# Development Management Officer Report Committee Application

Summary		
Committee Meeting Date: 17 January 2017		
<b>Application ID:</b> LA04/2015/1310/F		
Proposal Construction of seven houses and two apartments with associated car parking and landscaping.	Location 263-287 Beersbridge Road, Belfast	

#### **Referral Route:**

The application is for more than four residential units.

Recommendation:	Approval
Applicant Name and Address:	Agent Name and Address:
Choice Housing	Turley Associates
Leslie Morrell House	Hamilton House
37-41 May Street	3 Joy Street
Belfast	Belfast
BT1 4DN	

## **Executive Summary:**

The application seeks the construction of seven houses and two apartments with associated car parking and landscaping.

The main issues to be considered in this case are:

- Planning history on the site
- Land zoned for social housing
- Contamination
- Drainage
- Setting of Listed Building
- Design
- Provision of a quality residential environment by way of density, layout, space standards, dominance, overlooking, amenity space
- Parking and Access

The site located at Beersbridge is located on land zoned for social housing in BMAP (EB 04/13 - between Woodlee Court and Elmgrove Primary School), and adjacent to Avoniel Local Landscape Policy Area BT 087. The LLPA incorporates the listed buildings (Elmgrove Primary School and the Caretaker's House – 287a Beersbridge Road). The proposal has been assessed against the SPPS, Planning Policy Statement 3, 6, 7, Addendum to 7, 12 and guidance - Creating Places, DCAN 8 and 15.

This site was refused planning permission (Z/2014/1491/F) in 2015 for the construction of ten dwellings as the proposal was contrary to PPS 1 General Principles, PPS 7 Quality Residential Environments (a) and (c), and Development Control Advice Note 8, as it would result in the unacceptable damage to the local character and context and an undesirable living environment due to an unsatisfactory site layout, and inadequate provision of private open space.

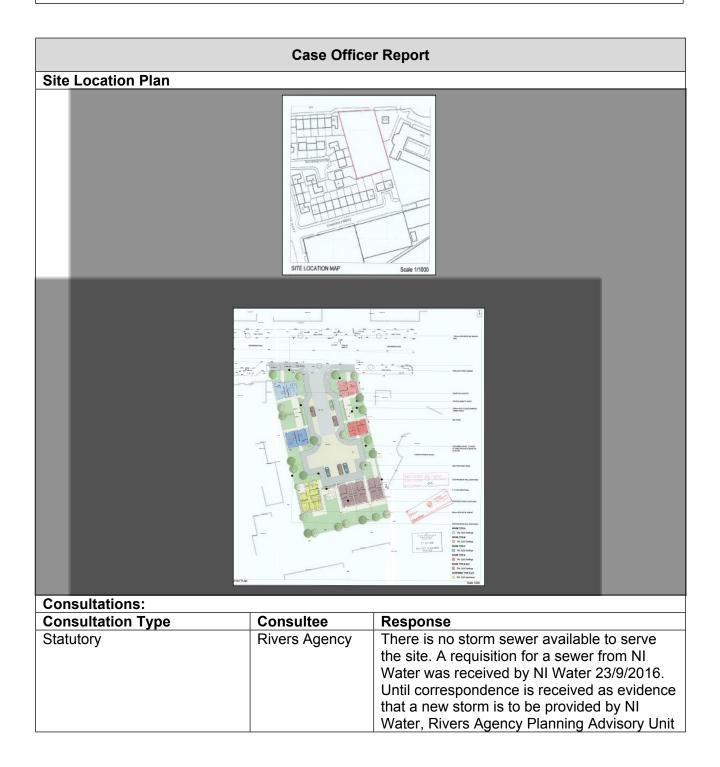
This planning application has satisfactorily addressed the issues from planning application

#### Z/2014/1491/F.

All statutory consultees offer no objection in principle to the proposed development. A negative condition will be attached to ensure a surface water drainage scheme is agreed by Belfast City Council prior to development.

There were no representations to this planning application.

Having regard to the policy context and other material considerations above, the proposal is deemed to be acceptable and recommended for approval.



			must withhold approval. It is noted that the P1 form with this application states discharge to the "Mains Sewer", however no such surface water sewer exists at present to serve the site.  Due to limited capacity and historic flooding of the existing drainage network system in the Connswater system, it is recommended that Storm Water discharge run-off rates	
			should be limited to that of the Pre- Development rate with no increase in discharge from the present rate.	
Statutory	NI Wate	er	No objection	
Non Statutory	Belfast Council	City	The proposed development requires remediation for human health due to	
	Environ Health	imentai	identified lead compounds therefore conditions are requested for the submission of a verification report prior to occupation.	
Statutory	Transpo	ort NI	No objection subject to conditions and informatives	
Statutory	NIEA H Building	gs Unit	No objection	
Statutory	NIEA W Manage Unit		Proposal has the potential to adversely affect the surface water environment	
Statutory	NIEA W Manage		No objection	
Non-Statutory	Belfast Council and Neighbo Departr	– City ourhood	No objection	
Representations:	•			
Letters of Support		None Received		
Letters of Objection		None Received		
Number of Petitions of Objection and signatures		No Petitions Received		
representatives	Representations from Elected None		ceived	
Characteristics of the				
1.0 Description of	-	-		
	The proposal seeks the construction of seven (two storey) houses and two apartments with associated car parking and landscaping.			
2.0 Description of	Description of Site and Area			
Court and Elmg brick wall, with a	The site is zoned for social housing, located on the Beersbridge Road, between Woodlee Court and Elmgrove Primary School. It is currently a flat disused site, enclosed by a red brick wall, with a service road through the centre of it. Adjacent to the south and west is Woodlee Court, and Fashoda Street residential areas, with Elmgrove Primary School to the east.			
2.2 The site is a trace	The site is a traditional inner city location with a mix of high density residential properties,			

industrial and institutional land uses. It is in close proximity to the Avoniel Local Landscape Policy Area (BT 087) which incorporates the listed buildings of Elmgrove Primary School, the Caretaker's House at 287a Beersbridge Road, and the public open green space with footpaths and the Conn's Water river corridor.

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

## 3.0 Site History

- In 2009 planning permission was granted (Z/2006/1107/O) for the refurbishment and extension of the existing school buildings (Elmgrove Primary School), including Nursery School (single storey), new school dining & kitchen facilities (single storey), main hall extension, formation of a new vehicular access from Beersbridge Road, improvement of car parking facilities, and new landscaping and site works. In 2002 outline planning permission was granted (Z/2002/0866/O) for a residential development.
- In 2014 a Pre-Application Discussion (Z/2014/1116/PREAPP) was held for the construction of ten social housing dwellings, with associated landscaping and car parking. A subsequent planning application Z/2014/1491/F was refused in 2015 as it would result in the unacceptable damage to the local character and context and an undesirable living environment due to an unsatisfactory site layout, and inadequate provision of private open space.

# 4.0 Policy Framework

- Belfast Metropolitan Area Plan 2015, site is located within the development limits of Belfast (Designation BT 001). The relevant policy is SETT 2, Development within the Metropolitan Development Limit and the Settlement Development Limits
  - Allocation HOU1 Housing
  - Site Zoned for Social Housing EB 04/13, Site between Woodlee Court and Elmgrove Primary School
  - Strategic Planning Policy Statement for Northern Ireland (SPPS)
  - Planning Policy Statement 3 Access, Movement and Parking
  - Planning Policy Statement 6 Planning, Archaeology and the Built Heritage
  - Planning Policy Statement 7 Quality Residential Environments
  - Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas
  - Planning Policy Statement 12 Housing in Settlements
  - Supplementary Planning Guidance Creating Places
  - Supplementary Planning Guidance Parking Standards
  - Development Control Advice Note 8 Housing in Existing Urban Areas
  - Development Control Advice Note 15 Vehicular Access Standards

#### 5.0 Statutory Consultee Responses

• Rivers Agency – There is no storm sewer available to serve the site. A requisition for a sewer from NI Water was received by NI Water 23/09/16. Until correspondence is received as evidence that a new storm is to be provided by NI Water, Rivers Agency Planning Advisory Unit must withhold approval. It is noted that the P1 Form with this application states discharge to the 'Mains Sewer', however no such surface water sewer exists at present to serve the site. Due to limited capacity and historic flooding of the existing drainage network system in the Connswater System, it is recommended that Storm Water discharge run-off rates should be limited to that of the Pre-Development rate with no increase in discharge from the present rate.

**Transport NI** – No objection subject to conditions and informatives NI Water – No objection subject to informatives **NIEA Waste Management –** No objection subject to conditions and informatives NIEA Historic Buildings Unit - No objection NIEA Water Management Unit - Proposal has the potential to adversely affect the surface water environment 6.0 Non Statutory Consultee Responses **Belfast City Council Environmental Health** – The proposed development requires remediation for human health due to identified lead compounds, therefore conditions are requested for the submission of a verification report prior to occupation. Belfast City Council, City and Neighbourhood Department - No objection 7.0 Representations 7.1 There was one letter of response from RSPB in respect of this planning application requesting consideration be given to integrating nesting opportunities into the development for The Common Swift (Apus apus). 8.0 **Other Material Considerations** None 9.0 Assessment 9.1 The application site is located within the settlement development limits of Belfast, on land zoned for social housing (in BMAP) and adjacent to a listed building. 9.2 The key issues in this planning application are: planning history on the site land zoned for social housing contamination drainage setting of the Listed Building design provision of a quality residential environment by way of density space standards dominance overlooking amenity space parking and access Strategic Planning Policy Statement for Northern Ireland 9.3 The purpose of planning is to prevent proposals which would unacceptably affect amenity and the existing use of land. Planning authorities are guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. **Planning History** 9.4 This site was refused planning permission (Z/2014/1491/F) in 2015 for the construction of ten dwellings as the proposal was contrary to PPS 1 General Principles, PPS 7 Quality

Residential Environments (a) and (c), and Development Control Advice Note 8, as it would result in the unacceptable damage to the local character and context and an undesirable living environment due to an unsatisfactory site layout, and inadequate provision of private open space.

## **Zoned Land for Social Housing**

9.5

In the adopted Belfast Metropolitan Area Plan the site was zoned for social housing, therefore the principle of housing at this location is acceptable. However in adherence with Planning Policy Statement 7 and 12, Development Control Advice Note 8, and Creating Places planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design of house types and other buildings, the relationship between them, their relationship to streets and the spaces created around them will all strongly influence the character of the overall site and its surroundings and contribute significantly to the quality and identity of the new residential environment.

#### Contamination

9.6

Belfast City Council Environmental Health Service was consulted on a Preliminary Risk Assessment, Environmental Site Assessment and Generic Quantitative Risk Assessment and a Remedial Strategy submitted by the applicant. The three submissions determined that the proposed development requires remediation for human health due to identified lead compounds in the soil. On the basis of the information submitted and in the event of planning permission being granted approval Environmental Health Service have requested the imposition of conditions requesting a verification report to be submitted prior to the occupation of the development. The verification report is to demonstrate that the site is fit for residential habitation.

## Drainage

9.7

The Strategic Flood Map (NI) indicates that the site does not lie within the 1 in 100 year (200 year coastal) fluvial flood plain. In principle, Rivers Agency would have no specific reason to object to the proposed development from a drainage or flood risk perspective. However, there is no storm sewer available to serve the site and the developer must requisition a sewer from NI Water. A negative condition will be attached to ensure that prior to development a surface water drainage scheme has been submitted to and approved in writing by Belfast City Council.

#### **Setting of the Listed Building**

9.8

The application site is adjacent to a building (Elmgrove Primary School) which is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011. NIEA Historic Buildings Unit has considered the impacts of the proposal on the listed building and on the basis of the information provided advises that they are content with the proposal without conditions. As such the proposal is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of PPS 6.

#### Design

9.9

PPS 7 Policy QD1 (g) states that the design of the proposed development should draw upon the best form, detailing and materials. This site is not located within an Area of Townscape Character or a Conservation Area. The external materials proposed include brick walls, blue/black roof tiles, upvc rainwater goods and upvc/timber double glazed windows (opaque WC and bathrooms) and doors. The proposed materials are in

adherence with the predominant form in the immediate vicinity.

#### **Residential Environment**

9.10

- Density In accordance with PPS 7 Policy QD1 (a) and DCAN 8 care must taken to respect the surrounding context and intensifying the massing of buildings can negatively affect the local character. Residential land use in the immediate vicinity of the Beersbridge Road is high density in nature with traditional terrace rows, and more modern re-development schemes. As such the proposed density of the development is applicable to the surrounding context, and is in compliance with Policy LC1 (a) of PPS 7 Addendum.
- **Layout** PPS 7 Policy QD1 (a) states that proposals must respect the surrounding context by way of an appropriate layout. The proposed development seeks two apartments and seven townhouses sited along the boundary walls of this rectangular site, with the access road (with hammer head) dominating the centre of the development. The proximity of two townhouses and the two apartments positioned 20cm from the boundary wall (2.2m in height) will require an assessment of the potential for dominance/loss of light (assessed in the next bullet point) on existing properties in Woodlee Court. House Type C and D (in the middle of the site) have no forward looking outlook towards the main Beersbridge Road, instead looking towards the rear of the site (where the two apartments and three townhouses are to be positioned). The rear amenity space of House Type C and D is to be enclosed by the existing boundary wall of the site, a 1.8m high close boarded fence and another wall fronting the access drive (from Beersbridge Road). As such the residents of these two properties could have an enclosed feeling due to the orientation and position of the properties. Similarly the two apartments have the proposed living area facing the rear boundary wall of the site, affording residents a poor outlook. The only proposed properties with a forward orientated outlook are the two properties fronting Beersbridge Road (they maintain the building line of Beersbridge Road) and the three townhouses at the rear of the site. However in assessing the development in the context of the existing properties in the immediate vicinity the proposed layout and outlook is not dissimilar and as such must be considered acceptable.
- Space Standards As this area is an established residential area the addendum to PPS 7 is applicable. Therefore the space standards in Annex A are appropriate in judging an acceptable minimum standard of living. The proposed development of two (two storey) five person-three bedroom houses, five (two storey) three person-two bedroom houses, and two (three person-two bedroom) apartments meets the stipulated space standards in Annex A.
- Dominance The separation distance between House Type C and rear of 4 Woodlee Court is 8m. Separation distances in the adjacent Woodlee Court are commonly in excess of ten metres in back to back premises. The relationship with the property at 4 Woodlee Court is deemed to be acceptable as (4 Woodlee Court) it has a sizeable amount of private amenity space to the side and rear that is in contrast to the majority of properties. The proposed separation distance between the apartment block and 8 Woodlee Court has been increased from the initial submission. It has been reconfigured so that the separation distance is now nine metres. The section of the apartment block closest to the boundary wall has a ridge height that is 1.1m lower that the main portion of the building. As such there is unlikely to be a significant degree of dominance or loss of light suffered by the residents of 8 Woodlee Court. No issues of dominance arise between the

proposed properties along the eastern boundary and Elmgrove Primary School. Separation distances between the proposed properties in this development are considered acceptable and commensurate with the immediate vicinity. The design and layout of this proposed development will not create conflict with adjacent properties or between proposed dwellings by way of loss of light and overshadowing – Policy QD1 of PPS 7 (h).

- Overlooking An amended site layout (01A) has combined the proposed separate amenity space for both apartments. The proposed communal amenity space is acceptable for such developments as stipulated in Creating Places. As such there will be no issue with overlooking as would have been the case with two separate amenity plots per apartment. The separation distances between the proposed dwellings (within the development) will not cause conflict through overlooking. The relationship between the proposed dwellings and existing dwellings at Woodlee Court will not be an issue despite the close proximity as there are no windows (living space) on those elevations facing Woodlee Court. There is a satisfactory separation distance between the proposed dwellings along the rear boundary and existing properties on Fashoda Street to alleviate overlooking. Therefore the proposed development will not result in conflict between residents of the proposed and existing properties due to overlooking Policy QD1 of PPS 7 (h).
- Amenity Space In adherence to PPS 7 Policy QD1 (c) provision of adequate amenity space is required. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area. The proposed site includes a selection of trees (birch, Hawthorn, Hornbeam, Maple, Sorbus and White Beam) and planting along exposed front boundary walls that will help to soften the dominance of hard standing. Appropriate amenity space is also expounded upon in Planning Policy 12 Planning Control Principle 2 Good Design, and in DCAN 8 Housing in Urban Areas. The latter states that providing appropriate garden and amenity open space in housing layouts should seek to achieve continuity of fronts and backs. The neighbouring Woodlee Court and Fashoda Street development has provided those dwellings with predominantly front and rear amenity space therefore this should be replicated on this application site. In high density locations Creating Spaces stipulates a minimum range of 10-30sgm per residential unit, which has been significantly exceeded in this proposal. The previous planning application (Z/2014/1491/F) failed to provide a clearly defined front and rear amenity space, instead utilising side gardens. Corresponding to the front and rear elevations (assessed by the location of front and back doors) of the proposed houses, amenity space has been provided that equates to the front and rear. The amount of bin space provided has been deemed as acceptable by Belfast City Council - City and Neighbourhood Department.

## **Parking and Access**

PPS 3 Policy AMP 7 (Car Parking and Service Arrangements) stipulates that adequate provision for car parking should be facilitated that does not prejudice road safety or significantly inconvenience the flow of traffic. There are nine proposed car parking spaces provided equating to a ratio of 1 parking space pert6 property. This parking provision is acceptable as the location is highly accessible (close to the city centre) and well served by public transport. A Parking Survey was submitted demonstrated that there is adequate reserve parking capacity existing in the vicinity of the proposed development. In

9.11

adherence with PPS 7 Policy QD1 (f) a movement pattern that supports walking and cycling has been facilitated. The scheme is for social and affordable housing therefore the level of car ownership is likely to be lower. Transport NI offer no objection to the proposed development. As such the proposal is compliant with PPS 3 and DCAN 15.

#### 9.12 Conclusion

The application is similar in nature to Z/2014/1491/F which was refused planning permission in 2015. The principle of housing in this location is acceptable given that the site has been zoned for social housing in BMAP. As the issues pertaining to a quality residential environment have now been satisfactorily dealt with in this planning application it is deemed to be acceptable. Having regard to the policy context and other material considerations above, the proposal is considered to be acceptable and planning permission should be permitted.

# 10.0 Summary of Recommendation

Approval

#### 11.0 Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

2. Notwithstanding the provisions of Article 3 Part 1 Classes A, B, C, D, E, and I, Part 2 Classes C, D and F, and Part 3 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any legislation revoking that Order and re-enacting those provisions) no development shall take place within the curtilage of the dwellings hereby approved, including the formation of vehicular/pedestrian accesses, without the written permission of Belfast City Council.

Reason: To preserve the integrity of the design and layout of the development and in the interests of residential amenity.

- 3. The materials to be used in the construction of the external surfaces of the dwellings hereby permitted, shall be as stipulated on drawings 02 and 03, date stamped 30 October 2015, and drawing 04A, date stamped 21 October 2016. Reason: In the interest of visual amenity.
- 4. Prior to occupation all boundary treatments shall be completed in accordance with the approved drawing 01C, date stamped 21 October 2016.
  Reason: To safeguard the privacy and amenity for prospective residents.
- 5. All hard and soft landscape works shall be completed in accordance with the approved drawing 01C, date stamped 21 October 2016, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to the expiration of the first planting season following occupation of any part of the development hereby permitted.

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

- 6. All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
- 7. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of Belfast City Council seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless Belfast City Council gives its written consent to any request for variation.
  Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
- 8. The applicant shall prior to occupation of the development provide for approval by Belfast City Council a verification report. The report shall demonstrate that the development has incorporated the design details and measures outlined in the RSK Remedial Strategy Report. No. 263-285 Beersbridge Road, Belfast dated October 2015 by RSK Environmental 601151 -R3 (00)) for Choice Housing Association. They shall be implemented to the satisfaction of the Council.

The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for the proposed end-use (Residential with Plant Uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken.

The Verification Report shall be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that:

- a) Garden areas are encapsulated by a clean cover system incorporating a 200 mm capillary break (granular material) overlain by 600 mm of soil demonstrably suitable for the intended end use. (Residential with plant uptake)
- b) All remaining areas are covered with hard standing.

Reason: Protection of human health.

9. No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by Belfast City Council. The scheme shall include a programme for implementation of the works; and proposals for future maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

#### 12.0 Notification to Department (if relevant)

N/A

13.0	Representation from elected member: None

ANNEX		
Date Valid	30 October 2015	
Date First Advertised	20 November 2015	
Date Last Advertised	18 November 2016	

## **Details of Neighbour Notification** (all addresses)

The Owner/Occupier,

14 Fashoda Street, Ballymacarret, Belfast, Down, BT5 5GW,

The Owner/Occupier,

16 Fashoda Street, Belfast, BT5 5GN

The Owner/Occupier,

16 Fashoda Street, Ballymacarret, Belfast, Down, BT5 5GW,

The Owner/Occupier,

18 Fashoda Street, Ballymacarret, Belfast, Down, BT5 5GW,

The Owner/Occupier,

20 Fashoda Street, Ballymacarret, Belfast, Down, BT5 5GW,

The Owner/Occupier,

22 Fashoda Street, Ballymacarret, Belfast, Down, BT5 5GW,

The Owner/Occupier,

261 Beersbridge Road, Ballymacarret, Belfast, Down, BT5 4RS,

The Owner/Occupier,

264 Beersbridge Road, Ballymacarret, Belfast, Down, BT5 4RZ,

The Owner/Occupier,

266 Beersbridge Road, Ballymacarret, Belfast, Down, BT5 4RZ,

The Owner/Occupier.

268 Beersbridge Road, Ballymacarret, Belfast, Down, BT5 4RZ,

The Owner/Occupier,

270 Beersbridge Road, Ballymacarret, Belfast, Down, BT5 4RZ,

The Owner/Occupier,

285 Beersbridge Road, Ballymacarret, Belfast, Down, BT5 4RS,

The Owner/Occupier,

287 Beersbridge Road, Ballymacarret, Belfast, Down, BT5 4RS,

The Owner/Occupier.

287A Beersbridge Road, Ballymacarret, Belfast, Down, BT5 4RZ,

The Owner/Occupier,

4 Woodlee Court, Ballymacarret, Belfast, Down, BT5 5HT,

The Owner/Occupier,

44 Woodlee Street, Ballymacarret, Belfast, Down, BT5 5GN,

The Owner/Occupier,

5 Woodlee Court, Ballymacarret, Belfast, Down, BT5 5HT,

The Owner/Occupier,

6 Woodlee Court, Ballymacarret, Belfast, Down, BT5 5HT,

The Owner/Occupier,

7 Woodlee Court, Ballymacarret, Belfast, Down, BT5 5HT, The Owner/Occupier, 8 Woodlee Court, Ballymacarret, Belfast, Down, BT5 5HT, The Owner/Occupier. Elmgrove Primary School, 289 Beersbridge Road, Belfast, BT5 4RS The Owner/Occupier, Elmgrove Primary School,289 Beersbridge Road,Ballymacarret,Belfast,Down,BT5 4RS, Ciaran McLarnon RSPB HQ, Belvoir Park Forest, Belvoir Drive, Belfast, BT8 7QT **Date of Last Neighbour Notification** 03 November 2016 **Date of EIA Determination** N/A N/A **ES** Requested **Notification to Department (if relevant)** N/A