

Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: | Item Number: |
| Application ID: LA04/2015/0668/F | Target Date: |
| Proposal: Demolition of existing buildings and erection of residential development comprising of 96 units and associated car parking and landscaping. | Location: Lands adjacent and East of No.43 Stockmans Way Belfast |
| Referral Route: Committee – major application (exceeds 50 units) | |
| Recommendation: | APPROVAL Subject to Section 76 |
| Applicant Name and Address: Kilmona Holdings Ltd Adelaide House 1 Falcon Road Belfast BT12 6SJ | Agent Name and Address: Coogan & Co Architects Ltd 144 Upper Lisburn Road Finaghy Belfast BT10 0BG |
| <p>Executive Summary:</p> <p>The proposal comprises demolition of existing buildings and erection of residential development comprising of 96 units and associated car parking and landscaping.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The principle of the development at this location; • Impact on the Character of the Area and existing uses; • Impact on amenity; and • Traffic Movement and Parking <p>The site is located within the development limits of Belfast in the Belfast Metropolitan Area Plan (BMAP) 2015 and approximately half of the site is identified as a committed housing site (ref SB03/04), with the remainder (southern portion) identified as ‘whiteland’ and therefore not subject to any particular zonings.</p> <p>The proposal is a resubmission of a previously approved application under reference Z/2007/2167/F on 18/02/2009. This is a significant consideration in this case, and there has been no significant redirection of policy since this decision.</p> <p>It is considered that the proposal would not adversely impact on the character of the area, which is a wide mix of non residential uses, building designs and finishes. Taking account of the previous permission there will be no greater impact on the amenity of existing neighbouring properties. In terms of prospective residents, each unit has</p> | |

adequate outlook to the public street and external amenity areas.

The accommodation proposed is in accordance / generally exceeds standards set out in the addendum to PPS7. In terms of amenity space outdoor communal garden areas are proposed, in addition to individual balconies for each apartment, the areas would fall short of the standards set out in Creating Places, however account is taken of the proximity of public open space off Stockmans Way, limited provision in neighbouring existing residential developments, and that provision/layout arrangements essentially repeat that previously found acceptable under the previous permission.

Policy PED 8 of PPS 4 seeks to safeguard existing or approved economic development uses from incompatible development that would prejudice future operations. Given the positive responses from Environmental Health and Waste & Contaminated Land, it is noted considered that the proposed residential use would compromise existing economic activities within the locality of the site.

Rivers Agency and NI Water have been consulted on the application, and assessed the submitted flood risk assessment. Neither consultee has any objections to the proposal and therefore it is considered that the proposal will not result in or be impacted unacceptably by flooding.

Transport NI are satisfied that there is sufficient vehicle and bicycle parking provision proposed, the access arrangements are adequate, and that the proposal will not result in a significant impact on traffic or road safety. The proposal includes dedicated cycle parking.

The agent indicates that the proposal constitutes an investment of approximately 100 construction jobs.

No representations have been received from the public or any elected representatives.

In this case it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement with Belfast City Council both to provide certainty around the management of the accommodation and to provide environmental improvements and improved access arrangements to existing open space / recreation areas in close proximity to the site.

The details are to be agreed with the developer / landowner and the developer has expressed a willingness and commitment to provide satisfactory contributions.

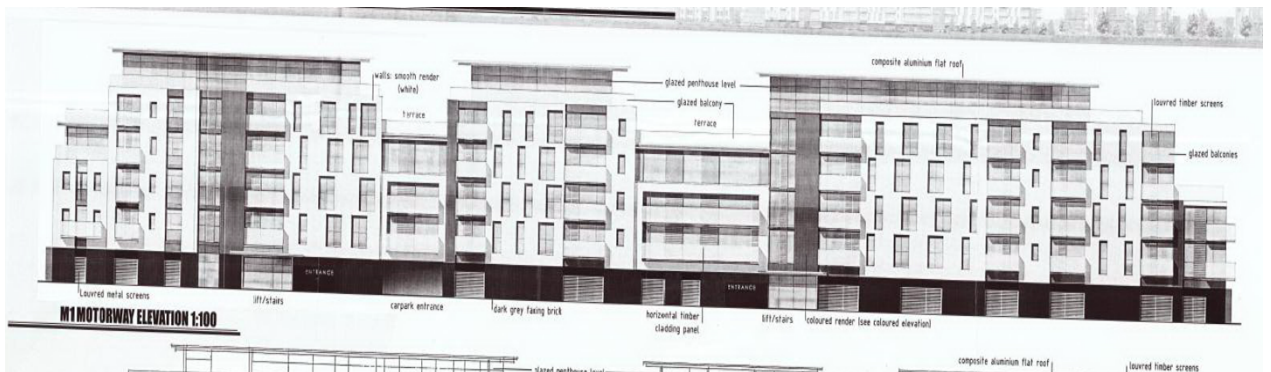
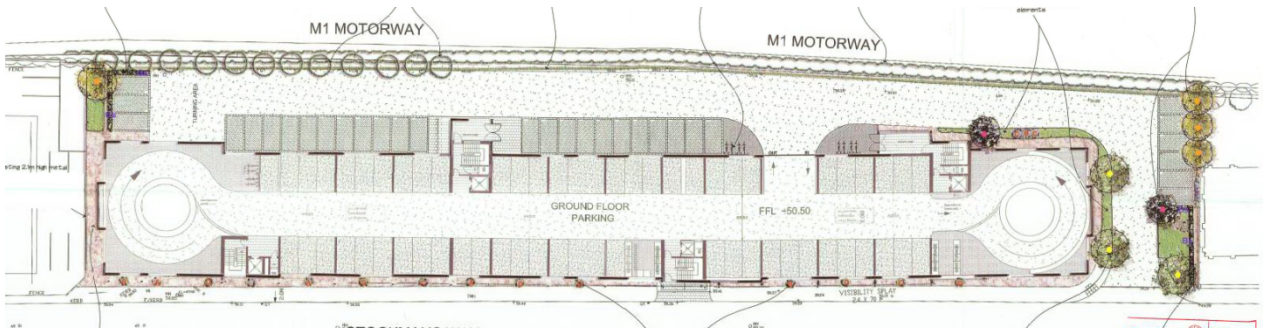
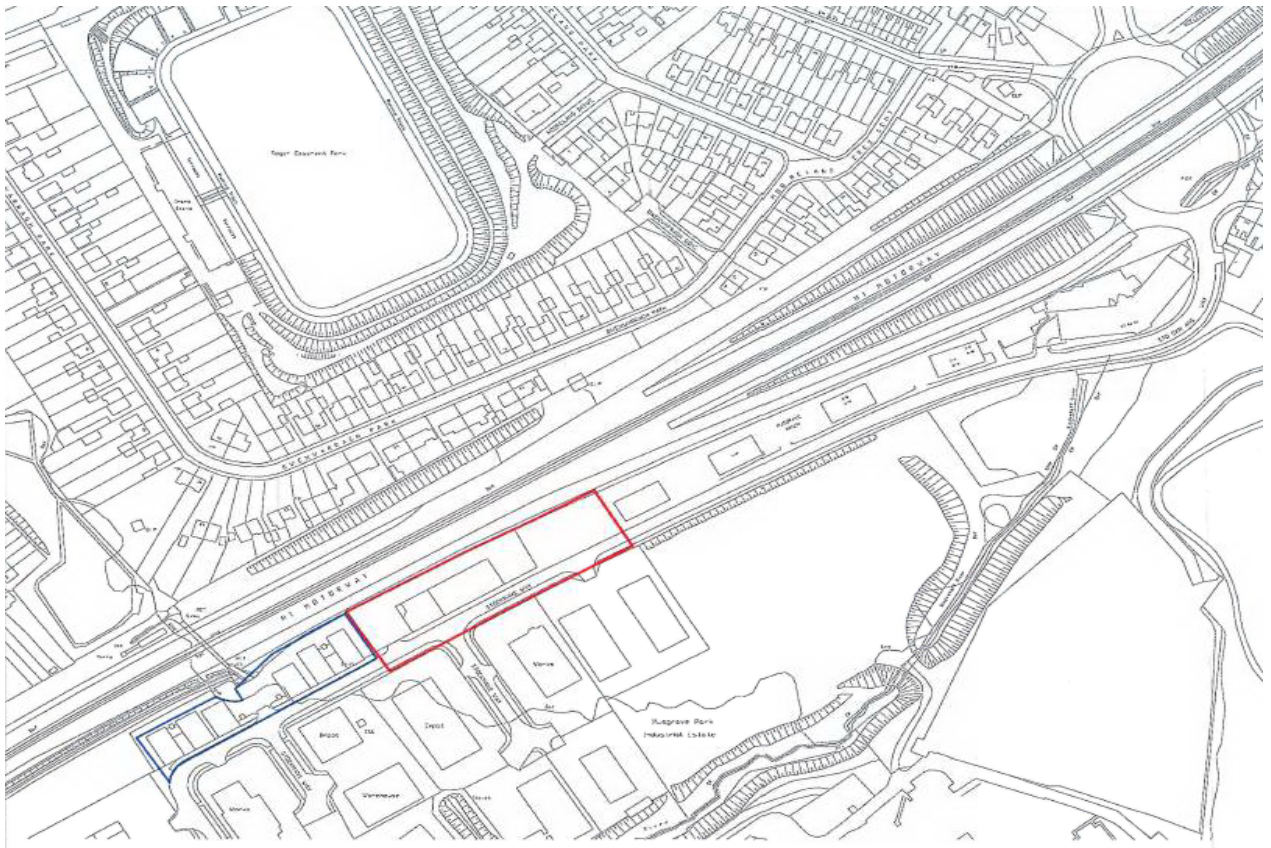
Approval of the application is recommended. Delegation of details of the Section 76 legal agreement and final conditions to Director of Planning and Place requested.

