

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 15 February 2022	
Application ID: LA04/2021/2285/F	
Proposal: Proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works (Amended Plans)	Location: 29 Parkside Gardens, Belfast, Co. Antrim, BT15 SAW
Referral Route: Referred to Committee by Director or Planning and Building Control proximity to interface	
Recommendation:	Refusal
Applicant Name and Address: JAMDAC Developments Ltd 16 Mount Charles Belfast BT7 1NZ	Agent Name and Address: Clyde Shanks Ltd Second Floor 7 Exchange Place Belfast BT1 2NA
<p>Executive Summary:</p> <p>The proposal is for full planning permission for a proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works.</p> <p>The Key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> • Principle of development and use; • Loss of Economic land; • Height, Scale, Massing and Design;& Layout; • Provision of amenity space; • Parking provision and access; • Impact on residential amenity of both existing and proposed residents; • Impact on heritage; • Other environmental factors. <p>The adopted Belfast Urban Area Plan 2001 designates the site as un-zoned white land. Draft BMAP 2004 and 2015 both designate the site as un-zoned white land. The 2015 version of Draft BMAP also included the site within the boundary of Alexander Park – Historic Park, Garden and Demesne BT 063</p> <p>The principle of residential development on the site has previously been established under planning permission Z/2008/0053/O. Planning Policy Statement 4: Planning and Economic Development also applies as the site was last used for economic use and the applicant has demonstrated the proposal complies with Policy PED 7.</p>	

In terms of the proposed built form and layout, the proposed bulk, scale and massing are considered to be unacceptable, out of character and would appear dominant. The proposal would not be in keeping with the existing area and would detrimentally impact on its character and appearance. The proposal shows an excess of hardstanding, no private amenity space and insufficient and inappropriate communal amenity space, which will be largely shadowed by the proposed building. There is no landscaped buffer provided to the protected park with the built form positioned almost to the boundary of the site.

In terms of residential amenity there will be overlooking to existing rear amenity and windows of neighbours and there is a potential for a perception of dominance given the relative difference in scale proposed. Outlook for prospective residents would be dominated by hardstanding and parking and to the north facing apartments the proximity of trees, outside the ownership of the applicant, may result in significant shadow.

The applicant has failed to demonstrate that trees within Alexander Park will not be impacted by the development.

Historic Environments Division, Rivers Agency, Environmental Health and NIEA Regulation Unit and Natural Heritage have no objection to the proposal subject to conditions.

NIEA Water Management have advised the proposal has the potential to adversely impact the surface water environment.

NI Water has recommended refusal due to insufficient capacity.

DFI Roads and the Tree Officer comments to follow and will be reported through late items if they become available.

The application has been advertised and neighbour notified, and no objections have been received to date.

Recommendation:

Refuse

Having regard to the policy context and other material considerations, the proposal is considered unacceptable and refusal of planning permission is recommended for the reasons set out in paragraph 11 below. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal subject to no new substantive planning issues being raised by third parties.

Case Officer Report

Site Location Plan



Proposed Site Plan



Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is for full planning permission for a proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works.
2.0	Description of Site
2.1	The site is located at 29 Parkside Gardens, a former builder's yard set within and between a residential and parkland context with a pair of semi-detached dwellings to the immediate front of the site sitting west of the entrance, a bungalow to the immediate east of the entrance and Alexandra Park adjacent to the rear, north and west.
2.2	The eastern boundary wall separates the site from a vacant plot of land adjacent to an interface. The interface bounds the park along Mountcollyer Street. The site is noted on the Belfast interface project map as blighted land. There is a significant buffer along the interface of the nearest dwellings on Parkside Gardens.
2.3	Access to the site is by an opening between 31 and 27 Parkside Gardens with the site wrapping around the rear of semi-detached dwellings 31 and 33 Parkside Gardens
2.4	The area is characterised by two storey semi-detached and two and a half storey terraced residential dwellings with on street parking. Alexander Park lies adjacent to the north, west and east of the site.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/2008/0053/O - Site for residential development of 8no apartments – Granted
3.2	Z/1990/3127 - Change of use from commercial vehicle repairs to builders' yard and auxiliary office - Granted
3.3	Z/1982/1157 – Change of use from yard for repairs of plant and heavy vehicles to repair – Granted
3.4	Z/1981/0854 – Conversion of existing shed to stabling use – Granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001

