

Committee Application

Development Management Officer Report	
Committee Meeting Date: 10 th December 2019	
Application ID: LA04/2019/1609/F	
Proposal: Residential development of 7no. 2 bedroom apartments, 2no. 3 bedroom apartments and 6no. townhouses with associated car-parking and amenity facilities. (15 units in total)	Location: 28 & 34-52 Gardiner Street Town Parks Belfast BT13 2GT
Referral Route: Residential development in excess of 12 units with an objection	
Recommendation:	Approval Subject to Conditions
Applicant Name and Address: Future Homes Developments Ltd 16 Mount Pleasant View Newtownabbey BT37 0ZY	Agent Name and Address: Studiorogers Architects Ltd The Egg Store 1 Mountsandel Road Coleraine BT52 1JB
<p>Executive Summary: The application seeks full planning permission for 15 residential units. The development consists of 9 no. Apartments and 6 no. townhouses with associated car-parking and amenity facilities.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The principle of development and use at this location • Design, layout and impact on the character and appearance of the area • Impact on amenity • Traffic Movement and Parking • Other Environmental Matters <p>The principle of the proposal is acceptable on the basis that the site is within the development limits in both the extant and draft plans. In Draft BMAP and the BMAP that was pertained to be adopted, the site is located within a protected city centre housing area within the city centre. The proposed landuse for housing is acceptable and compatible with the surrounding context.</p> <p>The principle of residential development has already been established under LA04/2016/2059/F (9No Apartments and 6No Townhouses) and Z/2008/0324/F (9No Apartments and 6No Townhouses). The former is an extant approval.</p>	

The proposed design is considered acceptable and will have a positive impact on the character of the area. The proposal will not result in an unacceptable impact on residential amenity.

All consultees offered no objection to the proposal.

One objection was received highlighting concerns with traffic congestion, car parking and illegal car parking concerns. These matters are considered in the case officer report.

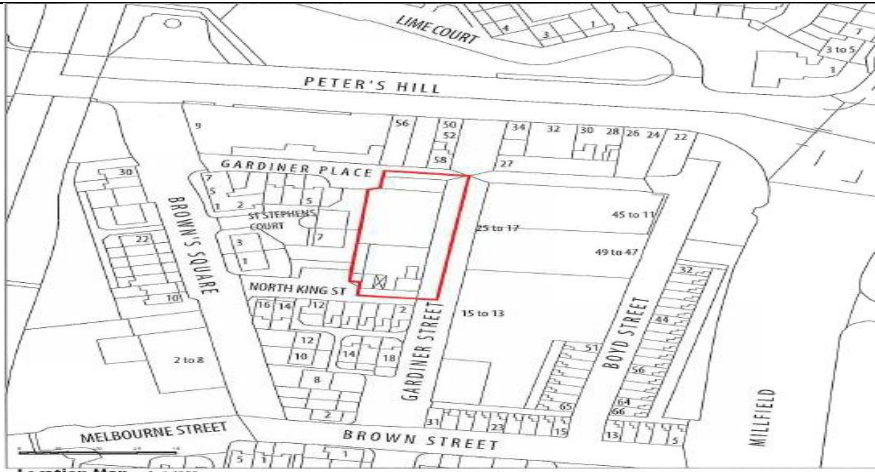
Recommendation – Approval Subject to Conditions

Having regard to the policy context and other material considerations set out above, it is concluded that on balance the proposal would constitute an acceptable development and much needed regeneration of a brownfield site in the city centre. Planning permission is recommended subject to conditions

It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission with conditions.

Case Officer Report

Site Location Plan



Location Map scale 1:1250



BCC RECEIVED

KEY

Extent of land relating to application



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	This application seeks full planning permission to demolish the existing buildings on site to provide a residential development of 7No. 2 bedroom apartments, 2No. 3 bedroom apartments and 6No. Townhouses with associated car-parking and amenity facilities - 15 in total.
2.0	Description of Site and Area
2.1	The site contains an operational salvage yard. A dwelling and garage were previously located along the southern boundary of the site but have recently been demolished. The site is enclosed by a 2.5m high wall. The area is of mixed use comprising mainly of residential dwellings and commercial warehouses.
2.2	Single storey garage units with access onto Gardiner Place are located to the north of the site. A 5No storey apartment development on Peters Hill is also located north of the site. A derelict row of 2No storey terrace properties are located north east of the site. St Stephens Court residential development is located to the west of the site – comprising single and two storey housing. 2No storey terrace housing is located to the south of the site on North King Street; and, commercial warehouse units are located on Gardiner Street to the east of the site.
2.3	The site is located within the city centre and is well served by public transport.
Planning Assessment of Policy and other Material Considerations	
3.0	Relevant Planning History (on site)
	<u>LA04/2016/2059/F</u> - Residential development of 9no apartments and 6no Townhouses with associated car parking and amenity facilities (15 units).- 28 and 34-52 Gardiner Street- Permission Granted- 14.12.2017
	<u>Z/2008/0324/F</u> - Residential development of 3 no. three bedroom apartments, 6 no. two bedroom apartments and 6 no. townhouses with associated car parking and amenity space.-28 & 34-52 Gardiner Street- Permission Granted – 21.09.2010.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	Draft Belfast Metropolitan Area Plan 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.