Signature(s):

Date:

Case Officer Report

Site Location Plan





1.0 Description of Proposed Development

The proposal comprises demolition of existing buildings and erection of residential development comprising of 96 units and associated car parking and landscaping.

2.0 Description of Site

The site is located at a vacant site on Stockmans Way in south Belfast. It is broadly level in terms of topography and is surrounded by metal palisade fencing approximately 3m in height around the site boundaries. The southern end of the site includes a two storey industrial type building, which in use as a business park comprising 6 businesses with hardsurfaced carparking at either end.

The area is predominately commercial in terms of uses, however there are residential (apartments) immediately adjacent to the site and Stockman's Way junction.

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

Ref ID: Z/2007/2167/F

Proposal: Demolition of existing buildings and erection of residential development comprising 96 units and associated car parking and landscaping.

Address: Lands adjacent and east of 43 Stockman's Way, Ballygammon, Belfast, BT09 7ET

Decision: Approval

Decision Date: 18.02.2009

4.0 Policy Framework

4.1 Belfast Metropolitan Area Plan 2015

4.2 Strategic Planning Policy Statement (SPPS)

4.3 Planning Policy Statement 3 (PPS3) - Access, Movement and Parking

4.4 Planning Policy Statement 13 (PPS13) - Transportation and Land Use

4.5 Planning Policy Statement 7 (PPS7) – Residential Development

4.6 Planning Policy Statement 12 (PPS12) – Housing in Settlements

4.7 Planning Policy Statement 15 (PPS15) - Planning and Flood Risk

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| <p>4.8 Planning Polciy Statement 4 (PPS4) – Planning and Economic Developments</p> <p>4.9 Supplementary Planning Guidance including ‘Creating Places’, Development Control Advice Note 8 Housing in Existing Urban Areas, and Parking Standards.</p> <p>5.0 Statutory Consultee Responses</p> <p>5.1 NI Water - No objection</p> <p>5.2 DARD - Rivers Agency - No objection</p> <p>5.3 DoE - NIEA - Waste Management - No objection subject to conditions</p> <p>5.4 DRD - Transport NI - No objection subject to conditions</p> <p>6.0 Non - Statutory Consultee Responses</p> <p>6.1 BCC Environmental Health - No objection subject to conditions</p> <p>6.2 Defence Estates – no objections</p> | |
| 7.0 | <p>Representations</p> <p>The application has been neighbour notified and advertised in the local press. No representations have been received.</p> <p>No representations from any elected representatives have been received.</p> |
| 8.0 Other Material Considerations | |
| 8.1 | None |
| 9.0 Assessment | |
| 9.1 | <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The principle of the development at this location; • Impact on the Character of the Area; • Impact on amenity; and • Traffic Movement and Parking |
| 9.2 | <p>The SPPS sets out five core planning principles of the planning system, including improving health and well being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states the majority of PPS’s remain applicable under ‘transitional arrangements’ including PPS3 and PPS7.</p> |
| 9.3 | <p>Due to the nature of the proposal, BMAP and regional housing policies are also significant policy considerations.</p> |
| 9.4 | <p><u>Principle of proposed development Use</u></p> <p>The site is located within the development limits of Belfast in the BMAP 2015</p> |

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| | and roughly half of the site is identified as a committed housing site (ref SB03/04), with the remainder (southern portion) identified as 'whiteland' and therefore not subject to any particular zonings. |
| 9.5 | The proposal appears to constitute a resubmission of a previously approved application under reference Z/2007/2167/F on 18/02/2009. This is a significant consideration in this case, and there has been no significant redirection of policy since this decision. |
| | <u>PPS7 – Design, Character and Appearance of Area and and amenity</u> |
| 9.6 | The proposal has been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet. |
| 9.7 | The proposed layout and design broadly follows that approved under the previous applications. There is a mixture of building heights within the locality, with buildings immediately adjacent to the site being four storeys in height. The proposal includes a varied/stepped roof height design approach between 4-6 storeys as per the previous permission. In this context, the planning history of the site and immediate area has significant weight and accordingly the proposed height and layout is considered acceptable. |
| 9.8 | The proposed materials, design and fenestration, are consistent with the area, incorporating a similar, fenestration, and solid to void ratios, and also having regard to the previous permissions on the site and in the locality. The proposed design is therefore compliant with criteria [g] of PPS7. |
| 9.9 | Accordingly it is considered that the proposal would not adversely impact on the character of the area, which is a wide mix of non residential uses, building designs and finishes. |
| | Impact on Residential Amenity |
| 9.10 | In regard to impact on residential amenity, there are existing residential uses immediately adjacent to the east of application site. The layout/aspect of the neighbouring apartment block is such that main habitable room are orientated toward the front and rear of the site. The aspect is also such that overshadowing of neighbouring properties will not be significant. Accordingly the proposal will not adversely impact on the amenity of existing residents. Taking account of the previous permission there will be no greater impact on the amenity of existing neighbouring properties. |
| 9.11 | In terms of prospective residents, each unit has adequate outlook to the public |

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| | street and external amenity areas. |
| 9.12 | <p>The accommodation proposed is in accordance / generally exceeds standards set out in the addendum to PPS7. In terms of amenity space an outdoor communal garden areas are proposed, in addition to individual balconies for each apartment. The areas would fall short of the standards set out in Creating Places, however account is taken of the proximity of public open space off Stockmans Way, limited provision in neighbouring exiting residential developments, and that provision/layout arrangements essentially repeat that previously found acceptable under the previous permission. It is considered that environmental improvements and improved access to existing open space can be facilitated through a legal agreement under Section 75 of the Planning Act.</p> |
| 9.13 | <p>PPS4</p> <p>Policy PED 8 of PPS 4 seeks to safeguard existing or approved economic development uses from incompatible development that would prejudice future operations. Given the positive responses from Environmental Health and Waste & Contaminated Land, it is noted considered that the proposed residential use would compromise existing economic activities within the locality of the site.</p> |
| 9.14 | <p>PPS15 – Flooding</p> <p>Rivers Agency and NI Water have been consulted on the application, and assessed the submitted flood risk assessment. Neither consultee has any objections to the proposal and therefore it is considered that the proposal will not result in or be impacted unacceptably by flooding.</p> |
| 9.15 | <p>Traffic, Parking and associated Roads considerations</p> <p>Transport NI were consulted and are satisfied that there is sufficient vehicle and bicycle parking provision proposed, the access arrangements are adequate, and that the proposal will not result in a significant impact on traffic or road safety. The proposal includes dedicated cycle parking. This aspect is therefore considered acceptable and compliant with PPS3, associated guidance, and criteria [f] of QD1.</p> |
| 9.15 | <p>Bin Storage</p> <p>The applicant has shown bin storage areas and therefore this aspect is acceptable.</p> |
| 9.16 | <p>Consultee Responses</p> <p>Environmental Health has no objections to the proposal in terms of public health matters including noise, disturbance and associated matters subject to conditions.</p> <p>NIEA Waste Management has no objections regarding land contamination issues. Belfast City Airport is also satisfied that the proposal will not impact on aircraft safety.</p> <p>Defence Estates have no objections to the application.</p> |

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| <p>9.17</p> <p>9.18</p> <p>9.19</p> | <p>Other Considerations</p> <p>The agent indicates that the proposal will generate approximately 100 construction jobs.</p> <p>Developer Contributions</p> <p>In this case, given the under provision of amenity space within the development and the nature of the location, next to the motorway and adjacent to a light industrial area it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement with Belfast City Council to provide certainty around the management of the accommodation and to provide environmental improvements and improved access arrangements to existing open space / recreation areas in close proximity to the site.</p> <p>The details are to be agreed with the developer / landowner and the developer has expressed a willingness and commitment to provide satisfactory contributions.</p> |
| <p>10.0</p> <p>10.1</p> <p>10.2</p> | <p>Summary of Recommendation</p> <p>The proposal has been assessed against Belfast Metropolitan Area Plan, Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement 4 Economic Development, Planning Policy Statement 7: Residential Development, Planning Policy Statement 3: Access, Movement and Parking, Planning Policy Statement 12 Housing in Settlements, Planning Policy Statement 13 Transportation and Land Use, Policy Statement 15: Planning and Flood Risk and supplementary planning guidance.</p> <p>Having regard to the policy context and other material considerations above including the planning history, the proposal is considered acceptable and planning permission is recommended subject to conditions.</p> |
| <p>Conditions – delegation of final conditions to Director of Planning and Place requested.</p> <p>1. As required by Section 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.</p> <p>Reason: Time Limit.</p> <p>2. Prior to the occupation of any apartment dwelling hereby approved, all boundary walls and fencing shall be erected in accordance with the approved plans and shall be permanently retained thereafter.</p> <p>Reason: In the interest of privacy and amenity.</p> <p>3. All services (including those for water supply, drainage, heating, and gas supplies) shall be laid underground or housed internally within the building[s] hereby approved.</p> <p>Reason: In the interests of visual amenity.</p> | |

4. The development hereby permitted shall not become operational until the vehicular accesses have been constructed in accordance with Drawing No.03A bearing the date stamp Planning Service Received 20 April 2016.

REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

The development hereby permitted shall not become operational until the hard surfaced areas have been constructed in accordance with the approved Drawing No.03A bearing the date stamp Planning Service Received 20 April 2016 to provide for parking servicing and manoeuvring within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

REASON : To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

5. If during the development works, new contamination or risks 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 further contamination or 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.

6. After completing the remediation works under Conditions 1 and 2; 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.

7. A landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, shall be submitted to and approved by the Department prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and no changes shall be implemented without the agreement with the Local Planning Authority in writing.

