

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date: 13 December 2016</b>	
<b>Application ID:</b> LA04/2016/1488/F	
<b>Proposal:</b> Demolition of 3 No. existing flats and erection of 6 No. apartments (renewal of approval Z/2011/1225/F)	<b>Location:</b> 25 Malone Avenue Belfast BT9 6EN
<b>Referral Route:</b> Development is for 6 apartments (delegated is up to 4)	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b>  Nexus Property Rentals 4 Malone Road Belfast BT9	<b>Agent Name and Address:</b>  Rush And Company Limited 7 Upper Malone Road Belfast BT9 6TD
<p><b>Executive Summary:</b></p> <p>The application seeks permission for the demolition of 3 existing apartments and the erection of 6 apartments.</p> <p>Area Plan The site falls within Malone Conservation Area</p> <p>The main issues in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of 6 apartments at this location</li> <li>• If the proposal sympathetic to the Malone Conservation Area</li> <li>• If the proposal unduly affects the privacy or amenity of neighbouring properties</li> </ul> <p>Although the proposal removes an existing town house within the Malone Conservation Area the principle of the development was established under planning permission Z/2011/1225/F (approved 3/1/2015 and remains extant until 3/1/208). The proposal is considered acceptable and maintains the character of the Conservation Area as the replacement building has a very similar front elevation design and incorporates salvaged original brickwork detailing. The change of use to 6 apartments conforms to the area plan zoning and planning policy. The proposed apartments are considered acceptable and although the rear of adjacent property will be affected by some loss of light this is not considered to be unacceptable.</p> <p>Consultations Transport NI, NI Water and BCC Environmental Health were consulted and there were no objections.</p> <p>It is recommended that the application is approved subject to conditions as set out in the report.</p>	

## Case Officer Report

## Site Location Plan

**Characteristics of the Site and Area**

## 1.0 Description of Proposed Development

The proposal is for the demolition of 3 No. existing flats and erection of 6 No. apartments (renewal of approval Z/2011/1225/F).

## 2.0 Description of Site

The site is located at no.25 Malone Avenue in South Belfast. It consists of a 2.5 storey end terrace dwelling, currently in use as a House in Multiple Occupation. The site falls within the Malone Conservation Area (sub area B – Eglantine/Wellesley/Wellington).

**Planning Assessment of Policy and other Material Considerations**

3.0	<p>Site History</p> <p>Z/1982/0136 - 25 MALONE AVENUE - CONVERSION TO 3 FLATS - PERMISSION GRANTED</p> <p>Z/1987/1308 - 25 MALONE AVENUE - Conversion of dwelling to 3 flats - PERMISSION GRANTED</p> <p>Z/2011/1225/F - 25 Malone Avenue - AMENDED PLANS RECEIVED - REMOVAL OF BALCONIES AND PATIO DOORS TO EGLANTINE GARDENS ELEVATION AND AMENDED FINISH ONTO YARD OF 23 MALONE AVENUE - Demolition of existing apartments and erection of 6 no apartments - PERMISSION GRANTED - 03.01.2013</p>
<b>4.0</b>	<p><b>Policy Framework</b></p> <p>Belfast Metropolitan Area Plan 2015</p> <p>Strategic Planning Policy Statement</p> <p>Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage</p> <p>Planning Policy Statement 7 (Addendum) – Safeguarding the Character of Established Residential Areas</p> <p>Development Control Advice Note 8 - Housing in Existing Urban Areas</p> <p>Creating Places</p>
<b>5.0</b>	<p><b>Statutory Consultee Responses</b></p>
	<p>DRD Transport NI</p> <p>NI Water</p>
<b>6.0</b>	<p><b>Non Statutory Consultee Responses</b></p>
	<p>BCC Environmental Health</p>
<b>7.0</b>	<p><b>Representations</b></p>
7.1	<p>The application has been neighbour notified and advertised in the local press. One comment has been received.</p>
7.2	<p>An objection was submitted by the Lower Malone Residents' Association. A summary of points raised is as follows:</p> <ul style="list-style-type: none"> <li>• There has been a significant change in context in which the previous proposal was granted.</li> <li>• The previous comments from the Conservation Officer stated that the building still makes a contribution to the character and appearance of the CA; he also stated that while the rendered gable had adversely impacted on the historic value of the building but did not stress the importance of the intact front elevation.</li> <li>• Application Z/2013/0497/F – 87 Malone Avenue – was rejected in its original form with a condition applied to the eventual permission stating that the main building façade be retained. The same rationale should be applied here.</li> <li>• Previous comments from the Conservation Officer stated that the introduction of a large glazed stairwell does not reflect the character of this part of the CA, but despite this acknowledgement the glazing was granted.</li> <li>• The front façade should be retained to ensure the integrity of this row of</li> </ul>

7.3	<p>townhouses and greater attention given to the stairwell fenestration to avoid setting a detrimental precedent.</p> <p>The issues raised shall be dealt with in the assessment below.</p>
<b>8.0</b>	<b>Other Material Considerations</b>
	Previous approval Z/2011/1225/F – expires 02.01.18.
<b>9.0</b>	<b>Assessment</b>
	<p><u>Site</u></p>
9.1	<p>The site is located at no.25 Malone Avenue in South Belfast. It consists of a 2.5 storey end terrace dwelling, currently in use as a House in Multiple Occupation. The site falls within the Malone Conservation Area (sub area B – Eglantine/Wellesley/Wellington).</p>
	<p><u>Proposal</u></p>
9.2	<p>The proposal is for the demolition of 3 No. existing flats and erection of 6 No. apartments (renewal of approval Z/2011/1225/F).</p>
	<p><u>Conservation Area consideration</u></p>
9.3	<p>The site falls within Malone Conservation Area (sub area B: Eglantine/Wellesley/Wellington). The Council's Conservation Officer was consulted. He was also consulted under Z/2011/1225/F and he has re-iterated his preference for the retention and conversion of the property. As the current application is to renew an extant approval which can be implemented it is considered not feasible to insist on the retention of the existing building.</p>
	<p><u>Assessment</u></p>
9.4	<p>The proposal was originally approved under Z/2011/1225/F. On this occasion it was assessed against the relevant policy, namely BUAP/Draft BMAP, PPS 6 – Policies BH12 and BH14 and also PPS7 – Policy QD1.</p>
9.5	<p>The current proposal is for the renewal of the above application and as there has been no change in policy it is considered acceptable in principle. As a fall-back position, the extant approval carries significant weight in the assessment of the current application.</p>
9.6	<p>The area is predominantly in residential use with a number of existing apartments in the immediate vicinity of the site. While the proposal increases the number of flats from 3 to 6 it is not considered that the increase will have a significant impact on the area. The proposed replacement building seeks to largely replicate the form of the existing; it is considered to be in keeping with the overall character of the area.</p>
9.7	<p>The proposal creates 6 self-contained apartments - 2 apartments per floor. While person number per apartment is not indicated on the plans, each bedroom can accommodate a standard double bed (1.90m x 1.37m). Therefore it can be assumed that the space requirements equate to 2 persons and 1 bedroom per apartment. The space standard requirement in Annex A for such an apartment is between 50 and 55sqm. As the flats have</p>
9.8	<p>a floorspace of between 41 and 48sqm they marginally meet this requirement. This was found to be acceptable in the previous approval.</p>

<p>9.9</p> <p>9.10</p> <p>9.11</p> <p>9.12</p> <p>9.13</p> <p>9.14</p>	<p>The existing building occupies a footprint 8.5m from front to rear and 6m wide (total 16m). It has a 3-storey rear return 7.5m on length and 3.7m wide. The main roof ridge is 11m in height and the return height is 8.6m. The replacement building is to have an 8m gable to the front with a 10m long 3-storey rear return (total 18m); the return is to come out to the side by 2.3m so that it is the whole width of the main building. As above, from a Conservation viewpoint the proposal is not considered subservient in terms of length and width. However, in the previous application assessment the full width extension was reconsidered and given the context of the area it was decided that the impact on neighbours was not so severe as to warrant refusal.</p> <p>The existing property has a floorspace of 236sqm – the minimum gross internal floorspace for conversion of existing buildings to flats is 150sqm as per Policy LC2(c). As the site is located on the corner of Malone Avenue and Eglantine Gardens none of the proposed 6 flats will be entirely to the rear as they will all have windows looking onto Eglantine Gardens. The front ground floor flat is to be accessed from Malone Avenue while the other flats have a shared entrance along Eglantine Gardens.</p> <p>The proposal meets most of the appropriate criteria set out in Policy QD 1 of PPS 7. There is approximately 14.4sqm of rear yard for bin storage; all 6 flats will be required to carry refuse out of the building and round to the rear to access the bin storage section. While this is not ideal, Creating Places states that in flat and apartment buildings, refuse storage space may be provided communally, enclosed in a carefully designed building integrated with the overall development.</p> <p>As regards the request of the Lower Malone Residents' Association that the front façade be retained, the design of the proposed front façade is considered acceptably close to the design of the existing building and adjacent properties. It is also the case that the site has an extant approval which represents a fall-back position. On this basis, it would not be feasible to retain the existing frontage without changing the internal layout of the approved apartments. The red brickwork will be a welcome improvement to the part rendered elevations to the front and side of the existing building. The proposed glazed stairwell was not considered unacceptable in the previous approval and in the renewal application it is considered to have the effect of breaking up what otherwise would be a large gable. It is not considered to have an unacceptable detrimental effect on the streetscape, particularly as it does not affect the frontage along Malone Avenue. Additionally, a revised Drawing including details of the existing frontage and amendments to the front elevation was submitted in which brick features are to be carefully removed for reuse. The proposal is considered acceptable under policies BH 12 and BH 14 of PPS6 as it will not harm the character and appearance of the Conservation Area.</p> <p>Transport NI, NI Water and Environmental Health Unit were consulted and have no objections to the proposal with the inclusion of informatives.</p> <p>For the above reasons I recommend approval.</p>
<p><b>10.0</b></p>	<p><b>Summary of Recommendation:</b></p> <p>Approval with Conditions</p>
<p><b>11.0</b></p>	<p><b>Conditions</b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p>

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The materials to be used in the construction of the external surfaces of the apartments hereby permitted, shall be as stipulated on Drawing No. 01, date stamped 06 July 2016.

Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the Malone Conservation Area.

3. Brickwork detailing on the front elevation shall be as stipulated in Drawing No. 02, date stamped 24 November 2016.

Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the Malone Conservation Area.

### **Informatives**

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3. Notwithstanding the terms and conditions of the Planning Authority's 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: Belfast South Section Office, 1A Airport Road, Belfast, BT3 9DY. A monetary deposit will be required to cover works on the public road.

4. All construction plant and materials shall be stored within the curtilage of the site.

5. Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced.

6. In the interests of visual amenity all services within the development should be laid underground.

7. CLEAN NEIGHBOURHOOD AND ENVIRONMENT (NORTHERN IRELAND) ACT 2011

In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease and a written report detailing the

	nature of this contamination and its management should be submitted to Belfast City Council for approval.
<b>12.0</b>	<b>Notification to Department (if relevant)</b> N/A
<b>13.0</b>	<b>Representations from Elected members:</b> N/A

<b>ANNEX</b>	
<b>Date Valid</b>	15 July 2016
<b>Date First Advertised</b>	28 July 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner/Occupier 105, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6EQ  The Owner/Occupier 6, 15, 17, 19 Eglantine Gardens, Malone Lower, Belfast, Antrim, BT9 6EZ,  The Owner/Occupier Apartment A, 21 Eglantine Gardens, Malone Lower, Belfast, Antrim, BT9 6EZ,  The Owner/Occupier Apartment B, 21 Eglantine Gardens, Malone Lower, Belfast, Antrim, BT9 6EZ,  The Owner/Occupier Flat 1, 17 Eglantine Gardens, Malone Lower, Belfast, Antrim, BT9 6EZ,  The Owner/Occupier Flat 1, 23 Eglantine Gardens, Malone Lower, Belfast, Antrim, BT9 6EZ,  The Owner/Occupier Flat 1, 28 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ER,  The Owner/Occupier Flat 1, 30 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ER,  The Owner/Occupier Flat 1, 6 Eglantine Gardens, Malone Lower, Belfast, Antrim, BT9 6EZ,  The Owner/Occupier Flat 2, 17 Eglantine Gardens, Malone Lower, Belfast, Antrim, BT9 6EZ,  The Owner/Occupier Flat 2, 23 Eglantine Gardens, Malone Lower, Belfast, Antrim, BT9 6EZ,  The Owner/Occupier Flat 2, 28 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ER,  The Owner/Occupier Flat 2, 30 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ER,  The Owner/Occupier Flat 2, 6 Eglantine Gardens, Malone Lower, Belfast, Antrim, BT9 6EZ,  The Owner/Occupier Flat 3, 23 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6EN,  The Owner/Occupier Flat 3, 28 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ER,  The Owner/Occupier Flat 3, 6 Eglantine Gardens, Malone Lower, Belfast, Antrim, BT9 6EZ,  The Owner/Occupier Flat 4, 17 Eglantine Gardens, Malone Lower, Belfast, Antrim, BT9 6EZ,</p>	
<b>Date of Last Neighbour Notification</b>	02 August 2016
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
<p>01 – Site plan, existing and proposed elevations  02 – Existing and proposed front elevation details</p>	