

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 31 <sup>st</sup> August 2022	
<b>Application ID:</b> LA04/2021/1231/O	
<b>Proposal:</b> Demolition of existing buildings and erection of 36 No. apartments in 2 blocks rising to 3 storeys with associated basement car parking, and landscaped areas	<b>Location:</b> 385 Holywood Road, Ballymisert, Belfast, BT4 2LS
<b>Referral Route:</b> Referral request from Cllr Cobain	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> P McClean 402 Lisburn Road Belfast BT9 6GN	<b>Agent Name and Address:</b> Povall Worthington Ltd Unit1 405 Holywood Road Belfast BT4 2GU
<p><b>Executive Summary:</b></p> <p>The proposal is for outline planning permission for the demolition of existing buildings and erection of 36 No. apartments in 2 blocks rising to 3 storeys with associated basement car parking, and landscaped areas.</p> <p>A report was previously published in June 2022 and the application was listed for Planning Committee on 27<sup>th</sup> June 2022, however, the applicant through their legal representative requested a six week delay to afford the applicant a further opportunity to address the reasons for refusal. To date the Planning Service has received no further plans or information in respect of this application. The applicant requested another meeting, this was declined on the basis that meetings had taken place at both PAD stage and application stage and extensive advice has been given.</p> <p>By way of an update, the following additional information is contained in this report:</p> <ul style="list-style-type: none"> <li>• Correspondence received on 24<sup>th</sup> June from Carson McDowell LLP on behalf of applicant.</li> <li>• Representation received by Donaldson Planning on behalf of objector Dennis D. Evans and Co. (NI) Ltd on the 21<sup>st</sup> June 2022.</li> <li>• Environmental Health consultation response received 18<sup>th</sup> August 22</li> </ul> <p>The Key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• Principle of redevelopment and residential use</li> <li>• Loss of employment use</li> <li>• Impact on existing adjacent employment uses</li> <li>• Design, layout and impact on the character and appearance of the area</li> <li>• Impact on residential amenity</li> </ul>	

- Access and Parking
- Drainage and Flood Risk
- Environmental Health

The applicant seeks outline permission i.e to establish the principle of proposed development on the site.

The adopted Belfast Urban Area Plan 2001 designates the site as un-zoned white land. Draft BMAP 2004 and 2015 both designate the site as un-zoned white land. The existing use of the land is as employment and PPS 4 sets out where land is used for employment it should be retained. Whilst the applicant demonstrated that there are locations that the employment use could be re-located to, the proposal still fails to meet the tests of the policy, as set out in the report. Therefore, it is considered that the proposal is contrary to PPS 4 Policy PED 7 (Retention of Economic Development Uses) in that the proposal would result in the loss of existing economic development uses as proposed. In addition, the introduction of an incompatible landuse i.e residential use to an employment site has the potential to result in the loss of the remaining employment uses contrary to PED 8 (Development incompatible with Economic Development Uses) by potentially prejudicing the effective operation of the remaining employment use and potentially impacting the amenity of new residents by way of nuisance and disturbance.

The scale, mass, and design of the buildings is considered to be unacceptable and out of character with the area. The layout is unacceptable as it results in an unsatisfactory access and serving arrangements for prospective residents. In addition, servicing of the site is reliant on an area (outlined blue) shared with the economic development uses adjacent, this arrangement has the potential for conflict and is unacceptable.

Environmental Health requested further information (Noise). Rivers Agency (Drainage and flood risk) and DFI Roads (parking and reliance on the motor vehicle) have concerns with the proposal. NI Water has recommended refusal due to insufficient capacity.

The application has been advertised and neighbour notified. Three letters of objections relating to the loss of the economic development uses, incompatible with adjacent uses, concerns regarding security, access, rights of way and service arrangements have been received from existing employer adjacent to the site.

Recommendation:

**Refuse**

Having regard to the policy context and other material considerations, the proposal is considered unacceptable, and refusal of planning permission is recommended for the reasons set out below. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal subject to no new substantive planning issues being raised by third parties.

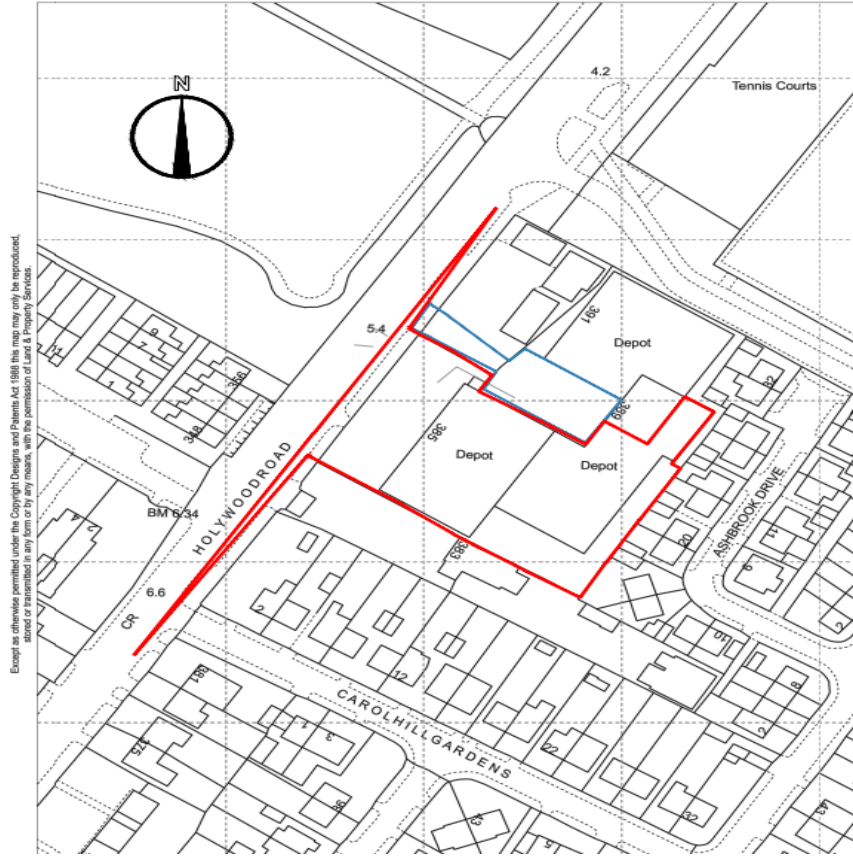
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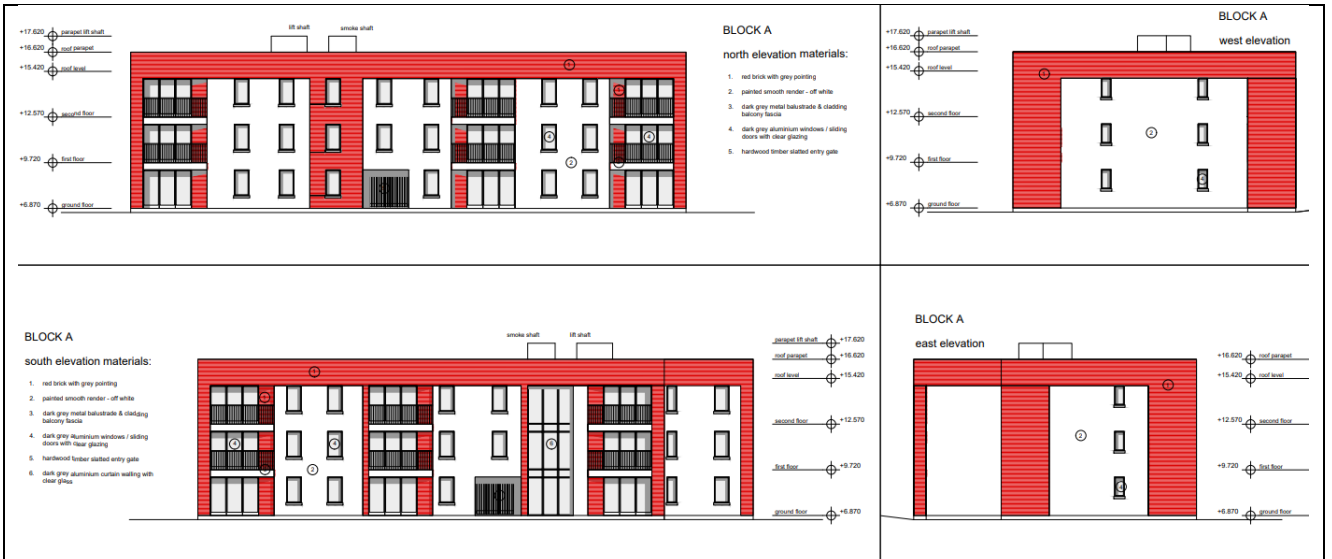


Case Officer Report	
Representations:	
Letters of Support	0
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Case Officer Report

Site Location Plan





**Characteristics of the Site and Area**

**1.0 Description of Proposed Development**

Demolition of existing buildings and erection of 36 No. apartments in 2 blocks rising to 3 storeys with associated basement car parking, and landscaped areas. The proposal is an outline application. The applicant has submitted a suite of plans

	<p>and elevations for the development. The proposal seeks outline planning permission for 36no. apartments in two blocks rising to three storeys. The development consists of 3no. three bed, 21no. two bed and 12no. one-bedroom apartments. The existing buildings on the site will be demolished to accommodate the development.</p>
<p><b>2.0</b></p>	<p><b>Description of Site and surrounding Area</b></p> <p>The site currently comprises two storey commercial buildings that are occupied by two businesses and with a separate building south west occupied by a community group. The larger building is utilitarian in design and finished in grey brick with a blue cladding detail along the east line. The building is 4 bays deep but each having a pitched roof that runs parallel to the Hollywood Road and finished at corrugated metal tiles. The smaller unit to the south west has a glazed frontage with signage above the ground and first floors that runs the full width of the building. The roof has a very shallow pitch and is finished in metal cladding.</p> <p>In terms of the occupiers presently on the site, these comprise the following:</p> <p>Eds &amp; Eds, part of the KEW Electrical Group is located in the first two bays of the larger building fronting onto Holywood Road. This business is in large part electrical wholesaler with a retail showroom open to the public.</p> <p>The two bays to the rear of Eds &amp; Eds are occupied by Foster &amp; Sons removal company. Tenants include the Christian science reading room, the Cause Charity and Thorn lighting. To the rear at No. 391 is Denis D Evans commercial printers. All of these properties use the communal access and service yard with number 385. In the smaller unit fronting Holywood Road is Action Deaf Youth, a community outreach group.</p> <p>The wider area consists of a mixture of uses including commercial, residential, community and educational. The character of the road is defined by its wide, sweeping nature, with the building line generally well set back. The buildings are varied mix of style and material, typically two storey semi-detached dwellings to mid-century two storey apartments.</p> <p>Immediately to the south is a large, detached dwelling that has been converted into a B&amp;B (Ashfield B&amp;B). A number of two storey semi-detached dwellings back onto the site in Ashbrook Drive. To the North is an existing office development at number 393 Holywood Road.</p> <p>The area is relatively suburban in character within a sustainable location with good access to shops, services, jobs, and public transport. The area is a mixed but primarily medium to low density residential in character. The immediate site is commercial and occupied by a number of employers as set out above.</p> <p>In terms of topography, the site is approximately one metre above the level of Holywood Road and rises gradually up towards the rear. The roadside boundary comprises a one-metre-high brick wall with 1.5-metre-high railing on top. The northern boundary is part railing and part open to the service yard. There are several trees and other vegetation in the south western corner of the site. The site fronts onto an arterial route (Holywood Road) which it will be accessed from.</p>

<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Planning History</b></p> <p>Ref ID: LA04/2020/0058/O  Proposal: Erection of 42no. apartments in 3 blocks rising to 3 storeys with associated surface car parking and landscaped areas.  Address: 385 Hollywood Road, Ballymisert, Belfast, BT4 2LS,  Decision: WITHDRAWN  Decision Date: 02.11.2020</p> <p>Ref ID: LA04/2017/0109/O  Proposal: Erection of 49 apartments in 2 blocks with associated surface car parking and landscaped areas.  Address: 385 Hollywood Road, Ballymisert, Belfast, BT4 2LS,  Decision: WITHDRAWN  Decision Date: 28.02.2018</p> <p>Ref ID: Z/2007/2500/O  Proposal: 64no. residential apartments (in two 4 storey blocks) and 68no. car parking spaces with associated landscaped communal and individual gardens. (amended description &amp; plans)  Address: 385 Hollywood Road, Ballymisert, Belfast, BT04 2LS  Decision: WITHDRAWN  Decision Date: 13.06.2008</p> <p>Ref ID: Z/2008/2129/O  Proposal: 50 No. apartments (in two blocks) with associated surface car parking and landscaped areas. (amended plans)  Address: 385 Hollywood Road, Ballymisert, Belfast, BT04 2LS  Decision: Granted  Decision Date: 30.03.2010</p> <p>Ref ID: Z/1988/0554  Proposal: Extension to existing premises to provide ancillary offices, store and showroom.  Address: 389 HOLYWOOD ROAD, BELFAST BT4  Decision: Granted  Decision Date: 07.08.1988</p> <p>Ref ID: Z/1991/0634  Proposal: Conversion from vacant warehouse to manufacturer of shop and truck signs  Address: 397A HOLYWOOD ROAD BELFAST BT4  Decision: Granted  Decision Date: 09.09.1991</p>



<b>4.0</b>	<b>Policy Framework</b>
4.1	<p>BUAP  Draft BMAP 2015  Draft BMAP 2004  Strategic Planning Policy Statement for Northern Ireland (SPPS)  PPS 3 – Access, Movement and Parking  PPS 4 – Planning and Economic Development  PPS 7 – Quality Residential Environments  PPS 7 – Addendum Safeguarding the Character of Established Residential Areas  PPS 15 - Planning and Flood Risk</p> <p>Other Guidance</p> <p>DCAN 8 – Housing in Existing Urban Areas  Creating Places</p>
<b>5.0</b>	<b>Statutory Consultee Responses</b>
	<p>NIEA: No objection subject to the satisfaction of NI Water</p> <p>Belfast City Airport: No objection</p> <p>NIE: No objection</p> <p>NI Water: Objection - Wastewater treatment capacity issues</p> <p>DfI Roads: Unacceptable due to car parking provision and the lack of information (Parking Survey and Travel Plan)</p> <p>Rivers: Further information required relating to technical drainage information, flood mitigation measures and discharge consent.</p>
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b>
	<p>Environmental Health – Noise concerns</p> <p>Urban Design Officer- Further design changes required regarding façade articulation, boundary treatments. Concerns relating to internal space standards and servicing arrangements.</p> <p>BCC Development Plan Team- Indicated that there appears to be a significant supply of employment land within a 3km radius of the application and commented that development management should satisfy themselves that the proposal complies with regional planning policy including the SPPS and PPS 4 Policy PED 7.</p>
<b>7.0</b>	<b>Representations</b>
7.1	<p>The Council has received two representations to the proposal objecting to the proposal.</p> <p><i>No. 1: Judith English, Dennis D. Evans and Co. Ltd, 391 Holywood Road, Belfast.</i></p> <ul style="list-style-type: none"> <li>• Concerns around the loss of the employment uses.</li> <li>• Proposal is contrary to Policy PED 7 of PPS 4 and the SPPS.</li> </ul>

- Dispute over land ownership. Objector claims that a laneway is within the exclusive control and ownership of Dennis D. Evans & Co. (NI) Ltd.
- Objector claims that they own the yard where the proposed service vehicle access will be. They state that the applicant has a right of way over this yard, but it is not within the applicant's control.
- Concerns regarding use of yard for service vehicles as Dennis D Evans & Co. Ltd use it for business operations. Daily lorries and forklift truck movements in this yard. They state that the use of this yard for servicing apartments is incompatible with the existing use.
- Concerns regarding security. A security gate which is locked at night and over the weekends and the objector asks how residents will be able to access the area if it is secured.
- Concerns regarding potential boundary walls and associated security fears.
- Potential impact on existing businesses during construction and demolition.
- Lack of engagement from applicant to the objector's business regarding the proposal.

*No. 2: Donaldson Planning on behalf of Dennis D. Evans and Co. Ltd, Commercial Printing and Signage business*

- Proposal is contrary to the SPPS, PPS 4 Economic Development Policy PED 7 (Retention of Economic Development Uses) and Policy PED 8 (Development incompatible with Economic Development Uses).
- Proposal offers no alternative community, environmental or other benefits that would outweigh the loss of the employment use.
- Use of the yard for servicing arrangements is an indication of overdevelopment

Officers respond as follows to these objections (where those objections are not addressed in the main assessment later in the report).

- The report sets out the loss of the employment uses within the policy context. This is dealt with in the report.
- The applicant has indicated that the Property certificate on the P1 application form is correct and that the applicant owns the lands within the red line. The applicant acknowledges that there is a right of way in the adjoining blue area. This area is proposed to be used as part of the servicing arrangement for the proposal. This is dealt with in the report.
- Boundary walls and landscaping are considered in the report. EHO have recommended conditions relating to fencing which would mitigate against adverse noise and nuisance. Their use of the neighbouring yard as an area to bring the bins from and to the development to the roadside on collection days is discussed in the report.
- The comments relating to the impact on neighbouring businesses during demolition and construction are vague. However, subject to any approval any construction Management Plan would be conditioned.
- There is no statutory requirement for the applicant to directly engage with neighbours on the proposal. Neighbour notification is a statutory requirement for the Planning Authority and this has been undertaken.

- Compatibility matters are set out in the assessment section of the report.

*No. 3 A further representation was received by Donaldson Planning on behalf of Dennis D. Evans and Co. (NI) Ltd on the 2<sup>1st</sup> June 2022. The letter of objection was submitted following amendments to the proposal. They have no objection to the use of the right of way land for emergency vehicles. However, concerns have once again been raised in relation to the proposed servicing arrangement for bins. They feel that the proposed arrangement will pose a health and safety risk and have potential amenity and road safety issues. They have reiterated previous issues with holiday access arrangements as the yard is closed off for security purposes which will prevent the movement of bins.*

Officer comment: Officers have echoed the concerns raised above. These matters are dealt within the assessment section of the report.

- *The objection also states that there is no provision for service vehicles to the site.*

Officer comment: The proposal is contrary to PPS 3. Matters relating to access, servicing and parking are dealt with in the assessment section of the report.

- *This objection repeats concerns regarding PPS 4 Policy PED 7 and PED 8. They comment that the submission fails to address the critical policy issue in that there is no evident alternative community, environmental or other benefits. They comment that regarding the schedule of other potential warehouses are all a considerable distance from this location. They state that the policy requires the applicant to demonstrate that redevelopment as for employment use or mixed use which would hardware the loss of land for economic development use. They comment that the applicant has made no attempt to demonstrate that the subject site is no longer suitable for modern industrial for storage purposes unstop*

Officer comment: Officers do not disagree with the comments relating to PPS 4 Policy PED 7. Comments within the assessment section of the report support this position.

Correspondence received on 24th June from Carson McDowell LLP on behalf of applicant. They commented that,

- They are willing to engage with the Council further on the issues raised by officers (principle and design) and request to submit additional information.
- Their view that it had been agreed that issues such as parking and drainage would be addressed once the question of the acceptability of the proposal in principle had been resolved.
- Their planning consultant advised that concerns regarding height and scale have arisen for the first time in the planning report.
- They feel that it is only right that their client is afforded appropriate time to address the issues
- They request the application to be withdrawn from the schedule.
- In the event, that the Council is agreeable to this proposed course of action, the applicant is happy to commit to the provision of the necessary information within no more than 6 weeks.
- The opportunity is requested for Environmental Health to be able to respond to the outstanding consultation request.

	<p>Officer Response: the application was withdrawn from the Committee Agenda of 27<sup>th</sup> June to afford the applicant a further six weeks as requested to provide further information and address concerns. No information has been received to date.</p> <p>The application is an Outline – acceptability of the Principle of the development proposed. The proposal fails to address the policy tests set out in PPS4. Information provided failed to address the issue regarding the principle of the use.</p> <p>In respect of the layout, scale, massing, design and potential impacts on residential amenity the applicant has had ample opportunity to resolve the matters raised. The applicant’s agent expressed on more than one occasion that they did not wish to submit further information until they knew the position on the principle.</p> <p>Feedback was provided at various stages during the processing of the application highlighting concerns. Including at PAD stage. Planning Officers also met with the applicant and representative and elected member on the 10th March 2022. Where matters including PPS4, the conflicting relationship of the proposed to the existing commercial premises and general design concerns were raised.</p> <p>Regarding the parking and drainage matters the agent indicated on the 27th August 2021 and the 27th October 2021 that they were not going to provide additional information on technical matters until the matter of the principle of the use had been resolved. In a letter from Povall Worthing of 27<sup>th</sup> Oct 21  <i>‘In order to maintain momentum on this planning application we would request that you respond with a decision on the acceptability of the principle of residential development on the site ... This will allow us to proceed with the further design amendments and consultee considerations ...’</i></p> <p>Environmental Health have now responded and the detail is contained below in para 8.38 below.</p>
<b>8.0</b>	<b>Assessment</b>
8.1	<p><u>Development Plan Context</u>            Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Belfast Urban Area Plan 2001 (BUAP) is the statutory development plan for the area with dBMAP 2015 remaining a material consideration. The weight afforded to dBMAP 2015 (v2014) is a matter for the decision maker.</p>
8.2	<p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the</p>

	<p>Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p>
8.3	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.</p>
8.4	<p><b>Principle of Development</b></p> <p>The site is un-zoned 'whiteland' within the BUAP and both draft BMAPs. In essence a residential use may be acceptable on the site subject to complying with prevailing planning policy. However, whilst the site is unzoned, it is currently in economic use and is occupied by commercial warehousing and a community use The proposal is therefore subject to the requirements of PPS 4 Economic Development.</p>
8.5	<p>The principle of a residential use was previously considered acceptable under planning history Z/2008/2129/O for 50 units granted in early 2010 – this permission expired in 2015. Subsequently in November 2010, PPS 4 Planning and Economic Development was published, therefore this application is considered within a different policy context.</p>
8.6	<p><b>Loss of Employment Use</b></p> <p>It is considered that the proposal is contrary to PPS 4 Economic Development Policy PED 7 Retention of Zoned Land and Economic Development Uses (Unzoned Land in Settlements). It states that on unzoned land a development proposal that would result in the loss of an existing Class B2, B4 or B4 use, or land last used for these purposes, to other uses would only be permitted where it is demonstrated that the proposal meets a number of criteria (a-g). It states that redevelopment will 'only' be permitted where it meets one of the identified criteria. The proposal fails to meet any of the criteria listed within Policy PED 7.</p> <ul style="list-style-type: none"> <li>- There is no evidence to suggest that the site has been marketed for alternative commercial uses;</li> <li>- The proposal is not a mixed-use regeneration scheme which will offer substantial community benefits.</li> <li>- There is no evidence to suggest that the present use has an adverse impact on character.</li> <li>- EHO have not raised any issues regarding the relationship between the existing business uses and the neighbouring residential areas. However, currently the relationship from the surrounding residential to the commercial is not interactive. The commercial turns its back to the residential dwellings and presents relatively low blank facades to the boundaries of the residential dwellings.</li> </ul>
8.7	<p>The applicant's planning statement argued that the site was bounded on two sides by residential properties and that they have a poor relationship with the properties. It states that the existing commercial buildings are dated and utilitarian in</p>

	<p>appearance with few windows. The commentary in the statement does not prove that the site is unsuitable in its current form or capacity for modern industrial purposes. The site is active and occupied and therefore, there is no substantial evidence to suggest that the site is unsuitable for modern industrial, storage or distribution purposes.</p>
8.8	<p>The submission also sets out that there are alternative sites that can accommodate the business use and BCC Local Development Plan Team were consulted on the proposal and concur with the applicant that there appears to be a significant supply of employment land within a 3km radius of the application site. However, it has not been demonstrated that there is a <i>firm</i> proposal to replicate existing economic benefits on an alternative site in the vicinity. As such the loss of the existing employment use is unacceptable and contrary to Policy PED 7.</p>
8.9	<p>The LDP Team also set out that Officers should satisfy themselves that the proposal complies with regional planning policy including the SPPS and PPS 4.</p>
8.10	<p>It is considered that the proposal is not compliant with Policy PED 8 <i>Development Incompatible with Economic Development Uses</i>. Policy PED 8 sets out that a proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused. Whilst EHO have not raised any objections in terms of statutory nuisance and have recommended conditions to mitigate against noise from neighbouring employment uses, including boundary treatments, glazing and ventilation, Officers are of the view that the proposal will put at risk the future of adjacent employment uses contrary to PED 8. Whilst existing businesses adjacent to the site have been operating in proximity to residential areas for years, the relationship is a different one to that proposed, in that the employment site turns its back on residential streets and the servicing and traffic relating to the employment is accessed off the Hollywood Road and away from the residents. The buildings whilst clearly commercial do not open up to residential but have relatively low blank gables along the boundaries again minimising current impacts. Apart from the basement parking, there is no vehicular access on to the site therefore the proposed use will also be reliant on the commercial shared right of way for servicing the residential site including the collection of bins and in emergencies.</p>
8.11	<p>It is considered that the proposed residential use would prejudice existing uses. The conditions set out by EHO would mitigate against noise if permission were granted but would not mitigate against potential for general disturbance and nuisance from the proposed arrangement which may result in complaints that would impact the future of those uses.</p>
8.12	<p>In addition, if permission were granted for the loss of part of the overall commercial site, then the remainder would be vulnerable to loss due to the policy criteria that sets out that once a substantial part of a site has been re-developed for an alternative site then the remainder can also be re-developed.</p>
8.13	<p>There is no objection to the loss of the D1 community use (Action Deaf Youth premises).</p>
8.14	<p></p>

8.15	<p><b>Design, layout and impact on the character and appearance of the area</b></p> <p>Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. The policy sets out nine criteria that proposals for residential development will be expected to conform to.</p>
8.16	<p><u>Layout and Scale</u></p> <p>Criterion (a) requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The existing buildings will be demolished and replaced with 2 no. apartment blocks both three storeys in height. The 2no. of apartment blocks contain a total of 36 no. units. The site will be accessed to a basement from Hollywood Road. A central undercroft access for residents is also provided at ground floor level.</p>
8.17	<p>Block A will face directly onto the Hollywood Road with Block B located to the rear. Space in between the blocks and the rear will be a mix of communal and private amenity spaces. An underground car park accessed via a 2-way ramp will allow 37 cars and 40 bike spaces. The buildings measure approximately 10m in height. Block A is a three-storey building which will accommodate 18 no. apartments. Block B will also accommodate 18 no. apartments.</p>
8.18	<p>This creates an open space open lawn area to the front which is characteristic of the Hollywood Road. The massing is broken into the 2 blocks each to help it sit comfortably within the site topography without overshadowing the neighbouring houses. Space in between the blocks and the rear will be a mix of communal and private amenity spaces.</p>
8.19	<p>Whilst the Urban Design Officer had no objection in principle to the heights of both blocks, as they would generally align with ridge heights of neighbouring commercial buildings to the north. Officers consider whilst it is acknowledged that the presence of three storey buildings exist in the immediate area these are for civic and commercial buildings and are set well back from the road front. In this case the proposed comes forward of the residential building line and cumulatively with the scale, height and continuous width of the proposed building will be overly dominant to the road frontage which is out of character with the area.</p>
8.20	<p>The three storey buildings in the area do not form the residential character, two three storey blocks as proposed would not respect the immediate residential context and streetscape. The design doesn't relate to domestic architecture in the area. It would be inappropriate to the character of the area in terms of its scale and massing and when read as an entity 2 buildings of this scale in the local context is an indicator of overdevelopment.</p>

8.21	<p>It is also considered that additional massing would be required at roof level to accommodate ancillary elements such as lift/stair overruns, air handling units etc and any resultant visual impact that may arise. This is evident when examining the elevations where the lift and smoke shaft are at a higher point than the roof line.</p>
8.22	<p>The Urban Design Officer commented that the proposed facade treatment looks relatively flat and required façade articulation with little provision in the way of variation in planes (other than the proposed recessed terraces). He stated that consideration should also be given to extending the articulation of primary elevations around the building onto side elevations, which look bland and largely devoid of window openings. This is particularly relevant to Block A given how prominent these side elevations will be when viewed north/south along the well-travelled Hollywood Road.</p>
8.23	<p>Furthermore, the main access to both buildings appears to be through an undercroft access arrangement from Block A through the courtyard to Block B, there is also a narrow path through to the north but taking account of a proposed private garden and the 1.8m high boundary wall this path is narrow. There is no vehicular access at ground floor. These arrangements are an indicator of over development of the site and do not promote surveillance and safety for prospective residents</p>
8.24	<p>There are fundamental concerns relating to the servicing arrangement for the development. The proposed layout would appear to be entirely reliant on the service yard of the adjoining site for its entire service provision, including bin storage and collection. Land ownership/rights of way issues aside, the proposed site layout arrangement should be self-sufficient in its servicing arrangements with clear provision made within the red line of the site for both access for servicing, bin storage and bin collection points. The applicant provided a folio map and a lease map which failed to address this issue. The development would be reliant on the co-operation of the neighboring businesses to successfully implement and manage a workable servicing arrangement. Adjacent commercial premises including Dennis D Evans &amp; Co. Ltd use it for business operations and this point was raised in objection letters and is a legitimate issue with this proposal.</p>
8.25	<p>Failing securing access to the adjacent service yard for the servicing needs of this building, bins would then need to be traversed along a circuitous route through the common amenity areas as well as potentially the lobby of Block A which is highly undesirable. It is considered that the design and layout of the proposal is contrary to the SPPS, Policy QD1 of Planning Policy Statement 7 in that the development does not respect the surrounding context and is inappropriate to the character of the locality in terms of layout, and design and if permitted would result in overdevelopment of the site.</p>
8.26	<p><u>Density</u> The proposed residential density equates to approximately 90 dwelling units per hectare (dph). Densities within the surrounding context range from approximately 40 units per hectare along Carolhill Gardens to 70 units per hectare at the adjacent Ashbrooke Drive and 60 dwellings per hectare along Hollywood Road. The proposed density of 90 units per hectare results in large blocks built boundary to boundary and resulting in a scale with little visual relief and will be unduly dominant.</p>



8.27	<p><b><u>Materials</u></b></p> <p>Whilst the proposal is an outline application the proposed plans list the materials to be used. The buildings are proposed to be predominantly finished with red brick and smooth render. Windows and doors will be aluminium. The Urban Design Officer commented that further information should be provided in relation to proposed materials. This would be to ensure for example that the proposed brick picks up contextually on the tonal/mottled qualities of surrounding red brick buildings and to avoid an overly engineered and uniform brick colour.</p>
8.28	<p><b><u>Space standards</u></b></p> <p>The proposed development includes a mix of 3no. three bed, 21no. two bed and 12no. one-bedroom apartments. The proposed 1 bed (two person) apartments (Types A, B and C) are below the recommended space standards (these range from 45-48m<sup>2</sup> compared to the recommended 50-55m<sup>2</sup>). This is concerning as it impacts a total of 12 apartments out of the overall provision of 36 apartments. Policy LC 1 of PPS 7 addendum does not apply as the proposal is located along an arterial route, but the aforementioned units, due to their size would not result in a quality residential development and are indicative of over development.</p>
8.29	<p><b><u>Amenity space</u></b></p> <p>Residents will also avail of communal landscaped areas which in total will be in accordance with the requirements of Creating Places guidance document for this location. Ground floor apartments have private outside space, averaging about 29sqm. Shared amenity space including lawn and courtyard area are provided within the enclosed curtilage of the site. This shared space is equal to about 50sqm per apartment (including ground floor), which is well in excess of Creating Places guidelines. Additionally, the site is opposite the Alderman Tommy Patton Memorial Park, which contains a children's playpark, and there is a bowling green and various pitches and sports clubs in the immediate area. The private amenity provision will result in potential for overlooking from the communal amenity areas and will resulting the need for screens which has the potential to impact visually and may result in shadow, thereby impacting the quality of the spaces.</p>
8.30	<p><b><u>Impact on Residential amenity</u></b></p> <p>The layout/aspect of buildings within the site is such that there will be no significant overlooking into neighbouring properties. In addition, there is sufficient separation distances to existing neighbouring properties to ensure that dominance and overshadowing will not occur to an unacceptable degree. There will be no opportunity for overlooking into neighbouring properties due to the separation distances and existing boundary treatments.</p>
8.31	<p>The relationship between Block B and No. 383 Holywod Road (B&amp;B) was initially raised as a concern due to the proximity between the buildings and the potential impact on the residential amenity of No. 383 Holywood Road through dominance, overlooking and overshadowing. The proposal will have a 4.5m separation distance from No. 383 Holywood Road. However, the existing building on site is less than 2 metres from No. 383 Holywood Road. The gable of Block B would effectively look onto a blank wall of No. 383. This side of the property has no amenity provision. As such it is considered that the relationship arrangement is acceptable. In terms of</p>

	<p>prospective residents, each unit has adequate outlook to the public street or amenity areas. It is considered that the separation distances proposed are acceptable and will not impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.</p> <p>8.32 <b>Access and Parking</b>  Parking is provided at a rate of 1 no. space per apartment in a basement below Block B. The underground car park will be accessed via the Hollywood Road. Basement arrangements are not typical in the area and are largely considered to be financially unviable.  DfI Roads commented that the proposal was unacceptable as acceptable car parking provision had not been demonstrated and a Travel Plan and up to date Parking Survey were required. It is considered that the proposal is contrary to the SPPS, PPS 7 Policy QD 1 and Policies AMP1 and AMP7 of PPS 3 Access, Movement and Parking, in that the applicant has failed to submit information to demonstrate that adequate provision for car parking has been made and alternative modes of travel encouraged. The proposal also fails to provide adequate servicing arrangements.</p> <p>8.34 <b>Drainage and Flood Risk</b>  Rivers Agency provided comments on the proposal. They highlighted that FLD 3 Development and Surface Water is applicable. A Drainage Assessment has been submitted with this application. DfI Rivers requested additional information including.</p> <ul style="list-style-type: none"> <li>• Drainage Calculations for a 1 in 2 year, 1 in 30 year and 1 in 100-year storm event, to include: <ul style="list-style-type: none"> <li>➤ A summer and winter event profile,</li> <li>➤ Storm return periods for up to and including seven-day (10080 mins) duration,</li> <li>➤ A 10% allowance for urban expansion, and;</li> <li>➤ A 10% allowance for climate change.</li> </ul> </li> <li>• Details of flood mitigation measures which are to be implemented in the design.</li> <li>• A PDE response from NIW consenting to discharge to their system</li> </ul> <p>8.35 In the absence of a completed Drainage Assessment, the applicant has failed to demonstrate that adequate measures will be put in place to effectively mitigate the flood risk to the proposed and from development elsewhere. The proposal is therefore contrary to Policy FLD 3 of Planning Policy Statement 15 'Planning and Flooding' and the Strategic Planning Policy Statement for Northern Ireland.</p> <p>8.36 <u>Wastewater Infrastructure</u>  NI Water advise that there is a public foul sewer located within 20m of the proposed development boundary. However, due to the sewer network being at capacity they are recommending no further connections should be made to this network or the applicant should engage directly with NI Water to ascertain whether an alternative drainage/treatment solution can be agreed.</p>
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8.37	<p>NI Water advised that there is no public surface water sewer within 20m of the proposed development boundary. A high-level assessment has indicated potential network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public surface water system are curtailed. The Applicant is advised to consult directly with NI Water (to ascertain whether any necessary alternative surface water solution can be agreed).</p> <p>The applicant has not provided any evidence of a PDE with NIW.</p>
8.38	<p><u>Environmental Health</u></p> <p>EHO provided comment in relation to the proposed development in terms of noise, air pollution, ambient air quality, contaminated land and other considerations. EHO acknowledged that a number of issues were raised by objectors. EHO recommended that to try and progress matters to the satisfaction of both parties, the applicant and/or their agent should engage with the neighbouring business.</p> <p>EHO engaged directly with the applicant and requested additional information throughout the process relating to an updated noise impact assessment with mitigation measures including fencing, glazing and ventilation.</p> <p>EHO provided a further response on the 18<sup>th</sup> August 2022 having reviewed two letters of objection from planning agent Donaldson Planning, dated the 28<sup>th</sup> February 2022 and 16 June 2022 and a letter from O'Sullivan MacFarlane Environmental Consulting, dated 25/04/2022, ref: P848.</p> <p>EHO's previous responses only took into consideration daytime operating hours. On the back of the objection from Donaldson Planning, it became apparent that the adjacent Dennis D Evans business is not restricted by operational hours. As a result, any noise mitigation measures should be reviewed and updated to include night-time activity.</p> <p>EHO also suggest that that the noise assessment include a markup of the external areas where loading and unloading occurs in terms of distance to proposed external amenity areas and facades. EHO also noted that there is a discrepancy between the information provided via OSM (acoustic consultant) and the plans. OSM refer to a 2.6m high wall yet the plans show a 2.4m wall which drops to 1.8m.</p> <p>It is considered that the proposal is contrary to the SPPS and PPS 7 Policy QD 1 criteria (h) in that there may be an unacceptable adverse effect on proposed properties in terms of noise disturbance.</p>
<b>10.0</b>	<b>Summary of Recommendation:</b>
10.1	Refusal for the reasons set out below
<b>11.0</b>	<b>Refusal Reasons</b>
	<p>1. The proposal is contrary to the SPPS and PPS 4 Planning and Economic Development PED 7 in that the proposal will result in the loss of employment uses and no exception as set out in policy has been met.</p>

2. The proposal is contrary to PPS 4 Planning and Economic Development PED 8 by introducing an incompatible land use that has the potential to prejudice the future operation of adjacent economic uses.

3. The proposal is contrary to the SPPS, Policy QD1 of Planning Policy Statement 7 in that the development fails to create a quality residential environment as it does not respect the surrounding context and is inappropriate to the character of the locality in terms of layout, height, scale, proportions, massing and appearance of buildings and if permitted would result negatively impact the area,

4. The proposal is contrary to the SPPS, Policy QD1 of Planning Policy Statement 7 in that the development fails to create a quality residential environment as the layout will result in unsatisfactory access arrangements for prospective residents which will potentially impact safety and surveillance and potentially conflict with adjacent economic land uses.

5: The proposal is contrary to the SPPS and Policy FLD 3 from Planning Policy Statement 15: Planning and Flood Risk in that it has not been demonstrated that the proposal would provide satisfactory measures for the mitigation of flood risk and in particular drainage.

6: The proposal is contrary to the SPPS, PPS 7 Policy QD 1 (e and f) and Policies AMP1 and AMP7 of PPS 3 Access, Movement and Parking, in that the applicant has failed to submit information to demonstrate that adequate provision for car parking has been made and alternative modes of travel encouraged.

7: The proposal is contrary to the SPPS and PPS 7 Policy DQ 1 criteria (h) in that the applicant has failed to demonstrate that the proposed development will not result in an adverse impact on proposed properties by way of of noise disturbance or the potential to result in noise complaints in respect of existing uses.

<b>ANNEX</b>	
<b>Date Valid</b>	11th May 2021
<b>Date First Advertised</b>	11th June 2021
<b>Date Last Advertised</b>	

**Details of Neighbour Notification** (all addresses)

The Owner/Occupier,  
 16 Ashbrook Drive, Belfast, Down, BT4 2FG  
 The Owner/Occupier,  
 18 Ashbrook Drive, Belfast, Down, BT4 2FG  
 The Owner/Occupier,  
 20 Ashbrook Drive, Belfast, Down, BT4 2FG  
 The Owner/Occupier,  
 22 Ashbrook Drive, Belfast, Down, BT4 2FG  
 The Owner/Occupier,  
 24 Ashbrook Drive, Belfast, Down, BT4 2FG  
 The Owner/Occupier,  
 26 Ashbrook Drive, Belfast, Down, BT4 2FG  
 The Owner/Occupier,  
 28 Ashbrook Drive, Belfast, Down, BT4 2FG  
 The Owner/Occupier,  
 348 Holywood Road, Belfast, Down, BT4 1SL  
 The Owner/Occupier,  
 350 Holywood Road, Belfast, Down, BT4 1SL  
 The Owner/Occupier,  
 352 Holywood Road, Belfast, Down, BT4 1SL  
 The Owner/Occupier,  
 354 Holywood Road, Belfast, Down, BT4 1SL  
 The Owner/Occupier,  
 356 Holywood Road, Belfast, Down, BT4 1SL  
 The Owner/Occupier,  
 383 Holywood Road, Belfast, Down, BT4 2LS  
 The Owner/Occupier,  
 385 Holywood Road, Belfast, Down, BT4 2LS  
 The Owner/Occupier,  
 385 Holywood Road, Belfast, Down, BT4 2LS  
 The Owner/Occupier,  
 387-389 ,Holywood Road, Belfast, Down, BT4 2LS  
 The Owner/Occupier,  
 391 Holywood Road, Belfast, Down, BT4 2LS  
 Judith English  
 391, Holywood Road, Belfast, Down, Northern Ireland, BT4 2LS  
 The Owner/Occupier,  
 Building 3, 393 Holywood Road, Belfast, Down, BT4 2LS  
 David Donaldson  
 Donaldson Planning, 50a High Street, Holywood, BT18 9AE

**Date of Last Neighbour Notification****Date of EIA Determination****ES Requested**

No

## Planning History

Ref ID: LA04/2020/0058/O

Proposal: Erection of 42no. apartments in 3 blocks rising to 3 storeys with associated surface car parking and landscaped areas.

Address: 385 Hollywood Road, Ballymisert, Belfast, BT4 2LS,

Decision: WITHDR

Decision Date: 02.11.2020

Ref ID: LA04/2021/1231/O

Proposal: Demolition of existing buildings and erection of 36 No. apartments in 2 blocks rising to 3 storeys with associated basement car parking, and landscaped areas

Address: 385 Hollywood Road, Ballymisert, Belfast, BT4 2LS,

Decision:

Decision Date:

Ref ID: Z/1979/0459

Proposal: CARRY OUT HOT FOOD BAR

Address: 397 HOLYWOOD ROAD

Decision:

Decision Date:

Ref ID: LA04/2017/0109/O

Proposal: Erection of 49 apartments in 2 blocks with associated surface car parking and landscaped areas.

Address: 385 Hollywood Road, Ballymisert, Belfast, BT4 2LS,

Decision: WITHDR

Decision Date: 28.02.2018

Ref ID: LA04/2018/0963/PAD

Proposal: Proposed development includes 50 apartments with a new entrance, landscaping and parking with associated site works

Address: 385 Hollywood Road, Belfast, BT4 2LS,

Decision:

Decision Date:

Ref ID: Z/1978/1677

Proposal: EXTENSION TO CAR PARK AND ERECTION OF SECURITY OFFICE

Address: 389 HOLYWOOD ROAD

Decision:

Decision Date:

Ref ID: Z/1989/0307

Proposal: Installation of two shop front signs and one free

standing sign  
Address: 389 HOLYWOOD ROAD BELFAST BT4  
Decision:  
Decision Date:

Ref ID: Z/2007/2500/O  
Proposal: 64no. residential apartments (in two 4 storey blocks) and 68no. car parking spaces with associated landscaped communal and individual gardens. (amended description & plans)  
Address: 385 Holywood Road, Ballymisert, Belfast, BT04 2LS  
Decision:  
Decision Date: 13.06.2008

Ref ID: Z/2008/2129/O  
Proposal: 50 No. apartments (in two blocks) with associated surface car parking and landscaped areas. (amended plans)  
Address: 385 Holywood Road, Ballymisert, Belfast, BT04 2LS  
Decision:  
Decision Date: 30.03.2010

Ref ID: Z/1988/0554  
Proposal: Extension to existing premises to provide ancillary offices, store and showroom.  
Address: 389 HOLYWOOD ROAD, BELFAST BT4  
Decision:  
Decision Date:

Ref ID: Z/1976/0739  
Proposal: ALTERATIONS TO FORM ANCILLARY OFFIE ACCOMMODATION  
Address: 395 HOLYWOOD ROAD  
Decision:  
Decision Date:

Ref ID: Z/1976/0954  
Proposal: ERECTION OF SECURITY KIOSK  
Address: 389 HOLYWOOD ROAD  
Decision:  
Decision Date:

Ref ID: Z/1991/0634  
Proposal: Conversion from vacant warehouse to manufacturer of shop and truck signs  
Address: 397A HOLYWOOD ROAD BELFAST BT4  
Decision:

Decision Date:

Ref ID: Z/1984/1922

Proposal: PROVISION OF LANCE WASH

Address: 397 HOLYWOOD ROAD, BT4

Decision:

Decision Date:

Ref ID: Z/1986/2249

Proposal: Provision of two underground fuel tanks, off-set fill and extension of existing pump islands

Address: ASHFIELD FILLING STATION 397 HOLYWOOD ROAD, BELFAST BT4 2LS

Decision:

Decision Date:

Ref ID: Z/2001/1940/A

Proposal: Business signs & plaque

Address: Unit 1, Lesley Office Park, 393 Holywood Road, Belfast, BT4 2LS

Decision:

Decision Date: 05.11.2001

Ref ID: Z/1991/0072

Proposal: Provision of a gas storage installation

Address: ASHFIELD FILLING STATION 397 HOLYWOOD ROAD BELFAST BT4

Decision:

Decision Date:

Ref ID: Z/1990/0587

Proposal: Installation of illuminated signs

Address: ASHFIELD FILLING STATION HOLYWOOD ROAD BELFAST BT4

Decision:

Decision Date:

Ref ID: Z/2000/0876

Proposal: Office Building

Address: 393 Holywood Road, Belfast

Decision:

Decision Date:

Ref ID: Z/2000/1018/F

Proposal: Proposed office development.

Address: 393 Holywood Road, Belfast.

Decision:



Decision Date: 11.12.2000
<b>Drawing Numbers and Title</b>
<b>Notification to Department (if relevant)</b> Date of Notification to Department: Response of Department: