

Committee Application

Development Management Report	
Application ID: LA04/2017/2407/F	Date of Committee: 12 th June 2018
Proposal: Proposed 12 No. apartments in one block with associated car parking & landscaping. Development to be accessed from both Dundela Avenue & private road serving adjacent apartment development with planning Permission ref. LA04/2016/2291/RM.	Location: Lands Opposite Dundela Flats 47 Dundela Avenue Belfast
Referral Route: Proposal is for over 12 dwellings with representations that conflict with the Case Officer recommendation.	
Recommendation:	Approval
Applicant Name and Address: Mr Richard Acheson 104A Circular Road Belfast BT4 2GF	Agent Name and Address: MC Logan Architects 49 Belmont Road Belfast BT4 2AA
Executive Summary: The application seeks planning approval for '12 No. apartments in one block with associated car parking & landscaping. Proposal to be accessed from both Dundela Avenue & private road serving adjacent apartment development with planning Permission ref. LA04/2016/2291/RM'. The key issues in the assessment of this proposed development include: <ul style="list-style-type: none"> • Impact on character and density of the surrounding area • Design, scale and massing • Impact on residential amenity • Impact on traffic and parking • Impact on flood risk and sewage infrastructure <p>The proposed site covers an area directly to the north of Dundela Avenue with an extensive planning history. There are two previous approvals for the western portion of the application site (Z/2004/0133/O and Z/2014/0271/F) were allowed on appeal and both were the subject of Section 76 Planning Agreements to offset the loss of open space with benefits to the adjoining Dundela football club. The site is not zoned within the BUAP, however the site is zoned for housing (Ref. EB 05/02) in dBMAP. The PAC did not consider any objections to this zoning at Inquiry stage and the zoning was included in the previously adopted BMAP, therefore it is reasonable to assume that this zoning would be included if BMAP were to be adopted in the future.</p> <p>The application has been neighbour notified and advertised in the local press and 7 objections to the development have been received. Raising a number of issues including :</p> <ul style="list-style-type: none"> • Impact on infrastructure (Sewage, Water displacement, Roads and Parking). • Proposed access is potentially dangerous & No allocation for visitor parking. • Issues regarding land ownership and removal of trees 	

- Detrimental impact on local amenity, including privacy of existing residents and overlooking on primary school.
- Scale, height, density of proposed development is excessive & proposed materials are not in keeping with the surrounding area.

These matters are dealt with in the case officer report attached.

Whilst the ridge line of the proposal is higher than the other buildings, relative to the 3 apartment buildings previously approved, the buildings step up in line with the existing topography and slope of Dundela Avenue. It is therefore considered that the proposal is respectful of the surrounding context and is appropriate to the character of the site.

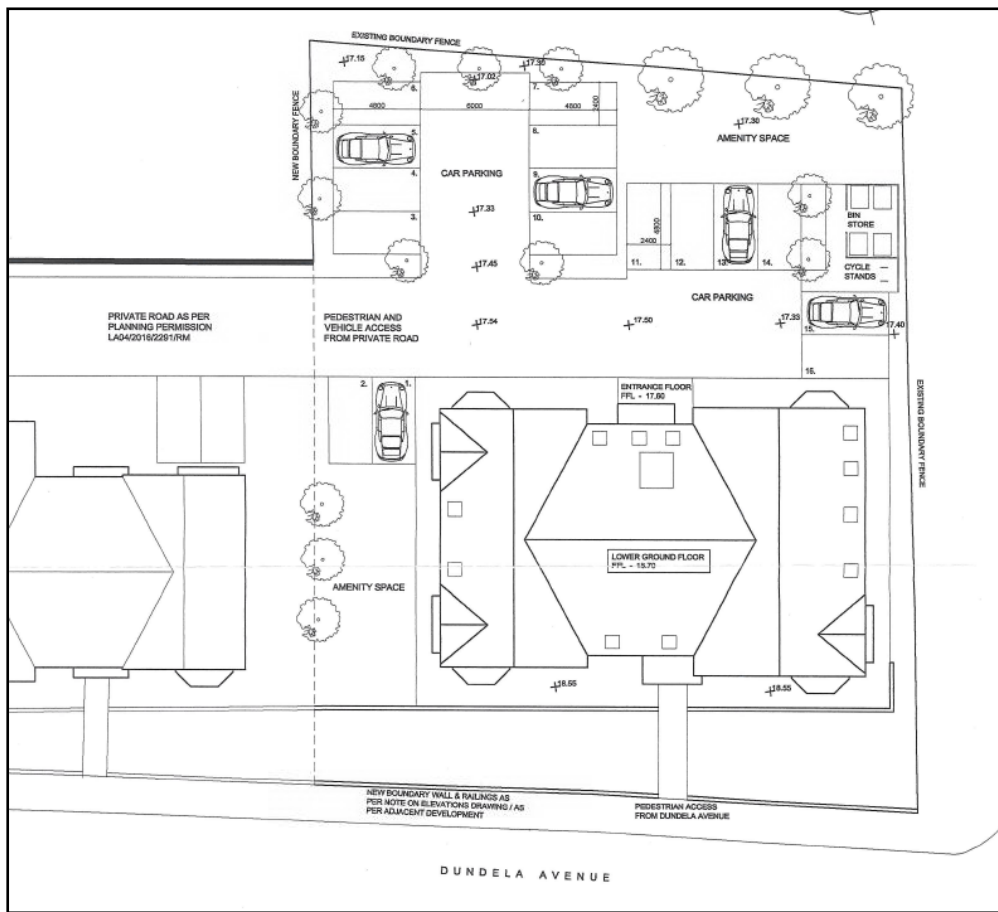
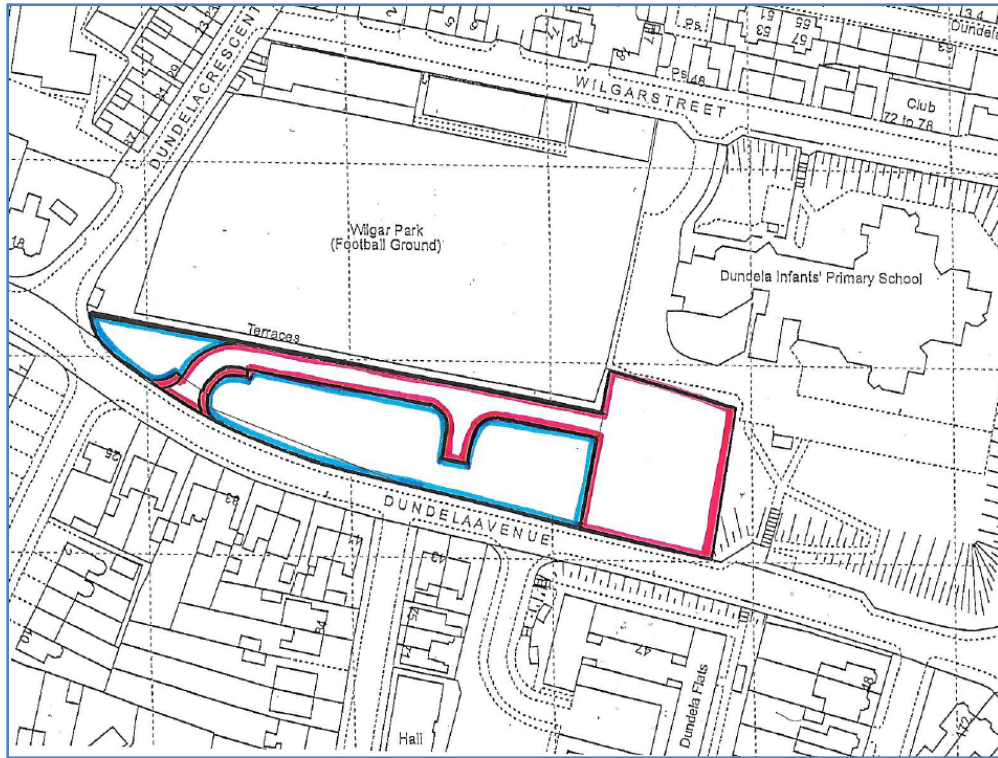
Consultees offer no objections to the proposal subject to conditions. Transport NI, consider that adequate and appropriate provision has been made for parking, with 16 parking spaces for 12 units and there are no issues with the proposed access, subject to conditions.

It is considered that the proposed development accords with the Development Plan and to all other material considerations, including prevailing planning policy and dBMAP.

Recommendation

Approval of this proposed development is recommended subject to Conditions.

Characteristics of the Site and Area



1.0	<p>Description of Proposed Development</p> <p><i>Proposed 12 No. apartments in one block with associated car parking & landscaping. Proposal to be accessed from both Dundela Avenue & private road serving adjacent apartment development with planning Permission ref. LA04/2016/2291/RM.</i></p> <p>The proposed building is 4 storeys in height. The walls are finished with brick primarily, with smooth painted render detailing. The doors are stained timber and the roof is grey / black tiles. There is a pedestrian access to the first floor of the building directly from the footpath along Dundela Avenue, with another access on the ground floor level from the car park.</p>
2.0	<p>Description of Site</p> <p>The site is located approximately 3 km east of Belfast City Centre, within the development limits. The site is bound to the north by Dundela Infants' Primary School and to the north west by Wilgar Park Football Ground (Dundela FC). Dundela Avenue is located to the south of the site, with residential development running along the opposite side of the road. The site is located on ground significantly lower than Dundela Avenue, with a difference in ground level of approximately 4 metres. Within the local area, the land generally slopes downwards from Dundela Avenue in a northerly direction towards Wilgar Street.</p> <p>The surrounding area is defined primarily by residential development, with a mix of semi-detached dwellings and apartments prevalent in the area. As previously discussed, other land uses include education and recreation.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p>
3.1	<p>Z/2004/0133/O - Site for residential development of 17 no. apartments – Approved 1/12/08 by the PAC.</p>
3.2	<p>Z/2014/0271/F - Housing development for 23 apartments across 5 blocks with a new access created to Dundela Avenue and all associated site works (Amended proposal) – Approved 13/6/16 by PAC.</p> <p><i>N.B. Outline permission allowed on appeal. An amended scheme was submitted at Planning Appeal. Appellant requested that the application was changed to an outline proposal, seeking only permission in principle at this stage.</i></p>
3.3	<p>LA04/2016/2291/RM - Reserve matters application for erection of 22 apartments across 3 blocks (4 storey buildings) with a new access to Dundela Avenue and associated site works including boundary wall and fence as per schedule 76 agreement – Approved 20/7/17.</p> <p><i>N.B. This reserved matters application is linked to the previous outline approval Z/2014/0271/F.</i></p>
3.4	<p><u>Surrounding History:</u></p>
3.5	<p>Z/2014/0135/F - New artificial football pitch, 24 floodlights on 6 x 15m columns, 5 stands, perimeter fencing and associated ground works. New two-storey clubhouse incorporating bar, changing facilities, kickboxing club with community use area to replace existing single-storey building – Approved 5/1/15.</p>

4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
	4.1.1 White land - BUAP 4.1.2 EB 05/02 – Zoned for Housing (No Key Site Requirements) – dBMAP
4.2	Strategic Planning Policy Statement (SPPS) Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 7 Addendum: Safeguarding the character of Established Residential Areas Planning Policy Statement 12: Housing in Settlements Planning Policy Statement 15: Planning and Flood Risk
4.3	Other Material Considerations: Creating Places Parking Standards DCAN 8 Housing in Existing Urban Areas
5.0	Statutory Consultees Responses
5.1	NIEA – Water Management Unit and Land & Groundwater Team
5.2	DFI Roads
5.3	NI Water
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health
6.2	Rivers Agency
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. 7 objections to the development have been received. The objections related to the following issues: <ul style="list-style-type: none"> • Impact on infrastructure (Sewage, Water displacement, Roads and Parking). • Previous application for 29 apartments rejected, therefore 34 apartments (in total) is too many. • Proposed access is potentially dangerous. • No allocation for visitor parking. • Issues regarding land ownership. • Developer has already begun construction on site and unauthorised removal of trees on site. • Detrimental impact on local amenity, including privacy of existing residents and overlooking on primary school. • Scale, height, density of proposed development is excessive. • Proposed materials are not in keeping with the surrounding area.
8.0	Assessment

8.1	<p>The key issues in the assessment of this proposed development include:</p> <ul style="list-style-type: none"> • Impact on character and density of the surrounding area • Design, scale and massing • Impact on residential amenity • Impact on traffic and parking • Impact on flood risk and sewage infrastructure
8.2	<p><u>Preliminary Matters</u></p> <p>An amended site location plan was submitted on 5 June 2018. The application boundary was reduced only to include the proposed building, car parking area and access road. Whilst this differs from the red line submitted and advertised, it is a reduction in the red line and not an increase. This is to reflect only the area subject to this application, therefore in effect fewer neighbours should have been notified. It is therefore considered that further notification or advertisement is unnecessary as the amended site location plan is of lesser scale than that subject to notification and advertisement already. Committee are to note this change.</p>
8.3	<p>The proposed site is adjacent to an area directly to the north of Dundela Avenue with an extensive planning history. Two previous approvals for the western portion of the application site (Z/2004/0133/O and Z/2014/0271/F) were allowed on appeal and both were the subject of Planning Agreements to secure benefits for the adjoining football club. These proposals included the removal of existing open space.</p>
8.4	<p>A non-determination appeal for planning application Z/2014/0271/F (Housing development for 23 apartments across 5 blocks with a new access created to Dundela Avenue and all associated site works) was upheld by the PAC on the 13th June 2016. The appellant requested that the application was changed to an outline proposal, seeking only permission in principle at that stage. The loss of open space was considered to be acceptable under the appeal and therefore the principle was established. Reserved matters were subsequently approved under LA04/2016/2291/RM for 22 apartments across 3 blocks on 17th June 2017.</p>
8.5	<p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (dBMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP remaining a material consideration.</p>
8.6	<p><u>The Principle of the Development</u></p> <p>The site is not zoned within the BUAP, however the site is zoned for housing (Ref. EB 05/02) in dBMAP. The PAC did not consider any objections to this zoning at Inquiry stage and the zoning was included in the previously adopted BMAP, therefore it is reasonable to assume that this zoning would be included in any future adopted BMAP.</p>
8.7	<p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS places emphasis on supporting good design and positive place making. It also advises that new housing developments should respect the local character and environmental quality as well as safeguarding amenity of existing residents. The SPPS aims to promote more</p>

	<p>sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. The SPSS advises that the use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings. It is acknowledged that this proposed development is located on greenfield land, however it is also noted that the site is zoned for housing within dBMAP.</p>
<p>8.8</p>	<p><u>Design, Scale and Mass</u> The proposal is assessed against the policy tests of PPS 7 relating to Quality Residential Environments. The proposal should 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. The site is located below the road level of Dunluce Avenue with the buildings on the opposite side of the road located at a higher level. Semi-detached dwellings are prevalent in the area, however a 3 storey apartment block is located directly adjacent to the site along Dunluce Avenue, which sits higher in the streetscape than the proposal. A further 3 storey apartment block is located approximately 100 metres east of the site. This is considered alongside the previous approval for 22 apartments across three blocks within the wider application site. The contextual elevations show the relationship of the proposed building relative to the 3 apartment buildings previously approved. Whilst the ridge line of the proposal is higher than the other buildings, the buildings step up in line with the existing topography and slope of Dundela Avenue. It is therefore considered that the proposal is respectful of the surrounding context and is appropriate to the character of the site.</p>
<p>8.9</p>	<p>The proposal includes two main useable areas of amenity space which measure approximately 160 sq metres, which is adequate for the number of apartments proposed. A landscaping plan has been provided which assists in softening the visual impact of the development and enhancing integration.</p>
<p>8.10</p>	<p>In terms of design and materials, the proposed building is similar in appearance to the apartments recently approved under LA04/2016/2291/RM. The proposed building is bigger than the others, in terms of massing and overall height, however given the existing context described above, this is considered acceptable.</p>
<p>8.11</p>	<p>The proposal is acceptable in terms of deterring crime and promoting personal safety. The parking and amenity areas benefit from surveillance from the apartments. Amendments were made to the rear elevation to include low level planting to enhance surveillance of the area, given the relatively high finished floor level relative to ground level.</p>
<p>8.12</p>	<p><u>Neighboring Amenity</u> It is considered that there are no unacceptable adverse impacts on existing or proposed residential properties in terms of noise, overlooking, privacy, overshadowing or loss of light. There were concerns that the proposed apartments would have an overlooking impact on the school to the north, however the building will be located approximately 39 metres to the school. In addition, following consultation with the Council's tree officer, a robust planting scheme has been proposed along the northern boundary to provide screening, which will mitigate any potential impact.</p>
<p>8.13</p>	<p><u>Density</u> PPS 7 Addendum is applicable to this proposed development. The surrounding area has an overall residential density of approximately 55 dwellings per hectare, however the residential density of the areas covered by flats in the area is higher, with 65 dwellings per hectare at Dundela Flats, 75 dwellings per Hectare at the adjacent apartments approved under LA04/2016/2291/RM and 85 dwellings per Hectare at Dundela Manor. The proposed density is 85 dwellings per Hectare which is not significantly higher than that found in the residential</p>

	<p>area. It is considered that the pattern of development is in keeping with the overall character and environmental quality of the area and all apartments are built to an acceptable size, in excess of the Space standards defined in Annex A of PPS 7 Addendum.</p>
8.14	<p>PPS 12 provides the policy tests for housing in settlements. It is considered that the proposal accords with the planning control principles, particularly in relation to density and good design.</p>
8.15	<p><u>Flood Risk & Drainage</u> The proposal is for over 10 dwelling units, therefore a drainage assessment is required under policy FLD 3 of PPS 15. A Drainage assessment has been submitted and Rivers Agency accept its logic and have no reason to disagree with its conclusions. Rivers Agency advise that responsibility for the accuracy of the drainage assessment rests with the developer and their professional advisers. With regard to sewage infrastructure, NI Water have confirmed that there is available capacity for waste water.</p>
8.16	<p><u>Land Contamination</u> BCC Environmental Health (EHO) requested a preliminary contamination risk assessment for the site as it contains areas of 'made' ground. Following submission of the 'Preliminary Contamination Risk Assessment', EHO and NIEA Land & groundwater team assessed the report and as a result, have no objection to the proposed development. NIEA Water Management Unit were also consulted and have no objection.</p>
8.17	<p><u>Access and Parking</u> The site is located in close proximity to services and facilities, however is not large enough to require provision of additional facilities. An acceptable movement pattern is proposed with easy access for cyclists and pedestrians. Following consultation with Transport NI, it is considered that adequate and appropriate provision has been made for parking, with 16 spaces proposed and there are no issues with the proposed access, subject to conditions.</p>
8.18	<p><u>Other Matters</u> Objections queried the land ownership of the applicant as he was also the applicant of the adjacent approved apartments. The original site location plan included the site as a whole within the application boundary which explained why Q13 stated that the applicant does not own any adjoining land. However, an amended site location plan was submitted showing only the application site outlined in red. An amended Q13 of the P1 form stated that the applicant does own adjoining lands and these lands were marked in blue on the plan. Under Section 42 of the Planning Act (NI) 2011, notice of the planning application was served on Firlands Properties Ltd who are in control of part of the land to which the application relates.</p> <p>Objections also indicated that the developer had already commenced development on site. Whilst conducting a site visit, it was noted that a digger was on site. This was queried with the applicant who confirmed that vegetation had been removed from the site, which did not require planning permission as trees were not protected by TPO's.</p>
9.0	Summary of Recommendation: Approval
9.1	<p>The proposed development is considered acceptable in this location. The site is zoned for housing within dBMAP, and it is anticipated that this zoning will be incorporated into any future adopted plan. Relative to the surrounding context, the proposed design and site layout are considered acceptable. There will be no significant detrimental impact on residential amenity and with any potential overlooking issues to the school mitigated by a robust landscaping plan. Statutory and non-statutory consultees have offered no objections subject to conditions.</p>

9.2	Having regard to the Development Plan and other material considerations the proposal is considered acceptable, therefore approval is recommended.
10.0	Conditions
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
10.2	<p>The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Drawing No.04 bearing the date stamp 12th October 2017 to provide for parking and traffic circulation 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.</p> <p>REASON: To ensure adequate provision has been made for parking and traffic circulation within the site.</p>
10.3	<p>The development hereby permitted shall not be occupied until any retaining structure requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1; Design Manual for Roads and Bridges.</p> <p>REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1; Design Manual for Roads and Bridges.</p>
10.4	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.5	<p>After completing the remediation works under Condition 4 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.6	<p>All landscaping works shall be carried out in accordance with the approved details as per Drawing number 07A, date stamped 03 May 2018. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location,</p>

<p>10.7</p>	<p>species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>Prior to the commencement of development, details of boundary walls and the pedestrian bridge shall be submitted to and agreed by the Council. The details should match those approved under adjacent planning approval LA04/2016/2291/RM.</p> <p>Reason: In the interests of character and appearance of the area.</p>
<p>Notification to Department (if relevant)</p>	
<p>Representations from Elected members:</p> <p>N/A</p>	