

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 16 January 2018	
Application ID: LA04/2017/0046/F	
Proposal: Erection of 22 no apartments with associated landscaping, access, car parking, construction of new gable wall to the rear of no 18 Windsor Avenue and all associated demolitions and site works.	Location: 140 and 142 Malone Avenue and the rear of 18 Windsor Avenue Belfast BT9 6ET
Referral Route: Residential development in excess of 12 units with objections	
Recommendation:	Approval Subject to Conditions
Applicant Name and Address: Windsor Baptist Church 140 Malone Avenue Belfast BT9 6ET	Agent Name and Address: TSA Planning 29 Linenhall Street Belfast BT2 8AB
<u>ADDENDUM REPORT</u>	
<p>This full application was previously listed for Planning Committee on 12 December 2017.</p> <p>Following presentation of the application the Committee agreed to defer consideration of the application to permit a site visit to be undertaken in light of the issues raised regarding the Malone Conservation Area, height of the proposal and impact on local residents and to allow the Committee to acquaint itself with the location and the proposal at first hand.</p> <p>A site visit for elected members took place on 9 January 2018.</p> <p>2 further letters of objection have been received raising the following issues:</p> <ul style="list-style-type: none"> • <i>Infrastructure is not in place for this size of buildings, parking, waste, noise and it would not be in keeping with the townscape character of the area.</i> <p>The planning application is supported by a Transport Assessment Form and Parking Report. This demonstrates that the proposed development is unlikely to have any significant impact on the local highway network in terms of capacity and safety.</p> <p>The proposal is therefore considered to be acceptable in terms of highway safety, capacity and car parking and would comply with Draft BMAP, PPS3 and the SPPS.</p> <p>There is adequate provision within the site to accommodate a communal bin storage area and bin collection point which follows the guidance contained with the Local Government Waste Storage Guide and the Council's Supplementary Guidance on Waste Storage for developments in Belfast. A Management Company would be responsible for the movement of the euro bins to and from the bin collection point on collection day. Recycling waste would be collected internally within the rear courtyard by another company. Conditions are recommended requiring full details of waste storage</p>	

facilities and a Waste Management Plan to be provided.

NI Water have confirmed that there is available capacity within the WWTW and as such no objection is raised. Connections to the water and foul sewer system would be covered by separate legislation.

Environmental Health were consulted and offer no objection to the proposal.

- *The Residents Association in the University Area are trying to reduce Houses in Multiple Occupancy and overdevelopment to create a better environment for residents to live in.*

The application has to be assessed on what has been proposed – an apartment scheme has been submitted not a scheme for Houses in Multiple Occupancy.

- Dominant scale and building mass is not wanted.

It is acknowledged in the immediate context of the application site, there are lower density semi-detached properties, however this is not the dominant density along Malone Avenue which also consists of HMO properties and flats contained within the terraces and the larger flatted developments at the Lisburn Road end. Therefore, the proposed density would not be out of keeping with the context of Malone Avenue. In addition, due to the design of the development which would appear as individual terraced properties, the actual numbers of units would not be visually apparent.

- *Site could comfortably accommodate two storey semi-detached family homes or a mix of two storey semi-detached and two story townhouses.*

The application has to be assessed on what has been proposed – an apartment scheme has been submitted.

Members should read this Addendum report in conjunction with the original full details planning report attached below.

Summary

- The site visit by members has taken place.

In conclusion the recommendation remains as set out in the case officer's report and this addendum.

