

Committee Report

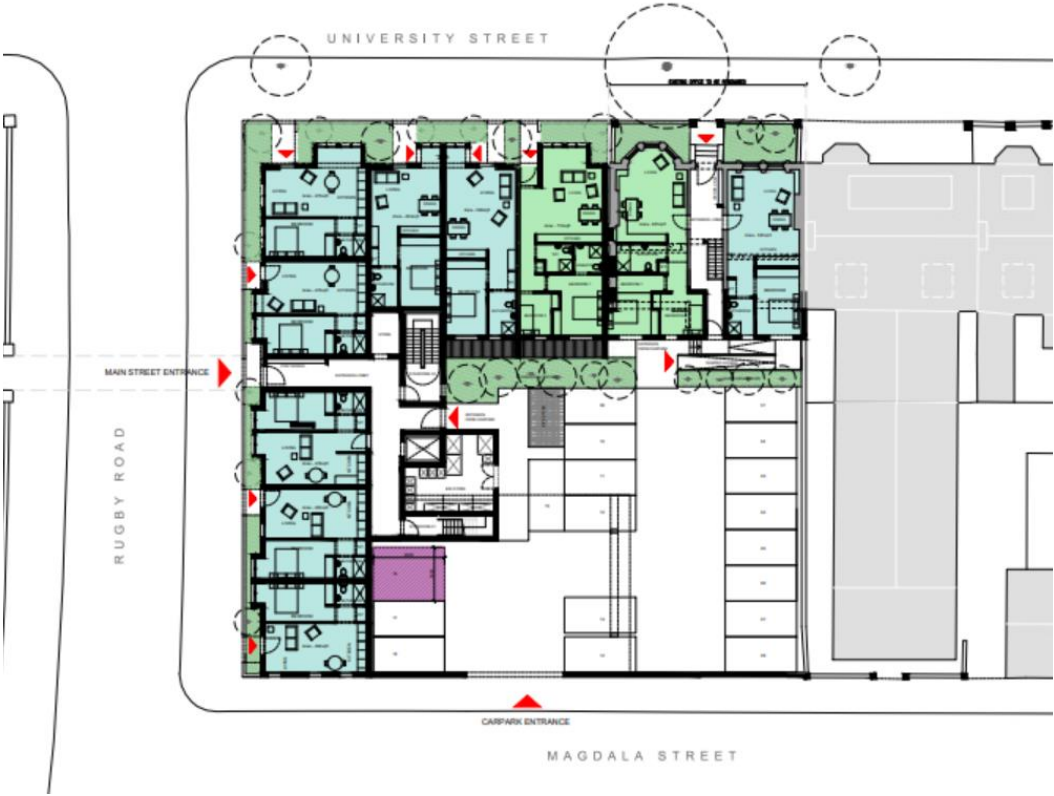
Development Management Report	
Application ID: LA04/2021/2396/F	Date of Committee: 14 th March 2023
Proposal: Conversion, alteration and demolition of rear return of former office building to 6No. apartments and construction of 30No. apartments, parking and associated developments.	Location: Land to the west and including No. 81 University Street Belfast.
Referral Route: Representation received that conflicts with the Planning Officer's recommendation (par. 3.8.2 (a) (i) of the Scheme of Delegation)	
Recommendation: Approval	
Applicant Name and Address: Botanic Development Company Ltd 9 Cranmore Gardens Belfast BT9 6JL	Agent Name and Address: Clyde Shanks Ltd 2 nd Floor, 7 Exchange Place Belfast BT1 2NA
<p>Executive Summary:</p> <p>The proposal is for the conversion, alteration and demolition of rear return of former office building to 6No. apartments and construction of 30No. apartments, parking and associated developments.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • Principle of development • Height, Scale, Massing, Layout and Design • Residential Amenity • Access / Parking / Movement pattern • NI Water Consultation • Consideration of Representation <p>The application site consists of a surface level car park on its west side and an end-of-terrace building on its east side. The site is within the development limits for Belfast in both the extant and draft plans. In dBMAP it falls within a proposed Area of Townscape Character (designation BT 033 - Holyland). The north half of the site is within the Queen's Office Area.</p> <p>A previous application on the site under the reference LA04/2018/2192/F was refused and subsequently appealed (2019/A0030). The refusal was sustained for a lack of in curtilage parking. The applicant subsequently amended the parking layout by removing one ground floor apartment and adding two parking spaces as well as a package of green travel measures. This layout was submitted to the Council through a Pre Application Discussion (LA04/2021/0106/PAD) and found to be acceptable in principle. The same layout is proposed in this application and considered to overcome the sustained reason for refusal.</p> <p>No third-party objections have been received.</p> <p>Recommendation</p> <p>It is recommended that planning permission is granted subject to completion of the Section 76 Agreement with delegated authority given to the Director of Planning and Building Control to finalise the conditions.</p>	

Case Officer Report

Site Location Plan



Proposed Ground Floor Plan



Proposed Elevations



Proposed Elevations



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>The application seeks planning permission for the conversion, alteration and demolition of rear return of former office building to 6No. apartments and construction of 30No. apartments, parking and associated developments.</p>
2.0	<p>Description of Site</p> <p>The application site consists of a surface level car park on its west side and an end-of-terrace building on its east side. The building is north facing onto University Street. It is a two and a half storey, red brick building with double fronted bay windows. It has a pitched roof and an elongated rear return that extends the width and length of the site. Finished materials consist of red brick and corncicing detail. The site is bounded by streets on three sides: Magdala Street on its south; Rugby Road to the west; and University Street to the north. Mediation MI occupies the building that abuts the site to the east.</p> <p>The surrounding area is characterised mostly by late Victorian two and three storey terrace buildings, mostly In commercial use. The Fitzroy Presbyterian church, listed building, lies opposite the west of the site.</p> <p>The site is within the development limits for Belfast in both the extant and draft plans. In dBMAP it falls within a proposed Area of Townscape Character (designation BT 033 - Holyland). The north half of the site is within the Queen's Office Area.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>LA04/2018/2192, Land to the west of and including no 81 University Street Belfast BT7 1HL, Conversion, alteration and demolition of rear return of former office building to 6no. apartments and construction of 31 no apartments, parking and associated development (amended scheme), Dismissed at Appeal</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	<p>Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2015)</p> <p>(Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP 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.) It is considered that significant weight should be afforded to the latest version of Draft BMAP (v2014) given its advanced stage in the Development Plan process, save for retail policies relating to Sprucefield, which remain contentious.</p> <p>Belfast Local Development Plan – Draft Plan Strategy</p>
4.3	<p>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</p>

	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.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Planning Policy Statement 7: Quality Residential Environments
4.7	Planning Policy 12: Housing in Settlements
4.8	Development Control Advice Note 8: Housing in Existing Urban Areas
4.9	Development Control Advice Note 15: Vehicular Access Standards
4.10	Creating Places
5.0	Statutory Consultees Responses DFI Roads – No objection with conditions DFI Rivers- No objection with conditions NI Water- Objects
6.0	Non-Statutory Consultees Responses Environmental Health – No objections with conditions Shared Environmental Services- No objections with conditions NIEA- Advise the proposal has the potential to adversely affect the surface water environment
7.0	Representations The application was advertised on the 29 th October 2021 and neighbour notified on 10 th November 2021. One objection was received and is summarised below: <ul style="list-style-type: none"> • Lack of Parking • Potential Structural Damage • Noise Pollution associated with construction • Impact on Drainage
8.0	Other Material Considerations None
9.0	Assessment
9.1	The key issues to be considered are: <ul style="list-style-type: none"> • Principle of development • Height, Scale, Massing, Layout and Design • Residential Amenity • Access / Parking / Movement pattern • NI Water Consultation <p>Principle of Development</p>
9.2	When considering the principle of development the previous application and subsequent appeal is a key consideration. The previous application under the reference LA04/2018/2192 was for 37 apartments, this was amended during the appeal to 36. The application was refused for four reasons which are below:

	<ol style="list-style-type: none"> 1. The proposed demolition of the rear return of No.81 University Street is contrary to the Strategic Planning Policy for Northern Ireland and Policy ATC 1 of the Addendum to Planning Policy Statement 6: 'Areas of Townscape Character' in that this building makes a positive contribution to the character of the proposed Holyland Area of Townscape Character. 2. The proposal is contrary to Policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments' in that it would, if permitted, result in overdevelopment of the site due to its scale and massing, causing demonstrable harm to the character and appearance of the adjoining terrace and wider area. It is also of a design that fails to draw upon the best local traditions of form, materials and detailing, and would fail to maintain or enhance the distinctive character of the immediate locality and that of the proposed Holyland Area of Townscape Character. It would also lead to an undesirable precedent. 3. The proposal is contrary to the Strategic Planning Policy for Northern Ireland and Policy ATC 2 of the Addendum to Planning Policy Statement 6: 'Areas of Townscape Character' in that if permitted would, have an adverse impact on the proposed Botanic Area of Townscape Character in that it fails to maintain or enhance the overall character due to uncharacteristic plot to building ratio and layout, resulting in a detrimental impact on the spatial quality of the existing plot and ATC generally. 4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear off the highway for the parking of vehicles which would be attracted to the site.
9.3	<p>The application was appealed and refusal reasons 1 to 3 were not sustained. The commissioner found that in relation to the first refusal reason the contribution of the rear return to the character of the area to be limited and that its demolition would not give rise to any unacceptable visual impairment of the street scene. In respect to the second reason for refusal the commissioner concluded that the proposed development is of a design that would respect the surrounding context and comply with criteria (a) and (g) of Policy QD 1 of PPS 7. Given the commissioner concluded that the proposal would respect the surrounding context it was considered that the objection on the grounds of detriment to existing townscape character is not well founded and the third reason for refusal was not sustained.</p>
9.4	<p>In relation to refusal reason 4 the commissioner considered that while a reduction of in curtilage parking below 1 space per residential unit is justified, 16 spaces for a 36 unit residential development is insufficient and the proposed provision would be likely to prejudice road safety or significantly inconvenience the flow of traffic.</p>
9.5	<p>Subsequently the PAC decision concludes that the proposal is acceptable in principle subject to acceptable parking provision which will be considered in this report.</p>
	<p>Height, Scale, Massing, Layout and Design</p>
9.6	<p>The scale and massing of the proposal remains as previously considered under the reference LA04/2018/2192/F as a four storey building facing University Street and stepping back to three storeys along Magdela Street. The PAC within the appeal found the proposed scale and massing of the building acceptable and while contemporary in nature draws upon the best local traditions of form and detailing in terms of layout, scale, proportions,</p>

	massing and appearance of buildings. The proposal is therefore considered to comply with Policy QD 1 of PPS 7.
9.7	<p>The layout has been amended from the previous application by removing a ground floor apartment to allow for the creation of two parking spaces. The removal of this apartment does not materially impact the quality of the residential scheme.</p> <p>Residential Amenity</p>
9.8	<p>The proposed apartment layout remains as the previous application and residential amenity was not raised as a concern. All apartments remain to have sufficient outlook to the public street and there is no concern of an impact to the residential amenity of surrounding properties by way of overlooking or overshadowing. The parking layout has been amended and spaces moved closer to the rear of the ground floor apartments, a landscape buffer has been provided between the rear of the apartments and the car parking and this aids in protecting the amenity of potential residents.</p>
9.9	<p>Environmental Health were consulted and requested an Air Quality Impact Assessment in the event that a combustion plant is proposed at a subsequent design stage of the development, which has a single or combined NOx emission rate greater than 5mgs-1. The condition however is not deemed necessary, the applicant will require permission for any subsequent plant to serve the proposal and therefore this can be addressed in any further planning applications.</p> <p>Access / Parking / Movement pattern</p>
9.10	<p>This proposal has amended the parking layout to comply with the appeal decision. One ground floor apartment has been removed to allow for 18 parking spaces as a ratio of 0.5 spaces per apartment compared to 0.42 per apartment under the previous application. The proposal also includes a Travel Plan offering 100% funding for A-Link travel pass for Metro services and Belfast Bike membership for initial three years to help establish sustainable travel. Also 50% funding is offered for an initial three years for a car club. A Travel coordinator will also be appointed. DFI Roads were consulted and had no objections subject to conditions. The Green measures contained within the Travel Plan are subject to a S76 Agreement.</p> <p>Impact on the Listed Building</p>
9.11	<p>The site is located opposite Fitzroy Presbyterian Church. HED were consulted and had no objections as per their previous response to the reference LA04/2018/2192/F. The proposal therefore complies with the SPPS and Policy BH 11 in that the proposal will not impact the setting of a listed building.</p> <p>NI Water Consultation</p>
9.12	<p>NI Water were consulted and state that waste water treatment capacity is not available for the proposed development.</p>
9.13	<p>The Planning Committee gave officers delegated authority to deal with this issue at its meeting of 27 June 2022.</p>
9.14	<p>Given NI Water's obligation to connect to existing extant permissions across the city, together with a lack of robust evidence as to the direct impacts of the proposal, it is considered unreasonable to refuse permission on this ground.</p>

9.15	<p>The Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.</p>
9.16	<p>A precautionary approach applies when applying the HRA Regulations. The onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. In this case, NIW has not provided specific evidence to demonstrate that the proposal would likely have a significant environmental effect on Belfast Lough, but more general concerns that the site may be hydrologically linked to the lough and may harm its water quality. There is no direct evidence that this would be the case. Nevertheless, given the current use of the site and the scale and nature of the proposal, it is considered that the proposal could clearly intensification of the use of the site and demand on drainage infrastructure. SES and DAERA have therefore been consulted.</p>
9.17	<p>DAERA stated that if NIW advise it is not possible to connect the proposed development to mains sewer, then alternative arrangements will be required, and a Discharge Consent issued under the terms of the Water (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development. A negative condition will be attached for foul and surface water details to be submitted and agreed to prior to commencement of development.</p>
9.18	<p>SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.</p>
<p>Consideration of Representation</p>	
9.19	<p>One objection was received from Mediation Northern Ireland who occupy the neighbouring building at 83 University Street. The concerns raised are considered below:</p>
9.20	<p>The lack of existing parking, the times the parking survey were undertaken and the lack of consideration to the influx of commuters during working hours.</p> <p>The parking surveys were undertaken early in the morning and in the evening when residential parking is likely at its peak, these are deemed the most appropriate times to conduct a parking survey and DFI Roads had no objections. The applicant includes a package of green measures to encourage use of public transport and the development is in a sustainable location close to public transport. The existing car park on site appears to serve commuter parking and does not appear to be available to residents, while some displacement of cars from this car park may occur into residential streets nearby it would not be considered to have an unacceptable impact on the provision of car parking.</p>
9.21	<p>Potential Structural Damage</p> <p>It is the responsibility of the applicant to ensure the development will not cause structural damage to the neighbouring building and that the construction adheres to building regulations.</p>
9.22	<p>Noise Pollution associated with Construction</p> <p>It is accepted that any construction works in association with an approved development will cause noise. This is however temporary and not to an unacceptable degree.</p>

9.23	<p>Impact on Drainage This will be addressed with a negative condition and has been addressed in the section of the report titled NI Water Consultation.</p>
9.15	<p>Conclusion Having regard for the Development Plan, relevant material considerations and above assessment, the proposal is considered acceptable subject to the agreement of the Section 76. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the conditions.</p>
10.0	<p>Summary of Recommendation: Approval</p>
11.0	<p>Draft Conditions</p> <ol style="list-style-type: none"> <li data-bbox="312 707 1358 775">1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. <li data-bbox="312 880 1426 1043">2. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times. Reason: To ensure adequate car parking within the site. <li data-bbox="312 1149 1390 1279">3. No development shall commence on site (other than that required to fulfil this condition) unless the new access has been provided in accordance with the approved plans. The access shall be retained in accordance with the approved plans at all times. Reason: To ensure safe and convenient access to the development. <li data-bbox="312 1384 1358 1514">4. The development hereby approved shall not be occupied or operated unless covered bicycle storage has been provided in accordance with the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times. Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel. <li data-bbox="312 1653 1422 1749">5. The development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan uploaded to the planning portal on the 21st October 2021. Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking. <li data-bbox="312 1888 1401 1984">6. The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan uploaded to the Planning Portal on 21st October 2021. Reason: In the interests of road safety and convenience of road users.

7. The development shall operate in accordance with the approved Waste Management Plan, published on the Planning Portal on 21st October 2021 and shall be implemented on completion of the development.

Reason: In the interests of road safety and the convenience of road users.

8. No part of the development hereby approved shall be occupied or operated unless all redundant access/es from the site to the public road have been stopped up and closed in accordance with the approved plans. The redundant access/es shall be permanently retained as such.

Reason: In the interests of road safety and convenience of road users.

9. No vehicular access gates or pedestrian access gates shall open out over the public footway or carriageway.

Reason: In the interests of pedestrian safety and the convenience of other road users.

10. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design, suitable maintenance and management procedures and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval.

Reason – To safeguard against flood risk to the development and from the development to elsewhere.

11. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

Notification to Department (if relevant)

N/A

Representations from Elected members:

None received.