

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 16 May 2016	
Application ID: LA04/2016/0051/F	
Proposal: Alterations to internal layout (demolition) facilitating new residential building consisting of six (one bedroom) apartments.	Location: 82 Eglantine Avenue Belfast BT9 6EU
Referral Route: The planning application is for more than four residential units	
Recommendation:	Refusal
Applicant Name and Address: McQuillan Properties 42 Old Forge Manor Belfast BT10 0HY	Agent Name and Address: Mullan Architects 134a Upper Lisburn Road Belfast BT10 0BE
<p>Executive Summary: The application seeks alterations to internal layout with demolition facilitating a new residential building consisting of six (one bedroom) apartments. The key issues to be considered in this case are:</p> <ul style="list-style-type: none"> • demolition and new development in Malone Conservation Area • dominance • overlooking • design • parking and access • amenity space • waste storage • density • space standards • setting of listed buildings • residential environment • noise • antisocial behaviour <p>The site at Eglantine Avenue is located within the Malone Conservation Area (Sub Group B – Eglantine/Wellesley/Wellington). To the rear is the listed Wellington Terrace. The proposal has been assessed against the SPPS, Planning Policy Statement 3, 6, 7, Addendum to 7, DCAN 8 and 15, Malone Design Guide, Creating Places and Supplementary Guidance - Parking Standards.</p> <p>There were fourteen objections to this planning application raising the following concerns:</p> <ul style="list-style-type: none"> • impact on the listed Wellington Park Terrace • overdevelopment – density too high • out of character • lack of parking • loss of amenity • loss of privacy – Wellington Park Terrace • loss of light to 84 Eglantine Avenue 	

- facade retention is not conservation
- flooding issues due to hard standing
- inadequate bin storage
- apartments wholly in the rear
- lack of amenity space
- noise issues similar to 78/80 Eglantine Avenue
- mass of new development
- intensification of use
- antisocial behaviour
- neighbour notification
- asymmetrical development – flat roof adjoining a pitched roof

There were two letters of response from RSPB in respect of this planning application requesting consideration be given to integrating nesting opportunities into the development for The Common Swift (*Apus apus*).

Having regard to the policy context and other material considerations above, the proposal is deemed to be unacceptable and is recommended for refusal for the reason set out in the attached report.

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Transport	No objection
Statutory	NI Water - Multi Units East	No objection
Non Statutory	Environmental Health Belfast City Council	No objection
Statutory	Historic Environment Division – Historic Buildings	No objection
Non Statutory	Belfast City Council	The proposal indicates a lack of

	Conservation Officer	working with the historic building, in order to maximise the number of units possible; working with the structure may allow three apartments to be comfortably achieved
Non Statutory	Rivers Agency	No objection
Statutory	DAERA Water Management Unit	Potential to adversely affect the surface water environment
Non Statutory	Belfast City Council City and Neighbourhood Department	No objection
Representations:		
Letters of Support	None Received	
Letters of Objection	17	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Representations from Elected representatives	None	
Characteristics of the Site and Area		
1.0	Description of Proposed Development The application seeks alterations to the internal layout of 82 Eglantine Avenue including demolition to facilitate a new residential building consisting of six (one bedroom) apartments. (The application had originally been submitted as demolition of the entire building retaining only the façade and erection of 8 apartments.)	
2.0	Description of Site and Area	
2.1	The existing building at 82 Eglantine Avenue, last used as offices, is a two bay, two and a half storey terraced property, faced in red brick with pitched and slated roof (with cockscomb ridge tiles). There is a two storey canted bay window to the front elevation. To the rear there is a three storey, gabled return (paired with the neighbouring property), a single storey element beyond and an enclosed yard. A larger unkempt area exists between the yard wall and the laneway between the rear of the properties on Eglantine Avenue and those on Wellington Park Terrace. The property retains historic timber in the form of full pane sliding sash window frames and the original six panelled door.	
2.2	The Eglantine/Wellesley/Wellington Sub Area is a predominantly residential townscape located at the northern end of the Conservation Area. However there are properties utilised in other ways: guest house, day nursery, offices and charities. To the rear of 82 Eglantine Avenue is the listed terrace – Wellington Park Terrace. Properties in the vicinity are generally constructed from traditional brick and are constructed in terraces.	
Planning Assessment of Policy and other Material Considerations		
3.0	Site History	
3.1	In 2014 planning permission (Z/2014/1228/F) was granted for the change of use of 82 Eglantine Avenue from offices to a dwelling.	
3.2	In 2009 adjacent to this property at 78-80 Eglantine Avenue a change of use was approved from offices to thirteen apartments to include an extended rear return (Z/2007/2374 and Z/2009/0534/F). At 73 Eglantine Avenue an extension and alteration to the existing property was approved in 2009 (Z/2009/0675/F) and 2015 (Z/2014/1729/F) to	

3.3	provide eight apartments. Along Eglantine Avenue there are a number of examples of demolition consents granted in recent years for the rear portions of buildings and the retention of front facades (17-21, 19, 49, 61, 66, 77 and 102).
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 Group 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 6 – Planning, Archaeology and The Built Heritage • Planning Policy Statement 7 – Quality Residential Environments • Planning Policy Statement 12 – Housing in Settlements • Supplementary Planning Guidance – Parking Standards • Supplementary Planning Guidance – Creating Places • Development Control Advice Note 8 – Housing in Existing Urban Areas • Development Control Advice Note 15 – Vehicular Access Standards
5.0	Statutory Consultee Responses
	<ul style="list-style-type: none"> • Transport NI – No objection subject to condition and informatives • NI Water – No objection subject to informatives • NIEA Historic Environment Division (Historic Buildings) – No objection • Rivers Agency – No objection subject to informatives
6.0	Non Statutory Consultee Responses
	<ul style="list-style-type: none"> • Belfast City Council Environmental Health – No objections subject to informative • Belfast City Council Conservation Officer – The photographic survey appear to show substantial alteration / loss of historic fabric has taken place during pervious conversion to previous uses. Given this the proposed internal reconfiguration is probably acceptable in this case. • Belfast City Council City and Neighbourhood Department – No objection
7.0	Representations
7.1	<p>The planning application has been advertised in the local press and neighbour notified. There were seventeen objections to this planning application raising the following concerns predominantly in relation to the original proposal for demolition of the existing dwelling and the redevelopment of the site.</p> <ul style="list-style-type: none"> • impact on the listed Wellington Park Terrace • overdevelopment – density too high • out of character • lack of parking • loss of amenity • loss of privacy – Wellington Park Terrace • loss of light to 84 Eglantine Avenue • facade retention is not conservation • flooding issues due to hard standing • inadequate bin storage • apartments wholly in the rear • lack of amenity space

	<ul style="list-style-type: none"> • noise issues similar to 78/80 Eglantine Avenue • mass of new development • intensification of use • antisocial behaviour • neighbour notification • asymmetrical development – flat roof adjoining a pitched roof <p>There were two letters of response from RSPB in respect of this planning application requesting consideration be given to integrating nesting opportunities into the development for The Common Swift (<i>Apus apus</i>).</p> <p>These concerns still stand with the revised scheme. All neighbours who required notification under the statutory provisions were notified.</p>
8.0	Other Material Considerations
	None
9.0	Assessment
9.1	The application site is located within the settlement development limits of Belfast, within the Malone Conservation Area. To the rear of the property is the listed terrace – Wellington Park Terrace.
9.2	<p>The key issues to be considered in this case are:</p> <ul style="list-style-type: none"> • demolition and new development in the conservation area • impact on the listed terrace to the rear • dominance • overlooking • parking and access • density - overdevelopment • residential outlook • space standards • amenity space • waste storage provision • noise and anti-social behaviour • neighbour notification

<p>9.3</p>	<p>Strategic Planning Policy Statement for Northern Ireland The purpose of planning is to prevent proposals which would unacceptably affect amenity and the existing use of land. 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.</p>
<p>9.3.1</p>	<p>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. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest.</p>
<p>9.3.2</p>	<p>Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.</p>
<p>9.4</p>	<p>Demolition in the Conservation Area In adherence to Policy BH 14 of PPS 6 demolition of an unlisted building will only be permitted where the building makes no material contribution to the character and appearance of the area. Basic conservation principles revolve around the maximum retention of historic fabric. The scheme propose involves demolition of internal walls, chimney breast to the rear (stack retained), and portion of existing exterior wall to form openings in the side elevation to the rear of the building (amended description). Photographic evidence appears to show substantial alteration / loss of historic fabric has taken place during conversion to previous uses. As such, the proposed internal reconfiguration is considered acceptable in this case.</p>
<p>9.5</p>	<p>New Development in the Conservation Area The proposed development preserves the majority of the external historic fabric of the building, retaining the rear return. As such the development is considered compliant with PPS 6.</p>
<p>9.6</p>	<p>Impact on the Listed Wellington Park Terrace Objections have been received stating that the proposed development will have an adverse impact on the Listed Wellington Park Terrace. NIEA Historic Environment Division (HED) has been consulted to consider whether the amended development proposal affects 13 Wellington Park Terrace, a Grade B1 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. HED notes that there has been significant new development in the area and considers the current revised proposal does not represent a demonstrable negative impact on the listed structures. The proposed new building has been redesigned to reflect the original conformation of the house. The site is separated from the listed building by a rear entry and the front gardens of the listed terrace. As such the development now complies with Policy BH 11 of PPS 6 (Development affecting the Setting of a Listed Building) and HED have no objections.</p>

9.7	<p>Density – Overdevelopment</p> <p>Objections raised concerns about the number of apartments proposed in the development and that it amounted to overdevelopment of this location. PPS 7 Policy QD 1 (a) states that the development respects the surrounding context and is appropriate to the character and topography of the site. Belfast City Council will have regard to the location of the proposal in relation to its context and the overall quality of the residential environment to be created. In a city centre location or on sites which benefit from high accessibility to public transport facilities, where a high quality and frequent service is available, high density development, such as apartments or town houses, will normally be acceptable. There are large numbers of properties in the immediate vicinity of the site at Eglantine Avenue converted into multiple apartments. The property adjacent at 80 Eglantine Avenue was converted from offices into thirteen apartments with an extended rear return – planning permission approved in 2009. It is not considered the density proposed will result in overdevelopment of the site.</p>
9.8	<p>Residential Layout</p> <p>PPS 7 Policy QD 1 states that proposed developments should respect the character of the site by way of an acceptable layout. It should present an attractive outlook rather than unsightly views of back land areas. Three apartments (2, 3 and 5) are proposed to be located to the rear of the building. Apartment 2 on the ground floor has a rear facing outlook to the communal amenity space and bin area/cycle storage area. The residents of this apartment would be afforded a limited outlook to the rear. In addition the lower half of windows in this ground floor apartment are proposed to be obscured to prevent overlooking by other residents of the apartment block while in communal garden/at bins etc. This layout out will minimise any outlook and present a poor quality living environment for prospective residents of apartment 2. It is therefore contrary to policy QD1.</p>
9.8.1	<p>Although the space standards as detailed in Annex A of PPS 7 Addendum are not applicable in this location they are a guideline to what acceptable living standards are. The six apartments meet the minimum requirements of 35/40sqm for one bed-one person apartments.</p>
9.8.2	<p>While apartments 3 and 5 on the first and second floors have a rear facing outlook towards the gardens of Wellington Park Terrace it is considered that due to the unique location of Wellington Park Terrace and the elongated front gardens that apartments 3 and 5 have an acceptable outlook.</p>
9.9	<p>Overlooking</p> <p>Objections raised concerns regarding overlooking towards Wellington Park Terrace and the subsequent loss of privacy. In accordance with PPS 7 (h) the design and layout of the development must not create conflict with surrounding land uses by way of overlooking. The separation distance between the two living room windows (apartments 3 and 5) on the first and second floors is thirteen metres from the rear boundary of 13 Wellington Park Terrace. Windows on the proposed rear return facing 80 Eglantine Avenue have obscure glass on the lower half to prevent overlooking.</p>
9.10	<p>Dominance / Overshadowing and Loss of Light</p> <p>In accordance with PPS 7 (h) the design and layout of the development must not create conflict with surrounding land uses by way of dominance, overshadowing and loss of light. As the proposed development does not involve any extension to the existing building, there will not be any detrimental harm caused to 84 Eglantine Avenue.</p>
9.11	<p>Parking and Access</p> <p>Objections have raised concerns regarding a lack of car parking with this development.</p>

	<p>PPS 3 Policy AMP 7 (Car Parking and Service Arrangements) stipulates that adequate provision for car parking should be facilitated that does not prejudice road safety or significantly inconvenience the flow of traffic. The precise amount of car parking will be determined according to the specific characteristics of the development and its location. Creating places stipulates a requirement of 8 unassigned parking spaces for six (one bed) apartments. No in-curtilage parking provision is included within the proposed development. PPS 3 Policy AMP 7 states that a reduced level of car parking provision is acceptable where the development is in a highly accessible location well served by public transport or where the development would benefit from a spare capacity available in nearby public car park or adjacent on street parking. Eglantine Avenue is located within close proximity to the Malone Road and Lisburn Road Arterial Routes. A parking survey report was submitted by the applicant to justify the non-provision of in-curtilage parking provision. Transport NI have assessed the submitted report and offer no objection to the development proposal. As such the proposed development is compliant with PPS 3, PPS 7, Creating Places and Parking Standards.</p>
<p>9.12</p>	<p>Amenity Space Objections raised concerns regarding the loss of amenity space with the proposed development. Creating Spaces states that communal open space is acceptable for apartment development ranging between 10sqm to 30sqm per unit. The proposed development exceeds the minimum requirement and as such is compliant with PPS 7 (c), Creating Places and DCAN 8.</p>
<p>9.13</p>	<p>Waste Storage Objections were received raising concerns regarding a lack of waste storage. Belfast City Council City and Neighbourhood Department have been consulted and state that the proposed bin storage facility is acceptable for six apartments.</p>
<p>9.14</p>	<p>Neighbour Notification Objections raised concerns that not all neighbours had been notified. This planning application has been neighbour notified in accordance with The Planning (General Development Procedure) Order (Northern Ireland) 2015: paragraph 8 (b) serve notice of the application to any identified occupier on neighbouring land in accordance with paragraph 2 (Neighbouring land means land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20 metres in width).</p>
<p>9.15</p>	<p>Noise and Anti-Social Behaviour Objections raised concerns regarding noise and anti-social behaviour. Belfast City Council Environmental Health has examined the plans for the proposed development and considered them in terms of noise and offer no objections. Matters of anti-social behaviour are not a planning but will be dealt with the appropriate authority if the circumstances arise.</p>
<p>9.16</p>	<p>Flooding Issues Objections raised concerns regarding flooding potential due to the amount of hardstanding. In accordance with PPS 15 Revised a Drainage Assessment is not required for a development of this nature or scale. Rivers Agency has been consulted and offer no objection</p>
<p>9.17</p>	<p>Conclusion The scheme is deemed as unacceptable as the proposed layout has resulted in a development which is not considered acceptable in policy terms. Residential units should not be located wholly in the rear. The outlook for proposed residents in Unit 2 (ground floor) is thus considered unacceptable, a situation exacerbated by the inclusion of obscured glazing, which is required to protect the amenity of these residents. As such, the overall layout of the scheme is considered contrary to policy QD1 and refusal is</p>

	recommended.
10.0	Summary of Recommendation Refusal
11.0	Refusal Reasons 1. The proposal is contrary to Policy QD1 of Planning Policy Statement 7 in that it would, if permitted, result in an unacceptable living environment causing harm to the living conditions of prospective residents of apartment 2 (ground floor), due to an unacceptable outlook. The proposed development would therefore fail to create a quality residential environment.
12.0	Notification to Department (if relevant) N/A
13.0	Representation from elected member Councillor McAteer

ANNEX	
Date Valid	18 December 2015
Date First Advertised	29 January 2016
Date Last Advertised	27 January 2017
Details of Neighbour Notification (all addresses)	
<p>Conor Doyle, 105, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6EQ The Owner/Occupier, 11 Wellington Park Terrace, Malone Lower, Belfast, Antrim, BT9 6DR, N.V Kerr 11, Wellington Park Terrace, Belfast, Antrim, Northern Ireland, BT9 6DR N Kerr 11, Wellington Park Terrace, Belfast, Antrim, Northern Ireland, BT9 6DR The Owner/Occupier, 13 Wellington Park Terrace, Malone Lower, Belfast, Antrim, BT9 6DR, Evelyn Mullan 13, Malone Hill Park, Belfast, Antrim, Northern Ireland, BT9 6RD The Owner/Occupier, 15 Wellington Park Terrace, Malone Lower, Belfast, Antrim, BT9 6DR, Raymond Mullan 15, Wellington Park Terrace, Belfast, Antrim, Northern Ireland, BT9 6DR Sylvia Roberts 19, Wellington Park, Belfast, Antrim, Northern Ireland, BT9 6DJ Maria McCann 21, Wellington Park, Belfast, Antrim, Northern Ireland, BT9 6DL The Owner/Occupier, 26 Wellington Park, Malone Lower, Belfast, Antrim, BT9 6DL, Sheelagh McCully 28, Eglantine Avenue, Belfast, Antrim, Northern Ireland, BT9 6DX Kevin J McGlvern 42, Rath Road, Warrenpoint, Down, Northern Ireland, BT34 3RX The Owner/Occupier, 55, Wellington Park, Belfast, Antrim, Northern Ireland, BT9 6DP Jim and Marie Bradley 7, Wellington Park Terrace, Belfast, Antrim, Northern Ireland, BT9 6DR The Owner/Occupier, 77 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EW, The Owner/Occupier, 77 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EW, The Owner/Occupier, 80 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EU, The Owner/Occupier, 82 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EU, Stephen Monaghan 88, Eglantine Avenue, Belfast, Antrim, Northern Ireland, BT9 6EU Ciaran McLarnon Belvoir Park Forest, Belvoir Drive, Belfast, BT8 7QT The Owner/Occupier, Flat 1, 24 Wellington Park, Malone Lower, Belfast, Antrim, BT9 6DL, The Owner/Occupier, Flat 1, 73 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EW, The Owner/Occupier, Flat 1, 75 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EW, The Owner/Occupier, Flat 1, 84 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EU, The Owner/Occupier, Flat 2, 24 Wellington Park, Malone Lower, Belfast, Antrim, BT9 6DL, The Owner/Occupier, Flat 2, 73 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EW, The Owner/Occupier, Flat 2, 75 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EW, The Owner/Occupier, Flat 2, 84 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EU, The Owner/Occupier, Flat 3, 24 Wellington Park, Malone Lower, Belfast, Antrim, BT9 6DL, The Owner/Occupier, Flat 3, 73 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EW, The Owner/Occupier, Flat 3, 75 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EW, The Owner/Occupier, Flat 3, 84 Eglantine Avenue, Malone Lower, Belfast, Antrim, BT9 6EU, Ciaran McLarnon RSPB NI HQ, Belvoir Park Forest, Belvoir Drive, Belfast, BT8 7QT Rita Harkin</p>	
Date of Last Neighbour Notification	12 January 2017
Date of EIA Determination	N/A
ES Requested	N/A

Notification to Department (if relevant)

N/A