

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 16 August 2016	Item Number:8e
Application ID: LA04/2015/0195/F	
Proposal: Relocation of existing Shankill Surgery and construction of 1no medical surgery, 52no apartments and 4no ground floor commercial units with realignment of public road (to the front of 1-3 Boundary Walk, associated parking and loss of open space.	Location: Lands between Shankill Parade and North Boundary Street Shankill Ward Shankill Road Belfast BT13
Referral Route: Major Application	
Recommendation:	Approve Subject to Conditions and a Section 76 Agreement
Applicant Name and Address: Clear Healthcare 157-173 Roden Street Belfast BT12 5QA	Agent Name and Address: TSA Planning 29 Linenhall Street Belfast BT12 5QA
<p>Executive Summary:</p> <p>The main issues to be considered in this case are:</p> <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>The site is located within the development limits of Belfast and is also identified as fronting onto arterial route AR 01/05, Shankill Road / Woodvale Road / Ballygomartin Road as designated in the Belfast Metropolitan Area Plan 2015. The principle of residential development is acceptable given the planning history for an identical approval on the site and the fact that the proposal does not conflict with area plan designations.</p> <p>It is noted that an identical scheme approved under Z/2007/3042/F remained extant at the time of submission of current proposal.</p> <p>The scale, massing and design of the proposed development accords with that found in the locality and is consistent with guidance set out in BMAP</p> <p>There will be no unacceptable damage to the residential amenity of nearby properties.</p> <p>All Consultees have offered no objections to the proposal, subject to conditions.</p> <p>No objections from third parties have been received.</p> <p>The proposal involves the loss of a small area of open space to the front of numbers 1-3 Boundary Walk. In order to compensate for the loss of the open space it is recommended that the scheme is approved subject to conditions and the completion of an Agreement under Section</p>	

76 of the Planning Act (Northern Ireland) 2015 ('Section 76 Agreement') in respect of developer contributions.

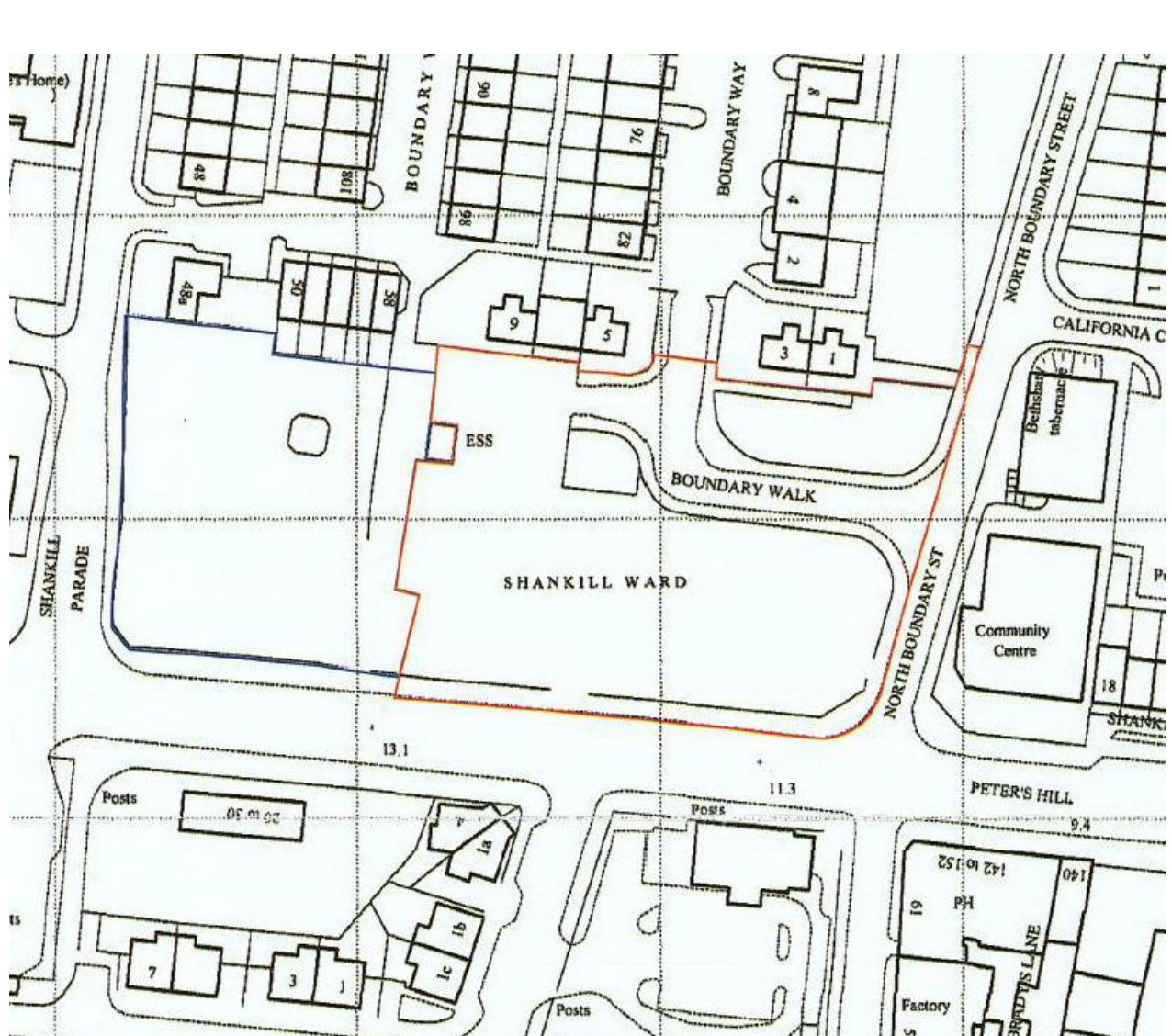
However, the applicant has submitted a viability report seeking to demonstrate that the scheme is economically unviable without the reliance on urban development grants. This report is currently under consideration by Property and Projects at Belfast City Council. Should the report demonstrate that the scheme is economically unviable it is recommended that authority is delegated to the Director of Planning and Place to waive the requirement for a Section 76 Agreement.

