# **Committee Application**

Development Management Report		
Application ID: LA04/2016/2018/F	Date of Committee: 16 January 2018	
<b>Proposal:</b> Seven storey residential development comprising 46 apartments with associated basement level car parking with 25 parking spaces, amenity space, associated site works and alterations to the junction of Hamill Street and College Square North.	Location: Lands adjacent to 14 College square North and South of 62-76 Hamill Street Belfast	
Referral Route: Major Application		
Recommendation:	Refusal	
Applicant Name and Address: Silver City Limited 46 Hill Street Belfast BT1 2LB	Agent Name and Address: Turley Hamilton House 03 Joy Street Belfast BT2 8LE	

## **Executive Summary:**

Permission is sought for a block of 46 apartments, including basement parking, amenity space, associated site works and alterations to the junction of Hamill Street and College Square North.

The application site comprises a car park and is located at a road junction with frontage to College Square North to the front of the site, College Place North to the rear, and a minor access road adjacent to the north-western site boundary. The eastern site boundary is demarcated by the gable wall of an adjacent office building, which is 6 storeys in height. The site boundaries comprise metal palisade fencing to all remaining boundaries approximately 2m in height.

The key issues in the assessment of the proposal are as follows:

- The principle of the proposal at this location;
- Impact on amenity / character of the Conservation area;
- Design and layout of the proposed accommodation;
- Impact on transport and other infrastructure;
- Drainage and flooding.

Two representations have been received, one letter of objection and one letter of support.

The principle of development including the proposed use is considered acceptable subject to appropriate detail considerations / compliance with relevant policy considerations.

The urban design officer and Conservation Officer advise that the height and scale of the proposal is excessive and dominant, breaching the established and overriding building height of the portion of the street within the Conservation Area. Accordingly. The proposal would therefore

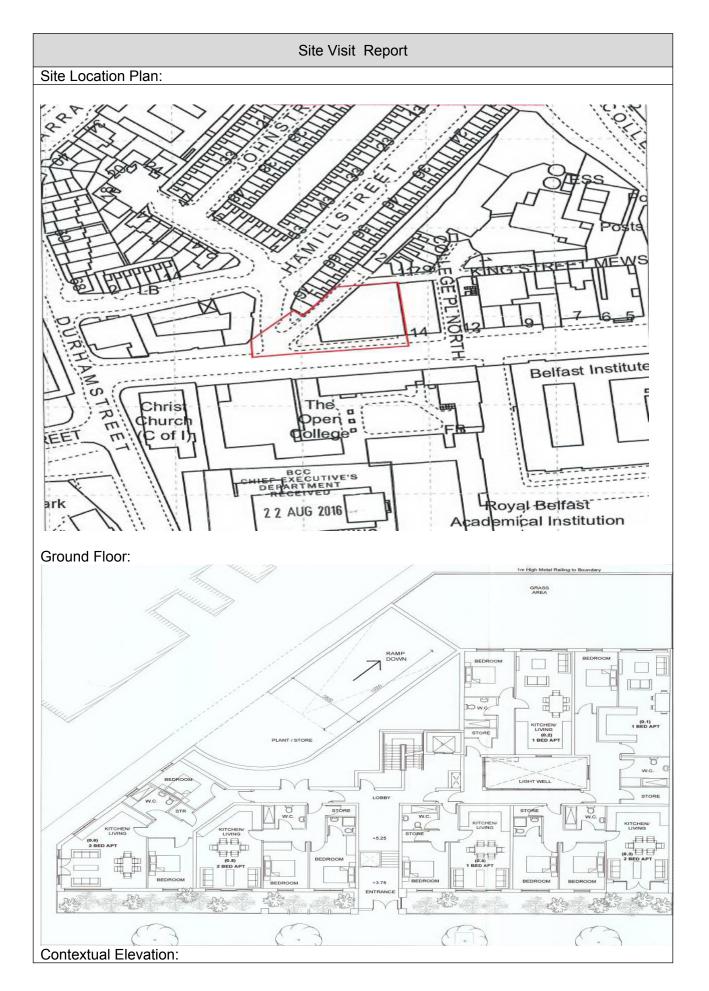
read as visually incongruous within the townscape of the locality. The massing of the building is contextually inappropriate and out of character with the townscape. Accordingly, the proposal is considered contrary to PPS6 and would adversely impact on the Conservation Area.

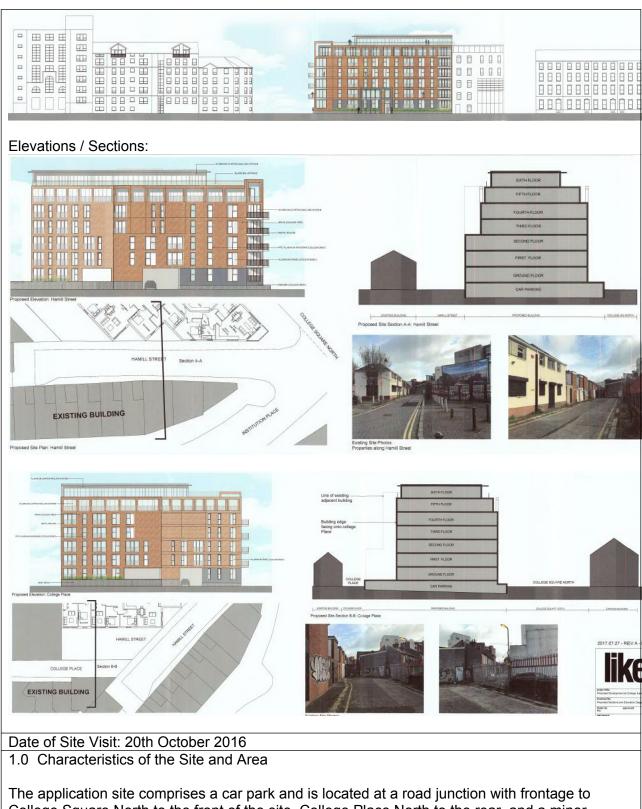
The proposal is 7 storeys in height and located approximately 7.5m (at closest) from the rear boundaries of 6 residential properties at 64-74 Hamill Street to the north-west of the site. 3 residential properties are located on the road the rear of the site (north) at College Place North. The building (rear elevation) is sited 11.5m approximately from the frontage of 13 College Place North, approximately 2.8m more than the rear elevation of the adjacent office building. The close proximity and scale of the proposal will result in overlooking, dominance, and overshadowing of existing properties due to the aspect of the site. Inadequate amenity space arrangements are proposed for prospective residents as part of the development. The proposal fails to satisfy PPS7 requirements.

Transport NI was consulted and indicated that satisfactory access, parking and servicing arrangements have not been demonstrated to ensure compliance with PPS3.

Rivers Agency advises adequate drainage and mitigation of flood risk measures have not been demonstrated and accordingly the proposal fails to satisfy FLD3 of PPS15.

Having regard to the policy context, planning history, and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended for the reasons set out in the report below. Delegation of final reasons to Director of Planning & Place is requested.





College Square North to the front of the site, College Place North to the rear, and a minor access road adjacent to the north-western site boundary. The eastern site boundary is demarcated by the gable wall of an adjacent office building, which is 6 storeys in height. The site boundaries comprise metal palisade fencing to all remaining boundaries approximately 2m in height.

2.0 Description of Proposal

Permission is sought for a block of 46 apartments, including basement parking, amenity space, associated site works and alterations to the junction of Hamill Street and College Square North.

Planning Assessment of Policy and Other Material Considerations

## 3.0 Site History

No relevant history on the application site;

Adjacent to the site:

Z/2004/2729/F - Six storey office building for Youth Resource Facility. PERMISSION GRANTED 28.06.2005. Lands adjacent to 12 College Square North/College Place North, Town Parks, Belfast

Z/2005/2127/F - Amendments to approved youth resource facility (Z/2004/2729/F) including fenestration on side/rear elevations. PERMISSION GRANTED 25.11.2005. Lands adjacent to 12 College Square North/College Place North, Town Parks, Belfast,

## 4.0 Policy Framework

- 4.1 draft Belfast Metropolitan Area Plan 2015
- 4.2 Belfast Urban Area Plan (BUAP)
- 4.3 Strategic Planning Policy Statement (SPPS)
- 4.4 Planning Policy Statement 3 (PPS3) Access, Movement and Parking
- 4.5 Planning Policy Statement 13 (PPS13) Transportation and Land Use
- 4.6 Planning Policy Statement 7 (PPS7) Residential Development
- 4.7 Planning Policy Statement 12 (PPS12) Housing in Settlements
- 4.8 Planning Policy Statement 15 (PPS15) Planning and Flood Risk
- 4.9 Planning Policy Statement 6 (PPS6) Planning Archaeology and the Built Environment
- 4.10 Planning Policy Statement 8 (PPS8) Open Space, Sport and Recreation;
- 4.11 Belfast City Centre Conservation Area Booklet

4.11 Supplementary Planning Guidance including 'Creating Places', Development Control Advice Note 8 Housing in Existing Urban Areas, and Parking Standards.

4.12 The 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. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3, PPS6, PPS7, PPS12, PPS13, and PPS15 remain applicable under 'transitional arrangements'.

4.13 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 paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.

4.14 Policy BH12 of PPS6 lists seven criteria with which proposals for new development within a conservation area must comply. Residential policy is set out in PPS7 QD1, and 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.

4.15 College Square North is discussed within the City Centre Conservation Area Document at page 48, with further discussion at page 53. Page 54 refers to guidelines for new development. Of note is in relation to new development which states:

The general principle is that new development should seek to complement the existing in terms of materials, scale, form, proportion, massing and elevational treatment, and should recognise the townscape setting into which it is being inserted.

4.16 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. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations. PPS7 addendum safeguarding character is also a material consideration and includes three policies LC1-3.

4.17 PPS8 is relates to open space and policy OS2 requires open space provision within new residential developments.

4.18 PPS3 and 13 are material considerations in regard to the parking, access, traffic and associated aspects of the proposal.

4.19 PPS15 relates to flooding and associated risks. The development site is located adjacent to College Square North, which is identified as an area of surface water flood risk on Rivers Agency Flood Risk Maps. FLD3 requires proposals to be accompanied by a Drainage Assessment where certain size thresholds of application are breached. In this case, the proposal exceeds the residential threshold of 10 or more dwelling units.

## 5.0 Statutory Consultee Responses

- 5.1 NI Water No objection;
- 5.2 Rivers Agency Further information required regarding surface water;
- 5.3 NIEA Waste Management No objection subject to conditions;
- 5.4 DFI Transport NI Refusal recommended;
- 5.5 Historic Environment Division no objections.

#### 6.0 Non - Statutory Consultee Responses

- 6.1 BCC Environmental Health No objection subject to conditions;
- 6.2 Conservation Officer refusal recommended;
- 6.3 Urban Design Officer refusal recommended;

7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. One objection has been received raising the following issues (summarised):
	<ul> <li>Impact on neighbouring properties – dominance, overshadowing, and overlooking;</li> <li>Inappropriate height and scale;</li> <li>Disturbance from traffic;</li> </ul>

	<ul> <li>Impact character of the area;</li> <li>Cumulative impact with other development in the locality;</li> <li>A letter of support has also been received.</li> </ul>
8.0	Other Material Considerations
	BCC City Centre and Investment Strategy
9.0	Assessment
9.1	<ul> <li>The main issues to be considered in this case are:</li> <li>The principle of the use at this location;</li> <li>Impact on the character of the area;</li> <li>Impact on residential amenity;</li> <li>Traffic and parking;</li> <li>Flooding.</li> </ul>
9.2	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 considerations indicate otherwise.
	Principle of Development
9.3	BUAP is the current draft development plan for the area following a successful legal challenge to the adoption of the BMAP. The site is located within the development limits of Belfast and is identified as whiteland within both plans. Within draft BMAP, the site is within a larger zoning ref:CC053, identifying it as a development opportunity site. Key Site Requirements are listed under this zoning as, access arrangements to be agreed with TNI/Roads Service to identify necessary road infrastructure improvements, and a transport assessment may be required. It also falls within the City Centre Conservation Area. This designation was removed in the adopted BMAP that was successfully challenged in the courts.
9.4	The site is currently in use as a car park, and therefore constitutes a gap site within the conservation area. It is accepted therefore, that development of the site would contribute more positively than a vacant site. However, the details of any development must comply with PPS6 and not adversely impact on the Conservation Area. In addition, residential use within the city centre is encouraged within the dBMAP, and residential use is located in close proximity to the site. However, the details of any such scheme must accord with regional policy considerations set out in PPS7 and related supplementary guidance. The principle of development including the proposed use is considered acceptable.
	Impact on Character of the Area and Design
9.5	<ul> <li>Policy BH12 of PPS6 sets out 7 general criteria for proposals within Conservation Areas (CA). Section 104 (11) of the Planning (NI) Act 2011 requires that where any area is for the time being designated as a conservation area, special regard must be had to the desirability of:</li> <li>(a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise or</li> <li>(b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise. Section 104 (11) and the related policy direction of the SPPS take precedence over criterion (a) of PPS6 Policy BH12 New Development in a Conservation Area, which requires the development to preserve or enhance the character of the area. The remaining criteria of this policy however remain. (b) and (c) broadly seek development</li> </ul>

that is in sympathy with the characteristic built form, scale material and detailing of the area. This is also mirrored under QD1 criteria (a). criteria (e) of BH12 which requires that important views within, into and out of the area are protected. Comments from the Conservation Officer and the Urban Design Officers are material considerations in the assessment of these issues.

- 9.6 Properties within the CA portion of College Square North are predominantly Georgian in age and style and four storeys in height, save for a recent office development immediately adjacent to the site. Buildings to the rear of the site within College Place North and Hamill Street/Killen Street immediately to the rear of the site (as annotated on BMAP City Centre map), are residential in terms of use and two storeys in height. Dwellings with frontage to Hamill Street back onto Killen Street and have two storey returns and typical yard areas.
- 9.7 The urban design officer and Conservation Officer advise that the height and scale of the proposal is excessive and dominant, breaching the established building height of the portion of the street within the Conservation Area. Accordingly, the proposal would read as visually incongruous within the townscape of the locality. The massing of the building is contextually inappropriate and out of character with the townscape. Accordingly, the proposal is considered contrary to the relevant policies.

Impact on Amenity

- 9.8 Criteria (d) of BH12 requires development that does not result in environmental problems, whilst criteria (h) of QD1 PPS7 requires the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties.
- 9.9 The proposal is 7 storeys in height and located approximately 7.5m (at closest) from the rear boundaries of 6 residential properties at 64-74 Hamill Street to the north-west of the site. 3 residential properties are located on the road the rear of the site (north) at College Place North. The building (rear elevation) is sited 11.5m approximately from the frontage of 13 College Place North, approximately 2.8m more than the rear elevation of the adjacent office building.
- 9.10 The close proximity and scale of the proposal will result in dominance, and overshadowing of existing properties due to the aspect of the site. Properties to the rear in College Square North have habitable rooms at the front of these dwellings with outlook to the public street. These properties are already compromised by the existing significant office building adjacent to the site in terms of overshadowing and dominance. The proposal will further reduce daylighting for a longer period. The proposal will result in overshadowing of the properties in Hamill Street. The impact will be exacerbated to ground floor rooms to the rear of these dwellings in particular, due to the narrow gaps of approximately 1.5m between the returns and resulting restricted area through which daylight can access.
- 9.11 In relation to overlooking, the privacy of rear of properties in Hamill Street will be adversely impacted from proposed window positions, at first and second floor level in particular, along the Hamill/Killen Street elevation. In addition, it is considered a perception of overlooking will also result from upper floors given the number of openings and close proximity. No adverse overlooking would result from windows on the front elevation due to separation distances and layout/aspect of adjacent properties.
- In relation to amenity space provision, QD1 [c] PPS7 and OS2 of PPS8 require the level
   of provision of private space to be appropriate to the surrounding context, be useable, with further guidance on amenity space provided in Creating Places. PPS 7 indicates

that, where appropriate management arrangements are in place, private open space to serve apartment developments may be in the form of communal gardens. Guidance set out in Creating Places specifies that private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. Creating Places quantifies the level of communal private open space that should be incorporated in new flat developments with a required provision in the range of 10 sq m to 30 sq m per apartment (paragraph 5.20). This paragraph goes on to state that inner urban/high density locations will tend towards the lower figure.

Inadequate amenity space arrangements are proposed as part of the development. A 9.13 small balcony area approximately 3.5sqm in area is proposed for one of the apartments at ground floor, with this provision repeated on floors 1-4. At floors 1-4, apartments adjacent to the junction of College Square North and Killen Street also include an outdoor balcony area approximately 5sgm in area. At fifth floor 4 apartments to the front of the building, have balcony areas varying in size but 0.8m deep, with no provision for apartments to the rear. At 6<sup>th</sup> Floor level, 3 apartments are proposed, each with balcony amenity areas. Accordingly, of the 46 apartment's proposed, dedicated balcony space is provided for 14 apartments. A 'grassed area' is shown at ground floor to the rear of the building, which is elevated above College Place North and Killen Street. This area is 105sgm and equates to 2.3sgm per unit. Excluding apartments with balcony space, this increases to 3.3sqm per unit. This falls well below minimum space requirements stipulated in Creating Places. No access is shown to this area from within the development, accordingly it cannot be considered as amenity space for prospective residents. This also would preclude adequate maintenance arrangements. In any event, this area would be significantly overshadowed and dominated by the proposed building and existing adjacent office building and fail to create quality amenity space arrangements for the development.

The proposal includes an internal light well arrangement for apartments located to the rear of the development to provide natural light to internal rooms. On balance, this is considered acceptable, as it would constitute a secondary light source as main rooms also have direct external windows.

Access, Parking and Transport:

9.14 The proposal includes provision of 25 parking spaces and bicycle parking within a basement/lower ground floor. The proposal also seeks reconfiguration of the public road access layout to Killen Street and Hamill Street to facilitate direct vehicular access to the site from College Square North.

In relation to traffic, access, servicing arrangement and parking issues, Transport NI was consulted and indicated that satisfactory access, parking and servicing arrangements have not been demonstrated.

Given the TNI response, the proposal fails to demonstrate that requirements in PPS3 and associated guidance have been adequately addressed.

PPS15 – Drainage and Flooding

9.15 Policy FLD3 of PPS15 requires proposals in excess of 10 dwellings or site areas in excess of 1 hectare to be accompanied by a drainage assessment. College Square North adjacent to the site is identified as subject to possible surface water flooding on the DAERA Flood Maps online database. NIW in their consultation response advise no surface water sewer is available.

	Rivers Agency in their last consultation response advised that they are 'unable to make an accurate judgement call on the above site's submitted Drainage details until evidence (Confirmation Letter from NI Water to discharge into storm outfall sewer) that the proposed storm water run-off from the site can be safely discharged (As per Annex D18 bullet point 2 of PPS15).'	
9.16	Adequate opportunity to resolve this issue has been afforded to the agent, however the evidence has not been provided. Accordingly, adequate drainage and mitigation of flood risk measures have not been demonstrated and accordingly the proposal fails to satisfy FLD3 of PPS15.	
	Consultations:	
9.17	Environmental Health has no objection subject to conditions and/or informatives, and the proposal will not result in an unacceptable impact in terms of noise, air quality, or related issues. NIEA have no objections in terms of contamination or drainage. NI Water has no objection in relation to sewerage and notes that no surface water sewer is available. Historic Environment Division have no objection regarding impact to Listed Buildings or Archaeology subject to conditions and/or informatives.	
	Representations:	
9.18	Following the above assessment, it is considered that the proposal would adversely impact on amenity and local character and the objections on this basis are supported. However, it is not considered the degree of disturbance from traffic would be so significant to warrant refusal on this basis due to the number of parking spaces provided and no concerns from Environmental Health on this basis. The points raised in the letter of support are noted, however these do not outweigh the concerns of the proposal set out above.	
10.0	Having regard to the policy context, planning history, and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended.	
Neigh	bour Notification Checked Yes	
	Reasons for Refusal: (Delegation of final reasons for refusal to Director of Planning & Place Requested):	
1.	The proposal is contrary to Policy BH12 of Planning Policy Statement 6 Planning Archaeology, and the Built Heritage, and Policy QD1 of the Department's Planning Policy Statement 7 Quality Residential Environments in that the proposal would, if permitted, result in overdevelopment of the site due to its inappropriate layout, scale, form, massing and design causing harm to the character and appearance of the City Centre Conservation Area.	
2.	The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: "Quality Residential Environments" and Policy OS2 of Planning Policy Statement 8 " Open Space, Sport and Recreation" in that it would, if permitted, result in overdevelopment of the site in that it would be harmful to the living conditions of existing residents through overlooking, dominance, and overshadowing resulting in a loss of residential amenity due to inappropriate scale, massing and design. The proposal also fails to provide adequate amenity space for prospective residents. The proposed development would therefore fail to create a quality residential environment.	

- 3. The proposal is contrary to Planning Policy Statement 3: Access, movement and parking; Policy AMP2, Access to Public Roads, in that the applicant has not demonstrated an acceptable vehicular access for vehicles that will be attracted to the development.
- 4. The proposal is contrary to Planning Policy Statement 3: Access, movement and parking; Policy AMP7, Car Parking and Servicing Arrangements, in that the applicant has not demonstrated acceptable parking arrangements for vehicles that will be attracted to the development.
- 5. The proposal is contrary to 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.

Parks, Belfast, Antrim, BT12 4AA, The Owner/Occupier, Apartment 9, College Place, 55 Hamill Street, Town Parks, Belfast, Antrim, BT12 4AA, **Date of Last Neighbour Notification** 24th August 2017 Date of EIA Determination N/A **ES Requested** No Planning History Ref ID: Z/1983/0777 Proposal: CONVERSION TO CAR PARK Address: 14-19 COLLEGE SQUARE NORTH Decision: Decision Date: Ref ID: Z/1996/2554 Proposal: Use of vacant site as surface car park Address: 26-30 COLLEGE SQUARE NORTH 1-17 GALWAY STREET BELFAST Decision: Decision Date: Ref ID: Z/2005/2127/F Proposal: Amendments to approved youth resource facility (Z/2004/2729/F) including fenestration on side/rear elevations. Address: Lands adjacent to 12 College Square North/College Place North, Town Parks, Belfast, BT12 4AS` Decision: Decision Date: 25.11.2005 Ref ID: Z/2004/2729/F Proposal: Six storey office building for Youth Resource Facility. Address: Lands adjacent to 12 College Square North/College Place North, Town Parks, Belfast, Northern Ireland, BT12 4AS Decision: Decision Date: 28.06.2005 Ref ID: Z/2004/0738/F Proposal: Closing of entrance in Killen Street and proposed new entrance and pavement crossing in College Square North Address: Surface car park on corner of College Square North/Killen Street, Belfast Decision: Decision Date: 14.06.2004 Drawing Numbers: 01. 03b. 04b. 05b. 06b. 07b. 08b. 09b. 10b. 11b. 12. 13a Notification to Department (if relevant) Date of Notification to Department: Response of Department: