

Committee Application

Development Management Report	
Application ID: LA04/2019/0219/F	Date of Committee: 15 th October 2019
Proposal: Single level car park (244 spaces) with associated landscaping (temporary)	Location: Lands west of Lanyon Place Station at the junction of Stewart Street and East Bridge Street Belfast
Referral Route: Presented under paragraph 3.8.1 of the Council's scheme of delegation – Councillor call in by Cllr Dorrian	
Recommendation:	Refusal
Applicant Name and Address: Loughview Leisure Centre T/AS Loughshore Hotel 75 Belfast Road Carrickfergus BT38 8BX	Agent Name and Address: Coogan & Co. Architects Ltd 122 Upper Lisburn Road Finaghy Belfast BT10 0BD
<p>Executive Summary: This application seeks temporary planning permission for a single level car park (244 spaces) with associated landscaping. The applicant has sought permission for a time period of two years. It has been advised that the temporary use of the site as a car park is a stop gap to provide funds and to allow the future regeneration plans of the site to be considered.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Principle of development • Access, movement and parking • Design and impact on character and appearance of the area • Impact on amenity • Air quality • Contamination • Flooding <p>The application site is unzoned “whiteland” within Belfast City Centre in Draft BMAP 2015 (final version prior to adoption) and the BUAP. In Draft BMAP (2004), the site is identified as a development opportunity site (CC070) within the main office area. In terms of these designations, the temporary use of this vacant site as a car park would not undermine these objectives.</p> <p>Previous applications have been refused on the site for a car park with the most recent being Z/2012/0128/F, in addition to an enforcement appeal (ref 2011/E013) where the enforcement notice was upheld and planning permission refused. The main refusal reason in these decisions was a failure to demonstrate that the proposal meets an identified need. Whilst a statement of need and planning consultant's report have been provided in support of this application, it is still considered that this refusal reason has not been addressed. DFI Roads were consulted and have objected to the application on the basis of conflict with Policies AMP10 and AMP11 of PPS3. Whilst it is noted that previous planning permissions have been granted on the site for its redevelopment and there is a pending planning application for an office development (Ref: LA04/2016/0559/F), there are no current live permissions for the redevelopment of the site in question.</p>	

On this basis, the proposal is contrary to Policies AMP10 and AMP11 of PPS3, paragraph 6.305 of the SPPS and Draft BMAP, in that it contravenes the main planning policy objective of seeking to promote a modal shift from the private car to more sustainable modes, that a robust assessment has not been provided by the applicant to demonstrate an identified need for the car park and there are no current programmed works to redevelop the site.

Rivers Agency, Land and Groundwater Team (DAERA), Water Management Unit (DAERA), NI Water and BCC Environmental Health were consulted and have offered no objection to the proposal.

Two letters of objection have been received, summarised as:

- No justification of need or current redevelopment proposals;
- Contrary to Belfast Car Parking Strategy and Action Plan;
- Contrary to PPS3 and SPPS;
- Proposal targeting long stay commuters in an area of parking restraint, contrary to transport planning policy;
- No indication that other nearby car parks are full;
- No planning weight should be afforded to previous planning permission for use as a car park;
- Other recent development proposals were approved on reduced parking standards due to available capacity and travel plans;
- Demand should not be confused with need.

These matters are addressed in the main body of the report below.

The proposal has been assessed against and is considered contrary to Policies AMP10 and AMP11 of PPS3 and paragraph 6.305 of the Strategic Planning Policy Statement and Draft BMAP. Having regard to the development plan, relevant planning policies, and other material considerations, it is recommended that the proposal is refused.

Recommendation

Refuse planning permission for the reasons set out in section 11 of this report.

It is requested that the Planning Committee delegates authority to the Director of Planning and Building Control to finalise the final wording of the refusal reasons.