Recommendation

Approval

Case Officer Report

Site Location Plan



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>Relocation of existing Shankill Surgery and construction of 1no medical surgery, 52no apartments and 4no ground floor commercial units with realignment of public road (to the front of 1-3 Boundary Walk, associated parking and loss of open space.</p>
2.0	<p>Description of Site</p> <p>The application site of 0.33 hectares fronts the Shankill Road / Peters Hill which defines its southern boundary.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Z/2007/3042/F- Relocation of existing Shankill Surgery and construction of 1 No. medical surgery, 52 No. apartments and 4 No. ground floor commercial units all with associated parking.</p> <p>Decision: Allowed at Planning Appeal Date: 10th May 2010</p> <p>Z/2007/2014/F- Proposal: Relocation of existing Shankill Healthcare GPs and Pharmacy to create 2 medical surgeries, 1No. Pharmacy, 2No. commercial units and 12No. apartments with associated car parking and amenity space. Address: Lands between Shankill Parade and North Boundary Street, Shankill Ward, Shankill Road, Belfast, BT13. Decision: Approval Decision Date: 25th June 2008</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 7- Quality Residential Environments Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation Planning Policy Statement 12- Housing in Settlements</p>
5.0	<p>Statutory Consultees</p> <p>NIEA Waste Management- No Objections 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>No representations have been received.</p>
8.0	<p>Other Material Considerations</p> <p>DCAN 8- Housing in existing Urban Areas Living Places</p>

9.0	Assessment
9.1	<p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of redevelopment 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, creating and enhancing shared space, and supporting good design and place making. The SPPS states PPS3 remains applicable under 'transitional arrangements'.</p> <p><u>Principle of Development</u></p>
9.3	<p>Article 6 (4) of the Planning (Northern Ireland) Act 2011 states that in making any determination under the said act regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.</p>
9.4	<p>The site is located within the development limits of Belfast and is identified as whiteland in the Belfast Metropolitan Area Plan 2015. It also fronts onto the Shankill Road, a designated arterial route (AR 01/05). The proposed development does not conflict with these area plan designations.</p>
9.5	<p>The planning history is important in the assessment of this proposal. Planning permission under planning reference Z/2007/2032/F remained extant when this application was submitted to Belfast City Council. Allowed at appeal on 10th May 2010 consideration was not given to the loss of a small portion of open space to the front of dwellings at 1 and 3 Boundary Walk as this was not raised by the then Department of Environment at the time..</p>
9.6	<p>As the proposal involves the loss of open space, Policy OS 1 of PPS 8 is a material consideration. This policy states that there is a general presumption against the loss of open space to competing land uses. Annex A of PPS 8 defines open space and a range of uses that are of public value. This are falls under A2 Part (iii) amenity green space (most commonly, but not exclusively in housing areas) – including informal recreation spaces, communal green spaces in and around housing, and village greens.</p>
9.7	<p>An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. In such cases, applicants will generally be expected to demonstrate that their proposals are supported by the local community.</p>
9.8	<p>The general locality has a limited amount of existing open space provision and the applicant is not proposing an alternative area to compensate for its loss. There is no doubt that the proposal will have a positive impact on the area which has historically suffered from urban decay. However, Policy OS1 of PPS 8 is clear in that the community benefits of the proposal must outweigh the policy presumption against any loss of open space. As the community benefits associated with the proposal has not been demonstrated by the applicant it is considered that the only mechanism to seek positive community benefits is by entering into a Section 76 Agreement to offset the loss of open space.</p>

	<u>Medical Surgery / Retail Units</u>
9.9	These components of the proposal are considered acceptable given that this section of the Shankill Road is commercial in nature and is identified as an Arterial Route in BMAP 2015.
	<u>Residential element</u>
9.10	Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet.
9.11	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.
9.12	The site consists of a vacant portion of land, a road and a portion of open space. The existing character of the area can be defined by the commercial frontage of the Shankill Road and the residential character of North boundary Street and Boundary Walk. Visually the scheme ties into the existing development on Shankill Road. The proposed development is 3 storey with a recessed 4 th floor on the Shankill Road dropping down to 2 ½ storeys at Boundary Walk. The height, scale and massing of the development respects the existing context. Whilst the scale of the development proposed along Boundary Walk is significant it is considered that the benefits to this area including the positive impact on the townscape and the regeneration value outweigh any limited adverse impacts. It is therefore considered that the proposal complies with criterion (a).
9.13	In terms of impact on landscape features, the proposal will result in the loss of an area of open space which contributes to the visual amenity of the area. However as mentioned under paragraph 9.6 the loss of this portion of open space will be compensated by seeking the applicant to enter into a Section 76 Agreement to seek developer contributions to facilitate improvements to public facilities within the locality.
9.14	The communal amenity space provision for the apartments is approximately 500 sq metres and consist of 2 raised landscaping deck above the parking area. Creating Places- Achieving quality in new Residential Developments' states that in the case of apartments or flat developments, or in 1 and 2 bedroom houses in small urban infill sites, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq metres to around 30 sq metres per unit. It further states that generally developments in inner urban locations and other high density areas will tend towards the lower end. The scheme proposed approximately 10 sq metres per apartment and therefore fully complies with criterion (c).
9.15	<u>Impact on Residential Amenity</u> 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. The residential properties most affected by the proposal are 1 and 3 Boundary Walk. These properties benefitted from a reasonable attractive outlook over the area of open space to the front and a decent separation distance. The roadway is moving nearer these properties as is the built form. The overall separation

<p>9.16</p> <p>9.17</p> <p>9.18</p>	<p>distance between these properties and the proposed development will be 13 metres. However it is accepted that the separation distances proposed are comparable to those in the area and are typical in such an inner city area such as this. On balance the proposal complies with criterion (h).</p> <p><u>Traffic and Parking</u> The proposal has been assessed against Policy AMP 7 of PPS 3: Access, Movement and parking. There are 61 car parking spaces proposed for the overall development. This is considered an acceptable level of parking provision on a site within close proximity to the City Centre with access to frequent public transport, a view shared by Transport NI.</p> <p><u>Other matters</u></p> <p><u>Contaminated land</u> A Preliminary Generic Risk Assessment was submitted by the applicant. The reports confirmed the land contamination is at a low risk and no significant impacts have been identified. On that basis the proposal can proceed, a view shared by NIEA – Waste Management and Belfast City Council’s Environmental Protection Unit.</p> <p><u>Section 76</u> The applicant has submitted a viability report seeking to demonstrate that the scheme is economically unviable without the reliance on urban development grants. This report is currently under consideration by Belfast City Council. Should the report demonstrate that the scheme is economically unviable it is recommended that authority is delegated to the Director of Planning and Place to waive the requirement for a Section 76 Agreement.</p>
<p>10.0</p> <p>10.1</p>	<p>Summary of Recommendation: Approval</p> <p>Having regard to the development plan, relevant planning policies, and other material considerations, it is considered that the development is acceptable subject to the applicant entering into a Section 76 Agreement to offset the loss of open space. As such the application is recommended for approval with conditions.</p> <p>If Committee is minded to agree with that recommendation, it is recommended that delegated authority is granted to the Director of Planning Place, in consultation with the Town Solicitor, to negotiate and enter into a Section 76 Agreement. It is further recommended that the Director of Planning and Place may waive the requirement for a Section 76 Agreement if satisfied that the viability report submitted by the applicant demonstrates that payment of a contribution would make the scheme economically unviable.</p>
<p>11.0</p>	<p>Conditions</p> <ol style="list-style-type: none"> 1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: Time Limit. 2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 062074/GA/106 Rev F bearing the Belfast Planning Service date stamp 3/2/16, prior to the occupation of any other works or other development hereby permitted. Reason: To ensure there is a satisfactory means of access in the interests of road

safety and the convenience of road users.

3. No dwelling shall be occupied until hard surfaced parking areas have been constructed in accordance with the approved Drawing No. 062074/GA/106 Rev F bearing Belfast Planning Service date stamp 3/2/16 to provide adequate facilities for parking. These spaces shall be permanently retained.

Reason: To ensure adequate parking in the interests of road safety and the convenience of road users.

4. The surgery hereby permitted shall not become operational until hard surfaced parking areas have been constructed and permanently marked in accordance with the approved Drawing. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

5. The development shall not become operational until provision has been made for cycle parking in accordance with the approved plan. These facilities shall be permanently retained.

Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.

6. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted occupied and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.

7. 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.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

8. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department for Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:062074/GA/106 Rev F bearing the TransportNI determination date stamp 14/3/16.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

9. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance

	<p>with the details outlined blue on Drawing No:062074/GA/106 Rev F bearing the date stamp 14/3/16. The Department for Infrastructure hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).</p> <p>Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.</p> <p>10. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of TransportNI.</p> <p>Reason: In order to minimize the number of access points on to the public road in the interests of road safety and the convenience of road users.</p> <p>11. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>12. The landscape management plan date stamped received 24nd April 2015 shall be carried out as approved and reviewed at years 5, 10 and 15 and any changes shall not be implemented without the consent of Belfast City Council Planning Authority.</p> <p>Reason: To ensure the sustainability of the tree cover on the site through the successful long term proactive maintenance.</p>
<p>12.0</p>	<p>Notification to Department (if relevant)</p> <p>N/A</p>
<p>13.0</p>	<p>Representations from Elected Members</p> <p>N/A</p>

ANNEX	
Date Valid	24th April 2015
Date First Advertised	17th July 2015
Date Last Advertised	25th March 2016
<p>Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Boundary Walk, Town Parks, Belfast, Antrim, BT13 1DX, The Owner/Occupier, 18-50, Shankill Road, Town Parks, Belfast, Antrim, BT13 2BD, The Owner/Occupier, 1A Dover Street, Town Parks, Belfast, Antrim, BT13 2EB, The Owner/Occupier, 2-16, Shankill Road, Town Parks, Belfast, Antrim, BT13 2BA, The Owner/Occupier, 3 Boundary Walk, Town Parks, Belfast, Antrim, BT13 1DX, The Owner/Occupier, 4 Shankill Road, Town Parks, Belfast, Antrim, BT13 2BA, The Owner/Occupier, 5 Boundary Walk, Town Parks, Belfast, Antrim, BT13 1DX, The Owner/Occupier, 52 Boundary Walk, Town Parks, Belfast, Antrim, BT13 1DX, The Owner/Occupier, 58 Shankill Parade, Town Parks, Belfast, Antrim, BT13 1DY, The Owner/Occupier, 7 Boundary Walk, Town Parks, Belfast, Antrim, BT13 1DX, The Owner/Occupier, 9 Boundary Walk, Town Parks, Belfast, Antrim, BT13 1DX, The Owner/Occupier, Bethshan Tabernacle, North Boundary Street, Town Parks, Belfast, Antrim, BT13 1DH, The Owner/Occupier, Community Centre, Peters Hill, Town Parks, Belfast, Antrim, BT13 2AA, The Owner/Occupier, Flat 3, 65 Shankill Road, Belfast The Owner/Occupier, Flat 1, 65 Shankill Road, Belfast The Owner/Occupier, Flat 10, 65 Shankill Road, Belfast The Owner/Occupier, Flat 11, 65 Shankill Road, Belfast The Owner/Occupier, Flat 12, 65 Shankill Road, Belfast The Owner/Occupier, Flat 2, 65 Shankill Road, Belfast The Owner/Occupier, Flat 4, 65 Shankill Road, Belfast</p>	

The Owner/Occupier, Flat 5, 65 Shankhill Road, Belfast The Owner/Occupier, Flat 6, 65 Shankhill Road, Belfast The Owner/Occupier, Flat 7, 65 Shankhill Road, Belfast The Owner/Occupier, Flat 8, 65 Shankhill Road, Belfast The Owner/Occupier, Flat 9, 65 Shankhill Road, Belfast The Owner/Occupier, Heavenly Weddings, Unit 2, 65 Shankhill Road, Belfast	
Date of Last Neighbour Notification	15th March 2016
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
1-13	