

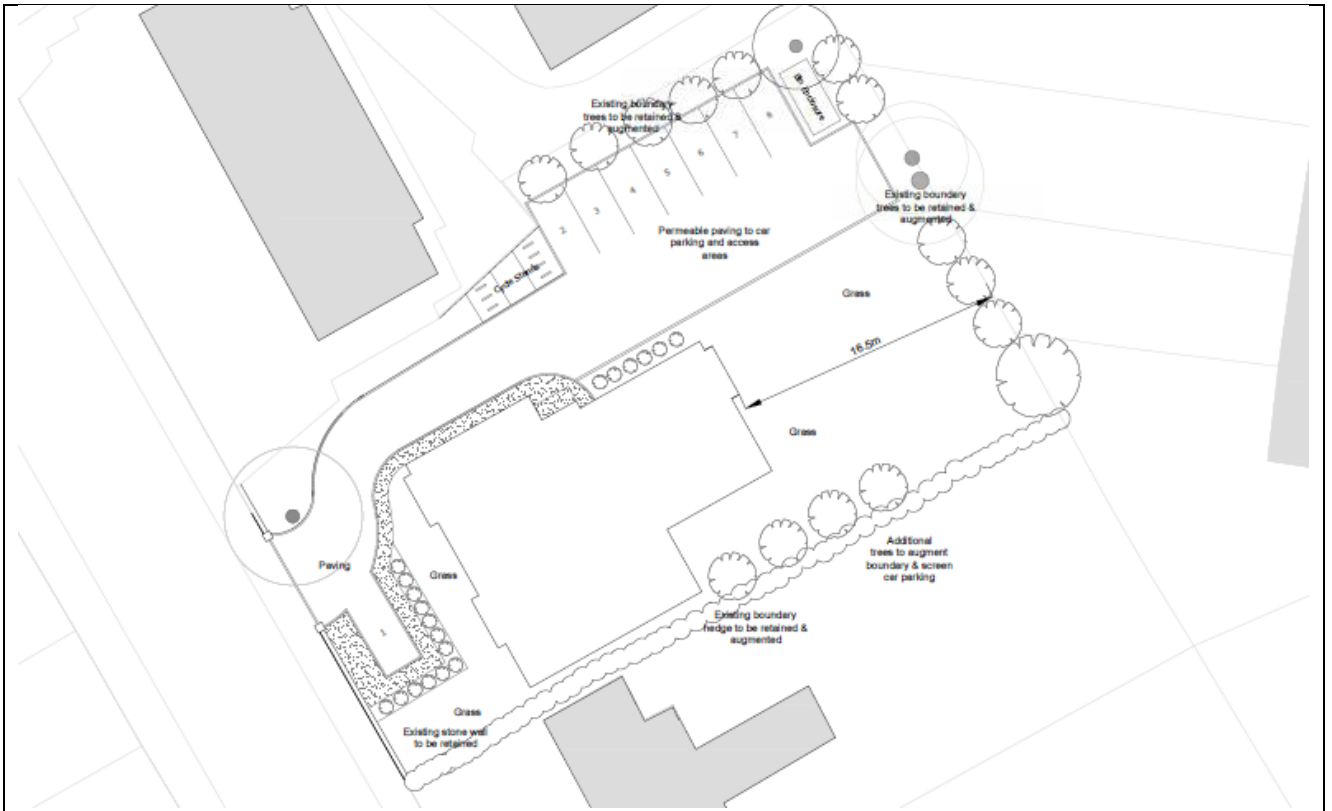
**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b> 23 January 2020	
<b>Application ID:</b> LA04/2018/0856/F	
<b>Proposal:</b> Demolition of existing dwelling and construction of 8 apartments within one block and 8 associated car parking spaces	<b>Location:</b> 134 Finaghy Road South Belfast BT10 0DG
<b>Referral Route:</b> Requested to be presented to the Planning Committee by elected member	
<b>Recommendation: Approval Subject to Conditions</b>	
<b>Applicant Name and Address:</b> Diatom Ltd 50 Glen Road Holywood BT18 0HB	<b>Agent Name and Address:</b> Lisgorran Ltd 15 Ardvarna Park Belfast BT4 2GH
<p><b>Executive Summary:</b></p> <p>The application seeks full planning permission for the demolition of the existing bungalow on site and the replacement with eight apartments and associated site works</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of Development and Use;</li> <li>- Scale, Design &amp; Massing;</li> <li>- Impact on Surrounding Character;</li> <li>- Impact on Amenity;</li> <li>- Traffic Movement &amp; Parking;</li> <li>- Other Environmental Matters</li> </ul> <p>The principle of apartment development has already been established under Z/2006/2536/F (11 Apartments) and Z/2008/1264/F (12 Apartments). These are both now extant.</p> <p>The proposed design is considered acceptable and will have a positive impact on the character of the area. The proposal will not result in an unacceptable impact on residential amenity.</p> <p>All consultees offer no objection to the proposal.</p> <p>A total of 54No letters of objections were received to the proposal. This includes 48No letters of objection on the previous design proposals and 6No letters of objection on the amended current proposal. All of objections received were from seventeen neighbouring properties and included an objection from Cllr. David Graham and Christopher Stalford MLA. The Elected Member and MLA objection related to previous scheme comprising two apartment blocks.</p> <p><b><u>Recommendation</u></b></p> <p>Having had regard to the extant development plan, the draft development plan, relevant planning policies, and other material considerations the proposed development is considered on balance to be acceptable.</p> <p>It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission with conditions.</p>	