Case Officer Report

Site Location Plan



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>This application seeks temporary planning permission for a surface level car park (244 spaces) with associated landscaping. The applicant has sought temporary permission for a period of two years. The proposal also involves the alteration of the existing vehicular access from Stewart Street and the provision of a 2 metre wide footpath connecting into the existing footpath along Stewart Street.</p> <p>The proposed opening hours are 8am-9pm Monday to Sunday.</p> <p>The agent has advised that the temporary use of the site as a car park is a stop gap to provide funds to pay the interest on the site loan and to allow the future regeneration plans to be considered and until such times a new development is in place.</p> <p>The applicant has submitted additional information over the course of the application including:</p> <ul style="list-style-type: none"> • Statement of Need; • Confirmation of opening hours; • Air Quality Impact Assessment (AQIA); • Updated Contaminated Land Risk Assessment; • Planning Consultants Letter in response to third party objections; • Lighting plans; • Flood Risk Assessment; • Drainage Assessment; and • Schedule 6 Consent.
2.0	<p>Description of Site and Area</p> <p>The application site comprises a vacant parcel of land with an area of approximately 0.8 hectares which is enclosed by palisade fencing. To the north of the site is East Bridge Street which sits at an elevated position above the site and further to the north there are a number high-rise office blocks. Central Station adjoins the eastern boundary and the area to the south and west is housing.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Z/2000/1942/F - Temporary surface car park – Granted 10th May 2001</p> <p>Z/2003/1106/F - Temporary surface car park (previous approval Ref: Z/2000/1942/F) – Granted 26th June 2003</p> <p>Z/2005/1161/F - Proposed residential development of 320 apartments and 230 car parking spaces – Granted 12th May 2008</p> <p>Z/2008/2426/F - Temporary surface carpark with pay kiosk providing 268 car parking spaces – Refused 4th February 2011</p> <p>That application was refused for four reasons: contrary to Policy AMP10 and AMP11 of PPS3 in that a robust analysis had not been provided to satisfactorily demonstrate an identified need for this car park, contrary to Policy AMP6 of PPS3 over a failure to demonstrate that the traffic generation by the car park would not significantly contribute to an</p>

	<p>increase in congestion, contrary to general principle 2 of PPS3 over a failure to demonstrate the potential impacts of the development on the local road network and contrary to Policy AMP2 of PPS3 in regards to inadequate visibility splays shown on proposed plans.</p> <p>Z/2008/0131CA (Appeal ref 2011/E013) – Enforcement notice served over the use of the land as a car park making a material change in use – Planning permission refused and enforcement notice upheld at appeal 5th January 2012</p> <p>The Inspector concluded that it had not been demonstrated that the proposal met a need identified in either the Development Plan or established need following robust analysis provided by the developer. Proposal contrary to Policy TR14 of the BUAP and Policy AMP10 of PPS3.</p> <p>Z/2009/1118/F - Proposed mixed use development comprising 126no. Bed hotel, office accommodation, 136no. apartments and associated car parking and landscaping – Refused 31st March 2015</p> <p>Z/2012/0128/F - Car parking including kiosk and use of existing fencing, providing space for 244 cars – Refused 5th April 2013</p> <p>This application was refused for two reasons; in that a robust analysis had not been provided to satisfactorily demonstrate an identified need for this car park and insufficient information was submitted regarding flood risk, contamination, air quality and lighting to enable an informed decision to be made.</p> <p>LA04/2015/1347/F - Proposed car park including kiosk, boundary fencing and provision of 244 car parking spaces – Application withdrawn 23rd November 2015.</p> <p>LA04/2016/0559/F - Proposed construction of 4 No separate blocks of office development - Block A 10 No Storeys, Block B 14 No Storeys, Block C and Block D 3No Storeys. Proposal also includes 4 No retail units, plant and car parking at lower ground floor level with external plaza and associated landscaping – decision pending.</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
	4.1.1 Policy TR14 Car parking in the Central Area
4.2	(Draft) Belfast Metropolitan Area Plan (BMAP) 2015
	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 had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP 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.
	Draft BMAP 2004
	4.2.1 Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
	4.2.2 Policy SETT3 City and Town Centres
	4.2.3 Policy SETT5 Development Opportunity Sites
	4.2.4 Policy TRAN5 Parking Standards within Areas of Parking Restraint
	4.2.5 Policy OF1 Belfast City Centre Main Office Area
	4.2.6 Designation CC009 Main Office Area
	4.2.7 Designation CC070 Development Opportunity Site
	4.2.8 Designation CC102 Area of Parking Restraint – Belfast City Core

