

## Development Management Case Officer Report Deferred Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 15 March 2016	
<b>Application ID:</b> Z/2014/0586/F	
<b>Proposal:</b> Construction of 20 x 5 person 3 bed and 7 x 3 person 2 bed social housing dwellings with associated landscaping	<b>Location:</b> Lands on McClure Street to include land south of railway and north of Powerscourt Place between 10 Cameron Street and 85 Ormeau Road Belfast BT7 1SH
<b>Applicant Name and Address:</b> Apex Housing c/o agent	<b>Agent name and Address:</b> McGirr Architects Ltd 670 Ravenhill Road Belfast BT6 0BZ
<b>Recommendation:</b>	<b>Refuse</b>
<p><b>Executive Summary:</b></p> <p>The application seeks planning permission for a social housing scheme comprising of 27 two storey dwellings.</p> <p>When previously presented the application was recommended for refusal for 5 reasons relating to:</p> <ol style="list-style-type: none"> <li>1. loss of open space;</li> <li>2. unacceptable layout and inadequate amenity space;</li> <li>3. unacceptable noise and disturbance on prospective residents and lack of demonstration of adequate remediation of land contamination;</li> <li>4. inadequate demonstration of adequate parking and access facilities; and</li> <li>5. inadequate demonstration of satisfactory measures for the mitigation of flood risk and in particular drainage.</li> </ol> <p>The application was first presented to Town Planning Committee on 04 September 2014 with an opinion to refuse and was deferred. The application was presented again to Town Planning Committee on 16 June 2014. Members are directed that this report should be read in conjunction with the associated reports on the planning portal.</p> <p>Committee agreed to defer the application to allow the submission of outstanding information. The agent attended the committee meeting and Planning Service issued a follow up letter to the agent on 26<sup>th</sup> June 2015 including copies of all consultee responses up to that date. A meeting was also facilitated on 31<sup>st</sup> July 2016 to discuss the issues with the applicant and agent.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of housing at this location and loss of open space.</li> <li>• Appropriateness of the layout; impact on the character of the surrounding area; and</li> </ul>	

- the impact on residential amenity for existing and prospective residents;
- Impact on infrastructure;

Following the submission of the outstanding information it is considered that concerns relating to amenity of prospective resident (reason 3), and parking and access facilities (reason 4), have been resolved / address through the submission of additional information to the satisfaction of relevant consultees.

No further justification to support the loss of open space has been submitted by the applicant / agent since the last deferral in June 2015. The applicant highlighted extensive housing need in the area in the deferred office meeting 31<sup>st</sup> July 2015. However this was considered as part of the revised justification report and not considered sufficient or all options fully explored/discounted to warrant setting aside the open space policy objections. There is, therefore, no further information to reconsider this policy issue relating to open space. Refusal reason 1 is therefore not resolved and remains applicable.

Concerns regarding design, inadequate and inappropriate amenity space and issues identified previously by NITHC remain unresolved. Refusal reason 2 therefore remains applicable.

The applicant made inquiries regarding the submission of an amended scheme in an attempt to address these issues. However, they were advised that a fresh planning application would be required, which was at their discretion to consider, however, this in itself would not overcome the main issue of principle in relation to developing an open space area.

No drainage assessment of flood risk information has been provided in order to demonstrate compliance with the requirements of PPS15. Reason for refusal 5 therefore remains applicable.

As the issue of the principle of developing the open space and issues regarding design and layout have not been resolved in this case the applicant has not submitted the further information in respect of drainage, and encroachment into Translink property, it is recommended the application is refused for the reasons set out below.