	Designation CC011 Character Area West City Fringe Designation CC001 Belfast City Centre Designation CC021/10 Brown Square – Protected City Centre Housing Area Designation CC025 Belfast City Centre Core Area of Parking Restraint Belfast City Centre – Area of Archaeological Potential
4.3	Regional Development Strategy 2035 (RDS)
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	PPS 3: Access, Movement and Parking PPS 7: Quality Residential Developments Planning Policy Statement 7 (Addendum) : Safeguarding the Character of Established Residential Areas Planning Policy Statement 12: Housing in Settlements PPS 13: Transportation and Land Use PPS 15: Planning and Flood Risk
5.0	Statutory Consultees
5.1	DFI Roads – No objection subject to conditions
5.2	NI Water – No objection
5.3	Rivers Agency- No objection
6.0	Non-Statutory Consultees
6.1	Belfast City Council Environmental Health –No objection subject to conditions
6.2	Historic Environment Division- No objection
7.0	Representations
7.1	The application was neighbour notified 2 August 2019 and advertised in the local press on 16 August 2019. One representation has been received to date raising the following points: <ul style="list-style-type: none"> Concerns with traffic congestion & car parking. <i>Officer Response: Dfl Roads offered no objection to the proposal subject to conditions.</i> Alleged illegal parking blocking off fire escape points at the Beats International property across the street from the site. <i>Officer Response: This is the responsibility of Dfl Roads to enforce illegal parking.</i>
8.0	Supplementary Planning Guidance
8.1	Parking Standards DCAN 15: Vehicular Access Standards Creating Places Living Spaces: An Urban Stewardship and Design Guide for Northern Ireland DCAN 8: Housing in Urban Areas The Belfast Agenda

9.0	Assessment
9.1	<p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> • The principle of development and use at this location • Design, layout and impact on the character and appearance of the area • Impact on amenity • Traffic Movement and Parking • Other Environmental Matters
9.2	<p><u>The principle of the proposal at this location</u></p> <p>The application site is unzoned whiteland within the development limits in BUAP 2001. In Draft BMAP, the site is located within a protected city centre housing area within the city centre. Within designated protected housing areas, planning permission will not be granted for any development that results in a change of use from housing.</p>
9.3	<p>A key consideration in the assessment of this proposal is the planning history on the site. The principle of residential development has already been established under LA04/2016/2059/F (9No Apartments and 6No Townhouses) and Z/2008/0324/F (9No Apartments and 6No Townhouses). The former is an extant approval.</p>
9.4	<p>Overall, the proposal would fulfil the main objectives of Draft BMAP and the SPPS, through the provision of much needed housing in a sustainable location and contribute to regenerating the area. Given the zoning and planning history on the site, the principle of development and residential use at this location is considered to be acceptable subject to consideration of planning and environmental matters detailed below.</p>
9.5	<p><u>Design, layout and impact on the character and appearance of the area</u></p> <p>The site is located within the West City Fringe (dBMAP Designation CC 011). The designation provides general advice that development proposals shall take account of the height of adjoining buildings and shall reflect traditional plot widths. In addition, building heights shall be a minimum of 3 storeys (with the exception of lands zoned for housing) and a maximum of 4 storeys.</p>
9.6	<p>The area is of mixed use comprising mainly of residential dwellings and commercial warehouses. The proposed density of development would be similar to that already established in within the surrounding area. The proposed built form consists of 6No two storey town houses and 9No apartments within a 3 storey building. The asymmetrical roofs results in a maximum height of 7.8 metres for the townhouses and 9.8 metres for the apartments. The townhouses will front onto Gardiner Street. The 3 storey apartment block is proposed to be located in the northern section of the site. The built form will appear as one block. The proposals building footprint matches the existing planning approvals building footprint.</p>
9.7	<p>The townhouse at the corner of North King Street and Gardiner Street (unit 1) will sit opposite the terrace housing in North King Street and with a separation</p>

