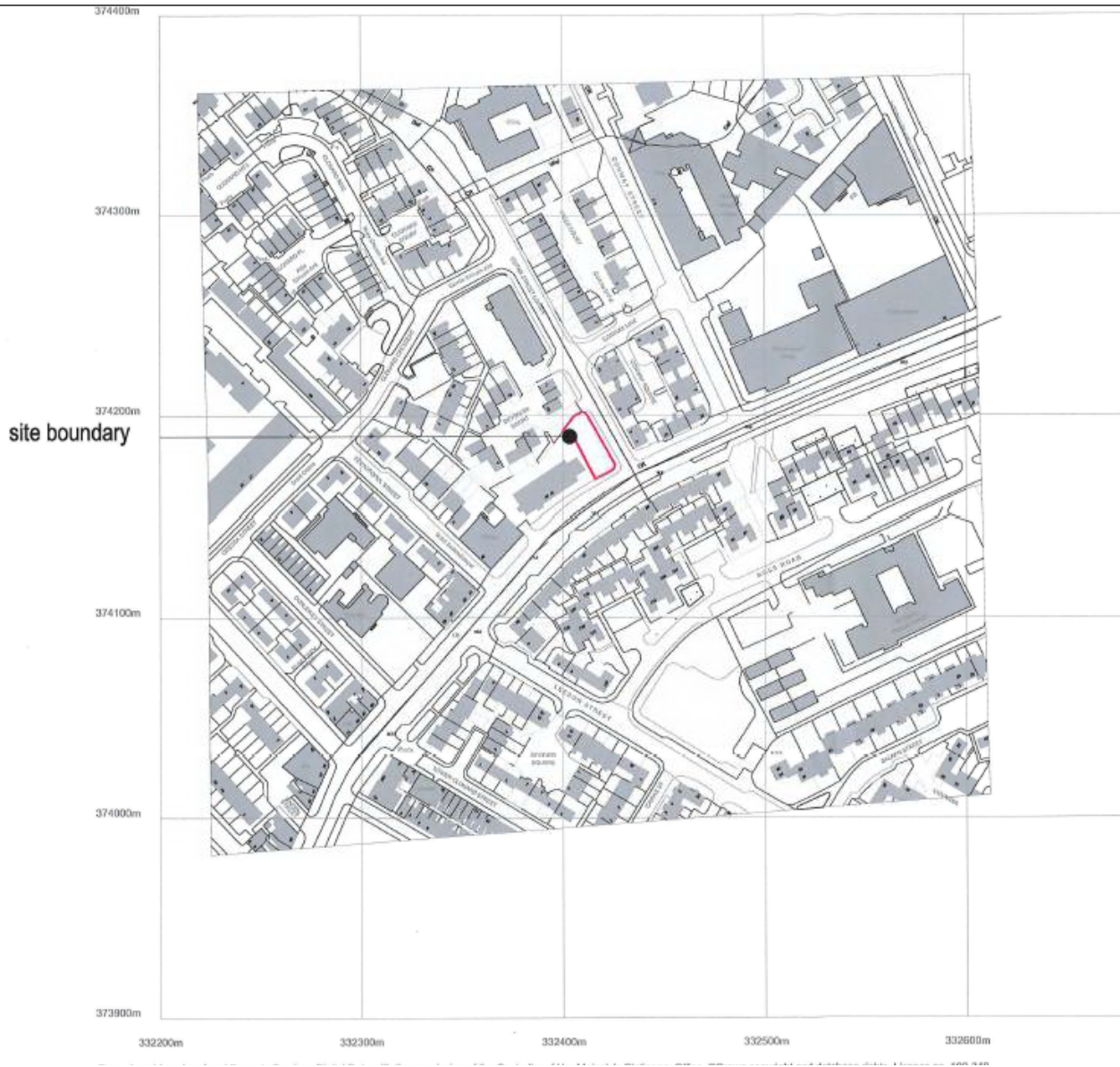


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 June 2016	
Application ID: LA04/2015/1472/F	
Proposal: Demolishing of existing building and erection of 11 apartments and 1 retail unit with landscaping and associated site works	Location: 39-41 Falls Road Belfast
Referral Route: More than 5 dwellings	
Recommendation:	Approval with conditions
Applicant Name and Address: Clanmil Developments Ltd Northern Whig House 3 Waring Street Belfast BT1 2DX	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary: This application seeks full planning permission for the erection of 11 apartments and 1 retail unit.</p> <p>The Development Plan identified the site as being within the Development Limits of Belfast as per Belfast Metropolitan Area Plan 2015. The site is identified as within the development limits of Belfast and on a commercial/shopping site and along an Arterial Route (AR 03/08)</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> (a) Principle of residential accommodation and commercial use on the site (b) Road safety (c) Design and layout (d) Risk of flooding <p>The proposal was assessed against the Development Plan (BMAP 2015); Strategic Planning Policy Statement for Northern Ireland (SPPS); Planning Policy Statement 3: Access, Movement and Parking; Planning Policy Statement (PPS) 6: Planning, Archaeology and the Built Heritage Planning Policy Statement 7: Quality Residential Environments; Planning Policy Statement 12: Housing in Settlements; and Planning Policy Statement 15: Planning and Flood Risk. The proposal complies with these policies.</p> <p>The issues raised through one written representation was as follows which is considered through the report:</p> <ul style="list-style-type: none"> (a) Recommendation that should planning be granted consent a condition be attached to include 'swift bricks' as part of the development to encourage nesting opportunities for swifts. <p>An approval with conditions is recommended.</p>	

Case Officer Report

Site Location Plan



Representations:	
Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
1.0	Description of Proposed Development Demolishing of existing building and erection of 11 apartments and 1 retail unit with landscaping and associated site works
2.0	Description of Site The site is located at 39-41 Falls Road, Belfast. The site is located within the development limits of BMAP and identified as a shopping/commercial area. It is located

	<p>on an arterial route (AR 03/08) and Rapid Transit Route. The proposal is also in the vicinity of the Clonard Flax Mill a scheduled monument (ANT 060:502). There is an established two storey public house set on this corner site fronting onto Falls Road to the south and Cupar Street Lower to the east. The site is approximately 34m deep and 14m wide. The main building is 24m deep with the rear yard enclosed by a 2m high wall with 1m high railing on top. The access to Devenish Court is located immediately to the rear of the site. The existing residential properties in the area are mainly terrace two storey and two and a half storey dwellings finished in red brick.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History Z/2013/0923/F - Proposed new shop and apartment development (1 no retail unit and 11 no apartments) – Permission granted – 12/02/15 Z/2009/1368/F - Demolition of existing premises and erection of 1no. 1-bedroom and 14no. 2-bedroom apartments and 1no. ground floor retail unit – Permission refused – 04/02/11</p>
4.0	<p>Policy Framework 4.1 Belfast Metropolitan Area Plan 2015 4.1.1 AR 03/08 Falls Road 4.1.2 Policy R1 – Retailing in City and Town Centres 4.2 Strategic Planning Policy Statement (SPPS) 4.2.1 Good design paras 4.23 – 4.30 4.3 Planning Policy Statement (PPS) 3: Access, Movement and Parking 4.3.1 Policy AMP 1: Creating an Accessible Environment 4.3.2 Policy AMP 6: Transport Assessment 4.4 Planning Policy Statement (PPS) 6: Planning, Archaeology and the Built Heritage 4.4.1 Policy BH 2: The Protection of Archaeological Remains of Local Importance and their Settings 4.5 Planning Policy Statement (PPS) 7: Quality Residential Environments 4.5.1 Policy QD 1: Quality in New Residential Development 4.6 Planning Policy Statement (PPS) 12: Housing in Settlements 4.6.1 Planning Control Principle 2: Good Design 4.7 Planning Policy Statement (PPS) 15: Planning and Flood Risk 4.7.1 Policy FLD 3: Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains</p>
5.0	<p>Statutory Consultees 5.1 Transport NI – No objection subject to conditions 5.2 Northern Ireland Water - No objection 5.3 DoE NIEA Waste Management Unit - No objection subject to conditions 5.4 DoE NIEA Water Management Unit – No objection 5.5 HED Historic Buildings Unit – No objection</p>
6.0	<p>Non Statutory Consultees 6.1 BCC Environmental Health – No objection subject to conditions</p>
7.0	<p>Representations The application has been neighbour notified and advertised in the local press. One representation has been received.</p>
8.0	<p>Other Material Considerations 8.1 DCAN 8: Housing in Existing Urban Areas</p>