## **1.0 Deferred Consideration:**

**1.1** The application seeks planning permission for a social housing scheme comprising of 27 two storey dwellings. The main issues to be considered in this case are:

- The principle of housing at this location
- Appropriateness of the layout; impact on the character of the surrounding area; and the impact on residential amenity for existing and prospective residents;
- Impact on infrastructure;

## **2.0 Background:**

**2.1** The application was first presented to Town Planning Committee on 04 September 2014 with an opinion to refuse and was deferred under criteria 5 to allow an office meeting to be held. Members are directed to the full detailed planning report on the planning portal under application reference Z/2014/0586/F. Refusal was recommended to the Committee as the principle of residential development on the site was considered unacceptable and the proposal was deemed to be contrary to Policy OS1 'Protection of Open Space' as set out in Planning Policy Statement 8 (PPS8) Open Space, Sport and Recreation. A deferred meeting was held on 10<sup>th</sup> September 2014 at which the applicant was given the opportunity to address the issues.

**2.2** The application was presented again to the Planning Committee on 16<sup>th</sup> June 2015 following consideration of further information. Members are directed to the associated report on the planning portal. Five reasons for refusal were presented:

1. The proposal is contrary to the Departments Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation in that the development would, if permitted, result in the loss of existing open space and therefore adversely affect the environmental quality and character of the area and no exceptional circumstances have been provided to outweigh the loss of open space.
2. The proposal is contrary to Policy QD 1 of the Departments' Planning Policy Statement 7 (PPS 7) Quality Residential Environments in that the scheme, if permitted, would result in unacceptable damage to local character and create an undesirable living environment for prospective residents due to unsatisfactory form and layout and inadequate provision of amenity space.
3. The proposal is contrary to Planning Policy Statement 1 and Policy QD1 of the Department's Planning Policy Statement 7 in that insufficient information has been submitted to satisfy the Council that the amenity of prospective residents would not be adversely affected by noise and disturbance from the adjoining railway line and the applicant has also not demonstrated that satisfactory measures will be incorporated to mitigate potential ground contamination.
4. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: "Quality Residential Environments" and related guidance in that it has not been demonstrated that the proposal would provide a satisfactory means of access and adequate facilities for parking as part of the development.
5. The proposal is contrary to Planning Policy Statement 1: General Principles and policy FLD 3 of the Department's Planning Policy Statement 15: "Planning and Flood Risk" in that it has not been demonstrated that the proposal would provide satisfactory measures for the mitigation of flood risk and in particular drainage.

**2.3** Committee agreed to defer the application to allow the submission of outstanding information. The agent attended the committee meeting and Planning Service issued a follow up letter to the agent on 26<sup>th</sup> June 2015 including copies of all consultee responses up to that date. A meeting was also facilitated on 31<sup>st</sup> July 2016 to discuss the issues with the applicant and agent.

### **3.0 Representations**

**3.1** Four representations were received,

1 letter of support from Sinn Fein – A Maskey MLA and Cllr Deirdre Hargey:

- The green space offers no benefit to the community and is used for anti-social behaviour  
Social Housing would outweigh the current benefit offered.

3 letters of objection:

- Proposal will not bring community benefit – community benefit is keeping the site as open space;
- Over development of the site;
- Traffic and parking;
- Developing the site could create a new 'interface' from the north and south sides of the

railway track.

#### **4.0 Refusal Reason 1 – Open Space:**

**4.1** Policy objections to the loss of open space have been articulated in the previous reports. PPS8 justification reports were submitted by the agent in May 2014, with an expanded version provided in December 2014. In summary, insufficient justification has been provided including no demonstration why social housing need can only be met at this location rather than other locations or on a number of other redevelopment sites within the south of the city and no alternative open space provision has been proposed. In addition, the merits of zoning the site for social housing were considered by the Planning Appeals Commission in the BMAP Plan inquiry. They concluded:

*'Whilst it would be physically feasible to develop this land for housing, this would result in the loss of an attractive area of open space, which in our opinion is important to the character of the area. We have concluded that there is a need for additional housing land to be identified, particularly for social housing, but this should not be to the detriment of important townscape. Whether or not it is regarded by Belfast City Council as surplus land, we consider that this area of open space should be retained. We recommend no change to the Plan as a result of these objections.'* PAC report July 2011 page 100.

**4.2** No further justification for the loss of this open space has been submitted by the applicant / agent since the last deferral in June 2015. The applicant highlighted extensive housing need in the area in the deferred office meeting 31<sup>st</sup> July 2015. However this was considered as part of the revised justification report and is not considered sufficient or all options fully explored/discounted and no site specific need has been demonstrated to warrant setting aside the open space policy objections. There is, therefore, no further information to reconsider this policy issue relating to open space. Refusal reason 1 is therefore not resolved and remains applicable.

#### **4.3 Refusal Reason 2 – Unacceptable Layout and inadequate amenity space**

**4.4** The agent was advised in the deferred office meeting that Committee had not agreed to a deferral to allow the submission of a redesigned scheme. If revisions were submitted and deemed materially different to the application before Committee, a new application would be required.

**4.5** The agent submitted a revised layout and design on 1<sup>st</sup> September. This included reducing the number of units proposed to 23, revised plots characteristics, revised house type design, and provision of incutillage parking. These are significant changes and were therefore not deemed admissible under the current application. The agent was advised in writing on 26<sup>th</sup> October 2015 and no response was received.

**4.6** A revised layout to resolve concerns identified previously by NITHC has not been received. Accordingly this issue remains unresolved. (However the agent has indicated NITHC endorsement of the revised 23 dwelling scheme).

Refusal reason 2 therefore remains applicable for the reasons set out in the previous reports.

#### **4.7 Refusal Reason 3 – Noise, disturbance, and contamination**

Preliminary Risk Assessment information in relation to land contamination was received on 27<sup>th</sup> July. Environmental Health and NIEA advised further information in relation to contamination was required on 25<sup>th</sup> and 14<sup>th</sup> of August respectively. The agent was advised on 26<sup>th</sup> August 2015. This information was received on 22<sup>nd</sup> September and Environmental Health and NIEA reconsulted. Both consultees have confirmed contamination can be remediated subject to conditions. Environmental Health have also confirmed that previous concerns regarding noise impact on prospective residents can be satisfactorily mitigated following consideration of a noise impact

assessment and identified mitigation measures. Accordingly issues identified in draft refusal reason 3 are now resolved.

#### **4.8 Refusal Reason 4 – Access and Parking issues**

Transport NI has indicated that they have no objections to the layout in principle subject to conditions and informatives should approval be recommended. Therefore access and parking concerns detailed in refusal reason 4 can be resolved subject to conditions.

#### **4.9 Refusal Reason 5 – Demonstration of satisfactory flood risk and drainage measures.**

Policy FLD3 requires proposal in excess of 10 dwellings or site areas in excess of 1 hectare to be accompanied by a drainage assessment. Part of the site is identified as subject to possible surface water flooding on the DARD Flood Maps online database. No drainage assessment of flood risk information has been provided in order to demonstrate compliance with the requirements of PPS15. Reason 5 therefore remains applicable.

#### **4.10 Recommendation**

As the issue of the principle of developing the open space site has not been resolved in this case the applicant has not submitted the further information in respect of drainage, and encroachment into NITHC property, it is recommended the application is refused.

### **Refusal Reasons**

Delegation of final reasons for refusal to Director of Planning and Place requested:

1. The proposal is contrary to the Departments Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation in that the development would, if permitted, result in the loss of existing open space and therefore adversely affect the environmental quality and character of the area and no exceptional circumstances have been provided to outweigh the loss of open space.
2. The proposal is contrary to Policy QD 1 of the Departments' Planning Policy Statement 7 (PPS 7) Quality Residential Environments in that the scheme, if permitted, would result in unacceptable damage to local character and create an undesirable living environment for prospective residents due to unsatisfactory form and layout and inadequate provision of amenity space.
3. The proposal is contrary to Planning Policy Statement 1: General Principles and policy FLD 3 of the Department's Planning Policy Statement 15: "Planning and Flood Risk" in that it has not been demonstrated that the proposal would provide satisfactory measures for the mitigation of flood risk and in particular drainage.

## Development Management Report

Summary	
<b>Committee Meeting Date:</b> 16 June 2015	<b>Item Number:</b>
<b>Application ID:</b> Z/2014/0586/F	<b>Target Date:</b>
<b>Proposal:</b> Construction of 20 x 5 person 3 bed and 7 x 3 person 2 bed social housing dwellings with associated landscaping	<b>Location:</b> Lands on McClure Street to include land south of railway and north of Powerscourt Place between 10 Cameron Street and 85 Ormeau Road Belfast BT7 1SH
<b>Referral Route:</b> Committee – Development of more than 4 dwellings Council Interest – Belfast City Council Owned Land	
<b>Recommendation</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Apex Housing c/o Agent	<b>Agent Name and Address:</b> McGirr Architects Ltd 670 Ravenhill Road Belfast BT6 0BZ
<p><b>Executive Summary:</b></p> <p>The application seeks planning permission for a social housing scheme comprising of 27 two storey dwellings.</p> <p>The application was presented to Town Planning Committee on 04 September 2014 with an opinion to refuse and was deferred. Members are directed to the full detailed planning report on the planning portal under application reference Z/2014/0586/F. Refusal was recommended to the Council as the principle of residential development on the site was considered unacceptable and the proposal was deemed to be contrary to Policy OS1 'Protection of Open Space' as set out in Planning Policy Statement 8 (PPS8) Open Space, Sport and Recreation .</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of housing at this location</li> <li>• Appropriateness of the layout; impact on the character of the surrounding area; and the impact on residential amenity for prospective residents</li> </ul> <p><u>Representations</u> 4 representations were received,</p> <p>1 letter of support:</p> <ul style="list-style-type: none"> <li>• The green space offers no benefit to the community and is used for anti-social behaviour Social Housing would outweigh the current benefit offered.</li> </ul> <p>3 letters of objection:</p> <ul style="list-style-type: none"> <li>• Proposal will not bring community benefit – community benefit is keeping the site as open space</li> <li>• Over development of the site</li> <li>• Traffic and parking</li> <li>• Developing the site could create a new 'interface' from the north and south sides of the railway track.</li> </ul>	

Consultations:

- Environmental Health advised that a contamination report and a noise report are required.
- Transport NI advised that the proposal was unacceptable and further information was required.
- The Northern Ireland Transport Holding Company (NITHC) objects to the proposal and advises that the proposal appears to encroach on railway property and will not allow adequate space for maintenance work.
- The Northern Ireland Housing Executive (NIHE) supports the proposal.
- NI Water had no objections to the proposal.

This land was considered by the Planning Appeals Commission (PAC) for inclusion for social housing during the BMAP public inquiry. The PAC concluded that this land should be retained as open space as the land is 'an attractive area of open space, which in our opinion is important to the character of the area'. The site is located in an area of existing open space as set out in the adopted Belfast Metropolitan Area Plan 2015 (BMAP).

PPS8 – Open Space sets out an exception where open space may be redeveloped that exception is – That the redevelopment will bring substantial community benefit that decisively outweighs the loss of open space; and the loss of open space will have no impact on the amenity, character and biodiversity of an area; and where an alternative provision of open space is made

The agent submitted a revised PPS8 Justification Report in December 2014 to set out the applicant's case to address the exception test.

The additional information does not provide a justification that meets the policy tests. It is acknowledged that there is social housing need however, it has not been demonstrated why the need can only be met at this location rather than other locations or on a number of redevelopment opportunity sites within the city. Alternative open space provision as required by policy has not been proposed in this case.

Having assessed the report it is considered that the benefits of the development would not outweigh the loss of open space and the proposal fails to meet the exception test set out in PPS8 - Policy OS 1.

Notwithstanding that the proposal is considered unacceptable in principle; the scheme is also assessed against other Planning policies in respect of Quality Residential Environments. It is considered that the proposed scheme would result in unacceptable damage to local character and create an undesirable living environment for prospective residents due to unsatisfactory form and layout and inadequate provision of amenity space.

As the issue of the principle of developing the open space site has not been resolved in this case the applicant has not submitted the further information in respect of contaminated land, traffic & parking, drainage; and encroachment of the Translink boundary as required by consultees.

It is recommended the application is refused for the following reasons:

6. The proposal is contrary to the Departments Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation in that the development would, if permitted, result in the loss of existing open space and therefore adversely affect the environmental quality and character of the area and no exceptional circumstances have been provided to outweigh the loss of open space.

7. The proposal is contrary to Policy QD 1 of the Departments' Planning Policy Statement 7 (PPS 7) Quality Residential Environments in that the scheme, if permitted, would result in unacceptable damage to local character and create an undesirable living environment for prospective residents due to unsatisfactory form and layout and inadequate provision of amenity space.
8. The proposal is contrary to Planning Policy Statement 1 and Policy QD1 of the Department's Planning Policy Statement 7 in that insufficient information has been submitted to satisfy the Council that the amenity of prospective residents would not be adversely affected by noise and disturbance from the adjoining railway line and the applicant has also not demonstrated that satisfactory measures will be incorporated to mitigate potential ground contamination.
9. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: "Quality Residential Environments" and related guidance in that it has not been demonstrated that the proposal would provide a satisfactory means of access and adequate facilities for parking as part of the development.
10. The proposal is contrary to Planning Policy Statement 1: General Principles and policy FLD 3 of the Department's Planning Policy Statement 15: "Planning and Flood Risk" in that it has not been demonstrated that the proposal would provide satisfactory measures for the mitigation of flood risk and in particular drainage.

Case Officer Report

Site Location Plan



Statutory	Transport NI - Hydebank	
Statutory	Northern Ireland Water	No objections
Non - Statutory	Env Health Belfast City Council	Contaminated Land Risk Assessment and Noise Impact Assessment required
Non - Statutory	Northern Ireland Housing Executive	Support for Proposal
Non - Statutory	Northern Ireland Transport Holding Company	Objection in principle
Representations:		
Letters of Support		3
Letters of Objection		1
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received
<p>Summary of Issues</p> <p>Objections:</p> <ul style="list-style-type: none"> <li>• Contrary to PPS 8</li> <li>• Over development</li> <li>• Contrary to RDS Policies</li> <li>• Parking concerns</li> <li>• Restrictive covenant on lands</li> <li>• Failure to neighbour notify</li> </ul> <p>Support:</p> <ul style="list-style-type: none"> <li>• Land currently offers no benefit to the local community</li> <li>• Use for social housing outweighs any potential community benefit</li> <li>• Significant demand for social housing in the area</li> </ul>		
<p>Characteristics of the Site and Area</p> <p>The proposed site is located at lands at McClure Street in south Belfast. The southern side of McClure Street is predominantly residential in nature as is the surrounding area. The site is located alongside the railway line and comprises two landscaped / grassed areas separated by the roadway (McClure Street). The topography of the site is generally level.</p>		
<p>Planning Assessment of Policy and Other Material Considerations</p> <p><b>Addendum Report</b></p> <p>The application was presented to Town Planning Committee on 04 September 2014 with an opinion to refuse. Members are directed to the full detailed planning report on the planning portal under application reference Z/2014/0586/F.</p> <p>The application was recommended to council with an opinion to refuse as the principle of residential development on the site was considered unacceptable and the proposal was deemed to be contrary to Policy OS1 'Protection of Open Space' as set out in Planning Policy Statement 8 (PPS8) Open Space, Sport and Recreation .</p> <p>Policy OS 1 operates a presumption against the loss of open space and sets out a number of exceptions including where it is clearly demonstrated that redevelopment will bring about</p>		

substantial community benefits that decisively outweigh the loss of the open space. Alternatively an exception would be permitted where no significant detrimental impact would occur to amenity, character or biodiversity of an area and where in the case of sites below 2 hectares alternative provision is made by the developer which is at least as accessible to current users and at least as equivalent in terms of size, usefulness, attractiveness, safety and quality. No proposals for alternative provision of open space have been submitted.

A deferred office meeting was held on 10 September 2014 and the applicant was given the opportunity to again address the issues. Discussion centred on the need for social housing in the area, the Planning Appeals Commission's recommendation on inclusion of the site for social housing in BMAP and the quality of the open space.

The planning authority is not persuaded by the revised 'PPS 8 Justification' Report that the proposed development of the open space would decisively outweigh its loss and that the exception test of substantial community benefit should apply. A number of approvals for social housing have been approved in the local area in recent times and no site specific need has been demonstrated to justify an exception to Policy OS 1. Therefore it remains the opinion that the scheme as proposed is contrary to PPS7 and PPS 8.

The layout is not characteristic of development in the surrounding area which is characterised by traditional terraces and apartment development. The location of gardens to the side is not a traditional feature of this area of Belfast and does not provide satisfactory private amenity space.

As the proposal is for 27 dwellings PPS15 requires proposals to include a drainage assessment to demonstrate satisfactory flooding mitigation measures. This has not been provided.

Neighbour Notification Checked	Yes
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**Summary of Recommendation:**

Having considered the scheme against prevailing planning policy, site specifics and consultation responses it is considered the proposed development remains unacceptable in terms of planning policy and the opinion to refuse remains.

**Reasons for Refusal:**

1. The proposal is contrary to the Departments Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation in that the development would, if permitted, result in the loss of existing open space and therefore adversely affect the environmental quality and character of the area and no exceptional circumstances have been provided to outweigh the loss of open space.
2. The proposal is contrary to Policy QD 1 of the Departments' Planning Policy Statement 7 (PPS 7) Quality Residential Environments in that the scheme, if permitted, would result in unacceptable damage to local character and create an undesirable living environment for prospective residents due to unsatisfactory form and layout and inadequate provision of amenity space.
3. The proposal is contrary to Planning Policy Statement 1 and policy QD1 of the Department's Planning Policy Statement 7 in that insufficient information has been submitted to satisfy the Department that the amenity of prospective residents would not be adversely affected by noise and disturbance from the adjoining railway line and that satisfactory measures will be incorporated to mitigate potential ground contamination.
4. The proposal is contrary to policy QD1 of the Department's Planning Policy Statement 7: "Quality Residential Environments" and related guidance in that it has not been demonstrated that the proposal would provide a satisfactory means of access and adequate facilities for parking as part of the development.
5. The proposal is contrary to Planning Policy Statement 1: General Principles and policy FLD 3 of the Department's Planning Policy Statement 15: "Planning and Flood Risk" in that it has not been demonstrated that the proposal would provide satisfactory measures for the mitigation of flood risk.

**ANNEX**

<b>Date Valid</b>	02 <sup>nd</sup> May 2014
<b>Date First Advertised</b>	23 <sup>rd</sup> May 2014
<b>Date Last Advertised</b>	N/A
<b>Details of Neighbour Notification :</b>	
155 neighbours notified in accordance with legislative requirements	
<b>Date of Last Neighbour Notification</b>	19 <sup>th</sup> May 2014
<b>Date of EIA Determination</b>	Does not meet threshold for EIA
<b>ES Requested</b>	No

**Planning History**

None

**Drawing Numbers and Title**

- 01- Site Location Plan
- 02 – Proposed Floor plans and Elevations House Type A and A1
- 03 – Proposed Floor plans and Elevations House Type B

**Representation From Elected Representatives :-**

Letter of support received from Alex Maskey and Councillor Deirdre Hargey, Sinn Fein  
Meeting with Departmental officers and the DOE Minister's Office attended by Councillor Mullan.