Development Management Report Committee Application

Summary				
Committee Meeting Date: 11th September 2018				
Application ID: LA04/2018/0021/RM				
Proposal: Residential development comprising 42 apartments	Location: 1-5 Gaffikin Street Belfast BT12 5FH			
Referral Route: Committee – exceeds delegated thresholds for residential units				
Recommendation:	Approval			
Applicant Name and Address: Benamara Properties Ltd 181 Templepatrick Road Ballyclare BT39 0RA	Agent Name and Address: AMD Architectural Design 8 Canvy Manor Portadown BT63 5LP			
Executive Summary:	B103 5LP			

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

- Height, Scale, Massing & Design;
- Amenity and open space provision;
- Impact on residential amenity;
- Drainage;
- Traffic, Movement & Parking.

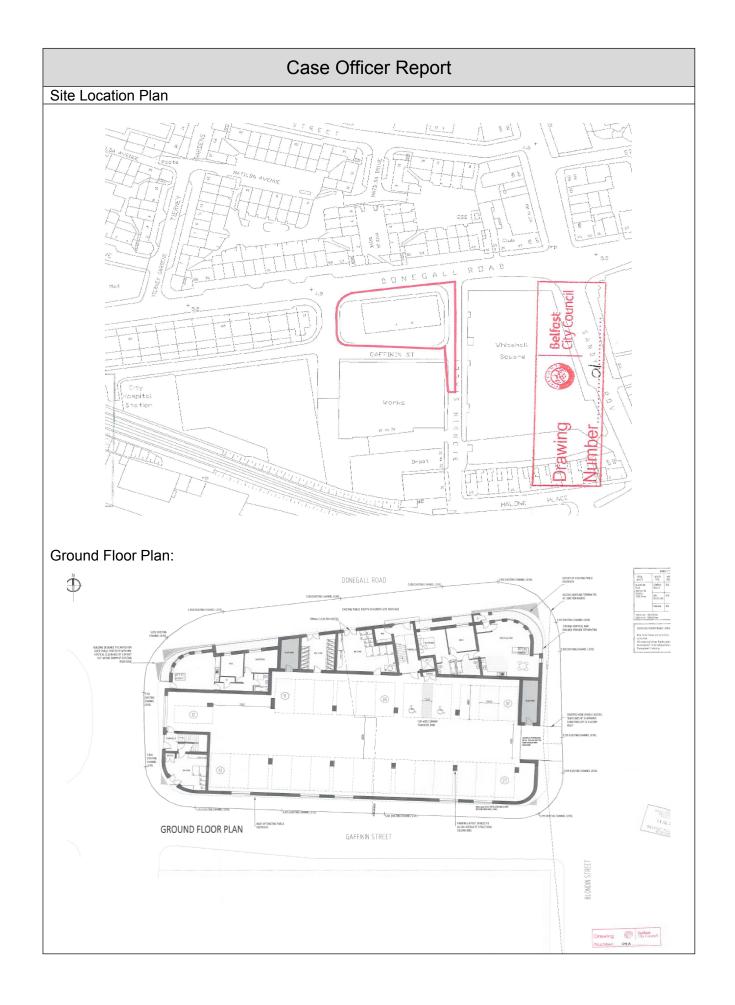
The site is located within the city centre of Belfast as defined within the Belfast Metropolitan Area Plan. The site is within white land in BUAP, BMAP and dBMAP. The principle of residential development has already been established given the planning history on the site. Outline planning permission was granted for 42 No apartments on the site on the 18th August 2016. Within this context, the principle of residential use at this location is acceptable.

Given the urban city centre context, taking account the heights of nearby buildings and the spaces between them and the proposal, it is considered that in this context, the proposed height of the building proposed is acceptable and would not harm the character of appearance of the immediate area. The proposed design and treatment of the elevations are also considered acceptable. It is considered the amenity of future occupiers would be acceptable. Objections have been received, advising that they considered that the proposal would constitute overdevelopment of the site, would not benefit the local community and the lack of positive engagement with the local community. 10 representations were made under the outline application highlighting concerns with inappropriate scale and massing, quality of life and privacy, unacceptable loss of light, overlooking from bedroom windows, loss of solar gain, issues with notification of the proposal, proposal out of context with character of the area, noise pollution and traffic.

The layout, apartment size space standards and amenity provision accords with supplementary guidance. The layout and density broadly accords with the character of the locality in terms of built form and arrangement. Residential amenity of existing and prospective residents will not be adversely affected. The proposed materials, design and fenestration are consistent with the area, incorporating a similar, fenestration, and solid to void ratios, and taking account of the previous permissions in the locality.

Consultees including Environmental Health, DFI Roads, HED, NI Water, have no objections to the proposal subject to conditions. Rivers are content in principle with drainage impacts of the proposal subject to confirmation of a consent to discharge by NI Water to storm water drainage at 10l/sec. It is requested that the committee delegate authority to the Director of Planning and Building Control to resolve this detail drainage issue with the Rivers Agency.

Having had regard to relevant planning policies and other material considerations, it is recommended that the proposal should be approved subject to conditions. Delegation of final conditions and resolution of the detail drainage issue to the Director Planning & Place is requested.





Representations: Letters of Support 0 Letters of Objection 2 Number of Support Petitions and signatures No Petitions Received Number of Petitions of Objection and signatures No representations from Elected Representatives Planning Assessment of Policy and Other Material Considerations 1.0 Characteristics of the Site and Area 1.1 This is an island site containing an existing single storey warehouse style retail building. To the east of the application site is a 6 storey block of apartments whilst to the north and west are residential dwelling units. The site is located along Donegall Road and 1km from the City hospital. 2.0 Description of Proposal Residential development comprising 42 apartments. (Reserved matters) 3.0 Site History Z/2007/1490/O Proposal: Site for residential development comprising 48 apartments. Address: 1-5 Gaffikin Street, Belfast, BT12 SFH Decision: Approved Decision Date: 05.08.2011 LA04/2015/0617/O Proposal: Residential development comprising 42 no. apartments Address: 1-5 Gaffikin Street, Belfast, BT12 SFH Decision: Approved Decision date: 18.08.2016 4.0 Policy Framework 4.1 Belfast Metropolitan Area Plan 2015 Belfast Urban Area Plan 2015 Belfast Urban Area Plan 2016 Statement 12 (PPS1) - Access, Movement and Parking Planning Policy Statement 13 (PPS1) - Transportation and Land Use Planning Policy Statement 13 (PPS1) - Tran	Renres	entations.	
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No	on Statutory Consultee Responses	
En	Environmental Health – no objections	
Re	Representations	
The application has been neighbour notified and advertised in the local press and 2 representations have been received raising the following issues :		
Sandy Row community forum objected to the proposal on the basis that it is overdevelopment and will not benefit the local community. A second objection was received from a resident at No. 67-75 Sandy Row highlighting the lack of positive engagement with the local community.		
	ese issues will be considered in the assessment below. No representations from any ected representatives have been received.	
	her Material Considerations	
Be	Ifast City Centre Regeneration and Investment Strategy	
As	sessment	
Th	e key issues in the assessment of the proposal are as follows:	
	 Height, Scale, Massing & Design; 	
	 Amenity and open space provision; 	
	Impact on residential amenity;	
	Drainage	
	Traffic, Movement & Parking.	
hea	e SPPS sets out five core planning principles of the planning system, including improving alth and wellbeing, supporting sustainable economic growth, creating and enhancing ared space, and supporting good design and place making.	
the spa 22 of Pa sta Sta on and be	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 states that sustainable economic growth will be supported. The SPPS states the majority of PPS's remain applicable under 'transitional arrangements', including PPS 3. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states PPS3, 7 and 12 remain applicable under 'transitional arrangements'. Planning Policy Statement 7 relates to quality in housing developments. PPS 7 objectives 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. QD1 lists 9 criteria with which all proposals for residential development must conform.	
out cui	e principle of development has already been established through the existing extant tline planning permission under LA04/2005/0617/O for 42 apartments on the site. The rrent application seeks approval of the reserved matters pursuant to that permission. It considered to comply with all the conditions set out under the outline permission.	
An coi pro	eight, Scale, Design and Massing indicative concept plan formed part of the outline approval which was referred to in ndition No. 3 of the approved outline permission. This illustrated the layout of the oposed development and the various heights proposed across the site. The proposal mplies with this condition in terms of layout and height.	

- 9.6 On the Donegall Road, the proposal is seeking a 5-storey block at the corner with Blondin Street acting as a focal element to the proposal. The 5-storey height is continued around the corner with Donegall Road and Blondin Street. The remaining heights along the Donegall Road elevation drop down to 3 storeys with a 1-storey setback. The rear block along Gaffikin Street consists of a 3 storey with 1 storey setback and a 3 storey with 1 storey setback with landscaped roof terrace above.
- 9.7 The Urban Design Criteria (UDC) for this location in dBMAP 2015 for this character area states that 'new development shall respect the established building line and that building heights shall be a minimum of 2 storeys and a maximum of 3 storeys'.
- 9.8 Whilst the proposal is higher than the recommended height set out under the UDCs, the extant outline planning permission for 42 apartments establishes the principle of taller buildings here. The outline and previous permission both exceeded the UDC height criteria. It is considered that the site can accommodate the level of development proposed given the existing context which contains a 6 storey development (Whitehall Square) and the island nature of the site which when seen from critical views along Donegall Road clearly acts as a partition between the existing built form on either side. The scheme also steps down to the more domestic scale architecture of the residential dwellings along Donegall Road and will respect the character of the area. Given the urban context, taking account of the heights of nearby buildings, it is considered that the various heights proposed are acceptable and appropriate.
- 9.9 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.
- 9.10 In relation to the character of the area criterion (a) states that the development must respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.
- 9.11 The character can be broken up into two distinct areas on one side there is the more imposing scale and commercial nature of the Sandy Row and Donegall Road intersection and on the opposite side to the west of application site there is the smaller scale domestic character.
- 9.12 Having regard to the detail within the reserved matters plans, it is considered that the number of storeys proposed and the degree of step down respects the existing scale and massing of development on both sides of the road. The height of the proposal complies with the concept plan, which was conditioned in the outline planning approval. The layout and amenity arrangements also comply with the outline approval. The ground floor uses along the Donegall Road frontage provides active frontage and improves surveillance in the immediate area. The opposite side of Gaffikin Street consists of a blank wall of a commercial property. The proposed ground floor rear elevation along Gaffikin Street is absent of an active frontage due to the presence of ground floor car parking. This arrangement follows the concept approved at outline stage, and whilst not ideal, the site characteristics are such that active frontage cannot be facilitated to all ground floor elevations. Given this will repeat the existing elevation/frontage, on balance that Gaffikin Street treatment is considered acceptable. Residential uses will be provided to upper floor, which will contribute to animation/activity of this area and improve surveillance and security.

9.13 The proposed materials, design and fenestration are consistent with the area, incorporating a similar, fenestration, and solid to void ratios, to the previous permissions in the locality. The proposed designs are therefore compliant with criteria [g] of PPS7. Accordingly, it is considered that the proposal would not adversely affect the character of the area, which is a wide mix of building designs and finishes. The proposal complies with criterion (a).

Amenity and Open Space

9.14 The proposed plans shows a first floor courtyard garden private amenity providing approximately 200 square metres of amenity space and a roof garden on part of the fourth floor along the Gaffikin street elevation providing 250 square metres of amenity provision. Amenity provision is also provided with balconies on 8 units on the third floor and within one unit on the fourth floor. The private amenity space provision for the scheme is approximately 12 sq metres per apartment, which complies with the recommended standard set out in the guidance document 'Creating Places- Achieving quality in new Residential Developments' of 10 sq metres per apartment. It is considered that the proposal complies with criterion (c).

Impact on Residential Amenity

- 9.15 With regard to impact on residential amenity, criterion (h) of QD 1 of PPS 7 requires there to be no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance and the orientation of the development in relation to the existing dwellings. Taking into account the height of the building, it is accepted that there may be some overlooking from the proposed apartments into the Whitehall Square development. However, the separation distance (11 metres) is considered acceptable and consistent with the surrounding area and ultimately will not result in unacceptable damage to residential amenity.
- 9.16 Some degree of overshadowing is anticipated on the first, second, third and fourth floors of the apartments in Whitehall Square that front on Blondin Street. However, this is not considered to be of a level that would result in unacceptable damage to residential amenity and is not atypical in such a high-density urban environment. The proposed heights indicated on the outline permission have been adhered to. Dominance to existing properties will be limited due to the separation distances available. Taking account of the previous permission, there will be no greater impact on the amenity of existing neighbouring properties. Therefore, on balance, the layout will not cause unacceptable damage to residential amenity. The proposal therefore complies with criterion (h). In terms of prospective residents, each unit has adequate outlook to the public street and external amenity areas. The accommodation proposed is in accordance / generally exceeds standards set out in the addendum to PPS7.

Drainage

9.17 The site is not located within the fluvial or coastal flood plain. In line with the requirements of the SPPS and Policy FLD3 of PPS15, the application is supported by a Drainage Assessment, which has been reviewed by Rivers Agency. They require a consent letter from NI Water to discharge the equivalent of 10 I/s per hectare of storm water run-off from the proposed site to the existing combined sewer located on Bankmore Street. This information is outstanding and therefore it is requested that the committee delegate authority to the Director of Planning and Building Control to grant conditional planning permission and to deal with any outstanding representations from the Rivers Agency.

Infrastructure Capacity

9.18 NI Water has advised that there is sufficient capacity at the WWTW to accommodate the proposed development. Connections to the public water supply, public foul sewer system and surface water sewer would be covered by separate legislation.

9.19	Landscaping The proposed landscaping on the roof plan and throughout the courtyard are broadly in accordance with the conditions at outline stage. Wooden planters are proposed throughout the courtyard and on the roof garden area. Details of planting and management are included within drawing No. 12 and 13. It is considered that the landscaping proposals are acceptable within this context.
9.20	Bin storage Consideration has been given to bin storage throughout the site. Two areas are allocated for bin storage on the ground floor of the building. It is considered that sufficient areas are dedicated to bin storage and are appropriate in this context subject to a condition to ensure adequate access and management arrangements.
9.21	Access, Parking, and transport DFI Roads were consulted and are satisfied that there is sufficient vehicle and bicycle parking provision proposed, the access arrangements are adequate, and that the proposal will not result in a significant impact on traffic or road safety. In curtilage parking provision is provided on the ground floor. This aspect is considered compliant with PPS3 subject to conditions.
9.22	Other Issues The proposal has been assessed against Policy BH4 of PPS6. The application site located within the Belfast Area of Archaeological Potential (AAP), as identified by the draft Belfast Metropolitan Area Plan (BMAP) 2015. Historic Environment Division: Historic Monuments Unit (HMU) has considered the impacts of the proposal and is content with the proposal. Environmental Health have no objection subject to conditions. It is considered that the proposal will not result in an unacceptable impact in terms of noise, air quality, or related issues.
9.23	<u>Objections</u> Objections have been received, advising that they considered that the proposal would constitute overdevelopment of the site, would not benefit the local community and the lack of positive engagement with the local community.
9.24	- No community consultation The application is for reserved matters and relates to an outline application received in 2015 and approved in 2016. The application is not a major proposal and therefore the applicant is not required to engage with the community under the legislation. The proposal was advertised in the local press and neighbours were notified in accordance will usual requirements.
9.25	- Overdevelopment of the site The development is located in an inner-city area adjacent to a high density apartment development to the east. However, it is not considered that the design of the proposal will not impact on amenity in this regard due to its 'island' location and separation distances as discussed above. In any case, the principle of development of this site was accepted via previous planning histories and outline permission and deemed that any development would not adversely impact on the character, setting, and amenity of the locality. It is considered that on balance the proposal does not constitute overdevelopment of the site.
9.26	10 representations were made under the outline application highlighting concerns with inappropriate scale and massing, quality of life and privacy, unacceptable loss of light, overlooking from bedroom windows, loss of solar gain, issues with notification of the proposal, proposal out of context with character of the area, noise pollution and traffic.

10.0	Taking account of other material considerations including relevant planning policies, the application is considered acceptable as all the reserved matter conditions have been met and planning permission is recommended subject to conditions. Delegation of final
	conditions and resolution of the details relating to drainage to Director of Planning & Place is requested.

Neighbour Notification CheckedYesDraft Conditions (final conditions delegated to Director of Planning & Place requested):

1: The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.04A bearing the date stamp 16th July 2018, prior to the occupation of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

2: The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3: The access gradient shall not exceed 4% (1 in 25) over the first 10.0m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4: The development hereby permitted shall not be occupied until the redundant vehicular access from the site to the public road has been permanently closed and the footway reinstated in accordance with details that shall have been submitted to and approved by the Council.

Reason: In order to minimise the number of access points onto the public road in the interests of road safety and the convenience of road users.

5: The development hereby permitted shall not be occupied until hard surfaced areas have been constructed and permanently marked in accordance with Drawing No.04A bearing the date stamp 16th July 2018, to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development.

Reason: To ensure adequate provision has been made for parking within the site.

6: The development hereby permitted shall not be occupied until sheltered cycle parking facilities have been provided in accordance with Drawing No.04A bearing the date stamp 16th July 2018. Facilities shall be permanently retained thereafter

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

7: Prior to the commencement of the construction of the development the applicant shall submit to Belfast City Council Planning Service for approval a report containing a Quantitative Risk Assessment (often referred to as a Phase II). The report should follow the methodology outlined in Model Procedures for the Management of Land Contamination (CLR11) and must include;

• A further detailed site investigation in line with British Standards BS10175. Any ground gas investigations should be conducted in line with BS8485;

• A satisfactory assessment of the risks (including a Revised Conceptual Site Model) associated with any contamination present, conducted in line with current Defra and Environment Agency guidance (CLR11). In addition, risks associated with ground gases should be assessed under the methodology outlined in CIRIA C665;

• The risk assessment should concentrate on the area of the site on which the ground floor level apartments and stairwells are to be located and must address the contaminants of concern listed in Table 2 of the Mason Evans Partnership Ltd Report as being applicable to this site.

Reason: Protection of human health.

8: Should the quantitative risk assessment (QRA) (produced in pursuance of condition 11) determine that remedial measures are required at this site, then a Remediation Strategy (Phase III) must be submitted to Belfast City Council Planning Service for approval. This Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and no longer pose a potential risk to human health.

Reason: Protection of human health.

9: Should the Remedial Strategy identify necessary remedial measures then prior to the occupation of the building, the applicant shall provide to Belfast City Council Planning Service, for approval, a verification report. This report must provide confirmation that all remedial works identified in the remedial strategy were completed, that contaminant-pathway-target linkages between any contamination and end users are effectively broken, and that the development is fit for end use (Residential). The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.

Reason: Protection of human health.

10. No development shall take place until full details of both the hard and soft landscape works have been submitted to and approved in writing by the Planning Authority.

The details shall include a detailed layout together with existing and proposed levels, cross sections and any proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc.

The details shall also include detailed planting plans with written planting specification including site preparation and planting methods and detailed plant schedules including the species, the size at time of planting, presentation, location, spacing and numbers.

A landscape management plan covering a minimum of 20 years including long-term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for the site shall be submitted and approved within 6 months of the date of this permission to and approved by Belfast City Council. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with Belfast City Council in writing prior to implementation.

Reason: To ensure the provision of amenity afforded by an appropriate landscape design.

11: The development hereby permitted shall not commence until a Service Management Plan has been submitted to and approved by the Planning Authority. The development shall operate in accordance with the agreed arrangements and no variation shall be implemented without the prior consent of the Local Planning Authority.

Reason: In the interests of tenants and the convenience of users.

12. Prior to the occupation of any apartment hereby permitted the bin store area shall be constructed in accordance with the approved drawing 04A date stamped 16th July 2018 and permanently retained thereafter. Access to the bin storage area shall be available to residents of the apartments hereby permitted at all times.

Reason: In the interests of residential amenity.

ANNEX		
Date Valid	22-1-18	
Date First Advertised	2-2-18	
Date Last Advertised		
Details of Neighbour Notification (all addresses):.1 Matilda Drive, Belfast, Antrim, BT12 5NN,.2 Matilda Drive, Belfast, Antrim, BT12 5NN,20-39 Gaffikin Street, Belfast, Antrim, BT12 5FH,44-53 Donegall Road, Belfast, Antrim, BT12 5FH,55 Donegall Road, Belfast, Antrim, BT12 5L,57 Donegall Road, Belfast, Antrim, BT12 5L,6 Gaffikin Street, Belfast, Antrim, BT12 5L,6 Gaffikin Street, Belfast, Antrim, BT12 5L,7 Donegall Road, Belfast, Antrim, BT12 5L,6 Gaffikin Street, Belfast, Antrim, BT12 5FH,GLENDA DAVIES67-75 Sandy Row Malone Lower Belfast70 Donegall Road, Belfast, Antrim, BT12 5JP,Apartment 1-6,181 Sandy Row, Belfast, Antrim, BT12 5EU,Apartment A 2.1-2.6,181 Sandy Row, Belfast, Antrim, BT12 5EU,Apartment A 3.1-3.6,181 Sandy Row, Belfast, Antrim, BT12 5EU,Apartment A 4.1-4.6,181 Sandy Row, Belfast, Antrim, BT12 5EU,Apartment B 1.1-5.2,181 Sandy Row, Belfast, Antrim, BT12 5EU,Apartment C 1.1-4.5,181 Sandy Row, Belfast, Antrim, BT12 5EU,Apartment D 1.1-4.9,181 Sandy Row, Belfast, Antrim, BT12 5EU,Apartment E 1.1-4.2,181 Sandy Row, Belfast, Antrim, BT12 5EU,Apartment E 1.1-4.2,181 Sandy Row, Belfast, Antrim, BT12 5EU,Apartment E 1.1-4.2,181 Sandy Row, Belfast, Antrim, BT12 5FH,B C D Autos, 1-2, Gaffikin Street, Belfast, Antrim, BT12 5FH,Bradury Graphics, 4-5 Unit, Gaffikin Street, Belfast, Antrim, BT12 5FH,SANDY ROW COMMUNITY FORUM SRCFSandy Row Community Centre 67-75 Sandy Row BelfastUnit 1,179 Sandy Row, Belfast, Antrim, BT12 5ET,Unit 2,177 Sandy Row, Belfast, Antrim, BT12		
Planning History Ref ID: Z/1996/2891 Proposal: Change of use from storage warehouse to retail warehouse for stationery goods Address: UNITS 4/5 GAFFIKIN STREET, BELFAST BT12		
Decision: Approval1996		

Ref ID: Z/1997/2115 Proposal: Change of use from car warehouse to retail warehouse Address: UNITS 4-5 GAFFIKIN STREET, BELFAST BT12 Decision: Approval 1997

Ref ID: Z/2007/1490/O Proposal: Site for residential development comprising 48 apartments. Address: 1-5 Gaffikin Street, Belfast, BT12 5FH Decision: Approved Decision Date: 05.12.2007

Ref ID: Z/2010/0777/F Proposal: Residential development comprising 51no. apartments Address: 1-5 Gaffikin Street, Belfast, BT12 5FH Decision: Approved Decision Date: 30.04.2012

LA04/2015/0617/O Proposal: Residential development comprising 42 no. apartments Address: 1-5 Gaffikin Street, Belfast, BT12 5FH, Decision: Approved Decision date: 18.08.2016

Drawing Numbers and Title 01, 03, 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11, 12, 13

Notification to Department (if relevant) Date of Notification to Department: N/A Response of Department: