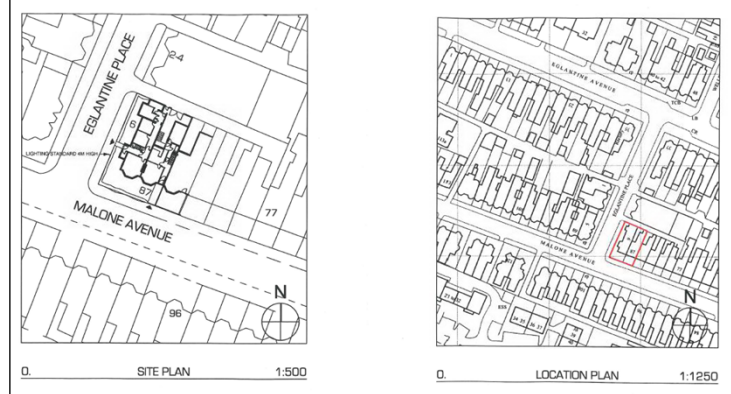


**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date: 17 January 2017</b>	
<b>Application ID:</b> LA04/2016/1790/F	
<b>Proposal</b> Erection of a new building comprising seven flats - using salvaged brick to reform front and main gable facades to match approval Z/2013/0497/F (with minor amendments)	<b>Location</b> 87 Malone Avenue/6 Eglantine Place Belfast BT9
<b>Referral Route:</b>  The application is for more than four residential units.	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Palaia Limited 98 Church Street Dromore BT25 1AA	<b>Agent Name and Address:</b> Total Architecture and Design Ltd 25 University Street Belfast BT7 1FY
<b>Executive Summary:</b>  The application seeks the demolition of the existing property and the erection of a new building comprising seven flats, using salvaged brick to reform the front and main gable facades, to match approval Z/2013/0497/F (with minor amendments).  The main issues to be considered in this case are: <ul style="list-style-type: none"> <li>• Planning history</li> <li>• Demolition and new development in Malone Conservation Area</li> <li>• Provision of a quality residential environment by way of density, layout, amenity, and the likelihood of dominance and overlooking</li> <li>• Parking</li> </ul> <p>The application site is located within the Malone Conservation Area (Sub Area B: Eglantine/Wellesley/Wellington).</p> <p>The proposal has been assessed against the SPPS, Planning Policy Statement 3, 6, 7, 7 (Addendum), 12, and supplementary planning guidance – Malone Design Guide, Creating Places, Parking Standards, DCAN 8 and 15.</p> <p>This site was granted planning permission (Z/2007/0803/F) in 2007 for the conversion from five flats to seven including a side/rear three storey extension and alterations. In 2014 planning permission was approved for the conversion from five flats to nine including demolition of the rear extension, and the construction of a two/three storey extension.</p> <p>There were no representations objecting to this planning application.</p> <p>Having regard to the policy context, previous planning history and other material considerations, the proposal is considered acceptable and is recommended for approval subject to conditions.</p>	

**Case Officer Report**

**Site Location Plan**



**Consultations:**

Consultation Type	Consultee	Response
Statutory	Rivers Agency	No objection
Statutory	NI Water	No objection
Non Statutory	Belfast City Council Environmental Health	No objection
Statutory	Transport NI	No objection
Statutory	NIEA Water Management Unit	No objection
Statutory	NIEA Waste Management	No objection
Non Statutory	Belfast City Council City and Neighbourhood Department (Waste Storage)	No objection
Non Statutory	Belfast City Council Conservation Officer	No objection

**Representations:**

Letters of Support	None Received
Letters of Objection	None Received
Number of Petitions of Objection and signatures	No Petitions Received

Representations from Elected representatives	None Received
<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
	The application seeks the demolition of the existing properties and the erection of a new building comprising seven flats, using salvaged brick to reform the front and main gable facades, to match approval Z/2013/0497/F (with minor amendments).
<b>2.0</b>	<b>Description of Site and Area</b>
<b>2.1</b>	The two properties at 87 Malone Avenue and 6 Eglantine Place have been demolished and construction started on the proposed development. The former buildings were located at the junction of Malone Avenue and Eglantine Place and were constructed from red brick. This site forms part of the Malone Conservation Area (Sub Area B: Eglantine/Wellesley/Wellington). It is a largely residential area defined by Victorian architecture, although there are other uses such as guest houses and day nurseries. The area now attracts large numbers of students and as such many properties are now sub-divided into flats.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
<b>3.1</b>	This site was granted planning permission (Z/2007/0803/F) in 2007 for the conversion from five flats to nine including a side/rear three storey extension and alterations. In 2014 planning permission was approved for the conversion from five flats to nine including demolition of the rear extension, and the construction of a two/three storey extension.
<b>4.0</b>	<b>Policy Framework</b>
<b>4.1</b>	<ul style="list-style-type: none"> <li>• Belfast Metropolitan Area Plan 2015, site is located within the development limits of Belfast (Designation BT 001). The relevant policy is SETT 2, Development within the Metropolitan Development Limit and the Settlement Development Limits</li> <li>• Malone Conservation Area (Sub Area B: Eglantine/Wellesley/Wellington) – Malone Design Guide</li> <li>• Strategic Planning Policy Statement for Northern Ireland (SPPS)</li> <li>• Planning Policy Statement 3 – Access, Movement and Parking</li> <li>• Planning Policy Statement 7 – Quality Residential Environments</li> <li>• Planning Policy Statement 7 (Addendum) – Safeguarding the Character of Established Residential Areas</li> <li>• Planning Policy Statement 12 – Housing in Settlements</li> <li>• Development Control Advice Note 8 – Housing in Existing Urban Areas</li> <li>• Development Control Advice Note 15 – Vehicular Access Standards</li> <li>• Supplementary Planning Guidance - Parking Standards</li> <li>• Supplementary Planning Guidance – Creating Places</li> </ul>
<b>5.0</b>	<b>Statutory Consultee Responses</b>
	<ul style="list-style-type: none"> <li>• <b>Rivers Agency</b> – No objection subject to informatives</li> <li>• <b>Transport NI</b> – No objection subject to conditions and informatives</li> <li>• <b>NI Water</b> – No objection subject to informatives</li> <li>• <b>NIEA Water Management Unit</b> – No objection</li> <li>• <b>NIEA Waste Management Unit</b> – No objection subject to informatives</li> </ul>

<b>6.0</b>	<b>Non Statutory Consultee Responses</b>
	<ul style="list-style-type: none"> <li>• <b>Belfast City Council Environmental Health</b> – No objection subject to informatives</li> <li>• <b>Belfast City Council City and Neighbourhood Department (Waste Storage)</b> – No objection</li> <li>• <b>Belfast City Council Conservation Officer</b> – No objection</li> </ul>
<b>7.0</b>	<b>Representations</b>
<b>7.1</b>	The planning application was advertised in the local press and neighbour notified. There were no letters of objection received.
<b>8.0</b>	<b>Other Material Considerations</b>
	Planning History as detailed in Section 3.
<b>9.0</b>	<b>Assessment</b>
<b>9.1</b>	The application site is located within the settlement development limits of Belfast, and the Malone Conservation Area.
<b>9.2</b>	<p>The key issues in this planning application are:</p> <ul style="list-style-type: none"> <li>• Planning History</li> <li>• Demolition</li> <li>• New development within the Conservation Area</li> <li>• Space Standards</li> <li>• Amenity Space</li> <li>• Waste Storage</li> <li>• Boundary Treatment</li> <li>• Scale and Mass</li> <li>• Density</li> <li>• Dominance</li> <li>• Overlooking</li> <li>• Overshadowing/loss of light</li> <li>• Parking</li> </ul>
<b>9.3</b>	<p><b>Strategic Planning Policy Statement for Northern Ireland</b></p> <p>Planning authorities are guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. The general presumption against conservation area consent for demolition of unlisted buildings should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest.</p>
<b>9.4</b>	<p><b>Planning History</b></p> <p>As detailed in Section 3 two planning approvals permitted an increase in the number of residential units to nine (Z/2007/0803/F) and seven (Z/2013/0497/F). The latter planning permission granted in 2014 included demolition of the rear extension.</p>
<b>9.5</b>	<b>Demolition</b>

9.5.1	<p>The existing properties were demolished without authorisation. 87 Malone Avenue was a two bay, two storey dwelling faced in red brick (in English Garden wall bond) with two storey canted bay window to the left hand side of the elevation and a two-storey return to the rear. Finer architectural detailing included: sandstone lintels over window openings, segmental arches below hooded coursing over doors, a dentilled string course between the floors of the canted bay window, corbelled chimneys and timber sliding sash windows. 6 Eglantine Place had a similar frontage to 87 Malone Avenue, with a side gable articulated with window openings and a square porch. A larger return with hipped roof and moulded eaves occurred to the rear. The slate had been lost to the roofs of both properties but the external structure appeared sound. The properties were an integral part of the historic terrace with weathered brick that had a patina reflecting the age and date of construction of the terrace.</p>
9.5.2	<p>Belfast City Council's Conservation Officer states that the façade retention of the previous scheme (Z/2013/0497/F) was contrary to all accepted conservation best practice and established standards. From a conservation viewpoint maximum retention of existing fabric is the objective. He stated in a consultation response to Z/2013/0497/F that the original dwellings made a significant, positive contribution to the architectural and historic character and appearance of the area through age, style and materials. They also made a contribution to the historic character by partly ascribing the historic development of Malone Avenue. The contribution of terraces of this nature to the character and appearance of Malone Conservation Area is outlined in paragraph 4.3.34 of the Malone Design Guide.</p>
9.5.3	<p>Given the extent of historical fabric lost due to the planning permission Z/2013/0497/F demolition of the two properties is deemed to be acceptable.</p>
9.6	<p><b>New Development within the Conservation Area</b></p> <p>In accordance with PPS 6 Policy BH 12 replacement buildings should enhance the character and appearance of the Malone Conservation Area and be in sympathy to the characteristic built form. The new build would purport to present replica facades to the street with a full width and deeper return to 6 Eglantine Place, paired with a deeper gabled return to 87 Malone Avenue. The materials proposed include: reclaimed red facing brick (English Garden Wall Bond to outer wall leaf), new imperial brick (commercial red), natural slate roofing, white render (section of rear wall), and hardwood double glazed sliding sash windows. The front elevation is to have two canted double storey bay windows and the side elevation has three of the same. Belfast City Council's Conservation Officer states that it is unlikely that the replica façade will be successful in replicating the historic detailing in the context of the historic terrace. The patina of age of the existing brick has been lost with loss of visual integrity with the rest of the terrace. Paragraph 5.3.27-28 of the Malone Design Guide notes that historically there was a three dimensional massing with the Main block addressing the street frontage and smaller subservient blocks to the rear. The proposed returns by their width and depth do not conform to the Malone Design Guide with a bulk inconsistent with the historic context. Site coverage would be out of character with the Conservation Area which in this vicinity had greater rear amenity space. Although the contribution of the proposed development to the character and appearance of the Conservation Area will not be equal to or greater than the previous buildings the existing planning approval Z/2013/0497/F carries significant weight in the determination of this planning application.</p>
9.7	<p><b>Scale and Mass</b></p> <p>PPS 7 Policy QD 1 (a) states that new development must respect the surrounding context by way of scale and mass. The previous dwellings reflected the historical pattern of the rear</p>

	<p>returns being subservient to the main body of the dwelling, stepping down in height towards the rear boundary. Both the previous planning approval and this development proposal create a three storey structure up to the rear boundary, with no historical yard for amenity. There is a step down in ridge height between the main body of the development fronting Malone Avenue and the rear section of 1.1m. To the rear of the proposed development there is a four storey apartment block (12 apartments) of a significantly larger scale and mass. Although the proposed development would be contrary to PPS 7 Policy QD 1 (a) due to an inappropriate scale and mass and PPS 7 Addendum Policy LC1 (b) in that the pattern of development is not in keeping with the established residential area, the extant planning history must carry significant weight.</p>
<p><b>9.8</b></p>	<p><b>Density</b></p> <p>Policy LC1 (a) of PPS 7 Addendum states that the proposed density should not be significantly higher than the established residential area. The proposed development of seven apartments across what would have been two properties would be considered acceptable in an area where sub division of properties has occurred due to the impact of the nearby Queen’s University.</p>
<p><b>9.9</b></p>	<p><b>Space Standards</b></p> <p>Policy LC1 (c) of PPS 7 Addendum states that all dwelling units must be built to the space standards detailed in Annex A. Two of the proposed flats are significantly short of those standards: Flat 1 – one bedroom/two person should be 50/55sqm – proposal is 38sqm, Flat 6 – two bedroom/four person should be 70/75sqm – proposal is 63sqm. The previous planning approval – Z/2013/0497/F – included flat 3 and 5 with an extra bedroom to that proposed in this application. The extra bedrooms have been replaced by a study otherwise these two flats would have fallen short of the recommended space standards. Notwithstanding the fact that the proposed development is contrary to Policy LC1 (c) the extant planning permission must carry significant weight.</p>
<p><b>9.10</b></p>	<p><b>Amenity</b></p> <p>PPS 7 (c) stipulates that there should be a provision for private amenity space in proposed developments. Creating Places stipulates a minimum of 10sqm per unit in an inner city environments. The proposal features a small yard space and a bin/cycle area on the ground floor. Combined this amounts to a provision of approximately 20sqm for the seven flats. This would be considered a shortfall of 50sqm.</p>
<p><b>9.11</b></p>	<p><b>Waste Storage</b></p> <p>Belfast City Council City and Neighbourhood Department have stated that the bin storage area and the number of residual and recycling bins indicated would be adequate for seven apartments.</p>
<p><b>9.12</b></p>	<p><b>Boundary Treatment and Landscaping</b></p> <p>DCAN 8 states that boundary treatments can have an important influence on local character, and should be retained where possible, in order to protect the surrounding street character. Well-designed walls or railings, and planting, can be used to mitigate the detrimental visual impact of cars and dustbins. The proposed boundary is to be a low level wall (imperial brick – ibstock commercial red) with mild steel railings (hot dipped galvanised with PPC Black finish). The proposed boundary treatment would be consistent with the Malone Conservation Area. The hedgerow that formed the boundary treatment of these properties has been removed therefore a soft landscaping scheme has been incorporated</p>

<p><b>9.13</b></p> <p><b>Parking</b></p> <p><b>9.14</b></p> <p><b>Dominance/Overshadowing and Loss of Light</b></p> <p><b>9.15</b></p> <p><b>Overlooking</b></p>	<p>along the boundaries with Malone Avenue and Eglantine Place.</p> <p>No in-curtilage parking is proposed with the development therefore on-street parking will be required. In adherence to PPS 3 Policy AMP 7 (Car Parking and Servicing Arrangements) the development is in a highly accessible location well served by public transport (within close proximity to Arterial Routes). A car parking survey was submitted as part of planning approval z/2013/0497/F that proved that the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking. Commenting on that submission Transport NI stated that on-street parking resulting from this development application will not significantly impact on the local road network in terms of traffic and road safety. In response to this planning application Transport NI have offered no objection. It is also considered that as this area has a high level of on-street car parking the additional vehicles generated by this proposed development would not be significantly more detrimental to the amenity of residents in the immediate vicinity. The proposal also includes cycle stand provision and is in close proximity to the city centre and university to promote walking.</p> <p>PPS 7 Policy QD1 (h) states that the proposed development should not create conflict with adjacent land uses. The rear section of the proposed development is built up to the rear boundary at a height of 9.2m and covering all but 6.05m<sup>2</sup> (yard) adjacent to 85 Malone Place. As such there will be a significant impact on 85 Malone Avenue by way of dominance and overshadowing/loss of light. This will be exacerbated by the four storey apartment development to the rear which in conjunction with this proposed development enclose the rear of 85 Malone Avenue.</p> <p>PPS 7 Policy QD1 (h) states that the proposed development should not create conflict with adjacent land uses. As a consequence of the close proximity of the apartment block to the rear (with side elevation windows) and the adjacent property at 85 Malone Avenue, bedroom windows on the first and second floors are to have obscure glazing on the lower half. As such it is considered that any potential overlooking will be minimised.</p>
<p><b>10.0</b></p> <p><b>Conclusion</b></p>	<p>Two previous planning approvals permitted an increase in the number of residential units to nine (Z/2007/0803/F) and seven (Z/2013/0497/F). The proposed development of seven apartments across what would have been two properties would be considered acceptable in an area where sub division of properties has occurred due to the impact of the nearby Queen's University. The latter planning permission granted in 2014 included a significant amount of demolition. Given the extent of historical fabric lost due to the planning permission Z/2013/0497/F demolition of the two properties is deemed to be acceptable. Although the contribution of the proposed development to the character and appearance of the Conservation Area will not be equal to or greater than the previous buildings, the scale and mass of the development is not consistent with the immediate vicinity, there is an amenity space shortfall, space standards do not meet the requirements of Annex A of PPS 7 Addendum and dominance/loss of light is likely to impact 85 Malone Avenue, the existing planning approval Z/2013/0497/F carries significant weight in the determination of this planning application. Having regard to the policy context, planning history, and other material considerations above, the proposal is deemed to be acceptable and recommended for approval.</p>

11.0	<p><b>Summary of Recommendation</b></p> <p>Approval</p>
12.0	<p><b>Conditions</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p>Reason: Time Limit</p> <ul style="list-style-type: none"> <li>• The construction of the apartments hereby permitted, including the clearing of topsoil, shall not commence until all of the existing buildings within the red line as shown on approved drawing 01, date stamped 19 August 2016, are demolished, and all rubble and foundations have been removed.</li> </ul> <p>Reason: To preserve the amenity of the Malone Conservation Area.</p> <ul style="list-style-type: none"> <li>• The materials to be used in the construction of the external surfaces of the apartments hereby permitted, shall be as stipulated on drawing 04C, date stamped 22 December 2016.</li> </ul> <p>Reason: In the interest of visual amenity and the preservation of the Malone Conservation Area.</p> <ul style="list-style-type: none"> <li>• Prior to occupation all boundary treatments shall be completed in accordance with the approved drawings 04C and 06A, date stamped 22 December 2016, and drawing 05, date stamped 19 August 2016.</li> </ul> <p>Reason: To safeguard the privacy and amenity for prospective residents.</p> <ul style="list-style-type: none"> <li>• The development hereby permitted shall not be occupied until cycle parking has been provided and permanently retained in accordance with approved drawing 04C, date stamped 22 December 2016.</li> </ul> <p>Reason: To ensure that adequate provision has been made for cycle parking and to encourage and promote alternative modes of transport.</p> <ul style="list-style-type: none"> <li>• All hard and soft landscape works shall be completed in accordance with the approved drawing 04C, date stamped 22 December 2016, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to the expiration of the first planting season following occupation of any part of the development hereby permitted.</li> </ul> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <ul style="list-style-type: none"> <li>• 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</li> </ul>



	<p>[excluding hard surfaces]'. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <ul style="list-style-type: none"> <li>Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of Belfast City Council seriously damaged or defective, it 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.</li> </ul> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <ul style="list-style-type: none"> <li>Prior to occupation of the apartments, all windows shown as obscure glazing on approved drawing 04C, date stamped 22 December 2016, shall be constructed as such and permanently retained.</li> </ul> <p>Reasons: In the interests of privacy for prospective and neighbouring residents.</p> <ul style="list-style-type: none"> <li>No apartment shall be occupied until provision has been made for bin stores in accordance with the approved drawing 04C, date stamped 22 December 2016. These facilities shall be permanently retained.</li> </ul> <p>Reason: To ensure an acceptable waste storage provision.</p>
<b>12.0</b>	<b>Notification to Department (if relevant)</b>  N/A
<b>13.0</b>	<b>Representation from elected member:</b>  N/A

<b>ANNEX</b>	
<b>Date Valid</b>	01 September 2016
<b>Date First Advertised</b>	16 September 2016
<b>Date Last Advertised</b>	N/A
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner/Occupier, 02,102 Malone Avenue,Malone Lower,Belfast,Antrim,BT9 6EN, The Owner/Occupier, 1-3,Eglantine Place,Malone Lower,Belfast,Antrim,BT9 6EY, The Owner/Occupier,</p>	

102 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ES,  
The Owner/Occupier,  
104 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ES,  
The Owner/Occupier,  
104A Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ES,  
The Owner/Occupier,  
104B Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ES,  
The Owner/Occupier,  
104C Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ES,  
The Owner/Occupier,  
106 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ES,  
The Owner/Occupier,  
2 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
2,5 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
3 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
3,5 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
4,5 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
5 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
5,5 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
6 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
6,5 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
7,5 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
8,5 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
82 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
85 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6EP,  
The Owner/Occupier,  
87 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6EP,  
The Owner/Occupier,  
Apartment 1, 100 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ES,  
The Owner/Occupier,  
Apartment 2, 100 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ES,  
The Owner/Occupier,  
Apartment 3, 100 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ES,  
The Owner/Occupier,  
Flat 1, 1 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
Flat 2, 1 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
Flat 2, 6 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,  
The Owner/Occupier,  
Flat 2, 87 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6EP,  
The Owner/Occupier,  
Flat 3, 1 Eglantine Place, Malone Lower, Belfast, Antrim, BT9 6EY,

<b>Date of Last Neighbour Notification</b>	12 September 2016
<b>Date of EIA Determination</b>	N/A
<b>Notification to Department (if relevant)</b>	N/A