	<p>8.2 DCAN 15: Vehicular Access Standards 8.3 Creating Places</p>
9.0	Assessment
	<p>9.1 The site is located within Belfast's development limits as designated in Belfast Metropolitan Area Plan 2015. The presumption is therefore in favour of development subject to the planning considerations detailed below. The site is identified as a shopping/commercial area and therefore the proposed retail use at ground floor is considered compatible. Policy R1 deals with Retailing in City and Town Centres. The policy states that planning permission will be granted for retail development in all town and city centres. As the site is zoned as commercial the proposed retail use at ground floor is entirely appropriate at this location on what is a main arterial route to/from the city centre.</p> <p>9.2 The key issues to be considered are:</p> <ul style="list-style-type: none"> (a) Principle of residential accommodation and commercial use on the site (b) Road safety (c) Design and layout (d) Risk of flooding <p>9.3 One representation was received, from The Royal Society for the Protection of Birds (RSPB) on 08/12/15. All issues of concern raised within this are fully considered against relevant planning policy and guidance throughout the report and when making a recommendation. The following issue was raised:</p> <ul style="list-style-type: none"> (a) Recommendation that should planning be granted consent a condition be attached to include 'swift bricks' as part of the development to encourage nesting opportunities for swifts. <p>With respect to the comments received from RSPB there appears to be no evidence presented that swifts are presently nesting to the site. These are not a species which are subject to protection under European law. The suggestion for bricks suitable for swift nesting to be used as part of the development will be included as an informative rather than a planning condition.</p> <p>9.4 The proposal makes use of the full site and proposes 11 residential units and 1 retail unit over 4 floors. The original submission proposed 12 residential units and 1 retail unit however amendments were submitted due to potential impact on neighbouring impact. The building is rectangular in shape with a rear return with curved elements to the front and rear elevations. There is an extant approval under Z/2013/0923/F for "Proposed new shop and apartment development (1 no retail unit and 11 no apartments)" and therefore the use has already been assessed in line with BMAP and considered acceptable.</p> <p>9.5 Policies AMP 1 and AMP 6 of PPS3: DRD Transport NI is the authoritative body on road safety and transport issues. There is no off street parking proposed as part of the development and a parking survey was requested to demonstrate that adequate reserve parking capacity exists in the vicinity of the proposed development, i.e. 18 spaces. Technical details were also requested to be noted on drawings. The scale of development and transport implications of the proposal were assessed through a statement from the agent received on 05/02/16. They felt that a Transport Assessment Form was not required due to the extant permission but also since the proposal relates to social housing where levels of car ownership are typically lower than within private developments. This was forwarded to Transport NI for consideration and they suggested conditions to be attached to any decision notice should approval be granted in their response dated 10/02/16. Therefore the proposal complies with Policies AMP1 and AMP 6 of PPS 3.</p>

9.6 Policy BH 2 of Addendum to PPS 6:

The site is in the proximity of Clonard Flax Mill (ANT 060: 502). HED Historic Buildings Unit responded to a consultation on 12/02/16 stating they had no objection to the proposal. The proposed development will therefore not adversely affect the scheduled monument and therefore is not contrary to BH 2 of the Addendum to PPS 6.

9.7 QD 1 of PPS 7:

PPS7 sets out the policies for achieving quality in new residential development. QD1 of the statement requires development to conform to all of the criteria stated (a-i).

(a) The site is flat and therefore there will be minimal works required to accommodate a development on this site. The proposed units are over four floors comprising of 1 retail unit and 2 apartments on the ground floor; 4 apartments on the first floor; 3 apartments on the second floor and 2 apartments on the top floor. The apartments all range in size from 50.7 sqm to 64 sqm. Each unit is accessed off an internal corridor with the building operating two points of access to the front and rear of the building. The rear is accessed from the same internal corridor. The building is of a contemporary design overall with flat roof which is considerably different from the extant approval. The approved development displayed a traditional design with both mansard roof and pitched roof elements. The structure is 22.2m from finished floor level to ridge height at the highest point which is acceptable for the area. This is a proposed increase from 20.4m previously approved. The building steps down along Cupar Street Lower from 4 storeys to 3 and 2 storeys at its boundary with Devenish Court. The height of the two storey element of the building to the rear of the site is lower than the ridge height of adjacent dwellings at Devenish Court. The bulk, scale and massing of the proposed building is in keeping with that of the surrounding area. Bin storage, bicycle storage, and plant room are all sited to the rear.

(b) The site is in the vicinity of ANT 060:502 which is a scheduled monument. HED stated they had no objection to the proposal.

(c) The shared communal space to the rear of the development falls short of the recommendation advised within Creating Places however this cannot be described as uncharacteristic of the area and on balance is acceptable. This area is comprised mainly of terraced housing with small back garden areas.

(d) The site is located close to the city centre with shops and services nearby. The scale of the development is not such that would warrant local neighbourhood facilities to be provided within the development itself. There is however a retail unit proposed on the ground floor however which type of retail has not been specified.

(e) There are no vehicular accesses to the development however the parking audit submitted showed adequate on street parking in the surrounding area. There is a cycle stand proposed to the rear also. The site is located on an arterial route and is on a number of Metro bus routes in and out of the city centre.

