

Planning Committee

Tuesday, 17th January, 2023

HYBRID MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Whyte (Chairperson);
Alderman Rodgers;
Councillors Bower, Carson, Matt Collins,
Douglas, Garrett, Groogan, Hanvey, Hussey,
Hutchinson, Maskey, Murphy and Spratt.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Ms. N. Largey, City Solicitor;
Mr. E. Baker, Planning Manager (Development Management);
Mr. P. Fitzsimons, Principal Planning Officer;
Ms. U. Caddell, Senior Planning Officer;
Mr. D. O'Kane, Principal Planning Officer; and
Ms. C. Donnelly, Democratic Services Officer.

Apologies

No apologies for inability to attend were reported.

Minutes

The minutes of the meeting of 19th December were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council, at its meeting on 9th January, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Spratt declared an interest in relation to item 5b on the agenda, LA04/2021/1188/F: Provision for a 24-space car park, access road with lay-by and turning head. 2.4m Perimeter Fence. 425 Springfield Road, Belfast, in that he was related to one of the agents but stated that he would not leave the meeting while the item was being considered.

Withdrawn Items

The Committee noted that the following item had been withdrawn from the agenda:

- LA04/2022/1284/F Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 862 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and

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associated bin stores and plant and public realm improvements to surrounding footpaths. Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast

Committee Site Visit

The Committee noted that site visits had taken place in respect of the following planning applications on 16th January, 2023:

- LA04/2021/2016/F: Demolition of existing multi-storey car park and the erection of 298no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development. 21-29 Corporation Street and 18-24 Tomb Street Belfast.
- LA04/2021/2815/F: Erection of Discount supermarket, drive through cafe, landscaping, car parking, and associated site works. Vacant lands at access road to Olympia Leisure Centre directly opposite and approx. 70m East of nos. 9-15 Boucher Road Belfast
- LA04/2022/0002/F: Demolition of existing discount supermarket, erection of replacement discount supermarket, car parking, landscaping and associated site works. Improvements to green space to enhance its usability and amenity involving new landscaping and the creation of pedestrian walkway and sitting areas. 100-116 Stewartstown Road (Lidl) and land to the immediate south and southeast bounded by Kells Avenue Oranmore Drive 37-55 Suffolk Crescent (odds) and 28 Suffolk Drive Belfast.
- LA04/2021/1188/F: Provision for a 24no. space car park, access road with lay-by and turning head. 2.4m Perimeter Fence, 425 Springfield Road.

Planning Decisions Issued

The Committee noted the Planning decisions issued between 5th December 2022 and 9th January, 2023.

Appeals

The Committee noted the Appeals Decisions.

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Planning Applications

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

**LA04/2021/0651/F Erection of 6 x 1 bedroom
apartments with associated amenity space,
vacant land at corner of Dundela Avenue and
Dundela Crescent**

The Planning Manager provided the Committee with an overview of the application that included aerial view images, site location photographs and maps and highlighted the following key issues and assessment of the proposed development:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Impact on traffic and parking; and
- Impact on flood risk and sewage infrastructure.

He pointed out that three letters of objection had been received related to overdevelopment of the site and concern with regard to parking, road and pedestrian safety. He added that NI Water had also objected to the proposal due to the sewer network having been at capacity and, that whilst DfI Roads and Environment Health offered no objections, responses had not been received from DAERA or SES.

He explained that, whilst the density of the proposed development would be high and that the apartments would be located on a tight and confined site, on balance, the proposal would be in keeping with the character and appearance of the area, with similar apartments with extant permission on adjacent land.

The Planning Manager stated that, having regard to the development plan, relevant policy context and other material considerations, which included the objections which had been received, the proposed development was, on balance, considered acceptable and that officers had recommended that full planning permission would be granted.

The Committee granted full planning permission, subject to conditions and there being no objection offered from DAERA or SES, and delegated authority for the Director of Planning and Building Control to finalise the wording of the conditions.

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**LA04/2021/1188/F (deferred from December 2022
Planning Committee) Provision for a 24no. space
car park, access road with lay-by and turning head.
2.4m Perimeter Fence, 425 Springfield Road**

The Planning Manager outlined the application to the Committee and the following key issues relevant to consideration of the application:

- Loss of zoned economic land;
- Loss of open space;
- Access, Movement and Parking; and
- Drainage and flood risk.

