

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 17 January 2023	
Application ID: LA04/2021/0651/F	
Proposal: 6 No. 1 bedroom apartments with associated site amenity space.	Location: Vacant land at corner of Dundela Avenue & Dundela Crescent Belfast BT4.
Referral Route: At the discretion of the Director of Planning and Building Control in view of the balanced consideration of the issues.	
Recommendation:	Approval
Applicant Name and Address: Mr Richard Acheson 104A Circular Road Belfast BT4 2GF	Agent Name and Address: M C Logan Architects 49 Belmont Road Belfast BT42AA
<p>Executive Summary:</p> <p>This application seeks full planning permission for 6No. 1-bedroom apartments with associated site amenity space at the junction of Dundela Avenue and Dundela Crescent.</p> <p>The site comprises a vacant parcel of land of approximately 0.03 hectares. The site has a sloping topography from Dundela Avenue down towards Wilgar Park football ground to the rear of the site.</p> <p>The key issues in the assessment of the proposed development are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the area • Impact on residential amenity • Impact on traffic and parking • Impact on flood risk and sewage infrastructure <p>The application has been neighbour notified and advertised in the local press. Three letters of objection have been received. The objections related to the following issues:</p> <ul style="list-style-type: none"> • Over development of the site • Road and Pedestrian Safety, Parking Concerns <p>The objections are addressed in full in the main report.</p> <p>DFI Roads and Environmental Health have been consulted and offer no objection to the proposal. NI Water were consulted and object to the proposal due to the sewer network being at capacity. DAERA NIEA and SES have been consulted on this issue and their responses are awaited.</p> <p>The site is located within the development limit of Belfast and is located on un-zoned white land within both the BUAP and dBMAP. The principle of development is considered acceptable.</p>	

Whilst the density of the proposed development would be high and the apartments located on a tight and confined site, on balance, the proposal would be in keeping with the character and appearance of the area, including the similar apartments with extant permission on the adjacent land to the east.

The design of the apartments is considered acceptable. Satisfactory amenity space would be provided.

Whilst the proposal would not provide any in-curtilage parking, a parking survey has been provided which DfI Roads finds acceptable. DfI Roads offers no objection to the proposal.

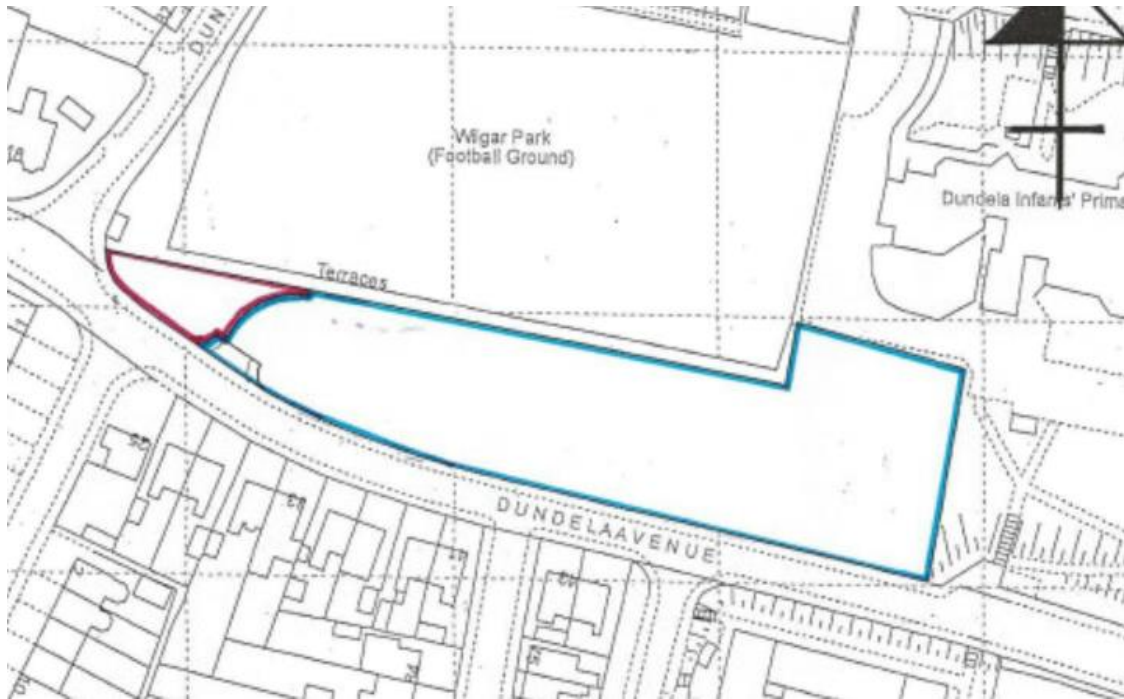
Recommendation

Having regard to the development plan, relevant policy context and other material considerations including the representations, the proposed development is, on balance, considered acceptable. It is recommended that full planning permission is granted subject to conditions and no objection from DAERA NIEA and SES.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.

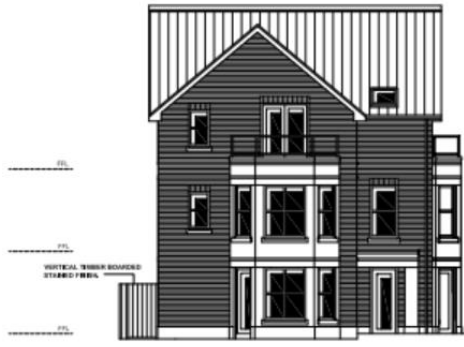
Case Officer Report

Site Location Plan





EAST FACING ELEVATION
(TO COMMUNAL GARDEN)



DUNDELA CRESCENT ELEVATION



EXTERNAL FINISHES -
ALL TO MATCH ADJOINING DEVELOPMENT.
WALLS - BRICK / SMOOTH PAINTED RENDER,
WINDOWS & DOORS - uPVC,
ROOF - GREY SLACK T.E.S.,
RAINFALL GOODS - uPVC.

PROPOSED DEV
SITE AT CORNER
& DUNDELA CRI
BELFAST BT4

PROPOSED ELE
1:100 Scale @ A1

M C LOGAN ARCHIT
49 BELMONT ROAD
BELFAST BT4 1BA



CONCEPT STATEMENT.

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application seeks full planning permission for the erection of 6 x 1 bedroom apartments with associated site amenity space located on a vacant parcel of land approx. 0.03 hectares. The apartment block would be 3 storey and finished with a mixture of red brick and white render. Private amenity space would be provided within the development.
2.0	Description of Site
2.1	The application site is a vacant parcel of land at corner of Dundela Avenue & Dundela Crescent. The site is bound to the north by Dundela Park Football Ground and vacant land to the east. Dundela Avenue is located to the south of the site, with residential properties located on the opposite side of the road. The site being situated lower than the road with the topography sloping steeply away from the road towards Wilgar Park at the rear.
2.2	The surrounding area is defined primarily by residential development, with a mix of semi-detached dwellings and apartments characterising the area.
Planning Assessment of Policy and other Material Considerations	
3.0	Relevant Site History
3.1	Z/2004/0133/O – residential development of 17no apartments – approved in January 2008 by the PAC.
3.2	Z/2014/0271/F – housing development for 23 apartments across 5 blocks with a new access created to Dundela Avenue with associated site works – approved in June 2016 by the PAC. The permission was subject to a Section 76 planning agreement which secured a Financial Developer Contribution towards improvements to the adjacent football club. <i>Note: Outline permission was allowed on appeal. An amended scheme was submitted at Planning Appeal. The appellant requested that the application was changed to an outline proposal, seeking only permission in principle at this stage. The application site originally included the subject application site, however, at appeal it was removed therefore it did not form part of that approved site.</i>
3.3	LA04/2016/2291/RM – reserved matters application for erection of 22 apartments across 3 blocks (4 storey buildings) with a new access to Dundela Avenue and associated site works including boundary wall and fence as per Section 76 planning agreement – approved July 2017. <i>(Note: the approved scheme excludes the subject application site)</i>
3.4	LA04/2018/2285/F – proposed minor changes to floor plans and elevations of Blocks B & C of approved apartment development, permission Ref. LA04/2016/2291/RM, to include the provision of a new entrance door to Block C and pedestrian access from Dundela Avenue – approved January 2019.
3.5	LA04/2019/0356/F – reconfiguration of Block A of LA04/2016/2291/RM, to provide 12No. apartments from previously approved 8, and associated adjustments to approved elevations and site layout – approved June 2019.
3.6	LA04/2017/2407/F Lands Opposite Dundela Flats 47 Dundela Avenue – proposed 12 No. apartments in one block with associated car parking & landscaping. Proposal to be accessed from both Dundela Avenue & private road serving adjacent apartment development with planning Permission ref. LA04/2016/2291/RM – approved June 2018.

3.7	LA04/2019/1478/F Lands opposite 47 Dundela Avenue – proposed reconfiguration of approved block of 12no. apartments. Planning permission ref LA04/2017/2407/F, to provide 16no. apartments and associated adjustments to approved elevations. Proposal to be accessed from both Dundela Avenue and private road serving adjacent apartment development with Planning Permission ref. LA04/2016/2291/RM – approved February 2021. <i>Wider area:</i>
3.8	Z/2014/0135/F – new artificial football pitch, 24 floodlights on 6 x 15m columns, 5 stands, perimeter fencing and associated ground works. New two-storey clubhouse incorporating bar, changing facilities, kickboxing club with community use area to replace existing single-storey building – approved January 2015.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004)
4.3	Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.4	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
4.5	<ul style="list-style-type: none"> • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3: Access, Movement and Parking • Planning Policy Statement 7: Quality Residential Environments • Planning Policy Statement 7 Addendum: Safeguarding the character of Established Residential Areas • Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation • Planning Policy Statement 12: Housing in Settlements • Planning Policy Statement 15: Planning and Flood Risk
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection subject to condition relating to cycle parking provision. NI Water – Objection due to the sewer network being at capacity in the Holywood catchment DAERA NIEA and SES – awaited
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection subject to conditions

7.0	Representations
7.1	<p>The application has been neighbour notified and advertised in the local press. Three letters of objection have been received. The objections related to the following issues:</p> <ul style="list-style-type: none"> • Over development of the site • Road and Pedestrian Safety, Parking Concerns
7.2	In response to these concerns, the issue of overdevelopment of the site has been addressed below when assessing the design and density of the development.
7.3	DFI Roads has been consulted on the Parking Survey that was submitted with the application and are content that it demonstrates there is sufficient parking within the surrounding area to ensure the development will not cause any road safety or parking provision concerns.
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposed development are:</p> <p>Principle of Development</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the area • Impact on residential amenity • Impact on traffic and parking • Impact on flood risk and sewage infrastructure
9.2	<p>Development Plan Context</p> <p>The Belfast Urban Area Plan 2001 (BUAP) is the statutory development plan for the area. The adopted Belfast Metropolitan Area Plan 2015 (both versions) (dBMAP) is a material consideration.</p>
9.3	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.
9.4	<p>Section 6 (3) of the Planning Act for Northern Ireland 2001 states:</p> <p><i>'If to any extent a policy contained in a local development plan conflicts with another policy in that plan the conflict must be resolved in favour of the policy which is contained in the last development plan document to be adopted or, as the case may be, approved'.</i></p>
9.5	The adopted Belfast Metropolitan Area Plan 2015 (dBMAP) has been quashed as a result of a judgement in the Court of Appeal in May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP remaining a material consideration. It is considered that significant weight should be given to the latest version of dBMAP (v2014), given its advanced stage in the adoption process (save for retail policies relating to Sprucefield, which remain contentious).
9.6	The SPPS places emphasis on supporting good design and positive place making. It also advises that new housing developments should respect the local character and environmental quality as well as safeguarding amenity of existing residents. The SPPS aims to promote

	<p>more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements.</p> <p>Principle of development</p>
9.7	<p>The application site is undeveloped land to the east of the junction of Dundela Avenue and Dundela Crescent. A previous appeal was granted on the adjacent land under reference Z/2004/0133/O and Z/2014/0271/F. There have been a number of subsequent applications on the adjacent site which now has extant permission for a total of 42no units.</p>
9.8	<p>The site is within the development limit of Belfast but is not zoned with the BUAP or within either version of dBMAP.</p> <p><i>Loss of Open Space:</i></p>
9.9	<p>Officers initially advised the applicant of concerns that the proposal would result in the loss of open space, contrary to PPS 8, the site forming part of the original grounds of the adjacent Dundela Football Club. The applicant provided a rebuttal to these concerns in May 2022.</p>
9.10	<p>Annex A of PPS 8 states that open space is taken to mean all open space of “public value”. It is considered that the application site, which is relatively small wedge of land and which has been left as a result of the previous approvals on the wider site, offers no discernible public value. The site is currently fenced off with a steep gradient sloping down and away from Dundela Avenue.</p>
9.11	<p>Due to the topography of the site, the fencing that partially encloses the site and its visual appearance, it is considered that the site has no visual amenity value. The site is overgrown and unkept and is considered visually detrimental to the surrounding residential area.</p>
9.12	<p>The site does not meet any of the typologies that form the definition of open space within Annex A of PPS8. It is also considered pertinent that there was no requirement as part of the planning permission granted at appeal for 23 apartments on the adjacent land (Z/2014/0271/F) for the applicant to provide the application site as landscape, open space or amenity space associated with that development. There is currently no compulsion for the applicant to bring forward the application site as open space.</p>
9.13	<p>It is therefore considered that Policy OS1 of PPS 8 is not applicable in this instance. On this basis, the principle of development is considered acceptable subject to other material considerations assessed below.</p>
9.14	<p>It is also relevant that the adjacent permission for 23 apartments, granted at appeal, secured improvement works to Dundela Football Club to the value of £84,720. The improvement works were required to be carried out within six months of the grant of planning permission. The purpose of the Developer Contribution was to mitigate the loss of the open space on the adjacent land. The improvements included:</p> <ul style="list-style-type: none"> • Removal of existing fence to pitch, dugouts and concrete terrace • Earthworks to remove the slope area where the terrace has been removed • Provision and installation of an 87 metre retaining wall along the boundary of the application site • Associated works to level the ground adjacent to the retaining wall • Construction a concrete standing and dugout area of least 17 metres wide • Provisional of two pre-fabricated dugouts

	<ul style="list-style-type: none"> Provision and installation of NK fence at least 2.4 metres high with double gates and pedestrian gate
	<p>Impact on character and appearance of the area</p>
9.15	<p>It is acknowledged that there is extensive planning history on the adjacent site which has established the introduction of similar apartment blocks along this section of Dundela Avenue. It is therefore considered that an apartment block of this scale in the proposed location would generally be in keeping with the character and appearance of the surrounding area, including the three-storey block of apartments on the opposite side of the junction of Dundela Avenue and Dundela Crescent to the west.</p>
9.16	<p>Across the wider development, including the apartments proposed by the current application, there would be a total of 48 units within a site area of 0.4 hectares, resulting in a density of 120 dwellings per hectare (dph). The density of the 4 blocks of apartments with extant permission on the adjacent site would be 113 dph. The density of the proposed 6no apartments on the application site would be 200dph. Whilst the site is quite tight and the proposed density higher than that found in the currently established residential area, having regard to the surrounding context including the extant permissions for the apartments on the adjacent land, the proposed development is considered on balance acceptable.</p>
9.17	<p>The applicant provided a contextual elevation illustrating the proposed development set against the adjacent approved apartment blocks. This demonstrates that as the ground level falls along Dundela Avenue towards Dundela Crescent the roofline height of the proposed apartment block is in keeping with those adjacent and as such it is considered that the height of the proposed blocks is acceptable in the context where it faces on to Dundela Avenue.</p>
9.18	<p>The proposed materials include brick and render finishes which replicate materials already in use in the area and are acceptable. The building is similar to the bulk, scale and massing of adjacent approved apartment blocks. This will ensure a continuance of design throughout the whole development and will ensure the apartment block will viewed as part of the overall development within the wider site.</p>
9.19	<p>Overall, and on balance, it is considered that the proposal complies with PPS 7.</p>
	<p>Impact on residential amenity</p>
9.20	<p>The proposed development has been designed to meet the prevailing space standards set out in Annex A of the PPS 7 Addendum. The outlook from all apartments ranges from views across the football grounds to the rear, across Dundela Avenue and landscaped areas.</p>
9.21	<p>It is considered that the proposed buildings will not have a detrimental impact on the general amenity of neighbouring residents. Criterion (h) of Policy QD 1 (PPS 7) states that a proposed layout should not create conflict by overlooking between proposed and/or existing properties. There are no issues with overlooking pertaining to the proposed development due to the separation distances between the proposed block and the buildings across the opposite side of the road along Dundela Avenue and between the proposed block and the adjacent approved block to the east. The position of the proposed development relative to the direction of the sun would mean that there would be no unacceptable loss of light to existing residents.</p>
9.22	<p>The proposed layout indicates private patios to the front and side of the two ground floor apartments and two communal shared gardens to the eastern and western extremities of the site; given these are to the side and front they are not considered to offer private space. However, it is acknowledged that a similar arrangement is approved for the adjacent apartment blocks. The amenity space provided equates to 20sqm of amenity space per apartment, which is above the minimum provision of 10sqm within <i>Creating Places</i>. Overall,</p>

	the private and communal space combined amounts to a sum in excess of the recommended guidance for apartments.
9.23	Environmental Health was consulted on additional information that was submitted relating to noise and light concerns. Environmental Health is content with the proposal and offer no objection subject to a condition
9.24	<p>Impact on traffic and parking</p> <p>The development proposes to utilise the same access as that which serves the adjacent apartment approved. It also includes two pedestrian accesses on to Dundela Avenue. There is no dedicated car parking provision proposed. A Parking Survey has been submitted and DfI Roads have accepted there is sufficient capacity in the surrounding area. Bicycle storage is indicated to the rear of the block and a condition is recommended with respect to provisions of same. DfI Roads has confirmed that the issues raised by objectors have been considered. There is no objection with respect to compliance with PPS 3.</p>
9.25	<p>Impact on flood risk and sewage infrastructure</p> <p>NI Water objects to the application, advising that there is a public foul sewer located within Dundela Avenue, however, due to the sewer network being at capacity in the Hollywood catchment and sewer flows spilling from CSOs into the environment, it recommends that no further connections should be made to this network or a condition should be incorporated which requires an alternative drainage/treatment solution for the proposed site. Furthermore, NI Water advises that there is insufficient wastewater treatment capacity to support the proposed development. The public system cannot presently serve the proposal without significant risk of environmental harm. NI Water states that it has no plans within its current investment cycle to upgrade the wastewater system in this drainage area and is recommending connections to the system are curtailed.</p>
9.26	NI Water has advised the applicant to engage directly with it to ascertain whether an alternative drainage/treatment solution can be agreed. However, no supporting data or information to evidence NI Water's concerns have been provided. There are a significant number of extant and un-implemented planning permissions across the city for housing, commercial and other uses including over 20,000 new homes and significant levels of un-implemented commercial floor space. Given NI Water's duty to connect to those developments and that it has not provided detailed evidence to support its precise objection to this particular application, it would be unreasonable for the Council to refuse planning permission on these grounds.
9.27	The Council has consulted with DAERA NIEA and SES on whether it has concerns about substandard waste-water infrastructure. These consultations are outstanding; neither are expected to object and may recommend a condition requiring the provision of appropriate foul and surface water drainage. This recommendation is therefore subject to the consultation responses from DAERA NIEA and SES. If either object to the application, then the application will be reported back to Planning Committee.
9.28	<p>Recommendation:</p> <p>Having regard to the development plan, relevant policy context and other material considerations including the representations, the proposed development is considered, on balance, to be acceptable. It is recommended that full planning permission is granted subject to conditions and no objection from both DAERA and SES. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>
10.0	Summary of Recommendation: Approval with conditions

11.0 DRAFT CONDITIONS

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. All external facing and roofing materials shall be carried out as specified on the approved plans.

Reason: In the interests of the character and appearance of the area

3. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

4. The development shall not be occupied unless the approved Noise Mitigation Strategy has been implemented in accordance with the approved details and shall thereafter be retained as such at all times.

Reason: To safeguard the amenity of occupants of the development. Approval is required upfront because the mitigation scheme may be integral to the overall design of the development.

5. The development hereby approved shall not be occupied or operated unless details of covered bicycle storage have been submitted to and approved in writing by the Council. The development shall not be occupied or operated unless the covered bicycle storage has been provided in accordance with the approved details and shall thereafter be retained in accordance with the approved details.

Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel.

Informatives

1. This decision relates to the following approved drawing numbers:

Site Location Plan_001
 Site Layout or Block Plan_002
 Proposed Floor Plans_002
 Proposed Floor Plans_001
 Proposed Elevations_001

Notification to Department (if relevant) N/A
Representations from Elected members: N/A
Neighbour Notification Checked: Yes

ANNEX	
Date Valid	15 th March 2021
Date First Advertised	25 th March 2021
Date Last Advertised	25 th March 2021
Date of Last Neighbour Notification	31 st March 2021
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
Drawing Nos. 01 - 06 Type: Site Location Map, Existing Site Plan, Proposed Block Plan, Proposed Site Plan, Proposed Elevations, Proposed Plans.	