

## Committee Application Addendum Report 3

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2020/0847/F	<b>Date of Committee:</b> Tuesday 15 <sup>th</sup> March 2022
<b>Proposal:</b> Partial demolition and redevelopment of existing buildings to provide 15 apartments (social housing units), communal bin store and external amenity space (Amended Description)	<b>Location:</b> 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b>	<b>Approval (Previously refusal)</b>
<b>Applicant Name and Address:</b> HOLG Ltd 159 Durham Street Belfast	<b>Agent Name and Address:</b> Carlin Planning Limited Forsyth House Cromac Street Belfast

### **ADDENDUM REPORT**

This full application was previously listed for Planning Committee on 15<sup>th</sup> June 2021. The item was deferred to allow the members of the Planning Committee to visit the site. The site visit took place on Tuesday 10<sup>th</sup> August 2021. The application was subsequently relisted for Planning Committee on 17<sup>th</sup> August 2021, however the application was withdrawn from the agenda as amended drawings were submitted late and the proposal description was amended.

Further to this, the application was subsequently resolved to refuse by the Planning Committee on Thursday 21<sup>st</sup> October 2021 for the following reasons:

- 1) The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the scheme results in overdevelopment of the site as it fails to provide a quality residential environment for prospective residents due to inadequate and inappropriate public and private amenity space; and
- 2) The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the proposed amenity space will result in an unacceptable adverse impact on proposed residents by way of noise and nuisance.

Members should read this Addendum Report in conjunction with the original full detailed planning report and previous addendum report attached below.

#### **Receipt of Amended Drawings**

An amended P1 form and drawings were submitted on 22<sup>nd</sup> October 2021, the day after the October Planning Committee meeting. The amended drawings included the reduction of 1 residential unit and the addition of a roof terrace on the 3<sup>rd</sup> floor.

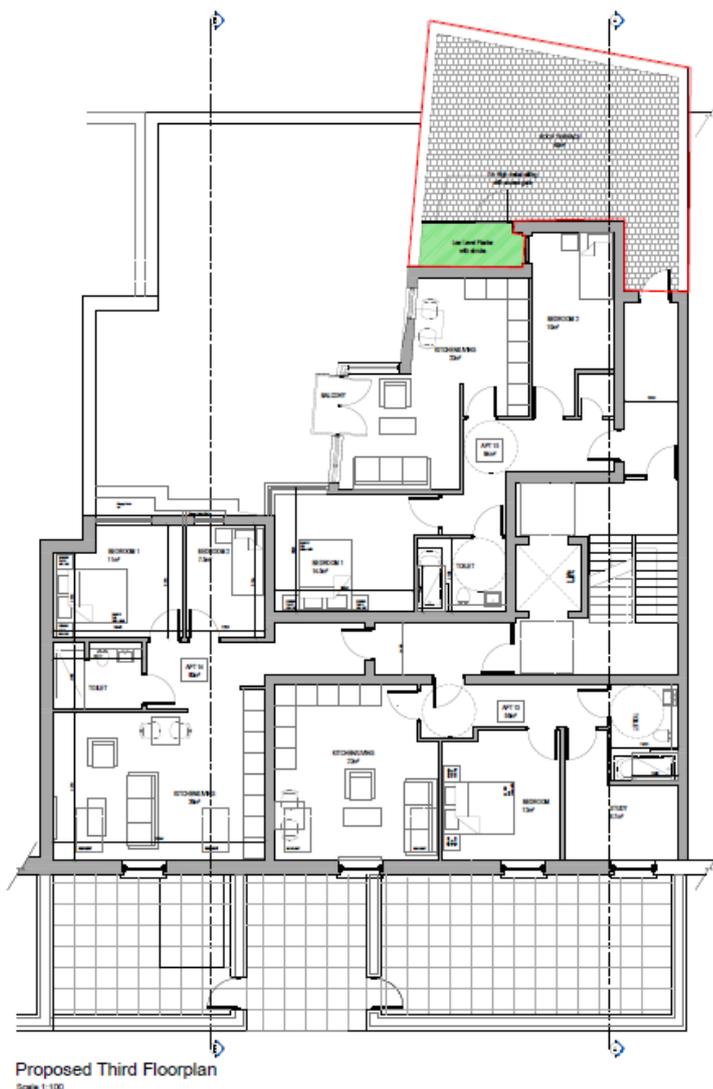
The Planning Department took legal advice regarding the submission of the drawings. Whilst the amendments addressed the refusal reasons in respect of the provision of amenity space (i.e. amenity space provision in excess of 10 sq m per unit), additional concerns were raised regarding personal

safety and overlooking. There is no legislative provision to require the Council to consider amended plans at any point in the planning process, however the Council is duty bound to have regard to all material considerations. In this case, the amended drawings addressed the Council's concerns with regard to proposed amenity space, in accordance with the guidance in Creating Places.

The additional concerns in relation to overlooking and personal safety were not considered to be insurmountable, and the agent submitted further amended drawings to address these concerns. The amended Drawing No's 05D and 06E were uploaded to the Planning portal on 4<sup>th</sup> February 2022. The amended application was re-advertised in the local press, additional neighbour notification was undertaken and the Conservation Area Officer (CAO) was reconsulted.

The amendments result in the reconfiguration of the third floor:

- Reduction in number of apartments on third floor from 4 to 3. Apartment 16 on the previous drawings is now known as Apartment 15. The apartment has been reconfigured to provide two bedrooms instead of one (3 person 2 bedroom apartment).
- Roof terrace (measuring approx. 40 sq metres) proposed at the rear of the third floor, shown edged red in the below floorplan. The roof terrace includes a small, landscaped area immediately adjacent to the window of Bedroom 2 of Apartment 15. This provides defensible space and mitigates potential overlooking from the roof terrace.



- The roof terrace is bound by a brick wall with coping on top. The height of the boundary has been increased to 1.4 m due to personal safety and overlooking concerns.



Proposed University Road (Rear Elevation)  
Scale 1:100

### Update on Belfast dLDP

The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.

### Amenity Space

The provision of the roof terrace results in an additional 40 sq metres of amenity space within the proposed development. The reduction in number of units also results in a reduction in the quantity of amenity space required. The overall amenity space provision is now 177 sq metres, equating to 11.8 sq metres per unit.

As per the previous Addendum report, it is acknowledged that the application site is located within an inner urban location and it is therefore accepted that amenity space of 10 sq m per unit would be acceptable.

The previous Addendum report expressed concern regarding the over reliance on the two private amenity areas at the front of the building. Whilst concerns regarding the quality of these two areas remain, the addition of the 3<sup>rd</sup> floor roof terrace offers additional choice and space for prospective residents. Given the proposal now complies with the guidelines of Creating Places, it is considered that the proposed amenity space is acceptable.

#### Representations

One additional objection has been received in respect of the proposal. The objection stated that the buildings within the existing terrace were originally residential in the form of individual dwellings separated by party walls. It also states that the residential aspect is entirely removed and of no comparable form in latest proposals.

#### *Response*

*No. 25 and 27 University Road had been in use as a restaurant for a significant period of time, prior to the fire. The earliest planning permissions in relation to this use date back to the late 1980s (ref. Z/1987/2381 and Z/1989/0933). The existing drawings submitted as part of this application show that No. 25 and 27 had been merged, with open plan dining on the ground floor. As previously noted, No. 29 University Road was redeveloped approximately 17-19 years ago, in accordance with previous approval(s) Z/2002/1532/F and Z/2002/1533/F, therefore it is a relatively modern building.*

#### Conservation Area Officer (CAO)

The CAO has provided additional comments on the proposed development, advising that previous concerns in relation to the rear return and rear dormers remain. The CAO acknowledges that consideration of the application is likely at too advanced a stage but advised that ideally, the ground floor restoration should be based on accurate historical record which *may* have indicated central doorcases, with gate access to boundaries to each. He also advised that rooflights should be of a conservation type and suggested this could be conditioned in the event of approval. He also advised that metal cladding to front dormers should have a lead type appearance.

The CAO's comments in relation to the ground floor are noted, however it is acknowledged that this wasn't raised previously, and the application is now at an advanced stage of the process. The CAO notes that the historical record *may* have indicated central doorcases etc, however there is no evidence of this. As noted earlier in this report, No. 25 and 27 have been merged for use as a restaurant with an open plan ground floor for a significant period of time and No. 29 was redeveloped approximately 17-19 years ago.

The CAO's suggestions regarding the style / material of rooflights and dormers on the front elevation are noted and appropriate conditions can be imposed in the event of approval.

#### Section 76

A Planning Agreement will be necessary as no parking is provided for the scheme, this will secure a Travel Plan to provide membership of a Car Club, membership of Belfast Bikes and travel cards for 3 years. The Agreement will also secure a façade retention system to ensure the building fabric, important to the appearance of the Conservation Area is secured during construction, retained and repaired where necessary.

#### **Recommendation – APPROVAL**

On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and Section 76 agreement. It is recommended that authority is delegated to The Director of Planning and Building Control to finalise the wording of any conditions and to agree a Section 76 in relation to green travel measures and securing the retention of the building façade during demolition works.

## Committee Application Addendum Report 2

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2020/0847/F	<b>Date of Committee:</b> 21 <sup>st</sup> October 2021
<b>Proposal:</b> Partial demolition and redevelopment of existing buildings to provide 16 apartments (social housing units), which comprise 10 one bedroom and 6 two-bedroom units and communal bin store (Amended Description and Drawings)	<b>Location:</b> 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b>	<b>REFUSAL (Previously approval)</b>
<b>Applicant Name and Address:</b> HOLG Ltd 159 Durham Street Belfast	<b>Agent Name and Address:</b> Carlin Planning Limited Forsyth House Cromac Street Belfast
<b><u>ADDENDUM REPORT</u></b>	
<p>This full application was previously listed for Planning Committee on 15<sup>th</sup> June 2021. The item was deferred to allow the members of the Planning Committee to visit the site. The site visit took place on Tuesday 10<sup>th</sup> August 2021. The application was subsequently relisted for Planning Committee on 17<sup>th</sup> August 2021, however the application was withdrawn from the agenda as amended drawings were submitted late and the proposal description was amended.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report and previous addendum report attached below.</p> <p>This application was previously recommended for approval, subject to a Section 76 agreement to secure the inclusion of an area of rear amenity. Following the submission of amendments, including a change of the description to social housing and the removal of the rear communal amenity area, this application is now recommended for refusal for the reason set out below.</p> <p><u>Amendments</u></p> <p>The proposal description has been amended to 'Partial demolition and redevelopment of existing buildings to provide 16 apartments (social housing units), which comprise 10 one bedroom and 6 two-bedroom units and communal bin store'.</p> <p>Additionally, amended drawings have been received which include the following changes:</p> <ul style="list-style-type: none"> <li>• Removal of rear communal amenity area.</li> <li>• Relocation of bin store / cycle parking area.</li> <li>• Amendment of internal floor plans.</li> </ul> <p>Representations</p>	

Two further objections have been received in relation to the development. Both objectors had previously objected to the proposal. Additional issues raised include:

- Fire safety issues – there is only one means of escape and one stair to upper levels. Poor design from a fire safety perspective.
- No mature landscaping is proposed.
- Proposed residential use is not suitable for this location.
- Proposed density is unacceptable.
- Proposed development does not represent family accommodation and is not suitable for special needs use.
- Potential structural / subsidence issues.

#### Amenity Space

The amended proposal includes the removal of the communal amenity space located at the rear of the site. The agent has advised that the overgrown area to the rear will be cleared and grassed, to improve the visual appearance / outlook, but not included as formal amenity space. Consequently, the total area of proposed amenity space is approximately 137 sq m, equating to 8.5 sq m per apartment (please note this is a correction to the previous stated measurement (as 123 square metres). Whilst the applicant states that the area will be improved, the area is not within the ownership or control of the applicant and no longer forms part of the application.

The agent has provided additional information in support of the proposed amenity space. The additional information identifies potential 'precedent' cases whereby the Council has previously accepted a reduced standard of amenity space. Further consideration of these 'precedent' cases is included later in this report. In addition, the agent states that the proposed development is circa 1 minute walking distance from Crescent Gardens. In conclusion, the agent states that *'it is difficult to grasp how the public interest is better served by refusing this planning application, as the provision of amenity space far exceeds the level being approved in other developments across the City, the proposed development will greatly enhance the Conservation Area and deliver 16 quality residential units to address the social housing need confirmed by Radius and NIHE. The balance is clearly in favour of approval'*.

Para 5.20 of 'Creating Places' advises that *'private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to around 30 sq m per unit. The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. Generally developments in inner urban locations and other high-density areas will tend towards the lower figure'*.

It is acknowledged that the application site is located within an inner urban location and it is therefore accepted that amenity space of 10 sq m per unit would be acceptable.

The proposed amenity space breaks down as follows:

Courtyard – 39 sq m

Apartment 1 – 38 sq m

Apartment 2 – 24.5 sq m

Apartment 3 – 19 sq m

Apartment 4 – 12.5 sq m

Apartment 7, 8, 11, 12, 15, 16 – 6 sq m (each apartment has a balcony measuring 1 sq m).

10 of the proposed apartments benefit from some degree of private open space (from small balconies to large patio areas), however 6 apartments have no private amenity and are thus completely reliant on the small communal courtyard at the rear of the site.

Para 5.20 of 'Creating Places' puts emphasis on private *communal* open space in the form of landscaped areas, courtyards and roof gardens. It is noted that only 39 sq m of the proposed amenity space is communal amenity space.

A large proportion of the proposed amenity space relates to two private areas at the front of the building for Apartment No's 1 and 2 (approximately 62.5 sq m – approximately 45% of the total proposed space). It is not considered that this area represents a quality amenity space, due to the noise associated with traffic along University Road. Para 8.40 of the original case officer report stated '*that it is unlikely that recommended WHO guideline limits would be met*' in relation to the two front areas and the proposed balconies. EHO noted the additional communal amenity area at the rear of the proposed development and advised that it is likely that noise level during the day may achieve levels below the recommended noise limit as residents had the choice of using this area. EHO also refer to British Standard guidance regarding noise '*the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBLAeq,16hr*'. The standard continues, however, as follows: "*these guideline values may not be achievable in all circumstances where development might be desirable. In such a situation development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited*'.

As the original scheme included the rear communal garden, which would have been protected to a great extent from traffic and street noise, the original case officer report concluded that, given the various amenity options within the development, the proposal was considered acceptable in terms of noise. However, following amendments removing the rear amenity area and reducing the total amenity space to approximately 137 sq metres, it is now considered that the scheme is more reliant on the small amenity space provided at the front and balconies and it now falls short in terms of both space and quality of space. Consequently, it is now considered that the proposed amenity space will result in an unacceptable adverse effect on proposed properties in terms of noise.

Whilst a communal courtyard is proposed at the rear of the development, it is minimal at approximately 39 sq metres and likely to be overshadowed for a significant period of the day.

The agent raised the close proximity of Crescent Gardens, King William Park and Mount Charles Gardens as public areas of open space easily accessed from the proposed development. Although it is acknowledged that the proposed development is located in relatively close proximity to these public areas, it is not considered that this is an acceptable substitute for the deficit of communal space within the proposed development.

Members will be aware of the 'Eia Street' appeal decision (PAC ref. 2018/A0070), whereby the Council refused permission for 15 apartments as adequate provision was not made for appropriate open space as an integral part of the development. Approximately 80 sq m of open space was proposed within the application site, with the developer relying on close proximity to public parks to make up the shortfall. The PAC agreed with the Council's reason for refusal and dismissed the appeal (the other refusal reason was not sustained). It is however acknowledged that all planning applications are considered on their own merits and the Eia Street example differs from the proposed development, in that it was not located along an arterial route.

#### Suggested Precedent cases

The agent has submitted a number of examples of previous cases whereby the Council has departed from Policy QD1 and the advice contained in 'Creating Places' to allow residential developments with a reduced standard of amenity. As noted in the above paragraph, all planning applications are considered on their own merits and are rarely directly comparable. Notwithstanding this, each suggested 'precedent' application is considered below:

*LA04/2017/1268/F – Refurbishment and Change of use to 18 No. apartments – 14-16 Upper Crescent*

This application was approved with a reduced standard of amenity space as the proposal involved the re-use of an existing vacant listed building. The building is also located directly adjacent to Crescent Gardens.

*LA04/2016/0967/F – Proposed eight storey residential development comprising 88 apartments – 55-71 Ormeau Road*

The site is located within the city centre. The case officer report advises of issues with the proposed development, however, notes there is a legitimate 'fall back' scenario. Approval was recommended with determining weight given to the planning history of the site.

*LA04/2019/0517/F – Residential development comprising 154 units – El Divino Nightclub*

The site is located within the city centre. The case officer report states that 'the amount of provision is considered acceptable, on balance, given the circumstances of the site with the open space area adjacent to the building and the improvements proposed to it, and location on the riverbank with riverside access'.

*LA04/2017/2811/F – 16 storey residential building comprising 90 units – 81-87 Academy Street & 2-6 Exchange Street*

The site is located within the city centre. Total provision of amenity space is approximately 480 sq m. The case officer report states that 'Given the inner urban context of the site this level of amenity is acceptable'.

*LA04/2019/2387/F – Residential development comprising 151 apartments – Lands adjacent to Quay Gate House, 15 Scrabo Street*

The site is located within the city centre. The case officer report states 'Total communal provision equates to approximately 756sqm, or 5sqm per unit. The majority of apartments also have small outdoor balcony areas. The amount of provision is considered acceptable, on balance, given the circumstances of the site and proximity to open space along the River Lagan'.

*LA04/2020/2280/F - Proposed mixed use development comprising 1no. ground floor retail unit and 13no. apartments – 93-95 Falls Road*

This proposal has not yet been decided, however it has been previously brought before Planning committee. The committee report states 'the total area of the 2 spaces is 43sqm. This falls short of the minimum provision of 10sqm for each apartment as set out in Creating Places, however with Dunville Park directly opposite, a reduced provision is considered acceptable for this inner urban location along an arterial route'. In this case, Dunville Park is located directly opposite the proposed development.

*LA04/2020/0732/F - Change of use of first and second floor from office to 2No. apartments – 32 University Road*

This site is located directly opposite to the application site. The case officer report indicates that the reduction in amenity space standards is acceptable given the accessibility to existing public open space at Crescent Gardens and Botanic Gardens. It is noted that this application related to a change of use of an existing building, rather than demolition and redevelopment. In such circumstances, it is conceivable that a reduction in amenity space standards may be acceptable.

*LA04/2017/2463/F – Mixed use proposal including change of use of first and second floor level to provide 4 apartment units – 43-47 University Road*

This site is located approximately 70 metres south of the application site. The case officer report confirms no amenity space is provided with the proposal, however justification is given, stating that flat conversions are common in the area and Botanic Gardens is located in close proximity. Similarly to the above example, this application relates to a change of use, rather than demolition and redevelopment. In such circumstances, it is conceivable that a reduction in amenity space standards may be acceptable. Furthermore, in this example, the subject buildings were listed, therefore the proposed residential use offers a sustainable future use for the building.

*LA04/2020/2328/F - Conversion into 6no self-contained apartments – 4 Eglantine Avenue*

This proposed development does not fail the policy tests in relation to amenity space.

*LA04/2020/2494/RM - Demolition of existing building and construction of 6 apartments – 93-95 Castlereagh Road*

The approved site layout shows two specific areas of external amenity space measuring approximately 32 sq m. In addition to this specific area, there is also an area at the side of the building measuring approximately 30 sq m. The case officer report notes that the proposal has a reduced amenity space, however this does not appear to be the case upon review of the approved drawings. Furthermore, although it is acknowledged that this site is located on an arterial route, in contrast to this application, EHO did not raise any issues regarding noise within the external amenity area at the front.

NIHE consultation response

NIHE were consulted on the proposal as the proposal description was amended to refer specifically to social housing.

NIHE advised that *'the proposal is situated within an area of strong housing need in Belfast and The Housing Executive carries out Housing Need Assessments (HNA) annually across all relevant Common Landlord Areas. This proposed development site is located within Lower Ormeau & Markets HNA which has a five year unmet social housing need of 200 units.'*

NIHE advise that they are aware that the developer is in contact with a Housing Association regarding the proposed apartments, however they advise that *'the units proposed do not appear to meet DfC Design Standards for social housing'*.

Internal floorspace

Para 8.37 of the original case officer report stated that *'Policy LC1 does not apply to this proposed development as the site location is not within an 'established residential area' as defined by Annex E of PPS 7 Addendum. Although the policy does not apply, it is noted that only 7 of the proposed apartments comply with the space standards, as set out in Annex A'*.

Amended floorplans have been submitted to partially address the issue raised regarding internal floorspace. Four apartments, No's 2, 5, 9 and 13 have all been amended from 3 person 2 bedroom apartments to 2 person 1 bedroom apartments with a study. Apartment No's 1, 3, 8, 12 and 16 have an internal floorspace less than 50 sq m, however the floor plan graphic shows that they are designed for 2 persons with 1 bedroom. Consequently, the Council previously concluded that these 5 apartments were also below the space standards as set out in Annex A of PPS 7 Addendum. Additionally, it is noted that NIHE also came to the same conclusion. The agent has now submitted a supporting statement clarifying that these apartments are designed for use by 1 person. The required floorspace for a 1 person 1 bedroom apartment is 35 sq m; the proposed floorspace of all 5 apartments is in excess of 35 sq m therefore it is considered that the proposed internal floorspaces of each apartment accords with the space standards, as set out in Annex A. If members are minded to approve the application, this arrangement can be supported by planning condition.

Summary

The agent has provided amendments and clarification regarding the internal floorspace standards of the proposed apartments. Consequently, it is considered that these previous concerns have been addressed.

However, concerns regarding the proposed amenity space remain unaddressed. As noted above, the proposed amenity space totals 137 sq m, equating to 8.5 sq m per unit. 'Creating Places' advises that private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens and should range from 10 sq m to 30 sq m per unit, depending on the site context. Given the application site is located within an inner urban setting and on an arterial route, it is considered that a

provision of 10 sq m per unit would be acceptable. Although the overall amenity space totals 137 sq m, it is noted that only 39 sq m of the overall provision relates to communal open space.

Furthermore, as noted above, a large proportion of the proposed amenity space relates to two private areas at the front of the building for Apartment No's 1 and 2. EHO have previously provided comments, advising of concerns regarding noise within these areas and to a lesser extent, the balconies at the rear.

The application was previously recommended for approval when it was initially listed for the June Planning Committee. The report set out concerns with the proposal, however it was recommended for an on balance approval. At that stage, the proposed amenity space was well in excess of the recommended standards and contributed to the approval recommendation. However, following the reduction of the proposed amenity space to below standards, it is now considered, on balance, that the proposed development should be refused for the reasons below.

**RECOMMENDATION: REFUSAL**

Refusal Reasons:

- 1) The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the scheme results in overdevelopment of the site as it fails to provide a quality residential environment for prospective residents due to inadequate and inappropriate public and private amenity space.
- 2) The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the proposed amenity space will result in an unacceptable adverse impact on proposed residents by way of noise and nuisance.

## Committee Application Addendum Report 1

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2020/0847/F	<b>Date of Committee:</b> 17 August 2021
<b>Proposal:</b> Partial demolition and redevelopment of existing buildings to provide 16 apartments (social housing units), communal bin store and landscaped communal garden (Amended Description and Drawings)	<b>Location:</b> 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b>	<b>REFUSAL (Previously approval)</b>
<b>Applicant Name and Address:</b> HOLG Ltd 159 Durham Street Belfast	<b>Agent Name and Address:</b> Carlin Planning Limited Forsyth House Cromac Street Belfast
<p><b><u>ADDENDUM REPORT</u></b></p> <p>This full application was previously listed for Planning Committee on 15<sup>th</sup> June 2021. The item was deferred to allow the members of the Planning Committee to visit the site. The site visit took place on Tuesday 10<sup>th</sup> August 2021.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p><u>Further Representations</u></p> <p>Prior to the June Planning Committee meeting, three additional objections were received in relation to the above proposed development (details of which were included in the late items for the June meeting). The content of the objections are detailed below:</p> <p>Email received on 11<sup>th</sup> June 2021 from one objector raising the following issues:</p> <ul style="list-style-type: none"> <li>• The objector notes planning approval and questions why he has not been notified of the outcome of the application.</li> <li>• Issues previously raised by objector are not indicated in the Planning Service Public Statement.</li> <li>• The clash of two areas, one an Area of Townscape character (ATC) and one a Conservation Area (CA) have not been properly addressed. DFC Heritage advice through the PAC states their concerns that this clash is in need of addressing. It is a material consideration the application falters on.</li> <li>• This is contrary to the requirement for due consideration at a time when the difficulties of formal / informal approaches have been hugely impacted. Caution in taking decisions in these circumstances is not evident.</li> <li>• Objector advises that he intends to seek a judicial review on the grounds of proposal failing to full address the ATC and CA standards as PAC and DFC have made intentional in their planning service instructions. This includes high density occupation of areas and overspill in</li> </ul>	

granting more high-density occupation in oversaturated area outside the 'Holylands' and is evident in the absence of previously formed HMOs which this proposal is a variation of.

With regard to this objection, members should note the following points:

- Applications LA04/2020/0847/F and LA04/2020/1208/DCA have not been approved. Both applications were previously recommended for approval and listed for presentation at the June Planning Committee meeting, during which the applications were deferred for a committee site visit.
- The issues previously raised by the objector were summarised and addressed in the report for LA04/2020/0847/F.
- Issues pertaining to the ATC and CA designation are discussed in the case officer report for LA04/2020/0847/F. The other application LA04/2020/1208/DCA relates to the proposed demolition within the CA, therefore only the CA was considered in respect of this application.
- Initial neighbour notification for LA04/2020/0847/F took place on 16<sup>th</sup> June 2020, with further notification taking place on 25<sup>th</sup> November 2020 and 19<sup>th</sup> May 2021.
- The objector was notified on 19<sup>th</sup> May 2021 following submission of amended drawings.
- Case officer report for LA04/2020/0847/F provides assessment of residential density of proposal in relation to surrounding context.
- The proposed development relates to residential apartments. HMOs are not included within the proposal. In the event of approval, planning permission would be required to change the use to HMO.

Following the Council's response to the above email, a further email from the same objector was received on 15<sup>th</sup> June 2021:

- The email advised that there are material considerations not accounted for which compromise the current considerations and may make them subject to judicial review if not properly considered.
- Access to the application site from Claremont Street is via an existing archway. The objector advises that timber bearings and unsound structural arch support the first floor flat above and advises that this is not in the ownership of the applicant. Fire access is severely compromised at this point due to minimal headroom, structural defects and subject to other's control.
- Issue regarding the potential use of the internal stairs as a means of escape in emergency.
- Paladins and refuse storage on street pavement are in front of 3 Levels Restaurant fire exit and delivery point.

With regard to this second email, members should note the following points:

- The issues raised were considered in the original case officer report, with exception of proposed refuse storage in front of the '3 Levels Restaurant'.
- The structural issues and potential fire escape issues will be assessed by Building Control. Building Control are the relevant Authority to assess compliance with the Building Regulations.
- The proposal does not include car parking. The 2 no. parking spaces marked on Drawing No. 01B are for the use of the owner of No. 23. Therefore, it is anticipated that the majority of people accessing the rear of the site via the archway will be on foot or bicycle.
- The proposed development does not include paladin fencing on Claremont Street. Bins are stored at the rear of the site within a secured area. Bins will only be stored on Claremont Street temporarily on collection days.

A further objection was received from Ulster Architectural Heritage on 15<sup>th</sup> June 2021. The letter states:

*Ulster Architectural Heritage objects to the above applications and supports the Planning Officer's report which concludes that the proposals would be contrary to policy.*

*To grant demolition and partial demolitions of the properties, which are situated in a conservation area, would be contrary to policies PPS6 BH14, BH10 and BH12.*

*On these grounds, UAH calls for the application to be refused and new proposals brought forward which are more sympathetic to the historic buildings and maintain their material contribution to the Queens Conservation Area.*

Members should note that the original case officer report did not conclude that the proposal is contrary to policy. Initially, the Case officer report concludes that, on balance, the proposed demolition and development complies with the policy tests of the SPPS and PPS 6.

Subsequent to the June Planning Committee, a further objection (including photographs) was received dated 23<sup>rd</sup> June 2021. This objection raised the following issues:

- Fire Safety and the uncontrolled means of escape.
- Structural Archway is supported on timber bearings, which are in very unsound condition.
- The applicant has ignored these issues as well as several other aspects of Fire Safety.

#### Amended Scheme and Reconsideration

On 4<sup>th</sup> August, the agent submitted amendments, specifically relating to the description of the proposal and proposed drawings. The proposal description has been amended to '**Partial demolition and redevelopment of existing buildings to provide 16 apartments (social housing units), communal bin store and landscaped communal garden**'. The proposed drawings have been amended to show the removal of the landscaped garden at the rear.

It is noted that the proposal description still refers to the landscaped communal garden which has been removed. It is also noted that the drawing notes refer to the proposed amenity space of the original scheme, not the amended scheme.

The agent has advised the Council that the applicant is in advanced discussions with Radius Housing Association (HA) and has indicated that there is significant social housing need in the area. The site has also been registered with Northern Ireland Housing Executive (NIHE). The Council has consulted with NIHE, however no response has yet been received. It is anticipated that members will be updated through the late items.

#### Amenity Space Provision

The agent has advised that Radius HA have indicated that they do not want the communal garden area at the rear of the development as it will be difficult to manage and maintain. The agent has advised that the overgrown area to the rear will be cleared and grassed, to improve the visual appearance / outlook, but not included as formal amenity space. Consequently, this results in a total amenity space of approximately 123 sq metres, equating to approximately 7.7 sq metres per apartment

The agent has advised that the Council has previously accepted reduced amenity space standards for similar residential schemes, with previous approval LA04/2017/1268/F referenced as a potential precedent. Upon further consideration of this approved development, it is acknowledged that the proposed amenity space was lower than the proposed development. However, the 'precedent' scheme involved the re-use of listed buildings on Upper Crescent which has direct access to Crescent Gardens directly opposite the site. Consequently, it is not considered that this previous approval represents a precedent for a reduction in amenity space.

Reduced Amenity Space and Noise Impact

It is also noted that 55 sq metres of the proposed amenity space relates to two private areas at the front of the building for Apartment No's 1 and 2. It is not considered that this area represents a quality amenity space, due to the noise associated with traffic along University Road. Para 8.40 of the original case officer report stated '*that it is unlikely that recommended WHO guideline limits would be met*' in relation to the two front areas and the proposed balconies. EHO noted the additional communal amenity area at the rear of the proposed development and advised that it is likely that noise level during the day may achieve levels below the recommended noise limit as residents had the choice of using this area. EHO also refer to British Standard guidance regarding noise '*the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBLAeq, 16hr*'. The standard continues, however, as follows: '*these guideline values may not be achievable in all circumstances where development might be desirable. In such a situation development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited*'.

As the original scheme included the rear communal garden, which would have been protected to a great extent from traffic and street noise, the case officer report concluded that, that given the various amenity options within the development, the proposal was considered acceptable in terms of noise. However, following amendments removing the rear garden and reducing the total amenity space to approximately 123 sq metres, it is now considered that the scheme is more reliant on the small amenity space provided at the front and balconies and it now falls short in terms of both space and quality of space. Consequently, it is now considered that the proposed amenity space will result in an unacceptable adverse effect on proposed properties in terms of noise.

Whilst a communal courtyard is proposed at the rear of the development, it is minimal at approximately 35 sq metres and likely to be overshadowed for a significant period of the day and therefore again is not appropriate.

Internal Space Standards

Para 8.37 of the original case officer report stated that '*Policy LC1 does not apply to this proposed development as the site location is not within an 'established residential area' as defined by Annex E of PPS 7 Addendum. Although the policy does not apply, it is noted that only 7 of the proposed apartments comply with the space standards, as set out in Annex A*'.

The proposed development has now been amended to 'social' housing specifically. It is noted that the space standards contained within Annex A of PPS 7 Addendum have been derived from DSD's Housing Association Guide 2009: Design Standards. Consequently, it appears that over half, 9 out of 16, of the proposed apartments are below the standard internal floor area. This is unacceptable, as the impact on the quality of residential environment for this small space living accommodation is exacerbated by the loss of amenity through the loss of the rear garden area. Therefore, it is considered that the loss of space results in unacceptable over development of the site.

**RECOMMENDATION: REFUSAL**Refusal Reasons:

1. The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the scheme results in overdevelopment of the site as it fails to provide a quality residential environment for prospective residents due to inadequate and inappropriate public and private amenity space; the internal living space fails to meet the standards set out and will further

impact the quality of the living environment due to the failure to provide adequate and appropriate amenity space.

2. The proposed is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the proposed amenity space will result in an unacceptable adverse impact on proposed residents by way of noise and nuisance.

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2020/0847/F	<b>Date of Committee:</b> 15 June 2021
<b>Proposal:</b> Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden (Amended Drawings / Additional Information)	<b>Location:</b> 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b> APPROVAL	
<b>Applicant Name and Address:</b> HOLG Ltd 159 Durham Street Belfast	<b>Agent Name and Address:</b> Carlin Planning Limited Forsyth House Cromac Street Belfast
<p><b>Executive Summary:</b></p> <p>The proposed development relates to ‘Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden’.</p> <p>An associated application for Conservation Area Consent has been submitted in respect of the application site, proposing ‘Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor façade’ (reference LA04/2020/1208/DCA).</p> <p>6 representations have been received in relation to this proposed development, 5 objections and 1 support letter.</p> <p>The site is not zoned for a use within BUAP or draft BMAP. The building and front portion of the site is located within the Queens Conservation Area (CA), whilst the rear part of the site is located within the draft ‘Lower Lisburn Road’ Area of Townscape Character (dBMAP). The site is also located within the designated Queens Office Precinct (dBMAP). The site fronts on to University Road, which is a designated arterial route, as designated by dBMAP.</p> <p>The key issues to consider relate to:</p> <ul style="list-style-type: none"> <li>• Principle of demolition in the Conservation Area</li> <li>• Impact of proposal on the Conservation Area</li> <li>• Impact on residential amenity</li> </ul> <p>In relation to the proposed demolition, it is acknowledged that No. 25 and 27 have been damaged by fire. The CA Officer (CAO) has advised that there is no objection to the proposed demolition, provided the submitted structural information is accurate. An independent engineer has advised that, following consideration of the information, there is a case for partial demolition. The proposal results in the retention of the building facades, thereby protecting the features of the buildings which contribute to the character of the CA. Furthermore, it is noted that No. 29 University Avenue is a relatively new building and the internal layout of No. 25-27 has been amended over the years in line</p>	

with its restaurant use. In conclusion, it is considered that, on balance, the proposed demolition is acceptable.

With regard to the proposed development, it is considered that the retention of the front facades and improvements will result in the preservation of the character of the CA. However, the CAO has advised of concerns regarding the proposed rear elevation. These concerns are alleviated by the limited public views of the rear of the building. The only views of the proposed development from Queens CA will be of the front elevation. On balance, it is considered that the proposed development complies with the policy tests of the SPPS, PPS 6 and PPS 7 in respect of new development within CA's.

It is considered that the proposed development will not result in an adverse impact on residential amenity of proposed or existing occupiers. However, in order to achieve this, mitigation measures such as 'opaque glazing' and 'sound reduction' windows will need to be utilised. This can be secured by imposition of planning conditions. The proposal results in an acceptable provision of communal and private amenity space.

#### Section 76 Agreement

- As it is integral to the acceptability of the proposal, the communal amenity space to the rear will be secured through a Section 76 agreement.
- A Travel Plan Co-ordinator will be appointed, establishment of a 'car club' scheme, provision of residential travel cards and cycle schemes for 3 years.
- Façade retention system to ensure the building is adequately secured during demolition works.

There are no concerns with regard to impact on the nearby listed building, site access, parking, drainage, flooding or sewage infrastructure.

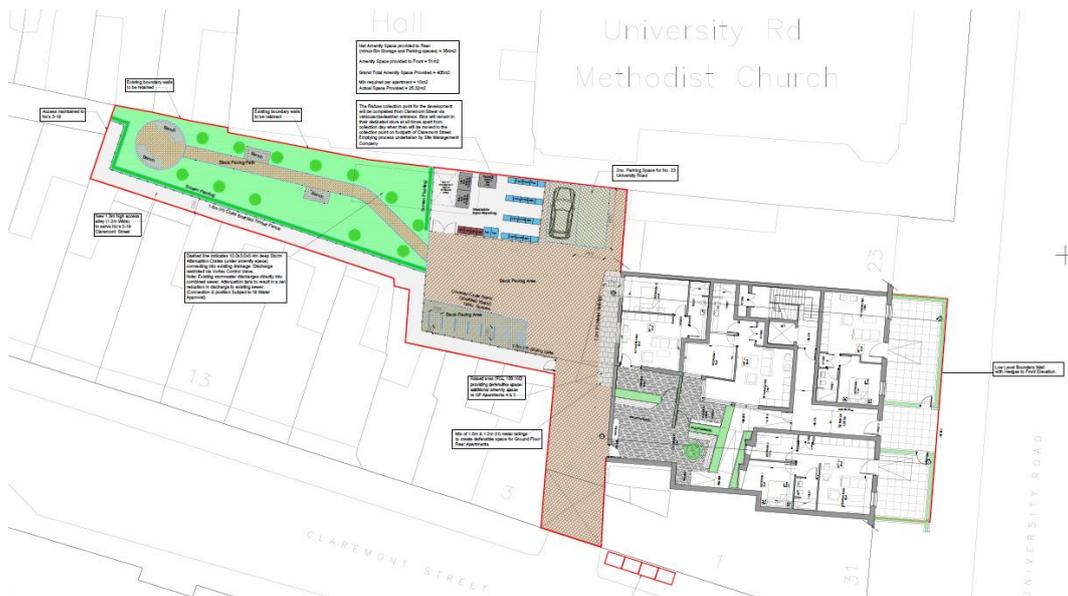
#### **Recommendation - APPROVAL**

On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and Section 76 agreement. It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to finalise the wording of any conditions and to agree a Section 76.

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	The proposed development relates to 'Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden'.
1.2	The proposed development includes demolition of rear and internal walls with retention of the front façade and reinstatement of the fire damaged roof at No's 25 and 27.
1.3	The proposed development will result in a 3-storey terraced building between the two existing buildings at No. 23 and 31. The proposal includes the retention of the front façade, with a three-storey cantilevered extension at the rear. Two car parking spaces, bin storage, cycle parking and a communal amenity area are located at the rear of the building, whilst there are two small areas of private amenity at the front of the building.
1.4	The proposed front elevation includes 4 dormer windows and 4 roof lights within the proposed roof plane. The external materials include dark grey roof slates, hard wood sliding sash windows, render walls, metal downpipes and metal clad dormers.
1.5	The proposed rear elevation includes two metal clad dormers within the roof plane. The rear extension is proposed to be finished in a mix of dark grey and buff white brick.
1.6	An associated application for Conservation Area Consent has been submitted in respect of the application site, proposing 'Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor façade' (reference LA04/2020/1208/DCA).
<b>2.0</b>	<b>Description of Site</b>
2.1	The site is located within the urban limits of Belfast. The application site relates to 3 buildings located within an existing terrace along University Road. Two of the buildings (No. 25 and 27) have been badly damaged in a fire, with damage to the roof, windows, doors and internal fittings clearly visible from the street. The buildings are 3 storeys in height, with a dormer window located on the roof plane of No. 29. The buildings are finished in render and the style / dimensions of the existing window openings of the application buildings replicate the neighbouring buildings along the terrace. The ground floor doors and windows are more modern in design and appearance. The front of the site is currently secured with fencing. The rear of the site is accessible via an existing archway located directly beside No. 3 Claremont Street. There is a small yard at the rear of the site, which is currently used for parking and storage. At the rear of this yard, there is an elongated triangular area that runs along the rear of No. 9 – 17 Claremont Street. This area is quite overgrown with vegetation and appears to have been used for small scale dumping in the past.
2.2	The surrounding area is characterised primarily by a mix of land uses, primarily residential and commercial (including restaurants, retail, offices and financial services). The front portion of the site, including the buildings, is located within the

2.3

Queens Conservation Area, whilst the rear portion is located within a draft Area of Townscape Character.



**Planning Assessment of Policy and other Material Considerations**

3.0

**Site History**

LA04/2020/0392/DCA – 25-29 University Road - Full demolition of existing first and second floors including facades with facade retention of ground floor front and rear walls due to fire damage – Application Withdrawn

LA04/2019/1523/F - 25-29 University Road - Partial demolition, alteration and extension of existing buildings including change of use from restaurant/offices to 20 apartments and erection of communal bin store – Application Withdrawn

	<p>LA04/2019/1526/DCA - 25-29 University Road - Partial demolition of internal and external walls, roof and rear returns – Application Withdrawn</p> <p>Z/2005/0326/A – 25-27 University Road - Advertising Banner on front elevation of Restaurant (Retrospective) – Permission refused 28/6/05</p> <p>Z/2004/0152/F – 25-27 University Road - Change of use and refurbishment of existing restaurant to provide public house – Permission Granted 18/5/04</p> <p>There are also various older applications associated with the historic restaurant use.</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (dBMAP)
4.3	<p>Strategic Planning Policy Statement (SPPS)</p> <p>PPS 3 Access, Movement and Parking</p> <p>PPS 6 Planning, Archaeology and the Built Heritage</p> <p>PPS 6 Addendum Areas of Townscape Character</p> <p>PPS 7 Quality Residential Environments</p> <p>PPS 7 Addendum - Safeguarding the character of established residential areas</p> <p>PPS 12 Housing in Settlements</p> <p>PPS 15 Planning and Flood Risk</p>
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	DFI Roads – No objections, subject to conditions.
5.2	Historic Environment Division – No objections, subject to condition.
5.3	NI Water – No objections
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objections, subject to conditions
6.2	Rivers Agency – No objections
6.3	BCC Conservation Area Officer – No objection to demolition, on the basis that submitted structural information is accurate. Concerns with proposed development noted, however balanced against the limited public views.
<b>7.0</b>	<b>Representations</b>
7.1	6 representations have been received in relation to this proposed development, 5 objections and 1 support letter.
7.2	<p>The objections raised the following issues:</p> <ul style="list-style-type: none"> <li>• Land ownership issues have been raised by third parties.</li> <li>• Claremont Street being dealt with by two separate planning officers as it is split by postcode.</li> </ul>

7.3	<ul style="list-style-type: none"> <li>• Only one means of escape and only one staircase for all upper floor accommodation, resulting in fire risk.</li> <li>• Open living rooms / kitchens are compressed into the unsized flats with no consideration of amenity or safety.</li> <li>• Minimal outlook from apartments.</li> <li>• Apartments accessed through a very low archway under separate management and therefore not a reliable escape route or fire access route.</li> <li>• Rear of the site is used for car parking by restaurant and other occupants, restricting the amenity, safety, refuse, air quality, anti-social activities and neighbourhood intensity.</li> <li>• The proposal has no community benefit.</li> <li>• The proposal removes historic diversity.</li> <li>• Overbearing nature of the rear extension is without design precedent and is of poor design standard.</li> <li>• Proposal represents overdevelopment.</li> <li>• The archway on Claremont Street is compromised by this application.</li> <li>• Buildings and site access are all affected by subsidence, including adjacent restaurant and nearby housing at Claremont Court.</li> <li>• Proposed building is not fully wheelchair accessible.</li> <li>• Proposal fails to meet the ATC and historical aspects of the location.</li> <li>• Proposal raises a prematurity issue in relation to the Local Area Plan.</li> <li>• Proposal is inappropriate and questions whether it is HMO / Air BnB style accommodation.</li> </ul> <p>The support letter raised the following issue:</p> <ul style="list-style-type: none"> <li>• The removal of the fire damaged building is welcomed.</li> </ul>
<b>8.0</b>	<b>Assessment</b>
8.1	<p><u>Preliminary Matters</u></p> <p>Objections has been received from third parties claiming that parts of the site are not in the ownership of the applicant. Following receipt of the first objection regarding land ownership, the applicant served notice on a 3<sup>rd</sup> party landowner and amended the planning certificate on the P1 form to reflect the 3<sup>rd</sup> party ownership. One objection related to the land at the rear of the site behind No. 11 Claremont Street. The Council sought further clarification from the planning agent, who advised that the application certificate in relation to ownership had been completed correctly. In the absence of any evidence to the contrary, it is assumed that the correct certificate has been completed. The grant of planning permission relates to the land, not the applicant.</p>
8.2	<p>A further objection letter advised that Claremont Street is being dealt with by two separate planning officers as it is split by postcode. It is not unusual for different planning officers to deal with proposed developments on the same street or within the same area. Belfast City Council is the statutory Planning Authority and the identity of the individual case officer is not considered to be material.</p>
8.3	<p><u>Development Plan context</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 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</p>

	<p>unless material considerations indicate otherwise. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP remaining a material consideration.</p>
8.4	<p>The site is not zoned for a use within BUAP or draft BMAP. The front portion of the site including the buildings is located within the Queens Conservation Area (CA), whilst the rear part of the site is located within the draft 'Lower Lisburn Road' Area of Townscape Character (dBMAP). The site is also located within the designated Queens Office Precinct (dBMAP). The site fronts on to University Road, which is a designated arterial route, as designated by dBMAP.</p>
8.5	<p><u>SPPS</u> The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.</p>
8.6	<p>Para 6.18 of the SPPS states that the guiding principle for managing development within a CA is to <i>'afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle'</i>. This is consistent with Section 104 of the Planning Act (Northern Ireland) 2011 (The 2011 Act).</p>
8.7	<p>Development proposals within the CA should be sympathetic to the characteristic built form of the area, respect the character of adjoining buildings, not result in environmental problems, protect important views within, into and out of the area, protect trees and landscape features and conform with the guidance set out in the Conservation Area Design Guide.</p>
8.8	<p>The SPPS also aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements, particularly locations that benefit from high accessibility to public transport facilities. The SPPS also encourages balanced communities and good design.</p>
8.9	<p><u>Principle of Demolition</u> Policy BH14 of PPS 6 states <i>'The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area'</i>. The Conservation Area Officer (CAO) has provided comment on the proposal, advising that the existing buildings make a significant contribution to the architectural and historic interest / character and appearance of the CA. As such, there is a presumption against demolition. In assessing proposals for demolition, the Department will have regard to the same broad criteria for demolition of listed buildings.</p>
8.10	<p>Para 6.5 of PPS 6 provides further amplification of the issues that are generally relevant to listed building consent applications, specifically importance of the building, its architectural and historic interest, the particular physical features of the</p>

	<p>building, the building's setting and contribution to the local scene and the extent to which proposed works would bring substantial benefits to the community.</p>
8.11	<p>The CAO has identified the features of the buildings which make a significant contribution to the architectural and historic interest / character and appearance of the CA, i.e. the buildings feature a stuccoed finish, with decorative quoins, console brackets supporting eaves and sliding sash windows within moulded surrounds. The agent has advised that the proposed demolition does not include these features as the front facades are to be retained.</p>
8.12	<p>Policy BH10 of PPS 6 states '<i>There will be a presumption in favour of retaining listed buildings. The Department will not permit the demolition of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form</i>'.</p>
8.13	<p>The agent advises that the exceptional reason for demolishing the internal parts of the building and rear elevations is that the building has been severely fire damaged. It is noted that only two of the three buildings (No's 25 and 27) are fire damaged.</p>
8.14	<p>In accordance with Para 6.23 and 6.25 of PPS 6, the agent has provided additional information in support of the case for demolition. The agent advises that the building is fire damaged and is not currently in use, therefore the proposal offers a viable new use for the site. He does not believe that it would be viable for a charitable or community organisation to bring this building back into use. Furthermore, he advises that the important features of the buildings previously identified by the CAO are proposed for retention and there are clear benefits to regenerating the site to provide housing in line with the Belfast Agenda and emerging LDP. The agent advises that the condition of the building is very poor as outlined in the structural reports and the intention of the scheme is to repair the building whilst retaining and enhancing the historic features identified by the CAO. He considers the proposed scheme represents an alternative proposal for the site.</p>
8.15	<p>The CAO acknowledges the information submitted by the agent in support of the proposed demolition and recommends that an independent structural engineer's report is sought to verify the submitted details. The CAO advises further that on the basis that the submitted details are bona fide and sufficient to meet the PPS6 criteria, there would be no objections to the demolition works.</p>
8.16	<p>As noted earlier, information has been submitted by the agent to support the case for demolition. The Council has sought independent expert advice and has been advised that there appears to be a case for some demolition (or careful dismantling), however the engineer questioned the argument in relation to demolition of No. 29 as it had not been damaged in the fire.</p>
8.17	<p>Further research into the history of the building at No. 29 shows that this building was actually constructed approximately 16-18 years ago, in accordance with previous approval(s) Z/2002/1532/F and Z/2002/1533/F. The below image from Google earth shows the site of No. 29 as a vacant gap site in December 2001. It is noted that the redevelopment of the site took place subsequent to the designation of Queens CA.</p>
8.18	

<p>8.19</p>	
<p>8.20</p>	<p>In addition, there is a significant planning history associated with No. 25 and 27 in relation to the previous use as a restaurant. Consequently, the internal layout of both buildings had been amended significantly from the traditional layout when the buildings were first constructed.</p>
<p>8.21</p>	<p><u>Character</u> As indicated previously, the front portion of the site is located within the Queens CA, whilst the rear portion of the site is located within the draft 'Lower Lisburn Road' Area of Townscape Character (ATC).</p>
<p>8.22</p>	<p>There was an objection to the proposed ATC designation during the BMAP public inquiry. Although the PAC report advises that no site-specific details were included with the objection, it is unclear if a Lower Lisburn Road ATC designation will be included, if and when BMAP is adopted.</p>
<p>8.23</p>	<p>The PAC also considered objections to the general policy for the control of development in ATCs which is contained in the draft BMAP. The PAC recommended that the policy be deleted and that detailed character analysis be undertaken, with a design guide produced for each ATC. It would be wrong to make any assumptions as to whether these recommendations will be reflected in any lawfully adopted BMAP or as to whether the text detailing the key features of the Lower Lisburn Road ATC will be repeated. As it stands, it is unclear how the area will be characterised in any lawfully adopted BMAP and by extension, how the proposal will impact the character. Regardless of the lack of a policy context, the impact of the proposal on the proposed ATC remains a material consideration and can still be objectively assessed.</p>
<p>8.24</p>	<p>With regard to the proposed development, the CAO has provided comments, advising of no objections in relation to the front elevation, <i>'As now proposed the front elevation is considered of suitable scale, form, massing, design and elevational treatment to preserve the character and appearance of the conservation area. Considering the damage that has been done to the existing building, it would also represent an enhancement over the current situation on site'</i>.</p>

<p>8.25</p>	<p>The CAO advises that the existing rear returns do not respect the traditional three-dimensional hierarchical arrangement of domestic architecture, however, suggests that the proposed rear building line should project no further than the existing returns. Concerns are noted that the rear return projects in an irregular shape beyond the ground floor building line, thereby increasing the overall massing/bulk, resulting in a return which is not subservient to the parent building. The CAO also raises issue with the roof form of the rear return and the proposed dormers at the rear of the primary building. The Queens Conservation Area Design Guide states that <i>'Dormer windows will not be permitted to collectively occupy more than 30% of the area of any particular roof elevation'</i>. The proposed dormer windows cover approximately 36% of the rear roof elevation. However, the CAO acknowledges that there are no public views onto the rear return from the street scene therefore it is difficult to conclude that it would result in a negative visual impact on the CA.</p>
<p>8.26</p>	<p>In summary, with regard to the proposed rear return, the CAO advises that <i>'Concerns remain with scale, form and massing of the rear extension/alterations, and it would be preferable if the scheme was revised to address these; however I acknowledge that due to the limited views of the rear return from the public realm, that there would be no demonstrable harm arising as a direct consequence. As such the character and appearance of the conservation area would still be preserved'</i>.</p>
<p>8.27</p>	<p>Following consideration of the CAO's comments, it is concluded that the proposed front elevation represents an opportunity to enhance the character and appearance of the CA, both in the repair of the existing fire damaged building and the addition and refurbishment of architectural details, such as decorative quoins and console brackets supporting eaves. On close inspection of the existing buildings, the brackets on No. 29 are not as ornate and are missing the decorative panels as exhibited on No's 25-27. The proposed elevation results in No. 29 replicating the architectural details of the other two buildings. As the proposal includes retention of the existing building facades, a Section 76 agreement is required to secure this.</p>
<p>8.28</p>	<p>Despite this, there are concerns with the proposed rear elevation, in relation to the form / massing / roof form of the rear return and the provision of large dormer windows on the roof of the primary building. These concerns are balanced somewhat by the limited views of the rear elevation from the public realm. Furthermore, the only achievable views of the proposed development from Queens CA are limited to the front elevation.</p>
<p>8.29</p>	<p>It is not considered that the proposed development conflicts with the policy tests of Policy ATC 2 of PPS 6 Addendum. The portion of the site within the draft ATC does not include any built development.</p>
<p>8.30</p>	<p>In summary, on balance, it is considered that the proposed development complies with the policy tests of the SPPS and PPS 6 in that it results in an enhancement of the character and appearance of the CA. Furthermore, the proposal complies with the tests of PPS 7 in that the development respects the surrounding context and is appropriate to the character and topography of the site.</p>
	<p><u>Residential Density</u>          The application site measures approximately 800 sq metres. The proposed development for 16 apartments equates to a residential of approximately 200 dwellings per Hectare and is therefore considered a high-density development. It is important to consider the surrounding context in terms of residential density. University Road is defined by a mix of uses, predominantly of a commercial and</p>

8.31	<p>residential nature. There are examples of high-density residential development along University Road within close proximity of the site, such as University Court, an apartment development located approximately 60 metres to the north of the site. University Court has a residential density equating to approximately 280 dwellings per Hectare. Claremont Street is a predominantly residential area, with 2 relatively large apartment developments. The residential density of Claremont Street equates to approximately 166 dwellings per Hectare. Claremont Court, an apartment development located approximately 30 metres south of the application site has a residential density of approximately 380 dwellings per Hectare.</p>
8.32	<p>The front of the application site, including the existing buildings, is located within the Queens CA. This contrasts with most of the surrounding residential development, which is located outside the CA. It is not considered that the application site is located within a residential part of the CA. Furthermore, the SPPS advises that higher density housing development should be promoted in locations that benefit from high accessibility to public transport facilities. It is therefore considered that the proposed residential density is acceptable.</p>
8.33	<p><u>Impact on Listed buildings</u> The application site is located in close proximity to a Grade B listed Building, Methodist Church (Deconsecrated), University Road (Ref. HB26/28/006). Historic Environment Division have considered the effects of the proposal on the listed building and concluded that it satisfies the policy tests of the SPPS para 6.12 and Policy BH11 of PPS 6, subject to a condition ensuring all works, materials and finishes are in accordance with the submitted drawings.</p>
8.34	<p><u>Residential Amenity</u> An 'Internal Daylight Report' was submitted in support of the proposed development following a request from the Council. It is noted that the ground floor apartments at the rear will be most impacted by reduced levels of daylight / sunlight, however the proposed design has been amended to include additional windows. For example, Apartment 4 kitchen / living room has been amended to include 4 separate windows to increase the amount of daylight received internally. The report concludes that the proposed development meets the target design standards and published guidance in terms of daylight levels within habitable rooms.</p>
8.35	<p>The front of the building is orientated in an easterly direction, whilst the windows in the proposed rear extension are generally orientated in a southerly or westerly direction. The building at No. 31 University Road has a large rear extension and is located due south of the application site. It is considered that this extension will result in overshadowing of the proposed development, however the courtyard provides separation of approximately 6.5 – 8.5 metres between the two extensions. Given the surrounding context, it is not considered that the potential overshadowing will create an adverse impact.</p> <p>Six of the rear apartments include balconies orientated in a southerly direction. The orientation of the rear extension means that potential for overlooking towards the dwellings from No. 3 to 17 Claremont Street is limited. The closest dwellings on Claremont Street (No. 3, 5 and 7) are located to the south west of the proposed return therefore mitigating against potential overlooking. No. 9 Claremont Street has a rear return with two windows facing the proposed building. The separation distance is approximately 17 metres. The primary windows in the living areas of Apartments 7, 11 and 15 are orientated to the south, however each apartment has a bedroom window and living room window orientated in a westerly direction. On balance, whilst views of No. 9 Claremont Street are achievable, it is not considered</p>

8.36	to represent an unacceptable adverse impact. There are concerns with potential overlooking from the rear access ramp into the living area of Apartment 4. It is considered that this can be mitigated by a condition requiring opaque glazing in the event of approval.
8.37	8 of the 16 proposed apartments have outlook on to University Road. Furthermore, the private amenity space at the front of the development provides defensible space. The remaining apartments located at the rear have outlook over the courtyard and / or the communal amenity area at the rear of the site. The inclusion of the communal green area is important in this scheme to provide an outlook for the rear facing apartments which otherwise would not be acceptable.
8.38	<p><u>Space Standards</u></p> <p>Policy LC1 does not apply to this proposed development as the site location is not within an 'established residential area' as defined by Annex E of PPS 7 Addendum. Although the policy does not apply, it is noted that only 7 of the proposed apartments comply with the space standards, as set out in Annex A.</p>
8.39	<p><u>Noise &amp; Odour</u></p> <p>A Noise and Odour Impact Assessment was originally submitted in support of the proposed development, however additional noise and odour information was submitted throughout the process to address issues raised by BCC Environmental Health (EHO). The Assessment identified that the proposal could be impacted by traffic noise and plant / equipment noise associated with the adjoining restaurant at No. 31 University Road.</p>
8.40	EHO have considered the properties at No. 21 and 23 University Road in relation to potential noise nuisance. There is an extant approval for 'Change of use from place of worship (sui generis) to public house (sui generis)' at 21 University Road (ref. Z/2014/1655/F) and there is an existing restaurant at No. 23, which is currently closed. Information was submitted calculating the potential noise impact as a result of patron dispersal from these premises. It is considered that this impact can be mitigated by addition of 'sound reduction' windows.
8.41	<p>EHO have also provided comment on the proposed amenity areas of the proposed development. In relation to the private amenity spaces and balconies, the noise consultant advises that it is unlikely that recommended WHO guideline limits would be met. However, EHO note the additional communal amenity area at the rear of the proposed development and advise that it is likely that noise level during the day may achieve levels below the recommended noise limit. Furthermore, EHO also refer to British Standard guidance regarding noise '<i>the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBLAeq,16hr</i>'. The standard continues, however, as follows: "<i>these guideline values may not be achievable in all circumstances where development might be desirable. In such a situation development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited</i>". Given the above comments in addition to the urban location of the proposal and the various amenity options within the development (i.e. communal amenity area, courtyard, private amenity areas and balconies), it is considered that the proposal is acceptable in terms of noise.</p> <p>EHO provided additional comment on the communal amenity area at the rear of the development, advising that it could create potential nuisance for the neighbouring residents. Consequently, EHO recommend a condition should be placed in the</p>

8.42	<p>event of approval restricting access to the area after 11.00 pm. A management Plan for the apartments will also be conditioned.</p>
8.43	<p>In relation to odour, EHO have considered the aforementioned restaurant at No. 23 University Road, which is currently closed. EHO note that it is unlikely that the kitchen extraction system was designed to provide a very high level of odour control as at that time there would not have been residential premises immediately adjoining it. However, the dispersion point for this extraction system is such that it would not be expected to arise in a significant odour concern.</p>
8.44	<p><u>Amenity Space</u> The proposed development includes an area of communal amenity space to the rear, including benches and landscaping. This area measures approximately 167 sq metres. Furthermore, there is a courtyard at the rear of proposed building with benches for amenity. The four ground floor apartments have private amenity areas, whilst six of the apartments on the upper floors have private balconies. Consequently, the proposed development includes adequate provision of amenity space.</p> <p>As it is integral to the acceptability of the proposal, the communal amenity space to the rear will be secured through a Section 76 agreement. Members should note that this part of the site is not currently within the ownership of the applicant. The applicant has advised that notice has been served on the appropriate landowner.</p>
8.45	<p><u>Access and Parking</u> The proposal does not include any parking spaces (2 spaces are retained for use of the owner of No. 23), however 16 covered cycle parking spaces are provided. A Parking survey and Travel Plan have been submitted in support of the proposal. The Travel Plan includes measures to encourage the use of other modes of transport other than the private car, including appointment of a Travel Plan Co-ordinator, establishment of a 'car club' scheme, provision of residential travel cards and cycle schemes for 3 years. DFI Roads provided comment on the proposal and offered no objections.</p>
8.46	<p>Ramped access is provided at the rear of the proposed building, in addition to level access at the front. Furthermore, there is a lift proposed within the building, therefore assisting the needs of people whose mobility is impaired.</p>
8.47	<p><u>Movement and Connectivity</u> The site is located on an arterial route and is highly accessible for walking, cycling, driving and by public transport. Local neighbourhood facilities are also located in close proximity to the site.</p>
8.48	<p><u>Sewage infrastructure</u> NI Water (NIW) have advised that there is available capacity within the existing sewage network to facilitate the proposal.</p>
8.49	<p><u>Flooding &amp; Drainage</u> A Drainage Assessment was submitted in support of the proposal, in accordance with Policy FLD 3 of PPS 15. Rivers Agency provided comment on the DA and advised they have no objections to the proposed development</p>
	<p><u>Fire safety &amp; Structural issues</u> The objections have raised issues regarding fire safety and structural issues in relation to the archway. It is not considered that the internal layout of the proposed development will contribute to risks in the event of fire. In any case, in the event of</p>

8.50	<p>approval, an application will need to be made to Building Control who assess the proposal in accordance with the Building Regulations.</p> <p><u>Section 76 Agreement</u></p> <ul style="list-style-type: none"> <li>• As it is integral to the acceptability of the proposal, the communal amenity space to the rear will be secured through a Section 76 agreement.</li> <li>• A Travel Plan Co-ordinator will be appointed, establishment of a 'car club' scheme, provision of residential travel cards and cycle schemes for 3 years.</li> <li>• Façade retention system to ensure the building is adequately secured during demolition works.</li> </ul>
<p><b>9.0</b></p> <p>9.1</p> <p>9.2</p> <p>9.3</p> <p>9.4</p> <p>9.5</p>	<p><b>Summary of Recommendation: APPROVAL</b></p> <p>In relation to the proposed demolition, it is acknowledged that No. 25 and 27 have been damaged by fire. The CAO has advised that there is no objection to the proposed demolition, provided the submitted structural information is accurate. An independent engineer has advised that, following consideration of the information, there is a case for demolition. The proposal results in the retention of the building facades, thereby protecting the features of the buildings which contribute to the character of the CA. Furthermore, it is noted that No. 29 University Avenue is a relatively new building and the internal layout of No. 25-27 has been amended over the years in line with its restaurant use. In conclusion, it is considered that, on balance, the proposed demolition is acceptable.</p> <p>With regard to the proposed development, it is considered that the retention of the front facades and improvements will result in an enhancement of the character of the CA. However, the CAO has advised of concerns regarding the proposed rear elevation. These concerns are alleviated by the limited public views of the rear of the building. The only views of the proposed development from Queens CA will be of the front elevation. On balance, it is considered that the proposed development complies with the policy tests of the SPPS, PPS 6 and PPS 7 in respect of new development within CA's.</p> <p>It is considered that the proposed development will not result in an unacceptable adverse impact on residential amenity of proposed or existing occupiers. However, in order to achieve this, mitigation measures such as 'opaque glazing' and 'sound reduction' windows will need to be utilised. This can be secured by imposition of planning conditions. The proposal results in an acceptable provision of communal and private amenity space.</p> <p>There are no concerns with regard to impact on the nearby listed building, site access, parking, drainage, flooding or sewage infrastructure.</p> <p>On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and Section 76 agreement. It is requested that the Section 76 Agreement and final wording of conditions is delegated to the Strategic Director of Place and Economy.</p>
<b>10.0</b>	<p><b>Conditions</b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p>

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. No dwelling shall be occupied until weather protected cycle parking has been fully provided in accordance with Drawing No. 01B uploaded to the Planning Portal on 20th November 2020.

REASON: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.

3. No dwelling shall be occupied until hard surfaced parking areas have been provided and permanently marked in accordance with Drawing No. 01B uploaded to the Planning Portal on 20th November 2020. . These facilities shall be permanently retained.

REASON: To ensure acceptable parking facilities on the site.

4. The development shall operate in accordance with the Waste Management Plan uploaded to the Planning Portal on 22nd May 2020.

REASON: In the interests of road safety and the convenience of road users.

5. The development shall operate in accordance with the Travel Plan uploaded to the Planning Portal on 7th January 2021.

REASON: To encourage alternative modes of transport to the private car.

6. Prior to installation, the applicant shall submit to the Planning Authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of the hereby permitted development. The window specification for habitable rooms shall be in line with recommendations of section 5 of the Layde Acoustic Noise and Odour Impact Assessment (dated March 2020, referenced P389/2).

Reason: Protection of residential amenity.

7. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed so as to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided in compliance with building control requirements

Reason: Protection of residential amenity.

8. Prior to installation, the applicant shall submit to the Planning Authority, for review and approval in writing, confirmation of the specification of alternative mechanical means of ventilation. The specification shall be located at rooftop as recommended in section 6.3 of the Layde Consulting Noise and Odour Impact Assessment dated March 2020. The specification for the alternative means of ventilation shall demonstrate that the operation of the system will not compromise the recommended internal noise levels of habitable rooms outlined in British Standard BS8233:2014.

Reason: Protection of residential amenity.

9. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed so as to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided in compliance with building control requirements

Reason: Protection of residential amenity.

10. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed.

Reason: Protection of residential amenity.

11. Prior to occupation of the hereby permitted development, the developer shall verify that the window schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation.

Reason: Protection of residential amenity.

12. The fire damaged party walls between the commercial premises at no. 23 and no.31 University Road shall be upgraded to a finished construction as presented in point 11 of the Layde Consulting letter dated 8th July 2020, referenced P/389/2 and shall be capable of providing a sound reduction of at least 55dBRw.

Reason: Protection of residential amenity.

13. The fire damaged party walls between the commercial premises at no. 23 and no.31 University Road shall be upgraded to a finished construction as presented in point 11 of the Layde Consulting letter dated 8th July 2020, referenced P/389/2 and shall be capable of providing a sound reduction of at least 55dBRw.

Reason: Protection of residential amenity.

14. Access to and use of the communal external amenity area located between the rear of Claremont Street and Fountainville Street shall not be permitted between the hours of 23:00-07:00hrs.

Reason: Protection of residential amenity.

15. The rear external communal amenity area shall incorporate a 1.8m high close boarded fence and include retention of the boundary wall as shown in Drawing No. 01B uploaded to the Planning Portal on 20th November 2020.

Reason: Protection of residential amenity.

16. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, have been submitted to and approved, in writing, by the Council. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to allow the Council to control the external appearance.

	<p>17. The window marked with an X on Drawing No. 06C uploaded to the Planning Portal on 4th June 2021 shall be finished in opaque glass, shall be permanently retained, and in the event of breakage shall be replaced with obscure glass within four weeks to the satisfaction of Belfast City Council.</p> <p>Reason: In the interests of amenity.</p> <p>18. All works, materials and finishes shall be completed in accordance with Drawing No. 06C uploaded to the Planning Portal on 4th June 2021.</p> <p>Reason: Protection of nearby listed building.</p> <p>19. Prior to the first occupation of the dwelling units hereby approved an Apartment Management Plan (AMP) shall be submitted for agreement in writing by the Council. The AMP will include the management of resident activity in the communal amenity area, hours of operation; and the retention &amp; management of boundaries and landscaping and access.</p> <p>Reason: In the interests of residential amenity</p>
<b>Notification to Department (if relevant)</b>	
<b>Representations from Elected members:</b>  <b>N/A</b>	