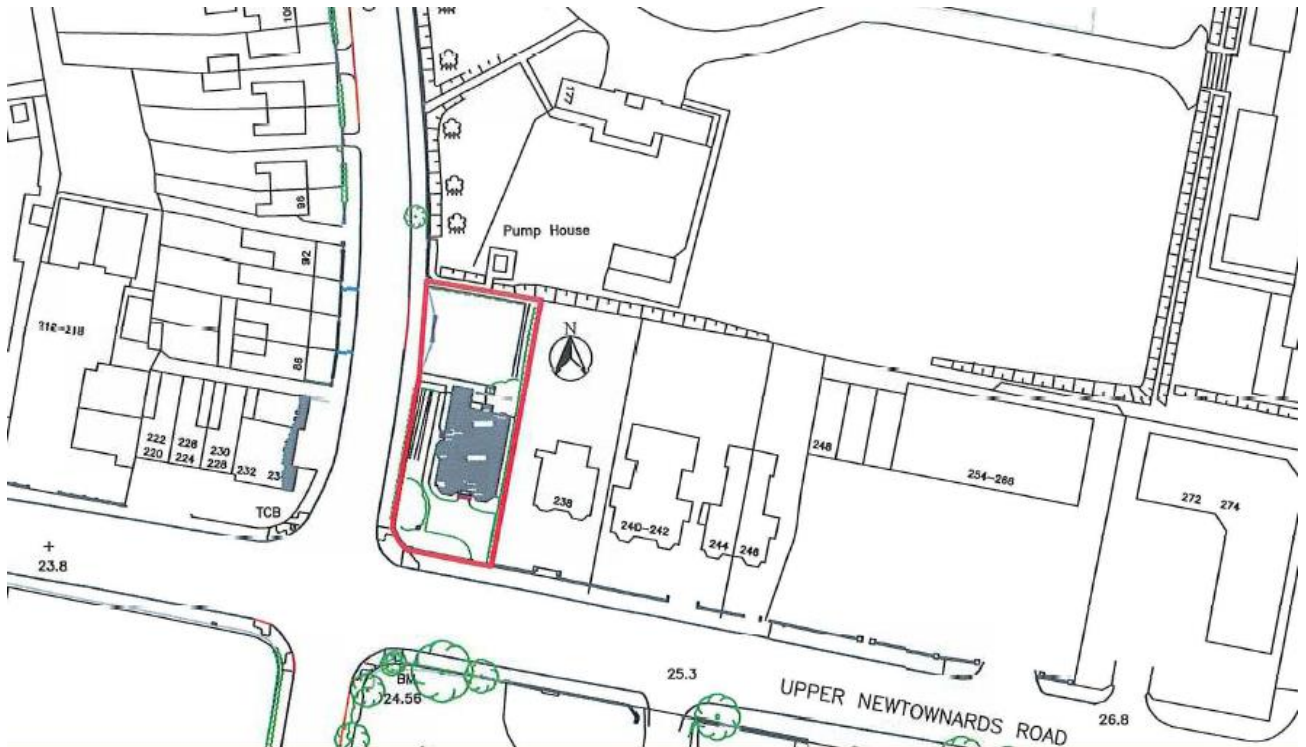


## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> Tuesday 17 September 2019	
<b>Application ID:</b> LA04/2018/2283/O	
<b>Proposal:</b> Outline application for demolition of existing building and construction of 12 apartments	<b>Location:</b> 236 Upper Newtownards Road Belfast BT4 3EU.
<b>Referral Route:</b> Decision of the Director of Planning and Building Control	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> Leslie Black 236 Upper Newtownards Road Belfast BT4 3EU	<b>Agent Name and Address:</b> Alan Warren 537 Antrim Road Belfast BT15 3BU
<p><b>Executive Summary:</b> The proposal seeks outline planning permission for the erection of twelve apartments</p> <p>Nine objections have been received relating to this proposal. The objections related to the impact of the proposed development on traffic issues around the site, over development of the site, overlooking of neighbouring properties, and design not in keeping</p> <p>The key issues in the assessment of this proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Impact on character of draft Area of Townscape Character</li> <li>- Impact on neighbouring amenity</li> <li>- Traffic and Parking</li> <li>- Air quality and noise impact</li> <li>- Drainage</li> </ul> <p>Consultees: BCC Environmental Health – air quality and noise impact assessment required DfI Roads Service – acceptable access and parking arrangements required NI Water no objection available capacity BCC conservation – objected Rivers agency not consulted – agent failed to submit drainage report</p> <p>It is considered that the existing building makes a positive contribution to the character of the draft Area of Townscape Character and its demolition is unacceptable. The applicant has failed to demonstrate that the site can accommodate development of the scale proposed without harm to the character and appearance of the area or the amenity of neighbouring residents. The proposal fails to make satisfactory provision for parking. The application is accompanied by insufficient information to assess the impacts of the proposal in respect of parking, air quality, noise and drainage.</p> <p>Refusal is recommended for the reasons stated.</p>	

## Case Officer Report

**Site Location Plan****Characteristics of the Site and Area****1.0 Description of Proposed Development**

Outline planning permission is sought for the erection of 12 apartments including the demolition of the existing building.

**2.0 Description of Site.**

The site occupies a prominent corner plot at the junction of Upper Newtownards Road and North Road. The topography of the site is relatively flat and even. The site contains a large two storey detached double fronted dwelling with two storey canted bay windows either side of a centrally located front entrance doorway. The dwelling is finished in a painted render with decorative fenestration and mouldings to the front façade and decorative fret work barge-broads to the gables. The site has been in use as an office which has resulted in the front and rear gardens being hard surfaced for parking.

The character of the surrounding area is mixed with a primary school located to the rear of the site, terrace dwellings along North Road, large brick built detached dwellings, mostly in office use neighbouring the site along the Upper Newtownards Road and a commercial and retail terrace. The road junction is also a dominant feature in the locality.

<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Planning History</b> LA04/2015/1103/F – erection of two storey extension to the side and rear, access for disabled persons and additional car parking spaces. Approval granted 10 <sup>th</sup> October 2016.
<b>4.0</b>	<b>Policy Framework</b>
4.1	<p>BUAP Draft BMAP 2015 Draft BMAP 2004</p> <p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP 2015 still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage that Draft BMAP 2015 had reached, it is considered that it holds significant weight.</p> <p>Strategic Planning Policy Statement for Northern Ireland (SPPS) PPS 3 – Access, Movement and Parking PPS 6 – Addendum Areas of Townscape Character PPS 7 – Quality Residential Environments PPS 7 – Addendum Safeguarding the Character of Established Residential Areas PPS 15 - Planning and Flood Risk</p>
<b>5.0</b>	<b>Statutory Consultee Responses</b>
	<p>NI Water – no objection, available capacity DfI Roads – objection, unacceptable access, parking provision and Transport Assessment Form (TAF) required</p>
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
	<p>Environmental Health – additional information required, Air quality and Noise impact assessments required Conservation Officer – objected, proposal fails to satisfy Policies ATC 1 &amp; ATC 2 of PPS 6 Addendum</p>
<b>7.0</b>	<b>Representations</b>
7.1	<p>The Council has received nine objections to the proposal the concerns expressed can be light-lighted as follows:</p> <ul style="list-style-type: none"> <li>• Design – does not reflect character for the area</li> <li>• Scale &amp; density – inappropriate for existing character</li> <li>• Parking – insufficient provision of parking spaces</li> <li>• Overlooking – significant increase of windows overlooking North Road</li> <li>• Safety – potential of additional cars to impact on children using Strandtown PS</li> <li>• Noise – 12 additional units leading to increase in day and night time noise levels</li> </ul>
<b>8.0</b>	<b>Other Material Considerations</b>
	<p>DCAN 8 – Housing in Existing Urban Areas Creating Places</p>
<b>9.0</b>	<b>Assessment</b>
9.1	<p><u>Principle of Development</u> The proposal seeks outline planning permission for demolition of the existing building on site and the erection of twelve apartments. To support the proposal the agent has submitted indicative plans for the proposed development scheme.</p>
9.2	<p>The site is located within the existing development limits for the city within both the BUAP and dBMAP. It is located within the Belmont Area of Townscape Character (ATC) in draft BMAP and in close proximity (15m) to Cyprus Avenue Conservation Area to the south.</p>

9.3	<p>The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) refers at paragraph 6.137 to the need to deliver increased housing without town cramming and espouses the importance of new development respecting local character and environmental quality, as well as safeguarding the amenity of existing residents. At paragraph 6.22, the SPPS echoes Policy ATC 1 of the addendum to PPS 6 stating that the demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site. The SPPS also advises that sustainable development ought to be granted where it accords with the area plan and causes no harm to areas of acknowledged importance.</p>
9.4	<p><u>Principle of Demolition within draft ATC</u></p> <p>Policy ATC 1 of Addendum to PPS 6 states that there will be a clear presumption in favour of retaining any building that makes a positive contribution to the character of an ATC. Demolition of an unlisted building will only be permitted where it makes no material contribution to the distinctive character of the area.</p>
9.5	<p>The existing building occupies a prominent position along a main road frontage and at a busy road junction which adds to its prominence at an entrance point into the draft ATC. The detached appearance of the building coupled with the material finishes contributes to its distinctiveness at this location. The building is considered to be of architectural merit, especially the front façade which as stated exhibits many architectural distinctive features. The building does exhibit signs of neglect with sections of the outer woodwork and render falling into disrepair, however on the whole the building retains much of its period characteristics and is structurally sound.</p>
9.6	<p>The building and site does have some detracting features notably a single storey flat roof extension and a 2.4m high palisade fence to the rear, and a significant amount of hard standing. The low level palisade fence that forms part of the boundary treatment to the rear is also of little merit in the general locality. However, the remaining boundary treatment of a rendered front wall and mature vegetation lends itself to the softening of the build-up of the area. It is considered that the dwelling, notwithstanding the detracting features, offers a significant contribution to the draft ATC especially when consideration is given to its prime location at a busy road frontage and junction. The road frontage also forms a boundary between the ATC and the neighbouring Cyprus Avenue Conservation Area.</p>
9.7	<p><i>Conservation Officer comments on demolition:</i></p> <p>In assessing the material contribution of a building in an ATC the views of the Council's Conservation Officer (CO) was sought. The CO has concluded that the building makes a positive contribution to the surrounding and advises that the proposal failed to satisfy Policy ATC 1 of PPS 6 addendum. The CO states the demolition of the existing building would be contrary to policy in that the existing building makes a positive contribution to the area. They refer to the site as an imposing corner building that presents strong examples of traditional architectural features which included canted bay windows and corncicing. The CO considers that the finishing and detailing set it apart from adjoining properties and in terms of layout and setting with the building forming the end of a clear building line. The CO concludes that No. 236 along with neighbouring properties up to No. 246 retained their historical layout and setting which in turn contributes positively to the ATC.</p>
9.8	<p>The CO also refers to the policy requirement for there to be appropriate redevelopment proposals for the site. As there is no suitable replacement scheme the proposal fails to satisfy the policy. The CO concludes that the indicative plans fail to demonstrate that the replacement scheme would maintain or enhance the overall character and appearance or respect the built form of the ATC.</p>

9.9	It is important to note that demolition of a building that makes a positive contribution within an ATC will not be given simply because redevelopment is economically more attractive to the developer than repair and re-use of the building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing building.
9.10	The Planning Appeals Commission (PAC) takes the view that Policy ATC 1 only applies to adopted ATCs and does not apply to draft ATCs such as this. However, recognising that buildings in an ATC have legislative protection and their demolition requires planning permission, additional regard must be had to the impact of demolition and redevelopment proposals with an ATC. The PAC rightly takes the view that demolition of a building in an ATC is a material planning consideration. The impact of their demolition cannot be assessed in isolation and divorced from the merits of the redevelopment scheme.
9.11	The applicant has submitted information in support of the demolition of the property, including a structural survey indicating the present state of the building's disrepair and the use of the building for offices not being economically viable. However, the applicant has not demonstrated a compelling case that the building is structurally unsound or that it would be unviable to retain it. Insufficient information has been provided regarding the efforts made to retain the building in use whether it be within its present use or to find compatible alternative uses for the building. Insufficient information has been provided regarding the merits of alternatives proposals for the site. The information provided is considered to fall significantly short of the policy requirements set out in PPS 6
9.12	The applicant has also referred to the very difficult history of the site and that demolition of the building would be desirable for this reason. The site was formerly the Kincora Boys' Home and was subject to a Historical Institutional Abuse Inquiry in 2017. This is a relevant material consideration which may be taken into account in the assessment of the application. However, the planning system primarily deals with land-use planning considerations and the impact of the proposed development on the character and appearance of the area (being a land-use issue of fundamental importance) is considered to take precedence having regard to the aims of the SPPS and PPS 6 Addendum. For this reason, demolition of the building is considered unacceptable.
9.13	The SPPS also requires that where permission is granted for the demolition of a building within an ATC it is dependent on there being an acceptable redevelopment scheme. However, for the reasons stated below, it is considered that the applicant has failed to demonstrate that the site can accommodate development of the form and scale proposed without harm to the character and appearance of the area. The proposal is contrary to PPS 6 Policy ATC 1 and the Strategic Planning Policy Strategy for Northern Ireland.
9.14	<p><u>Acceptability of Proposal:</u></p> <p>The conceptual plans submitted with the application show a building of 12 apartments, three storeys in height. The three storey height will not only front onto the Upper Newtownards Road, but also onto North Road. It is noted that three storeys buildings in the area are not uncommon but such a structure will introduce a dramatic change to the backland views that currently exists especially when viewed in from the junction of North Road and the Upper Newtownards Road. The design as proposed would introduce an over dominant and competing element along North Road which will significantly change the character of the immediate area. The agent, in discussions, has suggested that the North Road frontage is designed to reflect the terrace opposite however, it is considered that this has failed to be achieved. The suggested North Road frontage has a significant area of dead frontage at ground floor level, designed to accommodate both refuse storage and car parking provision. The lack of ground floor interaction with the street is a marked change from what is found in the residential area along North Road and therefore neither</p>

