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**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**

9th March, 2016

MEETING OF PLANNING COMMITTEE

Dear Alderman/Councillor,

In addition to those matters previously notified to you, the following item will also be considered at the meeting to be held at 5.00 pm on Tuesday, 15th March, 2016, in the Banqueting Hall.

Yours faithfully,

**SUZANNE WYLIE
Chief Executive**

AGENDA:

- (x) Z/2014/0202/F - Demolition of modern extension to, and restoration, conversion and extension of listed building for 12 apartments and construction of 11 dwellings, car parking, landscaping and ancillary development with access arrangements from Albert Street - 89 Durham Street (Pages 1 - 12)

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Summary	
Committee Meeting Date: 15 March 2016	
Application ID: Z/2014/0202/F	
Proposal: Demolition of modern extension to, and restoration, conversion and extension of listed building for 12 apartments and construction of 11 dwellings, car parking, landscaping and ancillary development with access arrangements from Albert Street (23 residential units in total)	Location: 89 Durham Street Belfast BT12 4GB
Referral Route: Major Application	
Recommendation:	Approval
Applicant Name and Address: Clanmill Developments Ltd c/o Agent	Agent Name and Address: Turley Associates Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary: The application seeks full planning permission for demolition of modern extension to, and restoration, conversion and extension of listed building for 12 apartments and construction of 11 dwellings, car parking, landscaping and ancillary development with access arrangements from Albert Street (23 residential units in total).</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> - The acceptability of housing at this location; - The acceptability of the change of use and extension to listed building; - Impact upon setting of the listed building; - Contaminated Land; - Noise Impact; - The impact on existing roads infrastructure. <p>The site is located within the Belfast City Centre as designated in the Belfast Metropolitan Area Plan. The site is located on unzoned land.</p> <p>Consent for the detailed works to the listed building is sought under associated current application Z/2014/1636/LBC.</p> <p>The principle of residential development is acceptable at this location and any potential negative impacts on the setting and character of the listed building have been addressed in revisions to the initial layout and the detailed plans.</p> <p>NIEA Historic Buildings Unit is content with the principle of the proposal and are satisfied that the proposed extension to the listed building will not compromise the integrity of the structure nor will the dwelling units within the site adversely affect its setting.</p> <p>The scale, design and massing are found to be acceptable given the current building on site and the established two storey terraced character of the adjoining residential area. There will be no significant impact on neighbouring amenity as a result of the development.</p>	

TransportNI, NIWater, NIEA Historic Buildings and Historic Monuments Units, and Belfast City Council's Environmental Protection Unit have offered no objections to the proposal and standard conditions are to be applied.

Initial concerns with regard to potential impact on neighbouring amenity have been addressed through amendments to layout and design of the apartment element of the scheme.

The proposal has been assessed against the – Belfast Metropolitan Area Plan; and relevant planning Policies contained within the Strategic Planning Policy for Northern Ireland, Planning Policy Statement 3: 'Access Movement and Parking', Planning Policy Statement 6: 'Planning, Archaeology and the Built Heritage', Planning Policy Statement 7: 'Quality Residential Environments' and Planning Policy Statement 12: 'Housing in Settlements'. The proposed is considered to be in accordance with the Belfast Metropolitan Area Plan relevant planning policies, and other material considerations.

Recommendation

Approve subject to conditions set out in case officers report.

Case Officer Report

Site Location Plan



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development Redevelopment of the former Blood Transfusion building to provide 12 apartments and construction of 11 dwellings, car parking, landscaping and ancillary development with access arrangements from Albert Street (23 residential units in total).</p>
2.0	<p>Description of Site Brownfield site located at junction of Albert Street and Durham Street. Former NI Blood Transfusion Building.</p> <p>The existing building is 2 storeys high (with high floor to ceiling heights) with a single storey extension to the immediate rear rising to a two storey block adjacent to the western boundary. The original building has a maximum ridge height of 13.5m falling to 10.8m. The single storey rear extension has a ridge height of 4.2m rising to 8.8m to the flat roofed two storey element to the west. The building is 23m wide (Durham Street frontage) with a depth of 35.5m (including rear extensions).</p> <p>The building is surrounded by hard standing, most of which has been given over to car parking.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History
3.1	No relevant planning history on the site
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015 Policy TRAN 1 Parking Standards with Areas of Parking Restraint.
4.2	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 12 – Housing in Settlements
5.0	Statutory Consultees Transport NI – No objection NIEA Historic Buildings Unit – No objection NIEA Historic Monuments Unit – No objection NIEA Water Management Unit – No objection
6.0	Non-Statutory Consultees Environmental Health BCC – No objection
7.0	<p>Representations 2 letters of objection was received. Summary of Issues raised:</p> <ul style="list-style-type: none"> - Loss of light due to scale of apartment block. - Overlooking from apartments.

	<ul style="list-style-type: none"> - The new dwelling adjacent to the listed building (on the original layout) fails to safeguard its character and setting. - The proposed extension to the listed building would detract from its character, and materials and detailing are out of keeping with existing building. - Details of how asbestos is to be removed should be provided.
8.0	<p>Other Material Considerations N/A</p>
9.0	<p>Assessment</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - The acceptability of housing at this location; - The acceptability of the change of use and extension to listed building; - Impact upon setting of the listed building; - Contaminated Land; - Noise Impact; - The impact on existing roads infrastructure;
9.1	<p>Principle of Redeveloping the Site & Height, Scale and Mass</p> <p>The site is located within the development limits of the Belfast Metropolitan Area Plan on unzoned (white) land. The presumption is therefore in favour of development subject to the planning considerations detailed below:</p> <p>The site is located to the immediate south the Divis Protected City Centre Housing Area (CC021/ 09). It is also located adjacent to an area highlighted in the Area Plan for future junction improvements (CC022/03), the junction of Durham Street and Albert Street.</p> <p>The proposal has been assessed against paragraphs 4.23-4.29 of the SPPS. The design of the dwellings are in keeping with the established two storey terraced context in the surrounding area, with similar window/wall proportions shown on the more recent housing along either side of Barrack Street and in Stanley Court to the west. The red brick finish and natural slate roofs give a nod to the traditional finishes acknowledge the more established two storey terraced streetscape along Galway Street. The proposed extension to the listed building is subservient, and shall be discussed further below, with NIEA satisfied it will not detract from the character of the building.</p>
9.2	<p>Listed Buildings and Historic Monuments</p> <p>The proposal has been assessed against Policy BH8 of Planning Policy Statement 6. The proposal includes an extension to a listed building, the former Blood Transfusion Centre (a Grade B2 listed building of special architectural and historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. Although three storeys in height compared to the two storeys of the existing building the lower floor to ceiling heights ensure the extension remains approximately 1m lower than the ridge of the listed building. The flat roof and contemporary take on traditional proportions shall ensure that the extension will appear subservient to the listed building, especially when viewed from the front with an element visible to the side of the building on the western approach along College Square North.</p> <p>NIEA:HBU under BH11 of PPS6 also had initial concerns regarding the siting of dwelling 07C. This was originally located on the plot of land immediately south of the listed building at the junction of Albert Street and Durham Street. Subsequently the layout was amended and the area now proposed as open space, and the dwelling relocated to the rear of the site. NIEA are now satisfied.</p> <p>The proposal has been assessed against Policy BH4 of PPS6. NIEA Historic Monuments Unit</p>

has offered no objections to the proposal. This development proposal falls within the Area of Archaeological Potential identified for the historic settlement of Belfast and defined within the draft BMAP 2015. In addition, the application site is located close to a number of known industrial heritage sites, including a weaving factory and mill site.

Consequently, if this application is to be approved, it must be conditional on the agreement and implementation of a developer-funded, detailed programme of archaeological works, to identify and record any archaeological remains in advance of new construction, or provide for their preservation *in situ*, as per PPS 6 Policy BH 4. The conditions are detailed below.

9.3 Quality Residential Development

The proposal has also been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas.

The site is located adjacent to an established inner city residential area within Belfast City Centre. The built context is a mix of the established two storey terraced character to the north and east and the larger institutional scale buildings further west and east/ south-east of the site. The site is effectively located on the periphery of an established residential area. The two storey terraced frontage proposed onto Albert Street is reflective of the character of the Barrack Street area to the north with its rows of more modern terraced properties. The apartment element of the proposal is somewhat modest in comparison to the high rise Durham House immediately east of the site which provides a strong frontage along College Square North. The mix of tenure is acceptable in the site given this mixed character in the area immediately surrounding the site and with limited views into the site there will be no damage to the character of the area as a result of the proposed layout.

In terms of potential impact on surrounding amenity there were initial concerns raised as a result of an amended layout which brought the three storey apartment block much closer to the northern boundary and to the terrace of dwellings along the western side of Barrack Street. The proposal has since been amended with a separation distance of approximately 18m to the northern boundary of the site. All windows in the north facing elevation have also been completely removed and thus there will be no overlooking experienced.

