

Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: 20 th June 2017 | |
| Application ID: LA04/2016/0549/F | |
| Proposal: Proposed erection of 70 No. semi-detached and townhouse dwellings with associated site works, roads, car parking and landscaping/open space provision | Location: Lands at Benview Avenue and Benview Parade to the South of Buttermilk Loney Ballysillan Belfast |
| Referral Route: BCC Planning Committee – more than 12 dwellings | |
| Recommendation: | Approval with conditions and Section 76 Agreement |
| Applicant Name and Address: Latner 10 Developments Ltd 89 Broughshane Street Ballymena BT43 6ED | Agent Name and Address: TSA Planning Ltd 29 Linenhall Street Belfast BT2 8AB |
| <p>Executive Summary:</p> <p>Full planning permission is sought for the erection of 70 No. semi-detached and townhouse dwellings with associated site works, roads, car parking and landscaping/open space provision.</p> <p>The application site is located in the north of Belfast City at Benview Avenue approximately 3.5 miles north of Belfast City Centre. The site comprises approximately 2.33 hectares of land, is a brownfield site now clear of its former housing use, however, parts of the old road layout remain in place.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> - Principle of redevelopment and residential use at this location; - Scale & Design; - Impact on amenity; - Traffic, Movement and Parking - Other Environmental Matters <p>The site is located within an existing established residential area. The surrounding character of the area is defined primarily two storey semi-detached dwellings. The layout of the scheme has been informed by the character of the area and topography of the site. The proposal introduces a mix of detached (2No), semi-detached (52No) and terrace (16No) domestic dwellings at this location with incurtilage on on-street parking provision.</p> <p>The provision of living accommodation is as follows:</p> <ul style="list-style-type: none"> • 66 no. 5 person 3 bedroom dwellings • 4 no. 3 person 2 bedroom dwellings <p>The density and materials proposed for the housing comprise brick, render and concrete roof tiling and are comparable to the surrounding environment.</p> <p>No representations have been received on the proposal.</p> | |

On balance, having had regard to the development plan, relevant planning policies and other material considerations including planning history it is concluded that the proposal complies with the development plan, regional planning policy and other material considerations.

