

Planning Committee

Tuesday, 14th March, 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. C. Reville, Principal Planning Officer;
Ms. U. Caddell, Senior Planning Officer; and
Ms. C. Donnelly, Democratic Services Officer.

Apologies

No apologies for inability to attend were reported.

Minutes

The minutes of the Predetermination Hearing and meeting of 14th 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

Councillor Bower declared an interest in relation to item 8k, LA04/2023/2458/F - Demolition of existing garage and conservatory and erection of single storey extension to side and rear of dwelling, 61 Belmont Park, on the agenda, in that she was the property owner and left the meeting while the item was being considered.

Councillor Douglas and Councillor Hutchinson declared an interest in relation to item 8b, LA04/2021/2815/F - Deferred Item returning to committee. 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 on the agenda, in that they were both a season ticket holder at Linfield Football Club, and left the meeting while the item was being considered.

Councillor Garrett declared an interest in relation to item 8e, LA04/2021/0319/F - (Addendum Report, withdrawn from February Committee) Proposed use of hard standing area as overflow car park with a free draining surface and soft landscaping scheme, to serve

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existing approved uses on-site. 115 Blacks Road - Lands to north of square golf training area east of the 3G Dome, south of 45 and 46 Garnock Hill, on the agenda, in that he had facilitated site meetings with objectors and applicants and left the meeting while the item was being considered.

Withdrawn Items

The Committee noted that the following item had been withdrawn from the agenda:

- **LA04/2022/1861/F, LA04/2022/1869/DCA, LA04/2022/1860/A** - Replacement facade to active facade to facilitate the display of internally illuminated moving images, 1-3 Arthur Street.
- **LA04/2021/2846/F** – Change of use of ground floor of No. 23 to amusement arcade including extension and frontage alterations to allow for amalgamation with No22, 22/23 Shaftesbury Square.

Schedule of Meetings Update 2023

The Committee approved the following changes to the dates of the Committee Meetings:

- Monthly meeting from Tuesday, 13th April to Tuesday, 18th April;
- Monthly meeting from Tuesday, 13th June to Tuesday, 20th June;
- and
- Reserve meeting/workshop from Thursday 15th June to Thursday 22nd June (if required).

Committee Site Visits

The Committee noted that site visits had taken place in respect of the following planning applications on 24th February, 2023:

- **LA04/2020/2105/F** - Residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works, 1-5 Gaffikin Street, Belfast.
- **LA04/2022/1249/F** - Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical and Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping, Former NI Water Ltd Sewage Treatment Works, Blackstaff Road

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- **LA04/2022/1280/F** – Proposed social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total). Former Kennedy Enterprise Centre (north of Westwood Shopping Centre) Blackstaff Road Belfast BT11 9DT

- **LA04/2022/1046/F** - 18 Annadale Avenue, Proposed demolition of existing building and construction of a residential development consisting of 14 No. units (9 No. apartments and 5 No. terraced dwellings) with associated landscaping and car parking (amended plans received).

Planning Appeals Notified

The Committee noted the Appeals Decisions.

Planning Decisions Issued

The Committee noted the Planning decisions issued between 1st and 28th February, 2023.

Restricted Items

The information contained in the reports associated with the following two 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 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 Regional Improvement Report

The Director of Planning and Building Control provided the Committee with an update on the Regional Planning Improvement work that had been progressed since the publication of the Department for Infrastructure's review of the Implementation of the Planning Act (Northern Ireland) 2011, and the Northern Ireland's Audit Office's review of the NI Planning System.

The Committee noted the content of the report and agreed that the Director of Planning and Building Control would convey the Committee's concern that Elected Members had not been included as stakeholders or represented on the interim Regional Planning Commission and Focus Group.

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Quarter 3 Finance Report

The Committee noted the content of the report.

Restricted Planning Applications

Part Restricted Item: LA04/2019/2653/F Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of Grade A office accommodation. (Amended plans and updated technical information). Chancery House, 88 Victoria Street, Belfast.

