

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15 th February 2022	
Application ID: LA04/2021/0547/F	
Proposal: Demolition of the existing buildings and redevelopment of site for 2 no. commercial units on ground floor; 11 no. 1 & 2 bed apartments; landscaped communal courtyard; and all associated site works.	Location: Lands at 124-126 Lisburn Road Belfast BT9 6AH
Referral Route: Full demolition of main building in a Conservation Area	
Recommendation:	Approve
Applicant Name and Address: PWD Developments Ltd Unit 1 739 Antrim Road Belfast BT15 4EL	Agent Name and Address: TSA Planning Ltd 20 May Street Belfast BT1 4NL
<p>Executive Summary: This application seeks full planning permission for the demolition of no's 124-126 Lisburn Road and the erection of a 3.5 storey building with 2no. commercial units at ground floor level and 11 no. apartments above.</p> <p>A separate application for Demolition Consent runs concurrent with this application reference (LA04/2021/0543/DCA).</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> ●The principle of demolition of the existing buildings and the design and form of the replacement building in the conservation area ●The potential impact on the character of the area and nearby listed buildings ●The potential impact on residential amenity of existing and proposed residents ●Access, movement and parking ●Infrastructure capacity <p>The site is located within the Malone Conservation Area and involves demolition of 2 x two storey buildings. It is not considered that the buildings to be demolished make a material contribution to the Conservation Area and therefore their demolition is acceptable subject to a suitable replacement scheme.</p> <p>The design of the proposed building reflects the traditional features of the street and appearance of the area and the roofline of the proposed successfully merges with that of the adjoining buildings. The proposed replacement scheme would offer an enhancement to Malone Conservation Area. The setting of the nearby listed buildings would be protected. The standard of amenity for existing properties and future occupiers is considered acceptable.</p>	

HED, DFI Roads, Rivers Agency, BCC Environmental Health and BCC Conservation Officer offer no objections to the proposal.

The applicant has engaged with NI Water to resolve the capacity issues to serve the development, a proposal of attenuation to the storm run-off rate has been proposed which indicates there is a solution for the storm and water discharge. NI Water have been reconsulted on additional information submitted by the applicant and their response will be reported as a committee update item.

No representations have been received.

Recommendation

It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the conditions and the completion of a Section 76 Agreement to secure the green travel measures.



Characteristics of the Site and Area

1.0	<p>Description of Proposed Development Demolition of 2 x two storey vacant / derelict buildings. It is proposed to construct a 3.5 storey building with 2 retail units at ground floor level fronting onto the Lisburn Road. An integral courtyard which provides amenity space for the 11no. apartments above the commercial units is proposed. It is to be located to the rear of the commercial units. At first & second floor level - 4 apartments are proposed on each level, 3 of which have an outlook onto the Lisburn Road and 1 no. apartment is to the rear with views of the courtyard -totalling 8 no. apartments. A further 3 no. apartments are to be located in the roof space with outlook onto the Lisburn road. A cover bicycle store and bin area have been incorporated also.</p>
2.0	<p>Description of Site The site comprises of two existing two storey buildings which are currently derelict / vacant. These buildings were previously used as retail / hot food bars. This brownfield site is located within the Malone Conservation Area. It is on an arterial route close to the city centre which is well served by public transport. The surrounding context is made up of a mix of residential, retail and other commercial uses- Queens University, Belfast City Hospital and many pubs, shops and restaurants are within short walking distance. There is a residential mix of terraced dwellings and apartments nearby.</p>

Planning Assessment of Policy and other Material Considerations

3.0	<p>Site History Z/2007/1216/F – Demolition of existing buildings and construction of 2 no hot food bars and 6 no. apartments. Granted November 2008 LA04/2020/0835/PAD – Demolition of existing buildings and development of 2 no. coffee shop/retail units on ground floor; 11 no. 1 & 2 bed apartments; landscaped courtyard; and all associated works. PAD Concluded.</p> <p>Surrounding area</p>
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	Z/2013/1482/F Demolition of existing building and erection of 17 no apartments, associated amenity space and site works (Revised scheme) St Thomas' Hall , 138a Lisburn Road Belfast BT9 Approved September 2015
4.0	Policy / Legislative Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2004, 2015 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
4.3	Strategic Planning Policy Statement NI 2015
	Planning Policy Statement 6 – Planning, Archaeology and the Built heritage. - policy BH14 - policy BH12 - policy BH11
4.4	Planning Policy Statements 7 – Quality Residential Environments -policy QD1
4.5	Planning Policy Statement 3 - Access, Movement and Parking.
4.6	Planning Policy Statement 12 – Housing in Settlements
4.7	Planning Policy Statement 15 – Planning and Flood Risk
4.8	Section 91 of the Planning Act (Northern Ireland) 2011 “In considering whether to grant planning permission for development which affects a listed building or its setting, a Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
4.9	Section 104 of the Planning Act (Northern Ireland) 2011 “Special regard must be had to the desirability of preserving the character or appearance of the Conservation Area or enhancing the character of appearance where an opportunity to do so arises.”
5.0	Statutory Consultees Responses
5.1	DFI Roads have advised green travel measures including 3 year Travel Cards and Belfast Bike Membership should be secured as no parking provision has been made. <u>Officer Response:</u> The amended Travel Plan submitted reflects the offer of Translink Travel Cards (at 100% subsidy for each apartment) for a period of 3 years, at a rate of 1 Travel Card per apartment. Provision of Belfast Bike Membership per Residential Unit for a period of 3no. years. The applicant has agreed to the green travel measures and to enter into a Section 76 agreement to secure these.
5.2	DfI Rivers are satisfied with the drainage assessment submitted and raise no objection to the proposal subject to a condition ensuring submission of a detailed drainage plan indicating how waste water from the development will be managed.

5.3	Historic Environment Division (HED) is satisfied that the proposal will not negatively impact the setting of nearby listed buildings. Design and materials proposed respect the tradition and form of both Grade B1 listed buildings at 130 Lisburn Road and 91 Wellington Park.
5.4	<p>Northern Ireland Water (NIW) - Belfast Waste Water Treatment Works is currently operating above design capacity and new connections are being curtailed. NI Water responded to clarify they can consider the provision of positive planning responses where developers can demonstrate (including calculations):</p> <ol style="list-style-type: none"> 1. Like for like development 2. Extant previously approved development (where NI Water has given a positive response) 3. Where the development will offer a reduced loading on the sewer network, which may include storm separation and/or attenuation (may be subject to Article 154). <p>The applicant has been in discussions with NI Water. In line with the NI Water consultation and the Pre-Development Enquiry (PDE) the developer is designing a system that meets the requirements of Point 1 and Point 3, namely making a connection that includes a 'like for like' development and reducing the biological and hydraulic loading on the sewer network by attenuating the storm runoff rate during a peak flow. There is an existing combined sewer connection to the adopted NI Water sewer network within the/adjacent to the site boundary that currently serves the existing development, and it is proposed to use this same connection point for the new development, in doing so will minimise disruption around the adjacent road network.</p> <p>The above information indicates a solution can be found. NI Water have been reconsulted on additional information submitted by the applicant and their response will be reported as a committee update item.</p>
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – no objection subject to the inclusion of conditions regarding no cooking or reheating food in 2no. commercial units and no centralised combustion plant.
	BCC Conservation Team - It is considered that the proposal is acceptable and compliant with the SPPS and Policies BH14, BH12 and the Malone Conservation Area Design Guide.
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
7.0	Other Material Considerations Belfast Agenda Malone Conservation Area Design Guide Creating Places Living Places Parking Standards
8.0	Assessment
8.1	Principle of Development The site is located on an arterial route within the Malone Conservation Area. The site is part of a shopping/ commercial area zoning and as such retail frontage must be retained. Commercial development with residential above has previously been approved under Z/2007/1216/F in November 2008. Commercial units at ground floor level with residential

	above is in keeping with local development plan designation and is established, so the principle of this development is acceptable subject to the material considerations set out below.
8.2	<p>Demolition in the conservation area</p> <p>The existing buildings to be demolished are generally in poor condition and based on their current appearance and condition and limited value in terms of historic / special interest, they are not considered to positively contribute to the conservation area as confirmed by the consultees including the BCC Conservation Officer and HED who offer no objection to the proposed demolition. Therefore, the presumption in favour of retention is not applicable and the proposed demolition is considered acceptable subject to a suitable replacement in accordance with Policy BH14 of PPS6, paragraphs 6.18-6.19 of the SPPS, Malone Conservation Area Design Guide and Section 104 (11) of the Planning Act (Northern Ireland) 2011.</p>
8.3	<p>Design and impact on the character of the surrounding area including Malone Conservation Area and Setting of Listed Buildings</p> <p>The proposed replacement building is designed so that the front elevation is flush with and the same height as adjacent properties. The proposed front elevation is appropriate in scale, form, materials and detailing. It is sympathetic to the directly adjoining buildings and those in the wider area. Shoulder heights, ridge lines, floor levels, scale and proportions all appear to take direct cues from the existing buildings and sit comfortably within the site. The rear return has been sensitively designed to reduce its bulk and appear subservient. The use of traditional finishes and materials such as natural slate, facing brick, brick coursing, lead and aluminium are all welcomed.</p>
8.4	<p>A Conservation and Heritage Statement along with detailed sections have been submitted in support of the application which demonstrates how the traditional roofscape features of the adjoining historic building assets will be protected. The Council's Conservation Officer is content with the proposed replacement scheme. Overall, the proposal is considered to offer an enhancement to the character and appearance of Malone Conservation Area. On this basis, the proposed demolition is acceptable and a suitable replacement scheme can be secured in accordance with Policies QD1 of PPS7, BH12 and BH14 of PPS6, Malone Conservation Area Design Guide, the SPPS and Section 104 of the Planning Act (Northern Ireland) 2011.</p>
8.5	<p>The application site forms an important part of the existing terrace which falls within the setting of the Grade B1 listed 91 Wellington Park and 130 Lisburn Road. HED have offered no objection to the proposal. It is therefore considered that the proposal would not adversely impact the setting of these listed buildings in accordance with Policy BH11 of PPS6, paragraph 6.12 of the SPPS and Section 91 of the Planning Act.</p>
8.6	<p>Density</p> <p>The development proposed is high density, which is acceptable at this urban location along an arterial route provided the scheme results in a quality residential environment for prospective residents and does not adversely impact on the amenity of existing residents. There is no provision for carparking within the development, however this is considered acceptable in this highly sustainable location with the provision of green travel measures. Provision of amenity space, bicycle parking and bin storage has been included. The proposed density of development is considered acceptable and in keeping with other similar developments along the Lisburn Road</p>
8.7	<p>Layout</p> <p>A 3.5 storey building with 2 retail units at ground floor level fronting onto the Lisburn Road is proposed.</p>

	<p>A paved integral courtyard (area 120sqm) with dedicated seating area and raised planters provides amenity space for the 11no. apartments and is located at ground floor level to the rear of the 2no. commercial units. The level of amenity space meets the recommended standard set out in Creating Places.</p> <p>8.8 At first & second floor level - 4 apartments are proposed on each level, 3 x 1 bedroom apartments which have an outlook onto the Lisburn Road and 1 no. 2 bedroom apartment is to the rear with views of the courtyard -totalling 8 no. apartments. A further 3 no. apartments are to be located in the roof space with outlook onto the Lisburn Road. Floorspace of all apartments in keeping with space guidelines set out in Annex to PPS7 Addendum and direct access from the street. An enclosed covered bicycle store and enclosed bin areas have been incorporated also to the rear of the commercial units.</p> <p>8.9 Outlook / Daylight & Sunlight The case officer initially had concerns regarding the outlook and light for prospective residents, with 2 of the 11 apartments not having outlook onto the Lisburn Road. It is acknowledged that development to the rear can result in poor outlook/light, however in this case the provision of the high quality landscaped courtyard is considered to provide ample open space to result in a pleasant outlook for residents. Precedence has been set for this with a similar form of development nearby with the redevelopment of St Thomas' Church at 138a Lisburn Road (Z/2013/1482/F). This includes an apartment development with no outlook to the street but with a similar internal courtyard.</p> <p>8.10 Daylight and sunlight appraisals have been undertaken, particularly with regard to the 2no. apartments to the rear with no outlook onto the streetscape. Results indicate the level of sunlight and daylight is within acceptable levels for a residential use. On this basis ,it is considered that the proposal will provide an adequate level of amenity for future occupiers in accordance with Policy QD1 of PPS7.</p> <p>8.11 Amenity of existing occupiers The immediate neighbours to the site are in commercial use. The scheme has been sensitively designed with a set in from the side boundaries and reduction in heights of rear returns to ensure that the proposal will not result in an unacceptable harm to the amenity of adjoining properties in accordance with Policy QD1 of PPS7.</p> <p>8.12 Access, Movement and Parking The application is supported by a Transport Assessment Form, Parking Statement and Travel Plan. A zero level of parking has been provided which falls short of the recommended parking standard. However, justification is provided for this reduce standard due to the site's highly sustainable location along an arterial route in close proximity to wide range of local amenities and public transport links which reduces the reliance on the private car. In addition, green travel measures have been proposed as part of the travel plan including 3 year Travel Cards and Belfast Bike Membership DFI Roads have been consulted and consider the proposal acceptable subject to the securing of the green travel measures. On this basis, the proposal is considered acceptable with regards with Policy QD1 of PPS7, PPS3, the SPPS and Draft BMAP.</p>
<p>9.0</p>	<p>Summary of Recommendation: Approval Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.</p>
<p>10 10.1</p>	<p>Conditions 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.</p>

10.2	<p>There shall be no cooking or reheating of hot food permitted within either of the hereby approved ground floor commercial units. Reason: Protection of amenity from adverse cooking odour.</p>
10.3	<p>In the event that unexpected contamination is encountered during the approved development of this site, the development should cease and the applicant should contact the Planning Authority. Investigation of the contamination, risk assessment and, if necessary, remediation work, should be undertaken and verified in accordance with best practice.</p>
10.4	<p>Prior to the occupation of the residential units a verification report shall be submitted for review and for approval in writing by Belfast Planning Service demonstrating that the acoustic mitigation measures as outlined in section 4. 3.7 and Table 2 (façade/windows and ventilation acoustic requirements) section 5.0.4 and section 5.0.5 (sound reduction requirements for floor) and section 4.3.9 (sound reduction requirements for 3rd floor sloped roof and flat roof structure) in the Lester Acoustics Noise Impact Assessment Ref: MRL/1440/L01 dated 12th February 2021 have been implemented to ensure that the internal noise levels within the residential units do not exceed the following internal targets:</p> <ul style="list-style-type: none"> ● 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 acoustic ventilation provided in accordance with current building control requirements; ● 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements; ● Not exceed 45 dB LAm_{ax} for more than 10 single sound event 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; <p>Reason: Protection of human health.</p>
10.5	<p>The combined rating level of external plant and equipment shall not exceed 46dbL_{Ar} when measured at the façade of the nearest proposed residential unit or existing residential or proposed external amenity area with all measurements carried out in line with BS4142:2014 Methods for rating and assessing industrial and commercial sound. Reason: Protection of Residential Amenity</p>
10.6	<p>The commercial units shall not operate between 11pm and 7am not shall any commercial deliveries or collections be made. Reason: Protection of residential amenity.</p>
10.7	<p>Materials shall be: Roof: Natural Slate. Walls: Silver grey facing brick Windows/Doors: Dark grey PPC aluminium RWG: Profiled heavy duty cast aluminium. Dormers: Dark grey roll top lead Shop front: Dark grey PPC aluminium ship signage panels Reason :To respect the character and setting of the listed building and to respect the traditional building materials and techniques found on these buildings, ensuring the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.</p>

10.8	<p>Prior to commencement of any of the development hereby approved, a final drainage assessment, compliant with FLD3 and Annex D of PPS15, and Sewers for Adoption Northern Ireland 1st Edition, including detailing drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval.</p> <p>Reason: To safeguard against flood risk to the development and from the development to elsewhere.</p> <p>Informatives</p> <p>1: The applicant should contact NIW to conclude arrangements and agree the details of wastewater (foul and storm) treatment solution to serve the proposal to ensure appropriate infrastructure is in place to serve the development. Should the waste water treatment solution involve development, submission of a planning application may be required.</p> <p>2: The applicant's attention is drawn to the consultation responses received by the Council in respect of this application. The responses can be viewed at https://epicpublic.planningni.gov.uk/publicaccess/</p> <p>3: 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.</p>
Notification to Department (if relevant): Yes, DCA is required to be referred.	
Representations from Elected members: None	

ANNEX	
Date Valid	30th March 2021
Date First Advertised	9th April 2021
Details of Neighbour Notification (all addresses)	
The Owner/Occupier, 108 Wellesley Avenue,Belfast,Antrim,BT9 6DH	
The Owner/Occupier, 110 Wellesley Avenue,Belfast,Antrim,BT9 6DH	
The Owner/Occupier, 120 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6AH	
The Owner/Occupier, 122 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6AH	
The Owner/Occupier,	

128 Lisburn Road, Malone Lower, Belfast, Antrim, BT9 6AH
The Owner/Occupier,
128 Lisburn Road, Malone Lower, Belfast, Antrim, BT9 6AH
The Owner/Occupier,
1st Floor, 87 Wellington Park, Belfast, Antrim, BT9 6DP
The Owner/Occupier,
85 Wellington Park, Belfast, Antrim, BT9 6DP
The Owner/Occupier,
89 Wellington Park, Belfast, Antrim, BT9 6DP
The Owner/Occupier,
91 Wellington Park, Belfast, Antrim, BT9 6DP
The Owner/Occupier,
Apartment 1, 104 Wellesley Avenue, Belfast, Antrim, BT9 6DH
The Owner/Occupier,
Apartment 2, 104 Wellesley Avenue, Belfast, Antrim, BT9 6DH
The Owner/Occupier,
Apartment 3, 104 Wellesley Avenue, Belfast, Antrim, BT9 6DH
The Owner/Occupier,
Flat 1, 106 Wellesley Avenue, Belfast, Antrim, BT9 6DH
The Owner/Occupier,
Flat 1, 110 Wellesley Avenue, Belfast, Antrim, BT9 6DH
The Owner/Occupier,
Flat 1, 120 Lisburn Road, Malone Lower, Belfast, Antrim, BT9 6AH
The Owner/Occupier,
Flat 1, 83 Wellington Park, Belfast, Antrim, BT9 6DP
The Owner/Occupier,
Flat 2, 106 Wellesley Avenue, Belfast, Antrim, BT9 6DH
The Owner/Occupier,
Flat 2, 110 Wellesley Avenue, Belfast, Antrim, BT9 6DH
The Owner/Occupier,
Flat 2, 120 Lisburn Road, Malone Lower, Belfast, Antrim, BT9 6AH
The Owner/Occupier,
Flat 2, 83 Wellington Park, Belfast, Antrim, BT9 6DP
The Owner/Occupier,
Flat 3, 106 Wellesley Avenue, Belfast, Antrim, BT9 6DH
The Owner/Occupier,
Flat 3, 110 Wellesley Avenue, Belfast, Antrim, BT9 6DH
The Owner/Occupier,
Flat 3, 83 Wellington Park, Belfast, Antrim, BT9 6DP
The Owner/Occupier,
Flat 4, 110 Wellesley Avenue, Belfast, Antrim, BT9 6DH
The Owner/Occupier,
Ground Floor, 87 Wellington Park, Belfast, Antrim, BT9 6DP
The Owner/Occupier,
Ulsterville Presbyterian Church, 139 Lisburn Road, Malone Lower, Belfast, Antrim, BT9
7AG
The Owner/Occupier,
Ulsterville Presbyterian Church, Lisburn Road, Malone Lower, Belfast, Antrim, BT9 7AG
The Owner/Occupier,
Unit 3, 87 Wellington Park, Belfast, Antrim, BT9 6DP

The Owner/Occupier, Unit 4,87 Wellington Park,Belfast,Antrim,BT9 6DP The Owner/Occupier, Unit 6,87 Wellington Park,Belfast,Antrim,BT9 6DP	
Date of Last Neighbour Notification	26th April 2021
Date of EIA Determination	N/A
ES Requested	No