Case Officer Report

Site Location Plan





Proposed site block Plan

**Characteristics of the Site and Area**

**1.0 Description of Proposed Development**

1.1 Full planning permission is sought for demolition of an existing dwelling and construction of 8 apartments within one block with 8 associated car parking spaces.

**2.0 Description of Site.**

2.1 The site is a domestic plot consisting a bungalow with a roof dormer, a timber shed building and car parking space. The site has a slight incline falling from the front boundary toward the rear boundary. The majority of the plot is grassed with a mature boundary of vegetation (trees and hedging) with timber fencing also forming an enclosure.

2.2 The character of the surrounding area is residential with a mixture of house types. To the north of the site two apartment complexes are located, one accessed off Finaghy Road South the other via Benmore Drive. To the south the neighbouring properties consist of bungalows and two storey dwellings. To the east (rear of site) the bounding properties consist of two storey terrace dwellings. To the north the properties are a mix of detached and semi-detached two storey and single storey dwellings.

**Planning Assessment of Policy and other Material Considerations**

**3.0 Planning History**

- Z/2006/2536/F - Demolition of existing dwelling & outbuilding and erection of 11No. apartments with associated parking – permission granted 6<sup>th</sup> Dec 2007.

	<ul style="list-style-type: none"> <li>Z/2008/1264/F - Change of design from previously approved planning permission Ref: Z/2006/2536/F, to provide one additional apartment (12 Apartments in total) – permission granted 24<sup>th</sup> Feb 2009</li> </ul>
<b>4.0</b>	<b>Policy Framework</b>
4.1	<p><u>Planning policy framework and guidance included:</u></p> <ul style="list-style-type: none"> <li>BUAP</li> <li>Draft BMAP 2015</li> <li>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 are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</li> <li>SPPS for Northern Ireland Planning for a Sustainable Environment</li> <li>PPS 2 Natural Heritage</li> <li>PPS 3 Access, Movement and Parking</li> <li>PPS 7 Quality Residential Environments</li> <li>PPS 12 Housing in Settlements</li> <li>PPS 15 Planning and Flood Risk</li> </ul>
<b>5.0</b>	<b>Statutory Consultee Responses</b>
	<p>Rivers Agency – no objection  NI Water – no objection  DfI Roads Service – no objection  DAERA – no objection</p>
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
	<p>BCC Environmental Health – no objection  BCC Tree Officer – no objection</p>
<b>7.0</b>	<b>Representations</b>
7.1	<p>Twenty six neighbouring properties were notified and the proposal was advertised in the local press. A total of 54 letters of objections were received to the proposal. This includes 48 letters of objection prior to the scheme being significantly amended and 6 letters of objection on the amended current proposal. The objections received were from seventeen neighbouring properties and included an objection from Cllr. David Graham and Christopher Stalford MLA. The Elected Member and MLA objection related to original scheme which comprised two apartment blocks.</p>
7.2	<p>Matters raised by the objectors include:</p> <ul style="list-style-type: none"> <li>- Overlooking</li> <li>- Over development of site</li> <li>- Access/parking</li> <li>- Design</li> <li>- Flooding</li> <li>- Wildlife</li> </ul>
7.3	<p>These matters will be considered throughout the main body of the report.</p>
<b>8.0</b>	<b>Other Material Considerations</b>
	<p>DCAN 8 Housing in Existing Urban Areas  Creating Places Achieving Quality in Residential Developments  DCAN 15 Vehicular Access Standards  DOE Parking Standards</p>
<b>9.0</b>	<b>Assessment</b>

9.1	<p>The key issues to consider in the assessment of this application are as follows:</p> <ul style="list-style-type: none"> <li>- Principle of Development and Use;</li> <li>- Scale, Design &amp; Massing;</li> <li>- Impact on Surrounding Character;</li> <li>- Impact on Amenity;</li> <li>- Traffic Movement &amp; Parking;</li> <li>- Other Environmental Matters</li> </ul>
9.2	<p><u>Principle of Development and Use</u></p> <p>The site is located on unzoned - white land in the both BUAP and dBMAP. Therefore, using the land for residential purposes does not conflict with any designated land use within the development plan and the principle of residential redevelopment at this location is acceptable, providing it meets the relevant policy tests as set out in regional policy and other guidance.</p>
9.3	<p>There is also a historic planning approval in 2009 for apartment development at this location, which expired in February 2014.</p>
9.4	<p><u>Scale, Design &amp; Massing</u></p> <p>A single apartment block is proposed fronting Finaghy Road South. The block will comprise 3 storeys in height with an overall ridge height of 8.4 metres. The ridge height has taken account of the surrounding ridge heights in the area.</p>
9.5	<p>The design of the apartment block makes use of common typical building materials of red brick, painted render and grey roof tiles. The design includes front two storey bays using both the red brick and painted render adding architectural features that presents an active façade fronting the road. The design and architectural treatment is considered to be contextually appropriate at this location.</p>
9.6	<p>The roof design includes both a full gable and hipped end both of which are reflective of the surrounding area. The roof form of the proposal has been designed with a hipped roof end adjacent to the neighbouring detached bungalow (136 Finaghy Road South), it is considered that will also contribute to reducing the potential for dominance of the neighbouring property.</p>
9.7	<p>The design also makes use of a rear return which is also a common architectural feature that is typical within an urban setting. The design of the building within the plot results in the retention of garden space to the rear.</p>
9.8	<p>The existing boundary treatment consists of trees and hedging which is to be augmented with additional planting improving the level of amenity offered by the existing planting; and the proposed boundary landscaping features of trees and hedging will also act in a manner that will contribute to reducing any appearance of dominance.</p>
9.9	<p>The site layout results in the provision of one car parking place to the front the remaining spaces to be located to the side/rear; cycle parking and bin storage is also located to this area.</p>
9.10	<p>Within Creating Places guidance it is expressed that where an apartment block is to share a common boundary with existing dwellings there should be a separation distance of 15m between the rear of the apartments and the common boundary. The application exceeds this requirement providing 16.5m between the proposed apartment block and the rear</p>

	<p>common boundary at its nearest point. It is considered that the separation distance is sufficient to ensure that dominance will not be a significant issue.</p>
9.11	<p>It is considered that, on balance, the design of the building is appropriate to the surrounding context which is an assortment of detached and semi-detached two storey and single storey dwellings and apartments. The scale and massing of the proposal is considered to be appropriate at this location and will sit comfortably within its surroundings.</p>
9.12	<p><u>Impact on Surrounding Character</u></p>
	<p>The proposal will introduce apartments to the existing urban setting which contains a mixture of housing types that includes single family dwellings and two storey and four storey apartment blocks.</p>
9.13	<p>A number of objections have been received regarding the design of the proposal being out of character for the area, notably the three storey height of the proposed apartment block fronting the roadway. Concerns were expressed that this design is out of character with the surrounding context of two storey and single storey housing fronting the roadway.</p>
9.14	<p>Although the design is for a three storey building, it is designed to have a ridge height that is in keeping with the surrounding area and will reflect the ridge height of the neighbouring apartment block and other two storey dwellings along the road frontage. The design of the building comprises two full floors with a third floor above within the roof space - natural light for this floor will be achieved through the use of roof lights. It is considered that the design of the proposal will not significantly impact on the surrounding character as the context of the area includes apartment development of a similar height. The proposal will not be significantly incongruous for the area which consists of many house types fronting the road leading to no uniformity of styling within the area.</p>
9.15	<p><u>Impact on Amenity</u></p>
	<p>Each apartment would meet the space standards as expressed within the second addendum to PPS 7, the ground and first floor units are 70sqm. The space standards require 60/65sqm for these types of two bedroom units. The second floor units consist of a 100sqm two bedroom unit and 48 sqm one bedroom unit. The standard requirement being 60/65 sqm and 35/40sqm respectively. In terms of prospective residents, each unit has adequate outlook to the public street or the external amenity area. The outdoor private amenity space (land behind the building line) is in excess of 430sqm, Creating Spaces Guidance refers to amenity space of 10sqm to 30sqm of amenity space per apartment in regards to this site it would equate to 80sqm to 240sqm of amenity space would be required.</p>
9.16	<p>The proposal is designed to house the eight apartments in one block fronting onto Finaghy Road South. It is not envisaged that this block will offer a significant level of impact on neighbouring amenity. A number of objectors have voiced concerns that there is a potential for their properties to be overlooked from the proposed apartment block. The separation distance between the proposed apartment block and the housing opposite is in excess of 30m. It is considered that there is a significant separation distance between the site and these dwellings and for these reasons the proposal will not introduce a significant level of overlooking; notwithstanding the additional upper floor roof light windows. The separation distance also ensures that the proposal will not significantly dominate these fronting properties.</p>

