

Committee Application

Development Management Report	
Application ID: LA04/2019/0110/F	Date of Committee: 10 th March 2020
Proposal: Demolition of single dwelling and erection of 2no semi-detached dwellings	Location: 47a Derryvolgie Avenue Belfast
Referral Route: Full demolition of main building within the conservation area	
Recommendation:	Approval
Applicant Name and Address: Mr and Mrs Brennan 47a Derryvolgie Avenue Belfast BT9 6FP	Agent Name and Address: Sutherland Architects Ltd 10 Cleaver Park Belfast BT9 5HX
<p>Executive Summary: This application seeks full planning permission for the demolition of the existing dwelling and the construction of a pair of semi-detached dwellings at 47a Derryvolgie Avenue.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> - Principle of development - Demolition, Design, Impact on character and appearance of Malone Conservation Area - Impact on setting of a listed building - Impact on amenity - Access, Movement and Parking <p>The application site is unzoned 'whiteland' within the settlement limits of the BUAP and Draft BMAP. It is located within Malone Conservation Area.</p> <p>The existing building does not make a material contribution to the character and appearance of Malone Conservation Area. In addition, demolition of the majority of the building has already been granted under reference LA04/2017/0626/DCA which remains extant. The BCC Conservation Officer was consulted and has no objection to the loss of the building. However, they consider the replacement scheme would be detrimental to the character of the conservation area. These concerns have been carefully considered by officers; however when taken as a whole the proposed replacement offers a more contextually appropriate development that would enhance the character and appearance of Malone Conservation Area.</p> <p>Furthermore, the proposal would not adversely affect the setting of the adjoining listed building at No 47 Derryvolgie Avenue and residential amenity of existing and future occupiers. The proposal is also acceptable in terms of highway safety, parking and trees.</p> <p>DFI Roads, HED Historic Buildings, NI Water, BCC Tree Officer and BCC Environmental Health were consulted and have no objection to the proposal.</p> <p>No representations received.</p> <p>The proposal has been assessed against and is considered to comply with PPS3, PPS6, PPS7, PPS7 Addendum, PPS12, the SPPS, Draft BMAP, the BUAP and Section 104 (11) of the Planning</p>	

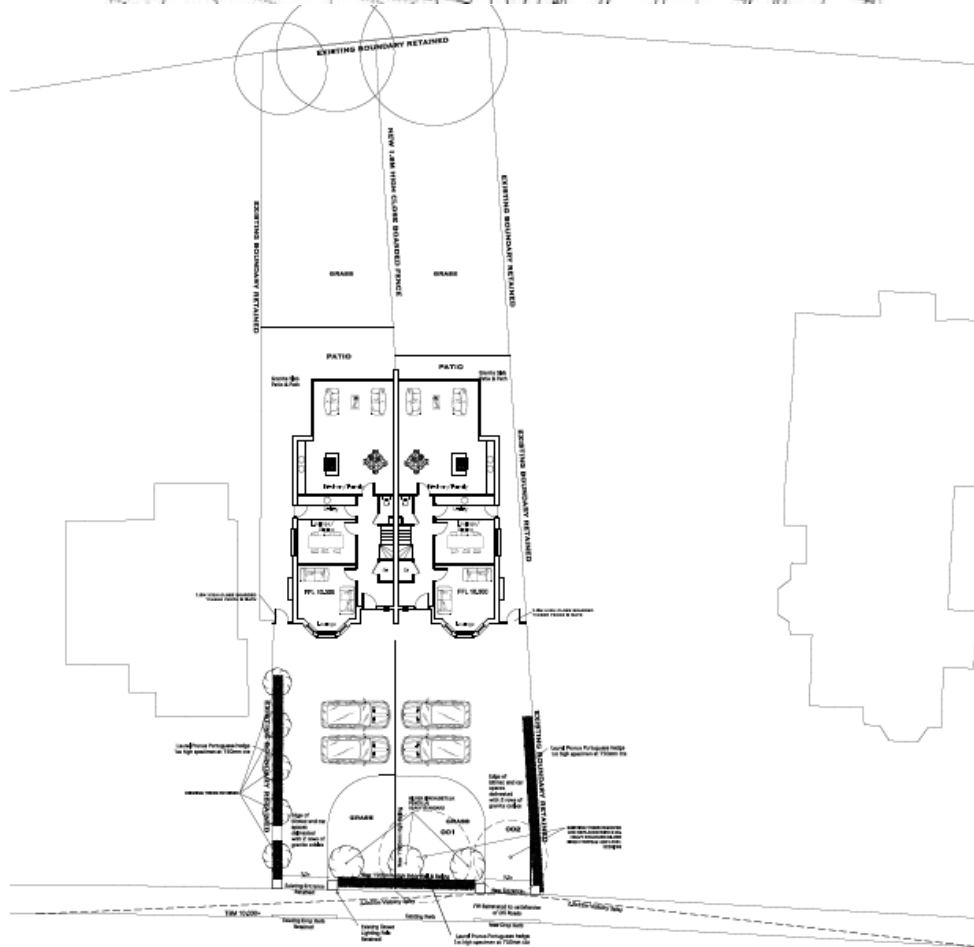
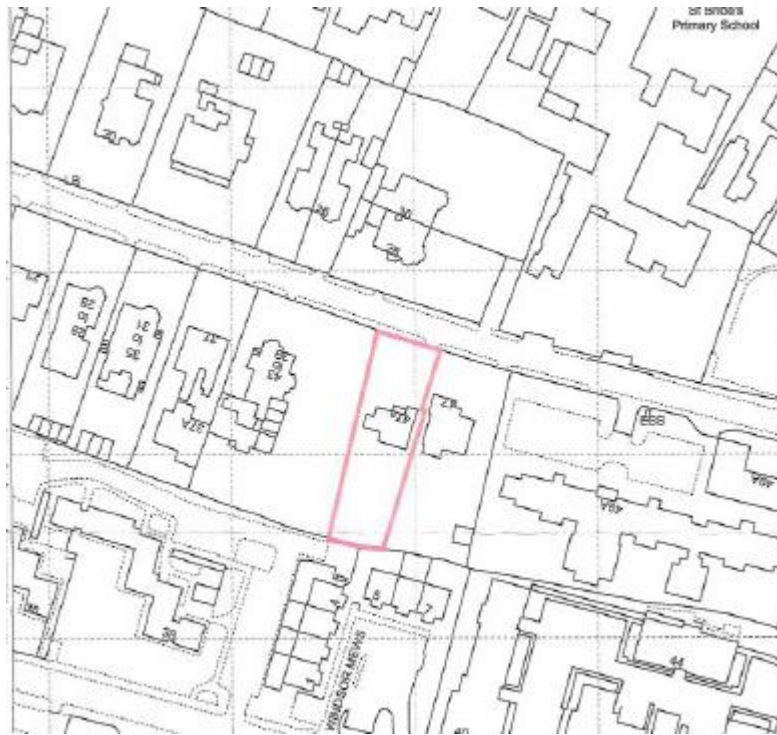
Act (Northern Ireland) 2011. Having regard to the development plan, relevant planning policies, and other material consideration, it is recommended that the proposal is approved.

Recommendation – Approved subject to conditions

It is requested that the committee delegates authority to the Director of Planning and Building Control to grant conditional planning permission and to finalise the final wording of conditions.

Case Officer Report

Site Location Plan



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>This application seeks full planning permission for the demolition of the existing dwelling and the construction of a pair of semi-detached dwellings (5 bedroom) with a new vehicular access to Derryvolgie Avenue. A new 1.5m high brick wall and railings is proposed along the front boundary.</p> <p>The scheme was amended over the course of the application to include the following main changes;</p> <ul style="list-style-type: none"> • Reduction in height, width and depth of the proposed dwellings; • Revised design of elevations; • Movement back of building line to match existing dwelling.
2.0	<p>Description of Site and Area</p> <p>The site comprises of a two storey detached dwelling finished in render. To the front of the site there is driveway and garden enclosed by a boundary wall / timber fencing and railings. There is a large rear garden bounded by timber fencing. The surrounding area comprises of a mix of residential, community, commercial and educational uses.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>LA04/2017/0618/F - Demolition of existing garage/utility area and roof. Erection of new 2 storey extension (front) and erection of new 2 storey extension (rear) – Granted 23.06.2017</p> <p>LA04/2017/0626/DCA - Demolition of garage/utility area and roof – Granted 23.06.2017</p> <p>LA04/2019/0111/DCA - Demolition of existing 1970s house – Pending</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	(Draft) Belfast Metropolitan Area Plan (BMAP) 2015
	Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which 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.
	Draft BMAP 2004
4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
	Draft BMAP 2015 (purported to be adopted)
4.2.2	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.3	Regional Development Strategy 2035
4.4	Strategic Planning Policy Statement 2015
4.5	<p>Planning Policy Statement 3: Access, Movement and Parking</p> <p>Planning Policy Statement 6: Planning, Archaeology and The Built Environment</p> <p>Planning Policy Statement 7: Quality Residential Environments</p> <p>Planning Policy Statement 7 (Addendum): Safeguarding the Character of Established Residential Areas</p> <p>Planning Policy Statement 12: Housing in Settlements</p> <p>Planning Policy Statement 15: (Revised) Planning and Flood Risk</p>

5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection subject to conditions
5.2	Historic Environment Division (HED) – No objection subject to conditions
5.3	NI Water – Advice
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection
6.2	BCC Tree Officer – No objection subject to conditions
6.3	BCC Conservation Officer - No objection to the loss of the building, however the replacement scheme would have a detrimental impact on the character of the conservation area through subdivision and overdevelopment of the plot given its oversized footprint. Subsequently proposal would fail policies BH12 and BH14 as a suitable replacement scheme cannot be secured.
7.0	Representations
7.1	The amended plans and additional information was neighbour notified on the 28th January 2020 which expired on the 11 th February 2020. It was advertised in the local press on the 31 st May 2019. No representations received.
8.0	Other Material Considerations
8.1	Malone Conservation Area Design Guide Living Spaces: An Urban Stewardship and Design Guide or Northern Ireland Creating Places The Belfast Agenda DCAN 15 Parking Standards
9.0	Assessment
9.1	The proposal is considered to be in compliance with the development plan.
9.2	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> - Principle of development - Demolition, Design, Impact on character and appearance of Malone Conservation Area - Impact on setting of listed building - Impact on amenity - Access, Movement and Parking
9.3	<u>Principle of development</u> The site is unzoned land within the development limits as designated in Draft BMAP and the BUAP. The proposal is replacing existing housing, therefore the principle of development is considered acceptable subject to the material considerations set out below.
9.4	<u>Demolition, Design and Impact on the character and appearance of Malone Conservation Area</u> The existing building does not make a material contribution to the character and appearance of Malone Conservation Area. It is a 1970s dwelling which is not in keeping with the character of buildings upon which the Conservation Area is based. It currently detracts from the character and legibility of the area as an enclave of Victorian / Edwardian domestic architecture. In addition, demolition of the majority of the building has already been granted under reference LA04/2017/0626/DCA which remains extant. The Council's Conservation

	Officer has no objection to its loss. Therefore, the proposed demolition works are considered acceptable subject to an adequate replacement scheme.
9.5	In light of the above, an opportunity to enhance the character and appearance of Malone Conservation Area exists in accordance with Section 104 of the Planning Act 2011.
9.6	The site falls within Sub Area C Derryvolgie / Windsor of the Malone Conservation Area. It is described primarily as a Victorian suburb with large Italianate/ Classical villas on comfortable landscaped plots addressing straight thoroughfares. Whilst the predominant use is residential, a number of properties now accommodate other activities e.g. offices, nursing homes, school. Views into the subarea from the Lisburn Road show heavily landscaped grounds upon a rising terrain with glimpses of the front and gables of some of the Victorian villas. Modern developments intersperse the street, and there is clear distinction in the architectural and historic interest of the two periods, which highlights the quality and heritage value of the original Victorian built environment.
9.7	The proposed density of development would be in keeping with the surrounding area. The building line would match the existing dwelling. The proposed dwellings would represent a strong contextual form that responds to the character and appearance of the surrounding built form including its Victorian era. The design and detailing has incorporated traditional features and high quality materials are proposed including red brick, slate, hardwood window and doors. Sympathetic boundary treatments are proposed consisting of a brick wall with railing and hedging and additional tree planting.
9.8	The BCC Conservation Officer's only concerns related to the sub division of the plot, footprint and gable to boundary distances. However, the proposed relationships are similar to that already found within Derryvolgie Avenue e.g. No 24 and No 26 which form part of the historic built form that contributes to Malone Conservation Area. Furthermore when taken as a whole the proposed replacement offers a more contextually appropriate development that would enhance the character and appearance of Malone Conservation Area.
9.9	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, the SPPS and Section 104 of the Planning Act (Northern Ireland) 2011.
	<u>Impact on setting of listed building</u>
9.10	The site adjoins the Grade B2 listed No 47 Derryvolgie Avenue. HED Historic Buildings were consulted and are content with the amended proposal. It is therefore considered that the proposal would not adversely impact the setting of this listed building in accordance with Policy BH11 of PPS6 and paragraph 6.12 of the SPPS.
	<u>Impact on Amenity</u>
9.11	The proposed dwellings would not conflict with the light angles from adjoining properties. Whilst there would be some potential overshadowing to No 47, this would only be for a limited period of time during the evening and given the south facing aspect of the gardens, it would not be to an unacceptably level. Conditions have been recommended to ensure that the proposed first floor and above side facing windows are obscurely glazed and non-opening to a level of 1.7m above finished floor level (FFL) to protect the privacy of adjoining properties.
9.12	The proposed dwellings would meet the space standards as set out in Annex A of PPS7 Addendum. Each dwelling would be provided with a suitable degree of outlook and light for their main habitable rooms. Each property would be provided with their own private garden which would exceed the recommended standard set out in Creating Places

9.13	<p>Having regard to Policy QD1 of PPS7, Policy LC1 of PPS7 Addendum, SPPS and Creating Places, the proposal is considered acceptable in respect of amenity for existing and future occupiers.</p> <p><u>Access, Movement and Parking</u></p> <p>The proposal would meet the recommended parking standards and the proposed access arrangements would be in line with DCAN 15. DFI Roads were consulted and have no objection. The proposal is therefore considered acceptable in terms of highway safety, capacity and car parking in accordance with the SPPS, Policies AMP1, AMP2 and AMP7 of PPS3 and Policy QD1 of PPS7.</p>
10.0	<p>Summary of Recommendation:</p> <p>Having regard to the development plan, relevant policy context and other material considerations, the proposal is considered acceptable. It is requested that the Planning Committee delegates authority to the Director of Planning and Building Control to grant conditional planning permission and to finalise the wording of 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. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> 2. The development hereby permitted shall be constructed in the following materials: <ul style="list-style-type: none"> <input type="checkbox"/> Roof: Grey Slate Finish <input type="checkbox"/> Walls: Red Clay Facing Brick <input type="checkbox"/> Windows/Doors: Painted hardwood timber. <input type="checkbox"/> Sun Lounge Windows / Doors: Aluminium <input type="checkbox"/> Eaves / Soffit: Painted hardwood timber. <input type="checkbox"/> Rainwater goods: Profiled heavy duty cast aluminium. <p>Reason: To protect the visual amenities of the area and setting of listed building.</p> 3. The development hereby permitted shall not commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. <p>Reason: In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the Malone Conservation Area.</p> 4. Tree protection measures shall be carried out in strict accordance with Drawing No 04A and as specified in the British Standard 5837: 2012 (section 6.2) on retained trees. No works shall take place until the tree protective measures have been implemented including all protective barriers (fencing) and ground protection measures. Any deviation from the works prescribed or methods agreed will require prior written approval from the Local Planning Authority.

	<p>Reason: To ensure the protection of and to ensure the continuity of amenity afforded by any existing trees to be retained within the site.</p> <p>5. No trees which are shown as being retained on approved drawing no 04D stamped shall be cut down, uprooted or destroyed nor shall any retained tree be pruned or reduced without the prior written approval of the Local Planning Authority.</p> <p>Reason: To protect the trees to be maintained on the site and safeguard the character and appearance of the surrounding area.</p> <p>6. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Drawing No 01B 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.</p> <p>Reason: To ensure adequate provision has been made for parking within the site.</p> <p>7. The vehicular accesses shall be constructed in accordance with Drawing No. 01B.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users</p>
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<p>Notification to Department (if relevant): Required.</p>
<p>Representations from Elected members: None</p>
<p>Details of Neighbour Notification (all addresses)</p> <p>28, 41, 47 Derryvolgie Avenue, Belfast, Antrim, BT9 6FN 4a - 5c, Windsor Mews, Belfast, Antrim, BT9 6FD</p>