Recommendation – Approval

Approve with Conditions – the final wording of conditions to be delegated to the Interim Head of Planning and Policy.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 December 2017	
Application ID: LA04/2017/0046/F	
Proposal: Erection of 22 no apartments with associated landscaping, access, car parking, construction of new gable wall to the rear of no 18 Windsor Avenue and all associated demolitions and site works.	Location: 140 and 142 Malone Avenue and the rear of 18 Windsor Avenue Belfast BT9 6ET
Referral Route: Residential development in excess of 12 units with objections	
Recommendation:	Approval Subject to Conditions
Applicant Name and Address: Windsor Baptist Church 140 Malone Avenue Belfast BT9 6ET	Agent Name and Address: TSA Planning 29 Linenhall Street Belfast BT2 8AB
<p>Executive Summary: This application seeks full planning permission for the demolition of the existing buildings and the construction of 22 apartments with associated landscaping, car parking and a new vehicular access to Malone Avenue along with the construction of a new gable wall to the rear of No 18 Windsor Avenue. There is an associated Conservation Area consent application for the demolition works under reference LA04/2017/0044/DCA, the assessment of which has been included below.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Principle of development • Design, Impact on character and appearance of Malone Conservation Area • Impact on existing roads infrastructure/ acceptability of access arrangements/ parking/ waste arrangements • Impact on amenity • Infrastructure Capacity • Flooding <p>The site is located within the development limits of the Belfast Metropolitan Area. The application site is on unzoned land within the development limits as designated in the BUAP and Draft BMAP.</p> <p>The surrounding area is predominately of a residential nature and is located within Malone Conservation Area.</p> <p>The proposal involves the demolition of Windsor Baptist Church, a single storey ancillary pre-fab building and the rear of an office building.</p> <p>The Conservation Officer had advised that Windsor Baptist Church makes a material contribution to the character and appearance of Malone Conservation Area. However, previous permission was granted for its demolition under application Z/2007/1875/DCA where a different view was taken</p>	

based on advice from a Conservation Architect. There has been no material change in conservation policy since this date and as such this previous permission carries substantial weight.

It is considered that the replacement scheme would represent a high quality design that would enhance the character and appearance of the Malone Conservation Area in accordance with the PPS7, PPS7 Addendum, The Design Guide for Malone Conservation Area and SPPS.

Transport NI, NI Water, the Council's Environmental Health Unit and Tree Officer were consulted and have offered no objection subject to conditions.

A total of 142 letters of objection have been received (97 on the amended plans), raising the main points below:

- Harm to amenity to neighbours;
- Gross overdevelopment / intensification;
- Over dominant scale and massing;
- Does not respect the architectural style, existing densities, building line or pattern of development;
- Demand for family housing in the area, site could comfortably accommodate two storey semi-detached dwellings;
- The previous planning permission granted for the replacement Church should not set a precedent for approval of a residential scheme of the same scale;
- PPS7, PPS7 Addendum Safeguarding the Character of Established Residential Environments, Conservation Area Design Guide.

These issues have been addressed in the main body of the report below.

Having regard to the development plan, relevant planning policies, and other material considerations, it is recommended that the proposal should be approved.

Recommendation – Approval

Final wording of conditions to be delegated to Officers.

Case Officer Report

Site Location Plan



MALONE AVENUE ELEVATION | PROPOSED

1.0 Description of Proposed Development

This application seeks full planning permission for the demolition of the existing Church and ancillary building and construction of 22 apartments (18 two bedroom and 4 one bedroom) comprising of a two and a half/ three storey block and part two/ three storey block with associated landscaping, courtyard parking, and new vehicular access from Malone Avenue. There is a related application for conservation area consent for demolition of the existing buildings under ref LA04/2017/0044/DCA.

Amendments were secured during the processing of the application including the following:

- Reduction in the number of units from 26 to 22;
- Decrease in ridge height by 0.45m and eaves height by 0.45m with the second floor accommodation incorporated within the roof space;
- Reduction in size of rear return adjacent to 144 Malone Avenue and removal of side facing windows;
- Increase to floor to ceiling height at ground floor and first floor level by 0.3m;