He pointed out that the Tree Officer had provided comments in relation to the application and that an additional condition had been recommended, to require further details of landscaping proposals and tree and hedgerow protection measures during construction.

He explained that the proposal would address the issues around poor access and parking arrangements at Springfield Primary School which had been causing congestion during peak hour and compromising highway safety and the wellbeing of safety of pupils, guardians, staff and visitors to the primary school.

He added that Policy OS1 of PPS 8 permitted an exception to be made where there were substantial community benefits that decisively outweighed the loss of open space and that the special justification for the new car park and access had been considered to satisfy the test and officers were recommending that the application would be approved.

The Chairperson informed the Committee that Mr. G. Dodds and Mr. S. McKee from Turley were present, along with Mr. S. Osborne, School Principal, to answer questions from the Members.

In response to a question from a Member with regards to a lack of cycling infrastructure in the proposal, Mr. Dodds stated that it would be addressed, should it be made a condition of planning permission.

The Committee approved the application, subject to conditions and delegated authority for the Director of Planning and Building Control to finalise the wording of the conditions, with an additional condition to be included to require cycle infrastructure provision.

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LA04/2021/2016/F Demolition of existing multi-storey car park and the erection of 298no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development. 21-29 Corporation Street & 18-24 Tomb Street Belfast

The Senior Planning Officer provided the Committee with an overview of the application and outlined the key issues in the assessment of the application, that included:

- The acceptability of the proposed use at this location;
- The acceptability of the design;
- Impact on surrounding context;
- Access, parking and traffic management; and
- Environmental Considerations - Drainage, Contamination, Noise.

She informed the Committee that the proposed uses had been considered acceptable in the location and that the proposal had been the subject of a Pre-application Discussion (PAD) and that the Urban Design Officer and Historic Environment Division had been content with the proposal.

She pointed out that NI Water had submitted an objection to the application on the grounds of insufficient wastewater drainage infrastructure capacity and foul sewage network capacity but that it would be considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city that included the extant permission on part of the site.

She added that Royal Mail had also submitted an objection to the proposal and that Environmental Health had considered the Noise Impact Assessments accompanying the application and had no objection, subject to the recommended conditions relating to noise mitigation controls.

She stated that, having regard to the development plan, relevant policy context and other material considerations, that included the representations, the proposed development was considered acceptable and it was recommended that full planning permission be granted subject to conditions and a Section 76 planning agreement.

The Chairperson welcomed Mr. C. Shanks, Agent, Mr. J. Mulholland from Todd Architects and the Applicant, Mr. M. Adams to the meeting.

Mr. Shanks explained that the proposal was a substantial investment in the city which would sustain 400 construction jobs over a 24-30 year ? build which would bring further spending power and benefit.

He stated that the application was focused on a very high quality of design in response to the site's context and setting and would create a variety of unit sizes to attract a wide mix of

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tenants and that 86% of the units exceeded the space standards which demonstrated the quality of the accommodation offer.

He pointed out that the application was aligned with the Council's key vision of encouraging and directing a focus on city living and would deliver a highly sustainable, high quality, new residential community that would see transformation in the physical linkages and connectivity from the city centre to City Quays and Sailortown and would bring vitality to the area with increased footfall which would help to sustain and boost existing and emerging new businesses.

In response to a question from a Member with regard to ground floor parking and residential lounges creating dead frontage rather than active frontage and the composition of open space provision and its shadow analysis, the Senior Planning Officer stated that the ground floor parking did provide non-active frontage but that it had been considered that the proposed design of the steel fretwork which would be linked to historic references from the area was an appropriate design solution and that the Senior Urban Design Officer had been satisfied with the solution.

She added that the residential lounges would be glazed areas which would be activated by the movement of residents in and out of those spaces and provided the Committee with a breakdown of the composition of the amenity space provision in the proposal. With regard to a shadow analysis, she stated that the applicant had provided a 3D model which had been interrogated by officers who were satisfied that there would be adequate levels of light in the internal courtyard and no adverse impacts on the development in that regard.

A Member enquired as to the exposure to wind on the rooftop amenity spaces. In response the Senior Planning Officer stated that microclimate studies had been provided and considered by the Council's Landscape Team which had offered no objection.

The Chairperson put the officer recommendation to the Committee and upon audible dissent, called for a vote, with four Members voted for the recommendation and ten against and it was declared lost.

Proposal

Moved by Councillor Garrett,
Seconded by Councillor Maskey and

Resolved - That the Committee defers consideration of the application for further exploration of the provision of affordable housing within the scheme and to address concerns regarding open space and amenity standards.