9.17	<p>Regarding properties to the rear, the proposed apartment block is designed to be situated 16.5m (at its nearest point) from the common boundary with the existing housing at Orlock Square. The design, as previously stated, is to have two full floors with a third located within the roof-space. The design results in eight windows in total to the rear elevation at ground and first floor, six of these windows are serving bedrooms the remaining two serving living room/kitchens. It is considered that the bedroom windows arrangements are common to an urban context and will not cause a significant impact on the living conditions of neighbouring properties. In regards to the living/kitchen spaces the impact from the ground floor apartment (annotated as apartment 3) will not be greater than normally found within the urban context. It is accepted that the first floor living/kitchen window for proposed apartment no.6 does offer a higher level of potential overlooking than the current bungalow on site, however, this is not considered to be unacceptable given the proposed separation distances and is not an uncommon relationship in the urban context. The separation distance of 16.5m coupled with existing trees and the proposed planting of semi mature trees will limit the opportunity for the proposal to overlook neighbouring properties.</p>
9.18	<p>To the south of the site is located no 136 Finaghy Road South, a detached bungalow. This property has an attached garage to the side and is adjacent to the site boundary with an 8.0m separation distance between proposed apartment block and the rear return of bungalow. The design of the apartments when viewed from no.136 is a two storey hipped gable, finished in red brick with a two storey rear return, set back a further 4.5m from the boundary. The elevation towards no.136 is designed with four small windows to serve an en-suite and bathroom to the ground and first floors, second floor apartments are served by roof lights, it is considered that these window will not significantly impact on the amenity of this property, obscure glazing will be conditioned for these windows.</p>
9.19	<p>The western elevation (as annotated) has eight windows and two roof lights that faces onto the neighbouring apartment blocks. Four of the windows are to serve bedrooms to apartments 1, 3, 4 and 6 and two windows to serve the internal staircase. The remaining two windows are to serve the living room/kitchen of apartments 3 and 6. The windows face onto the gables of the neighbouring apartment blocks and the shared amenity for the blocks. The proposed windows therefore will not impact on private amenity and are considered to be acceptable.</p>
9.20	<p>It is considered that the design, layout and separation distances proposed are acceptable and will not impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.</p>
9.21	<p>Overall, it is considered that the proposal would respect its surrounding context and maintain the character and appearance of the area in accordance with Draft BMAP, Policy QD1 of PPS7, Creating Places and the SPPS.</p>
9.22	<p><u>Traffic Movement &amp; Parking</u></p> <p>The proposal provides sufficient incurtilage parking for 8 cars. DOE Parking Standards guidance document requires the provision of 1.5 spaces per unit for this type of development. The proposal of eight units results in the need to provide 12 parking spaces for the development. A parking survey was submitted detailing that the four additional spaces can be accommodated by on street parking. DfI Roads Service, following consultation, offered no objection to the parking, manoeuvring and cycle storage provision for the scheme. It is therefore considered that the proposal provide adequate parking facilities for the scheme and complies with PPS 3 and DCAN 15.</p> <p>Adequate provision have been made with the site for storage of waste.</p>

9.23	<u>Other Environmental Matters</u>
9.24	<p>Paragraph 4.11 and 4.12 of the SPPS states that there are a wide range of environmental and amenity considerations including noise and air quality, should be taken into account by planning authorities when proposing policies or managing development. Other amenity considerations arising from development that may have potential health and well-being implications include design considerations, impacts relating to visual intrusion, general nuisance, and loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality.</p> <p><i>Impact on wildlife</i></p> <p>Objectors have expressed concerns regarding the potential for the development to impact on protected wildlife. A Bat Survey was submitted as part of the application. DAERA Natural Environment Division offered no objection stating that the development is unlikely to significantly impact the local bat population. The development scheme has been significantly reduced since the receipt of these comments it is therefore considered that the assessment conclusion remains, there will be no significant impact on local wildlife. The proposal is considered to comply with the SPPS and PPS2.</p>
9.25	<p><i>Impact on flooding</i></p> <p>The objections to the proposal expressed concern regarding the potential for flooding. Rivers Agency was consulted and re-consulted with the concerns expressed by the objectors. The comments from Rivers Agency indicate that they are content with the applicant's current method to dispose surface water from the site. NI Water has also indicated that there is available capacity within the sewage treatment works to accommodate the needs of the development. The scheme has also been reduced from eleven units to eight units and from two blocks to one block since these comments from Rivers Agency and NI Water were received reducing further any potential impact. As such the proposed development would comply with Policy FLD 3 of PPS 15 and the SPPS.</p>
9.26	<p><i>Impacts on existing trees &amp; landscaping issues</i></p> <p>The Tree officer was consulted on the potential impact the development may have on the trees within the site. The officer advised that no tree on site was worthy of protection however, did accept that the trees to the rear of the site provided amenity to neighbouring houses however the trees have not been maintained for a considerable period of time and were showing a need for significant level of works to ensure that they remain healthy.</p>
9.27	<p>The proposal does not call for the removal of the trees within the site and suggests that the existing trees and vegetation that defines the site boundary will be augmented with additional planting. It is considered that the proposal will offer an enhanced vegetated boundary adding to the local amenity and there is unlikely to be any significant damage to the existing trees to the rear of the site. The Tree Officer offered no objection to the proposed development.</p>
9.28	<p><i>Noise</i></p> <p>The issue of noise, associated with the proposed parking, was raised as an objection. BCC Environmental Health Services offered no objection to the proposal. From the time of consultation response due to design changes the parking provision has now been reduced from 17 No spaces to the rear to 7No spaces with an increased separation distance of 30m between the parking spaces and neighbouring dwellings.</p>



9.29	Having regard to the increased separation distance of 30m between parking spaces and neighbouring dwelling and the retention of, and additions to, the boundary planting, it is considered that the potential for noise associated with onsite parking will not be at a level sufficient to create a significant nuisance.
10.0	<b>Summary of Recommendation: Approval Subject to Conditions</b>
10.1	It is considered that, on balance, the proposal is an acceptable form of development for the site at this location, and will not be detrimental to the living conditions of those living to the rear of the site and therefore satisfies relevant planning policy and guidance.
11.0	<b>Conditions and Informatives</b>
	<p>1. 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> <p>2. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Drawing No. 101, published on the Planning Portal 6<sup>th</sup> November 2019, to provide for parking 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 in connection with the approved development.</p> <p>Reason - To ensure that adequate provision has been made for parking within the site.</p> <p>3. The vehicular access shall be constructed in accordance with Drawing No. 100, published on the Planning Portal 6<sup>th</sup> November 2019.</p> <p>Reason - To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>4. Covered cycle parking shall be provided in accordance with Drawing No. 101 published on the Planning Portal 6<sup>th</sup> November 2019.</p> <p>Reason - To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.</p> <p>5. All hard and soft landscaping, including existing and proposed boundary planting, shall be completed in accordance with, hereby approved, plan 113 bearing the Council's date stamp 11<sup>th</sup> November 2019 before the occupation of any approved apartment.</p> <p>Reason: to ensure that a satisfactory form of landscaping and to aid neighbouring privacy.</p> <p>6. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p>

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<b>ANNEX</b>	
<b>Date Valid</b>	4th April 2018
<b>Date First Advertised</b>	27th April 2018
<b>Date Last Advertised</b>	22nd November 2019
<b>Elected representative Interest:</b>	
Cllr Declan Boyle (request to bring to Committee)	
Christopher Stalford MLA	
Cllr David Graham	
<b>Neighbours notified &amp; Advertised :</b>	
17 Neighbours	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Drawing Numbers and Title</b>	
<b>Notification to Department (if relevant)</b>	
Date of Notification to Department: N/A	
Response of Department:	