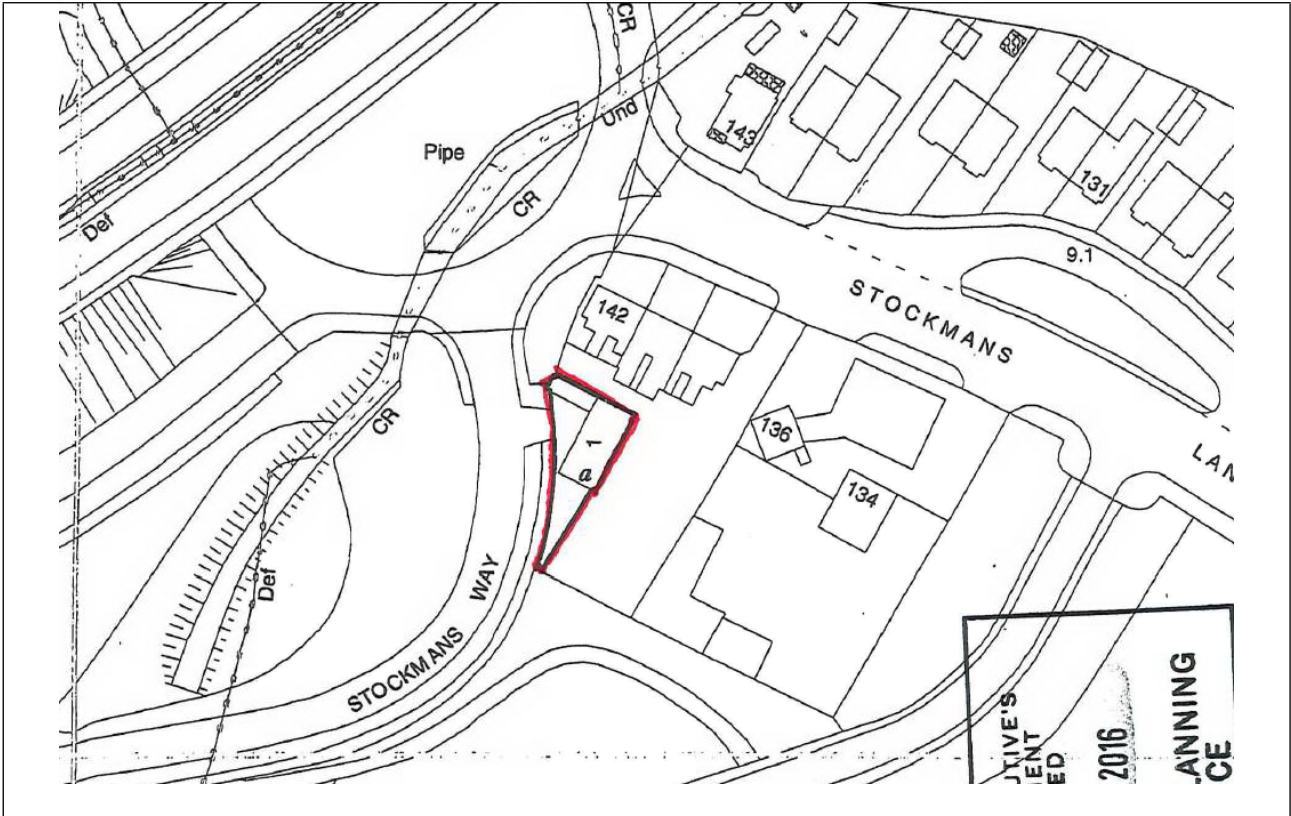


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15 November 2016	
Application ID: LA04/2016/1644/F	
Proposal: A three storey building, housing 5 one bed apartments with 6 parking spaces	Location: 1 Stockman's Way Belfast BT9 7ET
Referral Route: More than 4 residential units	
Recommendation:	Approval
Applicant Name and Address: Ballyhoy Developments Limited 50 Kennedy Way Belfast BT11 9AD	Agent Name and Address: Paddy Byrne Architects 108 Appleton Park Belfast BT11 9JF
Executive Summary:	
<p>The application seeks permission for a three storey building, housing 5 one bed apartments with 6 parking spaces on the ground floor.</p> <p>The site is located at no.1 Stockman's Way in Southwest Belfast. It falls within BT122 – Musgrave Local Landscape Policy Area and no other designations. It is currently occupied by a single storey commercial building.</p> <p>The main issues in this case are:</p> <ul style="list-style-type: none"> • The principle of residential at this location • Impact on the character of the area • Impact on residential amenity. • Impact on the Musgrave Local Landscape Policy Area • <p>Previous permission was granted for 4 apartments on the site in November 2008 (Z/2007/1217/F)</p> <p>5 Objections were received regarding the proposal. The mains issues raised include:</p> <ul style="list-style-type: none"> • Loss of light, outlook and privacy • The 6 parking spaces would present safety issues • Loss of view to existing access at 140 Stockman's Lane • Prejudice future development. <p>Transport NI, NI Water and BCC Environmental Health were consulted and there were no objections.</p> <p>The proposal conforms to the area plan zoning and planning policy. The principle of 3 storey residential development at this site has already been established. It is recommended the application be approved subject to conditions</p>	

