

Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: Tuesday 15 September 2020 | |
| Application ID: LA04/2019/2334/F | |
| Proposal: Construction of 3 no apartments buildings with a total of 18 no 2 bed apartments providing off street car parking and associated groundworks (Amended Scheme) | Location: 141 & 149 Upper Newtownards Road Belfast BT4 3HX |
| Referral Route: In accordance with Scheme of Delegation; proposal exceeds 12 dwelling units with representations that conflict with the case officer recommendation | |
| Recommendation: | Approval |
| Applicant Name and Address: CYM Properties Limited Suite 4 Commercial Mews 93-97 Main Street Larne BT40 1HJ | Agent Name and Address: Site Express 11 Bridge Street Bangor BT20 5AW |
| <p>Executive Summary:</p> <p>The proposal is for full planning permission for the Construction of 3no. apartment buildings with a total of 18 no 2 bed apartments providing off street car parking and associated groundworks.</p> <p>Under the adopted Belfast Urban Area Plan 2001 the site is unzoned white land; in the draft BMAP (both versions) the site is also whiteland and the Upper Newtownards Road is identified as an arterial route.</p> <p>The immediate area is predominantly in residential use, therefore, given the status of the land in the Development Plans the proposed land use for housing is considered acceptable in principle. The proposed apartment buildings are to be two storey and three storey buildings with communal bin, cycle and amenity areas.</p> <p>The proposed layout of the development is acceptable and it is considered that the site can accommodate the proposed number of dwelling units of the scale and mass proposed, whilst meeting the recommended requirements for prospective residents and without detrimentally impacting on the residential amenity of existing neighbours.</p> <p>The architectural approach responds to its surrounding context with respect to design elements and materials and has been amended to address concerns in terms of the layout and scale. The proposed design and architectural treatment and materials are acceptable.</p> <p>8 objections have been received – raising issues including; parking and road safety, overdevelopment, overlooking, impact of construction works, impact on trees, impact on the Cyprus Conservation Area. These matters are dealt with in the case officer report below.</p> <p>Consultees - Environmental Health, DFI Roads, NI Water, Rivers Agency and BCC Tree Officer offer no objection to the proposal, subject to conditions. BCC Conservation Area Officer has raised</p> | |

a concern with respect to the height of Block A which fronts on to the Upper Newtownards Road however given that the proposal is similar in height to existing buildings in the area with frontage on to the arterial route it is considered that the proposal is on balance acceptable and will not result in a detrimental impact on the setting of the adjacent Conservation Area.

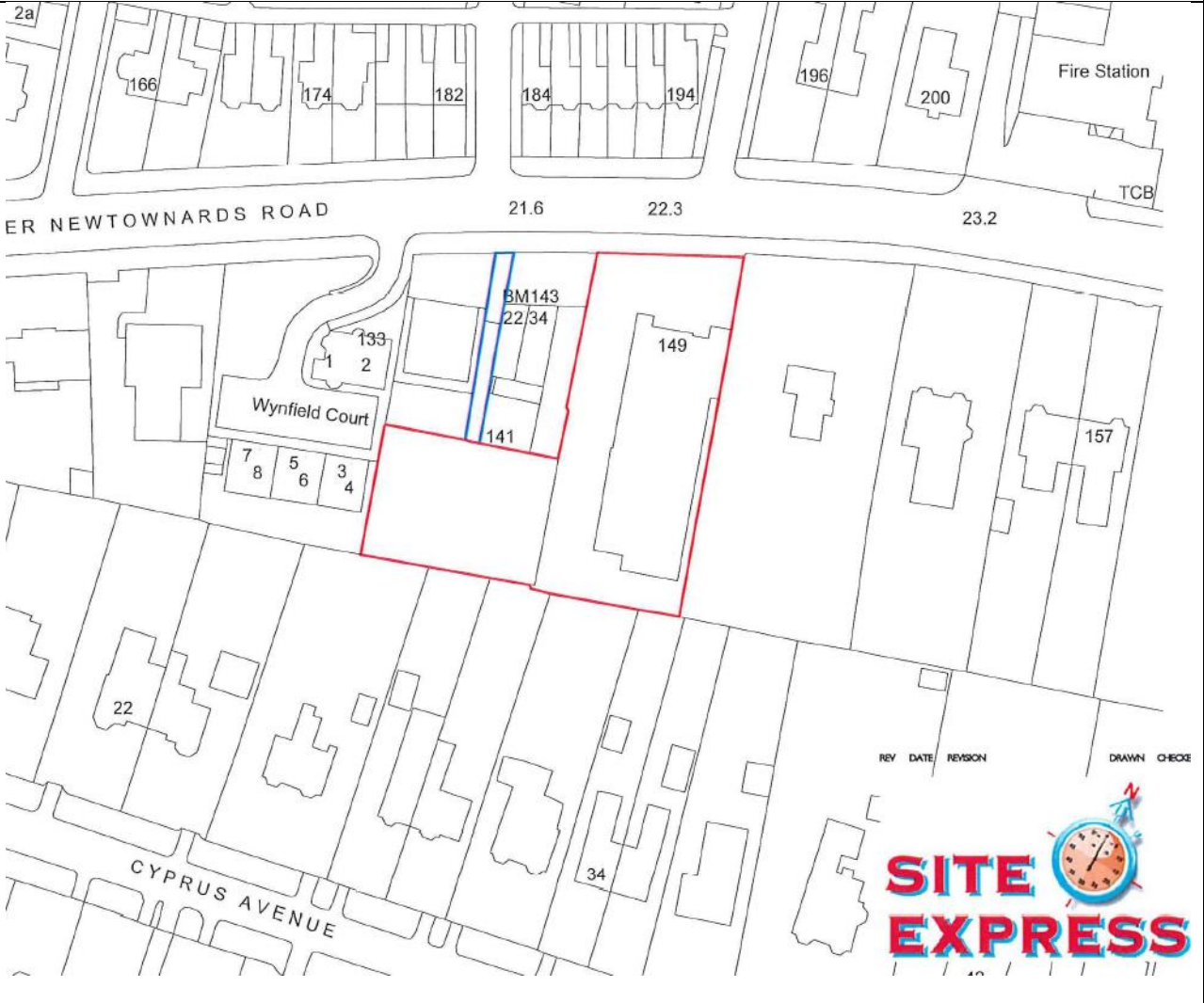
Recommendation:

Approve with Conditions

Having regard to the policy context and other material considerations, the proposal is considered acceptable and planning permission is recommended and delegated authority is sought for the final wording of conditions from the Director of Planning and Building Control.

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
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| Non-Statutory | Env Health Belfast City Council | Add Info Requested |
| Statutory | DFI Roads – Hydebank | Advice |
| Non-Statutory | Env Health Belfast City Council | Add Info Requested |
| Non-Statutory | NI Water - Multi Units East - Planning Consultations | Substantive Response Received |
| Statutory | Rivers Agency | Advice |
| Statutory | DFI Roads – Hydebank | Content |
| Statutory | Rivers Agency | Advice |
| Statutory | DFI Roads – Hydebank | Consultation reminder letters |

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| Non-Statutory | Env Health Belfast City Council | Consultation reminder letters |
| Statutory | DFI Roads – Hydebank | Content |
| Non-Statutory | Env Health Belfast City Council | Substantive Response Received |
| Representations: | | |
| Letters of Support | None Received | |
| Letters of Objection | 8 | |
| Number of Support Petitions and signatures | No Petitions Received | |
| Number of Petitions of Objection and signatures | No Petitions Received | |

| Characteristics of the Site and Area | |
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| 1.0 | Description of Proposed Development |
| 1.1 | The proposal is for full planning permission for the erection of 3no. apartment buildings with a total of 18 no 2 bed apartments providing off street car parking and associated groundworks. |
| 2.0 | Description of Site |
| 2.1 | The site is located at lands at 141-149 Upper Newtownards Road, Belfast. The site is an 'L' shape with no. 149 fronting on to the Upper Newtownards Road and the site wrapping around 137-143 Upper Newtownards Road. The site is currently in commercial use for a printing office and associated storage and is occupied by two buildings on the site comprising of the original building which has been extended to the south and a storage building which occupies the western portion of the site with associated yard and parking. These buildings have an extensive footprint and occupy the majority of the site with the remainder given over to hardstanding for vehicles. The site slopes from the south to the north towards the Upper Newtownards Road. |
| 2.2 | The site is bounded by the existing Cyprus Avenue Conservation Area to the south and east of the site which is characterised by existing residential dwellings, two storey detached in substantial plots with front and rear gardens and incurtilage parking. Trees line both the southern and eastern site boundaries and are afforded protection being located within a designated Conservation Area. To the west of the site is existing apartments located at Wynfield Court in a two-storey building. The boundary between these apartments and the site is demarcated by the existing western elevation of the storage building which occupies the western portion of the site. The buildings to the north are a mix of commercial and mixed-use units with residential apartments at first floor level. |
| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | Site History |
| 3.1 | Z/1994/0520 - 149 Upper Newtownards Road, Belfast, BT4 - Internal and external renovations and improvements – Granted |
| 3.2 | Z/1992/0182 - 149 Upper Newtownards Road, Belfast, BT4 - Replacement porch and adjoining security wall – Granted |
| 3.3 | Z/1991/0553 - 149 Upper Newtownards Road, Belfast, BT4 - Change of use from former hotel to showroom, storage and office accommodation – Granted |
| 3.4 | Z/1989/0757 - 149 Upper Newtownards Road, Belfast, BT4 - Change of use from hotel to commercial lighting showroom general storage and office accommodation – Appeal Dismissed |
| 3.5 | Z/1989/0533 - 149 Upper Newtownards Road, Belfast, BT4 - Construction of a car showroom – Withdrawn |
| 3.6 | Z/1986/2467 - 149 Upper Newtownards Road, Belfast, BT4 - Extension to and conversion of warehouse to photographic studios and processing works with associated office accommodation – Granted |