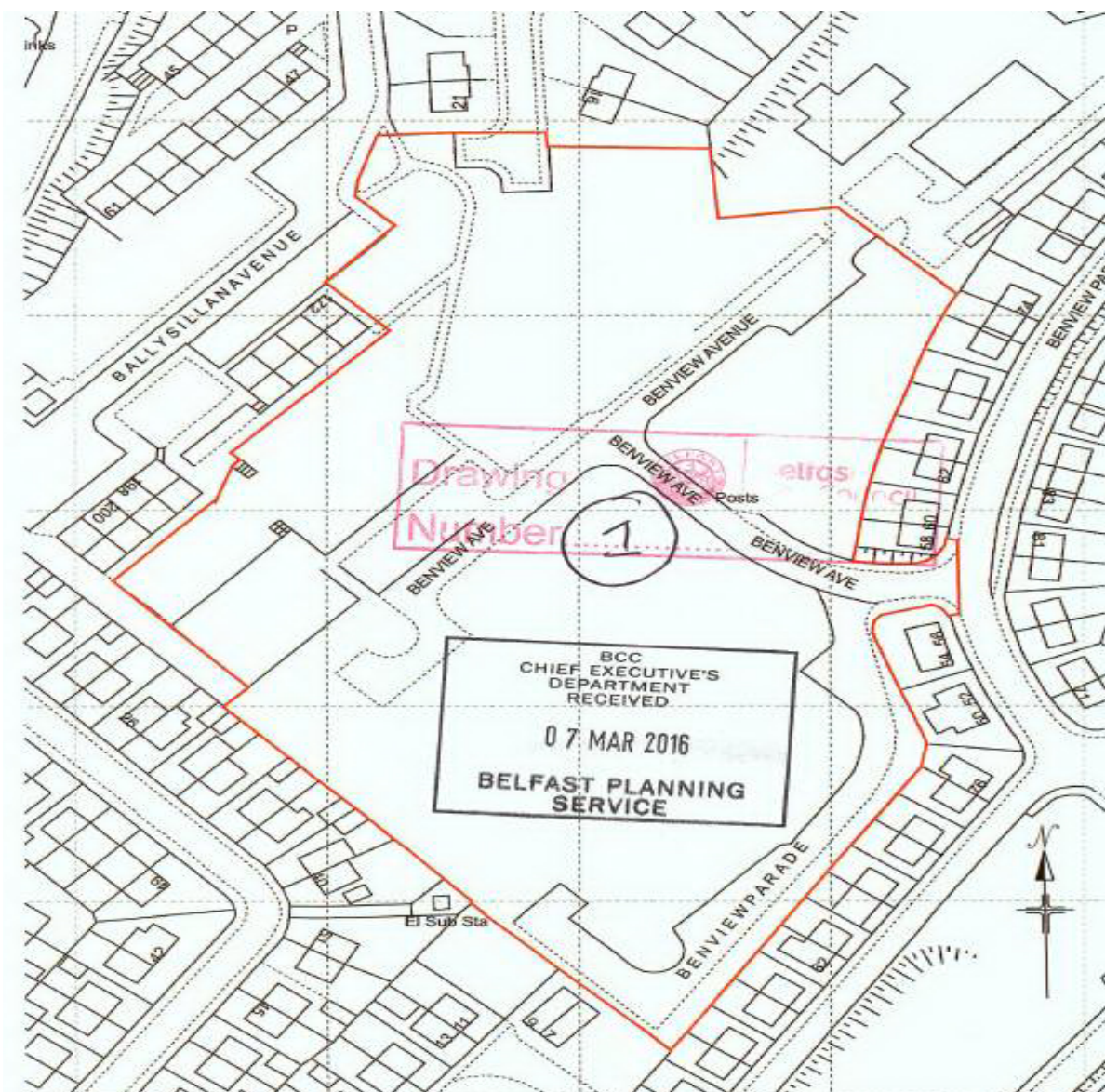
Recommendation

Approval with conditions as set out in the case officer report and subject to the completion of an Agreement under Section 76 of the Planning Act (NI) 2011 in respect of development contributions (see paragraph 9.18).

If members are minded to approve the application it is also requested that authority is delegated to the Director of Planning and Place, on behalf of the Council in consultation with Legal Services, to agree the terms and enter into a Section 76 Agreements.

Case Officer Report

Site Location Plan





Characteristics of the Site and Area

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| 1.0 | Description of Proposed Development |
| 1.1 | Full planning permission is sought for the erection of 70 No. semi-detached and townhouse dwellings with associated site works, roads, car parking and landscaping/open space provision. |

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| <p>2.0 2.1</p> | <p>Description of Site. The site is an area of open space that was previously developed for housing, the site has been cleared of the previous housing but road and footpaths features remain. The site is mostly grassed, the topography slopes from north east to south west i.e. the site falls from Ballysillan Avenue to Benview Parade. The site is surrounded on three sides by two storey domestic housing on common plot sizes, the fourth side of the site open onto a community centre.</p> |
| <p>Planning Assessment of Policy and other Material Considerations</p> | |
| <p>3.0</p> | <p>Planning History</p> <ul style="list-style-type: none"> • Z/2008/0949/F - Construction of 96 housing units - 1 detached, 14 semi-detached, 45 townhouses, 36 apartments and associated site works – Benview Avenue and Benview Parade – Planning Permission Granted 6.01.11 • Z/2006/1371/O – Construction of 111 housing units, consisting of apartments, townhouses, semi-detached and detached dwellings – Benview Avenue and Benview Parade – Planning Permission Granted 28.03.07 |
| <p>4.0</p> | <p>Policy Framework included</p> |
| <p>4.1</p> | <p>Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2015 SPPS – Planning for Sustainable Development PPS 3 – Access, Movement and Parking PPS7 – Quality Residential Environments PPS8 – Open Space, Sport and Outdoor Recreation PPS 12 – Housing in Settlements PPS 13 – Transportation and Land Use PPS15 (Revised) – Planning and Flood Risk</p> |
| <p>5.0</p> | <p>Statutory Consultee Responses</p> |
| | <p>Transport NI – Verbally confirmed no objection with conditions NI Water Ltd– No objection standard conditions Rivers Agency – No objection with informatives</p> |
| <p>6.0</p> | <p>Non Statutory Consultees Responses</p> |
| | <p>Environmental Health Services – No objection with informative NIEA – No objection with conditions</p> |
| <p>7.0</p> | <p>Representations</p> |
| <p>7.1</p> | <p>Following advertisement in the local press and neighbour notification no letters of objection have been received on the proposal.</p> |
| <p>7.2</p> | <p>One letter of support from Local MP Mr Nigel Dodds OBE was received he advised that the development will be much welcome in this area of high housing demand.</p> |
| <p>8.0</p> | <p>Other Material Considerations</p> |
| | <p>Regional Development Strategy (RDS) 2035 Creating Places – Achieving Quality in Residential Developments DCAN 8 – Housing in Urban Areas DCAN 15 – Vehicular Access Standards</p> |

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| 9.0 | Assessment |
| 9.1 | <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> - Principle of redevelopment and residential use at this location; - Scale & Design; - Impact on amenity; - Traffic, Movement and Parking - Other Environmental Matters <p><u>Principle of Redevelopment and Residential Use at this Location</u></p> |
| 9.2 | <p>The site is located within the development limits of Belfast and is identified as whiteland in the statutory development plan BUAP and within the draft Belfast Metropolitan Area Plan 2015. The site was formerly occupied by a social housing development which fell into disrepair and was subsequently demolished. Infrastructure relating to the demolished scheme remains in the form of an existing road and pathway accessed through Benview Park which remains adopted by Transport NI.</p> |
| 9.3 | <p>The principle of residential development has already been established given the planning history on the site for residential development (see Section 3.0).</p> |
| 9.4 | <p>Given the site's former use and planning history on the site it is considered that the redevelopment of this brownfield site for residential use is acceptable subject to planning and environmental matters.</p> <p><u>Scale & Design</u></p> |
| 9.5 | <p>Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet and will be considered throughout the report.</p> |
| 9.6 | <p>In relation to the character of the surrounding area criterion (a) states that the development must respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.</p> |
| 9.7 | <p>The site is located within an existing established residential area. The surrounding character of the area is defined primarily two storey semi-detached dwellings. The layout of the scheme has been informed by the character of the area and topography of the site. The proposal introduces a mix of detached (2No), semi-detached (52No) and terrace (16No) domestic dwellings at this location with incurtilage on on-street parking provision. The density and materials proposed for the housing comprise brick, render and concrete roof tiling and are comparable to the surrounding environment.</p> |
| 9.8 | <p>It is considered that the proposed development will complement the existing character being of a similar design and density and be reflective of the surrounding area. It is considered that the proposal complies with criterion (a) and (g).</p> |
| 9.9 | <p>In terms of impact on archaeological, built heritage and landscape features. The site contains no significant vegetation or known heritage. Given its previous residential use and</p> |

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| | <p>planning history on the site the proposal is considered to comply with criterion (b) of Policy QD1.</p> |
| 9.10 | <p>The proposal includes open space provision of approximately 0.17 hectares which equates to approximately 7.6% of the overall site area. This is below the recommended 10% provision detailed in Policy OS 2 of PPS 8. Each dwelling has private amenity space which complies with recommended guidance requirements. The site is also adjacent to Benview Community Centre which has provision of an outdoor playground. It is considered that the location of the open space provision centrally and through the site will break up the built form and provide sufficient open space throughout the site. Planting is also proposed throughout the site and along site boundaries in order to soften the visual impact of the development and assist with integration. In particular along the garden boundary with residential properties on Ballysillan Avenue. If committee is minded to approve landscaping proposals are recommended as a condition. It is considered that the proposal complies with criterion (c) of Policy OD 1 of PPS 7.</p> |
| 9.10 | <p>In terms of criterion (d) there are local neighbourhood facilities in the area.</p> <p><u>Impact on Residential Amenity</u></p> |
| 9.11 | <p>With regards to impact on residential amenity, criterion (h) of QD 1 of PPS 7 requires there to be no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The development is for the construction of two storey residential dwellings in an area that is characterised by similar development. The proposed dwellings are to be located at a distance that generally provides 20 m separation distances between the new and existing properties which is considered to be a reasonable space. Given the distances between the properties, the heights of the proposed dwellings it is considered that overlooking, loss of light etc. will not be so significant that would impinge on the existing properties to an unacceptable level. It is therefore considered that the proposal satisfies criterion (h).</p> <p><u>Traffic, Movement and Parking</u></p> |
| 9.12 | <p>The proposal has been assessed against PPS 7, Policy AMP 7 of PPS 3: Access, Movement and Parking and PPS 13: Transportation and Land Use. The parking provision is considered to be compatible with policy requirements. The detached and semi-detached dwellings having two in curtilage parking spaces and the terrace rows have on street layby parking provision. Transport NI verbally advised that they considered the proposal for parking provision and road layout to be acceptable. Access to the site will utilise the existing access of Benview Park and by opening an access onto the Buttermilk Loney cul-de-sac. However, final comments have not been received at the time of finalising this report. It is therefore proposed to put the final condition forward as a late item or to delegate the final wording of the conditions to the Director of Planning and Place post committee</p> <p><u>Other Environmental Matters</u></p> |
| 9.13 | <p>Paragraph 4.11 and 4.12 of the SPPS states there are a wide range of environmental and amenity considerations including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. Other amenity considerations include sewerage, drainage, waste management and water quality.</p> |

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| | <i>Flood Risk and Drainage</i> |
| 9.14 | Overall Rivers Agency raised no objection to the proposal subject to informatives. Northern Ireland Water Ltd has been consulted on the proposal and confirmed that the waste water treatment work (WWTW) has available capacity to accept the additional load. |
| 9.15 | Having had regard to the above it is considered that the proposal would not have a significant impact on flood risk, drainage and the sewerage system. The proposed scheme is therefore considered acceptable in accordance with Policy FLD 3 of PPS 15 and the SPPS with respect to flood risk, drainage and sewerage capacity. |
| | <i>Contaminated Land</i> |
| 9.16 | Preliminary and Generic Quantitative Risk Assessments were submitted in support of the application. No unacceptable risks to the water environment were identified. Waste Management (NIEA) and Environmental Protection (BCC) raised no objection to the proposal subject to conditions and informatives. |
| | <u>Community Consultation</u> |
| 9.17 | The proposal is for a major housing development consisting of 70 dwelling units. The applicant was therefore required to follow a community consultation process in accordance with Section 27 of the 2011 Planning Act. Two consultation processes were held in the neighbouring Benview Community Centre the first, which was advertised in the Belfast Newsletter, took place on the 18 th November 2015 the second on the 20 th January 2016. The local MP, MLAs, Council Members and local residents groups were invited to the events. The report concludes that there was a high level of community support for the development of affordable housing. |
| | <u>Developer Contributions</u> |
| 9.18 | In this case it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement to transfer the proposed area of open space in the north eastern corner of the site to Benview Community Centre. The developer has expressed a willingness and commitment to provide this in a legal agreement. |
| 10.0 | Summary of Recommendation: |
| 10.1 | The above matters are considered to be the main planning issues. All other matters raised by consultees have been assessed and are not considered to outweigh the conclusion that on balance, the proposal is considered to comply with relevant planning policy and would constitute an acceptable sustainable development at this location. This proposal would lead to the delivery of new homes and deliver the regeneration of this brownfield site. |
| 11.0 | Conditions |
| 11.1 | Time |
| 11.2 | Landscaping |
| 11.3 | Boundary Treatments Prior to Occupation |
| 11.4 | Contaminated Land |
| 11.5 | Transport and Access |
| 11.6 | Finished Floors Levels |
| 11.7 | Construction Management Plan |
| 11.8 | Sewage and Drainage |

Signature (s)

Date:

ANNEX

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| Date Valid | 7th March 2016 |
| Date First Advertised | 8th April 2016 |
| Date Last Advertised | |

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
 11 Brae Hill Park, Old Park, Belfast, Antrim, BT14 8FP,
 The Owner/Occupier,
 16 Buttermilk Loney, Old Park, Belfast, Antrim, BT14 8HG,
 The Owner/Occupier,
 18 Brae Hill Crescent, Old Park, Belfast, Antrim, BT14 8FQ,
 The Owner/Occupier,
 20 Brae Hill Crescent, Old Park, Belfast, Antrim, BT14 8FQ,
 The Owner/Occupier,
 21 Buttermilk Loney, Old Park, Belfast, Antrim, BT14 8HG,
 The Owner/Occupier,
 22 Brae Hill Crescent, Old Park, Belfast, Antrim, BT14 8FQ,
 The Owner/Occupier,
 24 Brae Hill Crescent, Old Park, Belfast, Antrim, BT14 8FQ,
 The Owner/Occupier,
 26 Brae Hill Crescent, Old Park, Belfast, Antrim, BT14 8FQ,
 The Owner/Occupier,
 28 Brae Hill Crescent, Old Park, Belfast, Antrim, BT14 8FQ,
 The Owner/Occupier,
 30 Brae Hill Crescent, Old Park, Belfast, Antrim, BT14 8FQ,
 The Owner/Occupier,
 32 Brae Hill Crescent, Old Park, Belfast, Antrim, BT14 8FQ,
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 36 Brae Hill Crescent, Old Park, Belfast, Antrim, BT14 8FQ,
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 38 Brae Hill Crescent, Old Park, Belfast, Antrim, BT14 8FQ,
 The Owner/Occupier,
 40 Brae Hill Crescent, Old Park, Belfast, Antrim, BT14 8FQ,
 The Owner/Occupier,
 47 Ballysillan Avenue, Old Park, Belfast, Antrim, BT14 8HY,
 The Owner/Occupier,
 49 Ballysillan Avenue, Old Park, Belfast, Antrim, BT14 8HY,
 The Owner/Occupier,
 50-52, Benview Park, Old Park, Belfast, Antrim, BT14 8HT,

The Owner/Occupier,
51 Ballysillan Avenue, Old Park, Belfast, Antrim, BT14 8HY,
The Owner/Occupier,
51 Brae Hill Road, Old Park, Belfast, Antrim, BT14 8FL,
The Owner/Occupier,
52 Silverstream Crescent, Old Park, Belfast, Antrim, BT14 8GJ,
The Owner/Occupier,
53 Ballysillan Avenue, Old Park, Belfast, Antrim, BT14 8HY,
The Owner/Occupier,
54 Silverstream Crescent, Old Park, Belfast, Antrim, BT14 8GJ,
The Owner/Occupier,
54-56, Benview Park, Old Park, Belfast, Antrim, BT14 8HU,
The Owner/Occupier,
56 Silverstream Crescent, Old Park, Belfast, Antrim, BT14 8GJ,
The Owner/Occupier,
58 Benview Park, Old Park, Belfast, Antrim, BT14 8HU,
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70 Benview Park, Old Park, Belfast, Antrim, BT14 8HU,
The Owner/Occupier,
70 Silverstream Crescent, Old Park, Belfast, Antrim, BT14 8GJ,
The Owner/Occupier,
71 Ballysillan Avenue, Old Park, Belfast, Antrim, BT14 8HY,
The Owner/Occupier,
72 Benview Park, Old Park, Belfast, Antrim, BT14 8HU,
The Owner/Occupier,
72 Silverstream Crescent, Old Park, Belfast, Antrim, BT14 8GJ,
The Owner/Occupier,
73 Ballysillan Avenue, Old Park, Belfast, Antrim, BT14 8HY,

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| <p>The Owner/Occupier, 74 Benview Park, Old Park, Belfast, Antrim, BT14 8HU, The Owner/Occupier, 74 Silverstream Crescent, Old Park, Belfast, Antrim, BT14 8GJ, The Owner/Occupier, 75 Ballysillan Avenue, Old Park, Belfast, Antrim, BT14 8HY, The Owner/Occupier, 76 Silverstream Crescent, Old Park, Belfast, Antrim, BT14 8GJ, The Owner/Occupier, 77 Ballysillan Avenue, Old Park, Belfast, Antrim, BT14 8HY, The Owner/Occupier, 79 Ballysillan Avenue, Old Park, Belfast, Antrim, BT14 8HY, The Owner/Occupier, 81 Ballysillan Avenue, Old Park, Belfast, Antrim, BT14 8HY, The Owner/Occupier, 83 Ballysillan Avenue, Old Park, Belfast, Antrim, BT14 8HY, The Owner/Occupier, Ferguson Park, 80 Ballysillan Park, Old Park, Belfast, Antrim, BT14 8HD, Nigel Dodds OBE</p> | |
| Date of Last Neighbour Notification | 5 th April 2016 |
| Date of EIA Determination | 4 th April 2016 |
| ES Requested | No |
| Drawing Numbers and Title | |
| <p>01 – Site Location Plan 03b – Proposed Site Plan 04a – Proposed Site Sections 05a – Proposed House Type A 06a – Proposed House Type A1 07 – Proposed House Type B 08 – Proposed House Types C & D 09 – Proposed House Type E Plans, Sections, Elevations 10 – Proposed House Types F – G Elevations 11 – Proposed House Types F – G Plans & Sections 12a – Typical Site & Boundary Details A, B, B1, C 13a – Typical Site & Boundary Details D, D1, E, F 14b – Landscape Proposals 15b – Open Maintained Space 16 – Road Layout 17 – Road Sections 18a – Drainage Layout 19a – Proposed House Types J & K 20 – Proposed Street Elevation Plot 19-21</p> | |

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A

Representations from Elected Representatives:

One letter of support from Local MP Mr Nigel Dodds OBE was received he advised that the development will be much welcome in this area of high housing demand.