Case Officer Report
Site Location Plan



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>The proposal is for a three storey building housing 5no. one bed apartments with 6no. parking spaces.</p>
2.0	<p>Description of Site</p> <p>The site is located at no.1 Stockman’s Way in Southwest Belfast located at the motorway M1 junction at Stockmans Lane. Existing on this triangular shaped site is a single storey store with tarmac parking area to the front. The site falls within BT122 – Musgrave Local Landscape Policy Area and no other designations.</p> <p>To the north of the site is a row of 2 ½ storey terraced dwellings fronting Stockmans Lane. Opposite is the hotel development approved under Z/2003/0383/F.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Z/1980/1779 - Rear Of 140 Stockmans Lane - Erection Of Workshop/Garage - Permission Granted</p> <p>Z/1982/1335 - Rear Of 140 Stockmans Lane - Proposed Steam Car Wash - Permission Granted</p> <p>Z/1986/1427 - Stockmans Lane - Store Over Tyre Depot - Permission Granted</p> <p>Z/2003/0383/F - Site on Stockmans Way - Construction of hotel, services and associated</p>

	<p>car parking (66 bedrooms) - PERMISSION GRANTED - 22.01.2004</p> <p>Z/2003/0384/F - Site on Stockmans Way - 14 No. own-door offices with associated car parking - PERMISSION GRANTED - 17.06.2004</p> <p>Z/2007/1217/F - 1 Stockman's Way - Erection of 4 No. apartments and car parking - PERMISSION GRANTED - 14.11.2008</p>
4.0	Policy Framework
	<p>Belfast Metropolitan Area Plan 2015 - BT122 – Musgrave Local Landscape Policy Area Strategic Planning Policy Statement</p> <p>Planning Policy Statement 3 – Access, Movement and Parking</p> <p>Planning Policy Statement 7 - Quality Residential Environments - Policy QD1</p> <p>Planning Policy Statement 7 - Addendum - Safeguarding the Character of Established Residential Areas - Policy LC1</p>
5.0	Statutory Consultee Responses
	<p>DRD Transport NI</p> <p>NI Water</p>
6.0	Non Statutory Consultee Responses
	<p>BCC Environmental Health</p>
7.0	Representations
	<p>5 representations have been received. They have come from occupants of:</p> <ul style="list-style-type: none"> • no.138 Stockman's Lane (2 no) • no.140 Stockman's Lane (2 no) • no.142 Stockman's Lane <p>A summary of the issues raised is as follows:</p> <ul style="list-style-type: none"> • A property of this size will seriously impact on the light, outlook and privacy to the rear of premises at nos.138-142 Stockman's Lane • The 6 parking spaces at the corner entrance to a busy industrial estate would present safety issues • Properties have already suffered a diminution in the amount of natural light from the erection of the apartments on the opposite side of Stockman's Way • The construction will create a potential threat to the security of people entering and exiting the rear of 140 Stockman's Lane as it will then almost certainly be concealed from public view • Potential future issues such as overlooking affecting development proposals for no.138 <p>The above concerns will be addressed in the assessment below.</p>
8.0	Other Material Considerations
	<p>Previous approval Z/2007/1217/F for 4 No apartments and associated apartments.</p> <p>This approval was for the erection of 4 No. apartments and car parking at the same site. It was granted on 12.11.2008 and expired on 12.11.2013. The proposal was very similar to the current application in terms of design, mass and scale. It was 'L' shaped with a footprint 18.4m along the south-eastern elevation, 13m along the north-eastern and came to a flat roofed height of 9m. The ground floor had 6 parking spaces while the first and second floors provided 4 no. apartments. The only significant difference is that the current proposal is for 5 no. apartments on the same footprint.</p>

9.0	Assessment
9.1	<p>SPPS The proposal is in keeping with core planning principles are set out in para 4.1- 4.40 of this document</p>
9.2	<p>BMAP – Musgrave Local Landscape Policy Area (LLPA). – ENV 1 – permission will not be granted for development which would be likely to have a significant adverse impact on features which contribute to the environmental quality, integrity or character. – The site is previously developed by commercial store and yard. The 3 storey development will not have an adverse impact the character of the LLAP.</p>
9.3	<p>PPS3 Access, Movement and Parking. Transport NI is content with the proposal which complies with policies in this document</p>
9.4	<p>The proposal is assessed against PPS7 - Quality Residential Environments – Policy QD1:</p>
9.5	<p>All proposals for residential development will be expected to conform to all of the following criteria:</p> <ul style="list-style-type: none"> a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas; <p>The surrounding context of the proposal site includes the area fronting onto Stockman’s Lane and the buildings along Stockman’s Way. The area is urban and characterised by a mixture of uses including retail, education, industrial and residential. The scale, height and massing of the proposed apartment development is considered in keeping with the character of the area. Presently on site there is a single storey disused car repair workshop with a flat roof. The proposal involves the erection of 1 no. block of 5 no. apartments. The relationship of the proposed built form in context of the site is appropriate.</p> <ul style="list-style-type: none"> b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development; <p>There are no buildings or landscape features of archaeological or heritage interest in the vicinity of the site.</p> <ul style="list-style-type: none"> c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area; <p>The site is small and shows landscaped areas to the front and size of the apartments, however, given the location of this development within close proximity to Musgrave Park, the communal amenity provided is adequate.</p> <ul style="list-style-type: none"> d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development; The site is served by established local neighbourhood facilities. e) a movement pattern is provided that supports walking and cycling, meets the

9.56	<p>needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;</p> <p>The site is served by established local neighbourhood facilities, access to public transport etc.</p> <p>f) adequate and appropriate provision is made for parking;</p> <p>Transport NI was consulted and had no objection to the proposal and were content with the design of the vehicular access. The proposed 6 parking spaces will facilitate one vehicle for each of the 5 apartments with space for one visitor.</p> <p>g) the design of the development draws upon the best local traditions of form, materials and detailing;</p> <p>The proposed building is to be finished in facing brick to the side and rear elevations and part of the front. Rendered and painted finish is also proposed to two front walls and panels enclosing windows. Front walls and piers are to be facing brick. The entrance to apartment 1 is to be a flat metal canopy. The design and materials are considered to be in keeping with the character of the area.</p> <p>h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;</p> <p>The occupants of properties 138-142 Stockman's Way have submitted objections relating to the proposal having a negative effect on the rear of their properties in terms of loss of light and poor outlook created by the proposal's three storey gable facing their property. As no.138 does not abut the site it is considered to be an adequate distance away from the proposal not to be adversely affected. As regards no.'s 140 and 142, both properties are in non-residential use in that 140 is Flynn Veterinary Centre and 142 is Swift Transport Training. The area to the rear of these properties consists of small yards. While it is conceded that the proposal will result in some loss of light to the rear of these properties it is considered that as commercial properties, they are not provided the same level of amenity as they would if residential. In addition, the proposal has been reduced in height by 0.5m from than the previously approved scheme and has therefore slightly less impact. As regards the comment from the occupant of no.138, regarding development of his site, it is noted that there are no recent approvals associated with this site nor any live applications. Additionally, there are no upper windows on the proposed scheme which overlook this site.</p> <p>i) the development is designed to deter crime and promote personal safety.</p> <p>A concern was raised in the objection from no.140 Stockman's Lane regarding a potential threat to the safety of those entering the rear of the properties from 138-142 due to the rear being concealed from view. Access to the rear of the properties is from the driveway of no.138. The ground floor level of the rear of the properties can only be viewed from Stockman's Way and already direct views are obscured by the existing former car repair building and the boundary walls to the rear of the properties. It is not considered that the proposal will have any negative impact on the safety of local residents or visitors to the premises fronting Stockman's Lane.</p> <p>Also relevant is PPS 7: Addendum - Safeguarding the Character of Established Residential Areas - Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity: In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:</p> <p>a) the proposed density is not significantly higher than that found in the established residential area;</p>
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9.7	<p>In relation to the cumulative impact of the proposal in terms of increased residential density and associated road use, it is not considered that it will have an unacceptable impact on the overall character of the area. As it is adjacent to an arterial route linking the city centre to the suburbs it is an acceptable location for an increase in housing density.</p> <p><u>b)</u> the pattern of development is in keeping with the overall character and environmental quality of the established residential area;</p> <p>As above, the relationship of the proposed built form in context of the site is considered to be appropriate.</p> <p><u>c)</u> all dwelling units and apartments are built to a size not less than those set out in Annex A.</p> <p>The internal space of the proposed 5 apartments is as follows:</p> <ul style="list-style-type: none"> • Apartment 1 = 55sqm • Apartment 2 = 45sqm • Apartment 3 = 48sqm • Apartment 4 = 47sqm • Apartment 5 = 52sqm <p>In the floorplans provided each of the one bedroom apartments shows a double bed indicating that each could accommodate two persons. The space standards for 2 persons and 1 bed set out in Annex A is 50/55sqm. However, it is possible and indeed likely that the apartments will be occupied by one tenant. The space standard for 1 person and 1 bed is 35/40sqm. On balance therefore the size of each of the apartments is considered to be acceptable.</p>
9.8	<p>It is considered that the proposed apartments will have a positive impact on the area and that any effect on neighbouring properties is not unacceptable. Weight must be given to the fact that the proposal is transforming a dilapidated and disused car repairs workshop into residential use. For this and the above reasons I recommend approval.</p>
9.9	<p>Environmental Health were consulted regarding Contamination on the site. Contamination Reports submitted were considered by Environmental Health and they have no objections, subject to conditions. NIEA – Waste Management Unit consultation response remains outstanding.</p>
10.0	<p>Summary of Recommendation:</p> <p>It is recommend to approve the application subject to conditions below and it is requested the wording of conditions from NIEA when received are Delegated to the Director of Planning and Place.</p>
11.0	<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The materials to be used in the construction of the external surfaces of the apartment building hereby permitted, shall be as stipulated on Drawing No. 03A, date stamped 14 October 2016.</p> <p>Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the area.</p>

3. The development hereby permitted shall not be occupied until the vehicular access has been constructed in accordance with Drawing No.02 bearing the date stamp 26 July 2016.

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

4. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No02, bearing date stamp 26 July 2016, to provide adequate facilities for parking and movement 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.

5. The applicant, on completion of the works and prior to the occupation of the proposed development, shall provide to the Planning Service, for approval, a verification report. This report must provide confirmation that all works were completed in accordance with the agreed details in the remediation Strategy PM07-1116 prepared by Pentland Macdonald and the additional information provided in a letter dated 23rd May 2008. The verification report shall demonstrate the successful completion of remediation works and that the site is now fit for end use. It must be demonstrated that contaminant-pathway-target linkages between any contamination and end users are effectively broken. The verification report should be in accordance with current best practice and guidance as outlined by the Environment Agency.

Reason: In the interest of human health.

6. The verification report must include the site development plan confirming full details of the location of the hard standing and in areas where buildings or hard standings are not proposed, details of the clean cover system. Results of the testing of all imported material to be used in the cover system must also be included.

Reason: In the interest of human health.

7. Characteristic Situation 2 gas protection measures are required and should be installed into the development in accordance with guidance (CIRIA 665) updated CIRCA C716 and their installation has been verified in line with CIRIA C735.

- Reinforced concrete cast in situ floor slab (suspended, non-suspended or raft) with at least 1200 DPM and underfloor venting
- Beam and block or pre-cast concrete and 2000g DPM/reinforced gas membrane and underfloor venting
- All joints and penetrations sealed
- Full details of the installation of the gas protection measures must be included in the verification report submitted.

Reason: In the interest of human health.

8. If during the development works any contamination not previously considered during the risk assessment and remediation plan is encountered the development of the site shall cease. A further submission of a written report appropriately investigating the nature and extent of the contamination and its management shall be submitted to the Planning Service for approval.

	<p>Reason: In the interest of human health.</p> <p>Informatives</p> <ol style="list-style-type: none"> 1. Notwithstanding the terms and conditions of the Planning Service approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is 1A Airport Road, Belfast, BT3 9DY (Tel. 028 90254600). A monetary deposit will be required to cover works on the public road. 2. All construction plant and materials shall be stored within the curtilage of the site. 3. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor. 4. It is the responsibility of the developer to ensure that surface water does not flow from the site onto the public road, in this regard rainwater drainage details to be agreed with TransportNI Section Engineer. 5. WASTE AND CONTAMINATED LAND (NORTHERN IRELAND) ORDER 1997 The applicant is advised that the proposed commencement of Part III of the Waste and Contaminated Land (NI) Order 1997 may introduce retrospective environmental liabilities to the applicant following the development of this site. The comments provided by Belfast City Council are without prejudice to any future statutory control which may be required under Part III or any other future environmental legislation. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks. 6. Public water supply within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect. 7. No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW. 8. In the interests of visual amenity all services within the development should be laid underground.
12.0	<p>Notification to Department (if relevant) N/A</p>
13.0	<p>Representations from Elected members: N/A</p>

ANNEX	
Date Valid	04 August 2016
Date First Advertised	11 August 2016
Date Last Advertised	26 September 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier 138 Stockmans Lane, Ballygammon, Belfast, Antrim, BT9 7JE The Owner/Occupier 140 Stockmans Lane, Ballygammon, Belfast, Antrim, BT9 7JE The Owner/Occupier 142 Stockmans Lane, Ballygammon, Belfast, Antrim, BT9 7JE	
Date of Last Neighbour Notification	25 August 2016
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title 01 – Site plan 02 – Floor Plans and Site Plan 03A – Elevations and Sections	