	Draft BMAP 2015 (purported to be adopted)
4.2.9	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.2.10	Policy TRAN1 Parking Standards within Areas of Parking Restraint
4.2.11	Policy UE1 Urban Design
4.2.12	Designation CC14 Laganside South and Markets Character Area
4.2.13	Designation CC025 Area of Parking Restraint – Belfast City Core
4.3	Regional Development Strategy 2035
4.4	Strategic Planning Policy Statement 2015
4.5	Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 13: Transportation and Land Use Planning Policy Statement 15: Planning and Flood Risk
5.0	Statutory Consultees Responses
5.1	DFI Roads – Objection, does not accept that a need for a car park has been demonstrated, contrary to Policies AMP10 and AMP11 of PPS3.
5.2	NI Water – Advice
5.3	DAERA (Land and Groundwater) – No objection subject to conditions
5.4	DAREA (Water Management Unit) – No objection
5.5	Rivers – No objection
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – No objection subject to conditions
7.0	Representations
7.1	<p>The application was neighbour notified on the 14th March 2019, 9th April 2019 and 28th May 2019. It was advertised in the local press on the 5th April 2019.</p> <p>A total of two letters of objection have been received from the same party, summarised as:</p> <ul style="list-style-type: none"> • Area is well served by public transport with considerable investment made to improve these services to enable commuters to switch from cars to public transport, parking for free on the outskirts of the city and travelling into the city centre for most of the trip – limiting the provision of commuter parking is another strand of the same transport policy, which is why this application should not be approved; • Contrary to The Belfast Car Parking Strategy and Action Plan, action plan indicates that the overall public parking supply within the city centre is sufficient, report does not identify the need for any further car parks at this location and recommends a shift away from surface level parking; • Applicant's assessment indicates that the surface car park is to be primarily aimed at long stay commuter car parking, site is located within an area of parking restraint which is contrary to the Council's stated aims and objectives and Policy AMP10 of PPS3; • No planning weight should be afforded to the previous planning permission granted for the use of the site as a car park back in 2000/2003 as there has been significant change in planning policy since then; • Proposal will increase traffic especially along Stewart Street which would make a significant contribution to congestion in the area, a Transport Assessment would be required before the proposal could satisfy Policy AMP7, however as the proposal fails AMP10 and AMP11, such an assessment would be nugatory work; • Air Quality Assessment and Contaminated Land Assessment has been requested, reserve right to comment on these reports;

	<ul style="list-style-type: none"> • Reference has been made to other recent approvals and the need for additional car spaces to accommodate these developments; however application Z/2015/0182/F provided 53 spaces, in addition these were approved on the basis of reduced parking standards due to available capacity within existing parking provision and operation of Travel Plans. In addition if there was a demand for parking from these developments, it would not be satisfied by a temporary car park; • Under application Z/2012/0128/F, within the case officer's report, it states that Roads Service carried out its own survey of existing parking facilities and found there was no need for further car parking in this location; • Within the Parking Statement, it is identified that there are 57no spaces on Stewart Street, these are free on-street spaces and demand should not be confused with need; • No justification of need; • Contrary to Policies AMP7, AMP10 and AMP11 of PPS3 and the SPPS; • Submission of application is considered premature as a separate parallel planning application for the redevelopment of the site has not been submitted to the Council, refer to appeal decision 2014/A0220 (Joy Street car park), contrary to Policy AMP11 of PPS3; • P1 application form at odds with the TAF, information makes it clear that the car parking is targeting all day commuters; • Where the need genuine for additional car parking for the rail station, the site would be zoned as parking for the recently redeveloped station and parking would be available for all holders of valid rail tickets; • There has been no lawful parking on the site since the expiry of the 2003 permission, and the site is not zoned for parking in BMAP; • Undated, untimed photographs is not an indication of need; • There is no indication that the publicly available car parks are full, even if they were full, that would be an indication of demand, which is not to be confused with need; • Information obtained for Oxford Street Car Park (referred to as Lanyon 1) shows that there is vacant spaces in this locality, confirming demand is not exceeding supply.
8.0	Other Material Considerations
8.1	<p>Parking Standards DCAN 15: Vehicular Access Standards Living Spaces: An Urban Stewardship and Design Guide or Northern Ireland The Belfast Agenda Belfast City Council 'City Centre Regeneration and Investment Strategy' Belfast City Council 'Belfast Car Parking Strategy and Action Plan'</p>
9.0	Assessment
9.1	The proposal is not considered to be in compliance with the development plan.
9.2	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Principle of development - Access, Parking, Transport - Design, Impact on character and appearance of the area - Impact on amenity - Air Quality - Contamination - Flooding
9.3	<p><u>Principle of development</u> The application site is unzoned "whiteland" within Belfast City Centre in Draft BMAP 2015 (final draft version prior to adoption) and the BUAP. In Draft BMAP (2004), the site is</p>

	<p>identified as a development opportunity site (CC070) within the main office area. At examination of Draft BMAP, the Planning Appeals Commission (PAC) recommended that the development opportunity zoning (CC070) be deleted and the land zoned as social housing with the level of social housing to be determined by the Department. In the BMAP Adoption Statement 2014 by the then DOE, they did not except this recommendation and stated that as the site had extant planning permission for residential development, the development opportunity site is deleted and the site is unzoned. In terms of these designations, the temporary use of this vacant site as a car park would not undermine these. However, a principle issue remains a lack of need for this car park and the absence of current programmed works to redevelop the site, which is discussed in detail below.</p>
	<p><u>Access, Movement and Parking</u></p>
9.4	<p>Both the SPPS and the Policy AMP10 of PPS3 provide the main policy context for the assessment of new car parks and state that the Planning Authority should be satisfied that there is a need for the development by reference to the council's overall parking strategy following a robust assessment by the applicant. Other relevant considerations include traffic and environmental impacts and compatibility with adjoining land uses. Policy AMP11 of PPS3 is also applicable as this includes temporary car parks.</p>
9.5	<p>Policy TR14 of the BUAP seeks to ensure that car parking supply in the central area will be sufficient to meet demand. In Draft BMAP (2015), it is recognised that since 1980 there has been a five-fold increase in the number of car parking spaces reflecting increased use of the private car into the city centre. This increase has resulted from both an increase in public parking provision, additional spaces associated with commercial premises together with temporary car parks. One of the main objectives of regional planning policy and dBMAP is to encourage a shift from car use to other forms of transport which is pursued through a policy of demand management e.g. by controlling the amount of parking spaces that can be provided within areas of parking restraint. Critically, the application site falls within an area of parking restraint.</p>
9.6	<p>Policy TR14 of the BUAP stated in 1986 that supply in the central area (12,300 parking space) met demand in overall terms and that it was anticipated that forecast demand for short-term parking could be met by multi storey car parks and controlled on-street car parking. In addition, it was estimated that 15,800 parking spaces would be required by the end of the plan period – 2001. Since then there has been the subsequent appeal decision on the site (Ref: 2011/E013) and an appeal decision at 112-114 Great Victoria Street (Ref: 2009/A0244). As part of the evidence accepted at these appeals, this included car parking surveys (supplied by the Department) in the central area and fringe zones carried out between October 2006 – November 2009 which consistently demonstrated spare capacity in the central area and that existing car parking provision has exceeded the BUAP forecast figure. The Inspectors concluded on both appeals that an identified need had not been demonstrated.</p>
9.7	<p>The Council published its Car Parking Strategy and Action Plan in April 2018, which advises that there is approximately 28,300 publicly available car parking spaces within the city centre's controlled parking zone of which 55% are off-street, giving a total of 15,482 spaces. Day to day demand for these off-street spaces typically uses 56% capacity at any one time which leaves a space capacity of 6,812 spaces. This information further highlights there is more than sufficient parking to meet demand. Whilst it is acknowledged that this is not a statutory planning document, it does provide a good indication of the current parking situation in the city centre and is a material consideration.</p>
9.8	<p>In the applicant's statement, they consider the following determining factors of the need for the proposed car park:</p>

	<ol style="list-style-type: none"> 1. Limited parking at Lanyon Place Train Station – use of the site as a car park will encourage more sustainable travel of people using the Lanyon Place who wish to avail of longer train journeys. The carpark will also alleviate pressure from casual commuters who park on street; 2. Several developments have been approved in the surrounding area without provision for additional car parking, resulting in a need for 407 spaces; 3. The proposed car park would serve the need to replace the spaces lost from the redevelopment of the McCausland carpark on a temporary basis; 4. Content to provide a parking charge to allow for short-term use, deterring all day parkers.
9.9	<p><u>Response to point 1</u></p> <p>This contradicts the objective of using the car park only for short-term use and would be contrary to policy. In the supporting text to Policy AMP10, park and ride facilities are promoted in appropriate locations where these will reduce the number of cars entering central urban areas. The use of this car park for longer stay commuters would be contrary to this, encouraging more people to park in the city centre. It is not clear from the information who the car park is targeting, whether this is short term or long stay parking for the train station.</p>
9.10	<p><u>Response to point 2</u></p> <p>These developments were approved on the basis of reduced car parking standards in accordance with planning policy due to adequate parking capacity in the surrounding area, their highly sustainable location in close proximity to public transport links with associated Travel Plans. DFI Roads and planning officers' do not accept that there is a need for additional parking for these developments.</p>
9.11	<p><u>Response to point 3</u></p> <p>Reference has been made to the McCausland appeal (Ref: 2007/A0204) which was allowed for a multi storey car park and office accommodation for a taxi business. However, this is not considered directly comparable with the proposed scheme as it involved the redevelopment of an existing surface level car park. In addition, the appeal decision (Ref: 2011/E013) on the application site was taken after the outcome of this 2007 appeal. In relation to the replacement of these car parking spaces that would be lost during the construction period, this is a much smaller car park with a capacity of 120 spaces which is located at the other side of the city centre. In addition, taking into account the most recent car parking data, there is more than sufficient parking to cover any displacement.</p>
9.12	<p><u>Response to point 4</u></p> <p>As previously advised it is not clear who the car park is targeting in terms of short term or long stay. Regardless of whether a parking charge is included, it is considered that an identified need has not been established which has been previously been the case in the appeal decision (Ref: 2011/E013) and previously refused applications on the site.</p>
9.13	<p>Whilst it is noted that previous planning permissions have been granted on the site for its redevelopment and there is a pending planning application for an office development (Ref: LA04/2016/0559/), there are no current firm proposals (extant permissions) for the redevelopment of the site in question.</p>
9.14	<p>Due regard must be paid to the previous planning history including the appeal and most recently refused application Z/2012/0128/F for a car park. In this instance, it is considered that there has been no material change in circumstances that should lead the Council to an alternative decision. Whilst the SPPS has been adopted since these decisions and BMAP has been quashed, the main policy context has remained the same. As such, they are therefore afforded considerable weight. DFI Roads were consulted and have objected to the</p>

