

2nd Addendum Committee Report

| Development Management Report | |
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| Application ID: LA04/2021/2285/F | Date of Committee: 16 th August 2022 |
| 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><u>ADDENDUM REPORT</u></p> <p>The application was initially brought to Planning Committee on 15th February 2022 but was deferred for a site visit for elected members on Thursday 3rd March 2022. The application was subsequently presented to Planning committee on the 15th March 2022. At the March committee, members agreed to defer consideration of the application to allow the applicant to reconsider the issues raised by officers, including parking spaces and amenity concerns.</p> <p>Members should read this Addendum Report in conjunction with the first Addendum report and the original full detailed planning report attached below.</p> <p><u>Summary</u></p> <ul style="list-style-type: none"> • The site visit by members has taken place. • An amended scheme has been received | |



A Proposed Eastern Elevation
Scale 1:100



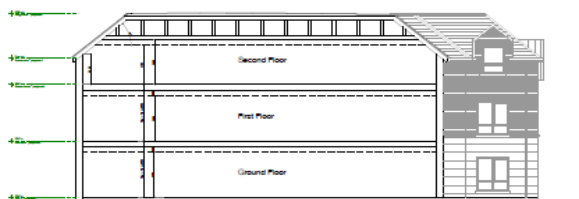
B Proposed Northern Elevation
Scale 1:100



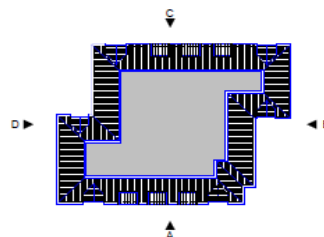
C Proposed Western Elevation
Scale 1:100



D Proposed Southern Elevation
Scale 1:100



Proposed Section A-A
Scale 1:100



Elevation Key
not to scale

Consideration of Amended Scheme

The applicant submitted amendments to the scheme following the previous Committee in an attempt to address concerns raised by officers:

Parking

- The number of parking spaces has been reduced from 11 to 7 resulting in a reduced amount of hardstanding on site. DFI Roads provided further comment and have offered no objections.

Amenity Space

- As a result of the reduction in parking spaces, communal amenity space provision has increased from 263.1sqm to 418.9sqm (an increase of 155.8sqm). This results in an increase from 23.9sqm per apartment to 38.08sqm per apartment. The quantum is in excess of guidance however, the scale and height of the building is such that the significant areas of the space will be over shadowed for parts of the day, which will detract from its value. In addition, the scheme does not offer any private amenity space.
- The scheme includes additional tree planting to the rear (north) of Nos. 31 and 33 Parkside Gardens. The Tree officer is content with the tree proposal arrangements.

Outlook

The outlook for south facing apartments has been altered with the addition of obscured glazing to habitable rooms (kitchens). As these windows are located in habitable rooms (kitchen/dining area) it would be unreasonable to use obscure glazing and would impact the quality of the living environment. The use of obscure glazing to habitable rooms is an indication of over development.

The bin collection area has been repositioned to a hardstanding area close to the entrance point of the site. No details were provided of a secure covered area for the bins.

NIW Water

- NI Water have raised concerns with capacity issues though an engineering solution is possible. This solution would be subject to agreement with NI Water.

Officers having considered the amendments conclude that all the matters of concern set out in the previous reports have not been overcome: Refusal reasons are set below:

- *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 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 of the site which would introduce to the location an unacceptable density and an uncharacteristic layout.*
- *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, 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.*
- *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, result in unacceptable poor outlook for prospective residents by the use of obscure glazing for habitable rooms as a result of overdevelopment of the site.*

The proposal has been considered and assessed in accordance with the relevant prevailing planning policies and development plan.

Recommendation

The proposal is recommended for refusal.

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.

Planning Committee: Tuesday 15 March 2022

Late Items

| Agenda Item | Application | Issues Raised | Action |
|-------------|---|---|--|
| 7b | <p>LA04/2021/2285/F 29 Parkside Gardens, Belfast.</p> <p>Proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works</p> | <p>Letter of support from Newington Housing association. Letter states that the Housing Executive has confirmed that there are 1,041 applicants on the Newington Limestone waiting list of which 885 are deemed to be in housing stress. Figure is likely to increase when a new projected need for 2022-2025 is published by NIHE. Newington Housing Association is fully committed and supportive of this proposal especially as there is a shortfall of development land within their area of operation.</p> | <p>Members to note. Officers supportive of social housing but the scheme should meet the tests of PPS7 QD1</p> |
| 7b | <p>LA04/2021/2285/F 29 Parkside Gardens, Belfast.</p> | <p>Letter of support from NIHE – Belfast Region Place Shaping Team. Letter states that the NIHE will support the following housing mix at this location: 8 No. 2 bedroom 3 person apartments G/N 2 No. 1 bedroom 2 person apartments G/N 1 No. 2 bedroom 3 person wheelchair apartment.</p> | <p>Members to note. Officers supportive of social housing but the scheme should meet the tests of PPS7 QD1</p> |
| 7b | <p>LA04/2021/2285/F 29 Parkside Gardens, Belfast.</p> | <p>Agents email of 9th February raised the following points: No feedback provided;</p> | <p>The application was subject of a Pre Application Discussion for a class C3 use – assisted living. The concerns with the application under consideration were also raised at the PAD despite the change from class C3 to C1 use.</p> |

| Agenda Item | Application | Issues Raised | Action |
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| | | <p>Note refusal reasons include parking issues as well as impact on trees. Struggle to see how the Council has concluded this with DFI Roads and Tree Officer responses outstanding;</p> <p>Asked to provide further information regarding the impact on trees beyond the scope of the tree constraints plan originally submitted. Arboricultural Impact Assessment and Method Statement submitted 8th February not yet reviewed;</p> <p>Density figures at 9.14 are factually incorrect;</p> | <p>No DFI Roads or parking refusal reasons are proposed. Reference to parking in the refusal reasons is in respect of the layout being dominated by parking which would contribute to, alongside other concerns, a poor quality living environment for prospective residents. See below point re Tree comments/</p> <p>Agent was not requested to submit an Arboricultural report. Agent was asked to forward the survey that was used to inform the condition of trees on the tree constraints map which the agent themselves had provided. Agent advised there was no report produced.</p> <p>Case officer information submitted re the categorising of the trees – species, condition etc. Agent then forwarded Arboricultural Impact Assessment and Method Statement which has now been considered by the Tree Officer (see below)</p> <p>At 9.14 of the case officer report should read 'The density of the proposal site would equate to 110 dwelling units per hectare. This is nearly double the highest existing density in the area'.</p> |

| Agenda Item | Application | Issues Raised | Action |
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| | | <p>Request for the application to be withdrawn from planning committee; Applicant and housing provider will be raising this with the Council as a matter of procedural fairness.</p> | <p>This is listed as a separate late item for members to note.</p> <p>Noted.</p> |
| <p>7b</p> | <p>LA04/2021/2285/F 29 Parkside Gardens, Belfast.</p> | <p>Agent submitted Planning Committee Briefing Note raising the following points;</p> <ul style="list-style-type: none"> • Proposal is for Social Housing prepared in collaboration with Newington Housing Association • Followed Pre-Application Discussion (PAD) feedback; Includes complex needs apartment on the ground floor; • Makes use of a derelict former builder’s yard with hardstanding and storage sheds – a clear betterment; • No objection responses received from all consultees that cannot be addressed by way of condition • No objection from Historic Environment Division who are the custodians of Alexandra Park Historic Parks, Gardens and Demesnes; • No objections received from local residents; | <p>Noted- Applicant is not a social housing provider</p> <p>The application was subject of a Pre Application Discussion for a class C3 use – assisted living. The concerns with the application under consideration were also raised at the PAD despite the change from class C3 to C1 use.</p> <p>Noted. Not raised as an issue. Policy PED 7 of PPS 4 can be set aside.</p> <p>Noted. NI Water have recommended refusal.</p> <p>Noted.</p> <p>The Alexandra Park is owned and maintained by Belfast City Council.</p> <p>Noted</p> |