	<ul style="list-style-type: none"> • Inclusion of rendered bays on front and rear elevations; • Increased landscaping at the rear of the site; • Pedestrian footpath from Malone Avenue to rear of the site; • Incorporation of heavy duty tree planting along the site frontage.
2.0	<p>Description of Site</p> <p>The application site comprises of Windsor Baptist Church, a single storey ancillary building to the west, rear curtilage of No 14 Windsor Avenue and part of the office building at 18 Windsor Avenue with vehicular access to Malone Avenue. The site frontage is defined by hedging and a low wall with railings. Belfast Spiritualist Church adjoins the site to the east, the two storey dwelling of No 144 Malone Avenue lies to the west and there is a nursery and vacant office building along the rear boundary.</p> <p>The surrounding area is characterised by a mixture of semi-detached and terraced dwellings, with HMO'S and flats along with the ecclesiastical / community uses. It is also within close proximity to the arterial route of the Lisburn Road. The site falls within the development limits of the Belfast Metropolitan Area and the Malone Conservation Area.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p><u>Application Site</u> Z/2007/2006/F - Demolition of existing church and associated buildings and the erection of Church, Church Hall and ancillary accommodation with associated car parking and the erection of 11 apartments – Granted 08.02.2010</p> <p>Z/2007/1875/DCA - Demolition of existing church and associated accommodation and demolition of rear and side nursery and residential accommodation to no.14 Windsor Avenue and demolition of rear section of no. 18 Windsor Avenue – Granted 09.02.2010</p> <p>Z/2010/1715/F - Amendment to previously approved application Z/2007/2006/F Reduction of apartment numbers and removal of underground car parking to surface parking – Granted 21.06.2012</p> <p>LA04/2017/0017/F - Erection of new wall to elevation of building following demolition of part of rear return – Granted 23.05.2017</p> <p>LA04/2017/0018/DCA - Demolition of rear section of vacant building at 18 Windsor Avenue and reinstatement of new wall to remaining building – Granted 23.05.2017</p> <p>LA04/2017/0044/DCA - Demolition of church building and temporary one storey ancillary building at 140-142 Malone Avenue and rear of vacant building at 18 Windsor Avenue – Pending</p>
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001 (BUAP) (Draft) Belfast Metropolitan Area Plan</p> <p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p>
4.2	<p>Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 6 – Planning, Archaeology and The Built Heritage</p>

	Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 15 – Planning and Flood Risk
5.0	Statutory Consultees Transport NI – No objection subject to conditions NI Water – No objection Rivers Agency – No objection
6.0	Non-Statutory Consultees Environmental Health BCC – No objection Conservation Officer BCC – Objection to original scheme Tree Officer BCC – No objection subject conditions
7.0	<p>Representations</p> <p>45 letters of objection received on the original plans submitted, summarised as:</p> <ul style="list-style-type: none"> • Although the demolition of the existing Church has been previously agreed, it has significant character in terms of its architecture and use to the local community; • Not considered that the replacement scheme will improve the character and amenity of the area; • High demand for quality family accommodation in the area; • Located in the middle of an area occupied by families and surrounded by semi-detached single family homes, site could comfortably accommodate 3 pairs of two-storey semi-detached homes or a mix of semi-detached homes and two storey townhouses; <p><i>Officer Response: The application has to be assessed on what has been proposed – an apartment scheme has been submitted.</i></p> <ul style="list-style-type: none"> • Does not respect the building line of adjoining properties; • Over dominant in height, scale and mass; • A different design approach is taken for churches / ecclesiastical buildings due to their function and status - the previously approved Church should not set a precedent for a residential development of a similar scale; • The floor levels, window heights, roof pitches and proportions of adjacent properties are not respected; • Design does not draw upon the traditional form, materials and detailing consistent with this section of Malone Avenue; • Gross overdevelopment and intensification of site use; • Harm to amenity of neighbouring properties through overshadowing, overlooking, loss of privacy, loss of light, noise; • Access below minimum standard width, concern over lack of pedestrian footpaths; <ul style="list-style-type: none"> • Bin store at the front of the site is not appropriate and should be removed; • No disabled parking; • The need for the Church to redevelop this site to fund the redevelopment of Majestic Cinema site should not have a bearing on this application; <p><i>Officer Response: This is not a material planning consideration.</i></p> <ul style="list-style-type: none"> • It is not true that a large proportion of Malone Avenue is made up 3 storey terraced housing, all buildings along Malone Avenue are 2 and a half storey or less with the exception of buildings approved prior to the designation of the Conservation Area; • Do not agree with the Design and Access Statement - the site is within an established residential area; • Contrary to PPS7, PPS7 Addendum Safeguarding the Character of Established Residential Environments, Conservation Area Design Guide. <p>97 letters of objection received including letters from Lower Malone Residents' Association and College Park Avenue Residents' Association based on the amended</p>