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| 3.7 | Z/1985/2574 – 141 Upper Newtownards Road – Change of use to snooker hall and entertainment centre – Refused |
| 3.8 | Z/1979/1924 – Cavalier Hotel, 149 Upper Newtownards Road, Belfast, BT4 – Erection of New Entrance Porch/Alterations to Entrance and Reception – Granted |
| 3.9 | Z/1979/0136 - 149 Upper Newtownards Road, Belfast, BT4 - Extension to Hotel – Granted |
| 3.10 | Z/1978/1348 - 149 Upper Newtownards Road, Belfast, BT4 – Change of Use to Offices - Refused |
| 3.11 | Z/1976/0926 - Upper Newtownards Road - Extension to Hotel – Granted |
| 3.12 | Z/1975/0608 – 149 - 151 Upper Newtownards Road, Belfast, BT4 - Extension to Hotel– Granted |
| 3.13 | Z/1974/0538 - 149 Upper Newtownards Road, Belfast, BT4 – Extension to Hotel Premises– Refused |
| 4.0 | Policy Framework |
| 4.1 | Belfast Urban Area Plan 2001 |
| 4.2 | Draft Belfast Metropolitan Area Plan 2015 |
| 4.3 | Draft Belfast Metropolitan Area Plan 2004 |
| 4.4 | <ul style="list-style-type: none"> 4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 3: Access, Movement and Parking 4.4.3 Planning Policy Statement 6: Planning, Archaeology and The Built Heritage 4.4.4 Planning Policy Statement 7: Quality Residential Environments 4.4.5 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas 4.4.6 Planning Policy Statement 12: Housing in Settlements 4.4.7 Planning Policy Statement 15: Planning & Flood Risk 4.4.8 Creating Places 4.4.9 Development Control Advice Note 15: Vehicular Access Standards |
| 5.0 | Statutory Consultees Responses |
| 5.1 | Rivers Agency has no objection. |
| 5.2 | DFI Roads has no objection to the proposal subject to conditions. |
| 6.0 | Non-Statutory Consultees Responses |
| 6.1 | Environmental Health has no objection subject to conditions. |
| 6.2 | BCC Tree Officer has no objection subject to conditions. |
| 6.3 | BCC Conservation Officer advises that amendments have addressed previous concerns relating to building C, however objection to building A remains. |
| 7.0 | Representations |

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| 7.1 | <p>The application has been re-neighbour notified and advertised in the local press. At the time of writing of this report eight representations have been received, with a further re-neighbour notification period due to expire on 11th September 2020. Any further objection received after the report has been published will be listed in the late items pack for Planning Committee on 15th September 2020.</p> <p>The following issues have been raised by objectors:</p> <ul style="list-style-type: none"> • Impact on protected trees within the Cyprus Avenue Conservation Areas; • Tree Survey report fails to consider all trees bounding the proposal site; • Discrepancies in tree report; • Details of protection measures for trees; • Building C significantly larger than the existing building on the site and will be out of place with the surrounding context; • Proximity of building C to the Cyprus Avenue Conservation Area; • Building C will be clearly visible from Cyprus Avenue Conservation Area and detrimentally impact on the character of the area; • Potential overlooking from Building C from 3 gable windows into adjacent properties at Cyprus Avenue; • Overlooking and loss of privacy; • Removal of brick gable wall along southern boundary and replacement with 1.8m timer fencing will detract from the Cyprus Avenue Conservation Area; • Removal of security fence along southern boundary; • Inadequate car parking provision; • Security lighting not detailed on plans; • Impact of the development and associated construction work on wildlife; • Impact of noise from the development and associated construction work on neighbouring residents; • Retention of brick wall on southern boundary welcome however would be more satisfactory if retained at 3.5m instead of 2.4m; • Clarification in regards to proposed roof lights being for ventilation only and obscured. |
| 8.0 | Other Material Considerations |
| 8.1 | The adopted Belfast Urban Area Plan 2001 designates the site as white land. |
| 8.2 | Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site is designated as white land. |
| 8.3 | Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as white land. |
| 9.0 | Assessment |
| 9.1 | <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • Principle of development and use; • Height, scale, massing, layout and design; • Provision of private amenity space; • Provision of parking and access; • Impact on residential amenity of neighbours; • Impact on protected trees; • Impact on adjacent Cyprus Park Conservation Area; • Consideration of representations; • Other environmental factors. |

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| 9.2 | <p>The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area. Section 45 (1) of the Planning Act (NI) 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.</p> |
| 9.3 | <p>As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, this version of draft BMAP remains a material consideration. The site is located within the settlement development limit for Belfast. The site was designated as white land and the Upper Newtownards Road is an arterial route AR 1/17.</p> |
| 9.4 | <p>Draft BMAP 2004 version also designated the site as white land and the Upper Newtownards Road is an arterial route AR 1/17.</p> |
| 9.5 | <p>The adopted Belfast Urban Area Plan 2001 designates the site as white land.</p> |
| | <p><u>Principle of development</u></p> |
| 9.6 | <p>Given the status of the land in the adopted and draft Development Plans, the principle of development and the proposed use as residential is considered acceptable at this location. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is deemed that this proposal will not result in demonstrable harm to the residential amenity of neighbours.</p> |
| | <p><u>Height, scale, massing, layout and design</u></p> |
| 9.7 | <p>The proposal will take the form of 3no. buildings accommodating 18no. apartments in total, with building A comprising of three storeys and buildings B and C comprising of two storeys. All of the proposed apartments are to be 2 bedroom 4 person apartments. The existing buildings to be removed have an extensive footprint, the building footprint to site area will be reduced through the proposal allowing the introduction of green space, of which the existing site is currently devoid.</p> |
| 9.8 | <p>Building A</p> |
| | <p>Ridge height – 11.2m from FFL</p> |
| | <p>Eaves height – 8.4m from FFL</p> |
| | <p>Length – 17.4m</p> |
| | <p>Gable depth – 16m</p> |
| 9.9 | <p>Building B</p> |
| | <p>Ridge height – 8.5m from FFL</p> |
| | <p>Eaves height – 5.1m from FFL</p> |
| | <p>Length – 15.5m</p> |
| | <p>Gable depth – 11.2m</p> |
| 9.10 | <p>Building C</p> |
| | <p>Ridge height – 8.5m from FFL</p> |
| | <p>Eaves height – 4.9m from FFL</p> |
| | <p>Length – 22.15m</p> |
| | <p>Gable depth – 11.3m</p> |

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| 9.11 | The height, scale and massing of the proposed apartment blocks are considered to be acceptable. The apartment buildings have been broken into three elements, which assists in the breaking up of the scale and massing of the overall development. The main body of the development at three storeys is located along the frontage of the Upper Newtownards Road and is reflective of existing development along this arterial route. It steps down to two storey next to its boundary with no. 151. The block is dual aspect, responding to its position at the site frontage with views from the Upper Newtownards Road. The proposed apartment block generally conforms with the established building line along the Upper Newtownards Road |
| 9.12 | Buildings B and C are to be two storey, respecting the scale, form and massing of the existing built form directly adjacent to the site at Wynfield Court and those dwellings on Cyprus Avenue. The architectural approach is traditional, taking cues from and sympathetic to the architecture in the area. The proposed design and architectural treatment has a vertical emphasis and materials are acceptable red brick and off white smooth render and black concrete roof tiles characteristic of the area. A condition is recommended that material samples be agreed with the Council prior to the development commencing. |
| 9.13 | All 3 blocks are located within areas of previous built footprint, they are generally set back further from the site boundaries than existing and result in less built footprint on the site than exists affording an opportunity for greater landscaping to be introduced. The proposed mix of hard and soft landscaping will assist in softening the visual impact of the built form and its integration to the surrounding area. The proposed layout and landscaping is considered to be acceptable and will provide an attractive outlook for prospective residents providing a varied and interesting frontage whilst enabling informal surveillance by future occupants. Communal bin stores and bicycle storage along with communal amenity areas are located throughout the development ensuring they are accessible to all residents. All of the proposed apartments in buildings A, B and C outlook on to either the public realm of the Upper Newtownards Road, the development itself or on communal open space and is considered acceptable. |
| 9.14 | In terms of the layout of the proposal, it is considered to be in keeping with the area and will deliver residential units at an accessible location on an arterial route. Whilst the proposal represents an increase in density, it is considered acceptable at this location and the area within which the site is located, and draws upon characteristics of more recent development in the area and is considered acceptable. |
| 9.15 | The proposal is compliant with the criterion (a) to (i) as set out in policy QD1 of Planning Policy Statement 7 – Quality Residential Environments and criterion (a) and (b) of policy LC 1 of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas. |
| 9.16 | As the proposal site is located on an arterial route the space standards set out in Annex A of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas do not apply in this instance, they do however provide good practise. All of the proposed apartments meet or are marginally under the relevant recommended minimum space standards. |
| 9.17 | <p><u>Provision of amenity space</u></p> <p>Creating Places recommends a minimum of between 10m²- 30m² for apartments developments. In terms of amenity space a total of 554.81m² is proposed with a further 34.81m² for communal bin storage and 15.76m² bicycle storage. This provides a total of 605.38m² of shared amenity space and equates to 33.63m² per apartment which exceeds the minimum and recommended amenity space per apartment as set out in Creating</p> |

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| 9.18 | <p>Places. Therefore it is considered that sufficient private amenity space has been provided for prospective residents.</p> <p><u>Provision of parking and access</u></p> <p>The proposed development includes for 15 no. spaces, 3 no. to the sites frontage, 2 within a turning head between Blocks A and B and the remaining 10 no. (including an accessible parking bay) arranged in a central landscaped courtyard to the rear between blocks B and C. DFI Roads were consulted and following the submission of Transport Assessment Form and Residential Travel Plan, is satisfied that parking on street is unlikely to have a significant impact on the local road network in terms of traffic and road safety. It is considered that the site being located on an arterial route with convenient access to public transport including the Glider that this is acceptable. Planning considers that the proposal site is located at a sustainable location and shortfall of parking provision is acceptable due to the developments location, provision of cycle parking, access to public transport and a Travel Co-ordinator through the Management Company and the production of a Residential Travel Pack to be supplied to all future residents. The access road is not proposed to be adopted by DFI Roads.</p> |
| 9.19 | <p><u>Impact on residential amenity of neighbours</u></p> <p>In terms of overshadowing and overlooking it is considered that the proposed apartments are to be located a sufficient separation distance away from existing properties located at Cyprus Avenue with distances from the existing dwellings to the boundary ranging between 26m-34m, all exceeding the recommended 20m as set out in Creating Places. In respect of Wynfield Court the separation distance is to be 11.6m whilst this is less than recommended this is considered acceptable in this instance as the Wynfield Court gable does not have any windows facing the proposed rear elevation on of building C and therefore no unacceptable overlooking shall result. In terms of overshadowing, considering the orientation of the site and the sun path it is considered that no unacceptable overshadowing or loss of light will result. Building A will have a separation distance of 2.2m from no.151 Upper Newtownards Road, the existing building however is closer and longer. On balance considering the existing building on the proposal site and the built form of no.151, alongside the orientation of the site and sun path it is considered that no unacceptable overshadowing will result. In terms of overlooking three windows are proposed on the eastern elevation at both ground and first floor level, however the existing boundary treatment will ensure no unacceptable overlooking results from the ground floor apartment to no.151. At first floor level, two of the three windows are to be obscure glazed with the third window being a secondary window for living/kitchen room. A condition is recommended that the windows are to be obscured as detailed on the Plans submitted and retained thereafter. Therefore, it is considered that the proposed apartment buildings will not result in detrimental impact to the residential amenity of neighbouring properties.</p> |
| 9.20 | <p><u>Impact on protected trees</u></p> <p>Belfast City Council's Tree Officer was consulted with the proposal and objectors concerns. Following the submission of an updated tree survey, arboricultural impact assessment and method statement, landscaping plan and site section and the amended plans the Tree Officer was re-consulted. It is acknowledged that the proposed apartment blocks will be within the Root Protection Area of several of the trees, which are afforded protection due their location within the Cyprus Avenue Conservation Area and are outside the ownership of the applicant. However, considering the existing built form and hard standing currently on the proposal site, this will have acted as a barrier to the roots from those neighbouring trees. Considering this and that the proposal will have a reduced foot print from that currently on the site, this will ensure the proposal will not further encroach in the Root Protection Area of the neighbouring trees. The existing warehouse wall is to be retained along the southern boundary and will ensure no further encroachment. The boundary wall to the front will be constructed on the same foundations of the existing wall. There will be no significant changes of level within the</p> |

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| | <p>RPA of any existing tree. The retaining structure to the front of trees 5 and 6 is to remain. This will ensure that these trees are not disturbed.</p> |
| 9.21 | <p>In respect of any construction works within the RPA of any existing tree, the Arboricultural Method Statement within the updated tree survey recommends that this should be carried out in accordance with recommendations outlined in BS 5837: 2012; this document recommends careful hand digging of foundation holes and the use of mini-piles and / or pile and beam foundations where mini-piles are not viable. Considering the above, the Tree officer has no objections to the proposal subject to conditions.</p> |
| 9.22 | <p><u>Impact on adjacent Cyprus Park Conservation Area</u></p> <p>The Conservation Area Officer was consulted with the proposal and objectors concerns. Whilst it is not located within the Cyprus Avenue Conservation Area the proposal site abuts two boundaries on it and concerns were raised in terms of the proposed scale and massing with particular regard to building C and the impact this would have on micro-views from between no's.26 and 28 Cyprus Avenue out of the Conservation Area looking northwards to the proposal. Whilst currently occupied by an industrial building, it is inoffensive due to its scale and shallow roof pitch. Following the Conservation Area Officers comments, building C was reduced from three storey at 11.36m to two storeys at 8.5m equating to a 2.84m reduction and the reduction in the height, scale and massing is considered acceptable. The Conservation Area Officer advised that given only a small portion of the roof would be marginally higher than the existing commercial building ridge height it would be difficult to argue that the proposal had a negative impact on micro-views available from Cyprus Avenue.</p> |
| 9.23 | <p>In terms of building A the Conservation Area Officer raised concern regarding the proposed building being three storey adjacent to a two storey building with attic space which is also within the Cyprus Avenue Conservation Area at no.151 Upper Newtownards Road. Officers however are content that whilst the main body of Block A is 3 storey it steps back and down to 2 storey at its boundary with no. 151, there are three storey terrace dwellings opposite and the block is adequately set back in line with the established building line with landscaping to its frontage. As such it is not out of keeping with the character of the frontage on to the Upper Newtownards Road. It is considered on balance that the proposal will not have a detrimental impact on the setting of the adjacent conservation area and is in compliance with PPS6 Policy BH12.</p> |
| 9.24 | <p><u>Wildlife/Biodiversity</u></p> <p>NIEAs Protected Areas Map Viewer confirms that the site is not affected by nor in close proximity to any International, European or National designation. The existing site is dominated by built footprint and tarmac hardstanding and is devoid of any green space other than that afforded by its neighbouring boundaries. Under the current proposals the built footprint to site area will reduce; new build will be within the confines of previous built footprint; measures have been put forward to ensure trees outside the site are protected and conditions are recommended in that regard; a landscaping scheme is proposed which includes for 18 new trees, grassed areas, hedgerows and planted beds and a condition recommended accordingly. It is considered that all these measures combined will serve to improve the environmental quality of the site and enhance its biodiversity.</p> |
| 9.25 | <p><u>Consideration of representations</u></p> <ul style="list-style-type: none"> • <i>Impact on protected trees within the Cyprus Avenue Conservation Areas</i> – See 9.20 and 9.21 in this report; • <i>Tree Survey report fails to consider all trees bounding the proposal site</i> – See 9.20 and 9.21 in this report • <i>Discrepancies in tree report</i> – See 9.20 and 9.21 in this report |

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| | <ul style="list-style-type: none"> • Details of protection measures for trees – See 9.20 and 9.21 in this report Building C significantly larger than the existing building on the site and will be out of place with the surrounding context – Building C has been reduced see 9.22 and 9.23 in this report; • Proximity of building C to the Cyprus Avenue Conservation Area – Building C has been reduced and see 9.22 and 9.23 in this report; • Building C will be clearly visible from Cyprus Avenue Conservation Area and detrimentally impact on the character of the area – Building C has been reduced and see 9.22 and 9.23 in this report; • Potential overlooking from Building C from 3 gable windows into adjacent properties at Cyprus Avenue – See 9.19 in this report; • Overlooking and loss of privacy – See 9.19 in this report; • Removal of brick gable wall along southern boundary and replacement with 1.8m timber fencing will detract from the Cyprus Avenue Conservation Area – Boundary wall to be retained at 2.4m; • Removal of security fence along southern boundary – The security fence is to be replaced with a 2.4m timber fence which will be more visually attractive; • Inadequate car parking provision – See 9.18 in this report; • Security lighting not detailed on plans – Environmental Health have recommended the attachment of an informative in regards to lighting; • Impact of the development and associated construction work on – see 9.24 in this report • Impact of noise from the development and associated construction work on neighbouring residents – This is temporary and environmental health have recommended the attachment of an informative in regards to construction noise; • Retention of brick wall on southern boundary welcome however would be more satisfactory if retained at 3.5m instead of 2.4m – the retention of the wall at 2.4m is considered to be acceptable. • Clarification in regards to proposed roof lights being for ventilation only and obscured – Skylights proposed will outlook on to the proposals own developments. |
| 9.26 | <p><u>Other environmental factors</u> Environmental Health were consulted and considered the development proposed with respect to noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations; the Generic Quantitative Risk Assessment report submitted by the applicant was assessed. Environmental Health has no objection subject to conditions with respect to Contaminating and Noise. Rivers Agency were consulted with a Drainage Assessment and have no objection to the proposal.</p> |
| 9.27 | <p><u>Recommendation</u> The proposal is considerable to be acceptable and planning permission is recommended subject to conditions.</p> |
| 9.28 | <p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended and delegated authority is sought for the final wording of conditions from the Director of Planning and Building Control.</p> |
| 10.0 | <p>Summary of Recommendation: Approval subject to conditions</p> |
| 11.0 | <p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. |

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with the approved Site Layout as published on the Planning Portal on 27 August 2020 (architects drawing number 2605/L01F), 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.

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

3. The vehicular access shall be constructed prior to occupation in accordance with the approved Site Layout as published on the Planning Portal on 27 August 2020 (architects drawing number 2605/L01F).

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

4. Covered cycle parking shall be provided prior to occupation in accordance with the approved Site Layout as published on the Planning Portal on 27 August 2020 (architects drawing number 2605/L01F), and permanently retained as such.

Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.

5. The Residential Travel Plan, bearing the date stamp 2nd December 2019, shall be implemented on completion of the development and operated in accordance with at all times.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

6. The development hereby permitted shall operate in accordance with the Service Management Plan, bearing the date stamp 2nd December 2019.

Reason: In the interests of road safety and the convenience of road users.

7. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Planning Authority, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health.

8. Prior to installation of any windows and/or alternative means of ventilation to building A, the applicant must submit to and have agreed in writing by the Planning Authority, a report detailing the proposed façade noise insulation specification. The report must be based on a noise impact assessment which demonstrates that the proposed sound

reduction specification of windows and alternative means of ventilation will achieve the following internal noise levels within proposed residential units:

- Not exceed 35 dB $L_{Aeq,16hrs}$ at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
- Not exceed 30 dB $L_{Aeq,8hr}$ at any time between the hours of 23:00hrs and 07:00hrs within any bedroom, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
- Not exceed 45 dB L_{Amax} more than 10 times between 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.

Prior to occupation of building A, the approved facade sound insulation specification must be installed and retained thereafter.

Reason: Protection of Residential Amenity.

9. Existing trees numbered 5 and 6 on the stamped approved 'Proposed Site Layout and Landscape Plan', uploaded to the planning portal 27th August 2020 shall be retained unless they become seriously damaged, diseased or dying, in which case they shall be replaced during the next available planting season (October to March inclusive) with other trees of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of continued visual amenity afforded from existing trees.

10. Prior to any work commencing, protective barriers (fencing) and ground protection shall be erected / installed as per methods outlined within the M Large Ltd 'Tree Survey (Update), Black Sheep, Upper Newtownards Road' bearing the Belfast Planning Service date stamp 1st May 2020 and stamped approved drawing No. 20, bearing the Belfast Planning Service date stamp 1st May 2020 on all trees to be retained, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

11. All demolition and excavation works shall be carried out in accordance with recommendations outlined within BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations' as referenced in the M Large Ltd 'Tree Survey (Update), Black Sheep, Upper Newtownards Road' bearing the Belfast Planning Service date stamp 1st May 2020.

Reason: To ensure damage is not caused to protected trees by the development hereby approved.

12. Where construction is proposed within the Root Protection Area (RPA) of existing trees and hedges, this shall be carried out in accordance with recommendations outlined within BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations' as referenced in the M Large Ltd 'Tree Survey (Update), Black Sheep, Upper Newtownards Road' bearing the Belfast Planning Service date stamp 1st May 2020.

Reason: To ensure damage is not caused to protected trees by the development hereby approved.

13. If roots are accidentally damaged the council must be notified and given the opportunity to inspect the damage before it is covered over.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees / hedging.

14. All hard and soft landscaping works shall be carried out in accordance with the details on drawing no.2605/L01F uploaded to the planning portal 27th August 2020. These works shall be carried out prior to the occupation of the development hereby approved or before the end of the first planting season after occupation, whatever is sooner, and shall be permanently retained thereafter. 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 similar species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

15. Prior to the commencement of development details of the external finishes, including samples of materials to be used shall be submitted to Belfast City Council for agreement in writing, the development shall be constructed in accordance with those samples agreed and noted on the approved drawings.

Reason: To ensure a quality standard of finish in the interests of visual amenity and the character and appearance of the area.

16. The windows identified as obscure glazed on the first floor gable elevations of Apartment Building C as shown on Drawing P03.1 as published on the Planning Portal on 29/07/2020 and as identified on the northern gable elevation of Apartment Building A as detailed on Drawing 06A published on the planning portal on 1 May 2020, shall be obscured glazing and permanently retained as such.

Reason: In the interests of residential amenity.

Informative:

1. The applicant should pay due regard to BS 5228:2009+A1:2014 Code of Practice for Noise and Vibration on Construction and Open sites, and the IAQM Guidance on the Assessment of Dust from Demolition and Construction 2014 and employ best practicable means to ensure the amenity of nearby properties is protected.

2. The design of any proposed lighting scheme for the proposal should be in accordance with guidance contained within the Institute of Lighting Professionals 'Guidance for the

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| | <p>Reduction of Obtrusive Light' ILP (2011) available online at: https://www.theilp.org.uk/resources/free-resources/ilp-guidance-notes/</p> <ol style="list-style-type: none"> 3. All flood lighting should be optically controlled and directed in such a manner as to minimise light pollution from glare and light spill. 4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority. 5. The applicant's attention is drawn to the information provided on the consultee responses which are available to view on the planning portal. 6. This planning permission includes conditions which require additional details to be submitted to and approved by the Council. Please read the conditions carefully. You should allow at least 8 weeks for the Council to assess the details and respond. This may take longer in cases which involve the submission of detailed technical reports. You should allow for this when planning your project. If you proceed without the approval of these details from the Planning Authority you do so at your own risk. |
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| <p>Notification to Department (if relevant)</p> <p>N/A</p> | |
| <p>Representations from Elected members:</p> <p>Cllr Kyle – on behalf of objector Cllr Dorrian – update on status Cllr Hussey – update on status</p> | |

| ANNEX | |
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| Date Valid | 8th October 2019 |
| Date First Advertised | 25th October 2019 |
| Date Last Advertised | n/a |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner/Occupier, 1 Wynfield Court,Belfast,Down,BT5 5NS</p> <p>The Owner/Occupier, 135 Upper Newtownards Road,Belfast,Down,BT4 3HX</p> <p>The Owner/Occupier, 139 Upper Newtownards Road,Belfast,Down,BT4 3HX</p> <p>The Owner/Occupier, 145 Upper Newtownards Road,Belfast,Down,BT4 3HX</p> <p>The Owner/Occupier, 147 Upper Newtownards Road,Belfast,Down,BT4 3HX</p> <p>The Owner/Occupier, 151 Upper Newtownards Road,Belfast,Down,BT4 3HX</p> <p>The Owner/Occupier, 188 Upper Newtownards Road,Belfast,Down,BT4 3ES</p> <p>The Owner/Occupier, 190 Upper Newtownards Road,Belfast,Down,BT4 3ES</p> <p>The Owner/Occupier, 192 Upper Newtownards Road,Belfast,Down,BT4 3ES</p> <p>The Owner/Occupier, 194 Upper Newtownards Road,Belfast,Down,BT4 3ET</p> <p>The Owner/Occupier, 196 Upper Newtownards Road,Belfast,Down,BT4 3ET</p> <p>The Owner/Occupier, 2 Wynfield Court,Belfast,Down,BT5 5NS</p> <p>Brian Faith 20 Cyprus Avenue Belfast Down</p> <p>Anne Patterson 24, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT</p> <p>The Owner/Occupier, 26 Cyprus Avenue,Belfast,Down,BT5 5NT</p> <p>Stephen Magrath 26, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT</p> <p>Stephen Magrath 26, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT</p> <p>The Owner/Occupier, 28 Cyprus Avenue,Belfast,Down,BT5 5NT</p> <p>Gavin Harper 28, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT</p> <p>Gavin Harper 28, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT</p> <p>The Owner/Occupier, 3 Wynfield Court,Belfast,Down,BT5 5NS</p> <p>The Owner/Occupier, 30 Cyprus Avenue,Belfast,Down,BT5 5NT</p> | |

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| <p>Philip William Robinson 30, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT The Owner/Occupier, 32 Cyprus Avenue, Belfast, Down, BT5 5NT Ronnie Baird 32, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT The Owner/Occupier, 34 Cyprus Avenue, Belfast, Down, BT5 5NT The Owner/Occupier, 36 Cyprus Avenue, Belfast, Down, BT5 5NT The Owner/Occupier, 4 Wynfield Court, Belfast, Down, BT5 5NS The Owner/Occupier, Apartment 1, 137 Upper Newtownards Road, Belfast, Down, BT4 3HX The Owner/Occupier, Apartment 2, 137 Upper Newtownards Road, Belfast, Down, BT4 3HX The Owner/Occupier, Apartment 3, 137 Upper Newtownards Road, Belfast, Down, BT4 3HX The Owner/Occupier, Apartment 4, 137 Upper Newtownards Road, Belfast, Down, BT4 3HX The Owner/Occupier, Store, 143 Upper Newtownards Road, Belfast, Down, BT4 3HX Alison Gray</p> | |
| Date of Last Neighbour Notification | 28 th August 2020 |
| Date of EIA Determination | n/a |
| ES Requested | No |
| Drawing Numbers and Title | |
| <p>01 Site Location Plan 06A Apartment Building A Proposed Plans 07A Apartment Building A Proposed Plans 08A Apartment Building A Proposed Elevations 09A Apartment Building A Proposed Elevations 10A Apartment Building B Proposed Plans 11A Apartment Building B Proposed Elevations 20 Tree Survey Proposed Site Layout and Landscaping (Drawing No. 2605/L01F) published on portal 27/08/2020 Proposed Plans Revision B Apartment Building C published on portal 29/07/2020 Proposed Elevations Revision B Apartment building C published on portal 29/07/2020 Proposed Elevations Revision B Apartment building C published on portal 29/07/2020</p> | |