| Agenda Item | Application | Issues Raised | Action |
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| | | <ul style="list-style-type: none"> • Favourable planning history for 2.5 storey 8 No. apartment building (not social) on site; • Sufficient communal open space provided and the site is located adjacent to Alexandra Park. | <p>Noted</p> <p>Planning considers the amenity provision to be insufficient both in quality and quantum as per the case officer report.</p> |
| <p>7b</p> | <p>LA04/2021/2285/F 29 Parkside Gardens, Belfast.</p> | <p>BCC Tree Officer consulted with Arboricultural Impact Assessment and Method Statement. The Tree Officer has commented with the following points;</p> <p>No trees within the site currently a Tree Protection Plan is not required;</p> <p>Please confirm if any pre development tree surgery is required to prune any overhanging crown spread from nearby trees outside of the application site. If trees on Council property would need to confer with the Council’s Tree and Woodland Officers;</p> <p>X5 proposed trees along the western boundary may struggle to establish over time as species choice may not be ideal for the location. Future planting should integrate proposal and have a harmonious relationship within the site, providing enjoyable private amenity space without future implications such as overshadowing or lateral branches growing towards the building structure creating risks and concerns;</p> <p>Trees adjacent to parking areas should be clear stemmed with narrow or tight crown spreads with a suitable established growing size;</p> <p>Landscape maintenance and management plan submitted is deemed appropriate ensuring</p> | <p>Members to note. Refusal Reason 4 re impact to trees to be removed.</p> |

| Agenda Item | Application | Issues Raised | Action |
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| | | <p>professional and periodical management to ensure trees afford future amenity value within the site;</p> <p>No objection in principle will not directly impact on and adjacent trees;</p> <p>Revised landscaping plan should be provided or provided as a discharge of condition.</p> | |
| 7b | LA04/2021/2285/F 29 Parkside Gardens, Belfast. | <p>Email from agent (10/03).</p> <p>'The Development Management Report Inc. Addendum for the 15th March committee also still refers to the premature refusal reason relating to trees despite that Council's own Tree Officer has no objection stating, <i>"the application will not directly impact on and adjacent trees"</i>.'</p> | As above, refusal reason 4 (impact on trees) is removed. |
| 7b | LA04/2021/2285/F 29 Parkside Gardens, Belfast. | <p>Amended layout and elevations submitted with email and letter detailing the following points:</p> <ul style="list-style-type: none"> • The applicant maintains that, contrary to the Development Management Report, the density of the scheme (91.6 dwellings per hectare) is lower than the surrounding residential area (111.2 dph) and is not therefore out of character. Notably, the Council's Local Development Plan Draft Plan Strategy, which is a material consideration, contains Policy HOU4 which indicates that in inner city areas a minimum density of 75 dph and a maximum of 150 dph will be appropriate; | <p>The amended scheme will be addressed below, with each point addressed in turn:</p> <ul style="list-style-type: none"> • Addressed above. Density approximately 110 dwellings per hectare. This is more than double the density of surrounding area. • As the agent's amenity space calculations include paths around the building, officers disagree. The total amenity |

| Agenda Item | Application | Issues Raised | Action |
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| Continued | | <ul style="list-style-type: none"> <li data-bbox="981 240 1644 451">• An additional 96.1sqm of green amenity space is provided resulting in a total of 263.1sqm of amenity space to serve the 11 apartments. This equates to 23.9sqm per apartment, far in excess of the minimum standard of 10sqm as set out in Creating Places; <li data-bbox="981 1182 1644 1281">• The additional amenity space is located to the east of the site complimenting the space already proposed to the west of the site; | <p data-bbox="1767 240 2163 703">space now sits at approximately 180 sqm. This equates to approximately 16 sqm per unit. The key here is the provision of ‘private open space’, as per ‘Creating Places’. The additional amenity space provided is not private. The site sits within a residential area where the character is that of dwellings enjoying private amenity space.</p> <p data-bbox="1767 711 2163 978">The desire for private open space in apartment developments was highlighted by the Planning Appeals Commission in their report on an appeal against the refusal of permission for an apartment scheme on Eia Street.</p> <ul style="list-style-type: none"> <li data-bbox="1722 1007 2175 1406">• In respect of the relationship of the building to the proposed amenity space - to the west the space is sandwiched between the building and the boundary of the site and adjacent trees, the overall quality of the space provided is questionable. As each area will be overshadowed by the scale of the building due to the |
| Continued | | | |