Reason: To ensure the sustainability of the tree cover on the site through the successful long term proactive maintenance.

8. All soft landscape works detailed in the approved drawings shall be completed before

the expiration of the first planting season following occupation of any of the apartments hereby approved.

All hard and soft landscape works shall be carried out in accordance with the approved details, the appropriate British Standard, the relevant sections of the National Building Specification - NBS (Landscape) and plant material with the National Plant Specification - NPS.

All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations (excluding hard surfaces)'.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

9. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Department seriously damaged or defective, shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Department gives its written consent to any request for variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

10. No development shall take place until detailed proposals for disposal of storm water and foul sewage have been submitted to, and approved in writing by Northern Ireland Water and verified by the Department. The dwellings shall not be occupied until the approved arrangements are in place.

Reason: To ensure the provision of the necessary infrastructure to service the development.

| ANNEX | |
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| Date Valid | 24th June 2015 |
| Date First Advertised | 31st July 2015 |
| Date Last Advertised | |
| <p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 25 Stockmans Way, Ballymoney, Belfast, Antrim, BT9 7ET, The Owner/Occupier, 39 Stockmans Way, Ballydownfine, Belfast, Antrim, BT9 7ET, The Owner/Occupier, 39A Stockmans Way, Ballydownfine, Belfast, Antrim, BT9 7ET, The Owner/Occupier, 41 Stockmans Way, Ballydownfine, Belfast, Antrim, BT9 7ET, The Owner/Occupier, 41A Stockmans Way, Ballydownfine, Belfast, Antrim, BT9 7ET, The Owner/Occupier, 43 Stockmans Way, Ballydownfine, Belfast, Antrim, BT9 7ET, The Owner/Occupier, 43A Stockmans Way Ballydownfine Belfast The Owner/Occupier, 45 Stockmans Way, Ballydownfine, Belfast, Antrim, BT9 7ET, The Owner/Occupier, APARTMENT 1 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 10 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 11 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 12 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 13 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 14 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 15 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 16 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 2 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 3 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 4 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 5 Musgrave Manor (block 4) 49 Stockmans Way</p> | |

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| <p>The Owner/Occupier, APARTMENT 6 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 7 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 8 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, APARTMENT 9 Musgrave Manor (block 4) 49 Stockmans Way The Owner/Occupier, Musgrave Business Centre,45 Stockmans Way,Ballydownfine,Belfast,Antrim,BT9 7ET, The Owner/Occupier, Musgrave Park Business Centre,Stockmans Way,Ballydownfine,Belfast,Antrim,BT9 7ET, The Owner/Occupier, Musgrave Park Industrial Estate,22 Stockmans Way,Ballydownfine,Belfast,Antrim,BT9 7JU, The Owner/Occupier, Musgrave Park Industrial Estate,Stockmans Way,Ballydownfine,Belfast,Antrim,BT9 7ET, The Owner/Occupier, Stockmans Way,Ballydownfine,Belfast,Antrim,, The Owner/Occupier, Unit 1,Musgrave Park Industrial Estate,22 Stockmans Way,Ballydownfine,Belfast,Antrim,BT9 7ET, The Owner/Occupier, Unit 1,Musgrave Park Industrial Estate,Stockmans Way,Ballydownfine,Belfast,Antrim,BT9 7ET, The Owner/Occupier, Unit 2,45 Stockmans Way,Ballydownfine,Belfast,Antrim,BT9 7ET, The Owner/Occupier, Unit 2,Musgrave Park Industrial Estate,Stockmans Way,Ballydownfine,Belfast,Antrim,BT9 7ET,</p> | |
| Date of Last Neighbour Notification | 5th August 2015 |
| Date of EIA Determination | |
| ES Requested | No |
| Drawing Numbers and Title | |
| Drawing No. 01A, 02, 03A, 04, 05B, 06B, 07, 08, 09, 10, 11, 12, 13, 14, | |
| Notification to Department (if relevant) | |
| Date of Notification to Department: Response of Department: | |