The Planning Manager pointed out to the Members that the application had been considered by the Committee, at its meeting in June, 2021, where it had been recommended that the Chief Executive use her delegated authority to approve the application, subject to conditions, and that the Chief Executive had subsequently resolved to approve the application, in line with the Committee's recommendation.

He highlighted that one of the conditions had been that the application would be brought back to the Members of the Planning Committee for final agreement, to include the outcome of a formal consultation and presentation of the draft Section 76 Planning agreement, before a final decision would be taken.

He provided the Committee with an overview of the application and reported that there had been no changes to the design of the scheme since the Committee's meeting in June, 2021 and informed the Members that officers had recommended that planning permission was granted, subject to conditions and a Section 76 Planning Agreement.

The Committee were provided with further details of the application and heard from representatives of the Applicant and of the objectors in a restricted sitting of the Committee.

Proposal

Moved by the Chairperson (Councillor Whyte),
Seconded by Councillor Maskey,

"That the Committee agrees to grant the planning permission, subject to conditions and a Section 76 planning agreement, and grants delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement."

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

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Restricted Item: LA04/2022/1503/F Proposed erection of a freestanding 6.8-metre high screen erected on steel structural supports (9 metres in total height) with associated site works. Lands within Musgrave Police Station 60 Victoria Street, Belfast.

The Planning Manager provided the Committee with an overview of the application.

The Committee approved the application, subject to conditions and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions.

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)

LA04/2022/1284/F - Deferred Item returning to committee. Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 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 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)

The Planning Manager provided the Committee with an update on the application which had previously been considered at its meeting on 14th February, 2023, when the Committee had resolved to refuse planning permission with the detailed wording for the reasons for refusal to be set out by officers at the subsequent meeting of the Committee.

He outlined the following draft reasons for refusal to the Committee:

- Prejudice delivery of housing on adjacent car park site;
- Prejudice delivery of open space to support new housing in the area;
- Inappropriate scale, height and massing;
- Inadequate open space and amenity space; and
- Impact on setting of Listed Frames Building.

He referred to the consultation response which had been received from DfC Historic Environment Division which indicated that it was content with the proposal, as presented, subject to conditions.

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Proposal

Moved by Councillor Groogan,
Seconded by Councillor Murphy,

That the Committee agrees the undernoted reasons for refusal for the application which had been refused as its meeting on 14th February, 2023 and delegate authority to the Director of Planning and Building Control to finalise the wording of the refusal reasons:

1. The key objectives of the Inner North West Masterplan include the delivery of a variety of accommodation or tenures to support population growth and city centre living. The proposal, by reason of its excessive scale, height and massing, would prejudice the delivery of mixed-tenure housing on the adjacent existing car park site on Stephen Street and Little Donegall Street to the immediate north-west, which forms part of the Inner North West Masterplan area and is zoned for social housing in the draft Belfast Metropolitan Area Plan 2015 (v2014), through over-dominance, shadowing, impact on light, and inter-overlooking. The proposal is therefore contrary to the Inner North West Masterplan, in Page 201 Agenda Item 8a conflict with zoning CC 04/03 of draft Belfast Metropolitan Area Plan (v2014), paragraph 6.136 of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7: Quality Residential Environments;
2. The key objectives of the Inner North West Masterplan include the delivery of a variety of accommodation or tenures to support population growth and city centre living. There is extant permission for Purpose Built Managed Student Accommodation on the adjacent land to the north and south. Moreover, the existing car park site on Stephen Street and Little Donegall Street to the immediate north-west is zoned for social housing in the draft Belfast Metropolitan Area Plan 2015 (v2014) (zoning CC 04/03). The Inner North West Masterplan recognises that it is important that there is provision of well-designed public space and new open space which complete the network of public spaces to support new housing. The Inner North West Masterplan illustrative masterplan identifies the site for the location of new public space ("Union Square"). Whilst the proposal includes open space, it is private, and the proposal would prejudice the provision of much needed public open space to support new housing in the area. The proposal is therefore contrary to the Inner North West Masterplan, and paragraph 6.137 and 6.201 of the Strategic Planning Policy Statement;
3. The Union Street/Library Street area of the Inner North West Masterplan has a tighter grain characterised by historic buildings,

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terraced houses and industrial buildings. The proposal, by reason of its excessive scale, height and massing, would fail to respond to the existing urban context on Little Donegall Street and Carrick Hill, nor contribute positively to the cityscape and the legibility of the masterplan area. The proposal would therefore have an adverse impact on the character and appearance of the area, contrary to paragraphs 6.136 and 6.137 of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7: Quality Residential Environment; and

4. The proposed development would provide 1,300 sqm of outdoor private amenity space (an average of only 1.6 sqm per student bed space), substantially less than the guidance contained in Creating Places of a minimum of 10 sqm to 30 sqm. Moreover, the proposal fails to provide public open space with the development with none of the exceptions criteria set out in Planning Policy Statement 8 having been satisfied. The proposal would provide a substandard level of private communal amenity space and public open space and would therefore create a deficient living environment for residents, contrary to the principles of good place making. The proposal is contrary to paragraph 5.20 of Creating Places, paragraphs 6.137 and 6.201 of the Strategic Planning Policy Statement, Policy OS 2 of Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation, and Policy QD1 of Planning Policy Statement 7: Quality Residential Environments.

On a vote, seven Members voted for the proposal, two against and five no votes, and the proposal was declared carried.

LA04/2021/2815/F - Deferred Item returning to committee. 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.

The Principal Planning Officer outlined to the Committee an additional objection that had been received from Tesco and he reported that, following the receipt of the objection, an independent review of the retail impact assessment had been carried out on behalf of the Council that concluded that the proposal was acceptable from a retail impact perspective.

He stated that the report had considered the original objection from the Irish Football Association (IFA) and that the boulevard remained in Council ownership and that the IFA had been granted limited control of the boulevard before, during and after a major event only and

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that officers had considered this the main issue for concern for the IFA and were satisfied that all issues had been addressed.

He pointed out that the Department for Infrastructure had been consulted and had indicated no concern with regard to access, parking and traffic management.

He concluded by stating that it was recommended that the application be approved, subject to conditions as the proposal was compliant with planning policy and the development plan and that third party objections had been considered.

The Chairperson welcomed Mr. P. Stinson and Ms. E. Kelly from Turley, and Mr. J. Pringle from A&L Goodbody, who attended on behalf of the IFA in objection to the application. Ms. Turley explained that the IFA was not against the principle of the proposed development but had concern with regards to how the stadium would be able to operate and co-exist with the proposed development without impacting the operations of the stadium and maintain a safe environment on event days.

She stated that it was the view of the IFA that the Council had failed to properly relay the obligations set out in the overarching agreement to Lidl, which applied to all events and pointed out that the PSNI would not necessarily be present on event days.

She concluded by stating that the IFA was requesting that the agreement for all parties would be updated to reflect the measures that occur at all events and that the agreement should be a condition of grant of planning permission.

The Chairperson invited Councillor Tracy Kelly, who was in attendance in support of the application to ,make a representation to the Committee.. She welcomed the support for the application and stated that the local community was in need of a discount supermarket and wished for the application to be approved. She stated that the objection to the proposal was disappointing and pointed out that any development on the site would be accompanied by increased traffic.

The Chairperson welcomed Mr. S. Beattie KC, Mr. D. Monaghan of MBA Planning and Mr. S. Tomlinson from AECOM to the meeting on behalf of the applicant, and Mr. B. Dickson and Mr. E. Poots MLA in support of the application.

Mr. Beattie KC explained, in response to the objection to the application from Tesco, that there was almost 9000 people within the catchment area with ample accessibility through public transport and that there was strong local support for the application.

He addressed the concerns that had been raised by the IFA and stated that the applicant had no issue with regard to major events and that Lidl would have little influence in regard to issues that may occur with patrons of the Olympia Leisure Complex accessing the boulevard during fixtures. He concluded by stating that the proposal was a good inward investment.

Mr. Poots MLA stated that the proposal would be of great benefit to the local community and did not believe any of the objections received had been valid and encouraged the Committee to support the recommendation and approve the application.

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The City Solicitor referred to the established procedures which were in place since 2016 in relation to major events and assured the Committee that if there were any issues or learnings with regard to how the Council manages and controls the land that it owns at the boulevard, it would be addressed by officers.

The Committee granted full planning permission, subject to conditions, and delegated authority for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any other matters which may arise.

LA04/2022/1479/F - Deferred Item returning to committee. Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping. Former NI Water Ltd Sewage Treatment Works, Blackstaff Road

The Committee agreed to defer consideration of the item in order that it is considered at the same Committee meeting as application. LA04/2022/1280/F relating to the adjacent land.

LA04/2022/0311/F - Erection of 40 no. residential units and 2 no. commercial units with associated car parking, cycle storage servicing, landscaping with access off Balmoral Avenue. The King's Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue west of Harberton Park and north-east of Balmoral Golf Club Belfast

The Senior Planning Officer provided the Committee with an overview of the application and highlighted the following issues for consideration in the assessment of the application:

- Principle of development;
- Impact on the Conservation Area;
- Height, Scale, Massing Design, Layout and Materials;
- Impact on surrounding amenity;
- Impact on the setting of the listed King's Hall;
- Landscaping;
- Access, Movement and Parking;

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- Environmental (Contamination, Noise, Air Quality); and
- Drainage/Flood Risk.

She pointed out that eight objections had been received with regard to the proposal which raised concerns relating to the access arrangements from Balmoral Avenue and the impact of the development on neighbouring amenity, and that the access arrangements had been approved as part of phase one of the King's Hall redevelopment. She referred to a late objection which had been received that raised concern that the new access would be used as a through road between Lisburn Road and Balmoral Avenue and pointed out that a condition of the original permission was that there would be no through route between Lisburn Road and Balmoral Avenue, except to permit servicing and that a permanent barrier would access control.

She concluded by stating that the recommendation to the Committee was that the application be approved, subject to conditions and a Section 76 Agreement, as there had been no objections received from consultees, all third-party objections had been considered and that the application complied with planning policy and the development plan.

The Committee approved the application, subject to conditions and a Section 76 planning agreement to secure green travel measures and management of open space, and delegated authority for the Director of Planning and Building Control to finalise the wording of conditions, the Section 76 Agreement and any other issues which might arise

**LA04/2021/0319/F - (Addendum Report,
withdrawn from February Committee)
Proposed use of hard standing area as
overflow car park with a free draining
surface and soft landscaping scheme,
to serve existing approved uses on-site.
115 Blacks Road - Lands to north of square
golf training area east of the 3G Dome, south
of 45 and 46 Garnock Hill.**

The Planning Manager explained that the application had been withdrawn from the meeting of the Committee in February following the submission of late supporting information from the application and that following consideration of the further information, the officers' recommendation had changed to, on balance, approval of the application.

He outlined the application to the Committee and stated that, having regard to the nature of the site and the wider area of open space, officers were content that the proposal presented exceptional circumstances and therefore complied with Policy OS1 of PPS 8.

He added that there had been no objection received from DfI Roads, Environmental Health or consultees and that four third-party objections had been considered.

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

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LA04/2021/2396/F - Conversion, alteration and demolition of rear return of former office building to 6No. apartments and construction of 30No. apartments, parking and associated developments, Land to the west and including No. 81 University Street

The Senior Planning Officer provided the Committee with an overview of the proposal and highlighted the following key issues to be considered:

- Principle of development;
- Height, Scale, Massing, Layout and Design;
- Residential Amenity;
- Access / Parking / Movement pattern;
- NI Water Consultation; and
- Consideration of Representation.

She reported that officers were recommending that the application be approved, on the basis that the previous refusal reason for lack of parking had been addressed with additional parking and proposed green travel measures and that the application had been deemed compliant with relevant policy and the development plan.

The Committee granted planning permission, subject to conditions and the completion of the Section 76 planning agreement, and delegated authority for the Director of Planning and Building Control to finalise the wording of the conditions.

**LA04/2021/2846/F –
Change of use of ground floor of No. 23 to
amusement arcade including extension and
frontage alterations to allow for amalgamation
with No22, 22/23 Shaftesbury Square.**

The Planning Manager outlined the application to the Committee and highlighted the following key issues:

- Principle of amusement arcades in this location;
- Impact on the character and appearance of the area; and
- Impact on amenity.

He explained that Building Control had expressed concern around the increase in arcade machines which had been considered and he highlighted that the proposal was to extend an existing amusement arcade and not to create a new amusement arcade premises, located within the city centre where main town centre uses, as such, were considered acceptable, in principle. He reported that there would be no harmful impacts on the character and appearance of the area, amenity or transportation.

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He pointed out that no third-party objections had been received and that it was recommended that planning permission be granted.

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

LA04/2022/2137/F - Proposed detached modular temporary classroom and toilet unit with ramp for access at Gael-Ionad Mhic Goiland. Relocation of existing temporary classroom (ref LA04/2021/2577/F) and existing palisade fencing on boundary moved 10.5m south to facilitate the new temporary unit.

The Committee considered the application and approved the application for a temporary period of 36 months, subject to conditions, and delegated authority for the Director of Planning and Building Control to finalise the wording of conditions.

LA04/2022/2220/F - It is proposed to erect an art installation of 10 no. printed diabond panels of 2400mm x 1200mm, which will be attached to the existing metal boundary fence of the premises using appropriate fixings. The work is to be undertaken as part of a Business Cluster Support Project funded by Belfast City Council, 10-14 York Road

The Committee considered the application and granted temporary planning permission for a period of three years, subject to conditions and delegated authority for the Director of Planning and Building Control to finalise the wording of conditions

LA04/2023/2458/F - Demolition of existing garage and conservatory and erection of single storey extension to side and rear of dwelling, 61 Belmont Park.

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

Miscellaneous Items

Delegation of Local Applications with NIW Objections

The Committee considered the undernoted report:

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“1.0 Purpose of Report or Summary of Main Issues

- 1.1 The Planning Committee will recall that at its meetings on 27 June 2022, 14 November 2022 and 14 February 2023, it agreed to delegate authority to the Director of Planning and Building Control the determination of a number of Local applications to which NI Water had objected.
- 1.2 The Council continues to receive objections from NIW to some Local applications. The purpose of this report is to seek the Committee’s agreement to delegate to officers those Local planning applications to which NI Water has objected.
- 1.3 For the avoidance of doubt, it is only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water which are proposed to be delegated. Therefore, any of the Local applications which it may later transpire require to be referred to the Committee for other reason/s (other than the NI Water objection) will be reported to the Committee to determine. Individual Members can also still request that the applications are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.

2.0 Recommendation

- 2.1 That the Committee agrees to delegate to the Director of Planning and Building Control those Local planning applications to which NI Water has objected.

3.0 Main Report

Background

- 3.1 The Committee will be aware from the Committee Workshop on 18 November 2021 that NI Water has objected to a significant number of Local applications on grounds of insufficient waste-water infrastructure capacity.
- 3.2 As advised at the Committee Workshop, officers have been engaging with NI Water to try to resolve those objections. Whilst progress is being made, and NI Water is actively considering a threshold for the scale and nature of development above which they would like to be consulted on future planning application, the objections to these Local applications remain.

Scheme of Delegation

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- 3.3 Members will be aware that the Council operates a Scheme of Delegation for Planning which identifies which matters are to be determined by the Committee and which are delegated to officers.
- 3.4 Paragraph 3.8.5 (f) of the Scheme of Delegation (January 2020) states that planning applications are not delegated where '*There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve.*' This means that those applications are required to be determined by the Planning Committee.
- 3.5 The Planning (General Permitted Development) Order (Northern Ireland) 2016 identifies NI Water as a statutory consultee '*...where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.*'
- 3.6 This means that where NI Water has lodged an objection to a Local application and the officer recommendation is to approve, the application cannot be delegated and must be determined by the Committee.
- 3.7 Therefore, at its meeting on 27 June 2022, 14 November 2022 and 14 February 2023, the Committee agreed to delegate 97, 25 and 18 Local applications respectively with NI Water objections to the Director of Planning and Building Control. This has avoided the potential need to report all 140 applications individually to the Committee. To have reported all those applications to the Committee would have been logistically extremely difficult, costly and would have resulted in further delays for applicants.

Nature of NI Water objections

- 3.8 NI Water has lodged objections to Local applications for one or both of the following reasons.
- a) There is insufficient capacity at the local Waste Water Treatment Plant to support the proposed development; and/or
 - b) There is insufficient network capacity within existing Combined Storm Overflows to support the development.
- 3.9 In broad terms, NI Water is concerned that a lack of infrastructure capacity would give rise to risk of environmental harm including pollution, flooding and adverse impact on existing property. In some cases, NI Water is concerned that the application site may be hydrologically linked to Belfast Lough and may harm its water quality.

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- 3.10** However, despite requests, NI Water has to date not provided robust evidence to support individual objections including demonstration of actual specific impacts resulting from individual proposals that stems from their broad concerns outlined above.
- 3.11** Importantly, allowance must be made for existing significant committed development across the city including extant planning permissions. It is highly unlikely that all such development, which includes unimplemented permissions for over 20,000 houses and significant levels of commercial floor space across the city, will come forward at once, if at all. In practical terms it would be unreasonable for the Council to withhold planning permission given the fall-back of the need to connect those developments to existing waste water infrastructure.
- 3.12** In the case of Waste Water Treatment capacity, NI Water advises that there will be increased capacity from July 2023, albeit this will not be sufficient to address long term waste water treatment plant infrastructure requirements.
- 3.13** The Council must be mindful that were it to refuse planning permission based on NI Water's concerns, it would need to provide robust evidence to the Planning Appeals Commission in the event that the applicant appeals the decision. In the absence of robust evidence, it would be unreasonable to refuse planning permission.

Habitats Regulations Assessment

- 3.14** Officers have met with Shared Environmental Services (SES). Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also 'in combination' impacts with other development.
- 3.15** Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a 'significant effect' on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification the Council will consult SES and ask them to undertake a HRA

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Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This would also trigger statutory consultation with DAERA NI Environment Agency. The Planning Service will consult SES and DAERA on a case by case basis as required.

Local applications for which delegated authority is sought to determine

3.16 The further Local applications to which NI Water has objected and which delegated authority is sought to determine are listed at Appendix 1.

3.17 It should be noted that only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water are proposed to be delegated. Therefore, any of the Local applications listed which it transpires need to be referred to the Committee for other reason/s under the Scheme of Delegation will be reported to the Committee to determine. Individual Members can also still request that the applications are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.

4.0 Financial & Resource Implications

4.1 Officers are aware of the infrastructure issues which NI Water are facing and have had regard to that in making this recommendation to Committee. However, each application must be assessed on its own merits and officers have sought detailed evidence to support the objections which have been provided by NI Water. That has not been forthcoming.

4.2 The cost and resources involved in individually reporting all Local applications to which NI Water has objected to the Planning Committee would be considerable. It would also require several additional sittings of the Committee.

4.3 Regard is also had to the considerable current pressures on the Planning Service and staff with an extremely high volume of live applications on hand due to the longer-term impacts of COVID-19 and ongoing technical issues with the new Planning Portal. The impacts of COVID-19 and other operational pressures were reported in detail to the 15th February 2022 Planning Committee, [item 12a](#). (hyperlink). In addition, technical issues with the new Planning Portal have reduced the rate of decisions. Combined with several key vacancies, total live applications have increased to around 1,100 application, an approximate 40% increase since pre-pandemic levels. It is very important that the Planning Service implements a range of measures to reduce live applications back

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down to more manageable levels. This includes securing delegated authority from the Committee for officers to deal with these Local applications subject to NI Water objections.

4.4 For the reasons set out above, officers are of the view that it would be appropriate to continue to delegate these applications.

5.0 Equality or Good Relations Implications / Rural Needs Assessment

5.1 No adverse impacts identified.”

The Committee agreed to delegate authority to the Director of Planning and Building Control to determine those Locals applications, subject to NI Water objections.

Chairperson