



Belfast Planning Service
Belfast City Council
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11 September 2018	
Application ID: LA04/2018/0949/F	
Proposal: Two shop units with two apartments over	Location: 135-137A Andersonstown Road Belfast BT11 9BU
Referral Route: Referred by Director of Planning and Building Control - Objections to Application and Request for Referral	
Recommendation: Approval	
Applicant Name and Address: T and R Estates Ltd 51-53 Upper Arthur Street Belfast BT1 4GJ	Agent Name and Address: Noteman McKee Architects 60 Malone Road Belfast BT9 5BT
Executive Summary: <p>This application seeks full planning permission for a two storey building with two retail units at ground floor and two apartments at first floor.</p> <p>The key issues for assessment are;</p> <ul style="list-style-type: none">• Principle of development and use;• Height, scale, massing, layout and design;• Provision of parking and access;• Provision of amenity space;• Overlooking, overshadowing and separation distances;• Impact on residential amenity of neighbours;• Impact on character of the area;• Consideration of representations;• Other environmental factors. <p>Two objections to the proposal were received raising issues in respect of overlooking/loss of privacy, noise and disturbance from use, design/visual appearance, parking and traffic impact, height of the proposed building, fire hazard and means of escape and bins.</p>	

Transport NI, Environmental Health and NI Water were consulted and have no objection to the proposal.

It is recommended that this application be approved and it is requested that Committee delegate authority to the Director of Planning and Place to agree the final wording of the conditions.

Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Environmental Health Belfast City Council	Substantive Response Received
Statutory	DFI Roads - Hydebank	Content
Non Statutory	NI Water - Multi Units East - Planning Consultations	Substantive Response Received
Representations:		
Letters of Support	None Received	
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 The proposal is for full planning permission for a two storey building for two retail units at ground floor and two apartments at first floor.
2.0	Description of Site The site is located at 135 – 137a Andersonstown Road, Belfast. The site is occupied by a single storey building comprising three vacant retail units which front on to the Andersonstown Road. To the rear of the units is an existing hardstanding area used for parking for the three retail units. To the east is an existing two storey building occupied by a charity shop and separated from the site by a vehicular access. Other neighbouring uses include a hot food bar, taxi office, barbers and a bar and restaurant within the remainder of the block. To the west is no.1 St Agnes Drive which has been granted permission by the Planning Appeals Commission for a change of use from a dwelling to a café with an extension which will have frontage on to the Andersonstown Road.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History 3.1 Z/1982/0832 – Change of use of shop to Chinese carryout – Granted 3.2 Z/1979/1510 – Alterations to shop - Granted 3.3 Z/1975/0522 – Erection of shops with offices over - Granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 Belfast Metropolitan Area Plan 2015
	4.1.1 SETT 1 – Designation of Settlements
	4.1.2 SETT 2 - Development within the Metropolitan Development Limit and Settlement Development Limits
	4.1.3 R 4 – Arterial Routes and Local Centres
4.2	Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning Policy Statement 3 'Access, Movement and Parking' Planning Policy Statement 7 'Quality Residential Environments' Planning Policy Statement 12 'Housing in Settlements'
5.0	Statutory Consultees Responses
5.1	DFI Transport NI – No objection
5.2	NI Water – No objection
6.0	Non Statutory Consultees Responses
6.1	Environmental Health – No objection

7.0	Representations
7.1	<p>The application has been neighbour notified and advertised in the local press. Two objections were received from the occupiers of no's. 3 and 5 St Agnes Drive. The objectors raised the following issues;</p> <ul style="list-style-type: none"> • Overlooking/loss of privacy; • Noise and disturbance from use; • Design/visual appearance; • Parking and traffic impact; • Height of the proposed building; • Fire hazard and means of escape; • Bins. <p>The application was re-neighbour notified following the submission of a sun path analysis, no further objections have been received.</p>
8.0	Other Material Considerations
8.1	<p>Creating Places DCAN 8 'Housing in Existing Urban Areas'</p>
9.0	Assessment
9.1	The proposal is considered to comply with the Development Plan
9.2.0	<p>The key issues for assessment are;</p> <ul style="list-style-type: none"> • Principle of development and use; • Height, scale, massing, layout and design; • Impact on the shopping and commercial area; • Provision of parking and access; • Provision of amenity space; • Overlooking, overshadowing and separation distances; • Impact on residential amenity of neighbours; • Impact on character of the area; • Consideration of representations; • Other environmental factors.
9.2.1	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.2.2	Section 45 (1) of the Planning Act (NI) 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.
9.2.3	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.

9.2.4	The site is located within the settlement development limit for Belfast as designated by the Draft Belfast Metropolitan Area Plan 2015. The site is located within a suburban area characterised by a mixture of commercial and residential properties along the main Arterial Route with the units designated as shopping / commercial use.
9.2.5	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is deemed that this proposal would not result in demonstrable harm to the residential amenity of neighbours and prospective occupants.
9.2.6	Principle of Development and Use – The principle of development and the proposed mixed use with commercial at ground floor level and residential at first floor level is considered acceptable at this location and is considered a compatible use alongside the adjacent residential developments. The units are designated as shopping and commercial (AR 03/02) located on an Arterial Route AR 01/08. The provision of residential accommodation above the shop is encouraged by Planning Control Principle 3 – Sustainable Forms of Development in Planning Policy Statement 12 through mixed use development and the use of brown field sites within the urban area.
9.2.7	Height, Scale, Massing, Layout and Design – The proposed building is to be 9.1m in height from ground level, 14.6m long with a gable depth of 11.4m. The building is to be covered with a hipped roof covered in black/grey concrete roof tiles and walls finished in clay facing brick. A two storey building of this scale and massing is considered acceptable and is expected at a location such as this fronting on to an Arterial Route. The proposed design, architectural treatment and materials are acceptable and appropriate to this urban location. The proposed design and visual appearance, proposed height and fire safety and means of escape from the building proposed was an issue raised by an objector. As discussed above the design, visual appearance and height are considered to be acceptable at this location. Fire safety and means of escape is outside the remit of planning legislation and will be considered by Building Control through the relevant Building Control regulations.
9.2.8	Impact on the shopping and commercial area - The site is located within a Shopping and Commercial Area on an Arterial Route (AR 03/02) and therefore Policy R4 of Belfast Metropolitan Area Plan (2015) applies. The proposed units marginally exceeds the 500m ² gross floor space by 10m ² , however this marginally additional floor space is unlikely to have an adverse impact on the shopping and commercial area and essentially replaces the three retail units on the site which occupied a similar footprint to the proposed. The proposed use is acceptable in a designated shopping and commercial area on an arterial route, and the proposal is to replace the previous three retail units with two retail units and therefore will not have an adverse impact on the vitality and viability of any district centre or the role or function of the commercial node and surrounding area. The amenity, traffic movement and road safety in the area will not be detrimentally impacted upon by the proposal.
9.2.9	Parking Provision and Access – Objections in relation to access, traffic and parking were received. Transport NI were consulted and consider the proposal acceptable. Transport NI have recommended a condition in relation to secure bicycle parking provision, subsequently the applicant has indicated provision can be made for two bicycles alongside the western side elevation and the boundary with no.3 St Agnes Drive and two within the ground floor lobby area. Planning Service considers the site to be a sustainable location due to its proximity to the city centre, being on an arterial route with public transport links and within walking distance to the Belfast Rapid Transit (BRT) stop. The inclusion of cycle provision as per Transport NI's condition would further enhance the sustainable location of the site. Policy HS 1 Living Over

	<p>the Shop in Planning Policy Statement 12 – Housing in Settlements, sets out a flexible approach to be applied to car parking provision and as this is considered to be a sustainable location the parking provision is considered acceptable.</p>
9.2.10	<p>Provision of amenity space – In terms of amenity provision, communal bin storage is to be accommodated to the rear of the site and secure bicycle parking will be accommodated to the rear and internally within the lobby. Whilst no provision for private amenity space for the individual apartments has been shown, the apartments have an outlook over an active frontage and will benefit from close proximity to recreational space in the form of the Andersonstown Leisure Centre which is directly across the road and currently undergoing re-development.</p>
9.2.11	<p>Overlooking, overshadowing and separation distances – Overlooking from the proposed first floor window in the western elevation was raised as a concern by an objector. This window has been amended to be obscure glazed to ensure that no unacceptable overlooking to no.3 St Agnes Drive will result. In terms of sunlight the proposed building will impact the morning sun of dwelling no.3 St Agnes Drive, as demonstrated by the sun path analysis submitted by the agent with no impact after 10.30am. In this instance it is the cumulative impact of this proposal alongside the café which was previously refused by committee and subsequently granted permission by the Planning Appeals Commission that will result in loss of light to no.3 St Agnes Drive in the morning and midday. However considering the decision of the Planning Appeals Commission to approve the extension and change of use at no.1 St Agnes Drive, and that the proposal site is located on an Arterial Route and this type and scale of development is expected and is encouraged by Planning Control Principle 3 – Sustainable Forms of Development and is supported by policy HS1 Living Over the Shop in Planning Policy Statement 12 – Housing in Settlements it is considered that the level of overshadowing is not of an unacceptable level within this context and the proposal is on balance considered acceptable. The scale of the proposed building is considered to be appropriate and in keeping with adjacent two storey buildings along this Arterial Route. In respect of the separation distance from the existing residential properties at no's. 3 and 5 St Agnes Drive, the separation distances are 8.2m between no.3 and the proposed and 8.6m between no.5 and the proposed. The separation distances are considered to be acceptable and similar to the previous building on the site. This type of relationship of commercial properties with nearby residential dwellings is expected within commercial frontage along an Arterial route with residential on adjoining side streets and is not an uncommon relationship in the urban context.</p>
9.2.12	<p>Impact on Residential Amenity –The proposed residential, commercial use and the design and layout of the development will not create conflict with the adjacent residential use. As discussed at 9.2.11, it is considered that no unacceptable overlooking or overshadowing will result from the proposed new build. Whilst an objector has raised bins as a concern they have not specified the nature of their concern. It is presumed that this is in relation to bin provision and bin storage. Environmental Health were consulted and have no objection to the proposal. Clarification was obtained from the applicant as to where bins will be located within the site and this information shows the bins located within a landscape buffer and away from residential properties. Given the clarification provided and no objection from Environmental Health it is considered that the bins will have no impact on residential amenity. Objectors raised concerns regarding noise and disturbance from both the two commercial units and two apartments. Environmental Health were consulted and raised no objection to the proposal, recommending the attachment of an informative in regards to the location of plant. As discussed at 9.2.11, the separation distances are considered acceptable and the relationship between the proposed commercial and residential development is to be expected within commercial frontages along an Arterial route with residential on adjoining side streets and is not an uncommon relationship in the urban context.</p>

<p>9.2.13</p> <p>9.2.14</p>	<p>Impact on character of the area – It is considered that the character of the area will not be detrimentally impacted upon, as this type and form of development is expected in a location such as this, an arterial route within a designated shopping and commercial area and is therefore is considered acceptable.</p> <p>Other Environmental Factors – NI Water and Environmental Health were consulted. Environmental Health have recommended the attachment of informatives. NI Water had no objection and provided standing advice.</p>
<p>9.3</p>	<p>On balance having regard to the policy context and other material considerations above, the proposal is considered acceptable. Delegated authority is sought to approve the application with conditions.</p>
<p>10.0</p>	<p>Summary of Recommendation: Approval</p>
<p>11.0</p>	<p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. The development hereby permitted shall not be occupied unless provision has been made for access and in curtilage parking in accordance with Drawing No.02 bearing Planning Authority date stamp 27th March 2018. Reason: To ensure there is a satisfactory means of access and parking in the interests of road safety and the convenience of road users. 3. The development shall not be occupied until the 4no. secure and covered cycle parking facilities have been provided on the site as per drawing 03 bearing the Belfast Planning Service date stamp 31st August 2018. The covered parking facilities shall then be retained in accordance with the approved details at all times. Reason: To ensure acceptable cycle parking on the site to encourage and promote alternative modes of transport. 4. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any Order revoking and/or re-enacting that Order, the first floor windows on the western elevation shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall at all times incorporate a restricted opening mechanism, details of which shall have been submitted to be approved in writing by the Council prior to occupation of the development hereby permitted. Reason: To safeguard the privacy of adjacent properties. 5. The development shall not be occupied until the bin provision and location of bin storage have been provided on the site as per drawing 03 bearing the Belfast Planning Service date stamp 31st August 2018. The bin storage facilities shall then be retained in accordance with the approved details at all times.

	Reason: To ensure adequate provision of refuse and recycling storage in the interests of the amenities of the area.
Notification to Department (if relevant) N/A	
Representations from Elected members: Cllr Emma Groves	
Neighbour Notification Checked	Yes

ANNEX	
Date Valid	27th March 2018
Date First Advertised	4th May 2018
Date Last Advertised	4th May 2018
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1 St Agnes Drive,Andersonstown,Belfast,Antrim,BT11 8GZ, The Owner/Occupier, 3 St Agnes Drive,Andersonstown,Belfast,Antrim,BT11 8GZ, Claire OLoughlin 3, St Agnes Drive, Belfast, Andersonstown, Antrim, Northern Ireland, BT11 8GZ The Owner/Occupier, 5 St Agnes Drive,Andersonstown,Belfast,Antrim,BT11 8GZ, Dorothea Burns 5, St Agnes Drive, Belfast, Andersonstown, Antrim, Northern Ireland, BT11 8GZ The Owner/Occupier, 7 St Agnes Drive,Andersonstown,Belfast,Antrim,BT11 8GZ, The Owner/Occupier, Fegans Chemist,136a ,Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9BY, The Owner/Occupier, Lynch Carpets,134 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9BY, The Owner/Occupier, Shearers,138a ,Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9BY, The Owner/Occupier, U P S,138 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9BY, The Owner/Occupier, Unique,135a ,Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9BU,</p>	
Date of Last Neighbour Notification	23rd July 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
<p>Proposal: Two shop units with two apartments over Address: 135-137A Andersonstown Road, Belfast, BT11 9BU, Decision: Decision Date:</p> <p>Ref ID: Z/1989/2524 Proposal: Addition of second floor to existing two storey building</p>	

including modifications to ground and first floors to provide additional club and bar area
Address: 133/135 ANDERSONSTOWN ROAD BELFAST BT11
Decision:
Decision Date:

Ref ID: Z/1990/2247
Proposal: Change of use of first floor from snooker hall to public lounge bar
Address: 133/135 ANDERSONSTOWN ROAD BELFAST BT11
Decision:
Decision Date:

Summary of Consultee Responses

Transport NI – No objection

NI Water – No objection

Environmental Health – No objection

Drawing Numbers and Title

Drawing No. 01
Type: Site Location Plan

Drawing No. 02
Type: Site Block Plan, Floor Plans and Elevations

Notification to Department (if relevant)

N/A