| Agenda Item | Application | Issues Raised | Action |
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| Continued | | <ul style="list-style-type: none"> • As the amenity space is now both east and west facing and as the building stands off the proposed boundaries (by circa 6.5m) there will be no unacceptable overshadowing of the amenity space; • The parking layout has been reorientated to reduce alleged dominance and provide for the additional amenity space. One space per apartment remains as does a disabled space to serve the complex needs apartment; and • Amended fenestration to the southern elevation nearest to existing residential dwellings. This comprises a cantilevered bay window to the first and second floor apartments with obscure glazing facing the dwellings opposite and clear glazing for outlook at the sides to prevent direct line of sight while maintaining adequate day light and views over the open space. | <p>orientation. The additional amenity space is sandwiched between a 3 storey building and high boundary trees and will be completely overshadowed in the evening by the building.</p> <ul style="list-style-type: none"> • The amenity space has been provided at the cost of a turning area and the re-positioning of two parking spaces. Residents will have the prospect of reversing for a long distance to turn their vehicle or turn it in to the front of the building. • The windows have not been removed and remain at first and second floor level giving the perception of being overlooked. As these windows are located in habitable rooms (kitchen/dining area) it would be unreasonable to use obscure glazing or to secure by a planning condition. Irrespective of the introduction of obscured glazing on two windows the first and second floor windows on the southern elevation facing directly onto |

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| Continued | | <ul style="list-style-type: none"> • Creating Places states ‘a separation distance greater than 20m will generally be appropriate to minimise overlooking..... And that greater flexibility will generally be appropriate in assessing the separation distance for apartments and infill housing schemes in urban locations and higher density areas. It is suggested that given the inner urban location the scheme should be given be afforded greater flexibility. • The scheme is acceptable for the following reasons: <ol style="list-style-type: none"> 1. Unique location with open space bounding on three sides. | <p>the rear of the two closest dwellings remain unchanged.</p> <ul style="list-style-type: none"> • Whilst a 20m separation distance is generally accepted. In this case officers consider it is insufficient. This is a three storey apartment block in the immediate backland of 3 residential dwellings with habitable second floor windows overlooking the rear of adjacent housing. Flexibility can be applied in higher density areas but not to the extent whereby a window at approximately 7.5m above ground level overlooks an adjacent dwelling. <ol style="list-style-type: none"> 1. Proximity to open space does not outweigh the need for adequate and appropriate amenity space on-site. 2. The context is noted. This is not a terraced dwelling scheme. 3. 8 units were previously permitted as an Outline in principle only not 11. |

| Agenda Item | Application | Issues Raised | Action |
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| <p>continued</p> | | <ul style="list-style-type: none"> 2. The context and character of the area comprises of large blocks of terraced dwellings. 3. The planning history advocated a 2.5 storey block. 4. Addresses unmet social need. 5. Complies with other regional planning policy and guidance. 6. Regeneration of brownfield site. | <ul style="list-style-type: none"> 4. It is acknowledged that this is an area of housing need. 5. As the proposal fails to meet specific planning policy requirements it does not meet regional planning policy. 6. Regeneration is welcomed, but in a manner that is appropriate to the site and existing context. <p>To summarise the amended scheme does not address previous concerns. The scale and massing of the building remains the same. There is an insufficient level of private amenity space for the residents, and the proposed communal space is of poor overall quality and value to the scheme.</p> <p>A turning head / area has been removed which is likely to impact safety and movement on the site.</p> <p>There remains first and second floor windows from habitable rooms 20m from the rear of adjacent dwellings.</p> <p>The introduction of obscured glazing on habitable rooms is representative of the of the overdevelopment of the site. Its retention via planning condition is considered to be unreasonable.</p> |

| Agenda Item | Application | Issues Raised | Action |
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| 7b | LA04/2021/2285/F 29 Parkside Gardens, Belfast. | <p>DFI Roads consultation response received 10/02/2022. DFI Roads have reiterated their request for a Travel Plan having considered the applicant's road consultants letter which stated a travel plan is unnecessary.</p> <p>Travel Plan submitted 14th March 2022, includes the following proposals:</p> <p>Funded sustainable travel, with each apartment offered and provided:</p> <ul style="list-style-type: none"> • Metro Travel Card – 3 years, 100% subsidy • Car Club Membership – 3 years, 50% subsidy • Belfast Bike Scheme Membership – 3 years, 100% subsidy | <p>DFI Roads consulted 15th March 2022.</p> <p>A Section 76 agreement would be required to secure green travel measures should approval be forthcoming, subject to DFI Roads comments.</p> |

**Addendum
Development Management Officer Report
Committee Application**

| Summary | |
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| Committee Meeting Date: Tuesday 15 th March 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 |
| <u>ADDENDUM REPORT</u> | |
| <p>This full application was previously listed for Planning Committee on 15th February 2022. The application was not presented and subsequently deferred for a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand. Member should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p>A site visit for elected members took place on Thursday 3rd March 2022.</p> <p><u>Assessment</u> The proposal has been considered and assessed in accordance with the relevant prevailing planning policies and development plan.</p> <p><u>LDP update</u> The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.</p> | |

Summary

- The site visit by members has taken place;
- No further information or amendments have been received and the recommendation remains unchanged.

In conclusion, the recommendation remains as set out in the case officer's report and this addendum.

Recommendation

The proposal is recommended for refusal. 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.

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 of 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 |
| Executive Summary: | |
| <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.

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

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.

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.

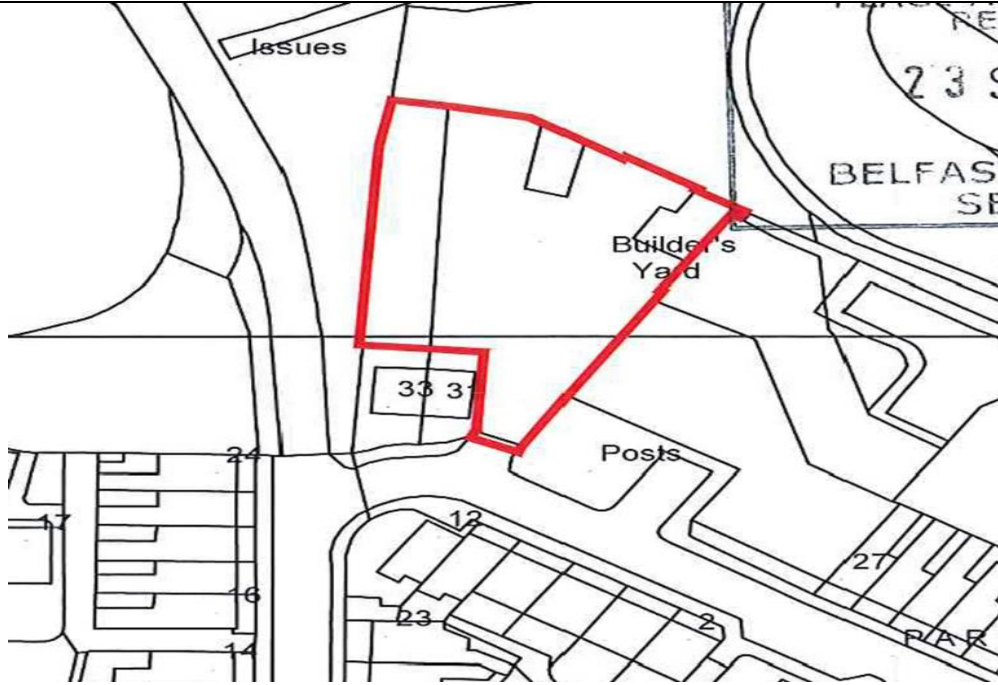
Recommendation:

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:

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| 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

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| 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. |

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| 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 | <ul style="list-style-type: none"> 4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 3: Access, Movement and Parking 4.4.3 Planning Policy Statement 4: Planning and Economic Development 4.4.4 Planning Policy Statement 6: Planning, Archaeology and the Built Heritage 4.4.5 Planning Policy Statement 7: Quality Residential Environments 4.4.6 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas 4.4.7 Planning Policy Statement 8: Open Space and Recreation 4.4.8 Planning Policy Statement 12: Housing in Settlements 4.4.9 Planning Policy Statement 15: Planning and Flood Risk 4.4.10 Development Control Advice Notice (DCAN) 8: Housing in Existing Urban Areas 4.4.11 Development Control Advice Notice (DCAN) 15: Vehicular Access Standards 4.4.12 Creating Places |
| 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. |

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| 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 | NIEA were consulted and advised of the following; <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 | Historic Environments Division were consulted and advised of the following; <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. |

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| 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 | <p><u>Principle of development and use</u></p> <p>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.</p> |
| 9.6 | <p><u>Loss of Economic Land</u></p> <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> |
| 9.7 | 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). |
| 9.8 | 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). |
| 9.9 | 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. |
| 9.10 | <p><u>Height, Scale, Massing and Design and Layout</u></p> <p>The proposed development includes:</p> |

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| 9.11 | <p>Height – 9.82m from FFL Eaves – 7.28m from FFL Gable Depth – 16.66m Length – 23.05m</p> |
| 9.12 | <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> |
| 9.13 | <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> |
| 9.14 | <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> |
| 9.15 | <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> |
| 9.16 | <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> |
| 9.17 | <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> |
| 9.18 | <p><u>Amenity for Prospective Residents</u> 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.</p> |

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| | <p>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> |
| 9.19 | <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> |
| 9.20 | <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> |
| 9.21 | <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> |
| 9.22 | <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> |
| 9.23 | <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> |
| 9.24 | <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.</p> |
| 9.25 | <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</p> |

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| | <p>these north facing apartments. Having said this the BCC Tree Officer confirmed that he had no objection in terms of the potential impact on the adjacent trees so on balance it is considered that a refusal reason based on the impact on adjacent trees could not be sustained.</p> |
| 9.26 | <p><u>Parking Provision and Access</u> 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> |
| 9.27 | <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> |
| 9.28 | <p><u>Bins & waste collection</u> 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 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> |
| 9.29 | <p><u>Other Environmental Factors</u> 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> |
| 9.30 | <p>Environmental Health were consulted and have no objection subject to conditions.</p> |
| 9.31 | <p>NIEA Water Management advised the proposal had the potential to adversely impact the surface water environment.</p> |
| 9.32 | <p>NIEA Regulation Unit have no objection subject to conditions.</p> |
| 9.33 | <p>NIEA Natural Heritage advised they had no concerns and recommended informatives.</p> |
| 9.34 | <p>Rivers agency has no objection subject to condition to the proposal.</p> |

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| 10.0 | <p><u>Recommendation</u> The proposal is considered to be unacceptable and refusal of planning permission is recommended.</p> |
| 10.1 | <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> |
| 10.2 | <p>Summary of Recommendation: Refusal</p> |
| 11.0 | <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 of the site which would introduce to the location an unacceptable density and an uncharacteristic layout. 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>Neighbour Notification Checked: Yes</p> | |
| <p>Notification to Department (if relevant) N/A</p> | |
| <p>Representations from Elected members: N/A</p> | |

| ANNEX | |
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| 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> | |

