

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 30 July 2015	<b>Item Number:</b> 9
<b>Application ID:</b> Z/2013/1482/F	
<b>Proposal:</b> Demolition of existing building and erection of 17 no apartments, associated amenity space and site works.	<b>Location:</b> St Thomas' Hall 138a Lisburn Road Belfast BT9
<b>Referral Route:</b>  Development of more than 4 dwelling units – Previously deferred on 8 January 2015	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Seville Limited C/O Agent	<b>Agent Name and Address:</b> TSA Planning 29 Linenhall Street Belfast.
<p><b>Executive Summary:</b></p> <p>The application seeks full planning permission for the demolition of St Thomas's Hall at 138a Lisburn Road and the erection of a 4 storey apartment block containing 17 apartments.</p> <p>(A separate delegated application for Demolition Consent for St. Thomas's Hall runs concurrent with this application Ref: Z/2013/1484DCA)</p> <p>The application was presented to the Town Planning committee on 8 January 2015 with recommendation to refuse on the basis that the proposed scale, form, massing and design of the scheme resulted in an unacceptable impact on the character of the area and on the amenity of neighbours. Members are directed to the full detailed planning report on the planning portal under application reference Z/2013/1482/F.</p> <p><b>Representations</b></p> <p>7 representations were received all in objection to the proposal, issues raised:-</p> <ul style="list-style-type: none"> <li>• Parking</li> <li>• Design - over development, scale, massing,</li> <li>• Residential amenity - noise, overlooking, outlook, bins storage and removal</li> </ul> <p><b>Amended Scheme</b></p> <p>Amendments to the scheme and further details were submitted between January and May 2015, which included reducing the number of apartments by 2 on the third floor, reducing the scheme to 17 apartments in total.</p> <p>The main issues in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of demolition of the existing building and the design and form of the replacement building in the Conservation Area</li> </ul>	

- The potential impact on the character of the surrounding area and adjacent listed buildings.
- The potential impact on residential amenity of existing and proposed residents

The site is located within the Lisburn Road Conservation Area and involves demolition of a derelict church hall. The hall is not considered to make a material contribution to the Conservation Area and therefore its demolition is acceptable subject to a suitable replacement scheme.

The amended scheme reduced the extent of the 3<sup>rd</sup> floor thereby reducing the depth, the bulk and massing of the rear portion of the building and reducing the impact to the adjacent terrace of properties along Wellington Park. The window on the 2<sup>nd</sup> floor rear apartment has been reduced in size to minimise overlooking. Separation distances are minimal but considered acceptable given this high density urban location.

The front elevation of the building has been amended to reflect the traditional street and appearance of the area; with the third floor set back with the effect that the height has a reduced appearance from street level. NIEA Historic Buildings Unit (HBU) has no objection to the design which sits adjacent to a terrace of two listed buildings.

No further objections have been received since receipt of amended scheme.

#### **Consultations**

Transport NI, NIEA Historic Buildings Unit (HBU) have no objections and Environmental Health and NIEA Land Resource Management (LRM) have provided conditions regarding potential contamination on the site.

#### **Recommendation**

The application is recommended for Approval subject to conditions in respect of boundary details, hard and soft landscaping and obscure glazing as set out in the case officer's report.

Case Officer Report

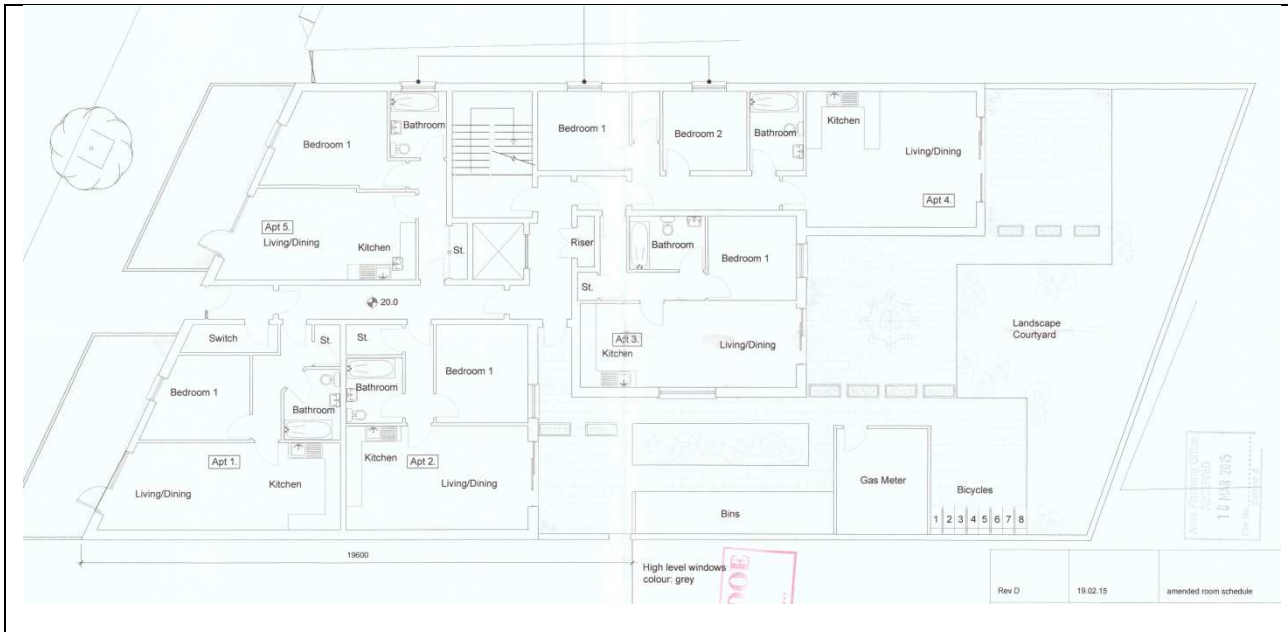
Site Location Plan



Elevations



Block Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	NI Transport - Hydebank	No objection
Statutory	NI Water - Multi Units East - Planning Consultations	No Objection
Statutory	Land and Resource Management	No objection - Subject to Condition
Statutory	Protecting Historic Monuments	No Objection
Statutory	Protecting Historic Buildings	No Objection
Non Statutory	Env Health Belfast City Council	No Objection – Subject to Condition

Representations:	
Letters of Support	None Received
Letters of Objection	7
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

**Summary of Issues**

Issues raised in the objection letters relate to

- Lack of parking provided that the parking report is misleading. Attempts are being made to establish a residents parking scheme due to the lack of parking available in the area
- Unacceptable scale, massing and form
- Lack of outlook for proposed apartments
- Roof profile and height are out of keeping with the Conservation Area
- Impact on No. 74 Wellington Park - visual impact, loss of light and air, impact on privacy
- Error in site survey re gate alongside alley

- Rear wall of St Thomas' Hall forms garden boundary of No. 70 this is not clear on drawings and it is not specified what is to replace it
- Overdevelopment of the site - Excessive density
- Loss of light and privacy/residential amenity to adjoining properties along Wellington Park
- Noise
- Hygiene - concern over bin storage and logistics of bin collection

### **Characteristics of the Site and Area**

The site located at 138a Lisburn Road is dominated by a single structure – that of St Thomas' Hall, a single storey redbrick church hall building with a ridge height of over 11m. The main body of the building has a pitched roof and a render finish. The front and side the building is enveloped by a shallow mono-pitched element, 7 m in height also finished in part render, part redbrick. The building is set back from the main building line of this section of the Lisburn Road and elevated above footpath level with steps leading up to the front entrance. To the front the boundaries are defined by low walls of varying heights. The building stretches back to the rear of the site and forms the rear and northern side boundary. There is an enclosed yard area to the southern rear corner with walling defining the southern boundary. Along this stretch of the Lisburn Road are commercial buildings 2/3 storeys in height the buildings have a render finish with pitched and hipped roofs. Two three storey listed buildings are located to the north of the site.

### **Planning Assessment of Policy and Other Material Considerations**

#### **Addendum Report**

The application was presented to the Town Planning committee on 8<sup>th</sup> January 2015 with an opinion to refuse. Members are directed to the full detailed planning report on the planning portal under application reference Z/2013/1482/F.

The application was recommended to Council with refusal reasons relating to failure to meet policy in respect of issues of scale, massing, density, layout, design and impact on amenity. As the proposal failed to provide an adequate replacement scheme the proposal was also contrary to Policy BH14 of PPS 6. A separate application for Demolition Consent - Z/2013/01484/DCA has been submitted and is under consideration.

A deferred office meeting was held on 24 February 2015 and the applicant was given the opportunity to address the issues. As a result an amended scheme was submitted, reducing the overall proposal from 19 units to 17. The 2 units removed were those located to the rear on the third floor of the proposed development. Amendments to the front and rear elevations were also submitted to address the then Department's concerns regarding scale, massing and impact on adjacent residents.

#### **Density**

The development proposed is high density, which is acceptable at this urban location providing the scheme results in a quality residential environment for prospective residents and does not adversely impact on the amenity of existing residents. Reducing the scheme by two units reduces the density and results in a development which sits more comfortable on the site. There are no concerns with car parking provision, bin storage or of amenity space proposed. The proposed is not considered to be over development.

#### **Design**

Amended plans were received in respect of the front elevation. Changes have been made to fenestration arrangements and finishes. Whilst contemporary in appearance the result is a facade more in keeping with the traditional elements of this section of the Lisburn Road.

**Layout**

The footprint of the development has not changed however minor design changes to window treatments and the removal of the 3rd floor rear apartments has resulted in a scheme which is now compliant with planning policy. The reduction of the scheme has reduced the bulk and massing which had previously dominated the terrace of properties along Wellington Park. A flat roof is proposed, the height of the proposed development is now marginally higher along this boundary (just over 1m) than to the original eaves and sits 2.5 m lower than the pitch of the existing church building. The proposal also does not sit as far back on the site as the existing hall structure. The 4 storey element is located to the front of the site where it sits gable end to the properties along the frontage of the Lisburn Road. The impact on the properties along Wellington Park is comparable with the existing situation however, for properties 74 & 72 the development should improve somewhat as the building to their rear will be demolished.

It is considered the separation distance to Cussick Street is acceptable and the use of high level windows is combined with larger windows in the same room therefore allowing for sufficient light and outlook.

**Outlook for prospective residents.**

The case officer had concerns regarding the outlook for prospective residents, with 9 of the apartments not having outlook to the front street. It is acknowledged that development to the rear can result in poor outlook however in this case the provision of the courtyard is considered to provide ample open space to result in a pleasant outlook for residents.

Bin storage and collection of bins has been addressed by the amended scheme with a gate leading into the adjacent alley way.

**Consideration of objections**

- Transport NI are satisfied with the existing parking situation - Policy allows developments without car parking provision where it is located along an arterial route and it can be demonstrated there is sufficient on-street parking. In addition, car ownership in this ward is low.
- Scale and massing have been reduced
- Outlook is considered acceptable.
- Roof profile and height considered acceptable and NIEA have no objections to the development adjacent to listed building.
- Existing Site survey will not be stamped approved – therefore the passage detail referred to by the objector is not relevant
- Plans indicate boundary wall and will be conditioned.
- Density considered acceptable, loss of light addressed by amended plans.
- EH consulted and no objections – proposal is for residential development in residential area.
- Bin arrangement clarified and acceptable.

Neighbour Notification Checked

**Yes**

**Summary of Recommendation:**

Having considered the reduced scheme against prevailing planning policy, site specifics and consultation responses it is considered the proposed development is now acceptable in terms of planning policy subject to conditions below.

**Conditions for approval**

1. As required by Article 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. Prior to occupation of the development hereby approved obscured glazing shall be installed and permanently retained on the lower half of all windows on the northern elevation as indicated on drawing 10D date stamped 12 June 2015.

Reason: In the interest of residential amenity.

3. Prior to occupation of the development hereby approved, boundary treatments will be constructed and permanently retained as indicated on drawings No 16B and 17B date stamped 10 March 2015.

Reason: In the interest of residential amenity and to provide a quality residential development.

4. Prior to occupation of the development hereby approved, hard and soft landscaping shall be carried out in accordance with stamped approved drawing no 21 date stamped 10th July 2015. .

Reason: In the interest of residential amenity and to provide a quality residential development.

5. The development shall not be occupied until secure cycle parking facilities have been provided on the site. These facilities shall be permanently retained on the site.

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

6. All services within the development shall be laid underground.

Reason: In the interests of visual amenity.

7. None of the dwellings hereby permitted shall be occupied until the sewage disposal/drainage works have been completed in accordance with the submitted plans.

Reason: In the interests of public health.

8. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Department.

Reason: To safeguard the site and adjacent land against flooding and standing water.

9. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

Reason: In the interests of public health.

10. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Department shall be notified immediately. This new contamination shall be fully investigated and a written report

detailing the nature of this contamination and its management must be submitted to Belfast City Council Planning Authority for approval. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction, prior to the occupation of any dwelling hereby permitted.

Reason: Protection of health and environmental receptors to ensure the site is suitable for use.

11. All fuel storage tanks (and associated infra-structure) must be fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, the condition above will apply.

Reason: Protection of health and environmental receptors to ensure the site is suitable for use.

12. After completing the remediation works under Conditions 10 and 11 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Belfast City Council Planning Service. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of health and environmental receptors to ensure the site is suitable for use.

13. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Belfast City Council. This condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention.

Reason: Protection of health and environmental receptors to ensure the site is suitable for use.



<b>ANNEX</b>	
<b>Date Valid</b>	20 <sup>th</sup> December 2013
<b>Date First Advertised</b>	17 <sup>th</sup> January 2014
<b>Date Last Advertised</b>	26 <sup>th</sup> June 2015
<b>Details of Neighbour Notification</b> - 46 neighbours were notified in line with legislative requirements	
<b>Date of Last Neighbour Notification</b>	3 <sup>rd</sup> July 2015
<b>Date of EIA Determination</b>	NA – does not meet threshold for EIA
<b>ES Requested</b>	No
<b>Planning History – none relevant</b>	
<b>Drawing Numbers and Title</b> 01 – Location Map 03C – Block Plan 04D – Ground Floor Plans 05D – First Floor Plans 06D – Second Floor Plans 07C – Third Floor Plans 08D – Front Elevation 09D – Rear Elevation 10D – Side Elevation (Wellington Park) 11C – Side Elevation (Cussick Street) 12D – Sections AA&BB 14B – Sections CC & DD 16B – Boundary Treatments – Site Plan 17B - Boundary Treatments – Elevations 18B – Roof Plan	
<b>Representations from Elected Representatives: - None</b>	