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LA04/2022/0002/F Demolition of existing discount supermarket, erection of replacement discount supermarket, car parking, landscaping and associated site works. Improvements to green space to enhance its usability and amenity involving new landscaping and the creation of pedestrian walkway and sitting areas. 100-116 Stewartstown Road (Lidl) and land to the immediate south and southeast bounded by Kells Avenue Oranmore Drive 37-55 Suffolk Crescent (odds) & 28 Suffolk Drive Belfast

The Principal Planning Officer outlined the proposal to the Committee and explained that it included improvements to the existing adjacent area of open space to enhance its usability and amenity involving new landscaping and the creation of a pedestrian walkway and sitting areas.

He outlined the following key issues of the application:

- The acceptability of the proposed use at this location;
- Retail Impact of the proposal;
- Open Space considerations;
- The acceptability of the design;
- Impact on the character and appearance of the area;
- Compatibility with adjacent uses;
- Access, Parking and Traffic Management; and
- Environmental Considerations (Drainage, Contamination, Noise, Air Quality, Natural Environment).

He explained that, as part of the application fell within an existing area of open space, the applicant had proposed to mitigate the loss of open space with the provision of a financial Developer Contribution of £281,482.75 to fund improvements to two open space areas in close proximity to the site, along with proposed improvements to the existing area of open space at Kells Avenue/Oranmore Drive.

He stated that officers had considered that the proposed open space improvements would bring substantial community benefits that decisively outweighed the loss of open space and that the proposal complied with Policy OS 1 of PPS 8.

He informed the Committee that NI Water had objected to the application on the grounds of insufficient wastewater drainage infrastructure capacity but that it was considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city, and that NI Water had not provided evidence that the proposed development would have a direct and detrimental impact on waste-water infrastructure or environment, particularly in the context of impacts over and above what has already been committed across the city.

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He added that no other consultees had offered an objection and that one third party objection had been received in relation to the proposed improvements at Carnanmore Park/Suffolk Playing fields.

He stated that, having regard to the development plan, relevant policy context and other material considerations the proposed development was considered to be acceptable and that officers recommended that planning permission would be granted subject to conditions and a Section 76 planning agreement to secure the financial Developer Contribution to mitigate the loss of open space.

The Chairperson welcomed Mr. E. Poots MLA to the meeting, Mr. Poots explained that he had been working with the Suffolk Community who had requested assistance and that they had significant concerns with regard to the application. He stated that the local community had been in agreement to the provision of a Multi-Use Games Area (MUGA) but that the size of the proposed MUGA had changed and would no longer serve the needs of the local community needs.

He reported that a community consultation had taken place with regard to a larger sized MUGA, however, the application implied that a smaller MUGA would be provided.

He asked that an amendment would be made to the application to provide for the larger sized MUGA of 60x40 metres, which had been consulted upon and agreeable with the local community, rather than the 20x40 metre MUGA which was contained within the application.

The Chairperson thanked Mr. Poots for his representation and welcomed Mr. D Monaghan, MBA Planning, Ms. E. Greenlees, traffic engineer from AECOM and Mr. A. Mains, the applicant's representative in respect of community engagement, to the meeting.

Mr. Monaghan, in response to the points raised by Mr. Poots, stated that the loss of open space would be minimal and that the developer had offered a considerable contribution to mitigate against the loss and provide a 20x40 metre MUGA and that if the community wanted a larger MUGA then the additional funding would need to be sourced.

Mr. Mains informed the Committee that he had engaged with the local community since 2020 and that many options had been discussed and that a 20x40 metre MUGA was considered as a viable option. He stated that, following engagement with Council officers, Lidl had agreed to increase its Developer Contribution, and that the officers would assist in fulfilling the request of a 60x40 metre MUGA.

The Committee granted planning permission, subject to conditions and a Section 76 planning agreement to secure the financial Developer Contribution to mitigate the loss of open space and granted delegated authority to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 planning agreement, and deal with any other issues that might arise, unless they were substantive, in which case the application would be reported back to the Planning Committee.

(Councillor Douglas retired from the meeting)

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LA04/2021/2862/F Proposed Battery Energy Storage System (BESS) with storage capacity up to 50MW, associated electricity substation / transformer compound, improvement to the existing access, landscaping and associated ancillary development/ site works. Lands approximately 700m north of 28 Colinglen Road, Dunmurry, Belfast

The Principal Planning Officer provided the Committee with an overview of the application and highlighted the following issues to be considered in the case:

- The principle of the development at this location (beyond the settlement development limit);
- Scale, Massing and Design;
- Impact on rural character visual amenity;
- Impact on Built and Archaeological Heritage;
- Impact on Ecology and Natural Heritage;
- Provision of Landscaping and Screening;
- Traffic Movement and Parking;
- Human Health;
- Flooding and Drainage; and
- Health and Safety.

He presented area location plans, aerial photographs and viewpoint images to illustrate the impact of the application on the proposed site.

He stated that no objections had been received and, having regard to the Development Plan and other material considerations, the proposed development was considered, on balance, to be acceptable.

The Committee granted planning permission, subject to conditions, and delegated authority for the Director of Planning and Building Control finalise the wording of the conditions.

LA04/2021/1964/F Re-cladding of and front extension of office building, erection of four additional floors of office accommodation and public realm enhancement works, Carlton House, 1-6 Shaftesbury Square, Belfast

The Planning Manager outlined the application for the recladding of the existing office building and the erection of four additional floors of office accommodation.

He pointed out the following main issues relevant to consideration of the application:

- The principle of development;
- Impact on the character and appearance of the area;
- Impact on the setting of Listed Buildings;
- Impact on amenity;

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- Access and parking;
- Drainage;
- Waste-water infrastructure; and
- Ecology.

He reported that NI Water had objected to the application on the grounds of a lack of wastewater capacity and that the objection had been considered and the application had been found to be acceptable. He added that DAERA and SES had been consulted as a result of the objection from NI Water, and that responses had not yet been received.

He stated that the design of the cladding proposals and extension were considered acceptable, that there would be no harmful impact on the setting of Listed Buildings and that there would be no adverse transportation impacts.

He informed the Committee that, having regard to the Development Plan and relevant material considerations, it was recommended that planning permission would be granted.

The Committee granted planning permission, subject to no objections from DAERA NIEA and SES, with delegated authority for the Director of Planning and Building Control to finalise the wording of conditions

Miscellaneous Items

Update on Tree Protection Orders (TPOs) and issue referred from People & Communities Committee

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of Main Issues

1.1 An item was referred from the People and Communities Committee (November 2022) to the Planning Committee to give consideration to extending Tree Protection Orders (TPOs) across the city. This was the subject of a verbal report to the Planning Committee in December 2022, when it was agreed to revert with a report on the TPO process and ongoing work in this area.

1.2 This report sets the context and procedural arrangements for TPOs across the city and provides a summary of the current situation and ongoing review of TPOs.

2.0 Recommendation

- That the Committee notes the legal and regulatory requirements for TPOs.
- That the Committee notes and acknowledges the current reactive and proactive efforts of officers to promote tree

cover across the city and secure protection of important trees that may be under threat.

3.0 Main Report

Background

- 3.1 During discussion on the Council's draft Tree Strategy at the People and Communities Committee in November 2022, a Member raised the issue of Tree Protection Orders (TPOs) and whether these could be extended across the city. It was noted that this was within the remit of the Planning Committee and the matter was duly remitted to the Committee for consideration.

Current Position

- 3.2 The environmental importance of trees, including in terms of biodiversity, visual amenity, climate resilience and human wellbeing, is recognised in current policy, including in the Council's Green and Blue Infrastructure Plan and draft Local Development Plan. However, the pruning, lopping or felling of trees does not generally require the Council's consent and is outside the scope of the planning system, unless the trees are specifically protected. Specified trees can be protected through a TPO, which requires a statutory process to be undertaken in accordance with planning legislation. In addition, trees that are within a Conservation Area also enjoy a level of protection and planning permissions can include conditions to retain specific trees where appropriate. In all of these cases, prior notification and/or consent is required from the Council before any works are undertaken to such trees.
- 3.3 There are currently 142 confirmed TPOs in Belfast, with a further two provisional TPOs currently being considered. A TPO can cover a single tree, groups of trees within an area or whole woodlands. The current area of TPOs is approximately 306 Ha. In addition, there are 13 Conservation Areas in Belfast where the trees are subject to protection similar to that of a TPO. These cover an area of approximately 444 Ha. Almost all TPOs and Conservation Areas are within the current settlement boundary, covering almost 8% of the built-up urban area. A publicly available map of all TPOs and Conservation Areas is on the Council's website: [Spectrum Spatial \(belfastcity.gov.uk\)](https://www.belfastcity.gov.uk/spectrum-spatial).
- 3.4 Applications are made to the Council by persons wishing to carry out works to protected trees (TPOs, Conservation Areas or planning conditions), including pruning and minor surgery works as well as felling works. On average, the tree officers in the Planning Service deal with around 200 treeworks applications

annually. Where felling of trees is permitted, it is a normal requirement that a suitable replacement is planted to ensure no net loss of trees.

TPO Designation Process

- 3.5 All requests for a TPO are considered by the Planning Service and can be submitted via the new planning portal. In addition, the Council itself may initiate a TPO where considered expedient, for example, as a result of a planning application where there may be a significant threat of felling. The assessment of prospective TPOs is based on a number of key considerations set out in legislation. These include trees of special value in terms of amenity, history or rarity, which may be under threat. Other considerations include the health of the trees, public health and safety issues and the implications for ongoing tree management. The Council has published guidance on protected trees that provides further details on the main considerations for TPO requests and the required statutory process. This is available on the Council's website at: [Tree preservation orders \(belfastcity.gov.uk\)](https://www.belfastcity.gov.uk/tree-preservation-orders).
- 3.6 When a TPO is proposed, notice must be served on the landowner and any other relevant interests, including adjoining owners. Most commonly, a 'provisional' TPO is applied, which takes immediate effect and lasts up to six months. This allows time for a detailed survey to be carried out by an arborist to record exact positioning, tree species, age and health and any recommended actions. The Council's tree officers will take account of the detailed survey, any representations received and the aforementioned key considerations in resolving whether to confirm the TPO within the statutory six month period. Any provisional TPO and confirmed TPO are required to be referred to Land and Property Services for registering as a statutory charge on the relevant property.
- 3.7 Following local government reorganisation, the Council inherited the TPO records that were implemented by the former DoE. A comprehensive review of all these records identified a number of TPOs that were considered to be legally unsound due to apparent procedural or administrative errors. These issues have now been addressed and new TPOs were served where required. TPOs are subject to review as part of the ongoing work programme to manage these designations in respect of permitted works and current tree health. This review also ensures that unauthorised felling of protected trees can be identified and can result in enforcement action being pursued.
- 3.8 As outlined above, there is a statutory process for the serving of TPOs, including notification and legal procedures and obtaining an expert detailed survey. The process is not designed to provide

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blanket TPO coverage as it must be applied to specified individual trees or tree groupings. Whilst a TPO can give protection to specified trees, it does not obligate any particular tree management measures. The TPO process and the consequent consenting process, alongside the ongoing review programme, are time and resource intensive and these duties are currently fulfilled by two tree and landscape officers in the Plans and Policy team. The tree officers also provide advice/comments on planning applications and assistance to the public with queries relating to trees and landscaping.

Supporting Work

- 3.9 It should also be noted that officers have prepared Supplementary Planning Guidance for 'Trees and Development' to support the new LDP policy approach to trees. This guidance will be of particular benefit to those considering development proposals in which trees and landscaping form part of the site, or where the proposals are within close proximity to such protected environmental assets. This will help developers, landowners, neighbours and the public understand why trees are important and how they can be integrated with development proposals. This represents part of a wider educational role that the tree officers offer in terms of providing general advice on tree matters, including appropriate species choice, tree health issues and good management practice.
- 4.0 **Financial & Resource Implications**
- 4.1 None.
- 5.0 **Equality or Good Relations Implications / Rural Needs Assessment**
- 5.1 No adverse impacts identified."

Proposal

Moved by Councillor Groogan,
Seconded by Councillor Hutchinson,

That the Committee agrees to write to the Department for Infrastructure to ascertain its willingness to consider a review of TPO legislation and the systems in place to protect trees and the transfer of powers to the Council to vary or amend TPOs which had been granted by the Department for Infrastructure.

On a vote, three Members voted for the proposal, with eight against and one no vote and it was declared lost.

Accordingly, the Committee noted the update.

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Restricted Items

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

Resolved – That the Committee agrees to exclude the members of the Press and public from the meeting during discussion of the following 2 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 the replacement Planning Portal

The Planning Manager provided the Committee with an update on the project to replace the Planning Portal which went live on 5th December and outlined a number of issues which had arisen and the next steps that would be taken to address them.

The Committee noted the update.

Chairperson