	distance of 9 metres building to building is not considered to be over dominant in this inner urban context.
9.8	The remaining 5No townhouses back onto the neighbouring residential development at St Stephens Court. An existing 2 metre high boundary wall separates the proposed site from St Stephens Court. It is acknowledged that the closest neighbouring properties in St Stephens Court to the proposal are single storey in height. However, a separation distance of 7 metres building to building is proposed which is not uncommon in the urban context.
9.9	As the scale of the proposal rises to the 3No storey apartment block the separation distances increase to 14 metres building to building with St Stephens Court which is considered to be appropriate at this location.
9.10	The overall height of the proposal has been reduced from the extant approval. The height of the townhouses have been reduced from 3No storeys to 2No storeys and balconies have been removed from the rear elevation.
9.11	Overall, the scale and massing of the proposed buildings is considered appropriate at this city centre location and having regard to its immediate and surrounding context.
9.12	The buildings are proposed to be finished with a buff coloured brick and red brick panels. The proposed terraced dwellings will have asymmetrical roofs which are a modern design feature. The apartment block has a mainly flat roof which contrasts with the roof profile of the proposed dwellings. However, the roof increases in height at its intersection with Gardiner Place. This is considered will offer visual interest to the streetscape. The proposed design and architectural treatment are considered to be acceptable.
9.13	Overall, it is considered that the proposal would respect its surrounding context and maintain the character and appearance of the area in accordance with Draft BMAP, Policy QD1 of PPS7, Creating Places and the SPPS.
9.14	<u>Impact on amenity</u> Each house and apartment would meet the space standards. In terms of prospective residents, each unit has adequate outlook to the public street and external amenity areas.
9.15	The townhouses each contain small, private rear gardens ranging from 12 to 26 square metres. Whilst this is less than recommended guidelines, the level of amenity space proposed is comparable to that found in the immediate area in this city centre location, which is defined by high density terraces with small rear yards. The apartments contain ancillary space to the rear for bin and cycle storage, there is also a small landscaped area adjacent to the apartment's entrance, measuring approximately 40sqm. Whilst this also falls short of recommended guidelines, it is considered that the provision is acceptable given the city centre location and is comparable to that found in the immediate area.

9.16	Taking this into account it is considered the level of amenity space provision for the proposed development is on balance considered to be acceptable at this city centre location.
9.17	The current application's building footprint matches the extant permission LA04/2016/2059/F. The proposal when compared with the extant approval will see a reduction in the terrace height from 3 to 2 storeys and remove balconies from the rear elevations. This will reduce shadowing and offers a more modest form of development on the site. With the sun rising in the east, the proposal will not cause significant overshadowing onto St Stephens Court. It should be noted that the level of impact on residential amenity for the extant approval was considered to be acceptable. It is considered that the design, layout and separation distances proposed are acceptable and will not impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.
9.18	<p><u>Traffic, Movement and Parking</u></p> <p>A total of 9 car parking spaces and vehicular access onto Gardiner Road is proposed. This is a highly accessible sustainable location. The development lies within close proximity of public transport routes and walking and walking and cycling provisions. Cycle storage has also been provided for the development. Considering this and the location of the site in proximity to public transport options it is considered that the proposal is acceptable in terms of PPS 3 as the proposal will not result in a significant impact on traffic or road safety. DFI were consulted on the proposal and have offered no objections.</p>
9.19	In light of the above, it is considered that the proposed development would be acceptable in terms of highway safety, capacity and car parking in accordance with the SPPS, PPS3, Policy QD 1 of PPS7, Creating Places, BUAP and Draft BMAP.
9.20	Adequate provision have been made with the site for storage of waste.
	<u>Other Environmental Matters</u>
9.21	Paragraph 4.11 and 4.12 of the SPPS states that there are a wide range of environmental and amenity considerations including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. Other amenity considerations arising from development that may have potential health and well-being implications include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality.
9.22	<p><u>Drainage, flooding and infrastructure capacity</u></p> <p>The site is not located within the fluvial or surface water flood plain. A Drainage Assessment was submitted which demonstrates that adequate measures will be put in place to effectively mitigate flood risk to the proposed development and ensure that flood risk will not be increased elsewhere. This has been reviewed by Rivers Agency who have cited no objection. In addition, Northern Ireland Water</p>

<p>9.23</p> <p>9.24</p> <p>9.25</p>	<p>Ltd has been consulted on the proposal and confirmed that the waste water treatment works (WWTW) has available capacity to accept the additional load.</p> <p>As such the proposed development would comply with Policy FLD 3 of PPS 15 and the SPPS.</p> <p><u>Contamination</u> Environmental Health were consulted on the application and found no unacceptable risk to human health. The proposal is therefore considered in accord with the SPPS in this regard.</p> <p><u>Archaeology and Built Heritage</u> The application site is located within Belfast Area of Archaeological Potential as identified in BMAP. NIEA Archaeology and Built Heritage have considered the impacts of the proposal and have commented that they are content that the proposal is satisfactory and in line with the SPPS and PPS 6 archaeological policy requirements.</p>
<p>10.0</p> <p>10.1</p>	<p>Summary of Recommendation – Approval subject to conditions</p> <p>Having regard to the policy context and other material considerations set out above, it is concluded that on balance the proposal would constitute an acceptable development and much needed regeneration of a brownfield site in the city centre. Planning permission is recommended subject to conditions.</p>
<p>11.0</p> <p>11.1</p> <p>11.2</p>	<p>Conditions</p> <p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>Prior to occupation of the proposed development the applicant shall submit a Verification Report to the Planning Service, for review and approval in writing. This report must demonstrate that the remedial measures as outlined in section 5 of the WYG report entitled: <i>‘Land Contamination Generic Quantitative Risk Assessment Update’</i>, Gardiner Street, Belfast, Client: Robert Toan, Job Number:A060562-1, dated: 13th June 2017 have been implemented. The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential with plant uptake). It must demonstrate that the identified significant pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate:</p> <p>that all proposed garden areas and soft landscaped areas have been capped with a minimum 0.6m cover of clean material. All imported materials for this capping layer must be demonstrably fit for end use (residential with plant uptake);</p>

	<p>that gas protection measures in line with CIRIA's C665 Characteristic Situation 2 and BS8485:2015 have been incorporated into the proposed new building on the site and that a gas protection score of 3.5 has been attained as per BS8485:2015. Proprietary gas resistant membranes must be installed and certified by a competent contractor and all service entrance points, joints and penetrations sealed.</p> <p>Reason: Protection of human health</p> <p>11.3 In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease until a written report detailing the nature of this contamination and its management has been submitted to and agreed in writing by the Planning Service. The investigation, risk assessment and if necessary remediation work, must be undertaken and verified in accordance with current best practice.</p> <p>Reason: Protection of human health.</p> <p>11.4 If within a period of 5 years from the date of the planting of any proposed tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>11.5 Any existing street furniture requiring relocation to accommodate the proposed development shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>11.6 The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</p> <p>The Department 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.C-03 Rev.B bearing the Department for Infrastructure Determination date stamp 27th November 2019.</p> <p>Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</p>
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11.7	<p>The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.C-03 Rev.B bearing the date stamp 4th November 2019 to provide parking to serve the development. 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.</p> <p>Reason: To ensure adequate provision has been made for parking to serve the development.</p>
11.8	<p>The development hereby permitted shall not be occupied until cycle parking facilities have been provided in accordance with Drawing No.03A bearing the date stamp 16th October 2019.</p> <p>Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</p>

12.0	Notification to Department (if relevant) N/A
13.0	Representation from elected member NA

ANNEX	
Date Valid	23.07.2019
Date First Advertised	16.08.2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) 1 Brown Square,Belfast,Antrim,BT13 2BW 10 North King Street,Belfast,Antrim,BT13 2GR 11 Boyd Street,Belfast,Antrim,BT13 2GU 12 North King Street,Belfast,Antrim,BT13 2GR 13-15 ,Gardiner Street,Belfast,Antrim,BT13 2GT 17-25 ,Gardiner Street,Belfast,Antrim,BT13 2GT 19 Gardiner Place,Belfast,Antrim,BT13 2GS 2 North King Street,Belfast,Antrim,BT13 2GR 25a - 28,Gardiner Street,Belfast,Antrim,BT13 2GT 3 Brown Square,Belfast,Antrim,BT13 2BW 34 Peters Hill,Belfast,Antrim,BT13 2AA 4 North King Street,Belfast,Antrim,BT13 2GR 5 St Stephens Court,Belfast,Antrim,BT13 2GP 50 - 58 Peters Hill,Belfast,Antrim,BT13 2AB 6 North King Street,Belfast,Antrim,BT13 2GR 6 St Stephens Court,Belfast,Antrim,BT13 2GP 7 St Stephens Court,Belfast,Antrim,BT13 2GP 8 North King Street,Belfast,Antrim,BT13 2GR	
Date of Last Neighbour Notification	02.08.2019
Date of EIA Determination	N/A Site less than 0.5Ha
ES Requested	No
Drawing Numbers and Title	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	