

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 14 February 2017	
<b>Application ID:</b> Z/2013/1399/F	
<b>Proposal:</b> Proposed residential development comprising of 8 two storey semi-detached dwellings, 1 detached dwelling and six apartments in one three storey block along with associated site works and sewer diversion	<b>Location:</b> Lands bounded by Stockmans Crescent and Kennedy Way Belfast BT11
<b>Referral Route:</b> More than 5 dwellings	
<b>Recommendation:</b>	<b>Approval subject to conditions</b>
<b>Applicant Name and Address:</b> VWP Architects	<b>Agent Name and Address:</b> VWP Architects 1 Pirrie Lane Belfast BT4 3NP
<p><b>Executive Summary:</b> This application seeks full planning permission for a proposed development comprising of 8 two storey semi-detached dwellings, 1 detached dwelling and six apartments in one three storey block along with associated site works and sewer diversion.</p> <p>The site is located within Belfast's development limits and zoned for housing (WR 04/09) in the Belfast Metropolitan Area Plan 2015. The presumption is therefore in favour of development subject to the planning considerations detailed below.</p> <p>The key issues are</p> <ul style="list-style-type: none"> <li>(a) Principle of residential accommodation on the site</li> <li>(b) Road safety</li> <li>(c) Design and layout</li> <li>(d) Risk of flooding</li> </ul> <p>32 representations were received, from residents in the surrounding area. All issues of concern raised have been considered against relevant planning policy and guidance throughout the report. The following issues were raised:</p> <ul style="list-style-type: none"> <li>(a) traffic, road safety and parking</li> <li>(b) increased crime and anti-social behaviour</li> <li>(c) out of keeping with the character of the area</li> <li>(d) access should be taken from Kennedy Way</li> <li>(e) disruption from construction</li> <li>(f) loss of privacy</li> <li>(g) historically the site was used for commercial use and should not be residential</li> <li>(h) amended plans show fence reduced from 1.5m to 1.1m and this could allow for a shortcut for pedestrians</li> <li>(i) potential damage to neighbouring properties</li> </ul>	

The principal of housing on the site is acceptable as the site is zoned for housing in the Area Plan. All other issues raised have been assessed and the proposal is considered acceptable. Consultees have no objections subject to conditions. An approval with conditions is recommended.

## Case Officer Report

### Site Location Plan

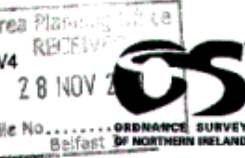
**ACEmap<sup>®</sup> Online** Scale 1:1250

Printed:

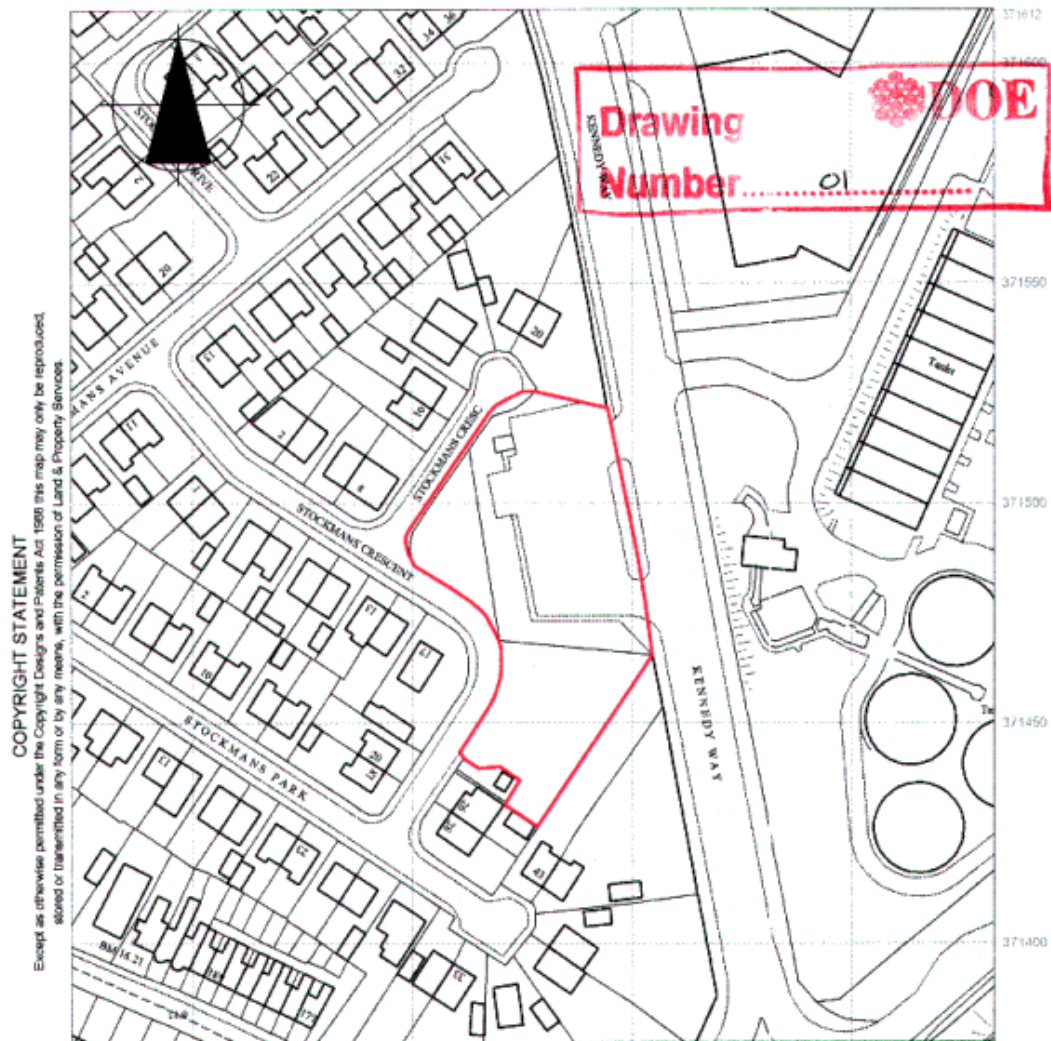
Customer Ref.

Plan No. 14608NW4

Plot I.D. 94773-1



This map relates to the following address or grid reference



**SITE LOCATION PLAN**  
 LAND BOUNDED BY STOCKMANS CRESCENT AND KENNEDY WAY BELFAST  
 BT11  
 SCALE 1:1250  
 OCTOBER 2013  
 ORDNANCE SURVEY LICENCE PERMIT NUMBER 279 VWP ARCHITECTS 90 CASTLEREAGH ROAD BELFAST BT156FR P90460109

### Representations:

Letters of Support

None Received

Letters of Objection	32
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<p><b>Characteristics of the Site and Area</b></p> <p>1.0 Description of Proposed Development Residential development of 8no semi-detached, 1no detached and 6no apartments. Lands bounded by Stockmans Crescent and Kennedy Way, Belfast.</p> <p>2.0 Description of Site The site is an area of approximately 0.32ha and is bounded by Kennedy Way to the East and Stockman's Park and Stockman's Crescent to the West which are residential. The site is located within the development limits of BMAP and identified as land zoned for housing (WB 04/09). Stockman's Way is identified as a Protected Route. The site boundaries are defined by metal post fencing and mature vegetation. The site levels rise from south to east. The existing properties in the area are mainly two storey semi-detached and finished in red brick.</p> <p><b>Planning Assessment of Policy and other Material Considerations</b></p> <p>3.0 Site History Z/2010/0467/F – Residential development with associated parking, landscaping and relocation of sewer – Permission Refused – 16/03/12 Z/2009/0313/F – Proposed carwash, including two containers to be used for storage and office with brick WC – Permission Granted – 01/10/09 Z/2008/0607/F – Development of 51no apartments in one block, with associated parking for 70 cars, landscaping and relocation of sewer – Withdrawn – 07/05/08</p> <p>4.0 Policy Framework 4.1 Belfast Metropolitan Area Plan 2015 4.1.1 WB 04/09 – Land bounded by Kennedy Way and Stockmans Crescent 4.1.2 Protected Route – Stockman's Way 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 2: Access to Public Roads 4.3.3 Policy AMP 3: Access to Protected Routes 4.3.4 Policy AMP 6: Transport Assessment Form 4.4 Planning Policy Statement (PPS) 7: Quality Residential Environments 4.4.1 Policy QD 1: Quality in New Residential Development 4.5 Planning Policy Statement (PPS) 12: Housing in Settlements 4.5.1 Planning Control Principle 2: Good Design 4.6 Planning Policy Statement (PPS) 15: Planning and Flood Risk 4.6.1 Policy FLD 3: Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains</p> <p>5.0 Statutory Consultees 5.1 Transport NI – No objection subject to conditions 5.2 Northern Ireland Water Ltd - No objection 5.3 DoE NIEA Waste Management Unit - No objection subject to conditions 5.4 Defence Infrastructure Organisation – No objection 5.5 DOI Rivers Agency – No objection</p>	

## 6.0 Non Statutory Consultees

6.1 BCC Environmental Health – No objection subject to conditions

6.2 BCC Tree Officer – No objection

## 7.0 Representations

The application has been neighbour notified and advertised in the local press. 32 objections were received.

## 8.0 Other Material Considerations

8.1 DCAN 8: Housing in Existing Urban Areas

8.2 DCAN 15: Vehicular Access Standards

8.3 Creating Places

8.4 Parking Standards

## 9.0 Assessment

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 zoned for housing (WR 04/09).

9.2 The key issues are

- (a) Principle of residential accommodation on the site
- (b) Road safety
- (c) Design and layout
- (d) Risk of flooding

9.3 32 representations were received, from residents in the surrounding area. 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 issues were raised:

- (a) traffic, road safety and parking
- (b) increased crime and anti-social behaviour
- (c) out of keeping with the character of the area
- (d) access should be taken from Kennedy Way
- (e) disruption from construction
- (f) loss of privacy
- (g) historically the site was used for commercial use and should not be residential
- (h) amended plans show fence reduced from 1.5m to 1.1m and this could allow for a shortcut for pedestrians
- (i) potential damage to neighbouring properties

A number of the concerns raised are outside of planning legislation however and are not a material consideration. Ensuring there is no damage to neighbouring properties is of course the responsibility of the developer should approval be granted. Additionally the developer should ensure construction will not adversely impact residential amenity of nearby existing dwellings.

9.4 The proposal makes use of the full site and proposes 8no semi-detached, 1no detached and 6no apartments. The original submission proposed an additional 2no semi-detached dwellings however amended plans were submitted reducing the scheme by 2 units. The dwelling houses are accessed individually from Stockman's Crescent whereas the apartments are accessed from Kennedy Way. The site is zoned for housing as already stated and therefore the proposed use is in line with BMAP and considered acceptable.

9.5 Policies AMP 1, AMP 2, AMP 3 and AMP 6 of PPS3:

All proposed parking is off street with two parking spaces for each dwelling (accessed from Stockman's Crescent) and 9 spaces for the 6 apartments (accessed from Kennedy Way, a protected route). DRD Transport NI is the authoritative body on road safety and transport issues. Their consultation response dated 08/04/16 stated they had no objection to the proposal

and suggested conditions to be included should approval be granted. Their initial consultations had requested a number of amendments which the agent submitted. Drawings which displayed the Private Streets Determination stamp were also returned with the final consultation response. As part of the assessment a Transport Assessment Form was submitted and forwarded to Transport NI. The scale of development and transport implications of the proposal were assessed by Transport NI through this and they consider them to be acceptable. The proposed accesses do not prejudice road safety nor inconvenience the flow of traffic. The proposal therefore complies with AMP 1, AMP 2, and AMP 6 of PPS 3 and DCAN 15.

#### 9.6 QD 1 of PPS 7:

PPS7 sets out the policies for achieving quality in new residential development.

(a) The proposed apartments are in one block over 3 floors, with 2 apartments on each floor. Each apartment on the ground floor displays its own separate access whereas the 4 on the first and second floors are accessed from a doorway to the front of the building. The block displays a hipped roof at a height of 11.6m from finished floor level. The proposed apartments have 2 bedrooms and each has over 70 sqm of internal space which is acceptable for the area. The apartment block is of a traditional design overall with some modern features through the use of glazing. The proposed semi-detached dwellings are two storey with pitched roofs with three bedrooms each and internal space of 80 sqm which is acceptable. The detached dwelling is also two storey with pitched roof and measures 142 sqm approximately internally which is again acceptable. The bulk, scale and massing of the proposed buildings is in keeping with that of the surrounding area and acceptable for the site itself. Bin storage is to the rear of the proposed dwellings and apartment block. The communal amenity space for the proposed apartments measures 164 sqm approximately which is acceptable. The rear amenity space for each of the semi-detached dwellings ranges but the average is 71 sqm approximately which is acceptable. The proposed detached dwelling has a rear amenity of 130 sqm.

(b) There are no features of archaeological and built heritage importance to be protected.

(c) There is proposed planting along the rear boundary to the apartments as well as planting to the front boundary with Kennedy Way to soften the visual impact and proposed car parking spaces have been broken up which will also help soften the impact. Creating Places advises 'In the case of apartment or flat developments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to around 30 sq m per unit. The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. The shared garden areas and communal spaces fall within this recommendation with a total space of approximately 164 sqm. Planting is proposed also to the front and rear of the houses randomly which is acceptable.

(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.

(e) Criteria (e) stipulates that a movement pattern is provided that supports walking and cycling. There is a proposed cycle shed to the rear of the proposed apartment block adjacent to an area of car parking. The site is located on a main route close to the M1 and is on a number of Metro bus routes in and out of the city centre.

(f) Adequate parking provision has been indicated and Transport NI have responded to consultation with no objection subject to conditions.

(g) The proposed development is of a traditional design. As stated previously the semi detached and detached dwellings displays pitched roofs and the apartment block displays a hipped roof. The proposed external materials are clay facing brick and black concrete slate. The apartment

block also displays some feature detailing of smooth render. The design and materials are acceptable for the area.

(h) There are no issues of overlooking or overshadowing onto private amenity space. 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 they suggested conditions should approval be granted. 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 concerns regarding noise pollution and air quality. An Air Quality Impact Assessment Report concluded that the proposed development will not have an adverse impact on local air quality in the vicinity of the site and future users will not be exposed to pollutant concentrations in excess of the relevant air quality objectives. A Noise Assessment was also submitted and from its findings Environmental Health suggested a condition to be attached that a Verification Report should be submitted prior to the occupation of the development demonstrating that noise mitigation measures have been fully implemented.

(i) Objectors raised concerns relating to the 1.1m high boundary fence on the bend at Stockmans Crescent and how a fence of this height would not be a restriction to pedestrians. The proposed fence bounds the side of the detached dwelling and its private amenity area as well as the rear of the planted area to the rear of the apartments. This planted area will act as a buffer zone and the development of the site itself will increase surveillance. It is considered that there will be no particular issues for concern for crime or personal safety.

#### 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 submitted, and subsequently an addendum to this, which determined the potential sources of flooding at the site and their associated risk to life and property, and sent to DFI Rivers Agency for comment. They responded on 31/01/17 with no objection. NI Water Ltd also stated no objection to the proposal.

#### 9.9 Policy LC 1

Although apartments are not common in the immediate area the criteria (a) – (c) are all met in line with Policy LC 1. The layout of the development is sympathetic to the existing residential development in the area. The apartments vary in size slightly but meet the standards for two bedroom units as set out in Annex A of Addendum to PPS 7. The land is zoned for housing and policy encourages a range of types of dwellings.

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.

9.11 The proposal is considered to be in compliance with the development plan.

9.12 Having regard to the policy context and other material considerations above, as well as the representations received, the proposal is considered acceptable and planning permission is recommended subject to conditions.

10.0 Summary of Recommendation: Approval with conditions

**Neighbour Notification Checked: Yes**

**Conditions**

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

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

2. The vehicular accesses shall be provided in accordance with Private Streets Determination drawing No.12/018/200 date stamped received 18th February 2016, prior to the occupation of any other works or other development hereby permitted.

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

3. The development hereby permitted (accessing Kennedy Way) shall not be occupied until the redundant vehicular accesses from the site to the public road have been permanently closed and the footway reinstated to the satisfaction of TransportNI.

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.

4. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.12/018/200 bearing the date received stamp 18th February 2016 to provide for parking 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 adequate provision has been made for parking within the site.

5. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Planning Authority hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No.12/018/200 bearing the Transport NI Determination date stamp 8th April 2016.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

6. Prior to the occupation of the development, a Verification Report must be submitted which demonstrates that the noise mitigation measures and recommendations outlined in Noise Assessment by KRM Acoustics "Proposed new housing Development Kennedy Way, Belfast" 13th October 2014 and Letter received from KRM Acoustics dated 5th October 2015, have been fully implemented within the specified areas of the development.

The report must demonstrate that internal noise levels within any apartment shall not:

1. exceed 35 dB LAeq16hr at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.

2. exceed 30dB LAeq,8hr at all other times measured over a five minute period within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.

3. exceed 45 dB LAMax for any single sound event between 23:00 hrs and 07:00 hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in

accordance with current building control requirements.

4. Exceed 55 dB LAeq16hr at any time between 07:00hrs and 23:00hrs within any proposed external garden.

Reason: In the interests of amenity.

7. Evidence must be presented in the Verification Report that all fuel storage tanks (and associated infra-structure) have been 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, Conditions 8 and 9 will apply.

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

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Department 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 Department in writing, and subsequently implemented and verified to its satisfaction.

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

9. After completing the remediation works under Condition 7; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Department. 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.

10. All landscape works shall be carried out in accordance with the approved details and the Landscape Management/Maintenance Plan date stamped received on 12th January 2016.

Reason: To ensure the stability of the approved landscape design through its successful establishment and long term maintenance.

11. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the buildings for their permitted use, another tree or trees shall be planted at the same place and those trees shall be of such size and species and shall be planted at such time as may be specified by the Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

12. The proposed planting, as indicated on approved drawing no 13, date stamped received 12 January 2016, shall be undertaken during the first available planting season after the occupation of the dwellings hereby approved.

Reason: In the interest of visual amenity





<b>ANNEX</b>	
<b>Date Valid</b>	29th November 2013
<b>Date First Advertised</b>	13th December 2013
<b>Date Last Advertised</b>	12th June 2015
<b>Details of Neighbour Notification</b> (all addresses)	
<p>Paul Lynch 03 2 Stockmans Avenue Ballydownfine Moya Morris 1 Stockmans Crescent Ballydownfine Belfast Gerard Lenzi 10 Stockmans Avenue Ballydownfine Belfast Thomas Brian O'Neill 10 Stockmans Crescent Ballydownfine Belfast L Jennings 11 Stockmans Crescent, Ballydownfine, Belfast, Antrim, BT11 9AW, Martina McGrillen 12 Stockmans Crescent Ballydownfine Belfast Joseph Carberry 13 Stockmans Crescent, Ballydownfine, Belfast, Antrim, BT11 9AW, The Owner/Occupier, 14 Stockmans Crescent Ballydownfine Belfast D Martin 15 Stockmans Crescent, Ballydownfine, Belfast, Antrim, BT11 9AW, Louis Courtney 16 Stockmans Crescent Ballydownfine Belfast FJ O'Rourke 17 Stockmans Crescent Ballydownfine Belfast The Owner/Occupier, 18 Stockmans Crescent Ballydownfine Belfast The Owner/Occupier, 18 Stockmans Crescent, Ballydownfine, Belfast, Antrim, BT11 B Compston 19 Stockmans Crescent, Ballydownfine, Belfast, Antrim, BT11 9AW, Bernard Owens 20 Stockmans Crescent Ballydownfine Belfast The Owner/Occupier, 20 Stockmans Crescent, Ballydownfine, Belfast, Antrim, BT11 The Owner/Occupier, 21 Stockmans Crescent, Ballydownfine, Belfast, Antrim, BT11 9AW, S Kelly 26 Stockmans Crescent Ballydownfine Belfast John O'Loan 27 Stockmans Park Ballydownfine Belfast Brendan McGurk 28 Stockmans Crescent, Ballydownfine, Belfast, Antrim, BT11 9AW, Ciara McGorman 43 Stockmans Park Ballydownfine Belfast Kay and Eddie Haughey</p>	

<p>43 Stockmans Park Ballydownfine Belfast  K Haughey  43, Stockmans Park, Belfast, Antrim, Northern Ireland, BT11 9AX  The Owner/Occupier,  6 Stockmans Crescent, Ballydownfine, Belfast, Antrim, BT11 9AW,  R Martin  8 Stockmans Crescent Ballydownfine Belfast  The Owner/Occupier,  9 Stockmans Crescent Ballydownfine Belfast  The Owner/Occupier,  Northern Ireland Water, Old Westland Road, Belfast, BT14 6TE</p>	
<b>Date of Last Neighbour Notification</b>	4th January 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<p><b>Planning History</b></p> <p>Ref ID: Z/2008/2223/A  Proposal: Erection of 2no free standing 96-sheet display panels.  Address: Vacant site of former petrol station, 26 Kennedy Way, Belfast  Decision:  Decision Date: 10.12.2008</p> <p>Ref ID: Z/1985/0785  Proposal: RECONSTRUCTION OF PETROL FILLING STATION  Address: STOCKMANS SERVICE STATION, KENNEDY WAY  Decision:  Decision Date:</p> <p>Ref ID: Z/2009/0313/F  Proposal: Proposed car wash, including two containers to be used for storage and office, and brick WC.  Address: Old Esso Garage, Kennedy Way, Belfast BT11 9AP  Decision:  Decision Date: 01.10.2009</p> <p>Ref ID: Z/2008/1447/Q  Proposal: Proposed Apartments  Address: Kennedy Way  Decision:  Decision Date:</p> <p>Ref ID: Z/1993/2218  Proposal: Installation of new jet wash bay, screen and jet wash unit  Address: STOCKMANS SERVICE STATION, KENNEDY WAY, BELFAST BT11</p>	

Decision:  
Decision Date:

Ref ID: Z/1980/1709  
Proposal: INSTALLATION OF UNDERGROUND PETROL STORAGE TANK  
Address: STOCKMAN'S SERVICE STATION, KENNEDY WAY, BELFAST BT11  
Decision:  
Decision Date:

Ref ID: Z/1975/0291  
Proposal: ERECTION OF SIGN  
Address: KENNEDY WAY  
Decision:  
Decision Date:

Ref ID: Z/1985/1575  
Proposal: INSTALLATION OF CANOPY FASCIA SIGN AND COLUMN SIGNS  
Address: STOCKMANS SERVICE STATION, KENNEDY WAY  
Decision:  
Decision Date:

Ref ID: Z/2011/0364/A  
Proposal: Erection of 1 free standing 48 sheet advertising panel and 1 free standing 96 sheet advertising panel under temporary consent (Amended scheme).  
Address: Lands at 26 Kennedy Way, Belfast, BT11 9AP,  
Decision:  
Decision Date: 08.06.2011

Ref ID: Z/2008/0607/F  
Proposal: Development of 51no. apartments in one block, with associated parking for 70 cars, landscaping and relocation of sewer.  
Address: Lands bound by Kennedy Way and Stockmans Crescent Belfast, BT11  
Decision:  
Decision Date: 07.05.2008

Ref ID: Z/2010/0467/F  
Proposal: Residential development with associated parking, landscaping and relocation of sewer.  
Address: Lands bound by Kennedy Way and Stockmans Crescent, Belfast BT11.  
Decision:  
Decision Date: 21.03.2012

Ref ID: Z/2004/2742/F  
Proposal: Proposed extension to existing Westwood Shopping Centre to provide new retail and storage units incorporating a 35,000 sq.ft foodstore along with additional car parking.  
Address: Westwood Shopping Centre, Kennedy Way, Belfast. BT11 9BQ  
Decision:  
Decision Date: 03.12.2008

Ref ID: Z/2013/1399/F

Proposal: Proposed residential development comprising 1 detached two storey dwelling, 10 two storey semi-detached houses and six apartments in one three storey block along with associated site works and sewer diversion

Address: Lands bounded by Stockmans Crescent and Kennedy Way Belfast BT11,

Decision:

Decision Date:

**Notification to Department (if relevant) N/A**

Date of Notification to Department:

Response of Department: