

Committee Application

Development Management Report	
Application ID: LA04/2015/1492/F	Date of Committee: 17 April 2018
Proposal: Proposed residential development comprising of 5No townhouses and 13No apartments with associated car parking and landscaping	Location: Land adjacent to McKinney House Musgrave Park Malone Lower Belfast BT9 7HZ
Referral Route: Proposal is for more than 12 residential units with objection	
Recommendation:	Approval Subject to Conditions
Applicant Name and Address: Windsor Developments Ltd No 6 Saintfield Road Lisburn BT27 5BD	Agent Name and Address: Coogan & Co Architects Ltd 144 Upper Lisburn Road Finaghy Belfast BT10 0BG
<p>Executive Summary: Full planning permission is sought for a residential development comprising 5No townhouses and 13No apartments with associated car parking and landscaping.</p> <p>The proposal comprises a central four storey apartment block fronting onto Musgrave Park, flanked on each side by two and a half storey townhouses (two to the south and three to the north). A further two apartment blocks, each two storeys in height, are proposed to the rear of the site. A total of 28 car parking spaces are proposed centrally within the site, accessed by way of an arched opening which punctuates the four storey apartment block at ground floor.</p> <p>The site is unzoned land within the development limits as designated in the BUAP 2001 and it is zoned as an uncommitted housing site (SB04/10) in draft BMAP 2015. There is a history of applications for apartment development at the site, one previous refusal and two previous planning approvals although now expired are still a material consideration.</p> <p>4 letters of objection have been received (including 2 letters from Belfast Trust) raising issues including: Potential for overlooking, proximity to and potential for overshadowing to Forest Lodge, increase in traffic generation and over development / out of character. These matters are dealt with in the case officer report.</p> <p>Overall the proposal would respect its surrounding context, whilst making a positive contribution to the character and quality of the area. It would create a sustainable and quality residential environment in accordance with the SPPS, PPS7 and Creating Places.</p> <p>A Transport Assessment Form was submitted which demonstrates there is sufficient capacity to accommodate the proposed development. Transport NI were consulted and offer no objection.</p> <p>The planning application is supported by a Drainage Assessment which has been reviewed by Rivers Agency who have confirmed that they have no objection to the proposal.</p> <p>Having regard to the policy context and other material considerations the proposal is considered acceptable and planning permission is recommended for approval subject to conditions.</p>	

Case Officer Report



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal comprises a central four storey apartment block fronting onto Musgrave Park, flanked on each side by two and a half storey townhouses (two to the south and three to the north). A further two apartment blocks, each two storeys in height, are proposed to the rear of the site. A total of 28 car parking spaces are proposed centrally within the site, accessed by way of an arched opening which punctuates the four storey apartment block at ground floor.
2.0	Description of Site
2.1	The application site is rectilinear with access provided by Musgrave Park Court which runs along the northern side of the railway line. The proposal comprises a total of 5 townhouses and 13 apartments with associated car parking and landscaping works.
2.2	To the west of the of the site is Musgrave Park Hospital, McKinney House to the west is adjacent to the site and is 9 storeys high with a 2 storey element adjacent to the site. Immediately to the east is a two storey building – Forest Lodge. To the south is the railway line.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
	Z/2014/0401/F – 35 apartment over 6 floors with associated landscaping and car parking – Refused 10.11.2014
	Z/2006/1284/F – Construction of 72 apartments (8 storey block stepping to 4 storeys) with associated basement car parking – Granted 03.03.2009
	Z/2004/1261/F – Construction of 39 apartments with associated car parking – Granted 15.03.2005
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan 2015
	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.
	4.2.1 SB04/10 – Land Zoned for Housing – McKinney House Nurses Home (Musgrave Park Hospital), Stockman’s Lane
4.3	Regional Development Strategy 2035
4.4	Strategic Planning Policy Statement 2015
4.5	Planning Policy Statement 3 – Access, Movement and Parking Planning Policy Statement 7 – Quality Residential Environments

5.0	Statutory Consultees Responses
5.1	DRD Transport NI – No Objection Subject to Conditions
5.2	NI Water – No Objection
5.3	DARD Rivers Agency – No Objection
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – No Objection
6.2	BCC Urban Design Officer – No Objection to Principle of Development
7.0	Representations
7.1	<p>The application has been neighbour notified, advertised and re-advertised in the local press. 4 letters of objection (including 2 letters from Belfast Trust) have been received raising the following:</p> <ul style="list-style-type: none"> • Potential for overlooking to Belfast Trust Facility – Forest Lodge; <i>Officer Response: The design and layout of the residential scheme is considered to be appropriate and has considered the surrounding context in terms of scale. Proposed separation distances and boundary treatments will ensure that the built form will not create an unacceptable level of impact on amenity by way of potential for overlooking.</i> • Clarification on future occupants of the development; <i>Officer Response: The Planning Department would not hold that information or require such detail to process the application. This application is for a residential use and is assessed on that basis.</i> • Potential of overshadowing; <i>Officer Response: A Shadow Analysis was submitted in support of the application which demonstrates that the layout of the proposal will not create an unacceptable level of overshadowing on the neighbouring properties.</i> • Proximity to McKinney House – Fire Safety, Prejudice the Trust’s ability for future development at the location; <i>Officer Response: The site is zoned for housing in draft BMAP 2015 and there are two historic approvals for apartment developments at a much higher density than the current application. There are adequate separation distances proposed which are not uncommon in the urban context. The proposed buildings are considered to be traditional in terms of external appearance and are sympathetic to the locality.</i> • Red line including footways and roadways potentially not within the applicants ownership; <i>Officer Response: Applicant has served the necessary certificates on other landowners within the red line boundary.</i> • Increase in traffic generation – blocking of emergency routes, service traffic; <i>Officer Response: A Transport Assessment was submitted with the planning application. DFI Roads offered no objection subject to conditions.</i> • Overdevelopment, Inappropriate Massing and Out of Character; <i>Officer Response: Given the planning history for higher density apartment schemes it is considered that the current scheme has given greater regard to its context including the scale and massing of the proposal.</i> <p>All points raised have been addressed directly above or in the main body of the report.</p>

8.0	Other Material Considerations
8.1	Parking Standards DCAN 15: Vehicular Assess Standards Creating Places
9.0	Assessment
9.1	The proposal comprises a central four storey apartment block fronting onto Musgrave Park, flanked on each side by two and a half storey townhouses (two to the south and three to the north). A further two apartment blocks, each two storeys in height, are proposed to the rear of the site. A total of 28 car parking spaces are proposed centrally within the site, accessed by way of an arched opening which punctuates the four storey apartment block at ground floor.
9.2	<p>The key issues in the assessment of the application are:</p> <ul style="list-style-type: none"> • Principle of development; • Scale, Design, Impact of the Character and Appearance of the Surrounding Area; • Impact on Amenity; • Traffic, Movement and Parking; • Drainage; • Infrastructure.
9.3	<p><u>Principle of development</u></p> <p>The site is unzoned land within the development limits as designated in the BUAP 2001 and it is zoned as an uncommitted housing site (SB04/10) in draft BMAP 2015. There are two previous planning approvals on the site for apartments development although now expired are still material. Given the zoning in draft BMAP and the histories on the site the proposed residential use would be appropriate at this location. There is no objection in principle to the development, subject to the material considerations as set out below.</p>
9.4	<p><u>Scale, Design, Impact on Character and Appearance of the Surrounding Area</u></p> <p>Planning permission will only be granted for new residential development where it can be demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.</p>
9.5	<p>In relation to the existing context, the Belfast Trust Facility (Forest Lodge) which is located immediately north of the subject site comprises a mix of one and two storey buildings within a courtyard setting. It is also noted that a mix of two and three storey residential properties are present further north along Musgrave Park. McKinney house, located immediately south of the subject site, also includes a nine storey element. Given that there are existing buildings which generally reflect the scale and massing of the proposed development within close proximity of the site, including an adjacent nine storey building spanning some 55 metres in length, the proposed scale and massing would seem unobjectionable in principle and on balance, is considered to be appropriate at this location.</p>
9.6	<p>In terms of layout the incorporation of different building heights and forms will assist in creating variety and interest in the layout, with unifying features such as window proportions and choice</p>

