Committee Application

Development Management Report		
Application ID: LA04/2018/1170/F	Date of Committee: 2 nd July 2019	
Proposal: Demolition of existing dwellings and erection of 3no. dwellings & 9 no. apartments, with associated roads infrastructure and landscaping. (AMENDED PLANS AND ADDITIONAL INFORMATION)	Location: Lands at 15-17 Upper Lisburn Road Belfast BT10 0GW	

Referral Route: Residential development in excess of 12 or more units with an objection

Recommendation:	Approval subject to conditions
Applicant Name and Address:	Agent Name and Address:
South Belfast Developments	Kevin Cartin Architects Ltd
10 Church Road	Unit 5 Belmont Office Park
Helens Bay	232-240 Belmont Road
Bangor	Belfast
BT19 1TP	BT4 2AW

Executive Summary:

This application seeks full planning permission for the demolition of the existing pair of semidetached dwellings and the erection of 3no. dwellings & 9 no. apartments, with associated roads infrastructure and landscaping.

The main issues to be considered in this case are:

- Principle of development
- Design, Impact on character and appearance of the area
- Impact on amenity
- Access, Movement and Parking
- Contamination
- Flooding
- Infrastructure Capacity

The application site is unzoned whiteland within the development limits of Belfast as designated in the BUAP and Draft BMAP. The proposal involves the redevelopment of an existing residential site within an established residential area. The proposal would fulfil the main objectives of Draft BMAP and the SPPS, through the provision of housing in a sustainable location. The proposed development would not cause unacceptable harm to the character, appearance and environmental quality of the area or residential amenity of existing or future occupiers. A safe access is proposed with adequate parking provision. Overall, the proposal would create a sustainable and quality residential environment.

DAERA and NI Water offered no objection to the proposal. BCC Environmental Health Unit and BCC Tree Officer requested additional information, which officers' consider can be dealt with through appropriate conditions. Whilst there is outstanding final consultation responses from TNI and Rivers, these present no issues of principle and it is considered that any technical matters can be dealt with via conditions.

1 letter of objection has been received from No 13 Upper Lisburn on the original plans, citing concern including the following:

- The submitted plans do not show full extent of neighbouring property;
- Application is prime example of backland development, this is a creeping problem;
- The height of the development is far in excess of the properties around it;
- Loss of privacy; Proposed dwellings/ apartments are too close to boundary; Increased light intrusion from raised living areas will impact the rear of our property.
- Increased density will impact upon traffic levels; noise and light from car parking and vehicular traffic;

The amended scheme has sought to address the issues raised. These matters are discussed in detail in the main body of the report.

The proposal has been assessed against, and is considered to comply with, the SPPS, BUAP, Draft BMAP, PPS3, PPS7, PPS7 Addendum, PPS12 and PPS15. Having regard to the development plan, relevant planning policies, and other material considerations, it is recommended that the proposal should be approved subject to conditions.

Recommendation - Approve subject to conditions

Having regard to the policy context and other material considerations raised by consultees and a third party, it is concluded that, on balance, the proposal is considered acceptable. It is requested that the committee delegate authority to the Director of Planning and Building Control to grant conditional planning permission



Characteristics of the Site and Area

1.0 Description of Proposed Development

This application seeks full planning permission for the demolition of the existing pair of semidetached dwellings and the construction of three (3 bedroom) dwellings and nine (2 bedroom) apartments with a shared vehicular access with 19 Upper Lisburn Road and associated landscaping.

The proposal has been amended over the course of the application incorporating the following main changes;

- Reduction by 2 units (one dwelling and one flat);
- Increased private amenity space;
- Reduced footprint and height of apartment block;
- Revised design of apartment block;
- Increased separation distance to No 13 Upper Lisburn Road;
- Increased landscaping.

2.0 Description of Site and Area

The application site comprises of a pair of two storey semi-detached dwellings at 15-17 Upper Lisburn Road. Each property has their own vehicular access and large front and rear gardens. The boundaries are defined by well established vegetation to the rear adjoining the railway line, closed boarded fencing and hedging along the side boundaries and a wall, trees and shrubs along the site frontage.

The residential property of No 13 Upper Lisburn Road is adjacent to the north eastern boundary and there is a recently developed residential scheme at 19 Upper Lisburn Road along the western boundary. The surrounding area is predominately a mixture of individual residential properties and apartment blocks.

Planning Assessment of Policy and other Material Considerations

3.0 Site History

Application site

Z/2000/2070/F - Three storey residential development 14 No. apartments and two penthouses – Application withdrawn 22.01.2001

Z/2001/1077/F - Residential development involving 13 apartments – Application withdrawn 02.08.2001

Z/2006/1741/F - 4 no. detached villas and 2no. semi-detached town houses – Application withdrawn 14.11.2006

Z/2007/0708/F - Erection of 2 No. detached houses and 3 town houses - Granted 06.03.2008

21 Upper Lisburn Road

Z/2010/0423/F - Two storey extension to rear and refurbishment to existing dwelling to create 2 apartments and erection of 2 new townhouses to the rear of the site and associated works – Approved 02.05.2012

Z/2013/0782/F - Proposed change of house type for proposed townhouses previously approved under planning reference Z/2010/0423/F and associated site works – Approved 23.10.2013

19 Upper Lisburn Road

Z/2015/0184/F - 2 semi-detached dwellings to the rear – Granted 25.04.2016

	LA04/2015/1176/F - Two storey rear extension – Granted 18.04.2016
	11 Upper Lisburn Road Z/2014/0788/O - Erection of four apartments – Granted 18 th February 2015
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan 2015
	(= 14.1.) = 5.1.45 med openium / 11.54 med 1.141 med 1.1
	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 Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
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 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
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection in principle, require additional kerb detail Amended plans has been received to address this and Roads have been reconsulted. Response will be reported as an update to committee.
5.2	NI Water – Advice
5.3	DAERA (Land and Groundwater) – No objection subject to conditions
5.4	Rivers Agency – Requested additional drainage information Drainage Assessment Addendum received and Rivers have been reconsulted. Response will be reported as an update to committee
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – Requested Generic Quantitative Risk Assessment, noise mitigation measures within the design of the houses. It is considered that these matters can be covered by appropriate conditions.
6.2	BCC Tree Officer – Requires tree survey, landscaping plan, tree protection plan and arboricultural impact assessment
7.0	It is considered that these matters can be covered by appropriate conditions.
7.0	Representations
7.1	The application was neighbour notified on the 12 th June 2018 and advertised in the local press on the 18 th May 2018.
	A 14 day neighbour notification has been carried out with neighbours/objectors on the amended scheme which expired on the 3 rd June 2019. No further representations have been received.
	1 letter of objection was received on the original proposal from No 13 Upper Lisburn Road, summarised as:

- The submitted plans do not show full extent of our house including the extension at the rear:
 - <u>Officer Response:</u> The plans have been amended to correctly show the outline of the neighbouring property.
- Application is prime example of backland development, this is a creeping problem;
- The height of the development is far in excess of the properties around it; Officer Response: Amended plans received reducing height of apartment block.
- The townhouses have rear balconies that will overlook the rear of our property and provide visual intrusion into private areas, as the rear of our property is predominately glass;
- Proposed dwellings/ apartments are too close to our boundary;
 Officer Response: Amended plans received increasing separation distance.
- Increased density will impact upon already increased traffic levels in the area;
- Increased noise and light from car parking and vehicular traffic;

 Officer Response: The level of traffic associated with the proposed development is not considered to give rise to unacceptable levels of noise / light for this urban context. Boundaries will be well-defined mitigating potential impacts.
- Increased light intrusion from raised living areas will impact the rear of our property;
 Officer Response: This is a normal relationship found in urban areas. Lighting associated with residential properties is not considered excessive.

All issues raised are either directly addressed above or the main body of the report below.