4.2	Draft Belfast Metropolitan Area Plan 2015 (2004 Version)
4.3	Draft Belfast Metropolitan Area Plan 2015
4.4	<p>4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>4.4.2 Planning Policy Statement 3: Access, Movement and Parking</p> <p>4.4.3 Planning Policy Statement 4: Planning and Economic Development</p> <p>4.4.4 Planning Policy Statement 6: Planning, Archaeology and the Built Heritage</p> <p>4.4.5 Planning Policy Statement 7: Quality Residential Environments</p> <p>4.4.6 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas</p> <p>4.4.7 Planning Policy Statement 8: Open Space and Recreation</p> <p>4.4.8 Planning Policy Statement 12: Housing in Settlements</p> <p>4.4.9 Planning Policy Statement 15: Planning and Flood Risk</p> <p>4.4.10 Development Control Advice Notice (DCAN) 8: Housing in Existing Urban Areas</p> <p>4.4.11 Development Control Advice Notice (DCAN) 15: Vehicular Access Standards</p> <p>4.4.12 Creating Places</p>
5.0	Statutory Consultees Responses
5.1	DFI Roads – Noted the change in proposed use from that at the PAD stage. Subsequently DFI Roads have not requested a Travel Plan alongside auto tracking, a service management plan and amendments to the vehicular access and parking. This information was not requested by planning and was submitted by the applicant without request.
5.2	NI Water Multi Units East have recommended refusal of the proposal on the basis of sufficient waste water treatment works capacity is not sufficient to accommodate the proposal without significant risk of environmental harm.
5.3	Rivers Agency – No objection subject to condition
5.4	<p>NIEA were consulted and advised of the following;</p> <ul style="list-style-type: none"> • Water Management advised the proposal had the potential to adversely impact the surface water environment. • Regulation Unit has no objection to the proposal subject to conditions; • Natural Heritage has no objection.
5.5	<p>Historic Environments Division were consulted and advised of the following;</p> <ul style="list-style-type: none"> • Historic Buildings advised the proposal is sufficiently removed from the Listed Building and have no objection to the proposal; • Historic monuments considered the Archaeological Impact Assessment and concurs with its findings and has no objection to the proposal.
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health - No objection subject to conditions.
6.2	BCC Tree Officer – Response to follow.
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press; no representations from neighbours have been received.
8.0	Other Material Considerations

8.1	The adopted Belfast Urban Area Plan 2001 designates the site as un-zoned white land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as un-zoned white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan that was adopted and now subsequently quashed the site was designated as un-zoned white land and it is included within the boundary of Alexander Park – Historic Park, Garden and Demesne BT 063.
8.4	Living Places an Urban Stewardship and Design Guide for Northern Ireland.
9.0	Assessment
9.1	The Key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> • Principle of development and use; • Loss of Economic land; • Height, Scale, Massing and Design; & Layout; • Provision of private amenity space; • Parking provision and access; • Impact on residential amenity of both existing and proposed residents; • Impact on heritage; • Other environmental factors.
9.2	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 the statutory development plan for the area. draft BMAP remains a material consideration. The site is located within the settlement development limit for Belfast in the adopted and both draft versions 2004 and 2015 of BMAP.
9.3	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.
9.4	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. The SPPS sets out five core planning principles of the Planning System, including health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.11 and 4.12 require the safeguarding of residential environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design.
9.5	<u>Principle of development and use</u> Whilst the principle of residential development on the site has been previously approved under planning permission Z/2008/0053/O – outline permission for 8 apartments. Whilst the principle of residential use on the site is acceptable and compatible with the adjacent residential use and park, it is the form of development proposed in this case that is considered unacceptable.
9.6	<u>Loss of Economic Land</u>

9.7	<p>As the proposal site was last used as a builder's yard policy PED 7 of PPS4. This policy affords protection to lands last used for business purposes. The principle of residential development and the use as residential has previously been accepted through previous planning permission Z/2008/0053/O. The applicant has provided a design concept statement which also addresses PED 7. The applicant has stated that the proposal complies with criterion (b), (d), (e) and (f).</p>
9.8	<p>In terms of criterion (b) the applicant has stated that the proposed use for social housing is of greater community benefit than its extant use as a derelict former builder's yard, which also complies with criterion (d) in that the present use has a significant adverse impact on the character or amenities of the surrounding area. It is accepted that the proposed social housing would be of greater community benefit than its currently derelict state and would be considered complimentary and in keeping with the adjacent residential and parkland use and therefore complying with criterion (d).</p>
9.9	<p>It is the restricted nature of the site that renders it unsuitable for modern industrial, storage or distribution purposes and therefore the case made is deemed to comply with criterion (e). Nor are there any building of archaeological or historical interest or importance that would be required to be secured, as set out in criterion (f).</p>
9.10	<p>It is considered that the applicant has sufficiently demonstrated that the proposed residential use on the site is acceptable at this derelict former builders' suppliers.</p>
	<p><u>Height, Scale, Massing and Design and Layout</u></p>
9.11	<p>The proposed development includes:</p>
9.12	<p>Height – 9.82m from FFL Eaves – 7.28m from FFL Gable Depth – 16.66m Length – 23.05m</p>
9.13	<p>The proposed height, scale and massing combined with the footprint, which occupies a significant portion of the site, is considered to be unacceptable and would appear dominant. The plot coverage and the proposed hard standing for parking will leave little private amenity space. The building is 'pushed' to the rear boundary and will be positioned just off the boundary with the Park, with no landscape buffer between the proposal and Alexander Park to the north. The proposal represents overdevelopment of the site.</p>
9.14	<p>The length and depth of the proposed building is significant, at over 23metres X 16.6metres and with limited space remaining around the building to absorb a building of this scale. The building will be dominant on the plot.</p>
9.15	<p>Whilst the area is relatively high density, the proposal would be out of keeping with the local character of the area and out of keeping within the context in which it is to be located and in particular with more recent development in the vicinity. The area generally displays terraced dwellings with private amenity to the front and rear; and as the area has been subject to substantial clearance and redevelopment in recent years, the new dwellings built have good amenity provision to the front and rear resulting in a quality environment. In terms of density in the area this ranges from 40 dwellings per hectare to 59 per hectare. The density of the proposal site would equate to 130 dwelling units per hectare. This is more than double the highest existing density in the area. This reiterates the proposal represents over development of the site and would not deliver a quality residential environment for prospective residents.</p>

9.16	<p>Policy QD 1 of planning policy Statement 7 – Quality Residential Environments also considers the impact of the proposal on the character of the area. It is considered that the proposal represents overdevelopment of the site combined with the proposed level of hardstanding for the provision of car parking is considered to be excessive resulting in an unacceptable layout, impacting on the amenity of prospective and existing residents.</p>
9.17	<p>The outlook for apartments fronting on to the eastern and southern portion (apartments 1, 3, 4, 7, 8 and 11) of the site will outlook on to areas dominated by hard standing in the form of the road, parking, pedestrian surface and a brick boundary wall and neighbouring gardens private amenity areas. The remaining apartments outlook on to a section of grass area directly south of the proposed building and providing a visual break between the walkway around the building and the car park and those apartments outlook to the west will outlook on to the shared communal amenity space.</p>
9.18	<p>The dominance of site coverage and hard standing within the proposal site is a symptom of overdevelopment of the site and highlights the lack of adequate amenity provision or landscape buffer.</p>
9.19	<p><u>Amenity for Prospective Residents</u></p> <p>In terms of amenity space, there is no private amenity space proposed within the development. There is a total of approximately 83m² of communal amenity space proposed, with no individual private amenity space for the apartments. Whilst the applicant's block plan states 167m², this would appear to include a walkway area and a grassed area which would not be considered to be private. As set out in creating places, the recommended minimum amenity space provision per apartment is in the range of 10m² to 30m², dependent upon the urban context in which the proposal site is located. As this site is out of the inner city, it would be expected that the amenity provision per apartment would exceed the recommended minimum of 10m². In addition, there are units proposed that are 2 bedroom and would reasonable be expected to accommodate families, which require greater amenity space provision.</p>
9.20	<p>It is acknowledged that the proposal site is directly adjacent to Alexander Park, however considering the EIA Street planning appeal decision 2018/A0070 it was considered that existing other public spaces were not an acceptable substitute for the deficit of private and communal space in quantitative and qualitative terms. Therefore, it is considered that insufficient private amenity space has been provided for prospective residents and is contrary to criterion (c) of policy QD1.</p>
9.21	<p>The communal amenity space provided is located within the western portion of the site and this western boundary is to be bounded by a 1.8m close boarded timber fence. The orientation and layout of the site will mean that the communal amenity area will likely be in the shade most of the day combined with the existing dwellings to the south as the sun path moves from east to west throughout the day. All of these are symptoms of over development and indicate that the proposed development exceeds the maximum capacity that the site can accommodate.</p>
9.22	<p>Therefore, the proposed layout is unacceptable and is considered to be contrary to criterion (a), (b), (c), (e), (f), (g) and (h) of policy QD 1 of PPS 7 and criterion (a) and (b) of Policy LC 1 of the Addendum to PPS 7.</p>
9.23	<p>In terms of the required minimum space standards, the proposed dwellings meet and exceed the space standards as set out in Annex A of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas and therefore is in accordance with criterion (c) of policy LC 1.</p>

9.24	<p><u>Impact on Neighbouring Residential Amenity</u></p> <p>In terms of the residential amenity of existing residents, despite the minimum separation distance of 20m being provided, it is considered that the proposed residential development will result in direct overlooking to the rear gardens and amenity areas of the semi-detached dwellings located at 31 and 33 Parkside Gardens and to the bungalow at 27 Parkside Gardens. In terms of overshadowing the proposal will not result in unacceptable impact to the residential amenity of adjacent dwellings as the proposal site sits to the north of those and therefore it will be the proposed communal amenity area that will be overshadowed by the existing dwellings and western boundary wall. Again, whilst there is unlikely to be any significant shadow, the neighbours may experience the perception of dominance given the scale and mass of the block proposed, particularly relative to the bungalow at 27 Parkside Gardens.</p>
9.25	<p><u>Impact on trees</u></p> <p>Whilst on the site itself there are no trees or vegetation, the site is adjacent to Alexander Park. Directly adjacent to the northern boundary wall are trees which form part of Alexander Park. The applicant submitted a Tree Constraints Plan which show the position of the trees however the plan states 'that the trees are in such a condition that they cannot realistically be retained in the context of current land use for longer than 10 years. However, these trees are not within the applicant's ownership and this development should not put those trees at risk regardless of their condition. The tree officer has been consulted for comment.</p>
9.26	<p>There is also concern about the proximity of the trees to the northern elevation. The proximity of the trees would result in potential for loss of light to these already north facing apartments, increasing the likelihood that any future occupants would request that the Council (owner of Alexander Park) to remove the trees to allow for light and outlook from these north facing apartments. This would create an issue for the future if the proposal was permitted. The trees are outside the ownership of the applicant and therefore removal of trees as per the tree constraints plan could not be permitted as part of this application. This scenario is undesirable and as discussed above, the potential impact on trees outside the site in this case is another indicator of overdevelopment of the site.</p>
9.27	<p><u>Parking Provision and Access</u></p> <p>DFI Roads were consulted and requested the submission of a parking survey, refuse collection auto tracking, travel plan and a survey management plan. This information was submitted by the applicant without request together with a supporting letter. It is noted that the agent has failed to provide a travel plan and a service management plan for this proposal as requested by DFI Roads. The applicant's road consultant has stated that a travel plan is unnecessary for a proposal of this scale given its an accessible area with low car ownership. They have also stated that the travel plan would result in an additional cost of £20,000 for the housing association. The applicant's road consultant has also queried the requirement for a service management plan, given the scale of the proposal and that the only large vehicle accessing the site will be a refuse lorry if they wish to enter the site as a bin collection point is located adjacent to the entrance and neighbouring dwelling no.31 Parkside Gardens.</p>
9.28	<p>DFI Roads have also raised issues in respect of the forward sight distance required. The agent submitted further information which is with DFI Roads for consideration.</p> <p><u>Bins & waste collection</u></p> <p>The proposed bin storage is to be internal within the building and accessible to all proposed residents internally. A bin collection point has been proposed, a concrete hard standing area between the vehicular access and the neighbouring dwelling at 31 Parkside</p>