	of materials (brick and render) and the central four storey element providing a focal point in the layout.
9.7	<p>It is considered the main frontage of the development would avail of adequate daylight to the habitable rooms. To the rear, individual windows are proposed to habitable rooms while the light wells have been utilised above the kitchen / dining areas, alongside the bridge / links to the outdoor terraces. However, it is noted that the four apartments to the rear of at first floor level do not benefit from any windows along the south west elevation and instead rely entirely on light from windows along the north west elevation. The Council Urban Design Officer recommended that consideration could be given to the provision of clerestory windows to the south west elevation above the outdoor terraces. The plans have been amended accordingly.</p> <p>Whilst the layout is not a traditional form, and would not be an optimal solution for the majority of residential development schemes, it is efficient in its use of space and for smaller developments provides an alternative design solution. It lacks communal external movement and communal amenity space but in an area constrained by infrastructure or a mix of land uses is an acceptable resolution.</p>
9.8	Overall the proposal would respect its surrounding context, whilst making a positive contribution to the character and quality of the streetscape. It would create a sustainable and quality residential environment in accordance with the SPPS, PPS7 and Creating Places.
9.9	<p><u>Impact on amenity</u></p> <p>In terms of open space provision, the parking arrangement at ground floor level allows for each townhouse to have a private terrace / deck to the rear at first floor level, accessed by way of individual bridge / links over the ground floor car park below. These terraces, which measure approximately 55m² each are separated by planters and hedge planting and incorporate artificial grass. All five townhouses also benefit from small terraces to the front of properties at first floor level. In addition to the five terraces, a larger communal terrace measuring around 80m² is also provided at rear first floor level to serve the central apartment block. Non habitable areas are proposed internally within the four apartments that face onto the outdoor terrace areas thereby reducing impact on amenity.</p>
9.10	Individual garden frontages are also proposed along both the apartment block and townhouses which front onto Musgrave Park. These will provide those units a ground floor level with a degree of privacy and a softening of the development in general.
9.11	The Council's Urban Design Officer advised that consideration should be given to the provision of juliet balconies along the north west elevation of the rear apartment blocks overlooking Musgrave Park. The plans have been amended accordingly.
9.12	The level of amenity space provision is in line with guidance requirements set out in Creating Places.
9.13	Adequate separation distances are proposed which are not uncommon in the urban context and would be sufficient to avoid an unacceptable loss of privacy or level of overlooking. In addition, the proposed boundary treatments would be of a high quality nature which will help enclose the boundaries of the site and residential units to clearly define private and public spaces while also preventing any potential of overlooking to neighbouring properties and will contribute to the amenity value and the character of the area. It is recommended that the height and type of boundaries are conditioned.
9.14	In light of the above, the proposal would result in an acceptable level of amenity for future

	occupiers and adjoining properties in accordance with PPS7, SPPS and Creating Places.
9.15	<p><u>Traffic, Movement and Parking</u></p> <p>A Transport Assessment Form was submitted which demonstrates there is sufficient capacity to accommodate the proposed development. Transport NI were consulted and offer no objection. Accordingly, the proposal is considered to comply with PPS3, PPS7 and SPPS in this regard.</p>
9.16	<p><u>Drainage</u></p> <p>The planning application is supported by a Drainage Assessment which has been reviewed by Rivers Agency who has confirmed that they have no objection to the proposal. 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 would comply with Policy FLD3 of PPS 15 and the SPPS.</p>
9.17	<p><u>Infrastructure Capacity</u></p> <p>NI Water has advised that there is sufficient capacity at the WWTW to accommodate the proposed development. Connections to the public water supply, public foul sewer system and surface water sewer would be covered by separate legislation.</p>
9.18	<p><u>Bin storage</u></p> <p>Consideration has been given to bin storage throughout the site. Each of the five townhouses benefit from their own bin storage area as do the four apartments to the rear, while a central bin store is located to the rear of the remaining 9 apartments. A central bin collection area is also proposed to the front to site. It is considered that sufficient areas are dedicated to bin storage and are appropriate in this context.</p>
10.0	<p>Summary of Recommendation: Approval subject Conditions</p> <p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions for the following reasons.</p>
11.0	<p>Conditions</p> <ol style="list-style-type: none"> The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 03D stamped received 21st July 2017 by Belfast City Council, prior to the occupation of any other development hereby permitted. 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 and such splays shall be retained and kept clear thereafter. <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <ol style="list-style-type: none"> No unit (dwelling or apartment) shall be occupied until hard surfaced areas have

been constructed in accordance with approved Drawing No 03D stamped received 21st July 2017, to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking within the site.

4. Entrance gates if erected shall be located a minimum distance of 5.0 metres from the edge of the carriageway.

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

5. In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Belfast City Council for approval. This investigation and risk assessment (and verification report is required) must be undertaken in accordance with current best practice.

Reason: Protection of human health.

6. Prior to the occupation of the development hereby permitted, the cycle parking facilities 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.

7. The development hereby permitted shall be carried out in accordance with the landscaping scheme detailed on approved drawing 04C stamped received 23rd May 2017 by Belfast City Council. All landscaping shall be carried out in accordance with the approved scheme 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 the locality.

8. The development hereby permitted shall not be occupied until details of boundary walls, fences or other means of enclosure have been submitted to and approved in writing by the Council. The development shall not be occupied unless the boundaries have been implemented in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: In the interests of the character and appearance of the area and residential amenity.

9. All external facing and roofing materials shall be implemented as specified on the

	<p>approved plans.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>10. Notwithstanding the provisions of Article 3, Part 1, Classes A ,B, C and D of The Planning (General Permitted Development) Order Northern Ireland 2015 (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling house or the provision of any other building within its curtilage other than that expressly authorised by this permission shall be carried out without planning permission being first obtained from the Local Planning Authority.</p> <p>Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of future occupants and the character of the area and for this reason would wish to control any future development.</p>
Notification to Department (if relevant): N/A	
Representations from Elected members: N/A	

ANNEX	
Date Valid	24th November 2015
Date First Advertised	11th December 2015
Date Last Advertised	9th June 2017
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1 Upper Lisburn Road, Ballyfinaghy, Finaghy, Belfast, Antrim, BT10 0GW, John Flanagan 13 Musgrave Park Court Malone Upper Belfast John Flanagan 13 Musgrave Park Court, Malone Upper Belfast, BT9 7HZ The Owner/Occupier, 3 Upper Lisburn Road, Ballyfinaghy, Finaghy, Belfast, Antrim, BT10 0GW, The Owner/Occupier, 5 Upper Lisburn Road, Ballyfinaghy, Finaghy, Belfast, Antrim, BT10 0GW, The Owner/Occupier, 7 Upper Lisburn Road, Ballyfinaghy, Finaghy, Belfast, Antrim, BT10 0GW, The Owner/Occupier, 9 Upper Lisburn Road, Ballyfinaghy, Finaghy, Belfast, Antrim, BT10 0GW, Robert Canning Belfast Health And Social Care Trust, Estate Services Department, Belfast City Hospital, Lisburn Road, Belfast, BT9 7AB John McAleer Estate Services Department, Belfast City Hospital, Lisburn Road, Belfast, BT9 7AB The Owner/Occupier, Mckinney House, Stockmans Lane, Ballyfinaghy, Belfast, Antrim, BT9 7LA,</p>	
Date of Last Neighbour Notification	1st June 2017
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
01b - 22	