning Appeals Commission (PAC) to participate. The Committee was also asked to note that the Antrim & Newtownabbey Borough Council (A&NBC) LDP was also scheduled for Independent Examination in May.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

He provided the Members with an update in respect of the proposed participation in the Independent Examination process for the LCCC draft Plan Strategy and outlined the basis for progression of a “Statement of Common Ground” with A&NBC.

The Committee:

- noted the programme for the Independent Examination and the invitation to participate in respect of the session “Sprucefield Regional Shopping Centre”;
- noted the proposed acceptance of the invitation to participate in respect of the Sprucefield sessions and also the intention to pursue a watching brief in relation to the other matters set out within the previous responses to the draft Plan Strategy; and
- supported the proposal for the “Statement of Common Ground” to be progressed with A&NBC in respect of the ongoing development of the LDP documents.

**Local Development Plan (LDP) - Supplementary
Planning Guidance (SPG)**

The Principal Planning officer provided the Members with an update on the preparation of Supplementary Planning Guidance (SPG) in advance of public consultation and sought approval for the final versions of the proposed Advertising and Signage and Transport documents.

He explained that the SPGs represented non-statutory planning guidance that supported, clarified and illustrated by example policies included in the current planning policy framework including regional policy. The Committee was advised that they were a material consideration in determining planning applications but did not in themselves contain policy over and above what was set out in the plan. They must be read in conjunction with the LDP and the Strategic Planning Policy Statement (SPPS) but, unlike the LDP, they were not subject to the same scrutiny in terms of the statutory process.

The Members were advised that the SPGs had been prepared over the last two years in conjunction with Government Departments and Agencies as well as a number of representatives from professional bodies. He explained that the approach had helped to raise awareness amongst those bodies, to alleviate and address their concerns and to ensure that the Council was abreast of the latest issues.

The Committee:

- agreed the proposed content of the latest versions of the SPGs; and
- supported the addition of the Advertising & Signage and Transport documents to the list SPGs proposed to be issued for public consultation.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

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 Items

The Committee noted that the following two items had been withdrawn by the applicant as they were no longer required:

- (Reconsidered Item) LA04/2019/0082/F – Section 54 application to remove condition 2 of planning permission Z/2010/0434/F on former site of Maple Leaf at Park Avenue (Condition 2 relates to the requirement for the approved social club to be constructed and operational); and
- (Reconsidered Item) LA04/2019/0083/F – Section 54 application to remove condition 2 of planning permission LA04/2015/0075/F on former site of Maple Leaf at Park Avenue (Condition 2 relates to the requirement for the approved social club to be constructed and operational)

**(Reconsidered Item) LA04/2020/0847/F &
LA04/2020/1208/DCA - Partial demolition and
redevelopment of existing buildings to provide
16 apartments, communal bin store and landscaped
communal garden at 25-29 University Road**

The Principal Planning officer explained that the application had been listed for Committee on 15th June, 2021 but that it had been deferred to allow the Committee to visit the site, which had subsequently taken place on 10th August, 2021. The application was then on the agenda for the Committee on 17th August, 2021, however it was withdrawn from the agenda as amended drawings were submitted late and the proposal description was amended. Further to this, the application was subsequently refused by the Planning Committee on 21st October, 2021 for the following reasons:

1. The proposal was contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the scheme would result in overdevelopment of the site as it failed to provide a quality residential environment for prospective residents due to inadequate and inappropriate public and private amenity space; and
2. The proposal was contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the proposed amenity space would result in an unacceptable adverse impact on proposed residents by way of noise and nuisance.

The Committee was advised that amended drawings had been submitted by the applicant on 22nd October, 2021, the day after the October Committee meeting. The drawings included the reduction by one residential unit and the addition of a roof terrace on the third floor.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

The Principal Planning officer explained that the Planning Department had sought legal advice regarding the submission of the drawings. Whilst the amendments addressed the refusal reasons in respect of the provision of amenity space, additional concerns had been raised regarding personal safety and overlooking. She explained that while there was no legislative provision to require the Council to consider amended plans at any point in the planning process, the Council was duty bound to have regard to all material considerations. Therefore, she explained that the amended drawings had addressed the Council's concerns with regard to proposed amenity space, in accordance with the guidance in Creating Places.

She explained that the additional concerns in relation to overlooking and personal safety were not considered to be insurmountable, and that the agent had submitted further amended drawings to address those concerns. The Members were advised that the amended drawings were uploaded to the Planning Portal on 4th February 2022. The amended application was subsequently re-advertised in the press, additional neighbour notification had been undertaken and the Conservation Area Officer (CAO) had been reconsulted.

The Members were advised that the provision of the roof terrace would result in an additional 40 square metres of amenity space within the proposed development. The reduction in the number of units would also result in a reduction in the quantity of amenity space required. The overall amenity space provision was now 177 square metres, equating to 11.8 sq metres per unit. As per the previous Addendum report, the Principal Planning officer outlined that, as the application site was located within an inner urban location, it was therefore accepted that amenity space of 10 sq metres per unit was acceptable. Additionally, the addition of the third floor roof terrace offered additional choice and space for prospective residents. She outlined that, given that the proposal now complied with the guidelines of Creating Places, it was considered that the proposed amenity space was now acceptable.

The Committee was advised that one additional objection had been received in respect of the proposal. It stated that the buildings within the existing terrace were originally residential in the form of individual dwelling and that the residential aspect had been entirely removed and was of no comparable form in the latest proposals. The Principal Planning officer explained that Nos. 25 and 27 University Road had been in use as a restaurant for a significant period of time, prior to the fire and that the earliest planning permissions in relation to that use dated back to the 1980s.

The Conservation Area officer had been reconsulted and had recommended that, ideally, the ground floor restoration should be based on accurate historical record. The Principal Planning officer explained that while the comments in relation to the ground floor were noted, it was acknowledged that those points had not been made previously and that the application was now at an advanced stage of the process. The Conservation officer's suggestions regarding the style and material of rooflights and dormers on the front elevation were noted, however, and the Members were advised that appropriate conditions could be imposed in the event of approval.

Finally, the Principal Planning officer explained that a Section 76 Planning Agreement would be necessary as part of any approval, as no parking was provided for the scheme. She explained that it would secure a Travel Plan to provide membership of a Car Club, membership of Belfast Bikes and travel cards for 3 years. The Committee was advised that

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

the agreement would also secure a façade retention system to ensure that the building fabric, which was important to the appearance of the Conservation Area, was secured during construction, retained and repaired where necessary.

The Chairperson put the officers recommendation to the Committee, namely, to grant approval to the applications, subject to conditions and a Section 76 Planning Agreement and to give delegated authority to the Director of Planning and Building Control to finalise the wording of any conditions and the Section 76 Agreement. On a vote, ten Members voted for the proposal, with 2 no votes, and it was carried.

**LA04/2021/2285/F - Apartment development at
Parkside Gardens**

The Principal Planning officer provided the Committee with an overview of the application.

She drew the Committee's attention to the large number of Late items which had been received in respect of the application. She explained that letters of support had been received from Newington Housing Association and the Housing Executive's Belfast Region Place Shaping Team. The Committee was advised that officers were supportive of social housing but that the scheme should meet the tests of PPS7 QD1.

The Agent had also submitted correspondence, stating that no feedback had been provided to them; that the refusal reasons included parking issues as well as an impact on trees and that they struggled to understand how the Council had reached that conclusion with DFI Roads and Tree Officer responses still outstanding; that the Arboricultural Impact Assessment and Method Statement which had been submitted on 8th February had not yet been reviewed; they disputed the density figures in the report; and a request for the application to be withdrawn from the Planning Committee.

In response, the Principal Planning officer explained that the application had been the subject of a Pre Application Discussion for a class C3 use – assisted living. The concerns with the application under consideration had also been raised at the PAD despite the change from class C3 to C1 use. She advised the Members that no DFI Roads or parking refusal reasons were proposed and that reference to parking in the refusal reasons was in respect of the layout being dominated by parking, which would contribute to, alongside other concerns, a poor quality living environment for prospective residents. Regarding the trees, she stated that an Arboricultural report had not been requested. Instead, the agent was asked to forward the survey that was used to inform the condition of trees on the tree constraints map but that no report was produced. The Tree officer had since considered the Arboricultural Impact Assessment and Method Statement and had made a number of recommendations and had subsequently requested the removal of refusal reason 4 regarding the impact to trees to be removed.

In relation to density, she advised the Committee that the report, at 9.14, should in fact read "The density of the proposal site would equate to 110 dwelling units per hectare. This is nearly double the highest existing density in the area".

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

In respect of further comments which had been submitted by the agent as part of the Late Items report, she advised the Committee that NI Water had recommended a refusal and that the Council owned and maintained Alexandra Park. The agent had stated that there was sufficient communal open space provided and that the site was located adjacent to Alexandra Park. In response, the Principal Planning officer highlighted that officers considered the amenity provision to be insufficient both in quality and quantum, as per the case officer report.

The Committee was advised that a consultation response was received from DFI Roads on 10th February. It had reiterated its request for a Travel Plan. On 14th March the applicant submitted a Travel Plan which included that each apartment would be offered and provided:

- a Metro Travel Card for 3 years, 100% subsidy;
- a Car Club Membership for 3 years, 50% subsidy; and
- Belfast Bike Scheme Membership for 3 years, 100% subsidy.

The Committee was advised that, if approval was to be granted to the application, a Section 76 Agreement would be required to secure the green travel measures, subject to DFI Roads comments.

The agent had submitted an amended layout and elevations, detailing the following points:

- contrary to the Development Management Report, the density of the scheme (91.6 dwellings per hectare) was lower than the surrounding residential area (111.2 dph) and was not therefore out of character. Notably, the Council's Local Development Plan Draft Plan Strategy, which was a material consideration, contained Policy HOU4 which indicated that in inner city areas a minimum density of 75 dph and a maximum of 150 dph would be appropriate;
- an additional 96.1sqm of green amenity space was being provided, resulting in a total of 263.1sqm of amenity space to serve the 11 apartments. That equated to 23.9sqm per apartment, far in excess of the minimum standard of 10sqm as set out in Creating Places;
- the additional amenity space was located to the east of the site complimenting the space already proposed to the west of the site;
- as the amenity space was now both east and west facing and as the building stood off the proposed boundaries there would be no unacceptable overshadowing of the amenity space;
- the parking layout had been reorientated to reduce alleged dominance and provide for the additional amenity space. One space per apartment remained as did a disabled space to serve the complex needs apartment;
- amended fenestration to the southern elevation nearest to existing residential dwellings, comprising a cantilevered bay window to the first and second floor apartments with obscure glazing facing the dwellings opposite and clear glazing for outlook at the sides to prevent direct line of sight while maintaining adequate day light and views over the open space;
- Creating Places stated that "a separation distance greater than 20m will generally be appropriate to minimise overlooking... And that greater

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

flexibility will generally be appropriate in assessing the separation distance for apartments and infill housing schemes in urban locations and higher density areas”;

- the planning history advocated a 2.5 storey block;
- the application addressed unmet social need; and
- it included the regeneration of brownfield site.

In response, the Principal Planning officer outlined to the Committee that:

- the agent’s amenity space calculations included paths around the building which was wrong. The total amenity space was approximately 180 sqm. That equated to approximately 16 sqm per unit. The key here was the provision of ‘private open space’, as per ‘Creating Places’, as the additional amenity space provided was not private. The site sat within a residential area where the character was that of dwellings enjoying private amenity space. The desire for private open space in apartment developments was highlighted by the Planning Appeals Commission in their report on an appeal against the refusal of permission for an apartment scheme on Eia Street;
- in respect of the relationship of the building to the proposed amenity space - to the west, the space was sandwiched between the building and the boundary of the site and adjacent trees, the overall quality of the space provided was therefore questionable. Each area would be overshadowed by the scale of the building due to the orientation. The additional amenity space was sandwiched between a 3 storey building and high boundary trees and would be completely overshadowed in the evening by the building;
- the amenity space had been provided at the cost of a turning area and the re-positioning of two parking spaces;
- the windows had not been removed and remained at first and second floor level, giving the perception of being overlooked. As those windows were located in habitable rooms (kitchen/dining area) it would be unreasonable to use obscure glazing or to secure by a planning condition. Irrespective of the introduction of obscured glazing on two windows the first and second floor windows on the southern elevation facing directly onto the rear of the two closest dwellings remain unchanged.
- whilst a 20m separation distance was generally accepted, in this case officers considered it to be insufficient. It was a three storey apartment block in the immediate backland of 3 residential dwellings, with habitable second floor windows overlooking the rear of adjacent housing. Flexibility could be applied in higher density areas but not to the extent whereby a window at approximately 7.5m above ground level overlooked an adjacent dwelling;
- proximity to open space did not outweigh the need for adequate and appropriate amenity space on-site;
- 8 units were previously permitted as an Outline in principle only, not 11;

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

- it was acknowledged that it was in an area of housing need but, as the proposal failed to meet specific planning policy requirements it did not meet regional planning policy; and
- whilst regeneration was welcomed, it should be in a manner that was appropriate to the site and the existing context.

The Chairperson welcomed Mr. G. McGill, agent, Mr. R. Dougan, architect, and Mr. B. Kerr, Apex housing, to the meeting. Together they advised the Committee that:

- an additional 96sq metres of amenity space was provided, totaling 263sq metres on site, which equated to 23.9sq metres per apartment and was therefore far in excess of the minimum standards in Creating Places;
- the parking layout had been redesigned;
- obscured glazing was proposed in parts to mitigate against the possibility of overlooking;
- there were many other 2.5 storey buildings in the immediate vicinity;
- they queried how the Council had calculated the density of the site, as they calculated it as 91 dwellings per hectare, while the density of the surrounding area ranged from 77 to 233 dwellings per hectare;
- North Belfast was the area of greatest housing need in the City, with 2906 applicants on the waiting list; and
- singles and small families accounted for 75% of that waiting list.

A Member thanked the representatives for their presentation. He stated that he had attended the site visit in respect of the application and queried why they had included 11 car parking spaces as part of the scheme.

In response, Mr. McGill explained that the site was within an inner city area and there would usually be a greater amount of parking required but that the site's proximity to transport links justified the reduced level of parking. He added that they felt that the new layout had addressed officers' concerns in terms of creating more amenity space.

A further Member queried why the application included no private amenity space for residents. In response Mr. McGill explained that it was felt that the open space to the east and the west of the site was adequate and compliant with policy, and that while they acknowledged that the planners had stated that the site's proximity to Alexandra Park did not justify a lower level of open space within the development, Mr. McGill was aware of numerous examples whereby a reduced level of open space had been deemed acceptable because of their proximity to existing areas of open space. Mr. Dougan added that the site was bounded by Alexandra Park on three sides.

In response to a Member's question regarding overshadowing, Mr. Dougan advised the Committee that the amenity spaces to both the east and the west of the building would give the residents options for both morning and evening sunshine, which was better than the nearby houses which had north facing gardens.

A Member stated that comparing the application with terraced housing which was built a number of years ago was not an adequate level of ambition for modern day residential accommodation.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

In response to a further Member's question, Mr. McGill stated that officers had not provided their calculations in regards to the stated levels of density, and that they disputed them as they were very different to their own figures. He added that he was happy to share their calculations with the Committee as they were confident in them.

A Member asked officers what they would have liked to have seen in the application in terms of amenity space. In response, the Principal Planning officer outlined that the Eia Street Planning Appeals Commission decision had illustrated that amenity space had to be of quality and not just of quantity. She explained that the building in the application would largely overshadow both areas of amenity space provided for quite a period of the day and, given that all residents were relying on that space because there was no private amenity space, it did not constitute a quality living environment. She added that officers had considered the plot ratio of the building to the site and had concluded that two sides of the building would have an outlook onto hardstanding areas and to the backs of other buildings. In relation to the density query, she stated that the proposed density was much higher than the surrounding area as it comprised dwelling houses and the application was a high density apartment block.

A Member asked the agent whether they would consider removing some car parking spaces in order to explore the creation of additional amenity space. Mr. Dougan explained that one space per unit had been requested by the client.

In regards to the amenity space, Mr. Dougan advised that Creating Places provided that "private communal open space was acceptable in the form of landscaped areas, courtyards or roof gardens at a minimum of 10 – 30 sq metres per unit, where the appropriate level was to be determined for the particular context and design concept." In response to a further Member's question, he clarified that the areas would be screened by a boundary.

In response to a Member's question as to whether they would reconsider the number of car parking spaces which would be provided, in order to address the amenity space issues, Mr. McGill confirmed that they would.

A number of Members stated that there were other concerns with the application which would not be addressed by the reconfiguration of the parking spaces, including the density, the layout of the hardstanding, the overshadowing of the amenity space, the obscured glazing of the windows and that there was a statutory objection from NI Water. They stated that it was important that the applicant was aware that those issues would remain of concerns to other Members.

Moved by Councillor Murphy,
Seconded by Councillor Maskey and

Resolved - that the Committee agrees to defer consideration of the application to allow the applicant to reconsider the number of parking spaces provided within the development with a view to addressing amenity concerns.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

**(Reconsidered Item) LA04/2019/0081/F –
12 affordable housing apartments on former site
of Maple Leaf at Park Avenue**

(Councillor Hutchinson left the meeting at this point in proceedings)

The Planning Manager provided the Committee with the details of the application and application LA04/2020/2325/F, which was also on the agenda and was inter-related.

He explained that the application, along with associated applications LA04/2019/0082/F and LA04/2019/0083/F, had been considered by the Planning Committee in December 2019. The Committee had resolved to approve all three applications subject to conditions and a Section 76 Planning Agreement. The planning agreement was intended to secure the following:

- a developer contribution of £52,000 for enhancement works at the King George V Playing Fields;
- securing the 12 apartments as affordable housing; and
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments.

He reported that, since the applications had been approved by the Planning Committee, both the Planning Service and Legal Services had made significant efforts to finalise the Section 76 Planning Agreement. However, it had not been possible to progress it with the applicant. Firstly, it was disputed that the 12 apartments should be delivered as affordable housing, despite it being central to the consideration of the planning balance and justification for the grant of planning permission, the proposal being contrary to Policy OS 1 of PPS 8 through the loss of Open Space. Secondly, and more recently, by failure to commit to the delivery of the pocket park, which was essential recreation space to off-set the lack of amenity space within the proposed development, as well as to help compensate for the loss and limited provision of Open Space overall. He stated that officers considered the terms of the planning agreement originally agreed by the Committee to be wholly reasonable. The Members were reminded that the Section 54 applications, LA04/2019/0082/F and LA04/2019/0083/F, had been withdrawn by the applicant as they were no longer required. He stated that officers advised that the application could not be separated out from the agreement.

The Committee was provided with the planning history of the site. In June 2011, permission had been granted on the site and adjacent land to the east where the Maple Leaf Club was originally located for mixed use development comprising 21 dwellings and a replacement social club (Z/2010/0434/F). The original permission included conditions requiring the provision of social housing and the build out of the replacement social club, required to offset the loss of open space. Those conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme, for the replacement of the Maple Leaf Club and the erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

and amended some of the house types. Condition 2 prevented occupation of the residential units until the replacement Maple Leaf Club had been erected in accordance with the new approved plans. Condition 3 required that the development would be delivered as social / affordable housing. The Planning Manager advised that it appeared that the main site access and part of the access road had been constructed and therefore, it was considered that the development had commenced and represented a fall-back for the developer, albeit it would require the construction of the replacement social club.

In 2019, the applicant had applied for permission for 12 apartments on the land where the replacement social club was to be built (LA04/2019/0081/F). Two associated applications were submitted at the same time seeking removal of the conditions requiring the construction of the replacement social club attached to planning permissions Z/2010/0434/F and LA04/2015/0075/F (LA04/2019/0082/F and LA04/2019/0083/F respectively). He explained that all three applications were approved by the Planning Committee in December 2019, subject to conditions and the completion of a Section 76 Planning Agreement.

In terms of the original planning permission for the erection of 21 dwellings and replacement social club on the application site and adjacent land (Z/2010/0434/F) and subsequent modifications (planning permissions Z/2011/0827/F, Z/2011/0829/F and LA04/2015/0075), those were considered to have commenced by virtue of the formation of the access and road. Therefore, the applicant had a fall-back position, albeit the housing development could not be occupied without the delivery of the community building as previously granted.

The Committee was advised that a further application for 21 dwellings on the adjacent land had been submitted by the landowner and Housing Association (LA04/2020/2325/F). That application was being considered subsequent to this one due to the linked nature of the applications. He explained that that application was also for affordable housing and was being brought forward by a Housing Association with funding support from NIHE. NIHE had advised that in order to secure the funding from this year's housing programme, planning permission would need to be granted by 31st March 2022 although it might still be possible to progress the scheme with a resolution from the Council to grant permission. The Committee was asked to note that application LA04/2020/2325/F was reliant on application LA04/2019/0081/F being progressed to approval, as it was reliant on the pocket park being granted planning permission. He outlined that it would serve not only the proposed 12 apartments but also the proposed 21 dwellings (as well as other surrounding housing).

The Committee's attention was drawn to the Late Items pack, where the Northern Ireland Housing Executive (NIHE) had advised that it was supportive of the application. The NIHE had stated that the site was located within the Middle East Housing Need Area which had a five year need for 307 units for the period 2021-2026.

The Planning Manager explained that the applicants had also confirmed their agreement to the inflationary uplift (Consumer Price Index linked) to the £52,000 Financial Developer Contribution towards enhancements at the King George V Playing Fields.

In relation to the delivery and ongoing maintenance of the pocket park, the Planning Manager explained that it was essential to off-set the substandard level of amenity within the

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

proposed 12 apartments, as well as to help off-set the loss of open space and the lack of open space within the wider development.

In response to a Member's question as to why the original Section 76 Planning Agreement terms could not be met by the developer, the Planning Manager explained to the Committee that the reasoning was set out in the Committee report. While they appreciated that it was not an ideal scenario, officers were nevertheless keen to see the applications progressed given that they would deliver significant benefits to the area, including much needed quality social housing.

After discussion, the Committee granted approval to the application with conditions and subject to a Section 76 Planning Agreement to secure the following:

- a developer contribution of £52,000 for enhancement works at the King George V playing fields – the value of the contribution would be subject to an inflationary uplift for the period from December 2019;
- securing the 12 apartments as affordable housing in perpetuity; and
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

Delegated authority was given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Planning Agreement. If the Section 76 was not signed and completed within 3 months, the application would be reported back to the Committee.

**LA04/2020/2325/F - 21 dwellings (affordable housing)
on former site of Maple Leaf at Park Avenue**

The Planning Manager advised the Committee of the details of the application, which was linked to the previous application, LA04/2019/0081/F. It sought permission for 21 social/affordable housing units, comprising 17 townhouses and 4 semi-detached dwellings, with car parking, landscaping and associated site and access works.

He outlined the key issues which had been considered during the assessment, including the principle of development, the loss of open space, provision of public and private amenity space, impact on the character and appearance of the area, impact on residential amenity, impact on existing trees / proposed landscaping, access and parking, drainage and flood risk and waste-water infrastructure.

The Committee was advised that the site was un-zoned 'whitelands' within the BUAP 2001 and draft BMAP 2015. The proposed development would result in the loss of open space, including the bowling green previously located on the site, protected by Policy OS1 of PPS 8.

The Planning Manager explained that permission had been granted in June 2011, under Z/2010/0434/F, on essentially the same site, but that had also included land to the west for a mixed use development including a replacement of the original Maple Leaf club and 21 dwellings. That Members were advised that that permission included conditions requiring

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

the provision of social housing and build out of the replacement social club, which was required to offset the loss of open space. Those conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

The Committee was advised that LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of the Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. The Planning Manager explained that Condition 2 prevented occupation of the residential units until the replacement Maple Leaf Club had been erected. Condition 3 required the development to be delivered as social / affordable housing. He outlined to the Committee that it appeared that the main site access and part of the access road between Blocks A and C had already been constructed and that that served the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it was considered that the development had commenced and represented a fall-back position for the developer, albeit that it would require the construction of the replacement social club. He reported that the current application for 21 social/affordable dwellings was a standalone application for residential development and that the developer did not wish to construct the social club as previously approved.

He reminded the Committee that it had previously resolved to approve application LA04/2019/0081/F for 12 apartments (social/affordable housing) on the part of the site previously approved for the replacement social club.

The Members were advised that Policy OS2 required public open space to be provided as an integral part of new housing schemes of 25 units or more, and stated that at least 10% of the total site area should be open space in normal circumstances. Whilst the proposal was for 21 dwellings, he advised the Committee that it was being brought forward in combination with the development of the immediately surrounding lands of 13 units and the proposed 12 apartments to the west (46 units in total). The proposal included some minor areas of maintained open space, however, those areas did not amount to 10% and offered limited amenity value. The proposal was therefore contrary to Policy OS 2 of PPS 8.

The Committee was also advised that Policy OS1 of PPS 8 stated that development resulting in the loss of existing open space would not be permitted, however, an exception would be allowed where it was clearly shown that redevelopment would bring substantial community benefits that decisively outweighed the loss of the open space. It was considered that the provision of affordable housing did not by itself outweigh the loss of the open space.

The Planning Manager reminded the Committee that, in resolving to grant planning permission for the 12 apartments to the west (LA04/2019/0081/F), the Committee had taken the view that the relaxation of the requirement to provide a new club to replace the Maple Leaf Club and to off-set the loss of open space from the site could be justified provided that:

1. the 12 apartments were delivered as affordable housing;
2. a Financial Developer Contribution of £52,000 was paid to improve off-site open space facilities; and
3. that the proposed pocket park in front of the apartments was delivered to provide valuable open space to serve not only the proposed 12 apartments

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

but also the surrounding houses, including the extant permissions for 21 dwellings on the application site.

He advised, therefore, in order to be consistent with the Committee's previous decisions in December 2019, in respect of the 12 apartments on the adjacent site, it was also necessary that the pocket park would be delivered as part of the scheme for 21 dwellings. Otherwise, it would have insufficient open space and there would be insufficient off-set for the loss of the original open space on the site. Moreover, he advised that the £52,000 should also be secured as part of any permission for the 21 dwellings. He explained that that amount was agreed by the Committee in December 2019 but should be increased to allow for inflation. He outlined that an obligation should also secure the temporary treatment of the site if the construction of the 12 apartments was to be delayed or not built. Subject to those obligations, he outlined that the proposal was considered acceptable having regard to Policies OS 1 and OS 2 of PPS 8.

The Committee's attention was drawn to the Late Items pack, whereby the agent had confirmed their agreement to the following obligations, to be secured by way of a Section 76 Planning Agreement:

- a single payment of £52,000 plus inflationary uplift (Consumer Price Index linked); and
- the delivery of the 21 dwellings as social/affordable housing.

However, for logistical reasons, the applicant had advised that they were unable to agree to the requirement that the pocket park would be delivered prior to occupation. They advised the Committee that that was due to the following reasons:

- underneath the site of the pocket park was the main sewer and electrical cable. Access would be required until the full adoption of the sewers;
- the access for gas connection;
- the construction of the apartment block would require access for scaffold, plant and piling rig;
- it was the only area left for welfare facilities; and
- it would be the last part of construction on the overall site from a practical view.

The Planning Manager advised the Committee that the applicant had stated that they were confident that they would be able to deliver the 12 apartments within that period and at the same time complete the pocket park. However, should that not be possible, it proposed a clause in the Section 76 Agreement to require the delivery of the pocket park within 24 months from occupation of the first dwelling within the 21 dwelling scheme. The pocket park would be managed by Choice Housing Association.

The Planning Manager outlined to the Members that it would be impracticable to deliver the pocket park prior to occupation of the 21 dwellings for the reasons set out by the applicant and therefore, the officer recommendation would be that the pocket park was to be delivered no later than two years from the date of first occupation. A planning obligation would also be required to secure its future management.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

On balance, the Committee was advised that it was considered that the proposed development respected the surrounding context and was appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings and landscaped and hard surfaced areas.

He explained that minor concerns regarding overlooking between Blocks C and D had been raised, however, given the extant approval on the site and the similar layout, it was considered acceptable. The Member were advised that there were no concerns regarding natural light, outlook or shadow.

The Committee was asked to note that the Environmental Health Service had raised concerns regarding the level of noise within the external amenity areas of the 4 semi-detached dwellings. However, it had concluded that if the development was desirable and given its urban location, it should not be prohibited on the basis of high external noise levels in some garden areas. Consequently, it had not offered any objections to the proposal.

In terms of private amenity space, each dwelling would have an average provision of approximately 50 square metres. The Planning Manager explained that there were slight concerns regarding the amenity space provision of some proposed dwellings. However, given that there was an extant approval on the site for a similar layout, it was considered acceptable.

In regards to parking, the proposed development was accessed via Park Avenue. No in-curtilage parking was proposed, however, communal car parking space was proposed within the development. DFI Roads had provided comments on the proposal and had offered no objection, subject to conditions.

The Members were advised that the proposal involved the removal of trees along the Park Avenue boundary. A tree survey had been submitted and the Council's Tree Officer had no objection. Furthermore, additional compensatory planting had been proposed which would help to soften the proposal and assist its integration.

The Committee granted approval to the application with conditions and a Section 76 Planning Agreement to secure the following:

- provision of the 21 units as affordable housing (social / intermediate housing);
- the pocket park proposed under LA04/2019/0081/F was to be delivered no later than two years from the date of first occupation of the 21 units;
- the future management of the pocket park;
- temporary treatment of the site for 12 apartments if those were delayed or not built out;
- securing of the £52,000 with inflationary uplift since December 2019 (if it had already been paid in relation to application LA04/2019/0081 then it would not have to be paid twice).

The Committee further agreed that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Planning Agreement.

(Councillor Hutchinson re-joined the meeting at this point in proceedings)

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

**LA04/2021/1242/F - Change of use from
coffee shop to extension of amusements arcade
on the ground floor at 28 Bradbury Place**

The Planning Manager provided the Committee with the principal aspects of the retrospective application.

He explained the key issues which had been considered during the assessment of the application included the principle of an amusement arcade at that location, the impact on the character and appearance of the area and the impact on amenity.

He outlined that the site was “white land” within BUAP and dBMAP and within the Belfast City Centre in both Development Plans. The surrounding area was of mixed character containing a variety of retail, offices, bars, restaurants and a hotel opposite. New purpose built managed student accommodation was being constructed on the land to the south. There were no family dwellings or schools in the immediate area.

The Committee was advised that Environmental Health and DFI Roads had offered no objections. Building Control, which was responsible for amusement licensing, was concerned that the proposal might result in a cumulative impact due to the number of amusement arcades in the surrounding area. There were currently three other amusement / gambling premises within 200 metres. Officers advised that the proposal was to extend an existing amusement arcade and not to create new amusement arcade premises. The site was located within the City Centre where main town centre uses such as this were acceptable in principle. There would be no harmful impacts on the character and appearance of the area, amenity or transportation.

The Committee was advised that no third party objections had been received.

(Councillor Groogan joined the meeting at this point during proceedings)

The Deputy Chairperson welcomed Ms. L. McCausland, on behalf of the applicant, to the meeting. She advised the Committee that while the sign on the exterior of the site had been changed, there were no gaming machines currently within the café area of the site and that Building Control had been out on a number of occasions and could therefore verify that.

In response to a Member’s question, the Planning Manager confirmed that, while the Permit Policy was a material consideration for the Committee, officers did not feel that there were any planning reasons on which to refuse the application. The Divisional Solicitor advised the Committee that the applicant would still have to go to the Licensing Committee to request a permit for the site, irrespective of the decision taken by the Planning Committee.

The Chairperson advised the Committee that the application was recommended for approval, with delegated authority given to the Director of Planning and Building Control to finalise the conditions. On a vote, six Members voted for the recommendation, two against and four no votes, and it was accordingly declared carried.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

LA04/2021/2825/A - Retention of mesh banner signage (19.1m by 9.84m) for a temporary period of 24 months on former Belfast Telegraph Printworks, 124-132 Royal Avenue

The Principal Planning officer outlined the details of the retrospective advertisement consent which was being sought for a temporary mesh banner sign for a period of 24 months.

The Committee was advised that the Belfast Telegraph Building itself, adjacent, was listed and that the site was directly opposite the Cathedral Quarter Conservation Area.

The key issues which had been considered during the assessment of the proposed development included:

- impact on local amenity
- impact on public safety
- impact on the setting of listed buildings; and
- commercial and regeneration considerations

The Members were advised that the site was located within the city development limits for Belfast as designated within the Draft Belfast Metropolitan Area Plan 2004.

Historic Environment Division had been consulted and considered that the proposal was contrary to the policy requirements of SPPS 6.12 and BH11 of PPS6. It had stated that the material, size, scale, alignment and location of the banner signage, in proximity to the historic fabric of the listed building, adversely affected its setting. HED noted that previous permissions in respect of the signage had been granted consent for 2 years and 1 year respectively.

The Principal Planning officer outlined that the proposed advertisement was considered contrary to Planning Policy (PPS17 Outdoor Advertisements) and was therefore considered unacceptable. There was a history of previous applications on the site for the same proposal. However, the most recent application, LA04/2021/1586/A, had been before the Planning Committee for consideration in October 2021. At that meeting, the Committee had raised concerns with the fact that the proposal had already been granted an extension and there was no further advancement in the development of the site. The Committee had resolved to refuse the application in November 2021 on the following grounds:

1. The proposed advertising, was contrary to AD 1 of PPS 17, in that the advertising by virtue of its position on the host building, its size and scale would through its undue prominence and excessive visibility have an adverse impact on the amenity of the area, the character of the area and detract from the appearance of the building.
2. The proposed advertising shroud, was contrary to BH 11 of PPS 6, in that the advertisement would, if permitted, not respect the architectural form and detailing of the Listed Building by reason of its scale, height and alignment and did not respect the character of the setting of the heritage asset.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

The Deputy Chairperson welcomed Mr. S. McGimpsey, applicant, to the meeting. He outlined the difficulties that the commercial property market was facing as a result of the Covid-19 pandemic. He advised that the locality was going through a period of transition with the construction of the new university campus and that the aim of the application was to secure a tenant and funding package to enable the commencement of development of the site.

The Principal Planning officer explained that, whilst the applicant's position was not unreasonable, it could be argued that, given the advert had been in place for such an extended period, and had failed to garner the required interest, then the owners should perhaps consider deploying other means of advertising.

A Member stated that they did not feel that the sign was doing any harm in the area.

Further Members requested clarity from officers in respect of whether an enforcement case had been raised in respect of the sign which had been displayed on the building very recently, despite the Committee having rejected the application in November 2021. In response, the Principal Planning officer explained that enforcement cases were paused where an application was going through the planning process.

The Committee agreed to refuse Advertising Consent as the proposal was contrary to PPS 17 – Control of Outdoor Advertisements, Policy AD1 and paragraphs 6.12 of the SPSS and Para's 6.20, 6.59 & Para 6.60 of the SPSS in relation to the impact on the setting of the Listed Building and the Conservation Area.

(The Committee adjourned for five minutes at this point in proceedings)

**LA04/2021/0720/F - Change of use of a dwelling to
2 apartments with an extension at 64 Ashley Avenue**

The Principal Planning officer presented the main details of the application to the Committee, for the subdivision of an existing dwelling into two apartments with a two-storey rear extension.

She explained that the surrounding area was residential and that the site was located within the Lisburn Road draft Area of Townscape Character in dBMAP (2014).

The Committee was advised that the application had been submitted before the Committee as NI Water objected to the proposal.

The key issues which had been considered during the assessment included:

- the principle of dwelling at that location;
- character/layout/design;
- private amenity/landscaping;
- access/parking;
- impact on neighbouring amenity;
- impact on an established residential area; and
- the NI Water consultation response.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

The Principal Planning officer explained that the area displayed both dwelling houses and apartments as well as conversion to apartments and therefore, in principle, the conversion was acceptable. She described how the scale and massing of the extension was considered sympathetic with the existing dwelling and the surrounding area. The Members were advised that the internal space standards were exceeded, and that the private amenity space provided was also well in excess of that recommended.

She outlined that NI Water had not recommended refusal but that it had stated that public foul and public storm capacity was not available at present to service the proposed development.

The Principal Planning officer explained that no supporting data or information had been provided by NI Water in respect of the application. She outlined that, while the objection was a material consideration, it was a matter for the Committee to determine the weight to be attached to it.

The applicant had been advised to liaise with NI Water and NI Water had advised that it intended to upgrade the Waste Water Treatment Works. The Principal Planning officer explained that the proposed apartments would contain 3 bedrooms, which was the same as the existing dwelling and that the maximum number of occupants was not therefore being increased. She outlined that whilst it was acknowledged that each apartment would have its own kitchen and toilet which might generate more waste water, it was considered that the modest scale of the scheme presented a significantly like for like proposal which would not exacerbate the impact on the waste water system to such a level that would warrant a refusal. She advised the Committee that the applicant was currently in discussions with NI Water regarding a potential solution and that it was considered that the issue could be resolved by means of a pre occupation condition.

The Committee was advised that NI Water had a duty to connect significant committed development across the city to its waste water infrastructure. Such development, which included unimplemented permissions for over 20,000 houses and significant levels of commercial space across the city, would not all come forward at once and some might not come forward at all. It was therefore considered unlikely that the proposal would result in a significant impact on waste water infrastructure over and above the existing use of the site.

It was reported that one objection had been received, citing issues with on-street parking in the area. The Principal Planning officer explained that DFI Roads had been consulted and had no objections.

A Member queried whether the officers had the figures in relation to the existing number of Houses in Multiple Occupation (HMOs) and flats on that street. She also queried whether, given the Local Development Plan (LDP) was at a more advanced stage, prematurity would be a factor in respect of the Committee taking a decision on the application without those figures.

In response, the Principal Planning officer advised that unfortunately officers did not have those figures to hand but that the LDP had not yet been adopted and that officers were content that the application could be approved. The Divisional Solicitor advised the Committee

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

that the SPPS required that the Committee considered existing policies until such times as the draft plan Strategy had been adopted and therefore limited weight should be given to the draft plan. She added that officers did not feel that the application would engage the issue of prematurity and that prematurity applied in cases where the type and scale of development would prejudice the delivery of the aspirations within the LDP. However, it was up to the Committee to consider if it wished to defer the application in order to receive the figures which had been requested.

Moved by Councillor Groogan,
Seconded by Councillor O'Hara and

Resolved – that the Committee agrees to defer consideration of the application in order that it would be provided with the figures of existing HMOs and flats within the area, in light of concerns about potential prematurity in relation to the draft LDP Plan Strategy.

**LA04/2021/2144/F - Residential (social housing)
development comprising of 2no. Apartment buildings
containing 52no. apartments (housing mix of 5no.
3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments)
at 150 Knock Road. (Change of design to extant planning
permission ref: Z/2011/0426/F)**

The Principal Planning officer provided the Committee with the key aspects of the application.

The key issues which had been considered during the assessment of the proposal included:

- the principle of the proposed development and use at that location;
- layout, scale, form, massing, and design;
- impact on built heritage;
- impact on amenity;
- impact on transport and associated infrastructure;
- flooding and drainage impacts;
- impact on natural heritage assets;
- contamination and remediation of the site; and
- developer contributions.

The Committee was advised that the site fell within the development limit within the BUAP and in both versions of dBMAP and was not subject to any zonings. The Principal Planning officer explained that redevelopment of the site for residential use was acceptable under the previously granted permission and that there had been no change in policy direction since that time, subject to detailed considerations as set out in regional policies.

He explained that the proposed layout essentially repeated the previously approved layout arrangements, comprising two blocks, one behind the other, with areas of landscaping and parking. The front block siting had been revised from the previous permission and was

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

within a more constrained footprint so that the block did not extend as close to the site frontage. He outlined that the separation distances between the apartment blocks had been slightly reduced to an average of 33 metres. The rear block was located further away from the rear boundary compared to the previous approval by approximately 1.5 metres.

The Committee was advised that the layout did not include basement parking within the layout, as previously approved. Parking court areas were proposed instead, resulting in an increased area of hard-surfacing compared with the previous permission. He explained that it roughly equated to the larger built form area of the buildings in the previous permission and was acceptable.

The Members were advised that the front block had been reduced in height by approximately 1 metre from the previous approval. The height of the rear block had also been revised, with an overall reduction of approximately 1.9-2 metres from the highest section, but with a slight increase of the lower section of 1.3 metres compared to the previously approved details.

The Principal Planning officer reported that the proposal would not adversely impact on the amenity of existing residents due to the separation distances to existing properties and the layout which would ensure no adverse amenity impacts for prospective residents. He explained that amenity space provision equated to 18 square metres per unit and the overall open space provision exceeded the 10% requirement in PPS7 & PPS8. The site was also in close proximity to public open space. The floorspace of the proposed apartments was in accordance with the space standards as set out in PPS7.

Parking would be provided at a ratio of 1:1 which was slightly below parking standards. However, Travel cards for a period of 3 years, in addition to a car club facility, were proposed as part of the travel plan arrangement to mitigate against the deficit. DFI Roads had no objections and the proposal was therefore considered compliant with relevant policies.

The Principal Planning officer explained that 35 objections had been received along with one letter of support. The issues raised included height and positioning of the buildings, impact on traffic, residential use was not appropriate given its proximity to the A55 in terms of pollution from vehicle fumes and noise, health and safety impacts from the adjacent golf course, it ignored the surrounding established environment, it was a major development for which the developer had failed to consult stakeholders, it assumed use of Shandon Park Golf Club land to enable the development to proceed and that it would destroy the existing boundary treeline. The issues raised had been fully considered in the report.

The Principal Planning officer outlined that officers had met objectors from Shandon Park Golf Club on 10th March, 2022. They had reiterated their objections at the meeting, including the need for a ball catch fence.

The Chairperson welcomed Mr. H. Thompson, on behalf of Shandon Park Golf Club, to the meeting.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

He advised the Committee that:

- the Golf Club had no objection to the development of the site for social housing, rather, their objections focused on two main points:
 - the positioning of the residential blocks and how the developer intended to construct them without damaging the Club's property and the existing landscaping; and
 - the boundary treatment which was proposed now that the works had commenced and the developer had removed the existing boundary trees and hedgerow;
- the natural boundary to the south consisted of trees and hedgerow and had been destroyed by the developer's contractor, who, over the last couple of months, had cleared everything inside the development site including the Club's property;
- while the Club had been advised that that was a civil matter between the parties, it was important to note that not only had the boundary been destroyed but in doing so the developer had regraded the few metres of Shandon land on the outside of the fence to enable the retaining walls to be built;
- the Club had written to the developer regarding the destruction of its land and existing boundary and, in response, they had claimed that they would be providing enhanced landscaping which was ludicrous as trees and landscaping would take at least 20 years to mature;
- he requested that the Committee would, if granting permission, condition that the applicant would provide a ball-catcher fence 10-12 metres high to provide protection whilst any new landscaping was maturing, similar to another development at 55 Shandon Park whereby the developer had been given planning approval subject to conditions to erect a ball-catcher fence and semi-mature trees;
- before the site was cleared, the thick boundary hedging on all sides was very difficult to penetrate. The new development had now stripped this significantly, not only on the south side but also the northern boundary which sloped very steeply to a river which formed their joint boundary;
- clearing the hedging had exposed the development to a slope of 9-10 metres high over a length of 15 metres. They believed that with the site cleared of vegetation, it was only a matter of time before the ground collapsed and blocked the watercourse; and
- it was anticipated that the difficulties encountered by trespass, anti-social behaviour and abuse that they experienced elsewhere, where the course perimeter was weak, would be echoed here, if the planning approval did not condition the erection of a substantial metal fence on all boundaries rather than a timber post and board fence which would deteriorate in a few years.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

The Chairperson then welcomed Mr. B. Owens, agent, Mr. P. Turley, Architect, and Ms. A. Conway, Radius Housing, to the meeting. Together they advised the Committee that:

- the apartments were for the active elderly/over 55s and 5 units for wheelchair users;
- they wanted to be a good neighbour and had offered to meet with the objectors in respect of the boundary concerns raised, however, the extant permission meant that there was a fallback position for the applicant and that they were keen to commence with the development as quickly as possible;
- the design was not dissimilar to the previously approved plans and in fact provided significant betterment with reduced building heights and greater separation distances from the surrounding boundaries;
- in relation to trees and boundaries, an independent tree impact assessment had been submitted which identified a number of trees to be removed due to health and safety and tree condition;
- a landscaping plan had also been submitted which sought to complement and supplement the retaining boundaries and included a number of semi mature trees;
- the area was in great need of social housing and that it was important to note that those who would be moving into the newly built accommodation for the over 55s would therefore free up family accommodation elsewhere in the system; and
- it was a vacant brownfield site and the project would bring regeneration of £10 million.

A Member asked the officers if the request from the Golf Club for the requirement to install a ball-stop fence could be included as part of any approval. In response, the Principal Planning officer explained that it would not be appropriate to attach such a condition as the health and safety issues was a matter for the golf club to ensure that golf balls did not stray into adjacent land from their property. He sought to clarify that the application in respect of 55 Shandon Park which Mr. Thompson had cited had originally been submitted without a ball stop fence and that subsequent plans had then included a fence. He advised the Committee that it was not clear whether the applicant had volunteered to implement the fence as part of the application but he confirmed that the fence had not been conditioned by officers.

In response to a further Member's question, Mr. Owens advised the Committee that the extant permission had permitted the applicant to clear the site within its original terms and that they were happy to meet with Mr. Thompson and the Committee on site if that was requested but that he did not feel that it should hold up the process.

A Member suggested that the Committee could defer the application to allow the Committee to meet on site with the objectors and the applicant. A further Member stated that it would be senseless to delay the application as there was an extant planning permission in place for the site and that social housing was much needed in that area. He added that the parties could meet to discuss the fence and boundary arrangements after the application had been dealt with.

**Meeting of Planning Committee,
Tuesday, 15th March, 2022**

The Committee granted approval to the application, with delegated authority given to the Director of Planning and Building Control to grant permission subject to conditions and to enter into a Section 76 Planning Agreement with the applicant to secure the green travel measures.

LA04/2021/2780/F - Application under section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2018/1932/F (residential development comprising units (47 dwellings, 40 apartments, 3 bungalows) and associated access, landscaping and play park) to vary condition 9A (seeking to vary remediation strategy to be implemented) on lands directly to the South of Kilwee Business Park, Upper Dunmurry Lane

The Committee was advised that the application sought to vary conditions 9 and 10 of planning permission LA04/2018/1932/F in order to amend the required remediation strategy for the site.

Condition 9 had been successfully discharged under LA04/2019/1741/DC on 3rd September 2019. However, under the current variation of condition application, an Updated Remediation Strategy had been submitted for consideration. The Updated Strategy had updated the assessment of the site with respect to ground gas, concluding that special gas protection measures were not required.

Environmental Health had been consulted and had offered no objections to the variation of conditions 9 and 10, having recommended wording in respect of it.

The Committee granted approval to the application, subject to conditions and the satisfactory conclusion of public re-consultation. Delegated authority was given to the Director of Planning and Building Control to finalise the wording of conditions.

Deputy Chairperson