<p>9.29</p> <p>9.30</p> <p>9.31</p> <p>9.32</p> <p>9.33</p> <p>9.34</p>	<p>Gardens. The proposed site plan shows space for 13 bins, neatly parked in rows, however the reality is that bins would be parked and would likely sprawl out on to the access road or the public footpath. There is also concern that if residents did not collect bins in a timely manner that this would impact on the neighbouring dwellings by smell and potentially increase the risk of vermin; and impede access to the site, given the narrow entrance. It is considered that the collection point would not be sufficient and would potentially impact on the amenity of the adjacent dwellings.</p> <p><u>Other Environmental Factors</u></p> <p>NI water were consulted and have recommended refusal of the proposal on the basis of insufficient waste water treatment works capacity which cannot accommodate the proposal without significant risk of environmental harm. The applicant has failed to demonstrate through evidence from the statutory provider that the site can be adequately serviced.</p> <p>Environmental Health were consulted and have no objection subject to conditions.</p> <p>NIEA Water Management advised the proposal had the potential to adversely impact the surface water environment.</p> <p>NIEA Regulation Unit have no objection subject to conditions.</p> <p>NIEA Natural Heritage advised they had no concerns and recommended informatives.</p> <p>Rivers agency has no objection subject to condition to the proposal.</p>
<p>10.0</p>	<p><u>Recommendation</u></p> <p>The proposal is considered to be unacceptable and refusal of planning permission is recommended.</p>
<p>10.1</p>	<p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended. Delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.</p>
<p>10.2</p>	<p>Summary of Recommendation: Refusal</p>
<p>11.0</p>	<p>Refusal Reasons</p> <ol style="list-style-type: none"> 1. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, introduce an unacceptable layout through the overdevelopment of the site which would fail to provide a quality residential environment to the detriment of the amenity of prospective residents as the layout will be dominated by parking, fails to provide adequate or appropriate private and communal amenity space resulting in a poor quality living environment. 2. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments and to Policy LC1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas, in that the development would, if permitted, introduce a layout, built form and a building of a bulk, scale and mass, not in keeping with the overall character and environmental quality of the established residential area. If permitted would result in over development

	<p>of the site which would introduce to the location an unacceptable density and an uncharacteristic layout.</p> <p>3. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, would result in an unacceptable impact to neighbouring residents by way of overlooking and the potential for perception of dominance being harmful to their living environment and impact on amenity from the bin collection area proposed.</p> <p>4. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the applicant has failed to demonstrate that there will not be an impact to trees on a neighbouring adjacent site, which has the potential to impact Alexander park and the local environmental quality.</p>
<p>Neighbour Notification Checked:</p> <p>Yes</p>	
<p>Notification to Department (if relevant)</p> <p>N/A</p>	
<p>Representations from Elected members:</p> <p>N/A</p>	

ANNEX	
Date Valid	30th September 2021
Date First Advertised	22nd October 2021
Date Last Advertised	22nd October 2021
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 10 Parkside Gardens,Belfast,Antrim,BT15 3AW</p> <p>The Owner/Occupier, 12 Parkside Gardens,Belfast,Antrim,BT15 3AW</p> <p>The Owner/Occupier, 31 Parkside Gardens,Belfast,Antrim,BT15 3AW</p> <p>The Owner/Occupier, 31 Parkside Gardens,Belfast,Antrim,BT15 3AW</p> <p>The Owner/Occupier, 33 Parkside Gardens,Belfast,Antrim,BT15 3AW</p> <p>The Owner/Occupier, 33 Parkside Gardens,Belfast,Antrim,BT15 3AW</p> <p>The Owner/Occupier, 75 Mountcollyer Street,Belfast,Antrim,BT15 3AZ</p> <p>The Owner/Occupier, 77 Mountcollyer Street,Belfast,Antrim,BT15 3AZ</p> <p>The Owner/Occupier, 79 Mountcollyer Street,Belfast,Antrim,BT15 3AZ</p> <p>The Owner/Occupier, 8 Parkside Gardens,Belfast,Antrim,BT15 3AW</p>	
Date of Last Neighbour Notification	28th January 2022
Date of EIA Determination	n/a
ES Requested	No
Drawing Numbers and Title	
<p>Drawing No's. 01, 02, 03A, 04A, 05A, 06A, 07A, 08A, 09A, 10, 11 and 12</p> <p>Type: Site location map, existing layout, proposed layout, proposed floor plans and elevations, site sections, tree constraints plan and landscape plan.</p> <p>Status: Submitted</p>	