In terms of the properties in Stanley Court to the west of the site the three storey apartment block is located approximately 20m from the eastern boundary at its closest point. This separation distance, with a 1.8m fence along the western boundary, should ensure overlooking would be minimal and certainly not significant from the windows of the three proposed bedrooms and 2 living areas which are located on the first and second floors of the apartment block which would sit closest to the western boundary. The house (06c) located between the apartments and Stanley Court would also provide a degree of screening and reduce any potential overlooking.

The proposed row of terraced dwellings fronting onto Albert Street in the south-west corner of the site sit gable onto the rear of Nos. 5-8 Stanley Court. The gable of the end dwelling sits approximately 10m away from the nearest dwelling in Stanley Court, and this separation distance rises to approximately 16m given the orientation of the dwellings. Given the inner urban context of the site and the orientation of the proposed dwellings there will be no significant level of overbearing/ overshadowing experienced to the rear of the existing dwellings in Stanley Court. The first floor window in the gable of the proposed dwelling is an obscured

bathroom window and thus there will be no direct overlooking onto the rear of the existing properties. Similarly In the north-west corner of the site a row of five dwellings sits gable onto the rear of Nos. 17-21 Stanley Court. However the gable of the nearest dwelling is located approximately 15m from the rear wall of this row of three existing dwellings. This separation distance, when considered in line with the path of the sun and the eastern facing rear gardens of the existing dwellings, should ensure there is no unduly significant overbearing/overshadowing experienced by the residents in these properties.

Environmental Protection Unit have raised no objection in relation to impact on amenity. On review of the F.R. Mark Noise Impact Assessment, the Environmental Protection Unit suggests consideration is given to attaching a condition to any approval, should permission be granted, to ensure the appropriate noise mitigation measures are carried out. This condition is detailed below.

9.4 **Noise Impact**

EHO have noted that the proposed development is located in close proximity to the city centre with the busy West Link corridor to the rear.

On the basis of the information submitted and in the event that planning permission is to be granted, EHO have requested that conditions are attached to any decision notice should approval be granted. These are detailed below.

9.5 **Traffic and Parking**

The proposal has been assessed against PPS3, TRAN 1 and policy CC025 of BMAP and is considered acceptable. In the final drawings submitted 18 parking spaces have been provided including in curtilage parking for a complex needs dwelling as well as secure weather protected cycle shelter for up to 12 bicycles. While the Transport NI response is outstanding all the information has now been submitted and the final wording of any conditions is requested to be delegated to the Director following completion of the consultation process.

9.6 **Bin Storage**

With regard to bin storage, the applicant has shown a substantial bin storage area for the apartments. However; the final location and treatment of the bin storage area is conditioned to allow the setting of the listed building to be respected.

It is considered necessary to condition any approval to ensure an adequate waste management strategy is delivered for the collection and disposal of waste.

9.7 **Consideration of Objections**

Loss of light due to scale of apartment block – The objection was made on the back of an amended scheme which increased the extension to the listed building, and increased the footprint of the 3 storey apartment block, bringing it to within 5m of the northern boundary, and within approx. 11m from the boundary of the end terraced property on Barrack Street. The layout was subsequently amended to address these concerns with the apartment element of the scheme now located approximately 18m from the northern boundary. There should be no significant impact on the amenity of the dwelling adjacent to the northern boundary which shall now have a two storey terraced dwelling backing onto it, approximately 12m from the curtilage of the existing dwelling.

- Overlooking from apartments.

As stated above the 3 storey apartment element of the scheme has been amended and pulled further from the northern boundary of the site. A blank northern gable shall ensure there is no overlooking onto the amenity of the dwellings along Barrack Street.

In terms of the properties to the west in Stanley Court the boundary is approximately 20m away from the rear of the apartments at its closest point. This separation distance should ensure there

	<p>is no significant degree of overlooking experienced onto the rear of these existing dwellings.</p> <p>- The new dwelling adjacent to the listed building (on the original layout) fails to safeguard its character and setting. The issue was raised by NIEA and the dwelling was subsequently removed from the area beside the listed building. This area has now been given over to open space, an approach welcomed by NIEA.</p> <p>- The proposed extension to the listed building would detract from its character, and materials and detailing are out of keeping with existing building. NIEA are satisfied that the proposed three storey flat roofed extension will be sympathetic to the character of the listed building and the contrast in scale, proportions and design shall ensure that it is read as an extension and thus does not dominate or draw attention from, or compete visually with the original building.</p>
10.0	Summary of Recommendation: Approval
10.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission should be approved for the following reasons.
10.2	The proposed housing layout is acceptable, following amendments which have now addressed original concerns regarding potential impact on neighbouring amenity and setting of the listed building.
10.3	Proposed alterations and additions to listed building now acceptable and comply with PPS6.
11.0	Conditions
11.1	As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: Time Limit.
11.2	The residential buildings associated with the proposed development shall be designed to achieve the guideline internal noise levels for residential properties included in the guidance document BS8233:2014 Sound Insulation and Noise Reduction for Buildings - Code of Practice. Internal noise levels should: <ul style="list-style-type: none"> • not exceed 35 dB LAeq (1 hour) at any time between 07:00 hrs and 23:00 hrs within any habitable room, with windows closed and alternative means of ventilation provided in accordance with current building regulation requirements • not exceed 30 dB LAeq at all other times measured over a five minute period within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building regulation requirements. • not exceed 45 dB LAm_{ax} for any single sound event between 23:00 hrs and 07:00 hrs within any proposed bedrooms with the windows closed and an alternative means of ventilation provided in accordance with current building regulation requirements.
11.3	On completion of the development an acoustic verification report should be submitted to Planning Service. The verification reports must demonstrate that the design mitigation measures incorporated into the buildings, e.g., glazing units, frames, window seals and ventilation, have achieved a suitable internal noise climate within habitable rooms during the day and at night, as conditioned in this decision notice.
11.4	No site works of any nature or development shall take place until a developer-funded programme of archaeological work, has been implemented, in accordance with a written

	<p>scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p> <p>Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p> <p>11.5 Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.</p> <p>Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.</p> <p>11.6 Prior to commencement of the development the final location and treatment of the bin storage area shall be submitted to and agreed by the Council.</p> <p>Reason: To ensure the provision of adequate bin storage.</p> <p>Informatives</p> <p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least four weeks before work is due to begin, contact: NI Environment Agency Historic Monuments Unit</p> <p>Quote reference: SM 11/1 ANT 61:17</p> <p>Application for the excavation licence, required under the Historic Monuments and Archaeological Objects(NI) Order 1995, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to Northern Ireland Environment Agency – Historic Monuments Unit, Excavation Licensing, Waterman House, 5 - 33 Hill St, Belfast BT1 2LA</p>
12.0	Notification to Department (if relevant) N/A
13.0	<p>Representation from elected member:</p> <p>Fra McCann MLA present at office meetings representing occupants of neighbouring dwellings.</p>
<p>Neighbour Notification Checked Yes</p>	

ANNEX

Date Valid	14th February 2014
Date First Advertised	28th February 2014
Date Last Advertised	18th December 2015

Details of Neighbour Notification (all addresses)

1 Stanley Court Town Parks Belfast
 11 Stanley Court Town Parks Belfast
 13 Stanley Court Town Parks Belfast
 15 Stanley Court Town Parks Belfast
 17 Stanley Court Town Parks Belfast
 19 Stanley Court Town Parks Belfast
 2 Galway Street, Town Parks, Belfast, Antrim, BT12 4AF,
 21 Stanley Court Town Parks Belfast
 3 Stanley Court Town Parks Belfast
 5 Stanley Court Town Parks Belfast
 58 Durham Street Town Parks Belfast
 68 Durham Street, Town Parks, Belfast, Antrim, BT12 4GB,
 7 Stanley Court Town Parks Belfast
 Jean McMahan Chairperson St. Mary's Community Group
 76-78 Hamill Street Town Parks
 Robert McMahan
 87 Durham Street Town Parks Belfast
 89 Durham Street, Town Parks, Belfast, Antrim, BT12 4GB,
 9 Stanley Court Town Parks Belfast
 Christ Church (c Of I) College Square North Town Parks
 Flat 101, Durham House, College Square North, Town Parks, Belfast, Antrim, BT1 6AR,
 Flat 102, Durham House, College Square North, Town Parks, Belfast, Antrim, BT1 6AR,
 The Flat 103, Durham House, College Square North, Town Parks, Belfast, Antrim, BT1 6AR,
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 Flat G01, Durham House, College Square North, Town Parks, Belfast, Antrim, BT1 6AR,

Date of Last Neighbour Notification

26th November 2015

Date of EIA Determination

N/A

ES Requested

Yes /No

Drawing Numbers and Title

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