8.0 Other Material Considerations

8.1 Parking Standards

DCAN 15: Vehicular Access Standards

Creating Places

Living Spaces: An Urban Stewardship and Design Guide or Northern Ireland

The Belfast Agenda

9.0 Assessment

- 9.1 The proposal is considered to be in compliance with the development plan.
- 9.2 The key issues in the assessment of the proposed development include:
 - Principle of development
 - Design, Impact on character and appearance of the area
 - Impact on amenity
 - Access, Movement and Parking
 - Contamination
 - Flooding
 - Infrastructure Capacity
- 9.3 This application seeks demolition of the existing pair of semi-detached dwellings to facilitate the development. The site is not located within a Conservation Area or an Area of Townscape Character therefore demolition in this instance does not fall within the meaning of development. There would be no objection to the demolition of these buildings in any case.

Principle of development

9.4 The application site is unzoned whiteland within the development limits as designated in the BUAP and Draft BMAP. The surrounding area is predominately of a residential nature with a mixture of apartment blocks and individual dwellings. The principle of residential apartments at this location is therefore considered acceptable subject to the material considerations as set out below.

- Design and Impact on the character and appearance of the area
- The proposed density of development would be in keeping within the density parameters already established in the local area. The proposed scheme would continue the backland pattern that has been established along this stretch of the Upper Lisburn Road.
- 9.6 The dwellings at the rear of the site would be two storey at a height of 9 metres and would be of a similar scale and massing to other two storey dwellings within the surrounding area. The proposed dwelling would carry on the same building line as 19a and 19b Upper Lisburn Road.
- 9.7 The apartment block would be two and a half storeys with a maximum height of 10.3 metres, which would be similar in height to the townhouses at 19a and 19b and other apartment blocks along Upper Lisburn Road. The apartment block has been carefully designed to resemble a terrace of townhouses which successfully reduces its overall scale and massing along with the stepped ridgeline, use of render, projecting bays and vertical elements. The apartment block has a staggered building line which respects the main building lines of adjoining properties.
- 9.8 The appearance of the proposed buildings have taken cues from the traditional design of the surrounding built form.
- 9.9 Full details of the boundary treatments have been provided which consist of railings, brick walls, hedging and close boarded fencing in keeping with those traditionally used in the area. A strong well-defined boundary along with a landscaped buffer has been incorporated along the Upper Lisburn Road frontage which will provide a soft edge to the site and assist with the integration of the development into the street scene. Car parking areas have been broken up with soft landscaping and use of high quality paving which will ensure that it will not be a dominating feature.
- 9.10 Overall the proposed development would be in keeping with the character, appearance and environmental quality of the area in accordance with Policy QD1 of PPS7, Policy LC1 of PPS7 Addendum, Creating Places and the SPPS.

Impact on amenity

- 9.11 Each of the proposed units would meet the space standards and would have outlook onto the Upper Lisburn Road or the internal courtyard with a similar arrangement to that of adjoining backland developments. This would ensure each unit receives a suitable degree of outlook and adequate light. Sufficient separation distances would be maintained to protect the privacy of future occupants.
- 9.12 Each of the dwellings would be provided with their own private garden which would meet the minimum standard set out in Creating Places and would be in keeping with the other backland developments. Each apartment would have either a balcony or garden area with the exception of apartment 5. However, given the site's location in this inner urban area which is in close proximity to alternative recreational facilities including Musgrave Park, this is considered, on balance, to be acceptable.
- 9.13 No 13 Upper Lisburn Road adjoins the north eastern boundary of the site. The proposed development would not conflict with any of the light angles from the windows at No 13 and as such an unacceptable loss of light would not occur. Owing to the north west facing orientation of the rear garden, building lines and separation distances, undue overshadowing or an unacceptable overbearing impact would not occur.
- 9.14 The balconies on the rear elevation of the apartment block are set within the building thereby reducing any potential overlooking into neighbouring properties. The windows on the side elevation of the apartment serve bathrooms and if Committee is minded to approve, a

condition has been recommended to ensure that these are obscurely glazed and non-opening to a level of 1.7metres above finished floor level (FFL) which safeguards against any potential overlooking. In relation to the proposed dwellings at the rear, Plot 1 is set off the boundary by 4.5 metres and there would be separation distance of 25 metres to the nearest rear elevation of No 13. Furthermore, any views into the neighbouring garden would be oblique and similar to the arrangement already permitted on adjoining urban sites. Having regard to this and the boundary landscaping proposed, it is not considered that an unacceptable loss of privacy would occur to No 13.

- 9.15 The proposed development would be located on similar building lines to the newly completed development at No 19 Upper Lisburn Road and would be separated by a new internal road and driveway which would ensure that an unacceptable loss light and privacy, overshadowing, overbearing impact would not occur.
- 9.16 For these reasons, it considered that the proposed would not result in unacceptable adverse effects on existing and proposed properties in accordance with Policy QD1 of PPS7, Policy LC1 of PPS7 Addendum and the SPPS.

Access, Movement and Parking

- 9.17 The application is supported by a Transport Assessment Form which demonstrates that the proposed development is unlikely to have a significant impact on the local highway network. A total of 27 car parking spaces would be provided which would meet the parking standards. The site is within a highly sustainable location which would help reduce the reliance on the private car in line with the main objectives of the SPPS and Draft BMAP.
- 9.18 The development would be served by new shared vehicular access with the development at No 19 Upper Lisburn Road with connecting pedestrian footpaths. DFI Roads were consulted and have no objection to the proposal. The only outstanding issue was kerb detailing and an amended plan has been submitted to address this no objections are considered likely. It is therefore requested that Committee delegate authority to the Director of Planning and Building Control to impose any conditions. Accordingly, the proposal is considered to comply with Policies AMP2, AMP3, AMP7 and AMP8 of PPS3, Policy QD1 of PPS7, the SPPS, Draft BMAP, Creating Places and Parking Standards.
- 9.19 Adequate provision has been made within the site for bin storage. Conditions have been recommended to cover this and waste management plan.

Contamination

9.20 A Preliminary Risk Assessment (PRA) has been submitted which was reviewed by Environmental Health and DAERA who have advised that further detailed investigations should be carried out in the form of a Generic Quantitative Risk Assessment (GQRA). The PRA identified a low to moderate risk and a GQRA has been previously carried out on the adjoining site at No 19 where no unacceptable risks to human health and environmental receptors were identified and no remediation measures were required. On this basis, it is considered that any potential contamination can be adequately addressed through precommencement conditions.

Flooding

9.21 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. Additional information was requested by Rivers Agency, which has been forwarded to them for consideration which does not present any issues of principle – no objections are considered likely. It is therefore requested that Committee delegate authority to the Director of Planning and Building Control to impose any conditions.

Infrastructure Capacity

- 9.22 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.
- Having had regard to the above it is considered that the proposal would not have significant impact on drainage and the sewerage system. The proposed scheme is therefore considered to be acceptable in accordance with FLD3 of PPS 15 and the SPPS with respect to drainage and sewerage.

10.0 Summary of Recommendation:

Having regard to the policy context and other material considerations raised by consultees and a third party, it is concluded that, on balance, the proposal is considered acceptable. It is requested that the committee delegate authority to the Director of Planning and Building Control to grant conditional planning permission.

11.0 Conditions

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.

 The development hereby permitted shall not commence until samples and a written specification of the materials to be used in the external elevations and hard standing surfaces, 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 the area.

3. No development related works shall be undertaken on site (including clearance) until tree protection details, to include the protection of trees and hedged within and adjoining the have been submitted to and approved in writing by the Local Planning Authority. These details shall adhere to the principles embodied in BS 5837 2012 and shall include a detailed Arboricultural Method Statement. Full details shall be provided to indicate exactly how and when the retained trees will be protected during the site works. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure the retention and protection of trees on the site in the interests of the visual amenities of the locality and the amenity of neighbouring properties.

4. The development hereby permitted shall not commence until a detailed landscaping scheme including replacement planting has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. 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.

5. The development hereby permitted shall not commence until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details.

Reason: To ensure the proper management of the landscaped areas in the interests of visual amenity.

6. The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plans 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.

7. The vehicular access, including visibility splays, shall be provided in accordance with the approved plans, prior to the commencement 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.

8. The development hereby permitted shall not be occupied until the redundant vehicular accesses from the site to the public road has been permanently closed and the footway reinstated to the satisfaction of the Local Planning Authority.

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.

9. Prior to the first occupation of the development hereby permitted, the covered cycle parking shall be provided in accordance with the approved plans. The cycle parking and any associated facilities shall thereafter be permanently 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.

10. Prior to the first prior occupation of the development hereby permitted, the bin storage facilities shall be provided in accordance with the approved plans and shall be permanently retained thereafter for use at all times.

Reason: In the interests of amenity and to ensure the appropriate provision of infrastructure.

11. The development hereby permitted shall not be occupied 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 and to protect the character and appearance of the area.

12. The first floor windows and above marked X in the flank elevations of the apartment block and dwellings hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the window shall be permanently retained in that condition.

Reason: To safeguard the amenities of the adjoining properties.

- 13. No development shall commence until a Generic Quantitative Risk Assessment (GQRA) has been submitted to and approved in writing by the Local Planning Authority. This should identify all unacceptable risks to human health and environmental receptors and shall include;
 - Detailed site investigation and groundwater quality monitoring data in line with British Standards:
 - Satisfactory assessment of the risks to human health and environmental receptors associated with any contamination present in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11) and current DEFRA and Environment Agency guidance.

Reason: Protection of human health and environmental receptors to ensure that the site is suitable for use.

14. In the event that a Remediation Strategy is required under Condition 12, no development shall commence until a detailed remediation strategy has been submitted to and approved in writing by the Local Planning Authority to address all unacceptable risks to human health and environmental receptors. The detailed Remediation Strategy shall include the measures to be undertaken to mitigate against these and to ensure that the identified pollutant linkages are demonstrably broken and no longer pose a potential risk to human health and environmental receptors.

Reason: Protection of human health and environmental receptors to ensure that the site is suitable for use.

15. In the event that a Remediation Strategy is required under Conditions 12 and 13, prior to the occupation of the development hereby permitted, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. This report must demonstrate that the remediation measures and any monitoring works outlined in the Remediation Strategy approved under Condition 13 have been completed. It must demonstrate that any identified pollutant linkages are effectively broken and the site no longer poses a potential risk to human health and environmental receptors and the site is now fit for the proposed end use. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.

Reason: Protection of human health and environmental receptors to ensure that the site is suitable for use.

16. Prior to the first occupation of the dwellings (Labelled Plots 01, 02, 03 on approved plans), noise mitigation measures shall be implemented and retained as such thereafter to ensure that internal noise levels within each dwelling shall:

- not exceed 35 dB LAeq,(16hrs) at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of ventilation provided in accordance with current building control requirements;
- not exceed 30 dB LAeq,(8hrs) between the hours of 23:00 and 07:00hrs within the proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements;
- not exceed 45 dB LAmax for any single sound event between the 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.

Reason: Protection of residential amenity.

17. The development hereby permitted shall not commence until details of the existing and proposed levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved plans.

Reason: To ensure a satisfactory form of development and in the interests of residential amenity.

Notification to Department (if relevant): N/A

Representations from Elected members: None

Details of Neighbour Notification (all addresses)

1 Kings Court, Belfast, Antrim, BT10 0AF

10 Kings Court, Belfast, Antrim, BT10 0AF

10 Upper Lisburn Road, Finaghy, Belfast, Antrim, BT10 0AA

12 Upper Lisburn Road, Finaghy, Belfast, Antrim, BT10 0AA

13 Upper Lisburn Road, Finaghy, Belfast, Antrim, BT10 0GW

14 Upper Lisburn Road, Finaghy, Belfast, Antrim, BT10 0AA,

19 Upper Lisburn Road, Finaghy, Belfast, Antrim, BT10 0GW

19a Upper Lisburn Road, Belfast, BT10 0GW

19b Upper Lisburn Road, Belfast, BT10 0GW

2 Kings Court, Belfast, Antrim, BT10 0AF

21 Upper Lisburn Road, Finaghy, Belfast, Antrim, BT10 0GW

21a Upper Lisburn Road, Belfast

21b Upper Lisburn Road, Belfast

21c ,Upper Lisburn Road,Finaghy,Belfast,Antrim,BT10 0GW

8 Upper Lisburn Road, Finaghy, Belfast, Antrim, BT10 0AA

9 Kings Court, Belfast, Antrim, BT10 0AF

Mckinney House, Stockmans Lane, Musgrave Park Hospital, Belfast, Antrim, BT9 7LA