Planning Appeals Commission

Appeal Decision

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Appeal Reference:	2021/A0248
Appeal by:	RMA Belfast Ltd
Appeal against:	The refusal of full planning permission
Proposed Development:	Mixed-use development comprising alterations, rear extension and new shopfront to provide a modernised ground floor retail space and change of use from office to 9 no. apartments on upper floors with separate access to University Road
Location:	32-36 University Road, Belfast
Planning Authority:	Belfast City Council
Application Reference:	LA04/2021/1280/F
Procedure:	Informal Hearing on 18th October 2022
Decision by:	Commissioner Diane O'Neill, dated 1st November 2022

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Claims for Costs

2. A claim for costs was made by the appellant against the planning authority. This claim is the subject of a separate decision.

Reasons

3. The main issues in this appeal are whether the proposal would provide an acceptable level of amenity as well as a suitable bin storage arrangement for the proposed residents of the apartments.

4. In order to address the planning authority's reasons for refusal the appellant provided amended drawings within their statement of case evidence. The drawings included making changes to the internal layout and increasing the size of some of the windows. Following discussions with the planning authority prior to the hearing, the appellant amended one of the submitted drawings and provided a new drawing to demonstrate the proposed bin and cycle storage arrangements. The planning authority had no objection to the drawings being considered as part of the appeal as they addressed the matters of concern. I concur that the drawings should be considered as part of this appeal. As the amendments overcome the two reasons for refusal, the planning authority withdrew their objections to the proposal at the hearing.

5. The appeal site is located along a busy main arterial route within Belfast. The development will consist of nine residential units being located within the upper floors of a building which would have new retail space as well as a Tesco supermarket on the ground floor. As a result, following the completion of a Noise Impact Assessment, it is necessary to ensure that there are suitable internal noise levels in all habitable rooms in the apartments with the windows closed and the alterative ventilation provided in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. It is therefore necessary to impose planning conditions in relation to providing acoustic glazing on all façades; ensuring that the road facing façade has the necessary width of brickwork, cavity and rigid wall ties; the installation of an acoustic ventilation system; and upgrading the ceilings. As external plant is not proposed as part of the development, it is not appropriate to impose a planning condition in relation to this matter.

Conditions

(1) No building operations shall take place until specifications of the windows on the front and rear façades, alternative means of ventilation, ceilings and front façade have been submitted to and approved by the planning authority. The specifications shall be in line with that contained within Section 6.3.1 of the Noise Impact Assessment (Irwin Carr Consulting, Ref Rp001N 2021067) dated 6th May 2021. The ventilation system, windows on the front and rear façades shall be installed, and the ceilings and front façade constructed prior to the apartments being occupied and permanently retained.

(2) Prior to the occupation of the development the developer shall provide and permanently retain the bin and cycle storage provision for the development as per Drawing Numbers Drawing 3178-010-03-002 PAC REVH 1:100 Proposed floor plans dated February 2022 and Drawing 3178-010-03-008 1:50 Bin and bicycle storage area dated October 2022

(3) The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the following drawings: -

- Drawing 01 1:1250 Location plan dated January 2021
- Drawing 02A 1:1200 Proposed site layout dated February 2021
- Drawing 04A 1:100 Existing elevations and proposed demolition dated February 2021
- Drawing Number 3178-010-03-001 PAC REVH 1:100 Proposed elevations and sections dated January 2021
- Drawing 3178-010-03-002 PAC REVH 1:100 Proposed floor plans dated February 2022
- Drawing 3178-010-03-008 1:50 Bin and bicycle storage area dated October 2022
- Drawing LO-01REVC 1:100 Landscape Plan dated March 2022

COMMISSIONER DIANE O'NEILL

List of Documents

Planning Authority (Belfast City Council):-	Statement of Case (PA 1)
Appellant (MBA Planning-agent):-	Statement of Case and Appendices (AP 1)

Appearances

Planning Authority (Belfast City Council):-	Mr Patrick Kelly
Appellant (MBA Planning-agent):-	Mr Stewart Beattie QC Ms Jenny Mawhinney Mr Stephen Villiers (APD Architects)
Observing:-	Mr David Craigan (appellant) Ms Becky Coburn