	<p>plans, summarised as:</p> <ul style="list-style-type: none"> • Located in the middle of an area occupied by families and surrounded by semi-detached single family homes, site could comfortably accommodate 3 pairs of two-storey semi-detached homes or a mix of semi-detached homes and two storey townhouses. • Proposal does not respect the ridge heights of adjacent properties; • Proposed development does not respect the architectural style, existing densities, building line or pattern of development; • Overdevelopment of the site; • Over dominant scale and massing; • Previous approval related to a Church which acts as a landmark, same does not apply to a residential development; • Harm to amenity of neighbouring properties through overshadowing, overlooking, loss of privacy, loss of light, noise; • Concern over lack of pedestrian footpaths from the street to the rear of the site; • Bin store at the front of the site is not appropriate and should be removed; • No disabled parking; • The need for the Church to redevelop this site to fund the redevelopment of Majestic Cinema site should not have a bearing on this application; • Do not agree with the Design and Access Statement - the site is within an established residential area; • Contrary to PPS7, PPS7 Addendum Safeguarding the Character of Established Residential Areas, Conservation Area Design Guide; <i>Officer Response: This is not an established residential area as defined within PPS 7 Addendum Safeguarding the Character of Established Residential Areas. This has been determined previously on other applications along Malone Avenue.</i> • Previous planning permission for the Church is irrelevant as the permission has expired; <i>Officer Response: Previous planning permissions whether expired or not are a material planning consideration. The weight to be afforded is a matter of judgement.</i> • Examples of other applications that were recommended for refusal because they failed to respect ridgelines, mass, bulk and scale of adjacent properties – LA04/2016/2235/F, Y/2005/0054/F, LA04/2015/1164/F, LA04/2015/1271/F. <i>Officer Response: These applications have been reviewed and are not directly comparable. Each planning application is assessed on its own merits.</i> <p>All points raised have been either addressed directly above or in the main body of the report.</p> <p>The statutory consultation period expires on the 8th December 2017. Any further representations received will be reported as late items to the Planning Committee.</p>
8.0	<p>Representations from Elected Representatives Telephone call with Claire Hanna MLA – provided with update on the application with explanation of recommendation.</p>
9.0	<p>Other Material Considerations A Design Guide for Malone Conservation Area Creating Places DCAN15: Vehicular Access Standards</p>

10.0	Assessment
10.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Principle of development - Design, impact on character and appearance of Malone Conservation Area - Impact on existing roads infrastructure/ acceptability of access arrangements/ parking/ waste arrangements - Impact on amenity - Infrastructure Capacity - Flooding
10.2	<p><u>Principle of development</u></p> <p>The application site is unzoned land within the development limits as designated in the BUAP and Draft BMAP. The surrounding area is predominately of a residential nature. The principle of residential apartments at this location is therefore considered acceptable subject to the material considerations as set out below.</p>
10.3	<p><u>Design, Impact on character and appearance of Malone Conservation Area</u></p> <p>The site is located within Malone Conservation Area. It falls within Sub Area B: Eglantine/ Wellesley/ Wellington and is described as an area predominantly consisting of Victorian residential development, generally in terrace formations, with groups of Inter-War dwellings in the Design Guide for Malone Conservation Area. Malone Avenue provides a homogenous appearance which is primarily due to a consistency of architectural design and appearance, building heights, articulation of facades with canted bay windows and use of red clay brick.</p>
10.4	<p>The proposal involves the demolition of Windsor Baptist Church, a single storey ancillary pre-fab building and the rear of an office building. The partial demolition of the office building has already been approved under application LA04/2017/0018/DCA. There is no objection to the removal of the pre-fab building as this makes no contribution to the character and appearance of the Conservation Area.</p>
10.5	<p>The Conservation Officer had advised that Windsor Baptist Church makes a material contribution to the character and appearance of Malone Conservation Area. However previous permission was granted for its demolition under application Z/2007/1875/DCA where a different view was taken based on advice from a Conservation Architect. There has been no material change in conservation policy since this date and as such this previous permission carries substantial weight. In addition, the Historic Environment Division previously surveyed the property and considered that it did not warrant statutory listing. On this basis, it would be unreasonable to refuse permission for its demolition.</p>
10.6	<p>It is acknowledged in the immediate context of the application site, there are lower density semi-detached properties, however this is not the dominant density along Malone Avenue which also consists of HMO properties and flats contained within the terraces and the larger flatted developments at the Lisburn Road end. Therefore, the proposed density would not be out of keeping with the context of Malone Avenue. In addition, due to the design of the development which would appear as individual terraced properties, the actual density would not be visually apparent.</p>
10.7	<p>The Conservation Officer previously cited concern over the height, scale and bulk of the development as well as the representations received from the local community. The overall height of the scheme was reduced to a maximum height of 11.7 metres with the second-floor accommodation moved to within the roof space, ensuring that the proposal would appear as a two and a half storey building more in keeping with the predominant scale of the terraced properties along Malone Avenue. Whilst the proposed development would be taller than the immediately adjoining dwellings and Spiritualist Church, given</p>

<p>10.8</p>	<p>the topography of the land with the gradual increase in height from 144 Malone Avenue, the elevational treatment of the proposed blocks and close proximity to the two and half storey terraces, the proposed relationship is considered appropriate in the context of the street scene as illustrated in the contextual elevations.</p> <p>The proposed development would be consistent with the building line established to the east. It is noted that it would sit one metre forward of the main building line to the west, however it would be consistent with the bays of 144 – 150 Malone Avenue. It is not considered that this difference would cause demonstrable harm to the Conservation Area that would warrant refusal of the scheme on this matter.</p>
<p>10.9</p>	<p>The Conservation Officer had concern over the massing and treatment of the rear blocks as they would appear as principal elevations in their own right. The 9 metre deep rear returns would be consistent with the advice contained within the Design Guide for Malone Conservation Area. They would be set in from the main rear elevations and set below the main ridge height and eaves height ensuring they read as subservient elements. In terms of the double fronted form, this is a deliberate design objective to achieve a quality residential environment for occupiers of the flats which have their main outlook at the rear. This would not be readable in the context of the wider area, thus causing no demonstrable harm to the character and appearance of Malone Conservation Area.</p>
<p>10.10</p>	<p>The traditional appearance of the proposed development would draw heavily on the Victorian/ Edwardian era which would be in keeping with Malone Conservation Area. The Conservation Officer had conceded the same. The proposed buildings have taken cues from the surrounding built form of the area in terms of the solid to void ratio, roof profile, broken roof silhouette (with gables/ chimneys), modulated façade (canted bays), use of materials with private garden space to the front and high quality boundary treatment. The mixture of red brick and render helps to further break up the bulk of the buildings while also relating back to both the Victorian terraces and interwar properties. The imposition of an external materials condition is recommended to be submitted for agreement prior to commencement of development.</p>
<p>10.11</p>	<p>The existing site is dominated by hardstanding with two Birch trees along its frontage. The proposed redevelopment would increase the amount of soft landscaping through communal landscaped areas and the planting of twenty-two trees including six within the front communal areas which would enhance the character and appearance of Malone Conservation Area. The Council's Tree Officer was consulted and has no objection.</p>
<p>10.12</p>	<p>Concern was raised over the storage of bins at the front of the site. This is a bin collection point, where the bins will be moved out and in by a management company on bin collection day, thus having limited impact on the Malone Conservation Area.</p>
<p>10.13</p>	<p>On balance, it is considered that the proposal would represent a high quality design that would enhance the character and appearance of the Malone Conservation Area in accordance with the PPS7, The Design Guide for Malone Conservation Area and SPPS.</p>
<p>10.14</p>	<p><u>Impact on existing roads infrastructure/ acceptability of access arrangements/ parking/ waste arrangements</u></p> <p>The planning application is supported by a Transport Assessment Form and Parking Report. This demonstrates that the proposed development is unlikely to have any significant impact on the local highway network in terms of capacity and safety.</p>
<p>10.15</p>	<p>A total of 22 on-site parking spaces would be provided which equate to one parking space per apartment. It acknowledged that this falls short of the recommended provision set out in the Parking Standards document. However, justification is provided for this reduced</p>