	<p>maintains nor enhances the draft ATC that follows on from North Road and is considered not to reflect the surrounding context. The proposal is considered to be contrary to Policies ATC 1 and ATC 2 of PPS 6 and Policy QD1 of PPS 7.</p>
9.15	<p><u>Impact of Proposal on Surrounding Context</u> The proposal has been assessed against Policy QD1 of PPS 7 – Quality Residential Environments, which 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. It outlines criteria that proposals for residential developments must conform to.</p>
9.16	<p>The application seeks permission to develop the land to create twelve new apartments, indicative plans shows the apartments to be housed within a single unit with incurtilage car parking at ground floor level.</p>
9.17	<p>It is considered that the proposal falls short of the policy requirements in that the development, as suggested, fails to respect the surrounding context. The provision of twelve apartment units will result in a development that fails to respect the surrounding context and character. The proposal will result, as demonstrated in the conceptual plans, in over development of the site, the scale, massing, appearance and pattern of the development is out of character for the area. The intensification of the site usage will create a density that is significantly higher than that found in the established residential area. The proposal is considered to be contrary to policy QD 1 of PPS 7.</p>
9.18	<p><u>Amenity of prospective occupants:</u> It is considered that the proposal, as detailed within the conceptual plans, will fail to provide adequate private amenity space for potential residents. Guidance indicates for apartments a private amenity i.e. set behind building line, of 10sqm to 30sqm is required. The application states that twelve units are proposed thereby requiring a minimal of 120sqm of private amenity. The conceptual plans shows there to be approximately 38.5sqm of private amenity equating to 3.2sqm per unit. The lack of private amenity demonstrates over development of the site. The proposal is contrary to Policy QD1 of PPS 7 and the guidance set out in Creating Places.</p>
9.19	<p><u>Traffic and Parking Provision:</u> The applicant has failed to establish that an acceptable access and parking arrangement can be achieved for the proposal. DfI requests that the applicant provide appropriate visibility and access arrangements that in accordance with Development Control Advice Note 15 (DCAN 15) Vehicular Access Standards. Parking provision to serve the proposal to be in accordance with guidelines expressed within Creating Places not less than one space per unit if on street parking is to be included a parking survey should be submitted for consideration. The applicant is required to submit a completed Transport Assessment Form (TAF). The proposal is contrary to policies APM 2 and APM 7 of PPS 3 and Development Control Advice Note 15 (DCAN 15)</p>
9.20	<p><u>Impact on neighbouring property:</u> The conceptual design shows that the proposal will result in the construction of a three storey wall along the entire boundary with no. 238 Upper Newtownards Road. It is considered that this arrangement will result in a significant dominance effect on this building creating a negative impact that may prejudice future uses of this property. The proposal is considered to be contrary to Policy QD1 of PPS 7. There</p>

9.21	<p><u>Environmental Health Concerns:</u> The applicant has failed to satisfy concerns expressed by BCC Environmental Health in failing to submit an Air Quality Assessment and a Noise Impact Assessment. There is therefore insufficient information at this time to ascertain the impact of the proposal on air quality and its susceptibility to noise from road traffic. However, officers query whether these are concerns that would render residential redevelopment of the site unacceptable in principle. Further advice is therefore sought from Environmental Health and delegated authority is sought to deal with this matter.</p>
9.22	<p><u>Drainage:</u> The proposal is for the erection of twelve residential apartments Planning Policy FLD 3 of PPS 15 requires a drainage assessment to accompany an application for ten or more units, the applicant has failed to submit an assessment therefore the proposal is contrary to Policy FLD 3 of PPS 15.</p>
9.23	<p><u>Officer response to third party objections</u> As the application is outline the design of the proposal has not been fixed within this application, the submitted plans are conceptual any final design being reserved to the Reserved Matters stage of the application process. That being said however, officers are also concerned with the current design direction taken as expressed above.</p>
9.24	<p>In regards to overlooking the objections all appear to refer to residential properties on North Road, the western elevation of the proposed scheme. Notwithstanding the objections regarding North Road there are also a number of windows to the eastern elevation towards 238 Upper Newtownards Road. Officers do not consider these windows to offer a significant impact on the neighbouring property since these are either a secondary window within a liveable space or serving a landing and therefore, if considered necessary, can be controlled by condition regarding obscure glazing. Returning to the windows onto North Road these will offer views onto a neighbouring commercial business and a terrace of residential dwellings Nos. 86 to 92. The conceptual plans shows four apartments to of the first and second floors, the design has six living windows and five bedroom windows to each floor. The separation distance is approximately fifteen metres between the facades of the existing dwellings and the proposed scheme the fronting onto a public road i.e. not a private space. It is considered that this is acceptable.</p>
9.25	<p>Safety issues raised revolve around the proposed additional vehicles using the proposed apartments and the access into the site regarding close proximity to schools. As stated in the report DfI Roads Service has found the current scheme to be unacceptable and has requested additional information regarding parking and site access.</p>
9.26	<p>Noise pollution concerns indicate that it is just by the very nature of having an additional twelve units in the vicinity that there would be an increase in noise levels. Environmental Health Service (EHS) has not indicated that there would be an issue regarding increase in noise pollution. EHS has requested noise levels to be achieved within the finished units and the submission of a noise impact assessment. Any undue noise created by occupants of future apartments is a matter of control for the Council's Noise Abatement team.</p>
<b>10.0</b>	<b>Summary of Recommendation: Refusal</b>
10.1	<p>Having considered the relevant planning policies, guidance and consultees and third party comments the proposal is considered to be contrary to the SPPS NI, PPS 3, PPS 6 and PPS 7 and is unacceptable. Delegated authority is sought for the Director of Planning and Building Control to finalise the refusal reasons, including further consideration of air quality and noise issues.</p>

11.0	Reasons for Refusal
	<ol style="list-style-type: none"><li data-bbox="328 230 1461 376">1. The existing building makes a material contribution to the distinctive character of the draft Area of Townscape Character and its demolition would harm the character and appearance of the area, contrary to the SPPS and Policy ATC 1 of the addendum to PPS 6.</li><li data-bbox="328 416 1461 562">2. The application fails to demonstrate that the site can accommodate a building of the layout, scale, form and appearance proposed without harm to the character and appearance of the area, contrary to Policies ATC 1 and ATC 2 of the PPS 6 Addendum and Policy QD1(a) of PPS 7.</li><li data-bbox="328 602 1461 725">3. The application fails to demonstrate that the site can accommodate a building of the scale and form proposed whilst providing adequate private amenity space for 12 apartments, contrary to Policy QD1(c) of PPS 7.</li><li data-bbox="328 743 1461 1001">4. The proposed indicative scheme, by reason of its scale, massing, height and close proximity to the boundary, would harm the amenity of No. 238 Upper Newtownards Road, by reason of dominance, overshadowing and loss of light. The application fails to demonstrate that the site can accommodate a building of the scale and form proposed whilst maintaining the amenity of neighbouring property, contrary to Policy QD1 (h) of PPS 7.</li><li data-bbox="328 1041 1461 1187">5. The application fails to demonstrate that the site can accommodate a building of the use, scale and form proposed whilst providing adequate parking provision and suitable levels of visibility at the point of access, contrary to Policy QD 1(f) of PPS 7 and PPS 3.</li><li data-bbox="328 1227 1461 1355">6. The application is not supported by an adequate Drainage Assessment and fails to demonstrate that adequate drainage and flood mitigation arrangements can be provided, contrary to Policy FLD 3 of PPS 15.</li></ol>