(f) Adequate parking provision has been indicated on street through the parking survey and Transport NI has advised they have no objection subject to conditions.

(g) The proposed building is of a contemporary design. As stated previously it displays a flat roof with curved elements to the front and rear elevations. The proposed external materials are red brick with cast concrete detailing and aluminium window frames. The design and materials are considered acceptable for the area.

(h) Largely there are no issues of overlooking or overshadowing onto private amenity

	<p>space. Windows to the rear of the development relating to the living space of apartment 6 however shall be conditioned to be finished in obscure glazing and retained as such to avoid any overlooking onto the private amenity space of dwellings at Devenish Court. These are not the primary windows to this room to provide natural sunlight and therefore the proposed condition is reasonable. Two reports which looked at the investigation of soils and groundwater underlying the site were submitted and forwarded to BCC Environmental Health and DoE NIEA for consideration. These alleviated any concerns relating to the potential for contaminated land and both departments suggested conditions relating to the covering of the site with a layer of hard standing as indicated in the Quantitative Contamination Risk Assessment dated September 2010 in the interests of human health. A Remediation Strategy (if required) and Verification Report are also required to be submitted and agreed in writing with the Planning Authority prior to occupation of the proposed units. BCC Environmental Health also raised a concern regarding noise pollution. The proposed apartments are situated on a busy road within a mixed area of residential and commercial. They suggested a condition relating to times of deliveries and collection by commercial vehicles so that residents will not be affected by noise from the operation.</p> <p>(i) There appear to be no particular issues for concern for crime or personal safety. Access to the apartments is off enclosed corridors which open onto the main road. This should ensure surveillance and limit the potential for anti-social behaviour.</p> <p>9.8 FLD 3 of PPS15: Since the proposal is for development of more than 10 units FLD 3 of PPS 15 applies. A Drainage Assessment was not considered as part of the assessment for Z/2013/0923/F which is an extant approval. The approved development was for 11 apartments and 1 retail unit which is the same proposal under consideration. The footprint has not increased and therefore conditions are the same. Confirmation was received on 07/06/16 from Rivers Agency that the current proposal will cause no more flood risk than the existing approved development and therefore no drainage assessment has been requested in this case.</p> <p>9.9 The pattern of development is in keeping with the overall character of the existing area. Although the Addendum to PPS7 does not apply for this proposal since the site is along a designated arterial route, all units are proposed to a size which comply with the space standards listed within Annex A for units of this type however.</p> <p>9.10 The proposal is considered to comply with Planning Control Principle 2 of PPS 12 in that it demonstrates a high quality of design, layout and landscaping as previously considered in the report through assessment of QD 1 of PPS 7 and Creating Places.</p> <p>9.11 The proposal is considered to be in compliance with the development plan.</p> <p>9.12 Having regard to the policy context and other material considerations above, as well as the representation received, the proposal is considered acceptable and planning permission is recommended subject to conditions.</p>
10.0	Summary of Recommendation: Approval with conditions
Neighbour Notification Checked: Yes	
<p>Conditions</p> <p>1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development</p>	

hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. 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, Condition 3 will apply.

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

3. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). 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.

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

4. Should a piled foundation be required as the foundation solution for the proposed development then a piling foundation risk assessment needs to be submitted in writing and agreed with Planning Authority. The piling risk assessment should adopt the methodology provided in the Environment Agency (2001) publication entitled, "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", reference NC/99/73.

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

5. After completing all remediation works and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. 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 environmental receptors to ensure the site is suitable for use.

6. The development hereby permitted shall not be occupied until the redundant vehicular access from the site to the public road has been permanently closed and the footway reinstated to the satisfaction of Transport NI.

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

7. The development hereby permitted shall not be occupied until covered cycle parking facilities have been provided in general accordance with approved Drawing No.04A bearing the date stamp 11/05/16.

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

8. Deliveries and collections by commercial vehicles to and from the development shall only be made between the hours of 07.00 and 23.00hrs.

Reason: In the interests of amenity.

9. The proposed development shall be covered with a layer of hard standing as indicated in Appendix I (Proposed Development Plan) of the Pentland Macdonald report entitled Quantitative Contamination Risk Assessment, 39-41 Falls Road, Belfast (September 2010, reference PM10-1070).

Reason: Protection of human health

10. The proposed windows labelled X and Y on approved drawing No 05A, date stamped received 11/05/16, shall be finished in obscure glass. These windows shall be permanently retained and in the event of breakage shall be replaced with obscure glass to the satisfaction of the Council.

Reason: In the interests of amenity.

