

**Addendum  
Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b> Tuesday 16 <sup>th</sup> March 2021	
<b>Application ID:</b> LA04/2020/1022/F	
<b>Proposal:</b> Demolition of existing vacant buildings and structures to the rear of the site and alterations, refurbishment and extension to existing terraced dwelling at 1 Canada Street to provide 6no. apartments plus associated site works	<b>Location:</b> 1 and 1a Canada Street, Belfast
<b>Referral Route:</b> At the request of Cllr Dorrian	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Kohner Properties 25 Lisleen Road Comber Newtownards BT23 5QD	<b>Agent Name and Address:</b> Dimensions Chartered Architects 1 Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<b><u>ADDENDUM REPORT</u></b>	
<p>This full application was previously listed for Planning Committee on 16<sup>th</sup> February 2021. The application was not presented and subsequently deferred for a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand. A site visit for elected members took place on Tuesday 2<sup>nd</sup> March 2021.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p>	
<b><u>Late Items received prior to 16<sup>th</sup> February 2021 Committee Meeting</u></b>	
<ol style="list-style-type: none"> <li>1. Email from agent 11th February 2021 – Agent advised that they were preparing updated information. This information was requested on 20th January 2021, at the time of concluding the report on 9th February no information had been received nor had the agent advised of a delay or requested an extension of time. Members to note that whilst the further sections and shadow analysis would have given a fuller picture there was sufficient information to determine the application. It is up to the applicant to furnish the Authority with information, plans and drawings to demonstrate the acceptability of their proposal and they have failed to do that.</li> <li>2. Email from agent 12th February 2021 – Agent provided the requested sections and shadow analysis requested. The shadow analysis for summer only was provided for June 1st and August 1st 2021 – it is noted no shadow analysis for autumn, winter or spring has been provided. <ul style="list-style-type: none"> <li>• Proposed Section 1 confirms the southern elevation extends to 7.92m. Proposed section 2 confirms the eastern elevation extends to 9.83m.</li> <li>• Proposed section 3 confirms the new apartment block will extend along the northern elevation by 11.10m. This combined with the proposed extension to no.1 Canada Street creates a built form along the entire northern elevation of over 24m.</li> </ul> </li> </ol>	

- The sections and shadow analysis received confirm officers concerns regarding the unacceptability of the proposal in terms of scale, mass; limited separation and proximity to neighbours. Recommendation to refuse remained unchanged.

### **Consideration of Amended Scheme Received**

On Monday 1<sup>st</sup> March 2021 the applicant submitted additional information and amended scheme. These amendments include;

- The creation of a point of access from the public street to all apartments;
- The reduction of overall numbers from 6 apartments to 5; The proposal has removed the ground floor apartment from 1 Canada Street and instead proposes this to be used as an access corridor to the proposed apartments, stores, bicycle parking and bin store located under the 1<sup>st</sup> floor of 1 Canada Street which previously was proposed to be the entrance courtyard to the apartments.
- Amendments to provide external bin access, via this application site, to the houses which back onto it on Canada Street; the relocation of bin storage areas to a larger area where all bins can be accessed more easily to both apartments and to the street; and
- The bin access arrangements for the houses on My Lady's Road maintained.

The amendments also include the following to the proposed elevations;

- Windows along northern elevation of 1 Canada Street have been removed;
- Glazed link between 1 Canada Street and new block has been removed – door access at ground floor level retained.

The separation distance

- Between the rear boundary walls of 2-5 Canada Street and the proposed apartment block is 0.9m,
- Between the rear boundary wall/rear return of 107-111 My Lady's Road is 1.3m;
- Between the rear boundary wall/rear return of 3-13 London Road is 2.8m.

The proposal now includes work to properties outside the site address and ownership of the applicant.

The agent refer to other back lands developments in east Belfast which they deem comparable to the proposal.

### **Parkgate Avenue**

This dwelling was granted permission under application ref. Z/2002/1579/F granted 16<sup>th</sup> February 2002. Permission was granted by a different planning authority and under a different policy context.

### **Dundela Park**

Z/1996/6092 and Z/1997/0992 both granted in 1997 and 1998 respectively also granted by a different planning authority and under a different policy context.

### **112/114 Upper Newtownards Road**

- Z/1996/0532 - Change of use of dwelling at no.114 and rear return of dwelling at no.112 to provide 6 bedroom guest house – Granted 4/06/99
- Z/1998/0891 - Two storey extension to rear of property to provide new private residential accommodation and conversion of existing accommodation to guesthouse use – Granted 9/1/97
- Z/2001/3071/F - Change of use from guesthouse and dwelling to 3 no. small office units with associated car-parking and site works – Granted 29/04/02
- Z/2003/1679/F - Conversion of guest house to 8 No. apartments and a separate dwelling house – Granted 17/09/03

114 Upper Newtownards Road Historically a dwelling as confirmed by planning permission Z/1996/0532.

Having considered the sites referred to above by the agent, it is considered that these are not directly comparable with the site.

### **Bin Storage**

The amended bin storage proposal has been considered by BCC City Services and is considered an improved layout and location. Remains unclear if the apartments are to share communal bins or if each is to have its own bins, this should be shown that 5 sets of 3 bins can be accommodated and easily accessed/moved without moving other bins around etc.

### **Area of Townscape Character**

The Area of Townscape Character is proposed and is a material consideration and is assessed under paragraphs 4.26 and 6.21 of the Strategic Planning Policy Statement for Northern Ireland (SPPS). Appeal decision 2019/A0005 confirms this approach.

### **Layout, separation, outlook and surveillance**

The proposal has removed the entrance courtyard and now provides an access corridor through the existing ground floor of 1 Canada Street. Subsequently reduced the number of units from six to five. However, concerns remain regarding layout, limited separation, outlook and surveillance remain as per the case officer report.

### **Height, Scale and Mass**

Proposal remains unchanged in terms of height, scale and massing – opinion remains as set out in the case officer's report.

### **Amenity**

It is acknowledged that the amenity garden area is communal however, this cannot be considered as private amenity space and will be overlooked by existing dwellings from Canada Street and London Road. Whilst a degree of overlooking is expected in any inner city location, the proposal would result in overlooking to an unacceptable degree and would detrimentally impact on the residential amenity of prospective residents.

### **Impact on Neighbouring Residential Amenity**

As discussed above the shadow analysis provided was considered as a late item prior to the 16<sup>th</sup> February Planning Committee meeting and confirmed officers concerns regarding the unacceptability of the proposal in terms of both shadow to neighbours and within the site. The impact to neighbours from the scale, height, mass; limited separation and proximity to neighbours remains a concern as set out in the case officer report.

### **Assessment**

The proposal has been considered and assessed in accordance with the relevant prevailing planning policies and development plan.

### **Summary**

- The site visit by members has taken place;
- The amendments received have been considered and the recommendation remains unchanged.

In conclusion, the recommendation remains as set out in the case officer's report and this addendum.

**Recommendation**

The proposal is recommended for refusal. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal subject to no new substantive planning issues being raised by third parties.

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> Tuesday 16 February 2021	
<b>Application ID:</b> LA04/2020/1022/F	
<b>Proposal:</b> Demolition of existing vacant buildings and structures to the rear of the site and alterations, refurbishment and extension to existing terraced dwelling at 1 Canada Street to provide 6no. apartments plus associated site works	<b>Location:</b> 1 and 1a Canada Street, Belfast
<b>Referral Route:</b> At the request of Cllr Dorrian	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Kohner Properties 25 Lisleen Road Comber Newtownards BT23 5QD	<b>Agent Name and Address:</b> Dimensions Chartered Architects 1 Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<p><b>Executive Summary:</b></p> <p>The proposal is for full planning permission for the demolition of existing vacant buildings and structures to the rear of the site and alterations, refurbishment and extension to existing terraced dwelling at 1 Canada Street to provide 6no. apartments plus associated site works.</p> <p>The Key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> <li>• Principle of development and use;</li> <li>• Height, Scale, Massing, Design and Layout;</li> <li>• Provision of parking and access;</li> <li>• Provision of amenity for prospective residents;</li> <li>• Impact on residential amenity of neighbours;</li> <li>• Impact on the Area of Townscape Character;</li> <li>• Consideration of representations;</li> <li>• Other environmental factors.</li> </ul> <p>Under the adopted BUAP 2001 the site is un-zoned white land. The site is located within the settlement development limit for Belfast as designated by both iterations of Draft Belfast Metropolitan Area Plan 2015, the 2004 and 2015 versions. The site is located within a proposed Area of Townscape Character. It is noted that the Planning Appeals Commission Public Inquiry report does not note any specific objections to the ATC designation at this location.</p> <p>The proposed development is of an unacceptable layout, scale, massing and form, the proposal if permitted would result in overdevelopment of the site. Combined with the back land context and restricted nature of the site would not deliver a quality residential environment for prospective residents and would impact existing residents.</p>	

The scheme would result in a detrimental impact on the amenity of prospective residents in terms of poor outlook, inappropriate amenity space provision, poor surveillance and inadequate storage for bins and; be detrimental to the amenity of existing residents in terms of dominance, shadow, loss of light and overlooking.

The scheme is not reflective of the character of the area and fails to provide a quality residential environment and is considered to be contrary to policies QD1 of PPS 7 and LC1 of Addendum to PPS7. The proposal fails to maintain the character and appearance of the proposed ATC as is considered contrary to paragraphs 4.26 and 6.21 of the SPPS for NI.

Neighbours have been notified and two letters of support from Cllr George Dorrian and Christopher Stalford MLA have been received.

A meeting was requested by the applicant and Cllr George Dorrian, however it was considered that this would be of no benefit due to fundamental issues and the complexity of issues associated with this site which was not the subject of a PAD.

Consultees – NI Water and DFI Roads offer no objection to the proposal, subject to conditions. Environmental Health requested the submission of a Contaminated Land Risk Assessment. Due to fundamental concerns with the proposal this was not requested as to have done so would have put the applicant to unnecessary expense.

Recommendation:

**Refuse**

Having regard to the policy context and other material considerations, the proposal is considered unacceptable and refusal of planning permission is recommended for the reasons set out in paragraph 11 below. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal subject to no new substantive planning issues being raised by third parties.

# Case Officer Report

## Site Location Plan



<b>Consultations:</b>		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Hydebank	Content
Non-Statutory	Env Health Belfast City Council	Add Info Requested
Statutory	NI Water - Multi Units East - Planning Consultations	Consultation Reminder Letter
Statutory	NI Water - Multi Units East - Planning Consultations	Content
<b>Representations:</b>		
Letters of Support	2	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	The proposal is for full planning permission for the demolition of existing vacant buildings and structures to the rear of the site and alterations, refurbishment and extension to existing terraced dwelling at 1 Canada Street to provide 6no. apartments plus associated site works.
<b>2.0</b>	<b>Description of Site</b>
2.1	The site is located at 1 and 1a Canada Street, Belfast. 1 Canada Street is located at the end of an existing row of two storey terrace dwellings with an existing rear return with double doors which open into the rear to the site and access to 1a Canada Street. The dwelling is currently vacant and in a state of disrepair. To the rear is 1a Canada Street which sits within a triangular piece of land behind the three rows of terraces of Canada Street, My Lady's Road and London Road. A shared public alley way provides access to the rear of the row of properties on London Street runs parallel to the site. Both buildings are described as existing dwellings. The context of the surrounding area is characterised by terraced dwellings addressing the public road to the front, with rear returns and rear external amenity spaces.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	LA04/2017/0376/F - Erection of 2 storey replacement rear return to existing dwelling at 1 Canada Street, and demolition of dwelling and other ancillary buildings and structures and erection of 2no dwellings and ancillary domestic storage building at 1a Canada Street (to the rear of 1 Canada Street) and associated works – Appeal allowed in relation to the two storey rear return at 1 Canada Street only– Appellant removed erection of 2no.dwellings from the proposal at the appeal stage.
3.2	LA04/2018/0466/O - Demolition of buildings and structures and erection of single dwelling - Refused
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (2004 Version)
4.3	Draft Belfast Metropolitan Area Plan 2015
4.4	<ul style="list-style-type: none"> <li>4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS)</li> <li>4.4.2 Planning Policy Statement 3: Access, Movement and Parking</li> <li>4.4.3 Addendum to Planning Policy Statement 6: Areas of Townscape Character</li> <li>4.4.4 Planning Policy Statement 7: Quality Residential Environments</li> <li>4.4.5 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas</li> <li>4.4.6 Planning Policy Statement 12: Housing in Settlements</li> </ul>
<b>5.0</b>	<b>Statutory Consultees Responses</b>

5.1	DFI Roads – No objection subject to conditions
5.2	NI Water Multi Units East – No objection
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b>
6.1	BCC Environmental Health – Requested the submission of a Contaminated Land Risk Assessment. Due to fundamental concerns with the proposal this was not requested as to have done so would have put the applicant to unnecessary expense.
<b>7.0</b>	<b>Representations</b>
7.1	<p>The application has been neighbour notified and advertised in the local press. Two representations of support have been received from Cllr George Dorrian and Christopher Stalford MLA raised the following points;</p> <ul style="list-style-type: none"> <li>• Believe the proposal will regenerate the site;</li> <li>• Site is run down and a nuisance for neighbours due to rubbish, collapsing building and generally decaying space;</li> <li>• New proposal is clean and regenerates the area whilst maintaining its local, traditional character;</li> <li>• Gated option provides a level of security which will add value to both the proposed and existing properties;</li> <li>• Spoken with a number of local residents and found them supportive especially those who border the site;</li> <li>• Notes proposed properties not facing onto main road but we must work with what space is available and will regenerate a site which otherwise will continue to be unsightly and of no practical positive use;</li> <li>• Imaginative solution and wishes for proposal to be looked upon favourably.</li> </ul>
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	The adopted Belfast Urban Area Plan 2001 shows the site as white un-zoned land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is a proposed Area of Townscape Character – BT 064.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan that was adopted and now subsequently quashed the site is a proposed Area of Townscape Character – BT 047.
8.4	Creating Places
8.5	Living Places an Urban Stewardship and Design Guide for Northern Ireland.
8.6	Development Control Advice Notice (DCAN) 8: Housing in Existing Urban Areas
8.7	Development Control Advice Notice (DCAN) 15: Vehicular Access Standards
<b>9.0</b>	<b>Assessment</b>
9.1	<p>The Key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> <li>• Principle of development and use;</li> <li>• Layout, separation, outlook and surveillance</li> <li>• Height, Scale, Massing, Design and Layout;</li> </ul>

	<ul style="list-style-type: none"> <li>• Provision of parking and access;</li> <li>• Provision of amenity for prospective residents; &amp; existing neighbours;</li> <li>• Impact on the Area of Townscape Character;</li> <li>• Consideration of representations;</li> <li>• Other environmental factors.</li> </ul>
9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	Under the adopted BUAP 2001 the site is un-zoned white land. The site is located within the settlement development limit for Belfast as designated by both iterations of Draft Belfast Metropolitan Area Plan 2015 the 2004 and 2015 versions. The site is located within a proposed Area of Townscape Character. It is noted that the Planning Appeals Commission Public Inquiry report does not note any specific objections to the ATC designation at this location.
9.5	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is considered that this proposal would result in demonstrable harm to the residential amenity of neighbours and prospective occupants.
9.6	<p><b><u>Principle of development and use</u></b></p> <p>The lands are considered ancillary amenity to the triangle of terraces abutting the site. Whilst there is a building on the site, which may have had residential use prior to the 1971, there are no planning, building control or rates records for the past 50 years.</p>
9.7	<p>Agents evidence sets out the dates and uses as below;</p> <ul style="list-style-type: none"> <li>• 1907-1964 uninterrupted evidence 1a used as a dwelling</li> <li>• 1965-1968 – vacant</li> <li>• 1969-1971 dwelling</li> <li>• 1971-1976 - vacant</li> <li>• 1979 – Evidence used as garage but no evidence it was a commercial vehicle repair garage.</li> </ul>
9.8	It is accepted that 1 Canada Street was last used as a dwelling, however LPS records show that no domestic rates have been collected for the property.
9.9	However, in respect of 1a Canada Street, whilst the applicant states that it was historically a dwelling and last used as a dwelling 1971, its lack of use as a dwelling for 50 years would deem its residential use abandoned. A combination of evidence from street directories and Land and Property Services Rates Checker also suggests that the most recent use albeit 31 years ago was as a garage.

9.10	<p>Land and Property Services (LPS) domestic checker does not show a record for 1a, however LPS non-domestic checker shows 1a Canada street as being non-domestic stores and yard (checked firstly on 7<sup>th</sup> June 2017 and 9<sup>th</sup> February 2021). A further check of the Street Directories for 1981 and 1989 show 1a Canada Street recorded as Mills Garage in 1981 and R. Seeds Garage in 1989 therefore providing evidence that the building's use was as a commercial garage and has not been in that use for at least 28 years. The Street Directories from 1990 and 1991 shows no records for 1a Canada Street. 1 Canada Street was recorded as an occupied dwelling in 1981, 1989, 1990 and 1991. Considering that the street directories list 1a as a garage and that it appears on the LPS non-domestic rates checker as a stores and yard, it is considered reasonable to assume that that the last use of 1a Canada Street was a commercial garage and not a dwelling and that the use was abandoned some time ago approx. around 1990, some 31 years ago. Therefore the applicant's assertion that the lawful use is a dwelling and this it was not abandoned in 1971 is improbable.</p>
9.11	<p>The principle of the proposed residential development is unacceptable at this location as it fails to provide a quality residential environment for both prospective and existing residents. The site is restricted, which results in a form, scale and mass which renders the use incompatible to this site</p>
<p><b><u>Layout, Separation, Outlook and Surveillance</u></b></p>	
9.12	<p>The agent was requested to submit sections traversing through the site showing the relationship of the proposed development with existing surrounding properties and to provide a shadow analysis for the proposed development to assist with the consideration of the proposal. At the time of writing of this report this information has not been received and the assessment is based on the information available on file. It is considered that the proposed height, scale, massing and design raise concerns as does the built footprint to plot ratio within this restricted site and will result in overdevelopment of the site.</p>
9.13	<p>Paragraph 4.8 of PPS 7 specifically states that the analysis of context is particularly important for back land development. The area of Canada Street, My Lady's Road and London Road and surrounding streets displays a traditional form and layout with terraced dwellings fronting on to the public realm with rear yards and access alleyways. Policy QD 1 of planning policy Statement 7 – Quality Residential Environments also considers the impact of the proposal on the character of the area. It is considered that the proposal fails to take account of the area in its general layout characteristics and does not reflect the best of local tradition and form which does not include back land development with units wholly to the rear with no outlook to the public street / realm resulting in an unacceptable layout, impacting on the amenity of prospective residents and is therefore contrary to criterion (a) of policy QD 1 of PPS 7. This is also reiterated in further guidance including Creating Plans and Living Places – An Urban Stewardship and Design Guide for Northern Ireland.</p>
9.14	<p>The separation distances between the proposal and surrounding properties varies between 1m and 2.88m at its maximum. The restrictive nature of the site and the surrounding built form would result in a perception of being hemmed in and dominance to both prospective and existing residents. All of these are symptoms of over development and indicate that the proposed development exceeds the maximum capacity that the site can accommodate. Therefore the proposal is considered contrary to criterion (h) of policy QD 1 of PPS 7 and criterion (a) and (b) of policy LC1 of the Addendum to PPS 7.</p>
9.15	<p>The proposed apartments 2, 3, 5 and 6 being located to the rear will also not allow for sufficient surveillance, the entries will still be accessed by residents from the 3 terraces and given the narrow entries this will impact on the actual or perceived safety and security for prospective residents. Therefore, contrary to criterion (i) of policy QD1 of PPS7PPS 7 Policy QD1 (i)</p>

	requires personal safety to be considered in housing layouts amplifying text at para 4.39 advises that 'The design of new developments should seek to provide a feeling of security and a sense of vitality in all parts of the layout. To enhance security from crime, the back gardens of dwellings should be enclosed and back onto each other. Public areas such as open spaces, pedestrian routes and cycle linkages should be overlooked by the fronts of dwellings and other buildings to provide maximum surveillance'.
9.16	The proposal will impact the character of the area and result in dwellings that will not integrate into the traditional terraced streets by turning their back on the street and creating dwellings with no outlook onto the street. Paragraphs 4.14 -16 of PPS 7 states, that <i>'the design or house types and other buildings, the relationship between them, their relationships to streets and the spaces created around them will all strongly influence the character of the overall site and its surroundings and contribute significantly to the quality and identity of the new residential environment'</i> . Para.4.15 specifically refers to properties <i>'backed onto nearby roads or other public areas and creating unsightly views'</i> and failing to provide an attractive outlook from the proposed dwellings and views of the proposed dwellings from public areas. Para. 4.16 states <i>'All buildings should be located and orientated to front onto existing and proposed roads to present an attractive outlook'</i> . This development fails to meet this criteria.
9.17	The proposal incorporates obscure windows to avoid over looking to neighbouring dwellings, the use of obscure glazing to any great extent is an indication of over development of the site and again will impact amenity for prospective residents by further impacting their outlook.
	<b><u>Height, Scale and Mass</u></b>
9.18	Height – 7.4m from FFL Eaves – 5.15m from FFL Gable Depth (South eastern elevation along the rear of London Road) – 9.56m Length (Northern elevation) – 12.08m Length (Southern elevation) – 7.88m
9.19	In terms of the existing building on the site, it is a modest two storey building. The proposal represents a significant increase in both footprint and built form. Whilst the proposal will not exceed the ridge height of the adjacent dwellings at Canada Street, My Lady's Road or London Road, It is the cumulative scale, massing and form combined with the proximity and little separation from the additional built form on this restrictive site that renders the proposal unacceptable.
9.20	The proposal would also be out of keeping with the pattern of development in the area. This is demonstrated, by the restrictive layout and the 'hemming in' of the 4 proposed apartments in the back land of the site. The outlook for apartments 2, 3, 5 and 6 is unacceptable with all apartments wholly located to the rear out looking on to the rear returns, yards and entries of those dwellings along Canada Street and London Road. The units taper to the south west and are separated by the alleyway, resulting in these apartments out looking to the rear of these existing dwellings. The proposal would result in back land development with the proposed dwellings having no outlook on to the public street, and whilst a patch of garden is provided the general outlook is to the rear returns and is entirely surrounded by the rears of three rows of terraced dwellings. The rear amenity area provided will then be subjected to overlooking from the exiting terraces, giving a 'gold fish bowl' effect.
	<b><u>Amenity</u></b>
9.21	The proposed floor space for the development is set out below:

	<p>Apartment 1 – 39.65m<sup>2</sup> approx. – 1 bed 2 person  Apartment 2 – 35.75m<sup>2</sup> approx. – 1 bed 2 person  Apartment 3 – 39.71m<sup>2</sup> approx. – 1 bed 2 person  Apartment 4 – 54.90m<sup>2</sup> approx. – 2 bed 4 person  Apartment 5 – 34.96m<sup>2</sup> approx. – 1 bed 2 person  Apartment 6 – 36.46m<sup>2</sup> approx. – 1 bed 2 person</p>
9.22	<p>In terms of the required minimum space standards, the proposed amenity space for the apartments meet and exceed the space standards as set out in Annex A of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas and therefore is in accordance with criterion (c) of policy LC 1.</p>
9.23	<p>Whilst apartments 2 and 3 benefit from their own private amenity spaces of 5.8m<sup>2</sup> and 5.5m<sup>2</sup> approximately which, is separated by the proposed communal amenity area of 54.9m<sup>2</sup> approximately in the southern portion of the site, the areas will be entirely overlooked. Bicycle parking and bin storage provision is located along the north eastern elevation of the proposed apartments and south of those dwellings rear yards along My Lady's Road. The communal space, bin storage and bicycle storage totals to approximately 60.63m<sup>2</sup> and equates to approximately 10.1m<sup>2</sup> per apartment with apartments 2 and 3 also benefiting from their own amenity space. Whilst the amenity space provided is sufficient in terms of meeting the minimum space required it is not appropriate. The context of the site being surrounded by terrace dwellings will be overlooked by those existing properties renders that little privacy will be availed by the prospective residents. Again this is a further symptom of over development and indicate that the proposed development exceeds the maximum capacity that the site can accommodate.</p>
9.24	<p><b><u>Bin Storage</u></b>  In terms of the proposed bin storage, the proposal fails to meet the guidance as set out in the Local Government Waste Storage Guide for Northern Ireland and the Supplementary Waster Storage Guidance for Developments in Belfast. The guidance advises a hardstanding area of 1.8m x 1.2m per dwelling unit and any layout should demonstrate that 6 sets of bins/containers can be accommodated in a way that they can be individually accessed without moving other bins around. The proposal does not provide this and whilst a communal approach would be acceptable and would require fewer bins and less space it would require the developer to provide a written undertaking to arrange for bins and containers to be presented. A clearway of 1m wide should be provided to accommodate the safe and convenient movement of bins/containers from the store to collection point and the proposal is not compliant with this.</p>
9.25	<p><b><u>Impact on Neighbouring Residential Amenity</u></b>  The agent has failed to demonstrate that the scheme will not impact exiting neighbours. In terms of the residential amenity of existing residents, it is considered that the proposal would lack sufficient separation distances and will result in negative amenity impacts. In terms of overlooking the applicant has provided a design and layout that would reduce overlooking from the proposal to existing properties, however the proximity of existing dwellings surrounding all sides of the site would result in an unacceptable degree of overlooking, loss of privacy, dominance and perception of dominance.</p>
9.26	<p>In terms of overshadowing, the shadow analysis requested was not provided and therefore the authority is unable to make a full assessment, however considering the scale of the proposal, the context in which the site is located and the sun path, it is expected that overshadowing will result to both existing and proposed residents which would be to the detriment of their residential amenity and would fail to provide a quality residential environment.</p>

9.27	In the absence of a shadow analysis it is anticipated that the proposal would result in properties 1, 2 and 3 Canada Street being in the shadow in the mornings, properties 103-113 My Lady's Road for a substantial part of the day and properties 3,5 and 7 London Road in the afternoon. This is due to the massing and cumulative impact of the proposed building and additional built form to the rear of 1 Canada Street. It is this combination of the proposal with the sun path that would result in an unacceptable degree of overshadowing and loss of light to those surrounding properties.
9.28	Therefore, the proposed layout is unacceptable and if permitted would detrimentally impact, on the local character and environmental quality of the area and would fail to provide a quality residential environment and is considered to be contrary to criterion (a), (g), (h) and (i) of policy QD 1 of PPS 7 and criterion (a) and (b) of Policy LC 1 of the Addendum to PPS 7.
9.29	<p><b><u>Design &amp; Impact on the Area of Townscape Character</u></b></p> <p>The site is located within the proposed Area of Townscape Character BT 064 as designated by the draft Belfast Metropolitan Area Plan 2004 version. One objection to the proposed ATC designation, noted in the Public Inquiry into the Objections to BMAP 2015 report by the PAC, dated 8<sup>th</sup> July 2011. One in relation to the strategic policy of ATCs within BMAP. No site specific objections to the proposal sites inclusion within the ATC are noted. It is therefore likely, if and when BMAP is lawfully adopted, that the ATC designation would be included and therefore the proposed ATC designation is a material consideration.</p>
9.30	It is considered that the proposed development is contextually inappropriate for the location in which it is proposed. As stated in the applicants statement the proposal will be mostly unseen from the public street, nevertheless it is located within an ATC and is surrounded by 3 rows of terrace dwellings which are also located within the ATC. This site forms part of the surrounding area which those terrace dwelling outlook on to and therefore it is considered that the proposal does not maintain or enhance the overall character or respect the built form of the area, which is also a proposed ATC.
9.31	In terms of ATC policy therefore the underlying concept is to promote legible districts, i.e. to ensure that new development maintains or enhances the overall character of the ATC as an area of distinct character with intrinsic qualities. It is considered that the proposal will have a negative impact on the reading of the proposed ATC Area as an area of distinct character (i.e. a late Victorian, Edwardian era suburban district. The proposal therefore does not maintain or enhance the proposed ATC.
9.32	The proposal is considered to be contrary to paragraphs 4.26 and 6.21 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), in that the proposed development will cause demonstrable harm to interests of acknowledged importance. Paragraph 4.26 of the SPPS, Paragraphs 6.21 of the SPPS states that new development which maintains or enhances the overall character of the area and respects the built form should be permitted. The proposal is considered to be contrary to paragraphs 4.26 and 6.21 of the SPPS and Policy QD1 of PPS7 as it is out of keeping, uncharacteristic within the area and would fail to maintain on enhance the Area of Townscape Character.
9.33	<p><b><u>Applicants Planning Statement</u></b></p> <p>The applicant raised a number of history applications they considered relevant to the consideration of this application.</p> <ul style="list-style-type: none"> <li>• <i>Z/2001/1515/F - 54 &amp; 54 A Sunnyside Street – Demolition of existing building, alteration of existing house and erection of 3 No. dwellings – Granted 21<sup>st</sup> September 2001 - Decision was made by the previous planning Authority pre the introduction to the Addendum to PPS 7.</i></li> </ul>

- *Z/2005/0752/F - Existing garages to rear of Avoniel Parade, Avoniel Rd and Avoniel Drive (Access via Avoniel Parade) - Erection of 3no. 2-storey terraced dwellings – Granted 22<sup>nd</sup> March 2006 – Decision was made the previous Planning Authority pre the introduction to the Addendum to PPS 7.*
- *Z/2013/1465/F – 2 Claremont Mews - Proposed apartment block for 6 apartments with ground floor parking – Allowed at appeal 18<sup>th</sup> January 2016 - The appeal decision was allowed based on the historical approval Z/2006/0671/F. The Commissioner acknowledged the scheme fails PPS7 and it is considered to be a poor decision not to be relied upon or repeated.*
- *LA04/2017/1414/F – 195 Templemore Avenue - Conversion of existing building to create 8 one bedroom apartments, amenity space, bin store, cycle parking and ancillary accommodation – Granted 7<sup>th</sup> December 2017*  
Not comparable – 2 out of 6 units located with rear of building – 4 apartments outlook on to the public street and all apartments are accessed from the public street.

9.34

**Agents Queries**

The agent raised a number of queries which are addressed below:

- *What exactly are the back land development issues, to what and how does this proposal cause harm? - The restrictive nature of the site and the surrounding built form would result in a perception of being hemmed in and dominance to both prospective and existing residents. It is this context, poor outlook and restrictive nature of the site that renders this proposed residential development unsuitable at this location and would not deliver a quality residential environment;*
- *Is Dudley Street the only planning precedent applicable to this application? – Dudley Street appeal (2013/A0178) which was dismissed by the PAC is comparable to the proposal site, in that the site is inserted within the context of back lands of terrace housing, enclosed within the rear elevations and rear returns of the terraces and narrow alleyways in between the north eastern and south eastern boundaries of the site. Similarly the proposed apartments will have no outlook, connection or relationship with the public street and failed to provide a quality residential environment and would create unacceptable damage to residential amenity, harm the living conditions of residents through outlook and set an undesirable precedent. Representations in support of the proposal also similarly highlight the current state of the site with rubbish, collapsing building and decaying of the site as a reason to support the proposed development. However, the commissioner also noted in the Dudley Street appeal that whilst the appellant had also claimed issue with rubbish and anti-social activity on the site, it did not justify approval of the proposal. The proposal is comparable to this appeal decision and it is considered unacceptable.*

9.35

The following matters are addressed in the body of this report.

- *What is the character of the area and how is this proposal not in keeping with that character?*
- *How is the proposal incompatible with the area?*
- *How does the proposal offend or cause harm to the ATC?*
- *On whom and how is overlooking and loss of privacy caused?*



<p>9.36</p>	<ul style="list-style-type: none"> <li>• <i>What is the harm caused by the outlook from the units?</i></li> </ul> <p><b><u>Consideration of Representations</u></b></p> <p>The application has been neighbour notified and advertised in the local press. Two representations of support have been received from Cllr George Dorrian and Christopher Stalford MLA. Their points raised are addressed below;</p> <ul style="list-style-type: none"> <li>• <b><i>The proposal will regenerate the site</i></b> – – Noted. The proposal must be considered under the prevailing planning policy. The weight afforded to determining factors is a matter for the decision maker.</li> <li>• <b><i>Site is run down and a nuisance for neighbours due to rubbish, collapsing building and generally decaying space</i></b> – There is nothing to preclude the landowner from tidying the site, it is his responsibility to ensure the site is maintained in a safe and clean condition.</li> <li>• <b><i>New proposal is clean and regenerates the area whilst maintaining it's local, traditional character</i></b> –The proposal is considered to fail the relevant policy tests.</li> <li>• <b><i>Gated option provides a level of security which will add value to both the proposed and existing properties</i></b> – property value is not a planning material consideration;</li> <li>• <b><i>Spoken with a number of local residents and found them supportive especially those who border the site</i></b> – Noted;</li> <li>• <b><i>Notes proposed properties not facing onto main road but we must work with what space is available and will regenerate a site which otherwise will continue to be unsightly and of no practical positive use</i></b> – whilst re-using land is encouraged, this development will result in a poor level of amenity and fail to provide a quality residential environment</li> <li>• <b><i>Imaginative solution and wishes for proposal to be looked upon favourably</i></b> – Noted. The proposal must be considered under the prevailing planning policy. The weight afforded to determining factors is a matter for the decision maker.</li> </ul>
<p>9.37</p>	<p><b><u>Parking Provision and Access</u></b></p> <p>Transport NI were consulted and have no objection to the proposal subject to the conditioning of the removal of the drop kerbs from the vehicular access at 1 Canada Street and the provision of secure and covered cycle parking to be permanently retained.</p>
<p>9.38</p>	<p><b><u>Other Environmental Factors</u></b></p> <p>NI water were consulted and have no objection to the proposal.</p> <p>Environmental Health were consulted and requested the submission of a Preliminary Risk Assessment, Generic Quantitative Risk Assessment (GQRA), noise impact assessment and an updated site and development-specific Remediation Strategy. Following the submission and consideration of these, Environmental Health has no objection to the proposal.</p>
<p>9.39</p>	<p><b><u>Recommendation</u></b></p> <p>The proposal is considerable to be unacceptable and refusal of planning permission is recommended.</p>
<p>9.40</p>	<p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended. Delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.</p>
<p><b>10.0</b></p>	<p><b>Summary of Recommendation:</b> Refusal</p>

<b>11.0</b>	<p><b>Refusal Reasons</b></p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, introduce an unacceptable layout, form and scale to a restricted site resulting in overdevelopment of the site which would fail to provide a quality residential environment to the detriment of the amenity of prospective residents in terms of poor outlook, inappropriate amenity space provision, poor surveillance and inadequate storage for bins.</li> <li>2. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, introduce an unacceptable layout, form and scale to a restricted site resulting in overdevelopment of the site which would fail to provide a quality residential environment to the detriment of the amenity of existing residents in terms of dominance, shadow, loss of light and overlooking.</li> <li>3. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments and to Policy LC1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas, in that the development would, if permitted, not be in keeping with the overall character and environmental quality of the established residential area and proposed ATC in that If permitted would result in an over developed site and pattern of development which would introduce to the location an uncharacteristic layout to the detriment of the quality of the area.</li> <li>4. The proposal is contrary Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments, paragraphs 4.11 and 4.12 of the Strategic Planning Policy Statement (SPPS) for Northern Ireland and Living Places in that if permitted would result in a layout that is not designed to promote safety and security and has the potential to detrimentally impact on the residential amenity of prospective residents.</li> </ol>
<p><b>Notification to Department (if relevant)</b></p> <p>N/A</p>	
<p><b>Representations from Elected members:</b></p> <p>Cllr George Dorrian</p>	

<b>ANNEX</b>	
<b>Date Valid</b>	22nd July 2020
<b>Date First Advertised</b>	31st July 2020
<b>Date Last Advertised</b>	6th November 2020
<p><b>Details of Neighbour Notification</b> (all addresses)</p> <p>The Owner/Occupier, 1 London Road,Belfast,Down,BT6 8EY</p> <p>The Owner/Occupier, 101 My Ladys Road,Belfast,Down,BT6 8BZ</p> <p>The Owner/Occupier, 102 Richardson Street,Belfast,Down,BT6 8DY</p> <p>The Owner/Occupier, 103 My Ladys Road,Belfast,Down,BT6 8FE</p> <p>The Owner/Occupier, 105 My Ladys Road,Belfast,Down,BT6 8FE</p> <p>The Owner/Occupier, 107 My Ladys Road,Belfast,Down,BT6 8FE</p> <p>The Owner/Occupier, 109 My Ladys Road,Belfast,Down,BT6 8FE</p> <p>The Owner/Occupier, 11 London Road,Belfast,Down,BT6 8EY</p> <p>The Owner/Occupier, 111 My Ladys Road,Belfast,Down,BT6 8FE</p> <p>The Owner/Occupier, 113 My Ladys Road,Belfast,Down,BT6 8FE</p> <p>The Owner/Occupier, 115-119 ,My Ladys Road,Belfast,Down,BT6 8FE</p> <p>Christopher Stalford 127-145, Unit 4, Sandy Row, Belfast, Antrim, Northern Ireland, BT12 5ET</p> <p>The Owner/Occupier, 13 London Road,Belfast,Down,BT6 8EY</p> <p>The Owner/Occupier, 15 London Road,Belfast,Down,BT6 8EY</p> <p>The Owner/Occupier, 2 Canada Street,Belfast,Down,BT6 8DZ</p> <p>The Owner/Occupier, 3 Canada Street,Belfast,Down,BT6 8DZ</p> <p>The Owner/Occupier, 3 London Road,Belfast,Down,BT6 8EY</p> <p>The Owner/Occupier, 4 Canada Street,Belfast,Down,BT6 8DZ</p> <p>The Owner/Occupier, 5 Canada Street,Belfast,Down,BT6 8DZ</p> <p>The Owner/Occupier, 5 London Road,Belfast,Down,BT6 8EY</p>	

<p>The Owner/Occupier, 6 Canada Street,Belfast,Down,BT6 8DZ The Owner/Occupier, 7 Canada Street,Belfast,Down,BT6 8DZ The Owner/Occupier, 7 London Road,Belfast,Down,BT6 8EY The Owner/Occupier, 9 London Road,Belfast,Down,BT6 8EY George Dorrian</p>	
<b>Date of Last Neighbour Notification</b>	27 <sup>th</sup> October 2020
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>	
<p>Ref ID: LA04/2017/0376/F Proposal: Erection of 2 storey replacement rear return to existing dwelling at 1 Canada Street, and demolition of dwelling and other ancillary buildings and structures and erection of 2no dwellings and ancillary domestic storage building at 1a Canada Street (to the rear of 1 Canada Street) and associated works Address: 1 and 1A Canada Street, Belfast, BT6 8DZ, Decision: Refused – Extension to 1 Canada Street allowed at appeal following removal of 2no.dwellings from appeal proposal. Decision Date: 22.06.2017</p> <p>Ref ID: LA04/2018/0466/O Proposal: Demolition of buildings and structures and erection of single dwelling Address: 1A Canada Street, Belfast, BT6 8DZ, Decision: Refused Decision Date: 11.05.2018</p> <p>Ref ID: Z/2002/1112 Proposal: Ground floor kitchen extension to rear of dwelling under existing first floor bathroom Address: 1 Canada Street, Belfast Decision: Granted Decision Date: 11.05.2018</p>	
<b>Drawing Numbers and Title</b>	
<p>Drawing No. Type:</p>	

