

**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> Z/2014/1669/F	
<b>Proposal:</b> Change of use of upper floors from retail, offices and storage to student accommodation (21 bedrooms) and alterations to elevations including cladding, revised window positions, and parapet wall to front elevation. (clarified description and additional information)	<b>Location:</b> 118-122 Royal Avenue Belfast BT1 1DL
<b>Referral Route:</b> Local Application	
<b>Recommendation:</b>	REFUSAL
<b>Applicant Name and Address:</b> Mr R Mulholland, CS Suppliers (NI) LTD 118-122 Royal Avenue Belfast BT1 1DL	<b>Agent Name and Address:</b> Macrae Hanlon Spence Architects 14-16 Shore Road Holywood BT18 9HX
<p><b>Executive Summary:</b></p> <p>The site is located within the city centre of Belfast as defined within the Belfast Metropolitan Area Plan. The site is not subject to any zoning.</p> <p>The main issues to be considered in this proposal are:</p> <ul style="list-style-type: none"> <li>• The principle of the proposed use at this location</li> <li>• The design of the elevation changes</li> <li>• Impact on the character of the area</li> <li>• Impact on amenity</li> </ul> <p>The site is located on unzoned (white) land close to the new University of Ulster campus and is not located in or adjacent to a primarily residential area. Therefore, there are no restrictions on the land use providing it is a compatible land use and does not conflict with relevant policy and other material consideration.</p> <p>The proposed layout comprises conversion of the upper floors of an existing building therefore no impact on the built form will occur. The proposal will include a revised fenestration with a vertical emphasis which is acceptable given the fenestration of neighbouring buildings.</p>	

In terms of amenity, there are no existing residential uses immediately adjacent to the application site. In terms of prospective residents, each unit has adequate outlook to the public street and external amenity areas are provided. The accommodation proposed is in accordance / generally exceeds standards set out in NI Housing Executive HMO standards.

NIEA Waste Management has no objection regarding land contamination issues. NIEA Monuments and NI Water have no objections to the proposal. No representations have been received.

### **Outstanding Matters**

Environmental Health and Transport NI have requested additional information in relation to acceptable management details, cycle parking, and public health matters including noise, disturbance and associated matters. This was requested on 29<sup>th</sup> July 2015, with reminders issued 21<sup>st</sup> September and 27<sup>th</sup> October 2015. have not been demonstrated.

As the Planning Service has not been provided with sufficient information to demonstrate that the scheme can operate without harm to the amenity of neighbouring land uses or prospective residents – refusal is recommended.

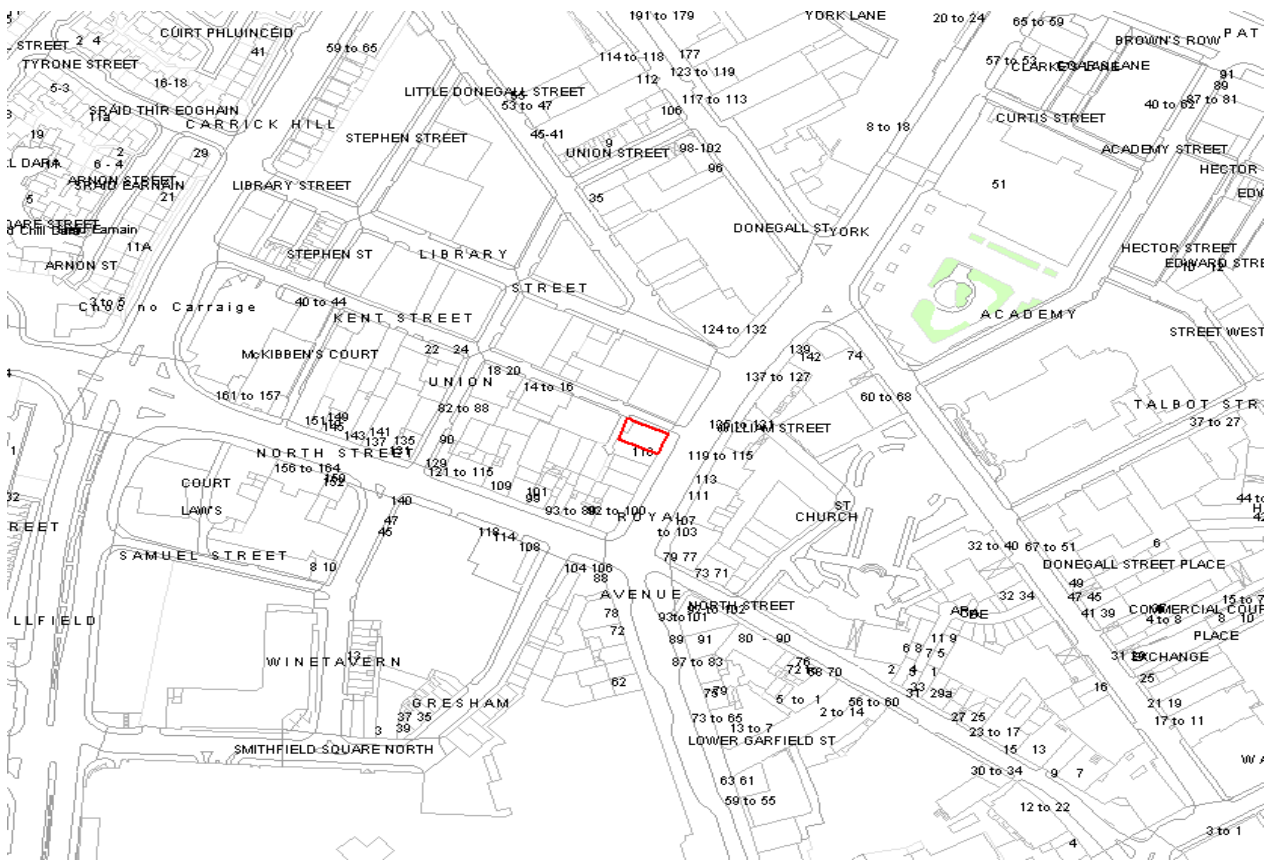
### **Recommendation**

That the proposal should be refused as insufficient information has been submitted. Delegation of final refusal reasons to Director of Planning & Place is requested but a draft list of reasons is listed below:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, policy QD1 of Planning Policy Statement 7 "Quality Residential Environments", and Belfast HMO Subject Plan as inadequate information has been provided to demonstrate appropriate management arrangements of prospective residents, and that the amenity of prospective residents or neighbouring premises will not be prejudiced in terms of noise or other disturbance, servicing, and waste management arrangements.
2. The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking; Policy AMP 7, and Planning Policy Statement 7: Quality Residential Environments; Policy QD1, in that the applicant has failed to demonstrate adequate and appropriate provision for cycle parking can be made in accordance with the Department's parking standards, in order to promote the use of alternative modes of transport in accordance with sustainable transportation principles.

# Case Officer Report

## Site Location Plan







#### Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Strategic Applications	No Objection
Non Statutory	NI Transport - Hydebank	Add Info Requested
Non Statutory	Env Health Belfast City Council	Add Info Requested
Non Statutory	Protecting Historic Monuments	No Objection
Statutory	NIEA	Content

#### 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
Representations from elected Representatives	None received

#### Characteristics of the Site and Area

1.0	<p>Description of Proposed Development</p> <p>The proposal is for full planning permission for a change of use of the upper floors of 118-122 Royal Avenue from retail, offices and storage to student</p>
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	accommodation (21 bedrooms) and alterations to elevations including cladding, revised window positions, and parapet wall to front elevation.
2.0	Description of Site
2.1	<p>The site is located on Royal Avenue, on a corner with Kent street, within the city centre in Belfast and consists of a four storey building finished in brick with a pitched roof. The building occupies the majority of the site. The building is in retail use. The building abuts the public footpath to Royal Avenue and Kent Street whilst the rear boundaries are formed by the building and partly by a sheet metal and paladin fence approximately 2m in height.</p> <p>There is an access alleyway immediately to the rear with a vacant site/car park beyond.</p> <p>The site is on unzoned land (white land) within the Belfast Metropolitan Area Plan (BMAP) and lies within Belfast City Centre but outside the primary retail core, and also falls within a City Centre Character Area –CC10 Scotch and Cathedral Quarters.</p>
<b>Planning Assessment of Policy and Other Material Considerations</b>	
3.0	Site History
	There is no history on the site of relevance. The existing building was approved under ref Z/1984/0687
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015
4.1.1	Policy UE 1 - Urban design
4.2	Houses in Multiple Occupancy (HMO) Subject Plan 2015 including Policy HMO 7 - Large Scale Purpose Built Student Accommodation
4.3	Strategic Planning Policy Statement [SPPS]
4.5	Planning Policy Statement 3 (PPS3) - Access, Movement and Planning
4.6	Planning Policy Statement 13 (PPS13) - Transportation and Land Use
4.7	Planning Policy Statement 7 (PPS7) – Residential Development
4.8	Planning Policy Statement 12 (PPS12) – Housing in Settlements
4.9	Supplementary Planning Guidance including ‘Creating Places’, Development Control Advice Note 8 Housing in Existing Urban Areas
5.0	Statutory Consultee Responses
5.1	NI Water - No objection
5.2	DoE - NIEA - Monuments - No objection subject to conditions
5.3	DRD - Transport NI – additional info requested
6.0	Non - Statutory Consultee Responses

6.1 BCC Environmental Health – additional info requested	
<b>7.0</b>	<p><b>Representations</b></p> <p>The application has been neighbour notified and advertised in the local press. No representations have been received.</p> <p>Mr Ross Hussey MLA has written to Planning Service regarding the application.</p>
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	Local Government Waste Storage Guide for Northern Ireland
8.2	BCC Purpose Built Student Accommodation supplementary guidance
8.3	BCC Belfast A learning City A Framework on student housing and purpose built student accommodation
<b>9.0</b>	<b>Assessment</b>
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• The principle of the development at this location;</li> <li>• Impact on the Character of the Area;</li> <li>• Impact on amenity; and</li> <li>• Traffic Movement and Parking.</li> </ul>
9.2	<p>The Strategic Planning Policy Statement (SPPS) sets out five core planning principles of the planning system, including improving 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 and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states PPS3, PPS7, and PPS13 remain applicable under ‘transitional arrangements’.</p>
9.3	<p>Due to the nature of the proposal, BMAP and the Houses of Multiple Occupation (HMO) Subject Plan are also significant policy considerations.</p> <p><b><u>Principle of proposed development Use</u></b></p>
9.4	<p>The site is located within the development limits of Belfast in BMAP and is not subject to any site specific zonings. It is within the city centre and outside the primary retail core. It falls within character designation CC010 – Scotch and Cathedral Quarter Character Area.</p>
9.5	<p>The proposal essentially comprises 3no. 7 bedroom HMO flats (21 beds in total). This proposal does not clearly fall within any of the policies contained within the HMO policy framework. However, given the proposed use as HMO student accommodation it is prudent to consider its merits in respect of the Policy as set out in any case. This is assessed below:</p> <p><b>Houses in Multiple Occupation</b></p>

9.6	<p>The site is located outside a designated HMO area or node in the HMO Subject Plan. HMO 5 limits HMOs to 10% of dwellings in any street. The policy expressly refers to dwellings and does not refer to / include non-residential buildings such as this proposal.</p>
9.7	<p>HMO 6 refers to policy areas, which the site does not fall within, and the amplification text of HMO 6 makes clear that its purpose is to protect existing residential areas. In any event the proposal would meet 2 of the 4 criteria listed in HMO6. The other 2 criterion relate to the number of bedrooms and the conversion of dwellings so are not relevant in the context of this application.</p>
9.8	<p>HMO 7 sets out 5 criteria which must be met in order for a proposal to be acceptable. The proposal comprises student accommodation but is not 'large scale' due to its size or 'purpose built' as it is a change of use of part of an existing building as set out in the criteria of Policy HMO 7 of the House in Multiple Occupancy Subject Plan.</p>
9.9	<p>The proposal fails the first criterion in HMO7 in that it does not exceed the minimum threshold of 50 units or 200 occupants. All units are self contained and the proposal is not located in a primarily residential area. Management arrangements are not provided and no landscaping and amenity space is provided – these aspects are considered further below.</p>
9.10	<p>The gap in policy is unhelpful and directs consideration to the general thrust of the HMO Subject Plan as set out above; weighted with other policy considerations which are set out below.</p>
	<p>PPS12 – Living over the Shop</p>
	<p>Policy HS1 states that the principle of residential use above the retail unit is acceptable and will be granted subject to the acceptability of design scale and materials where the building is altered, suitable living environment and adequate refuse storage space, The policy also states a flexible approach should be taken to parking. These matters are considered further below.</p>
	<p><b><u>Design, Character and Appearance of Area and amenity</u></b></p>
9.11	<p>The proposal has also been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet.</p>
9.12	<p>The proposed layout comprises conversion of the upper floors of an existing building therefore no impact on the built form of the locality will occur. The</p>



	proposal will include a revised fenestration with a vertical emphasis which is acceptable given the fenestration of neighbouring buildings.
9.13	In relation to BMAP the site falls within character designation CC010 – Scotch and Cathedral Quarter Character Area. This stipulates a number of design criteria for the area. The proposal would not contravene any of the urban design criteria by virtue of the change of use nature.
9.14	The proposed materials, design and fenestration are consistent with the area, incorporating a similar, fenestration, and solid to void ratios. The proposed design is therefore compliant with criteria [g] of PPS7. It is however necessary to condition the provision of sample materials to ensure their suitability and protect local character.
9.15	Accordingly it is not considered that the proposal would adversely impact on the character of the area, which is a wide mix of non residential uses, building designs and finishes.
	<b>Impact on Residential Amenity</b>
9.16	In regard to impact on residential amenity, there are no existing residential uses immediately adjacent to the application site. Accordingly the proposal will not adversely impact on the amenity of existing residents directly. In terms of prospective residents, each unit has adequate outlook to the public street.
9.17	The accommodation proposed is in accordance / generally exceeds standards set out in NI Housing Executive HMO standards – single bedrooms are approximately 8.4sqm (NIHE standard 6.5sqm), with common room kitchen and living room areas of approximately 50sqm (NIHE standard 19.5sqm). Provision is therefore compliant with space standards.
9.18	No outdoor communal garden area/amenity space is proposed which would not meet the standards set out in Supplementary Planning Guidance ‘Creating Places’. However it is considered acceptable in this instance taking account of the scale of the proposal, the city centre location, and amenity space provision in other approved city centre residential schemes.
	<b>Belfast City Council’s Purpose Built Managed Student Accommodation Advice Note</b>
9.19.1	Criteria A – Location.  The proposal is considered appropriate for student accommodation as discussed above and due to the close proximity to the new University of Ulster campus.
9.19.2	Criteria B – Policy Designations  The proposal is not located within or immediately adjacent to a city centre housing area. It is outside the primary retail core, conservation areas, and areas of townscape character.

9.19.3	<p>Criteria C – Layout, design etc and Criteria D – Conflict with adjacent properties</p> <p>These details have been considered above.</p>
9.19.4	<p>Criteria E – Appropriate Management Arrangements</p> <p>No student management plan has been provided. This was requested from the agent in writing on 27<sup>th</sup> October 2015 and no response has been received. Environmental Health and Transport NI had also requested further information including a student management plan and service management plan. This was requested on 29<sup>th</sup> July 2015, with reminders issued on 21<sup>st</sup> September, and 27<sup>th</sup> October. Not all of the required information has been received.</p>
9.19.5	<p>Criteria F – Need</p> <p>A request for demonstration of need was requested on 27<sup>th</sup> October 2015. No case has been received.</p> <p>Other Considerations</p>
<p><b>Traffic, Parking and associated Roads considerations</b></p>	
9.20	<p>The site is located within an area of parking restraint due to the city centre location and therefore the lack of car parking provision is typically generally accepted within the City Centre.</p> <p>Transport NI were consulted and therefore raised no issue with the lack of parking but was not satisfied that there is adequate cycle parking provision and service management details are proposed. This aspect is therefore considered unacceptable and fails to satisfy PPS3, associated guidance, and criteria [f] of QD1.</p>
9.21	<p><b>Bin Storage</b></p> <p>The applicant has shown a bin storage area however this appears very restricted for the scale of the development proposed and also taking account of the existing retail shop use at ground floor. No waste management plan has been presented or to justify this level of provision, which was requested on 27<sup>th</sup> October. This aspect is unacceptable and therefore contrary to QD1 of PPS7.</p>
9.22	<p><b>Public Health Matters including Noise and Disturbance</b></p> <p>Environmental Health have no objections to the proposal in terms of contamination, however information regarding noise impact and a student management plan has not been received – this was requested on 29<sup>th</sup> July 2015, with reminders issued 21<sup>st</sup> September and 27<sup>th</sup> October 2015. Accordingly acceptable public health matters including noise, disturbance and associated matters have not been demonstrated.</p>
9.23	<p>Other Consultee Comments</p>

9.24	<p>NIEA Waste Management has no objections regarding land contamination issues. NIEA Monuments has no objections to the proposal.</p> <p><b>Developer Contributions</b></p> <p>As with other managed student accommodation applicants, the developer was requested on 27<sup>th</sup> October 2016 to consider making developer contributions, the developer has not provided any offer of contributions for the application.</p>
10.0	<p><b>Summary of Recommendation</b></p> <p>The proposal has been assessed against Policy HMO 7 of HMO Subject Plan 2015, Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement 7: Residential Development, Planning Policy Statement 3: Access, Movement and Parking, Planning Policy Statement 12 Housing in Settlements, Planning Policy Statement 13 Transportation and Land Use, Policy Statement 15: Planning and Flood Risk and supplementary planning guidance. Local Government Waste Storage Guide for Northern Ireland, BCC Purpose Built Student Accommodation supplementary guidance, and BCC Belfast A learning City A Framework on student housing and purpose built student accommodation publications have also been taken into account.</p> <p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and insufficient information has been provided. Accordingly refusal of planning permission is recommended.</p>
<p>Neighbour Notification Checked <span style="float: right;">Yes</span></p>	
<p>Conditions/Reasons for Refusal:</p> <p>Delegation of final refusal reasons to the Director of Planning &amp; Place requested. However, draft reasons are listed below:</p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Article 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015, policy QD1 of Planning Policy Statement 7 "Quality Residential Environments", and Belfast HMO Subject Plan as inadequate information has been provided to demonstrate appropriate management arrangements of prospective residents and that the amenity of prospective residents will not be prejudiced in terms of noise or other disturbance, servicing, and waste management arrangements.</li> <li>2. The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking; Policy AMP 7, and Planning Policy Statement 7: Quality Residential Environments; Policy QD1, in that the applicant has failed to demonstrate that adequate and appropriate provision for cycle parking can be made in accordance with the Department's parking standards, in order to promote the use of alternative modes of transport in accordance with sustainable transportation principles.</li> </ol>	

<b>ANNEX</b>	
<b>Date Valid</b>	9th December 2014
<b>Date First Advertised</b>	9th January 2015
<b>Date Last Advertised</b>	6th November 2015
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 114-116 O'Reilly Stewart House,Royal Avenue,Town Parks,Belfast,Antrim,BT1 1DL, The Owner/Occupier, 115-119 Royal Avenue Town Parks The Owner/Occupier, 118-122,Royal Avenue,Town Parks,Belfast,Antrim,BT1 1DL, The Owner/Occupier, 14 Kent Street,Town Parks,Belfast,Antrim,BT1 2JA, The Owner/Occupier, 2-12 Kent Street, Belfast, BT1 The Owner/Occupier, Belfast Central Library,Royal Avenue,Town Parks,Belfast,Antrim,BT1 1EA,	
<b>Date of Last Neighbour Notification</b>	20th January 2015
<b>Date of EIA Determination</b>	n/a
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: Z/1984/0687 Proposal: ERECTION OF BUILDING FOR RETAIL AND STORAGE USE Address: 118-122 ROYAL AVENUE AND 2-4 KENT STREET, BELFAST Decision: Approval Decision Date:	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	
<b>Representations from Elected Members</b>  None	

