

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15 March 2016	
Application ID: Z/2015/0118/F	
Proposal: Demolition of retail unit and construction of 11 storey mixed use development comprising 50 No. apartments, ground floor retail and parking, first floor retail and basement parking.	Location: 37-41 Little Patrick Street Belfast BT15 1BA
Referral Route: Major Application (50 no. apartments)	
Recommendation:	Refusal
Applicant Name and Address: Dominic And Fred Keating	Agent Name and Address: Like Architects 34 Bedford Street Belfast BT2 7FF
<p>Executive Summary: The site is located within the city centre of Belfast as defined within the Belfast Metropolitan Area Plan and within the Laganside North and Docks Character Area.</p> <p>The main issues to be considered in this proposal are:</p> <ul style="list-style-type: none"> • The principle of the proposed use at this location, • Impact on the character of the area, and • Impact on amenity. <p>The site is located on unzoned (white) land close to the new University of Ulster campus. 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 proposal consists of ground floor and first floor retail with 9 storeys of residential above.</p> <p>Whilst the principle of the proposed uses have been established previously; it is considered that the proposal would have a detrimental impact on the amenity and character of the local area and represent bad place making contrary to the Strategic Planning Policy Statement.</p> <p>Northern Ireland Water has no objection to the proposal. No representations have been received.</p> <p>Outstanding Matters Environmental Health and Rivers Agency have both requested additional information and to date the remaining information outstanding. Transport NI consultation remains outstanding. This information was requested on a number of occasions between the 11th May 2015 and January 2016, the detail of this is set out at paragraph 9.6.3 below.</p> <p>As the Planning Service has not been provided with sufficient information– Refusal is</p>	

recommended.

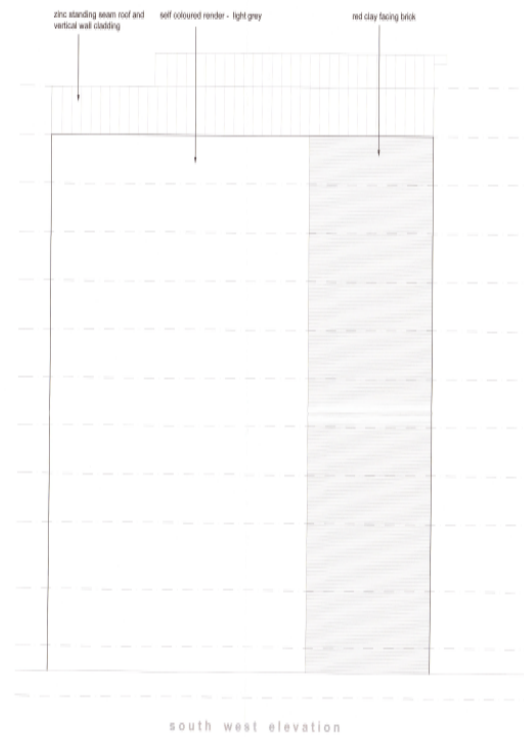
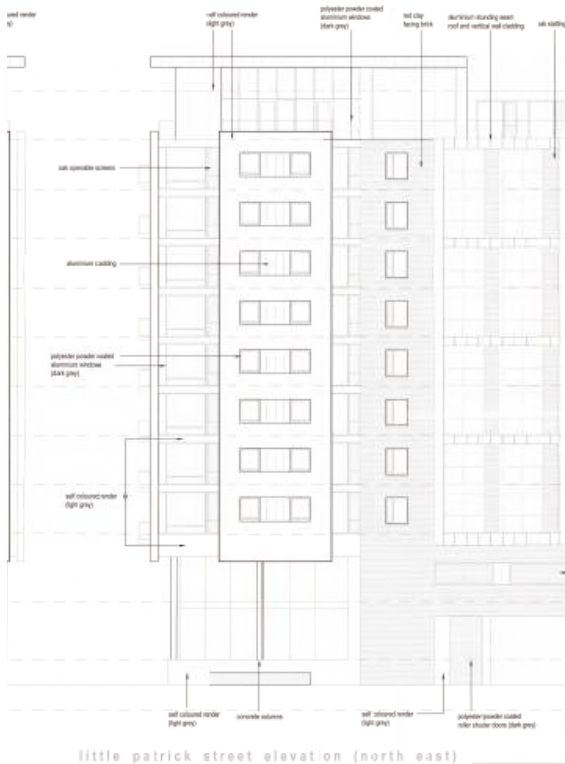
Recommendation

That the proposal should be refused as the development would have a detrimental impact on the character and amenity of the local area and insufficient information has been submitted.

Delegation of final refusal reasons to the Director of Planning & Place is requested but a draft list of reasons is listed at paragraph 11.0 of the case officer report

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Transport - Hydebank	Consultation Response Outstanding
Non Statutory	NI Water - Strategic Applications	No Objection
Non Statutory	Env Health Belfast City Council	Add Info Requested
Non Statutory	Rivers Agency	Add Info Requested

Representations: One anonymous letter of objection was received raising issues with height of

the proposal and the incompatibility of social housing and high rise development.	
Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
1.0	Description of Proposed Development The proposed development is for an 11 Storey (37metre) building with two floors of retail at ground floor and first floor; and 50 one and two bedroom apartments over 9 floors above. The proposal would have windows and balconies on the facades fronting onto Nelson Street and Little Patrick Street with blank facades proposed towards the adjacent vacant site at Little Patrick Street and facing onto Great Patrick Street. Access to the apartments is from Nelson street with the 246sq metre proposed retail unit fronting onto Nelson Street and Little Patrick Street.
2.0	Description of Site There is an existing two storey warehouse type building on the site with a small car park to the corner of Little Patrick Street and Nelson street; the building is currently used as a furniture showroom. The area generally is in a state of decline and is of poor environmental quality with many buildings unused.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/2007/2672/F - 37-41 Little Patrick Street, Belfast BT15 1BA - Demolition of existing retail unit and construction of 11-storey mixed use development comprising of 50no apartments, ground floor retail and parking, first floor retail and basement parking. - PERMISSION GRANTED - 04.02.2010.
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 7 – Quality residential Environments Planning Policy Statement 15 (Revised) - Planning and Flood Risk
5.0	Statutory Consultees Transport NI – Unacceptable in its current form. 30.11.15 Rivers Agency – Flood Risk Assessment requested 25.3.2015 NIW – No objections
6.0	Non-Statutory Consultees Environmental Health BCC – Further information requested - Phase 1 Contaminated Land report, Noise Impact Assessment, Air Quality Screening Assessment requested 16.3.2015
7.0	Representations 18 neighbours were notified and one anonymous objection was received following the advertisement / neighbour notification process. The objection related to the following issues: <ul style="list-style-type: none"> - Impact on landmark building at St Anne's Square. - If the apartments are marketed as affordable housing units, DSD should note

	<p>that tower blocks of this nature are a failure as demonstrated in the new Lodge Area.</p> <ul style="list-style-type: none"> - Letter from NIHE high unsuitability of tower blocks for families.
8.0	<p>Other Material Considerations Living Places – An Urban Stewardship and Design Guide for Northern Ireland BCC - Belfast City Centre – Regeneration and Investment Strategy September 2015.</p>
9.0	<p>Assessment</p>
9.1	<p>Article 6 (4) of the Planning (Northern Ireland) Act states that in making any determination under the said act regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.</p> <p>The site is located within the development limits of the Belfast Metropolitan Area Plan. The presumption is therefore in favour of development subject to the planning considerations detailed below.</p> <p>The site is located within the Laganside North and Docks (CC015) and within the Linen Conservation Area as designated in BMAP. The site is also located within the commercial district.</p>
9.2	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - The acceptability of the proposed residential and retail use at this location; - Impact upon character and appearance of surrounding area; - The impact on existing traffic and parking; and - The impact on the environment and amenity.
9.3	<p>The acceptability of the proposed residential and retail use at this location; The proposal is for an 11 storey building, residential apartment block with ground floor and first floor retail where there is currently a 2 storey warehouse type building located. A significant material consideration in this instance is the planning history on the site, which includes construction of a 11-storey mixed use development comprising of 50no apartments, ground floor retail and parking, first floor retail and basement parking, approved on 04/03/10, which was extant when the application was submitted.</p>
9.3.1	<p>However, there have been changes in policy since this approval and these fall to be considered under this application namely the adoption of BMAP, amendments to PPS 15 and the publication of the Strategic Planning Policy Statement (SPPS).</p>
9.3.2	<p>The principle of the proposed uses on the site has already been established under the previous planning application of which this is essentially a renewal and given the city centre location there is no concern over the proposed uses.</p>
9.4	<p>Impact upon character and appearance of surrounding area; Paragraphs 4.23 to 4.40 of the SPPS places increased emphasis on good design and positive place making and states that good design should identify and makes positive uses of the assets of a site and the characteristics of its surroundings. The planning system has a positive role to play in making successful places and the key to successful place-making is identifying the assets of a particular place as well as developing a vision for its future potential.</p>
9.4.1	<p>Para 4.36 states that planning authorities must also ensure where relevant that the planning process takes account of the 10 qualities of urban stewardship set out in the DoE's Living Places guidance. This area of Belfast, known as the North Centre and Inner North Special Action Area, is undergoing significant regeneration and change with</p>

	<p>the relocation of the Ulster University. The proposal includes a blank facade to front onto Great Patrick Street which is the main approach to this area of Belfast from Dunbar Link. This is not considered good urban design and would compound the issues of bad place making at this location which is referenced on pages 10 and 11 of the Living Places document.</p>
9.4.2	<p>While the SPPS is a material consideration, promoting good design and the protection of amenity it is PPS7 which sets the policy context for housing developments. PPS 7 places emphasis on achieving quality residential development not only in terms of respecting local character and amenity of established residential areas, but also the developments themselves should be attractive for prospective residents. It also states that in established residential areas proposals will not be permitted where unacceptable damage to local character would result. QD1 lists 9 criteria with which all proposals for residential development must conform. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations.</p>
9.4.3	<p>The proposal has been assessed against QD 1 of PPS 7 and fails to meet criteria (a) The bulk, scale and massing of the proposal fails to respect the character of the surrounding area. However given the planning history on the site and the approvals on adjacent sites on Little Patrick Street and Nelson Street as detailed under paragraph 9.3 it would be unreasonable to seek amendments or refuse the application on these grounds.</p>
9.5	<p>Traffic and Parking In term of parking and transport considerations the proposal is currently contrary to criterion (f) of PPS 7 and PPS 3, Transport NI was consulted and is not yet satisfied with the proposed parking arrangements. Amendments have been received and consulted on this information is still with Transport NI. If Transport NI remains unsatisfied with the proposal; post Committee a refusal reason could be added by the Director under delegated powers to address this.</p>
9.6	<p>Other Matters Paragraphs 4.11 and 4.12 of the SPPS states that there are a wide range of environmental and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development. The planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process.</p> <p>Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.</p>
9.6.1	<p>Air Quality, Contaminated Land and Noise Environmental Health have been consulted and on the 16th March 2015 requested further information in relation to ground contamination, noise and air quality. This information has been requested from the agent on three occasions but not provided.</p>

	The Air Quality Information has been provided in the last week but given the other outstanding information has not been consulted on.
9.6.2	The proposal has also been considered against FLD 1 PPS 15 and is considered contrary to it in that insufficient information has been received to satisfy the council that the proposal would not represent a flood risk to the development itself or elsewhere.
9.6.3	The agent was made aware of concerns with the proposal in addition to Rivers Agency and Environmental Health's additional information requirements on 16th September, via telephone call on 11th May, with a further reminder letter issued 28th October. A further request was made and the applicant's agent stated that this information would be with the council in early January. On the 25 January a letter was received from the applicants agent stating that the information would be provided within 2-5 weeks this deadline has again passed and 3 reports remain outstanding. Given the passage of time since the first request for information refusal is recommended.
10.0	Summary of Recommendation:
10.1	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.
10.2	While it is recommended that the final wording of refusal reasons is delegated to the Director of Planning and Place draft refusal reasons are provided below.
11.0	Refusal Reasons:
11.1	The proposal is contrary to the Strategic Planning Policy Statement in that the proposal if developed would not represent good urban design or place making and would detract from the character of the area.
11.2	The proposal is contrary to Strategic Planning Policy Statement and PPS7 in that insufficient and adequate information has been provided to demonstrate a satisfactory methodology in the identification and mitigation of the unacceptable risks posed by contamination of the site.
11.3	The proposal is contrary to Strategic Planning Policy Statement in that the applicant has failed to demonstrate that the proposal will not cause any significant disturbance or loss of amenity to neighbouring properties or to future residents in terms of noise and vibration.
11.4	The proposal is contrary to Strategic Planning Policy Statement in that the applicant has failed to demonstrate that the proposal will not cause any significant impacts to future residents in terms of air quality.
11.5	The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking and 'Creating Places', in that it would, if permitted, prejudice the safety and convenience of roads users since the applicant has failed to demonstrate a safe and convenient means of access to the public road, and appropriate pedestrian facilities.
11.6	The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking, and Planning Policy Statement 7 : Quality Residential Environments, in that it would, if permitted, prejudice the safety and convenience of roads users since the applicant has failed to demonstrate that adequate and appropriate provision for parking can be made in accordance with the Department's parking standards.

11.7	The proposal is contrary to Strategic Planning Policy Statement and PPS15 in that sufficient and adequate information has not been provided to demonstrate that all sources of flood risk from the development have been identified or that adequate measures have been put in place to manage and mitigate against any increased flood risk from the development.
12.0	Notification to Department (if relevant) N/A
13.0	Representation from elected member: None

ANNEX	
Date Valid	3rd February 2015
Date Neighbour Notified	5 th March 2015
Date First Advertised	6th March 2015
Date Last Advertised	6 th March 2015
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 23-29 Little Patrick Street Town Parks The Owner/Occupier, 2A Nelson Street, Town Parks, Belfast, Antrim, BT15 1BH, The Owner/Occupier, 32-34, Great Patrick Street, Town Parks, Belfast, Antrim, BT1 2LT, The Owner/Occupier, 36-38 Great Patrick Street Town Parks The Owner/Occupier, 37-41, Little Patrick Street, Town Parks, Belfast, Antrim, BT15 1BA, The Owner/Occupier, 40-42 Great Patrick Street Town Parks The Owner/Occupier, 42-44 Little Patrick Street Town Parks The Owner/Occupier, 44-46 Great Patrick Street Town Parks The Owner/Occupier, 60-82 Great Patrick Street Town Parks The Owner/Occupier, Nelson Trade Centre, Nelson Street, Town Parks, Belfast, Antrim, BT15 1BH, The Owner/Occupier, UNIT 2, Nelson Trade Centre, Nelson Street, Town Parks, Belfast, Antrim, BT15 1BH, The Owner/Occupier, Unit 1, Nelson Trade Centre, Nelson Street, Town Parks, Belfast, Antrim, BT15 1BH, The Owner/Occupier, Unit 3, Nelson Trade Centre, Nelson Street, Town Parks, Belfast, Antrim, BT15 1BH, The Owner/Occupier, Unit 4, Nelson Trade Centre, Nelson Street, Town Parks, Belfast, Antrim, BT15 1BH, The Owner/Occupier, Unit 5, Nelson Trade Centre, Nelson Street, Town Parks, Belfast, Antrim, BT15 1BH, The Owner/Occupier, Unit 6, Nelson Trade Centre, Nelson Street, Town Parks, Belfast, Antrim, BT15 1BH, The Owner/Occupier, Unit 7a, Nelson Trade Centre, Nelson Street, Town Parks, Belfast, Antrim, BT15 1BH, The Owner/Occupier, Unit 8, Nelson Trade Centre, Nelson Street, Town Parks, Belfast, Antrim, BT15 1BH, The Owner/Occupier,</p>	
Date of EIA Determination	N/A

Planning History

Ref ID: Z/1994/2768

Proposal: Change of use from warehouse accommodation to music and dance club

Address: 39/41 LITTLE PATRICK STREET BELFAST BT15

Decision:

Decision Date:

Ref ID: Z/2003/2371/F

Proposal: Change of use from existing warehouse to furniture showroom, ancillary storage area, office and in-curtilage car parking (AMENDED DRAWINGS).

Address: 37-41 Little Patrick Street, Belfast

Decision: Permission Granted

Decision Date: 12.01.2004

Ref ID: Z/2004/0580/F

Proposal: Construction of mezzanine cafe area over part of new showroom.

Address: 37-41 Little Patrick Street, Belfast

Decision: Permission Granted

Decision Date: 23.04.2004

Ref ID: Z/2004/2277/A

Proposal: 4 no. illuminated wall mounted signs.

Address: 37 - 41, Little Patrick St, Town Parks, Belfast, Northern Ireland, BT15 1BA

Decision: Permission Granted

Decision Date: 01.12.2004

Ref ID: Z/2007/2672/F

Proposal: Demolition of existing retail unit and construction of 11-storey mixed use development comprising of 50no apartments, ground floor retail and parking, first floor retail and basement parking.

Address: 37-41 Little Patrick Street, Belfast BT15 1BA

Decision: Permission Granted

Decision Date: 04.02.2010

Drawing Numbers and Title

01A Site Location Plan A4

02A Block Plan A3

03A Existing Site Survey

04A Proposed Site Plan A2

05 Proposed Ground Floor Plan and Section A1

06A Proposed Ground Floor Plan A1

07A Proposed Ground Floor Plan Rivers Floor Barrier

08B Proposed Basement, Ground, First and Second Floor Plans A0

09A Proposed Third to Tenth Floor Plans

10A Proposed Plan and Section through Ramp

11A Proposed Nelson Street and Little Patrick Street Elevations

12a Proposed SW and NW Elevations A1

13A Proposed Internal Elevations A1

14 Landscape Proposals A1