	<p>standard due to the site's sustainable location in close proximity to a wide range of local amenities and public transport / cycling links which reduces the reliance on the private car in line with the main objectives of the SPPS and Draft BMAP. In addition, the Parking Report demonstrates that there is available capacity of on-street parking within the vicinity of the site to accommodate the requirements of the development during periods of peak demand without having an adverse impact on existing parking within the area.</p>
10.16	<p>It is noted that the representations received have questioned why there are no disabled parking spaces. There is no planning policy requirement for the provision of disabled parking spaces as part of residential developments of this scale.</p>
10.17	<p>The development would be served by a 4.8m wide vehicular access with 0.5m service strip either side to Malone Avenue. In addition, separate pedestrian footpaths directly from Malone Avenue to the rear of the site are to be provided which avoids any conflict with vehicular traffic entering the site. Transport NI were consulted and have no objection to the proposed development subject to conditions.</p>
10.18	<p>The proposal is therefore considered to be acceptable in terms of highway safety, capacity and car parking and would comply with Draft BMAP, PPS3 and the SPPS.</p>
10.19	<p>There is adequate provision within the site to accommodate a communal bin storage area and bin collection point which follows the guidance contained with the Local Government Waste Storage Guide and the Council's Supplementary Guidance on Waste Storage for developments in Belfast. A Management Company would be responsible for the movement of the euro bins to and from the bin collection point on collection day. Recycling waste would be collected internally within the rear courtyard by another company. Conditions are recommended requiring full details of waste storage facilities and a Waste Management Plan to be provided.</p>
10.20	<p><u>Impact on amenity</u> The future occupiers of the apartments would have access to 333m² of communal amenity space which would exceed the minimum recommended standard set out in Creating Places. Each apartment would have satisfactory outlook from their main habitable areas over the rear communal amenity space or the main road which would also ensure that they receive an adequate degree of light. Each apartment would also be of an adequate size to meet the needs of its occupants within this sustainable location.</p>
10.21	<p>The proposed apartment blocks would be constructed opposite the two storey dwellings of Nos 121 – 131 Malone Avenue. There would be a separation distance of 20 metres elevation to elevation which would be sufficient to prevent any undue loss of privacy, loss of light or overshadowing to these dwellings. It is also important to note that this is a normal arrangement which exists on residential streets where the front elevations of properties face each other.</p>
10.22	<p>No 144 Malone Avenue adjoins the eastern boundary of the site where a two storey apartment block is proposed. The main rear building line of the apartment block would match that of No 144 and its rear return would be sited 4 metres from the boundary with an eaves height of 5 metres and the roof pitched away which would prevent an overbearing impact on No 144. The first floor window on the side elevation of the apartment block would serve a bathroom and would be obscurely glazed preventing a loss of privacy. The roof lights would be of a high level nature resulting in no overlooking. There are a number of windows on the side elevation of No 144 that would be affected by the proposed development, however these are either secondary windows or high level or obscurely glazed and as such the proposed relationship is considered acceptable in terms of loss of light for an urban location.</p>

10.23	There are two balconies on the rear elevations of the proposed apartment blocks, however given the rear building lines of adjoining properties and the separation distances, this will not result in an unacceptable level of overlooking.
10.24	The Spiritualist Church lies to the west of the site and would not be afforded the same degree of amenity as residential uses. In any case it is sited on a similar building footprint and as such the proposal would not be harmful to its amenity.
10.25	There would be sufficient separation distances between the proposed development and the properties along Windsor Avenue to ensure that it does not impact adversely on their amenity.
10.26	Representations have raised concerns over the impact of noise from the proposed development, however residential uses are not a noise intensive use and any disruption during the construction would be for short term period. Environmental Health were consulted and offer no objection to the proposal.
10.27	In light of the above, it is considered that an adequate level of residential amenity would be maintained for future and existing occupiers in accordance with PPS7, PPS7 Addendum (Safeguarding the Character of Established Residential Areas) and the SPPS.
10.28	<p><u>Infrastructure Capacity</u></p> <p>NI Water have confirmed that there is available capacity within the WWTW and as such no objection is raised. Connections to the water and foul sewer system would be covered by separate legislation.</p>
10.29	<p><u>Flooding</u></p> <p>The site is not located within the fluvial or coastal flood plain. In line with the requirements of the SPPS and PPS15 the application is supported by a Drainage Assessment. This has been reviewed by Rivers Agency who have cited no objection. It has been demonstrated that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and from development elsewhere. As such the proposed development would comply with Policy FLD3 of PPS 15 and the SPPS.</p>
11.0	<p>Recommendation</p> <p>Approve subject to conditions in line with those set out below</p>
12.0	<p>Conditions:</p> <hr/> <ol style="list-style-type: none"> 1. 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. Reason: Time Limit. 2. Notwithstanding the approved plans, the development hereby permitted shall not commence until samples and a written specification of the materials to be used in the external elevations, hard surfaced areas and boundary walls have been submitted to an approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.

Reason: To protect the visual amenities of Malone Conservation Area.

3. The development hereby permitted shall be carried out in accordance with the approved landscaping plan Drawing Number 10A stamped received by Belfast City Council 22nd November 2017 in the first planting season (November-March) following the occupation of the buildings or the completion of the development whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of Malone Conservation Area.

4. The development hereby permitted shall be carried out and maintained in accordance with the Landscape Management Plan stamped received by Belfast City Council 12th September 2017 and the Maintained Open Space plan stamped received by Belfast City Council 2nd November 2017 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity and to protect the general amenity and character and appearance of the locality.

5. The development hereby permitted shall not commence until details of the means of enclosure of the refuse bin storage area and bin collection point have been submitted to and approved in writing by the Local Planning Authority. The bin stores and facilities shall be provided in accordance with the approved details prior to the first occupation of the development and retained thereafter for use at all times.

Reason: In the interests of amenity and to ensure the provision of satisfactory facilities for the storage and recycling of refuse and to protect the character and appearance of the area.

6. The development hereby permitted shall not commence until a Waste Management Plan including details of bin collection arrangements have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in full prior to the first occupation of the development and maintained thereafter for use at all times.

Reason: In the interests of amenity, to ensure the appropriate provision of infrastructure and to protect the character and appearance of the area.

7. The development hereby permitted shall not occupied until hard surfaced areas have been constructed and permanently marked out in accordance with the approved plan Drawing No 7A stamped received by Belfast City Council 2nd November 2017 for vehicles to park and turn. The parking and turning area shall be used and retained exclusively for its designated purpose.

Reason: To ensure sufficient on-site turning and parking.

8. Prior to the occupation of the development hereby permitted, the sheltered cycle

parking shown on the approved plans shall be fully implemented and made available for use. The cycle parking and any associated facilities shall thereafter be retained for use by the occupants of and visitors to the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

9. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with approved Drawing No.07A stamped received by Belfast City Council 2nd November 2017 prior to the occupation of any other works or other development hereby permitted.

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

10. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied and such splays shall be retained and kept clear thereafter.

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

11. The vehicular access hereby permitted shall be formed by lowered kerbs at the carriageway edge and associated re-grading of the footway to the satisfaction of the Department for Infrastructure.

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

12. The development hereby permitted shall not be occupied until the redundant vehicular access from the site to the public road has been permanently closed and the footway reinstated to the satisfaction of the Department for Infrastructure.

Reason: In order to minimise the number of access points onto the public road in the interests of road safety and the convenience of road users.

13. Windows which are shown to be obscure-glazed on the approved plans at first floor level and above shall remain obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining properties.

Neighbour Notification Checked

Yes

ANNEX	
Date Valid	28th December 2016
Date First Advertised	20th January 2017
Date Last Advertised	24th November 2017
Details of Neighbour Notification (all addresses)	
<p>105, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6EQ 112B Eglantine Avenue, Belfast 113, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6EQ 115, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6EQ 117, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6EQ 12 Windsor Avenue, Malone Lower, Belfast, Antrim, BT9 6EE, 121 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6EQ, 123 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6EQ, 125, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6EQ 127 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6EQ, 129, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6EQ 13, Wellington Park Terrace, Belfast, Antrim, Northern Ireland, BT9 6DR 131 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6EQ, 133, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6EQ 135, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6EQ 14 Windsor Avenue, Malone Lower, Belfast, Antrim, BT9 6EE, 144, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6ET 146, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6ET 148, Malone Avenue, Belfast, Antrim, Northern Ireland, BT9 6ET 18 Windsor Avenue, Malone Lower, Belfast, Antrim, BT9 6EF, 19, Wellington Park Terrace, Belfast, Antrim, Northern Ireland, BT9 6DR 1A Eglantine Avenue, Malone Lower, Belfast, BT9 6DW 21, Wellington Park, Belfast, Antrim, Northern Ireland, BT9 6DL 24, Orby Green, Belfast, Down, Northern Ireland, BT5 5HL 27, Eglantine Avenue, Belfast, Antrim, Northern Ireland, BT9 6DW 3, Wellington Park Terrace, Belfast, Antrim, Northern Ireland, BT9 6DR 36, Eglantine Avenue, Belfast, Antrim, Northern Ireland, BT9 6DX 41, Walnut Street, Belfast, Antrim, Northern Ireland, BT7 1EN 47, Wellington Park, Belfast, Antrim, Northern Ireland, BT9 6DN 52, Eglantine Avenue, Belfast, Antrim, Northern Ireland, BT9 6DY 55, Wellington Park, Belfast, Antrim, Northern Ireland, BT9 6DP 59, Eglantine Avenue, Belfast, Antrim, Northern Ireland, BT9 6EW 7, Wellington Park Terrace, Belfast, Antrim, Northern Ireland, BT9 6DR 79, Wellington Park, Belfast, Antrim, Northern Ireland, BT9 6DP 88, Eglantine Avenue, Belfast, Antrim, Northern Ireland, BT9 6EU 93, Ballynagarve Road, Magherafelt, Londonderry, Northern Ireland, BT45 6LA Belfast Spiritualist Church, 134 - 138 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ET, Brendan Taylor Flat 1, 14 Windsor Avenue, Malone Lower, Belfast, Antrim, BT9 6EE, Flat 2, 14 Windsor Avenue, Malone Lower, Belfast, Antrim, BT9 6EE, Flat 3, 14 Windsor Avenue, Malone Lower, Belfast, Antrim, BT9 6EE, Siobhan Taylor Windsor Baptist Church, 142 Malone Avenue, Malone Lower, Belfast, Antrim, BT9 6ET,</p>	

Date of Last Neighbour Notification	14th November 2017
Date of EIA Determination	Not required
ES Requested	No
Drawing Numbers and Title	01 Site Location Plan 07A Proposed Site Plan 08A Proposed Floor Plans 09A Proposed Elevations 10A Planting Plan 15A Existing, Approved and Proposed Malone Avenue Contextual Elevations 16 Malone Avenue Contextual Elevations
Notification to Department (if relevant)	N/A