

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA04/2017/0468/F	<b>Target Date:</b>
<b>Proposal:</b> Demolition of existing building and construction of new 4 storey apartment block containing 20 apartments.	<b>Location:</b> Porters Annex Apsley Street Belfast BT7 1BL
<b>Referral Route:</b> More than four dwellings	
<b>Recommendation: Refuse</b>	
<b>Applicant Name and Address:</b> Music Hall Services Ltd C/O Bluehouse Developments Ltd 141-143 Donegall Pass Belfast BT7 1DS	<b>Agent Name and Address:</b> Design + Management Unit 2 Bellsbridge Office Park 100 Ladas Drive Belfast BT6 9FH
<p><b>Executive Summary:</b> The application seeks full planning permission for the demolition of the existing building known as 'Porters Annex' along Apsley Street and the erection of a new 4 storey apartment block containing 20 apartments.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Design, impact on character of the area and setting of Listed Buildings</li> <li>- Impact on existing roads infrastructure/ acceptability of access arrangements</li> <li>- Impact upon amenity of neighbouring properties</li> <li>- Drainage</li> </ul> <p>The site is located within Belfast City Centre as designated in the Belfast Metropolitan Area Plan. The principle of residential use on the site and the demolition of the existing building is considered to be acceptable.</p> <p>However, the proposal is considered to represent poor design and overdevelopment of the site which fails to make a positive contribution to the character and quality of the area. It would also have an adverse impact on the setting of nearby listed buildings including St Mary Magdalene Church and 56 – 70 Donegall Pass. Furthermore, it not been demonstrated that the proposal would result in acceptable access and car parking arrangements. In addition, in the absence of a Drainage Assessment, the applicant has failed to demonstrate that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and from development elsewhere.</p> <p>Transport NI have objected to the proposed development as adequate parking provision has not been demonstrated. HED have objected to the proposal over the impact on the setting of nearby listed buildings.</p>	

Environmental Health and Belfast City Airport have no objections subject to conditions and/or informatives.

Consultee responses are still outstanding for NI Water and Rivers Agency. These will be reported as an update to committee.

Three letters of objection have been received. The main issues raised are summarised as and which have been addressed in the main body of the report:

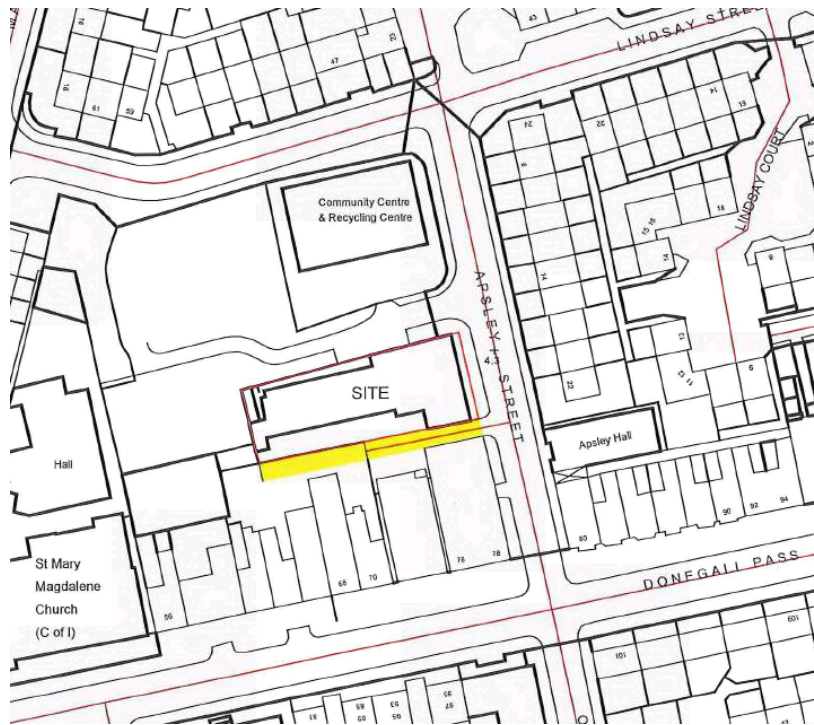
- Inadequate car parking provision, there are already serious parking issues within the area
- Adverse impact on the character of the area
- Loss of light to neighbouring properties
- Inadequate level of neighbour notification carried out
- Need to know whether the flats are for social or private housing

The proposal is therefore considered to be contrary to the relevant policy considerations and as such refusal is therefore recommended for reasons set out at the end of this report.

**Signature(s):**

## Case Officer Report

### Site Location Plan



<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>The application seeks full planning permission for the demolition of the existing building known as 'Porters Annex' along Apsley Street and the erection of a new 4 storey block containing 20 apartments. The proposed mix is 18 x 1 bedroom apartments and 2 x 3 bedroom apartments. Vehicular access is proposed from the existing right of way along the southern boundary of the site.</p> <p>The proposed building is of a flat roof design with a recessed 4<sup>th</sup> floor and front and rear roof terrace. The building would have a frontage width of 9.35 metres, depth of 38.6 metres and height between 9.2 metres – 12 metres. The proposed external finishes comprise of light grey render and blue engineering brick for the walls and a mid-grey aluminium fascia for the roof.</p>
<b>2.0</b>	<p><b>Description of Site</b></p> <p>The application site comprises of a two storey red brick building with flat roof extensions at the rear. The building footprint fills out the majority of the site and is enclosed by a 2 metre high brick wall towards the rear. The building was formerly Belfast School of Music premises. The site lies within Belfast City Centre. It is bounded by a community centre to the north, playground to the west, commercial properties to the south and residential dwellings to the east.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p>No recent planning history on site.</p>
<b>4.0</b>	<b>Policy Framework</b>
<b>4.1</b>	Belfast Metropolitan Area Plan 2015
<b>4.2</b>	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland

	<p>Planning Policy Statement 3 - Access, Movement and Parking          Planning Policy Statement 7 - Quality Residential Environments          Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage          Planning Policy Statement 15 – Planning and Flood Risk</p>
<b>5.0</b>	<p><b>Statutory Consultees</b>          Belfast City Airport – No objection          Transport NI – Objection, car parking provision has not been demonstrated to be in accordance with Policy Tran 1          HED Historic Buildings Unit – Objection, impact on setting of listed buildings          NI Water – Await Comment          Rivers Agency – Await Comment</p>
<b>6.0</b>	<p><b>Non-Statutory Consultees</b>          Environmental Health BCC – No objection subject to conditions/ informatives</p>
<b>7.0</b>	<p><b>Representations</b>          Three letters of objection have been received. The following points of concern have been raised:</p> <ul style="list-style-type: none"> <li>- Inadequate car parking provision, there are already serious parking issues within the area</li> <li>- Adverse impact on the character of the area</li> <li>- Loss of light to neighbouring properties</li> <li>- Inadequate level of neighbour notification carried out</li> <li>- Need to know whether the flats are for social or private housing</li> </ul>
<b>8.0</b>	<p><b>Other Material Considerations</b>          DCAN 15 – Vehicular Access Standards          Creating Places</p>
<b>9.0</b>	<p><b>Assessment</b></p>
<b>9.1</b>	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Design, impact on character of the area and setting of Listed Buildings</li> <li>- Impact on existing roads infrastructure/ acceptability of access arrangements</li> <li>- Impact upon amenity of neighbouring properties</li> <li>- Drainage</li> </ul>
<b>9.2</b>	<p><b>Principle of Development</b>          The application site is unzoned land within the city centre boundary. The principle of housing in this location would fulfil the main objectives of the SPPS and BMAP which seek to encourage city centre living.</p>
<b>9.3</b>	<p>The building to be demolished is formerly Belfast School of Music. It is an attractive two storey red brick building with a traditional pitched roof with later flat roof extensions to the rear. Whilst it would be desirable for the front element of the building to be retained and converted as part of any redevelopment proposals, given that HED have advised that the building was surveyed back in 2011 and deemed not to meet the test for statutory listing, it would be unreasonable to refuse permission for its demolition on this basis.</p>
<b>9.4</b>	<p><b>Design, impact on character of the area and setting of Listed Buildings</b>          The proposed apartment block is of a contemporary flat roof design constructed of render and blue engineering brick. The proposed southern elevation would appear as large bulky expanse of blank wall which lacks any fenestration rhythm or visual interest. The front elevation fails to provide a strong well defined active frontage to the main street with a lack of a focal entrance point to the building.</p>
<b>9.5</b>	<p>There is little natural surveillance to the main street with only bedroom windows directly facing (with the exception of the fourth floor roof terrace). Access to the ground floor</p>

	apartments is along the northern side boundary of the site which adjoins the access to the local community facilities including a playground with only bollards to define the boundary. It is considered that the proposal would fail to provide a safe and secure frontage to these units.
9.6	The surrounding area is generally characterised by traditional 2 storey / 3 storey terraces which directly address the street scene. Whilst the proposed building would be similar in height to the three storey buildings along Donegall Pass, given the contemporary flat roof design of the building with a higher eaves level, this results in a building of much greater scale, massing and bulk which would appear out of context in the surrounding area. Furthermore, the bulkiness of the building would be highlighted by the large extent of blank wall when approaching the site from the south. The design of the building does not appear to have taken any architectural cues from the surrounding area especially in regard to the use of material e.g. blue engineering brick. By applying this design approach to a much larger building, this only further emphasises the dominance of the building and its uncharacteristic nature in relation to the surrounding area. As such it is considered to represent a development of poor design which would be harmful to the character and appearance of the surrounding area.
9.7	The B1 listed buildings of St Mary Magdalene Church (including curtilage listed hall) and 56-70 Donegall Pass are located to the south of the application site. At present the existing building of Porters Annex positively contributes to the setting of these listed buildings when viewed from Donegall Pass and Lindsay Street creating a visually harmonious group of buildings consisting predominately of 2 and 3 storey form. However as explained earlier, the proposed replacement building would consist of a large 4 storey flat roof building with a higher eaves level than surrounding buildings which would appear over dominant and unsympathetic in massing and scale to the setting of the nearby listed buildings. This would be particularly evident when viewed from the junction of Donegall Pass and Apsley Street where the southern elevation of the building would appear as a large bulky uninspiring expanse of wall at a depth of 38.6 metres and a height between 9.2 metres – 12 metres in close proximity to the listed townhouses at 56-70 Donegall Pass. This would also be applicable to the view from Lyndsey Street towards the rear view of the terrace and church. A consultation response from HED has been received who have objected on the basis of an adverse impact on the setting of nearby listed buildings. The proposal would therefore fail to accord with Policy BH11 of PPS 6 and the SPPS in this regard.
9.8	<b>Impact on existing roads, infrastructure/ acceptability of access arrangements</b> The site concept plan for the proposed development shows 6 car parking spaces which would be accessed via the existing right of way which runs along the southern boundary of the site. However, the detail provided fails to demonstrate that the proposed car parking spaces would meet the standard size and sufficient manoeuvrability space would be available to enable vehicles to enter/ exit the site in a safe and practical manner. In light of this, it is not possible to include these spaces as part of parking provision for the development.
9.9	The application site is located within an Area of Parking Restraint which stipulates a parking standard of one car parking space per dwelling. The proposal would result in a shortfall of 20 spaces and no information has been provided to demonstrate that the proposal would not have a harmful impact on parking stress in the local area, inconvenience the flow of traffic or prejudice road safety. Furthermore no provision for cycle parking has been shown.
9.10	Transport NI were consulted on the application and consider the proposed development to be unacceptable in its current form as it has not been demonstrated that the car parking provision would accord with Policy TRAN 1. In light of the above, the proposal is therefore contrary to Policy AM2 and AM7 of PP3, Policy QD1 of PPS7, Policy TRAN 1 of BMAP

	<p>and the SPPS.</p> <p><b>Impact on amenity of neighbouring properties</b></p> <p><b>9.11</b> The application site is located in a high density inner city urban context. A line of two storey terraced dwellings are situated to the east of the application site. The proposed building has a smaller footprint and would be set further back from the site frontage than the existing building. Whilst the new building would be taller with a fourth floor roof terrace, given the existing relationship, orientation, separation distances and the site's inner city location, the proposed development is not considered to result in an unacceptable level of overshadowing, loss of light or privacy to these properties.</p> <p><b>9.12</b> Given the commercial nature of the buildings along Donegall Pass which back onto the southern boundary of the site and the Church Hall to the west of the site which aren't afforded the same degree of protection in respect of amenity as residential buildings, the site's inner city location, separation distances and window design on the southern elevation of the proposed development, it is not considered that the proposal would result in an unacceptable impact on the amenity of the properties.</p> <p><b>9.13</b> Environmental Health were consulted on the application and considered the proposal in terms of noise, air pollution, general amenity, ambient air quality and contaminated land and have advised that they have no objection. Had the application been recommendation for approval, conditions and informatives would have been sufficient to address unexpected contamination and potential noise disruption to adjoining properties during demolition and construction.</p> <p><b>Drainage</b></p> <p><b>9.14</b> The SPPS and Policy FLD 3 of PPS 15 Planning and Flood Risk requires a Drainage Assessment to be submitted for residential developments comprising of 10 or more dwelling units. In this instance no Drainage Assessment has been submitted and as such the applicant has failed to demonstrate that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and from development elsewhere in respect of surface water. The proposal is therefore contrary to the SPPS and Policy FLD 3. Rivers Agency have been consulted and their comments will be reported as an update to committee.</p> <p><b>Other material considerations</b></p> <p><b>9.15</b> Publicity and neighbour notification has been carried out in line with statutory requirements and as such no further action is required.</p> <p><b>9.16</b> No information has been provided to state that the proposal is for social housing. In any case there is no planning policy which restricts the type of housing tenure for small scale residential schemes.</p>
<p><b>10.0</b></p>	<p><b>Reasons for Refusal:</b></p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to policy QD1 of Planning Policy Statement 7 "Quality Residential Environments" and the Strategic Planning Policy Statement in that the proposal by reason of its design, scale, footprint and layout would, if permitted, result in overdevelopment of the site and cause unacceptable damage to the character and appearance of the area. The proposal would fail to provide a quality and sustainable residential environment.</li> <li>2. The proposal is contrary to policy BH11 of Planning Policy Statement 11 "Planning, Archaeology and the Built Heritage" and the Strategic Planning Policy Statement,</li> </ol>

	<p>in that it would have an adverse impact on the setting of the B1 listed buildings including St Mary Magdalene Church and 56-70 Donegall Pass by reason of its scale, height and massing.</p> <p>3. The proposal is contrary to Planning Policy Statement 3 'Access, Movement and Parking, Planning Policy Statement 7 'Quality Residential Environments', Policy TRAN 1 of the Belfast Metropolitan Area Plan and the Strategic Planning Policy Statement, in that the applicant has failed to demonstrate a safe and convenient means of access and that adequate and appropriate provision for parking is available to meet the Department's parking standards, thereby prejudicing the safety and convenience of road users.</p> <p>4. In the absence of a Drainage Assessment, the applicant has failed to demonstrate that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and from development elsewhere. The proposal is therefore contrary to Policy FLD 3 of Planning Policy Statement 15 'Planning and Flooding' and the Strategic Planning Policy Statement for Northern Ireland.</p>
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**Neighbour Notification Checked**

Yes

**ANNEX****Date Valid**

3rd March 2017

**Date First Advertised**

17th March 2017

**Date Last Advertised**

17th March 2017

**Details of Neighbour Notification** (all addresses)

10 Apsley Street, Malone Lower, Belfast, Antrim, BT7 1BL,  
12 Apsley Street, Malone Lower, Belfast, Antrim, BT7 1BL,  
14 Apsley Street, Malone Lower, Belfast, Antrim, BT7 1BL,  
16 Apsley Street, Malone Lower, Belfast, Antrim, BT7 1BL,  
18 Apsley Street, Malone Lower, Belfast, Antrim, BT7 1BL,  
20 Apsley Street, Malone Lower, Belfast, Antrim, BT7 1BL,  
22 Apsley Street, Malone Lower, Belfast, Antrim, BT7 1BL,  
24 Lindsay Street, Malone Lower, Belfast, Antrim, BT7 1AX,  
25 Apsley Street, Malone Lower, Belfast, Antrim, BT7 1BL,  
56 Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BU,  
58-60, Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BU,  
6 Apsley Street, Malone Lower, Belfast, Antrim, BT7 1BL,  
62 Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BU,  
64 Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BU,  
66 Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BU,  
70 Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BU,  
72-74, Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BU,  
76-78, Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BU,  
8 Apsley Street, Malone Lower, Belfast, Antrim, BT7 1BL,  
80 Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BX,  
80A Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BX,  
82 Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BX,

84 Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BX, 84A Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BX, Apsley Hall, 24 Apsley Street, Malone Lower, Belfast, Antrim, BT7 1BL, Porter's Memorial School Of Music, Apsley Street, Malone Lower, Belfast, Antrim, BT7 1BL, St Mary Magdalene Church (Cofl), Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BU, Sword Security, 68 Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BU,	
<b>Date of Last Neighbour Notification</b>	16th March 2017
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	N/A
<b>Drawing Numbers and Title</b> 01,02,03,04,05	