	<p>proposal on the basis of conflict with Policies AMP10 and AMP11. Having regard to the above and the evidence that has been provided, it has not been demonstrated that the proposal meets an identified need for the development nor is there any current programmed works for its future redevelopment. In addition, the proposal contravenes the main planning policy objectives of seeking to promote a modal shift from the private car to more sustainable modes especially in the city centre. This is in the interests of reducing congestion and air pollution. The proposal remains contrary to Policies AMP10 and AMP11 of PPS3, the SPPS and Draft BMAP.</p>
9.15	<p>It is noted that concerns have been raised over traffic generation and congestion. The principal test for the development of car park is need and should the applicant have been able to demonstrate need then the other tests would have been applied.</p>
	<p><u>Design and Impact on the character and appearance of the area</u></p>
9.16	<p>The proposed car park layout incorporates soft landscaping and tree planting which breaks up the large expanse of hardstanding. The boundary treatments would be in keeping with the existing and provision has been made for security and the direct and safe access and movement of pedestrians within the site. Whilst a permanent surface level car park in this prominent city centre location would be detrimental to the visual amenity and character of the townscape in the long term, given the temporary nature of the proposal would be considered acceptable. In addition, in the previous application Z/2012/0128/F, these matters did not form grounds for refusal. On this basis, this aspect of the proposal is considered to accord with Draft BMAP, Policy AMP9 of PPS3 and the SPPS.</p>
	<p><u>Amenity</u></p>
9.17	<p>Whilst the proposal has the potential for the generation of additional vehicular traffic, this is not considered so significant to cause unacceptable noise /disturbance to neighbouring properties due to the separation distances and conditions of this busy city centre location.</p>
9.18	<p>Lighting plans have been submitted which demonstrates that this would not have detrimental impact on the amenity of neighbouring properties. Environmental Health were consulted and have no objection on this basis. The proposal is therefore considered to accord with Policy AMP10 and the SPPS in this regard.</p>
	<p><u>Air Quality</u></p>
9.19	<p>The application site lies adjacent to the Cromac Street Air Quality Management Area (AQMA) where air quality is a concern. The applicant has submitted an air quality assessment that indicates that the impact on air quality as a result of the proposed development is considered 'not significant' overall. This report has been assessed by Environmental Health who have cited no objection. It therefore complies with Policy AMP10 and the SPPS on this particular matter.</p>
	<p><u>Contamination</u></p>
9.20	<p>An Updated Contaminated Land Risk Assessment has been submitted which has been reviewed by Environmental Health and DAERA. The assessment presented no unacceptable risks to human health and environmental receptors.</p>
	<p><u>Flooding</u></p>
9.21	<p>The site is located within the 1 in 200 year coastal flood plain. The site is deemed an exception as it is a brownfield site of the former Belfast Abattoir. A Flood Risk Assessment and Drainage Assessment has been completed which has been reviewed by Rivers Agency who have no objection to the proposal. The proposal is therefore considered to accord with Policy FLD1 of PPS15 and the SPPS.</p>

10.0	<p>Summary of Recommendation: Having regard to the policy context and other material considerations including the pertinent planning history, the proposal is unacceptable and should be refused. It is requested that the Planning Committee delegates authority to the Director of Planning and Building Control to finalise the final wording of the reasons for refusal.</p>
11.0	<p>Reasons for Refusal</p> <ol style="list-style-type: none"> 1. The proposal is contrary to paragraph 6.305 of the Strategic Planning Policy Statement, Policy AMP10 of Planning Policy Statement 3: Access, Movement and Parking and Draft BMAP, in that it contravenes the main policy objective of promoting sustainable patterns of travel and encouraging a modal shift to reduce reliance on the private car, and a robust assessment has not been provided by the applicant to demonstrate an identified need for the car park. 2. The proposal is contrary to paragraph 6.305 of the Strategic Planning Policy Statement and Policy AMP11 of Planning Policy Statement 3: Access, Movement and Parking in that the proposal does not comply with Policy AMP10, the developer has failed to show that a need exists which cannot be met in the short term by public or private sector, there are no current programmed works to redevelop the site and permission is sought for more than a year.

Notification to Department (if relevant): N/A

Representations from Elected members: None

Details of Neighbour Notification (all addresses)

1 - 39 Friendly Place, Belfast, Antrim, BT7 2DS
 Clyde Shanks, 5 Oxford Street, Belfast, Antrim, Northern Ireland, BT1 3LA
 6 East Bridge Street, Belfast, Antrim, BT1 3NQ
 7 Lanyon Place, Belfast, Antrim, BT1 3LP
 7a ,Lanyon Place, Belfast, Antrim, BT1 3LP
 Apartment 1 - 102,8 Lanyon Place, Belfast, Antrim, BT1 3LP
 Belfast Central Railway Station, East Bridge Street, Belfast, Antrim, BT1 3NR
 PRAGMA, Scottish Provident Building, 7 Donegall Square West, Belfast, BT1 6JH
 Unit 2, Belfast Central Railway Station, East Bridge Street, Belfast, Antrim, BT1 3NR