

Development Management Second Addendum Report Committee Application

Summary	
Committee Meeting Date: 14 March 2017	
Application ID: LA04/2016/1790/F	
Proposal: 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)	Location: 87 Malone Avenue/6 Eglantine Place Belfast BT9
Referral Route: The application is for more than four residential units.	
Recommendation:	Approval
Applicant Name and Address: Palaia Limited 98 Church Street Dromore BT25 1AA	Agent Name and Address: Total Architecture and Design Ltd 25 University Street Belfast BT7 1FY
ADDENDUM REPORT	
<p>This application was originally presented to Belfast City Council Planning Committee on 17th January 2017 and was deferred so that legal advice could be obtained on the demolition of the façade and its potential consequences for the extant planning permission.. Legal advice was obtained and the application was presented back to committee on 14th March 2017. The application was deferred for a second time for the following reason:</p> <p style="text-align: center;"><i>That the Committee, given the issues which had been raised regarding the size and space standards of the proposed living space, agrees to defer consideration of the application to enable potential reasons for refusal to be outlined for consideration in an amended report at the next meeting.</i></p> <p>By letter dated 27th March 2017, the agent submitted “a response to the case officer’s report presented to Council 14th March 2017” (attached as Appendix 1). The points raised are:</p> <ul style="list-style-type: none"> • Space Standards – The agent disagrees that Flats 1 & 6 fall short of the space standards as set out at Annex A of the Addendum to PPS7. He indicates how the proposed occupant’s requirements will differ from that to which the design guidelines are intended (the agent advises that the standards are from the DSD Housing Association Guide and are designed for the provision of lifetime homes for Housing Association tenants – families, including those with children). • The agent’s view is that given the location of the proposal (where most properties are converted to HMO’s and flats), the building will be occupied in the main by single people without children who need accommodation whilst they study or work in nearby establishments. They are likely to stay less than 5 years and then move on and as such they require a home from home. • The agent advises that the requirements for the proposed accommodation are that a double bed is provided for a single person and they do not tend to have children. It is highly likely 	

that each bedroom will be occupied by a single person and so the maximum occupancy will be less than the maximum number permitted by the proposed scheme as designed in accordance with Policy LC1, Annex A of PPS7.

- The agent has submitted amended plans to show single beds in flats 1 and 6.
- The agent has also provided a photograph confirming that the façade is being replicated using salvaged brick and new stonework and is 85% complete.

Deferred Consideration

Members expressed concern that some of the proposed apartments do not meet the space standards in Annex A of the Addendum to PPS7. Members have sought advice on potential reasons for refusal should committee determine the application to be unacceptable.

As set out in the first addendum to the case officer's report (attached as **Appendix 2**), there are issues around (1) whether the space standards apply to proposals in high density locations characterised by HMOs/flats; and (2) whether or not the proposed flats 1 & 6 fail to meet the space standards.

In relation to (1), the space standards apply under Policy LC1 of the Addendum to PPS7 (APPS7). Policy LC1 of APPS7 applies to proposals for new housing in 'established residential areas'. Annex E of APPS7 states that "established residential areas are normally taken to mean residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens". The agent argues that as the site is an area of high density housing, predominantly HMO's and apartments, the space standards do not apply to the proposal. It is accepted by officers that the site is located within a high density residential area and does not fit the definition of an established residential area as defined in the addendum to PPS7 and therefore Policy LC1 and its associated space standards do not apply in this case..The Planning Appeals Commission took this view at a recent appeal decision (2015/A0053) where it determined that Policy LC1 did not apply to the redevelopment for apartments on a brownfield site within a high density HMO/flat location. This current proposal is on a brownfield site in a high density location.

In relation to (2), the agent considers that the apartments have been designed to meet the space standards in APPS7 whereas the case officer has assessed that apartments 1& 6 are substandard. Apartment 1 is a one bedroom apartment. It is 38 square metres in size. The standards contains two size standards for one bedroom apartments. A one person/one bedroom apartment should be 35/40 sqm and a two person/one bedroom apartment should be 50/55 sqm. The case officer assessment is based on the higher standard as the plans show a double bed in the bedroom. Similarly, apartment 6 is a two bedroom apartment. It is 63sqm. A three person/two bedroom apartment should be 60/65 sqm and a four person/two bedroom apartment should be 70/75 sqm. The case officer assessment is based on the higher standard as the plans show double beds in both bedrooms. The agent subsequently submitted amended plans showing single beds in apartments 1 & 6 and as such the apartments would meet the space standards. Members should note that it would not be possible to enforce this arrangement of single beds. The agent has also set out how the proposed occupant's requirements will differ from that to which the design guidelines are intended. The agent has advised that the accommodation is aimed at single persons attending or working at nearby institutions e.g. QUB and not aimed at families with children on a long-term basis.

Members should note that the previously approved scheme also failed to comply with the space standards.

Taking into account the nature of the proposed occupancy of the apartments, and that Policy LC1 and its associated space standards do not apply within this high density residential location which is not characterised by family living, it is considered that a refusal based on a slight shortfall in

relation to 2 out of 7 apartments would be decision that could not be successfully defended at appeal. This is reinforced with the legal advice presented at the March meeting:

Whilst the applicant appears to have commenced the 2013 permission, the scheme is not in accordance with same. It is therefore arguable that they have either not implemented that permission or that they will not be able to complete the works in accordance with that permission. Given that what is proposed is in keeping with the previous approval, in that the proposed façade is a replication of what should have been retained using the bricks from the demolished facade, together with some additional minor improvements, I am of the view that a refusal would be susceptible to a successful appeal.

If members remain of the view that the proposal is unacceptable because of the space standards the following reason for refusal is suggested:

- (1) The proposal is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Area and associated guidance in that it would, if permitted, result in unacceptable living conditions for prospective residents due to insufficient internal floor space area.

Notwithstanding the above refusal reason, members are advised that whilst officers have considered the concerns expressed by members, their recommendation remains that the application should be approved. It is considered that the space standards within the Addendum to PPS7 do not apply in this case. In deciding this application all relevant material consideration must be taken into account, including the nature of the proposed occupation of the apartments, the location within a high density residential area not characterised by family accommodation, the replication of the front façade and the restoration of the street scape and the history of previous planning approvals for similar apartment development on the site which also did not meet the space standards.

Recommendation

The recommendation therefore remains to approve the application as per the original case officer's report attached as Appendix 2 to this addendum report.

It is recommended that the delegated authority is given to the Director of Planning & Place to approve the application with conditions with the final framing and wording of conditions to be delegated.

Appendix 1

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March 27th 2017

Mr Richard White
Planning Officer
Belfast Planning Service
Belfast City Council
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

Dear Sir,

YOUR REF LA04/2016/1790/F

LOCATION: 87 MALONE AVENUE / 6 EGLANTINE PLACE BELFAST BT9

Dear Sir,

further to your case officer report as presented to council 14th March 2017, we wish to clarify that all the flats have been designed to meet the space standards as contained in Annex A of the Addendum to PPS7.

Your previous report to the council on 17th January 2017 noted that Flats 1 & 6 fell short of the standards - this assertion was made on the basis that the bedrooms contained a double bed and therefore could accommodate 2no. Persons.

In our letter to you dated 20th January 2017 we provided details of compliance with Annex A and also confirmed that single tenants in this area have a preference for bedrooms which contain a double bed. This is a reasonable expectation for a single adult.

However, your reconsideration as presented to council 14th March 2017 stated:

"Two apartments are considered to fall below the published guidelines, but this depends on whether or not the room contains a double or single bed."

In light of this statement we would take this opportunity to clarify how the occupant's requirements of the completed accommodation will differ from that to which the design guidelines are intended. The guidelines in Annex A are taken from the DSD Housing Association Guide and are designed for the provision of lifetime homes for Housing Association tenants ie: families, some with children. However due to the location and character of the application area where most properties have been converted into HMO's & flats, the building will be occupied in the main by single people without children who need accommodation whilst they study or work in the nearby establishments. They will most likely stay for less than 5 years and then move on and as such they require a home from home.

Their requirements for bedrooms are that a double bed is provided for a single person and they tend not to have children. This is in stark contrast to the requirements of a Housing Association tenant where a co-habiting couple will occupy one bedroom containing a double bed whilst their 2no. children may share another bedroom containing 2no. single beds.

In light of the above it is highly likely that each bedroom in the property will only be occupied by a single person and as such, the maximum occupancy of the building across the 7no. Flats will be considerably less than the maximum no. of persons permitted by the proposed scheme as designed in accordance with Planning Policy LC1 Annex A of the Addendum to PPS7.

We trust that this clarifies matters regarding the occupation of bedrooms and the reasons for the bed sizes shown in each, but in response to the comment in your reconsidered report as presented to council 14th March 2017 regarding double beds, we have amended the application drawings to show single beds in Flats 1 & 6.

With regard to the replication of the facades in salvaged brick and new stonework, we have attached a photograph below showing work to the front facade which is now 85% complete.



Photo 1 - 22nd March 2017

Yours Faithfully
For and on behalf of Total Architecture + Design Limited

Tim Doyle ARB Architect
enc

The architectural drawings include:

- Elevations:**
 - 11' ELEVATION (top left)
 - 10' ELEVATION (middle left)
 - 10' ELEVATION (bottom left)
 - 10' ELEVATION (top middle)
 - 10' ELEVATION (middle middle)
 - 10' ELEVATION (bottom middle)
 - 10' ELEVATION (top right)
 - 10' ELEVATION (middle right)
 - 10' ELEVATION (bottom right)
- Sections:**
 - SECTION 10 (top right)
 - SECTION 11 (middle right)
 - SECTION 12 (bottom right)
- Floor Plans:**
 - FLOOR PLAN 10 (top right)
 - FLOOR PLAN 11 (middle right)
 - FLOOR PLAN 12 (bottom right)
- Table:**

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	10/10/16
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3	ISSUED FOR PERMIT	10/10/16
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100	ISSUED FOR PERMIT	10/10/16

**Appendix 2
Development Management
First Addendum Officer Report
Committee Application**

Summary	
Committee Meeting Date: 14 March 2017	
Application ID: LA04/2016/1790/F	
Proposal: 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)	Location: 87 Malone Avenue/6 Eglantine Place Belfast BT9
Referral Route: The application is for more than four residential units.	
Recommendation:	Approval
Applicant Name and Address: Palaia Limited 98 Church Street Dromore BT25 1AA	Agent Name and Address: Total Architecture and Design Ltd 25 University Street Belfast BT7 1FY
ADDENDUM REPORT	
<p>This application was previously presented to Belfast City Council Planning Committee on 17th January 2017. The planning application was deferred for the following reason:-</p> <p style="padding-left: 40px;"><i>The Committee, given the issues that had been raised regarding the pre-decision notice and the implementation of the current consent, agreed to defer consideration of the report, so that legal advice could be outlined on the demolition of the façade and the potential consequences to the extant planning permission at the next committee.</i></p> <p>Legal Services advises as follows:</p> <p>Whilst the applicant appears to have commenced the 2013 permission, the scheme is not in accordance with same. It is therefore arguable that they have either not implemented that permission or that they will not be able to complete the works in accordance with that permission. Given that what is proposed is in keeping with the previous approval, in that the proposed façade is a replication of what should have been retained using the bricks from the demolished facade, together with some additional minor improvements, I am of the view that a refusal would be susceptible to a successful appeal.</p> <p>By letter dated 20 January 2017, the agent submitted 'a response to the case officer's report' (attached as appendix 1). The points raised are:</p> <ul style="list-style-type: none"> • Space Standards – these are contained in the addendum to PPS7 and as the site does not lie within an established area (as defined at Annex E of the addendum) Policy LC1 (and hence the Space Standards at Annex A of the document) does not apply to the proposal. • Even though the standards are not applicable, the apartments are designed to meet the standards. 	

- The space standards are based on DSD's Housing Association Guide 2009 Design Standards and do not specify minimum room sizes.
- The fact that a room can accommodate a double bed should not be interpreted that 2 persons shall occupy that room.
- The applicant has chosen to apply for a lower density of apartments (current proposal seeks 7 apartments as opposed to 9 previously approved under Z/2007/0803/F).
- The area is characterised by amenity space in small rear yards for bin & bicycle storage. The lack of amenity space to properties in this high density area is compensated by public parks within walking distance.
- The proposal has 87sqm of outside garden space which is semi private defensible space.
- The area is characterised by 3 storey rear returns along adjoining boundaries. The current proposal has a lesser impact on No 85 than the previous approval. It is stepped in from the boundary with No 85 by 1 metre and will be finished in white pigmented render.

Consideration

It is accepted that the site is located within a high density residential area and does not fit the definition of an established residential area as defined in the addendum to PPS7, however, the standards remain a guide to assess proposals against. Two apartments are considered to fall below the published guidelines, but this depends on whether or not the room contains a double or single bed.

The front garden area does not represent private amenity space, however, it is accepted that this is a high density residential area. Private amenity space is provided with rear yards. This is compensated by a public park (Botanic Gardens) within walking distance of the site.

The proposed rear return will impact on the residential amenity of the occupier of No.85 but this is not considered unacceptable. It is accepted that the current proposal has a lesser impact than previously approved. The set back from the boundary and the white render will help limit the impact. It is also accepted that there are numerous examples of 3 storey rear returns in the area.

Recommendation

It is recommended that the delegated authority is given to the Director of Planning & Place to approve the application with conditions with the final framing and wording of conditions to be delegated.

Appendix 1

Total Architecture + Design Limited

January 2017

LA04/2016/1790/F

RESPONSE TO CASE OFFICER REPORT ITEMS

ITEM

9.9 Space Standards

Annex E of the the addendum to PPS7 defines an established residential area as:

"Residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens."

The site lies in HMO area 2/09 as defined in the HMO Subject Plan Appendix 3 as having 58% of all dwelling units to be in HMO use –

HMO is the dominant use in the area. It is not dominated by medium to low density single family housing with associated private amenity space or gardens

The site is not located in an Established Residential Area as defined in the Addendum to PPS7 - This has been acknowledged in the deferral report for approval Z/2013/0413/F 118 Eglantine Avenue which states:

In addition, I am not convinced the addendum to PPS 7 is wholly applicable to this area. Addendum e of the policy defines established residential area as 'residential neighbourhoods dominated by medium to low density single family housing with associate private amenity space or gardens. In addition the policy exceptions include key and link corridors or sites adjacent to main public transportation notes. This is in recognition of the desirability of promoting increased density housing in the appropriate locations.

Even though this policy is not applicable, we have designed the apartments to meet the same space standards as defined in Table to Annex A and the scheme is not contrary to Policy LC1. The applicant has a preference to provide larger bedrooms than normally provided in this area. This is to the benefit of the future occupants.

Flats designed in accordance with the table to Annex A of Policy LC1 AS FOLLOWS

Flat 1 (38m2)	1-Person/1 Bedroom meets space standard Min. 35m2
Flat 2 (31m2)	1-Person/ Bedsit meets space standard Min. 30m2
Flat 3 (54m2)	2-Person/1 Bedroom meets space standard Min.50m2
Flat 4 (76m2)	4-Person/3 Bedroom meets space standard Min.75m2
Flat 5 (70m2)	4-Person/2 Bedroom meets space standard Min.70m2
Flat 6 (63m2)	3-Person/2 Bedroom meets space standard Min.60m2
<u>Flat 7 (69m2)</u>	<u>3-Person/2 Bedroom meets space standard Min.60m2</u>
Total	18-persons

The apartment space standards in Annex A of Policy LC1 are extracted from the DSD's Housing Association Guide 2009 Design Standards. These design standards reference the BRE Housing and Design Handbook with regard to flat layouts. Minimum room space requirements are not provided. Chapter 15 of the handbook titled *Circulation, living rooms and bedrooms* states:

"Minimum room sizes are not given; instead dimensions are given for activities carried out in particular spaces." p.215

This approach has been employed to define the room sizes and flat layouts.

We have been designing similar schemes in South Belfast for the past 20 years and feedback from letting agents and property managers is that expectations from proposed tenants in this area are that a double bed is provided for a single person and that where possible the room can be large enough to permit them to study at a desk, store items and use the room as an alternative to the living room should the activities in the living room clash with that required by the other tenant/s at the time [a feature which is also recommended in the BRE Housing and Design Handbook].

The fact that a bedroom can accommodate a double bed should not be interpreted that two persons shall occupy that room as appears to be the case from your comments on space standard compliance.

We would also add that the applicant chose to apply for a lower density of apartments than was possible to be incorporated into the site ie - 7no. Apartments applied for when the planning history shows that 9no. were approved as per Z/2007/0803/F.

9.10 Amenity

Creating places offers guidance for new developments and its content refers in the main to large scale schemes of housing developments. The application site is a new apartment development on a small site in a Conservation Area characterised by high density terraced buildings converted to HMO's or flats with small rear yards used for bins and bicycle storage with small gardens surrounded by low garden walls to the street. The lack of amenity space to properties in this high density area is compensated by its close location to public parks such as Botanic Gardens to which is 5 minute walk or indeed the Lagan Cycle Path which is a 5 minute cycle ride from the site.

Item 5.17 "Private Open Space" of Creating Places states

Well-designed space around buildings can add greatly to the attractiveness of the development, particularly where the principles of defensible space are applied. The design should therefore make adequate provision for private open space in the form of gardens, patios, balconies or terraces for all dwellings.

Item 5.20 "Level of Open Space Provision" of Creating Places states

In the case of apartment or flat developments, or 1 and 2 bed roomed houses on small urban infill sites, 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.

Items 5.21 – 5.23 provide guidance on front garden design. Items 5.24 – 5.25 provide guidance on rear garden and patio design.

No specific ratio or mix of front and rear private amenity space around a building is defined in Creating Places and the appropriate level of provision is context led.

The outside garden space as detailed on the submitted landscaping plan has an area of 87m² and provides a pleasant area of semi private defensible space between the street and the building for occupants to sit and enjoy, and would comply with Item 5.17 of Creating Places as "Private Open Space".

The rear bins/ bicycles area / open space provides 21m² of private amenity space.

The total amenity space of varying levels of privacy provided is 108m² which equates to 15.43m² per flat. This is higher than the 10m² recommended in Creating Places. This private amenity space provision is higher than that normally found in this context.

9.14 Dominance/Overshadowing and Loss of Light

Many terraced buildings have been approved in this area to include 3 storey returns along adjoining boundaries.

The original 2 storey return was built along the boundary wall with no.85 in red brick and included a window looking directly into the yard of no. 85. The inclusion of the window at no. 87 in this wall restricted future development at no.85 and the brick finish was absorbent of daylight.

The approved 9 flat scheme Z/2007/0803 scheme included a 3 storey return built along the entire length of the boundary with no.85.

The application scheme was changed from the 2007 scheme to benefit the adjoining property at no.85:

2m back from the rear wall of the main house, the 3 storey wall is stepped 1m back from the boundary with no. 85 and finished in white pigmented render

Stepping the return wall by 1m from the boundary compensates for the additional storey height to that originally built along the boundary and the application of white pigmented render maximizes light

reflection to the rear of no.85.

This is a much improved design in terms of impact on No. 85 to that approved as per Z/2007/0803 as it is less dominant, causes less overshadowing and could offer a similar or improved quality of light to that which pre-existed with the original 2 storey brick return which was built along the boundary line.

**Appendix 2
Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 17 January 2017	
Application ID: LA04/2016/1790/F	
Proposal 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)	Location 87 Malone Avenue/6 Eglantine Place Belfast BT9
Referral Route: The application is for more than four residential units.	
Recommendation:	Approval
Applicant Name and Address: Palaia Limited 98 Church Street Dromore BT25 1AA	Agent Name and Address: Total Architecture and Design Ltd 25 University Street Belfast BT7 1FY
Executive Summary: 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"> • Planning history • Demolition and new development in Malone Conservation Area • Provision of a quality residential environment by way of density, layout, amenity, and the likelihood of dominance and overlooking • Parking <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>	

