

**Development Management Officer Report
Deferred Committee Application
Addendum Report**

Summary	
Committee Meeting Date: 16 August 2016	Item Number: 8a
Application ID: LA04/2015/0617/O	
Proposal: Residential development comprising 42 no. apartments	Location: 1-5 Gaffikin Street Belfast BT12 5FH
Referral Route: More than 4 dwellings Units	
Recommendation:	Approval
Applicant Name and Address: Paul Molyneaux Sketirck Island Killinchy BT23 6QH	Agent Name and Address: AMD Architectural Design 8 Canvy Manor Portadown BT63 5LP
<p>Deferred Consideration: The application was presented to the Town Planning Committee on 26 July 2016 with an opinion to approve. Members expressed concern about the potential for adverse impact on the character of the area through excessive scale and massing and adverse impact on the residential amenity through overshadowing, overlooking and the perception of dominance on existing residential properties and have sought advice on potential reasons for refusal should committee determine the application to be unacceptable.</p> <p>Accordingly, a suggested reason for refusal is:</p> <p>The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality residential environments in that in that, it would, if permitted result in overdevelopment of the site and would cause unacceptable damage to the character and residential amenity of the area through inappropriate scale and massing and would result in overlooking and loss of privacy to neighbouring residents.</p> <p>Notwithstanding the above refusal reason, members are advised that whilst officers have considered the concerns expressed by members, their recommendation remains that the application should be approved. Whilst Urban Design Criteria is a material consideration it is only one material consideration which must be balanced against others such as the existing context of the site, its location within the city centre on an arterial route and the history of planning approvals on the site for similar type schemes.</p> <p>In relation to concerns about impact on residential amenity, members are reminded that QD 1 of Planning Policy Statement 7 allows for some damage to residential amenity. The damage only becomes contrary to policy when it is considered to be unacceptable.</p>	

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Executive Summary: The main issues to be considered in this case are: <ul style="list-style-type: none"> • The principle of the redevelopment at this location; • Height, Scale, Massing and Design; • Impact on residential amenity; and • Traffic Movement and Parking. <p><u>Principle of proposed development</u></p> <p>The site is located within Belfast City Centre and is identified as being within Shaftesbury Square Character Area CC013. It is also located an arterial route AR 01/09, Donegall Road as designated in the Belfast Metropolitan Area Plan 2015. The principle of residential development is acceptable given the planning history for similar approvals on the site and the fact that the proposal does not conflict with area plan designations.</p> <p>The proposed height of the building exceeds the guidance as set out in BMAP however, given the existing context that contains a 6 storey apartment development and a history of similar approvals on the site it is considered that the proposed height, scale and massing would not result in harm to the character and appearance of the area.</p> <p>The proposed design and treatment of the elevations shall be reserved to ensure they are appropriate to the existing context.</p> <p>In terms of amenity, there are residential uses immediately to the west and the east. Whilst there</p>	

may be some overlooking from windows of the proposed development into the apartments immediately to the east (Whitehall Square) it is considered that this will not be to an unacceptable level and are typical in such a high density inner urban context. Overshadowing is also typical for this type of location. Dominance is not considered to be an issue.

All Consultees have offered no objections to the proposal, subject to conditions, except for NIEA Waste Management who have been re-consulted to clear an updated contaminated land Preliminary Risk Assessment which notes no further contamination on the site. It is therefore proposed to put the final conditions forward as a late item or to delegate the final wording of the conditions to the Director of Planning and Place.

10 objections from third parties have been received.

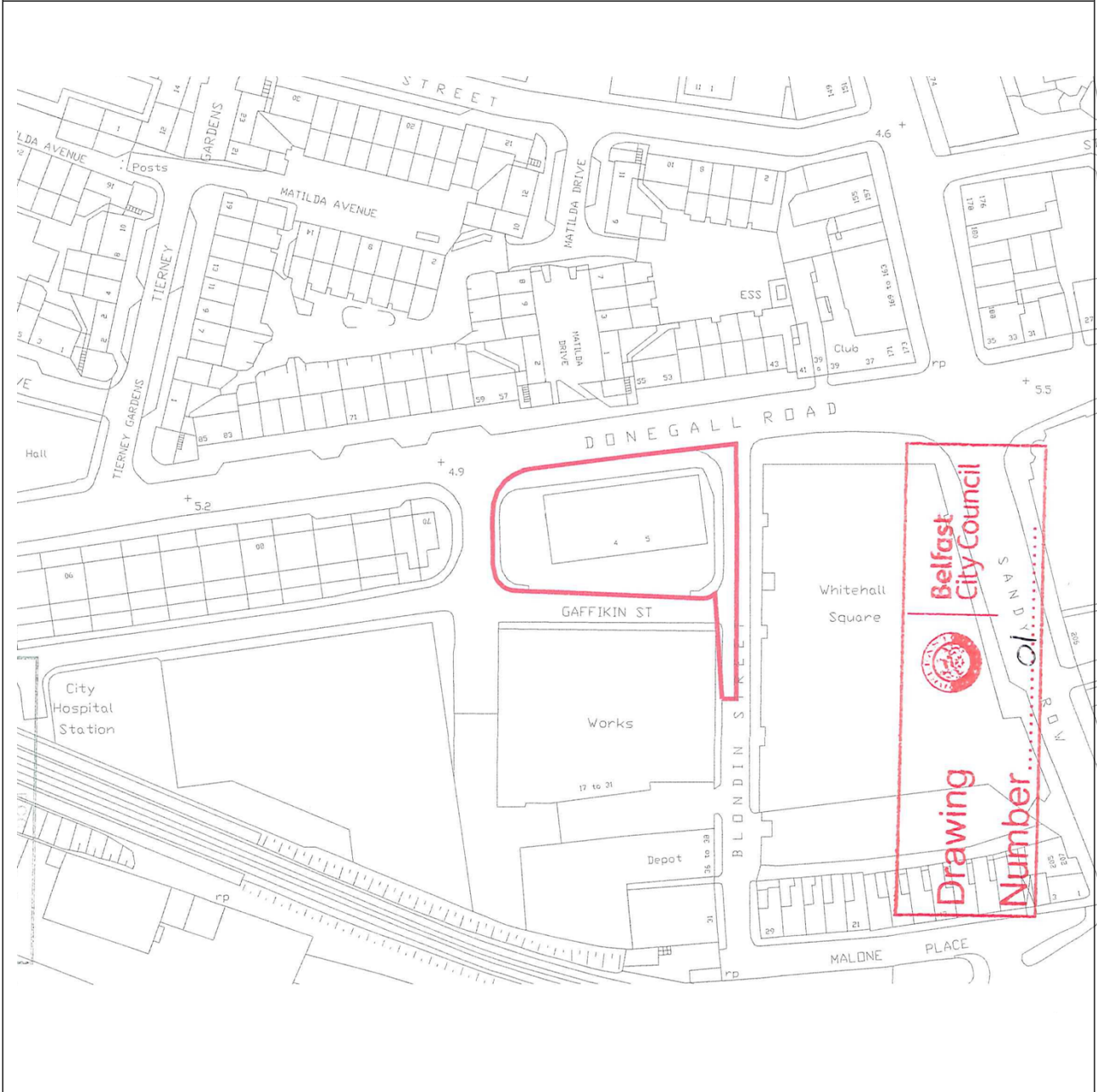
Having regard BMAP, to the policy context and other material considerations, the proposal is considered acceptable and outline planning permission is recommended subject to conditions

Recommendation

Approval

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

<p>1.0</p>	<p>Description of Proposed Development</p> <p>Outline planning permission is sought for a residential development comprising 42 no. apartments</p>
<p>2.0</p>	<p>Description of Site</p> <p>Island site containing an existing single storey warehouse style retail building. To the east of the application site is a 6 storey block of apartments whilst to the north and west are</p>

	residential dwelling units.
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Z/2007/1490/O Proposal: Site for residential development comprising 48 apartments. Address: 1-5 Gaffikin Street, Belfast, BT12 5FH Decision: Approved Decision Date: 05.12.2007</p> <p>Z/2010/0777/F Proposal: Residential development comprising 51no. apartments Address: 1-5 Gaffikin Street, Belfast, BT12 5FH Decision: Approved Decision Date: 05.08.2011</p>
4.0	<p>Policy Framework</p> <p>Belfast Metropolitan Area Plan 2015 Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 6- Planning Archaeology and the Built Environment Planning Policy Statement 7- Quality Residential Environments Planning Policy Statement 12- Housing in Settlements</p>
5.0	<p>Statutory Consultees</p> <p>NIEA-Waste Management Unit- Awaiting response NIEA- Water Management Unit Transport NI- No Objections NIwater- No Objections</p>
6.0	<p>Non- Statutory Consultees</p> <p>Belfast City Council- EPU- No Objections</p>
7.0	<p>Representations</p> <p>10 representations received. The main issues raised include:</p> <ul style="list-style-type: none"> ● Inappropriate scale and massing; ● Quality of life and privacy; ● Unacceptable loss of light; ● Overlooking from bedroom windows; ● Loss of solar gain; ● The management company was not notified about the proposal; ● Notifications only sent to occupiers/ tenants not the landlords; ● Scheme out of context with the 'low' 2 storey dwellings in Sandy Row / Donegall St; ● Noise pollution; and ● Traffic
8.0	<p>Other Material Considerations</p> <p>DCAN 8- Housing in existing Urban Areas</p>
9.0	<p>Assessment</p>

9.1	<p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of apartments at this location; • Impact on the character of the area; • Impact on residential amenity; and • Traffic and parking.
9.2	<p>The SPPS sets out five core planning principles of the planning system, including improving health and well being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making.</p>
9.3	<p>Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 states that sustainable economic growth will be supported. The SPPS states the majority of PPS's remain applicable under 'transitional arrangements', including PPS 3.</p> <p><u>Principle of Development</u></p>
9.4	<p>The site is located within Belfast City Centre and is identified as being within Shaftesbury Square Character Area CC013. It is also located an arterial route AR 01/09, Donegall Road as designated in the Belfast Metropolitan Area Plan 2015. Given that there is extant full planning permission for 51 apartments on the site and the fact that the site is surrounded on three sides by residential land use, the principle for apartments is considered acceptable at this location.</p> <p><u>Principle of the Height, Scale and Massing proposed</u></p>
9.5	<p>An indicative concept plan has been submitted by the applicant which illustrates the layout of the proposed development and the various heights across the site. On the Donegall Road aspect the applicant is seeking a 5 storey focal element at the corner with Blondin Street, dropping down 3 storeys with 1 storey set back at the opposite end. The rear block consists of a 3 storey with 1 storey set back and a larger portion which is 3 storey with a roof garden.</p>
9.6	<p>The Urban Design Criteria (UDC) for this location in BMAP 2015 for this character area states that '<i>new development shall respect the established building line and that building heights shall be a minimum of 2 storeys and a maximum of 3 storeys</i>'.</p>
9.7	<p>Whilst the proposal is higher than the recommended height set out under the UDCs it must be acknowledged that there is extant planning permission for 51 apartments on the site approved under planning reference Z/2010/0777/F. However, notwithstanding the planning history it is considered that the site can accommodate the level of development proposed given the existing context which contains a 6 storey development (Whitehall Square) and the island nature of the site which when seen form critical views along Donegall Road clearly acts as a partition between the existing built form on either side. The scheme also steps down to the more domestic scale architecture of the residential dwellings along Donegall Road and will respect the character of the area. It is therefore considered that there are mitigating circumstances to set aside the UDCs in BMAP.</p>
9.8	<p>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,</p>

9.9	<p>environmental quality or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet.</p>
9.10	<p>In relation to the character of the area criterion (a) states that the development must respect the surrounding context and be 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.</p>
9.11	<p>The character can be broken up into two distinct areas- on the one side there is the more imposing scale and commercial nature frontage of the Sandy Row and Donegall Road intersection and opposite to the west of application site there is the lower scale domestic architecture.</p>
9.12	<p>Having regard to the indicative plan it is considered that the number of storeys proposed and the degree of step down towards the eastern end of the site equates to a reasonable scheme that respects the existing scale and massing of development on both sides of the road. The proposal complies with criterion (a).</p>
9.13	<p>The indicative plan shows an area allocated to private amenity space located on the roof of the 3 storey rear block. The private amenity space provision for the scheme is less than the recommended standard set out in the guidance document 'Creating Places- Achieving quality in new Residential Developments' of 10 sq metres per apartment. However, considering the immediate context with limited amenity space provision within the Whiteland Square development and the fact that that the site is located on a designated arterial route and within the City Centre as designated in BMAP where levels of amenity space are generally limited, it is considered that the proposal, on balance, complies with criterion (c).</p> <p><u>Impact on Residential Amenity</u></p> <p>In regards to impact on residential amenity, criterion (h) of QD 1 of PPS 7 requires there to be no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance and the orientation of the development in relation to the existing dwellings. Taking into account the storeys proposed on the indicative plan it is accepted that there will be some overlooking from the proposed apartments into the Whitehall Square development. However, it is accepted that in any high density inner city urban area some degree of overlooking is inevitable. The key test in the policy is whether the proposal will cause <u>unacceptable damage</u> to residential amenity and it is considered that it does not in this instance. Some degree of overshadowing is anticipated from the proposed apartments on the first, second, thirds and fourth floors of the apartments in Whitehall Square that front on Blondin Street. However this is not considered to be of a level that would warrant seeking amendments and is not atypical in such an area. Dominance is not considered to be an issue. Therefore, on balance, and if conditioned appropriately the indicative layout will not cause unacceptable damage to residential amenity. The proposal therefore complies with criterion (h).</p>
9.14	<p><u>Traffic and Parking</u></p> <p>The proposal has been assessed against Policy AMP 7 of PPS 3: Access, Movement and parking. The applicant has shown an area of the ground floor allocated to parking. Given the sites location within the city centre and on an arterial route with frequent public transport and the lack of objection from Transport NI the level shown on the indicative plan is considered acceptable.</p>

9.15	<p><u>Contaminated Land</u></p> <p>NIEA Waste Management initially responded stated that the submitted risk assessment does not include consideration of any activities or contamination which may have occurred in the last 5 years and that potentially contaminating activities were identified at the site in 2010 which may have continued. Following this an updated Risk Assessment has been sent to NIEA for comment. Whilst their comments are still outstanding it is noted that the updated report states that no further contamination was encounter since the initial report which was carried out in 2010 for planning application Z/2010/0777/F. On that basis it is considered that the proposal can proceed to planning committee.</p>
9.16	<p><u>Other Issues</u></p> <p>The proposal has been assessed against Policy BH4 of PPS6. The application site located within the Belfast Area of Archaeological Potential (AAP), as identified by the Belfast Metropolitan Area Plan (BMAP) 2015. Historic Environment Division: Historic Monuments Unit (HMU) has considered the impacts of the proposal and is content with the proposal, conditional on the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation <i>in situ</i>, as per Policy BH 4 of PPS 6.</p>
9.17	<p><u>Objections</u></p> <p>In regard to the objections received;</p> <ul style="list-style-type: none"> ● The scale and massing of the scheme as indicated on the indicative concept plan has been assessed under paragraphs 9.5 to 9.7. ● The proposal is seeking to establish the principle of 42 apartments on the site. As part of any outline approval the finer details of the design will be reserved by way of planning condition. ● Loss of light is considered under paragraph 9.13. ● Overlooking is also detail under paragraph 9.13. ● The loss of solar gain is not considered to be of determining weight in the assessment of this proposal. The apartments in Whitehall Square will receive less direct sunlight if the scheme is built, but it is not considered to be to an unacceptable level; ● It is a statutory requirement to neighbour notify the owner / occupier (the person currently residing in the unit) and not the management company. ● There is no statutory requirement to notify landlords. ● The scale and massing of the proposal in regard to the existing context has been considered fully under paragraph; and ● Noise will only be an issue during the construction phase and is therefore not considered to be an issue.

10.0	Summary of Recommendation: Approval
10.1	Having regard to the development plan, relevant planning policies, and other material considerations, it is considered that the development is acceptable. Approval is recommended with conditions.
11.0	<p>Conditions</p> <p>1. As required by Article 35 of the Planning (Northern Ireland) Order 1991, application for approval of the reserved matters shall be made to the Department within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-</p> <p>i. the expiration of 5 years from the date of this permission; or</p> <p>ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: Time Limit.</p> <p>2. Except as expressly provided for by Conditions 3-10 below , the following reserved matters shall be as approved by the planning authority - the siting, layout, design and external appearance of the buildings, the means of access thereto and the landscaping of the site.</p> <p>Reason: To enable the Planning Authority to consider in detail the proposed development of the site.</p> <p>3. The layout including the amount of storeys shall be broadly in line with the concept layout date stamped 2nd February 2016. The floor to ceiling heights shall be no more than 2.5 metres.</p> <p>Reason: To ensure the proposed height, scale and massing respects the surrounding context.</p> <p>4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 05 - 10 shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.</p> <p>Reason: To enable the Department to consider in detail the proposed development of the site.</p> <p>5. No dwelling shall be occupied until cycle parking has been provided to the satisfaction of TransportNI. These facilities shall be permanently retained.</p> <p>Reason: To ensure the provision of adequate facilities for alternative modes of transport.</p> <p>6. A plan at 1:500 scale (min.) shall be submitted as part of the Reserved Matters application showing the access to be constructed generally in accordance with Drg 1005/P12.3 which Planning have numbered 04 on 4/6/15.</p> <p>Reason: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.</p>

	<p>7. No dwelling shall be occupied until hard surfaced areas have been provided for parking in accordance with Drg 1005/P12.3 which Planning have numbered 04 on 4/6/15. These facilities shall be permanently retained and shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.</p> <p>Reason: To ensure acceptable parking facilities on the site.</p> <p>8. The development hereby permitted shall operate in accordance with the approved Travel Plan dated by Planning Service 4/6/15.</p> <p>Reason:- To encourage the use of alternative modes of transport to the private car.</p> <p>9. The access gradient shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.</p> <p>10. No development shall take place until full details of both the hard and soft landscape works have been submitted to and approved in writing by the Planning Authority at the Reserved Matters stage.</p> <p>The details shall include a detailed layout together with existing and proposed levels, cross sections and any proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc.</p> <p>The details shall also include detailed planting plans with written planting specification including site preparation and planting methods and detailed plant schedules including the species, the size at time of planting, presentation, location, spacings and numbers.</p> <p>A landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for the site shall be submitted and approved within 6 months of the date of this permission to and approved by Belfast City Council. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with Belfast City Council in writing prior to implementation.</p> <p>Reason: To ensure the provision of amenity afforded by an appropriate landscape design.</p>
<p>12.0</p>	<p>Notification to Department (if relevant)</p> <p>N/A</p>

ANNEX	
Date Valid	4th June 2015
Date First Advertised	24th July 2015
Date Last Advertised	26 th February 2016
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Matilda Drive Malone Lower Belfast Carole Cummings 112, Staffordstown Road, Randalstown, Antrim, Northern Ireland, BT41 3LH William Dickson 177, Tates Avenue, Belfast, Antrim, Northern Ireland, BT12 6NA Anna Jurek 181, Apartment A 3.4, Sandy Row, Belfast, Antrim, Northern Ireland, BT12 5EY Sarah Dougherty 181, Apartment Aa 4.1, Sandy Row, Belfast, Antrim, Northern Ireland, BT12 5EY Shuai Yuan 181, Apartment B 3.3, Sandy Row, Belfast, Antrim, Northern Ireland, BT12 5EY The Owner/Occupier, 181, Apartment D 2.1, Sandy Row, Belfast, Antrim, Northern Ireland, BT12 5EY The Owner/Occupier, 2 Matilda Drive Malone Lower Belfast The Owner/Occupier, 45 Donegall Road Malone Lower Belfast The Owner/Occupier, 47 Donegall Road Malone Lower Belfast The Owner/Occupier, 49 Donegall Road Malone Lower Belfast The Owner/Occupier, 51 Donegall Road Malone Lower Belfast The Owner/Occupier, 53 Donegall Road Malone Lower Belfast The Owner/Occupier, 55 Donegall Road Malone Lower Belfast The Owner/Occupier, 70 Donegall Road Malone Lower Belfast The Owner/Occupier, Apartment 1 181 Sandy Row Malone Lower The Owner/Occupier, Apartment 1 207 Sandy Row Malone Lower The Owner/Occupier, Apartment 2 207 Sandy Row Malone Lower The Owner/Occupier, Apartment 3 207 Sandy Row Malone Lower The Owner/Occupier, Apartment 4 207 Sandy Row Malone Lower</p>	

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Apartment E 2.2 181 Sandy Row Malone Lower
The Owner/Occupier,
Apartment E 2.3 181 Sandy Row Malone Lower
The Owner/Occupier,
Apartment E 3.1 181 Sandy Row Malone Lower
The Owner/Occupier,
Apartment E 3.2 181 Sandy Row Malone Lower
The Owner/Occupier,
Apartment E 3.3 181 Sandy Row Malone Lower
The Owner/Occupier,
Apartment E 4.1 181 Sandy Row Malone Lower
The Owner/Occupier,
Apartment E 4.2 181 Sandy Row Malone Lower
The Owner/Occupier,

Michael Murray

Michael Bogan	
Date of Last Neighbour Notification	20 th July 2016
Date of EIA Determination	N/A
ES Requested	No
Planning History	
<p>Ref ID: Z/1996/2891 Proposal: Change of use from storage warehouse to retail warehouse for stationery goods Address: UNITS 4/5 GAFFIKIN STREET, BELFAST BT12 Decision: Decision Date:</p>	
<p>Ref ID: Z/1997/2115 Proposal: Change of use from car warehouse to retail warehouse Address: UNITS 4-5 GAFFIKIN STREET, BELFAST BT12 Decision: Decision Date:</p>	
<p>Ref ID: Z/2007/1490/O Proposal: Site for residential development comprising 48 apartments. Address: 1-5 Gaffikin Street, Belfast, BT12 5FH Decision: Decision Date: 05.12.2007</p>	
<p>Ref ID: Z/2010/0777/F Proposal: Residential development comprising 51no. apartments Address: 1-5 Gaffikin Street, Belfast, BT12 5FH Decision: Decision Date: 30.04.2012</p>	
Drawing Numbers and Title	
01	

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department: