

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 16 August 2016	
Application ID: LA04/2016/0087/F	
Proposal: Change of use from office space to 7 No apartments (first and second floor)	Location: 255-257 Upper Newtownards Road Belfast Co. Antrim BT4 3JF and 8-12 Hillview Avenue Belfast Co. Antrim BT5 6JR
Referral Route: Application is for more than four residential units.	
Recommendation:	Refusal
Applicant Name and Address: Colin Wong 269-275 Upper Newtownards Road Belfast BT4 3JF	Agent Name and Address: Gavin Sloan 2 College House Durham Street Citylink Business Park Belfast BT12 4HQ
Executive Summary:	
<p>The application seeks the change of use from existing offices to residential development consisting of five (one bed) units and two (two bed) units on the first and second floors only. Ground floor use to remain unchanged.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Existing land use and impact on residential amenity • Residential layout • Amenity space • Parking <p>The site at Newtownards Road is located within a commercial node/area of parking restraint on an arterial route. The proposal has been assessed against the SPPS, Planning Policy Statement 3, 7, and supplementary guidance - Creating Places, DCAN 8 and Parking Standards.</p> <p>The proposed development is for residential units on the two floors above a hot food restaurant and an estate agency.</p> <p>Having regard to the policy context and other material considerations above, the proposal is deemed unacceptable as there will be detrimental harm caused to the amenity of prospective residents by way of noise and odour from the restaurant and carry out facility below. The proposed layout would result in overdevelopment of the site causing harm to the living conditions of prospective residents due to poor outlook, lack of private amenity space and inadequate access arrangement for all apartments. The proposed development would therefore</p>	

fail to create a quality residential environment.

There were no objections to this planning application.

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Transport	No objection
Statutory	NI Water - Multi Units East	No objection
Non Statutory	Environmental Health Belfast City Council	A take-away at ground floor level will have a detrimental impact on residential amenity from noise and odour disturbance
Statutory	NIEA Water Management	No objection
Statutory	City and Neighbourhood Department Belfast City Council	No objection

Representations:

Letters of Support	None Received
Letters of Objection	None Received

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected representatives	None
Characteristics of the Site and Area	
1.0	Description of Proposed Development
	Change of use from office space to 7 No apartments (first and second floor)
2.0	Description of Site and Area
2.1	The site at 255-257 Newtownards Road is located between Hillview Street and Kirkpatrick Memorial Presbyterian Church. It is currently occupied by Acapulco Mexican Restaurant and Dickson Lisk Estate Agents at ground floor and offices at first and second floor level. A yard exists to the rear of the building and adjacent to 16 Hillview Street. The Mexican Restaurant extends onto Hillview Street. The site is located within a commercial node/area of parking restraint (AR02/14) and along the Newtownards/Upper Newtownards Road Arterial Route (AR 03/12).
2.2	The site is located along the commercial frontage of the Newtownards Road, with high density terraced housing within the streets accessing from it. Other land uses exist in close proximity such as Kirkpatrick Memorial Presbyterian Church.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/2001/3146/F – 257 Upper Newtownards Road - Change of use of ground floor only from retail unit to cafe. Granted 27.2.2002 Z/2014/0841/F - 14 Hillview Street - Change of use to a hot food unit for consumption of hot food on and off the premises with a proposed extraction flue to the southern side elevation. Refusal 11.12.14. LA04/2015/1122/F - adjacent to 14 Hillview Avenue.- Retention of part change of use to Hot Food Bar – Approval 22.2.16
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015
	<ul style="list-style-type: none"> • Belfast Metropolitan Area Plan 2015, site is located within the development limits of Belfast (Designation BT 001). The relevant policy is SETT 2, Development within the Metropolitan Development Limit and the Settlement Development Limits • AR 02/14 Commercial Node/Area of Parking Restraint – Policy AR02 Commercial Nodes Building Heights and Policy Tran 1 • AR 03/12 Newtownards Road/Upper Newtownards Road Arterial Route – Policy SETT 3 and Policy R4 • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 – Access, Movement and Parking • Planning Policy Statement 7 – Quality Residential Environments • Supplementary Planning Guidance – Creating Places • Supplementary Planning Guidance – Parking Standards • Development Control Advice Note 4 – Restaurants, Cafes and Fast Food Outlets • Development Control Advice Note 8 – Housing in Existing Urban Areas

5.0	Statutory Consultee Responses
	<ul style="list-style-type: none"> • Transport NI – No objection subject to conditions and informatives • NI Water Multi-Units East – No objection subject to informatives • NIEA Water Management – No objection subject to informatives
6.0	Non Statutory Consultee Responses
	<ul style="list-style-type: none"> • Belfast City Council Environmental Health – A take-away at ground floor level will have a detrimental impact on residential amenity from noise and odour disturbance • Belfast City Council City and Neighbourhood Department –bin store adequate
7.0	Representations
7.1	There were no representations to this planning application.
8.0	Other Material Considerations
	None
9.0	Assessment
9.1	The application site is located within the settlement development limits of Belfast. It is within a commercial node/area of parking restraint (AR02/14) and along the Newtownards/Upper Newtownards Road Arterial Route (AR 03/12).
9.2	The key issues in this planning application are: planning history on the site and the immediate vicinity, residential density, commercial node, parking – area of parking restraint, living over the shop, amenity space, noise and odour, overlooking, arterial route and waste storage.
9.3	<p>Strategic Planning Policy Statement for Northern Ireland</p> <p>The purpose of planning is to prevent proposals which would unacceptably affect amenity and the existing use of land. Planning authorities are guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.</p>
9.4	<p>Planning History</p> <p>The planning history at this site relates to the hot food carry out and restaurant at ground floor level. The potential impact of this in relation to the proximity of residential units will be assessed in paragraph 9.09.</p> <p>The agent, in a letter of 14th June 2016 made reference to similar proposal which was approved in January 2012. The application involved the change of use of first floor accommodation to residential. At ground floor level were 2 hot food bars which Environmental Health stated they had the potential to seriously disturb the amenity of proposed residents. This application was recommended for approval despite Environmental Health concerns and was subsequently approved.</p> <p>It is considered this is a poor decision by the DOE, and Belfast City Council Planning Service will take cognisance of the advice of Environmental Health colleagues and unless it can be demonstrated that any noise or odour concerns can be overcome, refusal will be recommended.</p>

<p>9.5</p>	<p>Arterial Route</p> <p>BMAP (Policy SETT 3 Arterial Routes) seeks to support the regeneration of arterial routes by allowing appropriate housing development</p>
<p>9.6</p>	<p>Area of Parking Restraint</p> <p>Policy Tran 1 is applicable as the site is located within an area of parking restraint – commercial node on an arterial route. The parking standard required is one (parking) space for every residential unit. As such a total of seven parking spaces would be necessary. Reductions in the stated standards will be considered in appropriate circumstances where evidence of alternative transport arrangements can be clearly demonstrated. No parking provision has been proposed with the development however a Residential Travel Plan and Parking Survey has been submitted to demonstrate that the area is well serviced by public transport, spare capacity is available through on street parking and/or nearby public car parks, and secure bicycle storage is to be provided. Transport NI considers the proposed development to be acceptable, and is compliant with PPS 3 and PPS 7 Policy QD1 (e and f).</p>
<p>9.7</p>	<p>Living Over the Shop</p> <p>In adherence to Policy HS1 of PPS 12 – Housing in Settlements, planning permission will be granted for residential use above shops and other business premises subject to a suitable living environment and adequate refuse storage space. A flexible approach will be applied to car parking having regard to the circumstance of each case. The living environment will be addressed in paragraph 9.12. The parking provision is deemed to be acceptable.</p>
<p>9.8</p>	<p>Waste Storage</p> <p>Belfast City Council - City and Neighbourhood Department were consulted regarding the amount of waste storage provided. The bin storage provision is deemed to be acceptable.</p>
<p>9.9</p>	<p>Noise and Odour</p> <p>Policy QD 1 (h) of PPS 7 states that the design and layout of a proposed development will not create conflict with adjacent land uses. There is a Mexican Restaurant and takeaway directly below 2 of the proposed residential flats on the first floor. The submitted drawings for the proposed development show the first floor layout with bedrooms and living areas directly above an existing restaurant business and hot food take away. The plans submitted do not include details of the location of ventilation or any specification of the plant and equipment connected with the restaurant and take away unit. The restaurant and take away are closed before midnight but no information regarding opening hours of these units was provided in this application as the ground floor use is to remain unchanged. Planning application LA04/2015/1122/F has approval for the take away to operate up to 03:00 Hours. Restaurants and hot food take-aways are typically associated with potentially antisocial noise, smells and nuisance derived from associated use and equipment.</p> <p>The busiest hours of trading for hot food premises are often late at night which corresponds to the most sensitive period of the day when residents are sleeping or trying to sleep. The disturbing effects of noise increase significantly if the noise occurs at night when background noise levels are lower. It is the opinion of Belfast City Council Environmental Health that given the close proximity of the proposed take-away and</p>

	<p>associated extraction ducting that unavoidable noise and odour impact will be experienced especially by the first floor flats, particularly in the bedroom at night when the background noise level from other sources such as traffic will be lower. No information was submitted by the applicant regarding noise and odour mitigation measures. Belfast City Council Environmental Health reviewed a letter from the agent dated 14 June 2016. As such they reiterate their position dated 28 January 2016.</p> <p>9.10 Overlooking</p> <p>PPS 7 Policy QD1 (h) states that the layout will not create conflict by overlooking between proposed and/or existing properties. There are no issues with overlooking pertaining to this proposed development.</p> <p>Residential Layout</p> <p>PPS 7 Policy QD1 (a) states that the proposed layout should be appropriate to the site. Residential units 2, 3, 4 and 5 have an outlook onto Newtownards Road or Hillview Avenue. However the outlook from the living area of apartment 1 is towards the rear of the building (bedroom of apartment 4). The living area of apartments 6 and 7 also have a rear facing outlook onto the roof of the rear portion of the building. As such the amenity of perspective residents will be compromised.</p> <p>Residential units 1, 2, 3, 6 and 7 are all accessed from the Newtownards Road (between ground floor units Acapulco and Dickson Lisk). As such they have no direct access to the rear yard with the bin and cycle stores. This is in contravention of PP3 7 Policy QD1 (i) in that the layout is not designed to deter potential crime and promote personal safety.</p> <p>Access to apartments 4 and 5 is from Hillview Avenue by way of the rear yard area where the bins are to be located.</p> <p>The size of residential units 1, 2, 3, and 6 are significantly smaller than the space standards detailed in PPS 7 Addendum Annex A (one bedroom-two person apartment is 50/55sqm and two bedroom-three person apartment is 60/65sqm). As this site is located on an Arterial Route the space standards as are deemed to be not applicable. Three residential units (4, 5 and 7) do satisfy the minimum standards detailed.</p> <p>Minor alterations to the side and rear elevations are proposed with introduction of additional gable windows and widening of existing windows. These windows overlook the adjacent Church property and therefore there is no impact on residential amenity. To the rear of the site two additional windows at first floor level are proposed in addition to the increased in size of a third. These windows look into the gable or rear yard of the building at No 16 Hillview Avenue, but given the commercial use of this property the alterations are considered acceptable.</p>
<p>9.11</p>	<p>Residential Amenity Space</p> <p>Creating Places stipulates a minimum provision of 10sqm of amenity space per residential unit in inner city areas. The proposed development is provided a confined rear yard area of approximately 38sqm to facilitate the Mexican Restaurant, Dickson Lisk Estate Agents and seven residential units. The yard is to accommodate a covered bicycle store and a bin store. As such the amount of private amenity space is significantly short of the required standards and is not compliant with PPS 7 Policy QD1 (c).</p>
<p>9.12</p>	<p>Conclusion</p>

	<p>It is the opinion of Belfast City Council that given the close proximity of the proposed take-away and associated extraction ducting that unavoidable noise and odour impact will be experienced especially by 2 of the first floor flats, particularly in the bedroom at night when the background noise level from other sources such as traffic will be lower. The outlook from the living area of apartment 1 is towards the rear of the building (bedroom of apartment 4). The living area of apartments 6 and 7 also have a rear facing outlook onto the roof of the rear portion of the building. As such the amenity of perspective residents will be compromised. Residential units 1, 2, 3, 6 and 7 are all accessed from the Newtownards Road (between ground floor units Acapulco and Dickson Lisk). As such they have no direct access to the rear yard with the bin and cycle stores. The amount of private amenity space is significantly short of the required standards and is not compliant with PPS 7 Policy QD1 (c). Having regard to the policy context and other material considerations above, the proposal is considered to be unacceptable and planning permission should be refused.</p>
10.0	<p>Summary of Recommendation</p> <p>Refusal</p>
11.0	<p>Refusal Reasons</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 in that it would, if permitted, result in demonstrable harm to the living environment of prospective residents by reason of conflict with adjacent land use in that the applicant has failed to demonstrate the proposal will be impacted to an unacceptable degree of noise and odours from the commercial activity on the ground floor. 2. The proposal is contrary to Policy QD1 of Planning Policy Statement 7 in that it would, if permitted, result in an unacceptable living environment causing harm to the living conditions of prospective residents due to poor outlook, insufficient private amenity space and unacceptable access arrangements for all apartments. The proposed development would therefore fail to create a quality residential environment.
12.0	<p>Notification to Department (if relevant)</p> <p>N/A</p>
13.0	<p>Representation from elected member: None</p>

ANNEX	
Date Valid	21 December 2015
Date First Advertised	29 January 2016
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, Candid House,255A Upper Newtownards Road,Ballycloghan,Dundonald,Down,BT4 3JF, The Owner/Occupier, Candid House,255A Upper Newtownards Road,Ballycloghan,Dundonald,Down,BT4 3JF, The Owner/Occupier, Candid House,255A Upper Newtownards Road,Ballycloghan,Dundonald,Down,BT4 3JF, The Owner/Occupier, Candid House,255A Upper Newtownards Road,Ballycloghan,Dundonald,Down,BT4 3JF, The Owner/Occupier, Candid House,255A Upper Newtownards Road,Ballycloghan,Dundonald,Down,BT4 3JF, The Owner/Occupier, Candid House,255A Upper Newtownards Road,Ballycloghan,Dundonald,Down,BT4 3JF, The Owner/Occupier, 1 Hillview Avenue,Ballycloghan,Belfast,Down,BT5 6JR, The Owner/Occupier, 1,376-378 Ulster Bank House,Upper Newtownards Road,Strandtown,Dundonald,Down,BT4 3EY, The Owner/Occupier, 16 Hillview Avenue,Ballycloghan,Belfast,Down,BT5 6JR, The Owner/Occupier, 2,376-378 Ulster Bank House,Upper Newtownards Road,Strandtown,Dundonald,Down,BT4 3EY, The Owner/Occupier, 253 Upper Newtownards Road,Ballycloghan,Dundonald,Down,BT4 3JF, The Owner/Occupier, 255 Upper Newtownards Road,Ballycloghan,Dundonald,Down,BT4 3JF, The Owner/Occupier, 273-275,Upper Newtownards Road,Ballycloghan,Dundonald,Down,BT4 3JF, The Owner/Occupier, 3 Hillview Avenue,Ballycloghan,Belfast,Down,BT5 6JR, The Owner/Occupier, 370 Upper Newtownards Road,Strandtown,Dundonald,Down,BT4 3EY, The Owner/Occupier, 370-374 Earlswood House,Upper Newtownards Road,Strandtown,Dundonald,Down,BT4 3EY, The Owner/Occupier, 370-374 Earlswood House,Upper Newtownards Road,Strandtown,Dundonald,Down,BT4 3EY, The Owner/Occupier, 376-378 Ulster Bank House,Upper Newtownards Road,Strandtown,Dundonald,Down,BT4 3FB, The Owner/Occupier, 5 Hillview Avenue,Ballycloghan,Belfast,Down,BT5 6JR, The Owner/Occupier, 7 Hillview Avenue,Ballycloghan,Belfast,Down,BT5 6JR, The Owner/Occupier, Kirkpatrick Memorial Presbyterian Church,Eastleigh Crescent,Ballycloghan,Belfast,Down,BT5 6HT,</p>	

The Owner/Occupier, Ulster Bank House,376 Upper Newtownards Road,Strandtown,Dundonald,Down,BT4 3EY,	
Date of Last Neighbour Notification	22 January 2016
Date of EIA Determination	N/A
ES Requested	No
Notification to Department (if relevant) N/A	