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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
Characteristics of the Site and Area	
1.0	Description of Proposed Development
	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).
2.0	Description of Site and Area
2.1	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.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	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.
4.0	Policy Framework
4.1	<ul style="list-style-type: none"> • 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 • Malone Conservation Area (Sub Area B: Eglantine/Wellesley/Wellington) – Malone Design Guide • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 – Access, Movement and Parking • Planning Policy Statement 7 – Quality Residential Environments • Planning Policy Statement 7 (Addendum) – Safeguarding the Character of Established Residential Areas • Planning Policy Statement 12 – Housing in Settlements • Development Control Advice Note 8 – Housing in Existing Urban Areas • Development Control Advice Note 15 – Vehicular Access Standards • Supplementary Planning Guidance - Parking Standards • Supplementary Planning Guidance – Creating Places
5.0	Statutory Consultee Responses
	<ul style="list-style-type: none"> • Rivers Agency – No objection subject to informatives • Transport NI – No objection subject to conditions and informatives • NI Water – No objection subject to informatives • NIEA Water Management Unit – No objection • NIEA Waste Management Unit – No objection subject to informatives

6.0	Non Statutory Consultee Responses
	<ul style="list-style-type: none"> • Belfast City Council Environmental Health – No objection subject to informatives • Belfast City Council City and Neighbourhood Department (Waste Storage) – No objection • Belfast City Council Conservation Officer – No objection
7.0	Representations
7.1	The planning application was advertised in the local press and neighbour notified. There were no letters of objection received.
8.0	Other Material Considerations
	Planning History as detailed in Section 3.
9.0	Assessment
9.1	The application site is located within the settlement development limits of Belfast, and the Malone Conservation Area.
9.2	<p>The key issues in this planning application are:</p> <ul style="list-style-type: none"> • Planning History • Demolition • New development within the Conservation Area • Space Standards • Amenity Space • Waste Storage • Boundary Treatment • Scale and Mass • Density • Dominance • Overlooking • Overshadowing/loss of light • Parking
9.3	<p>Strategic Planning Policy Statement for Northern Ireland</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>
9.4	<p>Planning History</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>
9.5	Demolition

<p>9.5.1</p>	<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>
<p>9.5.2</p>	<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>
<p>9.5.3</p>	<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>
<p>9.6</p>	<p>New Development within the Conservation Area</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>
<p>9.7</p>	<p>Scale and Mass</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>9.8</p>	<p>Density</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>9.9</p>	<p>Space Standards</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>9.10</p>	<p>Amenity</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>9.11</p>	<p>Waste Storage</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>9.12</p>	<p>Boundary Treatment and Landscaping</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>9.13</p> <p>9.14</p> <p>9.15</p>	<p>along the boundaries with Malone Avenue and Eglantine Place.</p> <p>Parking</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>Dominance/Overshadowing and Loss of Light</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 6.05m² (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>Overlooking</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>10.0</p>	<p>Conclusion</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>Summary of Recommendation</p> <p>Approval</p>
12.0	<p>Conditions</p> <ul style="list-style-type: none"> • As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: Time Limit</p> <ul style="list-style-type: none"> • 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. <p>Reason: To preserve the amenity of the Malone Conservation Area.</p> <ul style="list-style-type: none"> • 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. <p>Reason: In the interest of visual amenity and the preservation of the Malone Conservation Area.</p> <ul style="list-style-type: none"> • 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. <p>Reason: To safeguard the privacy and amenity for prospective residents.</p> <ul style="list-style-type: none"> • 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. <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"> • 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. <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <ul style="list-style-type: none"> • All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

	<p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <ul style="list-style-type: none"> 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. <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <ul style="list-style-type: none"> 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. <p>Reasons: In the interests of privacy for prospective and neighbouring residents.</p> <ul style="list-style-type: none"> 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. <p>Reason: To ensure an acceptable waste storage provision.</p>
12.0	Notification to Department (if relevant) N/A
13.0	Representation from elected member: N/A

ANNEX	
Date Valid	01 September 2016
Date First Advertised	16 September 2016
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses)	
<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, 102 Malone Avenue,Malone Lower,Belfast,Antrim,BT9 6ES,</p>	

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,

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