ANNEX	
Date Valid	25th November 2015
Date First Advertised	11th December 2015
Date Last Advertised	19th February 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Cupar Street Lower,Edenderry,Belfast,Antrim,BT13 2LJ, The Owner/Occupier, 13 Devenish Court,Edenderry,Belfast,Antrim,BT13 2LS, The Owner/Occupier, 2 Cupar Street Lower,Edenderry,Belfast,Antrim,BT13 2LJ, The Owner/Occupier, 3 Cupar Street Lower,Edenderry,Belfast,Antrim,BT13 2LJ, The Owner/Occupier, 4 Cupar Street Lower,Edenderry,Belfast,Antrim,BT13 2LJ, The Owner/Occupier, 43-45,Falls Road,Edenderry,Belfast,Antrim,BT12 4PD, The Owner/Occupier, 5 Cupar Street Lower,Edenderry,Belfast,Antrim,BT13 2LJ, The Owner/Occupier, 68 Falls Road,Town Parks,Belfast,Antrim,BT12 4PY, The Owner/Occupier, 7 Cupar Street Lower,Edenderry,Belfast,Antrim,BT13 2LJ, The Owner/Occupier, 70 Falls Road,Town Parks,Belfast,Antrim,BT12 4PY, The Owner/Occupier, 72 Falls Road,Town Parks,Belfast,Antrim,BT12 4PY, The Owner/Occupier, Northern Ireland HQ,Belvoir Park Forest,Belvoir Drive,Belfast,BT8 7QT	
Date of Last Neighbour Notification	18th May 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: Z/2013/0923/F Proposal: Proposed new shop and apartment development (1 no retail unit and 11 no apartments) Address: 39-41 Falls Road, Belfast, BT12 4PD, Decision Date: 17.02.2015 Ref ID: Z/2010/0135/A Proposal: Replacement shop signs. Address: 41, 57, 59, 69-73, 93, 95, 113-115, 117, 119, 121, 123, 139, 141-143, 145, 167, 186, 188, 190, 192, and 194 Falls Road, Belfast. (41-73) BT12 4PD, (93-95) BT12 4PE, (113-123) BT12 6AA. Decision Date: 09.03.2010 Ref ID: Z/1974/0133 Proposal: EXTENSION TO 'OFF SALES' PREMISES Address: 41 FALLS ROAD,BT12 Decision:	

Decision Date:

Ref ID: Z/1984/0602

Proposal: ERECTION OF ILLUMINATED PROJECTING SIGN

Address: KELLY'S BAR, 39 FALLS ROAD

Decision Date:

Ref ID: Z/1990/2651

Proposal: Alterations & Improvements to Licensed Premises

Address: 39-41 FALLS ROAD BELFAST

Decision Date:

Ref ID: Z/1997/2584

Proposal: Restructuring and extension of existing licensed premises.

Address: 39-41 FALLS ROAD AND 2 CUPAR STREET, BELFAST BT12

Decision Date:

Ref ID: Z/1995/2887

Proposal: Internal alterations and external improvements to premises

Address: 39 FALLS ROAD BELFAST BT12

Decision Date:

Ref ID: Z/2008/2134/F

Proposal: Demolition of existing premises & erection of 2 No. 1 bedroom & 18 No. 2 bedroom apartments and 2 No. retail units [amended scheme].

Address: 39-41 Falls Road, Edenderry, Belfast, BT12 4PD

Decision Date: 10.06.2009

Ref ID: Z/2009/1368/F

Proposal: Demolition of existing premises and erection of 1no. 1-bedroom and 14no. 2-bedroom apartments and 1no. ground floor retail unit.

Address: 39-41 Falls Road, Belfast.

Decision Date: 21.02.2011

Ref ID: Z/1986/1429

Proposal: Two temporary classrooms for nursery school

Address: 43-45 FALLS ROAD, VACANT LAND AT BELFAST BT12 4PD

Decision Date:

Ref ID: Z/1974/0600

Proposal: CHANGE OF USE TO YOUTH CLUB AND OFFICES FOR WELFARE COMMITTEE

Address: ST. AUGUSTINES YOUTH CLUB - 43-45 FALLS ROAD

Decision Date:

Ref ID: Z/1990/3050

Proposal: Provision of new offices to contain training and employment agency

Address: 43-45 FALLS ROAD, BELFAST BT12

Decision Date:

Ref ID: Z/1986/0079

Proposal: CONSTRUCTION OF CAR PARK, EXTERNAL ALTERATIONS TO
PREMISES AND REBUILDIN

Address: 39-41 FALLS ROAD

Decision Date:

Notification to Department (if relevant) Not required

Date of Notification to Department:

Response of Department: